

**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. 46/13**

**Date to Members: 15/11/13**

**Member's Deadline: 21/11/13 (5pm)**

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 Planning, Transportation and Strategic Environment 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:

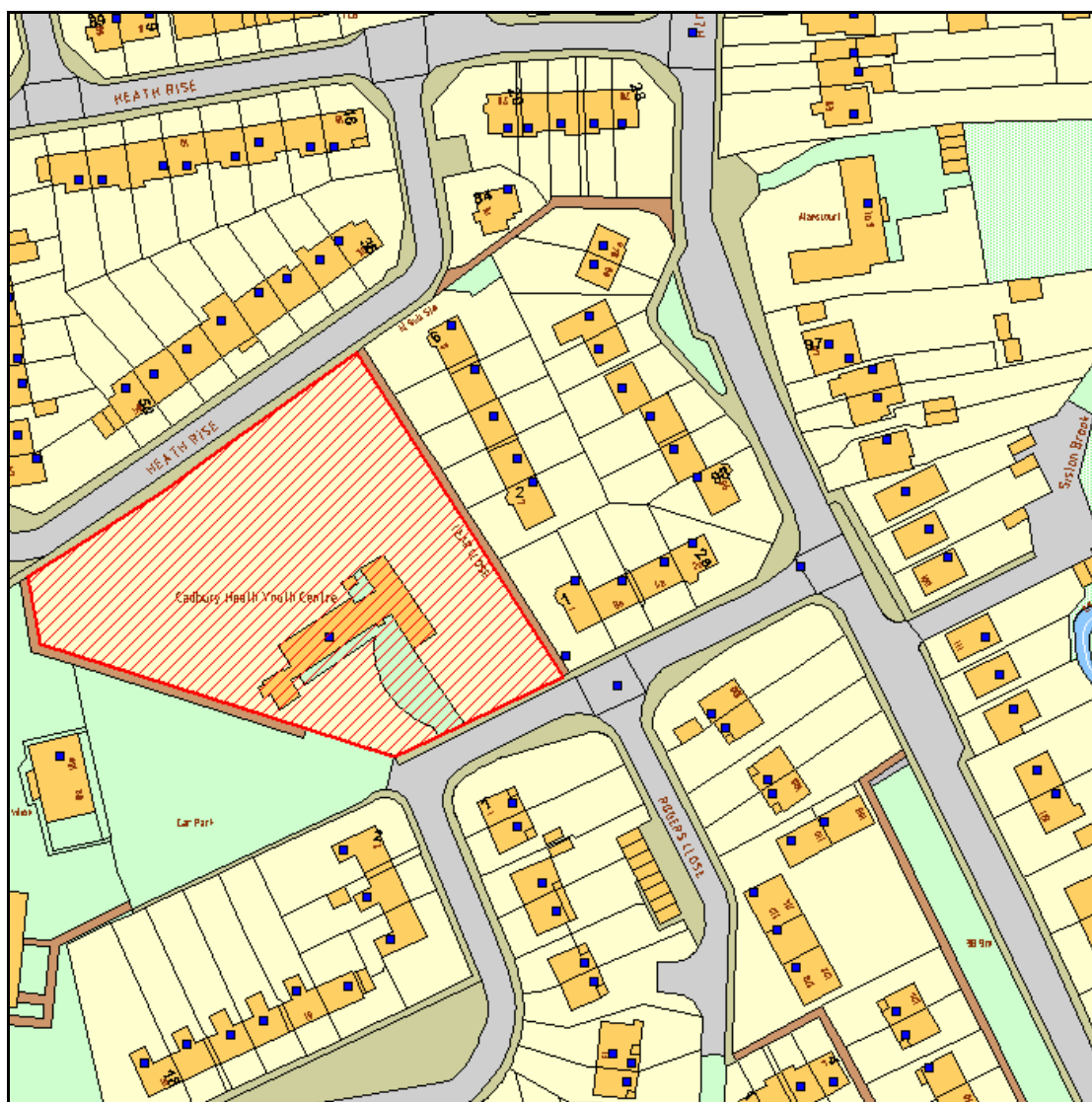
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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. If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

# CIRCULATED SCHEDULE – 15 NOVEMBER 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/2981/R3O	Deemed Consent	Cadbury Heath Youth Centre Park Road Warmley South Gloucestershire BS30 8EB	Parkwall	Oldland Parish Council
2	PK13/3349/F	Approve with Conditions	8 Park Close Kingswood South Gloucestershire BS15 9TL	Woodstock	None
3	PK13/3584/TRE	Approve with Conditions	14 Cleeve Lawns Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
4	PK13/3625/F	Approve with Conditions	78 Court Road Kingswood Bristol South Gloucestershire BS15 9QN	Woodstock	None
5	PK13/3628/CLP	Approve with Conditions	15 St Helens Drive Wick South Gloucestershire BS30 5PS	Boyd Valley	Wick And Abson Parish Council
6	PK13/3657/F	Approve with Conditions	2 Church Lane Downend South Gloucestershire BS16 6TA	Emersons	Downend And Bromley Heath Parish Council
7	PK13/3718/CLP	Approve with Conditions	30A Church Road Hanham South Gloucestershire BS15 3AL	Hanham	Hanham Parish Council
8	PT13/2820/F	Approve with Conditions	22 Eleventh Avenue Filton Bristol South Gloucestershire BS7 0QN	Filton	Filton Town Council
9	PT13/3174/O	Approve with Conditions	6 The Causeway Coalpit Heath South Gloucestershire BS36 2PD	Frampton Cotterell	Frampton Cotterell Parish Council
10	PT13/3175/F	Approve with Conditions	6 The Causeway Coalpit Heath South Gloucestershire BS36 2PD	Frampton Cotterell	Frampton Cotterell Parish Council
11	PT13/3178/CLE	Approve	Over Farm Over Lane Almondsbury South Gloucestershire BS32 4DD	Almondsbury	Almondsbury Parish Council
12	PT13/3218/F	Approve with Conditions	Pear Tree Inn 6 Wotton Road Charfield Wotton Under Edge South Gloucestershire GL12 8TP	Charfield	Charfield Parish Council
13	PT13/3547/CLE	Approve with Conditions	Mistletoe Cottage Chapel Road Oldbury On Severn South Gloucestershire BS35 1PL	Severn	Oldbury-on- Severn Parish Council
14	PT13/3626/F	Approve with Conditions	Pegasus Park Gipsy Patch Lane Stoke Gifford South Gloucestershire BS34 6QD	Stoke Gifford	Stoke Gifford Parish Council
15	PT13/3643/F	Approve with Conditions	Oakmead New Road Rangeworthy South Gloucestershire BS37 7QH	Ladden Brook	Rangeworthy Parish Council
16	PT13/3710/F	Approve with Conditions	94 Cooks Close Bradley Stoke South Gloucestershire BS32 0BB	Bradley Stoke North	Bradley Stoke Town Council
17	PT13/3854/F	Approve with Conditions	6 Sandy Close Bradley Stoke South Gloucestershire	Stoke Gifford	Bradley Stoke Town Council

## CIRCULATED SCHEDULE NO. 46/13 – 15 NOVEMBER 2013

<b>App No.:</b>	PK13/2981/R30	<b>Applicant:</b>	Mr David Pearce
<b>Site:</b>	Cadbury Heath Youth Centre Park Road Warmley Bristol South Gloucestershire BS30 8EB	<b>Date Reg:</b>	19th August 2013
<b>Proposal:</b>	Erection of 25 no. dwellings (Outline) with access to be determined. All other matters reserved.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	366819 172174	<b>Ward:</b>	Parkwall
<b>Application Category:</b>	Major	<b>Target Date:</b>	13th November 2013



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 100023410, 2008. **N.T.S.** **PK13/2981/R30**

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

This application is referred to the Circulated Schedule in accordance with the scheme of delegation given that the applicant is South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks outline planning permission for the demolition of the Cadbury Heath Youth Centre and the erection of 25 no. dwellings with means of access to be determined. Matters relating to scale, layout/siting, landscaping, and appearance have been reserved for future consideration.
- 1.2 The site is approximately 0.5 ha and is located within a residential area of Cadbury Heath. An indicative layout has been submitted as part of the application. The access to the site is shown as being from Park Road and it will be separated from the new Community Centre, which has recently been granted planning permission under reference PK13/2558/R3F. The 25 dwellings will comprise a mix of three and four bedroom market housing, social rented housing and intermediate housing. Although scale, layout/siting and appearance have been reserved, an indicative layout shows there would be 2 storey terraced housing to reflect the existing surrounding street scene on Park Road.
- 1.3 The site is currently accessed from Park Road and it is intended to retain access of this road to serve the proposed residential development. The new road is to be 5.5 metres wide with a 6 metres radius on the junction with appropriate visibility splays. There will be pedestrian footpaths to both sides of the new access road.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

##### **National Planning Policy Framework March 2012**

Policy 1	Building a strong, competitive economy
Policy 6	Delivering a wide choice of high quality homes
Policy 7	Requiring good design
Policy 8	Promoting Healthy Communities
Policy 11	Conserving and Enhancing the Natural Environment

#### **2.2 Development Plans**

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

D1	Design
L1	Landscape Protection and Enhancement
L9	Species Protection
L17 & L18	The Water Environment
EP1	Environmental Pollution
EP2	Flood Risk and Development

EP6	Contaminated Land
EP7	Unstable Land
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy
H2	Proposals for Residential Development within the Existing Urban Areas
H6	Affordable Housing
LC1	Provision for Built Sport, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2	Provision for Education Facilities (Site Allocations and Developer Contributions)
LC7	Allocated Sites for Formal and Informal Open Space
LC8	Open Space and Children's Play in Conjunction with New Residential Development

2.4 South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications

CS1	High Quality Design
CS3	Renewable and low carbon energy generation
CS5	Location of Development
CS8	Improving Accessibility
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS24	Open Space Standards

2.5 Supplementary Planning Guidance  
 South Gloucestershire Design Checklist 2007  
 Affordable Housing SPD September 2008  
 Residential Parking Standards Approved March 2013  
 The Street Lighting Policy 2008  
 The Street Lighting Developer's Specification

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK13/2558/R3F Demolition of existing community centre. Construction of a combined community and youth centre. Deemed Consent. 26.09.2013
- 3.2 PK00/2855/R3F Erection of single storey extension. Deemed Consent. 18.12.2000

**4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
 No objection
- 4.2 Other Consultees [including internal consultees of the Council]

- Wessex Water: No objection, but advised of the existing storm drainage and foul drainage.
- Coal Authority: Received the coal mining risk assessment report, therefore withdrawn original objections subject to planning conditions to seek a full report of site investigation and the undertaking of remedial works prior to the commencement of development.
- Sustainable Transport: No objection subject to a number of conditions regarding the requirement of visibility splays, off street parking according to the approved Residential Parking Standards March 2013, and widening footways, and a financial contribution of **£15,000** towards traffic management and road safety.
- Drainage Engineers: No objection subject to a number of conditions to seek details of sustainable drainage system and permeable hardstanding within the dwelling frontage
- Environmental Protection: No objection, but advised of precautionary measure should be undertaken during the construction period.
- Public Rights of Way Officer: No objection subject to a safety assessment to consider the safety of path users during demolition and construction.
- New Communities Team: No objection subject to financial contribution towards the following requirements

SUMMARY OF TOTAL SECTION 106 REQUESTS	
Off-site POS provision/enhancement contribution	<b>£99,808.27</b>
Off-site POS maintenance contribution	<b>£89,856.19</b>
Library Contributions	<b>£6,438.60</b>

- Housing Enabling: The proposed affordable housing would not be acceptable. Based on this scheme of 25 units, Enabling will seek a total of **9 affordable units**. Of the 9 affordable units, **7 shall be social rented and 2 shared ownership**. Based on 9 affordable units there will not be a requirement for any wheelchair units.

Children and Young People:

No objection subject to a total contribution of **£98,082** towards primary education provision.

Open Spaces Society: No response.

Police Community Safety: No response.

Avon Wildlife Trust: No response.

Other Representations

4.3 Local Residents

One support letter and three objection letters have been received and their comments are summarised as follows:

Support reasons:

- A person that has been on the waiting list for some time for a 4 bedroom house. More 4 bedroom houses for a larger families would like to be grateful and the residents are very keen to stay around the area.

Objection reasons:

- The youth centre will need to be demolished.
- This is an open green space that there are very few of in this area which also is a home to wildlife.
- Wildlife survey should be conducted and all the trees to be considered for a protection by a TPO.
- There is a case for an increase in flooding, as the rainwater would be soaked up by the land where will it go with houses built on this area. Flooding is becoming an increasing problem due to house being built on green spaces.
- No thought has been given to the elderly people in the bungalows who are going to be overshadowed by these houses.
- No thought has been given to the youth whose youth club is going be knocked down.
- Had the properties being planned been for 1 or 2 bedroom bungalows which would allow couples in 3 or 4 bedroom houses to move into.
- There is nothing being done for the elderly in this area.
- Prefer to see bungalows built on this site for the elderly.
- The proposed taller buildings will have an impact on these residents especially concerning their existing light of day. There is the potential of shadows being cast when the sun is blocked by the 13 houses submitted on the plan of which will be located directly opposite these bungalows.
- Privacy and noise pollution would also be of concern for these elderly residents.



- This will also impact on the existing residents living on Heath Rise who brought their houses knowing the land for the youth club they overlook had been bequeathed.
- Please consider that the building of bungalows would have a more pleasant impact on the local area which is very close to a park.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

The area of the site is 0.5 hectare and is surrounded by residential properties to the north, east and south and by a large car park to the west. The car park is currently used by the existing community centre and youth club, football and cricket teams that play at Coronation Park playing field.

The existing youth centre is not a statutory listed building nor a locally listed building. The site is not situated within a conservation area. Therefore there is no principle objection to the proposed demolition.

It should also be noted that planning permission was recently granted for the demolition of the existing community centre and the erection of a community and youth centre on the adjoining land. The existing car park will be re-surfaced and will remain to be used as parking area for the new community and youth centre.

In addition, the site is not situated within the allocated site for formal and informal open space. Although the proposal would result in a loss of existing green space, there is a large playing and sport field adjacent to the application site. It is therefore considered that the proposal would not cause significant loss of public open space within the locality.

Policy H2 of the South Gloucestershire Local Plan Adopted January 2006 allows for residential development within existing urban areas. The policy indicates that new development is considered acceptable in principle subject to consideration of the environmental and transportation effects and impact upon residential amenity. Furthermore provision for education, leisure, recreation and community facilities should be adequate to meet the needs arising from the proposals and where this is not the case the developer shall be required to make up the shortfall. These issues are considered in detail below. There is a requirement that development makes efficient use of the land albeit specific density requirements have been removed. The principles of good site planning are also set out in Policy D1 of the South Gloucestershire Local Plan Adopted January 2006 and Policy CS1 of the emerging Core Strategy.

Policy H2 and other policies set out in Section 2 above are considered to be fully in accord with the direction given in the National Planning Policy Framework (NPPF). The NPPF states that there is a strong presumption in favour of sustainable development and also of relevance as set out in para 17 (Core Principles) is that the effective use of land by reusing land that has been previously developed (brownfield land) should be a priority. Elsewhere (para

58) states that developments should maximise the potential of sites to accommodate development.

Subject to consideration of the criteria set out below the proposed development is considered acceptable in principle.

## 5.2 Design Issues

Policy D1 of the South Gloucestershire Local Plan (Adopted January 2006) seeks to achieve good design in all new development.

Residents raise concerns regarding the scale and types of new dwellings.

The layout of the development and the detailed design/appearance of the dwellings are not under consideration as part of this outline application however the principles that will inform the future development are under consideration.

In terms of the amount of development, the applicant submitted one possible layout which could accommodate 25 dwellings, i.e. 20 no. 3 bedroom houses and 5 no. 4 bedroom houses with the associated parking spaces. Whilst the layout is considered to be acceptable in principle, some changes may be necessary to address concerns regarding the proximity of surrounding residential properties, in particular, the existing bungalows to the east.

In terms of appearance the Design and Access Statement indicates that the buildings would be two-storey terraced houses to reflect the existing surrounding street scene on Park Road. As the site is surrounded by single storey and two storey dwellings, it is considered that the details of the proposed residential development should have a mix of the single storey and two storey dwellings in order to be in keeping with the character of the area. However, the detailed design and appearance will be considered in greater details during the course of the future reserved matter applications.

For this reason and given the size of the site and the number of possible units it is considered that the site can form its own identity and therefore there is no objection to this principle.

With regard to the scale of the development a condition will secure the number of units set out in the Design and Access Statement.

### Sustainability

Having regard to sustainability principles all affordable dwellings will be required to meet Code for Sustainable Homes Level 3 or above. The orientation of some buildings would allow for the possibility of solar technology. In addition, the plot sizes appear to allow for the effective sorting and storage of waste and this will be a key requirement for the more detailed scheme.

The design principles are considered acceptable and in accord with Policy D1, H2 of the South Gloucestershire Local Plan Adopted January 2006 and Policy CS1 of the emerging Core Strategy.

In summary it is considered that the design of the proposed development is acceptable and in accord with Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted January 2006). Policy CS1 of the emerging Core Strategy considers design and again seeks to ensure the highest quality.

### 5.3 Transportation

Policies T7 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006 consider standards for both cycle and car parking respectively. Policy T12 indicates that new development will be permitted provided that the new development makes adequate, safe and appropriate provision for the transportation demands that it will create with the paramount aim of preserving highway safety and minimising the impact of motorised traffic. Policy CS1 of emerging Core Strategy also requires that development enables people to gain access safely and conveniently having regard to the needs of all road users with reference to pedestrians, cyclists, children, the disabled and older people.

There is no 'in-principal' highway objection to redevelopment of the site as residential development. The application is in form of outline planning and the applicant has submitted little or no details about the new site access and visibility splays. Officers therefore recommend a number of planning conditions seeking details of visibility splays, satisfactory off-street parking in accordance with the latest approved Council Residential Parking Standards, and the widening of footway along the site frontage.

In addition, it is considered that the proposed development of 25 dwellings on this site would result in much more traffic compared to the current use of the site. To mitigate this, the applicant is required to provide financial contribution of £15,000 towards traffic management and road safety, which may include improving accessibility for those with impaired mobility and to improve access to public transport facilities in the area.

Subject to the above planning conditions and financial contribution, there is no highway objection to the proposal

### 5.4 Landscaping

Policy L1 of the South Gloucestershire Local Plan Adopted January 2006 seeks to protect and where possible enhance the quality of the landscape.

Residents raise concerns with regard to the loss of the existing trees.

There are some medium size trees at the northwest corner of the site, however they are not protected by Tree Preservation Order. There is no 'in principle objection' to the proposal in terms of landscaping issues. However, any future reserved matters or full planning application will have to respect the landscape character of the area, in particular, the approved scheme for the new community and youth centre on the adjacent site. Furthermore, the area is characterised by open plan development that most of existing dwellings have low boundary walls along their front boundary. Therefore the future planning

applications shall provide a detailed landscaping proposal of the planting scheme taken consideration of the loss of the existing trees as well as landscape management proposals for the site to reflect or integrate the local distinctiveness and open character of the area.

## 5.5 Residential Amenity

Policy H2 of the South Gloucestershire Local Plan (Adopted January 2006) states that the residential amenity of existing occupiers is to be assessed when determining applications for new residential development. Amenity is assessed in terms of whether the development would appear oppressive or overbearing when viewed from that property and this also includes whether overlooking/loss of privacy would result. The residential amenity of future occupiers of the development is also a material consideration.

Whilst officers acknowledge the proposed residential use itself would have impacts upon the residential amenity of the neighbouring properties as most of site is currently used an open space. In addition, there would be some impact during the construction hours given the close proximity of the neighbouring properties.

Nevertheless, layout, scale, detailed design/appearance are not part of consideration of this outline planning application. The issues of overbearing and overlooking can be fully assessed with the future reserved matters or full planning application. A planning condition is however recommended to restrict construction hours, given the close proximity of adjacent properties.

## 5.6 Drainage

Policies EP1 and EP2 of the South Gloucestershire Local Plan Adopted January 2006 seek to ensure the protection of the environment from development proposals both to ensure that development is not adversely affected by the existing water environment and to ensure that new development does have an adverse impact upon that environment by reason of surface water run-off or water discharge.

Officers acknowledge a concern is raised with regard to the increasing flooding issues due to more new dwellings built on green spaces.

Highway Drainage Engineer has considered the proposal, officers raise no objection to the proposal subject to a condition requiring further details to secure Sustainable Urban Drainage details (Suds) and permeable frontage paving for individual plots.

Subject to the above conditions it is considered that the proposed development has adequately addressed drainage issues.

## 5.7 Ecology

Policy L9 seeks to ensure the preservation of nationally protected flora and fauna, species and habitats and to ensure that where necessary appropriate

measures to safeguard these interests are taken. Paragraphs 109 to 125 of the NPPF are also relevant in this regard.

The site is not covered by any statutory or non-statutory nature designations. The habitat across the site consists of modern building and amenity grassland. No ecological survey report is submitted with this outline application.

Subject to a planning condition is imposed to seek details of ecological survey report including an assessment including the mitigation measures of the potential of the site and the existing building for use by protected species, there is no ecological objection to the proposal.

## 5.8 Community Service Provision

### Open Space provision

Core Strategy policy CS24 - Green Infrastructure, Sport and Recreation Standards; requires the provision of green infrastructure, outdoor space, sport and recreation facilities to be sought in accordance with the following principles:

1. New developments must comply with all the appropriate local standards of provision in terms of quantity, quality and accessibility;
2. Provision must be delivered on site, unless it is demonstrated that partial or full off-site provision or enhancement creates a more acceptable proposal; and
3. The functionality and usability of spaces and facilities must be suitable for their intended purposes.

Where existing provision, in terms of quantity, quality and accessibility would be inadequate to meet the needs of future residents, then new provision and/or enhancement must be made in accordance with the appropriate local standards. The local standards are set out in Core Strategy Appendix 5.

An assessment of existing open space provision, including the adjacent open field, Coronation Park, within reasonable travel distance of the proposed development has identified shortfalls of all categories of open spaces. The existing open space provision is therefore inadequate for the additional demand that will arise from the future population of the proposed development.

Category of open space	Spatial requirement to comply with policy CS24	Spatial amount provided on site	Shortfall in provision	Cost of off-site provision / enhancement	Future maintenance cost for off-site provision/enhancements
Informal recreational open space	690sq.m.	0sq.m.	690sq.m.	£16,629.83	£29,313.06
Natural and semi natural	900sq.m.	0sq.m.	900sq.m.	£12,020.22	£19,940.31

open space					
Outdoor sports facilities	960sq.m.	0sq.m.	960sq.m.	£46,012.99	£13,926.62
Provision for children and young people	150sq.m.	0sq.m.	150sq.m.	£24,090.50	£25,331.34
Allotments	120sq.m.	0sq.m.	120sq.m.	£1,054.73	£1,344.86

### On-site open space

The indicative layout contained in the Design and Access Statement does not show any on-site public open space provision, therefore the calculations have been provided on the assumption that there is no on-site provision.

### Summary

Total contributions sought towards public open space required to serve the future residents of the proposed development:

Off-site provision/enhancement	<b>£99,808.27</b>
Off-site maintenance	<b>£89,856.19</b>

The planning case officer can confirm that the existing public open space, i.e. Coronation Park, has been taken consideration. The Council Property Services has been advised accordingly. As there is no further information submitted to reconsider the required contribution, therefore your officer consider that the required contribution is acceptable subject to satisfactory completion of a S106 agreement.

## 5.9 Library Services

The population increase arising from this development will place additional pressure on local library services moving them further away from the standard for a modern library service. Extra demand will lead to increased use of library stock, accelerate deterioration of stock, the range of stock available to borrowers will be limited due to an increased proportion of the overall stock being out on loan waiting times for library users for a range of services within the library will increase. A reduction in availability of stock and other facilities will lead to reduced satisfaction and people not using the library.

In order to ameliorate this impact the Council has requested financial contributions towards expanding library services in the area to meet the needs of the new residents.

The Council has adopted the Museums Libraries and Archives Council (MLA) recommended standard charge approach in the Library Delivery Plan 2009-2013 for use in negotiations on developer contributions. As detailed in the Councils Library Infrastructure Delivery Plan the Council seeks £107.31 per

resident based on providing 30sq.m. of gross internal floor space per 1,000 population.

Directly related to the development

The local library most likely to serve the future residents of this development is Cadbury Heath library, Cadbury Heath library serves a catchment of 11,967 users and currently offers a public library floorspace of 17sq.m. per 1,000 population this is below the MLA recommended standard of 30sq.m. of public library floorspace adopted by the Council.

Policy Requirement	Contribution per person	Number of residents	Cost for this development
Space standard	£107.31	60	<b>£6,438.60</b>

£107.31 per person is based on the following costs the build costs for South Gloucestershire are based on the MLA benchmark cost figures taken from the Building Cost Information service (BCIS) of the Royal Institution of Chartered Surveyors. The index is made up of new builds and extensions over the whole of England. The benchmark includes the following:

- Cost of constructing the library building, including space open to the public, and back room space (e.g. office, store, toilets etc.)
- Allowances for design and external works, including car parking, hard standing and landscaping.
- Cost of initial equipment of the building, including IT equipment and initial book and other stock.

Aspect of work	Cost per square metre
Mean building cost for public library buildings (BCIS)	£1,624
External works: car parking, hard standing, landscaping, security fencing, signage (assume 15% of build costs)	£244
Design costs (assume 15% of building and external works costs)	£280
Fitting out costs, including initial book etc stock and ICT (88% of capital costs of £1,624)	£1,429
<b>Total cost per sq.m.</b>	<b>£3,577</b>

The cost of 30sq.m. of library provision at £3,577 per sq.m. is therefore £107,310 per 1,000 persons. The cost per person is therefore £107,310/1,000 = £107.31. These figures do not include land costs or VAT.

On this basis Officers have no objection to the proposal in this respect, subject to satisfactory completion of a S106 agreement.

## 5.10 Waste Management

When a new development, extension or change of use is submitted for approval the scheme will be assessed to ensure that adequate storage facilities are provided for waste and dry recyclable and compostable material. This requirement should therefore be considered at the earliest stages of the design process and details included on drawings submitted to the Council when applying for planning permission. Adequate storage areas for waste management facilities and good access for collection crews and vehicles can be difficult to retrofit at later stages in the design process.

The Council has now introduced additional recycling services for residents, (They do not yet apply to all flat dwellers). These include a 25 litre kitchen caddy for food waste and a polypropylene bag for plastic bottles. Residents are also encouraged to separate their cardboard and place it out with other recyclables for collection. This can be flattened cardboard, cardboard placed inside a larger cardboard box or in a polypropylene bay provided by the Council. Households will also be provided with a 5 litre kitchen caddy (to be stored inside the property) to ease the transition of food waste from the kitchen to the external 25 litre collection caddy.

Local Plan policy D1 requires all new developments to demonstrate that adequate provision is made for the storage and collection of waste and recyclable materials. The layout of this development should allow:

- Householders to be able to bring their waste and recycling receptacles out to the edge of the adopted vehicular highway, primarily with the safety of pedestrians in mind;
- The waste contractor to be able to collect waste receptacles without taking their vehicles across private roads and shared driveways, primarily with the safety of both pedestrians and motorists in mind;
- All dwellings need to accommodate storage of both recycling and waste receptacles. Internal storage areas should be provided to allow resident to segregate their waste into refuse and recycling, allowing the temporary storage of waste and recycling before it can be transferred to external containers. For further details please refer to the "SGC Local Waste Strategy 2008-2014", available on the Council's website.

The Manual for the Streets 2007 Department for Transport stipulates that waste collection vehicles should not have to reverse any further than 12m and reversing routes should be straight and hazard free. If the waste collection vehicle is expected to turn within the development a turning circle of at least 20.3m will be required: smaller widths may be acceptable where on-street parking is discouraged. Swept-path analysis can be used to assess layouts for accessibility.



On this basis, officers recommend the following planning condition to seek details of waste management including the location of bin storage within private properties, the location and type of bin storage for flats and details of how waste is to be collected.

#### 5.11 Street Lighting

All street lighting layouts and equipment specification on new developments will require approval from South Gloucestershire Council before they are accepted as part of an agreement to adopt a road as public highway.

South Gloucestershire Council street lighting policy encourages fit for purpose lighting with an emphasis on carbon and energy reductions and sustainability, the expectation being to achieve the British Standard with the most efficient and effective designs with minimal maintenance implications.

The planting, positioning and species selection of trees and other vegetation needs to be much more considerate of the task of designing lighting schemes than usually seen. It is important to make sure that lighting levels are retained through the life of the street and schemes take into account the species selection and expected growth during the normal life of a planting scheme. The more obstructions placed in the path of the light distribution e.g. trees placed in the vicinity of street lighting, the more lights required to meet the British Standards; clearly this is not conducive to low carbon or energy efficient objectives and will have a considerable impact on capital investment and future maintenance costs. Lighting design and tree positioning cannot be done in isolation.

On this basis, officers recommend the following planning condition to seek details of street lighting layout including specification and any external private lighting and to ensure that the detailed design will be according to ILE's guidance. Future maintenance considerations will need to comply with Construction, Design and Management Regulations 2007, and Lighting layouts will need to be designed in accordance with current British and European Standards.

#### 5.12 Education Services

Policy LC2 indicates that where local education provision is inadequate to meet the projected need for places arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision in scale and kind, (to accord with the tests set out in Circular 05/05), to meet these needs via an appropriate agreement.

The Department for Children & Young People calculates contributions on the basis of the number of primary pupils shown in Table 1 below. Current Department for Education cost calculators give a figure of £10,898 per additional primary pupil place, based at the Quarter 4 2011 value of the Royal Institute of Chartered Surveyors Building Cost All-In Tender Price Index.

Table 1:

	Number of bedrooms						
	Flats		Houses				
	1 or 2	3+	1	2	3	4	5+
Primary pupils per 100 dwellings	4	30	4	9	30	46	65

At primary level there is a projected deficit of places in the local area. The proposed development of 25 dwellings will generate 9 additional primary pupils according to the pupil number calculator. A contribution of £98,082 is required for additional primary provision.

There is a projected surplus of places at secondary schools in the local area. No contribution is required for additional secondary provision.

The total contribution required for additional school provision is **£98,082**.

On this basis, officers have no objection to the proposal in this respect. Subject to satisfactory completion of S106 agreement.

#### 5.13 Affordable Housing Requirements

This application PK13/2981/O seeks outline planning consent for 25 dwellings on land at Cadbury Heath Youth Centre, Park Road, Warmley Although an indicative plan with units has been submitted, all matters except for means of access are reserved and therefore Housing Enabling is unable to comment on the specific detail of the scheme as the layout is not fixed and could change.

However regard must be had for the following affordable housing requirements based on a scheme of 25 units. It is recommended that prior the submission of a reserved matters application that pre-application discussions take place with the Housing Enabling Team to ensure the proposed affordable housing units are acceptable as this will influence the open market element.

The following requirements are based upon Policy H6 of the South Gloucestershire Local Plan, Affordable Housing SPD and the Core Strategy. The Core Strategy includes a reduced threshold of 10 dwellings (or 0.33 ha) in urban areas, with a threshold of 5 dwellings (or 0.2 ha) in rural areas and a requirement for 35% affordable housing. Officers will seek to maximise affordable housing provision in line with Core Strategy policy.

- 35% of dwellings to be delivered as affordable housing, as defined by the NPPF.

Based on this scheme of 25 units, Enabling will seek a total of 9 affordable units.

- A tenure split of 80% social rent and 20% intermediate housing is identified in the West of England Strategic Housing Market Assessment (SHMA) 2009.

**Of the 9 affordable units, 7 shall be social rented and 2 shared ownership.**

- The Council will seek a range of affordable unit types to meet housing need based upon the findings from the SHMA 2009 shown below:

As part of the submitted Design and Access Statement an indicative plan illustrates 20 no. 3 bed houses & 5 no. 4 bed houses and the application form proposes 7no. 3 bed houses for social rent and 2 no 3 bed houses as intermediate. This proposal would be acceptable to the Council.

Any future reserved matters/full planning application will have to provide a range of affordable unit types that meets the Council's housing need based on the findings of the SHMA 2009 set out below.

### Social Rent

Percentage	Type	Min Size m2
23%	1 bed flats	46
7%	2 bed flats	67
38%	2 bed houses	75
22%	3 bed houses	85
10%	4 bed houses	106

### Intermediate

Percentage	Type	Min Size m2
44%	1 bed flats	46
17%	2 bed flats	67
19%	2 bed houses	75
19%	3 bed houses	85
1%	4 bed houses	106

- The Council will seek 5% of the affordable housing to meet the wheelchair accommodation standards as set out at Appendix 4 of the Council's Affordable Housing Supplementary Planning Document.

Based on 9 affordable units there will not be a requirement for any wheelchair units.

- The affordable housing is to be delivered without any public subsidy.
- 100% of initial occupants and 75% of subsequent lettings to be nominated by SGC.

- The affordable housing should be distributed across the site in clusters of no more than 6 units, unless a specific peppercorn strategy is approved by SGC
- Design and specification criteria: All units to be built in line with the same standards as the market units (if higher) and to fully comply with the latest Homes and Communities Agency (HCA) standards applicable at the time the S.106 will be signed or 6 months prior to start on site whichever date is the latter, to include at least Level 3 of the Code for Sustainable Homes, Lifetime Homes standard, Secured by Design, and with full compliance of RP design brief.

Any subsequent reserved/full planning application should include an affordable housing statement containing information confirming that the affordable housing will meet the above mentioned development standards. It is also recommended that the applicant identify and work with a Housing Delivery Panel RP at the earliest opportunity to ensure units comply with their design brief.

- Delivery is preferred through a Housing Delivery Panel RP – the four West of England Unitary Authorities have set up the Housing Delivery Panel to deliver affordable housing across the West of England. The Housing Delivery Panel will deliver affordable housing to set WoE development and management standards. The Council encourages the developer to work with a member of the Housing Delivery Panel, and in the event of the developer choosing an Affordable Housing Provider from outside this panel then the same WoE development and management standards will need to be adhered to.
- Phasing - the affordable housing should be built at the same time as the rest of the housing on site in line with agreed triggers as per S.106 agreement, with a detailed assessment on a site by site basis. Where development will proceed over more than one phase, the amount, type and tenure of the affordable housing in each phase will be set out in the affordable housing masterplan schedule, to be submitted for approval by the Council before determination of the first residential Reserved Matters application.
- The Council will define affordability outputs in the S.106 agreement, without any further information regarding sales values the affordability standards are as follows:
  - social rents to be set at target rents
  - shared ownership: no more than 40% of the market value will be payable by the purchaser The annual rent on the equity retained by the RP/AHP should be no more than 1% of the unsold equity.
  - service charges will be capped at an appropriate level to ensure that the affordable housing is affordable
- Social rented accommodation to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided.

- Any capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

#### 5.14 Planning Obligations

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

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

In this instance, it is considered that the planning obligations are required to provide a suite of measures to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

### 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 obligations set out below meet the Regulation 122 CIL tests (statutory) and without them the scheme would not be acceptable.
- 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 set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant permission subject to the imposition of appropriate conditions and subject to the following: that the local authority being the only legal party with an interest in the land which is the subject of this application, and hence being unable to enter into a bilateral Section 106 agreement, prior to the issue of the planning consent the local planning authority completes a Unilateral Undertaking binding the land and which makes provision for the following matters:
  - a) Provision of 9 dwellings for Affordable Housing within the development with a tenure split of 7 units for social rent and 2 units for shared ownership, all requirements as set out in Paragraph 5.13 of the above Officer's report.

Reason – To accord with Policy H6 of the South Gloucestershire Local Plan (Adopted) 2006 and the Affordable Housing SPD (Sept 2008).

- b) The payment of £99,808.27 as a contribution towards the cost of providing Public Open Space in the vicinity of the development with a further £89,856.19 towards maintenance for 15 years thereafter.

Reason – To accord with Policy LC8 of the South Gloucestershire Local Plan (Adopted) 2006.

- c) The provision of £6,438.60 as a contribution towards the library service.

Reason – To accord with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 2006.

- d) A payment of £15,000 towards traffic management and road safety in the area.

Reason – For mitigation of the development in relation to traffic increase and additional use of public transport in the vicinity and in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.

- e) A payment of £98,082 towards the provision of 9 additional primary school places in the local area.

Reason – To accord with Policy LC4 of the South Gloucestershire Local Plan Adopted January 2006

- f) A monitoring fee of 4% equating to £12367.40 to ensure the provision of the above contribution

7.2 The reason for the above obligations is to provide a suite of measures to mitigate the impact of the development and to address the needs arising from the proposal.

7.3 That the Head of Legal and Democratic Services be authorised to prepare and seal the Unilateral Undertaking. Should the Unilateral Undertaking not be completed within 6 months of the date of determination then the application be refused or returned to the Circulated Schedule for further consideration on this basis.

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

## **CONDITIONS**

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

5. Application for the approval of the reserved matters shall be in accordance with the parameters described in the design and access statement hereby approved.

Reason:

To ensure a good standard of design and to ensure that the character and appearance of the locality is preserved to accord with Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (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) or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

In the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The reserved matters application shall include full details of both hard and soft landscaping works. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting). Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason

In the interests of the character and visual amenity of the area to accord with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The reserved matters application shall include drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The reserved matters application shall include a full detailed report of ecological survey of the site and the existing building. The report shall also include mitigation measures should any protected or notable species be found to be present and all work should be carried out in accordance with the said measures.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The reserved matters application shall include details of the provision of visibility splays of 2.4 metres by 43 metres from site the new access onto public highway.

Reason

In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. The reserved matters application shall include a detailed site layout plan showing off-street parking provision in accordance with the approved Council Residential Parking Standards March 2013.



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 T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Council Residential Parking Standards approved March 2013.

12. The reserved matters application shall include details of the footway along site frontage to be widened to minimum width of 2 metres.

Reason

In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. The reserved matters application shall include details of appropriate permeable design and construction of hardstanding on proposed dwellings frontage to ensure surface water run-off is retained at source.

Reason

To ensure a satisfactory means of drainage and pollution control in order to comply with South Gloucestershire Local Plan (Adopted) January 2006 Policy L17, L18, EP1, EP2 and Town and Country Planning Order 2008 (No 2362) Class F.

14. Prior to the commencement of development details of safety assessment considering safety of path users during demolition and construction period shall be submitted to and approved in writing by the Council. The safety measures shall be carried out in accordance with the approved details.

Reason

To protect the amenity of the neighbouring occupiers and path users and to accord with Policy LC12 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. The reserved matters application shall include a detailed site layout plan showing the location of bin storage within private properties, the location and type of bin storage for flats and details of how waste is to be collected.

Reason

In the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. The reserved matters application shall including details of all street lighting layouts and equipment specification and any external private lighting. The proposed lighting shall be designed in accordance with ILE's guidance.

Reason

In the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006

17. Prior to the commencement of development, the intrusive investigation works recommended within Section 5.4 of the Coal Mining Risk Assessment dated

September 2013 shall be undertaken. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings and/or any other mitigation measures (e.g. gas protection) to ensure the safety and stability of the proposed development, these remedial works shall be undertaken prior to commencement of development.

Reason

To avoid development on unstable land in accordance with Policy EP7 of the South Gloucestershire Local Plan (Adopted) January 2006.

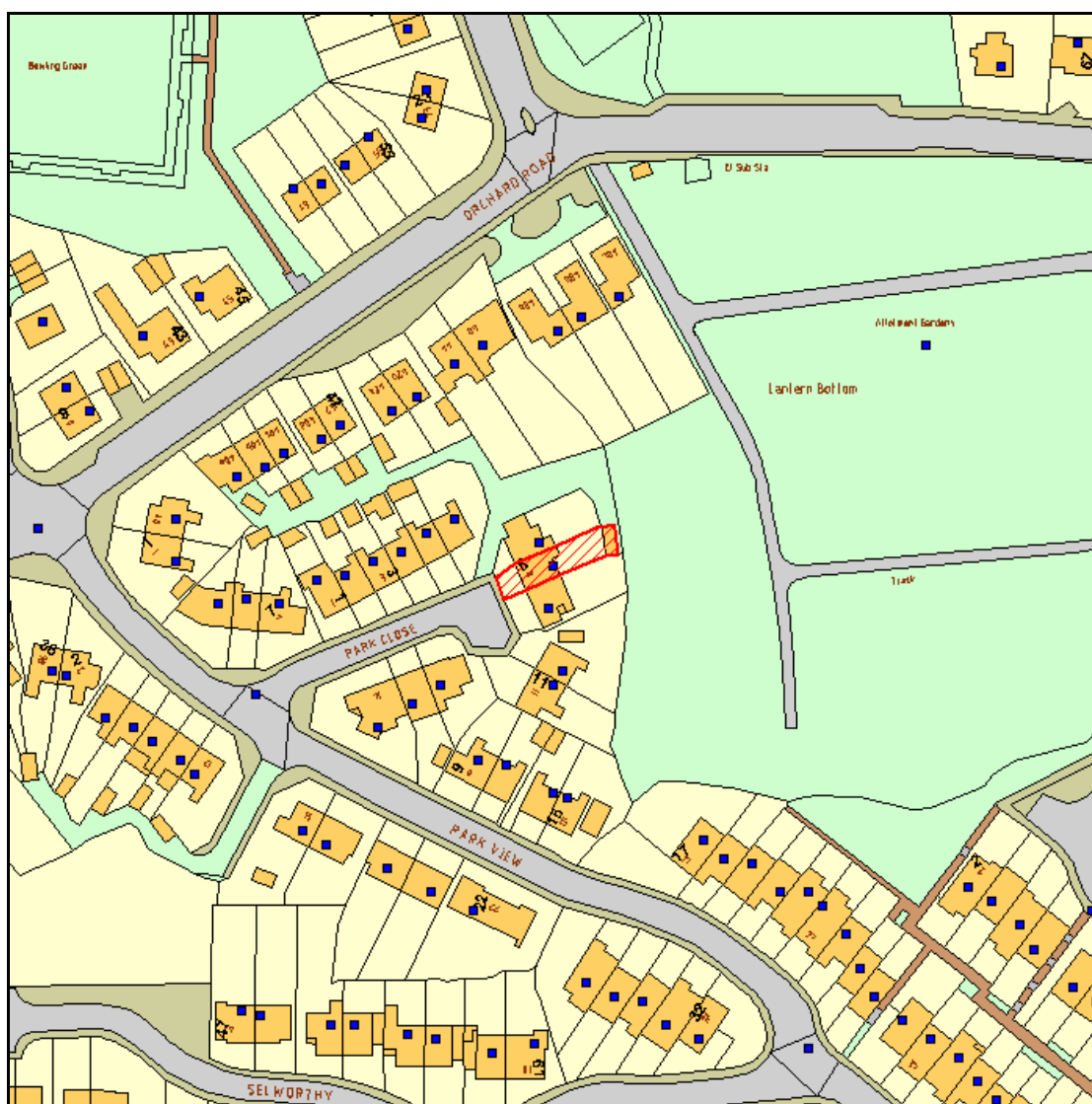
18. The hours of working on site during the period of construction shall be restricted to Monday - Friday 7.30am to 18.00pm, Saturday 8.00 am to 13.00pm; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: 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 H2 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 46/13 – 15 NOVEMBER 2013

<b>App No.:</b>	PK13/3349/F	<b>Applicant:</b>	Mr Roger West
<b>Site:</b>	8 Park Close Kingswood Bristol South Gloucestershire BS15 9TL	<b>Date Reg:</b>	4th October 2013
<b>Proposal:</b>	Erection of a timber fence on existing boundary wall to increase high to 2.65 metres.	<b>Parish:</b>	None
<b>Map Ref:</b>	365366 173492	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Householder	<b>Target Date:</b>	26th November 2013



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 100023410, 2008. **N.T.S.** **PK13/3349/F**

## **REFERRED TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a timber fence to an existing wall to increase its height to a maximum of 2.65 metres.
- 1.2 The application site relates to a mid-terrace two-storey dwelling situated in the residential settlement of Kingswood.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Design in New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
  
South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted 2007)

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
The area is unparished
- 4.2 Other Consultees  
  
Sustainable Transport  
No objections  
  
Highway Drainage  
No objection

## **Other Representations**

### 4.3 Local Residents

One letter of objection has been received by a local resident and the points are summarised as:

- 1: The boundary wall has been built on my property by the previous owner of no 8, without my permission.
- 2: The wall is built from air blocks and is in poor condition. The erection of the fence would cause additional unnecessary stress on the structure, causing the wall to become dangerous.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Policy D1 of the Local Plan requires all new development to be well designed and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and locality.

### 5.2 Design and Visual Amenity

The application site is a two-storey mid-terrace. Access to the rear garden is via a shared driveway from No. 7 Park Close. To the rear No. 8 benefits from a single garage at right angles to the rear garden. Currently the properties on either side are separated from the application site by rendered block walls with three sets of decorative airblocks on top. As the land slopes from south down to the north and also from west to east these walls appear at different heights when viewed from within the respective gardens. To the rear (north east) the property is at an elevated level with an extensive area of allotments below the site.

The proposal comprises the erection of a closed board timber fence to the south side only. It would be positioned in front of and cover the airblocks, but leave part of the rendered wall still visible. As such this would increase the height of the boundary between the application site and No. 9. Currently, the boundary between these properties is approximately 1.27 metres when viewed from No. 9 and between 1.75 and 1.93 metres when viewed from the application site. The proposed would increase these respective heights to approximately 1.99 metres and between 2.5 and 2.65 metres respectively. It would extend down the modest garden for approximately 8.3 metres

It is considered that the scale and design of the proposal would be in-keeping with those in common usage as a boundary treatment in many domestic gardens. As such it is considered acceptable and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.

### 5.3 Residential Amenity

The neighbouring property of No. 9 is positioned at a higher level than that of the application site. As a result of the application the boundary between the two properties would be approximately 0.75 metres higher when viewed from the neighbour's property than it is currently. Given the application site is lower than its neighbour, the fence here would also be correspondingly higher but its effect would be greater. However, it is considered that given the orientation of the site, and the overall limited scale, the proposal would not have any adverse impact on the residential amenity of the neighbouring property or future occupiers of the application site and would assist in creating privacy for the application site given the position of the neighbour's rear conservatory.

The proposal is therefore deemed to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

### 5.4 Other Matters

As the issues raised by the neighbour are civil matters they are outside the remit of planning and therefore cannot be considered under this report.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

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

## CONDITIONS

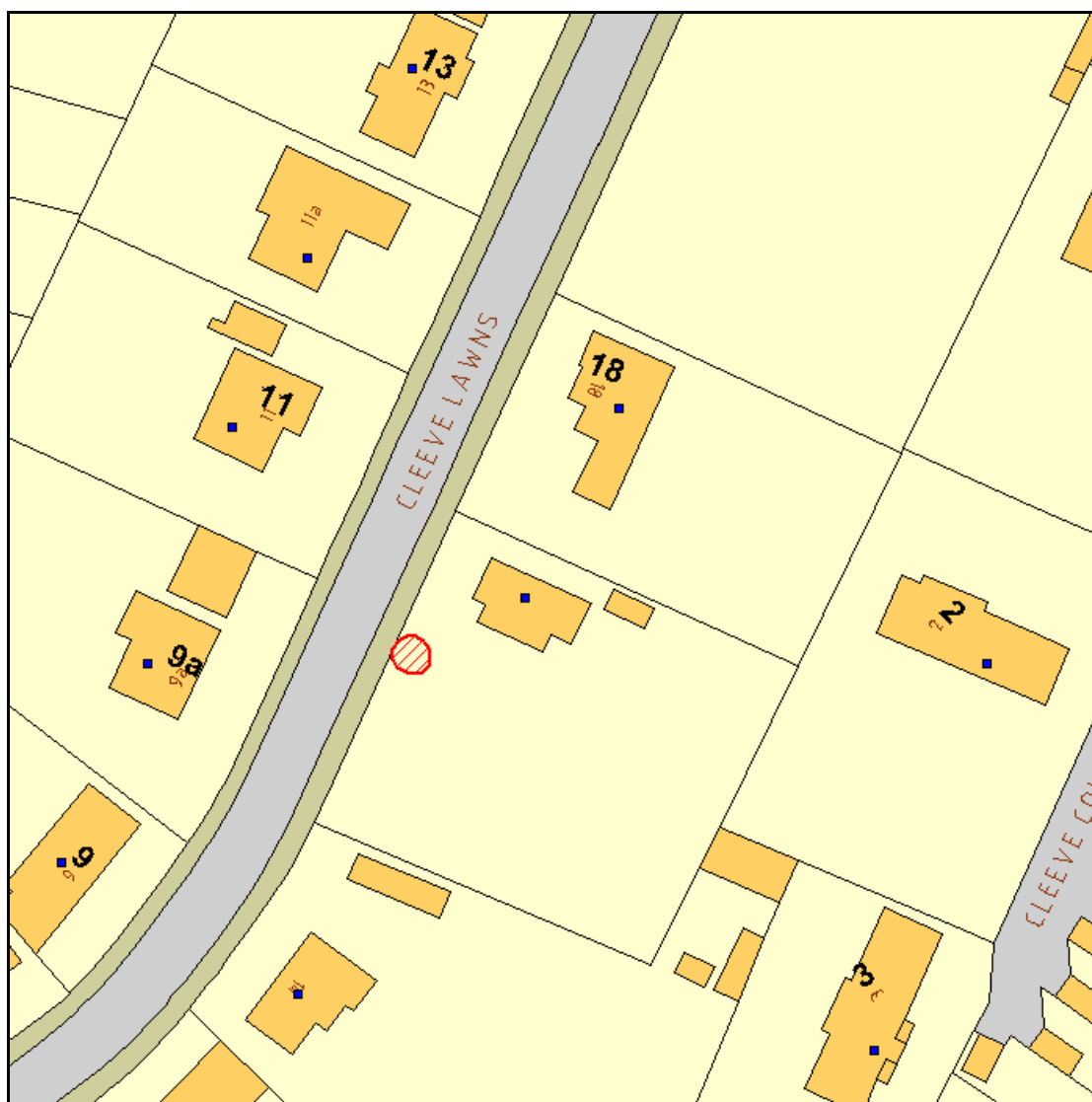
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 46/13 – 15 NOVEMBER 2013

<b>App No.:</b>	PK13/3584/TRE	<b>Applicant:</b>	Mr I Smith
<b>Site:</b>	14 Cleeve Lawns Downend Bristol South Gloucestershire BS16 6HJ	<b>Date Reg:</b>	1st October 2013
<b>Proposal:</b>	Works to 1 no. Prunus tree covered by Tree Preservation Order KTPO 04/75 dated 10th September 1975 to prune back to previous pruning points.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364905 177190	<b>Ward:</b>	Downend
<b>Application Category:</b>		<b>Target Date:</b>	22nd November 2013



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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks consent for works to 1no. Cherry (Prunus) Tree to prune back to previous pruning points. The tree is covered by Tree Preservation Order KTPO 04/75 dated 10th September 1975.
- 1.2 The tree is located within the front garden of no.14 Cleeve Lawns, adjacent to and overhanging the boundary of no.16 Cleeve Lawns.
- 1.3 During the course of the application, in response to comments made by the Tree Officer, the description of works has changed. The original proposal was to cut back all overhanging branches whereas the revised proposal is to only prune back to previous pruning points. No reason has been given for the proposed works.

### **2. POLICY CONTEXT**

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

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

- 3.1 None relevant.

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
No objection
- 4.2 Tree Officer  
No objection subject to change in description.

### **Other Representations**

- 4.4 Local Residents  
One letter of objection has been received from the owner of the Tree (14 Cleeve Lawns). The comments are outlined as follows:
  - The tree in question is situated in my garden and is therefore my tree and my responsibility. I have not made the application and have no wish to prune or in any way reduce the tree.
  - No reason or justification is given for the application other than the fact that some branches overhang a [small] part of the property of number 16 Cleeve Lawns.



- This year the extremes of weather have been stressful for many trees. In older trees the effect of such stress is greater and a tree of this age is in any case very susceptible to fungal and bacterial infections spreading from any cut or wound.
- Re British Standard BS 3998:2010. There is now an emphasis on the time of year that works can be carried out. An important finding from research is that works during Spring and Autumn, when trees are using the most energy in their growth cycle, can be very damaging to their long-term health.
- Consideration now needs to be given to when and if the tree will tolerate the proposed works. If the tree is not in an optimal condition the works may need to be phased over a number of years, especially if the level of branch removal exceeds recommended levels.
- Reasons given in this planning application are insufficient justification for threatening the well being of a very beautiful and mature Flowering Cherry tree.
- If this application were to be approved I believe that the pruning should be done by a properly accredited tree surgeon. I believe that the tree should not be touched at all at this time of year whilst it is in full leaf. When all leaves have dropped and the tree is dormant it may be possible to carry out some light pruning with less risk to the tree.
- To ensure the well being of the tree, I would wish my own tree surgeon to carry out the work rather than any other and I would draw the Councils attention to the reference below.
- The applicant did not inform me that he was making this application however if my observation or offer above were to be agreed I would then be prepared to meet my tree surgeons costs.
- The part of the property in question is not the historical driveway. It is the right hand side of a parking space for 2 cars. The parking spaces are situated to the right of the house and adjoin my property – spaces were constructed after 1997- the tree was already mature and clearly visible.
- I believe that the reason for this application is that the branches allow birds to perch and subsequently to make a mess on a car if parked in the right hand space next to the boundary – there is a drive and carport to the left of the house away from the tree which can accommodate at least 3 cars plus a 4th in a garage.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The only issue to consider in this application is whether the proposed works will adversely affect the health and appearance of a tree, which makes a significant contribution to the character and visual amenity of the area.

### **5.2 Consideration of proposal**

The tree in question is a mature Cherry (Prunus) Tree located within the front garden of no.14 Cleeve Lawns, adjacent to and overhanging the boundary of no.16 Cleeve Lawns. The original proposed works sought consent to cut back the branches overhanging the boundary of no.16 Cleeve Lawns. These works were considered excessive and would have a detrimental impact on the health and visual amenity of the tree. The reason is that the tree is mature and cutting beyond the old points would cause significant wounding which would could

allow fungal pathogens to enter the tree. The older the tree the more difficult it is for the tree to recover.

5.3 The Tree Officer has assessed the tree and it is confirmed that there are some previous pruning wounds which are located approximately 50cm before the boundary line on no.16's side. The pruning should not go right back to the boundary line but may only return to the previous pruning points. These alternative works were presented to the applicant and it was agreed to change the description of works to reflect this. The revised proposal is therefore to prune back to previous pruning points. As there is evidence to suggest that the tree has undergone previous pruning the revised works are considered to amount to ongoing management in accordance with good arboricultural practice. The Tree Officer therefore raises no objection to the revised works as they would not have a detrimental impact on the long-term health or visual amenity of the tree. Although it is noted that the applicant has not provided clear reasons for the works the Tree Officer has not raised concern on this matter due to the nature of the works, which are considered as ongoing management.

5.4 Other Matters

It is noted that the applicant is not the owner of the tree but is instead the occupier of the neighbouring property. The tree owner has raised concern in this respect however Officers highlight that this does not prevent the determination of the application. Any works undertaken to any part of the tree located on land outside the ownership of the applicant will require consent from the landowner.

5.5 Additional concerns have been raised which relate mainly to the nature of the proposed works; the reason for the proposed works and; the time and amount of works that take place specifically in relation to the British Standard. Additionally the Tree Owner has requested that he is given the opportunity to choose the tree surgeon to undertake the works.

5.6 The reason for, the nature and the amount of works have been discussed above and have been deemed acceptable by the Council's Tree Officer. In terms of the other matters raised Officers have the following comments to make:

- The approval of the application will be subject to a condition to ensure that works are undertaken in accordance with the British Standard BS 3998:2010. This ensures that works are undertaken in an appropriate manner in the interests of the long-term health of the tree.
- Comments made in relation to who chooses the tree surgeon are a civil matter, the control of which, is beyond the scope of this application. Officers recommend that each party communicate with each other to come to an agreed solution. This does not have any bearing on the decision made in this application.

## 6. CONCLUSION

6.1 The proposed works are in accordance with good arboricultural practice and should not impact on the health or visual amenity of the trees. There are therefore no objections to this application in terms of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

## 7. RECOMMENDATION

7.1 That consent is **GRANTED** subject to the conditions below:

**Contact Officer: Sarah Fordham**  
**Tel. No. 01454 865207**

### CONDITIONS

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

Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

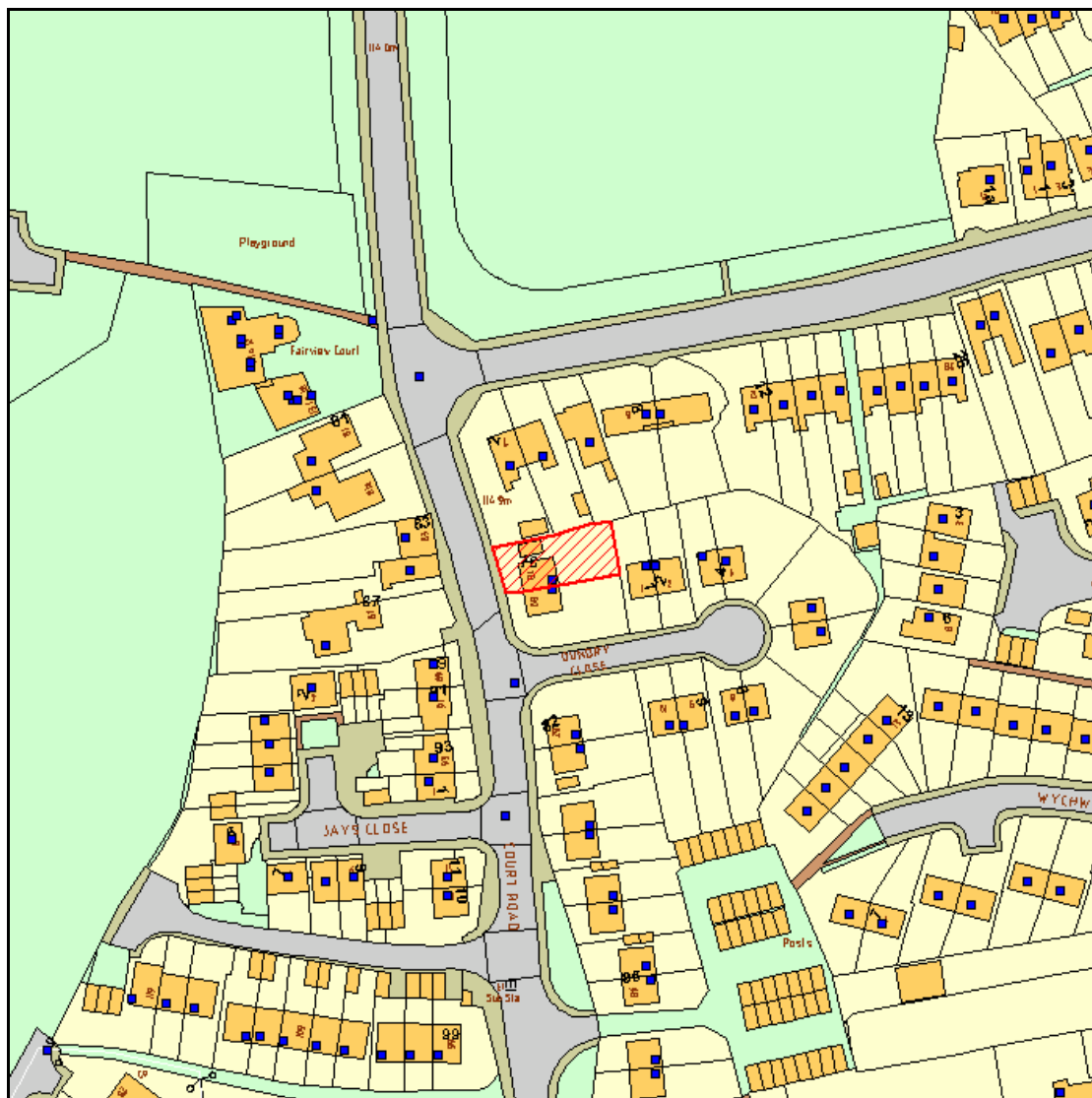
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

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

**CIRCULATED SCHEDULE NO. 46/13 – 15 NOVEMBER 2013**

<b>App No.:</b>	PK13/3625/F	<b>Applicant:</b>	Spirals To Lofts
<b>Site:</b>	78 Court Road Kingswood Bristol South Gloucestershire BS15 9QN	<b>Date Reg:</b>	10th October 2013
<b>Proposal:</b>	Erection of 1.no detached single storey annexe ancillary to residential dwelling. (Resubmission of PK13/2786/F).	<b>Parish:</b>	None
<b>Map Ref:</b>	364967 172884	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Householder	<b>Target Date:</b>	26th November 2013



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

This application has been referred to the circulated schedule due to the receipt of two letters of objection from neighbouring residents.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of an outbuilding to form an annex to the rear of 78 Court Road, Kingswood. The proposed building would measure 9.2 metres wide by 4.8 metres in depth and would have an overall height to ridge of 3.2 metres.
- 1.2 The property is a two storey semi-detached dwelling and is located within a residential area of Kingswood.
- 1.3 This application is the re-submission of PK13/2786/F which sought consent for a detached outbuilding to form a garden store. The location of the building has been revised and would now be situated in line with the northern boundary of the site, furthermore the plans have been corrected to clearly demonstrate the intention for the building to be used as an annex to No. 78 Court Road.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T12 Transportation Development Control  
L17 and L18 Water Environment  
EP1 Environmental Protection  
  
South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Residential Parking Standards (approved for development management purposes March 2013)

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

- 3.1 PK13/2786/F                      Erection of single storey outbuilding to form garden room/store.  
Withdrawn

## 4. **CONSULTATION RESPONSES**

4.1 Town/Parish Council  
Site falls outside of any parish boundaries

4.2 Drainage  
No objections

### **Other Representations**

4.3 Local Residents  
Two letters of objection have been received from neighbouring residents raising the following concerns:

- Block open area of neighbouring garden
- Block light to neighbouring gardens
- Small gardens are not suitable for extra housing and increased population density
- Sense of enclosure would be unacceptable
- As the plan mentions spirals to loft the could become a two storey building in the future
- Builders can not come on to neighbouring land without consent and consent will not be given.
- Concern regarding maintenance of the building due to its location

## 5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that residential 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 Design / Visual Amenity  
The proposed outbuilding is very simple in form and design. The proposal has a large footprint however the eaves and ridge height are not excessive or unusual for a single storey building and overall the proposal is considered to be suitably subservient to the bulk of the main dwelling given its single storey nature. The appearance of the proposed building is well proportioned, furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the outbuilding within the curtilage of the dwelling.

The proposed building would be to the rear of the existing dwelling but would be visible from the road if viewed directly from the front of the house. Given the location to the rear of the dwelling, it is not considered that the proposed annex would have any significant impacts on the character of the street scene

furthermore, it is considered that the proposal would not be harmful to the character and appearance of the principal dwelling.

### 5.3 Residential Amenity

The proposed outbuilding would be located to the rear of the property adjacent to the northern boundary of the property. The proposed building would be located to the south of the gardens associated with No's 4 and 6 Pettigrove Road, over 10 metres away from the rear elevations of these properties, as such it is not considered that the proposal would have any significant impacts on these neighbouring properties, in terms of overshadowing or overbearing. Whilst concern has been raised that the proposal would block open areas of neighbouring gardens and would result in overshadowing of gardens, given the modest scale of the proposal measuring a maximum of 3.2 metres, whilst it is accepted that a limited amount of overshadowing will occur it is not considered that the proposal would result in loss outlook, or overshadowing to such an extent to warrant the refusal of the application. It is not considered that a refusal reason based on overshadowing could be justified or substantiated at appeal.

The proposal would also be located adjacent to the boundary with the neighbouring property, No. 1 Dundry Close. The proposed outbuilding would have a height to eaves of 2.4 metres and the roof would slope away from the neighbouring properties. As such given that the proposal would be located adjacent to the very rear of the garden associated with No. 1 Dundry Close, in combination with the reasonable eaves and ridge height, it is not considered that the proposal would have any unacceptable overbearing effect on this neighbouring dwelling.

All the windows proposed would overlook the garden of the application property. One rear roof light is proposed but given the location of this window, above head height, and serving a bathroom, it is not considered that the proposal would result in any overlooking or loss of privacy from these. Closed board boundary treatments are proposed to be erected along the boundary with No. 80 Court Road and No 1 Dundry Close, subject to a condition ensuring the erection and retention of fencing, it is considered that there would be no issues of inter-visibility or loss of privacy. The footprint of the proposal is large however it is considered that sufficient garden space would remain to serve the property.

### 5.4 Parking and Highway Safety

The application would not effect the existing off street parking which is located to the front and side of the dwelling. Three spaces are shown, which is sufficient to meet the needs of the main three bedroom dwelling and the additional living space proposed within the annex. It is therefore considered that the parking provision would remain in compliance and within the Councils required parking standards.

### 5.5 Drainage

The Councils Drainage officer has requested that a condition is attached to any permission to ensure that full drainage details are submitted and approved prior to the commencement of development on site.

## 5.6 Other Issues

During the course of the previous application it was brought to Officers attention that the intention was to use the proposed building as an annex. The applicant and agent were made aware that the proposal was not for an annex but for a garden room/store only and as such the current revised scheme was submitted.

The proposal is for an annex to No. 78 Court Road and it is not for a separate dwelling house. Planning permission would be required to change the annex into a separate dwelling house and to avoid any doubt, an informative would be attached to any permission to ensure that the applicant/agent is aware of this. Furthermore, given the siting of the annex and the shared garden, access and parking, it is not considered that the annex could be occupied independently of the main dwelling.

It should be noted that should planning permission be granted, two informatives would be attached to the decision notice to ensure that the applicant / agent is aware that planning permission does not grant rights to carry out works on land outside of the control of the applicant.

## 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 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 following conditions

**Contact Officer: Kirstie Henshaw**  
**Tel. No. 01454 865428**



## **CONDITIONS**

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

Reason

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

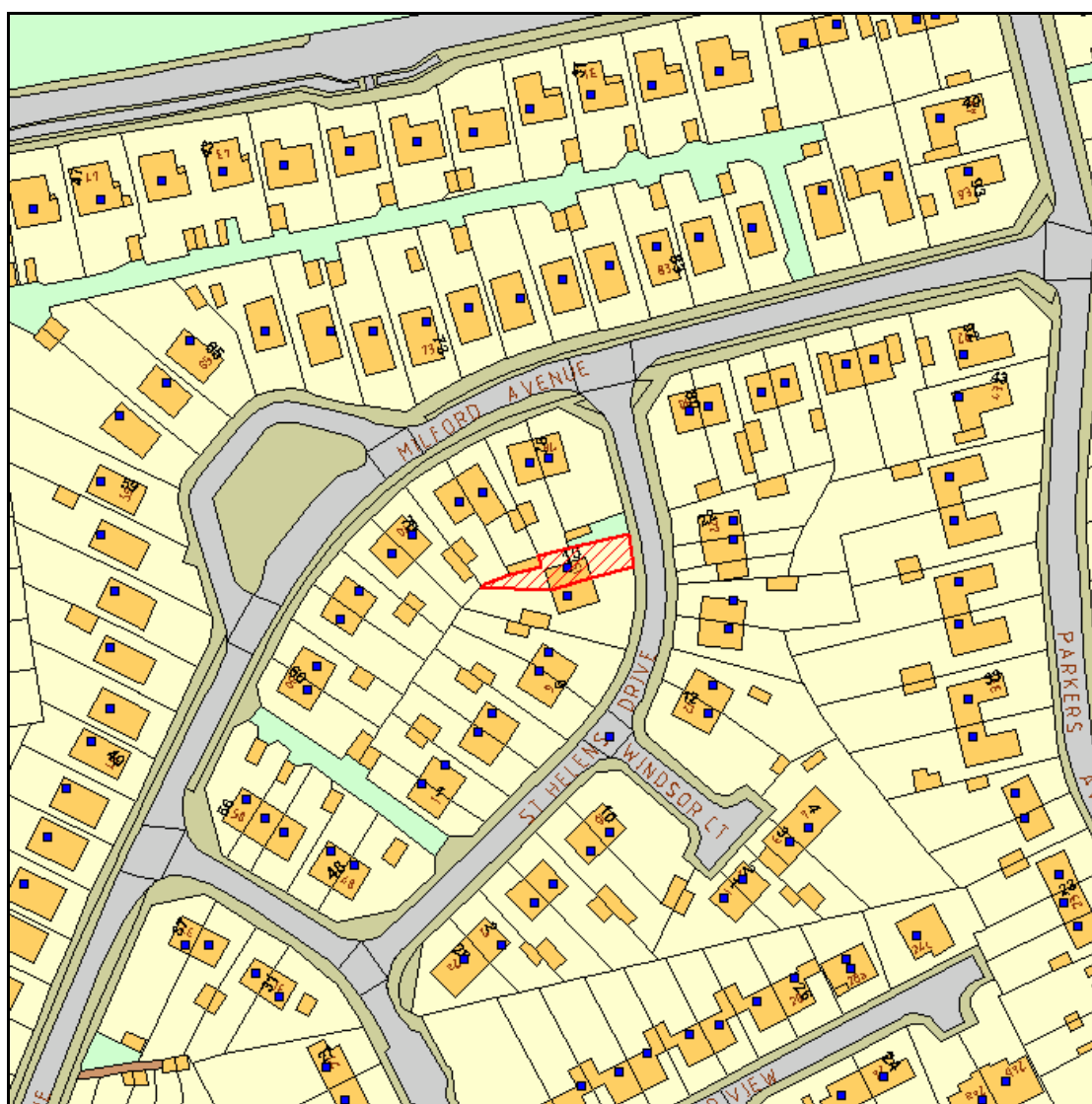
2. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts)within the development shall be submitted for approval in writing to the Local Planning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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 46/13 – 15 NOVEMBER 2013

<b>App No.:</b>	PK13/3628/CLP	<b>Applicant:</b>	Mr Mark Snow
<b>Site:</b>	15 St Helens Drive Wick Bristol South Gloucestershire BS30 5PS	<b>Date Reg:</b>	8th October 2013
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed erection of a front porch	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	370091 173303	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th November 2013



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a porch at 15 St Helens Drive, Wick would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.
- 1.2 This 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 on the facts presented.
- 1.3 During the course of the application the elevation plans have been amended to overcome discrepancies between annotations and actual measurements. As a result the height of the porch has reduced by 0.11 metres.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (General Procedures) Order 1995 Article 24 Town and Country Planning (General Permitted Development) Order (As Amended) 1995. Schedule 2, Part 1, Class A.

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

- 3.1 PK13/1209/F - Erection of two-storey side extension to provide additional living accommodation. Approved 3<sup>rd</sup> July 2013
- 3.2 PK11/3947/CLP - Certificate of lawfulness for the proposed erection of single storey rear extension. Approved 1<sup>st</sup> February 2012

### **4. CONSULTATION RESPONSES**

- 4.1 Wick and Abson Parish Council  
No objection
- 4.2 Highway Drainage  
No comment

#### **Other Representations**

- 4.3 Local Residents  
No comments received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

5.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class D of the GDPO (As Amended) 1995.

5.3 The proposed development consists of a front porch. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995. (The enlargement, improvement or other alteration of a dwellinghouse). This allows for the erection or construction of a porch outside any external door of a dwellinghouse subject to the following:

#### **A1 Development is not permitted by Class D if –**

**(a) The ground area (measured externally) of the structure would exceed 3 square metres.**

The proposed porch measures 1.4 metres in depth by 2.135 metres in width. This equals a ground area of 2.989 metres. The proposal therefore meets this criterion.

**(b) Any part of the structure would be more than 3 metres above ground level.**

The revised plan accurately shows the porch to have a maximum height of 2.99 metres. The proposal therefore meets this criterion.

**(c) Any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.**

The proposed porch would not be within 2 metres of the highway.

## **7. RECOMMENDATION**

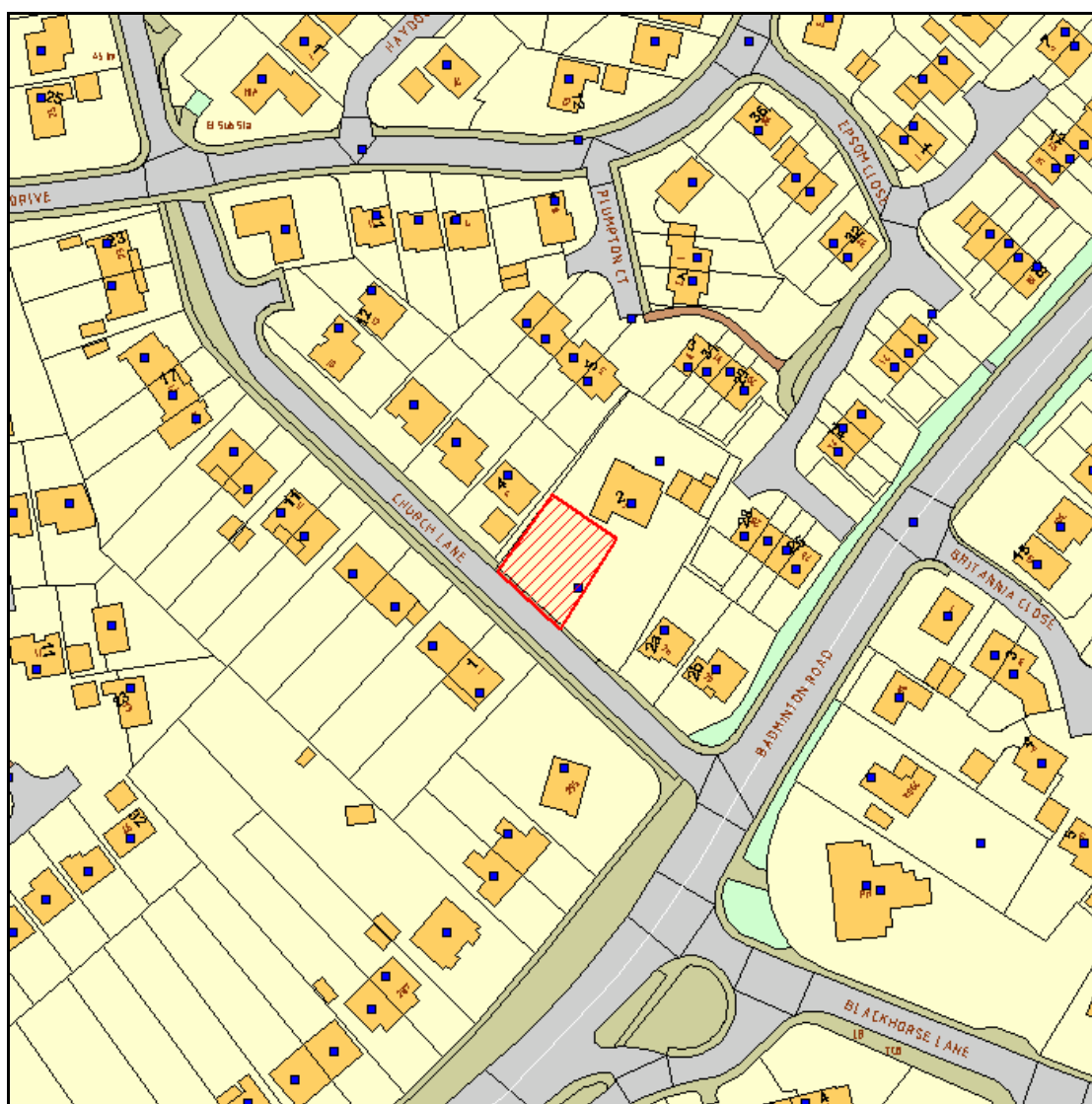
- 7.1 That a certificate of Lawfulness for Proposed Development is granted for the following reason:

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995

**Contact Officer: Sarah Fordham**  
**Tel. No. 01454 865207**

## CIRCULATED SCHEDULE NO. 46/13 – 15 NOVEMBER 2013

<b>App No.:</b>	PK13/3657/F	<b>Applicant:</b>	Mr Geoff Milton
<b>Site:</b>	2 Church Lane Downend Bristol South Gloucestershire BS16 6TA	<b>Date Reg:</b>	8th October 2013
<b>Proposal:</b>	Erection of 1no. detached dwelling with access and associated works	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365891 178144	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th November 2013



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of 1no. dwelling with access and associated works. The application site is situated within the settlement boundary of Downend.
- 1.2 A recent planning application PK11/3273/F gave permission for 4no. dwellings to be built to *Passive Haus* standards on the site. To facilitate this development a single storey bungalow was to be demolished. The bungalow has been demolished and work has begun on 3no. of the plots. This application relates to that plot situated to the northwest of the site, one of the plots facing out onto Church Road.
- 1.3 The area is characterised in the main by two-storey terraced, semi and detached dwellinghouses of various ages, sizes and design, situated within mixed plot sizes.
- 1.4 During the course of the application revised plans were requested to show that 3no. off street parking spaces which comply with the Council's new residential parking standards could be accommodated on the site and in addition that the windows on the northwest side closest to No. 4 Church Lane would be obscure glazing and non-opening below 1.7 metres. These were duly received by the Council.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

D1	Achieving Good Design in New Development
L1	Landscape Protection and Enhancement
L5	Open Areas within the Existing Urban areas and Defined Settlements
EP1	Environmental Pollution
EP2	Flood Risk and Development
L17&18	The Water Environment
H2	Residential Development within Urban Areas
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T7	Cycle Parking
T12	Transportation Development Control

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.

CS1	High Quality Design
CS5	Location of Development
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS9	Landscape

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted 2007)  
Trees on Development Site (Adopted 2005)

**3. RELEVANT PLANNING HISTORY**

- |     |               |  |
|-----|---------------|--|
| 3.1 | PK13/4009/TRE | Works to trees in accordance with Tree Survey Schedule received 29 October 2013, covered by Tree Preservation Order SGTPO07/04 dated 4 August 2004 and SGTPO18/11 dated 14 March 2012. |
|     | Pending       |  |
| 3.2 | PK12/2647/F   | Erection of 4 no. dwellings with new access and associated works. (Amendment to previously approved scheme PK11/3273/F).   |
|     | Approved      | 2.10.12  |
| 3.3 | PK11/3273/F   | Erection of 4no dwellings with new access and associated works (resubmission of PK11/2653/F)   |
|     | Approved      | 22.12.11   |
| 3.4 | PK11/2653/F   | Erection of 4no new dwellings with new access and associated works   |
|     | Withdrawn     |  |
| 3.5 | PK04/2278     | Erection of 1no. detached bungalow with integral single garage and modification to car parking area.   |
|     | Refused       | 11.10.04   |
| 3.6 | PK03/3656/O   | Erection of 4no. dwellings on 0.15 hectares of land (outline) with siting and means of access details. Resubmission of planning application PK02/2710/O.                               |
|     | Refused       | 13.4.04  |
| 3.7 | PK02/2710/O   | Erection of 5no. dwellings on 0.15 hectares of land (outline).   |
|     | Refused       | 26.3.03  |



## 4. **CONSULTATION RESPONSES**

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

OBJECTION - Insufficient parking as scheme only allows for two parking spaces whereas according to South Gloucestershire Parking Standards dated March 2013, the requirement for 5- bed property is three parking spaces.

### 4.2 **Other Consultees**

#### **Environmental Protection**

No objection subject to an informative

#### **Sustainable Transport**

No objection subject to a condition attached to the decision notice

#### **Highway Drainage**

No objections subject to informatives and conditions attached to the decision notice.

### **Other Representations**

### 4.3 **Local Residents**

One letter of objection has been received from a local resident. The following points were made:

1 As there is a pending dispute concerning the location of the boundary between 4 and 2 Church Lane, Downend, the stated dimensions of this site are incorrect. If this dispute is resolved in favour of 4 Church Lane, the dimensions of this site will be significantly reduced and will affect the viability of the proposed development within the reduced dimensions.

2 There are currently two first floor (bathroom) windows at 4 Church Lane, which look out towards the North East and therefore over the site of this development. Within the proposed plans, there appears to be (at least) two first floor windows which will look directly onto (and into?) our windows. This is unnecessarily intrusive and potentially contentious. This is not in keeping with houses in the locality and may be evidence of an over-development on this plot.

3 The increased size of the proposed development will increase the density of houses within the site; the proposed development will be overly imposing and will generally be out of step with other local and similar developments.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

The fundamental principle of development of the site has already been determined and approved under application PK11/3273/F which gave permission for the erection of 4 no. dwellings with new access and associated works. A subsequent application, PK12/2647/F, increased the size of these dwellings to 5no. beds. This application differs in terms of if being for a single dwelling and also in terms of the design of the proposed dwelling which can be regarded as having a more traditional appearance than those previously

approved. Notwithstanding the extant permission, the principle of this proposal must be assessed under its own merit using the above listed policies.

5.2 Policy H2 of the South Gloucestershire Local Plan states residential development will be permitted within existing urban areas provided that it does not prejudice residential amenity, the maximum density is compatible with the site, the site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination and the provision for education, leisure, recreation and other community facilities is adequate to meet the needs arising from the proposals. Policy H4 is supportive in principle of proposals for new dwellings within existing residential curtilages, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Policy D1 of the Local Plan requires all new development to be well designed and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and locality. Policy T12 identifies factors relating to parking, access and highway safety that must be taken into account. Since the previous approved application the Council has a new Residential Parking Standards SPD, due for adoption with the Core Strategy later this year which advises on minimum parking standards. Policy L1 relates to landscape protection.

5.3 The South Gloucestershire Core Strategy (CS) was submitted for Examination in March 2011. The Examination was initially suspended by the CS Inspector to allow for the submission of Post Submission Changes. Hearing sessions were subsequently held in June and July 2012 and the CS Inspector published his Preliminary Findings and Draft Main Modifications in September 2012. The Inspector's initial conclusion is that the Core Strategy is capable of being made 'Sound' subject to a number of Proposed Main Modifications (PMM). The PMM have been subject to a further hearing session that was held on 7 March 2013. The CS has reached an advanced stage of preparation. However, there are unresolved objections to the housing requirements, including the means of addressing the shortfall in the delivery of housing that accrued during the Local Plan period. At this stage the Core Strategy therefore remains unadopted, but is likely to be adopted in the near future once housing matters are resolved. This document is therefore a material consideration in the determination of planning applications, and the Core Strategy policies, which are not subject to Inspector modification, will now carry considerable weight at this stage.

5.4 In determination of this application there are no significant differences between the relevant adopted Development Plan policies and the Core Strategy.

The application is deemed to accord with the principle of development.

#### 5.5 Design and Visual Amenity

The proposed dwellinghouse would be part of a development site of 4no. dwellings. These dwellings benefit from extant planning permission and were of a more modern style, which as a group contrasted with the local vernacular in design and materials proposed. The proposed dwelling would be located to the northwest of the plot and in its design and materials would complement that of the existing neighbouring dwelling at No. 4 Church Lane. It would have a gable front, chimney, small porch over the front door and integral garage. Its

external appearance would include facing brickwork to the plinth and chimney, render, stained cladding to upper walls, a roof of clay pantiles, timber windows and doors. It is unfortunate that the proposal would differ from the rest of the grouping but this is not sufficient reason to refuse the application. In terms of its overall design, scale, massing and materials the proposed single dwelling is deemed acceptable and would be appropriate and in-keeping with the character of the area.

#### 5.6 Character of the Area

The area immediately around the application site is of a mixed character in terms of the style, size, design, age and materials use in the nearby properties. The proposed dwellinghouse would face out onto Church Lane and would sit alongside one of the plots assigned for the more contemporary design houses. The other two plots are located to the rear of the site. The proposed dwelling in terms of its design, style, massing and materials used would complement those of No. 4 Church Lane which is a red/orange brick detached dwellinghouse constructed in the 1980s. As such the proposal is deemed acceptable.

#### 5.7 Density

The density of the site has already been established under previous applications. This proposed dwelling would be a 5no. bed property and again the principle of this has already been approved under application PK12/2647/F for four 5no. bed units on the site. The additional bedroom has been accommodated in the roof space so there would be no additional size in overall footprint of the dwelling, the amount of garden space remains approximately the same as previously assessed and sufficient off-street parking to comply with new standards has been demonstrated. The previously approved applications have stated the overall density figure for the development has been calculated as being approximately 25 dwellings per hectare. It has equally been judged that this would not be excessive for the size of plot or its location, would make efficient use of the land in what is regarded as a sustainable location in Downend, within easy distance of shopping, community facilities and public transport routes. Given this the application cannot be considered as being overdevelopment and is therefore acceptable.

#### 5.8 Impact on Residential Amenity

Criterion D attached to Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits development where it :

*'would not prejudice the retention of adequate private amenity space and adequate private amenity space is provided for any new separately occupied dwelling'*

5.9 Given the proposed location in an existing suburban area the amount of residential amenity space allocated for the dwelling is considered to be acceptable.

- 5.10 Overlooking/impact on neighbouring properties  
The proposed dwelling would be closest to the existing property No. 4 Church Lane.
- 5.11 Openings would be located in all four sides. Those to the north-west adjacent to No. 4 would comprise a ground floor utility room door in opaque glass, also screened from neighbours by an existing 1.8 metres fence; a first floor bathroom window with opaque glazing and restricted opening serving a bathroom and a small opaque 'slit' type non-opening window in the second floor also serving a bathroom. Comments have been received from a concerned neighbour regarding these windows. However, given their proposed treatment it is considered that the proposed windows would not impact adversely on this neighbour's amenity in terms of inter-visibility or overlooking.
- 5.12 With regard to the impact on the residential amenity of neighbours to the northeast, the proposed dwelling would have two rooflights in its main roof, a small opaque window in the apex of the gable closest to this neighbouring plot and opaque glass in the lower panes of a bedroom window. Similarly, windows in the southeast elevation of the main part of the dwelling would be opaque at first floor level serving a bathroom, while those serving bedroom 2 would have obscure glazing to the lower panes. It is acknowledged that the distance between the application site and those properties to the north and east would be minimal. However, occupiers would be separated from their neighbours by their respective gardens and given the suburban location of the development, this type of situation would not be out of the ordinary. On balance, it is considered that the residential amenity of future occupiers of both the application site and those plots to the rear and east side would be assured.
- 5.13 Sustainable Transport  
The proposed dwelling would be a 5no. bed property with an integral garage. Following comments from the Highway Engineer provision for two off street parking spaces and the appropriate sized single garage have been shown. As such the proposal is deemed to comply with new residential parking standards and there is no objection on highway grounds.
- 5.14 **Other matters**
- 5.15 **Affordable Housing**  
The proposal for 1no. house falls below the Council's threshold for affordable housing provision in urban areas.
- 5.16 **Education**  
The proposal for 1no. house falls below the Council's threshold for Education provision.
- 5.17 **Community Service**  
The proposal for 1no. house falls below the Council's threshold for contributions to community services

5.18 **Noise, dust , smell, pollution**

The site itself is not currently subject to excessive levels of noise, pollution, smell, dust or contamination. A condition relating to hours and methods of work will apply during the period of demolition/construction to protect the amenity of local residents.

5.19 **Community Facilities and Sustainability**

The proposed dwellinghouse will be close to education, leisure and recreation facilities. They would also be close to public transport links and cycle routes. Considering these issues it is judged that the proposal would constitute a sustainable form of development.

5.20 Reference has been made to a boundary dispute between the application site and neighbours at No. 4 Church Road. This is not a planning matter and therefore cannot be considered under the remit of this report.

6. **CONCLUSION**

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

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

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

**CONDITIONS**

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

Reason

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

2. Prior to the commencement of development samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by

the Local Planning Authority. Development shall be carried out in accordance with the approved details

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006

3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved Plans and Elevations Drawing 04 Rev C shall be provided before the building is first occupied, and thereafter retained for that purpose

Reason.

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Residential Parking Standards SPD to be adopted with the Core Strategy 2013.

4. The parking areas on site hereby approved shall be bound with permeable material and such areas shall be maintained thereafter.

Reason.

To ensure a satisfactory means of drainage and pollution control in order to comply with Policies L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 46/13 – 15 NOVEMBER 2013**

<b>App No.:</b>	PK13/3718/CLP	<b>Applicant:</b>	Mr And Mrs Bennett
<b>Site:</b>	30A Church Road Hanham Bristol South Gloucestershire BS15 3AL	<b>Date Reg:</b>	14th October 2013
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed erection of detached garage.	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	363632 172272	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th December 2013



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 100023410, 2008. **N.T.S.** **PK13/3718/CLP**

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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of an incidental building at 30a Church Road, Hanham would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.
- 1.2 The application property is a two-storey detached dwelling and is located within the defined settlement boundary of Hanham.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning (General Procedures) Order 1995 Article 24  
Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class E.

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

- |     |                             |   |
|-----|-----------------------------|---|
| 3.1 | K985/2<br><br>Approved      | Outline application for the erection of one detached dwelling with garage on approx. 0.16 acres, construction of new vehicular & pedestrian access.<br><br>13.12.76 |
| 3.2 | K985/3<br><br>Approved      | Erection of detached dwellinghouse with garage.<br>Construction of new vehicular & pedestrian access.<br><br>31.10.78   |
| 3.3 | P97/4502<br>Approved        | Erection of extension to detached garage<br><br>18.9.97   |
| 3.4 | P98/4469<br>Approved        | Erection of single storey side extension<br><br>15.9.98   |
| 3.5 | PK12/4015/F<br><br>Approved | Erection of 1no. detached dwelling with access and associated works.<br><br>30.1.13   |

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Parish Council  
No objection



## Other Representations

### 4.2 Local Residents

Two letters of objection has been received and the points are:

- Additional garage turns previous garage into backland development
- Proposed garage is same shape as previous garage which was converted into living accommodation and if done again the site would be intensely developed
- Understand garages should have a car space in front rather than opening directly onto road
- Proposed garage is directly opposite my bungalow and driveway, concerned that the outlook from my lounge will be spoilt
- Road is supposedly one way but cars and vans drive the wrong way daily
- There is a cycle lane on the side of the road where the garage is to be built
- Without a driveway how will the driver observe the oncoming traffic. It should be set back to ensure safety for all

## 5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site location and block plan – drawing CR/PD02b received 12<sup>th</sup> November 2013 and Proposed plans, elevations and location - Drawing CR/PD01, received on 9<sup>th</sup> October 2013.

## 6. EVALUATION

- 6.1 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 Consent. Accordingly there is no consideration of planning merit, the decision is based on the facts presented. The submission is not a planning application and 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.

Letters of objection has been received from local residents, and if this were a full planning application Officers would express concerns. However, given the type of application, only objections regarding the validity of the application in relation to the legislation (Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008) can be taken in to account.

The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class E of the GPDO 2008. The site is in use as a dwellinghouse, and there is no evidence to indicate that the permitted development rights have been removed for this existing property. Schedule 2, Part 1, Class E of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows for the provision within the curtilage of the dwelling house

of:- any building or enclosure...for a purpose incidental to the enjoyment of the dwelling house.

The view that is taken in cases such as this, is that to quantify as permitted development under Class E, Part 1 of the General Permitted Development Order, the proposal should be of a reasonable size, one that is not considered excessive nor going beyond a scale of purpose of what could be considered as incidental to the enjoyment of the dwellinghouse.

The main dwellinghouse, with attached garage to its west elevation, holds a corner position with the house fronting Church Road and its rear garden adjacent to Henderson Road. The property has a substantial side garden which has recently been granted permission for a separate dwelling. In addition, within the grounds is another single storey structure similar in style and shape to the building under consideration in this application. This is an extended garage which has been converted into living accommodation.

The proposed hipped roof building would be roughly 'L' shaped and measure approximately 7.8 metres at its longest point, and an overall maximum width of 8 metres. It would have a height to eaves of 2.5 metres with a height to ridge of 3.99 metres. It would have a single large roller shuttered door in its east elevation and 4no. windows and one door would serve the structure. This structure has a very domestic appearance, which matches that of the existing converted garage.

Given the above, where the test involves development permitted within the curtilage of a dwelling, it is considered that the proposed purpose of the building would, in the first instance, comply with schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and that the certificate be granted.

However, there are several conditions attached to development permitted under Class E. Developments which fail any of the following criteria would not be permitted. These are discussed in detail below and it is considered that the proposal does not meet the criteria:

## **6.2 The proposed erection of an incidental outbuilding.**

### **E.1 (a) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house);**

The application property is set within a larger than average size plot of land. The proposed building in combination with all other existing structures, but excluding the main original dwellinghouse would not cover a total ground area exceeding 50% of the total area of the curtilage and therefore complies with this criteria.

### **(b) Any part of the building, enclosure, pool or container would be**

**situated on land forward of a wall forming the principal elevation of the original dwelling house;**

The proposed building would be located to the south of the main dwelling, and therefore, not situated on land forward of a wall forming the principal elevation of the original dwelling house.

**(c) The building would have more than one storey;**

The proposed building would be single storey.

**(d) The height of the building, enclosure or container would exceed-**

**(i) 4 Metres in the case of a building with a dual dual-pitched roof,**

**(ii) 2.5 metres in the case of a building or enclosure or container**

**within 2 metres of the boundary of the curtilage of the dwelling house, or**

**(iii) 3 metres in any other case;**

The proposed building would not be situated within 2 metres from the boundary of the curtilage and its hipped roof would have a maximum height of 3.98 metres, which falls within the stipulated criteria.

**(e) The height to eaves of the building would exceed 2.5 metres;**

The eaves height of the proposed building would be 2.5 metres.

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

The application property is not a listed building.

**(g) It would include the construction or provision of a veranda, balcony or raised platform;**

The proposal would not include any of the above.

**(h) It relates to a dwelling or microwave antenna; or**

The proposal is for a new detached building, not an existing dwelling, and does not contain a microwave antenna.

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

Not applicable.

**E.2 In the case of any land within the curtilage of the dwelling house which is within-**

**(a) A world Heritage Site,**

**(b) A National Park,**

**(c) An area of outstanding natural beauty, or**

**(d) The Broads,**

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

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

**E.3 In the case of any land within the curtilage of the dwelling house which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land**

**between a wall forming a side elevation of the dwelling house and the boundary of the curtilage of the dwelling house.**

The application site is not located on article 1(5) land.

**6.3 Conclusion**

The proposed building in terms of scale and location meets the criteria set out in Class E of the General Permitted Development Order, and would be considered incidental to the enjoyment of the dwelling house. It therefore, accords with schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and is permitted development.

**7. RECOMMENDATION**

7.1 That a Certificate of Lawfulness for Proposed Development is **GRANTED** for the following reason:

The purpose of the proposed building is considered to be incidental to the enjoyment of the dwelling house and as such the proposal complies with schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and is therefore permitted development.

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

## CIRCULATED SCHEDULE NO. 46/13 – 15 NOVEMBER 2013

<b>App No.:</b>	PT13/2820/F	<b>Applicant:</b>	Mr Thomas Kilbane
<b>Site:</b>	22 Eleventh Avenue Filton Bristol South Gloucestershire BS7 0QN	<b>Date Reg:</b>	13th August 2013
<b>Proposal:</b>	Erection of two storey and single storey rear extension to form additional living accommodation	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360642 178483	<b>Ward:</b>	Filton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	3rd October 2013



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

The application is circulated as a result of the comments of two neighbours.

### **1. THE PROPOSAL**

- 1.1 This full application relates to the erection of a part two storey and part ground floor rear extension. The extension would be 2.55m deep and runs across the rear of the house.
- 1.2 This end of terraced house is located at the end of cul-de-sac within the urban area of Filton. The house is currently finished in painted render and as no materials are proposed it is assumed that this will be continued around the extension.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Section 7 Requiring good design

- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006
- |     |   |
|-----|---|
| D1  | Design  |
| H4  | Development Within Existing Residential Curtilages,<br>Including Extensions and New Dwellings |
| T12 | Transportation Development Control Policy for New<br>Development                              |
| L1  | Landscape   |

- South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft  
(October 2012) and Further (March 2013) Main Modifications
- |     |                     |
|-----|---------------------|
| CS1 | High Quality Design |
|-----|---------------------|

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

Residential Parking Standards Supplementary Planning Document - Approved for  
Development Management Purposes 27<sup>th</sup> March 2013

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
No objection
- 4.2 Highways Officer  
No objection

#### 4.3 Drainage Officer

No objection but Wessex Water sewer may be affected.

#### 4.4 Wessex Water

The development proposals will affect public sewers. It is recommended that the applicants contact WW Sewer Protection Team for further advice on this matter. No building will be permitted within 3m without agreement from WW under Building Regulations.

#### 4.5 Public rights of way

It does not appear that the proposed development will affect the public right of way that runs outside the site boundary along the adjacent access track. The applicant should ensure that no debris from the development encroaches onto the public right of way and that the safety of its users are considered at all times.

### **Other Representations**

#### 4.5 Local Residents

Two general comments were received:

One comment received that no objection is made to the application but would like/concerned to know that the access lane at the rear of the site will not be blocked or obstructed.

Another had concern about the size that the extension might be but had not seen the plans (comment was received three days before the plans were inserted on line). Concern that the plot is very small. Concern about where building materials would be stored as the lane is in regular use.

The neighbour who did not initially see the plans was send an adhoc letter explaining that the plans were on line and no further comment has been received.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

5.2 In assessing applications for residential extensions, planning policies D1 and H4 of the adopted local plan are particularly relevant. Policy D1 is a general design policy and cites that development will only be permitted where good standards of site planning and design are achieved. In particular, proposals will be required to demonstrate that siting, overall massing, form, scale, height, detailing, colour and materials respect and enhance the amenity, character and distinctiveness of both the site and the locality. Policy H4 specifically relates to

residential development, including extensions, and considers issues such as design, residential amenity and highway safety.

5.2 Design

The site located at the end of a cul-de-sac and abuts a back alley which also supports a public footpath. The rear garden is enclosed and the front garden has parking for two cars.

5.3 The extension is considered to be acceptable and in accordance with current policy. The extension is subservient to the original house, being at the rear and having limited depth and breadth such that the ridge would be well below the existing house's ridgeline. The extension would be very visible from the back alley but the design of the extension is entirely appropriate at this site and would not detract from the use of the back lane or footpath. The first floor window has been centralised during the application to better reflect the floor plan and this improved the overall appearance too. The house is rendered and recently painted and as such a condition requiring that the proposed extension is finished to match it necessary. pallet and location of materials also reflects the various materials used on the original house.

5.4 As such the proposal would have no adverse impact on the visual amenity of the street.

5.5 Residential amenity

The proposal is at the end of the terrace where the only real neighbour is the attached house. The ground floor part of the 2.55m deep extension is 2.6m wide and the two storey part is therefore sufficiently distant from the adjoined house to prevent any material harm occurring to the neighbouring residential amenity. As such the proposal does not affect the residential amenity of neighbouring houses. It is therefore considered that the application accords with the above policies.

5.6 Transportation

The proposal retains two parking spaces and as such is in accordance with the Local Plan.

**6. CONCLUSION**

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

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

6.3 The recommendation to grant permission is for the following reasons:-



## **7. RECOMMENDATION**

7.1 Planning permission be granted subject to the planning conditions set out below.

**Contact Officer: Karen Hayes**  
**Tel. No. 01454 863472**

### **CONDITIONS**

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

Reason

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

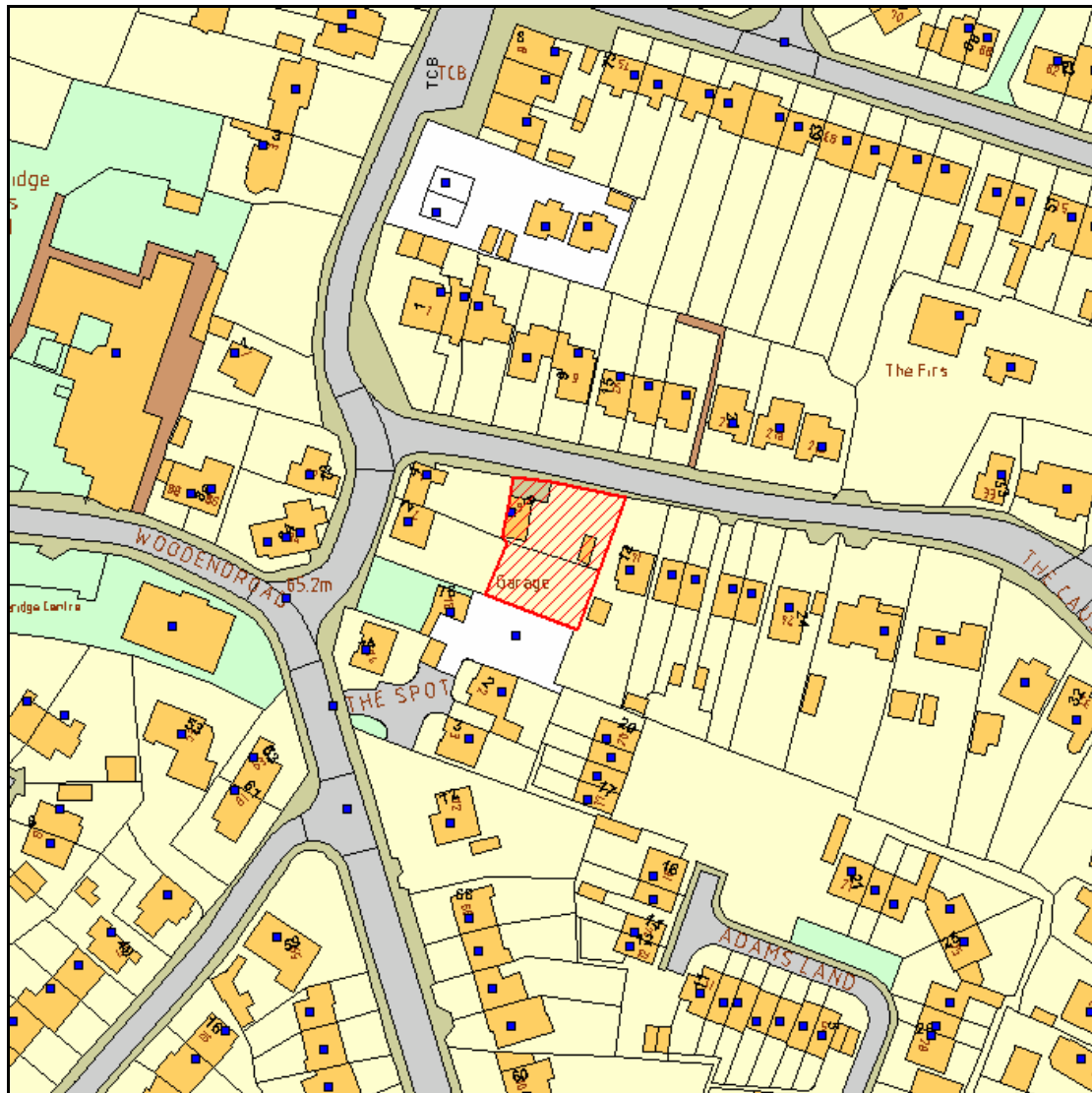
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 46/13 – 15 NOVEMBER 2013

<b>App No.:</b>	PT13/3174/O	<b>Applicant:</b>	Mr P Endicott
<b>Site:</b>	6 The Causeway Coalpit Heath South Gloucestershire BS36 2PD	<b>Date Reg:</b>	28th August 2013
<b>Proposal:</b>	Erection of 4no. dwellings (Outline) with all matters reserved.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367396 181291	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th October 2013



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 100023410, 2008. **N.T.S.** **PT13/3174/O**

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

There are comments received that are contrary to the officer recommendation

### **1. THE PROPOSAL**

- 1.1 The site is located towards the eastern end of The Causeway; ad is situated on its south side adjacent to 14, The Causeway. Currently the site is occupied by a small building which has been used as a hairdressers shop and is laid out to gravel.
- 1.2 The planning application proposes 4 new dwellings on the site. The application is submitted in outline with all matters reserved for consideration at a later date.
- 1.3 In this instance the site has been subject to consent for the development of four dwellings arranged as a two pairs of semi-detached dwellings; with parking and access directly onto The Causeway. The planning consents are detailed in section 3 of this report and have now expired. However, the consents are a material planning consideration, which can be afforded weight in the determination of this application.
- 1.4 The site is also subject of a parallel application for the use of the land as a car parking area for a temporary period of 3 years. This application is considered elsewhere on this agenda.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

#### **2.2 Development Plans**

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

D1 Achieving Good Quality Design in New Development  
H2 New Residential Development in Urban Areas  
T12 Transportation Development Control Policy  
EP2 Flood Risk and Development  
L17 & L18 The Water Environment

##### South Gloucestershire Local Plan Core Strategy incorporating Inspector Draft (October 2012) and Further (March 2013) Main Modifications.

CS1 High Quality Design  
CS5 Location of Development  
CS16 Housing Density  
CS17 Housing Density  
CS18 Affordable Housing  
CS34 Rural Areas

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist  
Frampton Cotterell Village Design Statement

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

- 3.1 PT11/1312/RM Erection of 4 no. dwellings. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT08/1014/O).

Approved 6<sup>th</sup> June 2011 (expired 6<sup>th</sup> June 2013)

- 3.2 PT08/1014/O Erection of 4 no. dwellings on 0.062 hectares of land (Outline) with access and layout to be considered all other matters to be reserved (Re-Submission of PT06/0260/O)

Approved 16<sup>th</sup> May 2008

- 3.3 PT13/3175/F Change of use of land to car park in association with Frampton Garage for a temporary period of 3 years.

- 3.3 PT13/3174/O Erection of 4no. dwellings (Outline) with all matters reserved.

This application is under consideration at the time of writing this report.

### 4. **CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
No objection subject to the development being the same as approved under PT11/1312/RM

- 4.2 Highway Authority  
No Objection in principle

- 4.3 Drainage Engineer  
Objection is raised on the grounds that there is no surface water drainage available in the immediate locality. Further discussion with the drainage engineer has confirmed that a suitably worded condition should be used to secure the submission of further details relating to drainage in the event that this application is approved.

- 4.4 Environmental Health Officer  
No objection in principle

#### **Other Representations**

- 4.5 Local Residents  
Three sets of comments have been received (one in support, one raising no objection and. The comments are summarised as follows;

### Support

The Causeway is a residential Road and 4 houses are what the disused site needs.

A welcomed use would be to develop new, low cost, high demand housing in the area.

### Objection

The objections raised draw attention to issues relating to development on the adjacent site at 76, Woodend Road in connection with a car mechanic business. Objections are also raised to the proposal for the temporary use of this site for car parking (PT13/3175/F which also appears on this agenda). The writer does acknowledge the proposal to build four houses and raises no objection to that proposal.

The objections do not relate to this planning application and can carry very limited weight in determining this application. The comments will be considered under the relevant planning application.

## **5. ANALYSIS OF PROPOSAL**

5.1 The planning application details the construction of 4 new dwellings on the site. All matters are reserved for consideration at a later date.

### 5.2 Principle of Development

The site is located within the settlement boundary associated with Frampton Cotterell, Coalpit Heath and Winterbourne. Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this planning application. The policy indicates that the proposed development is acceptable in principle subject to consideration of issues addressed later in this report.

5.3 In addition, this site has been subject to a previous combined outline and reserved matters planning approval for the construction of 4 dwellings, access and parking. Although these planning permissions have now expired, the permissions are material in the consideration of this planning application. In applying weight to the previous consents, it is necessary to consider whether or not there are now materially different conditions (in planning terms) which would otherwise result in a refusal of the development. In this instance, since the issuing of the previous consent, the National Planning Policy Framework has replaced PPS and PPG documents intended to guide the broad principles of development. In this instance, the National Planning Policy Framework continues to provide the basis for allowing the development of the site for housing. Similarly, the emerging South Gloucestershire Core Strategy has gained much higher status in the time since the original consents were granted. The Core Strategy is nearing adoption and it is considered that the proposed development is broadly in line with the policies relating to new housing development contained in the document.

5.4 Having regard to the above, it is considered that current and emerging South Gloucestershire development plan; together with previous planning permissions is such that the principle of developing the site for housing is established.

5.5 Siting, Design and Scale

Consideration of these issues is specifically excluded from this application as it is made in outline with all matters reserved. Nonetheless, the previous consents show a development of 4 dwellings can be arranged as two pairs of semi-detached dwellings consistent with the scale and position of dwellings to the West of the site (facing onto The Causeway). This arrangement continues to be considered appropriate and there is no reason why this could not apply to future development of the site. It is not insurmountable that a further application to secure reserved matters cannot be made on this basis (or very similar). On this basis, officers are satisfied that an appropriately designed development can be achieved on this site.

5.6 Access

Again, consideration of this issue is specifically excluded from this application as it is made in outline with all matters reserved. No details have been submitted for consideration at this stage. Nonetheless the previous consents show the access to the site can be arranged individually for each dwelling directly off The Causeway. As with the design of the proposal, the previous consents demonstrate that reasonable access to the site can be achieved without compromising highway safety or capacity. In respect of the generation of traffic, officers concluded that the construction of four dwellings on the site is achievable within the highway constraints associated with The Causeway. In this instance there has been no material change in the circumstances affecting the highway capacity and implications for the development of this site for four dwellings. Officers remain satisfied that the development can be achieved without compromising highway safety.

5.7 Drainage Matters

The South Gloucestershire Council Drainage Engineer has highlighted that there are no dedicated surface water drains in the immediate locality and as such a soak away will need to be provided in the event that development occurs on this site. The engineer also suggests that the site is relatively constrained in respect of providing sufficient space for the use of a soak away system. Having regards to the previously approved layout it is apparent that some minor adjustment would need to be made in order to facilitate the provision of a soak away system. However, officers are satisfied that any forthcoming application to agree reserved matters can make reasonable provision for such a system without compromising the layout of the development in visual terms. An appropriately worded condition can be used to ensure that a specific drainage strategy is submitted with any further reserved matters application should this outline planning application be approved.

5.8 Ecology

This site has been laid to gravel and is clear of any vegetation. Accordingly it is considered that there is very limited ecological value to this site.

5.9 Affordable Housing

The proposed development falls below the trigger for the requirement for affordable housing.

#### 5.10 Loss of the Retail Shop Unit

The site contains a small building, which has been utilised as a hairdressers shop in the past. It is not considered that this 'shop unit' is vital in respect of serving or potentially service a need for local shops and services in the area. This locality is well served by small shops and services elsewhere.

### 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 outline 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 Outline Planning Consent is granted subject to the following conditions.

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

### CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

To minimise disturbance to occupiers of nearby dwellings and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. No development shall take place until a full drainage strategy incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

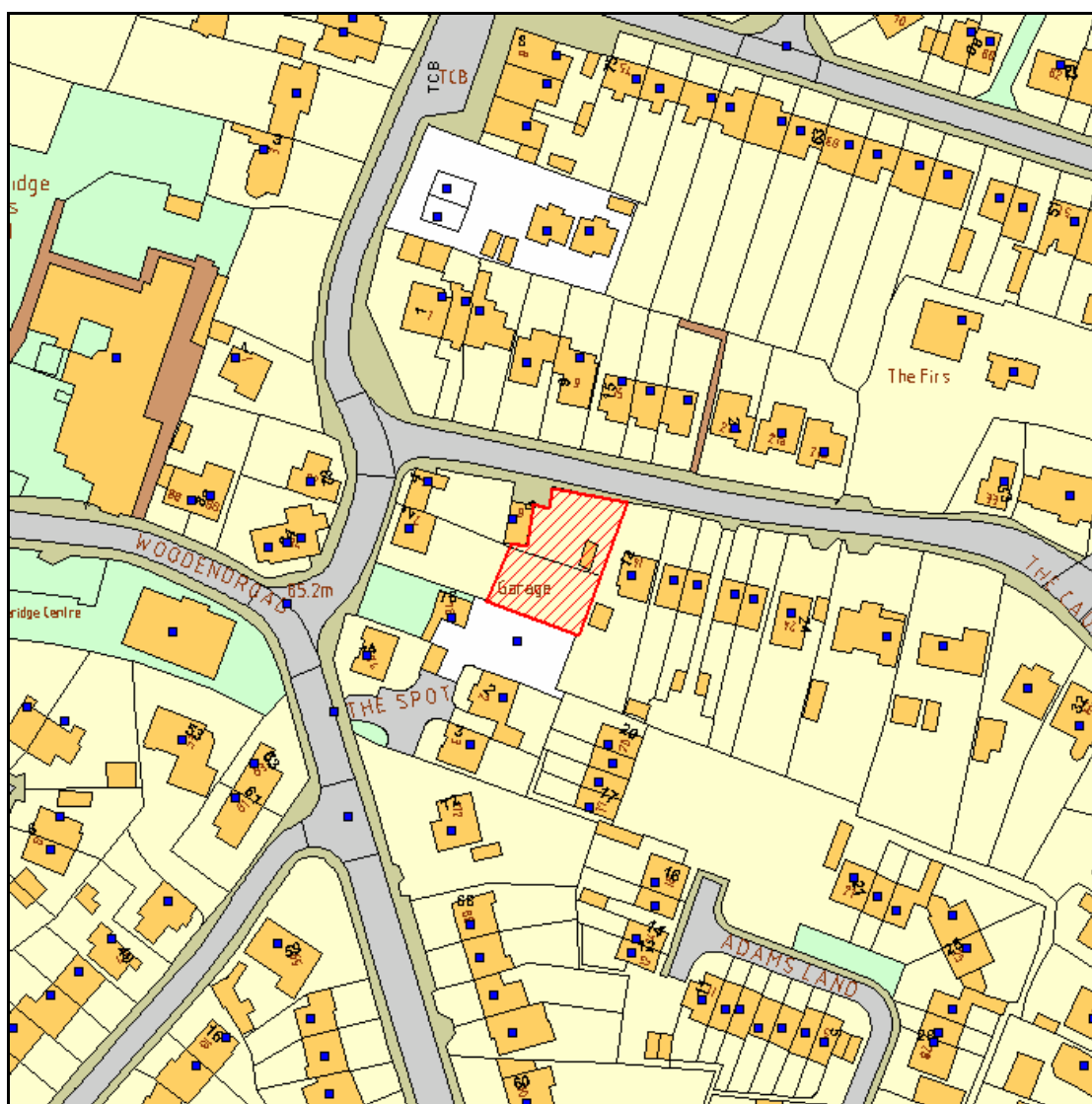
Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy L18 of the South Gloucestershire Local Plan (Adopted) January 2006.



## CIRCULATED SCHEDULE NO. 46/13 – 15 NOVEMBER 2013

<b>App No.:</b>	PT13/3175/F	<b>Applicant:</b>	Mr P Endicott
<b>Site:</b>	6 The Causeway Coalpit Heath Bristol South Gloucestershire BS36 2PD	<b>Date Reg:</b>	28th August 2013
<b>Proposal:</b>	Change of use of land to car park in association with Frampton Garage for a temporary period of 3 years	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367396 181291	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th October 2013



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 100023410, 2008. **N.T.S.** **PT13/3175/F**

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

There are comments received that are contrary to the officer recommendation

### **1. THE PROPOSAL**

- 1.1 The site is located towards the eastern end of The Causeway; and is situated on its south side adjacent to 14, The Causeway. Currently the site is occupied by a small building which has been used as a hairdressers shop and is laid out to gravel.
- 1.2 The planning application proposes the temporary use of the site for the keeping of up to 20 vehicles associated with Frampton Garage (76 Woodend Road). The applicant has indicated that the use would be for three years. In this instance, the proposal excludes the building previously utilised as a hairdressers salon.
- 1.3 In this instance the site is also subject to a planning application for the development of four dwellings (outline). The applicant indicates that the redevelopment of the site for housing may be some time away given the current economic climate and the purpose of this proposal is to allow the land to have a use in the meantime; hence the application for a temporary period.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development  
T12 Transportation Development Control Policy  
EP2 Flood Risk and Development  
L17 & L18 The Water Environment

South Gloucestershire Local Plan Core Strategy incorporating Inspector Draft (October 2012) and Further (March 2013) Main Modifications.

CS1 High Quality Design  
CS5 Location of Development  
CS34 Rural Areas

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist  
Frampton Cotterell Village Design Statement

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

- 3.1 PT11/1312/RM Erection of 4 no. dwellings. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT08/1014/O).

Approved 6<sup>th</sup> June 2011 (expired 6<sup>th</sup> June 2013)

- 3.2 PT08/1014/O Erection of 4 no. dwellings on 0.062 hectares of land (Outline) with access and layout to be considered all other matters to be reserved (Re-Submission of PT06/0260/O)

Approved 16<sup>th</sup> May 2008

- 3.3 PT13/3174/O Erection of 4no. dwellings (Outline) with all matters reserved.

This application is under consideration at the time of writing this report.

- 3.4 COM/13/0184/OD Investigation that the site is being used as a car park

Investigation open pending decision in relation to PT13/3175/F

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

- 4.1 Frampton Cotterell Parish Council

No objection subject to the imposition of hours restrictions to match those at Frampton Garage and the prevention of parking on Lower Stone Close if this is achievable.

- 4.2 Highway Authority

No Objection. A temporary permission for 3 years would have the benefit of reducing the amount of on-street parking in the vicinity.

- 4.3 Drainage Engineer

No Objection subject to the provision of a Sustainable Drainage System.

#### **Other Representations**

- 4.4 Local Residents

Four sets of comments have been received. The comments are summarised as follows;

##### Support

The development will ease parking congestion in the area.

##### Objection

The objections raised draw attention to issues relating to development on the adjacent site at 76, Woodend Road in connection with a car mechanic business.

Concern is raised as to the impact of the use of the land as a car park upon the amenity of nearby local residents as a result of noise.

It is proposed to use the car park for longer hours than Frampton Garage is open and are unacceptable

There is speculation that the proposal to build four houses on the site is disguising a desire to extend the garage operations onto this site.

Concern is raised that the use of the car park will become established as an alternative to on-street parking and as such may become permanent.

Concern is raised that the hairdressers building will be used as a store for tyres etc and this would result in more vehicles visiting the site than the use of the building has as hairdressers.

Concerns are raised as to the safety of children passing the narrow access to the site in the mornings; and the footpath should be a minimum of 2.5 metres wide

The site should be renovated to an acceptable standard as it is currently untidy. The hairdressers building should be demolished

## **5. ANALYSIS OF PROPOSAL**

- 5.1 The planning application details the change of use of the land for the provision of a temporary car park associated with Frampton Garage. The application details a temporary period of three years.
- 5.2 Principle of Development  
The site is located within the settlement boundary associated with Frampton Cotterell, Coalpit Heath and Winterbourne. There is no specific policy for assessing the use of the land for a car park set out in the South Gloucestershire Local Plan. In this instance the proposed car park would be directly linked to Frampton Garage, a car repair workshop located close by on Woodend Road.
- 5.3 The National Planning Policy Framework is generally supportive of positive economic development including the rural areas. The development would have a positive impact upon the business use associated with the site at Frampton Garage; albeit for a temporary period. It is considered that the provision of the car park is acceptable in principle subject to considerations relating to visual and residential amenity impacts.
- 5.4 It is also noted that previous planning permissions have been granted to develop this site for residential use; and there is currently a planning application under consideration by the Local Planning Authority to resurrect that planning consent. On this basis, it is clear that there is a longer term intention to develop the site for housing; and officers are satisfied that there is a very reasonable prospect that the proposed use is temporary.
- 5.5 Officers are satisfied that the temporary use of the land for a car park ancillary to Frampton Garage is acceptable in principle subject to the further considerations set out below. It is appropriate, given the assessment below, that a condition should apply to any consent requiring that the use ceases within three years of consent.

5.6 Visual amenity

The site itself is well enclosed by existing development around the site. It is not widely visible for the surrounding locality although it is acknowledged that there are clear views of the site from its access and from residential dwellings, which share a boundary with it. The site is currently laid out to gravel. It is not proposed to alter this arrangement as part of this planning application.

5.7 It would not be desirable in visual terms to leave the site surfaced with gravel permanently. The introduction of up to 20 parked vehicles into the site is not considered to be appropriate in visual terms in this predominantly residential area. However, the temporary nature of the proposal is a material consideration. It is not considered reasonable to require permanent surface treatments at this stage as this would unduly burden the developer with abortive expense. Officers are satisfied that the use is very likely to be temporary given that there is clear intension to develop the site for housing.

5.8 Notwithstanding the above, the site is relatively tidy. There is no reason why the site would not be maintained appropriately in its current condition whilst it is being used as a car parking facility. Given that the use of the site is proposed to be temporary for a period of three years, officers are satisfied that the appearance of the development would be acceptable in the short term.

5.9 Residential Amenity.

The local residents have raised concerns relating to the noise that would be generated from the proposed use. In particular, issues are raised as to the disturbance of vehicles manoeuvring in the site from 7.30 in the morning, the proximity to shared boundaries and the potential for noise nuisance to occur as a result.

5.10 The applicant has suggested that the site is open between the hours of 07.30 and 19.30. This time period is broader than the limitations placed upon the Frampton Garage site itself. However, the applicant advises that the longer time period (in the evening hours) would allow a reasonable time period for customers to collect cars after work. Officers concur generally with this approach, but (as set out below) are of the opinion that a tighter control would be appropriate in the interests of residential amenity. The applicant has also set out that there is no intension to work on vehicles within the car parking area itself; and, that the parking area would be used exclusively for the business of Frampton Garage.

5.11 Officers acknowledge that the proposed use will inevitably introduce vehicular movements within the area that will create a level of noise. Nonetheless, the hours of use proposed are within 'day-time' hours and as such would not necessarily create a level of noise that would become a 'noise nuisance' in Environmental Health Legislation terms.

5.12 It is appropriate to impose conditions that would specifically restrict the opening hours of the site, the uses allowed within it and tie the use closely with the business of Frampton Garage. Notwithstanding the applicant's submission, officers consider that opening hours should reflect the shorter opening times (08:00 to 16:00) affecting Frampton Garage on a Saturday and non-opening on

Sundays and bank holidays. On this basis, officers consider that 07:30 to 19:30 Monday to Friday, 08:00 to 16:30 on Saturday, and no opening on Sundays and bank holidays appropriate. Further conditions would also apply to ancillary nature of the car parking area. Officers are satisfied that the conditions would provide sufficient restriction to ensure that noise is limited to an acceptable level, and subject to those conditions the proposed development is acceptable in residential amenity terms.

5.13 Highway Safety

The proposed development would allow the use of the site for the parking of customer and staff vehicles associated with Frampton Garage. The development would be restricted to a maximum of 20 vehicles by way of planning condition in the event that this application is approved. The surrounding locality is residential in nature with relatively low levels of vehicular movements of which speeds are low due to the nature of the roads. The level of movements from the site would not be at a level where routes to schools would be materially affected. It is considered that the use of the land for parking 20 vehicles would not materially impact upon the capacity of the highway or the safety of its users. Essentially, the nature of the proposed use is such that movements would be very low (i.e. at the beginning of the day and the end of the day). The car park would not generate the same level of movements that would be associated with a small shoppers car park for instance. Restrictions on the scope of the use (tied to Frampton Garage) would ensure that this remains the case.

5.14 It is acknowledged that Frampton Garage currently utilises on street parking. This proposal would provide a short term solution to on street car parking in the area. However, given that the proposed use is temporary in nature it is not appropriate to rely upon this as a factor to approve the proposal. The assessment should only consider the physical impact of the development in highway terms relating to the movement of vehicles into and from the site.; and in this regard, officers find this acceptable.

5.15 Subject to conditions restricting the use of the site detailed above, it is considered that the proposed development is acceptable in highway safety terms.

5.16 Drainage Issues

The South Gloucestershire Drainage Engineer has no objection to the development in principle. However to ensure that adequate drainage is achieved on the site, it is necessary to agree drainage details. There are no drainage details submitted. However, it is noted that the site is laid to gravel surface which is generally regarded as a permeable surface. Nonetheless, and appropriately worded condition should be imposed to confirm the measures for draining the site should this application be approved.

5.17 Other Matters

Public comments has raised concern over the future use of the site. In respect of the use of this site as a vehicle repair space (as an extension to Frampton Garage) this would require separate planning consent in its own right. This matter can only be considered at such time that a proposal is submitted for

consideration by the LPA and is not a matter for consideration under this application. Further concern is raised regarding the continued use of the site as a car park on a permanent basis. Again, this is not proposed as part of this planning application. Specific conditions can ensure that the development (if approved) is temporary as submitted. Further consideration would need to be given to the impact of the development on a permanent basis should an application be made to alter that condition to allow a permanent use.

## **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 temporary 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 temporary Planning Consent is granted subject to the following conditions.

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

## **CONDITIONS**

1. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 1st December 2016; in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

### Reason

The consideration of this application has been made on the basis that the applicant wishes to have temporary consent for the use whilst alternative permanent development is secured. The applicant has stipulated that three years is adequate. The use of this site as a car park on a permanent basis would require further consideration by the Local Planning Authority in respect of the permanent visual impact and the permanent impact upon the residential amenity of the surrounding dwellings; and to accord with Policy D1 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006

2. The use of the site as a car park shall be used strictly ancillary to the use of the car repair workshop located at 76, Woodend Road, Frampton Cotterell (Frampton Garage) and for no other purpose. For the avoidance of doubt, there shall be no repairs of vehicles whatsoever carried out on the site and there shall be no idle

running of engines at any time; unless for the purpose of access and egress to the site.

Reason

To prevent unacceptable levels of noise and activity on the site; and in the interests of the residential amenity of the occupants of nearby residential dwellings and to accord with policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The car park hereby approved shall closed outside the hours of 07.30 and 19.30 Monday to Friday; 08:00 to 16:30 on Saturday and shall not be open on Sundays or Bank Holidays.

Reason

To prevent unacceptable levels of noise and activity on the site; and in the interests of the residential amenity of the occupants of nearby residential dwellings and to accord with policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No more than 20 vehicles shall be kept on the site at any time.

Reason

To prevent unacceptable levels of activity and noise on the site and protect the residential of the surrounding residential dwellings, and to protect the character and visual amenity of the site and surrounding locality; and to accord with Policy D1 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Other than the keeping of staff and customer vehicles, no outside storage of material/goods/waste or plant shall take place on the car park hereby approved.

Reason

In order to protect the character and visual amenity of the site and surrounding locality and to accord with policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006

6. Prior to the first use of the development hereby approved a full drainage strategy incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies (L17/L8/EP1) of the South Gloucestershire Local Plan (Adopted) January 2006.(Delete as appropriate)





## CIRCULATED SCHEDULE NO. 46/13 – 15 NOVEMBER 2013

<b>App No.:</b>	PT13/3178/CLE	<b>Applicant:</b>	Mr P Male
<b>Site:</b>	Over Farm Over Lane Almondsbury Bristol South Gloucestershire BS32 4DD	<b>Date Reg:</b>	7th October 2013
<b>Proposal:</b>	Application for Certificate of Lawfulness for installation of velux windows to existing storage building.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	358799 182588	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	27th November 2013



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 100023410, 2008. **N.T.S.** **PT13/3178/CLE**

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

This application is for a Certificate of Lawful Use and under the Council's current scheme of delegation must appear on the Circulated Schedule.

It should be noted that the test to be applied to this application for a Certificate of Lawful Use, is that the applicant has to prove on the balance of probability that the velux windows to the storage building have been in place for a period of 4 years consecutively, prior to the receipt of the application on the 23<sup>rd</sup> August 2013.

### **1. THE PROPOSAL**

- 1.1 This application seeks to prove that the velux windows in the storage barn at Over Farm, Almondsbury have been in place for a period exceeding the prescribed period of 4 years prior to the submission of this application. The application was received on 23<sup>rd</sup> August 2013 and the applicant states that the velux rooflights were installed 6 years ago.
- 1.2 The application building is an outbuilding associated with Over Farm. The building is a historic structure and as such it falls under the curtilage listing of the main house. The site is located within the Bristol/Bath Green Belt.
- 1.3 A site visit was carried out on 12<sup>th</sup> November 2013. This site visit confirmed that the velux windows are in place and appear to have been for some time.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (Development Management Procedure) Order 2010 Article 35.  
Circular 10/97 Enforcing Planning Control
- 2.2 Development Plans  
As the application is for a Certificate of Lawfulness the policy context is not directly relevant. The applicant need only prove that on the balance of probability the velux windows have been in place for an uninterrupted period of at least the last 4 years prior to the receipt of the application (August 2013).

### **3. PLANNING HISTORY**

- 3.1 Whilst there is a large amount of planning history for the site none of which is recent or relevant to the current application.

### **4. CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council  
No objections
- 4.2 Conservation Officer  
The building to which this application relates is an historic outbuilding erected prior to 1948. As such, it falls under the curtilage listing of the main listed building and listed building consent is required for any alteration that may affect

its character and the setting of the main farmhouse. The aerial photos demonstrate that the velux windows have been in-situ since at least 2008-9 which would mean the change is lawful in respect of planning permission, but as there is no timescale after which alterations to a listed building or curtilage listed building become lawful, an application for listed building consent is therefore required to regularise the works. The merits of the change will be assessed having regard to protecting the historic character and setting of the listed building once a listed building consent application has been submitted.

### **Other Representations**

- 4.3 Local Residents  
No response received

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

- 5.1 In support of the application, the applicant has stated in the application form that the velux windows have been in place for the last 6 years, in addition an undated photograph of the building has been submitted.

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

- 6.1 Following the consultation process, no contradictory evidence relating to the stated time of installation of the velux windows has been received.

## **7. EVALUATION**

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence.
- 7.2 In this instance it must be proven that the velux windows in question have been in place for a period in excess of 4 years prior to the date of this application.
- 7.3 The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is "on the balance of probabilities". Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. "beyond reasonable doubt." Furthermore, the applicant's own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous. The planning merits of the proposal are not relevant to the consideration of the purely legal issues which are involved in determining an application. Any contradictory evidence which makes the applicant's version of events less than probable should be taken into account.

The velux windows under consideration as part of this application are shown on the submitted plan, MAL 001 dated 23/9/2013.

The photograph submitted in support of the application is of a poor resolution and is not dated as such limited weight can be attached to this evidence. The image does however show the velux windows to be in place, furthermore, the aerial images held by the council dated 2008 clearly show the velux windows and the 2006 image also appears to show the velux windows in place, this earlier image is not however particularly clear and a such less weight can be attached to this.

The site visit carried out on 12<sup>th</sup> November 2013 confirmed that the velux windows are in place and appear to have been so for some time.

No counter evidence has been received to suggest that the velux windows were installed more recently than 6 years ago as stated by the applicants. Therefore it is considered that the evidence points to the fact that it is more probable than not that the velux windows have been in place for at least 4 years since the date that this application was submitted.

Whilst the evidence is somewhat lacking, your officer has no evidence to suggest the information submitted is not true and no evidence has been submitted by any third party to suggest that this evidence is less than probable.

## **8. CONCLUSION**

- 8.1 Officers conclude, objectively and on the balance of probability, that, according to the submitted evidence, the velux windows as shown on plan MAL 001 dated 23/9/2013 have been in place for a period exceeding four years. No counter evidence has been received, furthermore given the supporting evidence submitted in combination with the observations from the site visit and aerial images of the site, on the balance of probability it is accepted that the velux windows have been in place for a continuous period in excess of 4 years.

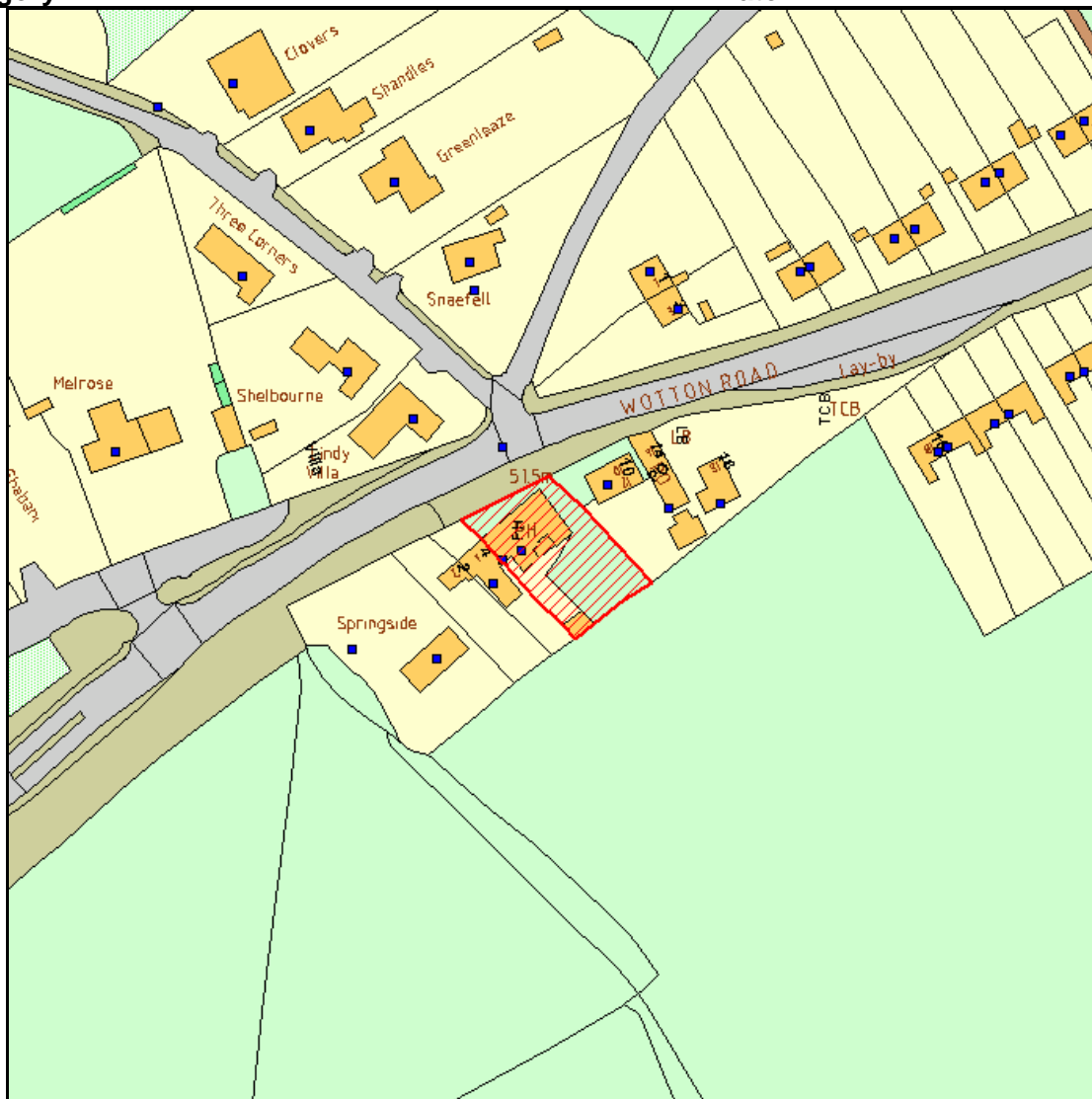
## **9. RECOMMENDATION**

- 9.1 That the certificate of lawfulness be granted

**Contact Officer: Kirstie Henshaw**  
**Tel. No. 01454 865428**

**CIRCULATED SCHEDULE NO. 46/13 – 15 NOVEMBER 2013**

<b>App No.:</b>	PT13/3218/F	<b>Applicant:</b>	Mr A Spratling
<b>Site:</b>	Pear Tree Inn 6 Wotton Road Charfield Wotton Under Edge South Gloucestershire GL12 8TP	<b>Date Reg:</b>	4th September 2013
<b>Proposal:</b>	Conversion of Public House (Class A4) to mixed use Public House with 1 no. self contained flat (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)	<b>Parish:</b>	Charfield Parish Council
<b>Map Ref:</b>	371781 192079	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th October 2013



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 100023410, 2008. **N.T.S.** **PT13/3218/F**

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

Comments are received which raise issues contrary to the officer recommendation to approve the development

### **1. THE PROPOSAL**

- 1.1 The site consists of the Pear Tree Public House which is located in the East of the village off Wotton Road.
- 1.2 The proposed development consists of the conversion of part (approximately half) of the ground floor of the existing public house to a single bedroom flat. The remainder of the building would continue to accommodate the public house function and the first floor of the building would remain to be the publican's accommodation.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving Good Quality Design in New Development
- RT11 Retention of Local Shops, Parades, Village Shops and Public Houses
- H5 Residential Conversions, Houses in Multiple Occupation and Re-Use of Buildings for Residential Purposes
- T12 Transportation Development Control Policy for New Development.

South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications

- CS1 High Quality Design
- CS5 Location of Development
- CS23 Community Infrastructure and Cultural Activity

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Statement

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

- 4.1 Charfield Parish/Town Council  
Do not wish to make comment
- 4.2 Highway Authority  
No Objection

4.3 Drainage Engineer  
No Objection

4.4 Environmental health Officer  
No Objection in principle

### **Other Representations**

4. Local Residents

Two sets of comments have been received. The issues raised are summarised as follows;

The site location plan shows the site including land in front of the neighbouring residential dwelling that could interfere with access to the neighbouring driveway.

Part of the proposed development (seating area) would take place on highway land

Concern is raised that the positioning of outside tables as proposed has the potential to interfere with vehicular access to the adjacent residential property.

Concern is raised that the Design and Access statement is misleading in that it states that there are 4 public houses within 0.5 miles of The Pear Tree. Comment is made that suggests that two of the alternative public houses referred to a 1.5 and 2 miles from The Pear Tree and would most likely necessitate the use of a car to go to them and as such only two pubs in Charfield are within walking distance.

## **5. ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of the partial change of use of the existing public house at The Pear Tree in Charfield.

5.2 Principle of Development

The site is located within the settlement boundary of Charfield. Policy H5 of the South Gloucestershire Plan allows for the conversion of non-residential properties for residential use; subject to further considerations set out below. In this instance, the Pear Tree is a typical public house which includes accommodation for the publican on the first floor. The nature of this application is such that part of the ground floor would be given over to private residential dwelling (Use Class C3) and as such part of the Public House (use Class A4) would be lost. For the purpose of this application (and Policy H5), it is considered that the proposed development would involve the conversion of non-residential use to residential. The site is located within the settlement of Charfield and is within easy reach of local services and facilities. This is consistent with the provisions of Policy H5 of the South Gloucestershire Local Plan and CS5 of the emerging South Gloucestershire Core Strategy. It is considered that this is acceptable in principle subject to the flowing considerations



### 5.3 Retention of Existing Public Houses

Policy RT11 of the South Gloucestershire is relevant to the planning application. Part of the purpose of the policy is to protect the provision of Public Houses for the benefit of local community use. Policy RT11 makes the presumption against the loss of Public Houses unless it can be demonstrated that there are satisfactory alternatives available in the locality; or, it can be demonstrated that the premises is incapable of supporting a public house use. Policy CS23 of the emerging South Gloucestershire Core Strategy provides similar criteria in respect of existing community infrastructure except it makes it necessary to meet both criteria before its loss becomes acceptable.

5.4 In this instance, there are two further public houses located in Charfield; these being The Railway Tavern and The Plough. Both of these Public Houses remain active. The applicant has also referred to a further two pubs located beyond the settlement of Charfield (The Royal Oak, Cromhall and The Dinneywicks Inn, Kingswood). Whilst these establishments are relatively local, it is considered that they are located too far to cover the general needs of the community of Charfield. On this basis, it is considered that only the establishments within Charfield itself should be considered as viable alternatives to The Pear Tree.

5.5 The effect of this proposal is such that The Pear Tree would not be entirely lost to the community. Indeed the establishment would remain open albeit in a reduced size. Whilst no detailed submission is made which would demonstrate that the reduced size of the public house would remain a viable proposition, it is not unusual for public houses to be small in terms of floor area and retain a viable community function. The applicant has provided anecdotal evidence to argue that the current trend for pub closures is (in some cases) being countered by the provision of pubs being reduced in size, to form a 'micro pub'. There is no evidence that would show otherwise. Having regards to the above, it is considered that whilst The Pear Tree would be reduced in size it will continue to serve the local community as intended; and together with the existence of two further active public houses it is considered that the proposed development would not undermine the purpose of Policy RT11 of the South Gloucestershire Local Plan, and Policy CS23 of the emerging South Gloucestershire Core Strategy.

### 5.6 Residential Amenity

The provision of the additional flat within the existing building is not considered to have any material impact in respect of the privacy and residential amenity of nearby dwellings; nor the existing amenity of the publican's accommodation. Nonetheless, the proposed flat will have a very close relationship with the use of the remaining ground floor of the building as a public house; and in this instance it is proposed to provide outdoor amenity space for the flat within the existing decked area to the front of the existing building. This has historically been used as an outdoor seating area for the existing public house.

5.7 The applicant submits that the flat will be provided using fire safe and sound proof dividing walls and will completely separate the public house from the proposed flat. The Environmental Health Officer has not raised any objection on noise related grounds. The provision of outdoor space at the front of the flat

is not ideal in terms of providing a private area. However, in this instance, the flat is a single bed unit and would not be accommodation likely to be utilised by a family with children. The outlook from the area is reasonable although it would have a close relationship with the remaining outside area of the pub; especially during the summer months. However, it is not unusual for public houses to exist in close relationship with dwellings and in this instance, it is considered that there would be a reasonable separation between the flat and the remaining public house. On balance it is considered the occupancy of the proposed flat is acceptable in residential amenity terms. A condition can be applied such that this area is retained for residential use associated with the flat only.

5.8 Highway Safety and Amenity

The proposed development includes the provision of 1 parking space for the proposed flat and for the retention of 2 spaces for existing the publicans flat. These spaces would be provided within the existing public house car park without compromise to the level of parking available for the public house use. A condition can be applied such that these parking spaces are retained in perpetuity.

5.9 Comments have been received which draw attention to the position of outside benches associated with the remaining public house, and the potential to interfere with access to the neighbouring dwellings. In this instance, the applicant has submitted revisions to overcome this concern and these are considered acceptable.

5.10 Other Matters

Concerns have been raised as to the extent of the application site and its impact upon the access from the adjacent dwelling. Again, a revised site plan has been submitted in order to address this issue, and officers consider these changes acceptable.

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 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 following conditions.

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

## **CONDITIONS**

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

### Reason

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

2. Prior to the first occupation of the development hereby approved, two parking spaces shall provided for the benefit of the occupier of The Pear Tree Public House (as marked Owner's Parking #1 and Owner's Parking #2 on drawing number JCD/7873/08 Revision 1 as received by the Council on 21st October 2013) ; and one parking space shall be provided for the benefit of the occupier of the residential flat hereby approved (as marked Flat Parking #1 on drawing number JCD/7873/08 Revision 1 as received by the Council on 21st October 2013). Thereafter the development shall be retained as such.

In order to ensure that there remains adequate parking on site for the dwellings and in the interests of highway safety and to accord with policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006

3. Prior to the first occupation of the development hereby approved, the amenity area (marked as Ground Floor Flat Amenity Area on drawing number JCD/7873/08 Revision 1 as received by the Council on 21st October 2013) shall be provided for the benefit of the occupier of the residential flat hereby approved. Thereafter the development shall be retained as such.

In order to provide adequate amenity for the occupier of the approved flat and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 46/13 – 15 NOVEMBER 2013**

<b>App No.:</b>	PT13/3547/CLE	<b>Applicant:</b>	Mr Roger Smith
<b>Site:</b>	Mistletoe Cottage Chapel Road Oldbury On Severn South Gloucestershire BS35 1PL	<b>Date Reg:</b>	30th September 2013
<b>Proposal:</b>	Certificate of Lawfulness for existing use of annexe as a self contained single dwellinghouse.	<b>Parish:</b>	Oldbury-on-Severn Parish Council
<b>Map Ref:</b>	361096 192451	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd November 2013



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 100023410, 2008. **N.T.S.** **PT13/3547/CLE**

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

This application is referred to the Circulated Schedule because it comprises a Certificate of Lawfulness.

### **1. THE PROPOSAL**

- 1.1 This application seeks a certificate of lawfulness for the existing use of an annexe as a self contained single dwellinghouse.
- 1.2 The application site comprises a 1.5 storey chalet style pitched roof property located on the northeastern side of Chapel Road, Oldbury on Severn. The property comprises a render finish and has dormer windows in the roofslope.
- 1.3 The application building is a former garage that was converted to an annexe under application PT06/3155/F. A condition was imposed to ensure that the annexe could only lawfully be occupied as ancillary to the main dwelling due to flood risk issues.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
The Town and Country Planning (Development Management Procedure) (England) Order 2010  
Circular 10/97: Enforcing Planning Control

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

- 3.1 P90/2264, erection of detached dwelling and garage, construction of new vehicular access, refusal, 03/10/90. Appeal dismissed.
- 3.2 PT07/1742/F, installation of 1no. side dormer window to facilitate loft conversion, refusal, 25/07/07.
- 3.3 P92/1331, erection of double detached garage with storage/work room above. Construction of new vehicular access. (In accordance with amended plans received by the Council on 22<sup>nd</sup> May 1992), approval, 14/06/92.
- 3.4 P93/2016, erection of first floor side extension over existing garage. (in accordance with additional details received by the Council on the 18<sup>th</sup> August 1993, approval, 15/09/93.
- 3.5 PT06/3155/F, conversion of existing detached garage to form residential annexe (resubmission of PT06/0222/F, approval, 02/02/07.
- 3.6 P89/2108, erection of detached dwelling and garage; construction of new vehicular and pedestrian access, withdrawn, 21/07/89.
- 3.7 P92/2481, erection of double detached garage with storage/workroom above and construction of new vehicular access without compliance with condition 4

attached to planning permission P92/1331 dated 15<sup>th</sup> June 1992, approval, 09/12/92.

- 3.8 P87/2597, erection of extension to roof space at first floor level to create additional bedroom accommodation, approval, 28/10/87.
- 3.9 PT07/2548/F, installation of 2no. dormer windows to detached annexe (resubmission PT07/1742/F), approval, 27/09/07.
- 3.10 PT06/0222/F, conversion of existing detached garage to form new dwelling, withdrawn, 09/03/06.

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

- 4.1 Oldbury on Severn Parish Council  
No comments received

##### **Other Representations**

- 4.3 Local Residents  
No comments received

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

- 5.1 The applicant has submitted the following evidence in support of the application:

Evidence	Date
Statement by Roger Smith that his son has occupied the property as a separate residential unit continuously and independently from the main house since 20 <sup>th</sup> December 2008.	
Signed covering letter from Roger Smith providing details of evidence assembled and statement witnessed by his son.	19/09/13
Invoice for central heating fuel oil 500 litres	07/04/08
Invoice for central heating fuel oil 1000 litres	25/03/09
Invoice for central heating fuel oil 500 litres	24/03/10
Electricity bill from npower	14/02/13
Ex gratia payment from E.ON	18/02/11
Electricity summary from npower	16/03/10
Letter re: connection of water supply	16/05/07
Water connection charges	23/05/07
Water bill	30/01/10

Water bill	16/02/08
Water bill	30/01/08
Water bill	29/01/08
Letter from Council Tax Valuation Officer stating that the effective date of alteration is 20/12/08	16/02/09
Letter from Revenues Officer stating that the first Council Tax payment for Mistletoe Cottage was made on 25/03/09	13/09/13
Council Tax bill	01/03/13
Council Tax bill	03/03/10
Letter from Electoral Registration and Returning Officer adding Samuel Smith of Mistletoe Cottage to the Electoral Register in June 2009	12/05/09
Letter and plan from South Gloucestershire Council Street Naming and Numbering department	14/04/09
Email from Royal Mail confirming postal address	14/04/09

## 6. **EVIDENCE OF CONFLICTING EVIDENCE SUBMITTED**

6.1 No conflicting evidence submitted.

## 7 **ANALYSIS OF PROPOSAL**

7.1 The application for a Certificate of Lawfulness is not a planning application where the relevant merits of the proposal are assessed against planning policy; it is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. The onus is on the applicant to provide precise and unambiguous information. In this instance, the main test of evidence is whether the property outlined in red has been occupied as a separate residential unit for more than 4 years.

7.2 Annex 8 of Circular10/97 "Enforcing Planning Control" states that *"if the LPA have no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate "on the balance of probability"*".

7.3 Council Tax Bills have been submitted as evidence. The first was issued on 3<sup>rd</sup> March 2010 and shows the charge due for the period between 1<sup>st</sup> April 2010 and 31<sup>st</sup> March 2011. The bill is addressed to Mr Samuel Smith and Mrs Smith and is addressed to Mistletoe Cottage. The second Council Tax Bill was issued on 1<sup>st</sup> March 2013 and shows the charge due for the period between 1<sup>st</sup> April 2013 and 31<sup>st</sup> March 2014. This bill is also addressed to Mr Samuel Smith and

is addressed to Mistletoe Cottage. The payment of separate council tax is a good indicator that, on the balance of probability, the application building was occupied as a separate dwelling through the year at that point in time. However, the bills alone do not cover a full 4-year period. Notwithstanding this, a letter from a South Gloucestershire Council Revenues Officer has been submitted as evidence, which clarifies that the first Council tax payment made for Mistletoe Cottage was on 25<sup>th</sup> March 2009. Accordingly, the Council Tax evidence submitted covers a continuous period of 4 years or more and therefore, holds material weight.

- 7.4 A letter has been submitted as evidence from a South Gloucestershire Council Electoral and Registration & Returning Officer, which is dated 12<sup>th</sup> May 2009 and is addressed to Mr Samuel L Smith at Mistletoe Cottage. The letter relates to an application for Mr Smith to be included on the Register of Electors at Mistletoe Cottage and to be removed from the Register of Electors at Greenwood Cottage. The letter clarifies that this change has been considered and is allowed by the Officer. In combination with the Council tax evidence, which demonstrates that the first payment was on 25<sup>th</sup> March 2009; it is considered that this is good evidence that around this time, on the balance of probability, the building was occupied as a separate dwellinghouse by Mr Samuel Smith. The evidence must therefore, be afforded significant weight.
- 7.5 Bills have been submitted as evidence relating to heating fuel; electricity; and water. It is considered that these bills hold less weight. This is because they do not necessarily indicate that the building was occupied as a separate dwelling. An annexe would be connected to services and occupiers would still use such services. The majority of the bills are addressed to Greenwood Cottage and refer to the application building as “annexe” or “garage”. However, an electricity bill dated 14<sup>th</sup> February 2013 is addressed to Mr S Smith at Mistletoe Cottage; a water bill covering a period of 24<sup>th</sup> July 2009 to 29<sup>th</sup> January 2010 is also addressed to Mr Samuel Smith or Mistletoe Cottage. Whilst this evidence alone is not sufficient to demonstrate on the balance of probability a continuous 4-year period, it does not conflict with the Council tax or Register of Electors information provided.
- 7.6 A signed statement has also been submitted by Roger Smith, which states that the property was occupied as a separate dwelling from 20<sup>th</sup> December 2008. This statement was witnessed and signed by his son. Whilst the statement conflicts somewhat with other evidence submitted which points to self contained occupation starting in early 2009, this is most likely because the building had not been registered as a separate dwelling with the relevant authorities and service providers. It is not therefore, considered that the statement introduces any significant ambiguity or uncertainty.
- 7.7 No conflicting evidence has been received through the consultation process. It is not considered that any of the Council's evidence such as overhead satellite records conflict with the evidence submitted.



## 8. **RECOMMENDATION**

- 8.1 A Certificate of Lawfulness of existing use is GRANTED for the following reason:

Sufficient information has been submitted to demonstrate that, on the balance of probability, the building and surrounding land hatched red on the attached plan has been occupied as a separate planning unit (Use Class C3) for a continuous period of 4 years or more immediately prior to the submission of the application.

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

**CIRCULATED SCHEDULE NO. 46/13 – 15 NOVEMBER 2013**

**App No.:** PT13/3626/F  
**Site:** Pegasus Park Gipsy Patch Lane Stoke  
 Gifford South Gloucestershire BS34 6QD

**Applicant:** Strenco Tools Ltd  
**Date Reg:** 7th October 2013

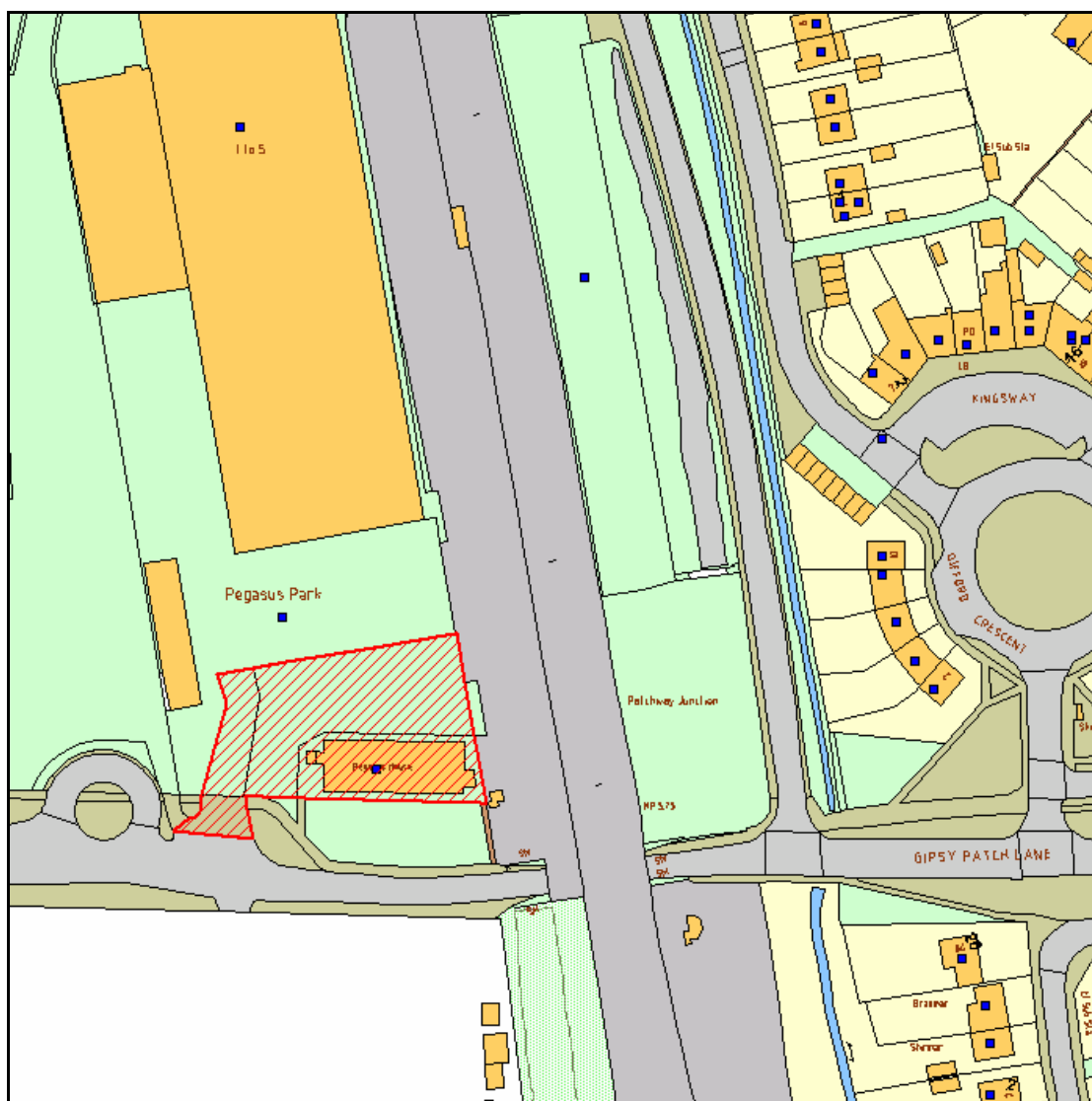
**Proposal:** Erection of two storey rear extension to existing building to provide workshop (B2 use). Alterations to car park, vehicular and pedestrian access

**Parish:** Stoke Gifford Parish Council

**Map Ref:** 361088 180766

**Ward:** Stoke Gifford  
**Target Date:** 26th November 2013

**Application Category:** Minor



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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for a two storey rear extension to the existing building to provide a workshop (B2 use) plus alterations to the car park, vehicular and pedestrian access. The proposal would provide an extension to the existing building over part of the car parking area to provide additional working space for the engineering company.
- 1.2 The site is located within an area allocated for employment uses in the Local Plan. The site itself consists of an existing building and associated yard area within the confines of the existing employment area and shared with other employment uses in the immediate vicinity, all sharing the same access. The application area borders the roadside to the front (south) elevation but is set back from the actual road by a verge and footpath. Railtrack runs along the east of the site.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

E3 Criteria for Assessing Proposals for Employment Development within the Urban Area

E4 Safeguarded Employment Areas

L15 Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of the Locality

T7 Cycle Parking

T8 Parking Standards

T12 Transportation Development Control Policy for New Development

South Gloucestershire Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2011

CS1 High Quality Design

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

- 3.1 There are various employment and industrial use consents that relate to the site as a whole.

### **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council

The Parish Council object to the application for the following reasons:

- Over development. Size of site not considered suitable for this application.

- Pillar box on site that should not be disturbed.
- Vehicle and Operation Service Agency VOSA should be consulted to seek advice on this application

#### 4.2 Coal Authority No objection

#### Environmental Protection No objections

#### Sustainable Transport

Although this proposal represents an increase in the size of the building and a reduction in the number of on-site car parking spaces consideration also has to be given to the use of the site which is also changing.

Currently the site operates with 354sq m of B1 and 130sq m of B8 usage. If this proposal were to be approved this would change to 100sq m of B1 and 686sq m of B8. In terms of traffic generation the existing use on the site could have generated in the region of 40 - 50 movements per day, whereas the proposed use of the site would generate in the 25 - 35 movements per day. Similarly the demand for parking with the existing use is higher than that used for a predominately B2 use, and as such the level indicated is considered appropriate for the proposed change of use.

Although an area for cycle parking has been indicated no details have been submitted for what is proposed, a condition is therefore recommended in the event of an approval requesting that cycle parking details are submitted for approval and installation prior to first use of the proposed extension. In conclusion therefore although this proposal represents an increase in floor space, the change of use classification to which the floor space is to be used would in effect mean an overall reduction in the need for parking and vehicle movements from the site. Subject to the above mentioned condition in relation to the cycle parking then there is no transportation objection to this proposal.

#### Highways Drainage No comments

#### Public Rights of Way

This development is unlikely to affect the nearest public footpath, ref. PSN28/20, which runs adjacent to the rear of the property and there are therefore no objections to the proposals.

#### Conservation

Adjacent to the application site, to the east, set in the side of the rail embankment exists a world war two pill box. Its specifications are square 2-iron gunloops in concrete surrounds an all sides, concrete with integral brick facings, entrance in an extra block on the south side projecting S and W to about half the width of the main block to the height of the base of the gun loop. Type 26 {1}{2}. It is considered to be in superb condition and well maintained, possibly under threat if adjacent building is redeveloped.

It should be noted however that it lies outside of the application site and to the front of the site away from the proposed extension area to the rear. Notwithstanding this a condition ensuring its protection could be added to any consent.

### Other Representations

- 4.3 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The principle of the employment use of the site is already established and allocated. The main issue for consideration therefore is the potential impact of an extension to an existing building. The site is located within a designated Safeguarded Employment Area. Policy E1 of the SGLP indicates that planning permission for employment generating uses will be permitted providing it meets the criteria set out in Policy 3. Policy 3 seeks to ensure that such development would be acceptable in environmental, transportation and access, residential amenity, local character and density terms. The NPPF indicates a presumption in favour of sustainable development in the interests of wider economic, environmental and social provisions, except where it may compromise key sustainable development principles set out in national planning policy or where any adverse impacts would significantly and demonstrably outweigh the benefits provided.

### 5.2 Local Amenity

The site is an existing employment area and is located within an existing employment estate. The proposed extension is located within the fenced area associated with the existing premises. The extension would essentially be a continuation in width and height of the existing premises to the rear, into the existing yard/car park area. It is not considered that the extension proposed to the existing building would pose any additional amenity impact upon neighbouring occupiers in its own right nor as an extension of the use of the premises for the purposes approved. With reference to the Parish comments regarding the pillar box, it is considered that this in fact relates to the adjacent pill box located to the east of the site. It is not considered that the proposed extension to the rear of the existing industrial building would effect the pill box and it is not located within the application boundary. Notwithstanding this a condition ensuring that it would not be affected during the construction phase could be added to any permission.

### 5.3 Design

The design and scale of the building would be acceptable to the existing site and the industrial location in general. Materials used would be profiled steel sheeting and the finish would be acceptable in context with the site and surroundings.

#### **5.4 Transportation**

It is not considered that the proposals would give rise to material increase in vehicle movements to or from the site. Parking provision remaining after the extension is constructed satisfies the Council's parking requirements given the proposed use of the site. As an existing industrial premises on an existing estate, and taking into account that no material increase in vehicle movements is anticipated it is considered that there would be no significant or material transportation impact and on this basis there are no objections from the Council's Transportation Officer.

### **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The application is considered to comply with the locational principles of Policy E4 of the South Gloucestershire Local Plan (adopted) January 2006, given the sites existing industrial/employment nature. The principle of the use of the site is established. The proposals is also considered to comply with Policies E3, T7, T8, T12, and L15 of the SGLP
- 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. Cycle parking details shall be submitted to the Local Planning Authority for written approval and shall thereafter be installed prior to first use of the proposed extension.

Reason:

In the interests of providing adequate cycle parking provision and in accordance with Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of the development hereby approved details of any necessary protective and precautionary measures necessary to secure the protection of the adjacent pill box during the constructions phases of the development shall be submitted to the Council for written approval and thereafter implemented as approved.

Reason:

In the interests of securing the protection of the pill box and in accordance with Policy L15 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 46/13 – 15 NOVEMBER 2013

<b>App No.:</b>	PT13/3643/F	<b>Applicant:</b>	Mr And Mrs S Harbord
<b>Site:</b>	Oakmead New Road Rangeworthy Bristol South Gloucestershire BS37 7QH	<b>Date Reg:</b>	8th October 2013
<b>Proposal:</b>	Erection of detached motor cycle garage/store.	<b>Parish:</b>	Rangeworthy Parish Council
<b>Map Ref:</b>	369271 185853	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Householder	<b>Target Date:</b>	27th November 2013



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

This application has been referred to the circulated schedule due to the receipt of an objection raised by Rangeworthy Parish Council.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a detached motorcycle garage/store to the front of Oakmead, Rangeworthy. The proposed garage would measure 3.2 metres in width by 6 metres in depth and would have a maximum height of 3.3 metres.
- 1.2 The property is a two storey detached dwelling and is located within a residential area of Rangeworthy.
- 1.3 This application is part retrospective as works to construct an outbuilding have already commenced.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T12 Transportation Development Control  
  
South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Residential Parking Standards (approved for development management purposes March 2013)

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

- 3.1 PT03/0935/F                      Erection of two storey side and single storey rear extension to form family room, garage utility and w.c with extended bedrooms above. erection of front porch.  
Approved May 2003
- 3.2 PT08/2455/F                      Erection of two storey side extension and single storey front extension to provide additional living accommodation  
Refused October 2008

- 3.3 PT09/0041/F                      Erection of two storey side extension and single storey front extension to provide additional living accommodation  
Approved February 2009

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

- 4.1 Rangeworthy Parish Council  
Believe the proposal would result in over-development of the site.

##### **Other Representations**

- 4.2 Local Residents  
No formal response received

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

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that extensions 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 Design / Visual Amenity  
The proposed garage/store would be located to the front of the dwelling within the existing front driveway area. The proposed garage would be single garage sized, however it would not be designed to accommodate a car. The proposal would have a rendered finish and a tiled pitched roof and would be accessed via the existing driveway entrance.

The garage is of a standard garage size and is not unusual in terms of its form and proportions, furthermore it should be noted that a garage of similar scale was recently approved at 1 Gifford Close, reference PT12/4246/F. The garage sits at the front of a dwelling and as such is a highly visible structure, there is no strong building line present along this particular section of New Road, furthermore the proposal would not project significantly forward of the neighbouring property to the west, Meadow Cottage. Overall it is considered that the proposal would not result in any demonstrable harm to the character and appearance of the principal dwelling and street scene.

- 5.3 Residential Amenity  
The proposed garage would be located to the front of the dwelling, adjacent to the boundary with the neighbouring property, Meadow Cottage. This neighbouring cottage is orientated so that the rear elevation would face the side elevation of the proposed garage. The garage would however be located over 6 metres away from the main rear elevation of this neighbouring property. Given the existing boundary treatments in place, combined with the depth and height of the proposal, it is not considered that the garage would have any overshadowing or overbearing effect on the neighbouring dwellings.

It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 Parking and Highway Safety

The proposed garage would be located within the front driveway area. Whilst the proposed garage/store can not accommodate a car, there would still be space within the curtilage for parking and turning. Therefore the parking provision would remain in compliance and within the Councils required parking standards. Further, with no objections from the Councils Transportation Officer the proposal is considered acceptable.

5.5 Other Issues

Concern has been raised that the proposal would result in overdevelopment of the site. The proposal building is modest in scale and subservient to the main dwelling. Apple driveway space would remain and the footprint of the proposal only covers a very small proportion of the properties curtilage, as such it is not considered that the proposal would amount to overdevelopment of the site.

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 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 following conditions

**Contact Officer: Kirstie Henshaw**  
**Tel. No. 01454 865428**

CONDITIONS

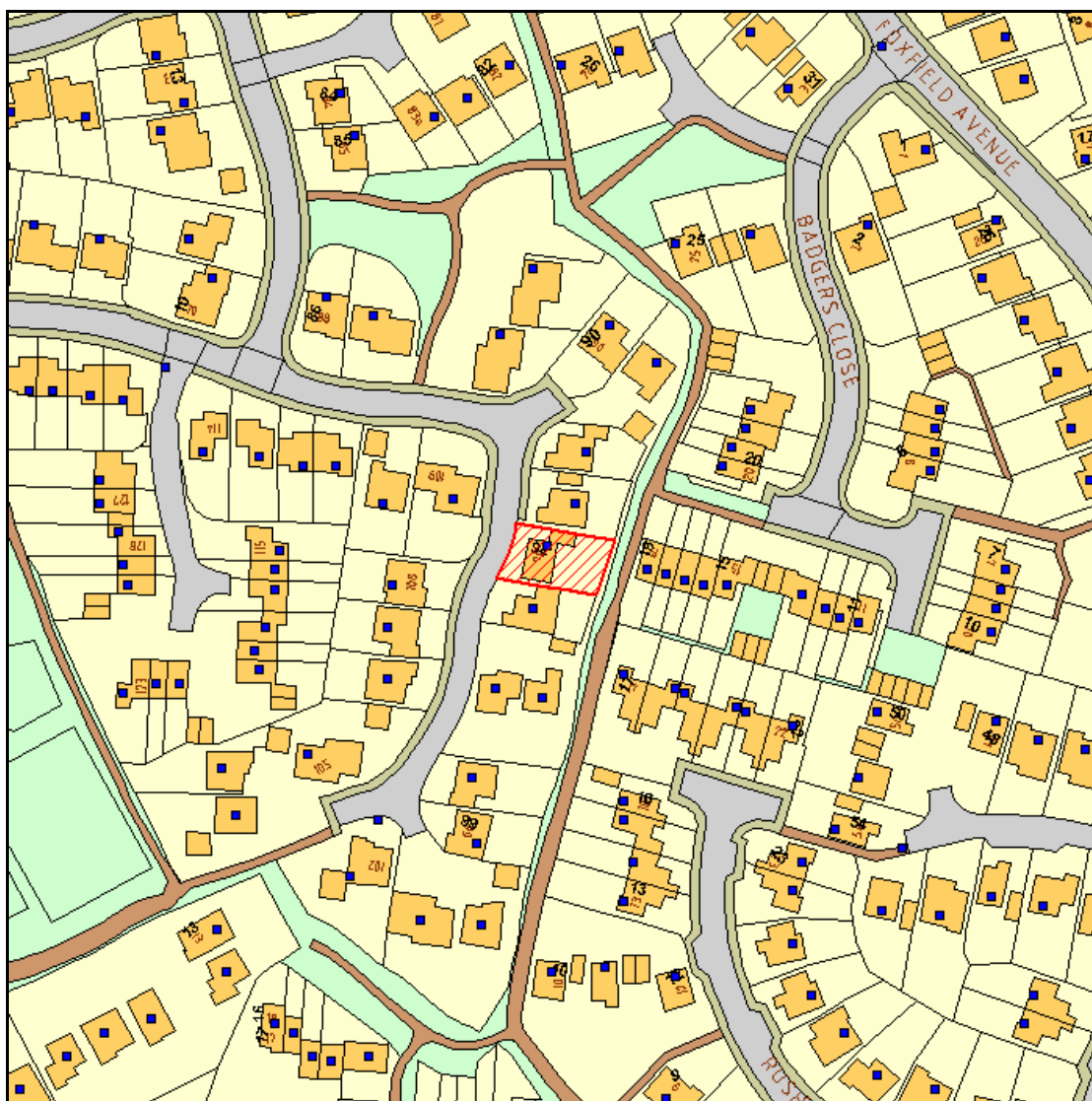
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 46/13 – 15 NOVEMBER 2013**

<b>App No.:</b>	PT13/3710/F	<b>Applicant:</b>	Mr A Watts
<b>Site:</b>	94 Cooks Close Bradley Stoke South Gloucestershire BS32 0BB	<b>Date Reg:</b>	11th October 2013
<b>Proposal:</b>	Erection of rear conservatory. Erection of two storey rear extension and single storey side extension to provide additional living accommodation.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	361631 182993	<b>Ward:</b>	Bradley Stoke North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	3rd December 2013



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 100023410, 2008. **N.T.S.** **PT13/3710/F**

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

An objection has been received, contrary to the officer recommendation.

### **1. THE PROPOSAL**

1.1 This application seeks planning permission for the erection of a two storey rear extension, a single storey side extension and a rear conservatory. The former would be centrally located on the rear elevation of the dwelling; the side extension would be located in front of the existing attached garage, which would bring it forward slightly to retain its current 5 metre external depth. The final element is the conservatory at the other end of the rear elevation, replacing that conservatory that would be lost to the two storey element.

1.2 The site contains a two storey detached house, of recon. stone at ground floor with render at first floor, under a brown double Roman tiled roof. The street has a stepped frontage, with No. 93 closer to the road than the house and site and No. 95 further away. The rear garden is enclosed by a 1.8 metre high close boarded fence, which is backed by a tree screen to the rear and a footpath up to the curtilage of a dwelling which is side-on to the site, with a landing window facing it. The dwellings on either side of the site have no side facing windows at first floor level.

### **2. POLICY CONTEXT**

2.1 National Guidance  
National Planning Policy Framework March 2012

2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 House extensions

South Gloucestershire Local Plan Core Strategy incorporating Inspector's draft (October 2012) and further (March 2013) Main Modifications  
CS1 High Quality Design

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

3.1 None

### **4. CONSULTATION RESPONSES**

4.1 Bradley Stoke Town Council  
No objection

4.2 Other Consultees  
Public Rights of Way  
No objection

### **Other Representations**

4.3 Local Residents

One letter of objection was received, citing the following concerns:

- The extension would block light from a landing window, leading to extra expense in lighting this area

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The three elements proposed stand to be assessed against the policies listed above, in the light of all material considerations. Two of them will be assessed together as these elements are linked to each other and their impact is limited to the enclosed rear garden. The garage extension is examined separately. Subject to the following analysis, the proposal is acceptable in principle.

### 5.2 Residential Amenity

As stated above, the proposal is effectively a single rear extension with three aligned elements. The maximum projection from the rear building line of the original dwelling would be 4 metres. This is proposed to be the two storey element that is located centrally on the rear elevation, to replace the existing conservatory. It is considered that the extensions would not have any overbearing impact on the adjoining properties on each side of the site. The closest elements are modest single storey, with the two storey element shown as set well away from the site's side boundaries. Existing levels of privacy are considered to remain the same as the overlooking would follow the same pattern as that on the dwelling at present, over the rear garden, with the tree screen to curtail further views from the site. The point raised through the consultation process that the extension would reduce light in the landing of the dwelling to the rear is not considered to result in any harm to residential amenity. Firstly, a landing is not taken to be a habitable room, secondly the distance between the two dwellings after the extension would be 12 metres, which is considered to be too far for any overbearing impact even if the affected room were habitable and thirdly for much of the year light is restricted from the nearer tree screen. It is therefore considered that the proposal would not have an adverse impact on existing levels of residential amenity and accords with policy H4 in this regard.

### 5.3 Design/ Visual Amenity – rear extensions

The materials proposed for the extensions would match the host dwelling, as specified on the application form. The two rear elements are of a subservient scale to the host dwelling, which is seen as appropriate. It is considered that the design of the proposal accords with policy D1 of the adopted Local Plan.

### 5.4 Attached side garage

Under this proposal, the existing attached garage would be brought forward in comparison with its current position, separating the house of site from its neighbour. This would allow the conversion of the rear existing portion to a utility room. This would result in one change to the street scene in that the roof slope would be extended and lowered to accommodate the extension. However, this would result in little visual impact, due to the reserved position of the garage. Matching materials are specified on the applications form, as mentioned above. With regard to parking provision, this proposal would not increase the number of bedrooms in the dwelling and therefore this is not considered to be an issue.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That planning permission is approved.

**Contact Officer: Chris Gosling**  
**Tel. No. 01454 863787**

## **CONDITIONS**

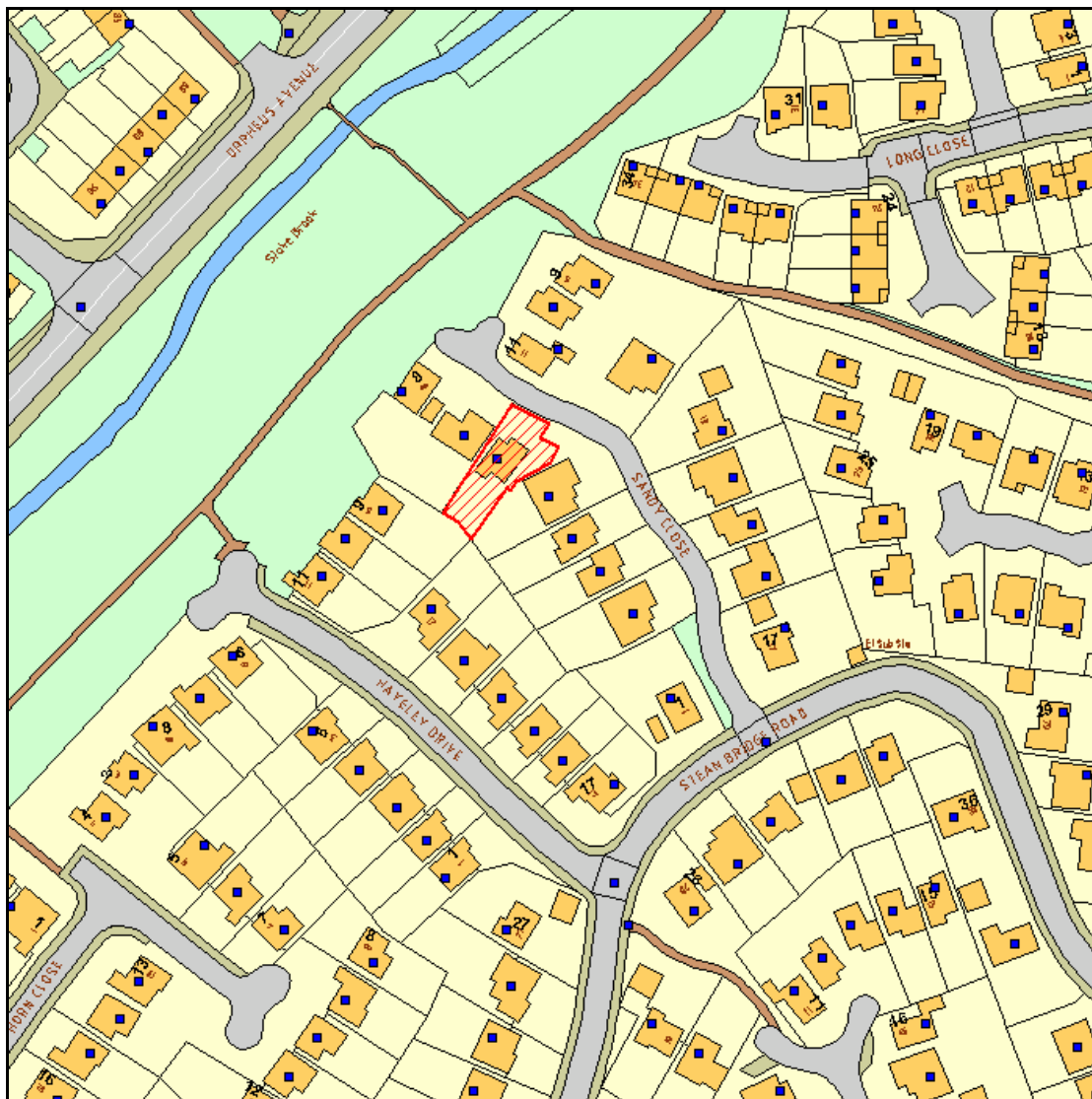
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 46/13 – 15 NOVEMBER 2013**

<b>App No.:</b>	PT13/3854/F	<b>Applicant:</b>	Mr D Webber
<b>Site:</b>	6 Sandy Close Bradley Stoke Bristol South Gloucestershire BS32 8AJ	<b>Date Reg:</b>	22nd October 2013
<b>Proposal:</b>	Raising of roof to facilitate loft conversion	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362082 180787	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Householder	<b>Target Date:</b>	12th December 2013



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

Objections have been received contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the increase in height of the roof of this two storey detached house by 1.2 metres, which would facilitate a loft conversion to provide a fourth bedroom for the property, along with a bathroom, within the loft space.
- 1.2 The loft conversion itself does not require planning permission, but the increase in ridge height of the roof does. The current eaves height would be maintained, but a steeper roof pitch achieved. The rooms in the roof would be lit, under this proposal, by two small rooflights in each roofslope, facing front and rear, along with a high level window to light the staircase leading into the roofspace.
- 1.3 The house stands in a residential cul-de-sac, where the other dwellings are of similar design, all detached, with varying external finishes. While the roof height of the close appears to be standard, the house on site is on slightly lower land than neighbouring No. 5, as the cul-de-sac heads downhill towards the stream at the end of it. As a result of this incline, No. 7's ridgeline is lower than of the site.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 House extensions  
  
South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
Design Checklist  
Residential Parking Standards

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

- 3.1 PT05/3311/F Single storey side and rear extensions, bay window at front and detached garage to front of dwelling Approved 2006

### **4. CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
Objection as the proposal is out of keeping with the area  
  
Stoke Gifford Parish Council  
No reply received
- 4.2 Other Consultees

## Technical Services

No comment

## **Other Representations**

### 4.3 Local Residents

Three letters were received, one stating no objection and the other two raising the following concerns:

- The proposal would set a precedent which could change the planned character of the area
- It would be out of character with the area
- Loss of light in Summer
- The garden is too small to accommodate this amount of construction
- Impact from dust in the construction phase
- Serious effect on adjoining house values

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The issues to be resolved are the impact of the proposal upon existing levels of residential amenity and its impact on the street scene. With regard to parking provision, the increase in bedrooms from three to four is catered for, in accordance with the Residential Parking Standards, by the two parking spaces available on hardstanding in front of the house, whether the detached garage is in use for garaging vehicles or not.

### 5.2 Residential Amenity

The dwellings on either side of that on site have no side-facing first floor windows that face the site. The proposed rooflights, facing forward and rear, follow the existing window pattern to be found at first floor level. Taking this into account, it is considered that there would be no greater degree of overlooking than at present and the increase in roof height would not lead to any overbearing impact on the dwelling on either side. In respect of the objection raised regarding loss of light to the rear of the site, the rear garden of the site is 11 metres long and the proposed increase in ridge height is 1.2 metres. The impact that this would have on light levels is considered to be negligible, but when it is also taken into account that the site lies to the northeast of the property to the rear, it is considered that it is unlikely that the proposal will impeded sunlight at all. It is therefore concluded that this proposal would have no adverse effect on existing standards of residential amenity.

### 5.3 Visual Amenity/ Street Scene

The height of the houses in the cul-de-sac is regular, while the ground level is generally flat, with a slight incline starting with the site and heading downhill to the West of the site. In terms of overall design, the existing eaves height would be unchanged, while the roofslope and ridge height would be increased. The following analysis will therefore be limited to these factors. The impact on the street scene would be that this dwelling would have a taller roof than the others. This is considered to be partly mitigated by the marginally lower ridge height of No. 5 which has a partial shielding effect in views from Stean Bridge Road. When viewed from ground level, the increase in ridge height is not

considered to be particularly noticeable in comparison with the existing situation. Although it would result in one higher dwelling, in the context of the cul-de-sac, this is not considered to be likely to be so marked as to warrant a refusal reason. The application form makes clear that concrete tiles will be used and a condition recommended below ensures that these will match those of the dwelling and by extension, the rest of the close. With regard to the increase in roof slope, it is considered that this would also have a marginal effect in terms of the overall street scene and an impact that is in direct proportion to the 1200mm increase in ridge height. Again, this is not considered to harm visual amenity and, subject to the condition below, it is considered that the proposal would accord with policy D1 in that it would not harm visual amenity.

#### 5.4 Other Issues

The consultation process has raised other points not covered above such as the issue of precedent. Each case is determined on its own merits and similar proposals should not be pre-judged. In this case the impact on the street scene is considered to be acceptable, as explained above, but in other locations, such a proposal may not be regarded in such a manner. The point about the garden being too small to accommodate this amount of construction is not considered to be relevant to this proposal, as it would leave the garden unaffected, with the proposal limited to an increase in the height and pitch of the roof of the dwelling. The impact from dust in the construction phase is not a matter to be controlled through the planning system and the developer would have to comply with Environmental Health legislation in this regard. The effect of the proposal on adjoining house values is not a matter that is relevant to the determination of this planning application.

## 6. CONCLUSION

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

6.2 The recommendation approve 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 approved subject to the conditions shown below.

**Contact Officer: Chris Gosling**  
**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 materials to be used in the construction of the external surfaces of the roof hereby permitted shall match those used in the existing building.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.