



**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.01/16

Date to Members: 08/01/16

Member's Deadline: 14/01/16 (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 - 8 JANUARY 2016

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/2705/F	Approve with Conditions	Pitt Farm 3 East End Marshfield Chippenham South Gloucestershire SN14 8NU	Boyd Valley	Marshfield Parish Council
2	PK15/3673/F	Approve with Conditions	Land At Rear Of 1 Cleeves Court Court Farm Road Longwell Green South Gloucestershire BS30 9AW	Longwell Green	Hanham Abbots Parish Council
3	PK15/4007/F	Approve with Conditions	58 Cleeve Hill Downend South Gloucestershire BS16 6HQ	Downend	Downend And Bromley Heath Parish Council
4	PK15/4341/F	Approve with Conditions	58 St Davids Avenue Cadbury Heath South Gloucestershire BS30 8DF	Parkwall	Oldland Parish Council
5	PK15/4736/CLE	Approve with Conditions	17A High Street Staple Hill South Gloucestershire BS16 5HA	Staple Hill	None
6	PK15/4787/CLP	Approve with Conditions	22 Cleeve Hill Downend South Gloucestershire BS16 6HN	Downend	Downend And Bromley Heath Parish Council
7	PK15/4874/F	Approve with Conditions	15 Lower Cock Road Kingswood South Gloucestershire BS15 9RS	Woodstock	None
8	PK15/5022/CLP	Approve with Conditions	18 Thomas Avenue Emersons Green South Gloucestershire BS16 7TA	Emersons	Emersons Green Town Council
9	PK15/5128/CLP	Approve with Conditions	3 Engine Common Lane Yate South Gloucestershire	Ladden Brook	Iron Acton Parish Council
10	PK15/5149/F	Approve with Conditions	Dental Surgery 8 Hounds Road Chipping Sodbury South Gloucestershire BS37 6EE	Chipping	Sodbury Town Council
11	PK15/5150/CLP	Approve with Conditions	14 Fouracre Road Downend South Gloucestershire	Emersons	Downend And Bromley Heath Parish Council
12	PK15/5267/F	Approve with Conditions	11 Footshill Drive Kingswood South Gloucestershire	Hanham	None
13	PT15/2738/F	Approve with Conditions	Cider Barn Whitehouse Lane Severn Beach South Gloucestershire BS35 4NN	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
14	PT15/4149/RVC	Approve with Conditions	21 Rossall Avenue Little Stoke South Gloucestershire BS34 6JU	Stoke Gifford	Stoke Gifford Parish Council
15	PT15/4662/F	Approve with Conditions	Land At 36 Gloucester Road Almondsbury South Gloucestershire BS32 4HA	Almondsbury	Almondsbury Parish Council
16	PT15/5023/F	Approve with Conditions	58 Eighth Avenue Filton South Gloucestershire BS7 0QT	Filton	Filton Town Council
17	PT15/5025/F	Approve with Conditions	7 Brins Close Stoke Gifford South Gloucestershire BS34 8XU	Stoke Gifford	Stoke Gifford Parish Council
18	PT15/5063/F	Approve with Conditions	Croft House Hacket Lane Thornbury South Gloucestershire BS35 2HH	Thornbury North	Thornbury Town Council
19	PT15/5208/O	Approve with Conditions	East End House Grovesend Road Thornbury South Gloucestershire BS35 2HB	Thornbury South And	Thornbury Town Council

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
20	PT15/5242/CLP	Approve with Conditions	10 Dunkeld Avenue Filton South Gloucestershire BS34 7RJ	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 01/16 – 8 JANUARY 2016

App No.: PK15/2705/F

Applicant: Plummer And
Gaylard

Site: Pitt Farm 3 East End Marshfield
Chippenham South Gloucestershire
SN14 8NU

Date Reg: 29th July 2015

Proposal: Erection of steel framed agricultural building

Parish: Marshfield Parish
Council

Map Ref: 378205 173603

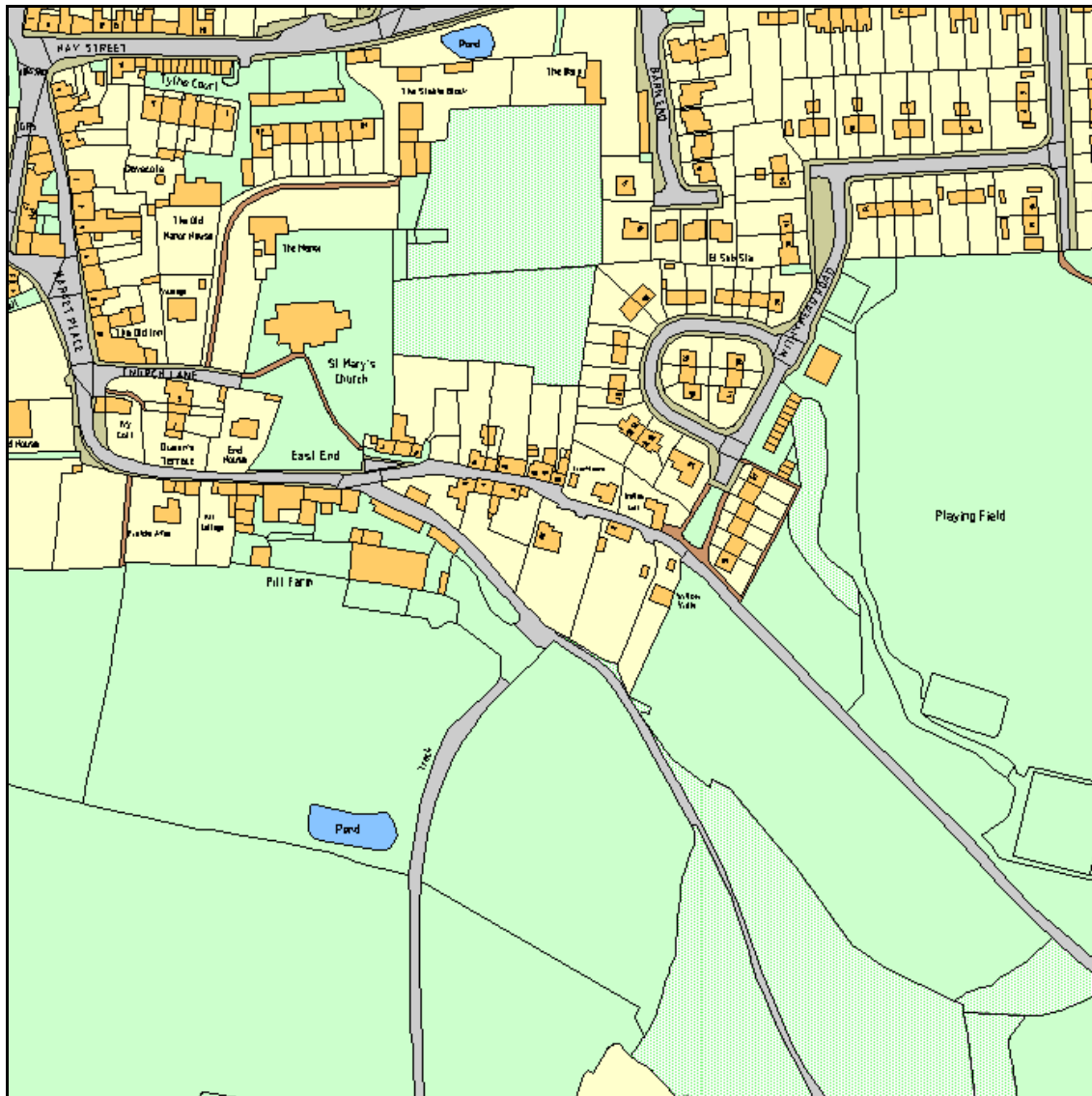
Ward: Boyd Valley

Application Minor

Target 22nd September

Category:

Date: 2015



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PK15/2705/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application site is an existing area of hard-standing located just to the east of the main Pitt Farm complex, Marshfield. The area is currently used for either storing farm machinery or plastic covered silage bales. The farm complex comprises the Grade II Listed farmhouse, a number of agricultural buildings of varying age and the associated yard areas; the entire holding is approximately 130 acres. The complex lies adjacent to a narrow lane (Ringswell Lane) which separates the site from residential properties lying on higher ground to the north. Vehicular access into the farmyard is from the lane and the application site lies immediately to the east of the access. A PROW shares the access from the lane.
- 1.2 Although the existing farm buildings lie just within the Established Settlement Boundary, the application site lies just outside it. Similarly the application site lies just inside the Bristol & Bath Green Belt whereas the existing farm buildings do not. Both the farm and application site lie within the Cotswolds AONB. The open farmland falls steeply away to the St Catherines Valley bottom to the south across which are extensive views.
- 1.3 The farm land is predominantly old pasture and has several cereal fields, which means it is self-sufficient for summer grazing, winter fodder and straw. The farm has 35 head of suckler Aberdeen Angus and Hereford cows plus their calves. In total the farm has approximately 65 beef cattle which is restricted based on current winter livestock housing. With the grazing and winter fodder available the farm currently operates below its potential capacity and therefore needs to increase the size of the suckler herd to 50 cows if it is to be viable.
- 1.4 It is proposed to erect a new livestock building measuring 24.4m long and 12m wide. The eaves would set at 4.5m with the roof apex at 6.3m. The construction would be a typical steel portal frame with 'anthracite' coloured cement roof cladding with 10% clear lights. The north side and ends would be clad with open wooden boarding over concrete panel walling. As for the existing farm buildings, the proposed would have an east/west alignment.

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
- L2 Cotswolds Area of Outstanding Natural Beauty
- L12 Conservation Areas
- L13 Listed Buildings
- EP2 Flood Risk and Development
- T12 Transportation Development Control Policy for New Development
- E9 Agricultural Development

South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 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
- CS34 Rural Areas

Emerging Plan

Proposed Submission: Policies Sites and Places Plan March 2015

- PSP2 Landscape
- PSP7 Development in the Green Belt
- PSP9 Residential Amenity
- PSP18 Heritage Assets and the Historic Environment
- PSP21 Flood Risk, Surface Water and Watercourse Management
- PSP22 Environmental Impact and Pollution
- PSP30 Agricultural Development

2.3 Supplementary Planning Guidance

Development within the Green Belt SPD June 2007

The South Gloucestershire Landscape Character Assessment SPD Adopted
Nov. 2014 – LCA3 – Ashwicke Ridges

Marshfield Conservation Area Advice Note – Approved March 2004

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/3231/F - Erection of extension to existing agricultural building.
Approved 14 Dec. 2012
- 3.2 PK13/1655/F - Erection of two single-storey extensions to existing agricultural
building. Revised scheme for PK12/3231/F.
Approved 19 July 2013

4. CONSULTATION RESPONSES

4.1 Marshfield Parish Council
No objection

4.2 Other Consultees

Highway Structures
No comment

Lead Local Flood Authority
No comment.

Landscape Architect
No objection subject to a condition to secure additional screen planting.

Listed Building and Conservation Officer
Whilst I cannot argue that the development preserves or enhances the character of the Conservation Area, the level of harm is clearly less than substantial and the public benefits arising from the proposals meet the test set out in para 134 of the NPPF and offset the harm arising from the development.

Environmental Protection
The applicant has explained in the application what will be done with any animal waste. This is an existing farm for which there have been no complaints. This is existing farmland on the edge of rural (farming) land. The barn is facing away from housing and in line with other farm buildings. Environmental Protection has no adverse comments regarding this application.

Other Representations

- 4.3 Local Residents
8no. letters/e-mails of objection have been received from local residents; the concerns raised are summarised as follows:
- Adds to ribbon development along Ringswell Lane.
 - Additional noise and smell for local residents.
 - Loss of views to the south from Ringswell Lane.
 - Adverse impact on the setting of the Conservation Area and Listed Buildings.
 - The gardens to the north are Designated Green Spaces.
 - How would slurry and drainage be dealt with?
 - PD rights do not allow such buildings for livestock to be erected within 400m of protected buildings (i.e. residential properties).
 - Marshfield is no longer a farming community.
 - Light pollution.
 - Green Belt land.
 - The building should be located south of the existing buildings.
 - Adverse impact on the PROW.
 - Adverse impact on the AONB.
 - Risk of contamination to water courses.

- Where would the existing silage stack be displaced to?

1no. letter/e.mail was received in support of the proposal. The comments are summarised as follows:

- Pitt Farm is a working farm that has been in the same family for several generations.
- A certain amount of smell and noise is to be expected.
- Farmers maintain the landscape.
- The building would be less visually intrusive than the recently approved houses that would overlook it.
- Farms must be economically viable.

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.

Green Belt Issues

5.6 The application site lies within the Bath & Bristol Green Belt. The NPPF para. 79 states that the government attaches great importance to Green Belts. The most important attribute of Green Belts is openness. Para. 80 of the NPPF lists the five purposes of Green Belts.

5.7 The NPPF para. 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para. 89 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but goes on to list those types of development that are exceptions to this rule and these include buildings for agriculture. The proposal does not therefore represent inappropriate development and there is no Green Belt objection.

5.8 Saved Policy E9 of the South Gloucestershire Local Plan permits agricultural buildings subject to the following criteria being met:

A. They are sited on land which is in use for agricultural purposes and there are no existing suitable underused buildings available; and

5.9 Pitt Farm is a long established farm. The authorised use of the land is agricultural. Given the need to expand the herd to make the farm viable there are no existing suitable underused buildings available. Previous consents PK12/3231/F and PK13/1655/F were granted to extend an existing barn but this is now used to full capacity for storage of machinery and fodder. Criterion A is therefore considered to be met.

B. Adequate provision is made for access and manoeuvring of machinery and livestock to avoid the perpetuation, intensification or creation of a traffic hazard;

5.10 The proposed building would be appropriately located close to the existing access off the lane. Although gated, the access has a wide bell mouth with good visibility and the gate is set well back into the site to allow vehicles to pull off the lane before the gate is opened. The site is already used for storing machinery and silage. It is not anticipated that the building would create any significant increase in traffic movements above that which already exists from the site. Criterion B is therefore satisfied.

C. Development would not have unacceptable environmental effects; and

5.11 The site does not lie within a Coal Mining referral area neither is it in an area at high risk of flooding. As with the existing farm buildings, surface water would be piped to a pond in the valley; the pond was created to be a haven for wildlife. It is only proposed to use the building to house livestock during the coldest periods in the winter (Nov to March) when flies are far less prevalent otherwise machinery would be stored in the building. As the building would use deep straw bedding, no slurry would be created, which is consistent with the existing cattle barn. The current system has had no adverse impacts on the environment. The feed passage would be scraped and the manure either immediately spread or stored in fields away from the farm. Matters of contamination are all covered by Environment Agency legislation. The Council's Environmental Health Officer raises no objection to the proposed siting of the building, which would face away from the nearest houses to the north. There would therefore be no unacceptable environmental effects.

D. The proposal would not prejudice the amenities of people residing in the area.

5.12 The nearest residential properties lie to the north on the opposite side of Ringswell Lane. In relation to the application site, these properties lie up-slope on higher ground. Given that the application site is within an existing, long established working farm, some disturbance from noise and smell is only to be expected. The actual site of the proposed building is already used to store machinery or to stack plastic-covered silage bales. At the time of the officer site visit, the silage stack covered the whole area and was very high; there are no planning controls on the height of the stack. Whilst the proposed building would provide housing for cattle, this would be over a limited period only and given the enclosed nature of the building, would not have a significant adverse impact on residential amenity over and above that which already occurs from the farm. By providing separate housing for the cows and calves, noise levels could actually reduce as the calves would not be in close proximity of the cows at weaning.

5.13 Concerns have been raised about loss of views to the south across the open valley. This matter is also covered in the following paragraphs relating to landscape and design. Whilst there is no right to a view across land in others ownership the impact on outlook is a material consideration. With this in mind, the proposed building would be typical in appearance and would be similar to the extended barn located to the west. Being located to the east of the access, where the ground level is lower and being set down into the slope with screen planting, the building would be no more unsightly than the existing silage stack which would otherwise remain in-situ. It should still be possible to have views over the building from the residential dwellings located on the higher ground to the north. Furthermore, it would be preferable to store the machinery in barns rather than have it strewn around the farm yard as currently occurs. The silage bales can be stored elsewhere either to the sides or south of the existing barns. Alternative locations have been considered for the building but on balance, the location proposed is considered to have least impact on residential amenity.

Landscape and Design Issues

5.14 The site for the agricultural building is just outside the southern settlement boundary of Marshfield, it is within the open countryside, Green Belt and the Cotswolds AONB. The proposed building would be framed in views looking south-east down the adjacent country lane and in views looking north-west coming up the lane. The building would be visible from the open countryside to the south, including views from the public footpath which passes along a farm track to the south. The land slopes away to the south and there is limited vegetation in the immediate vicinity of the building which would result in it being quite visually prominent within the immediate landscape.

5.15 The building would have a similar style to the existing farm building to the west which has a vernacular typical of agricultural buildings. The proposed building has a low roof pitch and the north side and ends would be clad in open wooden boarding over concrete panel walling. The roof would be clad with anthracite coloured sheeting and the sheeting panels to provide light would be defused glare plastic sheeting. In views from the south the proposed building will be

seen within the context of the existing buildings and would not be introducing anything out of keeping with the rural character. Other locations proximate to the existing farm buildings are too steep to accommodate the building without major excavations, which would result in a greater visual impact in views from the south.

- 5.16 The area is currently used for the storage of silage and farm machinery. There is a stone wall along the boundary with the lane. The stone wall would be retained and native hedge planting is proposed to help screen the building in views from the lane. The existing ground level is slightly higher than the track level which would make the building more visually prominent, however it is now proposed to set the building lower within the site than originally proposed.
- 5.17 There have been two new dwellings, of modernist design, built in the gardens to the north-west. These are having the effect of eroding the rural village character of Marshfield. The gardens to the immediate north of the proposed location for the agricultural building have been proposed as a Local Green Space (see PSP4). The PSP policy is however only an emerging policy that currently carries limited weight, furthermore it only controls development within the green space and not its setting as suggested by local residents.
- 5.18 The Pitt Farm land holding is approximately 130 acres and is farmed traditionally and non-intensively. This is helping to preserve the intact rural character of the surrounding area. The South Gloucestershire Landscape Character Assessment describes the area as upland hills with a generally simple, open landscape of arable land use over gentle slopes. It further states that Marshfield sits along the upper edge of the upper reaches of the St Catherine's Brook valley and forms a prominent landmark from the open plateau and ridges to the south. The proposed agricultural building would be fairly prominent in these views with limited opportunity to screen with vegetation. In these views the building would be seen within the context of the existing farm buildings and would to some extent reinforce the rural character of the area in contrast with the back garden developments to the north-west.
- 5.19 The site is a sensitive location on the edge of Marshfield Village and within the AONB. The applicant has however considered alternative locations and taken measures to reduce the visual impact of the building by setting it further down within the site. In some respects the visual impact of the building can be offset against the fact that the existing use of the site for the storage of silage bales and machinery gives it an untidy appearance and the proposed planting of native tree and shrub planting would help to screen and soften the impact of the building.
- 5.20 Subject to a landscape condition to secure screen planting along the northern boundary and further down the slope to the south-east, there are no objections on landscape grounds.

Conservation Issues

- 5.21 The site lies immediately adjacent to the southern boundary of the Marshfield Conservation Area, in addition Pitt Farm is a Grade II listed building, as is the adjacent Pitt Cottage to the west. Above the site are a number of listed

cottages in East End some of which (7-11) have direct views of the site. However, in views from the south the building would also be prominent within their settings. There are already a number of substantial steel framed sheds adjacent to the farmhouse, however the current proposal seeks to locate an additional substantial structure well to the east of the existing buildings, extending the mass of farm buildings some 90m eastwards into the open rural landscape that forms the southern edge of the Conservation Area.

- 5.22 Local Plan Policy L13 seeks to preserve the setting of listed buildings and Policy L12 seeks to preserve or enhance the character or appearance of Conservation Areas. However, para.134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.23 At officer request and as suggested by local residents, a meeting was convened on site between officers of the Council and the applicant and his agent, to consider possible alternative locations for the proposed building. After careful consideration it was concluded that due to the steep slope of the land it would not be practical to site the building south of the existing barns. A location immediately to the east of the extended barn was discussed but was considered to be too difficult to manage with the movement of machinery and livestock, as well as having to build up so much ground to the south to tie its use in with the existing buildings. If placed next to the existing buildings, the proposed building would be difficult to ventilate and pockets of stale air can cause virus pneumonia and other problems for livestock.
- 5.24 A local resident suggested using an existing barn located some 500m to the south but this would not be suitable due to extremely poor access during the winter, damage and compaction to the fields and lack of accessibility for vets. Furthermore, an additional track would have to be constructed across the open fields, which would further degrade the landscape.
- 5.25 The advantages of locating the proposed building to the east of the access is that it is set further away from the listed farmhouse on flatter land where the building can be appropriately landscaped. Having considered the various concerns raised, it is now proposed to set the building down into the site by a further 0.5m which would reduce its overall impact on the landscape.
- 5.26 Whilst officers consider that the building would have some adverse impact on the setting and character of the Conservation Area and setting of the nearby Listed Buildings, this would be less than substantial and as such conforms with para. 134 of the NPPF. Furthermore any harm must be balanced against any public benefits which in this case would be to secure the economic viability of the existing farm and free up other buildings for storage of machinery that would otherwise be stored in the open yard, which would be a visual enhancement.

- 5.27 On balance therefore and given the lack of substantial harm together with the public benefit, which in this case is given substantial weight, the proposal is acceptable in heritage terms.

Ecology

- 5.28 The site has no special designation and is already intensively used for farming purposes.

PROW

- 5.29 The proposal would not affect the public right of way LMA/50/10, which already shares the existing farm access but has its own separate gate. The PROW is already subjected to the everyday movements of machinery and livestock within the farm and this would not intensify, especially given that the silage bales would be stored elsewhere.

Other Issues

- 5.30 Of the issues raised by local residents' that have not been addressed above. Regarding Part A of the General Permitted Development Order (GPDO). Permitted development enables farmers to develop their businesses under certain circumstances without the need for planning consent. Under some circumstances e.g. when livestock buildings are to be built within 400m of housing, full planning applications are required in order to give local authorities full control over the proposed development. It does not necessarily prevent all such proposals from being granted consent. Each case must be assessed on its individual merits.

CIL Matters

- 5.31 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging commenced on 1st August 2015 and this development, if approved, would be 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 NPPF para.28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should, amongst other things, support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.
- 6.3 The proposal would provide an appropriately located and designed agricultural facility to support an existing farming enterprise which is considered to outweigh any harm to the setting or character of the Conservation Area and Listed Buildings, which is not considered in this case to be substantial.

- 6.4 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. Notwithstanding the details shown on the approved plans; prior to the commencement of development a scheme of screen planting to include proposed planting, species of plants, times of planting and a 5 year maintenance schedule 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 Green Belt, Cotswolds AONB and landscape in general and to accord with saved Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the requirements of the National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' (Adopted) June 2007. This is a pre-commencement condition to ensure that adequate screen planting can be implemented once the building is constructed.

Reason

To screen the development in the interests of the amenity of adjoining occupiers to accord with Policy E9(D) of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of the NPPF.

Reason

To preserve the setting of the Marshfield Conservation Area and nearby Listed Buildings and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec 2013, Policies L12 and L13 of the South

Gloucestershire Local Plan (Adopted) 6th Jan 2006 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 Mon to Fri; and 08.00hrs to 13.00hrs Sat, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with the requirements of Policy E9 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the NPPF.

CIRCULATED SCHEDULE NO. 01/16 – 8 JANUARY 2016

App No.:	PK15/3673/F	Applicant:	Mrs Jane Dowding
Site:	Land At Rear Of 1 Cleeves Court Court Farm Road Longwell Green Bristol South Gloucestershire BS30 9AW	Date Reg:	8th September 2015
Proposal:	Erection of 4no. stable block with hay store and tack room.	Parish:	Hanham Abbots Parish Council
Map Ref:	365647 170518	Ward:	Longwell Green
Application Category:	Minor	Target Date:	29th October 2015



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. N.T.S. PK15/3673/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears in the Circulated schedule due to the receipt of a letter of objection from the Parish Council

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a stable block with access and parking. The stable block will include four loose boxes, a hay store and a tack room.
- 1.2 The application site relates to a large area of equestrian land to the south of Court Farm Road, Longwell Green. The application site stands beyond any settlement boundary and within the open Green Belt.
- 1.3 The site is already used for equestrian purposes and is occupied by horses. This application seeks to consider the stable and access only – the use of the land is already established.
- 1.4 During the course of the application amended plans were received to slightly reduce the size of the stable building and alter the location of the proposed parking area.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

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

T12 Transportation Development Control Policy for New Development
L1 Landscape Protection and Enhancement
E10 Horse related development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of development
CS9 Managing the Environment and Heritage
CS34 Rural Areas

2.3 Supplementary Planning Guidance

Development in the Green Belt SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/3610/F Change of use of land from agricultural to the keeping of horses. Erection of temporary field shelter for 2 no. horses for a temporary period of 12 months (retrospective)
Approved February 2007

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
Objects to the application as the development is on Green Belt land and the Parish Council have concerns regarding the nature and size of the gravel roadway leading to the stable block.
- 4.2 Landscape team
Raised concern about the size of the stable block and the location of the parking and access as initially proposed.
- 4.3 Lead Local Flood Authority
No objection
- 4.4 Transportation
No objection providing the stables are to be used for personal use with no commercial activity.
- 4.5 Highway Structures
No comment

Other Representations

- 4.6 Local Residents
No replies received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The NPPF sets a presumption in favour of sustainable development - development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. Policy E10 of the Local plan deals with horse related development and identifies that such development will be permitted subject to an assessment of its impact on the environment, neighbours, vehicular access and parking; whether there is safe and convenient access to bridleways and riding ways; whether there are existing suitable underused buildings available and capable for conversion and where the design of buildings and site size and the number of horses has proper regard for the safety and comfort of horses. This site is located in the open countryside and the Green Belt so the proposals will therefore need to be assessed in their Green Belt context.
- 5.2 Green Belt
The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include: *'provision of appropriate facilities for outdoor sport, outdoor recreation and for*

cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'.

- 5.3 This application seeks permission to erect a new stable block and access on land that is already in equestrian use. It is therefore considered that the stable is acceptable in principle providing it is appropriate and also that it preserves the openness of the Green Belt. The area of land that already has the benefit of equestrian use measures approximately 40 hectares – it is therefore considered appropriate to facilitate the erection of a stable block to accommodate 4 horses.
- 5.4 The stable building has evolved through the course of the application - the clock tower type features have been removed, a front gable has been removed and the design has been modified so that it more closely resembles a stable. The stable building is now of a simple and traditional design and will be erected on an existing concrete foundation left over from a previous building. The applicant has also expressed a willingness to comply with a condition requiring removal of the existing temporary timber stable building to ensure that there is no cumulative impact of stable buildings on the openness of the Green Belt. Providing a condition is attached to ensure that the stable block is erected exactly in accordance with the revised plan, it is not considered that the stable block would erode the openness of the Green Belt.
- 5.5 The application originally included a very wide swathe of hard standing crossing the field to provide parking adjacent to the proposed stable block. Your officer expressed concern that such an expanse of hardstanding would impact detrimentally on the openness of the green belt – a view that is shared with the Parish Council. In order to address this concern, the parking area has now been greatly reduced in scale and relocated so that all vehicular parking would be retained up close to the existing dwelling. Although the area of hardstanding would still be large, the size is necessary to allow for the manoeuvring of horse trailers and the farm machinery associated with the management of the pasture. Subject to conditions to control the extent of the parking and turning area, the access and parking areas would not have a significant detrimental impact on the openness of the green belt.
- 5.6 Design/ Visual Amenity/ Landscape Implications
The proposed building is to be constructed with single skin block walls clad in timber and profile metal sheet roofing. The loose boxes are to be fitted with vents/grilles rather than windows to retain a true equestrian appearance. As no specific details of the materials have been submitted, in order to ensure that the proposed building remains sympathetic and in keeping with the rural location, a condition will be attached to ensure that samples of external facing materials are submitted.
- 5.7 The site is already well defined by boundary hedges. No details have been submitted to show how the existing hedgerows will be protected and retained throughout the life of the development to help reduce the visual impact of both the stable block and the parking area. A condition will therefore be attached to ensure submission of a hedgerow management plan.

5.8 Residential Amenity

Given the location of the stable building, away from any neighbouring residential properties it is not considered that the stable would have any detrimental impact upon neighbouring properties.

- 5.9 The proposed parking and access will be located up against the boundary with the residential dwellings. Subject to compliance with conditions limiting the use to personal only, this would not result in any significant adverse impacts on the level of amenity afforded to neighbouring residents.

5.10 Transportation

There would be no change of use at the site and no alteration to the access. Subject to the attachment of a condition to ensure that the site is not used for any commercial purposes, there is no highway objection to the proposed development.

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That planning permission is granted 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 development must be carried out exactly in accordance with the revised plans 'Amended D6 Floor/Elevation Plan' and 'Amended D5 Block/Site Layout Plan' received by the Council on 25th November 2015.

Reason

To ensure that the development proceeds in an acceptable manner in the interests of the visual amenity of the area and the openness of the Green Belt.

3. Within three months of the first occupation of the stable block hereby permitted, the existing temporary stable as shown on amended drawing D5 (received by the Council on 25th November 2015) shall be removed from the site.

Reason

To ensure that the proposed and existing stable buildings do not have a cumulatively detrimental impact on the openness of the green belt and to comply with the requirements of the NPPF.

4. Prior to the commencement of development details/samples of the roofing and external facing materials proposed to be used in the stable building and details of the surfacing for the parking, turning and manoeuvring space 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 to be a pre-commencement condition as materials need to be agreed before the building can be erected.

5. At no time shall the stables and the associated land be used for livery, riding school or other business purposes whatsoever.

Reason

In the interests of highway safety and to protect the amenities of the occupiers of the nearby dwellings, and to accord with saved Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

6. Horse boxes, trailers, and all other vehicles may only be parked or stored in the three parking bays marked on Amended drawing D5 received by the Council on 25th November 2015. There shall be no overnight parking of vehicles anywhere other than in these three bays.

Reason

In the interests of the visual amenity of the area and the openness of the Green Belt and to comply with the requirements of Policy L1 of the South Gloucestershire Local Plan (Adopted), Policy CS1 of the South Gloucestershire Local Plan Core strategy, and the National Planning Policy Framework.

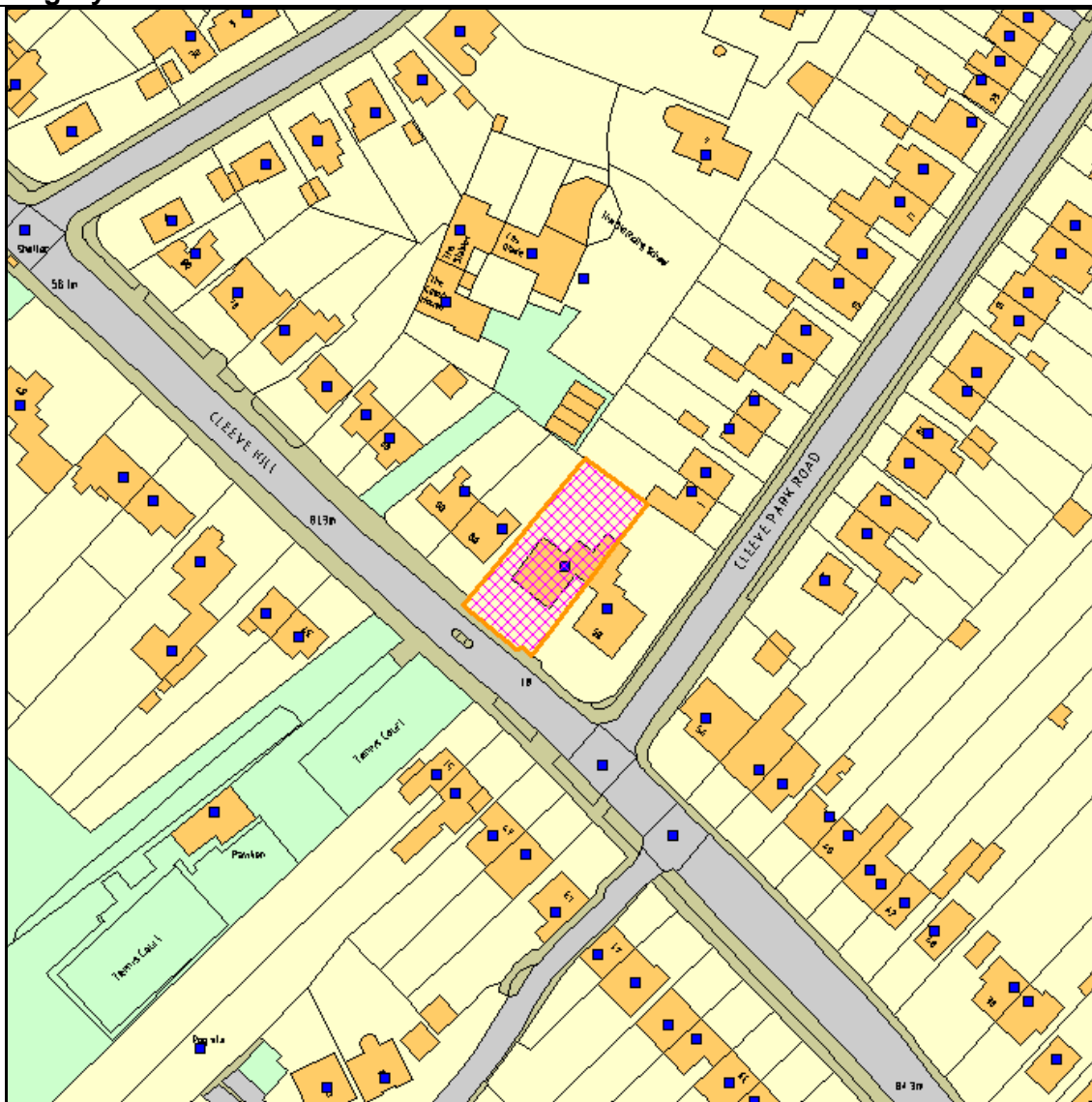
7. Prior to the commencement of development a hedgerow retention and management scheme shall be submitted to the Local Planning Authority for written approval. The scheme shall include full details of the means of protection of the hedgerows during construction and a maintenance schedule covering a five year period. Development must be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area and the openness of the green belt, and to accord with Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This must be a pre-commencement condition as it is not possible to retrospectively protect vegetation.

CIRCULATED SCHEDULE NO. 01/16 – 8 JANUARY 2016

App No.:	PK15/4007/F	Applicant:	Mr Stephen Davies
Site:	58 Cleeve Hill Downend Bristol South Gloucestershire BS16 6HQ	Date Reg:	1st October 2015
Proposal:	Demolition of existing bungalow and erection of 1no. detached dwelling with garage, parking, widened access and associated works. (Amendment to previously approved scheme PK13/3048/F).	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364917 177064	Ward:	Downend
Application Category:	Minor	Target Date:	23rd November 2015



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008.

N.T.S.

PK15/4007/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from a neighbouring resident, the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a plot located close to the junction of Cleeve Hill and Cleeve Park Road, Downend. The overall area of the plot is 0.07 hectares and is currently occupied by a link-detached, dormer bungalow i.e. nos. 58 Cleeve Hill. The property currently has a separate vehicular access from Cleeve Hill, with a large frontage of hard-standing behind a low stone boundary wall. Private amenity areas lie to the rear of the bungalow in the generous rear garden.
- 1.2 Despite lying only some 300m to the north-west of Downend centre, the location is distinctly sub-urban in character. The locality is characterised by a mix of predominantly 1930's/1940's semi-detached and detached houses or bungalows set in relatively large gardens. A group of Grade II Listed Buildings including 'Foxglade' lie to the north of the site; these buildings being enclosed by the houses on the Cleeve Hill and Cleeve Park Road frontages.
- 1.3 It is proposed to demolish the bungalow (no.58) and replace it with a two-storey, contemporary, 3 bedroom, dwelling house.
- 1.4 A previous application PK07/1171/F for 12 flats in a single building comprising three blocks of contemporary design, to replace both nos. 56 & 58 Cleeve Hill, was allowed on appeal but not subsequently implemented. Following that, planning permission PK13/3048/F was granted for a detached dwelling of very similar scale and design to that now proposed. The current proposal merely seeks to secure some relatively minor changes to the internal layout and fenestration (front and rear) and a small increase in the size of the footprint to facilitate a new entrance porch at the front and utility room to the rear of the integral garage. In all other respects the proposal is very similar to that previously approved.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework 27th March 2012.
The National Planning Practice Guidance 2014

2.2 Development Plans

The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013
CS1 - High Quality Design
CS4A – Presumption in Favour of Sustainable Development
CS5 - Location of Development
CS6 - Infrastructure and Developer Contributions
CS8 - Accessibility

CS9 - Managing the Environment and Heritage
CS17 - Housing Diversity
CS18 - Affordable Housing
CS23 - Community Infrastructure and Cultural Activity
CS24 - Green Infrastructure, Sport and Recreation Standards
CS29 - Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan (Adopted) January 2006

L1 - Landscape Protection and Enhancement
L5 - Open Spaces
L9 - Species Protection
L11 - Archaeology
H4 - Development in Residential Gardens
EP2 - Flood Risk and Development
EP4 - Noise-sensitive development
T7 - Cycle Parking
T12 - Transportation Development Control Policy for New Development
LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)

The Minerals and Waste Local Plan (Adopted) 2002

Policy 37 - Waste Management

West of England Joint Waste Core Strategy (Adopted) March 2011

Policy 1 - Waste Management

2.3 Supplementary Planning Guidance

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

2.4 Emerging Plan

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 K1163 - Erection of two dormer bedrooms with store, toilet facilities and hall.
Approved 20 Jan 1976
- 3.2 PK07/0033/F - 56-58 Cleeve Hill Downend
Demolition of 2 no. bungalows to facilitate the erection of 14no. flats and construction of new access..
Withdrawn 26 Feb. 2007.
- 3.3 PK07/1171/F - Demolition of two bungalows to facilitate the erection of 12no. flats with 13 no. car parking spaces. Erection of 0.5m boundary wall and construction of new vehicular access from Cleeve Park Road. (Resubmission of PK07/0033/F).
Refused 5 Nov 2007
Appeal APP/P0119/A/07/2059815 allowed 11 March 2008
- 3.4 PK13/3048/F - Demolition of existing bungalow to facilitate the erection of 1no. detached dwelling with garage, parking, widened access and associated works.
Approved 16 Oct. 2013

4. **CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council
No objection.
- 4.2 Other Consultees [including internal consultees of the Council]

Lead Local Flood Authority
No objection.

Sustainable Transport

The site already benefits from a full planning permission (i.e. application no. PK13/3048/F) for a new dwelling on the site with similar design and scale as the current proposals but minor changes to the internal layout and increase in the size of the footprint is proposed.

From highways point of view therefore, there is no highway objection to this subject to previous conditions.

Highway Structures
No comment.

Historic Environment

The previous application required a programme of archaeological work. I see no need to change this view. As such a HC11 condition for a programme of archaeological work shall be added to any consent granted.

Other Representations

4.3 Local Residents

1no. objection response was received from the occupant of no. 60 Cleeve Hill. Whilst not objecting in principle to the layout, siting, scale or materials proposed, concerns were raised as follows:

- A condition (6) attached to the previous consent prevented the insertion of windows in the side (north-west) elevation of the new property.
- The proposed plans show two small windows inserted in the side (north-west) elevation, one at the first floor serving the master bedroom and one under the gable. These would lead to loss of privacy due to direct overlooking and inter-visibility.
- The windows are not required for light given the other windows serving the property.
- A condition to restrict working hours during construction/demolition should again be imposed.

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 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. Para. 14 of the NPPF states that decision takers should approve development proposals that accord with the development plan without delay; 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 the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

5-Year Land Supply

- 5.2 A recent appeal decision APP/P0119/A/14/2220291 – Land South of Wotton Road, Charfield, established (para. 146) that the Council can currently only demonstrate a 5-year housing land supply sufficient for 4.64 years. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a positive contribution, albeit a small one, to the housing supply within South Gloucestershire.
- 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 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.
- 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.*
- 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. One dwelling on this specific plot is considered to make the most efficient use of this plot in the Urban Area, which is a requirement of the NPPF. The proposal equates to 14 units per hectare. Whilst it is acknowledged that this represents a very low density of development it is no different to that which currently exists on this and neighbouring sites, the individual properties having large rear gardens. As the site lies close to a Grade II Listed Building this is also a constraint on development.
- 5.9 Given that a two-storey dwelling would replace the bungalow the proposal is considered to make more efficient use of the site in what is a sustainable location, close to the centre of Downend, within easy walking distance of shopping and community facilities and bus stops. In this respect the proposal therefore accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.
- 5.10 Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits development within existing residential curtilages, including extensions to existing dwellings and new dwellings subject to criteria that are discussed below. Policy CS1 of the 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.
- 5.11 The acceptance in principle of a 2-storey, detached dwelling on this site was recently established with the approval of PK13/3048/F .

5.12 Scale, Design and Impact on the Listed Buildings

Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 only permits new development where the highest standards of site planning and design are achieved. Criterion 1 of Policy CS1 requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality. Policy L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 seeks to preserve or enhance the setting of the Listed Buildings.

- 5.13 The Inspector for the previous appeal relating to PK07/1171/F noted that the site is situated at a prominent location where the dwellings are a mixture of detached and semi-detached types. There is a mixture of dwelling designs and a variety of materials particularly in Cleeve Hill. Most of the dwellings are two-storeys high but a limited number have dormer extensions.
- 5.14 In the appeal scheme, the smaller of the three blocks was to be located next to no.60 Cleeve Hill. This block had the appearance of a detached house and had a similar scale and form to no.60. The Inspector noted that the existing bungalows 56 & 58 had a mundane appearance and no.56 had been unsympathetically extended which detracted from the street scene.
- 5.15 The dwelling now proposed would be a similar scale, height and appearance as neighbouring no.60. The proposed rendered facades with a pitched roof finished with clay tiles would be in-keeping. It is acknowledged that the proposed gable ends and projecting front gable with balcony are something of a departure from the established form of the majority of houses along Cleeve Hill, however given the mix of designs in the locality, officers do not consider this departure to justify refusal of the scheme. The house would be set slightly further back into the plot than the existing bungalow and having a single-storey garage to the side, which provides a good deal of separation between the gable end and no.60, would appear as a stand alone property. Balconies were proposed for the previously proposed flats but the Inspector considered that these would not necessarily look out of place in a suburban setting so again the proposed balcony is considered acceptable.
- 5.16 The amendments to the originally approved scheme PK13/3048/F are of a relatively minor nature. On balance therefore, officers consider that the proposal would sufficiently respect and enhance the character and appearance of the surrounding area.
- 5.17 Moving to the impact of the proposal on the setting of the Listed Buildings located to the north; the Inspector for the appeal considered that as the scheme would not detract from the character or appearance of the surrounding area and taking into account the separation distance and the nature of the other existing development nearby, the scheme would not detract from the setting of the Listed Buildings. Having regard to the Inspector's comments, and given that the current proposal is similar in scale to the smallest of the three blocks of the appeal scheme and would be in the same location, officers are content that the setting of the Listed Buildings would not be adversely affected.

5.18 Landscape

Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape.

5.19 Given the developed nature of the site, officers do not consider that the site is an open space that contributes to local character (Policy L5).

5.20 There are no large trees on the site and the replacement dwelling would occupy approximately the same footprint as the existing bungalow so there would be no significant change to the existing landscaping.

5.21 On balance therefore the proposal accords with Policy L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.22 Archaeology

The Council's Archaeologist has previously confirmed that a subterranean passage, associated with Cleeve Hill House, once led from the serpentine drive opposite the existing bungalows, to the Stables at Cleeve Hill House. It is possible that part of this tunnel still survives within the curtilage of no.58. A watching brief condition is therefore recommended and any archaeological remains found should be recorded. Subject to such a condition the scheme accords with Policy L11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.23 Transportation Issues

It is proposed to replace the existing bungalow with a 3 bedroom dwelling and to widen the existing access to provide better accessibility to the site. The garage would be re-located to the opposite side of the site and whilst it may be difficult to access this garage there would be adequate alternative vehicular parking available within the site boundary to satisfy the Residential Parking Standards SPD.

5.24 It is acknowledged that the footway in front of the site is narrow but as the proposal is a replacement dwelling it is unlikely to materially increase the vehicular movements to/from the site and on this basis a widening of the footway cannot reasonably be insisted upon.

5.25 In light of the above and subject to a condition to ensure that the front boundary is kept to a maximum height of 0.9m (including vegetation), there are no highway objections and the scheme is considered to accord with Policies T12 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.26 Impact Upon Residential Amenity

As regards overbearing impact and overshadowing; officers are satisfied that given the layout of the site and the distance between the respective dwellings that there would be no significant issues of overbearing impact or overshadowing. Officers consider that some overlooking of neighbouring property is only to be expected in urban locations and that in this case the level

of overlooking to the front and rear would not be so detrimental as to justify refusal of planning permission. Furthermore the existing and proposed boundary walls/fences would provide adequate screening at ground floor level.

- 5.27 It is noted that condition 6 of the previous consent prevented the insertion of any new windows in the side elevation of the approved dwelling. In that scheme there were no first floor windows proposed in the north-west side elevation facing no. 60 and only a slit window in the gable end of the south-east side elevation.
- 5.28 In the current proposal a small first floor window on the north-west side elevation would serve the proposed master bedroom and small windows are also inserted in each side gable, presumably to provide light to the loft area. All of these windows have the potential to overlook neighbouring property from close proximity, especially if the loft were used at some later date for living accommodation. This has understandably raised concerns from the occupier of no.60 where there are facing habitable room windows, similarly there are windows in the side elevation and roof of no.58..
- 5.29 In response to these concerns, the applicant's agent has submitted a revised plan to show the master bedroom window obscurely glazed and fixed. Officers consider however that a condition to secure this and to obscurely glaze and fix the gable windows as well; is justified.
- 5.30 The access already serves the application site and traffic levels to the proposed dwelling are likely to be much the same as for the existing bungalow. Whilst there would inevitably be some disturbance for neighbouring occupiers during the demolition and construction phase, this would be on a temporary basis only and could be adequately mitigated by imposing a condition to limit the hours of demolition and construction.
- 5.31 Adequate amenity space would be retained to serve the new two-storey dwelling. Officers consider that the scheme would provide a significant improvement in visual terms over that which currently exists. The proposal is therefore considered to be acceptable in terms of impact on residential amenity and in this respect accords with Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.32 Environmental and Drainage Issues

There are no objections on environmental grounds subject to a condition to control the hours of working during the demolition and construction phase. Officers consider it appropriate to impose a condition to secure a waste management audit to ensure sustainable use of demolition waste. In terms of drainage, the Council's Drainage Engineer has raised no objection to the proposal and drainage matters are now adequately covered by Building Regulations. The disposal of asbestos falls under environmental legislation and licensing, rather than planning control. Appropriate informatives regarding construction sites, would be attached to any decision for approval. The site does not lie in a zone at high risk of flooding. The proposal therefore accords with Policies EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan

5.33 Ecology

The site is not covered by any statutory or non-statutory nature conservation designations. There are no sufficiently mature trees on site; and the existing building is not of a type or design, which would provide suitable roosting conditions for bats.

5.34 Affordable Housing

The proposal is for 1no. dwelling only, which is below the Council's threshold for affordable housing provision.

5.35 Community Services

The proposal is for 1no. dwelling only, which is below the Council's threshold (10) for contributions to Community Services.

CIL Matters

- 5.36 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging commenced on 1st August 2015 and this development, if approved, would be 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 recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission be GRANTED subject to the following conditions.

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

Reason

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

3. Prior to the first occupation of the dwelling house hereby approved, the vehicular access arrangement and car parking provision for the proposed dwelling shall be implemented in accordance with the approved Ground Floor Plan No. 171 04 and retained thereafter for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013 and The South Gloucestershire Residential Parking Standards (Adopted) 2013.

4. At no time shall the boundary treatment (be it wall, fence or vegetation) to the Cleeve Hill frontage and within the vehicular access bellmouth, exceed 0.9m in height.

Reason

In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013.

5. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the property hereby approved.

Reason

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

6. Above ground floor level, the glazing to the windows on the side elevations of the dwelling hereby approved, shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

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

7. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy L11 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the National Planning Policy Framework. This is a pre-commencement condition to ensure that archaeological remains are not lost.

8. No development shall take place until a Waste Management Audit has been submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:

(a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.

(b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.

(c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.

(d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.

(e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

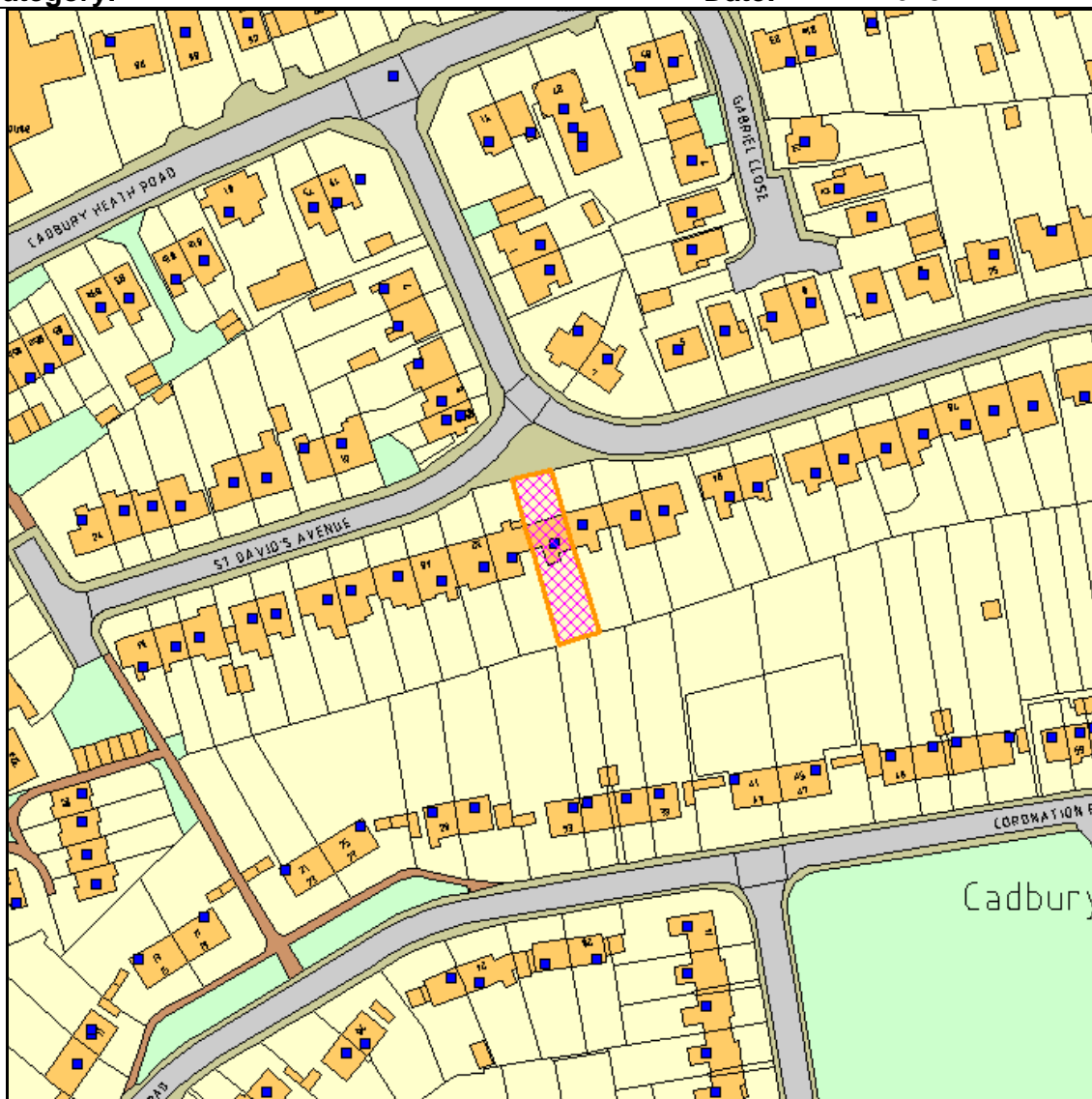
Development shall be carried out in accordance with the agreed details.

Reason

In accordance with Policy 37 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) 2002, and Policy 1 of the West of England Joint Waste Core Strategy (Adopted) March 2011. This is a pre-commencement condition because the audit is necessary to establish prior to the demolition of the building.

CIRCULATED SCHEDULE NO. 01/16 – 8 JANUARY 2016

App No.:	PK15/4341/F	Applicant:	Mr Justin Brown
Site:	58 St Davids Avenue Cadbury Heath Bristol South Gloucestershire BS30 8DF	Date Reg:	9th October 2015
Proposal:	Erection of single storey rear extension to provide additional living accommodation and erection of rear decked area with 2.25 metre fence	Parish:	Oldland Parish Council
Map Ref:	366525 172324	Ward:	Parkwall
Application Category:	Householder	Target Date:	1st December 2015



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008.

N.T.S.

PK15/4341/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule for determination to take into account the comments of the Parish Council which could be construed as an objection; the officer recommendation is for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey rear extension and raised area of decking at a semi-detached property on St Davids Avenue, Cadbury Heath. In order to mitigate the impact of the proposed development, a fence of 2.3 metres is required. This requires planning permission in its own right and has therefore been added to the description of development (and a period of consultation undertaken).
- 1.2 A drop in land levels occur across the site with the highest land at the front and the lower land at the rear. At present there is an existing raised area immediately to the rear of the property. The proposed extension would be erected on this area and a new raised deck created beyond the proposed extension.
- 1.3 The site is located within the existing urban area. The site is also in the coal referral area but this does not act as a constraint for this type of application.

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
CS9 Managing the Environment and Heritage

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

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history on this site

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
Request a site visit to assess the possible effects of the elevated decking on adjacent properties

Other Representations

- 4.2 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for a rear extension and raised decking area at a semi-detached property in Cadbury Heath.
- 5.2 Principle of Development
Extensions and alterations to existing dwellings are broadly supported by policy H4 of the Local Plan subject to an assessment of design, amenity and transport. Therefore the proposal is acceptable in principle but should be determined against the analysis set out below.
- 5.3 Design
The proposed extension would project 3 metres from the rear elevation. The extension has a lean-to roof and the eaves would stand 3 metres from ground level. Externally, the extension will be finished in a render and tiles to match that on the main dwelling.
- 5.4 The proposed decking stands a maximum of 0.4 metres above ground level. Planning permission is required for the decking as a maximum raise above ground level of 0.3 metres is allowed as permitted development.
- 5.5 The design and appearance of both the extension and the decking are considered to respect the character and appearance of the existing dwelling. It is not considered that harm to the visual amenity of the locality would occur as a result of this development.
- 5.6 Residential Amenity
Development should not be permitted that would have a prejudicial impact on residential amenity. The amenity of the application site and all nearby occupiers should be considered.
- 5.7 It is not considered that the proposed extension would have a significant or demonstrable impact on the residential amenity of either the application site or nearby occupiers. The proposed extension is located on the southern elevation and although on the boundary with no.56 is separated from no.60 by a pair of single garages. The extension is not considered to result in a loss of outlook, light or privacy.
- 5.8 The area of raised decking has the potential to result in an impact on the amenities of neighbouring properties. It should be noted that the site is within a suburban residential area where there is a degree of overlooking between gardens from upper floor windows. However, the decking has the potential to allow more direct overlooking at ground level than would be reasonable to expect.

5.9 In order to address this a revised plan has been submitted which indicates that a fence of 1.8 metres in height (when measured from the finished surface of the raised deck) shall be installed. The proposed fence is adequate to protect privacy and its installation shall be secured through an appropriate planning condition.

5.10 Transport and Parking

The proposed development does not alter the existing level of parking provision or increase demand for parking at the property (as it does not increase the number of bedrooms). Therefore the proposed development is not considered to have a material impact on transport and parking and the existing provision is adequate.

5.11 Other Matters

The Parish have suggested that a site visit should be undertaken. The case officer visited the site on 22 October 2015 to assess the proposal in the context of the site. The recommendation below is formed following a full assessment of the site.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended that planning permission is GRANTED subject to the conditions listed below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

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

Reason

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

3. Prior to the first use of the raised decking hereby approved, the fence along the western boundary of the site as shown on plans 04A and 05A received by the Council 10 December 2015, shall be fully installed and thereafter retained.

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. 01/16 – 8 JANUARY 2016

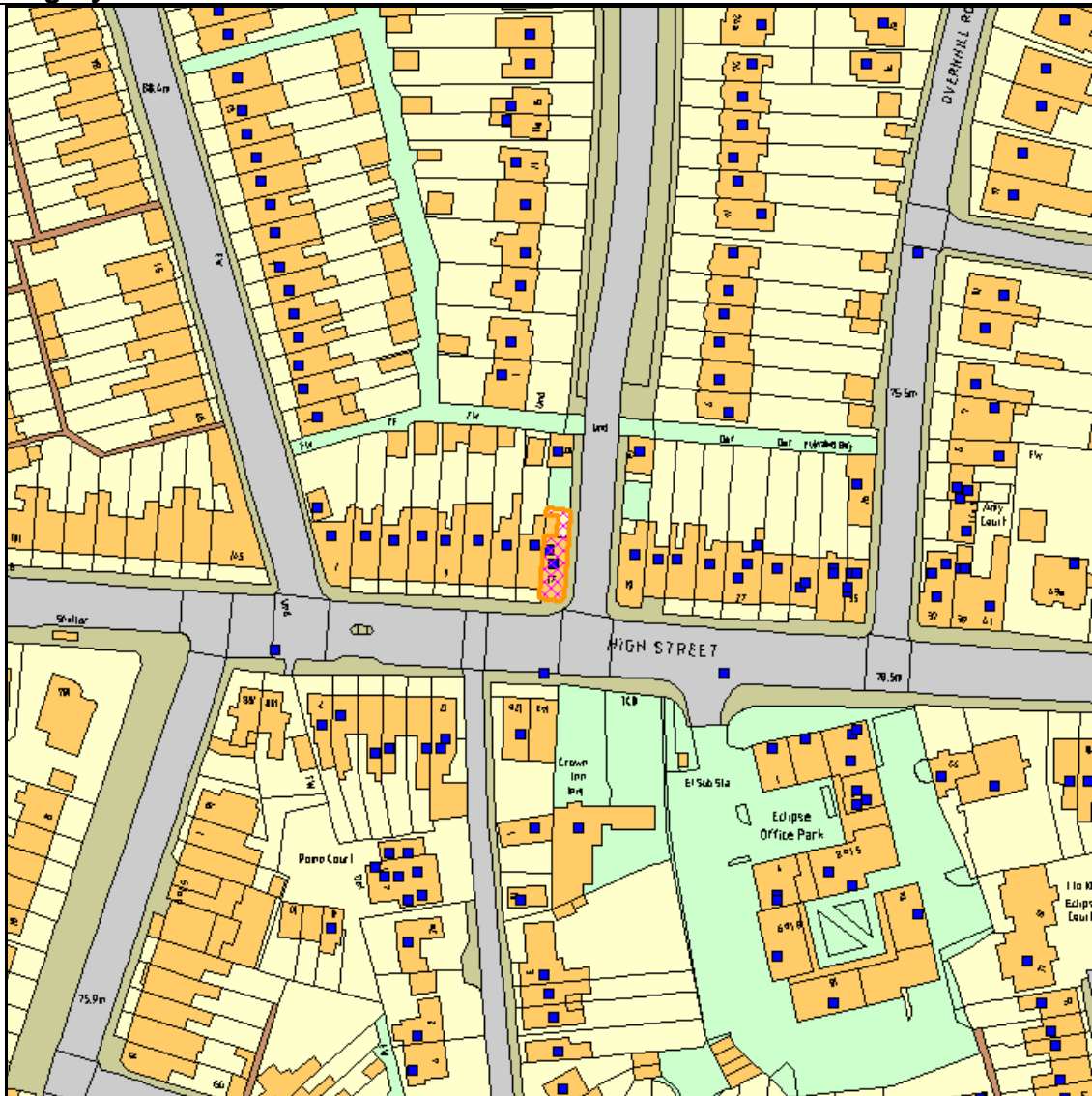
App No.: PK15/4736/CLE
Site: 17A High Street Staple Hill South
 Gloucestershire BS16 5HA
Proposal: Application for a certificate of
 lawfulness for the existing use as a first
 floor residential flat (Class C3) as
 defined in Town and Country Planning
 (Use Classes) Order 1987 (as
 amended).

Applicant: Mr Ian Hardy
Date Reg: 5th November 2015

Parish: None

Map Ref: 364379 175973
**Application
 Category:**

Ward: Staple Hill
**Target
 Date:** 29th December 2015



© South Gloucestershire Council 2007 all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008.

N.T.S.

PK15/4736/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawful Existing Use or Development (CLEUD) and therefore under the Council's current scheme of delegation must appear on the Circulated Schedule.

1. THE PROPOSAL

- 1.1 The application comprises a Certificate of Lawfulness submitted under Section 191 (1) of the Town and Country Planning Act 1990 as amended by S.10 of the Planning and Compensation Act 1991 in respect of the first floor of no. 17A High Street, Staple Hill, South Gloucestershire, BS16 5HA.
- 1.2 The application relates to the first floor of no. 17A High Street within Staple Hill, the ground floor is currently utilised in an A2 use, however, recently planning permission was granted to use the ground floor unit as a residential flat (planning ref. PK15/4734/F).
- 1.3 The applicant submits that the first floor and rear car parking space has in fact been occupied as a separate residential dwelling unit (a flat), in for a continuous period in excess of 4 years. To gain a formal opinion as to whether this use is lawful, the applicant seeks a Certificate of Lawful Existing Use for the first floor as a separate residential unit.
- 1.4 Notwithstanding this, officers are mindful that when the use of the first floor is suggested to have changed from an A2 (financial and professional) use to a residential use, it was likely that such a change would have been considered to be permitted development. Indeed, Schedule 2, Part 3, Class G(C) of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits the change of use from Class A2 to a mixed use of any purpose within Class A2 and up to two flats. With this in mind, the use of the first floor as a residential unit is likely to be lawful, nonetheless, officers will proceed to assess the application as submitted.
- 1.5 Over the course of the application the red edge was changed to just include the first floor flat and a bin store; the reasoning for this is within the body of the remaining report.

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: Section 39
Town and Country Planning (Use Classes) Order 1987 (as amended).
Town and Country Planning (General Permitted Development) (England) Order 2015
National Planning Practice Guidance March 2014

2.2 Development Plans

The application is for a Certificate of Lawfulness for the existing use of a first floor residential flat (Class C3). The application therefore seeks to demonstrate that the building has been used as a separately occupied dwelling for a period in excess of four years prior to the date of submission (i.e. since 30th October 2011), although the agent has stated the first floor has been utilised as a residential flat since the 14th May 2011.

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|---|--------------------------|------------|
| 3.1 | PK15/4734/F | Approve with Conditions | 17/12/2015 |
| | Change of use from financial (Class A2) to 1no. ground floor residential flat (Class C3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) with exterior alterations. | | |
| 3.2 | PK02/0652/F | Approve with Conditions | 22/04/2002 |
| | Change of used of ground floor from retail (A1) to office (A2) and first floor from residential (C3) to office (A2). | | |
| 3.3 | PK01/3090/F | Refusal | 16/01/2002 |
| | Change of use of ground floor from retail (A1) to offices (A2) and first floor from residential (C3) to offices (A2). | | |
| 3.4 | P99/4353 | Refusal of Full Planning | 03/12/1999 |
| | Change of use from retail (A1) and residential (C3) to retail (A1) with offices at first floor. Erection of single storey rear extension to provide office accommodation and new garage. | | |

4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION

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

4.1 **Information submitted by the Applicant**

ASSURED SHORTHOLD TENANCY AGREEMENT

- A tenancy agreement to rent the first floor flat (no. 17A High Street) dated 19/08/2011; commencing from the 19/08/2011 for a 6 month period;
- A tenancy agreement to rent the first floor flat (no. 17A High Street) dated 15/03/2013; commencing from the 21/03/2013 for a 6 month period;
- A tenancy agreement to rent the first floor flat (no. 17A High Street) dated 30/01/2014; commencing from the 01/02/2014 for a 6 month period;
- A tenancy agreement to rent the first floor flat (no. 17A High Street) dated 30/08/2014; commencing from the 01/09/2014 for a 6 month period;

SOUTH GLOUCESTERSHIRE COUNCIL: TAX BILL

- Council tax bill dated the 09/05/2011, for the period of 01/04/2011 to 31/03/2012.

VALUATION LETTER WITH REGARD TO COUNCIL TAX

- Assessment for the band of Council Tax for the first floor flat, dated 09/05/2011.

EMAIL FROM AGENT

- The agent provided the tenants names and dates of the tenancy period:
 - ☐ 09/08/11 – 16/02/13 N.Davis & A. Kumari
 - ☐ 21/03/13 – 28/01/14 C. Gillam
 - ☐ 01/02/14 – 31/08/14 D.Curtis & Z. Hardy

4.2 Information accumulated by the Local Planning Authority

COUNCIL TAX DEPARTMENT

- A Revenues Officer from the Council has stated the following with respect to the unit for the period of 2011 to date:
 - ☐ *'I can confirm the property 17A High Street, Staple Hill, South Gloucestershire, BS16 5HA is a domestic property and was brought into the Council Tax valuation list on the 1st April 2011 (Council Tax Band A). Council Tax has been payable by a liable person since the 1st April 2011, and my records show this property is still being used for domestic purposes to date'.*
 - ☐ *'The property 17A High Street was let to a number of different tenants and Council Tax was paid throughout. There were periods in-between tenancies where the property was unoccupied.'*

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 No contrary evidence has been submitted with regard to this application.

6. OTHER CONSULTATIONS

- 6.1 Local Councillor
No response

- 6.2 Downend and Bromley Heath Parish Council
No comment as not within our parish.

- 6.3 Sustainable Transport
No comment.

Other Representations

- 6.4 Local Residents
No responses.

7. ASSESSMENT

7.1 S191(1) of the Town and Country Planning Act 1990 (TCPA) provides that a person may make an application to ascertain whether:

- Any existing use of buildings or other land is lawful.
- Any operations which have been carried out in, on over or under land are lawful.
- Any failure to comply with any condition or other limitation subject to which planning permission was granted is lawful.

7.2 As there was no planning permission for the use of the first floor of the building as a separate residential unit the relevant question is 2.1.1 as set out above. S191(2) TCPA sets out the grounds on which the use to be considered would be deemed lawful, including that no enforcement action could be taken either because the operation did not involve development or require planning permission or because the time for taking enforcement action had expired.

7.3 The time limits for taking enforcement action are set out in s171B TCPA. The period for change of use of a building to use as a dwelling house is 4 years (s171B(2)). There is an exception to this, set out in s171BA-BC. This applies where the breach of planning control has been concealed such that the LPA could not have been aware of the breach and taken enforcement action within the prescribed period. In such cases the LPA has six months, beginning on the date when it had sufficient evidence to apply to the Magistrates' Court for a planning enforcement order enabling it to take enforcement action against the breach.

7.4 Dealing with the latter point, there are no enforcement notices relating to this property. Further to this, as outlined within paragraph 1.4 it is likely that the use of the first floor as a residential unit is lawful, as the change of use would have been permitted development.

7.5 Nonetheless, the issues to be considered in this case are therefore:

- a. Were the works to the building to render it a self-contained separate unit of accommodation completed 4 years or more before 30th October 2015 i.e. receipt of the application?
- b. Has the building been occupied continuously as a separate residential unit since that time to the present?
- c. Was there any attempt to conceal any aspect of the use in this case such that the LPA could apply for a planning enforcement notice?

7.6 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is "on the balance of probability". Advice contained in Planning Practice Guidance states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. "beyond reasonable doubt." Furthermore, the applicant's own

evidence need not be corroborated by independent evidence in order to be accepted. Further to this, the Planning Practice 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'.

- 7.7 The planning merits of the development are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant's version of events less than probable, should be taken into account.
- 7.8 When were the works to convert the building to a separate residential unit completed?
The applicant has submitted a Council Tax bill dated 09/05/2011 for the period of 01/04/2011 to 31/03/2012; this was confirmed by a Revenues Officer of the Council. As well as this, a Valuation Letter with regard to entering the unit into the Valuation List as a residential unit for Council Tax has been submitted, dated 09/05/2011.
- 7.9 Further to this, a shorthold tenancy agreement has been submitted in support of this application. This tenancy agreement is dated the 19/08/2011 and is for a period of 6 months commencing from the 19/08/2011.
- 7.10 Given that there is no evidence to the contrary and that the relevant tenancy agreement and the submitted Council Tax information are compliant with each other, it is likely on the balance of probability that the works to convert the first floor unit into a residential flat were completed before the 30/10/2011.
- 7.11 Period of occupation.
The Applicant claims that the first floor unit has been utilised as a residential flat for a continuous period since the 01/04/2011- this date of habitation is consistent with that of the aforementioned Council Tax bill, and officers are satisfied that the unit was in a residential use at this date. However, officers must be satisfied that the unit been occupied continuously as a separate residential unit since 30/10/2011 to the present i.e. that the first floor has been in a continuous residential use for four years since the application was received.
- 7.12 The submitted Assured Shorthold Tenancy Agreements provide evidence that the unit was occupied as a residential unit for the following period:
- 19/08/2011 – 19/04/2012;
 - 15/03/2011 – 21/09/2013;
 - 30/01/2014 – 01/08/2014;
 - 30/08/2014 – 01/03/2015.

- 7.13 This leaves an element of ambiguity where the unit appears to be uninhabited, although the agent has stated that there has been tenants within the unit for the period outlined below:
- 09/08/2011 – 16/02/2013;
 - 21/03/2013 – 28/01/2014;
 - 01/02/2014 – 31/08/2014.
- 7.14 Officers attach limited weight to this unsworn statement by the agent, as there are no tenancy agreements to support the residential occupation of the unit as stated above. However, officers are mindful that the names of the tenants given by agent in connection with the time periods stated above correspond with the submitted 6 month tenancy agreements. From this officers conclude that it is likely that the tenants may have lived within the unit for a period of longer than 6 months without signing a further tenancy agreement. Nonetheless, this list of dates and tenants submitted by the agent does not attract enough weight to demonstrate that the unit has been in a continuous residential use for the period of time suggested above.
- 7.15 However, a Revenues Officer from the Council has stated that: *'Council Tax has been payable by a liable person since the 1st April 2011, and my records show this property is still being used for domestic purposes to date'*. Further to this, the Revenues Officer stated that *'The property 17A High Street was let to a number of different tenants and Council Tax was paid throughout [since the 01/04/2011]. There were periods in-between tenancies where the property was unoccupied'*.
- 7.16 Accordingly, officers are satisfied that although there have been periods where the flat has been unoccupied, the flat has been in a continuous residential use. It is not unusual or unexpected for a residential flat go through periods where it is not occupied, such is the nature of the rental market. Further to this, these periods where the flat has not been occupied are not considered to cause the flat to 'fall out' of a residential use.
- 7.17 Overall, the LPA has not received any evidence to suggest the flat has not been in a continuous residential use. In-keeping with the submitted tenancy agreements and written statement from the agent; the Council's Revenues Officer has stated that there has been a number of tenants since the 01/04/2011 to date who have paid Council Tax for the property. Accordingly, on the balance of probability officers are satisfied that since the 01/04/2011 to the date of the submission of this application for a certificate of lawfulness, the first floor unit has been occupied as a separate residential dwelling unit (a flat), in breach of planning control.
- 7.18 Was there Deliberate Concealment?
Officers are convinced that there has been no effort to deliberately conceal the use of the first floor of the unit. Further to this, the unit was registered to pay Council Tax, if the Applicant was aiming to conceal the use of the unit, officers would not expect such an action by the Applicant.

7.19 Red Line

Originally, the submitted site plan contained the first floor flat; a single storey rear extension; the bin storage area and also the car parking area at the rear. The evidence submitted provides no information to suggest the car parking area at the rear of the site was utilised for car parking. Indeed, the submitted tenancy agreements together with the other submitted information makes no reference to the car parking area, whereas the tenancy agreements all make references to the bin storage area at the rear of the site. As well as this, the red line included the ground floor single storey rear extension, this is not part of the first floor flat. Accordingly, the officer requested that the red line be changed to just include the bin storage area, and to exclude the car parking area and also the single storey ground floor rear extension. The agent obliged to this and submitted an amended site plan (red edge) reflecting the officers request.

7.20 Permitted Development

Further evidence that the use of the first floor flat is lawful, is that the building as a whole can change from an A2 use, to a mixed use involving and A2 use and up to two flats. Accordingly, the use of the first floor as a residential unit, and the ground floor as an A2 unit is considered to be lawful. This further contributes weight to the claim that the lawful use of the first floor unit is a residential use.

8.0. CONCLUSION

8.1 The submitted evidence covers the relevant 4-year period prior to receipt of the application and beyond.

8.2 Although the submitted evidence is not conclusive, and there is an element of ambiguity as to if the unit was constantly occupied throughout the relevant 4-year period, officers are satisfied that the unit was still in a residential use as a flat since the 01/04/2011. There is no contradictory evidence from third parties or from the Council's own records to make the applicant's version of events less than probable. Furthermore there is sufficient evidence to suggest that the building has been used as a separate dwelling (flat) for more than 4 years prior to the receipt of this application.

8.3 As stated within the report, it is likely that the change of use of the first floor to a residential use would have likely been permitted development. Indeed, Class G of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order permits such a change. This further adds weight to the conclusion that the residential use of the first floor flat is lawful.

8.4 In the absence of any contrary evidence, it is considered that on the balance of probability the evidence provided by the Applicant/Agent together with Council's evidence is sufficient in supporting the Applicant's claim that the first floor unit has been utilised as a residential flat for a continuous period exceeding 4 years. Further to this, the change of use is also considered to be permitted development.

9. **RECOMMENDATION**

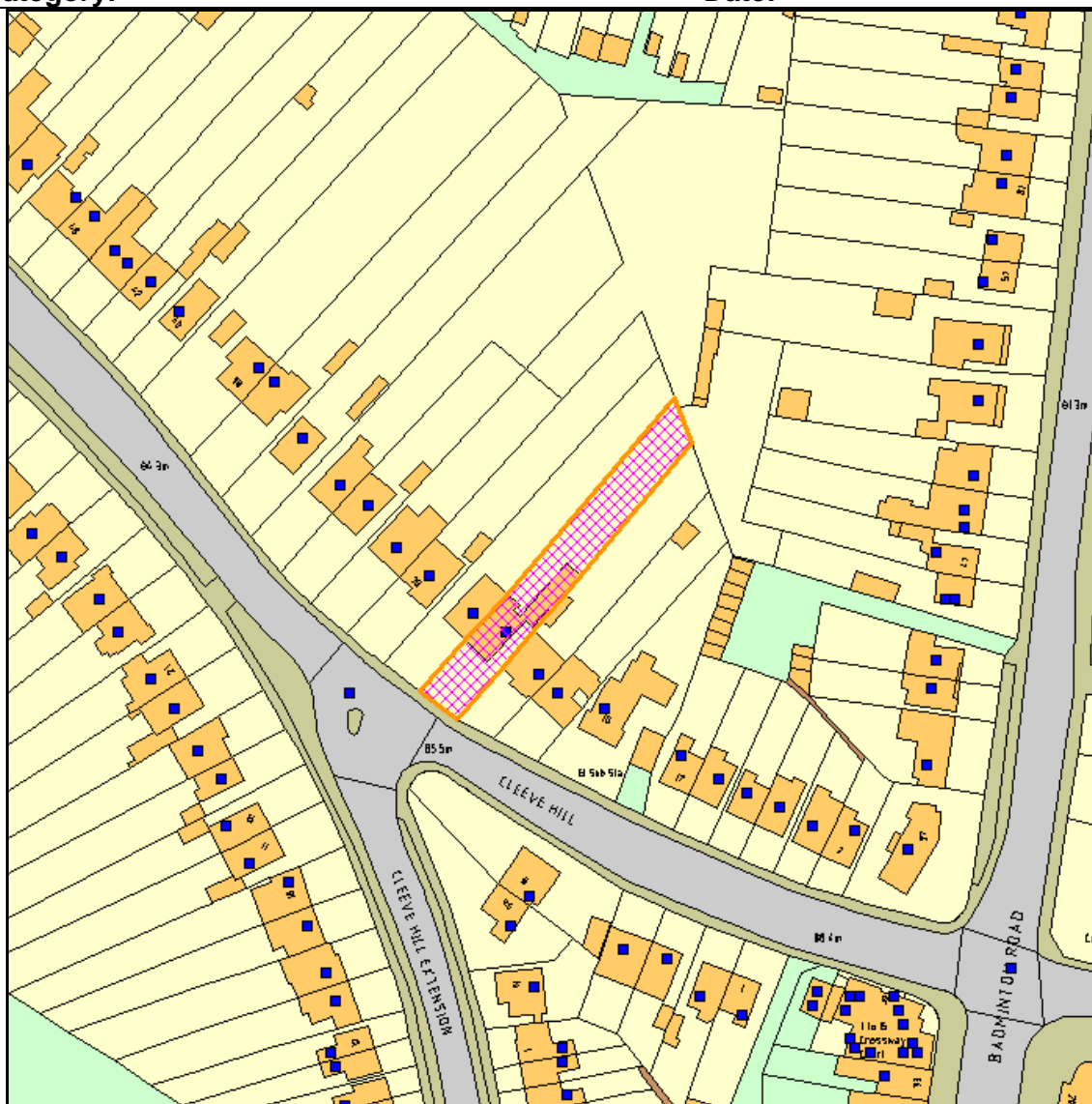
- 9.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of the first floor for residential (C3) purposes as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) for the following reason:

Sufficient information has been submitted to demonstrate that, on the balance of probability, the first floor of the building shown enclosed in red on the submitted plan has been present and occupied as a separate residential dwelling (Use Class C3) for a continuous period of 4 years or more immediately prior to the submission of the application. Further to this, the use of the first floor as a residential flat is lawful as the change of use from an financial use (Use Class A2) to a residential use (Use Class C3) is considered to be permitted development.

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 01/16 – 8 JANUARY 2016

App No.:	PK15/4787/CLP	Applicant:	Mr Glynn Ashton
Site:	22 Cleeve Hill Downend Bristol South Gloucestershire BS16 6HN	Date Reg:	27th November 2015
Proposal:	Certificate of Lawfulness Proposed installation of rear and side dormer to form a loft conversion.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365064 176919	Ward:	Downend
Application Category:		Target Date:	21st January 2016



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PK15/4787/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a side and rear dormer window at no. 22 Cleeve Hill, Downend would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.
- 1.3 After reviewing the property's planning history for the site, it is clear that the relevant householder permitted development rights are intact and are, therefore, exercisable.
- 1.4 For clarity, the proposed elevations show a rooflight which currently does not exist. The submitted details within the application form do not contain any information to suggest that this rooflight should be assessed under this application. Therefore, the rooflight shown on the proposed elevations is not considered to be part of this application for a certificate for proposed development.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990 section 192 Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class B.

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/0160/F Approve with Conditions 18/02/2015
Erection of single storey rear extension, conversion of existing garage and alterations to existing annexe to provide additional living accommodation.
(Amendment to previously approved scheme PK14/3141/F).
- 3.2 PK14/3141/F Approve with Conditions 14/10/2014
Erection of single storey rear extension, conversion of existing garage and alterations to existing annexe to provide additional living accommodation.

- 3.3 PK06/2623/F Approve with Conditions 26/10/2006
Erection of single storey rear extension to provide additional living accommodation.
- 3.4 PK02/1767/F Approve with Conditions 05/07/2002
Erection of single storey side and rear extension

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
Unable to comment as drawings were not supplied.
- 4.2 Councillor
No comment received
- 4.3 Planning Enforcement
No comment received

Other Representations

- 4.4 Local Residents
1 Letter of Objection received in relation to the following matters:
- Impact on neighbour's residential amenity by overlooking and loss of light.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location Plan – received on 26/11/2015.
Existing Elevations (1563-01); Proposed Elevations (1563-02) – both received on 17/12/2015.

6. ANALYSIS OF PROPOSAL

- 6.1 Principle of Development
The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.
- 6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B of the GPDO 2015.

- 6.3 The proposed development consists of the installation of a side and rear dormer window. This development would fall within Schedule 2, Part 1, Class B, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, provided it meets the criteria as detailed below:

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

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

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

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

The proposed dormer would sit 0.2 metres below the ridge of the existing roofline and, therefore, does not exceed the height of the highest part of the roof.

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

The principal elevation of no. 22 Cleeve Hill is the elevation that faces the Cleeve Hill highway. However, the proposed dormer window extends from the side roof elevation which does not form a principal elevation and does not front a highway.

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

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

(ii) 50 cubic metres in any other case;

The house is semi-detached and the cubic content of the resulting roof space would not exceed 50 cubic metres. The cubic content of the proposed dormer window would be approximately 43.28 cubic metres.

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

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

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

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

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

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

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

Conditions

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

–

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

The proposed dormer will be constructed from materials similar in appearance to the materials used on the existing roof. The proposed elevations indicate the flat roof of the dormer will be constructed from grey single ply roofing membrane or reinforced glass fibre, the face and side of the dormer will be finished with red hanging tiles to match the existing roof tiles, and the windows will be white UPVc double glazed casement windows to match the existing windows on the elevations of the original dwelling. The proposal, therefore, meets this condition.

(b) The enlargement must be constructed so that –

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

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

The proposed dormer would leave the original eaves of the dwellinghouse unaffected.

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

The edge of the proposed dormer closest to the eaves is set back by approximately 0.4 metres from the existing eaves.

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

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

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

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

The dormer window is proposed for a roof slope forming a side elevation of the dwellinghouse and the proposed elevations indicate the windows will be obscure glazed and non-opening. The proposal, therefore, meets this condition.

7. RECOMMENDATION

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

Evidence has been provided to demonstrate that the proposed extension would be allowed as it is considered to fall within the permitted rights afforded to householders under Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015.

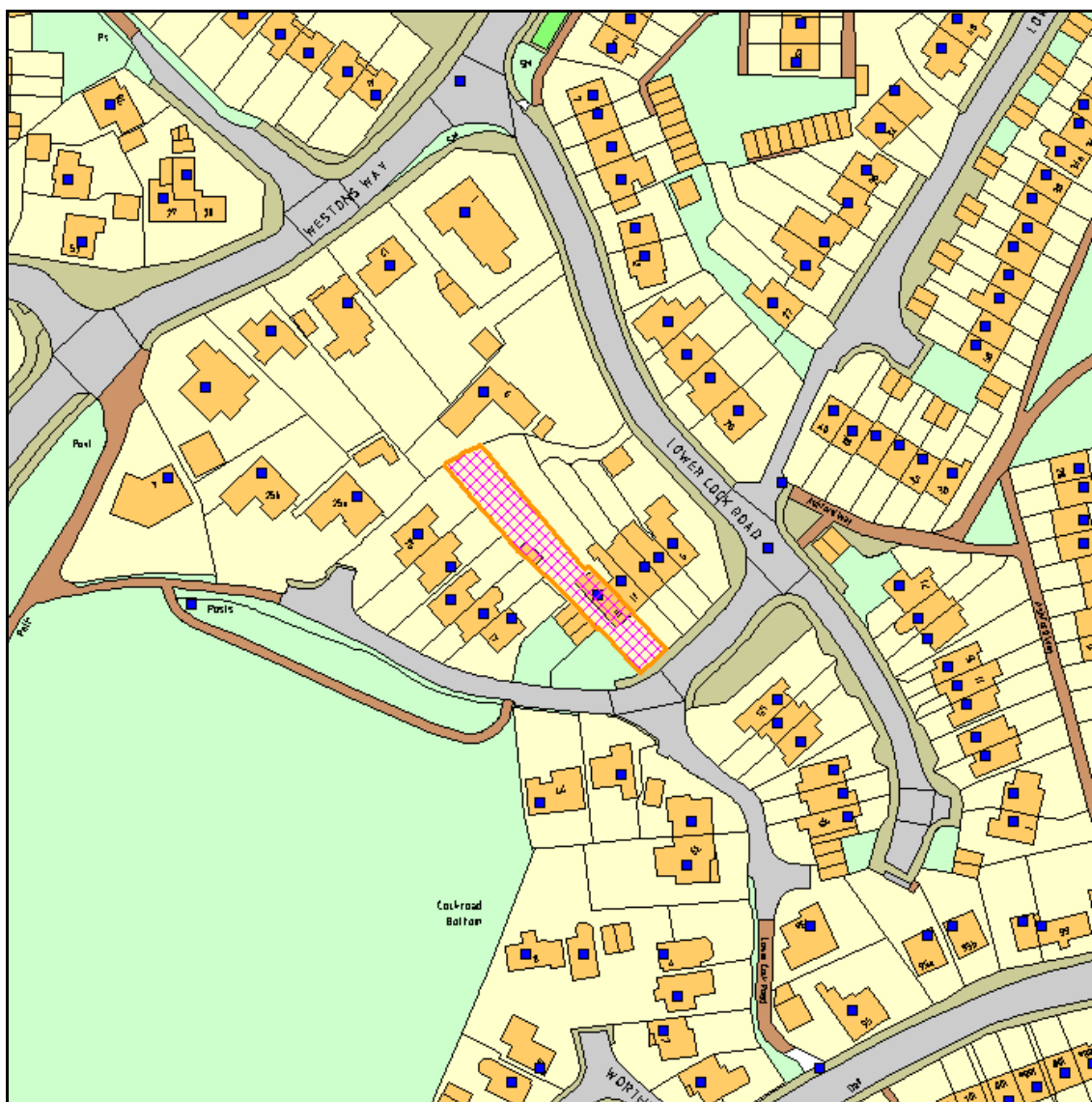
Contact Officer: Helen Braine
Tel. No. 01454 868388

CONDITIONS

1. Evidence has been provided to demonstrate that the proposed extension would be allowed as it is considered to fall within the permitted rights afforded to householders under Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015.

CIRCULATED SCHEDULE NO. 01/16 – 08 JANUARY 2016

App No.:	PK15/4874/F	Applicant:	Mr N Clark
Site:	15 Lower Cock Road Kingswood Bristol South Gloucestershire BS15 9RS	Date Reg:	12th November 2015
Proposal:	Erection of two storey and single storey side and rear extensions with installation of Juliet balcony to provide additional living accommodation.	Parish:	None
Map Ref:	365939 173083	Ward:	Woodstock
Application Category:	Householder	Target Date:	7th January 2016



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008.

N.T.S.

PK15/4874/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of two letters of objection from neighbouring residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of two storey and single storey extensions with a Juliet balcony to the side and rear to form additional living accommodation.
- 1.2 The application relates to an end of terrace dwelling located within the defined settlement boundary of Kingswood.
- 1.3 During the course of the application, amended plans have been received to alter the proposal. The scheme initially included a large, hipped roof, two storey extension at the rear of the dwelling. At the advice of your officer, this element has been removed from the scheme and is no longer for consideration. Reconsultation has been carried out on the amended plans.

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

South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies

H4 Development within Existing Residential Curtilages

T12 Transportation

2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013

Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

3.1 None

4. CONSULTATION RESPONSES

4.1 Sustainable Transport

The bedrooms within the dwelling will increase to four after development.

Vehicular parking for a dwelling is assessed on the number of bedrooms available. A four-bed dwelling would require a minimum of two parking spaces. Each space should measure at least 2.4m wide by 5.3m deep and be provided within the site boundary. No detail has been submitted on the proposed vehicular parking after development.

Subject to a revised plan showing vehicular parking as detailed above, there is no transportation objection to the proposed development.

Other Representations

4.2 Local Residents

One letter of support and two letters of objection have been received through the course of the application. A summary of the points raised is as follows:

- Foundation work for extension may undermine the adjacent linked garages
- Overbearing
- Overshadows primary living areas and garden
- Proposed first floor windows and balcony will cause loss of privacy

5. ANALYSIS OF PROPOSAL

5.1 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 achieved. 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.

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.

5.2 Design and Visual Amenity

Lower Cock Road consists of a variety of property types, but the age and character of the dwellings is comparable. Importantly, the host dwelling is part of a row of small terraces retaining a strong uniform character set in long, narrow plots. As initially submitted, the officer raised a number of concerns about the proposal – in particular, the design of the two storey rear and side extension. In response to this, amended plans have been received to address and overcome these concerns.

The design of the two storey rear and side extension is considered appropriate having regard to design, height and form of the existing dwelling. Through negotiation, the extension would be covered with a gable roof, the two storey element will be set back 2.8 metres from the rear of the dwelling and a side entrance is introduced. Although the eaves height is low from the front elevation, given that it is located on the rear of the property and is not readily visible from the public realm, this is not of significant concern.

The single storey rear extension is also of a very simple design and is in keeping with the scale and design of the existing dwelling. Both extensions will be finished in materials to match the existing and will integrate successfully.

As such, all elements of the proposal are considered to be in accord with the aims and objectives of Policy CS1 of the Core Strategy and Policy H4 of the adopted Local Plan.

5.3 Residential Amenity

The dwelling is located on an established residential street with neighbouring properties to each elevation. Two windows are introduced in the front elevation and a large set of bi-folding doors are to be inserted in the rear elevation, but these are both considered not to cause an unacceptable loss of privacy to the dwellings to the front and rear as the neighbouring properties to these elevation are of a suitable distance and orientation from the host dwelling.

It is also noted that a Juliet balcony is to be inserted in the rear elevation. It has been raised in one of the letters of objection that this would have an unsatisfactory impact on the residents to the side, no. 17 Lower Cock Road. In assessing the application, your officer is mindful that the dwelling to the side is at a noticeably higher level than the application property and is separated by a 1.8 metre panel fence. The proposed extension will also be approximately 13 metres from the rear of no. 17. Through negotiation, the two storey element has been set back and the proposal would not project further from the rear of the property than the proposed bedroom. Given these factors, it is not considered that the balcony in the rear elevation would result in any unacceptably greater levels of overlooking than would exist from first floor windows.

A further objection was received from the same neighbouring occupier whom is concerned that the proposal would cause loss of light and have an overbearing impact on no. 17. It is worth drawing attention to the fact that the two storey element has been set back and while the extension would be closer to the boundary of the curtilage, it would only project 1.1 metres further to the rear than the existing two storey rear extension. Similarly, due to the existing extension, the proposal is not expected to materially reduce the levels of natural light currently enjoyed or have a detrimental impact on no. 11 Lower Cock Road. Therefore, it is considered that the proposed development would not cause an unacceptable loss of light or any additional overbearing impact to any neighbouring dwellings. It is also notes that the dwellinghouse would have adequate amenity space remaining post development.

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 Transport and Parking

There is ample space on hard standing to the front of the property to meet the needs of the extended dwelling in accordance with the requirements of the Adopted Residential Parking Standards SPD.

5.5 Other Matters

In a letter of objection one of the neighbours raised an issue that the foundation work for the proposed extensions may undermine the adjacent linked garages. This issue is not applicable because foundation work is subject to satisfying the requirements of building regulations, not planning permission.

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

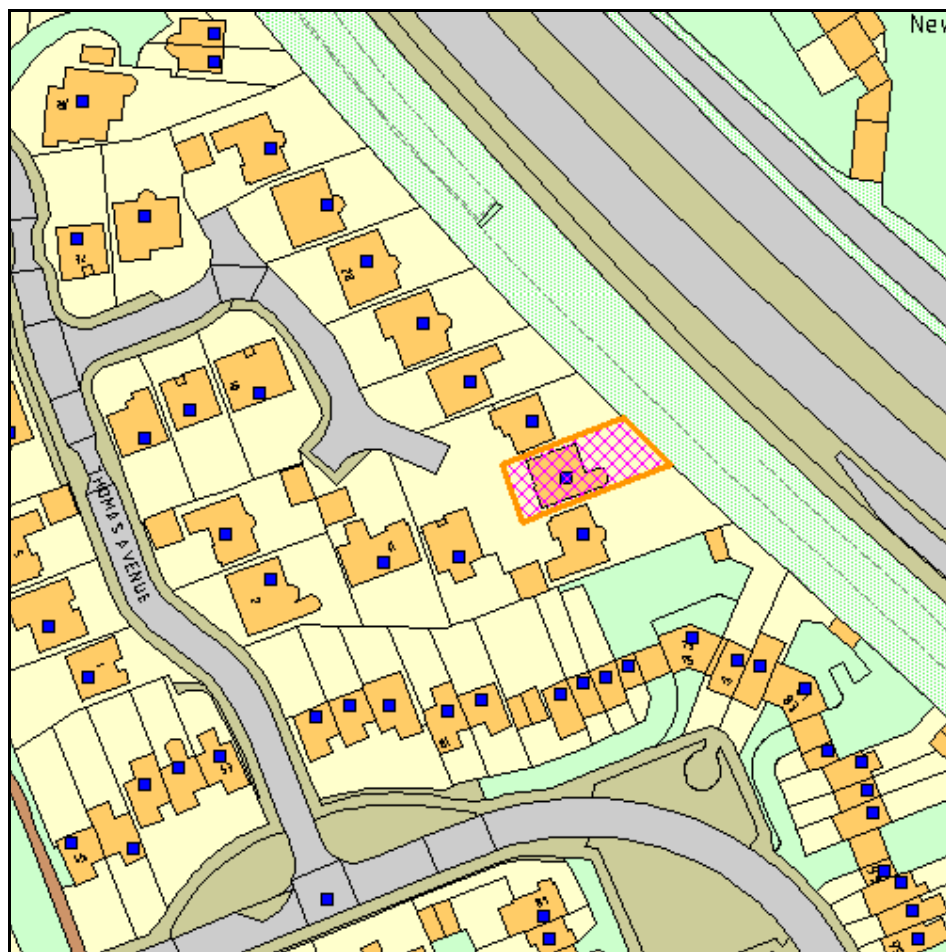
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 01/16 – 8 JANUARY 2016

App No.:	PK15/5022/CLP	Applicant:	Mr And Mrs Simon Wade
Site:	18 Thomas Avenue Emersons Green Bristol South Gloucestershire BS16 7TA	Date Reg:	24th November 2015
Proposal:	Application for a certificate of lawfulness for the proposed erection of a single storey rear extension.	Parish:	Emersons Green Town Council
Map Ref:	366963 177563	Ward:	Emersons Green
Application Category:		Target Date:	18th January 2016



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PK15/5022/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at no. 18 Thomas Avenue in Emersons Green would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General permitted Development) (England) Order 2015.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.
- 1.3 The permitted development rights are restricted in terms of the erection of walls, fences or other means of enclosure in front of dwellings fronting a highway and the retention of garages under ref. P96/4153, but are otherwise in tact.

2. POLICY CONTEXT

2.1 National Guidance

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

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

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|------------|---|------------|
| 3.1 | P96/4710/F | Approval Full Planning
Diversion and stopping up of footpaths | 07/02/1997 |
| 3.2 | P96/4153 | Approval of Reserved Matters
<i>Erection of 22 dwellings and associated works (reserved matters)</i> | 31/07/1996 |

Cond. 3:- Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, no walls, fences or other means of enclosure shall be erected, positioned or placed in

front of a wall of a dwelling which fronts onto a highway unless it is in accordance with the following guidelines.

Cond. 4:- Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1988, as amended, (or an Order revoking and re-enacting that Order), the garage(s) forming part of the dwellings(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles, and ancillary domestic storage, without the prior permission of the Local Planning Authority.

3.3 K7528 Approval of Outline Permission 05/10/1995
COMPREHENSIVE DEVELOPMENT FOR RESIDENTIAL/DISTRICT CENTRE/PUBLIC HOUSE /RESTAURANT/ROADS/FOOTPATHS/OPEN SPACE AND OTHER ASSOCIATED USES (OUTLINE). (Previous ID: K7528)3B/P/11.730

Cond 7:- The existing trees and hedgerows within the site shall be retained and shall not be felled, lopped or topped without the previous written consent of the Local Planning Authority. Any trees and hedgerows removed without such consent or dying, or becoming damaged or becoming diseased shall be replaced in the next planting season with trees and hedgerows of such size and species as may be agreed with the Local Planning Authority.

4. CONSULTATION RESPONSES

4.1 Emersons Green Town Council
No Objection

4.2 Councillor
No Comment

Other Representations

4.3 Local Residents
No Comments Received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Existing Ground Floor Plan (543167-15-1); Location Plan (543167-15-5); Supporting Diagram; Front Elevation Photograph – all received on 21/11/2015.

Proposed Ground Floor Plan (543167-15-2); Proposed Ground Floor Plan (543167-15-2); Existing Elevations (543167-15-3); Proposed Elevations (543167-15-4) – all received on 23/11/2015.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

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

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

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

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

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

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

The total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.

- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**

The height of the rear extension would not exceed the height of the roof of the existing dwellinghouse.

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

The height of the eaves of the rear extension would not exceed the height of the roof of the existing dwellinghouse.

- (e) **The enlarged part of the dwellinghouse would extend beyond a wall which—**
- (i) **forms the principal elevation of the original dwellinghouse; or**
 - (ii) **fronts a highway and forms a side elevation of the original dwellinghouse;**

The extension does not extend beyond a wall which fronts a highway or the principal elevation of the original dwelling house.

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

The application relates to a detached dwellinghouse. The proposed extension would extend 3 metres beyond the rear wall of the original dwellinghouse and have a maximum height of 3.2 metres (including roof lantern). The proposed development, therefore, meets these criteria.

- (g) **Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
- (i) **extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
 - (ii) **exceed 4 metres in height;**

Not applicable.

- (h) **The enlarged part of the dwellinghouse would have more than a single storey and—**
- (i) **extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
 - (ii) **be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**

The extension would be single storey.

- (i) **The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**

The extension would be within 2 metres of the boundary, however the eaves would not exceed 3 metres in height.

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

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

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

The development would not include any of the above.

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

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

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

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

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

The proposed plans indicate that the proposal will be finished with materials that match those used in the existing dwelling.

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

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

Not applicable.

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

Not applicable.

7. RECOMMENDATION

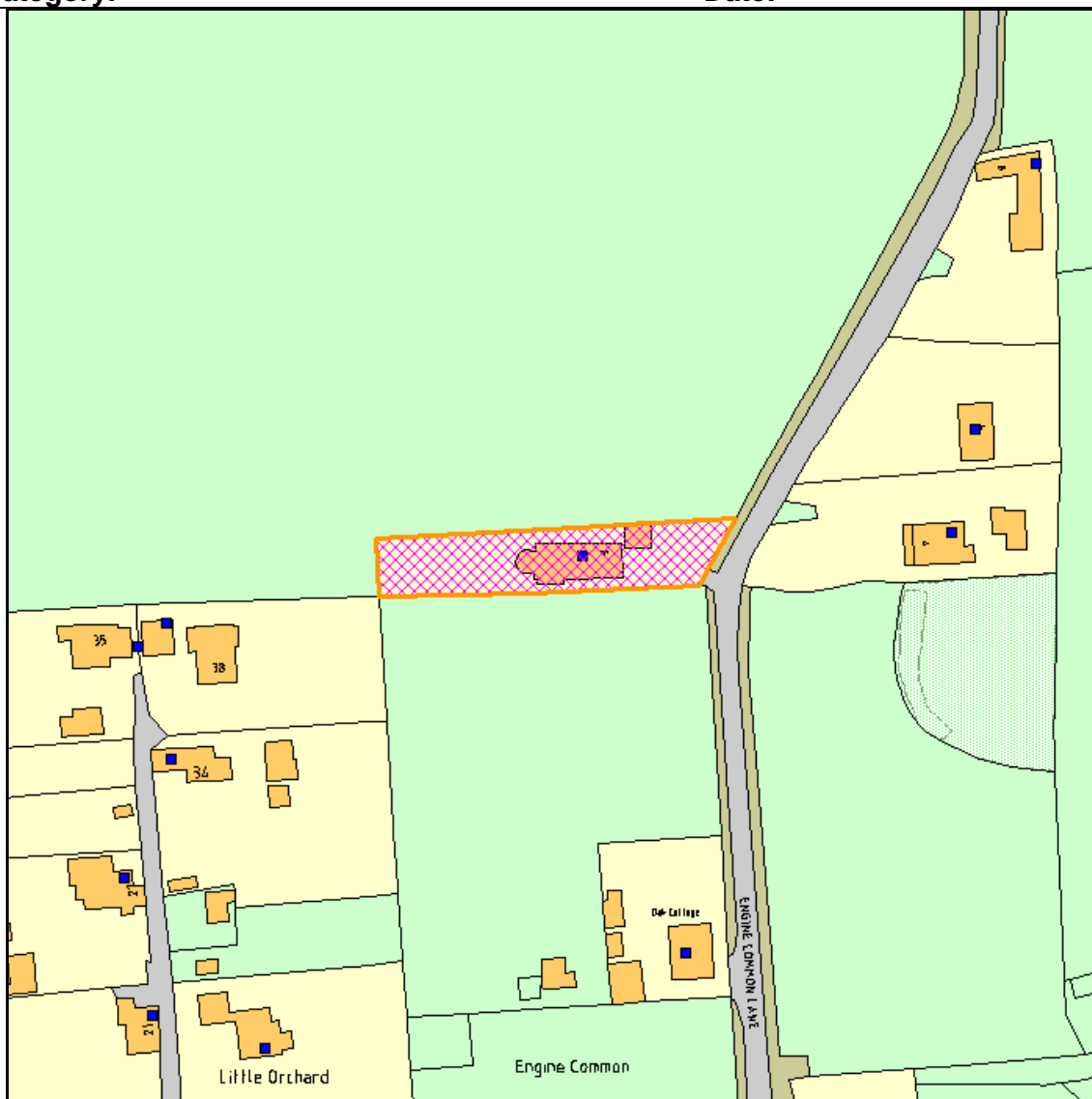
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed extension falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Helen Braine
Tel. No. 01454 868388

CIRCULATED SCHEDULE NO. 01/16 – 8 JANUARY 2016

App No.:	PK15/5128/CLP	Applicant:	Mr Peter Small
Site:	3 Engine Common Lane Yate Bristol South Gloucestershire BS37 7PU	Date Reg:	2nd December 2015
Proposal:	Application for a certificate of lawfulness for the proposed erection of single storey side extension, installation of dormer window, 7 no. roof lights and 2 no. flues	Parish:	Iron Acton Parish Council
Map Ref:	370045 183913	Ward:	Ladden Brook
Application Category:		Target Date:	26th January 2016



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008.

N.T.S.

PK15/5128/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as a matter of process. The application is for a certificate of lawfulness for a proposed development.

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed erection of a single storey side extension, installation of one dormer window, 7 no. roof lights and 2 no. flues at 3 Engine Common Lane Yate would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations. There is no consideration of planning merit, the decision is based solely on the facts presented.
- 1.3 The site is situated within a Site of Nature Conservation Interest (SNCI).

2. POLICY CONTEXT

- 2.1 This is not an application for planning permission. Thus it cannot be determined through the consideration of policies contained within the Development Plan; the determination of this application must be undertaken as an evidential test against the regulations listed below.
- 2.2 National Guidance
The Town and Country Planning (General Permitted Development) (England) Order 2015.

3. RELEVANT PLANNING HISTORY

- 3.1 P86/1680 Approval Full Planning 11/06/1986
Erection of double domestic garage.

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
No observation

Other Representations

- 4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The following evidence was submitted to the Local Planning Authority on 27 November 2015 –

Proposed elevations
Existing elevations
Proposed block plan
Proposed location plan
Existing plans
Proposed plans

6. **ANALYSIS OF PROPOSAL**

6.1 This application seeks a certificate of lawfulness for a proposed erection of a single storey side extension, installation of one dormer window, 7 no. roof lights and 2 no. flues at 3 Engine Common Lane Yate.

6.2 Principle of Development

An application for a Certificate of Lawfulness is purely an evidential test and is a formal way to establish whether or not the proposed development can be implemented lawfully without the need for planning permission. Thus there is no consideration of planning merit, the application is based on facts presented. The submission is not a planning application and therefore the Development Plan is not of relevance to the determination of this application.

6.3 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A (single storey side extension), Class B (dormer window), Class C (rooflights) and Class G (flues) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

6.4 Assessment of Evidence: Single Storey Side Extension

Schedule 2 Part 1 Class A allows for the enlargement, improvement or other alteration of a dwellinghouse, subject to meeting the following criteria:

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

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

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

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

The total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.

(c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The height of the single storey side extension would not exceed the height of the roof of the existing dwellinghouse.

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

The height of the eaves of the single storey side extension would not exceed the height of the eaves of the existing dwellinghouse.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which –**

- (i) forms the principal elevation of the original dwellinghouse; or**
- (ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The proposed single storey side extension would not extend beyond a wall that forms the principal elevation of the original dwellinghouse or a wall that fronts a highway and forms a side elevation of the original dwellinghouse.

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

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

The proposal is for a single storey side elevation, it does not extend beyond the rear wall of the original dwellinghouse, nor does it exceed 4 metres in height.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
- (ii) exceed 4 metres in height;**

Not applicable

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
- (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse**

The proposed extension would be single storey.

- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**

The proposed extension would not be within 2 metres of the boundary curtilage of the dwellinghouse.

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

The proposal does extend beyond a wall forming a side elevation of the original dwellinghouse, however it would not exceed 4 metres in height, have more than a single storey or have a width greater than half the width of the original dwellinghouse.

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

This application proposed the installation of two flues, these are to be considered against Class G of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

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

The application site is not situated within article 2(3) land.

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

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

The materials which will be utilised will be brick and concrete pan tiles, this is to match the original house.

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

This is not applicable for the proposed development.

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

This is not applicable for the proposed development.

- 6.5 The proposed single storey extension is **considered to comply** with Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 **and is therefore permitted development.**

- 6.6 Assessment of Evidence: Dormer Window

Schedule 2 Part 1 Class B allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to meeting the following criteria:

B.1

Development is not permitted by Class B if –

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

The dwellinghouse was not granted permission for use as a dwelling under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

The plans submitted indicate that the proposed works do not exceed the maximum height of the existing roof.

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

There are no alterations to the plain of the roof slope which forms the principle elevation of the dwellinghouse and fronts a highway.

- (d) **The cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by more than –**

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

(ii) **50 cubic metres in any other case'**

The volume increase of the alteration to the roofline will be circa 11.81 cubic metres. Therefore the resulting roof space will not exceed the cubic content raised in either d (i) or d (ii).

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

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

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

The proposed dormer window will not include any of the developments noted in e (i) or (ii). The application in general proposed the installation of

two flues, these are to be considered against Class G Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

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

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

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

–

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The applicant has indicated on the plans that the alteration to the roofline will be externally finished with roof tiles to match the existing. This condition is therefore satisfied.

(b) the enlargement must be constructed so that –

(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –

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

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

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

The proposed development is a hip-to-gable enlargement and joins the original roof, thus the development does not affect (b) (i) or (b) (ii).

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be –

(i) obscure-glazed, and

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

The submitted plan indicates that there are no windows being installed in the side elevation of the property. Therefore this condition is satisfied.

6.7 The proposed dormer window is **considered to comply** with Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 **and is therefore permitted development.**

6.8 Assessment of Evidence: Roof Lights

Schedule 2 Part 1 Class C allows for any other alteration to the roof of a dwellinghouse subject to meeting the following criteria:

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

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

The dwellinghouse was not granted permission for use as a dwelling under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

The proposed roof lights do not protrude more than 0.15 metres from the roofline.

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

The proposed rooflights do not exceed the highest part of the original roofline.

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

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

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

The proposed development does consist of (d)(i) however, these are to be considered against Class G of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Furthermore the proposal does not include any development mentioned in (d)(ii).

Development is only permitted by Class C subject to the following conditions:

- C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be –**

(a) Obscure-glazed; and

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

The proposal does not include any side elevation windows.

- 6.9 The proposed roof lights are **considered to comply** with Schedule 2 Part 1 Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 **and is therefore permitted development.**

6.10 Assessment of Evidence: Flue

Schedule 2 Part 1 Class G allows for the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

G.1 Development is not permitted by Class G if –
(a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)

The dwellinghouse was not granted permission for use as a dwelling under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

The height of the 2no. proposed flues do not exceed the highest part of the roof by 1 metre or more.

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

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the dwellinghouse.

The application site is not situated within article 2(3) land.

6.11 The proposed flues are **considered to comply** with Schedule 2 Part 1 Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 **and is therefore permitted development.**

7. RECOMMENDATION

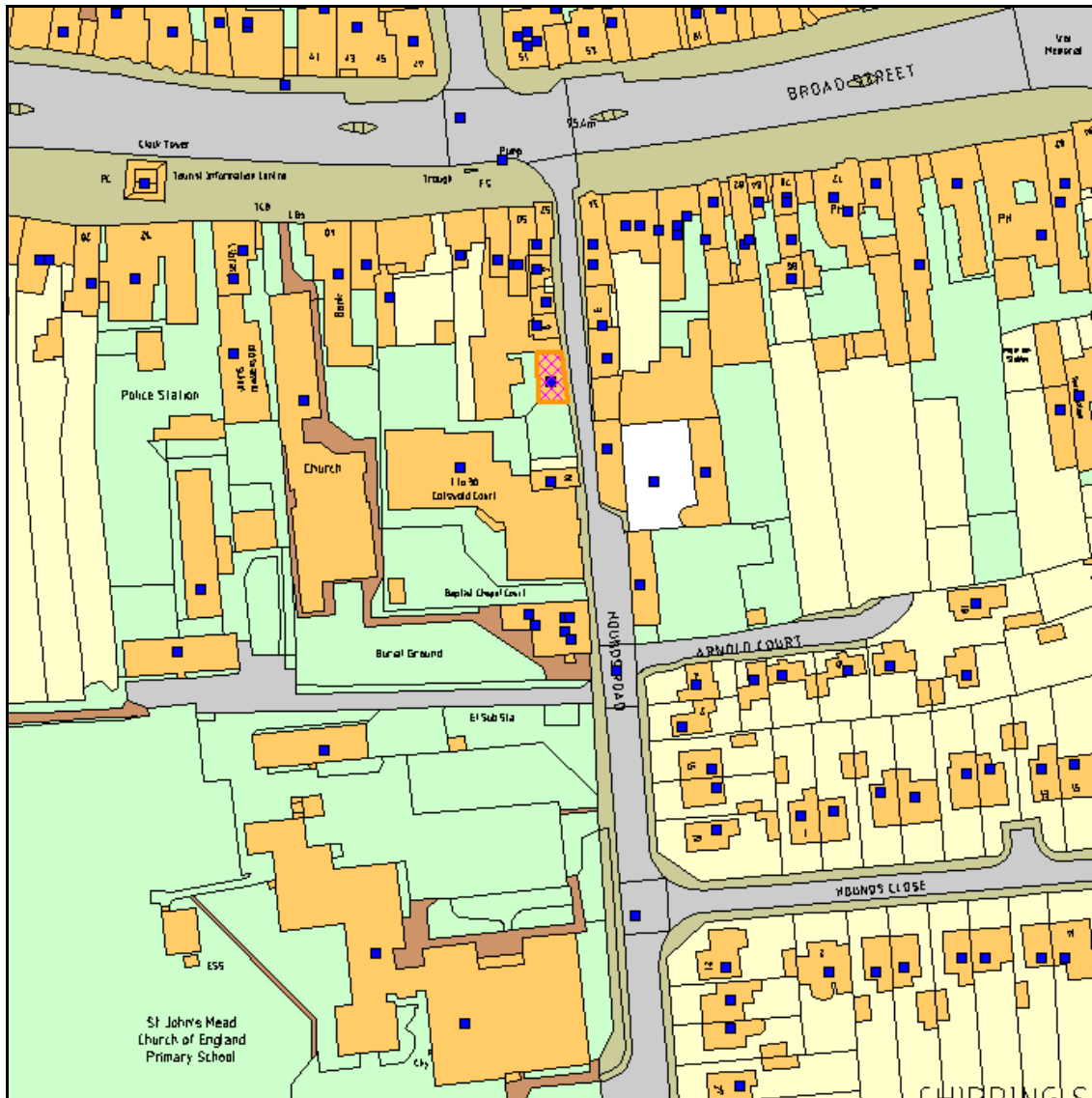
7.1 That a Certificate of Lawfulness for Proposed Development is **GRANTED** for the following reason:

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: Fiona Martin
Tel. No. 01454 865119

CIRCULATED SCHEDULE NO. 01/16 – 8 JANUARY 2016

App No.:	PK15/5149/F	Applicant:	Dr Chetan Agrawal
Site:	Dental Surgery 8 Hounds Road Chipping Sodbury Bristol South Gloucestershire BS37 6EE	Date Reg:	4th December 2015
Proposal:	Installation of 1 no. condensing unit with associated works.	Parish:	Sodbury Town Council
Map Ref:	372802 182160	Ward:	Chipping Sodbury
Application Category:	Minor	Target Date:	28th January 2016



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008.

N.T.S.

PK15/5149/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The planning application has been referred to the Council's Circulated Schedule procedure due to an objection received from a local resident.

1. THE PROPOSAL

- 1.1 The application seeks planning permission to install one condensing unit with associated works on the southern elevation of a dentist located within Chipping Sodbury.
- 1.2 The application site is a D1 use as defined in Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 within an established residential/commercial area of Chipping Sodbury.
- 1.3 The site lies within the Chipping Sodbury Conservation Area.

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
L1 Landscape Protection and Enhancement
L12 Conservation Areas
T12 Transportation

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
- 2.3 Supplementary Planning Guidance
Design Checklist Supplementary Planning Document (adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/0179/RVC Approve with Conditions 14/04/2015
Removal of condition B attached to previously approved planning permission N5710 dated 24 May 1979 to remove the requirement to provide a minimum of four car parking spaces.
- 3.2 N5710 Approve with Conditions 12/07/1979
Change of use of premises from residential to dental surgery.

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No objection, however it is recommended to limit the visibility of the unit from ground level as much as possible.
- 4.2 Environmental Protection
No objections in principle, however it is recommended that the stated cooling sound pressure is at 50/ 51 db.
- 4.3 Lead Local Flood Authority
No comment.
- 4.4 Highway Structures
No comment.
- 4.5 Sustainable Transport
No objection.
- 4.6 The Listed Building and Conservation Officer Natural and Built
No comments received.

Other Representations

- 4.7 Local Residents
One objection has been received from the owners of the land adjoining 8 Hounds Road to the south. The objection reason is because firstly the applicant only has access to this land for the 'purpose of inspecting, cleaning and maintaining and repairing those parts of the building erected' this is under the conveyance dated 11 August 1979 titled AV238250. Furthermore the proposed condensing unit will overhang the objectors land and it is suggested that the existing condensing unit was never installed, thus there is no precedent for condensing units.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy CS1 of the South Gloucestershire Core Strategy (adopted December 2013) exists to make sure developments enhance and respect the character, distinctiveness and amenity of the site and its context. The proposal shall be determined against the analysis below.
- 5.2 Design
The proposed condenser unit is to be located between the first and second floor on the north elevation of the retail unit next to the existing condenser unit, the objection received regards land located to the south of the property, whilst this objection is important, following correspondence with the agent it seems the proposal is not going to overhang the objectors land as the proposed

condensing unit will be on the north elevation. The proposed condenser unit will not be visible from the streetscene because the retail unit is attached and only the eastern elevation is visible. The proposal would only be visible from other retail units.

The applicant site is situated within the Chipping Sodbury Conservation Area, the location of the proposed condensing site will minimise the effect that the condensing unit might have on surrounding heritage assets. Thus the proposal is not considered to have a detrimental impact on the character of the area.

Accordingly the proposed condenser unit is considered to accord with policy CS1 of the adopted Core Strategy.

5.3 Noise

The Environmental Protection team have assessed the proposal and are satisfied that no adverse impacts would occur from the proposed installation of a condenser unit at 8 Hounds Road Chipping Sodbury.

5.4 Transport

The proposal does not affect access of parking and as such will not affect safety on the highway, furthermore Sustainable Transport have no objections to the proposal.

5.5 Private Land Ownership Rights

The objector is concerned about access, this objection cannot be given weight as this planning permission does not grant access to land not within ownership, please see the informatives on the decision notice for more information regarding access to neighbouring land.

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 is **APPROVED** with the following conditions.

Contact Officer: Fiona Martin
Tel. No. 01454 865119

CONDITIONS

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

Reason

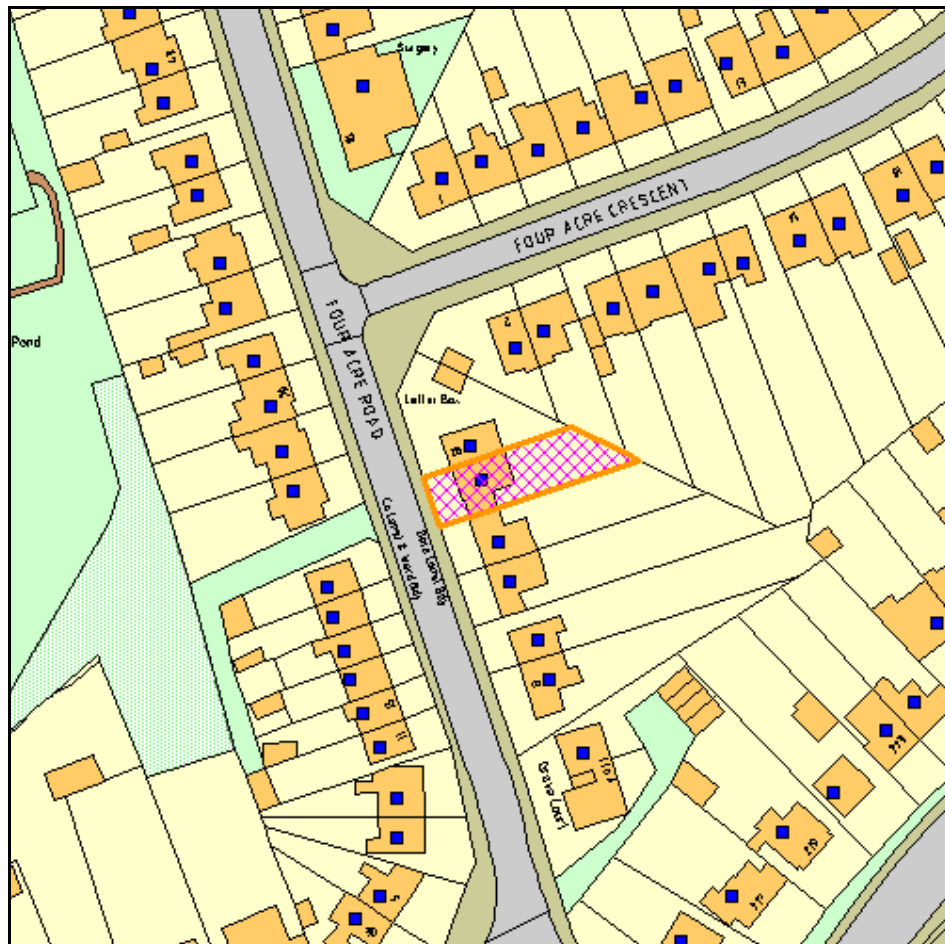
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The hours of use regarding the 1no. condensing unit hereby approved shall be restricted to 08:00hrs to 20:00hrs at all times.

To protect the amenities of the surrounding area which is in close proximity to nearby dwelling houses and to comply with Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

CIRCULATED SCHEDULE NO. 01/16 – 8 JANUARY 2016

App No.:	PK15/5150/CLP	Applicant:	Mrs A Aspinall
Site:	14 Fouracre Road Downend Bristol South Gloucestershire BS16 6PE	Date Reg:	30th November 2015
Proposal:	Certificate of lawfulness for the proposed installation of side and rear dormer windows to provide additional living accommodation	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365433 177835	Ward:	Emersons Green
Application Category:		Target Date:	24th January 2016



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PK15/5150/CLP

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as a matter of process. The application is for a certificate of lawfulness for a proposed development.

1. THE PROPOSAL

- 1.1 The application seeks a formal decision as to whether or not the proposed development for the installation of rear and side dormers and the installation of one velux rooflight to provide additional living accommodation at 14 Fouracre Road Downend would be permitted under the regulations contained within the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations. There is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

- 2.1 This is not an application for planning permission. Thus it cannot be determined through the consideration of policies contained within the Development Plan; the determination of this application must be undertaken as an evidential test against the regulations listed below.
- 2.2 National Guidance
The Town and Country Planning (General Permitted Development) (England) Order 2015.

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history recorded for this property.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection.

Other Representations

- 4.2 Local Residents
A neighbouring resident commented in support of the proposal. It is however expected that the roof extension will be soundproofed and that in general the working hours will be 08:00-18:00 Monday to Friday and that there will be sufficient parking for the contractors.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The following evidence was submitted to the Local Planning Authority on 29 November 2015 –
- Site location plan
 - Plans, Section and Elevations as Proposed

6. ANALYSIS OF PROPOSAL

- 6.1 This application seeks a Certificate of Lawfulness for the proposed installation of rear and side dormers and one velux rooflight to facilitate a loft conversion at a property in Downend.

6.2 Principle of Development

An application for a Certificate of Lawfulness is purely an evidential test and is a formal way to establish whether or not the proposed development can be implemented lawfully without the need for planning permission. Thus there is no consideration of planning merit, the application is based on facts presented. The submission is not a planning application and therefore the Development Plan is not of relevance to the determination of this application.

- 6.3 The key issues in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B (for the dormer windows) and Class C (for the roof lights) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

6.4 Assessment of Evidence: Dormer windows

Schedule 2 Part 1 Class B allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to meeting the following criteria:

B.1

Development is not permitted by Class B if –

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

The dwellinghouse was not granted permission for use as a dwelling under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

The plans submitted indicate that the proposed works do not exceed the maximum height of the existing roof.

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

The alterations to the roofline are at the rear and side of the dwellinghouse.

- (d) The cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by more than –**
(i) 40 cubic metres in the case of a terrace house, or
(ii) 50 cubic metres in any other case'

The dwellinghouse is a semi-detached property, the resulting roof space will not exceed the cubic content raised in either d (i) or d (ii).

- (e) It would consist of or include –**
(i) the construction or provision of a veranda, balcony or raised platform, or
(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

The proposed development does not consist of or include any of e (i) or e (ii).

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

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

6.5 Development is only permitted by Class B subject to the following conditions:

B.2

Development is permitted by Class B subject to the following conditions –

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

The proposed dormer extensions will be constructed from materials to match those used on the existing dwelling. This condition is therefore satisfied.

- (b) the enlargement must be constructed so that –**
(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or site extension –
(aa) the eaves of the original roof are maintained or reinstated' and
(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge or the eaves; and

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

The proposed development is a hip-to-gable enlargement and joins the original roof, thus the development does not affect (b) (i) or (b) (ii).

- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be –
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The submitted plan indicates that there is a window proposed to be installed in the side elevation of the property, on the plans submitted it is stated that the window is to be obscure glazed and non-openable. Therefore this condition is satisfied.

- 6.6 The proposed loft extension is **considered to comply** with Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 **and is therefore permitted development.**

- 6.7 Assessment of Evidence: Roof Lights

Schedule 2 Part 1 Class C allows for any other alteration to the roof of a dwellinghouse subject to meeting the following criteria:

C.1

Development is not permitted by Class C if –

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

The dwellinghouse was not granted permission for use as a dwelling under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

The proposed roof lights do not protrude more than 0.15 metres from the roofline.

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

The proposal does not exceed the highest part of the original roofline.

(d) It would consist of or include –

- (i) The installation, alteration or replacement of a chimney, flue or soil and vent pipe or**
- (ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

The proposed development does not consist of or include any of the items listed above in (d) (i) or (d) (ii).

6.8 Development is only permitted by Class C subject to the following conditions:

C.2

Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be –

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

The proposal does not include any side elevation windows.

7. RECOMMENDATION

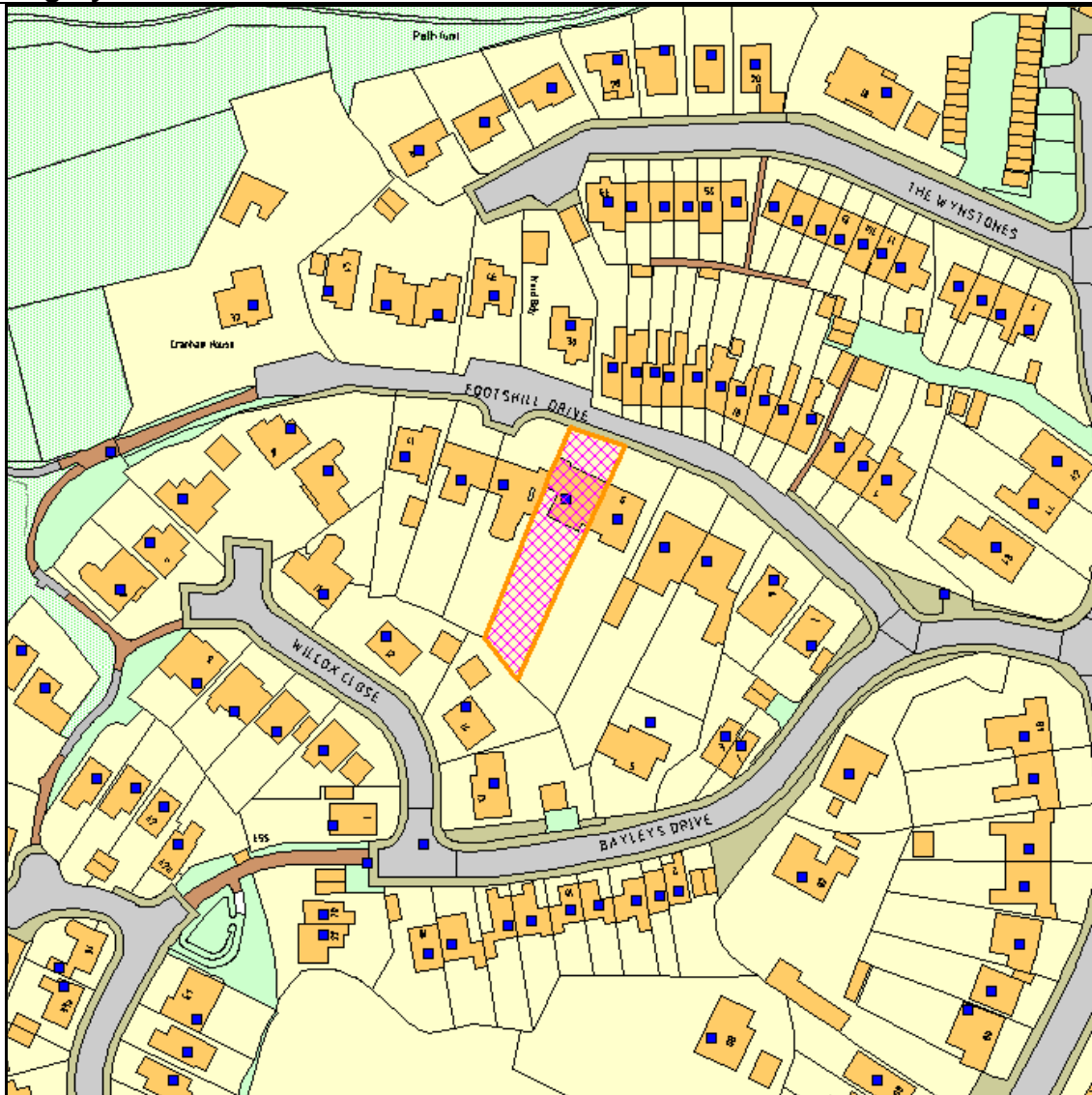
7.1 That a Certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: Fiona Martin
Tel. No. 01454 865119

CIRCULATED SCHEDULE NO. 01/16 – 8 JANUARY 2016

App No.:	PK15/5267/F	Applicant:	Mr Matthew Dent
Site:	11 Footskill Drive Kingswood Bristol South Gloucestershire BS15 8EY	Date Reg:	11th December 2015
Proposal:	Demolition of existing conservatory. Erection of single storey rear/side extension to form additional living accommodation and basement store with balcony above.	Parish:	None
Map Ref:	364239 173016	Ward:	Hanham
Application Category:	Householder	Target Date:	3rd February 2016



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008.

N.T.S.

PK15/5267/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

One neighbour objection has been submitted that is contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for the demolition of the existing conservatory and the erection of a single storey rear extension that is also permitted development and the installation of a veranda.
- 1.2 The property is semi-detached and located within a residential area in Kingswood. The property is finished in rough stone render with a garage with a parapet wall to the side and a driveway with approximately one car parking space. The property has a pitched roof with skylights and a medium sized front gravel garden.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January (saved policies) 2006
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Parking Standards
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Council Residential Parking Standards (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Town/Parish Council
Unparished

Other Representations

- 4.2 Local Residents
Objection comment received from no. 9 Footshill Drive

- The proposed extension will block my sunlight and daylight into my kitchen and dining room.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and is not out of keeping with the character of the main dwelling house and surrounding properties. The extension is also of an acceptable size in comparison to the existing dwelling and the site and surroundings.

5.3 Residential Amenity

Given the overall scale of the extension and its orientation with surrounding properties it is not considered that it would give rise to any significant or material overbearing impacts on neighbouring properties. However, in order to protect the privacy of no.13 it is deemed necessary that the privacy screen proposed to the rear side elevation, as shown in plan 02, should be installed prior to first use of the extension. The objection comment received by no.9 Footshill Drive explains that the extension would block sunlight and daylight into the property. However, it is not considered that this would be an issue considering the modest nature of the proposed extension and that no. 9 has had a similar extension that also extends by approximately 2 metres from the rear elevation. It is considered therefore that the proposal would be acceptable in terms of residential amenity. It is also important to note that the main rear extension would have been permitted development under schedule 2 Part 1 Class A of the General Permitted Development Order (2015) provided that the veranda had not been included.

5.4 Transport

As the proposed development is not looking to increase the number of bedrooms within the property there are no objections to the proposal in terms of transport

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 proposed extension is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not materially harm the amenities of the

neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposals accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy December 2013.

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

7. RECOMMENDATION

- 7.1 That planning permission is **APPROVED** subject to the conditions recommended.

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 privacy screen on the proposed rear side elevation as detailed in plan 02 shall be glazed with obscure glass to level 3 standard or above.

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. 01/16 – 8 JANUARY 2016

App No.:	PT15/2738/F	Applicant:	Mr Jon Rodriguez
Site:	Cider Barn Whitehouse Lane Severn Beach South Gloucestershire BS35 4NN	Date Reg:	29 th June 2015
Proposal:	Change of use from detached garage to 2no. Dwelling houses (Class C3) with associated works as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Retrospective)	Parish:	Pilning and Severn Beach Parish Council
Map Ref:	354975 184668	Ward:	Pilning and Severn Beach
Application Category:	Minor	Target Date:	18 th August 2015



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008.

N.T.S.

PT15/5025/F

1. THE PROPOSAL

- 1.1 The application seeks retrospective planning permission for the change of use of a former redundant detached garage to 2 dwelling houses. This application is retrospective as the change of use has already taken place. The building was converted/rebuilt in approximately 2005 with a number of further minor changes taking place in 2012 following the approval of the change of use application PT12/0844/F.
- 1.2 Application PT12/0844/F granted permission for the change of use of the existing detached garage to a mixed use of holiday let and office accommodation (Sui generis). Within this application the officer confirmed that the building was now immune from planning enforcement action and that the building was not considered curtilage listed. Although minor alterations were made to the detached garage this permission has never been implemented due to lack of demand for the holiday let accommodation. Following a planning enforcement investigation it was discovered that the former detached garage is being used for permanent residential use. Following the investigation the owner has submitted this application to reflect the external changes made and the present use of the former detached garage.
- 1.3 The application site is located within the open countryside (outside of the Green Belt) and beyond any settlement boundary. Further, it falls within the curtilage of the grade II listed Whitehouse Farm. The building is approximately 12 metres in length with a width of 7 metres and height of 5.5 metres. The building is split between 1 x one bedroom dwelling and 1 x two bedroom dwelling. The building is of simple design finished in stone block work with timber finishes with a slate roof.

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)
H10: Conversion and Reuse of Rural Buildings for Residential Purposes
T12: Transportation Development Control Policy for New Development
L13: Listed Buildings
EP2: Flood Risk and Development
South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS9 Managing the Environment and Heritage
- 2.3 Supplementary Planning Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 P90/1771: Change of use from redundant farm building to dwelling. Withdrawn: 9 July 1990
- 3.2 P90/1772/L: Alterations to existing buildings to facilitate the change of use from redundant farm building to dwelling. Withdrawn: 9 July 1990
- 3.3 PT01/3003/LB: Repairs, maintenance and upgrading of farmhouse and attached cottage; reinstatement and consolidation of existing outbuilding in domestic use. Permitted: 7 May 2002
- 3.4 PT02/3335/LB: Installation of one rooflight within South East elevation. Permitted: 13 December 2002
- 3.5 PT03/2481/F: Conversion of 1 redundant farm building to form dwelling (plot two) (in accordance with amended plans received on 6 November 2003). Permitted: 27 November 2003
- 3.6 PT03/2484/LB: Conversion of 1 redundant farm building to form dwelling (plot two) (in accordance with amended plans received on 6 November 2003). Permitted: 27 November 2003
- 3.7 PT05/1304/F: Conversion of existing stables to form dwelling. Withdrawn: 22 June 2005
- 3.8 PT05/2689/LB: Conversion of existing stables to form dwelling. Withdrawn: 19 October 2005
- 3.9 PT05/2961/F: Conversion of existing stables to form dwelling (Resubmission of PT05/1304/F). Refused: 25 November 2005
- 3.10 PT09/5081/F: Construction of two earth bunds and fencing; erection of detached garage/ shed (retrospective). Permitted: 6 November 2009
- 3.11 PT12/0844/F** Change of use of existing detached garage to mixed use holiday let and office accommodation (Sui Generis). Permitted May 2012.

Note: Applications that appear to relate to this building are shown in bold.

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council

Pilning & Severn Beach Parish Council have the following objection to make regarding this application;

- 1) The access to the site is inadequate
- 2) The site is prone to flooding

3) This is a creeping development of Whitehouse Farm and will over develop such a small site with poor access and no mains drains or sewer system.

Should the development be allowed, it should only be one unit and not extended in any way at all.

4.2 Conservation Officer

No objection but prior to determination, the extent of external works that appear to being proposed needs to be clarified. The situation with the boundary treatment should also be confirmed.

Once the above is resolved, approval could be recommended subject to conditions.

4.3 Highway Drainage

No objection subject to condition as the site lies within Flood Zone 3.

4.4. Transportation

Provided that you are satisfied that the conversion conforms to Local Policies H3 or H10 there is no transport objection to the proposal.

Other Representations

4.5 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The applicant seeks retrospective planning permission for the change of use of a detached garage to 2 dwelling houses within the curtilage of the Grade II listed Whitehouse Farm. The principle of the conversion of the detached garage was approved under PT12/0844/F although the use was limited to holiday lets with associated office accommodation, although this permission has never been implemented. The building has highlighted within the 2012 application is immune from enforcement action due to the passage of time. The site is located within the open countryside and the following main policies would be relevant to the determination of this application.

Since the 2012 planning application the Council are now in a position where they are unable to demonstrate a 5 year housing land supply (cf. Charfield decision APP/P0119/A/14/2220291). Therefore policies relating to the supply of housing within the Core Strategy and Saved Policies can no longer be considered up-to-date and the application must be assessed against the presumption in favour of sustainable development as set out in paragraph 14 of the National Planning Policy Framework (NPPF). Until such time as the

Council is able to demonstrate a 5 year housing land supply, paragraph 14 of the NPPF states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal when assessed against the NPPF as a whole.

Given that we are dealing here with the conversion and beneficial re-use of an existing building Paragraph 55 of the NPPF is also a main relevant policy consideration. The NPPF at paragraph 55 promotes sustainable development in rural areas and it highlights that Local Planning Authority should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. This is supported by saved Policy H10 which is consistent with the NPPF in that it seeks to re-use vacant buildings in the countryside to reduce the demands for new buildings in the countryside.

Saved Policy H10 states that proposal for the conversion and re-use of existing buildings for residential purposes outside the existing urban areas and the boundaries of settlement, will not be permitted unless a number of criteria would be met.

Furthermore the building is within the listed building curtilage of Whitehouse Farm a Grade II listed building and therefore should be assessed against Policy CS9 and saved Policy L13.

- 5.2 Policy H10 allows the conversion and re-use of existing buildings for residential purposes outside the existing urban areas and settlement boundaries providing certain criteria are met.
- 5.3 The first criteria are that all reasonable attempts have been made to secure a suitable business re-use or the scheme is part of a scheme for business use. Following the 2012 permission the owner could not find any demand for holiday lets and the properties have been let on a short term tenancy. During the course of the application two marketing statements has been submitted from local estate agents that confirm that the demand for holiday lets is very limited in this location and the property is suited to an assured short term tenancy. The statements also confirm there is a strong demand for this type of tenancy with suitable tenants waiting. The second statement received from Severnside Lettings also confirm that they have received no enquiries for holiday lets at the Cider Barn but they do have a shortage of residential properties for rental and sale on a long term tenancy.
- 5.4 The second criteria is the buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction. Since 2005 the building appears to have undergone many changes as such, the building would now be immune from enforcement action as four years have passed without formal enforcement action being taken. The building is constructed of stone block work with timber finishes and a slate roof and meets these criteria as no alterations are required or have been applied for from the existing building that is now in situ.

- 5.5 The third, fourth and fifth criteria require that the buildings are in keeping with their surroundings and would not have a harmful effect on the surrounding countryside and are well related to the existing buildings and development. The building is located within the curtilage of the grade II listed Whitehouse Farmhouse. The Conservation Officer has no objection to this application in heritage terms, in fact the retrospective changes made and applied for are considered preferable and a welcome improvement to the approved plans and elevations within the 2012 permission PT120844/F that was never implemented. It is considered necessary to remove certain permitted development rights to ensure any future works preserve the architectural and historic interest of the listed building.
- 5.6 The building sits in comparative isolation with the exception of the neighbouring farmhouse and a number of further outbuildings, which have also been the subject of conversion works. The building is small in size and of simple design and is not considered to have a harmful effect on the countryside or surrounding area and is well related to other surrounding buildings that have been converted. Both units are considered to have adequate private amenity space and areas for car parking have been provided.
- 5.7 In summary there are clear economic and social benefits in these buildings being re-used for residential purposes and there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the re use of these buildings as dwellings when assessed against the relevant paragraphs within the NPPF. For the above reasons it considered that the proposal accords with paragraphs 14 and 55 of the NPPF and with saved Policy H10.
- 5.8 Transportation
The Councils Transportation Officer has no objection to the application providing the application satisfied saved Local Policy H10. There has been an objection raised by the Parish Council that the access to the site is inadequate but the Transportation Officer had already supported the 2012 application PT120844/F to change the use of the building to a holiday let/office and there were no objection regarding the entrance or any highway safety issues raised when this application was assessed. Therefore the proposal satisfies saved Policy T12.
- 5.9 Flood Risk
The application site lies within Flood Zone 3 the Councils Drainage and Flood Risk officer raised no objection in principle to this application subject to the development being carried out in line with the Flood Risk Assessment submitted with this application. In the previous application the Local Flood Authority advised that the ground floor sleeping accommodation should be relocated to the higher level, therefore a condition is attached to ensure all bedroom accommodation is retained at first floor level. Therefore the proposal subject to conditions satisfies saved Policy EP3.

5.10 Conservation

As already discussed in para. 5.5 the Conservation Officer has no objection subject to conditions removing certain permitted development rights and conservation roof lights being fitted to ensure the proposal would preserve the setting of the adjacent Grade II listed Whitehouse Farm. The overall design and retrospective changes are considered acceptable and an improvement of the approved plans within PT12/0844/F. The proposal therefore subject to conditions accords with Policy CS9 and save Policy L13.

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 planning permission is granted subject to conditions.

Contact Officer: Kevan Hooper
Tel. No. 01454 863585

CONDITIONS

1. The roof lights hereby approved shall be fitted with a central glazing bar and installed so that the upper faces are flush with the surface of the adjoining roof tiles This work to be carried out within three months of this decision and thereafter maintained as such at all times.

Reason.

In order that the works serve to preserve the architectural and historic interest of the listed building in accordance with section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF, and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

2. All bedroom accommodation shall be retained at first floor level with no bedroom accommodation provided at ground floor.

Reason.

To ensure safe access and egress from and to the site during a flood event and to accord with Planning Policy EP2 (Flood Risk and Development) of the South Gloucestershire Local Plan (Adopted) January 2006

3. The development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment.

Reason

To reduce the impact of flooding on the proposed development and future occupants and to accord with Planning Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. 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.

In order that the works serve to preserve the architectural and historic interest of the listed building in accordance with section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy L13 of the South Gloucestershire Local Plan (Adopted 2006)

CIRCULATED SCHEDULE NO. 01/16 – 8 JANUARY 2016

App No.:	PT15/4149/RVC	Applicant:	Mr Tom Coleman
Site:	21 Rossall Avenue Little Stoke Bristol South Gloucestershire BS34 6JU	Date Reg:	30th September 2015
Proposal:	Variation of condition 2 attached to planning permission PT12/3948/F to allow the retention of the existing garage.	Parish:	Stoke Gifford Parish Council
Map Ref:	361304 180931	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	26th January 2016



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008.

N.T.S.

PT15/4149/RVC

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 application site is within the North Fringe of Bristol Urban Area, and is composed of two dwellings, one of which was permitted under planning ref. PT12/3948/F. This planning application was permitted subject to conditions, one of these conditions aimed to ensure that adequate off-street parking facilities are provided at the site (condition 2):

Cond 2. The off-street parking facilities (for all vehicles, including cycles) shown on the plans hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason. To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 1.2 To facilitate this parking arrangement an existing garage had to be removed, this application proposes to retain this existing garage, and still provide the same levels of vehicle parking, for both cars and bicycles. This application is submitted under s73 of The Town and Country Planning Act to vary condition 2 to allow the retention of the existing garage, such retention and parking arrangement is displayed on the 'Proposed Site Plan (2435/3)'.

- 1.3 This application was previously submitted to the circulated schedule and then removed shortly after submission as the officer was informed the ownership certificate submitted by the applicant was incorrect. Accordingly, the applicant has now served and submitted the correct notice.

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 Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity
CS25 Communities of the North Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation

H4 Development within Existing Residential Curtilages

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 PT14/4170/NMA Objection 10/11/2014
Non material amendment to planning permission PT12/3948/F to retain existing garage and relocate parking spaces for new dwelling.
- 3.2 PT12/3948/F Approve with Conditions 16/01/2013
Erection of 1no. attached dwelling with access and associated works.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No objection, concerns raised about no drop kerbs currently in place that could cause a parking problem, also a lamp post at the location needs to be investigated.
- 4.2 Sustainable Transport
No objection, the amendments to the site plan are acceptable.

Other Representations

- 4.3 Local Residents
Two letters have been received by the Local Planning Authority with regard to this planning application, this letter contained comments of objection, such comments are summarised below:
- Parking problems in the vicinity of 42 Rossall Avenue will be exacerbated as the garage has no dropped kerb;
 - No access to the garage as there is no dropped kerb.

5. ANALYSIS OF PROPOSAL

- 5.1 This application proposes to vary condition 2 of the approved development (PT12/3948/F) to allow for the retention of an existing garage – to do so the conditioned site layout plan under PT12/3948/F would be replaced with an amended plan that identifies the retention of the existing garage, and the amended parking layout.

5.2 Principle of Development

The development was approved under PT12/3948/F, this development has commenced and therefore the planning permission remains extant. On this basis, the principle of the development is established. The scope of s73 applications is limited so that the local planning authority should principally consider the condition subject to this s73 application, specifically, with regard to the reason for why this condition was originally imposed. Accordingly, the only matters for consideration under this application relate specifically to the impact of retaining the existing garage at the south east of the site in terms of highway safety and the amenity of the area. This is addressed below.

5.3 Highway Safety and Vehicle Parking

The purpose of condition 2 was to ensure that adequate levels of car and cycle parking were afforded to both dwellings at the application site. Since the original development was approved, the Council has adopted a minimum car parking standard for residential development, the cycle parking standard required by saved policy T7 is unchanged. The Council's car parking standard requires residential development to have a number of off-street car parking spaces commensurate with the number of bedrooms within the dwelling. Accordingly, both units within the application site require at least two off-street parking spaces measuring at least 2.4 metres by 4.8 metres.

5.4 The retention of the existing garage will change the position of the car parking afforded to the recently permitted dwelling (unit 1), the proposed car parking area will be utilised as a driveway for the retained garage. The amended car parking area for unit 1 will be of an acceptable size and will be located in an accessible location. The position of car parking for no. 21 (the original dwelling) will remain unchanged.

5.5 The cycle parking for both units will be moved into the rear gardens of both dwellings, this is acceptable.

5.6 To facilitate access to the parking area for unit 1 a street light will have to be removed, this would require permission from the Council's Developments Implementation Team, as will the dropping of any kerb. A number of members of the public have made comments with regard to the access to the garage, specifically stating the kerb will need to be dropped. This does not require planning permission, however, as with the aforementioned street light, should planning permission be granted, it is advised that an informative note is attached to the decision notice alerting the applicant to the need to contact the Council's Development Implementation Team.

5.7 Overall, the proposed cycle and vehicle parking accords with the Council's minimum car parking standard, and also the requirements of saved policy T7. Therefore, there are no highway safety objections to the proposed variation of condition, and with regard to the amenity of the area, the proposed vehicle parking situation is deemed acceptable. Accordingly, should the variation to condition 2 be permitted, it is recommended that condition 2 is varied in such way to require that the new parking arrangement is implemented in accordance with the submitted parking arrangement.

5.8 Visual and Residential Amenity

The garage to be retained is an existing garage, which has an acceptable and non-harmful impact on both the character of the area, and the residential amenity of the nearby occupiers.

5.9 Conditions

The original permission conditioned details regarding the submission of a roof tile sample (condition 3); and also a Sustainable Drainage Systems (SuDS) (condition 4). Both of these conditions have been formally discharged by the Local Planning Authority, should planning permission be granted it is recommended that the conditions are imposed to ensure that any remaining development is carried out in accordance with the details agreed under the discharge of condition applications.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

1. The off-street parking facilities (for all vehicles, including cycles) shown on the Proposed Site Plan (2435/3) hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of car and cycle 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; T7 of the South Gloucestershire Local Plan (Adopted) January 2006; and the minimum Residential Parking Standard SPD (Adopted) December 2013.

2. The development shall be carried out in accordance with the roofing materials agreed under the application to discharge condition 3 of planning ref. PT12/3948/F.

Reason

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

3. The development shall be carried out in accordance with the drainage details agreed under the application to discharge condition 4 of planning permission PT12/3948/F

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 01/16 – 8 JANUARY 2016

App No.: PT15/4662/F
Site: Land At 36 Gloucester Road
 Almondsbury Bristol South
 Gloucestershire BS32 4HA

Applicant: Mr Keith Robins
Date Reg: 3rd November 2015

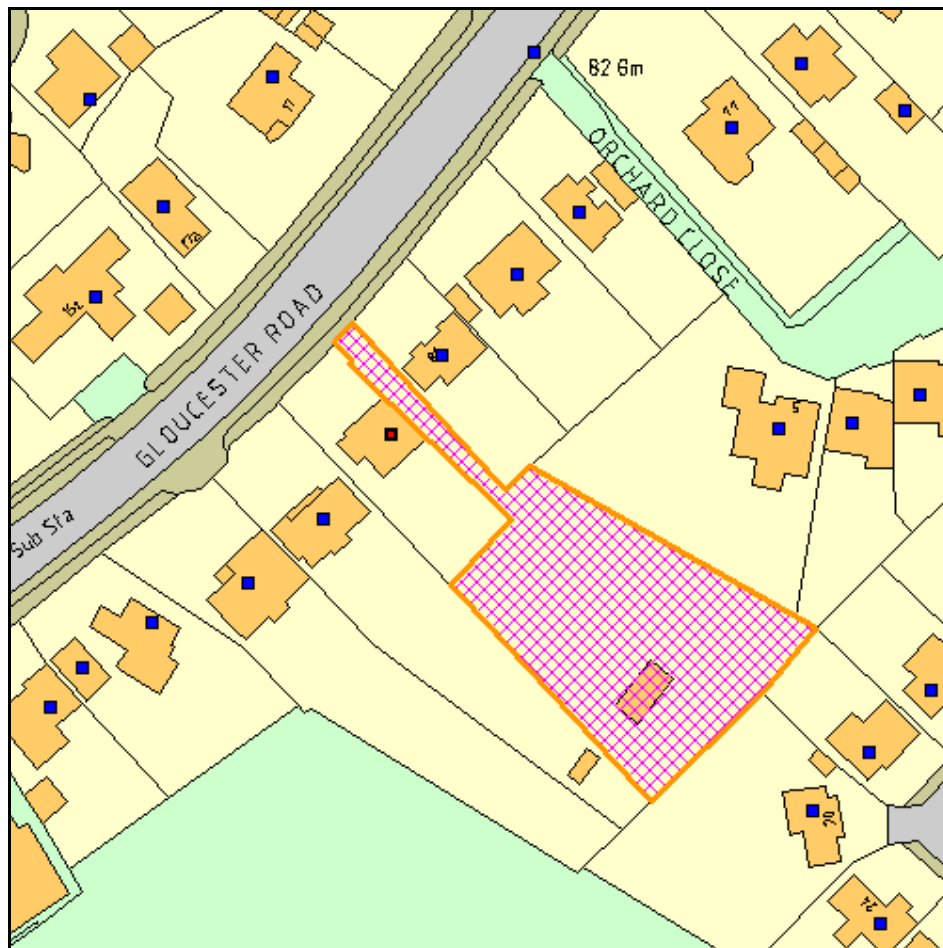
Proposal: Demolition of existing building. Erection of 1 no. detached bungalow, double garage and new access and associated works

Parish: Almondsbury
 Parish Council

Map Ref: 360853 184172

Application Category: Minor

Ward: Almondsbury
Target Date: 24th December 2015



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT15/4662/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as a result of a consultation response received.

1. THE PROPOSAL

- 1.1 The application seeks permission for the demolition of an existing building and the erection of 1 no. detached bungalow, double garage and new access and associated works. The application is essentially a resubmission of planning permission reference PT13/1817/F.
- 1.2 Planning permission PT13/1817/F granted the erection of 1no. dwelling to the rear of No. 36 Gloucester Road, Almondsbury. The current application essentially seeks the following changes to the previously approved scheme:
 1. Driveway
The tarmac omitted from beyond the side of No.36 and replaced with a yellow gravel finish.
 2. Generally,
 - a) The provision of exposed reconstructed stone window sills, and lintels above all window heads where shown.
 - b) The replacement and re-location of a timber garden shed.
 3. Conservatory
The removal of the conservatory glass roof to the rear elevation. The glass roof could cause nuisance to neighbouring properties at night when lit. This now becomes a garden room with a tiled roof which will be more energy saving and ensure less heat loss making the room more usable in winter with a wood burning stove.
 4. North West elevation
 - a) lounge sidelight window to be full height.
 - b) gable window sidelights full height
 - c) bedroom 2 gable glazing omitted and replaced by single window.
 - d) double front entrance doors reduced to single door and sidelight.
 5. South East elevation
 - a) lounge to have new full height window – to let afternoon sunlight shine in.
 - b) the garden room tiled roof is raised.
 - c) the garden room doors are now sliding folding.
 6. South West elevation
 - a) the Master bedroom to have full height sidelight windows.
 - b) a small extension to provide a study for “home” working
 - c) the creation of a stone clad gable end to the study.
 - d) full height feature glazing to the garden room.

7. North East elevation
 - a) door to Utility room re-located.
 - b) Study extension added.
 8. Detached Garage
 - a) One large single door to replace two smaller doors.
 - b) the addition of a personnel door on North west elevation.
single window.
- 1.3 The application site relates to land to the rear of No. 36 Gloucester Road, Almondsbury, an existing private garden of approximately 0.2ha in size. The site is located within the Almondsbury settlement boundary and is washed over by the Bristol/Bath Green Belt.

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

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

H4: Development within Existing Residential Curtilage

L1: Landscape Protection and Enhancement

L9: Species Protection

T12: Transportation Development Control Policy for New Development

EP2: Flood Risk

South Gloucestershire Local Plan Core Strategy.

CS1: High Quality Design

CS5: Location of Development

CS15: Distribution of Housing

CS16: Housing Density

CS17: Housing Diversity

2.3 Supplementary Planning Guidance

South Gloucestershire Development in the Green Belt (Adopted) 2007

South Gloucestershire Design Checklist SPD (Adopted) 2007

South Gloucestershire Trees on Development Sites SPG (Adopted) 2005

South Gloucestershire Residential Parking Standards (due for adoption with the Core Strategy) 2013

3. **PLANNING HISTORY**

- | | | |
|-----|-------------|--|
| 3.1 | PT08/2089/O | Erection of 4 no dwellings on 0.328 hectares of land.
(Outline) all matters reserved. |
| | Approved | 29.8.08 |

- | | | |
|-----|------------------------------|---|
| 3.2 | PT10/0468/RM | Erection of 4 no. dwellings on 0.328 hectares of land with access, appearance, landscaping, layout and scale to be determined. (Approval of Reserved Matters) (To be read in conjunction with PT08/2089/O),
6.5.10 |
| | Approved | |
| 3.3 | PT10/1656/F | Demolition of existing dwelling and erection of 3 no. detached dwellings, access and associated works
1.11.10 |
| | Refusal | |
| 3.4 | PT11/3860/O | Erection of 3 no detached dwellings (Outline) with access, landscaping, layout and scale to be determined. All other matters reserved,
6.3.12 |
| | Refusal
Appeal dismissed. | |
| 3.5 | PT12/3482/F | Erection of 2no. detached dwellings and 1no. detached double garage, the construction of a new vehicular access and associate works
15.3.13 |
| | Refused
Appeal dismissed | |
| 3.6 | PT13/1817/F | Demolition of existing building and erection of 1no. detached bungalow and detached double garage with access and associated works.
6.9.13 |
| | Approved | |
| 3.7 | PT14/3770/NMA | Non-material amendments to PT13/1817/F, as described on the application form received 30 th September 2014. Objection 23 rd October 2014. |

Officers considered that some of the proposed alterations if taken in isolation could be regarded as being non-material and therefore, acceptable. However, the changes as proposed in this case, must be assessed cumulatively. It therefore, follows that because of the number of changes, the proposal cannot be considered as a non-material amendment. The amount of changes when considered collectively amount to a material change to the previously approved scheme and consequently full planning permission is required. A full planning application would give Officers of the Council the opportunity to fully assess the implications of the development and furthermore, allow other interested parties to comment.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No objection

4.2 Other Consultees

Sustainable Transportation

no transport objection is raised subject to the following condition.

The dwelling shall not be occupied until the access and parking arrangements have been provided in accordance with the submitted details.

Landscape

No in principle objection subject to a landscape scheme

Environmental Protection

No objection in principle subject to recommended informatives

Lead Local Flood Authority

No objection

Highways Structures

No comment

Wales and West Utilities

Refers to existence of pipelines within the vicinity of the site and recommends they are contacted to discuss requirements for the protection of apparatus

Other Representations

4.3 Local Residents

One letter has been received, neither objecting to or supporting the application, and reads as follows:

'We note that the original planning application (PT13/1817/F) was met with much objection by the local community on the basis that this is Green Belt land and also 'back garden' land which, according to June 2010 legislation would normally be subject to weight of local opinion. Records will show that Almondsbury was not represented in the DC meeting and some of the Councillors voting on that application were brought in from another district. We are also aware that two previous applications were rejected for a number of reasons by the planning inspectorate.

There was at that time, an existing outbuilding on this land, and we did concede that planning guidelines allow for provision of a replacement building of similar size. However, the new buildings for which plans were passed are 5.5 times the 'footprint' of the original outbuilding, and now further increase on the footprint is applied for!

We trust that thorough consideration, in the light of the history of this land, be given to this new application.'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies. The site is within the established settlement area as defined in the South Gloucestershire Local Plan (Adopted) 2006. Policies in the local plan require

that proposals are assessed for their impact upon the character of the area and that proposals make efficient use of land. As stated in the NPPF the government attaches great importance to the design of the built environment, citing good design as a key aspect of sustainable development and thereby positively contributing to making places better for people. Developments should function well and add to the overall quality of the area, creating attractive and comfortable places to live, work and visit. Furthermore they should respond to local character and history and reflect the identity of local surroundings and materials. The NPPF states the types of development in the Green Belt that can be considered appropriate. Limited infilling is one of the categories. The proposal, as before, is for one detached bungalow and therefore, it is considered that the development falls within the limited definition and can be regarded as being in accordance with the principle of development. Of significance, the principle of the dwelling at this location has been established. The main issue for consideration is therefore any impact of any of the proposed changes to the previously approved scheme.

5.2 Green Belt

The principle of the acceptability of the proposals within the Green Belt have been established. The changes are in the main design changes, however the footprint of the building is increased very slightly by the addition of a 'study' room, approximately 3 metres by 3.5 metres. It is not however considered that this in its own right impacts upon the openness of the Green Belt or gives rise to additional Green Belt concerns and the principle of the dwelling is established. It is not considered that the changes proposed materially or significantly impact upon existing Green Belt considerations.

5.3 Design

The proposed dwelling remains to be considered to be of an appropriate standard in design inclusive of the proposed changes which are considered acceptable to the scheme. A scheme of materials has been agreed and would remain in force as a condition of consent.

5.4 Residential Amenity

The length, size, design location and orientation of the proposed changes to the originally approved scheme are not considered in their own right to give rise to any significant, additional material overbearing impact on adjacent properties. Further to this sufficient garden space remains to serve the property.

5.5 Sustainable Transportation

There is sufficient scope within the plot to accommodate appropriate levels of off-street parking, the changes to the proposals do not impact upon highways issues and there are no objections to the proposals on transportation grounds.

5.6 Landscape

A scheme of landscape planting and protection has been agreed under the terms of the original permission as a pre-commencement requirement, this will remain in force as part of the conditions of consent.

5.7 Drainage

A scheme of drainage has been agreed under the terms of the original consent and there are no objections to these proposals on drainage grounds.

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 planning permission is granted subject to the condition recommended. These conditions reflect those agreed at the granting of the previous consent and where pre-commencement condition have been discharged compliance with the relevant schemes will be required.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

2. Prior to occupation of the dwelling permitted the car parking facilities shall be provided in accordance with plan reference Proposed Site Plan Project B11613 Sheet 30 Rev C, and subsequently 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 T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting

that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G), 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 ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the future and neighbouring occupiers, to preserve the openness of the Green Belt and to accord with Policies L1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy.

4. The roofing and external facing materials to be used shall be those agreed in the schedule of materials submitted and approved pursuant to condition 3 of planning permission reference PT13/1817/F 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 H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy.

5. The development shall comply with the Sustainable Drainage Systems (SUDS) Site Plan and Percolation Tests submitted and approved pursuant to condition 4 of planning permission reference PT13/1817/F. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies H4 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The development shall comply with the Landscaping Scheme (Plan ref 826/PA/02B) submitted and approved pursuant to condition 5 of planning permission reference PT13/1817/F. Development shall be carried out in accordance with the approved details.

Reason:

To protect the character and appearance of the area and in the interests of the long term health of the trees and hedges and to accord with Policy H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy.

7. A destructive search (i.e. carefully and gently hand-searching) of all suitable habitat (rough grassland, shrub, rockeries) shall be undertaken immediately ahead of development by a suitably qualified person (ecological consultant) to avoid killing or injuring any slowworm/hedgehog.

Reason

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

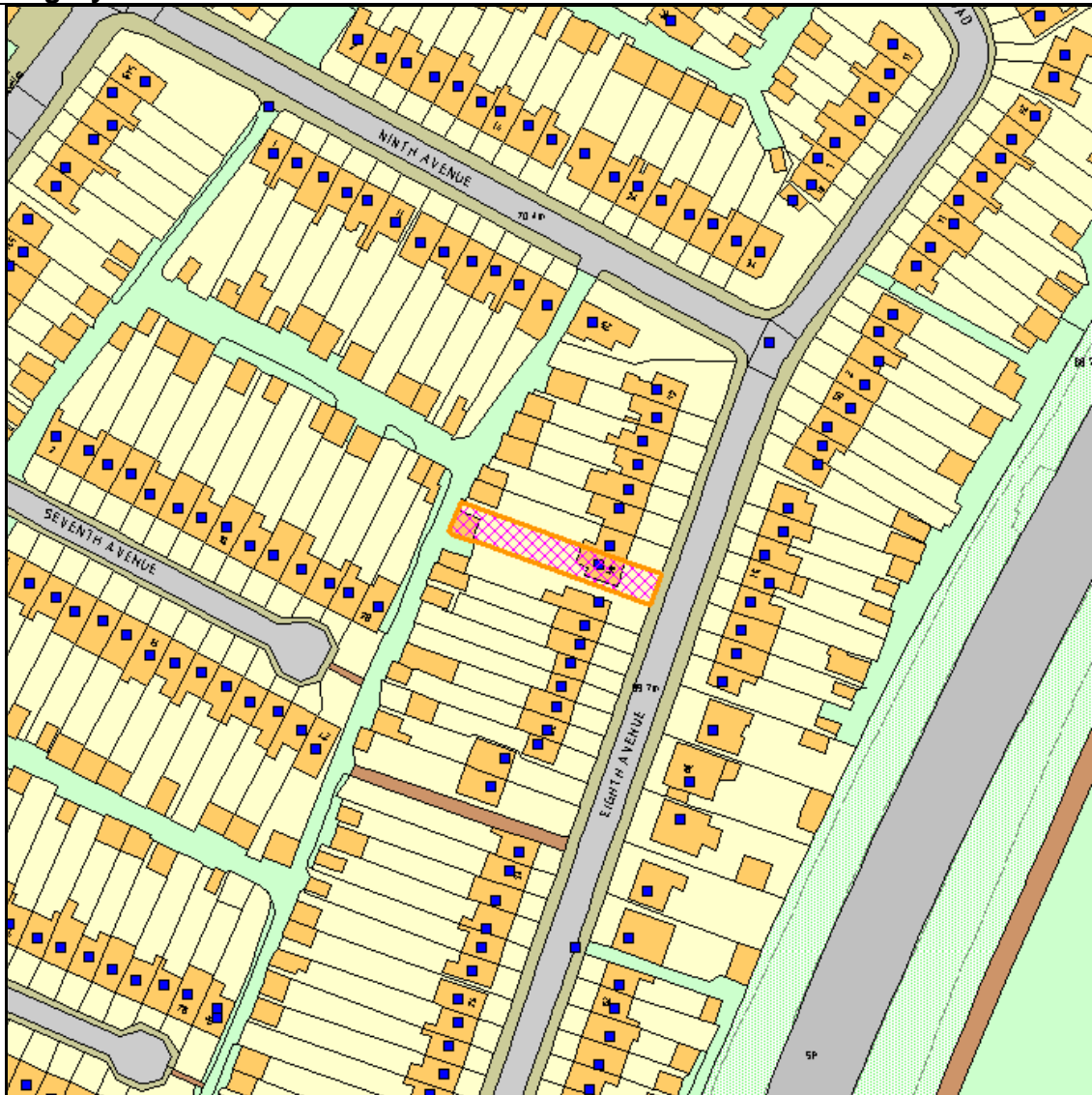
8. The hours of working on site during the period of construction shall be restricted to 08.00 - 18.00 Monday to Friday; 08.00 - 13.00 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use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

Reason

To protect the 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. 01/16 – 8 JANUARY 2016

App No.:	PT15/5023/F	Applicant:	Mr L Quick
Site:	58 Eighth Avenue Filton Bristol South Gloucestershire BS7 0QT	Date Reg:	24th November 2015
Proposal:	Erection of single storey and two storey rear extension and side dormer window to provide additional living accomodation. (Resubmission of PT15/3766/F).	Parish:	Filton Town Council
Map Ref:	360674 178124	Ward:	Filton
Application Category:	Householder	Target Date:	19th January 2016



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008.

N.T.S.

PT15/5023/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 This application seeks planning permission for the erection of single storey and two storey rear extension; as well as a second floor side dormer window. This application is a resubmission of a previously refused planning application, planning ref. PT15/3766/F.
- 1.2 The application site is no. 58 Eighth Avenue, located within a residential area of Filton. The host dwelling is a two storey end terrace house.
- 1.3 This proposal is different from the previously refused proposal (planning ref. PT15/3766/F) in the following ways:
 - The length of the two storey rear extension has been reduced;
 - The internal room configuration has changed;
 - A side dormer window is now proposed.

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 Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 Saved Policies
T7 Cycle Parking
T12 Transportation
H4 Development within Existing Residential Curtilages
- 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 PT15/3766/F Refusal 16/10/2015
Erection of single storey and two storey rear extension to provide additional living accommodation.

Refusal Reasons:

1. The new window serving bedroom five would directly overlook the neighbouring property to the south (No. 56). This proposed bedroom window would directly overlook the conservatory and garden space of No. 56 Eighth Avenue and result in significant loss of privacy. The application is therefore contrary to the requirements of saved Policy H4 of the South Gloucestershire Local Plan (Adopted), January 2006.
2. The only window to serve bedroom two would sit just under 1 metre from the boundary with the neighbouring dwelling. The bedroom window would be constantly overshadowed by the existing boundary hedge (or any replacement fence) and the neighbouring dwelling. The occupants of this room would become entirely dependant on artificial lighting which is contrary to the aims of Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 which seeks high quality design.
3. The proposed extension stretches out 6 metres from the main rear elevation of the existing dwelling. At this depth, the proposed first floor element of the extension will have a detrimental overshadowing and overbearing effect on both neighbouring dwellings to the north (No. 60) and south (No. 56). The application is therefore contrary to the requirements of Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3.2 N6347 Approve with Conditions 06/03/1980
Erection of single storey rear kitchen extension.

4. **CONSULTATION RESPONSES**

4.1 Filton Town Council
None received.

4.2 Sustainable Transport
No objection subject to conditions regarding off street car parking; safe and secure cycle parking and also an informative regarding a vehicle crossover.

Other Representations

4.3 Local Residents

Three letters of objection have been received with regard to this planning application, the comments within these letters are summarised below:

- The proposal will disturb solar panels on no. 60;
- There are three rooflights proposed that will entail external vibration to connecting roofs;
- There are no two storey extensions in Eighth Avenue;
- The width of the two storey proposal is two thirds the width of the width of the dwelling;

- It will impact upon the levels of light entering the adjacent dwellings and gardens;
- Depth of foundations;
- Parking;
- Lack of privacy;
- Overbearing impact on the neighbours as a whole;
- The front kerb will need to be dropped;
- Litter;
- The proposal equates to a new house being built;
- There are no measurements on the submitted plans;
- Two storey extension would be unsafe;
- Absent landlords are taking the opportunity to flood the area with paying tenants.

5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for the erection of a single storey and two storey rear extension to a residential dwelling within an urban area.

5.2 Principle of Development

Policy CS1 'High Quality Design' 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 achieved. Meaning 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 also that there is safe and adequate parking provision and no negative effects on transportation.

5.4 Design and Visual amenity

The application site relates to an end of terrace property that sits in an established residential area of Filton. The proposal is for two extensions that will project beyond the rear wall of the existing dwelling. The two storey component has a width of 3.5 metres and extends to the rear by 3.5 metres. The single storey element will span across the entire rear elevation, extending for a maximum of 6 metres, and 2.5 metres from the two storey component. Despite the excessive depth, the design of the cumulative extensions is suitable for its location and in keeping with the style and character of the existing dwelling. By virtue of its reduced ridge height, the extension manages to remain subservient to the host dwelling and, by as a result of the garden size, cannot be considered overdevelopment of the plot.

- 5.5 The proposed second floor side dormer windows is considered to be of an appropriate scale and design that respects the appearance of the existing dwelling.
- 5.6 Overall, the design of the cumulative proposal is considered to be in keeping with the existing character of the dwelling and the locality. Appropriate materials have been selected and the layout of the development is suitable to the site and the density of the surrounding area, and it is in accordance with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.
- 5.7 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.
- 5.8 This application has overcome refusal reason 1 of planning ref. PT15/3766/F through removing the first floor side elevation window facing no. 56 Eighth Avenue, if planning permission is granted, a condition is advised that ensures no windows are ever inserted in this first floor elevation.
- 5.9 As well as this, the current application has overcome refusal reason 2 of planning ref. PT15/3766/F through reconfiguring the bedroom arrangement so that the former bedroom five is now a study rather than a habitable room. Officers are aware that in the future this room could be converted into a bedroom; however, officers do not find it reasonable to try to control the future use of this room.
- 5.10 The main problem with the previously refused planning application was the scale of the proposal, specifically, due to the 6 metre depth of the first floor element of the two storey extension, it was found that nos. 56 and 60 (the adjacent dwellings) would suffer from an overbearing impact and also shadowing. This was the reasoning for the 3rd refusal reason of planning ref. PT15/3766/F. This planning application has sought to overcome this through reducing the length of the first floor component, this proposal only extends for 3.5 metre at a two storey scale. Further to this, as with the previously refused application, the two storey component is set back from the attached dwelling (no. 60) by 2.5 metres.
- 5.11 Accordingly, it must be assessed as to whether the reduction in the length of the first floor component would result in an acceptable impact on the adjacent occupiers.
- 5.12 Firstly, officers find it pertinent to state, that as with the previously refused application, although the single storey element is 6 metres deep, the proposed single storey component would be acceptable. no objection is raised to this element of the proposal. This is because the bulk of the ground floor element would be hidden behind a standard 2m high boundary treatment and would not cause unacceptable issues of overshadowing; or an overbearing impact.

- 5.13 Turning back to assessing the first floor component, officers are satisfied that the outlook of the adjacent properties at first floor level would not be materially harmed. This is due to the fact that if built, the proposed first floor extension would not disrupt a zone of daylight of 45 degrees when measured from the midpoint of the first floor windows of nos. 56 and 60. Such an unobstructed zone of daylight is an indicator that outlook will not be materially harmed. Similarly, the cumulative proposal would not disrupt a zone of daylight of 45 degrees from any ground floor windows of either adjacent dwelling.
- 5.14 The gardens and rear elevations of the host dwelling, and also the adjacent dwellings, are north west facing, meaning none of the aforementioned dwellings enjoy particularly high levels of direct sunlight. As no. 56 is to the south of the host site a material loss of direct sunlight is not expected to result from this proposal, similarly, levels of natural light are not expected to be materially harmed as a result of this proposal due to the now reduced length of the first floor rear extension, coupled with the distance between the two properties.
- 5.15 The level of light entering the original rear elevation and immediate rear garden of no. 60 is already reduced due to no. 60's existing single storey rear extension, meaning the proposed first floor extension will not materially harm the level of light that no. 60 enjoys when compared to the existing situation.
- 5.16 The roof of the proposed single storey rear extension that wraps around the proposed first floor component could potentially be used as a balcony/raised platform if approved. Accordingly, should planning permission be granted it is recommended that the use of the flat roof of the extension is restricted.
- 5.17 A second floor side dormer window is also proposed. The proposed dormer will not result in a material loss of light to any nearby occupiers due to its position in relation to the nearby dwellings. Further to this, the proposed window will not result in a material loss of privacy to any nearby occupiers due to the angle of any such indirect views. Officers are aware that no. 56 does have a first floor side elevation windows, however, this is understood to be a landing window, as such a material loss of privacy is not expected to result to the occupiers of no. 56.
- 5.18 Transport and Parking
The extended dwelling would have five bedrooms and therefore, in accordance with the Residential Parking standards SPD, requires the benefit of at least three off street parking spaces. Ample off street parking is available on the existing driveway to accommodate three parking spaces, if planning permission is permitted it is recommended that a condition is imposed that ensures three car parking spaces are implemented and retained at the dwelling. It is noted that at present there is no dropped kern but planning permission would not be required to carry out such works. In the event that the officer recommendation was for that of approval, an informative would be attached to alert the applicant to the need to drop the kerb and relevant steps required to do so.
- 5.19 The transport officer has also referred to saved policy T7 that requires new dwellings to have a level of secure cycle parking; in referring to this policy the

officer has requested that a condition be imposed on any permission to ensure a level of cycle parking is provided for the dwelling in accordance with the policy. As this proposal is not for a new dwelling, officers cannot impose such a condition as there is no policy justification or material need for such a condition.

5.20 Other Matters

Concerns have been raised by neighbouring occupiers with regard to the structural integrity of any two storey extension and also the required foundations. Such issues are not considered to be material planning considerations; rather they are likely to fall under building control. Similarly, concerns regarding vibrations from the installation of rooflights are also not planning considerations.

5.21 A member of the public has suggested that the plans have no measurements, although the plans do not have measurements labelled on the plans, they are 'to scale' meaning officers and members of the public can measure these plans if they so choose.

5.22 Further to this, a member of public has stated that the extensions will just facilitate an 'absent landlord' to rent out the property. This is not considered to be a material consideration; the planning application is to provide additional living accommodation.

5.23 Finally, a member of the public has suggested the proposal will impact upon nearby roof mounted solar panels. Officers do not share this view, the proposed two storey extension has a ridge height lower than that of the existing and nearby dwellings, in this way the proposal will not shadow these panels.

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 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. Prior to the first occupation of the hereby permitted extensions, and at all times thereafter, at least three off-street car parking spaces shall be provided within the residential curtilage of the permitted 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.

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

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the provisions of the National Planning Policy Framework.

4. The occupiers of the property shall never occupy/access the flat roof of the hereby permitted extensions as a balcony or raised platform.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 01/16 – 8 JANUARY 2016

App No.: PT15/5025/F

Applicant: Mr Phil Landon

Site: 7 Brins Close Stoke Gifford Bristol
South Gloucestershire BS34 8XU

Date Reg: 23rd November 2015

Proposal: Erection of log cabin and 3no garden
buildings (retrospective)

Parish: Stoke Gifford Parish
Council

Map Ref: 362593 179795

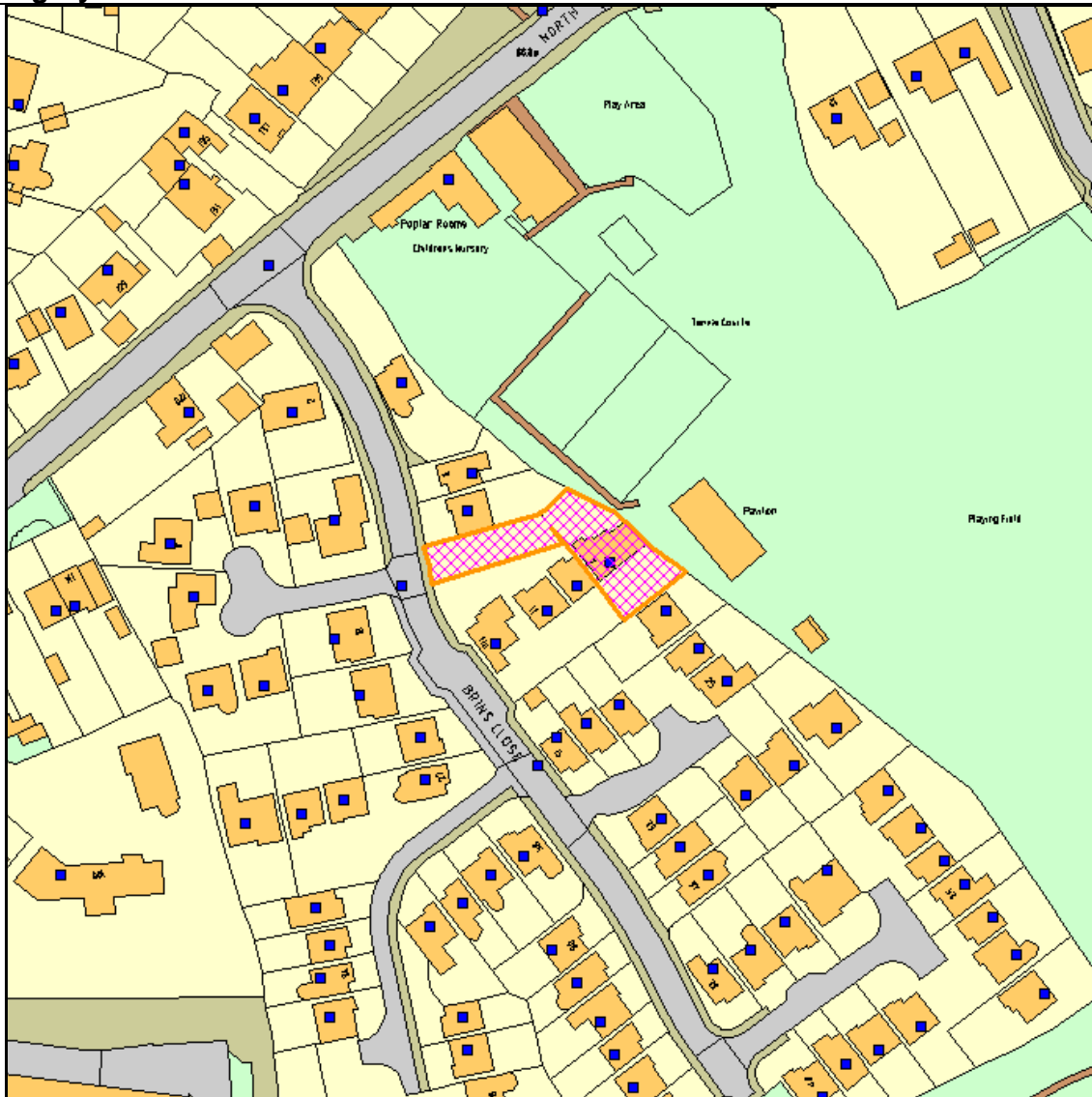
Ward: Stoke Gifford

Application Householder

Target 18th January 2016

Category:

Date:



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT15/5025/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as an objection has been received.

1. THE PROPOSAL

- 1.1. The application relates to a property located in Brins Close, Stoke Gifford, which lies within a relatively modern residential housing estate. Within the application site is a detached house, and the application site is bordered by residential properties to the north-west, south-east and south-west and playing fields to the north-east. The property has a reasonable sized rear garden, which is partly laid to lawn with a patio area covering the remainder. The garden is enclosed by large timber fences on the north-eastern, south-eastern and south-western boundaries.
- 1.2. The applicant seeks retrospective planning permission for the erection of a log cabin in the rear garden of the property, close to the north-eastern and south-eastern boundaries of the property; and three modest garden buildings in the rear garden, adjacent to the south-western boundary of the property (which consist of a small shed, a wood store and a cycle store). All of these structures are currently in situ. The log cabin is to be used as an additional living area.
- 1.3. The log cabin does not meet the criteria provided for domestic outbuildings in the Town and Country Planning (General Permitted Development) (England) Order 2015 because the log cabin is within 2 metres of a boundary and exceeds 2.5 metres in height (it measures 2.61 metres high); and it is not 'incidental' to the use of the property, as it will provide an additional living area which is an 'ancillary' use. Therefore, an express planning permission is required to retain the log cabin.
- 1.4. The three smaller garden structures applied for would ordinarily benefit from a deemed consent under the Town and Country Planning (General Permitted Development) (England) Order 2015. However, the relevant permitted development right has been removed from the property and therefore an express planning permission is also required for these structures.

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)

Policy H4 – Development within existing residential curtilages, including extensions and new dwellings

South Gloucestershire Local Plan Core Strategy Adopted December 2013

Policy CS1 - High Quality Design

Policy CS4A – Presumption in Favour of Sustainable Development
Policy CS25 – Communities of the North Fringe of Bristol Urban Area

2.3. Emerging Policy Documents – South Gloucestershire Local Plan – Proposed Submission: Policies, Sites and Places Plan March 2015

Policy PSP1 – Local Distinctiveness
Policy PSP9 – Residential Amenity
Policy PSP39 – Development Within Existing Residential Curtilages, Including Extensions and New Dwellings
Policy PSP44 – Private Amenity Space Standards

2.4. Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) Adopted 23rd August 2007
Residential Parking Standards SPD (adopted December 2013)

3. RELEVANT PLANNING HISTORY

- 3.1. P92/2557 – Conversion of existing garage to provide study. Erection of double attached garage. Approved on 10th January 1993.
- 3.2. P97/1519 – Erection of attached garage. Approved on 6th June 1997.
- 3.3. PT99/0375/F – Erection of first floor side extension over existing garage. Approved subject to conditions on 24th January 2000.

4. CONSULTATION RESPONSES

4.1. Stoke Gifford Parish Council

No objection.

4.2. Other Consultees

Arboricultural Officers

There appear to be no significant tree issues on or off site. The birch tree appears to be a low category (value) tree. This is not a high enough quality tree that we would have retained

This is due to previous heavy and inappropriate pruning. It is most likely in excess of 3-4m from the building in question. This would put it outside any root protection area, therefore the root damage should not be a risk to the long term viability of the tree.

In summary the tree would not have been considered of high enough quality or importance to be a constraint on the planning of a new building. The hedge is not protected in the planning process. We could not justify any objection from the tree perspective.

Other Representations

4.3. Local Residents

One representation was received from a local resident, who objected on the following grounds:

- The application refers, inter alia, to a shed built in a garden, without planning permission, but with water, sewerage and electricity.
- The property appears to be run as a boarding house and the owner does not apparently live there. The owner appears to have built a shed in his garden to house more lodgers in whatever conditions. It is not clear what the Council's policy is regarding allowing landlords to build sheds in their gardens and allow them to be used to house lodgers but many councils do have very strict policies to prevent such practices. I do believe that the Council should take a firm line against such practices, particularly when the erection is done without planning permission in the knowledge that, as confirmed to the owner by officers, it would be easy to obtain retrospective planning permission.
- The development is quite out of character in a residential development and I believe should be opposed as out of character and completely reprehensible.

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1. Policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2006-2027 (adopted December 2013) ("the Core Strategy") states that development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of both the site and its context; the density and overall layout is well-integrated with existing adjacent development; safeguard/enhance existing features of landscape, nature conservation, heritage or amenity value and public rights of way; and contributes to relevant strategic objectives.
- 5.2. Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 ("the Local Plan") permits proposals for development within existing residential curtilages, including extensions to existing and new dwellings, where they respect the design and character of the existing property and the character of the street scene and surrounding area; would not prejudice the residential amenity of neighbours; would not have an unacceptable impact on highway safety or parking provision; and would not prejudice the retention of adequate private amenity space. The policy also goes on to state that, where extensions are potentially capable of separate occupation, but lack an acceptable level of separate parking provision or private amenity space, the Council will impose a condition on the permission that the extension should only be used ancillary to the main dwelling.
- 5.3. Policy CS25 of the Core Strategy provides that development proposals will respect the character and identity of existing communities, while promoting the distinctiveness of the North Bristol Fringe as a whole; and promote high quality landscaping that assists in developing neighbourhood distinctiveness.

- 5.4. The South Gloucestershire Local Plan – Proposed Submission: Policies, Sites and Places Plan March 2015 (“the PSP”) has not yet been adopted. As such, whilst the relevant policies from the PSP have been taken into consideration, they are of limited weight.
- 5.5. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

Design and Visual Amenity

- 5.6. The log cabin, which has been erected in the rear garden of the property close to its north-eastern and south-eastern boundaries, is approximately 4.48 metres long, 2.82 metres wide and 2.61 metres high to the roof ridge (the eaves height is 2.24 metres). It is of timber construction and has been painted a light green colour, except for the areas surrounding the window on the north-western elevation, the two windows on the south-western elevation and the double doors on the north-western corner of the building, which have all been painted cream. The log cabin has a pitched roof with dark grey felt tiles. There is a timber fence on the north-eastern boundary of the property (which is approximately 2.07 metres in height) and the south-eastern boundary of the property (which is approximately 1.76 metres in height).
- 5.7. The three modest garden buildings, which consist of a small shed, a wood store and a cycle store, are located in the rear garden of the property adjacent to the south-western boundary of the property. The shed is approximately 1.90 metres long, 1.30 metres wide and 2.17m high to the roof ridge (the eaves height is 1.83 metres). It is made from plastic with a wooden effect, and is cream and brown in colour. The wood store is approximately 1.42 metres long by 0.83 metres wide by 1.25 metres high, and is also made from plastic with a wooden effect, which is cream with a dark green roof. The cycle store measures approximately 2.23 metres long, 1.11 metres wide and 1.35 metres high, is made from steel and is a dark green colour. There are timber fences on the south-eastern and south-western boundaries, which are approximately 1.76 metres high.
- 5.8. The colour and materials used in the construction of the log cabin appear to be of good quality and are sympathetic to its garden setting. The log cabin is only 11 centimetres higher than the height permitted for domestic outbuildings in the Town and Country Planning (General Permitted Development) (England) Order 2015 and has been sited in the corner of the garden where it is surrounded by large timber fences. While the log cabin is of a significant size, it still reads as being ancillary to the main dwelling and does not look out of place in the large rear garden. Furthermore, the log cabin does not appear alien in a residential area and cannot be seen from Brins Close; indeed, there are only very limited views of it from neighbouring properties lying to the south-east and south-west of the property. Thus it is considered that the log cabin respects the design and character of the site and its context.
- 5.9. The massing and scale of the shed, wood store and cycle store are modest and are not considered inappropriate for a domestic property (and, indeed, they would usually benefit from a deemed planning permission under the Town and Country Planning (General Permitted Development) (England) Order 2015). Their design is typical of residential storage containers of this type. They are not visible from the road and

have been sited next to a high timber fence which screens the wood store and cycle store completely from neighbouring properties, while the shed is only just visible. Although plastic and steel are not preferred materials for residential storage, the appearance of these small buildings are not considered harmful to the site or its context.

5.10. There are a number of trees on the south-eastern and south-western boundaries of the property which contribute to the amenity of the area and provide screening of the rear garden of the property from surrounding properties. It is not considered that further landscaping is necessary in order for the proposal to be acceptable.

5.11. On balance, the proposal respects the design and character of the existing property and the surrounding area. Therefore, the proposal is in accordance with Policies H4(A) of the Local Plan and Policy CS1 and CS25 of the Core Strategy.

Residential Amenity

5.12. The height of the log cabin (2.61 metres to the roof ridge) is not considered to be high enough to be overbearing or result in loss of light for any occupiers of the properties adjoining the application site. Furthermore, as the windows in the log cabin look back towards the dwelling at number 7 Brins Close and towards the boundary of the property with number 9 Brins Close which is demarcated by a large timber fence, it is not considered that the log cabin will result in any loss of privacy of occupiers in the adjoining properties.

5.13. Similarly, it is not considered that the height of the shed, wood store or cycle store would have any impact on the residential amenity of neighbouring occupiers on account of their modest size.

5.14. Therefore, it is considered that the proposal is in accordance with Policy H4(B) of the Local Plan.

Amenity Space

5.15. The property has a reasonable sized rear garden, which is partly laid to lawn with a patio area covering the remainder. While the log cabin is of a significant size, and the shed, wood store and cycle store also take up garden space, it is considered that their erection does not result in insufficient private amenity space being retained.

5.16. Therefore, the proposal is in accordance with Policies H4(D) of the Local Plan.

Transportation Issues

5.17. The erection of the log cabin, shed, wood store and cycle store does not impact upon highway safety or parking provision. Therefore, the proposal is in accordance with Policies H4(C) of the Local Plan.

Separate Occupation

- 5.18. Inside, the log cabin has a kitchen sink, a WC and an area which is used as a living area. It is connected to services, including water, drainage and electricity.
- 5.19. At the time of the Officer's visit, there was no evidence that this was being used as an independent dwelling (which would require planning permission for a change of use to a dwellinghouse). However, it is acknowledged that the log cabin is capable of being used as such if internal changes were made to the design e.g. the addition of a shower and cooking facilities. It is considered that the log cabin would lack an acceptable level of separate parking provision and private amenity space to be used independently from the main dwelling.
- 5.20. Therefore, in line with policy H4 of the Local Plan, if planning permission is granted, the Council will impose a condition on the permission that the extension should only be used ancillary to the main dwelling.

Other Issues

- 5.21. An objection has been raised by a local resident on the basis that the property is a house in multiple occupation, the owner does not apparently live there and appears to have constructed the log cabin in order to house more lodgers.
- 5.22. The applicant has confirmed that he does live at the property (although he is frequently deployed overseas for work) and there are four lodgers living at the property. The applicant has also confirmed that the log cabin is intended for his own personal use and will not be used by any of the lodgers.
- 5.23. The change of use from a dwellinghouse to a house in multiple occupation with 6 or less occupants benefits from a deemed planning permission under the Town and Country Planning (General Permitted Development) (England) Order 2015. The fact that the property is used as a house in multiple occupation has little bearing on the evaluation of the log cabin and the garden buildings in policy terms and does not justify the refusal of planning permission.
- 5.24. However, as set out above, if planning permission is granted, a condition will be imposed on the permission that the extension should only be used ancillary to the main dwelling (i.e. not as an independent dwelling).

6. CONCLUSION

- 6.1. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2. The 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 this application be approved subject to a condition.

Contact Officer: Kathryn Leeming
Tel. No. 01454 863117

CONDITIONS

1. The log cabin hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 7 Brins Close.

Reason

The development would be unsuitable for use as a separate residential dwelling because it lacks an acceptable level of separate parking provision and private amenity space, in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies).

CIRCULATED SCHEDULE NO. 01/16 – 8 JANUARY 2016

App No.: PT15/5063/F
Site: Croft House Hacket Lane Thornbury
 Bristol South Gloucestershire
 BS35 2HH

Applicant: Mr And Mrs J Risdale
Date Reg: 1st December 2015

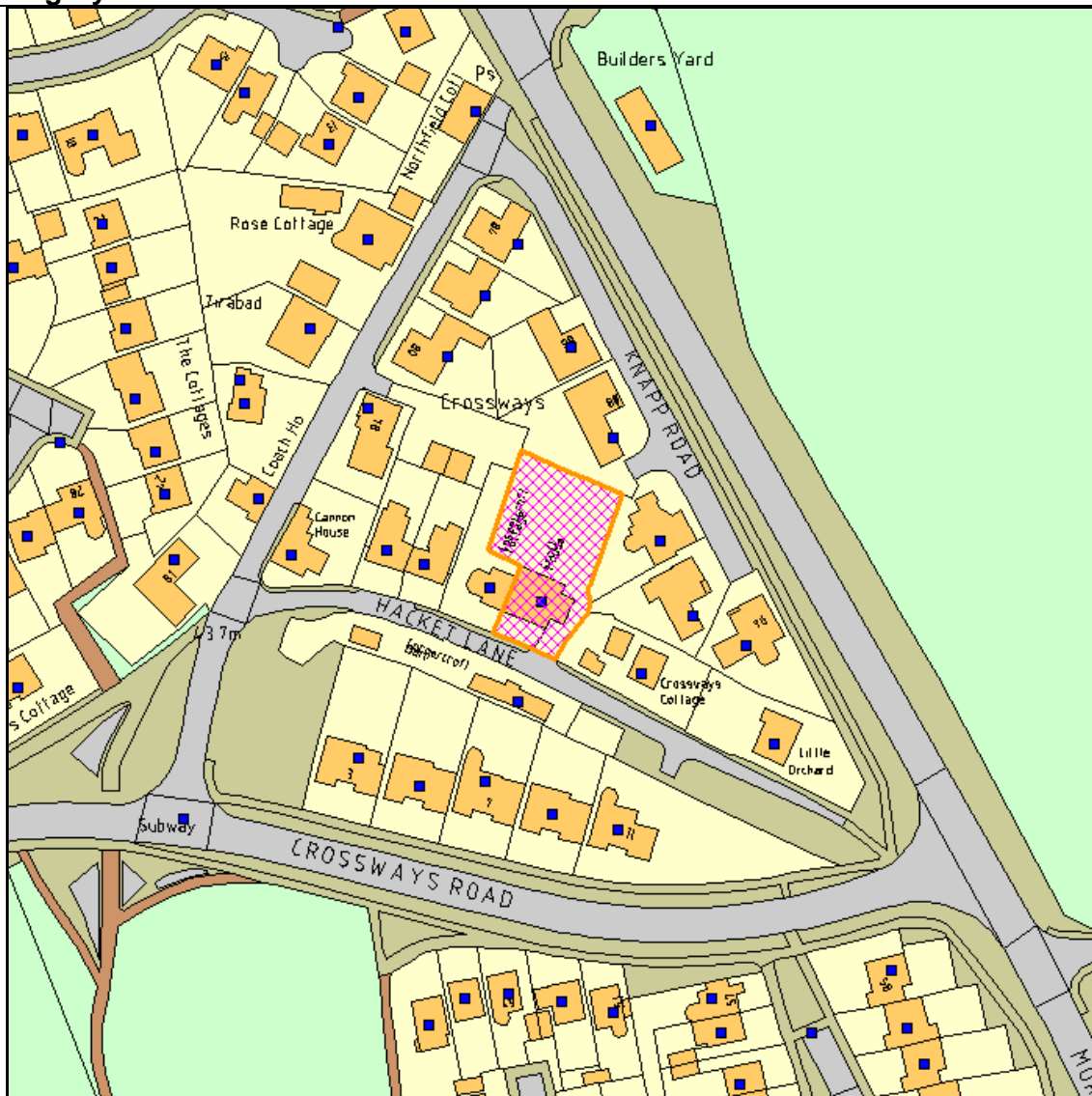
Proposal: Erection of first floor side, two storey front/side and single storey rear extensions to provide additional living accommodation and garage space.

Parish: Thornbury Town Council

Map Ref: 364990 190341

Ward: Thornbury North
Target Date: 26th January 2016

Application Category: Householder



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008.

N.T.S.

PT15/5063/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The planning application has been referred to the Council's Circulated Schedule procedure due to an objection received from a local resident.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a first floor side extension, two storey front/side extension and a single storey rear extension to provide additional living accommodation and garage space at Croft House Thornbury.
- 1.2 The host dwelling is a two storey semi-detached cottage with a gable roof it is built from a mixture of stone and render. There is a porch to the front of the property with a pitched roof.
- 1.3 The property benefits from a modest sized garden which extends to the rear of Cornercroft Cottage.
- 1.4 The applicant site is located within the settlement boundary of Thornbury.

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, Including Extensions and New Dwellings

T8 Parking Standards

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

2.3 Supplementary Planning Guidance

Design Checklist Supplementary Planning Document (adopted) August 2007

Residential Parking Standards Supplementary Planning Document (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P88/3470 Approval Full Planning 25/01/1989
Erection of rear conservatory and single storey side extension to provide toilet, workshop and garage.

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

No objection.

4.2 Sustainable Transport

The proposed development will increase the bedrooms within the dwelling to four. The level of vehicular parking available will not change after development. The parking provided complies with the Councils' residential parking standards, thus there is no transportation objection to the proposed development.

Other Representations

4.3 Local Residents

An objection comment has been received from a neighbouring resident. The following objections have been raised by a neighbour with regards to the proposed erection of a first floor side, two storey front/side and single storey rear extension:

- The two adjoined cottages, Croft House and Cornercroft Cottage, date back to pre-1820 thus it is important to maintain their character and appearance. The plans to use smooth render on the proposed extension at Croft House is not acceptable as the extension would not match the existing property. Stone would be more appropriate on the front aspect to ensure that the character and history of the properties is maintained and the overall impact of the property is not changed
- The current parking provisions for Croft House is not big enough, cars are often parked on Hacket Lane, blocking the access for emergency vehicles. The current owners do not use their garage for parking and the owners have two cars and there are daily visitors. The drive is not big enough to fit two cars side-by-side. The plans suggest the garage will be moved forwards which will create a bigger parking problem. A photograph was submitted by this neighbour to show the parking problem that exists on Hacket Lane.

There has also been a comment from a neighbouring property in support of the application.

- Croft House was originally a significant detached dwelling, over time a small family annex was added, this was sold off in 2014 and developed into a substantial family dwelling. The original status and character of Croft House no longer exists and cannot be recovered.
- The dwellinghouse now represents something new, quite different and serving different needs.
- The outline shows the total area footprint is not changing and that there remains adequate parking for 2 cars, which is confirmed by no transport objections.
- Render can look attractive if tastefully done so there is no problem with that.
- Finally there is no objection to the creation of much needed additional living space.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies CS1 of the South Gloucestershire Core Strategy (adopted December 2013) and Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) are both supportive in principle. Saved Policy H4 is supportive providing development is within the curtilage of existing dwellings, the design is acceptable with relation to policy CS1 of the Core Strategy, providing that there is safe and adequate parking, and also providing the development has no negative effects on transport.

Policy CS1 of the Core Strategy exists to make sure developments enhance and respect the character, distinctiveness and amenity of the site and its context. The proposal shall be determined against the analysis below.

5.2 Design and Visual Amenity

The application site is a two-storey semi-detached dwellinghouse with an attached garage and front porch situated within the Thornbury settlement boundary. Permission is sought for the erection of a first floor side extension, a two storey front/side extension and a single storey rear extension which would provide additional living accommodation and garage space.

The existing dwellinghouse is a two storey dwellinghouse with an attached garage, the roof style of both of these are gable. The property also has a single storey side elevation to the south-east, this has a lean to roof. On the southern elevation of the dwellinghouse there is also a single storey front porch which has a pitched roof.

The materials utilised in the proposal will mostly match the existing dwelling. With the roof utilising clay double roman tiles, the windows and doors will match the existing with uPVC. The walls will be a mixture of coursed stone and smooth painted render.

The use of render is a concern to an objecting neighbour, this is because the two adjoining cottages date back to pre-1820 and it is important to maintain their character. It should be noted that neither of the cottages are listed nor locally listed. The comment which has been made in support of the application states that the original status and character of Croft House no longer exists and cannot be recovered, today the dwellinghouse represents something new and different, however it is now serving different needs.

In contrast to this a support comment has been received from a neighbouring dwelling stating that there is no problem with the use of render as it can look attractive if tastefully done. Furthermore the officer notes that there are other dwellings situated on Hacket Lane which have had work done which includes smooth render, this is including the objector, as such two conditions have been attached with regards to the materials utilised.

The proposed extensions will all be subordinate to the existing dwellinghouse by utilising lower ridge lines. The side and front extensions will be visible from the street scene but will utilise a gable roof, increasing how in keeping the proposal is with the existing dwelling.

The proposal respects the character of the site and the wider context as well as being of an appropriate scale and proportion with the original dwelling and surrounding properties. Thus, the proposal satisfies policy CS1 of the adopted Core Strategy.

5.3 Residential Amenity

Saved policy H4 of the adopted Local Plan states that proposals for development within existing residential curtilages will only be permitted where they would not prejudice the amenity of nearby occupiers.

The applicant site is a semi-detached two-storey cottage located within the Thornbury settlement boundary. The dwellinghouse is attached to Cornercroft Cottage which is situated to the west of the dwellinghouse. The proposed extensions will be on the northern elevation and the eastern elevation. The curtilage of the applicant dwelling extends to the rear of Cornercroft Cottage. The proposed extensions are unlikely to affect the private amenity space of the existing residents or any future residents as there is a large rear garden available.

To the east of Croft House is Crossways Cottage, the boundary treatment between the applicant dwelling and the cottage is a small stone wall. There is an area of hardstanding belonging to Crossways Cottage which is used for storage that separates the dwellings this lowers the impact of the proposed extension as there is an area of open space between the dwellings.

The proposed extension sees the introduction of new windows. On the south-west elevation there are two proposed windows these will overlook the residential road. There is an existing window in the south-east elevation which will be removed and inserted into the new extension this will have the same outlook as the existing window of the area of hardstanding which separates the applicant site and Crossways Cottage. There is two new windows proposed in the north-west elevation, one of which is a roof light, these proposed windows are unlikely to affect the residential amenity of surrounding dwellings.

Overall the proposal would not result in any adverse impacts on the residential amenity of neighbouring occupiers or future occupiers. As such the proposal is considered acceptable in terms of saved policy H4 of the Local Plan (adopted) 2006.

5.4 Highways

The proposal shows that there will be one additional bedroom created by the proposed extension. The Council has a Residential Parking Standard SPD which sets the minimum parking standard in proportion to the amount of bedrooms at the property. The dwelling currently has three bedrooms, for this a minimum of two spaces are required. As the proposal only suggests that there will be one further bedroom the minimum number of spaces does not increase. The property currently has an area of hardstanding at the front of the property. The proposal shows that the garage extends forward this is to create additional garage space. This proposal does not affect the parking area at the property. An objection comment from a neighbouring resident states that the parking provision for Croft House is not big enough and that there is often cars parked

on Hacket Lane this blocks the access for emergency vehicles. Further comments state that the owners do not use their garage for parking and that the driveway is not big enough to fit two cars side-by-side. Furthermore the objector has submitted a picture which shows the parking problem that exists on Hacket Lane, whilst the picture does show that there is a problem with parking on Hacket Lane it would not be appropriate to assume all the vehicles relate to Croft House. The Sustainable Transport Officer for South Gloucestershire Council has no objection to the proposed development as the level of parking complies with the Councils' residential parking standards outlined within South Gloucestershire Council's Residential Parking Standards Supplementary Planning Document (adopted) December 2013.

Since no additional parking spaces are required the proposal is in accordance with saved policy T12 of the Local Plan (adopted) 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 is **APPROVED** with the following conditions.

Contact Officer: Fiona Martin
Tel. No. 01454 865119

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 stone work to be used externally in the development hereby permitted shall match that of the existing building in type, colour, texture, size, coursing and jointing.

Reason

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

3. The colour, type and texture of the rendered finish to the external walls of the proposed extension shall match that of 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. 01/16 – 8 JANUARY 2016

App No.:	PT15/5208/O	Applicant:	Mr And Mrs Dimond
Site:	East End House Grovesend Road Thornbury Bristol South Gloucestershire BS35 2HB	Date Reg:	7th December 2015
Proposal:	Erection of 1no. dwelling (Outline) with access, layout and scale to be determined. All other matters reserved.	Parish:	Thornbury Town Council
Map Ref:	364972 189596	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	28th January 2016



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008.

N.T.S.

PT15/5208/O

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Two comments have been received that are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks outline planning permission for the erection of 1no. detached dwelling with access, layout and scale to be considered and all other matters to be reserved.
- 1.2 The application site relates to a piece of land in the settlement boundary of Thornbury facing Chiltern Park and with access directly from Chiltern Park.
- 1.3 The application site is a modest plot which was previously part of the side garden belonging to East End House, Grovesend Road.

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
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

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

H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L1	Landscape
T7	Cycle parking
T12	Transportation Development Control
EP1	Environmental Protection

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

3. RELEVANT PLANNING HISTORY

- 3.1 P97/2397 Proposed alterations and extensions to include two storey side extension and re-siting of garage. Approval Full Planning 10.11.1997

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council
No objection

4.2 Other Consultees

Lead Local Flood Authority
No objection

Sustainable Transport

The adjacent highway and configuration of nearby accesses do not present a problem for this application, as such there is no transportation objection to this proposal.

Archaeologist
No comment

Other Representations

4.3 Local Residents

Objection Comment received from 13 Chiltern Park

- Lack of parking for size of house.
- Limited space available on the road for extra cars and it is difficult for service vehicles to park or turn around at the bottom of the road.
- A 3 bedroom property with a garage would be more in-keeping.
- On street, pavement parking is already a problem as is parking in the turning space.

Objection Comment received from 16 Chiltern Park

- No garage is proposed
- Building is facing in the opposite direction from those adjacent.
- Existing access road onto Grovesend Road which already serves the applicant and other properties but with the capacity to accommodate the requirements of the proposed development.
- The road layout of Chiltern Park reflects the needs of the properties there and only just meets those needs.
- On road parking is already limited and the proposed access will remove a significant proportion of an already scarce resource.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing

landscape/nature/heritage features; and contributes to relevant strategic objectives.

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of development to or within the curtilage of a dwelling, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.

In addition Policy T12 seeks to ensure that development will have no adverse impact on highway safety and residential parking standards have been revised under supplementary planning guidance adopted 2013.

It is important to highlight that 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 on to explain 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. In June 2015 an Inspector (appeal ref. APP/P0119/1/14/2220291) found that the Council could not demonstrate a five year housing land supply, meaning paragraph 49 of the NPPF is engaged. 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.

It is considered that the proposal accords with the principle of development and this is discussed in more detail below.

5.2 Visual Amenity

The site is located within the side garden of East End House with access on to the residential cul-de-sac of Chiltern Park. The proposed outline planning application requests that appearance and landscaping are reserved for future consideration. As such only the general principles of design can be assessed. The application proposes that the means of access, siting and scale be considered here.

- 5.3 The erection of a house as located by the site plan in the side garden of East End House, Thornbury can be achieved without detriment to the visual amenity of the site or its surroundings but the reserved matters will need to demonstrate that the design and materials are appropriate to the neighbouring buildings. As the proposed dwelling is situated within the existing linear building line and the access is located along the road in a similar fashion to the existing properties on Chiltern Park, it is unlikely to create any significant adverse impacts in terms of visual amenity. The plot size is considered to be quite small in comparison to the existing plot sizes however, as adequate private amenity space is leftover for both East End House (448 square metres) and the new dwelling (268 square metres) and as the new dwelling is considered to add to the mix of housing within the area, it is unlikely that the dwelling will cause any significant

harm to the character of the area. The neighbour objection from 16 Chiltern Park explains that the dwelling will be facing in the opposite direction from the other houses in the street. However, this is unlikely to cause any significant and demonstrable harm to the character of the street scene. Overall, it is considered that the proposal would not harm the character or appearance of the area and as such, is considered acceptable in terms of visual amenity.

5.4 Residential Amenity

The application site is rectangular and there is sufficient space to create a house without detriment to East End House, Grovesend Road. As such sufficient amenity space would remain to serve the host dwelling. The emerging Policies, Sites and Places Development Plan Document (PSP DPD) sets out guidance for private amenity space standards. The guidance explains that for a four-bedroom property 70 sqm of private amenity space should be provided. The proposed property has approximately 268 square metres of private amenity space. However, limited weight should be given to the PSP DPD.

The proposed new dwelling would face north east and would be positioned to the south east of East End House, with measurements of approximately 12m x 37m, running from Grovesend Road to Chiltern Park in a linear position that follows the building line of the street. The existing conservatory attached to the side of East End House is proposed to be demolished in order to provide adequate space between the existing house and the new property.

The new dwelling is proposed to have a pitched tiled roof with the front elevation being towards Chiltern Park with the majority of amenity space being located to the south west. Access would be via a new crossover on Chiltern Park where two parking spaces are proposed. It is explained that the house will have a total floor area of 133 square metres and amenity area of 268 square metres.

Given the above it is considered that the outline proposal would not impact adversely on the residential amenity for the proposed dwelling or the existing residential amenity for the surrounding dwellings, and is considered acceptable in terms of residential amenity.

5.5 Sustainable Transport

The Council's Residential Parking Standards SPD (2013) states that for three and four bed houses there should be two off-street parking spaces measuring 4.8m by 2.4m provided. As this is clearly shown in Plan 1508_P005 there are no issues relating to parking provision. It is considered by the Transport Officer that the adjacent highway and configuration of nearby accesses do not present a problem for this application, as such there is no transportation objection to this proposal. It is also noted that undercover cycle parking for two bicycles has also been shown within the proposed block plan (1568_P005). Therefore, there are no transport objections to the proposal.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The NPPF states in paragraph 14 that where the relevant policies are out-of-date the Council should then grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. As the Council cannot demonstrate a five year land supply this means that the relevant policies are out-of-date, which means that Paragraph 14 of the NPPF comes into practice. Whilst the creation of one dwellinghouse in this location will be a very modest contribution to housing supply, it is also considered that the proposed dwelling will add to the mixture of dwelling types. The impacts of the development are unlikely to lead to any significant and demonstrable adverse impacts that outweigh the benefits.
- 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: Chloe Buckingham
Tel. No. 01454 867967

CONDITIONS

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

Reason
This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.
2. Plans and particulars of the reserved matters referred to in the condition above, relating to the appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason:

This is to be carried out prior to commencement of development in order to avoid the need for future remedial action and to comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

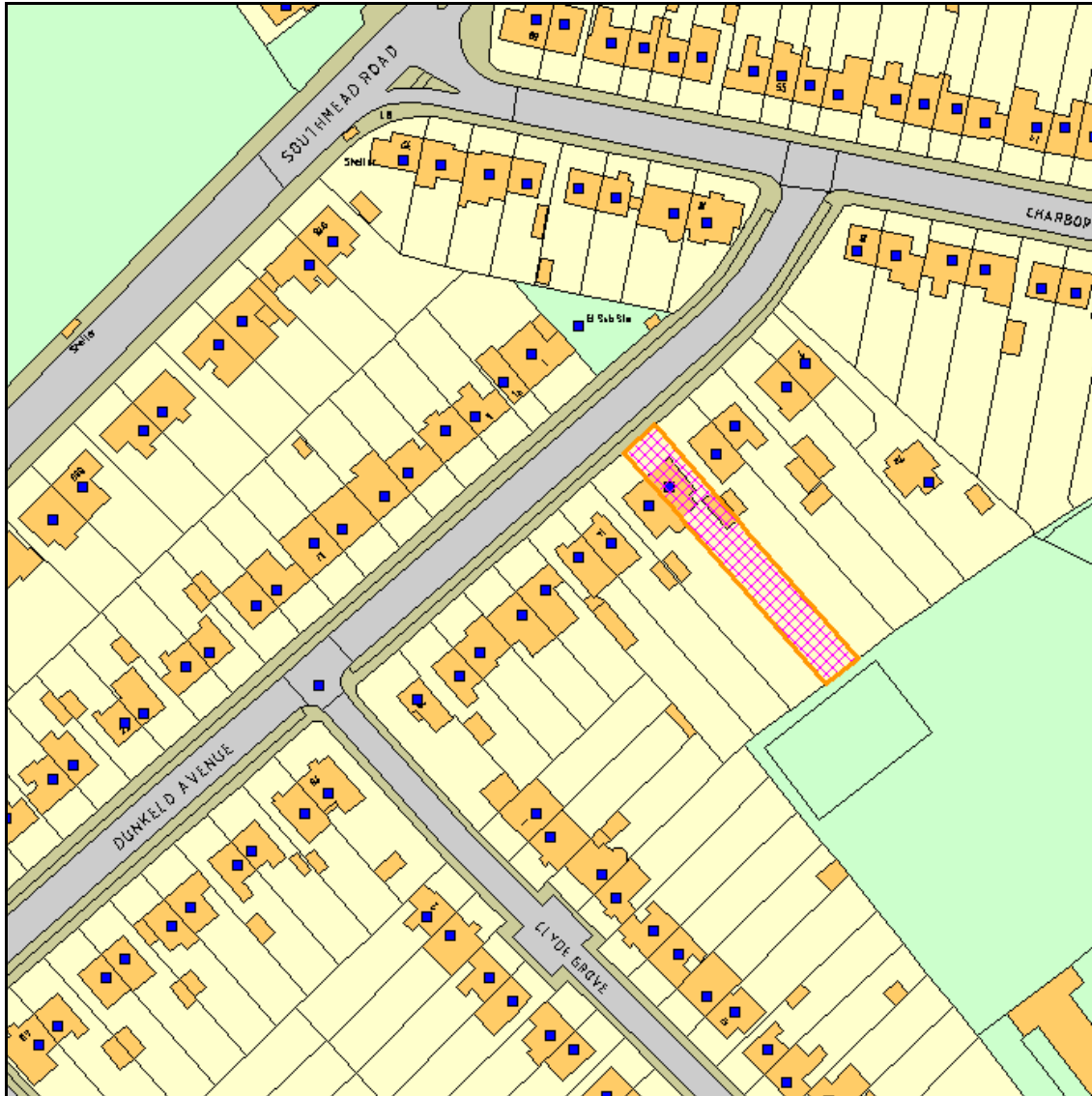
7. The hours of working on site during the period of construction shall be restricted to 08.00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use 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.

CIRCULATED SCHEDULE NO. 01/16 – 8 JANUARY 2016

App No.:	PT15/5242/CLP	Applicant:	Mrs Kara Fitzhugh
Site:	10 Dunkeld Avenue Filton Bristol South Gloucestershire BS34 7RJ	Date Reg:	10th December 2015
Proposal:	Certificate of lawfulness for the proposed installation of rear and side dormer	Parish:	Filton Town Council
Map Ref:	359754 178691	Ward:	Filton
Application Category:		Target Date:	1st February 2016



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008.

N.T.S.

PT15/5242/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a side and rear dormer window at no. 10 Dunkeld Avenue, Filton would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.
- 1.3 After reviewing the property's planning history for the site, it is clear that the relevant householder permitted development rights are intact and are, therefore, exercisable.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990 section 192 Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class B.

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

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Filton Parish Council
No comment received
- 4.2 Councillor
No comment received

Other Representations

- 4.4 Local Residents
None received

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

- 5.1 Site Location Plan; Plans, Section and Elevations as Proposed (01) – all received on 07/12/2015.

6. **ANALYSIS OF PROPOSAL**

6.1 **Principle of Development**

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

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

- 6.3 The proposed development consists of the installation of a side and rear dormer window. This development would fall within Schedule 2, Part 1, Class B, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, provided it meets the criteria as detailed below:

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

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

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

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

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

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

The principal elevation of no. 10 Dunkeld Avenue is the elevation that faces the Dunkeld Avenue highway. However, the proposed dormer window

extends from the side roof elevation which does not form a principal elevation and does not front a highway.

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

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

(ii) 50 cubic metres in any other case;

The house is semi-detached and the cubic content of the resulting roof space would not exceed 50 cubic metres. The cubic content of the proposed dormer window would be approximately 40.23 cubic metres.

(e) It would consist of or include-

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

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

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

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

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

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

Conditions

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

–

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

The proposed dormer will be constructed from materials similar in appearance to the materials used on the existing roof. The proposed elevations indicate the roof of the dormer will be constructed from tiles, the face and sides of the dormer will be finished in render and the windows will be UPvc double glazed casement windows. The proposal, therefore, meets this condition.

(b) The enlargement must be constructed so that –

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

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

The proposed dormer would leave the original eaves of the dwellinghouse unaffected.

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

The edge of the proposed dormer closest to the eaves is set back by 0.4 metres from the existing eaves.

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

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

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

(i) Obscure glazed; and

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

A window is proposed to be installed in the side dormer. However, the proposed plans indicate that the window be obscure glazed and non-openable. This condition is, therefore, satisfied.

7. RECOMMENDATION

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

Evidence has been provided to demonstrate that the proposed extension would be allowed as it is considered to fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Helen Braine
Tel. No. 01454 868388

CONDITIONS

1. Evidence has been provided to demonstrate that the proposed extension would be allowed as it is considered to fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015.