

**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.49/15

Date to Members: 04/12/15 Member's

Deadline: 10/12/15 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

Dates and Deadlines for Circulated Schedule
Christmas & New Year Period 2015/16

Schedule Number	Date to Members 9am on	Members Deadline 5pm
51/15	Wednesday 16 December	Tuesday 22 December
52/15	Wednesday 23 December	Tuesday 05 January 2016
01/16 Back to usual days	Friday 08 January 2016	Thursday 14 January 2016

Highlighted above are details of the schedules that will be affected by date changes due to the Bank Holidays at Christmas & New Year 2015/16

CIRCULATED SCHEDULE - 04 DECEMBER 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/2886/F	Approve with Conditions	1 Abbotswood Kingswood South Gloucestershire BS15 9PZ	Woodstock	None
2	PK15/4357/F	Approve with Conditions	Pucklechurch Congregational Church Shortwood Road Pucklechurch South Gloucestershire BS16 9RA	Boyd Valley	Pucklechurch Parish Council
3	PK15/4456/CLE	Approve with Conditions	Annexe A Cotswold Way High Street Tormarton South Gloucestershire GL9 1HZ	Cotswold Edge	Tormarton Parish Council
4	PK15/4462/RV	Approve with Conditions	9 Badminton Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
5	PK15/4479/F	Approve with Conditions	58 Leap Valley Crescent Downend South Gloucestershire BS16 6TN	Emersons	Emersons Green Town Council
6	PK15/4558/F	Approve with Conditions	100 St Davids Avenue Warmley Hill South Gloucestershire BS30 8DE	Parkwall	Oldland Parish Council
7	PK15/4567/RV	Approve with Conditions	Snax 24 Ltd 114 Bath Road Willsbridge South Gloucestershire BS30 6EF	Bitton	Bitton Parish Council
8	PK15/4681/CLP	Approve with Conditions	Barn At The Firs France Lane Hawkesbury Upton Badminton South Gloucestershire GL9 1AL	Cotswold Edge	Hawkesbury Parish Council
9	PT15/3219/F	Approve with Conditions	29 Cabot Court Gloucester Road North Filton South Gloucestershire BS7 0SH	Filton	Filton Town Council
10	PT15/3855/F	Approve with Conditions	Woodbine Cottage Wotton Road Rangeworthy South Gloucestershire BS37 7NA	Ladden Brook	Rangeworthy Parish Council
11	PT15/3949/F	Approve with Conditions	3 - 4 Cabot Court Gloucester Road North Filton South Gloucestershire BS7 0SH	Filton	Filton Town Council
12	PT15/4505/F	Approve with Conditions	19 Heath Gardens Coalpit Heath South Gloucestershire BS36 2TQ	Westerleigh	Westerleigh Parish Council
13	PT15/4551/F	Approve with Conditions	1 Rodney Crescent Filton South Gloucestershire BS34 7AF	Filton	Filton Town Council
14	PT15/4568/F	Approve with Conditions	4 Cade Close Stoke Gifford South Gloucestershire	Stoke Gifford	Stoke Gifford Parish Council
15	PT15/4711/TCA	No Objection	Hambrook House The Stream Hambrook South Gloucestershire BS16 1RG	Winterbourne	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 49/15 – 4 DECEMBER 2015

App No.: PK15/2886/F
Site: 1 Abbotswood Kingswood Bristol South
Gloucestershire BS15 9PZ

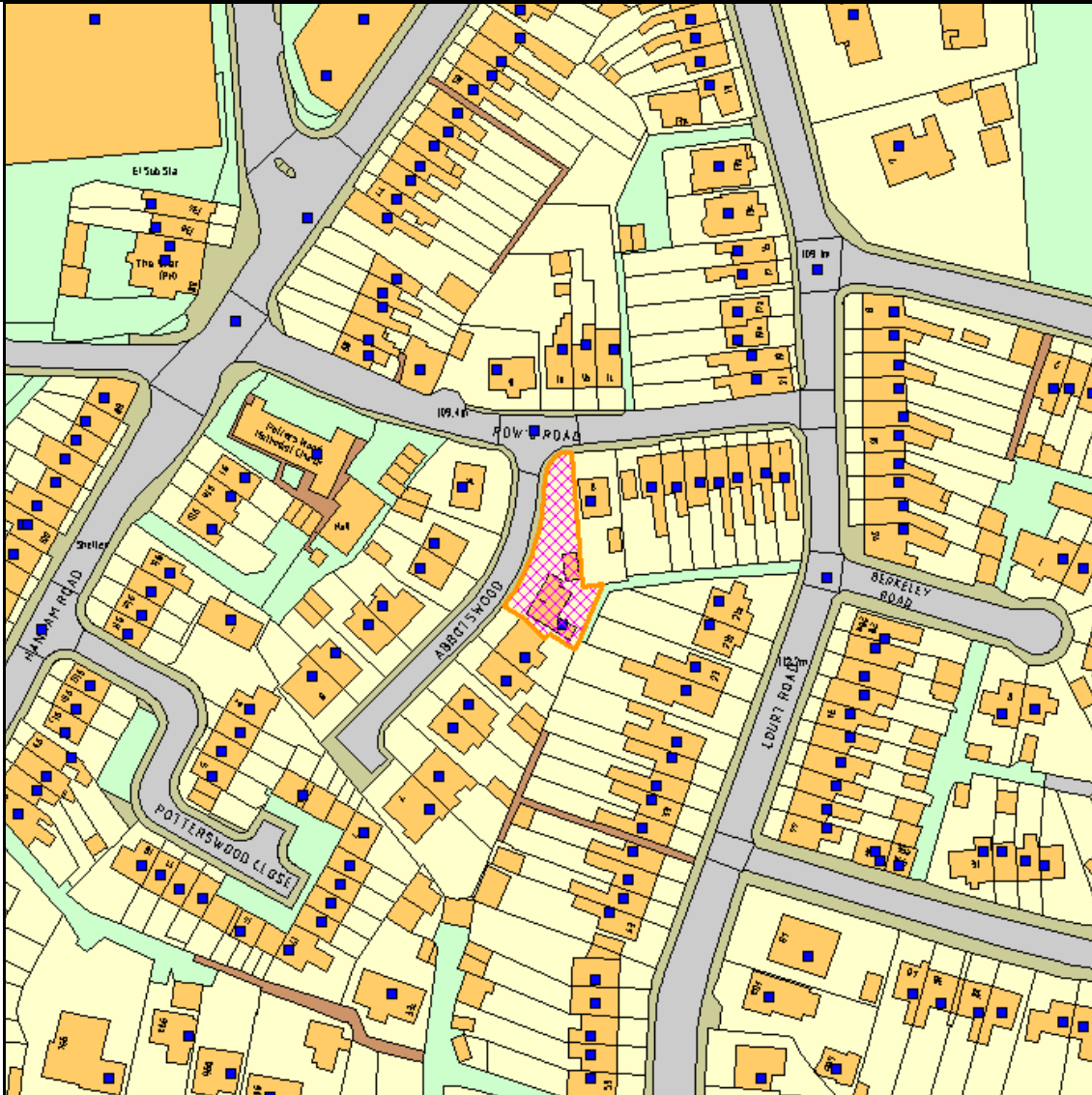
Applicant: Mr Leighton Jones
Date Reg: 7th July 2015

Proposal: Erection of 0.9m high wire mesh fence to front of property on existing wall to total height of 1.8 metres (Retrospective)

Parish: None

Map Ref: 364918 173252
Application Category: Householder

Ward: Woodstock
Target Date: 31st August 2015



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100023410, 2008. N.T.S. PK15/2886/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of objections from local residents, which are contrary to the officer recommendation.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The applicant seeks a retrospective planning permission to erect a 0.9 metre high mesh/wire fence on an existing front boundary wall and a maximum of 1.2 metre high close board fence along the side boundary of No. 1 Abbotswood Kingswood. Both fences are erected above the retaining wall, which is approximately 0.7-0.9 metres high above the ground level.
- 1.2 The application site comprises a two-storey detached dwelling within a urban residential area of Kingswood.
- 1.3 During the course of the application, revised plans were submitted following negotiations to address concerns regarding the public highway safety and the impact upon the street scene. The original proposal showed there would be 1.5 metres high closed board boundary fence along the front and side boundary. The revised plans show the proposed front boundary fence has been reduced from the originally 1.5 metres to 0.9 metres and the side boundary fence has also been reduced to 0.9 – 1.2 metres above the retaining wall. It should be also noted that the corners of the proposed boundary fence would be set back in order to provide adequate visibility. The revised plan has been subject to public construction in accordance with the Council's consultation procedure.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS4A Presumption in favour of sustainable development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS29 Communities of the East Fringe of Bristol Urban Area

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 (Adopted 2007)
Manual for Streets SPD (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 K1308 Alterations to provide additional living accommodation and porch.
Approved 23.03.76

4. CONSULTATION RESPONSES

- 4.1 Parish / Town Council
The site is within situated any parished area.

4.2 Other Consultees

Sustainable Transport

No objection subject to condition to secure the height and vegetation.

Lead Local Flood Authority

No comment.

Other Representations

- 4.3 Local Residents
15 letters of objection and 1 letter of support have been received and the residents' concerns are summarised as follows:

Objection comments

Impact upon the character

- Horrendous fence
- It is a quiet cul-de-sac and they are turning their house into Fort Knox, the fence is too high, out of character, eye sore, create tunnel effect, people living within sight the fence feel as though they are in a prison camp
- Other 14 properties in this cul-de-sac only has no more than 1 metre high dwarf wall, highly obtrusive on this open plan aspect
- Institutionalise the area akin to a compound
- Become a prominent feature
- block neighbourly interaction and a sense of community
- Anti-social and incongruous
- Existing rose bushes never grow higher than 0.5 metres and they are not climbing roses, therefore the existing wire and posts would be left exposed
- Proposed post and wire mesh fence is also an eyesore
- What gates to be considered to secure the property, any gates would obstruct public footway or highway would not be acceptable.

Highway concerns:

- Object to the solid timber fence to a height of 1.2 metres above the existing wall
- Restrict visibility on exiting onto Pows Road, the fence will restrict the view and children will no longer be safe to play.
- The fencing along the length of the property in Abbotswood continuing into Pows Road will diminish the view at the intersection of those two roads
- The solid fence adjacent to No.2 Abbotswood would block the visibility when vehicles existing from the driveway
- Still not happy with the obstruction of view when pulling out from Abbotswood. At the present, you can see through the gaps the cars parked on Pows Road leave sometimes.

Residential Amenity

- Occasional consequences of littering and vandalism, sometimes caused by revellers. Fence erected at this location could be vandalised and used for graffiti
- The intention is to provide a safe place for the applicant's children, proposal will not work as there is no gate cannot be installed due to the incline of the drive.
- All houses on the cul-de-sac have back gardens to play safe in.

Other issues:

- The document is misleading and incomplete as the 3D image only shows the fence from the end of the property in Abbotswood up to the driveway. The intention is to continue the fencing from the other side of the drive along the whole length of the boundary wall and return into Pows Road.
- Mindful of Neighbourhood Watch Scheme, in maintaining safer neighbourhoods, the visual access needs to be maintained in order to cut and eliminate crime.
- The revised plan doesn't show the whole proposal
- The plan is incomplete and fails to show or to demonstrate the impact that the proposal will have beyond the driveway to Pows Road.
- The wall is in danger of collapsing if fencing is erected along its length
- Only complainants are notified

Support comments:

- I appreciate all the comments from other neighbours but I can see no problems with this fence being erected.
- I can understand why they feel the need to make their front garden child safe and make it more secure
- The only obstruction when pulling on Pows Road is the parked cars, the fence would not make any difference.
- The children have no where to play in the street, and they should be able to have fun near the safety of their home, with an enclosed garden, parents know they are safe from harm.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks retrospective permission to erect a 0.9 metre high mesh/wire fence along the front boundary of No. 1 Abbotswood and a closed board fence of approximately 0.9-1.2 metres high along the side boundary. The site is situated with an urban residential area of Kingswood where is characterised by a group of 1970's two-storey semi-detached dwellings with a dwarf wall along the frontage. The site is not within any land use designated areas.

5.2 Policy CS1 of the adopted Core Strategy and saved Policy H4 of the adopted Local Plan support development where the highest possible standards of design and site planning, and Policy CS8 of the adopted Core Strategy and saved Policy T12 of the adopted Local Plan seek to ensure the public highway safety to be adequately safeguarded.

5.3 Design

Since the original proposal all reference to a 1.5 metre high boundary along the front boundary has now been reduced to 0.9 metres. The side boundary fence adjacent to No. 2 Abbotswood has also been reduced to approximately 0.9 – 1.2 metres. Further, a wire/mesh fence is proposed instead of closed board fencing. The applicant also agrees to paint the existing posts in green and there would be additional climbing garden shrubs to be planted along the fence.

Officers acknowledge the resident's concerns regarding this unsightly fence and agreed that the originally proposed 1.5 metres high closed board fence would not be acceptable in this location given that all properties in this cul-de-sac has a dwarf wall.

Whilst officers acknowledge that the new garden shrubs would need time to establish and the proposed fence has not replicated other boundary treatment of the cul-de-sac. it is considered that the revised proposal has been adequately amended to respect the open character of the cul-de-sac. On balance, officers consider that the proposal would not cause significant harm to the character and appearance of the locality to warrant a refusal of this application.

Officers therefore consider that the revised proposal would be acceptable subject to a planning condition to secure the height and the colour of the fence, and to seek a detailed planting plan.

5.4 Highways / Residential Amenity

The Council Highway Officer raised concerns to the original proposal due to the lack of detailed information, the impact upon the visibility at the junction of Pow's Road, pedestrian visibility from the driveway of the properties, including No.1 and No.2, onto Abbotswood.

The applicant submitted a revised scaled plan to address the officers' concerns. The submitted plans show the height of the fence along the frontage has been reduced to 0.9 metres and the fence would also set back from the

corners of the site boundary by one metre in secure the visibility of the site. As such, the Highway Officer is satisfied with the revised proposal.

Officers also noted that the concerns regarding the neighbouring safety issues regarding the proposed fence. Given that there would not be any solid timber panels along the front boundary and there would be new planting scheme in place, officers do not consider that the revised proposal would cause any material adverse impact in term of neighbouring safety.

Therefore there is no highway or residential amenity objection to the proposal provided that conditions to secure the height of the fence and fence post would not be more than 0.9 metres along the front boundary of the site.

5.5 Other issues

Regarding the details of the submitted plans, your case officer and the Highway Officer are satisfied with the submitted details, and would advise that the 3D image would only be used as a reference as the image is not scaled.

With regard to the existing and future stability of the retaining wall, it would be the applicant's responsibility to ensure that the wall would be structurally sound to support the proposed fence.

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.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. Within one month of this planning permission, the existing fence posts shall be reduced in height in accordance with the approved drawings and the posts shall be painted in green, and the design of the wire/mesh shall be submitted to the Local Planning Authority for a written approval and shall be installed in accordance with the agreed details. The height, location, colour of the fence shall be maintained as such thereafter.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to safeguard public highway and to accord with Policy CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December

2013; saved Policy H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework March 2012.

2. Within one month of this planning permission, a planting scheme, which shall include the number, location and planting species, shall be submitted to the Local Planning Authority for a written approval. The planting scheme shall be carried out in accordance with the agreed details in the first planting season.

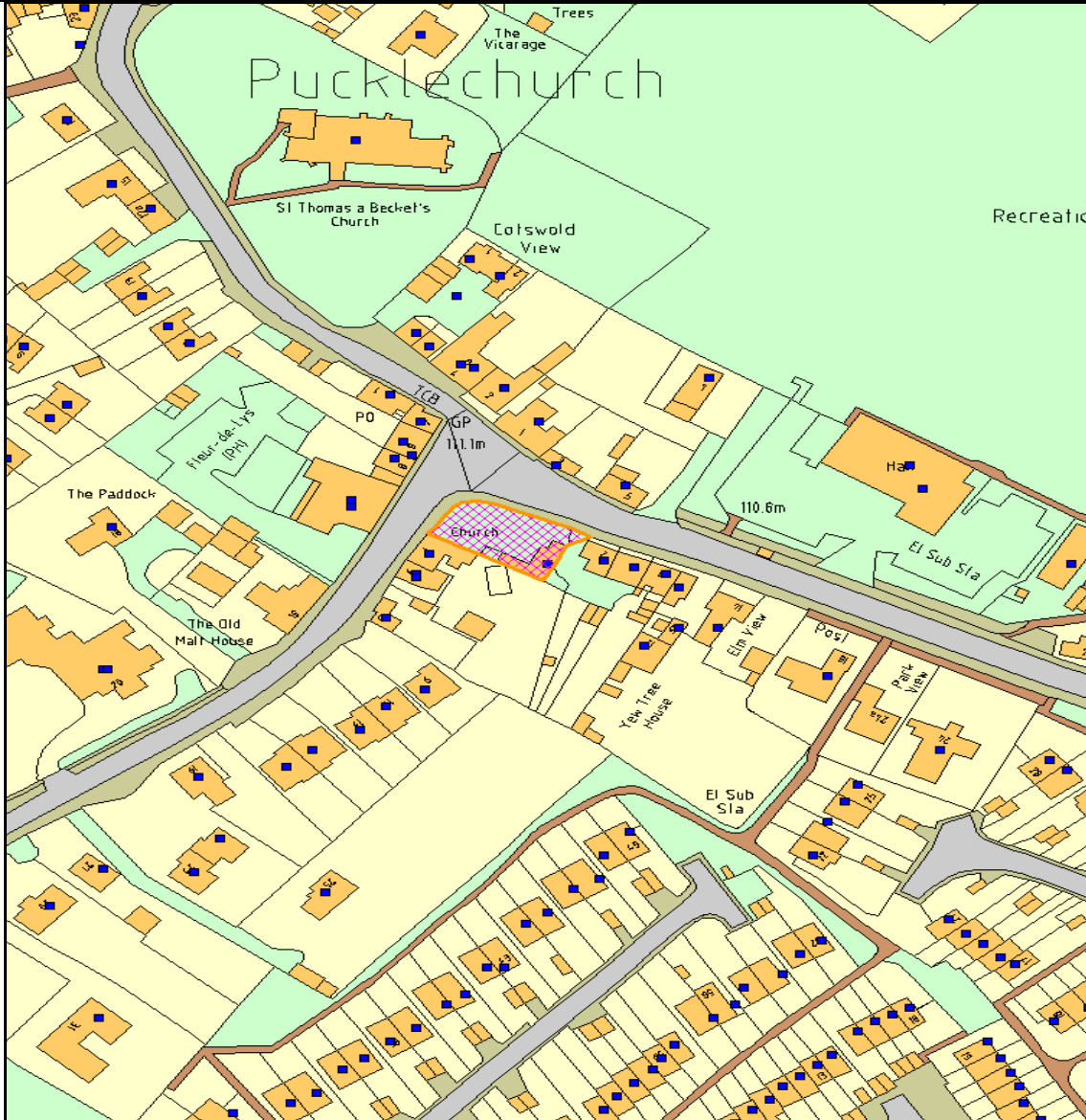
Reason

In the interests of visual amenity and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework March 2012.

CIRCULATED SCHEDULE NO. 49/15 – 4 DECEMBER 2015

App No.: PK15/4357/F
Site: Pucklechurch Congregational Church Shortwood Road Pucklechurch Bristol South Gloucestershire BS16 9RA
Proposal: Erection of 1 no. detached dwelling and associated works to include repairs to boundary wall. Demolition of porch to existing chapel and conversion to garage/store. Amendment to previously approved scheme PK13/0185/F to include demolition of lean-to kitchen annexe of chapel and north and west walls of chapel and roof, with a reduction in height of east and south walls and a revised site layout
Map Ref: 369968 176407
Application Category: Minor

Applicant: Mr C Powell
Date Reg: 20th October 2015
Parish: Pucklechurch Parish Council
Ward: Boyd Valley
Target Date: 10th December 2015



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 100023410, 2008. **N.T.S.** **PK15/4357/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks the erection of 1 no. detached dwelling and associated works to include the demolition of the lean-to kitchen annexe of the chapel and the north and west walls of chapel and roof plus a reduction in height of east and south walls and revised site layout. This is an amendment to the previously approved scheme PK13/0185/F for the erection of 1 detached dwelling on the site.
- 1.2 In recent years the application site has been the subject of a number of applications for the erection of a single detached dwelling and associated works. The applicant has benefitted from extensive pre-application advice and as a result an application in 2013 gained planning approval for a new dwelling. In July 2015 another application proposed changes to the design of the new property which were deemed not acceptable and that application was refused for reasons given below. This current application proposes some changes to the approved 2013 design in terms of a slight change in its orientation within the plot and the demolition of the remaining walls of the annex and toilets of the chapel and porch but in other respects remains the same..

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Infrastructure and Cultural Activity
CS24	Open Space Standards

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

H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
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T12	Transportation Development Control
L1	Landscape Protection and Enhancement
L12	Conservation Areas
L13	Listed Buildings
EP2	Flood Risk and Development

- 2.3 Supplementary Planning Guidance
 South Gloucestershire Design Checklist (Adopted 2007)
 South Gloucestershire SPD: Residential Parking Standards (adopted) 2013
 South Gloucestershire Council SPD: Pucklechurch Conservation Area
 (Adopted) July 2010

3. **RELEVANT PLANNING HISTORY**

- | | | |
|-----|-------------------------|--|
| 3.1 | P91/1370/C
Withdrawn | Complete demolition
17.6.91 |
| 3.2 | P91/1371/C
Approved | Demolition of main church leaving side
congregational area and kitchen area
10.7.91 |
| 3.3 | PK12/0666/CA
Refused | Demolition of chapel remains
23.5.12 |
| 3.4 | PK12/0665/F
Refused | Erection of 1no detached dwelling and garage with
access and associated works to replace existing chapel
remains
23.5.12 |
| 3.5 | PK13/0185/F
Approved | Erection of 1 no. detached dwelling and associated
works to include repairs to boundary wall. Demolition of
porch to existing chapel and conversion to garage/store.
(Re Submission of PK12/0665/F)
22.3.13 |
| 3.6 | PK15/1742/F
Refused | Erection of 1 no. detached dwelling and associated
works to include repairs to boundary wall. Demolition of
porch to existing chapel and conversion to garage/store.
Amendment to previously approved scheme PK13/0185/F
to include re-positioning of a re-designed dwelling,
demolition of lean-to kitchen annexe of chapel and north
and west walls of chapel and roof with a reduction in height
of east and south walls.
13.7.15 |

Reason:

The Congregational Chapel site is situated in the Pucklechurch Conservation Area, the character or appearance of which it is desirable to preserve or enhance. The proposal, by virtue of its size, form, position, scale, design and detailing would fail to have proper regard to the distinctive character and

appearance of the conservation area, contrary to Policy L12 of the Adopted South Gloucestershire Local Plan, policy CS9 of the Adopted Core Strategy, the NPPF and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council

Councillors do not feel that the revised plans and the proposed repositioning of the house relative to the roadside pays proper reference to this significant corner plot in the centre of the village, and by lowering the original Chapel walls it will appear as an isolated structure within the street scene.

4.2 Other Consultees

Conservation/Listed Building Officer

The proposed dwelling is identical to that previously approved although the location of the dwelling within the plot has slightly altered but not to the extent that it affects the acceptability of the scheme. Large scale details of the items conditioned under the previous permission have also been submitted to avoid the need for the respective conditions. Samples of all external materials and samples and sample panels of walling and render are still required. Conditions 5 6 7 8 9 11 12 14 15 re the approved scheme PK13/0185/F should be attached to the permission.

Archaeologist

The site has been previously investigated and recorded archaeologically. No additional recording is required.

Highway Engineer

A similar application/proposal for a new house was considered and approved by the Council as part of planning application no. PK13/0185/F.

Vehicular access to the site is via the existing access off Abson Road and this remains the same as the access, which was approved as part of the earlier application. There is sufficient off street parking on site and this meets the Council parking standards SPD. Additional to parking spaces on site, there is also adequate off-street turning area on site to ensure that vehicles could enter and exit the site access in forward gear safely.

No objections subject to a condition that the parking spaces should be provided prior to occupation.

Highway Structures

No comment

Highway Drainage

No objection subject to a condition relating to SUDS

Other Representations

4.3 Local Residents

Three letters from local residents have been received and the points made are summarised as follows:

- A detached building is not in-keeping with area
- Wall to the chapel and annex provides privacy to our property and is a retaining wall. Party Wall consent will be required.
- One elevation will be a couple of metres from our bathroom and will obscure light and outlook. Applicant has had plenty of time to come up with a design that does not interfere with our outlook and light

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposal stands to be assessed against the above listed policies and all other material considerations. This would include the fact that there is extant planning permission for a single dwelling on the site. Notwithstanding the above, this application will be assessed on its own merits and under current national and local planning policies. The NPPF is supportive of new development provided it conforms with the principles of good design and is not harmful to the character of an area. Local planning policy under CS1 conforms to these values requiring the highest possible standards of both design and site planning. In particular development must demonstrate that it is informed by, respects and enhances the character, distinctiveness and amenity of both the site and its context. It particularly emphasises that existing features of landscape and heritage or amenity value are safeguarded and enhanced through incorporation into development. Being located within the centre of the Pucklechurch Conservation Area in a highly visible location, account must be given of how the proposal would acknowledge its special position in its design and appearance. Saved policy L12 is therefore an important consideration as is the SPD: Pucklechurch Conservation Area.

5.2 In addition to the above, the impact on the residential amenity of local residents would need to be considered as would the impact on the highway.

5.3 It is considered that this scheme follows very closely the 2013 approved development and the changes proposed are therefore acceptable.

Character of the Conservation Area

5.4 The junction of Abson Road, Shortwood Road and Westerleigh Road marks the centre of the historic commercial core of the village. This part of the Conservation Area has a distinctly built-up and enclosed character. Buildings within the commercial core are predominantly stone built, two storeys in height, with a pleasant mix of vernacular and classical proportions. The majority are aligned parallel with the road, with cottages, former workshops and commercial premises being set on the back edge of the pavement. This application proposes to follow the line set by the terrace of cottages to the east. The substantial demolition of the former congregational chapel at the corner of

Abson Road and Shortwood Road has created an unfortunate void in the streetscape, exposing the large extension of the adjoining property that has been constructed in unsympathetic Bradstone walling. The decaying remnants of the chapel remain in a poor condition, the site is unsightly and under this scheme the majority of the remains would also be removed leaving only the back wall and that to the east. The continuing deterioration of the surviving features is a concern. The boundary wall and gates would be retained and on balance, given its poor condition, it is considered that the removal of most of the remaining elements of the old chapel is acceptable.

Design and Visual Amenity

5.5 It is considered that the new dwelling would accord with the previously approved plans save for the erection of the garage area. This was to have been accommodated within the remaining walls of the annex/toilet block. As mentioned above, the majority of these walls are to be removed. The proposed garage would be located in this eastern location using the two walls to the rear and east that would remain. This is considered acceptable. In terms of the materials to be used for the construction of the house and garage, these would be stone and render, clay tiles and timber as per the previously approved scheme. Conditions attached to the decision notice would ensure the materials were acceptable.

5.6 Residential Amenity

Closest neighbours to the site are at No. 1 Shortwood Road to the south of the application site. The elevation nearest to the application site is a large blank expanse of wall with one small window. It is assumed this window is at high level within the bathroom it serves. It is acknowledged that the constraints of the site which include an existing grave to the west, listed structures to the east and the wall and railings to the north have dictated where a dwelling could be located on this prominent corner position. The proposed dwelling would be approximately 2.0 metres away from this neighbouring high window and neighbours have expressed their concern regarding loss of outlook and light.

5.7 When assessing a proposal and its impact on neighbours, different weightings are given to different rooms in terms of the effect the proposal would have on those occupiers. Primary rooms, such as living rooms, are given the highest consideration, whereas rooms such as bathrooms, are regarded as being of secondary importance. In this case the area in question is a bathroom, and therefore not a primary living space. With regard to the loss of outlook, it is not considered that such a window as described and serving a bathroom has a function of providing an outlook for occupiers. On this basis the likely impact to neighbours is considered acceptable.

5.8 Neighbours at No. 1 Shortwood Road have commented that the wall attached to the chapel and annex is a party wall and also provides privacy for their property. They quite rightly identify that agreement under the Party Wall Act would be needed, but as a civil matter this is outside the remit of a planning application. With regards to impact on their privacy it is considered that the given the proposed house would be positioned further to the west within the site and given the presence of the existing high side wall of No. 1 Shortwood Road there would be very limited views from the new dwelling into the garden

of this neighbour. It is therefore considered there would be unacceptable impacts on residential amenity resulting from the proposal.

5.9 Sustainable Transport

The proposal provides provision for 2no. off-street parking spaces and a turning area to serve the property. It is considered that this accords with the adopted parking standards and subject to a condition stating the parking must be provided prior to first occupation, there is no objection to the scheme.

5.10 Drainage

Drainage engineers have no objection to the proposal providing appropriate permeable paving/tarmac and adequate provision for water run-off is made. A condition regarding SUDS details is to be attached to the decision notice.

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. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention, pollution control and environmental protection have been submitted and approved by the Local Planning Authority
A detailed development layout showing surface water and SUDS proposals is required as part of this submission.

Reason:

This is a pre-commencement condition to avoid any unnecessary remedial action in the future and to comply with Policy CS9 of the South Gloucestershire Local Plan : Core Strategy (Adopted) 2013 and National Planning Policy Framework

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 H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

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 hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in the future and to protect the character and appearance of the area to accord with Policies H4, L1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the NPPF.

5. All doors and windows shall be of a traditional painted timber construction and finished in a colour to be agreed in writing by the local planning authority and thereafter so maintained in the approved colour and material unless an alternative is first approved in writing by the local planning authority

Reason: To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. No development shall commence until representative samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples

Reason:

This is a pre-commencement condition to avoid any unnecessary remedial action in the future and to protect the character and appearance of the area to accord with Policies L12 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy

CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the NPPF.

7. No development shall commence until a sample panel of facing stonework of at least one square metre, showing the stone, coursing, joints, mortar and pointing, has been constructed on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved panel, which shall be retained on site until the completion of the scheme, to provide consistency.

Reason:

This is a pre-commencement condition to avoid any unnecessary remedial action in the future and to protect the character and appearance of the area to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the NPPF.

8. No development shall commence until a sample panel of render of at least one square metre, showing the colour, texture and finish, has been constructed on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved panel, which shall be retained on site until the completion of the scheme, to provide consistency.

Reason:

This is a pre-commencement condition to avoid any unnecessary remedial action in the future and to protect the character and appearance of the area to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the NPPF.

9. No wires, pipework, satellite dishes or other aerials, alarms or other paraphernalia shall be affixed to the external elevations of the development hereby approved other than with the prior written agreement of the local planning authority.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the NPPF.

10. The dropped section of northern boundary wall shall be rebuilt to match the existing original stonework in respect of colour, texture, coursing, jointing and pointing, and the natural stone coping shall be reinstated to match the existing in respect of stone type, colour, detailing and finish on the full length of the northern boundary prior to first occupation of the dwelling house.

Reason:

To protect the character and appearance of the area to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the NPPF.

11. The existing stone wall, decorative metal gate and metal railings enclosing the north and west boundary of the site shall be retained.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the NPPF.

12. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, C, D, E, F, G and H) , or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To protect the character and appearance of the area to accord with Policies H4, L1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the NPPF.

CIRCULATED SCHEDULE NO. 49/15 – 4 DECEMBER 2015

App No.:	PK15/4456/CLE	Applicant:	Mr W Abell
Site:	Annexe A Cotswold Way High Street Tormarton South Gloucestershire GL9 1HZ	Date Reg:	16th October 2015
Proposal:	Application for a certificate of lawfulness for the existing use of annexe as a separate and independent dwelling and use of land as associated residential curtilage.	Parish:	Tormarton Parish Council
Map Ref:	376784 178730	Ward:	Cotswold Edge
Application Category:	Certificate of Lawfulness	Target Date:	9th December 2015



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N.T.S.

PK15/4456/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule in accordance with the Council's scheme of delegation as it is for a certificate of lawfulness.

1. THE PROPOSAL

- 1.1 This application seeks a certificate of lawfulness for the occupation of an existing annex as a separate independent dwelling and the use of the land associated with the annex as residential curtilage. The annex is associated with Cotswold Way, a detached house on High Street in Tormarton constructed in the late 1970s.
- 1.2 The certificate of lawfulness is sought on the basis that the use of the building as an independent dwelling is immune from enforcement action under section 171B(2) of the Town and Country Planning Act 1990 ("the Act") and therefore, in accordance with section 191(2), the use is lawful.

2. POLICY CONTEXT

- 2.1 National Guidance
- i. Town and Country Planning Act 1990: s171B and s191
 - ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
 - iii. National Planning Practice Guidance: 17c (06.03.2014)

3. RELEVANT PLANNING HISTORY

- 3.1 N3088/3 Refusal 08/09/1983
Conversion of store into granny flat
- 3.2 N3088 Approve with Conditions 16/12/1976
Erection of a detached house and double domestic garage. Construction of pedestrian access (in accordance with revised site plan received by the Council on 11th November 1976)

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 4.1 The applicant has submitted the following items in support of the application:
- Statutory declaration of Mr W Abell dated 5 October 2015 and associated appendices

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 The LPA does not have any contrary evidence

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Tormarton Parish Council
None received

- 6.2 Conservation Officer
No comment
- 6.3 Transportation Officer
No comment
- 6.4 Local Residents
None received

7. **EVALUATION**

- 7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the existing use of the building as an independent dwelling is lawful.
- 7.2 Breach of Planning Control
No planning permission has been granted for the use of the existing building as an independent dwelling. Therefore the use of the building in such a manner would form a breach of planning control. Section 171B of the Act introduces statutory time limits in which enforcement action against breaches of planning control should be taken. If the breach has occurred continuously for the period stated in this section it would become immune from enforcement action.
- 7.3 Grant of Certificates of Lawfulness
Certificates of lawfulness for existing uses are covered in section 191 of the Act. Section 191(2) states:
For the purposes of this Act uses and operations are lawful at any time if -
(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); [...]
- 7.4 Time Limit of Immunity and Lawfulness
The applicant is claiming that the existing building on the site was converted into residential accommodation in 1987 and thereafter has been used as an independent dwelling. This would constitute *the change of use of any building to use as a single dwellinghouse* and therefore in accordance with section 171B(2) of the Act, the development would become lawful at the end of a period of four years beginning with the date of the breach.
- 7.5 In order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the use of the building as an independent dwelling has occurred continuously for a period exceeding four years and that there has been no subsequent change of use.

7.6 Assessment of Lawfulness

From the evidence submitted by the applicant in the form of a statutory declaration, the following dates are of importance:

- land and building purchased 1983
- planning application for the conversion of the building to an annex refused on 8 September 1983 (ref N3088/3)
- building converted without planning permission in 1987 and occupied by the applicant's daughter until 1994
- from 1994 onwards, the building has been let through informal agreements; the tenants have not been related to the family
- a separate electricity meter was installed in 1996 (although the submitted exhibit 'WWA3' includes a letter from the Midlands Electricity Board stating that the meter was installed on 3 April 1986)
- the building was listed separately as a dwelling for Council Tax purposes since 1 April 2010

7.7 To be found lawful, the application needs to demonstrate that the building has been occupied continuously as an independent dwelling for a period in excess of four years from the date of the breach. In certain circumstances the conversion of an existing building to an annex would not require planning permission. This would be the case when the existing building was within the curtilage of the host dwelling and there was no material change of use or subdivision of the planning unit.

7.8 It is not considered that the building could have been converted without planning permission. The land on which the building is situated is not considered to form part of the residential curtilage of Cotswold Way as it was excluded from the planning unit when planning permission was granted for the Cotswold Way and there have been no subsequent applications to change the use of the land to be within the curtilage of the host dwelling. Notwithstanding that, it is unclear from the evidence submitted whether the building was in an ancillary residential use at the time the building was purchased by the applicant. Therefore the first breach of planning control can be identified as the unauthorised conversion of the building to living accommodation.

7.9 The next question is whether the converted building was occupied as an independent dwelling from the date of conversion or whether it functioned as an annex to the main dwelling. Again, the evidence submitted does not address this point. The evidence states that the converted building was occupied by the applicant's daughter between 1987 and 1994 but not the manner of the occupation and the extent of any reliance on or relationship with the main dwelling. However, it is noted in the statutory declaration that there are no shared services between Cotswold Way and the annex but it is not clear as to whether this has always been the case or whether services were once shared and then severed. Evidence submitted in the form of correspondence from the Midlands Electricity board would suggest that the annex had its own electricity meter from 3 April 1986 although this pre-dates the purported completion of the conversion of the building in 1987. Having said that, it is not unreasonable to expect that services be supplied to a building during conversion works prior to the building's first occupation.

- 7.10 It is considered that the submitted evidence is not sufficiently unambiguous to establish that the building has functioned as an independent dwelling continuously since the conversion was completed.
- 7.11 Following the vacation of the annex by the applicant's daughter in 1994, it has been stated that the building has been let through verbal agreement. The evidence does not include a schedule of occupants and therefore fails to demonstrate whether or not the building was continuously (or reasonably continuously to allow for changes in tenancy) occupied during this period or that the occupants were unconnected with the family (and therefore likely to have a more limited relationship with the main dwelling). The applicant has stated in the statutory declaration that none of the tenants were related to the family and this must be given some weight particularly as there is no counter evidence to this claim.
- 7.12 Although it has not been sufficiently demonstrated that the building has been continuous occupied as an independent dwelling in the evidence discussed above, a copy of the council tax band details has been submitted in exhibit WWA5 submitted with the statutory declaration. This evidence indicates that the annex has been listed as a separate property in terms of the collection of council tax since 1 April 2010.
- 7.13 It is considered to be exceedingly unlikely that a building which itself was liable for the collection of council tax would be occupied as ancillary accommodation to another dwelling which too was liable to pay council tax. This piece of evidence is given significant weight as, on the balance of probability, it demonstrates that the annex would have been occupied as an independent dwelling since 1 April 2010.
- 7.14 Therefore, if this date is taken as the date on which the Local Planning Authority ("the LPA") can be assured that a breach of planning occurred and the annex was occupied as an independent dwelling it is from this date that the period of immunity would run. As such, the occupation of the building as an independent dwelling would be lawful should it have occurred continuously between 1 April 2010 and 1 April 2014 and there be no material change of use since.
- 7.15 Assessment Findings
It has been found that a breach of planning control is likely to have occurred as the submitted evidence suggests that the annex would have been occupied as an independent dwelling from at least April 2010.
- 7.16 The LPA has no counter evidence that the building has not been occupied as an independent dwelling continuous for a period of four years since this date or that a subsequent change of use has occurred.

7.17 Paragraph 17c-006-20140306 of the National Planning Policy Guidance states:

In the case of applications for existing use, 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, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

7.18 It is therefore considered that the use of the annex as an independent dwelling would be immune from enforcement action by virtue of section 171B(2) of the Act and under section 191(2) a certificate of lawfulness should be granted.

2 RECOMMENDATION

7.1 It is recommended that a Certificate of Lawfulness is GRANTED for the reason listed below,

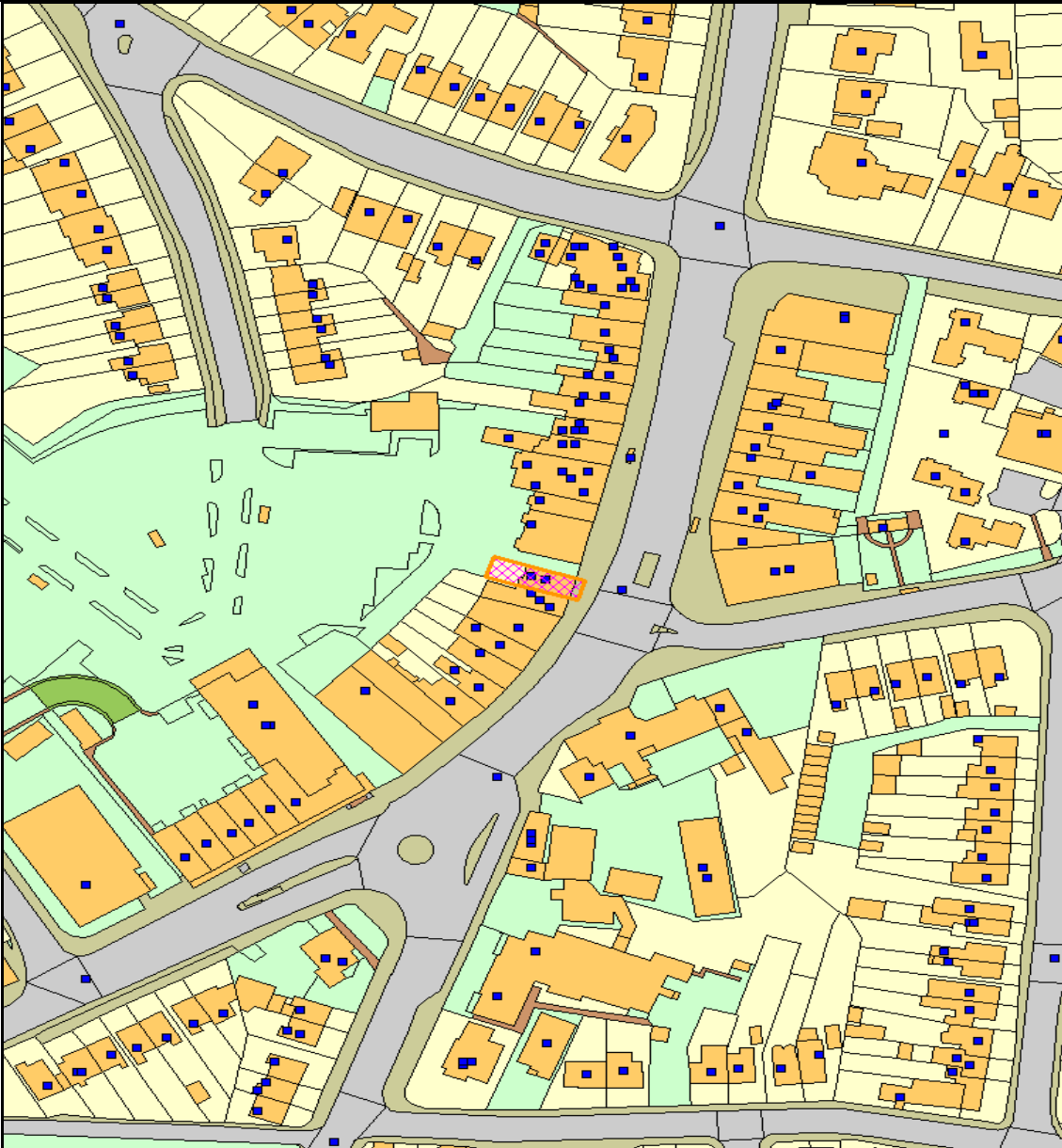
Contact Officer: Griff Bunce
Tel. No. 01454 863438

REASON

1. Evidence has been submitted that demonstrates that the building referred to as 'Annexe A' and as depicted on the accompanying plans has been occupied as an independent dwelling continuously and uninterrupted for a period in excess of four years and there has been no subsequent change of use. The use of this building as an independent dwelling is therefore considered to be lawful by virtue of Section 191(2) of the Town and Country Planning Act 1990.

CIRCULATED SCHEDULE NO. 49/15 – 4 DECEMBER 2015

App No.:	PK15/4462/RVC	Applicant:	Mr T Otman
Site:	9 Badminton Road Downend Bristol South Gloucestershire BS16 6BB	Date Reg:	16th October 2015
Proposal:	Variation of Condition no.1 attached to planning permission PK10/0893/F to allow opening of the premises until 11.00pm on Monday to Sunday.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365127 176747	Ward:	Downend
Application Category:	Minor	Target Date:	9th December 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of a letter of objection from the Parish Council

1. THE PROPOSAL

- 1.1 This application seeks consent to vary condition six attached to application PK10/0893/F. The condition as attached originally read as follows:

The use hereby permitted shall not be open to customers outside the following times - 7.00 to 18.00 on any day.

Reason

To ensure that the premises remains open during the day to support the primary retail function of Downend Town Centre and have a positive impact on the vitality of the centre. By limiting the hours of opening as such, the end A3 user will need to focus on attracting customers during day time hours having a positive and complimentary effect on the vitality of the centre. This is necessary to satisfy the requirements of Policy RT9 of the South Gloucestershire Local Plan (Adopted).

- 1.2 This application seeks consent to allow the unit to be open for a longer period of time – until 11.00 daily. The resultant proposed condition would read as follows:

The use hereby permitted shall not be open to customers outside the following times - 7.00 to 23.00 on any day.

Reason

To ensure that the premises remains open during the day to support the primary retail function of Downend Town Centre and have a positive impact on the vitality of the centre. Also to protect the level of amenity afforded to neighbouring dwellings in accordance with the requirements of the NPPF.

- 1.3 For the avoidance of doubt, it is important to clarify that this application relates to the hours of use inside the building only – it does not cover the external seating area to the front of the unit. The outdoor seating area is subject to an entirely different permission PK14/0481/F which has its own condition restricting the hours of use. To use the outdoor seating area outside the hours of 07.00 to 18.00 any day a separate S73 application is required to vary condition 2 attached to PK14/0481/F.

2. POLICY CONTEXT

- 2.1 National Planning Guidance
National Planning Policy Framework
National Planning Policy Guidance
- 2.2 Development Plans

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

- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation Development Control Policy for New Development
- RT9 Change of use of Retail premises within Primary shopping frontages

South Gloucestershire Local Plan Core Strategy (Adopted)

- CS1 High Quality Design
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS14 Town Centres and Retailing

Supplementary Planning Guidance

South Gloucestershire Design Checklist – Adopted

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/0481/F Change of use of land to (Class A3) outdoor seating area for coffee shop.
Approved April 2014
- 3.2 PK02/3237/F Erection of rear extension to form storage area
Approved April 2003
- 3.3 PK10/0893/F Change of use of ground floor from retail (Class A1) to café (Class A3). Retrospective.
Approved June 2010

4. CONSULTATION RESPONSES

- 4.1 Downed and Bromley Heath Parish Council
Object to the application in the grounds that the application is not in keeping with similar local businesses
- 4.2 Transportation Development Control
No Objection

Other Representations

- 4.3 Local Residents
None Received

5. ANALYSIS OF PROPOSAL

- 5.1 The scope of a variation of condition application (section 73 application) is more limited than a full planning application. The Local Planning Authority may only consider the question of the conditions, and cannot revisit or fundamentally change the original permission. It may be decided that the permission should be subject to the same conditions as were on the original permission; or that it should be subject to different conditions; or that

permission may be granted unconditionally. There is a right of appeal in the usual way against any conditions imposed.

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

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

5.3 Being mindful of the reason for attaching the condition in the first place, when assessing this application your officer will consider whether the increase in hours until 11pm daily would undermine the vitality of Downend Centre.

5.4 Analysis of Proposal

Since the determination of the original application in 2010, policy has evolved significantly – namely the introduction of the NPPF. The NPPF puts a different steer on development and makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Similarly, at para 19, the NPPF makes it clear that the government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. At para 23, the NPPF sets out that plans should promote competitive town centres that provide customer choice.

5.5 The intention of the condition in the first place was to limit the hours of opening to day time only – the idea being that this would then be more likely to ensure the unit was open for trading during the day time rather than changing to an alternative A3 use that trades primarily in the evening. Although this is still a valid concern, it is necessary to re-evaluate whether the condition now meet the test of a condition bearing in mind the objectives of the NPPF in achieving sustainable development and building a prosperous economy.

5.6 It can be argued that the restrictive condition currently attached actually undermines the economic potential of the unit. By allowing the unit to open until 11pm daily, the potential range of end users is increased. This then reduces the risk of the unit closing for trade therefore having a potentially beneficial impact on the vitality and viability of the centre. Furthermore, there is no evidence to suggest that by allowing the unit to trade until later in the evening, the day time hours of trading would be reduced.

5.7 In considering this application, you officer is mindful of the obligation as set out in the NPPF for local planning authorities to positively and proactively encourage sustainable economic growth. The modest increase in opening hours would allow the retail unit to trade for five hours longer daily therefore contributing positively towards the governments objective of achieving sustainable economic growth.

5.8 In considering this application the concerns of the Parish Council have been considered that approval of the application would not be in line with similar local

businesses. However, your officer is also conscious that other A3 units on Downed High Street regularly open until 11pm (or later). Given the number of premises in the vicinity that are open until at least 11pm, it is not considered that approval of the application would be inconsistent with other A3 uses in the town centre.

5.9 Other Relevant Conditions

In terms of other conditions that were attached to application PK10/0893/F, the only other condition relates to the extraction system – which has subsequently been approved.

6. **CONCLUSION**

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

6.2 The recommendation to **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 permission is **APPROVED** subject to the conditions below:

Contact Officer: Marie Bath
Tel. No. 01454 864769

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).

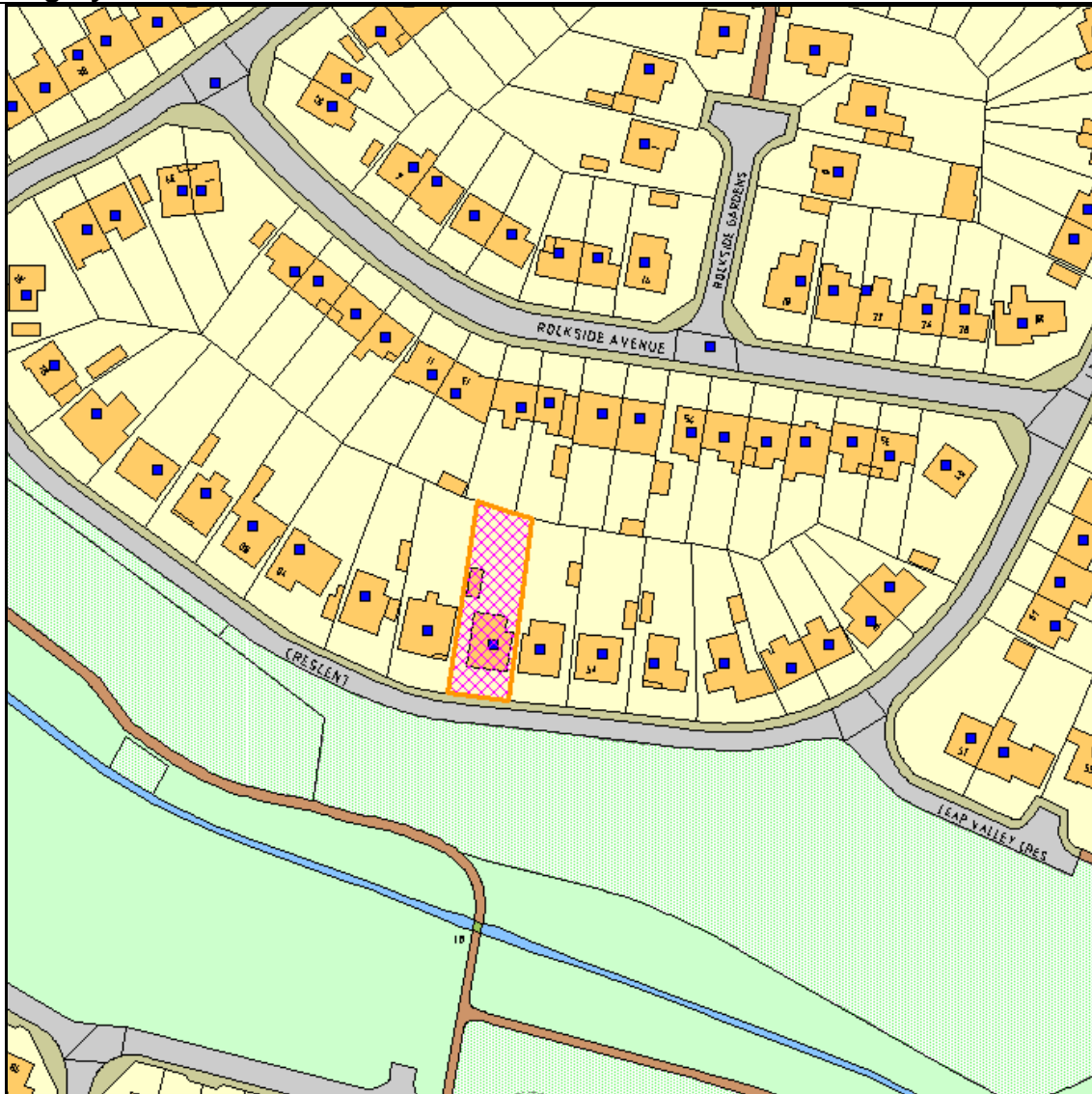
2. The use hereby permitted shall not be open to customers outside the following times - 7.00 to 23.00 on any day.

Reason

To protect the level of amenity afforded to neighbouring dwellings in accordance with the requirements of the NPPF.

CIRCULATED SCHEDULE NO. 49/15 – 4 DECEMBER 2015

App No.:	PK15/4479/F	Applicant:	Mr Tony Windsor
Site:	58 Leap Valley Crescent Downend South Gloucestershire BS16 6TN	Date Reg:	26th October 2015
Proposal:	Erection of a single storey rear extension to provide additional living accommodation. Demolition of existing garage and erection of replacement garage.	Parish:	Emersons Green Town Council
Map Ref:	365911 177758	Ward:	Emersons Green
Application Category:	Householder	Target Date:	17th December 2015



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REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been referred to circulated schedule due to a number of representations having been received from occupiers of dwellings adjoining the residential curtilage of the subject property. The Officers report is supportive of the application however the comments received are contrary to the recommendation and it is therefore required that it is referred.

1. THE PROPOSAL

- 1.1 The proposal seeks to erect a single storey rear extension as well as the demolition of existing garage and erection of a replacement garage to the rear of 58 Leap Valley Crescent, Downend.
- 1.2 The subject property is a mid-20th Century bungalow with a pitched gable roof and a single storey detached garage to the side/rear. The site is situated on a gentle gradient sloping towards the West and the subject property is set slightly lower than the adjacent 56 Leap Valley Crescent. The detached garage forms a boundary with the adjacent No. 60 and the remainder of the curtilage is a combination of wooden garden fences of around 1.6 metres and hedges.
- 1.3 The proposed rear extension will project from the rear of the original dwelling by 3.7 metres and will match the ridge height of the existing dwelling. A detached garage will be erected to the rear of the residential curtilage with a ridge height of around 3.6 metres.
- 1.4 The subject property is situated within the built up residential area of Downend adjacent to the Leap Valley Area of Nature Conservation.

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 (Adopted) January 2006 (saved policies)
H4 Development within Existing Residential Curtilages
T12 Transportation

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
- 2.3 Supplementary Planning Guidance
Design Checklist SPD (adopted) August 2006
Residential Parking Standards SPD (adopted) December 2013

3. **RELEVANT PLANNING HISTORY**

No Relevant Planning History

- 3.1 It is noted that the adjacent property (No.56) has been granted permissions for a detached garage to the rear of the curtilage and rear extension to match the proposed rear extension at No.58 in 2013. This would constitute a material consideration in the assessment of this application.

4. **CONSULTATION RESPONSES**

4.1 Emersons Green Town Council

No objection in principle – concern with the width of access to the garage but this has been assessed as adequate.

4.2 Other Consultees

Transportation DC

No Objection

Natural England

No Comments

Tree Officer

Requested an Arboricultural Survey, however during the process the trees were apparently felled.

Ecology Officer

Concern that there may be protected species inhabiting the property.

Other Representations

4.3 Local Residents

Objection – concern over noise pollution and the height of the proposed garage and adjacent trees.

Objection – concern over the size of the proposed development as well as noise pollution stemming from the use for purposes other than as a domestic garage.

Objection – with regard to the proposed garage and its use or possible conversion into a residential unit. Also concerned over the impact on residential amenity due to noise and traffic.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved.

Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development with the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The proposal consists of a single storey rear extension, this is a characteristic typical of the area which has relatively large gardens to the rear. The proposed rear extension will project beyond the rear elevation of 58 Leap Valley Crescent to around the same distance as the adjacent property (No.56) and would not look out of character with the existing building and the surrounding area. It is considered that proposed extension would not be detrimental to the character of the property or its context and is therefore acceptable.

5.3 The proposal also seeks to demolish and existing detached garage and the erection of a new detached garage to the rear of the residential curtilage. Detached garages are a common feature in the area and the adjacent property has been granted permission recently for a similar structure. The relocation of the garage allows the extension to the rear of the property.

5.4 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. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to be 'in keeping' with policies CS1 and H4 and conforms to the criteria in the adopted Local Plan.

5.5 Objections have been received from a number of neighbours and the people nearby the host property. The main concern is the use of the garage. Objectors raised concerns that the garage if used as a workshop would generate significant noise and would have a commercial use causing a negative impact on the residential amenity of neighbouring occupiers. It would also be expedient to include a condition restricting the use of the garage as ancillary to the dwelling and that commercial uses would be excluded. There are also concerns that the garage could on a future date be converted to an independent residential unit. It would also be worthwhile imposing a condition restricting the use of the property to a use ancillary to the enjoyment of the dwelling and storage of a private motor vehicle.

5.6 Residential Amenity

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

The adjacent properties are situated around the same distance from Leap Valley Crescent as the subject property and as a result would not result in a loss of privacy to any private amenity space to rooms at the rear of the buildings.

- 5.7 The site is set at a lower level than the adjacent property (No. 56) and given the property already has an extension to the rear projecting as far as the proposed extension, the proposal will not cause a negative impact to the residential amenity of the dwelling. The existing garage forms the boundary with No. 60 and the proposal will demolish this structure to make way for an alteration of the driveway and the extension. The proposals rear extension will be situated a greater distance from the boundary than the garage and would not cause any loss of light or overbearing impact on the property.
- 5.8 There are concerns from neighbouring occupiers over the proposals impacting the residential amenity of their properties with regard to the generation of noise pollution. A condition will be imposed restricting the use to ancillary accommodation and storage of a private motor vehicle.
- 5.9 There are also concerns regarding the overbearing impact of the garage as a result of its proximity to the boundary of the residential curtilage. The proposed garage has a height of approximately 3.6 metres; this has not been considered overly large and would be unlikely to significantly impact the residential amenity of occupiers to the rear and sides of the subject property.
- 5.10 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in a detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.
- 5.11 Environment and Ecology
The subject property is located adjacent to the Leap Valley area of conservation. There is a chance that protected species inhabit the garden and garage of the property. Under the Wildlife and Countryside Act 1981 it is an offence to damage, destroy or obstruct access to any structure or place that bats, great crested newts or any other animal listed in Schedule 5 of the Act use for shelter or protection. The Wildlife and Countryside Act 1981 makes it a criminal offence to damage or destroy the nest of any wild bird whilst that nest is in use or being built. Established working practice avoids works to any hedgerow, tree or other vegetation where birds may reasonably be expected to make their nest (such as scrub) between 1 March and 31 August in any year. Care should be taken outside of this exclusion period as variations in climate may extend the nesting season. An informative will be included in the decision notice reiterating these points.
- 5.12 During the site visit it was brought to the attention of the Council that there were a number of trees on or near the boundary of the curtilage within falling distance of the proposed garage structure. There was no protection order on the trees. A tree officer was informed and their reply was that an Arboricultural Survey was necessary.

The applicant went on holiday before being contacted by the agent with the request. During this time the applicant had organised the felling of the trees. These are apparently no longer extant and therefore not a consideration in the processing of this application.

5.13 Sustainable Transport and Parking Provision

The proposal would result in the creation of an additional bedroom. Currently the property has an area of hardstanding to the front of the property and a detached single garage. The proposal would see the demolition of the existing garage and the erection of a detached garage to the rear of the residential curtilage. According to the residential Parking Standards SPD a 3 bedroom property would be required to provide 2 private parking spaces. This requirement is satisfied by the area of hardstanding to the front and side of the property as well as the provision of a space within the proposed detached garage. The proposal would not require any additional parking spaces nor will it have a negative impact on highway safety or the retention of an acceptable level of parking provision, meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006). The council has no objection to the proposal in relation to highway safety or parking provision.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

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

CONDITIONS

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

Reason

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

2. No commercial activities shall take place on the land, including the storage of materials.

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 the provisions of the National Planning Policy Framework.

3. The garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 58 Leap Valley Crescent.

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 the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 49/15 – 4 DECEMBER 2015

App No.: PK15/4558/F
Site: 100 St Davids Avenue Warmley Hill Bristol
 South Gloucestershire
 BS30 8DE

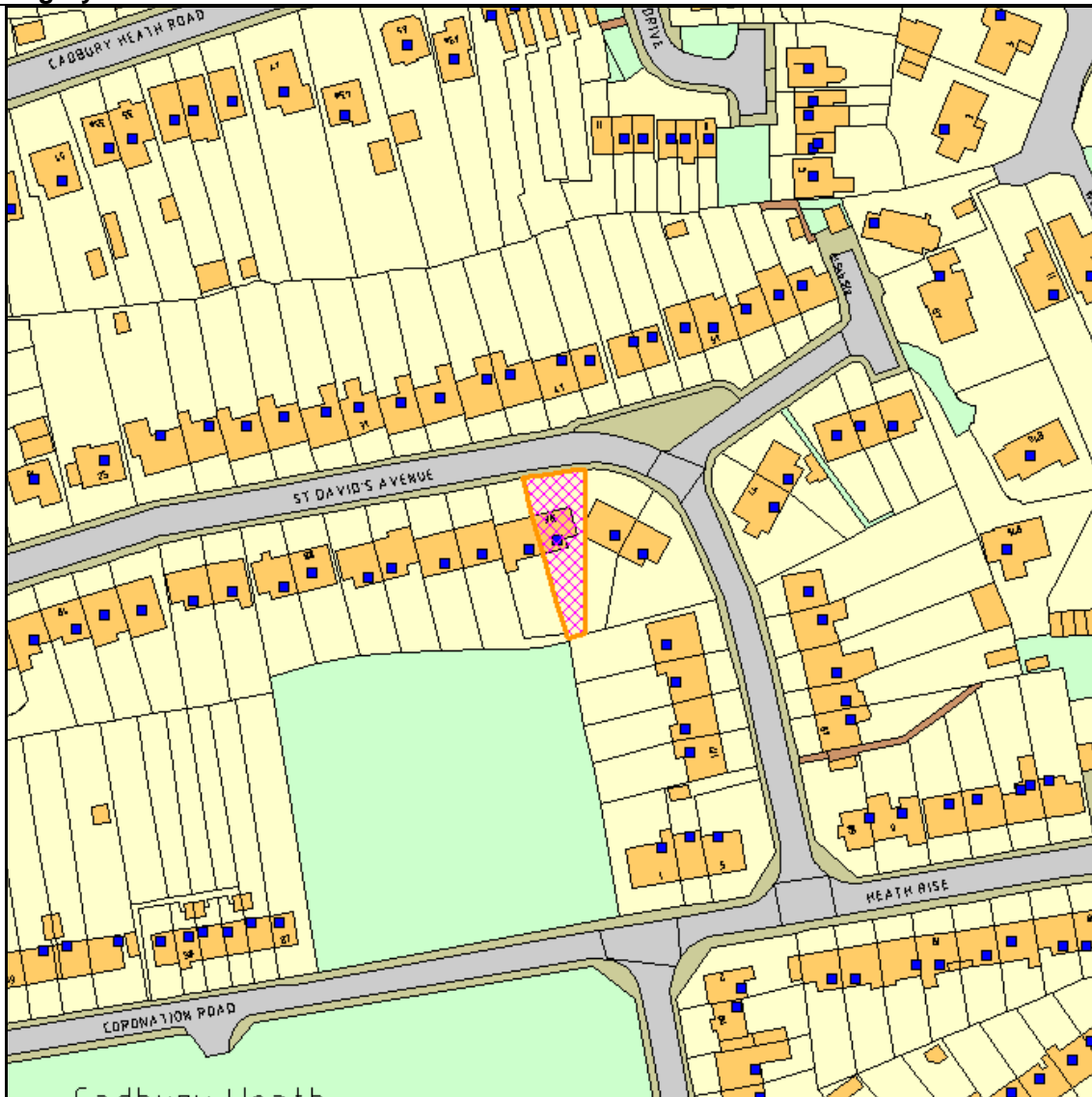
Applicant: Mr R Tanner
Date Reg: 26th October 2015

Proposal: Erection of two storey side and and single storey rear extension to provide additional living accomodation. Installation of rear dormer to facilitate loft conversion.
 Erection of front porch (part retrospective).

Parish: Oldland Parish Council

Map Ref: 366708 172364
Application Category: Householder

Ward: Parkwall
Target Date: 17th December 2015



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 100023410, 2008. **N.T.S.** **PK15/4558/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the demolition of an existing garage to facilitate the erection of a two storey side extension, a single storey rear extension, a rear dormer and a front porch.
- 1.2 The application site is no. 100 St Davids Avenue located within a residential area of Cadbury Heath. The host dwelling is a two storey semi-detached house sited in a triangular plot which slopes to the rear. The property has a gable end and a gabled roof, with an attached single storey flat roofed garage and hardstanding for parking in front.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies
T12 Transportation
H4 Development within Existing Residential Curtilages

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013
CS1 High Quality Design
CS8 Improving Accessibility
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) August 2007
Residential Parking Standards SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No objection
- 4.2 Sustainable Transport
Main transportation issue relating to this is provision of adequate parking for the dwelling.

With the proposed extension, this would result in creation of a five-bed dwelling and at the same time the existing garage would be removed. It is further noted that the proposed extension also includes construction of a new porch and this reduce the available space for parking area to the front.

According to the SG Council parking standards, parking requirement for a five bed-dwelling is three spaces. details of parking has not been submitted with this application.

In view of all the above mentioned therefore, the applicant is requested to submit for approval by the Council a revise [accurate] plan showing details parking spaces for the property.

Other Representations

4.3 Local Residents

No. 1 consultation response which expressed the following summarised comments to the proposed scheme:

1. The proposal will more than double the size of the original house. A few years ago, we had planning permission refused for a two storey side extension because the extension would have increased the total volume of the property beyond South Gloucestershire Council's maximum limit. What is the maximum cubic square metre that you are allowed to extend a house to in South Gloucestershire?
2. There does not seem to be any allowances for parking. With the front extension, is there enough room for off street parking and for how many vehicles?
3. Due to the size of the property with the extensions, it could easily be converted to flats. Would this ever be allowed?
4. The proposed plans show the existing side access to the rear garden and a new door is proposed in the side elevation of the new extension. The foundations have now been dug and there will not be enough room for this to be possible, which would make the plans incorrect.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the erection of a two storey side extension, a single storey rear extension, a front porch and a rear dormer.

5.2 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieving. This means developments should demonstrate that they: enhance and respect the character, distinctiveness and amenity of the site and its context; have an appropriate density and well integrated layout connecting the development to wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives.

5.3 Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of development within the curtilage of existing dwellings. This support is provided proposals respect the existing design; do

not prejudice residential and visual amenity; and there is safe and adequate parking provision and no negative effects on transportation.

- 5.4 The proposal accords with the principle of development subject to the consideration below.
- 5.5 Design and visual amenity
Policy CS1 of the Core Strategy seeks to ensure that development proposals demonstrate that siting, form, scale, height, massing, detailing, colour and materials are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.6 St Davids Avenue is composed of semi-detached two storey properties set back from the highway. However, over the period of time, since these dwellings were original built, a number of two storey side extensions and other alterations to the houses in the immediate area have occurred.
- 5.7 The proposal is composed of four components: a front porch, a two storey side extension, a single storey rear extension, and a rear dormer. The front porch is a modest extension to the front of the dwelling. The proposed two storey side extension sits within the demolished garage width, but extends back to be in line with the property's existing rear elevation and has a gabled roof, 8.2 metres to the ridge line, to match the existing dwelling. Additionally, at ground floor level, the proposed two storey extension extends beyond the principal elevation to be in line with the front porch. The proposed rear extension extends 3.8 metres to the rear of the existing dwelling, but has an acceptable width and is a suitable height utilising a lean-to roof. The erection of a box dormer to the rear elevation will allow for a loft conversion. The box dormer is not overly attractive, but the case officer is aware that box dormers can be installed on rear roof elevations through the permitted development rights.
- 5.8 All the materials proposed will match those used in the existing dwelling, further contributing to the appropriate design of the proposed development. Overall, the proposal has an acceptable design which accords with policy CS1 of the adopted Core Strategy.
- 5.9 Residential Amenity
Saved policy H4 of the adopted Local Plan aims to ensure that residential development within established residential curtilage does not prejudice the residential amenity of any neighbouring occupiers.
- 5.10 The application site is bound on both sides by neighbouring residential properties.
- 5.11 Due to the scale of the proposed front porch, it is not considered this modest addition would appear overbearing or significantly alter the light levels or outlook experience from neighbouring properties.
- 5.12 The proposed rear extension has no windows in the side elevation meaning a material loss of privacy to no. 98 St Davids Avenue will be avoided. Similarly, the rear extension is of single storey so would not be expected to cause a

material loss of light to the neighbouring property. However, the proposal will extend 3.8 metres to the rear leaving only a minimal gap between the side elevation and the border with no. 98. This border is currently marked with a 1.65 metre high fence which will help lessen any potentially overbearing impacts the proposal may have.

- 5.13 From the site visit, it is clear that there are two obscured ground floor windows in the side elevation of the other adjacent property, no. 102 St Davids Avenue. The proposed two storey extension would enclose the outlook from the neighbour's ground floor windows, but the side windows already have a compromised outlook due to the existence of the existing single storey garage, the ground level of the adjacent aforementioned property being lower than the host property, and forming part of the boundary treatment. Accordingly, the proposed two storey side extension would not be expected to materially harm the outlook of the windows at no. 98, especially when considering the existence of the physical features that already disrupt the outlook from no. 102.
- 5.14 Similarly, due to the existing physical features of the site, the proposal is not expected to materially reduce the levels of natural light that the occupiers of no. 102 currently enjoy. Additionally, the proposed two storey extension is not expected to result in a materially detrimental impact on the neighbouring dwelling. The proposal is not overall different from the existing situation, the only difference would be the increase in height due to the first storey extension and roof of the proposal, and this increase in height would not materially harm the adjacent dwelling.
- 5.15 A high level window and a door are proposed at ground floor level in the side elevation of the two storey extension. However, the windows in no. 102 are already obscure glazed so it is not considered that the proposal would result in any increase in overlooking or loss of privacy over and above the existing situation and such views are expected in developments which are built in this form. Consequently, the proposal is not considered to have a materially overlooking impact on no. 102.
- 5.16 A dormer window is proposed in the rear elevation. This window will not result in a material loss of privacy to the adjacent occupiers. However, there will be some indirect views into the rear garden of no. 106 St Davids Avenue, but such views will be minimal and not materially harmful.
- 5.17 Overall the proposed two storey side extension, a single storey rear extension, a front porch and a rear dormer are considered to have an acceptable impact on the residential amenity of the nearby occupiers.
- 5.18 Transport and parking
With householder development, transport considerations relate mainly to the provision of adequate off-street parking. Parking should be provided to a level of commensurate with the size of the property (in terms of the number of bedrooms).
- 5.19 The proposed extension and loft conversion would increase the number of bedrooms in the property from three to four. Accordingly, a dwelling with four

bedrooms requires at least two off street parking spaces in order for the Council's adopted Residential Parking Standard SPD to be satisfied.

- 5.20 The site already has a garage and one off-street parking space in front. The garage is to be demolished to make way for the side extension and the proposed integral garage and front porch extend beyond the front elevation, reducing the available space in front for parking.
- 5.21 The integral garage would internally measure 2.4 metres deep by 2.675 metres wide. It falls below the Council's minimum garage size requirement and would not count towards the parking standards.
- 5.22 The agent has submitted a revised ground floor plan demonstrating that at least two car parking spaces can be achieved within the curtilage of the dwelling. Accordingly, there are no highway safety objections to this proposal.
- 5.23 Local resident's concerns
With regards to point 1, South Gloucestershire Council does not have a limit on the total volume of properties. The neighbouring property had a two storey side extension with a width of 3.4 metres approved in 2006. An amendment to this scheme to increase the width to 4 metres was refused on design grounds. A further amendment to increase the width to 3.6 metres was approved 2007. Point 2 has been addressed in the above transport and parking section. Relating to point 3, planning permission would need to be obtained to subdivide the property into multiple units. With reference to point 4, the proposed plans show there is space for the proposed external side door to swing into the property.

6. CONCLUSION

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

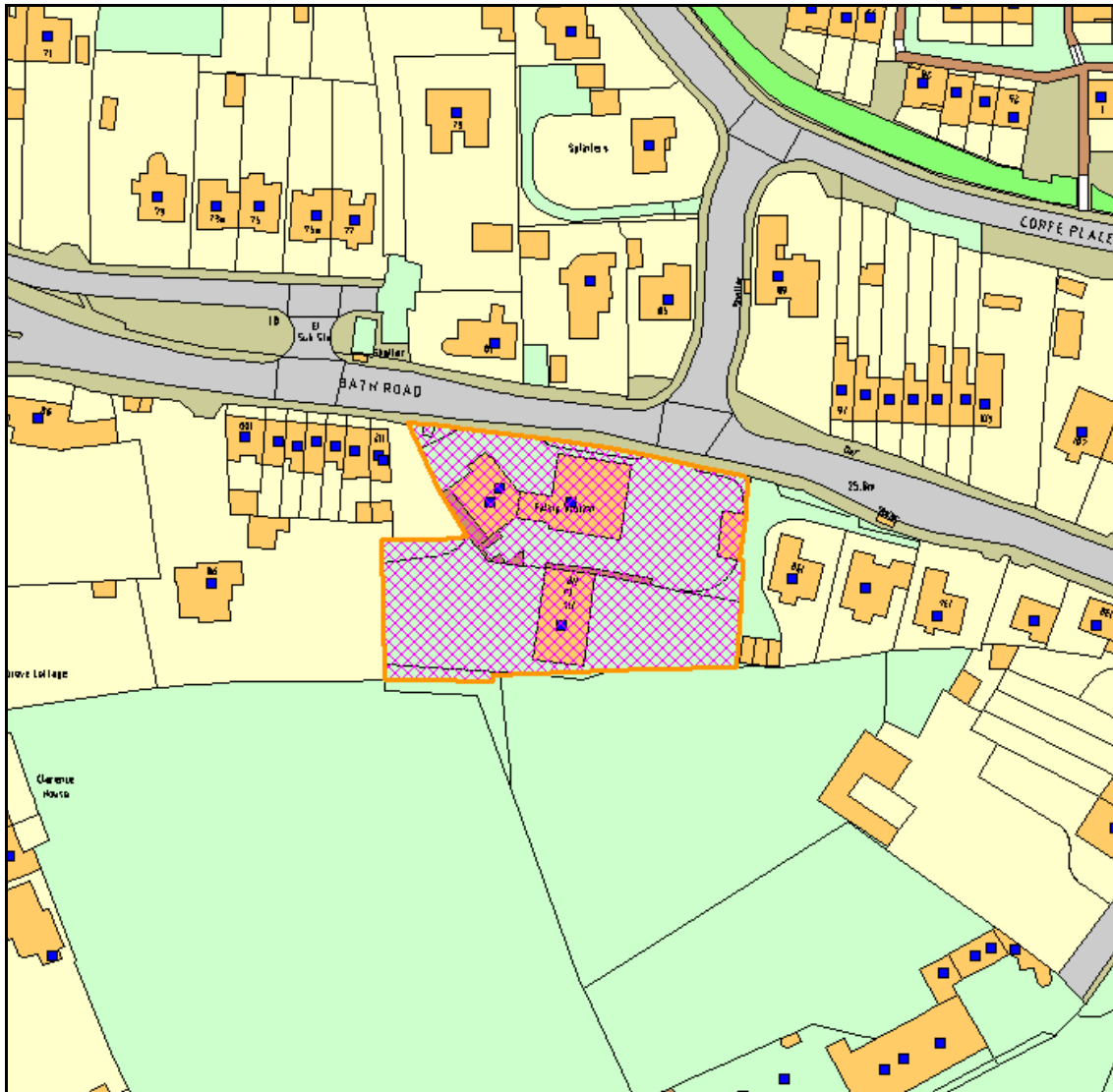
2. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 49/15 – 4 DECEMBER 2015

App No.:	PK15/4567/RVC	Applicant:	Mr Rupert Ainsworth Rontec Watford
Site:	Snax 24 Ltd 114 Bath Road Willsbridge South Gloucestershire BS30 6EF	Date Reg:	26th October 2015
Proposal:	Variation of condition no. 2 attached to planning permission PK13/3432/RVC to allow for 24 hours trading daily	Parish:	Bitton Parish Council
Map Ref:	366754 170317	Ward:	Bitton
Application Category:	Minor	Target Date:	17th December 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The following report appears on the Circulated Schedule due to comments received from local residents which include three letters of objection and one letter of support.

1. THE PROPOSAL

- 1.1 The applicant seeks permission to vary condition no. 2 attached to planning permission PK13/3432/RVC to allow for 24 hours trading daily.
- 1.2 The application site is situated on the southern fringe of Willsbridge within the urban area as defined in the Adopted Local Plan but just outside the Bristol and Bath Green Belt. The site is adjacent to the Bath Road and comprises a petrol filling station, associated shop and car wash.
- 1.3 This application follows a similar approved application PK13/3432/RVC which gained consent to vary condition 7 attached to planning permission K405/15 to extend the opening hours for the petrol station from 6am to midnight daily.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development

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

T8	Parking Standards
T12	Transportation Development Control
E3	Employment Development in the Urban Area
RT5	Out of centre and edge of centre retail development
RT8	Small scale retail uses within the urban areas and the boundaries of small settlements

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/4129/F Erection of single storey side extension to form additional retail and storage area and relocation of ATM.
Approved 27.11.14
- 3.2 PK13/3432/RVC Variation of condition 7 attached to planning

		permission K405/15 to extend opening hours for the petrol filling station from 7:00 to 23:00 Monday to Saturday and 8:00 to 22:00 on Sundays to 6:00 to 24:00 each day of the week
	Approved	15.11.13
3.3	PK12/2367/RVC	Variation of condition 7 attached to planning permission K405/15 to extend opening hours for the petrol filling station from 7a.m. to midnight.
	Refused	21.8.12
3.4	PK11/3432/EXT	Erection of single storey side extension to form additional retail and storage area. (Consent to extend time limit implementation for PK08/2852/F)
	Approved	13.12.11
3.5	PK08/2852/F	Erection of single storey side extension to form additional retail and storage area.
	Approved	11.12.08
3.6	PK02/1150/F	Erection of single storey side extension to extend existing shop
	Approved	27.5.02
3.7	PK01/2609/F	Erection of extension to existing shop and relocation of existing ATM
	Refused	10.10.01
3.8	P99/4724	Erection of single storey extension to form ATM Building
	Approved	15.10.99
3.9	P96/4245	Variation of Condition 7 attached to Planning Permission K405/15 to allow operation of Petrol Filling Station from 0600 hrs to 2400 hrs
	Refused	31.7.96
	Appeal dismissed	

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

The Parish Council has no objection to this application but would request that a condition is imposed to restrict hours of delivery to a reasonable time in respect for residential amenity

4.2 Other Consultees

Environmental Protection

No objection to the application however it should be conditioned that the other activities (Car Sales, Car wash, Jet wash, car vacuum, tyre inflation compressor and deliveries) at the Petrol filling station continue to be restricted in line with conditions 3, 7 and 16 of planning decision PK13/3432/RVC.

Highway Engineer

The proposed extension to the opening hours would lead to some increase in traffic movements to and from the site but this would not be significant. Access to the site is considered acceptable and it will not be altered as part of this application. Transportation Development Control do not object to this applicant.

Other Representations

4.3 Local Residents

Comments are summarised as:

Support:

- Our street falls between two different police offices (Kingswood and Keynsham) with neither wishing to come out here
- Welcome garage staying open longer because of anti-social behaviour after it closes: kids race up and down on mopeds between the roundabouts and people try to blow up the cashpoint with petrol. If the garage was open longer this would not happen
- The CRV (controlled remote viewing) on the property is excellent and the owners of the property co-operative in helping police investigations
- The garage provides a very good local service

Objection

- The increase in opening hours will bring unwanted disruption to my family in the form of extra noise from cars and pedestrians
- My garden backs onto the property and in recent years noise from garage has increased dramatically starting early in the morning and carrying on until evening. I have serious health issues and the increase in opening hours would be detrimental to well-being
- Concerned about light emitted from all signage as well as garage and forecourt and shop. The current levels of light impacts on residential amenity. Would request that the brightness of the signage is reduced between midnight and 6am

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The NPPF states that 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. Its core principles encourage the support of sustainable economic development/growth and development that seeks to enhance the vitality and viability of sites. Policy CS1 of the Local Plan requires all new development to,

along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and locality and should not unacceptably affect nearby residential amenities. Policy CS9 seeks to defend the built environment and development must protect land, air and aqueous environments, buildings and people from pollution. Pollution can include smoke, fumes, dust, smell, vibration, noise and an increase in artificial light.

- 5.2 The application to vary a condition under section 73 or section 73a of the Town and Country Planning Act 1990 is more limited than a full application. The LPA may only consider the question of the condition and cannot revisit or fundamentally change the original permission.

5.3 Assessment and Justification

The application seeks to vary condition 2 attached to planning permission PK13/3432/RVC which stated:

The petrol filling station use shall not be carried out other than between the hours of 06.00hrs to 24.00hrs daily.

The reason for the condition was given as:

To minimise disturbance to occupiers of nearby buildings and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006

- 5.4 The applicant wishes to extend the hours of operation to allow for 24 hour trading daily. The reason given in this case is to provide longer opening hours at night for customers and to enhance the viability and functionality of the site to the benefit of motorists and local residents.
- 5.5 National Planning Policy states the government is committed to securing economic growth in order to create jobs and prosperity while at the same time meeting the challenge of a global competition and a low carbon future. It states that the planning system should proactively meet the needs of business but at the same time promote and deliver sustainable development which produces positive improvements in the quality of the built environment.
- 5.6 This policy is a material planning consideration. It is recognised that the policy has a focus on supporting the economy, however, the advice is also clear in that local planning authorities must have regard to all other relevant considerations.
- 5.7 The main issue to consider in the assessment of this application is whether the longer working hours would result in an unacceptable level of noise and disturbance to surrounding residences and whether on balance this would outweigh the economic benefits of the proposal.
- 5.8 A detailed noise report has been provided, based on parameters suggested in the previously approved application and advice given by Environmental Protection Officers within the Council. This is discussed below.

5.9 Environmental Protection

Based on the information and conclusions presented in the Noise Impact Assessment dated October 2015 produced by Enzygo Ltd and submitted to support the proposed extension to operating/opening hours at the Snax Garage 114 Bath Road Willsbridge Environmental Protection Officers make the following observations:

5.10 The Assessment has been carried out using British Standard BS4142 :1997 and BS8233:1999 which are considered the appropriate assessment tools in this case. Officers do not have access to the software used for the modelling assessment but the assessment information regarding background noise levels and specific noise levels and the monitoring positions used is accepted. It is agreed that the rating level for the specific noise levels relating to the proposed extended hours for the site should include the +6dB acoustic feature adjustment due to the nature of activities eg car doors slamming and other individual noises that may attract attention and this has correctly been incorporated into the assessment.

5.11 The resulting conclusions by the Acoustic Consultants regarding the proposed extension to the opening hours of the forecourt and shop, indicate that there are no noise related issues to prevent the extension in operating hours.

5.12 Based on the Noise Impact Assessment Officers have no objections to the application however it should be conditioned that the other activities at the Petrol filling station should continue to be restricted to the hours currently permitted. These activities are Car Sales, Car wash, Jet wash, car vacuum, tyre inflation compressor and deliveries in line with conditions 3, 7 and 16 of planning decision PK13/3432/RVC.

5.13 Residential Amenity

The site has residential properties to its east and west boundaries and also opposite to the north where the ground rises above the road level. Comments received from local residents have expressed concern regarding the increase in noise that would result from the change in opening hours. Notwithstanding that a degree of noise and disturbance is already experienced from the petrol filling station/shop and by its location adjacent to a busy road, the impact the change in opening hours would have on local residents is an important consideration.

5.14 Environmental Protection Officers have given their assessment of the potential noise resulting from the proposal by examining the submitted Noise Impact Assessment and concur with the findings that the level of noise would be acceptable. Although it is not disputed that there may be some changes experienced by neighbours, the degree of separation from the petrol station and those neighbours who have commented must also be noted, being approximately 30 metres and 40 metres away. It is recognised that no information has been provided with respect to the projected increase in usage by customers visiting the petrol station, but it is not unreasonable to assume that the number of additional users during these hours would be limited. Nevertheless, changes are acknowledged but these have to be set against firstly, the aims/directions given within the NPPF to promote and encourage

economic development, secondly, the findings in the acoustic report which has found noise levels acceptable and thirdly, the support comments which have indicated that the additional use and human presence in the petrol filling station/shop could assist in the prevention of anti-social behaviour.

5.15 Comments regarding the bright lights affecting neighbours to the north is noted. It is noted that this is an existing situation, and as mentioned above, this application relates purely to the variation of a condition. However, to accompany the extension of the opening hours, an extension to the length of time the signs would be illuminated would also be necessary. It is therefore considered reasonable that a condition be attached to the decision notice requiring that prior to the implementing of the new hours, additional details regarding the location and brightness levels and timings of all illuminated signage on the site be submitted to the LPA for written approval.

5.16 Taking the above into account, and on balance, it is considered that the increase in hours of operation would not have a significant and detrimental impact on residential amenity of neighbours sufficient to warrant the refusal of the application.

6. CONCLUSION

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

6.2 The recommendation 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 consent be given subject to the conditions attached to 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 car sale use shall not be carried out other than between the hours of 7.00am to 11.00pm Mondays to Saturdays and 8.00am to 10.00pm on Sundays

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the NPPF.

3. Noise from the premises (including the car wash and jet wash facility) assessed in accordance with BS4142 1990 shall not exceed a rating level of 50dB(a) measured at or beyond the boundary of any residential property.

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the NPPF.

4. The car wash and jet wash, and the car vacuum and tyre inflation compressor use hereby permitted shall not be carried out other than between the hours of 7am to 11pm Monday to Saturdays and 8am to 10pm on Sundays.

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the NPPF.

5. Notwithstanding the provisions of the Town and Country Planning (General Development) Order 2015 as amended, (or any Order revoking and re-enacting that Order), no plant or machinery shall be installed outside the building on the site nor shall any building be extended without the prior permission of the LPA.

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the NPPF.

6. No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse or any other item shall be stacked or stored outside any building on the site without prior approval in writing of the LPA.

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the NPPF.

7. The display or sale of motor vehicles shall not take place on any part of the land or within any part of the buildings except on the areas as indicated on the approved plans.

Reason

To ensure the parking spaces are retained for the prime purpose of providing parking for visitors and staff to the premises and to ensure that sufficient off street parking is retained to serve the development in the interests of highway safety 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) December 2013.

8. No deliveries shall be taken at or despatched from the site outside the hours of 7.00am to 11.00pm Mondays to Saturdays and 8.00am to 10.00pm on Sundays

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the NPPF.

9. Prior to the implementation of the change of hours details of the siting, levels of illumination and the operating timings of all illuminated signage within the site shall be submitted to the LPA for written approval. Development shall be carried out in accordance with these approved details.

Reason

This is a pre-commencement condition to mitigate against any possible future remedial action and to minimise disturbance to occupiers of nearby buildings and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the NPPF.

10. The eastern access point to Bath Road shall be used for egress only and 'No Entry' signs at this access as shown on the approved plans shall be installed prior to the use or occupation of the development hereby permitted and shall be retained at all times thereafter.

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the NPPF.

11. The western access point to Bath Road shall be used for egress only and 'No Entry' signs at this access as shown on the approved plans shall be installed prior to the use or occupation of the development hereby permitted and shall be retained at all times thereafter.

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the NPPF.

12. The existing trees and hedgerows within the site shall be retained and shall not be felled, lopped or topped within the previous written consent of the LPA. Any trees and hedgerows removed without such consent or dying or becoming damaged or diseased shall be replaced in the next planting season with trees and hedgerows of such size and species as may be agreed with the LPA.

Reason

To protect the character and appearance of the area to accord with Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. The development hereby permitted shall not be occupied or used until the facilities for vehicle parking, loading and unloading and circulation and manoeuvring, as shown on the approved plans have been provided and completed in accordance with the approved drawings. The designated areas shall not thereafter be used for any purpose other than for the use as defined.

Reason

In the interests of highway safety, 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 provisions of the NPPF.

CIRCULATED SCHEDULE NO. 49/15 – 4 DECEMBER 2015

App No.:	PK15/4681/CLP	Applicant:	Mr David Peirce
Site:	Barn At The Firs France Lane Hawkesbury Upton Badminton South Gloucestershire GL9 1AL	Date Reg:	30th October 2015
Proposal:	Application for Certificate of Lawfulness for the proposed change of use of barn to annexe ancillary to main dwelling (Class C3).	Parish:	Hawkesbury Parish Council
Map Ref:	378620 186292	Ward:	Cotswold Edge
Application Category:		Target Date:	22nd December 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the alterations and conversion of the existing single storey outbuilding used as storage to form a residential annexe would be lawful. The application is retrospective, as the applicant has already carried out these works and seek to regularise them.
- 1.2 The application relates to a detached property known as The Firs situated outside of the settlement boundary of Hawkesbury Upton, within the Cotswolds Area of Outstanding Natural Beauty.
- 1.3 The outbuilding is situated to the front of the dwelling adjacent to the highway, France Lane.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 Section 191
Town and Country Planning (Development Management Procedure) (England) Order 2015
Town and Country Planning (General Permitted Development) Order (GPDO) 2015
Planning Practice Guidance: Lawful Development Certificates

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Hawkesbury Upton Parish Council
No response.

Other Representations

- 4.3 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location Plan; 'Outbuilding Size in Metres' Floor Plan; Letter from Planning Enforcement Officer dated 27th August 2003 advising that the development is permitted development; Building Control 'Certificate of Regularisation' dated

20th August 2015; Building Regulations Certificate of Compliance dated 17th August 2015. All received 27th October 2015. Email from applicant received on 26th November 2015.

6. **EVALUATION**

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 Within this report there are three matters which must be addressed and will follow below. Firstly, the report must address the lawfulness of the existing outbuilding; secondly if the proposal represents a material change of use and finally, if the proposed alterations constitute an alteration which materially affects the external appearance of the building. As expressed above, this application is purely an evidential test to determine if the proposed use is lawful, therefore, concerns regarding: privacy; visual amenity; traffic pressures; or planning policy such as the Area of Outstanding Natural Beauty, do not form part of the assessment under this application.

6.3 Lawfulness of the existing building

There is no planning history to suggest this outbuilding ever benefited from planning permission, and the building is contrary to the criteria outlined within Schedule 2, Part 1, Class E of the GPDO 2015 and is therefore considered not to be permitted development. If the building is not considered to be lawful, then this certificate of lawfulness would be refused. However, it is apparent that the building has been in situ for a continuous period of more than four years, and can be seen in aerial photographs in the 1990s.

6.4 Guidance contained in the Planning Practice Guidance states that in the case of application for existing use, if a Local Planning Authority has no evidence itself, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. Therefore, the Local Planning Authority must be convinced that on the balance of probability the existing outbuilding has been in situ for a continuous period of four or more years. The applicant states that it was in use as a storage building in association with the property before the conversion, and whilst the exact use cannot be confirmed it does appear that the building has been part of the residential curtilage since at least 1991, as aerial photographs since this date show it to be within the same planning unit, with the entrance facing out across an area of cultivated garden, which in some images has residential

paraphernalia adjacent to the barn such as tables and chairs for sitting out. The name 'The Barn' implies an agricultural use however there is no evidence of this from aerial photographs in the last 24 years. No conflicting evidence disputing the storage use ancillary to the dwelling has been received. On the balance of probability therefore, the residential use of the building as ancillary storage is lawful, and the structure itself is lawful given that it has been in situ for over four years. Building Regulations documents submitted indicate that the conversion was complete before August 2015.

6.5 Change of Use

This application seeks confirmation that the alterations and subsequent use of the existing building as an annexe consisting of a shower room, small kitchen and two reception rooms is lawful. The key issue to resolve within this section is to establish whether the use of the building as a residential annexe would require planning permission. This is a retrospective request, as the works have already been carried out.

6.6 In terms of determining whether the proposal represents a material change of use, which constitutes development, paragraph 011 of the Planning Practice Guidance (PPG) sets out that the judgement is a matter of fact and degree to be determined in each case. There will be no material change of use to the planning unit as the annexe remains ancillary to the existing dwelling, having changed from ancillary storage within the residential curtilage to ancillary living accommodation. For the proposed annexe to be considered a separate planning unit, it must contain the following: normal facilities for cooking, eating and sleeping associated with a dwelling; and it must be occupied as a single household.

6.7 In this application the plans demonstrate that the proposal would struggle to function as a self-contained 'annexe', due to the scale and lack of living space, for example, the size of the kitchen, the lack of sleeping accommodation (as confirmed by the applicant in an email received on 26th November 2015) the lack of separate parking and separate private amenity space. Accordingly, the proposal is judged to not represent a separate planning unit, and therefore a material change of use has not taken place.

6.8 Material Change in Building

When considering the proposal a key issue is to consider whether it constitutes "development". The Town and Country Planning Act 1990 provides a definition of the meaning of development, which is...*the making of any material change in the use of any buildings or other land...and the...alteration of any building of works which...materially affect the external appearance of the building.* The proposal included external physical alterations to the building such as the installation of windows and a new roof.

6.9 In terms of whether the alterations to the appearance of the building represent development, consideration is required as to whether they would materially affect the external appearance of the building, however there is no statutory definition of "material effect". In this respect consideration has been given to the case of *Burroughs Day v Bristol City Council* [1996]. In this case the court held that changes in external appearance had to be judged in relation to the building

as a whole in order to determine the materiality of their effect. Here it was also held that any change to external appearance must be visible from a number of normal vantage points and that visibility from the air or a single building would not be sufficient. Thus part of the test for “material effect” must depend on the degree of visibility.

6.10 There would be no change to the scale or footprint of the building and the replacement roof and new windows had a minimal impact on the appearance of the building as a whole. The alterations proposed would not be adversely out of keeping with the character of the building such that they would materially effect or harm its appearance. It is also considered that the alterations would not be significantly prominent when viewed from the public realm, as no new openings have been installed facing towards the highway where only the new roof tiles are visible.

6.11 Given the above, whilst it is noted that the appearance of the exterior of the building has been affected, given the lack of visibility of the alterations, the fact that only a small part of the building has been affected and the overall scale, bulk and form of the building has not changed, it is considered that the external appearance of the building has not been materially affected. As such, on the balance of probability it is not considered that the physical alterations retrospectively proposed have materially affected the external appearance of the building and do not constitute ‘development’. As such planning permission was not required when the works began to take place, which from aerial photographs appear to have begun in 2005.

6.12 Conclusion

Overall, it is considered that on the balance of probability, the existing outbuilding, considered to be ancillary to and in the residential curtilage of The Firs, has been in situ for a period exceeding more than 4 years. The Town and Country Planning Act 1990 defines development, and through its application and the supporting case law the officer has judged the proposal does not materially change the use or materially alter the external appearance of the existing outbuilding. Accordingly, the existing building is judged to be lawful as the use as an annex and the physical alterations do not constitute development. Therefore, on the balance of probability, it is considered that the proposal is lawful.

7. RECOMMENDATION

7.1 That a Certificate of Lawful Development is **GRANTED**.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CIRCULATED SCHEDULE NO. 49/15 – 4 DECEMBER 2015

App No.:	PT15/3219/F	Applicant:	Pantheon West Ltd
Site:	29 Cabot Court Gloucester Road North Filton Bristol South Gloucestershire BS7 0SH	Date Reg:	27th July 2015
Proposal:	Erection of 11no flats with associated works	Parish:	Filton Town Council
Map Ref:	359870 178282	Ward:	Filton
Application Category:	Major	Target Date:	23rd October 2015



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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 site comprises an area of hard standing, measuring approximately 741 square metres, situated in a back-land location to the west of Gloucester Road North, within the established residential area of Filton.
- 1.2 The application site is set back from the street and is screened from the public realm by existing built form, most notably the newly built commercial development along Gloucester Road North and the older Cabot Court. The site abuts long, linear, garden curtilages on the north, south and western sides of dwellings along Broncksea Road and Braemar Avenue.
- 1.3 It is proposed to erect a block of 11 no. flats comprising 6 x 1 bed and 5 x 2 bed flats, all to be offered as affordable housing. Vehicular access to the flats would be via the existing access off Braemar Road; the access from Broncksea Road having been closed off to through traffic.
- 1.4 An earlier application for a similar proposal (PT07/1953/F) was approved by the D.C. (West) Committee (8.0.1) subject to the applicant entering into a voluntary section 278 Highways Act legal agreement to provide a £8,100 financial contribution towards the North Fringe Development Major Scheme (Transport Measures). The payment was made on 12th December 2007. A subsequent application PT10/3420/EXT to extend the life of the consent was granted via the Circulated Schedule in December 2013.
- 1.5 Given that the pre-commencement conditions have been discharged, S278 payments made and infra-structure works carried out, the Council's Enforcement Officer has confirmed to the applicant that the extant permission has been implemented. It is important therefore to note that should this current application PT15/3219/F be refused, the fall-back position would be, that the earlier approved scheme could be built out; officers consider this to be a material consideration of significant weight in the determination of this current application.

2. POLICY CONTEXT

- 2.1 National Policy
National Planning Policy Framework March 2012
The National Planning Practice Guidance 2014

- 2.2 Development Plans

The South Gloucestershire Local Plan (Saved Policies) Adopted 6th Jan 2006.

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

L9 - Species Protection
EP2 - Flood Risk and Development
T7 - Cycle Parking
T12 - Highway Safety
LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)

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

CS1 - High Quality Design
CS2 - Green Infra-Structure
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.
The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106
Planning Obligations Guide SPD Adopted March 2015.

2.4 Emerging Plan

Proposed Submission: Policies, Sites & Places Development Plan March 2015

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
PSP9 - Residential Amenity
PSP12 - Development Related Transport Impact Management
PSP17 - Parking Standards
PSP20 - Wider Biodiversity
PSP21 - Flood Risk, Surface Water and Watercourses
PSP22 - Environmental Pollution and Impacts
PSP44 - Private Amenity Space Standards

3. RELEVANT PLANNING HISTORY

- 3.1 PT01/0876/F - Erection of two buildings to form 10 flats and associated works. Refused 15 Nov 2001 on the following grounds:
- Inadequate parking provision.

- Additional traffic movements onto and off a busy classified road.
- 3.2 PT07/1953/F - Erection of 9no. self-contained flats with associated works. Approved 14 Jan 2008 subject to S278 Agreement.
 - 3.3 PT08/1331/F - Erection of 10no. self-contained flats with associated works. Withdrawn 4 July 2008
 - 3.4 PT10/3420/EXT - Erection of 9no. self-contained flats with associated works. (Consent to extend time limit implementation for PT07/1953/F). Approved 28 Jan. 2011
 - 3.5 PT13/3909/RVC - Variation of condition 6 attached to planning permission PT10/3420/EXT to read, 'The parking for the approved scheme will be laid out and maintained to the satisfaction of the Council clear of obstruction at all times for the parking and manoeuvring of motor vehicles in accordance with plan reference 13042/01.' Approved 13 Dec. 2013
 - 3.6 PT15/1077/NMA - Non-material amendment to PT07/1953/F to replace basement parking area with accommodation, alteration to elevations and relocation of parking spaces. Objection 30 March 2015 – proposal is material.

4. **CONSULTATION RESPONSES**

4.1 Filton Parish Council
No objection

4.2 Other Consultees

Lead Local Flood Authority
No comment

Arts and Development
No comment

Wessex Water
Standard comments – No objection

Highway Structures
No comment

Housing Enabling
Notwithstanding the fact this scheme is for a 100% affordable housing scheme, as the scheme exceeds the urban threshold as set down under Policy CS18 of the Core Strategy the Council will secure 35% affordable housing as part of a Section 106 agreement. Therefore as the application is for 11 dwellings 4 need to be secured under a S106 agreement as affordable housing.

New Communities

The following contributions are requested to be secured by S106 Agreement:

Off-site POS provision/enhancement - £6,606.92p

Off-site POS maintenance - £9,019.85p

The contributions are likely to be spent on projects at Stoke Park, Elm Park or the Allotments adjacent to Northville Park.

Avon Fire and Rescue

No response

Police Community Safety Officer

No response

Children and Young People

No response

Other Representations

4.3 Local Residents

6no. letters/e.mails of objection have been received from local residents. The concerns raised are summarised as follows:

- The building is too large and will have an overbearing impact on neighbouring residential properties.
- Overlooking of neighbouring property from roof terrace and balconies.
- A new secure boundary treatment is required to prevent cars from rolling into neighbouring gardens, as has happened in the past.
- There have been problems with flooding in Bronksea Road properties. How will the drainage and sewage be managed without routing pipes through back gardens?
- Overdevelopment of site.
- Inappropriate design – not in-keeping with neighbouring houses.
- Increased on-street parking.
- Limited access for emergency vehicles.
- More landscaping is required.
- Insufficient parking provision.
- Dangerous crossing from Braemar Avenue to Cabot Court.
- Increased noise.
- There is no demand for flats in the area.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the council on 11th December 2013. By virtue of Section 38(6) of the Planning and

Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF). The “saved” policies of the South Gloucestershire Local Plan (adopted 2006) also form part of the extant Development Plan.

- 5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only 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 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy, which makes specific reference to the importance of planning for mixed communities, including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments. The proposal would provide 100% social housing and therefore complies with this policy.
- 5.7 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.* The site is considered to lie in a highly sustainable location, close to a mix of local amenities including schools, shops, public houses, sports facilities and employment opportunities with good pedestrian and highway links, including various bus service routes in and out of the city with links to surrounding areas.
- 5.8 Local Plan Policy H2 is not a saved policy; there is no prescribed minimum density requirement for housing development. The NPPF however seeks to make efficient use of land in the Urban Area for housing. Having regard to the site constraints and character of the locality, officers consider that the proposed density of development makes efficient use of the site and in this respect alone the scheme does not represent over development.

- 5.9 Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.

5-Year Land Supply

- 5.10 An appeal decision (APP/P0119/A/14/2220291) for residential development on a site at Charfield was granted permission in June 2015. The Inspector in allowing the appeal concluded that the council was unable to demonstrate a deliverable 5-year supply of housing. The government attaches great importance to maintaining a five year Housing Land Supply (HLS), as set out in the National Planning Policy Framework (NPPF). The consequence of not being able to demonstrate a five year supply is that, national policy directs that the housing supply policies in adopted and emerging plans are to be regarded for development control purposes, as if they are out of date. As a result of the Charfield appeal, paragraph 49 of the NPPF is engaged and is a significant material consideration in this case, which should be given great weight. The NPPF Para. 49 reads as follows:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

NPPF para. 14 also states that at the heart of the NPPF is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means that unless material considerations indicate otherwise, where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 5.11 Officers consider that the acceptance in principle of a block of flats on this site, such as those proposed, has already been established with the previous approval of applications PT07/1953/F and PT10/3420/EXT.
- 5.12 The Council have already confirmed that given the pre-commencement conditions for the above consent have been discharged, the S278 payment made and infra-structure works already carried out; the previous permission has been implemented and is therefore extant. It is therefore important for Members to note that should this current application PT15/3219/F be refused, the fall-back position would be that the earlier approved scheme for 9 flats could be built out; officers consider that this is a material consideration of significant weight in the determination of this current application.

5.13 Scale and Design

The site lies mid-way between Bronksea Road and Braemar Avenue and to the west of Gloucester Road North. The ground falls generally down to the west from Gloucester Road North. Both Bronksea Road and Braemar Avenue are

characterised by two-storey, semi-detached, residential properties with long rear gardens. These properties are primarily render in finish with occasional use of brick, and tiled pitched roofs. In contrast, Gloucester Road North is more commercial in character, being a local shopping centre. Nearby, Cabot Court is a three and a half storey brick construction, with shops on the ground floor and 24no. flats above.

- 5.14 The proposed design is similar in plan and elevation to the previously approved scheme PT07/1953/F and PT10/3420/EXT, with the exception of the basement, where there would now be additional flats. The scale of the proposed block is in fact very similar to that previously approved; this is very well demonstrated on the submitted Sketch Overlay Drawing, where the outline of the previously approved building is superimposed on that now proposed.
- 5.15 The building would be set back some 38m and 31m respectively from the rear elevations of the houses along Braemar Avenue and Bronksea Road and would not be directly opposite the flats in Cabot Court; this is again well illustrated in the submitted sectional plan. Given these distances and the areas of open landscaped land and car parking areas around the building; officers do not consider that the building would have an overbearing impact for neighbouring residential occupiers.
- 5.16 The proposed palette of external materials includes blue engineering bricks to create a plinth for the building, but to also add verticality in the main elevations. Grey cladding to the top floor is broken up by white panels. One of the top floor flats has a large, green external roof-top terrace of living Sedum. The roof would be covered with reconstituted slate tiles. The double glazed windows are proposed in dark grey to show the contrast with the modern elements. The white fascia and soffits would contrast with the black plastic gutters and down pipes.
- 5.17 Such a design is not considered to be out of place in an urban environment where a mix of housing types, age and scale are only to be expected. There is no need to slavishly replicate the 1930's designs of Bronksea Road and Braemar Avenue. The location is not a Conservation Area and has no special architectural vernacular that needs to be respected.
- 5.18 Having regard to, the need to make the most efficient use of the site for residential development; the scale and design of nearby buildings, such as Cabot Court; the urban back-land location without street frontage and the fact that a building of very similar scale and design has been recently approved on this site; officers consider that the proposed scale and design are acceptable and would not be detrimental to the visual amenity of the area or character of the street scene. The proposal is considered to accord with the requirements of Core Strategy Policies CS1 (design) and CS17 (housing diversity).

Transportation Issues

- 5.19 In terms of vehicular access, the existing access from Braemar Avenue would be shared with the traffic accessing the rear of Cabot Court. Officers raise no objection to this arrangement. There would also be a pedestrian link to Gloucester Road North. Previously it was possible to also access the site via a

driveway off Bronkseas Road, to the rear of the commercial properties on Gloucester Road North, thus allowing a through route to Braemar Avenue. Whilst this driveway is in the applicant's control, this route has now been blocked off with fencing. The driveway is however retained to allow servicing of the new shop units on Gloucester Road North. At officer request, part of the drive has been used to incorporate a turning head within the application site and this is now shown on the revised plans.

- 5.20 In terms of parking provision for the 11no. flats; 13no. spaces would be provided on the basis of 11no. allocated spaces i.e. 1 per flat with 2no. visitor spaces; this accords with the minimum standards set out in the Council's Residential Parking Standards SPD.
- 5.21 The site is currently made up of hard-standing, which was originally shown on plans as a parking area associated with Cabot Court. This situation changed however when application PT13/3909/RVC was approved. The plan approved under PT13/3909/RVC showed the parking retained to the rear of Cabot Court and the flats approved under PT07/1953/F and PT10/3420/EXT; there were however 4 parking spaces retained to the front of the flats for use by Cabot Court occupants. Whilst there has since been some parking on the current application site, this has only ever on a casual basis; the approved flats having not been built out. Nearby Cabot Court has 18 spaces to the rear but these are for use by staff and customers of the ground floor shops only and were never allocated to the flats above. It is important to note that Cabot Court and the application site are now in separate ownership and there is no requirement for the current owner to provide parking for the occupiers of the Cabot Court flats; the application site has since been cordoned off using 'Heras' fencing. The applicant has confirmed that the leases for the Cabot Court flats have always been on the basis that no off-street parking is provided, so this would not alter.
- 5.22 Also at officer request, the secure cycle store, for 13no. cycles, has been re-located to the south-western corner of the site, thus enabling the turning head to be constructed for service/delivery vehicles. Plans have also now been submitted to show the full design of the cycle store. Further details of the proposed bin store have also now been submitted to officer satisfaction. The bin store is now appropriately located for easy access by both future occupiers and refuse collection vehicles.
- 5.23 Some concerns have been raised about cars rolling off the site into neighbouring gardens, which apparently has happened in the past. It is noted however that on the submitted plans, the ground levels would be altered in such a way that the rear parking area would slope towards the new block of flats (see Site Section B-B). Furthermore, robust boundary treatments would be secured through a condition.
- 5.24 In view of all the above mentioned, there are no highway objections to this application subject to conditions relating to the prior provision of off-street vehicle and cycle parking facilities, provision of bin store, provision of turning head, plus the marking out and allocation of the resident and visitor parking spaces. Any perceived loss of parking provision is minimal and not sufficient to

be considered to result in residual cumulative impacts that would be severe. The proposal therefore accords with Chapter 4 of the NPPF.

Environmental Issues

- 5.25 The site is not at risk from former coal mining activities, neither does it lie within a zone at high risk of flooding. Connections to the mains sewer would need to be agreed with Wessex Water. A condition would secure a SUDS drainage scheme for surface water disposal.
- 5.26 Standard informatives would be added to any approval, regarding construction sites. Whilst there may be some disturbance for local residents during the construction phase, this would be on a temporary basis only. In the event of planning permission being granted, a condition would be imposed to control the hours of working on the site. Possible excessive noise or anti-social behaviour from future residents is controlled by legislation other than that found within the Planning Act and is not therefore grounds to refuse the application.
- 5.27 Concerns have been raised by local residents regarding past problems with drainage in the locality, underground streams and the likelihood of pipes being routed through the residential gardens. In response, the applicant has submitted a Foul Drainage Layout Plan which shows that foul drainage can be pumped off the site to sewers running beneath the northern driveway, linking to the sewers in Bronksea Road. There would therefore be no need for pipes to be routed through neighbouring gardens.
- 5.28 Impact on Residential Amenity
A number of concerns were raised by local residents to the scheme as originally proposed and these are summarised at para. 4.3 of this report. In response to these concerns, the applicant has submitted revised plans to show the following amendments:
1. Top floor - apartment No 10 to have reduced door opening and much smaller balcony with 1.8 m high end panels to obscure overlooking of neighbours.
 2. Access to the top floor Sedum roof terrace would be reduced in size and have maintenance only access from the stairs.
 3. Apartments 5 and 8 - the kitchen/dining/living areas to have the balconies made in metal instead of glass to reduce overlooking.
 4. Apartments 5 and 8 - Bed 1 balconies to have solid walls both sides of the balcony to reduce overlooking.
 5. Apartments 6 and 9 - the kitchen /dining / lounge to have solid walls to both sides of balconies to reduce overlooking.
- 5.29 As regards overlooking and loss of privacy; some overlooking of neighbouring gardens from upper floor windows/balconies is only to be expected in urban areas where houses are built in close proximity to each other, especially if the most efficient use of land in the urban area is to be achieved, as is required by government and Local Plan policy. It is noted that Cabot Court already has windows at 4th storey level and no.1 Broncksea Road has a dormer window in the roof space to the rear. Furthermore the scheme that was previously approved for this site and that could still be built out, also contained balconies.

- 5.30 In this instance, enhanced or new boundary treatments are proposed, which would provide adequate screening at ground floor level. At officer request, revisions have been made to reduce overlooking from balconies. The roof terrace would not be suitable for use as a siting out area as it would comprise living Sedum. It is proposed that access to the terrace be restricted to maintenance purposes only and this would be secured by condition.
- 5.31 Having regard to the previously consented scheme; the revisions made to the current proposal; the distance to neighbouring properties and the existing level of overlooking; officers consider that on balance and subject to the aforementioned conditions relating to boundary fences and access to the roof terrace, there would be no significant adverse impact on residential amenity that would justify the refusal of the scheme.

Landscape Issues

- 5.32 Other than some boundary vegetation, the site has no landscape features of note. A full landscape scheme would be secured by condition; this would include a 5-year maintenance schedule.
- 5.33 On balance therefore and subject to a condition to ensure implementation of the approved landscape scheme and maintenance plan, there are no objections on landscape grounds.

Ecology

- 5.34 This is a brownfield site within the urban area. There are no ecological constraints to the proposal.

Housing Enabling

- 5.35 Affordable Housing is sought in line with the policy CS18 of the Council's adopted Core Strategy Development Plan Document. The Affordable Housing and Extra Care Housing SPD provide further guidance on this policy.

The affordable housing heads of terms include:

- 35% of dwellings to be delivered as affordable housing, as defined by the NPPF. The applicant has specified that the proposal for 11 dwellings is for 100% affordable housing.

The supporting text relating to Policy CS18 of the Core Strategy states the following:

On sites allocated solely for affordable housing, or where only affordable is proposed, there will be no requirement to deliver a percentage without public subsidy where the threshold is exceeded, as set out in this policy, providing that the proposed affordable housing meets identified need and complies with the requirements of the Affordable Housing Supplementary Planning Document

- 5.36 Notwithstanding the fact this scheme is for a 100% affordable housing scheme, as the scheme exceeds the urban threshold as set down under Policy CS18 of

the Core Strategy the Council will secure 35% affordable housing as part of a Section 106 agreement.

4 units to be secured under a s106 agreement as affordable housing.

- Tenure split of 80% social rent and 20% intermediate housing, as identified by the West of England Strategic Housing Market Assessment (SHMA) 2009.

In this instance the 4 no. s106 units will be delivered as affordable rent tenure so as to allow HCA funding into the scheme.

- A range of affordable unit types to meet housing need based upon the findings from the SHMA 2009 as shown below.

As the scheme is a flatted scheme we would accept all S106 affordable units as flats. Plots to be identified at time of signing s106 agreement.

- 5% of the affordable housing to meet wheelchair accommodation standards. The Council's has developed a wheelchair specification.

In this instance there will be no requirement for wheelchair accommodation.

- In this instance the S106 affordable housing can be delivered with public subsidy.

As this is a 100% affordable housing scheme there will be no requirement to deliver the 35% element without public subsidy. This is on the proviso all 11 units are delivered as affordable housing as defined below under the heading of affordability outputs.

- The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.
- Affordable housing should be distributed across the site in clusters of no more than 6 units, unless a specific pepperpotting strategy is approved.
- Design and specification criteria: All units to be built in line with the same standards as the market units (if higher) and to fully comply with the latest Homes and Communities Agency (HCA) standards applicable at the time the S.106 will be signed, to include at least Level 3 of the Code for Sustainable Homes, Lifetime Homes standard, Part 2 of Secured by Design, and compliance of RP design brief.
- Delivery is preferred through the Council's list of Approved Registered Providers. The Council works in partnership with Registered Providers to deliver affordable housing to development and management standards. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to.

- Phasing: Affordable housing to be built at the same time as the rest of the housing on site in line with agreed triggers as per S.106 agreement, with a detailed assessment on a site by site basis. Where the development will proceed over more than one phase, the location, amount, type and tenure of the affordable housing in each phase will need to be set out in an Affordable Housing Masterplan and Schedule. The plan and schedule to be approved prior to submission of the first residential Reserved Matters application.
- The Council will define affordability outputs in the S.106 agreement, without any further information regarding sales values the affordability standards are as follows:
 - social rents to be target rents, set in accordance with the Direction on the Rent Standard 2014
 - affordable rents to include service charges in line with NPPF definition and set at up to 80% local median market rents; in addition the applicant should demonstrate they have taken local affordability and deliverability into account including the consideration of welfare reform changes and local market information
 - shared ownership: no more than 40% of the market value will be payable by the purchaser The annual rent on the equity retained by the RP should be no more than 1% of the unsold equity
 - service charges will be capped at an appropriate level to ensure that the affordable housing is affordable
- Social rented to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided.
- Any capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

5.37 Planning Obligations

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

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

In this instance, it is considered that a planning obligation relating to affordable housing and POS provision/enhancement and maintenance is required to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

CIL Matters

- 5.38 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging commenced on 1st August 2015 however, social housing is exempt from CIL charging.

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 proposal is for a block of 11no. flats and is very similar in scale and design to a previously approved scheme PT07/1953/F. The application was approved by the D.C. West Committee (8.0.1) subject to the applicant entering into a voluntary section 278 Highways Act legal agreement to provide a £8,100 financial contribution towards the North Fringe Development Major Scheme (Transport Measures). The payment was made on 12th December 2007. The life of the consent was subsequently extended under PT10/3420/EXT. The Council have confirmed that following the discharge of the pre-commencement conditions and implementation of infrastructure works, the development has commenced and in theory could still be built out – this is an important fall-back position, which is a material consideration of significant weight in the determination of this current proposal PT15/3219/F.
- 6.3 The current proposal for 11no. flats is offered as a 100% affordable housing scheme, which weighs heavily in favour of the proposal; furthermore the proposal would make a positive contribution to the Council's 5-year land supply, which given the current shortfall also weighs in its favour. A series of revisions have been made to the scheme as originally proposed, which together with the conditions proposed are considered to overcome the concerns raised by local residents.
- 6.4 The site is in a highly sustainable location and given that para. 49 of the NPPF is now engaged, and having regard to para. 14 of the NPPF, officers consider that it would be very difficult to justify a refusal reason in this case; the benefits of the scheme clearly outweighing any harm that may arise. Indeed if the Council were to refuse the application, officers consider that given the above, in any subsequent appeal situation the Council may be deemed to have acted unreasonably. Officer's therefore strongly recommend approval of planning permission.
- 6.5 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 (1) That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:

(i) The provision of a minimum of 35% (4 dwellings) affordable housing units should be delivered without public subsidy or financial assistance and will consist of 3no. 2 bed 4 person houses for Social Rent; in accordance with the requirements listed in para. 5.36 above.

(ii) A contribution of £6,606.92p towards off-site POS provision/enhancement.

(iii) A contribution of £9,019.85p towards POS maintenance

(i) and (ii) to be spent on either or a combination of :

Natural and Semi Natural Green Space – Stoke Park (or such other Natural and Semi Natural Green Space as may be appropriate)

Provision for Children and Young People – Elm Park (or such other Provision for Children and Young People as may be appropriate)

Allotments – Allotment Plots adjacent to Northville Park (or such other Allotments as may be appropriate).

The reasons for this Agreement are:

(i) To accord with Policy CS18 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. Jan 2013.

(ii) To accord with Policies CS2 and CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013

(iii) To accord with Policies CS2 and CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013

(2) That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.

(3) Should the agreement not be completed within 6 months of the date of the decision notice, that delegated authority be given to the Director of Environment and Community Services to refuse the application.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. Details of all boundary treatments (walls, railings or fences) to be erected/retained on the site shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the development commences and the development shall only be carried out in accordance with the details so approved. The boundary treatments as approved shall be erected prior to the first occupation of the building.

Reason

To protect the character and appearance of the area and to protect neighbouring residential amenity, to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013 and the requirements of the NPPF.

3. The hours of working on site during the period of construction shall be restricted to 07.30hrs to 18.00hrs Mondays to Fridays inclusive, 08.00hrs to 13.00hrs 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 privacy and amenity of neighbouring occupiers, and to accord with the requirements of the NPPF.

4. Notwithstanding the details shown on the General Arrangement of Foul Drainage Drawing No. 150907 101, prior to the commencement of the development hereby approved, drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts within the development shall be submitted for approval in writing to the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. This is a pre-commencement condition because any prior development could sterilise the ability to implement the drainage scheme.

5. Notwithstanding the details shown on the approved plans, prior to the commencement of the relevant sections of the development hereby approved, details or 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. The development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

6. Prior to the commencement of development a scheme of landscaping, which shall include proposed planting (and times of planting) together with a 5-year maintenance schedule, and areas of hardsurfacing, shall be submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the agreed details.

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 CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013. This is a pre-commencement condition to ensure a satisfactory scheme of landscaping can be secured prior to any works commencing that may affect the scheme.

7. The approved car parking, cycle parking, bin storage and turning arrangements as shown on the Proposed Site Plan no. 3821_105 Rev C, shall be provided prior to the first occupation of the building for the purposes hereby approved and shall be permanently retained as such thereafter.

Reason

To ensure the satisfactory provision of car and cycle parking facilities, turning areas and bin storage facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policy CS1 of The South Gloucestershire Local Plan Core Strategy and The South Gloucestershire Council Parking Standards SPD (Adopted) 2014.

8. Prior to the first occupation of any of the residential units hereby approved, the car parking spaces shall be clearly marked out in white paint and allocated one per flat with two visitor spaces, all in accordance with the details shown on the approved Proposed Site Plan Drawing No. 3821_105 Rev C and thereafter maintained as such.

Reason

To ensure a satisfactory parking provision in the interests of residential amenity and highway safety in accordance with Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policies CS1 and CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2014 and The South Gloucestershire Council Residential Parking Standards SPD (Adopted) 2014.

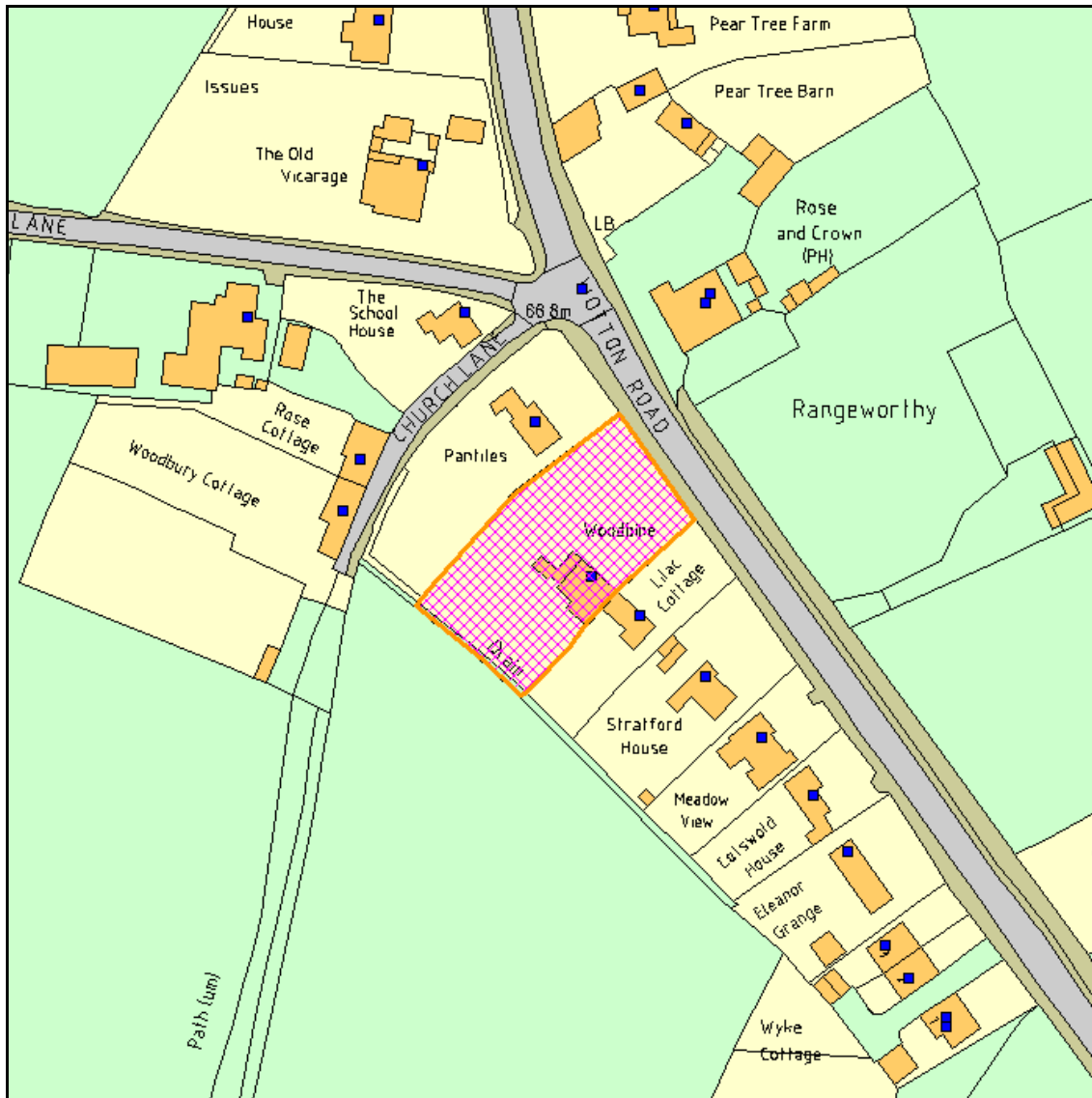
9. Access to the Sedum roof terrace shall be restricted to maintenance purposes only.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the requirements of the NPPF.

CIRCULATED SCHEDULE NO. 49/15 – 4 DECEMBER 2015

App No.:	PT15/3855/F	Applicant:	Mrs P Gardner
Site:	Woodbine Cottage Wotton Road Rangeworthy Bristol South Gloucestershire BS37 7NA	Date Reg:	30th September 2015
Proposal:	Erection of 1no. detached dwelling with associated works.	Parish:	Rangeworthy Parish Council
Map Ref:	368905 186155	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	23rd November 2015



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 100023410, 2008. N.T.S. PT15/3855/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The proposal seeks planning permission for the erection of 1no. detached new dwelling to the side of Woodbine Cottage, an end terrace 1.5 storey cottage within Rangeworthy.
- 1.2 The application site currently consists of the host dwelling, two large garages and an expansive rear garden. The proposed dwelling would be located to the north west of the existing dwelling, to the north of the proposed dwelling is the Pantiles, a two storey dwelling set forward in its plot when compared to the existing row of cottages.
- 1.3 The host dwelling is set back from Wotton Road within the designated settlement boundary of Rangeworthy. The application form suggests the dwelling, if approved, would be a self-build.
- 1.4 Over the course of the planning application amendments were requested by officers to address concerns regarding the impact of the proposal on the street scene and host dwelling, such requested amendments were made, and revised plans were submitted. Upon receiving such revised plans, an appropriate period of re-consultation occurred.
- 1.5 The application site is within the setting of the grade II listed Rose and Crown Public House, although it should be noted that the application site is on the south western side of Wotton Road, whereas the listed building is on the north eastern side of the road.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
Planning Practice Guidance
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Residential Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L13 Listed Buildings
T7 Cycle Parking
T12 Transportation Development Control Policy for New Development
South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 None relevant.

4. **CONSULTATION RESPONSES**

- 4.1 Rangeworthy Parish Council
None received.
- 4.2 Sustainable Transport
No objection, the proposal and existing dwelling would have adequate access, car parking and off-street turning area.
- 4.3 Archaeology
No objection. The medieval settlement of Rangeworthy, is likely to have been centred on the church, it is possible that settlement extended eastwards to the line of the current main road. However 20th century development associated with Pantiles and Woodbine cottage means that it is unlikely that medieval remains will survive here.
- 4.4 Highway Structures
Comments neither objecting nor supporting the proposal. The application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner.
- 4.5 Lead Local Flood Authority
No objection.
- 4.6 Arboriculture
No objection.
- 4.7 Listed Building and Conservation Officer
No objection, the proposal will not harm the setting of the grade II listed Rose and Crown Public House. However, although noting that the amendments have improved the design of the proposal, the officer did criticise the design of the proposal suggesting overall the proposal would have a convoluted design representing a more suburban character rather than a rural character. Such

comments were in response to the revised proposal, the officer's original comments were more supportive of the proposed development, although the officer suggested the materials of the proposal be condition should planning permission be granted, and also that mature planting should be encouraged at the frontage of the plot.

Other Representations

4.8 Local Residents

The Local Planning Authority have received two letters with regard to this proposal. Both letters are from the occupiers of the adjacent dwelling, the Pantiles. The first letter objected to the proposal, whereas the second letter made general comments with regard to the revised proposal, the comments received are summarised below:

Original Comments

- No objection in principal to a single dwelling in the proposed location;
- The dwelling would be located better adjacent to the Pantiles;
- The proposal would block sunlight;
- The proposal extends to the rear by a large amount;
- The proposal is greater in height than the existing shed;
- The proposal will result in the demolition of a shed/car port that forms part of the boundary treatment.

Revised Plan Comments

- The new plans go some way to addressing the previous concerns with regard to the height and length;
- The proposal would still result in a loss of light to the Pantiles;
- There is still a potential privacy issue;
- The proposal would be better positioned in line with the Pantiles.

5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for the erection of residential dwelling within the designated settlement boundary of Rangeworthy.

5.2 Principle of Development – 5 Year Housing Land Supply

An Inspector (appeal ref. APP/P0119/1/14/2220291) recently found that the Council could not demonstrate a five year housing land supply, meaning paragraph 49 of the NPPF is engaged. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes onto suggest that if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date.

5.3 Regardless of this, the starting point for any decision-taker is the adopted development plan, but the decision-taker is now also required to consider the guidance set out within paragraph 14 of the NPPF. Paragraph 14 states a presumption in favour of sustainable development, and states that proposals

that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

- 5.4 Additionally, the policies found to be out-of-date (saved policy H3 and policies CS5 and CS34), are all concerned with the retention of settlement boundaries, and generally not supporting residential development outside of settlement boundaries or urban areas. The Local Planning Authority accept, in principle, residential development in this location, as policy CS5 and saved policy H3 direct development toward locations such as the host site, as it is located within a designated settlement boundary.
- 5.5 Notwithstanding these out-of-date policies, the proposal should be assessed in terms of adopted up-to-date development plan policies and paragraph 14 of the NPPF. In keeping with the decision-taking approach set out within paragraph 14 of the NPPF, this proposal will be assessed in terms of whether the proposal's benefits would be outweighed by any adverse impacts that would result from the development, such adverse impacts would have to be significant and demonstrable.
- 5.6 Principle of Development – Relevant Policies
Saved policy H4 of the adopted Local Plan will only permit residential development of the kind proposed where they 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. In addition to this, saved policy H4 of the Local Plan would not support developments where the proposal results in inadequate levels of private amenity space.
- 5.7 The majority of the criteria of saved policy H4 conform to those of policy CS1 'High Quality Design' of the Core Strategy which will only permit development where the highest possible standards of design and site planning are achieved. In addition to this, high quality design is seen as a 'key aspect of sustainable development...indivisible from good planning' within paragraph 56 of the NPPF, this paragraph goes on to state that good design contributes positively to 'making places better for people'.
- 5.8 Policy CS16 'Housing Density' of the Core Strategy requires developments to make efficient use of land, but importantly requires that new development be informed by the character of local area.
- 5.9 Policy CS17 'Housing Diversity' of the Core Strategy makes considerations for the building of new dwellings on gardens, stating that it will only be allowed where this would not adversely affect the character of the area. Policy CS17 goes on to state that such garden development must provide adequate private/semi-private and/or communal outdoor space for occupiers.
- 5.10 Importantly, paragraph 53 of the NPPF states that local planning authorities should resist the inappropriate development of residential gardens, for example where the development would cause harm to the local area.

5.11 Principle of Development – Summary

The proposal should be assessed in the context of paragraph 14 of the NPPF, this paragraph states that proposals should be permitted unless:

‘...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole’.

5.12 Accordingly, the proposal will be assessed in the context of paragraph 14 of the NPPF, with regard to the whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the proposal. The remaining report will be structured in this way.

5.13 Benefits of the Proposal

The proposal will have one tangible and clear benefit, this would be the modest contribution of 1no. new residential dwelling toward the Council’s 5 year housing land supply. Such a modest contribution must be assessed within the framework set out under paragraph 14 of the NPPF.

5.14 Officers note that the submitted information suggests the proposal will be a self-build. The Government does encourage self-build dwelling or custom builds, however, this encouragement is not stated within relevant planning policy or guidance further than paragraph 50 of the NPPF that encourages a wide choice of high quality homes and aims to widen opportunities for home ownership. Accordingly, officers do attract weight to the fact that the proposal is a self-build, however, such weight would not be significant enough to outweigh any significantly adverse impacts resulting from the proposal.

5.15 Neutral Impact – Design, Visual Amenity and the Street Scene

The proposal would set a new detached two-storey dwelling located to the north of the residential curtilage associated with Woodbine Cottage. The existing plot is considered to be garden and the roadside property boundary is characterised by mature planting which helps screen views into the plot.

5.16 Along with an open, rural countryside setting, the character of the immediate context is also defined by the linear (or ribbon) residential street pattern that comprises of the wider settlement of Rangeworthy. Along with a number of tradition historic cottages that line the road, more recent infill is also evident but with contrasting styles, scales, materials and plot layouts, there is not sense of architectural homogeneity although collectively all the units contribute to a definable street pattern.

5.17 Accordingly, the situating of a dwelling to the side of Woodbine Cottage as a form of infill development is not unacceptable in terms of the character of the area and Rangeworthy as a whole, subject to further considerations with regard to design, scale and materials.

5.18 The originally submitted plans proposed a dwelling that was too large in scale when compared to Woodbine Cottage and the linear neighbouring cottages to the south of the proposed dwelling. To overcome this the proposal was reduced in scale, and the proposed dwelling was ‘handed’ in order to position the more

prominent fronting gable end and chimney away from the existing cottages which have a smaller scale. This amendment results in a dwelling that has an appropriate scale when compared to the existing cottages to the south of the proposed dwelling. It is noted that the dwelling, in-effect, extends to the rear by a rather large distance. This scale of development is acceptable, especially when seen in the context of the existing cottage that extends to the rear. However, any future development, such as rear extensions, would result in the dwelling that would likely appear over-sized within its respective plot. Accordingly, should planning permission be granted the householder permitted development rights will be restricted through condition.

- 5.19 Officers disagree with the Conservation Officer's comments where the proposal is suggested to be convoluted and suburban in character. Officers firstly observe that there is not a distinct character within the street scene, rather there is a diverse range of household design, in this way the proposed dwelling, with what can be said to be an 'arts and craft' influence, is not out-of-keeping with the character of the street scene. Rather officers believe there is an acceptable relationship between the proposal and the adjacent dwellings.
- 5.20 As well as this, the rural character of the area is not eroded by the development, it continues the 'ribbon-style' of development in the area, and the design of the dwelling is not considered to be overly suburban. Further to this, should planning permission be granted, external materials will be agreed through condition to ensure the dwelling affirms visually with the adjacent dwelling (Woodbine Cottage), and also supports the rural character of the area.
- 5.21 The majority of properties that front Wotton Road are set back within their plots and have some form of planting to the front of the respective dwelling. This proposal continues this form of development, and also will have mature planting to the front of the dwelling, such planting is existing and will be retained as demonstrated on the submitted plans.
- 5.22 Overall, although there has been criticism of the proposal's design, it is concluded that the design of the proposal is not significantly or demonstrably harmful to character of the area or the context of the site.
- 5.23 Neutral Impact - Residential Amenity
Saved policy H4 of the adopted Local Plan aims to ensure that residential development within established residential curtilage does not prejudice the residential amenity of any neighbouring occupier.
- 5.24 Objections have been received with regard to the proposal's impact on the Pantiles, an adjacent two storey detached dwelling. The proposal will have an acceptable impact in terms of outlook, as due to the position of the proposed dwelling and its scale, there will be a 45 degree unobstructed zone from the midpoint of the existing first floor rear windows of the adjacent dwelling. Such an unobstructed zone is an indicator that the proposal will not detrimentally impact upon the outlook from these windows. In addition to this, the ground floor rear glazed doors already suffer from restricted outlook due to the existing boundary treatments, further to this, officers are aware that without the need for planning permission, the applicant could erect a 2 metre fence at the boundary

that would have a similar impact to the outlook of these glazed doors as the proposed dwelling would.

- 5.25 By nature of the proposal's position to the south east of the adjacent dwelling, the Pantiles, there will be a loss of direct light to residents of the Pantiles. However, the key assessment that officers must undertake is whether the degree of this loss of light would constitute such a level that the residential amenity of the occupiers of the Pantiles would be materially harmed. Although there would be a loss of direct sunlight during the early morning hours of the day, such a loss of light would not materially harm the enjoyment of the Pantiles, especially when the adjacent dwelling is afforded more than adequate levels of natural daylight due to the relatively unobstructed fenestration that the rear elevation of the Pantiles will continue to enjoy, regardless if this proposal is approved or not.
- 5.26 A side elevation of the proposed dwelling faces toward the Pantiles. This side elevation contains a number of ground floor windows, such windows will not result in a material loss of privacy to the adjacent occupiers due to the existing boundary treatment. To ensure such a boundary treatment is provided/retained, should planning permission be granted it is suggested that a condition is imposed that addresses the retention of a 2 metre boundary treatment. Additionally, the single storey lean-to side roof elevation and the first floor ensuite room will all have a number of rooflights. Such rooflights are not expected to materially prejudice the privacy of the occupiers of the Pantiles due to the angle at which the rooflights are proposed and respective heights within the rooms within which they provide light.
- 5.27 Accordingly, with regard to the residential amenity of the Pantiles, the proposal is found to have an acceptable impact. The proposal would allow the occupiers of the Pantiles to enjoy adequate levels of outlook and natural light, the proposal would only minimally restrict levels of direct light during the early morning hours. As well as this, the proposal does not result in material loss of privacy to the occupiers of the Pantiles. Overall, the proposal would not have an overbearing impact on the residents of the Pantiles due to its appropriate scale and positioning that does not materially harm the levels of nature light or outlook at the Pantiles.
- 5.28 The proposal would restrict the outlook and levels of natural light entering through the existing ground floor side windows of the host dwelling that face the proposed dwelling. However, such a loss of outlook and natural light is not considered to materially harm the occupiers of the host dwelling as there are additional windows within the rooms that these two windows light that will provide adequate levels of natural light and outlook to such rooms.
- 5.29 If permitted both the existing and proposed dwelling would have adequate levels of private residential amenity space to the rear of the respective properties.
- 5.30 Overall the proposal will not materially prejudice the residential amenity of the nearby occupiers.

5.31 Neutral Impact - Transport and Parking

The proposal would utilise the existing access which also provides vehicular access to Woodbine Cottage. Such an access has adequate visibility and is sufficient to provide additional access to the proposed dwelling without harming highway safety. The proposal would allocate two off street car parking spaces for both the proposed and existing dwelling respectively, such a number of car parking spaces accords with the Council's minimum car parking standard. In addition to this, there is adequate turning area for both the proposed and existing dwelling. To ensure the car parking and turning areas are implemented a condition will be imposed on any planning permission granted.

5.32 Saved policy T7 requires newly built dwellings with two or more bedrooms to have a minimum of two undercover and secure cycle parking spaces. The submitted details do not include such facilities, accordingly, should planning permission be granted it is recommended that it is conditioned that the required cycle parking facilities are implemented prior to the occupation of the proposed dwelling. Such cycle parking facilities can be erected under Part E of The Town and Country Planning (General Permitted Development) (England) Order 2015 to the rear of the dwellinghouse.

5.33 Accordingly, there are no transportation objections to this planning application, subject to the aforementioned condition.

5.34 Neutral Impact - Arboriculture

The proposal would result in the removal of a conifer tree and some minor shrubbery due to the required car parking area for the proposed dwelling. The loss of such shrubbery and the existing tree is not considered to be detrimental to street scene or landscape as a number of more prominent trees toward the front of the site will be retained. In addition to this, none of the trees on site are protected, the Council's arboricultural officer has visited the site and has concluded that the existing trees are of low quality and such trees on site should be considered as a constraint to development.

5.35 Neutral Impact – Grade II listed Rose and Crown Public House

The application site is on the opposite side of the Wotton Road and there is a considerable distance between the heritage asset and the application site. Indeed, if permitted, it is unlikely that the proposed dwelling and the listed public house would ever be seen from the same viewpoint. Accordingly, the proposal is not considered to detrimentally impact upon the setting of the grade II listed Rose and Crown Public House.

5.36 Other Matters

Concerns have been raised with regard to the demolition of structures that form boundary treatments or are attached to neighbouring structures. Concerns regarding damage or demolition of attached structures are not considered to be planning matters as these issues are addressed through the Party Wall Act 1996.

5.37 The Planning Balance

At this point officers find it appropriate to return to the context of paragraph 14 of the NPPF, this paragraph states that proposals should be permitted unless:

'...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole'.

5.38 The proposal should be assessed with regard to the whether any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the proposal.

5.39 Officers have identified one benefit of this proposal, which is the contribution of one new dwelling to the Council's five year housing supply. Such a contribution is modest, and would likely not overcome any adverse impacts that were considered to be significant or demonstrable. However, officers have assessed this proposal as having no significant or demonstrable adverse impacts. Accordingly, in-keeping with paragraph 14 of the NPPF, it is recommended that planning permission be granted subject to the aforementioned comments.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Class A), shall be carried out without the prior written consent of the Local Planning Authority.

Reason

In the interests of visual amenity and high quality design; in accordance with saved Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006; and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013.

3. Prior to the first occupation of the hereby permitted dwelling, and at all times thereafter, at least two off-street car parking spaces shall be provided for both the permitted dwelling and Woodbine Cottage within the respective residential curtilages of each dwelling. Each car parking space must measure at least 2.4 metres by 4.8 metres.

Reason

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

4. The turning area shown on the Proposed Site Plan (GAR/9519PL/11/15/001/G) hereby approved shall be provided before the permitted dwelling is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory turning facilities in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the occupation of the hereby permitted dwelling, undercover and safe cycle parking facilities for two bicycles shall be provided within the residential curtilage of the permitted dwelling.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework. It is necessary for this condition to require development prior to the commencement of development as the materials are integral to the structure of the building and therefore the development itself.

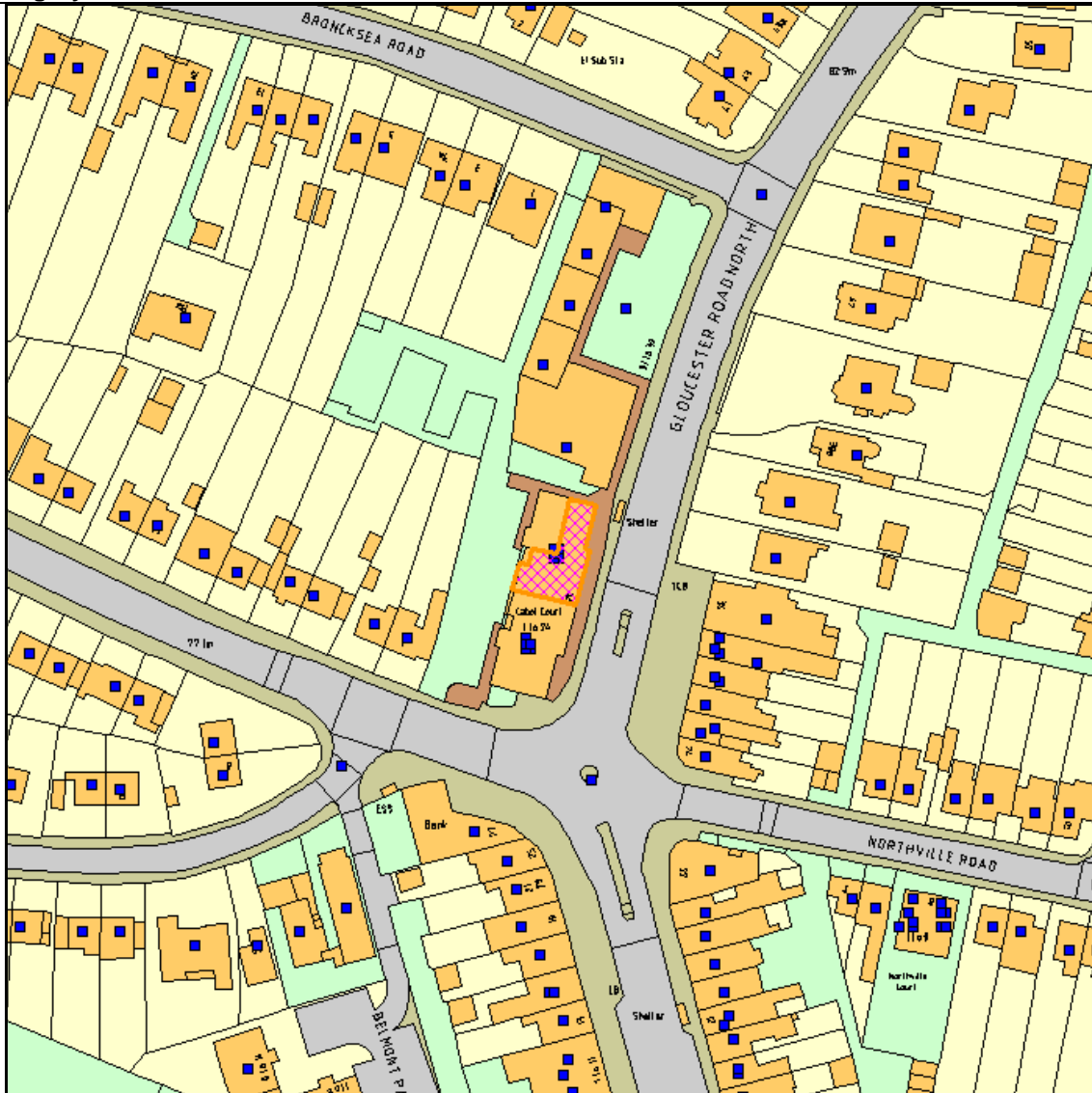
7. The section of the north western boundary treatment adjacent to the built structure of the hereby permitted dwelling shall have a minimum height of 2 metres. This section of boundary treatment shall be erected prior to the occupation of the hereby permitted dwelling.

Reason

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

CIRCULATED SCHEDULE NO. 49/15 – 4 DECEMBER 2015

App No.:	PT15/3949/F	Applicant:	Third State Pizza Company Ltd
Site:	3 - 4 Cabot Court Gloucester Road North Filton Bristol South Gloucestershire BS7 0SH	Date Reg:	16th September 2015
Proposal:	Change of use of retail unit (Class A1) to hot food takeaway (Class A5) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) and installation of new shop front and rear extraction/ventilation equipment.	Parish:	Filton Town Council
Map Ref:	359864 178263	Ward:	Filton
Application Category:	Minor	Target Date:	6th November 2015



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 100023410, 2008. N.T.S. PT15/3949/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 Cabot Court is a three-storey, mixed use building, constructed of brick covered by a hipped roof, with retail (Use Class A1) at ground floor level and 24 residential flats (Use Class C3) above. Hardstanding, parking and turning areas, are located directly to the rear of the building.
- 1.2 The application relates to a ground floor, retail unit (Class A1) nos. 3 & 4. It is proposed to change the use of the unit to a hot food take-away (Class A5) to be operated by Domino's Pizza. The unit was previously occupied by Motaman Car Superstore, which sold car parts and accessories but is now vacant. The site lies within the Gloucester Road North Local Centre but not within a designated retail frontage.
- 1.3 In order to facilitate the change the use, the proposal also includes:
 - The installation of one oven, air extract, terminating via a duct at roof level, above dormer windows at roof height.
 - 1no. fresh air intake, louvre grille, above the rear entrance.
 - A cold room compressor unit, located on the rear elevation underneath the existing undercroft area.
 - An air conditioning unit, also located on the rear elevation beneath the undercroft.
 - Replacement of the double doors at the rear of the property.
 - A new extract fan to W.C.'s.
 - A flue to the gas boiler on the rear elevation.
 - Removing the existing shopfront and insertion of a new PPC Aluminium shopfront within the existing openings, to incorporate new stallrisers, which will enable the removal of the existing anti-ramrod bollards.
 - Replacement of existing double doors with a single door.
- 1.4 It is proposed that the take-away would open between 09.00 to 23.30hrs, 7 days a week including Sundays and Bank Holidays. The proposal would provide employment for 35 people on a full-time and part-time basis.
- 1.5 Of the 8no. parking spaces to the rear of the unit, 3no. would be allocated to Domino's for delivery drivers with the remaining 5 spaces being available to customers. .

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

National Planning Practice Guidance 2014

2.2 Development Plans

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

L1 - Landscape Protection and Enhancement

EP2 - Flood Risk and Development

T8 - Parking Standards

T12 - Transportation Development Control Policy for New Development

RT11 - Retention of Local Shops, Parades, Village Shops and Public Houses.

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 - High Quality Design

CS4A - Presumption in favour of sustainable development.

CS8 - Improving Accessibility

CS14 - Town Centres and Retail

2.3 Supplementary Planning Guidance

The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD adopted March 2015

2.4 Emerging Plans

Proposed Submission: Policies, Sites and Places Plan March 2015

PSP9 - Residential Amenity

PSP17 - Parking Standards

PSP21 - Flood Risk

PSP33 - Local Centres and Facilities

PSP36 - Hot Food Takeaways

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT13/3910/RVC - Variation of condition 4 attached to planning permission PT06/2045/F to read, "The parking for the approved scheme will be laid out and maintained to the satisfaction of the Council clear of obstruction at all times for the parking and manoeuvring of motor vehicles in accordance with plan reference 13042/01 B".
Approved 13th December 2013
- 3.2 PT07/0898/F - Installation of 2no. dormer windows to west elevation (amendment to previously approved scheme PT06/2045/F)
Approved 13th April 2007.
- 3.3 PT06/2045/F, Installation of 2 no. front and 4 no. rear dormer windows to facilitate conversion of loft space to form 2 no. additional residential units and internal works to first and second floors to increase total of units from 18 to 24. Alteration of existing vehicular access and car park.
Approved 12th August 2006.

- 3.4 P95/1244, Change of use of 2,200 square feet of floor space from retail to Careers Office (Class A1 to A2 of The Town and Country Planning (Use Classes) Order 1987).
Refused 28th April 1995 for reasons of:
- Loss of retail floor space.
 - Increased parking demand.
- 3.5 P95/2314, Installation of shop front.
Approved, 10th October 1995.
- 3.6 P94/1448, Erection of three storey building to provide 4,457 square feet (414 square metres) of class A1 retail floor space on ground floor with 18 flats above. Alteration to existing vehicular and pedestrian access and construction of associated car park and service area (to be read in conjunction with P93/2567).
Approved 22nd June 1994.
- 3.7 P93/2567, Erection of 3 storey building to provide 4,457 square feet (414 square metres) of class a retail floor space at ground floor with 18 no. Two bedroomed flats above. Alterations to existing vehicular and pedestrian access and construction of associated car park and servicing area. (In accordance with the amended plans received by the council on 8 February 1994) (outline) and supplementary plans received by the council on 23/2/94.
Approved 09th March 1994.
- 3.8 P89/1790, Demolition of existing building and erection of five shops and two financial and professional service units (as defined in class A1 and class A2 of the town and country planning (use classes) order 1987) with 14 two bedroom flats above: alterations to existing vehicular and pedestrian access and construction of associated car parking and servicing facilities.
Approved 21st June 1989.
- 3.9 P89/1790, Demolition of existing building and erection of five shops and two financial and professional service units (as defined in class A1 and class A2 of the town and country planning (use classes) order 1987) with 14 two bedroom flats above: alterations to existing vehicular and pedestrian access and construction of associated car parking and servicing facilities.
Approved 21st June 1989.

Relating to 1-2 Cabot Court

- 3.10 PT15/3804/F - Change of use from vacant retail unit (Class A1) to veterinary surgery (Class D1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Approved 30th November 2015

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objection

4.2 Other Consultees

Transportation D.C

The parking demand for the hot food take-away (A5) is similar to the demand associated with the existing retail use and as such there is no net impact on car parking in the area. No transport objection is raised.

Environmental Protection

The odour reports indicate that the type of cooking being carried out at this premises does not warrant the installation of the highest standard of odour abatement as detailed in the DEFRA guidance.

The development should therefore proceed having regard to the content of the odour report and the mitigation measures as detailed in the noise report.

Highway Structures

No comment

Lead Local Flood Authority

No comment

Other Representations

4.3 Local Residents

2 no. e.mail objections were received from local residents; the concerns raised are summarised as follows:

- Too many take-away food premises in the locality.
- Increased noise, smell and litter.
- Increased on-street parking.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF). The “saved” policies of the South Gloucestershire Local Plan (adopted 2006) also form part of the extant Development Plan.

- 5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only 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.
- 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 Para. 19 of the NPPF states:
- “The government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system”.
- 5.7 The overarching thrust of Core Strategy Policy CS14 is to protect the vitality and viability of centres, protecting against the loss of retail uses and encouraging a range of appropriate development types, including retail, commercial and leisure. The policy states that proposals for the loss of retail use must demonstrate that they will not be detrimental to the continued vitality and viability of the centre.
- 5.8 In this instance the proposed change of use falls to be determined under saved Policy RT11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. The Policy does not permit the change of use of existing retail premises within Local Shopping Parades unless the following criteria are met:
- 5.9 **A. The proposed use would not result in an over concentration of non-shop uses in a village centre or local centre or be detrimental to the vitality, viability, retail and social function of that centre; or**
- 5.10 A land use plan has been submitted in support of the application, which clearly demonstrates that, following the recent erection of a number of nearby new retail premises (see PT13/3456/F) within the Centre there are now some 35 retail units within the Centre.
- 5.11 The land use plan also shows that whilst there is a mix of uses in the southern part of the Centre; there are predominantly A1 retail uses on either side of the road in the northern part i.e. where the application site is located. This concurs with the officer observations during his site visit.

- 5.12 Planning permission PT13/2319/F was granted in August 2013 for the change of use of nos. 7-11 Gloucester Road North from Retail (A3) to a café/restaurant (A5). The case officer for that application concluded at that time, that the proposed change of use would not result in an over concentration of non-shop uses in the Local Centre. Neither did he consider that the vitality or viability of the shopping parade would be adversely affected.
- 5.13 Since then the new retail premises have been constructed within the retail centre and these include the new Morrisons Local and Barnardos shops which lie to the north of the application site, as well as two other currently vacant retail units and a vacant café. This has increased the number of retail units in the Local Centre from 30 at the time that the change of use at 7-11 was permitted, to currently 35 (although the neighbouring unit nos. 1-2 having been recently granted consent for change of use to a Veterinary Surgery see PT15/3804/F). There are now a number of vacant Class A1 units available for lease within the vicinity of the application site.
- 5.14 In terms of the impact on the vitality, viability, retail and social function of the Centre, the proposal is considered to have a positive impact. The proposal would generate foot-fall into the Centre particularly during the evening. This would benefit nearby traders, including those that are open outside of traditional retail hours, such as the new Morrison's Local Convenience store, which opens until 11.00pm. The proposed change of use would therefore meet criterion A of Policy RT11.
- 5.15 **B. There are satisfactory alternative retail facilities available in the locality; or**
- 5.16 Including the application site; of the 13 units which are north of Northfield Road, 7 are vacant; therefore only 6 are occupied. The proposal would increase the active use at ground floor level and encourage more linked trips to the Centre. Officers are satisfied that there are satisfactory alternative retail facilities available in the locality. Furthermore there are now permitted development rights that permit the change of use of A5 uses to either A1, A2 or A3 uses so the potential to easily revert back to a shop use is available.
- 5.17 **C. It can be demonstrated that the premises would be incapable of supporting a retail use; or**
- 5.18 The unit has been vacant since 2013. The applicant has submitted information to demonstrate that the unit has been marketed since August 2014 for A1 retail use but there was no interest. Only when the marketing exercise was widened to non-retail uses was there any interest. Given this lack of demand for A1 use of the unit, officers are satisfied that criterion C is also met.
- 5.19 **D. The proposed use would not result in unacceptable environmental or transportation effects, and would not prejudice residential amenity.**
- 5.20 Environmental Issues
The site is not prone to flooding being in Flood Zone 1; neither is the site within a Coal Mining Referral Area. Any advertisements would be the subject of

separate advertisement consent. The existing means of disposal of surface water and foul sewage would be utilised. The unit is already served by a substantial refuse and re-cycling facility located to the rear, adjacent to the access off Braemar Avenue.

- 5.21 To facilitate the use of the application site by Domino's Pizza, the proposal includes the installation of an extract duct, which will run from the oven to the rear of the store and through an opening. It will then run vertically upwards, terminating at 1m above the height of the dormer windows at roof level but not above the roof ridge. As such, fumes would be dispersed at a level above all nearby residential windows and therefore no harmful odours would affect the amenity of the upper floor residents.
- 5.22 There would also be two wall-mounted units at the rear of the site. One of these would be a cold room compressor, which would operate 24 hours a day, and the other would be an air-conditioning unit, which would operate as required. These would be mounted beneath an undercroft area at ground level and would be attached to the wall by anti-vibration mounts. As such, these would be physically shielded from the residential uses on the upper floors, which would minimise any noise transference.
- 5.23 The application is supported by a Noise Assessment Report, Odour Report, technical information and plans; these documents highlight the noise mitigation that would be taken to meet the DEFRA guidelines on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2005) and for the type of food activity that is proposed to be carried out at the premises. These documents have been assessed by the Council's Environmental Health Officer who has concluded that; the odour reports indicate that the type of cooking being carried out at the premises would not warrant the installation of the highest standard of odour abatement as detailed in the DEFRA guidance. The development should therefore proceed having regard to the content of the odour report and the mitigation measures as detailed in the noise report; this can be secured by condition.
- 5.24 Officers are however mindful that some other form of cooking to that proposed, could take place under the A5 use class e.g. Indian food, which might have a greater impact in terms of odour. To take account of this, a further condition is considered justified to restrict the type of cooking to that proposed.
- 5.25 Whilst concerns have been raised about increased litter and anti-social behaviour, these are matters controlled by the appropriate enforcement agencies or environmental legislation. There would be facilities within the unit to enable customers to eat the pizzas indoors.
- 5.26 Transportation Issues
There are 8no. parking spaces located to the rear of the unit, accessed off Braemar Avenue. These spaces are already allocated to the unit for staff and customers. It is proposed that 3no. of the spaces would be reserved for use by the Pizza Delivery drivers and the remainder would be available to customers. Additionally, there is a free shoppers' car park located approximately 140m to the south, as well as a number of time limited spaces along the street.

Immediately to the north of the site is the new retail development which includes Morrison's convenience store, with a number of associated off-road parking spaces; these may be used by customers undertaking linked-trips. In addition, the site is well served by public transport and there is a bus stop immediately in front of the site. The site is in a highly sustainable location and has a large residential catchment area within walking distance.

5.27 The Council's Transportation Officer considers that the proposed use as a Hot Food Take-Away would generate the same parking demand as the existing retail use and as such there would be no net increase in on-street parking. The existing car spaces would be sufficient, given the sustainable location. Subject to a condition to retain the parking spaces as long as the proposed use persists; there are no transportation objections.

5.28 Impact on Residential Amenity

There are residential flats on the three storeys above the unit and other houses nearby. The site is however within a Local Centre on a busy transport route with high ambient noise levels. The proposed opening hours of the Take-Away are 09.00hrs to 23.30hrs, 7 days a week, including Sundays and Bank Holidays. These hours are considered to be appropriate for a Hot Food Take-Away in a busy Local Centre. It is noted that the existing retail unit has no restriction on opening hours and the new Morrison's opens until 11.00pm. It is however, in the interests of residential amenity, appropriate to control the hours of opening by condition.

5.29 Issues of odour and noise control have been addressed in the environmental section above.

5.30 Subject to the aforementioned conditions, officers are satisfied that the proposal would not result in any significant harm to residential amenity.

5.31 Design Issues

Core Strategy Policy CS1 requires the highest standards of design in new development. Some external works to the unit are required to facilitate the proposed change of use through the installation of extraction and ventilation equipment and alterations to the shopfront.

5.32 The rear of the site is relatively well enclosed from the public domain. The proposed compressors and air intake duct would be tucked away to the rear of the building beneath an undercroft. The extraction duct would also be to the rear so views would be limited to oblique views from Braemar Avenue and viewed only in the context of the car park and bin store. The extract duct would be painted to match the existing brickwork.

5.33 The proposed new shopfront would be aluminium, framed with a solid panel stallriser at the bottom. The incorporation of the stallriser would enable the removal of the existing ram raid bollards, which would be a benefit to the character and appearance of the street scene.

- 5.34 Officers consider that the above works are necessary to facilitate the proposed change of use. They are relatively minor introductions, which on balance, given their scale and location, are considered to be acceptable in design terms.

CIL Matters

- 5.35 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging commenced on 1st August 2015 however, this proposed change of use is not liable to CIL charging.

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 proposal would bring back to use, a long vacant unit within a Local Centre. The use of the unit as a Hot Food Take-Away (Class A5) is considered appropriate for a Local Centre and this is consistent with other similar permissions granted within the Centre. The location is a highly sustainable one, having good pedestrian and public transport links. Whilst only one of the criteria A, B or C listed under Policy RT11 needs to be met, in fact all three of the criteria together with criterion D are considered to be met. The proposed use would provide employment for 35 people. As such the proposal would make a positive contribution to the vitality and viability of the Local Centre all of which outweighs any harm that may accrue from the change of use.
- 6.3 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
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. The use hereby permitted shall not be open to customers outside the following times 09.00hrs to 23.30hrs Monday to Sundays inclusive including Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwellings and to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework.

3. The use hereby approved shall not commence until all of the associated plant, ducts and flues have been installed in full accordance with the mitigation measures within the approved Odour Report by Delta Bravo Ltd dated 4 Aug. 2015 and Noise Report by Cole Jarman dated 7th Oct. 2015 and as shown on the submitted plans, manufacturer's specifications and details.

Reason

To protect the amenities of the occupiers of nearby dwellings and to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework.

4. The 8no. car parking spaces as shown on the approved 'Lease Plan' Drawing No. BRS.6090_03 shall be retained solely for the use of the staff and customers of the Hot Food Take-Away hereby approved.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and Policy RT11 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

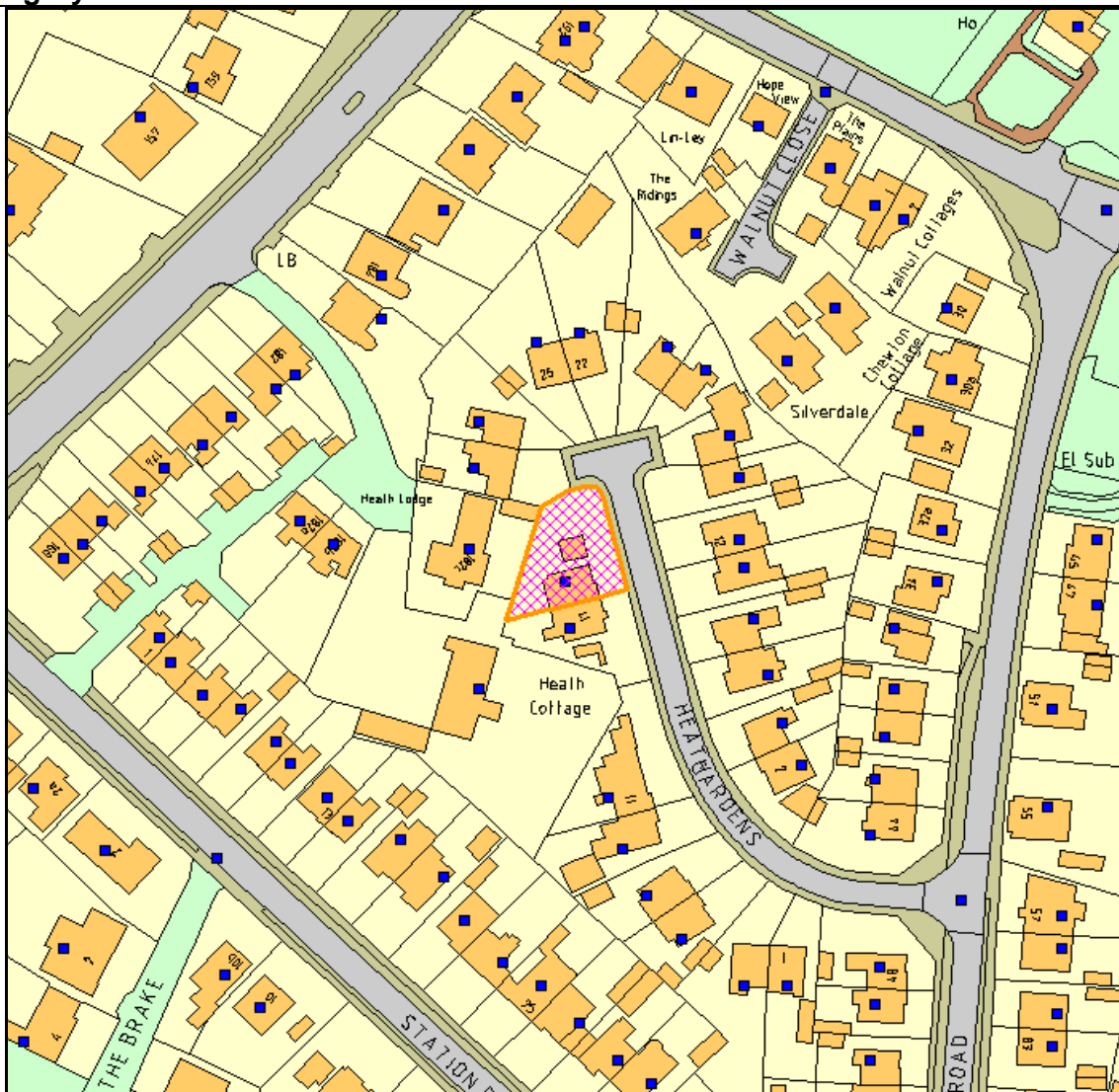
5. The use hereby permitted shall be limited to producing hot food through the use of multi-deck or conveyor feed, gas or electric, 'Pizza' style convection ovens only, with no additional cooking or food reheating equipment being operated at the premises, without details of such first being submitted to the Local Planning Authority for assessment and approval in writing. For the avoidance of doubt, there shall be no sales of fish and chips or Curry from the site.

Reason

To protect the amenities of the occupiers of nearby dwellings and to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 49/15 – 4 DECEMBER 2015

App No.:	PT15/4505/F	Applicant:	Mr Mark Wedlake
Site:	19 Heath Gardens Coalpit Heath Bristol South Gloucestershire BS36 2TQ	Date Reg:	26th October 2015
Proposal:	Erection of two storey side extension to provide additional living accommodation with erection of front porch. Erection of detached double garage.	Parish:	Westerleigh Parish Council
Map Ref:	367336 180483	Ward:	Westerleigh
Application Category:	Householder	Target Date:	17th December 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

Four objections have been received that are contrary to the Officer's recommendation.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The applicant seeks full planning permission to erect a two-storey side extension and front porch to 19 Heath Gardens, Coalpit Heath. The application site relates to a semi-detached dwelling.
- 1.2 The plot is set on a quiet residential street within a built-up residential area in Coalpit Heath. The property is finished in white painted rough stone render with a red brick plinth. The property has a pitched, gable-end roof with interlocking brown tiles. The flat-roof garage is detached and to the side of the property with a driveway leading towards the garage from the main access road of Heath Gardens. There is a garden to the rear of the property which is closed in by a 1.8 metre closed panelled wooden fence to the side which separates the adjoining property of no. 17 and a 1.8 metre stone wall surrounding the rear of the property.

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)
Residential Parking Standards (Adopted 2013)

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No Objection

4.2 Other Consultees

Sustainable Transport

- At the moment the detached double garage is 6m by 4.8m and the Council's standards explain that double garages should measure 6m by 5.6m.
- Applicant will need to obtain dropped kerb specifications from the Council.

4.3 Archaeology

- No Comment

Other Representations

4.4 Local Residents

21 Heath Gardens Objection

- Dormer window to rear will be an invasion of privacy
- Garage is not within the building line of the existing property.

12 Heath Gardens Objection

- Front and Second storey window is in line with the driveway and a bedroom and so there will be a loss of privacy.
- The double garage is in front of the building line.

182C Badminton Road- Heath Lodge Objection

- The rear dormer window will look directly into the rear kitchen/dining room and overlook the garden creating a loss of privacy.

Heath Cottage, Badminton Road Objection

- The dormer window overlooks several rooms and garden and patio area.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

The proposal consists of a two storey side extension and erection of a front porch. The design and use of materials have been informed and is in keeping with the character of the existing dwelling. While the single-storey front porch is modest in scale and complements the existing building, the two-storey side extension including front and rear dormer windows is quite large in scale. It is noted however, that other properties on the street also have dormer windows to the front elevation and therefore, this is unlikely to cause any significant issues

regarding the visual appearance of the building within the street scene. There are seven roof lights proposed to the rear of the property and while this is not considered to be the highest quality standard of design the roof lights are proposed to the single-storey rear elevation and so will not cause any significant harm to the street scene.

There has also been concern raised with regard to the proposed detached garage being in front of the building line. However, it is considered that while the detached double garage is in front of the building line, it is not considered to affect the integrity of the street as a whole. 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.

5.3 Residential Amenity

The dwelling is semi-detached with neighbours directly to each side elevation and to the front and rear of the property. The proposed two-storey side extension will have a pitched roof and a gable end with two dormer windows to the front and rear elevations. There have been three neighbour objections to the proposed rear dormer due to privacy concerns. However, as clearly stated in the plan 19BS362TQ received on 24th November 2015 it explains that the windows to the rear dormer are to be obscure glazed and non openable to the bottom panes but clear and openable to the top. As the use of the room to the rear dormer is as an en-suite bathroom and walk-in wardrobe and the fourth bedroom is proposed to the front dormer window, it is considered that the complete window should be obscure glazed as shown in the previous plans and only openable to the top. A condition will be attached to the application which ensures this.

There has been a neighbour objection from no.12 Heath Gardens, as there is concern that the front dormer window will overlook the driveway and a bedroom. However, it is not considered that the dormer window to the front will create a substantial loss of privacy that would be to the detriment of the existing neighbour. The front dormer window is likely to create overlooking that is considered normal within built-up residential areas. It should also be noted that no.12 is situated on a higher gradient than no.19 Heath Road and therefore, the dormer window to the front is unlikely to directly face no.12

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

5.4 Sustainable Transport

The application is proposing to increase the total number of bedrooms within the property to four and there is a proposed double garage to the side of the property. However, the size of the garage is not considered to be sufficient as guidance shows that double garages should measure 5.6m by 6m. Therefore amended plans were received by the Council on the 17th November to show the increased dimensions of the double garage showing that it is now compliant with the guidance in the Residential Parking Standards SPD (2013). It should also be noted that from the Case Officer's site visit it was clear that there would

be off-street parking for around two cars to the front of the property. Therefore, there are no objections in terms of 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 **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: Chloe Buckingham
Tel. No. 01454 867967

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

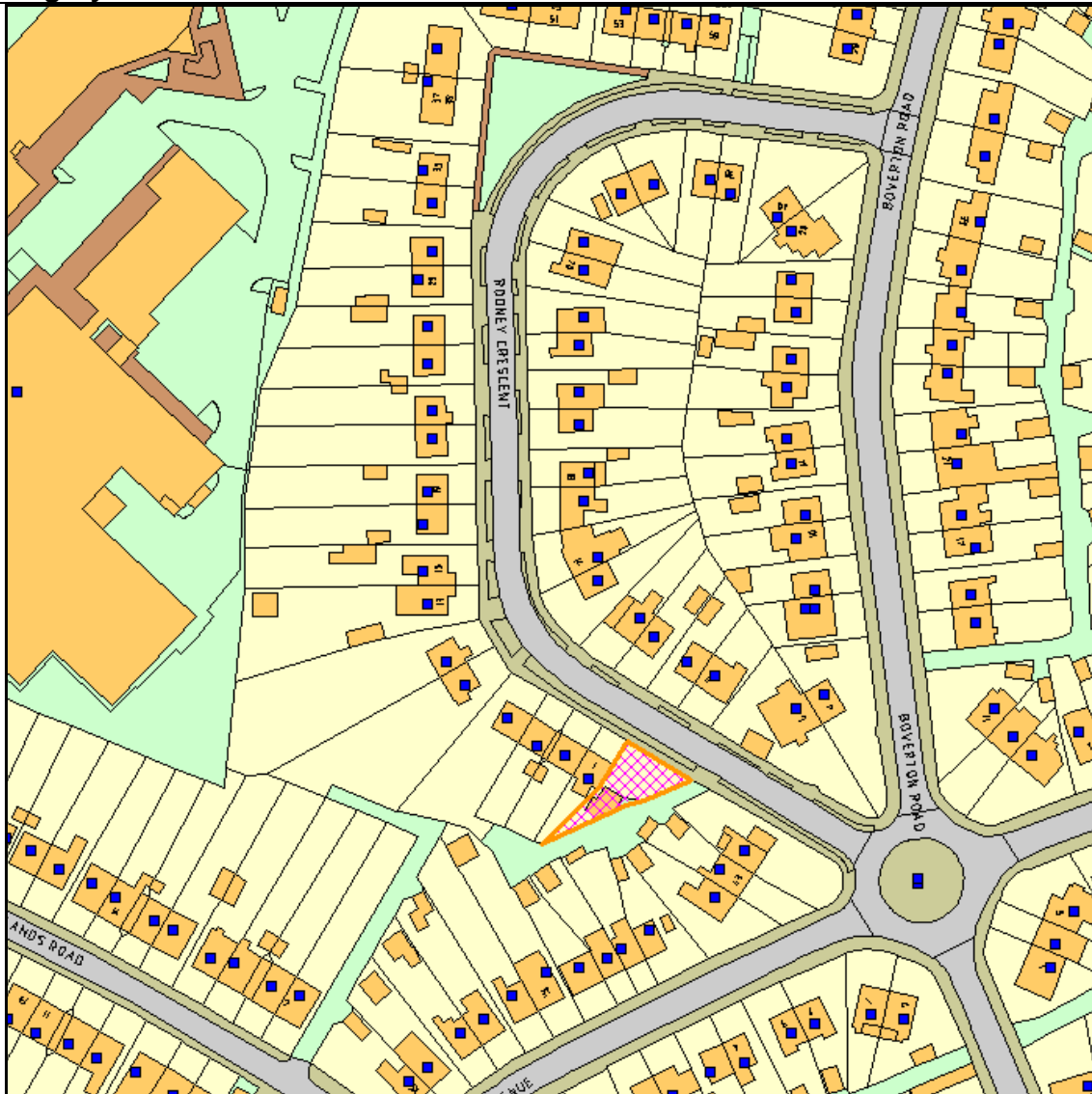
Reason
To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework.
3. The hours of working on site during the period of construction shall be restricted to 08.00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To 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 the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 49/15 – 4 DECEMBER 2015

App No.:	PT15/4551/F	Applicant:	Mr Kevin Davenport RKD Properties
Site:	1 Rodney Crescent Filton Bristol South Gloucestershire BS34 7AF	Date Reg:	28th October 2015
Proposal:	Demolition of existing garages. Erection of 1 no. attached dwelling and new vehicular access	Parish:	Filton Town Council
Map Ref:	360463 179442	Ward:	Filton
Application Category:	Minor	Target Date:	21st December 2015



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N.T.S. PT15/4551/F

REASON FOR REPORTING ON CIRCULATED SCHEDULE

Six comments were received from local residents that were contrary to the Case Officer's recommendation.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The applicant seeks full planning permission to erect one attached dwelling with new vehicular access and demolition of the existing garages.
- 1.2 The plot is set within a built up residential area within an existing settlement boundary and faces towards a highway. The existing and proposed property is an end-of-terrace and finished in a Cornish Unit style with hanging tiles and a hipped roof. There are two existing garages which are set back, detached and to the side of the property. There is a garden to the front and rear of the property and a private lane along the side elevation that provides rear access to garages for a number of residents on Mayville Avenue. Two off-street parking spaces are proposed to the front of the properties for no. 1 Rodney Crescent and the proposed new dwelling.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS15 Housing Distribution

CS16 Housing Density

CS17 Housing Diversity

CS25 The Communities of the North Fringe of Bristol Urban Area

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

T12 Transportation Development Control Policy for New Development.

T7 Cycle Parking

H4 Development within Existing Residential Curtilages, Including
Extensions and New Dwellings.

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

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Filton Parish Council
No Comment

- 4.2 Other Consultees

Sustainable Transport

- The Plans are considered acceptable subject to a minor alteration to provide a pedestrian path from the proposed dwelling adjacent to the new parking spaces to Rodney Crescent.
- A condition is required such that parking indicated on drawing 4003A is provided to first occupation.
- The parking area should be of a permeable construction and needs to be approved prior to construction.
- An informative is needed requiring them to contact the Council's Development Implementation Team to secure the necessary approvals and licenses to construct vehicle crossover to the property.

Highway Structures

No Comment

Lead Local Flood Authority

No Comment

Archaeology

No Comment

Other Representations

- 4.3 Local Residents

Neighbour Objection from 38 Mayville Avenue

- Object to proposed rear access- this will impact on land currently being used for vegetable cultivation.
- Access to the private lane should not be impaired at any time as it is in constant use.

Neighbour Objection from 43 Mayville Avenue

- Residents always need access to the side lane.
- Would this cause issues with the structure of the garages in close proximity?

Neighbour Objection from 37 Mayville Avenue

- Residents need constant access to the side lane.
- Is this property being rented out to students?

Neighbour Objection from 8 Rodney Crescent

- Traffic and parking impacts are unacceptable.
- Loss of outlook and sunlight for properties opposite.

Neighbour Objection from 39 Mayville Avenue

- The lane to the side needs to be available 24 hours a day.
- Expect the new rear access to be non-vehicular as the lane is too narrow for vehicles to turn.

Neighbour Objection from 4 Rodney Crescent

- New dwelling looks cramped
- Lack of usable and private outdoor space.
- If this is an HMO concerns regarding noise and parking.
- Lack of privacy for no. 4 Rodney Crescent.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Development within the established settlement boundary is generally supported by the Council as it is a sustainable form of development which makes the most efficient use of land. Policy CS5 allows for development within the existing urban area subject to conformity with other development plan policies. Similarly policy H4 of the Local Plan states that new dwellings within existing residential curtilages are acceptable in principle but should respect the overall design and character of the existing property and street scene, would not detrimentally affect the amenities of nearby occupiers, would have acceptable parking provision and would provide adequate private amenity space for any new dwelling. Policy CS16 explains that housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied. The density of new development should be informed by the character of the local area and contribute to the high quality design set out in CS1, improving the mix of housing types and providing adequate levels of semi-private communal open space and private outdoor space. Furthermore, as the Council currently does not have a 5 year supply of housing land the test in Paragraph 14 of the NPPF explains that where this is the case permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In principle the proposed erection of a new end of terrace 3 bed house would be acceptable because it is situated within an existing urban area and within a settlement boundary. However, the proposal should satisfy all of the criteria as set out above and the remainder of this report will assess such criteria.

5.2 Visual Amenity

The proposal consists of the demolition of two detached garages and the erection of an end-of-terrace dwelling. The design and use of materials has been informed and is in keeping with the character of the existing dwelling. The roofline will be extended to the side and will be kept the same height as that of the existing dwelling. It is therefore considered that the proposed extension is in keeping with the character of the existing property and street scene. Overall, it is considered that due to the proposed dwelling retaining the hipped roof and Cornish Unit style, it is considered that the new dwelling would assimilate into the current surroundings and would respect the character and design of the existing street scene and as such, is considered acceptable in terms of visual amenity.

5.3 Residential Amenity

The dwelling is an end-of-terrace with neighbours to the front, rear and side elevations. The neighbouring properties are of a significant distance separated by gardens and an access road. The proposed new-build dwelling will include openings to the rear and front elevations, with one window proposed to the side. It is considered that the neighbouring dwellings are of a significant distance away for this not to garner any negative effects in terms of over-looking, loss of privacy or light.

The private/semi-private outdoor amenity space for the new dwelling is considered to be perhaps abnormal in shape but sufficient in space with an elongated rear garden and a more substantial garden to the side. The private amenity space left over for no.1 Rodney Crescent is also considered to be sufficient as the property will have a substantial rear garden left over. Overall, it is considered that the proposal would not harm the living conditions currently enjoyed by neighbouring dwellings and as such, is considered acceptable.

5.4 Sustainable Transport

The application is proposing to build a new three-bed dwelling and the Residential Parking Standards SPD (2013) states that there should be a minimum of two parking spaces measuring 4.8m by 2.4m for each three-bed property. It is clearly detailed within Plan 4003A that two parking spaces measuring 4.8 by 2.4m will be provided to the front of both properties, with pedestrian access to the back of the rear garden which can be accessed from the existing lane. Similarly there is cycle storage provided for both no.1 Rodney Crescent and the new build which is in line with the specifications set out in Policy T7 of the Local Plan (2006).

The response from Sustainable Transport explains that the plans are considered acceptable subject to a minor alteration to provide a pedestrian path from the proposed dwelling adjacent to the new parking spaces to Rodney Crescent. A new Block Plan was received by the Council on 23rd November 2015 (4003A) which includes this amendment. A condition will also be required such that parking indicated on drawing 4003A is provided prior to first occupation. The parking area should be of a permeable construction and needs to be approved prior to construction. Subject to these conditions, there are no objections in terms of parking and highway safety. An informative will also be included on the Decision Notice explaining that they will need to contact the

Council's Development Implementation Team to secure the necessary approvals and licenses to construct a vehicle crossover to the property.

6. Other Issues

As the rear access will be non-vehicular it is considered that the vegetable cultivation at the back of the property is situated such that there will not be any access issues to the rear. The comments regarding who intends to live within the property is something that cannot be controlled within the planning system.

There have been many neighbour objections with regard to the access lane that runs alongside the proposed new property and a condition will be placed that ensures the construction working hours. However, the access regarding the side lane cannot be controlled with a condition and the applicant is reminded to view the informatives within the Decision Notice in relation to land ownership. Similarly the effect on the structure of the garage near the site is also a civil matter and the applicant is again advised to refer to the informatives on the Decision Notice.

7. CONCLUSION

7.1 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.

7.2 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.

8. RECOMMENDATION

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

Contact Officer: Chloe Buckingham
Tel. No. 01454 867967

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 08.00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

In the interests of highway safety and residential amenity and to accord with Policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

3. The pedestrian path measuring approximately 1 metre, situated adjacent to the new parking spaces, as indicated on drawing 4003 A shall be provided prior to first occupation.

Reason

In the interests of Highway Safety and to accord with Policy CS8 of the South Gloucestershire Council Core Strategy 2013 and Policy T12 and T8 of the South Gloucestershire Council Local Plan 2006.

4. The driveway/parking area shall have a permeable bound surface and to be satisfactorily maintained as such.

Reason

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

5. Prior to first occupation of the dwelling the car parking area indicated in Plan 4003A shall be provided and retained as such thereafter.

Reason

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

CIRCULATED SCHEDULE NO. 49/15 – 4 DECEMBER 2015

App No.:	PT15/4568/F	Applicant:	Mr And Mrs Simon And Charlotte Woods
Site:	4 Cade Close Stoke Gifford Bristol South Gloucestershire BS34 8UF	Date Reg:	26th October 2015
Proposal:	Erection of two storey side and rear extension to provide additional living accommodation. Demolition of existing wall to create new boundary line and the creation of a new vehicular access.	Parish:	Stoke Gifford Parish Council
Map Ref:	362226 180091	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	16th December 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following comments from the Parish Council and local residents.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a two-storey side and rear extension to provide additional living accommodation. Also included in the application is the demolition of an existing wall to create a new boundary line and the creation of a new vehicular access.
- 1.2 During the course of the application several changes have been made to the originally submitted plans following Officer advice. These changes have included the reduction in the overall width of the proposed side extension by 0.25 metres, the removal of the incongruous hipped structure to the side extension, the stepping back of the new boundary line to the south to be 400mm off the pavement and the creation of a stepped boundary line closest to neighbours at No. 2 Cade Close, a change to the parking arrangement to the front of the property to provide parking for 2no. vehicles at that location and to retain the garage and a further parking space to the rear. Revised plans also confirm that the proposed new boundary would be of brick rather than the originally proposed fencing.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Infrastructure and Cultural Activity
CS24	Open Space Standards

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

H4	Development within Existing Residential Curtilages, Extensions and New Dwellings	Including
T12	Transportation Development Control	

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

3. RELEVANT PLANNING HISTORY

- 3.1 N2483/AP3 Erection of 665 dwellings and garages; 27 flats and 6 shop units with flats over and construction of estate roads, together with the provision of site for a primary school, community use and open spaces on approximately 37 hectares (in accordance with the revised layout plan received by the Council on 23rd March 1979). (details following outline). To be read in conjunction with planning permission Ref.No. N.2483.
Approved 12.4.79
- 3.2 N2483/29 Amendments to layout and house types in respect of Plots 978-1011 (in accordance with the amended plans received by the Council on 9th December 1980).
Approved 5.1.81
- 3.3 N2483 Master plan in connection with development of approximately 174 acres of land for residential and ancillary purposes.
Approved 13.7.76

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
Local Member to call to sites (Over development/highway safety concerns regarding the visibility of pedestrians and other road users due to the close proximity of boundary wall and the highway itself in light of the proposed developments at this location).
- 4.2 Other Consultees

Other Representations

- 4.3 Local Residents
Two letters of objection have been received from local residents. The points raised are summarised as:
- Rear extension will limit sunlight to our property - roof should be hipped to the rear
 - Proposed boundary wall will limit visibility and affect users of the walkway and those leaving drive of no. 2 Cade Close
 - Open plan feel will be destroyed

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material consideration. The assessment regarding the appropriateness of including the strip of land inside the residential curtilage must look at the loss of this area in terms of visual amenity to the area and its impact on highway safety. Policy CS1 is used to assess the overall design of development which is required to be of a good standard, to complement the host property and be in keeping with the character of the area in general. Saved Policy L5 is also relevant here as the aim of this policy is to protect open areas which contribute to the quality, character, amenity and distinctiveness of that locality. In addition it is important that the proposal does not adversely impact on highway safety and this is covered under Policy T12 and CS8.

The proposal is for a two-storey side/rear extension, the moving of a boundary line to include land within the residential curtilage and the creation of a new access.

The proposal is considered to accord with policy and this is discussed in more detail below.

Design and Visual Amenity

- 5.2 The application site is a two-storey detached dwellinghouse situated within a small cul-de-sac in Stoke Gifford. The properties here vary in style and size and the application site is one of the larger houses. Extensions to other properties in this road can be seen. The application site holds a corner position and has an area of open grass and hardstanding to the south. This area is owned by the applicant but is currently outside the residential curtilage.

Two-storey side extension

- 5.3 The proposed two storey side/rear extension would be to the south and west of the property and would thereby have an 'L' shaped footprint. During the course of the application the design of the extension was changed (the respective plans were sent out for re-consultation) and shows that the addition would be stepped back from the main front building line, its roof would follow the pattern of the existing roof with a ridge stepped down from the main roof line. These are considered good design principles so that the extension can easily be read as being an addition to the original property. The scale of the extension has also been reduced in that the width has been reduced to 3.25 metres with an overall length of 7.8 metres. Openings would be to the front and rear only and the structure would have a gable feature to the rear. Neighbours have suggested a hipped roof would be more appropriate, but hipped roofs are not a feature of this estate and the rear of the property would be highly visibly when entering the cul-de-sac. The gable feature is therefore more appropriate. The proposal would accommodate an additional bedroom and en-suite at first floor level and a kitchen and dining room at ground floor level. Materials proposed would be to match those of the main dwelling which is of a painted rendered finish.
- 5.4 It is recognised that the proposed extension would be a large addition to the dwelling. However, extensions within existing residential curtilages and

particularly those located in built-up areas such as Stoke Gifford are actively encouraged by both national and local planning policy. Changes to the design have improved the proposed appearance and the resulting extension would not appear an incongruous addition to the existing house. In terms of its overall scale, this extension although substantial, would not be out of proportion. Furthermore, it is not likely a refusal on the basis of its appearance and size could be sustained in an appeal situation. Good quality materials to match the external appearance of the host property would be used in the construction.

5.5 On balance and recognising that due to the orientation and plot size a larger extension than most can be achieved on this site, it is considered that the proposal would be acceptable in terms of its design, scale, massing and materials proposed and is therefore recommended for approval.

5.6 With regards to the method of enclosure of the land, this would be by way of a 1.8 metre high brick wall. Revised plans changing the proposed materials for this new boundary have been received late in the planning assessment process and have not been sent out for reconsultation on the basis that the position of the boundary line has not changed, merely its appearance. Red bricks are a strong feature of the area, being used extensively in the construction of many of the dwellings and boundary walls. Given the length of the proposed boundary and its prominent position, the introduction of an inferior material was regarded as being inappropriate and negotiations have secured a replacement brick wall. As an important part of the application it is considered reasonable to attach a condition would to the decision notice to ensure the boundary is erected in this material.

Inclusion of land within the residential curtilage

5.7 The proposal would include an area of land which runs along the southern boundary, adjacent to the public footway. This would entail removing the existing wall and enclosing the land by means of another 1.8 metre high brick wall. Part of this land is grassed with the addition of various shrubs, while part is already hardstanding. Access to the single garage is also in this location and vehicles use the paved area for parking. The loss of this area of land in visual terms must be assessed. Its current benefit can be viewed by means of the benefit it brings to the quality, character and distinctiveness of the area and/or its contribution to landscape and species habitats. Clearly the value depends on the individual situation and its pertinent circumstances.

5.8 It is recognised that this area of Stoke Gifford benefits from pockets of open land that vary in size, function and use. It is considered that this was an intentional feature of the original urban design scheme with the aim, for example, of breaking up the solid built form of buildings and walls. The area of land to be included within the residential curtilage in this instance is approximately 25 square metres. It is situated adjacent to the boundary wall of No. 4 Cade Close and approximately half way along the close. It is currently part rough grass and part hardstanding. In terms of its visual appearance, the area cannot be regarded as being of high worth or to contribute greatly to the distinctiveness of the area. This, when combined with its restricted size, indicates it is also of limited value to the general landscape. Its loss into the garden of No. 4 would therefore not have a significant impact on the visual amenity of the area. Given the above, a refusal on the basis of it playing an

important contribution to the character of the immediate area would be difficult to successfully defend at appeal.

Residential Amenity

- 5.9 The proposed two-storey extension would have openings in its front and rear elevations only. Closest properties to the south would be approximately 11 metres away and those to the east approximately 18 metres away. No. 2 Cade Close to the west has no openings in its opposing side elevation. The proposed two-storey side/rear extension would extend out from the rear of the property by 2.5 metres. The application site has a good size garden, the majority of which would be unaffected by the proposal.
- 5.10 Neighbours to the north at No. 5 Cade Close have expressed concern regarding the impact the proposed rear two-storey rear extension would have on the amount of sunlight entering their property. It is acknowledged that the proposed rear addition would create changes for this neighbour. However, a number of factors must be taken into consideration in the assessment of the potential impact. Firstly, the degree of separation between the two structures would be approximately 9.5 metres at its closest point, secondly, both the neighbour and the application site have good sized gardens with opportunity for sunlight to enter at least part of the rear gardens and thirdly, the presence of mature planting along and within the boundary of this neighbour already limits the amount of sunlight entering the garden. As mentioned above extensions within existing residential curtilages are encouraged within built-up areas. The proposed rear extension in itself is not considered to be particularly unusual in its scale or position and taking into account the distances between them and the existing situation, the two-storey side/rear extension would not have such a negative impact on the amenity of this neighbour sufficient to refuse the application.
- 5.11 The application site is currently bound by fencing or walling of approximately 1.8 metres in height and its single storey garage also forms part of the boundary to the west. This structure would remain. It is considered that although there would be changes, on balance, the proposal would not have an adverse affect on these neighbours and would be of a sufficient distance away from others to accord with Policy H4 and is thereby acceptable.

Transportation

- 5.12 The application site benefits from a single garage, a parking space immediately outside this garage and an additional space used for parking on hardstanding adjacent to this area. The proposed development would introduce two parking spaces to the front of the property which would entail the creation of a new dropped kerb. In addition the revised plans show that the existing garage would be retained as would the parking space directly outside it. This parking space would be diagonally opposite the garages of properties opposite. The garage and associated parking for No. 2 Cade Close are located further to the west closer to the entrance of the cul-de-sac. Updated plans (following suggestions by the Highway Officer) show the proposed new boundary line would be positioned 400mm away from the inside edge of the pavement.
- 5.13 Concern has been expressed regarding the limitation the new boundary line would have to current visibility for both pedestrians and road users. Although

this scheme proposes the inclusion of the land into the residential curtilage and thereby the necessity for moving the boundary line, it must be recognised that as the land is within the ownership of No. 4 a scheme of dense planting could be introduced here which could similarly impact on visibility. The vegetation could be positioned right up to the pavement (but must not overhang it) without the need for planning permission. The benefit of this proposal whereby the boundary line has been set back slightly from the pavement line must therefore be acknowledged. Calculations made by the Highway Officer have suggested a set back of 400mm which ensures that adequate visibility for both pedestrians and drivers can be retained. On this basis the proposal is considered acceptable.

5.14 Other matters

Suggestions regarding the changes to the position of the boundary to cut across the garden of No. 4 have been made, however, this application must assess the acceptability of the scheme as proposed which aims to include as much residential amenity land within the residential curtilage as possible.

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; CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

3. The materials to be used in the construction of the boundary wall hereby permitted shall be of brick to match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 49/15 – 4 DECEMBER 2015

App No.: PT15/4711/TCA
Site: Hambrook House The Stream
 Hambrook Bristol South
 Gloucestershire
 BS16 1RG

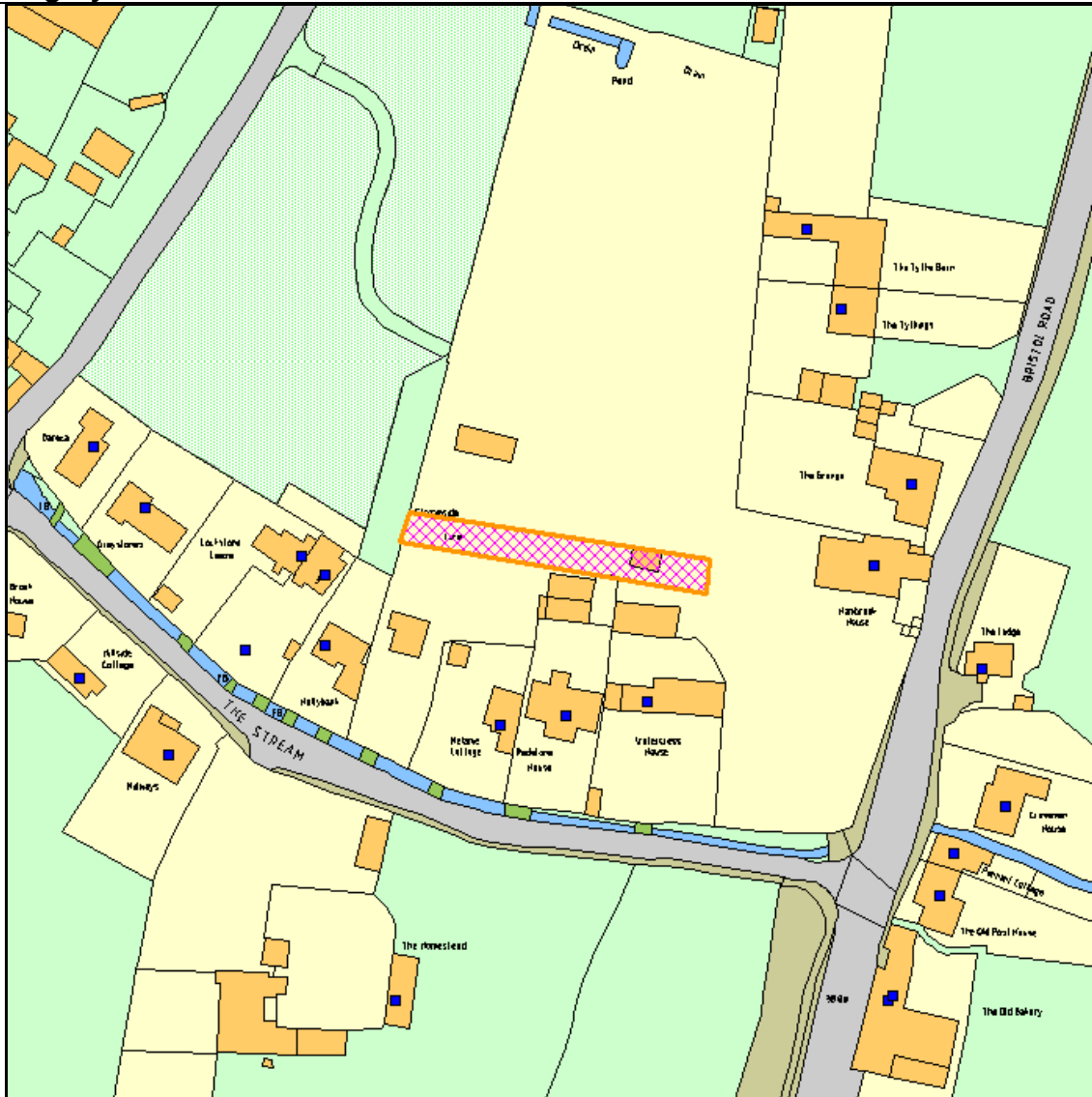
Applicant: Mr Scott Carlton
Date Reg: 4th November
 2015

Proposal: Works to trim back to previous points
 9no. Lime trees situated within the
 Hambrook Conservation Area

Parish: Winterbourne
 Parish Council

Map Ref: 364045 178801
**Application
 Category:**

Ward: Winterbourne
**Target
 Date:** 16th December
 2015



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 100023410, 2008. **N.T.S.** **PT15/4711/TCA**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as comments have been received during the public consultation period that are contrary to the recommendation.

However, this application is a prior notification of proposed works to trees in a conservation area. The purpose of such an application is to provide an opportunity for the Local Planning Authority (LPA) to serve a Tree Preservation Order (TPO) on the tree, should it fulfil the criteria of designation. A TPO must be served within a period of six weeks. Failure by the LPA to serve a TPO or respond to the notification within this timeframe results in a default position of the works gaining deemed consent. Therefore this application appears on the Circulated Schedule for information purposes only.

1. THE PROPOSAL

- 1.1 Works to trim back to previous points 9no. Lime trees situated within the Hambrook Conservation Area

2. POLICY CONTEXT

2.1 National Guidance

- i. The Town and Country Planning Act 1990
- ii. The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
- iii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/0682/TCA, Site Address: Hambrook House The Stream Hambrook BRISTOL South Gloucestershire BS16 1RG, Decision: NOB, Date of Decision: 23-MAR-2007, Proposal: Works to trees situated within Hambrook Conservation Area.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objections

Other Representations

4.2 Local Residents

A letter of objection has been received from a neighbour in relation to the tree works notifications as the subject trees are growing from the objectors land and they do not want the works to take place.

5. ANALYSIS OF PROPOSAL

5.1 This application provides prior notification of proposed works to trees situated within a conservation area.

5.2 Principle of Development

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, it is recognised that trees can make a special contribution to the character and appearance of a conservation area. Under the above Act, subject to a range of exceptions, prior notification is required for works to a tree in a conservation area. The purpose of this requirement is to provide the Local Planning Authority an opportunity to consider bringing any tree under their general control by making a Tree Preservation Order. When considering whether trees are worthy of protection the visual, historic and amenity contribution of the tree should be taken into account and an assessment made as to whether the tree fulfils the criteria of a Tree Preservation Order.

5.3 Consideration of Proposal

The row of lime trees have been previously reduced and sufficient regrowth has been put on to merit re-pruning. This is general tree maintenance and is not considered to be detrimental to the health of the trees nor the amenity they provide.

5.4 Although the Local Planning Authority may not object to these works this does not preclude the requirement for the tree owners consent for the works to be undertaken. Furthermore, the landowners permission is also needed to access their land.

6. RECOMMENDATION

6.1 No objections

Contact Officer: Phil Dye
Tel. No. 01454 865859