

List of planning applications and other proposals submitted under the planning acts to be determined by the director of environment and community services

CIRCULATED SCHEDULE NO. 13/19

Date to Members: 29/03/2019

Member's Deadline: 04/04/2019 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2018. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

Having considered the reports, those applications that Councillors feel should be referred to the relevant Planning Committee must be notified to the Strategic Planning section by email within five working days of the publication of the schedule (by 5pm) in line with the procedure set out below. If there has been no valid 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, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee.

PLEASE NOTE: The circulated schedule process is only open to elected Members of South Gloucestershire Council.

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate planning committee then a referral should:

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk identifying the application reference and site location
- b) 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 end of the following Thursday (see cover page for the date)
- c) The request in writing must be made in writing by at least two or more Members, not being Members of the same ward
- d) In addition, the request in writing must have the written support of at least one of the Development Management Committee Chair and Spokes Members
- e) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral
- f) Indicate whether you have discussed the application(s) with the Case Officer and/or Development Manager
- g) Indicate whether you have discussed the application(s) with ward Member(s) if the site is outside of your ward

The Circulated Schedule will always contain the following applications unless the application is required to be determined by Committee:

- 1) Any application submitted by, or jointly, or on behalf of the Council.
- 2) Any application submitted by or any matter directly affecting or involving any

Member of the Council and any application(s), submitted by an Officer of the Council working in the Strategic Planning area (specifically the Policy and Specialist Advice, Development Management, Strategic Major Sites and Planning Enforcement, Validation & Registration and Planning Technical Support teams) or any Member or Officer of the Council acting as a planning agent.

- 3) Any application requiring a new planning agreement.
- 4) Any applications requiring a modification of an existing planning agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.

5) Any application where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making.

6) Any applications, except those listed below a-f where three or more representations contrary to the Officers recommendation are received within the notification period other than from officers of the Council acting in their professional capacity.

7) Any applications, except those list below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

8) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officer's recommendation from any Member of South Gloucestershire Council.

Applications that will not appear of the Circulated Schedule procedure as a result of representations received:

a. All applications, where approval is deemed to be granted upon the expiry of a defined period

b. All applications to be determined the lawfulness of a proposed or existing use of a site

c. All applications for non-material amendments

d. All applications to discharge planning conditions

e. All applications solely required because of the removal of Permitted Development Rights or Article 4 direction

f. Any footpath stopping up or diversion required to implement an approved scheme

Additional guidance for Members

Always make your referral request by email to MemberReferral@southglos.gov.uk (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

When emailing your circulated referral request, please ensure you attach the written confirmation from the Supporting Member(s) and Supporting Chair or Spokes

Please note a copy of your referral e mail will appear on the website.

Before referring an application always contact the case officer or Development 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.

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:
2. Site Location:
3. Reasons for referral:

The referral should include the reasons for the referral indicating why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issues the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay of the referral

4. If the site is outside your ward have you contacted the ward Member(s) to inform them of the referral?

5. Have you discussed the referral with the case officer or Development Manager?

a) Referring Member:

b) Details of Supporting Member(s) (cannot be same ward as Referring Member)

c) Details of Supporting Chair or Spokes Member of the Development Management Committee

Do you consider this is an application of strategic importance such that you would request the Director to consider using his discretion to refer the matter to the Strategic Sites Delivery Committee? If so please set out your reasons:

Date:

To be emailed to MemberReferral@southglos.gov.uk

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
15/19	Tuesday 9 th April	9am Thursday 11 April	5pm Wednesday 17 April	Thursday 18 April
16/19	12pm Tuesday 16 April	9am Wednesday 17 April	5pm Thursday 25 April	Friday 26 April

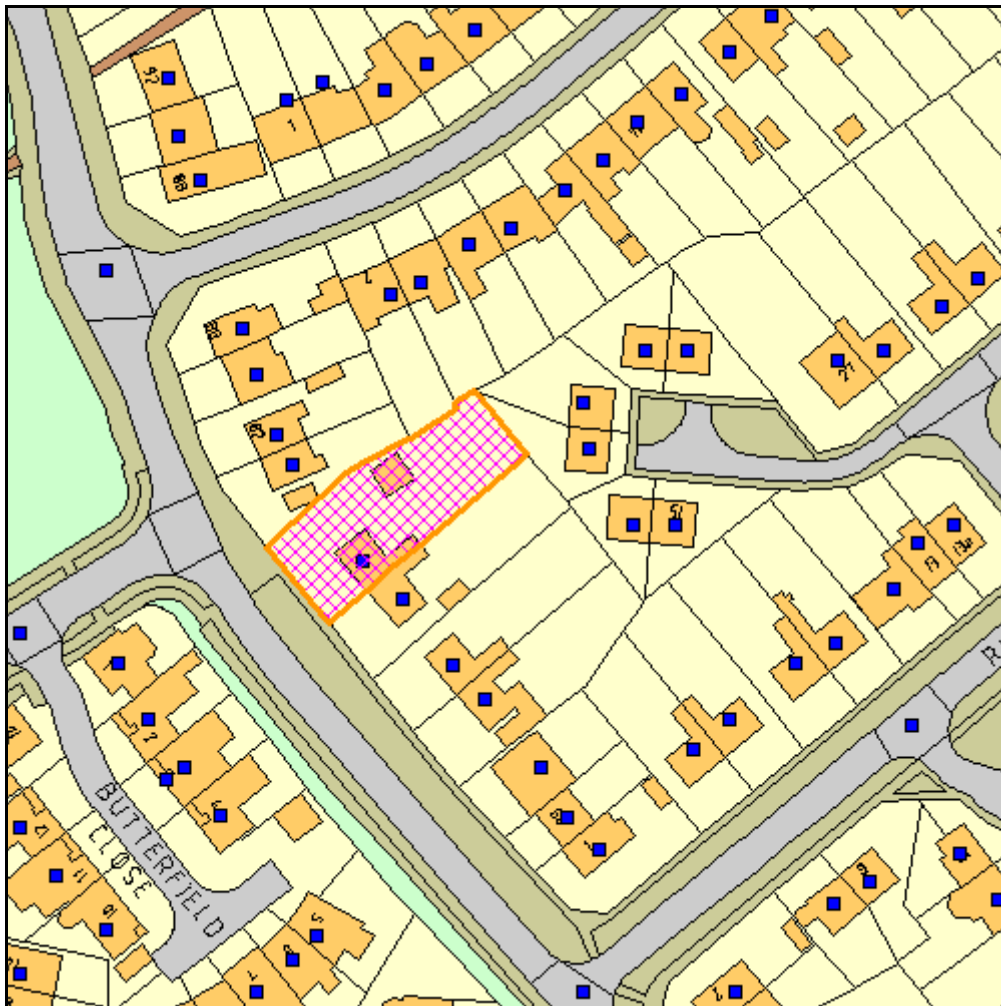
Dates and officer deadlines for Circulated Schedule Easter Bank Holidays 2019

CIRCULATED SCHEDULE - 29 March 2019

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/0360/O	Approve with Conditions	78 Beesmoor Road Frampton Cotterell South Gloucestershire BS36 2RW	Frampton Cotterell	Frampton Cotterell Parish Council
2	P19/0756/RVC	Approve with Conditions	2 Cleeves Court Court Farm Road Longwell Green South Gloucestershire BS30 9AW	Longwell Green	Hanham Abbots Parish Council

CIRCULATED SCHEDULE NO. 13/19 – 29 MARCH 2019

App No.:	P19/0360/O	Applicant:	Mr Terry Bisp
Site:	78 Beesmoor Road Frampton Cotterell Bristol South Gloucestershire BS36 2RW	Date Reg:	18th January 2019
Proposal:	Demolition of existing garage and erection of 1no. dwelling and 1no. garage (Outline) with all matters reserved.	Parish:	Frampton Cotterell Parish Council
Map Ref:	367023 180886	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	15th March 2019



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **P19/0360/O**

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

A representation has been made by the parish council, which is contrary to the findings of this report. Under the current scheme of delegation it is therefore required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 Outline planning permission is sought for the demolition of an existing garage and the erection of 1no. dwelling and 1no. garage with all matters reserved. The application relates to no. 78 Beesmoor Road, Frampton Cotterell.
- 1.2 The application site consists of a semi-detached property set within a relatively large plot. The site extends to 0.07 hectares, and is located within the defined settlement boundary of Frampton Cotterell.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework Feb 2019
National Planning Policy Guidance (2014)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP43	Private Amenity Space Standards

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

3. **RELEVANT PLANNING HISTORY**

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

4. **CONSULTATION RESPONSES**

4.1 Frampton Cotterell Parish Council

Objection: There is no direct access from the road to the house. No off street parking. There is insufficient detail to show the residual space for the existing house. This is over development.

4.2 Other Consultees

Sustainable Transport

No objection subject to applicant showing at reserved matters stage that the new dwelling and host dwelling comply with the Councils standards in relation to car parking, cycle storage and waste/refuse facilities.

Archaeology Officer

No comment

Lead Local Flood Authority

No objection

Other Representations

4.3 Local Residents

One letter of objection was received during the statutory consultation period. The main concerns raised are summarised below:

- Hard to tell from plan the exact size and location of proposed dwelling.
- Concerned that this will overlook neighbouring garden and house, and block out light.
- Property may be close to boundary which will affect privacy.
- Concerns regarding noise and disturbance during associated building work.
- Not in keeping with surrounding area and will result in significant loss of garden space for existing property.
- This will be over development of the existing site.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Outline planning permission is sought for the erection of a new dwelling. Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South

Gloucestershire will take place within the communities of the north and east fringes of the Bristol urban area, and within defined settlement boundaries. The application site is situated within the defined settlement boundary of Frampton Cotterell. As such, based solely on the location of the site, the principle of the development is acceptable.

- 5.2 The development is acceptable in principle under the provisions of policy CS5, and it is acknowledged that the provision of a new dwelling towards housing supply would have a modest socio-economic benefit. However the impacts of the development proposal must be further assessed against relevant policy in order to identify any potential harm. For this type of development at this location, the further areas of assessment are; impacts on visual amenity, impacts on residential amenity, and impacts on the surrounding transport network.
- 5.3 Design and Visual Amenity
Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS1 is fully compliant with design guidance in the NPPF.
- 5.4 It is noted that the application seeks outline planning permission with all matters reserved. As such, the main design consideration relates to the potential layout of development, and whether the site is capable of successfully accommodating a new residential unit.
- 5.5 An indicative block plan has been submitted which shows the proposed dwelling set back within the plot; behind the building line along Beesmoor Road. Whilst this plan is only indicative and not binding, it does give an idea of the applicant's intentions for reserved matters stage. In this instance, setting the proposed dwelling back from the existing building line is not considered to sufficiently respect the pattern of development in the area. The building line along Beesmoor Road is defined, and a single dwellinghouse pushed back in to the site would appear as an out of character and incongruous feature within the streetscene.
- 5.6 A more appropriate approach would be locating any new dwelling immediately to the side of the existing dwelling, so that the existing building line is followed. The space to the side of the existing dwelling is considered to be of sufficient width as to accommodate a new dwellinghouse, without any such dwellinghouse appearing unduly cramped. However it is acknowledged that in order to respect the width of the existing dwelling at the site and not appear awkwardly narrow, any new dwelling would likely need to span almost the entire width of the site.
- 5.7 Having reviewed the immediate streetscene, which is predominantly made up of semi-detached pairs and terrace rows, it is considered that an attached dwellinghouse would be more likely to integrate effectively in to the site than a

- detached dwelling. However it is not possible to make a full assessment in the absence of proposed elevational plans.
- 5.8 On the basis of the assessment set out above, and given that all matters are reserved at this stage, there are no in-principle objections to the proposal in terms of design and site planning. However it is considered that in order to ensure that any new dwelling does not appear as an overly prominent or incongruous addition to the streetscene, the maximum height of the dwelling should be restricted at outline stage. The applicant has outlined that the existing dwelling, from ground to eaves, measures 9.1 metres in height. As such, a condition will be attached to any decision, outlining that the height of any new dwelling at the site shall not exceed the height of the existing dwelling.
- 5.9 Subject to this height restriction, the outline proposal is considered to comply with policy CS1 of the Core Strategy. Further details relating to the layout, scale, design and finish of the proposed dwelling and any proposed garage will need to be submitted at reserved matters stage for further consideration. The overall scale, form and detailed design of any new dwellinghouse should be sufficiently informed by surrounding built form.
- 5.10 Residential Amenity
Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.11 It is acknowledged that all matters are reserved at this stage. As such, it is not possible to make a full assessment of the potential impact of the development on the residential amenity of neighbours. However the siting of the dwelling as shown on the indicative block plan is not considered to be the optimal approach in this case.
- 5.12 Setting the proposed dwelling back within the plot would result in the structure bordering neighbouring garden areas. It is considered that this could result in overbearing, overshadowing and overlooking issues. A more appropriate approach in this instance would be following the existing building line. Avoiding any significant projection to the front or rear of neighbouring properties would eliminate any potential overbearing or overshadowing effects. It is also likely that openings could be arranged as to avoid any overlooking issues.
- 5.13 In terms of amenity space, the site is considered to be of a sufficient size as to be sub-divided in to two, whilst providing sufficient amenity space for the proposed dwelling and retaining sufficient space for the existing dwelling. Whilst the subsequent rear garden areas would be narrower than the existing rear garden, it is considered that a sufficiently large, private, usable area of amenity space could be provided for each dwellinghouse. As such, there are no fundamental concerns in this respect, however the proposed garden arrangements should be specified at reserved matters stage.

- 5.14 The concerns raised regarding disturbance to neighbours during the construction period have been taken in to account. Whilst it is acknowledged that there would be a degree of disruption and disturbance, this is to be expected as part of any development proposal. As such, the impact of development in this respect is not considered to substantiate a reason for refusing the application. However in the interests of protecting residential amenity, a condition restricting permitted hours of operation during the construction period will be attached to any consent.
- 5.15 On the basis of the assessment set out above, it is considered that a new residential unit could be provided at the site without having any unacceptable impacts on residential amenity. The outline proposal is therefore broadly consistent with policy PSP8 of the Policies, Sites and Places Plan.
- 5.16 Transport
In terms of access, whilst only limited details have been provided, it appears that access would be gained directly off Beesmoor Road. There are no fundamental concerns with this arrangement.
- 5.17 In terms of parking, it has been outlined that the existing dwelling contains 3 bedrooms, and that the proposed dwelling would contain a total of 4. Under policy PSP16 of the Policies, Sites and Places Plan, a minimum of two parking spaces should be provided for both 3 and 4-bed properties. As such, a minimum of two parking spaces should be afforded to each dwelling. Whilst parking arrangements have not been indicated, there is considered to be sufficient space on-site to provide two parking spaces for each dwelling.
- 5.18 On the basis of the assessment set out above, there are no fundamental concerns regarding the impact of the development on the surrounding transportation network. However further details regarding access and parking should be provided at reserved matters stage for review.
- 5.19 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.20 With regards to the above this planning application is considered to have a neutral impact on equality.

5.21 Planning Balance

No significant harm has been identified at this stage, which would outweigh the benefit of providing an additional dwellinghouse within an established settlement. The application therefore succeeds, and it follows that outline planning permission should be granted.

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: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

1. Approval of the details of the site access, the layout, scale and appearance of the building(s), 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 site access, the layout, 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 & 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. As part of the reserved matters required by condition 2 in relation to access and layout, details of the proposed parking arrangements for both the new dwelling and existing dwelling at 78 Beesmoor Road shall be submitted.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

6. The maximum height of any new dwelling constructed at the site shall not exceed the maximum height of the existing dwelling known as 78 Beesmoor Road.

Reason

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

7. The hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

CIRCULATED SCHEDULE NO. 13/19 – 29 MARCH 2019

App No.:	P19/0756/RVC	Applicant:	Mr Aaron Fry
Site:	2 Cleves Court Court Farm Road Longwell Green Bristol South Gloucestershire BS30 9AW	Date Reg:	24th January 2019
Proposal:	Variation of condition 2 attached to planning permission PK18/4325/RVC to substitute plan numbers 18.016-003 with 18.016 - 101A and 8.016-002 with 18.016-002B	Parish:	Hanham Abbots Parish Council
Map Ref:	365628 170516	Ward:	Longwell Green
Application Category:	Minor	Target Date:	20th March 2019



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. P19/0756/RVC

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following objections which are contrary to the officer recommendation within this report.

1. THE PROPOSAL

- 1.1 The application site relates to land to the north of 1 and 2 Cleeves Court, Court Farm Road, Longwell Green. The site benefits from planning permission for the erection of 1 no. dwelling and alterations to the access track, the former granted at appeal under PK15/2297/F on 15th August 2016 and the latter granted permission under PK17/0829/F.
- 1.2 A previous variation of condition application was granted in November 2018 (PK18/4325/RVC) to amend condition 2 to replace the plans to show a number of changes, including a reduction in floor space of the dwelling and its repositioning slightly to the south, repositioning the porch to the southern end of the eastern elevation, an increase in the height of the house and smaller windows.
- 1.3 This application seeks to further vary this condition to change the design of the house including replacing the forward facing gable roofline with a gable running east to west as well as a rear projecting gable. The changes proposed facilitate a bedroom within the roof space, increasing the height of the property.
- 1.4 During the course of this application, amendments were submitted by the applicant reducing the height of the property, so that only a minimal increase in height is now proposed. A period of re-consultation was not deemed necessary.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework February 2019
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017

PSP1 Local Distinctiveness

PSP3 Trees

PSP7 Residential Amenity

PSP11 Transport

PSP16 Parking Standards

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Fringe of Bristol Urban Area

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK18/4325/RVC Approve with conditions 20/11/2018
Variation of condition 2 attached to planning permission PK15/2297/F allowed at appeal (APP/P0119/W/16/3147526) to substitute plans with drawings 18.016-003 and 18.016-002.
- 3.2 DOC17/0173 Conditions Discharged 18/07/2017
Discharge of conditions 4 (Landscaping) and 5 (Replacement Tree) attached to planning permission PK14/0427/F (Alterations to access road)
- 3.3 PK17/0829/F Approve with conditions 02/05/2017
Resurfacing of driveway
- 3.4 *Relating to adjacent site at no. 51*
PK16/0632/F Refused 04/04/2016
Appeal Allowed 31/03/2017
Erection of 1no. detached dwelling and detached garage with associated works.
- 3.5 PK15/2297/F Refusal 09/10/2015
Appeal Allowed 15/08/2016
Erection of 1 no detached dwelling and associated works
- 3.6 PK14/0427/F Approve with conditions 07/05/2014
Alterations to access road
- 3.7 PK08/2155/RVC Approve with conditions 12/09/2008
Variation of Condition 14 attached to planning permission PK05/0010/F to allow the temporary surfacing of the southern 40 metres of the access drive in loose material rather than tarmac.
- 3.8 PK06/2838/F Refusal 22/01/2007
Appeal Dismissed 03/07/2007
Erection of detached bungalow. (Resubmission of PK06/0575/F).

4. CONSULTATION RESPONSES

4.1 Hanham Abbotts Parish Council

No objections, but would comment that occupants of 2 Cleeves Court have received no notification of this variation and are noted as the applicant when the actual dwelling in question has not yet been given a house number.

4.2 Other Consultees

Lead Local Flood Authority

No objection.

Highway Structures

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

If the application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner.

Sustainable Transport

No objection.

Other Representations

4.3 Local Residents

Three letters of objection have been received, making the following points:

- Plot has become smaller since original approval due to changes in access, yet applicant wants to increase bedrooms again
- Already had amendments to increase height, to raise further would create a top heavy dwelling
- Bungalow to rear of no. 51 has not been shown accurately on plans
- Will be like having a town house next to a bungalow
- Not enough amenity space or parking for larger dwelling
- Additional height is out of keeping with Cleeves Court and Court Farm Road properties
- Velux window would overlook no. 47 Court Farm Road
- Boundary to 2 Cleeves Court is not shown correctly
- Concerns about existing sewage system and rain water flooding issues.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The scope of a variation of condition application (section 73 application) is more limited than a full planning application. The Local Planning Authority may only consider the question of the conditions, and cannot revisit or fundamentally

change the original permission. It may be decided that the permission should be subject to the same conditions as were on the original permission; or that it should be subject to different conditions; or that permission may be granted unconditionally. There is a right of appeal in the usual way against any conditions imposed.

5.2 In assessing this application it is necessary to assess whether the relevant condition, or any variations satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests – that conditions should be:

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

5.3 Despite a change in the Development Plan following the adoption of the Policies Sites and Places Plan in November 2017, the planning permission granted in 2016 is still extant and therefore the development of the site for 1 no. dwelling is established in principle. The matter for consideration under this application relates solely to the scope of condition 2 of planning permission PK15/2297/F and previous variation of condition application (PK18/4325/RVC) and the changes proposed in the substituted plans.

5.4 Design

The main change proposed is the orientation of the main gable, which will now run east to west, increasing the bulk of the dwelling especially when viewed from Court Farm Road. Three large velux windows are proposed on the front roof slope. A projecting rear gable to the south is also proposed, however the footprint of the dwelling will remain the same. The application as submitted showed an increase in height, however this combined with the increase in the bulk of the dwelling was a cause for concern, and officers considered it would be out of keeping with the surrounding properties. The applicant submitted amendments to reduce the height of the property so that is only slightly taller than the previously approved dwelling, and this revision was considered to be acceptable.

5.5 A number of objections have been received stating that the dwelling is out of keeping with the surrounding properties including those on Cleeves Court, and the bungalow to the rear of no. 51 due to its height and bulk. These comments are noted, however the property would be visible in tandem views with the properties along Court Farm Road to the east of the site, two of which also benefit from living accommodation within the roof space. Furthermore, Court Farm Road and its associated backland developments show a variety of house types, forms and designs. Officers therefore conclude that the proposal is in keeping with surrounding area. The only other change proposed is the use of grey UPVC instead of white, which is considered acceptable. Overall, the revised design and layout is considered acceptable and, as with the original permission, a condition on the decision notice will ensure that samples of high quality materials are submitted for approval prior to commencement of development.

5.6 Residential Amenity

It should be noted that since the original application, planning application PK16/0632/F was approved in March 2017 to allow a new bungalow immediately to the west of the site, to the rear of no. 51. The proposed garden will remain as approved under the previous variation of condition application, and the property will still have a capacity of four bedrooms. The new bungalow approved within the rear garden of no. 51 may experience an increase in overshadowing in some areas due to the additional built form adjacent to the boundary, however this would be counteracted by an increase in light in other areas due to the new orientation of the roof slope. Three new openings in the form of roof lights are proposed to serve the new bedroom, and whilst objections have been received raising concerns they will overlook the rear elevations of properties on Court Farm Road, the view would be indirect and therefore not harmful to their amenities. As with the previous approval, it is considered necessary to remove permitted development rights from the property relating to the installation of windows to preserve the amenities of neighbouring occupiers.

5.7 Highway Safety

The proposed application shows the layout to remain in accordance with the realigned driveway approved under PK17/0829/F. As with the previous permission, a condition on the decision notice requiring all parking and turning facilities to be implemented prior to first occupation is considered appropriate. Subject to this, the Transport Officer has no objection.

5.8 Other Conditions

The plans proposed to be substituted do not affect the need for the other conditions previously attached to PK16/2297/F, which included the submission of a Sustainable Urban Drainage System, proposed works to the Sycamore Tree, obscure glazed first floor windows on the east and west elevation, a restriction on working hours and a scheme of landscaping.

5.9 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities. Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers. The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

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: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended that the application be **APPROVED** subject to the conditions written on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 864735

CONDITIONS

1. The development hereby permitted shall be begun before 15th August 2019.

Reason

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
18.016-101A (Proposed Site Plan) received on 21st January 2019
18.016-002B (Proposed Plans and Elevations) received on 20th March 2019

Reason:

In the interests of clarity and proper planning.

3. The hours of working on site during the period of construction shall be restricted to 07.30am to 18.00pm Monday to Friday; 08.00am to 13.00pm 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 the site.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP7 of the Policies Sites and Places Plan (Adopted) December 2013 and the National Planning Policy Framework.

4. No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted (including the roof) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework. This information is required prior to commencement as it relates to the materials to be used in the construction period.

5. No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. Development shall be carried out in accordance with the agreed details.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework. This information is required prior to commencement as the construction period may affect existing vegetation on site.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason

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

7. Prior to the first occupation of the dwelling hereby approved, two off street parking spaces and one visitors space for the new dwelling must be implemented in accordance with the approved plan (18.016-002) and subsequently maintained for this purpose thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy PSP16 of the Policies Sites and Places Plan (Adopted) Nov 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

8. Prior to the first occupation of the dwelling hereby approved, the facilities for turning and manoeuvring must be implemented in accordance with the approved plan (18.016-002). Thereafter, this area shall be kept free of any obstruction and available for these uses.

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of the Policies Sites and Places Plan (Adopted) Nov 2017; and policy CS8 of the Core Strategy (Adopted) December 2013.

9. Prior to the commencement of development, drainage proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions e.g. percolation test results within the development site 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 CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to commencement due to the physical nature of flood water.

10. Notwithstanding the submitted Proposed Site Plan and prior to the commencement of development, proposed works to reduce the western laterals of the Sycamore tree to the east of the proposed dwelling by approximately 2-3 metres shall be agreed with the Council's Tree Officer. The works shall then be carried out in accordance with the agreed details.

Reason

In order to protect the health of the protected tree, in accordance with policy PSP3 of the Policies Sites and Places Plan (Adopted) November 2017. This information is required prior to commencement to prevent harm to the protected tree during construction.

11. Prior to the use or occupation of the dwelling hereby permitted, and at all times thereafter, the proposed first floor windows on the west and east elevations shall be glazed with obscure glass to level 3 standard or above with any opening part of the windows being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with policy PSP7 of the Policies Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on the east or west elevation.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with policy PSP7 of the Policies Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.