



**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. 14/15

Date to Members: 02/04/15

Member's Deadline: 10/04/15 (04:30pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

No Publication of Circulated Schedule Friday 20 March

Please be advised that due to a major planned upgrade our database will be unavailable from 17 – 20 March therefore there will be no Circulated Schedule No:12/15 published on Friday 20 March.

Dates and Deadlines for Circulated Schedule During Easter Bank Holiday 2015

Schedule Number	Date to Members 9am on	Members Deadline
13/15	Friday 27 March 2015	Thursday 02 April 2015 5pm
14/15	Thursday 02 April 2015	Friday 10 April 2015 4.30pm
15/15	Friday 10 April 2015	Thursday 16 April 2015 5pm

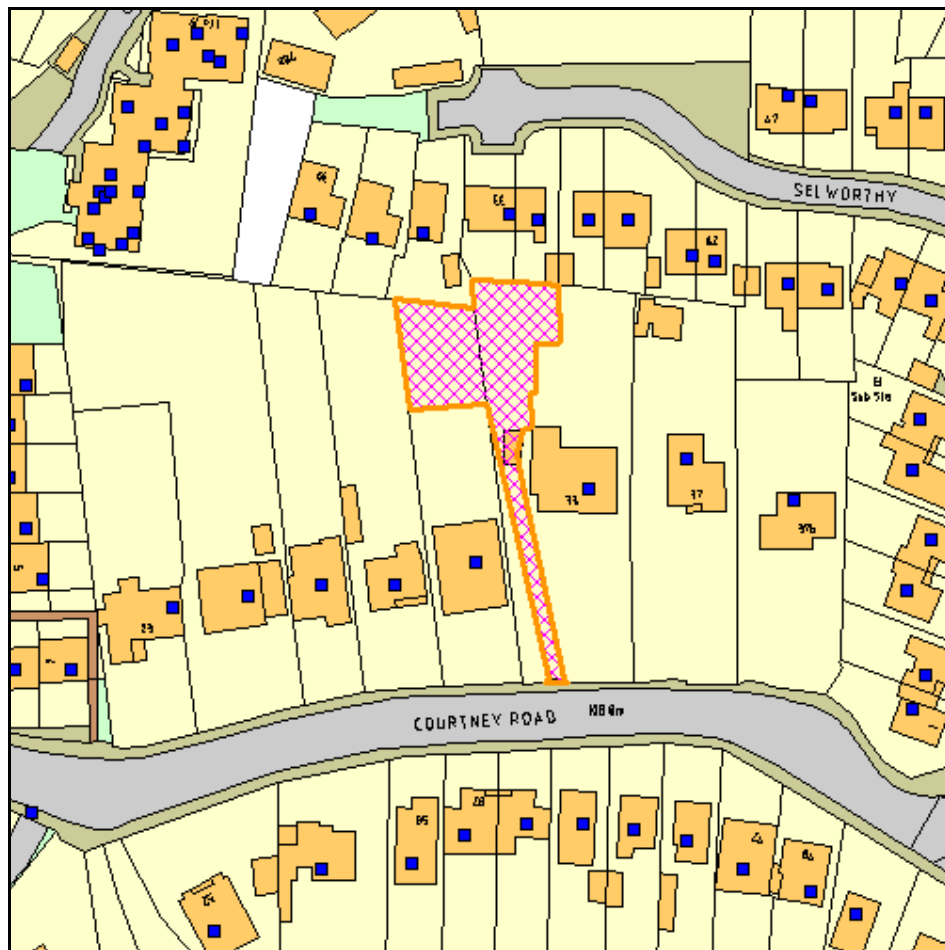
For clarity I have highlighted changed deadlines in **RED**.
All other dates remain as usual.

CIRCULATED SCHEDULE - 02 APRIL 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK14/4557/F	Approve without conditions	33 Courtney Road Kingswood South Gloucestershire BS15 9RQ	Woodstock	None
2	PK14/4848/F	Approve with Conditions	152 Forest Road Kingswood South Gloucestershire	Woodstock	Hanham Parish Council
3	PK15/0242/F	Approve with Conditions	12 Woodside Road Kingswood South Gloucestershire BS15 8BH	Woodstock	None
4	PK15/0585/CLE	Refusal	Rivermead Keynsham Road Keynsham South Gloucestershire BS31 2DE	Bitton	Bitton Parish Council
5	PK15/0595/F	Approve with Conditions	25 Peache Road Downend South Gloucestershire BS16	Downend	Downend And Bromley Heath Parish Council
6	PK15/0635/CLP	Approve with Conditions	Woodland View Siston Lane Siston South Gloucestershire BS30 5LX	Siston	Siston Parish Council
7	PK15/0679/F	Approve with Conditions	59 And 61 Poplar Road Warmley South Gloucestershire BS30 5JX	Oldland	Bitton Parish Council
8	PK15/0711/F	Approve with Conditions	Mangotsfield Methodist Church Windsor Place Mangotsfield South Gloucestershire	Rodway	None
9	PK15/0732/CLP	Approve with Conditions	14 Cherry Wood Oldland Common South Gloucestershire BS30 6PQ	Bitton	Bitton Parish Council
10	PT15/0143/F	Approve with Conditions	Unit 5 Patchway Trading Estate Britannia Road Patchway South Gloucestershire BS34 5TA	Patchway	Patchway Town Council
11	PT15/0454/F	Approve with Conditions	84 Woodlands Road Charfield Wotton Under Edge South Gloucestershire GL12 8LS	Charfield	Charfield Parish Council
12	PT15/0490/TRE	Approve with Conditions	13 Ottrells Mead Bradley Stoke South Gloucestershire BS32 0AJ	Bradley Stoke North	Bradley Stoke Town Council
13	PT15/0657/F	Approve with Conditions	5 Batt Close Almondsbury South Gloucestershire BS32 4FX	Almondsbury	Almondsbury Parish Council

CIRCULATED SCHEDULE NO. 14/15 – 2 APRIL 2015

App No.:	PK14/4557/F	Applicant:	Mr Sean O'Mahony
Site:	33 Courtney Road Kingswood Bristol South Gloucestershire BS15 9RQ	Date Reg:	8th January 2015
Proposal:	Conversion of existing ancillary annex to 1 no. independant three bedroom dwelling with 2 no. car parking spaces and associated works.	Parish:	None
Map Ref:	365265 173329	Ward:	Woodstock
Application Category:	Minor	Target Date:	3rd March 2015



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100023410, 2014. N.T.S. PK14/4557/F

REASONS FOR REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule, due to consultation responses received, contrary to Officer recommendation.

THE PROPOSAL

- 1.1 The application is for the conversion of an existing ancillary annex to 1no. independent three bedroom dwelling with 2 no. car parking spaces and associated works, including boundary treatments
- 1.2 The property is a detached dwelling set in a relatively large curtilage, located within the residential area of Kingswood. The annex building is existing and no external changes are proposed, except for minor changes to the front elevation to reduce the glazed area and provide a front door and small window.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
Planning Policy Guidance
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist
South Gloucestershire Resident Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 K5519 – Two-storey side extension. Approved 31st July 1987
- 3.2 PK01/1136/F – Erection of first floor side extension and new chimney stack. Alterations to existing vehicular access and erection of 2.5 metre high front boundary wall and gates. Refused 12th June 2001.
- 3.3 PK01/3024/F – Erection of two storey side and first floor rear extensions to provide bin store and additional bedroom accommodation. Construction of new chimney stack. Erection of 2.5 metre high front wall and gates. Approved 12th December 2001.
- 3.4 PK02/2898/F – Erection of detached double garage. Erection of 1.8 metre high extension to existing retaining boundary wall. Approved 11th November 2002.

3.5 PK05/2574/F – Erection of two storey rear extension. Approved 26th September 2005.

4. **CONSULTATION RESPONSES**

4.1 Parish Council
Un-parished area

Drainage

Object to the proposals as the documents do not indicate what form of foul drainage is to be utilised. Full details are required before drainage comments can be made.

NB – *Further drainage details were submitted and reconsulted with the Councils drainage Officer. The details were acceptable and the objection subsequently withdrawn*

Highway Structures

No comment

Sustainable Transportation

There is no highway objection to this application subject to a suitable planning condition so that the applicant provides and maintains minimum of two parking spaces on site.

Other Representations

4.2 Local Residents

Two letters of objection have been received as follows:

'The planning that is in place ref: PK14/4557/F is way too close to our property and to our land and we will be overlooked and with the two storey plans will restrict our property from any natural light as we have lived here many years with their trees already blocking natural light and feel we will be enclosed and sitting in darkness in our garden that we share with our grandchildren.'

'We are putting a formal complaint in about the application no PK14/4557/F site 33 Courtney Road KINGSWOOD Bristol BS15 9RQ Which backs directly on to are dwelling , if this application goes ahead it will stop natural light into our dwelling, as we have already got problems with the trees on their property already causing damage to are boundary wall and are garage, we feel this would be an eye sore for us and are neighbours and strongly object to this application.'

'Prior to the original garage application, (App PK02/2898/F) the natural ground level at the rear of No 33 was raised by approximately two metres and comments by the residents whose gardens abutted the proposed development regarding it mass, height, loss of amenity, and how the in effect two storey gable was only 12m away from the rear elevations of Nos 31 & 33 Selworthy were ignored. Consequently when the garage was built, contrary to the deposited drawings, the roof ridge height was increased, a dormer window into

the east elevation added, and also a window in the rear elevation. Thus implying it was ever likely to be used as a garage. Subsequently the garage was converted into a Granny annexe which although can normally be done under permitted development rights, planning should have been applied for as the annexe would have been classed as independent of the main building due to it being equipped with a kitchen and bathroom. With the current application, the Architects drawings showing the proposed rear elevation is misleading as it does not show the full two storey height of the rear gable above the ground level, or how close the elevation is to the rear of Nos 31 & 33 Selworthy. Brickwork is also shown on the rear elevation and the application form when it is in fact rendered blockwork. Good planning practise recommends 14m between a gable and an elevation with living rooms. Currently the distance is approximately 12m. The current property is a blight to Nos 29, 31, & 33 Selworthy and as this is a separate application to that previously granted, I strongly urge you to reject it. I would suggest you view the proposed dwelling from the rear of the properties in Selworthy to gain a better understanding of the loss of amenities to the fore mentioned properties.'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Residential Amenity

Whilst the objection comments relating to the impact of the building are noted, it must be pointed out that this application is not for the construction of any new building. The existing building was approved under ref. PK02/2898/F, cited in the planning history section above. Except for minor changes to the front elevation that reduce the large glazed area in order to provide a front door and small window, no new building or external alterations are proposed under this application. The building has since been used as a residential annex, a matter that has been raised with and investigated by the Council's Enforcement Team in 2010, whereby the use was considered to constitute permitted development. It is considered therefore that the main issue the subject of this application is whether or to what degree the use of the annex as a separate residential dwelling would impact upon the residential amenities of the locality. In this respect the building is already in a form of residential use and it is not considered that whether this is associated with or separate to the existing host dwelling, it would give rise to a significant or material impact in terms of residential amenity.

5.3 Design / Visual Amenity

Apart from a reduction in the glazed area to the front of the property in order to create a front door and small window no other external changes or building is proposed. On this basis the proposals are considered acceptable. The internal boundary treatments seeking to subdivide and delineate the new individual property are also considered acceptable.

5.5 Transportation

There is sufficient scope within the annotated boundary of the proposed dwelling to accommodate sufficient off-street parking, in line with the Council's current residential parking requirements. Access would be the existing access off Courtney Road, shared with the host dwelling. There are no Transportation objections to the proposals, subject to securing the provision and retention of the off-street parking provision. Parking provision is annotated on the submitted plans.

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 Given the nature, location and the existence of the built form, the proposed conversion is considered acceptable in terms of design and is not of significant or material detriment to the main dwelling house or surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Sufficient off street parking is provided. As such the proposal accords with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of South Gloucestershire Local Plan (Adopted) December 2013.

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

7. RECOMMENDATION

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

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

2. The off-street parking facilities shown on the proposed site plan ref. 25.013 -002A, hereby approved 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 Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

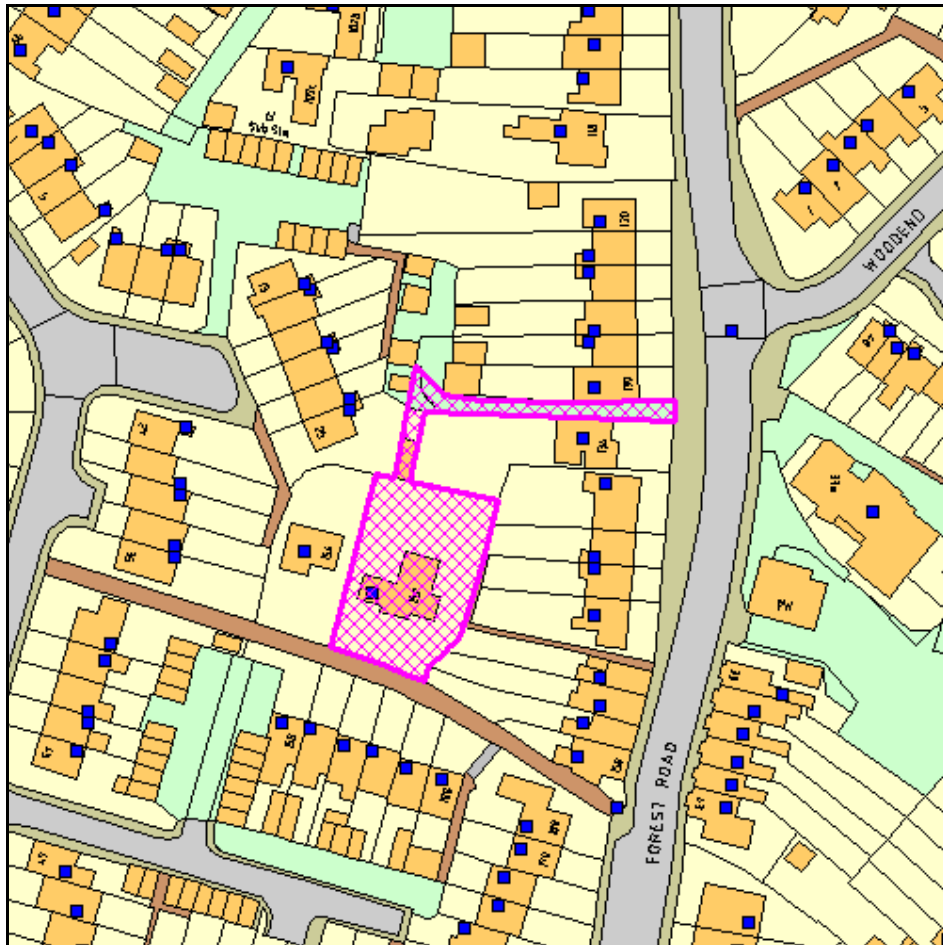
3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north elevation of the property.

Reason

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

CIRCULATED SCHEDULE NO. 14/15 – 2 APRIL 2015

App No.:	PK14/4848/F	Applicant:	Mr R Rupp
Site:	152 Forest Road Kingswood Bristol South Gloucestershire BS15 8EN	Date Reg:	19th December 2014
Proposal:	Conversion of existing dwelling into two self contained flats.	Parish:	Hanham Parish Council
Map Ref:	364479 172922	Ward:	Woodstock
Application Category:	Minor	Target Date:	26th March 2015



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N.T.S.

PK14/4848/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The following report appears on the Circulated Schedule following objections received from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the conversion of an existing dwelling into two self contained flats. The application site is located within the established settlement boundary of Kingswood. The site itself fronts the public footway linking Forest Road and Coberley and has no road frontage or vehicular access to the front. Parking for the site is located to the rear accessed via a service lane for properties No. 122 to 130 Forest Road, situated further up the hill to the north.
- 1.2 During the course of the application it was noticed that the red edge and blue edge as indicated on the submitted plans were incorrect. Clarification was requested and subsequently revised plans were received and confirmation that the procedure associated with the serving of certificate C had been correctly undertaken.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework (NPPF)
The National Planning Practice Guidance (2014)

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

H4 Development within Existing Residential Curtilages
H5 Residential Conversions, Houses in Multiple Occupation and Re-Use of Buildings for Residential Purposes
T7 Cycle Parking
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy (Adopted) 11 December 2013

CS1 High Quality Design
CS5 Location of Development
CS6 Infrastructure and Developer Contributions
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (SPD)
The Affordable Housing SPD (Adopted) Sept. 2008
The South Gloucestershire Council Residential Parking Standards (Adopted).

3. **RELEVANT PLANNING HISTORY**

- | | | |
|-----|------------------|---|
| 3.1 | K629 | Single storey extension to existing dwelling to provide bathroom, lobby and store |
| | Approved | 28.2.75 |
| 3.2 | K629/1 | Conversion of existing dwellinghouse into two self contained flats |
| | Refused | 25.4.78 |
| | Appeal dismissed | 1979 |
| 3.3 | K629/2 | Conversion of existing dwellinghouse into two self contained flats |
| | Approved | 22.1.80 |
| 3.4 | K3672 | Erection of rear and side extensions |
| | Approved | 30.7.81 |

4. **CONSULTATION RESPONSES**

4.1 Hanham Parish Council
No objection

4.2 Other Consultees

Highway Engineer
No objection

Public Rights of Way Officer
No objection subject to an informative attached to the decision notice.

Highway Structures
No objection

Highway Drainage
No objection

Other Representations

4.3 Local Residents

Four letters of objection have been received from local residents. The points are:

- The stretch of Forest Road incorporating properties, 144, 146, 148 and 150 and those opposite is already seriously congested with parked cars as these properties have no garages. Sometimes vehicles double park making

that stretch of Forest Road even narrower for cars travelling to and from Kingswood/Hanham. Cars are travelling at speed on what I believe is a classified road.

- With 2 new 2 bedroom flats that situation could easily escalate. The existing and proposed plan mentions 4 parking spaces. I do not, however, understand where currently those 4 parking spaces are. Access to the rear of 152 Forest Road is severely restricted and is by a narrow unmade lane which seems to be impossible to redevelop as there are properties either side. With the best will in the world are those occupiers of those proposed flats really going to park at the rear of the property, having daily to negotiate that narrow lane?
- The lane running from Coberley to Forest Road is a busy one with parents and young children walking to a nearby primary school, likewise older children walking to their nearby senior school. I fear that granting this application would seriously jeopardise the safety of those children, plus other pedestrians and cyclists due to restricted visibility between even more parked vehicles especially whilst building work is ongoing.
- If the plan is approved potentially there could be 8 extra people in those flats perhaps each with a car, especially if the flats are then rented out as opposed to being sold. Because of the restricted rear access in all likelihood the occupiers of those flats will find it more convenient to park on Forest Road and then walk to their properties. This is currently evidenced with properties 168 through to 174 all of which have garages and parking spaces at the rear of their homes but prefer to park on Forest Road.
- Additionally, has any thought been given to the tradesmen working there. Where will their vehicles be parked because let's be honest tradesmen will park wherever is closest to the job regardless of safety and totally without consideration for the surrounding area. Likewise, heavy lorries delivering supplies I can only see potential for a major accident with the density of cars parked along that stretch. I appreciate this is short term but anyone involved in any type of road traffic accident the results are anything but short term.
- Over the years properties such as mine and there are many others similar have changed significantly from being inhabited by perhaps one elderly person with no car to young couples with perhaps more than one car. The Council needs to acknowledge this fact and plans approved or not with that fact in mind as things can only get worse.
- I strongly urge the Planning Department to seriously consider NOT granting approval for this type of conversion. The property in question is and could continue to be a substantial family home and I see no reason, apart from a financial one, why it should be converted into 2 x 2 bedroom flats.
- Forest road is already congested at the point where pedestrian access to 152 meets Forest road. There are ten cottages fronting Forest road all without garages or parking spaces so there is a lot of parking partly on the pavements along this stretch of road causing narrowing of the road and potential danger from traffic. The lay-by outside of nos 168 - 178 was put in when the Beeches estate was built and was specifically for the residents and visitors to the estate but in recent years has become a free for all including the occupants of the cottages.

- I oppose this application because of the vehicular access to the property. The only access is via a narrow (7ft wide) unmade lane between houses 130 & 132. The access was originally only for houses 122 – 130

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal stands to be assessed against the above listed policies and all material considerations. Policy CS17 of the Core Strategy states that the subdivision of existing dwellings to form flats will be allowed where this would not lead to an adverse effect on the character of the area, would not cumulatively lead to unacceptable localised traffic congestion and pressure on parking, and where each home has adequate private/ semi-private or communal outdoor space. The principle of the proposed development to extend and convert an existing dwelling into two smaller units is also considered acceptable under saved policies H4 and H5 of the SGLP (Adopted 2006), and policy CS5 of the Core Strategy (Adopted 2013) subject to detailed consideration of residential amenity, highway safety, design and other environmental considerations.

- 5.2 The proposal to convert the dwelling to 2no. x 2 bed flats (C3) falls to be determined under Policy H5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. Policy H5 permits proposals for conversion of existing residential properties into smaller units of self-contained residential accommodation, or change of use to houses in multiple occupation, or conversion of non-residential properties for residential use provided that they:-

A. Would not prejudice the character of the surrounding area; and

- 5.3 The character of the area is typical of a built up urban area. The proposed conversion to flats would be achieved with minimal new build comprising the extension of a roof over a ground floor store area. Given the property is set into the slope of the ground which rises to the east, the proposed roof would be well integrated into the design of the main house. Other changes would be internal to accommodate the two separate flats. It appears that some internal alterations have already taken place somewhat to accommodate ground floor living for the previous occupant.

As such Officers consider that the existing appearance of the building would not change significantly and the general character of the area would not be compromised by the proposed change of use to flats. It is considered that the proposal would make a positive contribution to housing provision and as such Criterion A is satisfied.

B. Would not prejudice the amenities of nearby occupiers; and

- 5.4 It is noted that residential dwellings are in close proximity on all sides to the application site, notably to the front where they are only separated by a footpath. Having said this, the property itself is set back a little from this pathway and occupies an elevated position above the row of terraced houses to the east. The proposal would result in the creation of two, 2 bed flats which it is assumed could accommodate up to 8 persons. It can be seen that the

existing house has undergone some internal alterations but these could easily be changed again and this house could also accommodate the same number of persons as the proposal conversion. In this respect the change of use would not differ from its current use and not prejudice the amenities of nearby occupiers sufficient to warrant a refusal of the application.

5.5 Criterion B is considered satisfied.

C. Would identify an acceptable level of off-street parking; and

5.6 The proposal is considered to be located in a sustainable location as it is within the established urban area of Kingswood. Car parking would be to the rear of the property accessed off the rear lane. Currently the house benefits from a garage and parking space adjacent to it, located just outside the garden and situated on the lane to the rear. This would provide 2 parking spaces for the ground floor flat. Plans also show 2no. parking spaces would be provided on the upper level of garden for the first floor flat. This level of parking actually exceeds the adopted standards required by the LPA of one parking space for a 2 bed property. Guidance states that any additional parking, such as in this case, would be unallocated visitor parking. It is noted that most of the comments received relate to concerns over parking and highway safety. Under the originally proposed scheme concerns regarding the amount of off street parking was raised by Highway Engineers. Amended details provided by the applicant have addressed these issues and the proposal indicates that the flats would each have their own off street parking spaces. This has been deemed acceptable by Officers and a condition would secure the parking spaces for the flats.

5.7 Mention has been made of the fact that the surrounding roads are already congested and that there is the potential for future occupiers to park on the road thereby competing with existing residents. The LPA has therefore sought to ensure that sufficient off street parking is provided and this has been achieved. The LPA cannot however, dictate where and how other road users park but if inconsiderate parking occurs then this would be something for the Police Authority to address.

5.8 There are no transport objections to the scheme and it is therefore considered to accord with Criterion C.

D. Would provide adequate amenity space; and

5.9 The existing property sits centrally within a good sized plot with amenity space on all sides. The site slopes up to the east and as such the amenity space for the two flats would be split across the site with the ground floor flat having the space to the front of the property and the first floor flat having the space to the rear. It is considered that there would be adequate space for both flats and as such this Criterion would be satisfied.

It is noted that plans do not show any details of refuse storage and it is therefore considered appropriate that a condition be attached to the decision notice that appropriate facilities be provided prior to first occupation of the flats.

- 5.10 **E. (In the case of buildings not previously used for residential purposes) the property is located within the existing urban areas and the boundaries of settlements, as defined on the proposals map.**
- 5.11 The building has previously been used for residential purposes and lies within the urban area.
- 5.12 It is considered that all of the criteria attached to Policy H5 have been met. It is also worth mentioning that one of the core principles of the NPPF is that the planning system should underpin decision-taking by, for example, proactively supporting sustainable economic development to deliver homes, businesses and thriving local places. The proposal is therefore considered to also accord with this core principle.
- 5.13 Other matters
Concern has been expressed regarding where tradesmen would park their vehicles. It must be noted that this situation could arise for any of the properties in the area and not just for this proposal. Again this is not something that can be covered within the remit of a planning application but as mentioned earlier inconsiderate parking should be reported to the Police Authority for appropriate action.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

1. 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 hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 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 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan Site location - 14-120/10 hereby approved 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 Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the SPD: Residential Parking Spaces (Adopted) 2013.

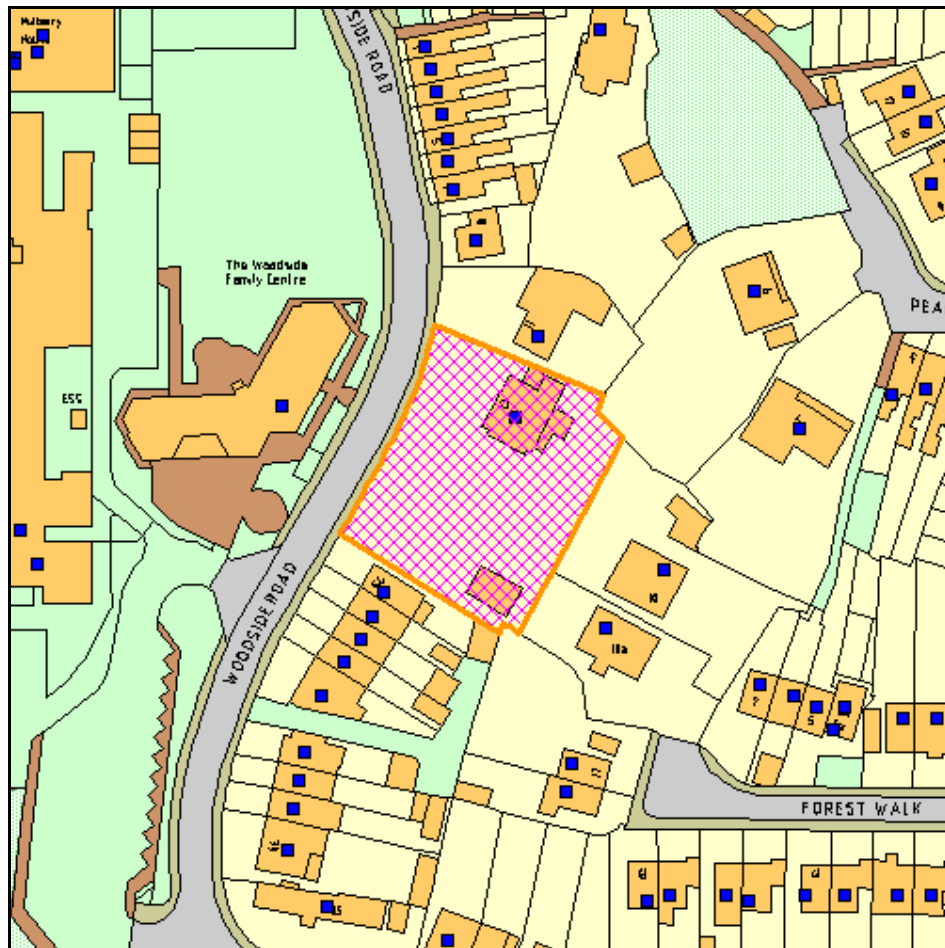
4. Prior to the commencement of development details relating to the storage provision for refuse bins and boxes shall be submitted to and agreed in writing by the Local Planning Authority. The residential units hereby approved shall not be occupied until the storage areas have been provided in accordance with the agreed details.

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 CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 14/15 – 2 APRIL 2015

App No.:	PK15/0242/F	Applicant:	The Greenbank Development Company Ltd
Site:	12 Woodside Road Kingswood Bristol South Gloucestershire BS15 8BH	Date Reg:	28th January 2015
Proposal:	Erection of extension and alterations to existing bungalow to facilitate conversion to 2no. dwellings. Erection of 4no. semi-detached dwellings with access, parking and associated works.	Parish:	None
Map Ref:	364380 173457	Ward:	Woodstock
Application Category:	Minor	Target Date:	25th March 2015



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 100023410, 2014. **N.T.S.** **PK15/0242/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from local residents; the concerns raised being contrary to the Officer Recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a residential garden plot of land located within the Urban Area to the east of Woodside Road, Kingswood. The site has no special designations in the Local Plan.
- 1.2 It is proposed to extend and convert the existing bungalow upwards to create 2no. dwellings and erect 4no. new, three-bedroom, semi-detached, dwellings, with associated car parking and accesses. The site is bounded by other residential properties in what is a suburban location. The land falls generally to the south and west with a change in level of 3m from the road frontage, along the western boundary up to the eastern boundary. A brick wall bounds the front of the site, which is generally laid to lawn. The existing bungalow shares a vehicular access off Woodside Road with neighbouring no. 11.
- 1.3 The site overlooks a day nursery to the west and is overlooked itself from the east by dwellings higher up on Forest Walk. To the south lies a terrace of 2-storey houses whilst to the north is 11 Woodside Road, a substantial 2-storey dwelling sitting alongside the existing bungalow.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

The National Planning Practice Guidance 2014

2.2 Development Plans

The South Gloucestershire Local Plan (Adopted) 6th January 2006 – saved policies

L1 - Trees and landscape

L5 - Open Areas

L9 - Species Protection

EP2 - Flood Risk and Development

H4 - Development within Residential Curtilages including Extensions and New Dwellings.

T7 - Cycle Parking

T12 - Highway Safety

LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)

LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)

The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013

CS1 - High Quality Design

CS4A – Presumption in Favour of Sustainable Development

- CS5 - Location of Development
- CS6 - Infrastructure and Developer Contributions
- CS8 - Improving Accessibility
- CS9 - Managing the Environment and Heritage
- CS16 - Housing Density
- CS17 - Housing Diversity
- CS18 - Affordable Housing
- CS23 - Community Infrastructure and Cultural Activity
- CS24 - Green Infrastructure, Sport and Recreation Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.
 The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
 Affordable Housing SPD Adopted Sept.2008.
 South Gloucestershire Council Residential Parking Standards (SPD) Adopted.

2.4 Emerging Plan

Policies, Sites & Places Development Plan Document (Draft) June 2014

- PSP1 - Local Distinctiveness
- PSP2 - Landscape
- PSP3 - Trees and Woodland
- PSP5 - Undesignated Open Spaces within Urban Areas and Settlements
- PSP6 - Onsite Renewable & Low Carbon Energy
- PSP8 - Settlement Boundaries and Residential Amenity
- PSP10 - Development Related Transport Impact Management
- PSP16 - Parking Standards
- PSP17 - Heritage Assets and the Historic Environment
- PSP19 - Wider Biodiversity
- PSP20 - Flood Risk, Surface Water and Watercourses
- PSP21 - Environmental Pollution and Impacts
- PSP39 - Private Amenity Space Standards

3. **RELEVANT PLANNING HISTORY**

3.1 None

4. **CONSULTATION RESPONSES**

4.1 Parish/Town Council
 Not a parished area.

4.2 Other Consultees

Highway Drainage

No objection subject to a condition to secure a SUDS Drainage Scheme.

Highway Structures

No comment

Highways Development Control

No objection subject to conditions to secure the following:

1. Prior to occupation of any building on site, provide off-street parking in accordance with submitted and approved plan. Such parking area shall then be maintained satisfactory thereafter.
2. All parking areas on site shall be surfaced with permeable bound surfaced material and this, shall subsequently be maintained satisfactory thereafter.

Other Representations

4.3 Local Residents

3no letters of objection have been received, one each from the occupants of 25 Woodside Road and 10 Forest Walk, which lie immediately adjacent to the site and one from a resident of Pines Road, Bitton. The concerns raised are summarised as follows:

- Possible trees on the site are worthy of Tree Preservation Order (TPO).
- Overdevelopment of site.
- Loss of light to side lounge window of no.25 Woodside Rd.
- Inter-visibility with side lounge window of no.25 Woodside Rd.
- Overlooking of rear gardens from properties on higher ground.
- The development would add to traffic congestion on an already congested road leading to a school.
- Overbearing impact on 10 Forest Walk.
- Town houses are not in-keeping with the area.
- Loss of light to 10 Forest Walk.
- Loss of privacy to 10 Forest Walk.
- Increased noise and disturbance from proposed gardens.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The NPPF has recently superseded various PPS's and PPG's, not least PPS3 – Housing. The NPPF carries a general presumption in favour of sustainable development. Para.2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the development plan and this includes the Local Plan. Para 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise. At para. 211 the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

5.2 The South Gloucestershire Local Plan Core Strategy has now been adopted and the policies therein now form part of the development plan. The relevant Local Plan is The South Gloucestershire Local Plan but only in as much as the saved policies referred to. The Council considers that the Development Plan policies referred to in this report generally provide a robust and adequately up to date basis for the determination of the application. Policy H4 of the Local

Plan permits development within existing residential curtilages, including extensions and new dwellings subject to criteria that are discussed below

- 5.3 The Policies, Sites & Places Plan is an emerging plan in draft form only. Whilst this plan is a material consideration, only very limited weight can currently be given to the policies therein.
- 5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible. Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities and this policy stance is replicated in Policy CS17 of the Core Strategy.
- 5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.
- 5.6 Density
The NPPF seeks to make efficient use of previously developed sites within the Urban Area. The proposal equates to 40 dwellings per hectare and this is considered appropriate for this location within the Urban Area.
- 5.7 The South Gloucestershire Local Plan (Adopted) 6th January 2006 also seeks to ensure, in achieving higher densities for new development, that *“local planning authorities and developers think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment”*.
- 5.8 Officers are satisfied that having regard to the site’s constraints relating to its location, pattern of development, topography, access, and impact on residential amenity, more than 6 houses could not realistically be accommodated on the site and in this respect the proposal represents the most efficient use of the land in what is a sustainable location, close to the centre of Kingswood, within walking distance of a school, nursery, shopping and community facilities and main bus routes. The proposal therefore accords with Government guidelines and in terms of its density the development is not considered to be an overdevelopment of the site.
- 5.9 Scale and Design
Core Strategy Policy CS1 requires a good standard of design, in particular the siting, layout, form, scale, height, detailing, colour and materials should be informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality. Local Plan Policy H4 requires development to respect the massing, scale, proportions, materials and overall design and

character of the existing property and the character of the street scene and surrounding area.

- 5.10 The proposed dwellings would front onto Woodside Road. In this respect the proposal follows the existing grain of built development. The parking spaces would be located to the fronts of the dwellings.
- 5.11 The building adjacent to the existing terrace to the south would be two-storey with that in the middle of the site being three-storey to the front and due to the change in site level, two-storey to the rear.
- 5.12 The buildings would step from the building line of the terrace to the south to that of the existing bungalow and its neighbouring house to the north (see proposed Street Elevation Plan). The houses would be set back from the pavement boundary with garden areas to the rear. This approach has been taken in order to make the most efficient use of the site, (as required by the NPPF), whilst at the same time keeping the profile and mass of the buildings to an acceptable level. Officers do not consider that the proposed 2/3 storey houses would look out of place within the street scene.
- 5.13 The locality has a mix of building styles and designs ranging from Edwardian terraces to late 20thC domestic vernacular and 1960's terraces. There is therefore no definitive style that characterises the area which is further magnified by the large variety of materials seen locally.
- 5.14 The NPPF Para. 60 states that:
- 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'*
- 5.15 The buildings would exhibit a traditional form with primarily off-white rendered walls with cement slate roof tiles. Areas of timber cladding and band courses of reconstituted bath stone would add detail. The windows would comprise single, simple, dark-grey framed openings with reconstituted stone sills or surrounds to openings on the front elevations.
- 5.16 Officers have considered the proposal in the context of the local architectural vernacular. The locality is urban in character but does not exhibit a strong local distinctiveness supported by any supplementary planning documents.
- 5.17 Furthermore it is proposed to construct the buildings to comply with sustainable development guidelines. On balance therefore officers consider that the proposed scale and design of the buildings would be acceptable in this location.
- 5.18 Landscape
Notwithstanding the existing bungalow, the application site is a residential garden area laid mostly to lawn, although there are boundary hedges to the south and east. Concerns have been raised, albeit by a Bitton resident, about the possible loss of trees on the site. There are currently three tree specimens located on the front boundary of the site in the north-east corner, i.e. to the front

of the existing bungalow. The trees are not afforded any protection by Tree Preservation Order and have minimal amenity value, although they do provide some habitat for birds. These trees would not meet the criteria for protection by TPO.

- 5.19 It is evident from a study of historic aerial photographs that at one time there were trees along the whole site frontage, located within the site and behind the front boundary wall. The trees were not protected by TPO and must at some time in the interim have been removed.
- 5.20 The submitted site plan does not show the existing trees or hedges retained but it does show a good deal of new planting in and around the site which would mitigate for any lost vegetation. A full landscape scheme would be secured by condition should planning consent be granted.
- 5.21 As an open area the site is not considered to make a significant contribution to the quality, character, amenity or distinctiveness of the locality and having regard to the extent of built development already on the site and the presence of a high brick wall to the front, which screens the site from views from the public domain, officers are satisfied that in terms of Policy L5 and L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 the proposal is acceptable and would not represent a significant loss of open space or, subject to the aforementioned landscape condition, have a detrimental impact on the character of the landscape.
- 5.22 Transportation
Two local residents have raised concerns about traffic congestion on Woodside Road, which is in effect a cul-de-sac leading to the John Cabot Academy. There is also a day nursery located directly opposite the application site.
- 5.23 The Council's Transportation Officer has noted however that Woodside Road is a standard residential road with footway on both sides. Whilst acknowledging that the road can be busy during the day when the Academy is active, the Officers assessment is that Woodside Road is adequate to accommodate the additional traffic that would be generated by the proposed development.
- 5.24 The proposed level of parking provision i.e. 2 spaces per three bedroom dwelling, would accord with the Council's adopted minimum parking standards as listed in 'The South Gloucestershire Council Residential Parking Standards' SPD (Adopted) 2014.
- 5.25 The proposed houses would all be accessed directly off Woodside Road where there would be adequate visibility splays across the footpath. The site is located within a sustainable location, reasonably close to Kingswood Shopping Centre where bus links are available to connect to wider areas. Woodside Road is a residential street in the heart of Kingswood and within easy walking distance of all local amenities including the local shops, schools, bus routes and amenities.
- 5.26 Subject to the conditions listed at para. 4.2 above there are no officer objections on highway grounds.

5.27 Impact upon Residential Amenity

The proposal has been designed to minimise loss of privacy to neighbouring property whilst at the same time provide a quality living environment for future occupiers.

5.28 Given the sites' sustainable location, adequate amenity space would be provided. Although not yet adopted, Policy PSP39 of the Draft Policies Sites & Places Plan requires 3 bedroom houses, such as those proposed, to have a minimum of 60sq.m. of private or semi-private amenity space. For each of the houses proposed, this standard is comfortably met. In this respect the proposal is not considered to be an overdevelopment of the site.

5.29 Moving to the issue of impact on the amenities of neighbouring occupiers; some concerns have been raised by the occupants of no.25 Woodside Road and 10 Forest Walk, about loss of privacy, loss of light and overbearing impact.

5.30 During their site visit, officers noted that no.25 Woodside Road is a two-storey, end of terrace dwelling house, located adjacent to the southern boundary of the application site, although set back 1m from it by a pedestrian access to the side of the house. Officers noted that there are no first floor windows in the gable end elevation of this house, there is however a ground floor window which the occupant has stated serves a lounge. There is at present a very high Conifer hedge within the application site which extends the entire length of the southern boundary. The hedge is as high as the eaves level of no 25 and must surely restrict light to the side window as well as having an overbearing relationship to no.25.

5.31 On the submitted Site Plan, the Conifer hedge is not shown retained but instead a 1.8m close boarded fence is shown in its place on the southern boundary with no.25. Furthermore, the nearest property (Plot 6) proposed to be located adjacent to no.25 would be set back approximately 1.2m from the boundary fence i.e. 2.2m from the end elevation of no.25. The submitted Street Elevation Plan shows Plot 6 as a two-storey property with roof ridge and eaves set the same height as those of no.25, with no projection beyond the front elevation of no.25 and a projection of only 2m to the rear. Officers conclude that such a relationship between neighbouring dwellings is commonly found in urban areas. With the proposed removal of the existing very high boundary hedge, it is quite possible that if the housing scheme were implemented, even more light would reach the lounge window of no.25 than at present.

5.32 In terms of inter-visibility between the side windows of Plot 6 and the lounge window of no.25; for Plot 6 there would be one small bathroom window at first floor level and two ground floor windows serving a kitchen and sitting room respectively. The first floor window is shown on the submitted plans as obscurely glazed and this can be secured by condition. The ground floor windows would be screened by the proposed 1.8m high boundary fence. A further concern about overlooking of the garden of no.25 from the raised areas at the end of the garden to Plot 6, has also been raised, but this seems unlikely given the presence of the 1.8m boundary fence and additional planting shown

on this boundary. Officers conclude that there would therefore be no significant loss of amenity to no.25.

- 5.33 No. 10 Forest Walk, like its neighbour no. 10a is a substantial dormer bungalow, located in an elevated position in relation to the application site. At present the rear ground floor and dormer windows of these properties enjoy expansive views across the application site to the Family Centre located on the western side of Woodside Road. To some extent these views would be compromised by the proposed development, most notably the 3-storey element of Plots 3 and 4. The proposed houses would however be located fully 26m from the boundaries of these properties and some 31m from the rear elevations of the bungalows themselves. Notwithstanding that there is no right to a view across land in private ownership, the separation distances and difference in ground levels would not result in an overbearing impact or significant loss of outlook for these properties; residential dwellings being only expected in a densely populated urban environment. Normally 21m is considered to be a satisfactory distance between facing habitable room windows, so an objection on the grounds of inter-visibility cannot in this case be substantiated.
- 5.34 The existing site is a residential garden and most of the development within the locality comprises residential properties in close proximity to each other. There is no reason to suspect that noise and disturbance from the proposed 6 gardens would be so great, as to justify refusal of the application; in any event noise and anti-social behaviour is controlled by legislation other than that contained within the Town and Country Planning Act. Overlooking of residential gardens from first floor windows is a ubiquitous situation in densely populated residential locations such as Kingswood and to some extent must be accepted if local authorities are to make the most efficient use of land within the urban area for housing, as required by the NPPF.
- 5.35 The nearest property to the north (no.11) is a substantial two-storey dwelling with no windows in the southern side elevation. It is already bounded by the existing bungalow and the pair of two-storey dwellings (Plots 1 & 2) proposed on this plot would be set at a lower level than no. 11 and with a hipped roof to reduce the massing. Only a first floor bathroom window would directly face no.11 but this is shown as obscurely glazed on the submitted plans.
- 5.36 Having regard to all of the above, officers conclude that there would be no significant adverse impact on residential amenity for either existing or future occupiers.
- 5.37 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this can be adequately mitigated for by imposing a condition to limit the hours of construction. The site does not lie within a high risk flood zone. The Council's Drainage Engineer has raised no objection to the proposal, subject to a condition to secure an appropriate SUDS Drainage Scheme. Any connection to the public sewer system would first have to be agreed with Wessex Water. Due to past mining activities within the wider area,

a mining report has been requested by the Drainage Engineer, this can be secured by condition.

5.38 Affordable Housing

This application for 6 units on a site measuring 0.15 ha relates to land within the urban area, and falls under the affordable housing threshold as set down under the Core Strategy Policy CS18. This requires 35% of all new housing developments of 10 or more dwellings or with a gross area of at least 0.33 ha, for affordable housing. In this instance the number of units falls under the affordable housing threshold as also does the site area.

5.39 Regard should be given to recent government policy amendments to the National Planning Policy Guidance (NPPG) as of the 28th November 2014 concerning contributions for affordable housing. In this particular instance regard must be had to the threshold that applies to urban developments where sites with 10 units or less and a combined floor space of no more than 1000m² will not be required to make section 106 contributions. This application shows a combined floor space of approximately 770 m².

5.40 With regards to Core Strategy Policy CS18 and in light of this new government policy (Nov 2014) there is not a requirement for the proposed scheme to provide affordable housing.

5.41 Education Service and New Communities

Following the recent amendments to the NPPG (see para. 5.38 above); this proposal for 6 units on a site measuring 0.15 ha within the urban area, falls below the threshold for contributions to education or new communities.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission be GRANTED subject to the conditions listed on the Decision Notice.

Contact Officer: Roger Hemming

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 hours of working on site during the period of construction shall be restricted to 7.30am to 6.00pm Mondays to Fridays inclusive, 8.00am to 1.00pm 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: deliveries of construction materials, 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. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with the requirements of the NPPF and Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. Developments shall not begin until drainage proposals incorporating Sustainable Drainage Systems (SUDS) and hydrological conditions (soil permeability, watercourses, mining culverts etc) within the development site have been submitted to and approved in writing by the Local Planning Authority. A Coal Mining report shall form part of the submitted details. The drainage scheme shall subsequently be implemented in accordance with the approved details and mining mitigation measures if any, prior to the first occupation of the dwellings hereby approved and thereafter maintained as such.

Reason

To ensure that a satisfactory means of drainage is provided and to prevent an increased risk of flooding, and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

4. The off-street parking facilities as shown on the approved Proposed Site Plan nos 170-PL-001 shall be provided before the respective dwellings are first occupied, and thereafter the parking facilities shall be retained and used only in conjunction with the occupation of the buildings' 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 T12 and H4 of the

South Gloucestershire Local Plan (Adopted) Jan 6th 2006 and The South Gloucestershire Council Residential Parking Standards SPD Adopted 2014.

5. Prior to the first occupation of the respective dwellings hereby approved, the parking areas shown on the Proposed Site Plan No. 170-PL-001 hereby approved, shall be surfaced with a permeable bound surface material and maintained as such thereafter.

Reason

To prevent stone scatter and 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 T12 and H4 of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006.

6. Notwithstanding the details shown on the submitted plans; prior to the commencement of the development hereby approved, a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hard surfacing shall be submitted to the Local Planning Authority for approval. The landscaping works shall be carried out in accordance with the agreed details. prior to the first occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority. Any plants becoming diseased or dying within 5 years of planting, shall be replaced in the first available planting season, with a plant of the same or similar species and size.

Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

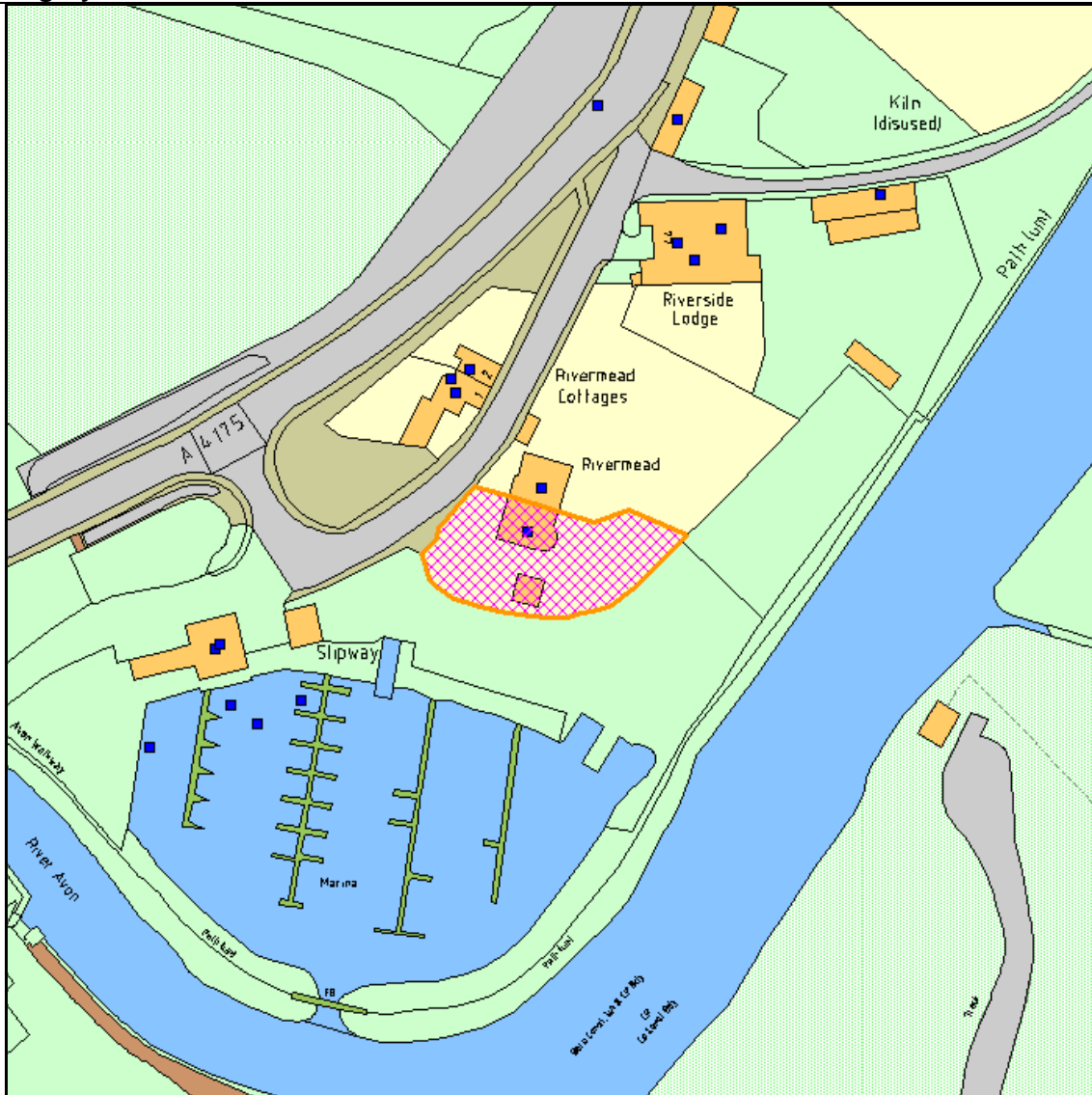
7. Prior to the first occupation of the dwellings hereby permitted, and at all times thereafter, the proposed obscurely glazed windows as shown on the approved plans shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being 1.7m above the floor of the room in which it is installed and maintained as such thereafter.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the requirements of the NPPF and Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 14/15 – 2 APRIL 2015

App No.:	PK15/0585/CLE	Applicant:	Ms Irene Robinson
Site:	Rivermead Keynsham Road Keynsham South Gloucestershire BS31 2DE	Date Reg:	19th February 2015
Proposal:	Application for a Certificate of Lawfulness for the existing use of part of the dwelling at Rivermead as a separate residential unit (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)	Parish:	Bitton Parish Council
Map Ref:	366077 169033	Ward:	Bitton
Application Category:	Certificate of Lawful Use	Target Date:	13th April 2015



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 100023410, 2014. N.T.S. PK15/0585/CLE

REASON FOR APPEARING ON CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application is for a Certificate of Lawfulness for the existing use of part of the dwelling at Rivermead as a separate residential unit (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application site relates to a large detached house, situated within the Green Belt between the A4175 Keynsham Road and the River Avon. The Portavon Marina lies adjacent to the southern boundary of the site. Adjacent are two cottages, and to the north is a commercial premises. Access to the properties is via a slip-road off the A4175.
- 1.3 In 2003, planning permission was granted for a two storey side extension (Ref. PK03/0068/F). In 2004, planning permission was applied for the conversion of the existing dwelling into 2no. dwellings – permission was refused in April 2004. The applicant claims that Rivermead has been occupied as 2no. dwellings since 7th February 2005.

2. POLICY CONTEXT

- 2.1 National Guidance
 - I. Town and Country Planning Act 1990
 - II. Town and Country Planning (Development Management Procedure) Order 2010
 - III. National Planning Practice Guidance 2014

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/0728/F Conversion of existing dwelling into 2no. dwellings
Refused 26.04.04
Appeal dismissed on flooding grounds 08.12.04
- 3.2 PK03/0068/F Erection of two storey side extension and conversion
Approved 21.07.03
- 3.3 PK02/3431/F Erection of two storey side extension and conversion
to 2no. dwellings
Withdrawn 29.11.02

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 4.1 In support of the application, the following information has been submitted:
 - A letter was submitted from the applicant's agent explaining originally Rivermead was a single dwellinghouse and the property was divided into two self-contained dwellings (Rivermead and The Old House) in January 2005. The Old House (original dwelling) has been let to tenants and

occupied separately since February 2005. It is claimed that The Old House has been used as a separate dwellinghouse for a period exceeding ten years and has therefore become immune.

- 4.2 Documents that have been submitted include:
- Red edged plan of the application site (The Old House);
 - Letter from planning agent detailing use of Rivermead and The Old House as two, separate, self-contained dwellings;
 - Copy of letter from Mrs Robinson's (applicant) letting agents, Assured Property Rentals confirming the rental period between 2005 to present day (as of 12.12.14) covering the first six months of each tenancy agreement;
 - Letter from applicant Mrs Robinson explaining the history of her health and the sub-division of the property (received 7th March 2015).
- 4.3 Evidence gathered by Officer:
- Plans and Officers report relating to planning application PK04/0728/F – existing and proposed floor plans are on file. The proposed layout plans were implemented;
 - Aerial photographs from 2005, 2006 and 2008/09 show a new hedgerow planted and fence erected in rear garden;

5. **SUMMARY OF CONTRARY EVIDENCE**

- 5.1 Evidence gathered by Officer from Council records:
- Council Tax records (contacted 17.03.15) – Rivermead has been set up as paying Council tax since at least 1992. The Old House has been paying Council tax as a separate dwelling since 31.05.13;
 - Building Control documents – 'Building Notice's submitted 27.02.04 for erection of two storey side extension. Completion Notice on file dated 22.12.06. Extension was inspected 4no. times in 2004;

6. **CONSULTATION RESPONSES**

- 6.1 Bitton Parish Council
Bitton Parish Council is not in a position to comment on this application.
- 6.2 Councillor
No comment received.
- 6.3 Conservation Officer
No comments.
- 6.4 Sustainable Transport
No comment to make on this application (i.e. 'Certificate of Lawfulness') as it is considered to be the test for facts and the legal issues.

Other Representations

- 6.5 Local Residents
No comments 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 The guidance contained within the National Planning Practice Guidance 2014 states that if a local planning authority has no evidence itself, nor any 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. This is however with the provision that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
- 7.3 Assessment of Evidence
The applicant claims that the main dwellinghouse Rivermead was subdivided into two separate units (Rivermead and The Old House) in early 2005. The applicant must be able to demonstrate that on the balance of probability the existing use of part of the dwelling at Rivermead as a separate residential unit (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) continuously for a period of 4 years or more. The evidence submitted by the applicant and evidence gathered by the Officer are considered below in this report.
- 7.4 In respect of the planning history, planning permission was obtained in July 2003 for the erection of a two-storey side extension (Ref. PK03/0068/F); this was implemented in 2004. Subsequent to this application, planning permission was applied for in March 2004 for the subdivision of the dwellinghouse into two separate dwellings. Planning permission was refused for two reasons: impact on residential amenity, and the application sites location within the River Avon Flood Plain and risk from flooding. The applicant appealed and this was dismissed by the Planning Inspectorate in December 2004. The Planning Inspectorate upheld the concerns of the Council in respect of the high risk flood zone location of the application site.
- 7.5 Neither the applicant nor the previous/current tenants have submitted a statutory declaration confirming the subdivision of the Rivermead into two separate dwellinghouses and its continuous occupation as two dwellings since February 2005. To summarise, the applicant Mrs Robinson states in her supporting letter that she has lived at Rivermead since 1978 and started a business from home in 1993 employing four staff. Mrs Robinson is disabled and has to use a wheelchair outdoors. As Mrs Robinson's health has declined, the house and garden were too much for her to manage.

The two storey extension was designed to be disabled-friendly (i.e. ramps on the front and back were included, lowered kitchen units installed, etc) and was erected following the approval of planning application PK03/0068/F. When the extension was built, only the kitchen door and loft opened into the old part of the house (The Old House) were retained.

- 7.6 Following the completion of the extension, Mrs Robinson planned to rent out some of the rooms that were not needed in The Old House and move into the new accommodation (i.e. the extension). In 2004, Mrs Robinson applied to split the house into two units so that she could sell the part of the house she no longer used; however, permission was refused. Mrs Robinson no longer used rooms in the old part of the house, so the interconnecting door in the kitchen was closed, the stair lift removed and a kitchen was installed in the former office (in The Old House). Mrs Robinson claims that the proposed layout plans submitted with planning application PK04/0728/F were implemented despite planning permission being refused. In addition, a hedge was planted and fence erected to split the garden into two gardens. The hedge and fence can be seen on the Council's aerial photographs from 2006, 2006 and 2008/09.
- 7.7 The letting agent (Assured Property Rentals) has supplied the first tenancy agreement (dated 07.02.05). Following the request of the Officer, copies of subsequent tenancy agreements have been submitted. However, only the first six months of each tenancy agreement has been supplied for each tenant since 7th February 2005. Therefore, whilst the applicant claims that The Old House has been continuously occupied since February 2005, the tenancy agreements supplied leave gaps ranging from 5 months - over 3 years. It is not clear whether the remaining periods of each tenant's occupation was covered by a tenancy agreement or whether it was a more casual, rolling-contract. Statutory declarations from the various tenants have not been supplied. Although the planning agent believes the letting agent could provide a letter confirming The Old House has been continuously tenanted during these periods, this is unlikely to hold significant weight.
- 7.8 The evidence held by the Council in respect of the planning history, building control documents, aerial photographs and council tax records do not wholly support the applicant's claims that the house has been sub-divided into two self-contained houses for over four years. The council tax records only show The Old House as being registered as a separate dwellinghouse from 31.05.13, which falls significantly short of the minimum four year period for the change of use to a separate dwellinghouse. In addition, the Council's Building Control records confirm a Completion Certificate for the two storey side extension as being issued in December 2006. Having checked with Building Control, this is not unusual that a Completion Certificate is not issued until much later after the works have been completed and is often due to missing calculations or documents. The Council's aerial photographs for 2005 (taken 07.06.05) and 2006 (08.06.06) do show the two-storey extension in situ. However, neither the Building Control records nor aerial photographs fully support the applicant's claims of the subdivision of the main house to a significant degree.

7.9 In conclusion to the above, it is considered that on the balance of probability the use of part of the dwelling at Rivermead as a separate dwelling has not been proven. This is because the evidence does not clearly or unambiguously demonstrate that the use of part of the dwelling at Rivermead for a consistent period of at least four years, and the Council's own evidence does not support the applicant's claims. This application for a certificate of lawfulness for an existing use is therefore refused on these grounds.

8. CONCLUSION

8.1 Insufficient evidence has been submitted to precisely or unambiguously demonstrate that, on the balance of probability, that part of the dwelling at Rivermead has been used for the purpose of a separate residential unit for a consistent period of at least four years.

8. RECOMMENDATION

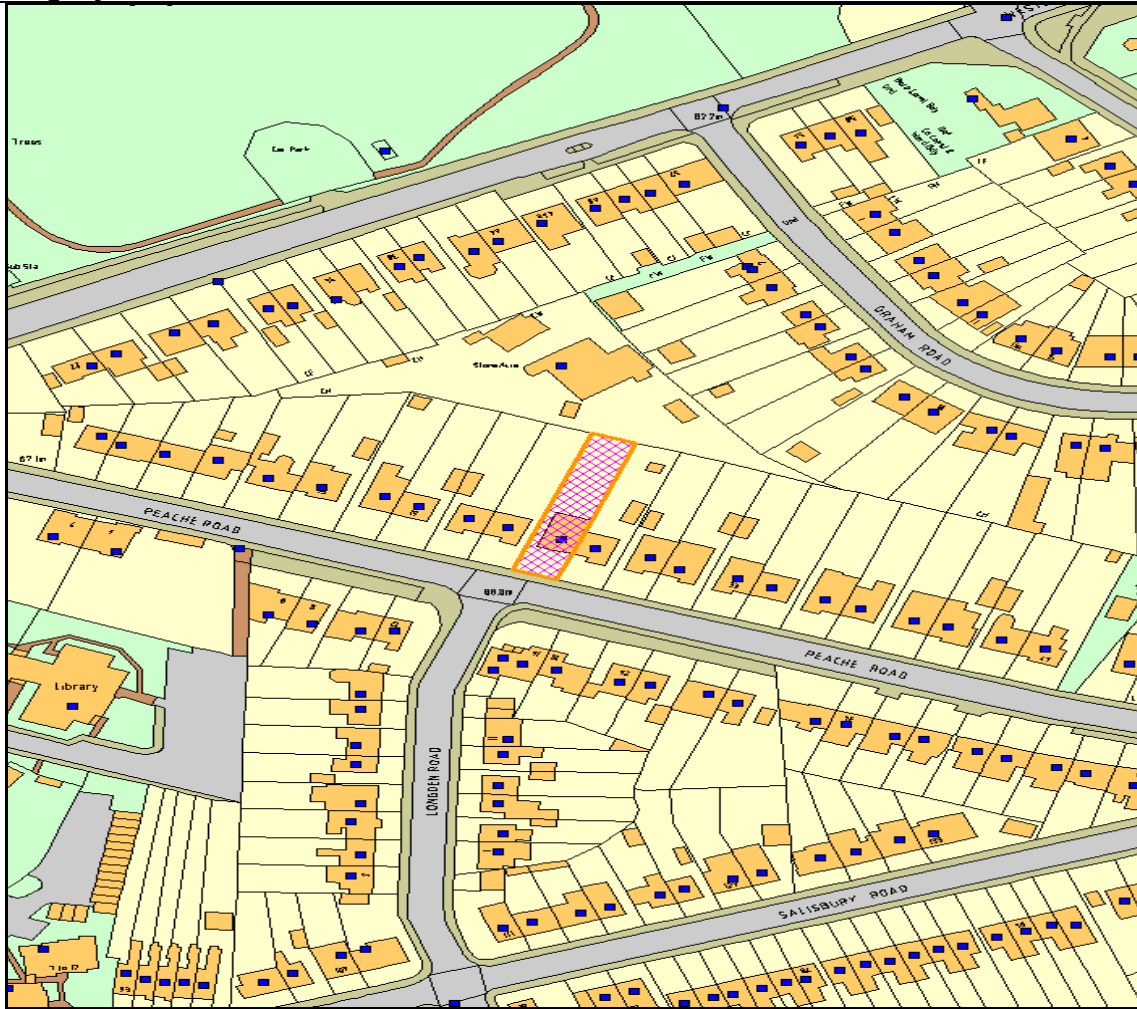
9.1 That the Certificate of Lawfulness is **refused**.

Contact Officer: Katie Warrington
Tel. No. 01454 863436

CIRCULATED SCHEDULE NO. 14/15 – 2 APRIL 2015

App No.: PK15/0595/F
Site: 25 Peache Road Downend Bristol
 South Gloucestershire BS16 5RW
Proposal: Erection of a dormer roof extension
 (rear elevation) to form additional living
 accommodation.
Map Ref: 365538 176767
Application Category: Householder

Applicant: Mr Nick Richley
Date Reg: 19th February
 2015
Parish: Downend And
 Bromley Heath
 Parish Council
Ward: Downend
Target Date: 13th April 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This is a full planning application for a proposed rear first floor extension. Downend and Bromley Heath Parish Council have objected to this proposal. It should be noted that since the objection from the Parish Council revised plans have been submitted.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The applicant seeks full planning permission to erect a first floor rear extension to 25 Peache Road, Downend. The application site relates to semidetached two storey dwelling, set in long narrow plots. The property is finished in a light coloured, rough cast, painted render with a pitched and hipped roof and dark coloured concrete double roman roof tiles. There is an existing single storey extension to the rear of the property spanning the width of the original dwellinghouse.
- 1.2 The plot is set on a residential street with the principle elevation facing towards a highway. The property is semidetached with parking to the front and a garden area to the rear with raised decking and patio. The applicant's property sits on slightly higher ground than the dwelling to the west.
- 1.3 It should be noted that following negotiations to reduce the impact on visual amenity, revised plans were submitted and accepted on 11th March 2015. It is considered that there was not a need to re-consult as the overall design has not change significantly, just a reduction in size.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance 2014
- 2.2 Development Plans
 - 2.2.1 South Gloucestershire Local Plan Core Strategy (Adopted December 2013)
CS1 High Quality Design
CS8 Improving Accessibility
 - 2.2.2 South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/2662/F 02.10.2012 Approved
Erection of single storey rear extension to form additional living accommodation. (Retrospective).

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council
Objection - Over development of this chalet bungalow which will have an overbearing effect on the adjoining property.

4.2 Other Consultees

4.2.1 Sustainable Transport

Planning permission is sought to extend the existing dwelling to provide additional living accommodation. After development the bedrooms within the dwelling will increase to five. The Council's residential parking standards state that a minimum of three parking spaces would be required for the size of the proposed dwelling. This level of parking can be provided to the front of the site. On that basis, there is no transportation objection to the proposed development.

4.2.2 Highway Drainage No Comments

4.3 Planning Enforcement
No Comments

Other Representations

4.4 Local Residents
No Comments

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

5.1.1 Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Visual Amenity

5.2.1 The proposal consists of a first floor rear extension to form additional living accommodation. The proposed extension would extend out from the ridge of the original roof approximately 6 metres to be one meter set back from the rear wall of the existing ground floor extension. The new extension will be clad with plain tiles in a colour to match the original roof

tiles. The extension will provide 2 extra bedrooms along with an en-suit bathroom.

5.2.3 It is considered that the extension will be a large addition to the size of the original dwellinghouse, however the revised design and use of materials has been informed and is in keeping with the character of the existing dwelling and area.

5.2.4 Overall, it is considered that the proposed extension would not harm the character or appearance of the area and as such, is considered acceptable in terms of visual amenity, and does not amount to overdevelopment.

5.3 Residential Amenity

5.3.1 The dwelling is semidetached, with neighbours to both sides, however the proposed addition will not extend beyond the existing rear extension building line. Furthermore, the neighbours to the rear are of a significant distance separated by gardens. It is considered that the development could appear overbearing to the adjoining neighbouring property due to its close proximity to the boundary and scale of the extension. Whilst the proposal could be imposing, it is not considered to harm the living conditions of the neighbouring occupiers to an unacceptable extent.

5.3.2 Overall, it is considered that the proposal would not harm the living conditions currently enjoyed by neighbouring dwellings and as such, is considered acceptable in terms of residential amenity.

5.4 Sustainable Transport

5.4.1 The application is proposing to increase the total number of bedrooms within the property, however the property already provides two off street parking spaces which is considered appropriate, and as such, there are no objections in terms of parking and highway safety.

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

7. RECOMMENDATION

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

Contact Officer: Jessica Robinson
Tel. No: 01454 868388

CONDITIONS

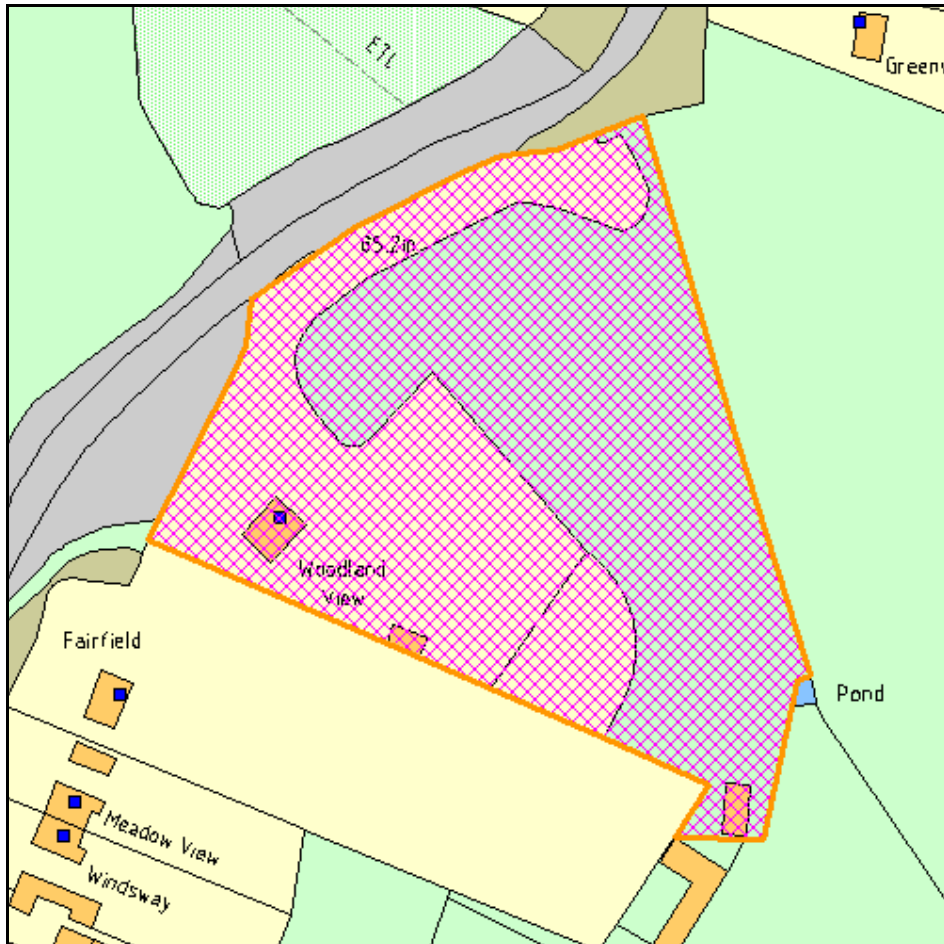
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 14/15 – 2 APRIL 2015

App No.:	PK15/0635/CLP	Applicant:	Mr And Mrs Nick Bendrey
Site:	Woodland View Siston Lane Siston Bristol South Gloucestershire BS30 5LX	Date Reg:	23rd February 2015
Proposal:	Application for certificate of lawfulness for the proposed installation of 1 no. side dormer	Parish:	Siston Parish Council
Map Ref:	368307 174211	Ward:	Siston
Application Category:		Target Date:	15th April 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer window at Woodland View, Siston Lane would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192 Country Planning (General Permitted Development) Order 1995 (GPDO) (As Amended) Schedule 2, Part 1, Class B.

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

3. RELEVANT PLANNING HISTORY

- 3.1 P98/4335 26.08.1998 Approved
Erection of 2 storey rear extension
- 3.2 P97/4284 10.07.1997 Approved
Erection of pitched roof over existing front dormer extension

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
No Comment
- 4.2 Councillor
No Comment
- 4.3 Other Consultees
No Comment

Highway Drainage
No Comment

Other Representations

- 4.3 Local Residents

No Comment

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

- 5.1 708/100 Floor Plan, Section and Elevations as Existing. 708/000 Site Location Plan. 708/101 Floor Plans, Section and Elevations as Proposed, all of which were received on 12th February 2015. 708/101A Revised Plan, Section and Elevations received on 3rd March 2015.

6. **ANALYSIS OF PROPOSAL**

6.1 Principle of Development

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

- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, of the GPDO (As Amended) 1995.

- 6.3 The proposed development consists of the installation of a dormer window to the side roof slope of the property. This development would fall under the criteria of *Schedule 2, Part 1, Class B* of the Town and Country Planning (General Permitted Development) Order (as amended) 1995, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows for dormer additions subject to the following:

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

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

The proposed dormer would sit 400mm below the ridge of the existing roofline, and therefore does not exceed the height of the highest part of the roof.

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

The alterations to the roofline would be to the side elevation.

- (c) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-**

- (i) 40 cubic metres in the case of a terrace house, or**

(ii) 50 cubic metres in any other case;

The dormer extension would have a volume of approximately 39 cubic metres, and is therefore below the maximum resulting roof space for a detached dwelling.

(d) It would consist of or include-

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

The proposal does not include the construction of any of the above.

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

The proposal does not include any alterations to the chimney, or the installation of a flue or soil and vent pipe.

(e) The dwellinghouse is on article 1 (5) land.

The dwellinghouse is not on article 1 (5) land.

Conditions

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

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

The proposed dormer extension will be constructed from materials to match those used on the existing dwelling. As such the proposal therefore complies with this condition.

(b) Other than in the case of a hip to gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20cm from the eaves of the original roof; and

The part of the dormer which is closest to the eaves of the original roof is approximately 0.6 metres away. The proposal therefore meets this condition.

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

(i) Obscure glazed; and

(ii) Non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The agent has revised the proposal to have obscured glazed windows and non-opening parts below 1.7 metres to the dormer. These changes are reflected in the revised plans submitted on the 3rd March 2015 (708/101A).

7. RECOMMENDATION

- 7.1 That a Certificate of Lawfulness for Proposed Development is **granted** for the following reason;

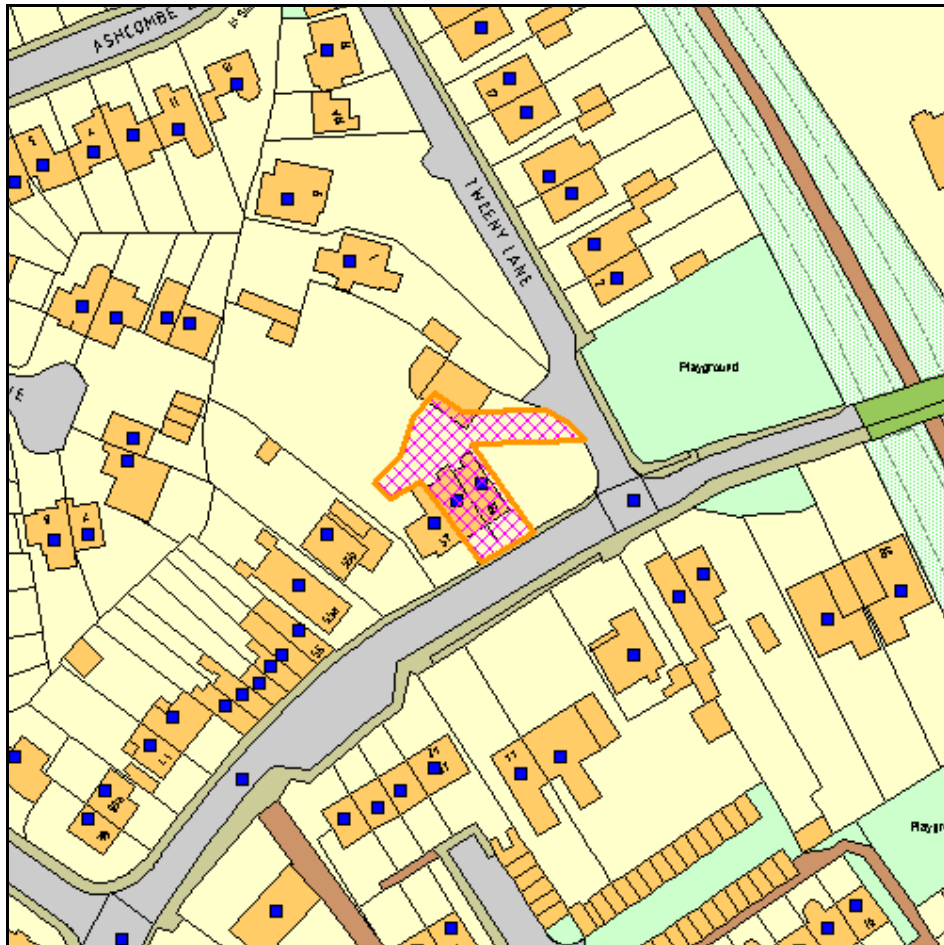
Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Contact Officer: Jessica Robinson
Tel. No.

Evidence has been provided that demonstrates the development proposed falls within permitted development for the curtilage of Woodland View, Siston Lane, South Gloucestershire, under Part 1, Class B of The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

CIRCULATED SCHEDULE NO. 14/15 – 2 APRIL 2015

App No.:	PK15/0679/F	Applicant:	Home Orchard Developments Ltd
Site:	59 And 61 Poplar Road Warmley Bristol South Gloucestershire BS30 5JX	Date Reg:	25th February 2015
Proposal:	Erection of 2 storey rear extensions to provide additional living accommodation	Parish:	Bitton Parish Council
Map Ref:	367569 172641	Ward:	Oldland Common
Application Category:	Householder	Target Date:	14th April 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is appearing on circulated schedule due to the receipt of an objection from Bitton Parish Council due to concerns about the following; it is unclear if the occupants had any ownership of or access to the green open space behind their houses (shown on planning application PK14/2942/F); there is no indication on the plans of how refuse bins will be accommodated; and there is insufficient amenity area for the dwellings.

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the erection of two storey rear extension to provide additional living accommodation at No's 59 and 61 Poplar Road.
- 1.2 The application relates to two terraced properties in a row of traditional cottages located on the north side of Poplar Road. The properties have the benefit of a rear access via Tweeny Lane to the north-east of the application site. The area is established residential, characterised largely by rows of traditional cottages and semi-detached houses.
- 1.3 Planning permission has recently been approved to develop the parcel of land to the rear of the application site. The proposal is to remove the existing outbuildings and to erect 5no. new dwellings within the site. Two of the dwellings (House 1 and 1a) would be 2-storey in the front elevation and 1 and half storey at the rear elevation, overlooking Poplar Road. Three dwellings (House 2, 3 and 4) would be dormer bungalows located behind an existing row of terraced dwellings. The application has been recommended approval, subject to the signing of a S106 agreement.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
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
- CS9 Managing the Environment and Heritage
- CS29 Communities of the East Fringe of Bristol Urban Areas

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

- H4 Development within Existing Residential Curtilages, including Extensions and New Dwellings
- T12 Transportation Development Control Policy for New Development

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) August 2007
South Gloucestershire Council Residential Parking Standards (Adopted) March 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/2942/F Land to Side and Rear of 59 Poplar Road
Erection of 5no. new dwellings, access and associated works
Recommended approval, subject to S106 agreement

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Councillors were unclear if the occupants of these dwellings had any ownership of or access to the green open space behind their houses, which is shown on application PK14/2942/F as part of that site. There is no indication on the plans of how refuse bins will be accommodated. Insufficient amenity area remains for these dwellings
- 4.2 Highway Drainage
No comment.
- 4.3 Trading Standards
No objection. Advice on local weight restrictions given.
- 4.4 Sustainable Transport
Planning permission is sought to extend the existing dwellings to provide additional living accommodation. No increase is proposed to the number of bedrooms currently available within either of the dwellings.

On that basis, there is no transportation objection to the proposed development.

Other Representations

- 4.5 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Saved Policy H4 of the adopted Local Plan (Adopted) permits development within existing residential curtilages, including extensions to existing dwellings and new dwellings subject to criteria that are discussed below. Policy CS1 of the adopted Core Strategy (Adopted) seeks to secure good quality designs that are compatible with the character of the site and locality.

5.2 Design

The locality is suburban in character, with a wide mix of house types of varying designs and ages. The application site relates to a row of 3no. traditional terraced cottages. To the north-west lies the boundary of a pair of two-storey semi-detached modern properties built in the 1980s. Immediately to the north of the application site is a 1 ½ storey detached cottage with a front conservatory.

- 5.3 The proposal would comprise of two-storey rear extensions on two neighbouring cottages. Both properties have existing single storey rear extensions, which include a kitchen a bathroom. The two storey rear extensions would enable both properties to move the bathroom to the first floor, increase the size of the second bedroom and extend the size of the kitchen/dining room on the ground floor. The proposed design would bring a sense of uniformity and equality to both cottages, with a simple two storey rear extension of the same design, scale and height. Overall, it is considered the proposal is acceptable and would not compromise the character of the locality.

5.4 Residential Amenity

New development must not prejudice residential amenity in terms of overbearing impact, loss of privacy, overlooking or inter-visibility, and adequate private amenity space to serve the dwellings. The application site lies within a suburban and established residential area of Warmley. The proposal will increase the rear built form from single storey to two storey. In turn, this will increase the number of windows on the rear elevation from 3no. to 4no.

- 5.5 Planning application PK14/2942/F proposes to erect three large detached dwellings to the north-west of the application site. These dwellings will be separated by several metres, orientated facing south-east, and with the parking/turning area in the centre of the site. There will also be additional planting at the rear of No's 59 and 61. In this instance, it is not considered that the proposed extensions would cause unreasonable overlooking or impact on privacy levels. Similarly, as part of planning application PK14/2942/F two semi-detached dormer bungalows will be erected to the north-east of No. 61. Whilst there are existing windows in the side elevation of No. 61 and the two storey extension will project beyond the rear building line of the dormer bungalows, it is not considered that the proposal would have an overbearing impact on the nearest dormer bungalow (No. 1).

- 5.6 The application site would have adequate remaining rear private amenity space, as well as modest front gardens. The footprint of the two storey extensions are smaller than the existing single storey extensions. The remaining garden area is considered sufficient to serve a two-bedroom dwelling in a suburban area. In addition, both properties will have off street parking as part of the proposed development of 5no. house. Overall, the proposal is considered acceptable in terms of residential amenity.

5.7 Transportation

The proposal would not result in an increase in the number of bedrooms in either dwellings. A benefit of the proposed residential development at the rear of the site includes off-street parking for the applicant site, whereas previously

there were no off-street parking facilities. There is no transportation objection or highway safety issue as a result of the proposal.

5.8 Other Issues

Bitton Parish Council has raised a number of concerns about the proposal, two of which I have not addressed earlier in my report. Firstly, they are concerned that it is unclear if the occupants have any ownership or access to the green open space behind their houses (shown on planning application PK14/2942/F). It is understood that both properties No's 59 and 61 own the land to the rear and will retain a small rear, private garden. Secondly, whilst there is no indication on the existing/proposed plans on where the bin store will be located, this is an existing situation. The Officer considers there to be adequate room to store bins in the front gardens or at the rear of No. 61.

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 (saved policies) and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning is **approved**, subject to the attached condition.

Contact Officer: Katie Warrington
Tel. No. 01454 863436

CONDITIONS

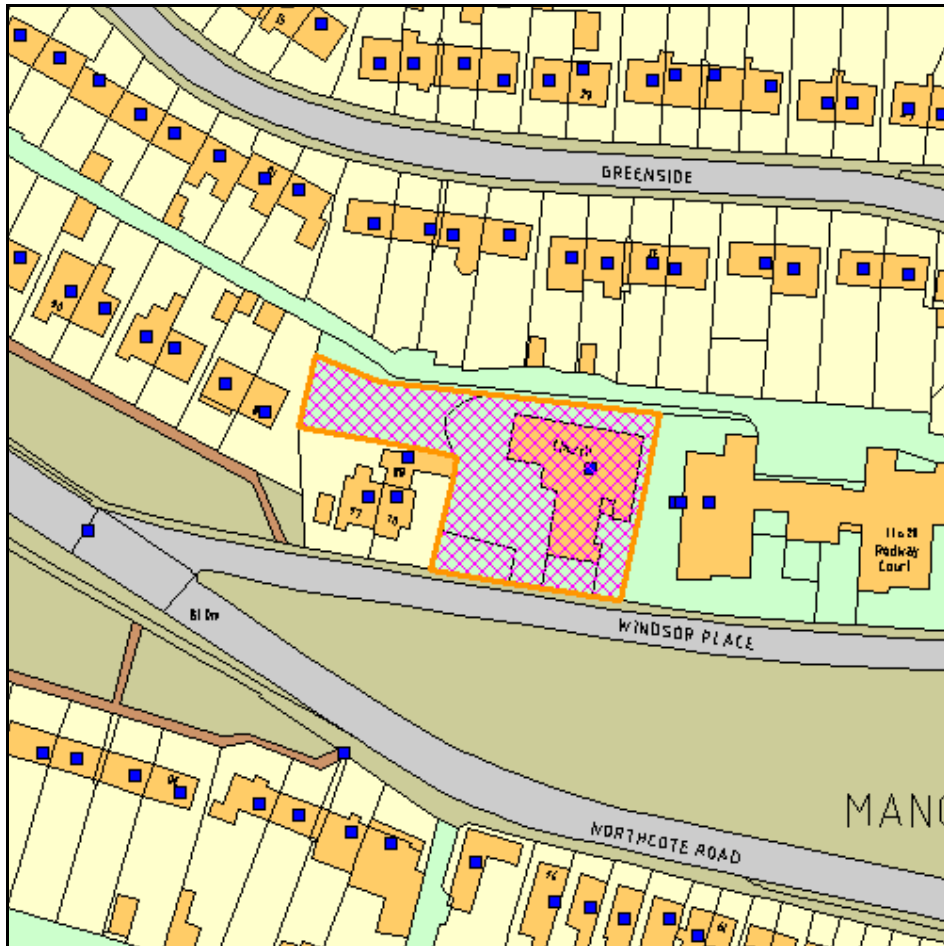
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 14/15 – 2 APRIL 2015

App No.:	PK15/0711/F	Applicant:	Frome Mill Homes
Site:	Mangotsfield Methodist Church Windsor Place Mangotsfield Bristol South Gloucestershire BS16 9DE	Date Reg:	20th February 2015
Proposal:	Demolition of existing Church. Erection of 4 no. detached dwellings with new access and associated works.	Parish:	None
Map Ref:	366140 176502	Ward:	Rodway
Application Category:	Minor	Target Date:	16th April 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The following report 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 demolition of an existing church and the erection of 4no. detached dwellings with new access and associated works. This application follows an outline application but as the footprint, orientation and parking arrangements have changed since that submission this is for a full assessment rather than a reserved matters application.
- 1.2 The application site relates to an abandoned Methodist Church on Windsor Place in the established settlement boundary of Mangotsfield. The site is approximately 0.14ha and the previous application confirmed the church has been unoccupied and empty for at least three years and is no longer required by the trustees of the Methodist Church.

2. POLICY CONTEXT

National Guidance

National Planning Policy Framework

Local Policy

South Gloucestershire Local Plan (Adopted) January 2006

- D1: Achieving Good Design
- L1 Landscape Protection
- T8: Parking Standards
- T12: Transportation in New Development

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

- CS1: High Quality Design
- CS5: Location of Development
- CS9: Managing the Environment and Heritage
- CS17: Housing diversity
- CS23: Loss of community building
- CS29: Communities of the East Fringe of Bristol Urban Area

Supplementary Planning Guidance

South Gloucestershire Design Checklist Supplementary Planning Document (2007)

South Gloucestershire Residential Parking Standards Supplementary Planning Document (Adopted 2013)

3. RELEVANT PLANNING HISTORY

- 3.1 K7608 Erection of single storey front extension
Approved 24.1.94
- 3.2 PK14/1352/O Demolition of existing Church.Erection of 4 no.

detached dwellings (Outline) with access and layout to be determined. All other matters reserved.
4.8.14
Approved

3.3 PK14/4458/RM Demolition of existing Church. Erection of 4 no. detached dwellings. Approval of reserved matters to be read in conjunction with outline planning permission PK14/1352/O

Withdrawn

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
The area is unparished

4.2 Other Consultees

Sustainable Transport
No objection

Coal Authority
No objection

Highway Structures
No comment

Wales and West Utilities
No objection subject to an informative stating the applicant should contact us if the application is approved

Other Representations

4.3 Local Residents

One letter from a local resident has been received. The points made are:

- We still cannot see from the plans any provision of access for us to reach the rear wall and fence of our property for maintenance
- Traffic hazards: Windsor Place has a two way system used heavily as a rat run and detour from Northcote Road. When the Church was in use the few cars parked used the area to turn about to exit, even then vision impaired by kerbside parking.
- The bungalow arrangements do not allow for this. The speed that traffic enters and uses Windsor Place is often excessive and vehicles seldom indicate when entering the road

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal stands to be assessed against the above listed policies and all material considerations. The NPPF is in favour of sustainable development and South Gloucestershire Council also promotes such development. The site is located within the established urban area of Mangotsfield and comprises a Methodist Church and associated parking area. Policy CS23 is of relevance as this deals with Community Infrastructure and Cultural Activity and the redevelopment of such sites. Policy CS5 states that most new development will take place within the North and East Fringes of the Bristol area because of existing or future infrastructure in these area and thus be regarded as a sustainable location. The NPPF (2012) states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe and cites the importance of delivering a wide range of residential accommodation to achieve inclusive and mixed communities. As stated in the NPPF the government attaches great importance to the design of the built environment, citing good design as a key aspect of sustainable development and thereby positively contributing to making places better for people. Developments should function well and add to the overall quality of the area, creating attractive and comfortable places to live, work and visit. Furthermore they should respond to local character and history and reflect the identity of local surroundings and materials.

The proposal is considered to accord with the principle of development as discussed below.

5.2 Loss of a community building

Policy CS23 states that existing community infrastructure will be retained, unless it can be demonstrated that :

- the use has ceased and there is no longer a demand; or
- the facility is no longer fit for purpose; and
- suitable alternative provision is available within easy walking distance to the required standard

5.3 The principle of Policy CS23 was agreed under the previous outline application. In this instance the proposal would result in the loss of a place of worship, however, the applicant has stated that the site has been unoccupied and empty for three years and it was clear from the Officer's site visit that the building is not used at present. Policy states that a reasonable amount of time must have lapsed for the opportunity an alternative agency/organisation to re-establish the use or for an alternative community use to have begun on the site. It is considered that 3 years would be a suitable time period. Furthermore, being located in a built up area it is considered that there would be suitable alternative provision within walking distance. Given the above, the proposal for the redevelopment of this site accords with policy.

5.4 Design and Visual Amenity

The 4no. proposed dwellings would be positioned in a row along Windsor Place in between a block of two-storey flats and some older two-storey cottages. Three of the proposed detached houses would be of the same style and one, identified as Plot 4 would be 'L' shaped making good use of the unusual shaped plot. All houses would be 1.5 storey high. Given the position of the houses side by side in a slightly stepped row the majority of openings would be

positioned to the front and rear and a number of rooflights would bring natural light into the structures.

- 5.5 The area is characterised by a mixture of properties differing in style age, design and materials used. Immediately to the west of the site are semi-detached cottages of painted rough render, while to the east is a block of two storey flats in red brick. Opposite on the other side of Northcote Road to the east is row of locally listed stone faced cottages while to the west is the start of a large expanse of post war semi-detached properties.
- 5.6 The approximate size of the 3no. dwellings would be 12 metres in length, 6.5 metres and an overall height to eaves of 7 metres. These properties would have gables facing to the front and rear with the main sets of windows in these elevations. Given their height the properties are regarded as being 1.5 storeys high to accommodate 3no. bedrooms in the first floor. A number of rooflights would assist in bringing in natural light into the buildings. In the side elevations at ground floor level the dwellings would have a main entrance door plus a small window serving a bathroom to the east and a small window serving the kitchens to the west. Materials used would be red concrete flat roof tiles, champagne coloured render and a border of red/orange bricks above damp course level.
- 5.7 The larger property would be 'L' shaped with the dog-leg to the west. This would also be a 3no. bedroomed dwelling again with a gable elevation fronting Windsor Place and to rear and another facing west into the garden. The main openings would be in these elevations and a small number of roof lights would benefit the first floor rooms. To the east side the property would have a single ground floor window of opaque glass. Materials used would be as detailed above for the three smaller properties.
- 5.8 As mentioned above the area is very mixed in terms of its built form character and as such it is considered that the overall design, scale and massing the properties are appropriate. Again materials in the area are varied but the proposal would have materials to reflect the cottages to one side and the flats to the other. They would appear a stand alone small development and would complement the existing street scene.
- 5.9 Residential Amenity
Each property would have a small front garden and dedicated uncovered parking to the front adjacent to Windsor Place. The 3no. same style properties would in turn have reasonable sized rear gardens while the garden serving the larger property would be the largest extending to the west. All properties would have a small patio area and landscaping is indicated. In this built up urban area it is considered appropriate that a scheme of landscaping be implemented to integrate the scheme within its setting given that Windsor Place is separated from the larger and busier Northcote Road by an area of public open space comprising grass and mature trees. A condition will therefore be attached to the decision notice to ensure the planting is carried out.
- 5.10 To the west Plot 4, the largest of the proposed bungalows, would be next to No. 68 and 70 Windsor Place and the garden of No.72, further again to the west,

would run alongside the garden of Plot 4. No. 68 is situated behind No 70 and they share an access. No. 68 is separated from the application site by a mixture of fencing and walls. At the time of the Officer's site visit part of the fence had been removed exposing the side of a conservatory attached to No. 68. Plans state that the boundary treatment would be concrete posts with close boarded fence to all boundaries. The height of this fence has not been stipulated but it is assumed that it would match the existing heights of approximately 1.8 metres and this is considered acceptable.

- 5.11 To the rear of the site is a row of established semi-detached properties separated from the site by a rear access lane. Given the distance it is considered that there would be no issues of inter-visibility or overlooking resulting. To the east is the block of flats, Rodway Court. These are two storeys high and have a large number of windows in all sides. Of particular relevance to this assessment would be those in the west elevation facing Plot 1. Currently the two are separated from each other by a low concrete panel wall, and a Beech hedge and some mature trees. As described above the east elevation of the three similar styled properties is made up of the entrance door and a small opaque glazed window. It is therefore considered that there would be no adverse impact on the residential amenity of either future occupiers of the bungalow or existing occupiers of the flats from this side elevation. It is noted that the building line of the block of flats is slightly behind that of Plot 1 line and as such there could be some overlooking in to the proposed garden. A tree is proposed in the top northeast corner of the site and it is considered that such planting would be important to the privacy of new occupants. It may therefore be necessary to move the position of the tree along the boundary somewhat to achieve maximum shielding. It is therefore considered reasonable that a condition regarding landscaping be attached to the decision notice to address this issue.
- 5.12 Properties to the front are separated by some distance and so would not be adversely affected by the proposal.
- 5.13 The amenity areas are considered to be appropriate to the size of the dwellings with the smallest achieving approximately 41 square metres to the rear. It is worth noting that the proposed Policy Sites and Plan DPD which is out for consultation at the moment and this document puts forward minimum sizes of residential amenity space that all new properties would need to comply with. In this case the garden amenity space would all be considered acceptable.
- 5.14 Officers are therefore satisfied that in overall and on balance and subject to conditions the impact of the proposed development upon neighbouring amenity would be acceptable.
- 5.15 Other matters
Neighbours have expressed concern at not being able to access their rear wall and fence for maintenance purposes. It is inferred that these neighbours in the past crossed land belonging to the church to conduct repairs to their fence. Permission was no doubt obtained from the owners for this purpose. In urban areas where it is not unusual for properties to be in close proximity to one another arrangements can be made between the parties for such purposes.

Access onto land belonging to another cannot be assessed under the remit of a planning report save for the applicant to be reminded that they themselves cannot cross land not belonging to them without permission. Likewise existing neighbours must ask permission from the new owners to conduct any maintenance to those parts of the wall and fence that would be within the garden of Plot4.

5.16 Sustainable Transport

South Gloucestershire Council has granted a planning permission for a similar development proposal (i.e. erection of four residential dwellings) on the same site as part of the application no. PK14/1352/O. The principal of residential development on this site has therefore been established. Parking arrangements now show the spaces to be perpendicular to the road making access and use easier.

5.17 This proposal includes provision for two no. off-street car parking spaces and a cycle and bin storage area for each dwelling. The proposed level of parking provision will satisfy the Council's minimum adopted standards. In view of the above mentioned therefore, there is no highway objection to this application.

5.18 The proposal has been assessed by Highway Engineers who have not put forward any objections to the scheme. The planning application is deemed to meet the required level of off-street parking, is in a built up area where speed levels are set and is therefore acceptable. Points regarding the speed at which road users travel down Windsor Place are noted. A planning application such as this, however, cannot dictate how the road is used or control any abuse by others and any inconsiderate driving or excessive speed should be addressed to the Police Authority.

5.19 Coal Authority

The Coal Authority was previously consulted on planning application PK14/1352/O for this site. As part of the evidence submitted, the applicant provided sufficient information to prove that the site was not located within the former surface mining (opencast) operation that our records indicated. The supporting information was able to prove that the application site is not affected by coal mining legacy.

5.20 Whilst this information has not been submitted as part of the supporting documentation for this planning application, as our Coal Mining Database has now been updated based on this information, the proposed development is no longer considered to fall within the defined Development High Risk Area. Accordingly, there is no requirement under the risk-based approach for a Coal Mining Risk Assessment to be submitted as part of this planning application and The Coal Authority has no objection to the proposed development.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That 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).
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 CS1 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 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 Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) January 2013.

4. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hard surfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area and to protect the residential amenity of proposed Plot 1 and to accord with Policies CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) January 2013.

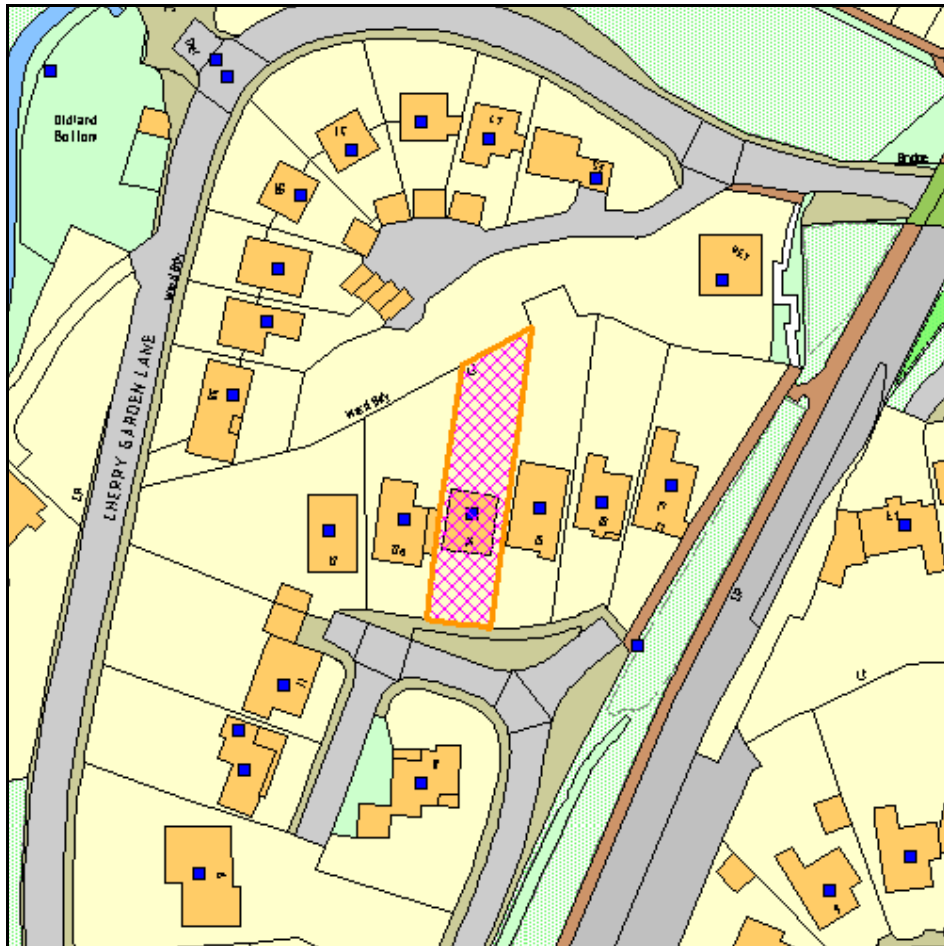
5. The building shall not be occupied until the associated car and cycle parking areas and refuse storage areas have been completed in accordance with the details on plan MMC Rev 7. The facilities so provided shall be retained thereafter for the use of the dwellings identified as Plots 1-4 in the planning application.

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, Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the SPD: Residential Parking Standards (Adopted) 2013.

CIRCULATED SCHEDULE NO. 14/15 – 2 APRIL 2015

App No.:	PK15/0732/CLP	Applicant:	Mr M Balmforth
Site:	14 Cherry Wood Oldland Common Bristol South Gloucestershire BS30 6PQ	Date Reg:	24th February 2015
Proposal:	Certificate of lawfulness for the proposed erection of a single storey rear extension.	Parish:	Bitton Parish Council
Map Ref:	366980 171050	Ward:	Bitton
Application Category:	Minor	Target Date:	15th April 2015



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 100023410, 2014. **N.T.S.** **PK15/0732/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 a single storey rear extension at 14 Cherry Wood, Oldland Common 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.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192
Town and Country Planning (General Procedures) Order 1995 Article 24
Town and Country Planning (General Permitted Development) Order (GPDO) (As Amended) 1995

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history at the site.

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
No comment.
- 4.2 Oldland Parish Council
No comment received.
- 4.3 Other Consultees
Highway Drainage
No objection.

Other Representations

- 4.3 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Application Form; Location Plan; Plans, Section & Elevations as Proposed DRG01; all received 18th February 2015.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

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

6.3 The proposed development consists of a single storey rear extension. 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 an extension to a dwellinghouse subject to the following:

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

- (a) **As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**
The proposed extension would not exceed 50% of the total area of the curtilage.
- (b) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**
The maximum height of the proposal would not exceed the maximum height of the existing dwellinghouse.
- (c) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**
The height of the eaves of the proposal would not exceed the eaves of the existing dwellinghouse.
- (d) **The enlarged part of the dwellinghouse would extend beyond a wall which—**
 - (i) **fronts a highway, and**
 - (ii) **forms either the principal elevation or a side elevation of the original dwellinghouse;**

The proposal extends beyond the rear elevation of the original dwellinghouse and this elevation does not front a highway. There proposal therefore meets this criterion.

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

The proposal extends beyond the rear wall of the dwellinghouse by 4 metres exactly, and does not exceed 4 metres in height. The proposal therefore meets this criterion.
- (f) **The enlarged part of the dwellinghouse would have more than one storey:**

The proposal is single storey.
- (g) **The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres:**

The proposal would be located within two metres of a boundary but have a height to eaves of less than 3 metres and therefore meets this criterion.
- (h) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would:**
 - (i) **exceed 4 metres in height**
 - (ii) **have more than one storey, or**
 - (iii) **have a width greater than half the width of the original dwellinghouse; or**

The proposed extension does not extend beyond a wall which forms the side elevation of the dwellinghouse.
- (i) **It would consist of or include—**
 - (i) **The construction or provision of a veranda, balcony or raised platform,**
 - (ii) **The installation, alteration or replacement of a microwave antenna,**
 - (iii) **The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
 - (iv) **An alteration to any part of the roof of the dwellinghouse.**

The proposal does not include any of the above.

A2 In the case of a dwellinghouse on article 1(5) land, development is not permitted if:

- (a) **It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles :**
- (b) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**

- (c) **The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.**

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

Conditions

A3 Development is permitted by Class A subject to the following conditions:

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

The plans submitted show that the materials are to match those used on the existing dwellinghouse, and so the proposal meets this condition.

- (b) **Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—**

(i) **obscure-glazed, and**

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

The proposal does not include the installation of any upper floor windows.

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

The proposal is single storey.

7. RECOMMENDATION

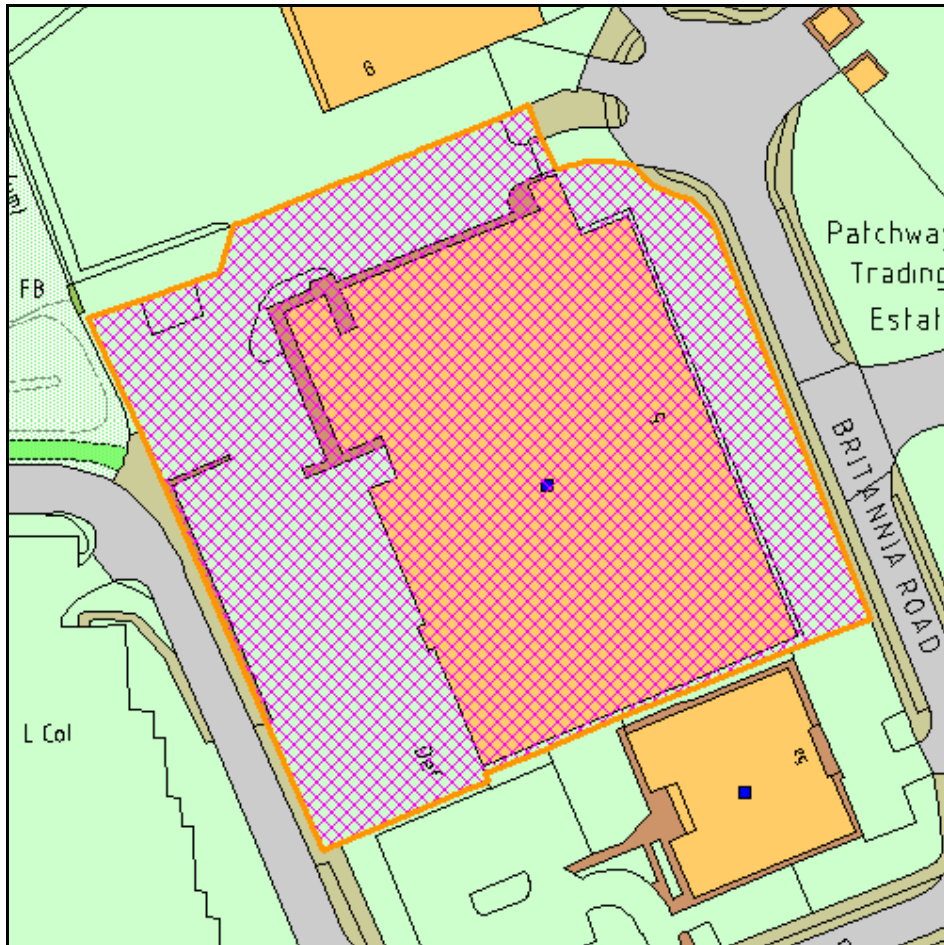
- 7.1 That a Certificate of Lawfulness for Proposed Development is **granted** for the following reason;

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 1995 (as amended).

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CIRCULATED SCHEDULE NO. 14/15 – 2 APRIL 2015

App No.:	PT15/0143/F	Applicant:	Air Hop Trampoline Parks
Site:	Unit 5 Patchway Trading Estate Britannia Road Patchway South Gloucestershire BS34 5TA	Date Reg:	16th January 2015
Proposal:	Change of use from a storage and distribution warehouse (Class B8) to an Indoor Trampoline Park (Class D2) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works.	Parish:	Patchway Town Council
Map Ref:	358902 181541	Ward:	Patchway
Application Category:	Major	Target Date:	14th April 2015



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N.T.S.

PT15/0143/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The following report appears on the Circulated Schedule following objections received from local residents

INTRODUCTION

This application is referred to the Circulated Schedule in accordance with procedure given that an objection has been received that is contrary to the recommendation of the Case Officer.

1. THE PROPOSAL

- 1.1 The application seeks consent for the change of use of the building from a storage and distribution use (B8) to a leisure use (D2). The site will operate as a trampoline park (150 trampolines) as well as other areas for leisure pursuits. Information submitted by the applicant indicates that the site will employ 7 full time staff and 100 part time staff. The submitted information indicates that the company operates a similar development in Surrey (with similar employment levels). No alterations to the access or parking areas are proposed and the latter will accommodate 162 car parking spaces (utilising the area currently used for lorries as well as the existing car park). No significant changes to the building are proposed, the entrance will be on the south west elevation where all openings will remain albeit one widened for disabled access. Two roller shutter doors will be replaced by glazed doors on this elevations.
- 1.2 The application site comprises a large two storey detached warehouse (in a B8 storage and distribution use), and associated office space on a site of 1.05 hectares. Within the site there are 60 car parking spaces and a large yard on the western side of the site used by visiting lorries. The site is currently vacant. The site is situated within the Patchway Trading site on the western side of Britannia Road. The site is surrounded by other industrial and storage units with to the west on the other side of Olympus Road Asda and its associated car parking.
- 1.3 The site lies within the proposed Cribbs Patchway New Neighbourhood and as such in the medium to long term there is an aspiration the site is developed as part of this mixed use development. The site is identified in Policy CS12 as an interim safeguarded employment site in the Core Strategy 2013.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
L1 Landscape Protection and Enhancement

- E3 Employment Development with the Urban Area
- T12 Transportation Development Control Policy for New Development
- LC3 Proposals for Sports and Leisure Facilities within the Existing Urban Area and Defined Settlement Boundaries

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS5 Location of Development
- CS9 Managing the Environment and Heritage
- CS12 Safeguarded Areas for Economic Development
- CS23 Community Infrastructure and Cultural Activity
- CS25 Communities of the North Fringe of the Bristol Urban Area
- CS26 Cribbs/Patchway New Neighbourhood

2.3 Supplementary Planning Guidance

Design Checklist 2007

3. RELEVANT PLANNING HISTORY

3.1 Unit 5

P84/1073 Alteration and extension to existing warehouse to include change of use of part of building to form sublet stockroom, new common stockroom and new reconstruction unit. Construction of four new unloading bays with associated canopies and three new access points with canopies over. Construction of new fire exit (Approval)

P99/1213 Alterations to existing lorry loading docks to provide weatherproof loading shelters (Approval)

Other relevant nearby history

PT05/1296/F Unit 22 Patchway Trading Estate for the erection of a single storey extension to form a reception area to facilitate the use of premises as childrens' activity centre (Approval)

4. CONSULTATION RESPONSES

4.1 Patchway Town Council
No comment received

Other Consultees

Landscape Officer

No objection

Highway Structures

No objection

Public Rights of Way Team

No objection

Highway Drainage

No comment

Sustainable Transport

The Transport Statement references the existing Airhop facility and uses it to provide 'pro rata' figures for this development. It is noted on the Airhop website that 'Park Rules' dictate that a maximum of one person per trampoline is permitted. Given that the TS relates to this issue there should either be a condition requiring a maximum of 1 person per trampoline or alternatively a Travel Plan needs to be conditioned from which it can be one of the measures to manage the traffic going to/from the site.

Subject to the above then there is no transportation objection to this proposal.

Other Representations

4.3 Local Residents

Two letters of objection have been received. The grounds of objection are as follows:

Trampolining can result in serious injury. if the sites are not operated correctly. These sites should operate in accordance with the British Staff are not suitably qualified and profit is the only motivation. These parks are not operated properly in a safe manner resulting in additional strain on the health service
A planning condition should be applied that limits trampolines to 1 participant at a time

The applicant has advertised that they will be opening in summer 2015 at a time when they have not gained planning permission.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site is identified as an interim safeguarded employment area in table 2 of Policy CS12 of the South Gloucestershire Local Plan. This is because the site is located in the Cribbs Causeway Patchway area where in the longer term a new neighbourhood is proposed in Policy CS26. In the longer term this site may be more appropriate to a residential or mixed use as part of that new neighbourhood however that is for the longer term.

Policy CS12 indicates that opportunities to redevelop existing employment uses for remodelling or intensification will be encouraged.

While the use (Class D2) does not fall within a traditional employment use (B1,B2,B8), it is noted that there will be 7 full time employees and 100 part time employees. Secondly the building is vacant and its re-use is preferable to a vacancy. It is considered that it may be difficult for a more traditional employment use to obtain a long term lease given the uncertainty regarding the long term future of the area. Lastly the proposed use will not result in the loss of the existing building or any substantive alteration to the building and thus the building could revert back to a more traditional use (subject to an application).

In addition no alteration to the parking areas, (or access and turning areas), are proposed that would impact upon the functioning of the site in the future.

Policy CS23 of the Core Strategy (and Policy LC3 of the South Gloucestershire Local Plan (saved policy) support additional community infrastructure and cultural activity of which sports and recreational facilities form a part. The proposal would also have the potential to provide some health benefits to its users. Such development is considered to help the development of sustainable communities.

The proposed development would not undermine Policy CS12 and is considered acceptable in principle subject to consideration of the following material planning considerations. .

5.2 Design

The building will not be altered externally in a significant way, with only minor alterations to some of the elevations to include the removal of some small shutters and their replacement with glazing. Any internal alterations would not need consent. An informative will be attached to the decision notice to inform the applicant that consent will be required for any signage associated with the new use.

5.3 Residential Amenity

The nearest residential properties are located approximately 200 metres due east from the application site. It should also be noted that there are other commercial buildings and some intervening landscaping between the site and those properties. No significant physical alterations are proposed.

It is not considered that the proposal will have any additional impact upon the residential amenity of the nearest occupiers than the existing B8 lawful use. It is not considered necessary given the location to limit the opening hours of the premises.

5.4 Sustainable Transport

Policy T12 of the South Gloucestershire Local Plan indicates that new development makes adequate, safe and appropriate provision for the transportation demands which it will create and minimises the adverse impact of motorised traffic. Policy LC3 also indicates that proposals should not give rise to unacceptable levels of on street parking to the detriment of the amenities of the surrounding area and highway safety.

It is proposed to provide 162 no. car parking spaces for customers and staff (there are 60no. spaces at the site at present however additional spaces will be made available from the area currently used for lorries associated with the distribution use).

A detailed Transport Statement has been requested from the applicant and this has been studied by Transport Officer. The comments of the transportation

officer are noted with regard to the number of people using a trampoline at any one time, however restricting the numbers using each trampoline to one, is a management issue and not a planning consideration. This would not in any case reduce the number of people in the building at anyone time. A condition requiring a travel plan will however be attached to the decision notice. A travel plan would be based upon evidence of likely transport impacts and would address the number of visits, how the times of visits/length of stay are managed,, parking arrangements and neasures to promote and encourage sustainable travel.

Subject to a condition requiring the submission of a travel plan to help manage traffic going to and from the site, a condition to ensure that all parking spaces are made available prior to first use and a condition to ensure that only this use within Class D2 (because alternative D2 uses would require a different assessment of the likely transportation impacts) it is considered that the proposal is acceptable in transportation terms and would be in accord with the objectives of plan policy.

5.5 Other matters

A concern has been raised that the use of trampolines is potential dangerous, can result in admissions to Accident and Emergency Units (with implications therefore for the Health Service) and similar sites are often poorly operated.

The safety of the equipment, its operation and the supervision of those taking part are not matters that can be considered as a material planning considerations and would be covered through other legislation (relating to Health and Safety) and is ultimately the responsibility of the operator 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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 Planning Permission is granted subject to the conditions as set out on the decision notice.

Contact Officer: David Stockdale
Tel. No. 01454 866622

CONDITIONS

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

Reason

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

2. Prior to the first use of the Indoor Trampoline Park a framework travel plan shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months of the commencement of the use the full travel plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the use shall operate in accordance with the approved plan.

Reason:

To ensure the satisfactory provision of adequate parking facilities and to encourage means of transportation other than the private car to accord with Policies T10 and T12 of the South Gloucestershire Local Plan 2006 (saved policy) and Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013

3. The premises shall be used for an Indoor Trampoline Park (Class D2) and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:

The parking requirements and impact of the proposal upon the surrounding highway network has been assessed having regard to this specific operational use within Class D2. The travel plan that will be associated with this use will also be specific to the use as a Trampoline Park. Any other use within Class D2 would require a separate assessment. To accord with Policy T12 of the South Gloucestershire Local Plan 2006 (saved policy) .

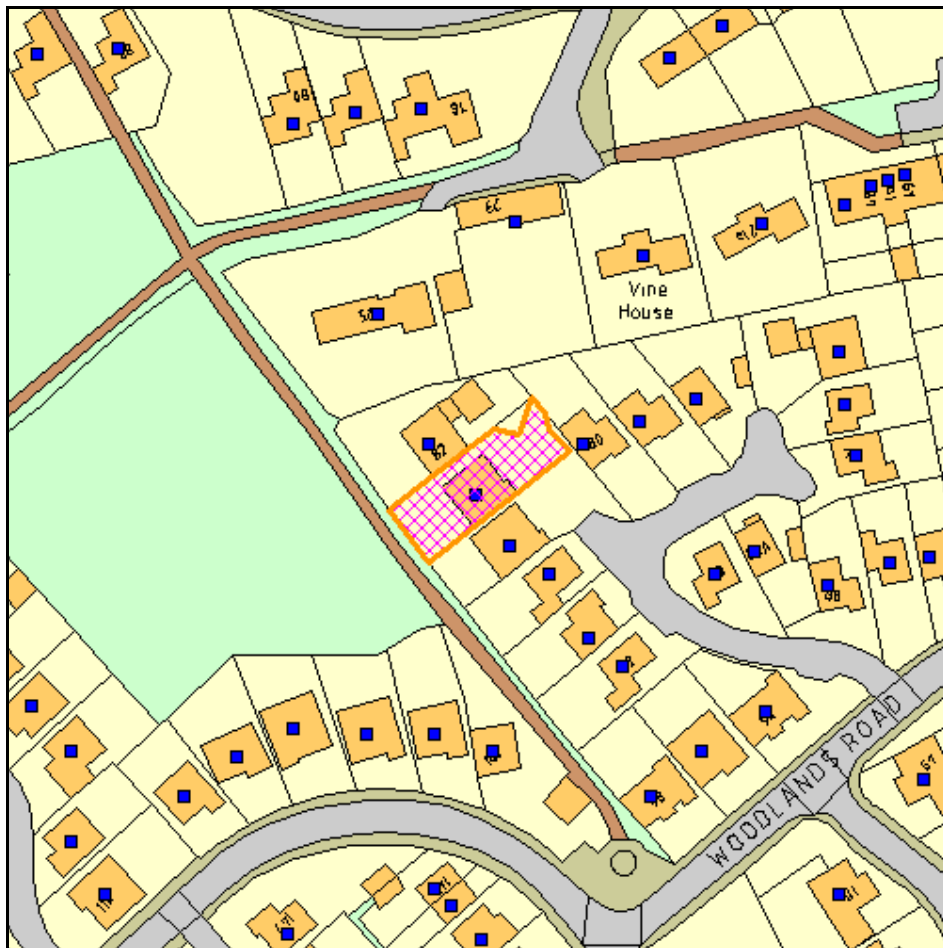
4. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

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 LC3 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 - (saved policies)

CIRCULATED SCHEDULE NO. 14/15 – 2 APRIL 2015

App No.:	PT15/0454/F	Applicant:	Mr And Mrs Melville
Site:	84 Woodlands Road Charfield Wotton Under Edge South Gloucestershire GL12 8LS	Date Reg:	10th February 2015
Proposal:	Erection of first floor side extension over garage to form additional living accommodation.	Parish:	Charfield Parish Council
Map Ref:	372337 191832	Ward:	Charfield
Application Category:	Householder	Target Date:	2nd April 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been submitted to the Council's Circulated Schedule procedure, following an objection from a neighbour which is contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a first floor side extension at a detached property within the settlement boundary of Charfield.
- 1.2 Permission is sought to create two additional bedrooms at the property at first floor level.
- 1.3 An additional plan showing parking was received on 13th March 2015.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance 2014
- 2.2 Development Plans
South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Improving Accessibility
South Gloucestershire Local Plan Adopted January 2006 Saved Policies
T12 Transportation
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
 - (a) South Gloucestershire Design Checklist (Adopted) August 2007
 - (b) Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 There is no recent planning history.

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
No comment received.
Other Consultees
Highway Drainage
No comment.
Sustainable Transport
Parking plan requested to show three parking spaces.

Other Representations

- 4.3 Local Residents
One letter of objection has been received raising the following points:
 - Light to our bathroom will be lost as there is only one metre between the two houses
 - Extension is overbearing

- Parking arrangement is limited, and there is a lack of space for any additional cars
- Tree in our garden is close to the extension and will have to be cut back severely

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Saved 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 in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Design

A gable extension is proposed at first floor level, atop the existing garage and dining room, and set back from the principle elevation with a lower ridge height, remaining subservient to the host dwelling. The existing materials of facing brick and interlocking concrete tiles are to be carried through to the extension, and a condition on the decision notice will ensure that the appearance of the bricks and tiles matches those used in the existing dwelling. Subject to this condition, the design is considered to accord with policy CS1 of the Core Strategy (Adopted) December 2013.

5.3 Residential Amenity

The adjacent neighbour at no. 86 has stated that the extension will be overbearing and will block light to their facing bathroom windows. A bathroom is not considered to be a principal room, and a loss of light to this window is not considered to have a detrimental impact on the residential amenity of the occupiers. Furthermore, as the extension is to the north-west of the facing elevation of no. 86, and so loss of light will be minimal. No other neighbouring occupiers will be affected, and the proposal does not reduce the amount of garden space available. Accordingly, the proposal is found to be acceptable in terms of policy H4 of the Local Plan (Adopted) January 2006.

5.4 Transport

The neighbour has stated that parking is limited, and following a request from the Sustainable Transport officer the applicant submitted a parking plan, received on 13th March 2015. This plan shows adequate space on the driveway for two vehicles with space remaining, and the existing garage, whilst it is slightly shy of the Council's standards for a single garage, it is considered to be able to accommodate a vehicle. A condition will ensure that the parking spaces are retained as such in the future. Therefore, the proposal is acceptable in transportation terms.

5.5 Vegetation

The objection received raised concerns about the tree in the front garden of no. 86 being at risk of being cut back. Damage to the tree is unlikely as the development is only at first floor level, however it does sit very close to no. 84 and may have to be cut back slightly. The tree is not subject to a Tree Preservation Order, and the applicant will be reminded by means of an informative that they can only carry out works on land which is under their

ownership, and that consent is required from the owner for land which they do not own.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 It is recommended to **GRANT** planning permission subject to the conditions listed on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

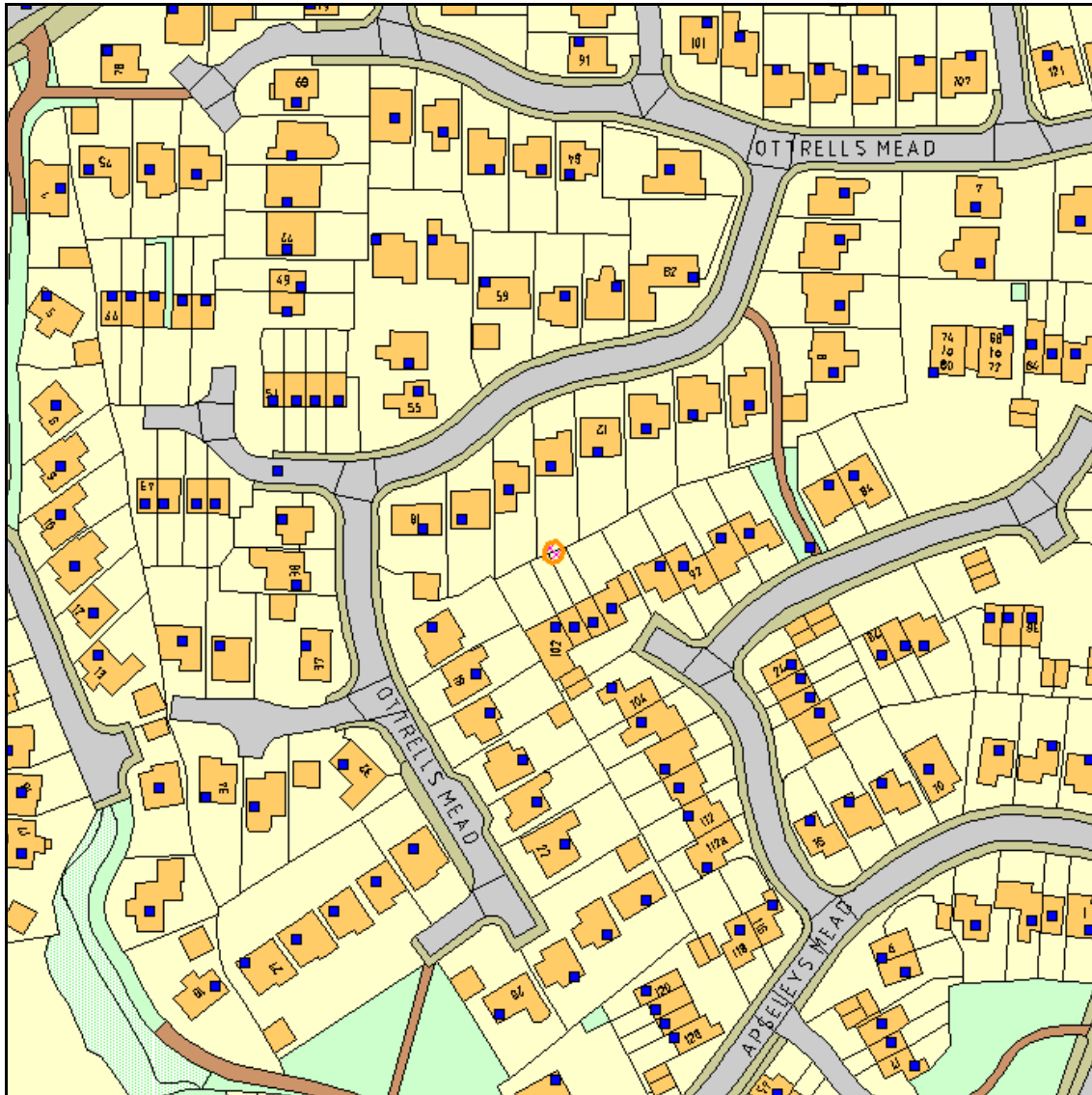
3. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

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 policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Residential Parking Standards SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 14/15 – 2 APRIL 2015

App No.:	PT15/0490/TRE	Applicant:	Infront Innovation
Site:	13 Ottrells Mead Bradley Stoke Bristol South Gloucestershire BS32 0AJ	Date Reg:	10th February 2015
Proposal:	Works to fell 1no. Oak Tree covered by Tree Preservation Order SGTP001/96 dated 18th December 1996	Parish:	Bradley Stoke Town Council
Map Ref:	361289 183036	Ward:	Bradley Stoke North
Application Category:	Works to trees	Target Date:	2nd April 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

Comments have been received that are contrary to the planning officer's recommendations.

1. THE PROPOSAL

- 1.1 Works to fell 1no. Oak Tree covered by Tree Preservation Order SGTPO 0422 dated 18th December 1996

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/2340/TRE Works to lop branch of 1no oak tree covered by Tree Preservation Order 0422 – Decision COND, Date of decision – 07-Sep-06.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Parish Council
Objection for the following reason:

1. the removal of the oak tree cannot be justified as it is an arboreal asset to the area

Other Representations

- 4.2 Local Residents
An objection has been received from a neighbour. The reasons given are as follows:

1. Other options should be sought instead of tree removal.
2. The tree is healthy and provides good amenity, shelter and ecological benefits.
3. The source of the damage may have been the leylandii hedge that was removed prior to the extension being built
4. Trees of this stature should be protected.

5. ANALYSIS OF PROPOSAL

- 5.1 Works to fell 1no. Oak Tree covered by Tree Preservation Order SGTPO 0422 dated 18th December 1996

5.2 Principle of Development

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

5.3 Consideration of Proposal

The subject tree is a well formed, mature oak tree situated in the rear garden of 13 Ottrells Mead, Bradley Stoke.

5.4 It is acknowledged that the tree offers significant amenity to the local landscape.

5.5 The subject tree has been identified as the causal agent of subsidence to an extension of 15 Ottrells Mead, built in 1999. The results of soil investigations and bore holes agree with this finding and it is accepted that the tree, on the balance of probabilities, is the causal agent of the damage.

5.6 The foundation depths of the extension were considered adequate and signed off by South Gloucestershire Council Building Control in the winter of 1999.

5.7 It is accepted that alternative options have been considered, including the installation of a root barrier and tree pruning. Given the tree's land-locked location it would not be possible to access the rear gardens with the machinery required for the installation of a root barrier and aerial pruning has not been shown to be effective in reducing a tree's water uptake in the long term.

5.8 Should the subject tree be removed, a replacement tree would be required to take its place. This has been discussed, and it has been agreed that a hornbeam would be a suitable tree, given that it is native, will achieve a good mature size for its position and offer future amenity to the locality. This will be subject to the same TPO.

6. RECOMMENDATION

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

Contact Officer: Phil Dye
Tel. No. 01454 865859

CONDITIONS

1. A replacement tree, the species, size and location of which is to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

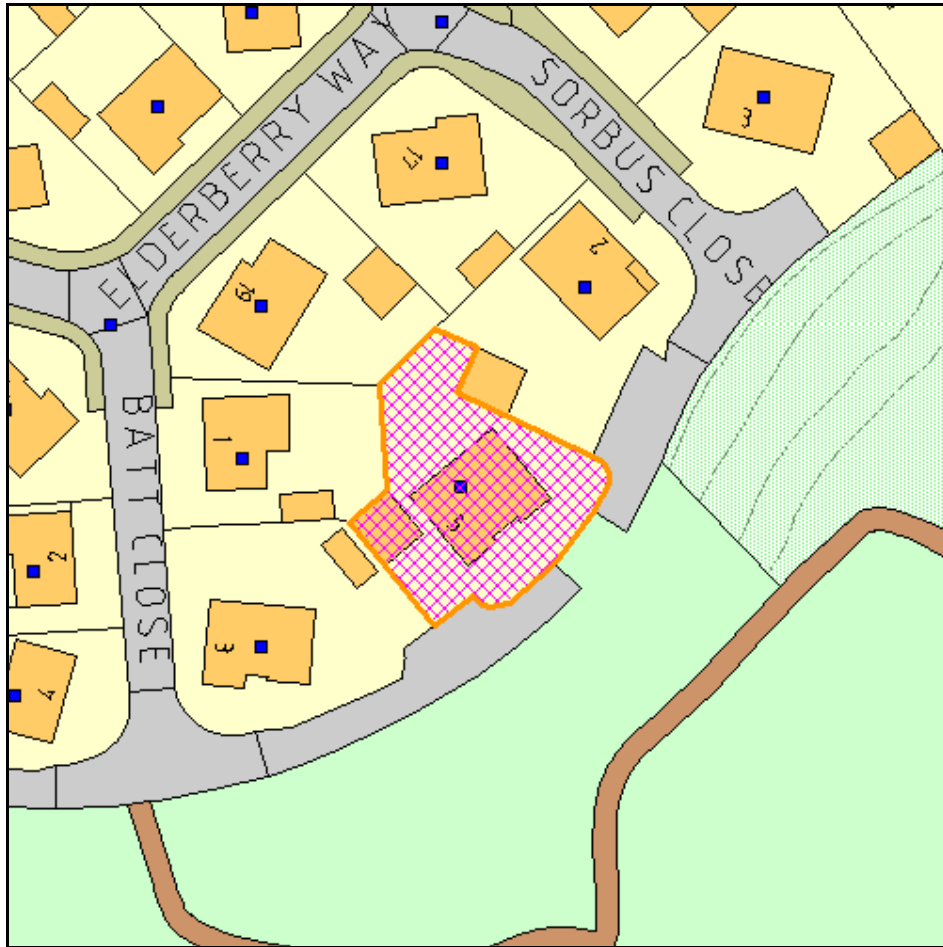
2. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 14/15 – 2 APRIL 2015

App No.:	PT15/0657/F	Applicant:	Mr And Mrs Nunn
Site:	5 Batt Close Almondsbury Bristol South Gloucestershire BS32 4FX	Date Reg:	19th February 2015
Proposal:	Erection of single storey side extension to form additional living accommodation.	Parish:	Almondsbury Parish Council
Map Ref:	362080 184254	Ward:	Almondsbury
Application Category:	Householder	Target Date:	9th April 2015



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PT15/0657/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This is a full planning application for a proposed single storey side extension. A local resident has objected to this proposal.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The applicant seeks full planning permission to erect a single storey side extension to 5 Batt Close, Almondsbury, to provide further living space.
- 1.2 The application site relates to a large two story detached property within a suburban development in Almondsbury that is set within the Green Belt. The property comprises double gable projections to the front in red brick and render, pitched roof and a separate double garage with parking and turning space to the front, along with front and rear gardens all set within a walled and fenced boundary.
- 1.3 The plot sits within its own cul-de-sac entrance on a modern suburban development. There are shrubs and trees to the left of the property, and a raised bank to the front with a footpath and protected trees to the other side.
- 1.4 It should be noted that following negotiations to reduce the impact on residential and visual amenity, revised plans were submitted and accepted on 25th March 2015. It is considered that there was not a need to re-consult as the overall design has not change significantly, just a change in window glazing.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance 2014
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)
CS1 High Quality Design
CS8 Improving Accessibility

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)
Development in the Green Belt (Adopted 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/0865/F Approved 28.03.2007
Demolition of existing buildings. Erection of 270 dwellings on 34.17 hectares of land to include new access, landscaping bunds, public open space,

landscaping details associated work to Hortham Lane and Hortham Lane/A38 junction.

- 3.2 PT10/0671/TRE Approved with conditions 12.05.2010
Works to various trees covered by Tree Preservation Orders in Hortham Village as per schedule of works.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No Objection

- 4.2 Other Consultees

Highway Drainage

No Objection, however the drainage office has suggested an informative be attached to the decision notice regarding the location of a public surface water sewer.

Other Representations

- 4.3 An objection to the works proposed received from a neighbour as follows
- 1) The shape of the flat roof is not consistent with the character of the area having pitched roofs.
 - 2) The extension needs to be built at least 1 metre away from the boundary to;
 - i) Minimise the possibility of undermining/subsidence of the neighbouring garage, driveway and boundary.
 - ii) Allow for space to build the extension and its future maintenance without undue access required to the neighbouring property.
 - iii) Ensure that the existing, mature boundary shrubs/hedges are retained to break up and hide yet another, large red brick wall. We note however that the application states that no alternations to hedges/trees/shrubs will be required. This is difficult to comprehend when the plans appear to show the extension tight to the existing boundary.
 - 3) The large domed skylight has the potential to increase light pollution in the area.
 - 4) The two windows in the end aspect are removed as they effectively triple the ability to overlook the neighbouring property. The lack of being overlooked was a key decision factor for the neighbours buying of the adjacent property.
 - 5) The new extension would remove much of one leg of the "L" shaped wall, if not the complete wall, leaving it almost as a free standing structure, increasing the health and safety risks for people and property alike.
 - 6) Soakaways need to be sufficiently far from the neighbouring property to prevent any possibility of undermining / subsidence
 - 7) Mechanical extraction systems need to be of run-quiet quality to reduce noise pollution and not exhaust over the neighbouring property.

- 8) No5 Batt Close was built over an excavated pond. Its foundations are therefore several metres deep with significant infill. The planned extension appears to have foundations of standard layout. Are there any implications with the build construction as a result of these differences?
- 9) The proposed extension changes the site line therefore;
 - i) Views from the adjoining property will be curtailed as will light.
 - ii) The adjacent driveway will be in more of a shadow from sunlight and shelter from the drying wind thereby allowing the proliferation of green algae to grow in the tarmac with the potential of causing damage.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

- 5.2 As equally pertinent in the consideration of this application is the principle behind extensions in the green belt and conservation area. In regard to the green belt, Section 9 of the NPPF affords substantial weight to any harm to the green belt making it clear that Local Authorities should not approve development that is considered inappropriate unless outweighed by special circumstances. Furthermore, policy H4 and South Gloucestershire's Green Belt SPD advises that development would complement the existing character, would protect the openness of the green belt and must not result in a disproportionate appearance.

5.3 Visual Amenity

The proposal consists of a single story side extension to the right of the property with a window to the front and a flat roof with a large roof light. The extension will be set between the host dwelling and the existing boundary wall replacing a small side area of garden.

- 5.4 It should be noted that the objector raised concerns that the flat roof is out of keeping with the character of the streetscene. Whilst it is acknowledged that the area is dominated by pitched and hipped roofs, the proposal is modest in scale and the overall design and use of materials has been informed and is in keeping with the character of the host dwelling. Overall, it is considered that the proposed extension would not harm the character or appearance of the area and as such, is considered acceptable in terms of visual amenity.

5.5 Green Belt

Although this development falls within the Green Belt it is considered that it is proportionate in size and character to the original dwelling house and will not pose harm to the openness of the Green Belt.

5.6 Residential Amenity

The dwelling is located in a cul-de-sac with neighbouring properties to the side and rear. Given the proposed extension is single storey in height, and would only incur slight overlooking from the property to the right, as other properties are at an angle of view or obscured by the neighbouring detached garage; it is not considered to result in a loss of privacy or a loss of light to any neighbouring dwellings. Sufficient garden space would remain to serve the host property post development.

It should also be noted that the objector has raised concerns of the potential for overlooking from the proposed development onto neighbouring dwellings. It is considered that the proposed development is of sufficient distance and angle to not have a detrimental effect on the privacy currently enjoyed by neighbouring dwellings. However the applicant has addressed this area of the design and changed the glazing type of the side windows to obscure glazed, this will further minimise the potential for overlooking.

Overall, it is considered that the proposal would not harm the living conditions currently enjoyed by neighbouring dwellings and as such, is considered acceptable.

5.7 Sustainable Transport

The application is not proposing to increase the total number of bedrooms within the property, nor would it effect the existing off street parking arrangements and as such, there are no objections in terms of parking and highway safety.

5.8 Other Matters

In regards to the objections raised matters of ownership are a civil matter and not a planning consideration. However an informative has been attached to this decision that addresses issues of ownership.

The objector has also raised concerns over the removal of various shrubs and hedges, although it is not stated in the application that these will be removed it is considered that as these are not protected and therefore can be removed without planning consent.

The wall that is to be removed is also not considered to require planning consent to remove part of all of the wall if it is in the ownership of the applicant. Therefore is considered to not be under the development control of the authority.

The drainage consultee has raised no concerns in regards to soakaways that would affect or be affected by the proposal.

The management and operation of the objectors driveway is not a material consideration in regards to this application, and is therefore considered that the proposal will not materially affect how the driveway will be operate or be used.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Jessica Robinson
Tel. No.

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).