



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF ENVIRONMENT AND COMMUNITY SERVICES**

CIRCULATED SCHEDULE NO. 14/16

Date to Members: 08/04/16

Member's Deadline: 14/04/2016 (5.00 pm)

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.

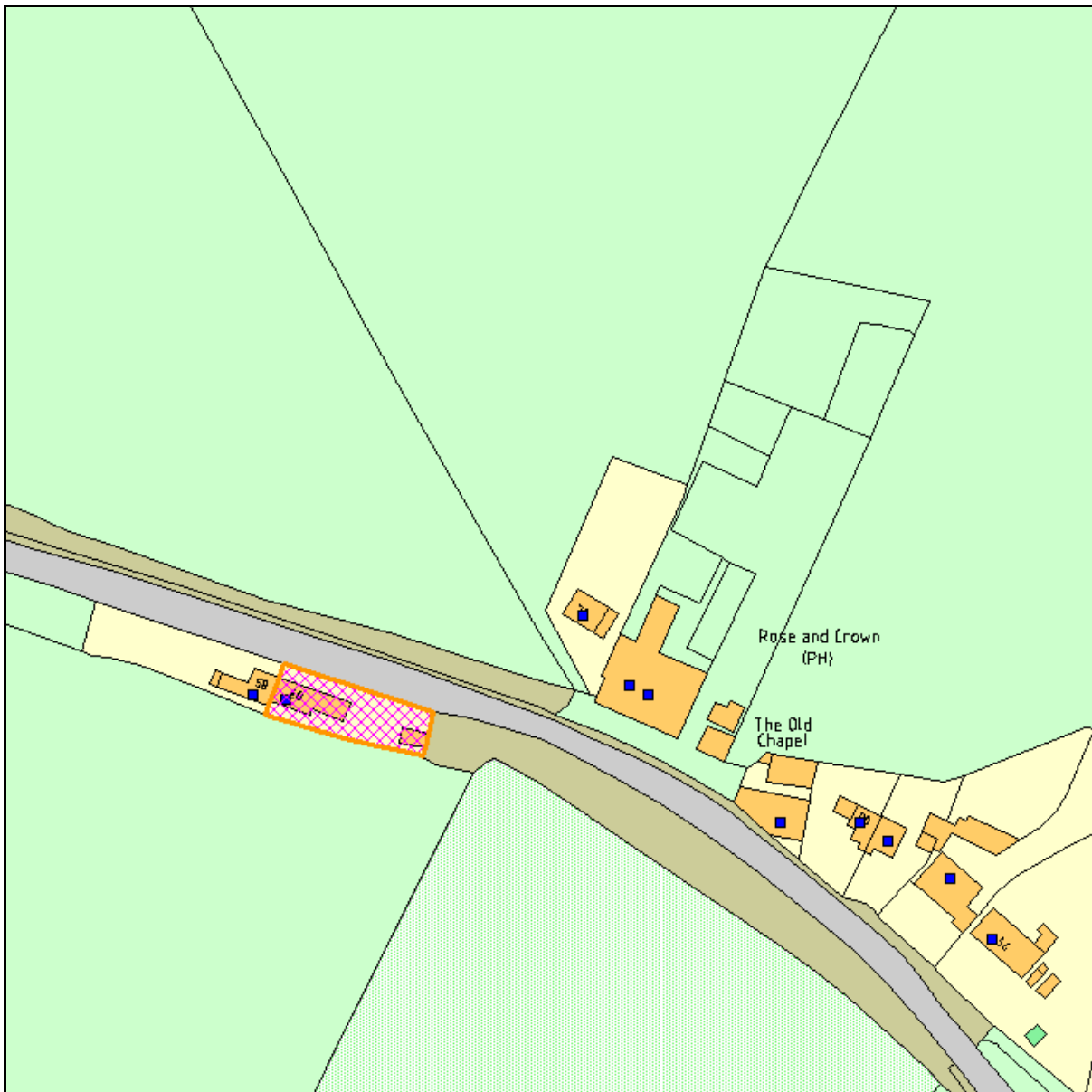
CIRCULATED SCHEDULE 08 April 2016

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/3968/F	Approve with Conditions	83 Parkfield Road Pucklechurch South Gloucestershire BS16 9PS	Boyd Valley	Pucklechurch Parish Council
2	PK16/0581/F	Approve with Conditions	14 Ullswater Close Yate South Gloucestershire BS37 5SS	Yate North	Yate Town
3	PK16/0753/F	Approve with Conditions	37 Burley Grove Mangotsfield South Gloucestershire	Rodway	None
4	PK16/0790/F	Approve with Conditions	12 Footshill Close Kingswood South Gloucestershire	Hanham	None
5	PK16/0829/CLP	Approve with Conditions	45 Couzens Close Chipping Sodbury South Gloucestershire BS37 6BT	Chipping	Sodbury Town Council
6	PK16/0899/F	Approve with Conditions	4 Batley Court North Common South Gloucestershire BS30 8YZ	Oldland	Bitton Parish Council
7	PT15/5099/F	Approve with Conditions	The Royal British Legion Rodway Road Patchway South Gloucestershire BS34 5PE	Patchway	Patchway Town Council
8	PT16/0029/FDI	Approve	University Of West Of England Coldharbour Lane Stoke Gifford South Gloucestershire BS16 1QY	Frenchay And Stoke Park	Stoke Gifford Parish Council
9	PT16/0185/F	Refusal	25 Broad Croft Patchway South Gloucestershire BS34 5FS	Patchway	Patchway Town Council
10	PT16/0545/F	Approve with Conditions	Land Opposite 1 Catbrain Hill Easter Compton South Gloucestershire BS10 7TH	Patchway	Almondsbury Parish Council
11	PT16/0782/F	Approve with Conditions	Land At Townwell House Townwell Cromhall Wotton Under Edge South Gloucestershire	Charfield	Cromhall Parish Council
12	PT16/0844/CLP	Approve with Conditions	48 Harcombe Hill Winterbourne Down South Gloucestershire BS36 1DE	Winterbourne	Winterbourne Parish Council
13	PT16/0868/F	Approve with Conditions	Orange Communications Mast Bradley Stoke Way Bradley Stoke South Gloucestershire BS32 9DB	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council

CIRCULATED SCHEDULE NO. 14/16 – 8 APRIL 2016

App No.:	PK15/3968/F	Applicant:	Mr Mathew Kitson
Site:	83 Parkfield Road Pucklechurch South Gloucestershire BS16 9PS	Date Reg:	16th September 2015
Proposal:	Erection of two storey side extension to form additional living accommodation.	Parish:	Pucklechurch Parish Council
Map Ref:	369513 176895	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	9th November 2015



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PK15/3968/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure following objections from the Parish Council which are contrary to the officer recommendation in this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two storey side extension at 83 Parkfield Road, Pucklechurch.
- 1.2 The site is situated outside of any established settlement boundary and is within the Bristol/Bath Green Belt.
- 1.3 Amendments to reduce the volume and change the design have been requested and received on 23rd March 2016. As the proposal has reduced in scale, a period of re-consultation was not deemed necessary.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation
H4 Development within Existing Residential Curtilages
L1 Landscape

2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Residential Parking Standard (Adopted) December 2013
- (c) Development in the Green Belt SPD

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history.

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council

Objection to application as originally submitted.

This is a property that sits within the Bristol/Bath Green Belt outside the urban development boundary of Pucklechurch. From its visual appearance and construction (particularly the nature of the roof line, its pitch and the differences between the front and back as well as the relative thickness of walls to the front of the building) it would appear that this property has already benefitted from previous extensions. As such the detail of the cumulative total of these extensions by volume should be examined to determine whether or not the proposed extension would constitute a disproportionate increase given its position in the green belt and the impact on its openness. The height of the proposed extension exceeds that which already exists to such an extent that it reads within the street scene as a separate dwelling and is therefore clearly out of proportion with the scale and character of the original building.

4.2 Other Consultees

Sustainable Transport
No objection.

Other Representations

4.3 Local Residents None received.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Extensions can be appropriate in the Green Belt, provided they are limited in scale compared to the original building. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Impact on Green Belt

The NPPF allows for limited extensions to buildings within the Green Belt providing that they do not result in disproportionate additions over and above the size of the original building (the volume of the dwelling at construction or its volume on July 1st 1948). The South Gloucestershire 'Development within the Green Belt SPD' states that an addition resulting in a volume increase of between 30%- 50% will be subject to careful consideration and assessment. Any proposed development over and above 50% or more of the original dwelling would be considered in excess of any reasonable definition of 'limited extension'. Whether an addition is considered disproportionate or not, depends on the individual circumstances and what type of addition is proposed.

5.3 During the course of the application, the scale of the extension has been significantly reduced, because as well as exceeding 50% over and above the volume of the original dwelling, the extension was taller than the ridge height of

the existing property and therefore appeared disproportionate in scale. The amended proposal is approximately 44% of an increase, and no longer appears disproportionate next to the main house. The proposal is therefore considered appropriate development within the Green Belt.

5.4 Design

The existing dwelling is semi-detached and has an unusual form, with a low ridge height and a large, two-storey flat roof extension to the rear. The amended proposal is to remove the single storey side and rear extensions and erect an additional two-storey gable to the east elevation, and whilst this will maintain the same ridge height, it is proposed to be stepped back from the principal elevation in order to remain subservient to the host. A flat roof two-storey expanse is proposed along with a single storey extension also with a flat roof. Ordinarily, a flat roof extension as proposed would not be considered to be the highest quality design, however given the extant flat roof area, this proposal would actually reduce the negative impact on the public realm when approaching from the east, by blocking views to the existing and largest flat roof area. Furthermore, both the existing and the proposed flat roof areas face south across open fields, and do not contribute to any street scene.

- 5.5 With regards to detailing, a chimney is proposed on the eastern side of the extension to create interest. A lean-to porch is also proposed on the principal elevation to provide a new entrance to the property. The materials proposed within the application form are to match the appearance of the existing dwelling, and a condition on the decision notice will ensure this is the case.

5.6 Residential Amenity

The only nearby residential property is the attached dwelling, no. 85 Parkfield Road, which is on the opposite side to the proposed development and will not be affected or overlooked by it. Large windows proposed to the south only overlook agricultural land. Whilst removing some garden space from the host dwelling, the extension still allows access to adequate private amenity space for present and future occupiers of the site, and therefore the development is in accordance with policy H4 of the Local Plan.

5.7 Transport

The development will lead to a four-bedroom property requiring two off-street parking spaces. These are already provided in the existing garage, car port and parking area to the east and therefore there is no transportation objection 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 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 conditions on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

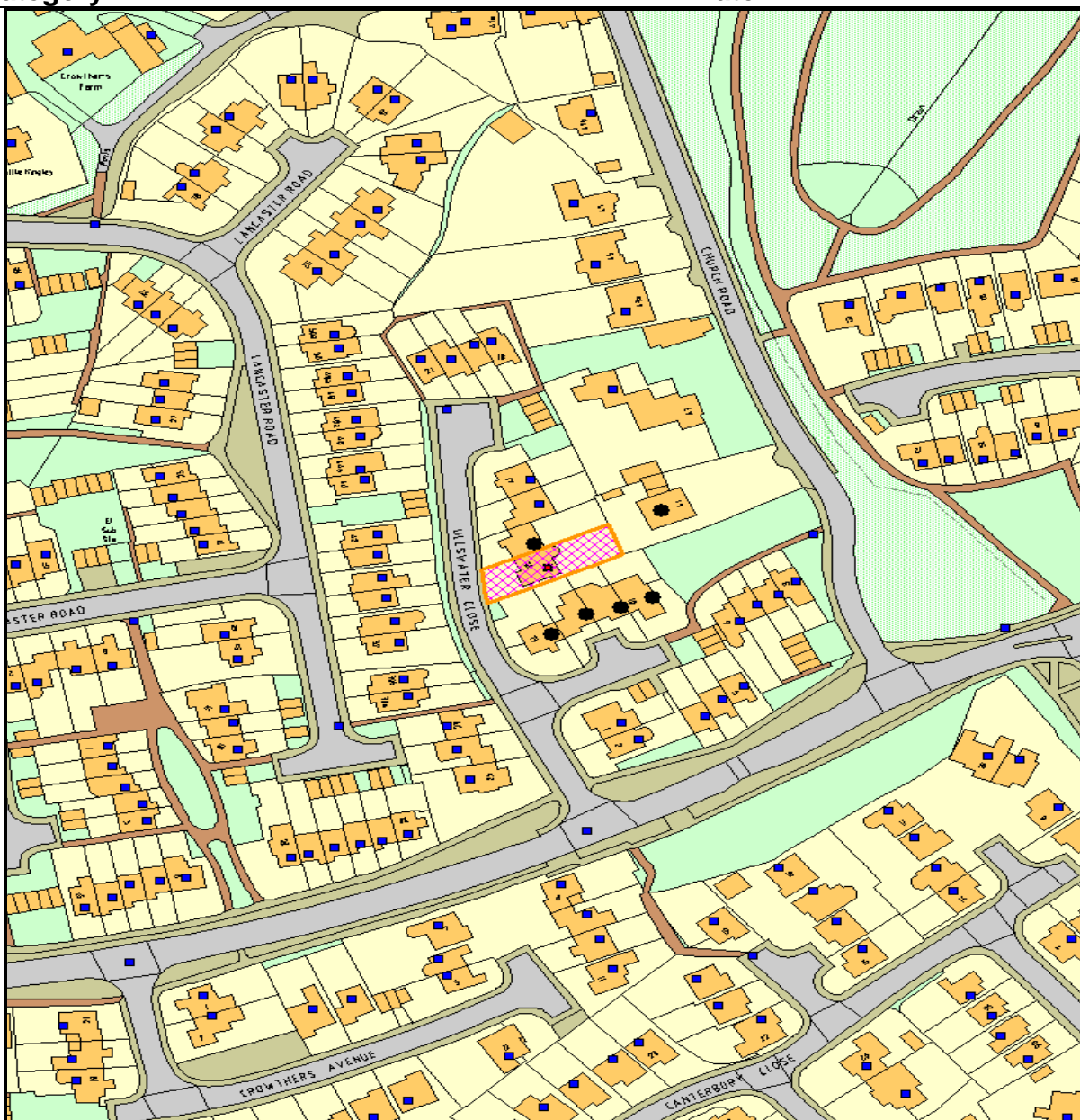
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 14/16 – 8 APRIL 2016

App No.:	PK16/0581/F	Applicant:	Mrs Julie Hope
Site:	14 Ullswater Close Yate Bristol South Gloucestershire BS37 5SS	Date Reg:	15th February 2016
Proposal:	Erection of two storey side extension to provide additional living accommodation.	Parish:	Yate Town Council
Map Ref:	371395 183236	Ward:	Yate North
Application Category:	Householder	Target Date:	6th April 2016



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PK16/0581/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure following objections received which are contrary to the recommendation detailed in this report.

1. THE PROPOSAL

- 1.1 The application relates to a modern, two-storey, semi-detached, dwelling house, located on the eastern side of Ullswater Close; a cul-de-sac within a residential estate to the north of Yate. The pair of semi-detached houses have gable ends and are constructed of red brick with grey tiled roofs. The houses within the estate are mostly semi-detached with open plan frontages.
- 1.2 It is proposed to erect a two storey side extension to replace the existing single storey side extension. A larger two-storey side extension was previously refused under application reference PK11/3171/F for the following reasons:
- Inappropriate design adversely affecting the well balanced appearance of the pair of semi-detached houses to detriment of street scene.
 - Overbearing impact and loss of outlook for occupiers of no.11 Ullswater Close.
- 1.3 Amendments were received on 15th March 2016 to address parking concerns. Concerns were also raised with the applicant with regards to the impact on the residential amenities of no. 12 Ullswater Close however no amendments were forthcoming to address this.

2. POLICY CONTEXT

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

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

South Gloucestershire Local Plan Adopted January 2006 Saved Policies
T12 Transportation
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
(a) South Gloucestershire Design Checklist (Adopted) August 2007
(b) Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/0816/F - Erection of single storey side extension

Approve with conditions 17/04/2012

- 3.2 PK11/3171/F - Erection of two-storey side extension to provide additional living accommodation.

Refused 2 Nov 2011 for reasons of:

- Inappropriate design adversely affecting the well balanced appearance of the pair of semi-detached houses to detriment of street scene.
- Overbearing impact and loss of outlook for occupiers of no.11 Ullswater Close.

4. CONSULTATION RESPONSES

4.1 Yate Town Council

No objection.

4.2 Other Consultees

Sustainable Transport

No objection.

Other Representations

4.3 Local Residents

Two letters of objection have been received from one local resident stating the following:

- Similar to previously refused two-storey extension
- Loss of visual amenities enjoyed by number 11, would be overbearing and claustrophobic as only 7 metres from rear windows
- Loss of sunlight to garden of no. 11
- 50% of view of trees plants and the road will be blocked
- Materials described in section 11 of application form are incorrect, building has red, dark grey and brown tiles, no just brown as stated. The existing roof tiles do not match those of surrounding properties
- No 11 would have objection to single storey side extension if notification had been received in time, suggestion that it is suspicious that they were sent out late
- Builders on previous extension did not stick to agreed hours and overlooked garden of no. 11
- Letter from case officer to applicant has been removed from public website

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Design

The previously refused two storey side extension in 2011 continued the ridge line of the host dwelling and also incorporated a small gable extending forwards of the principal elevation, and this was considered to unbalance the semi detached pair in such a way that was harmful to the street scene. In this proposal, the ridge height has been dropped considerably and the two-storey element has been set back from the principal elevation, and the dominating front gable has been removed.

- 5.3 Concerns have been raised with regards to the materials used on the single storey side extension. A condition on the decision notice will ensure that the materials used in the two-storey side extension will match the appearance of the main roof tiles, as this is the roof slope to which the extension will closely relate visually. Overall, the changes made enable the extension to remain subservient to its host, and the previous design refusal reason is considered to have been overcome.

5.4 Residential Amenity

As previously discussed in the design section, the massing and height of the extension have been reduced from the previously refused two-storey proposal in 2011. Objections received from the resident at no. 11 Ullswater Close raised concerns with regards to the overbearing and overshadowing nature of the extension. Whilst it is acknowledged that there may be a slight increase in overshadowing in the evening at no. 11, as the scale of the extension has been reduced it is unlikely to be significant and is now at a level whereby officers would not consider it to be detrimental to residential amenity. A condition on the decision notice will ensure the rear window, serving an en suite, remains obscure glazed for the lifetime of the development to prevent overlooking into the gardens of no 10 and 11 Ullswater Close.

- 5.5 The officer did have concerns with regards to the outlook from number 12 Ullswater Close, which directly faces the proposed extension, and amendments were requested to reduce the size of the extension to reduce the impact on number 12. These amendments were not forthcoming and, on balance, it was considered that the difference between the outlook with the extant built form and the proposed built form was not significant and harmful enough to warrant a refusal reason. Therefore, the development is found to be in accordance with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 5.6 Comments have been received highlighting disruption from builders as a residential amenity issue, causing noise, dust and overlooking. Given the scale of the extension, and the fact that the construction period will be temporary, it is not deemed necessary or reasonable to condition that a construction management plan is submitted. The working hours will be restricted by a condition however to reduce the impact on the neighbouring properties.

5.7 Transport

Amendments were received to show that two off-street parking spaces could be provided within the site boundary, and these will be conditioned in the event the application is approved. There is no transportation objection to the proposal.

5.8 Other Matters

The objection letter received stated the loss of a view of vegetation and the road as a reason for refusal. The right to a view is not a planning matter, and so this point has been given limited weight in the decision making process. Comments were also made with regards to the consultation process on a previous application; however this does not fall under the remit of this planning application.

- 5.9 A comment has been received querying the recommendation following a letter on the public website indicating that the application is likely to be refused. This letter was part of an on-going negotiation between the Local Planning Authority and the applicant, and does not commit the Council to a future decision. On balance, the officer considered that the impact on the outlook from number 12 was not significant enough to refuse.

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** subject to the conditions on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match 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 use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the east elevation serving the proposed en-suite (as indicated in drawing no 110/A shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy H4 of the Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

4. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved (drawing no. 110/A received on 15th March 2016) shall be provided before the extension 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.

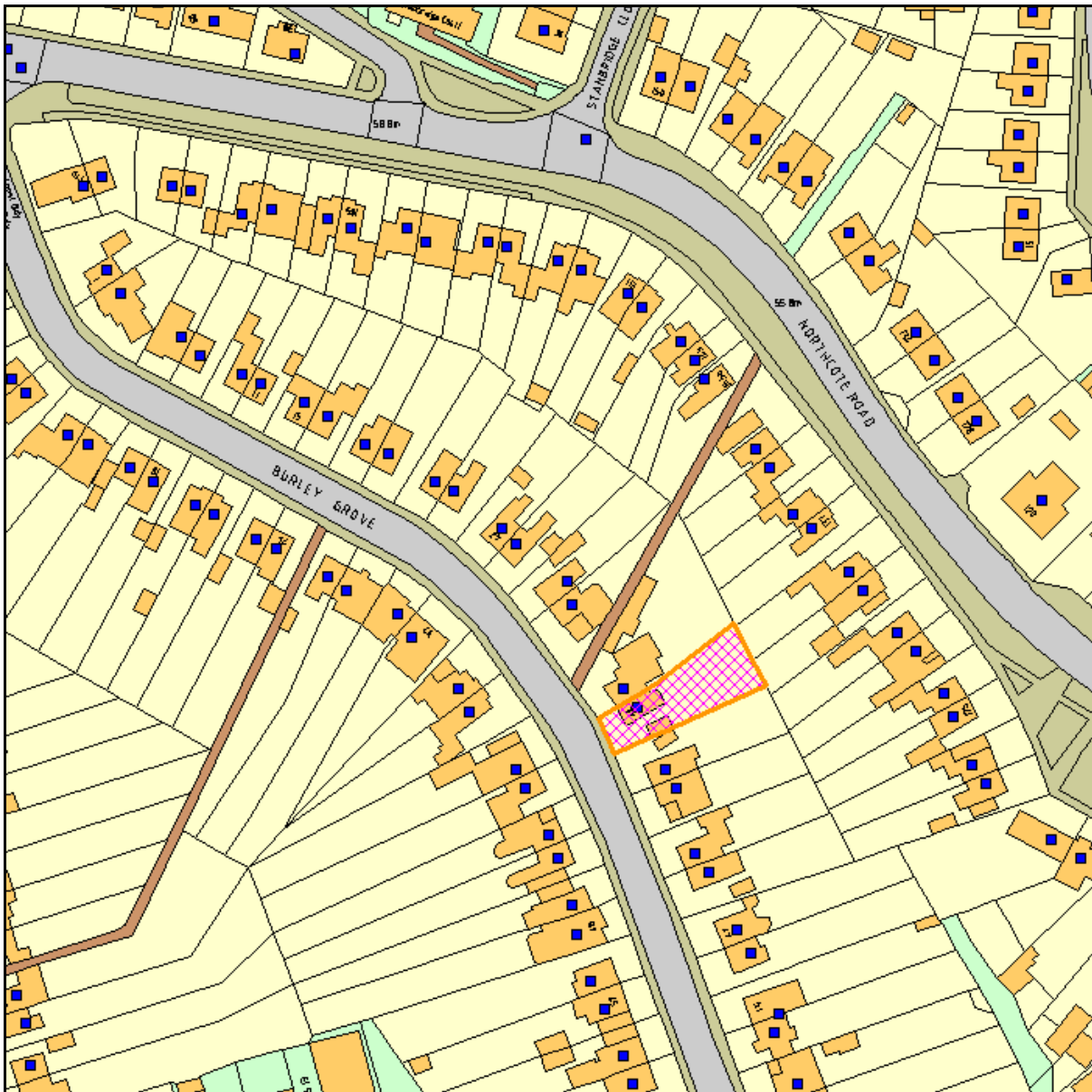
5. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 8am-6pm Monday to Friday, 8am-1pm on Saturday; nor at any time on Sunday or Bank Holidays.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy H4 of the Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 14/16 – 8 APRIL 2016

App No.:	PK16/0753/F	Applicant:	Mrs Naomi Phillips
Site:	37 Burley Grove Mangotsfield Bristol South Gloucestershire BS16 5QB	Date Reg:	22nd February 2016
Proposal:	Erection of 1no attached dwelling with new access, parking and associated works and erection of two storey and single storey rear extensions to provide additional living accommodation.	Parish:	None
Map Ref:	365840 176556	Ward:	Rodway
Application Category:	Minor	Target Date:	13th April 2016



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PK16/0753/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Representations have been received contrary to the findings of this report. Under the current scheme of delegation it is required to be referred to circulated schedule as a result.

1. The Proposal

- 1.1 The proposal seeks to demolish an existing detached garage and erection of a two storey side and rear extension and single storey rear extension to form 1no. new attached dwelling. The proposal includes the subdivision of the rear garden area, construction of bin and cycle stores and the re-arrangement of the front hardstanding and garden to provide additional parking facilities.
- 1.2 The subject property is a two storey mid-20th century semi-detached property with a detached single garage to the side/rear on the boundary with the adjoining property. Elevations have a rendered exterior and the roof is hipped with brown tile covering.
- 1.3 To the front and rear of the property are areas of private garden and patio. Boundary treatments are a combination of brick walls, hedges and timber garden fences.
- 1.4 The site is located within the built up residential area of Mangotsfield. The surrounding area exhibits a relatively uniform style of design with the majority of dwellings being constructed in the mid-20th century.
- 1.5 This application is a resubmission of a withdrawn application that was not considered acceptable. The proposal was seen as unsatisfactory in terms of its design and the impact on adjoining occupier's residential amenity.

2. Policy Context

- 2.1 National Guidance
National Planning Policy Framework (adopted) March 2012
National Planning Policy Guidance 2014
- 2.2 South Gloucestershire Local Plan Core Strategy (adopted) 2013
CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS23 Community Infrastructure
- 2.3 South Gloucestershire Local Plan (SGLP) (adopted) 2006 (saved policies)
H4 Development within Existing Residential Curtilages
T12 Transportation

- 2.4 South Gloucestershire Supplementary Planning Documents
Design Checklist SPD (adopted) August 2006
Residential Parking Standards SPD (adopted) December 2013

3. Relevant Planning History

No Relevant Planning History

4. Consultation Responses

- 4.1 Parish Council
No Comment Received

- 4.2 Other Consultees

Highway Structures
No Comment

Transportation Department
Parking Standards require a space for each dwelling. A revised block plan was requested.

Lead Local Flood Authority
The applicant has overlooked the method of surface water disposal – detail is required.

Other Representations

- 4.3 Local Residents
A number of objections have been received. The concerns all note that the proposed dwelling would be out of keeping due to the terraced nature of the proposal and the semi-detached nature of the surrounding dwellings. There were also concerns that insufficient parking is being provided and that in the original plans the host dwellings parking space encroaches onto the perceived boundary line of the proposed new dwelling.

5. Analysis of Proposal

- 5.1 Principle of Development
Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development within the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and that it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation.

- 5.2 The location of the site would be considered a suitable location for development and would be acceptable in principle. Consequently the main issues to deliberate are the design and appearance of the dwelling and the impact on the character of the area; the impact development may have on the amenities of neighbouring occupiers and the proposals impact on transport and parking provision.
- 5.3 Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. In this case the site has not been specifically identified within the Development Plan, however the housing land supply has been found insufficient; in this situation there is a presumption in favour of sustainable development unless the adverse impacts significantly and demonstrably outweigh the benefits. The proposal would represent a modest contribution to this housing land supply and therefore a material consideration in the determination of this planning application. The proposal is subject to the consideration below.
- 5.4 Design and Visual Amenity
The proposal consists of the erection of 1no. attached dwelling with associated works and the erection of a single storey extension to the rear within the residential curtilage of no.37 Burley Grove, Mangotsfield. The area is characterised by a relatively consistent style of construction dating from the mid to late-20th century. The properties tend to be roughly uniform and situated a similar distance from the road in a building line following the bends of the road. The properties have reasonably large rear gardens as well as a small area of front garden. The host dwelling is typical of the street and has a wide hipped roof and rendered elevations. Each pair of semis is symmetrical with one mirroring the other and windows being evenly spaced. A number of two storey additions and extensions can be seen along the road; these are predominantly to the rear and side of the properties and in most cases form a car port with additional living accommodation above.
- 5.5 The host dwelling has been the subject of a rear single storey extension in the past; this and the existing detached garage would be demolished to make way for the extensions and attached dwelling. The current proposal is for the introduction of a two storey side and rear extension to form additional living accommodation and 1no. attached dwelling and a single storey rear extension to form additional living accommodation. This proposal is not typical of the pattern of development along Burley Grove where the type of housing is predominantly that of large 2 storey semi-detached properties.
- 5.6 The proposal is a resubmission of a previously withdrawn application. The previous application was withdrawn as it was seen as unacceptable with regard to its design and impact on residential amenity. The previous design concerns are specified below:
- Introduction of a separate dwelling in this location causing a negative impact on the streetscene and balance of the host dwelling;
 - Uneven spacing of the window and door openings detracting from the symmetrical character of the area and host dwelling;

- Overdevelopment of the site resulting in a negative impact on residential amenity of both the host and proposed dwellings and neighbouring occupiers;
- Loss of the entirety of the front garden to provide parking facilities;
- Access and parking to the existing dwelling encroaching on the perceived boundary line separating the dwellings.

- 5.7 Revisions have included the reduction in the depth of the extensions to the rear; re-alignment and orientation of the window and door openings to the front of the property; reduction in the number of bedrooms provided to the host dwelling and the loss of a parking space to the front of the property, allowing the introduction of an area of garden and to introduce a boundary treatment between the properties. The scale of the proposal was not seen as a concern as there are examples of similar two storey side and rear extensions nearby. A two storey extension of the same scale would likely be permitted in this location and the proposed dwelling would be similar in appearance to an extension of this type. Added to this consideration is the fact that were a two storey extension introduced rather than an attached dwelling the resultant property would have the same number of bedrooms as both proposed dwellings and the site would be used no more intensely. Weight has been given to this consideration in the assessment of the proposed design.
- 5.8 One of the key concerns with the previous proposal was the introduction of an attached dwelling to create a row of 3 terraces properties; something that was mentioned in all objection comments – this has not been overcome however some of the related impacts have been mitigated. The previous proposal resulted in two dwellings; one with 2 bedrooms, the other with 3. This made it necessary to introduce 3 parking spaces in accordance with the Residential Parking Standards SPD (adopted) 2013. As a result of the requirement, the entirety of the front garden would have been taken up by parking spaces – something symptomatic of overdevelopment. Added to the consideration was that the entrance in the side elevation and parking to the host dwelling would have been across the perceived boundary line. The revised proposal has reduced the number of bedrooms in both properties to 2 and introduced a door to the front elevation of the host dwelling. This has allowed the loss of a parking space and the introduction of a boundary treatment between the front driveways offering greater separation between the dwellings.
- 5.9 The proposal has been reduced in depth. The original proposal would have created a significant negative impact on the adjoining property. The revised proposal protrudes by around 3.3 metres to the rear. This could be delivered via Prior Notification and the provisions of the Town and Country Planning (General Permitted Development) Order 2015. Though it would require consultation and assessment of the impact on the amenity of the adjoining occupier there is unlikely to be an objection to such a proposal - this has been given a limited amount of weight in the consideration of the planning application.
- 5.10 Whilst the design of the proposal is in keeping with the character of the area and is considered of an appropriate scale, it introduces a feature not present on

the remainder to the street (in that it would form a separate dwellinghouse). There are examples of two storey side extensions along Burley Grove, however these do not form separate dwellings and remain suitably subservient to the main dwelling. A similar proposal has been permitted on the adjacent Northcote Road – only limited weight could be attributed to this as a precedent case as the site offers greater width and consequently the proposal is better identifiable as a separate dwelling. The proposed dwelling would be fitted into a tight site and would negatively impact the rhythm of the streetscene by creating a smaller dwelling that adversely impacts the character of the area. Comments have been received objecting to the design of the proposal with regard to the character of the area and the proposal resulting in the creation a terrace of dwellings, when the remainder of the surrounding properties are semi-detached. That said the current proposal has sought to mitigate the dwellings impact on the streetscene. On balance it has been considered that whilst the design is not without drawbacks the negative impacts have not been considered to outweigh the contribution to housing supply.

- 5.11 The proposal has put forward materials of a similar appearance with respect of the roof, windows and elevations and there is no objection with regard to materials.
- 5.12 Policy CS1 of the Core Strategy States that proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context. As such, the proposal has been considered to represent overdevelopment of the site and would result in a cramped and contrived form of development which would be detrimental to the future occupiers of both the dwellings and the adjacent occupiers. Overall the proposal is not seen to respect or enhance the character of this area of Mangotsfield and consequently cannot be recommended for approval.
- 5.13 Residential Amenity
Policy H4 of the adopted Local Plan gives the Council's view on new development within exiting residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling. The property has a suitable degree of separation with properties directly to the rear and would not result in loss of privacy to properties bounding the rear of the residential curtilage. Properties forward of the front elevation and separated by Burley Grove are also unlikely to be significantly impacted as a result of the proposal.
- 5.14 The proposal includes the erection of a single storey rear extension which would have a depth of around 3.3 metres at its greatest. This extension will be in very close proximity to the boundary of the curtilage. A rear extension of this size could be permitted by submission of an application for prior notification. There is unlikely to be an objection to a proposal of this scale. Though it may result in some negative impact on the residential amenity it is not thought to be to an unacceptable degree.
- 5.15 The proposal would also be in close proximity to the boundary of the curtilage to the South-East of the site and will only be separated by the rear access path

which is around a metre at its narrowest point. The proposals have a depth of around 3.3 metres from the original rear elevation. The neighbouring property (no.39) has only a small rear extension and its rear elevation is almost in line with the existing rear extension. As the proposal will protrude further than this rear elevation there is likely to be some overbearing impact on the property. An objection was received from the occupier whom was concerned with the impact the development may have on their residential amenity. This concern is not seen as significant enough to warrant a refusal on this basis and there are other examples of similar 2 storey side extensions in the area.

- 5.16 The proposal would require parking for 2 cars; this is possible on site. The previous proposal required 3 spaces resulting in the loss of the entirety of the front garden - this is a characteristic indicative of overdevelopment and considered contrary to Policy CS1 of the Core Strategy. The revised proposal no longer requires 3 spaces, consequently the parking area has been reviewed and is no longer considered to negatively impact the amenity of the proposed dwellings. The subject property is located within a built up residential area and given the scale and location of the proposed development will not result in an unacceptable detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.

5.17 Transport and Parking Provision

Currently the driveway and garage would be used for parking by the existing dwelling. It is proposed that a proportion of the front garden will be taken up by bin storage and 2no. car parking spaces to accommodate the additional 2no. bedroom dwelling. The number of off-street parking spaces would be in accordance with the Residential Parking Standards SPD and considered acceptable. Objection comments note their concern over the parking provision and that it would be insufficient for the resultant development; however it is found to be in line with the Councils parking requirements and therefore acceptable.

- 5.18 Currently the property has a detached garage and an area of hardstanding to the front and side of the property. The proposal would see the demolition of the garage to facilitate the construction of the new dwelling. New development must provide off-street parking in accordance with the Residential Parking Standards SPD (adopted) December 2013. A 2 bedroom property is required to provide 1 space. As a new dwelling will be erected with 2 bedrooms a total of 2 private car parking spaces must be provided on site. These have been identified on the block plan. In respect of this there are no longer any objections in relation to highway safety or parking provision; meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006).

5.19 Other Matters

The Lead Local Flood Authority commented on the application noting that details of surface drainage have not been submitted. A condition was recommended however at this scale of development the drainage specifications are provided for by building regulations and a condition is not required.

6 Conclusion

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

7 Recommendation

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

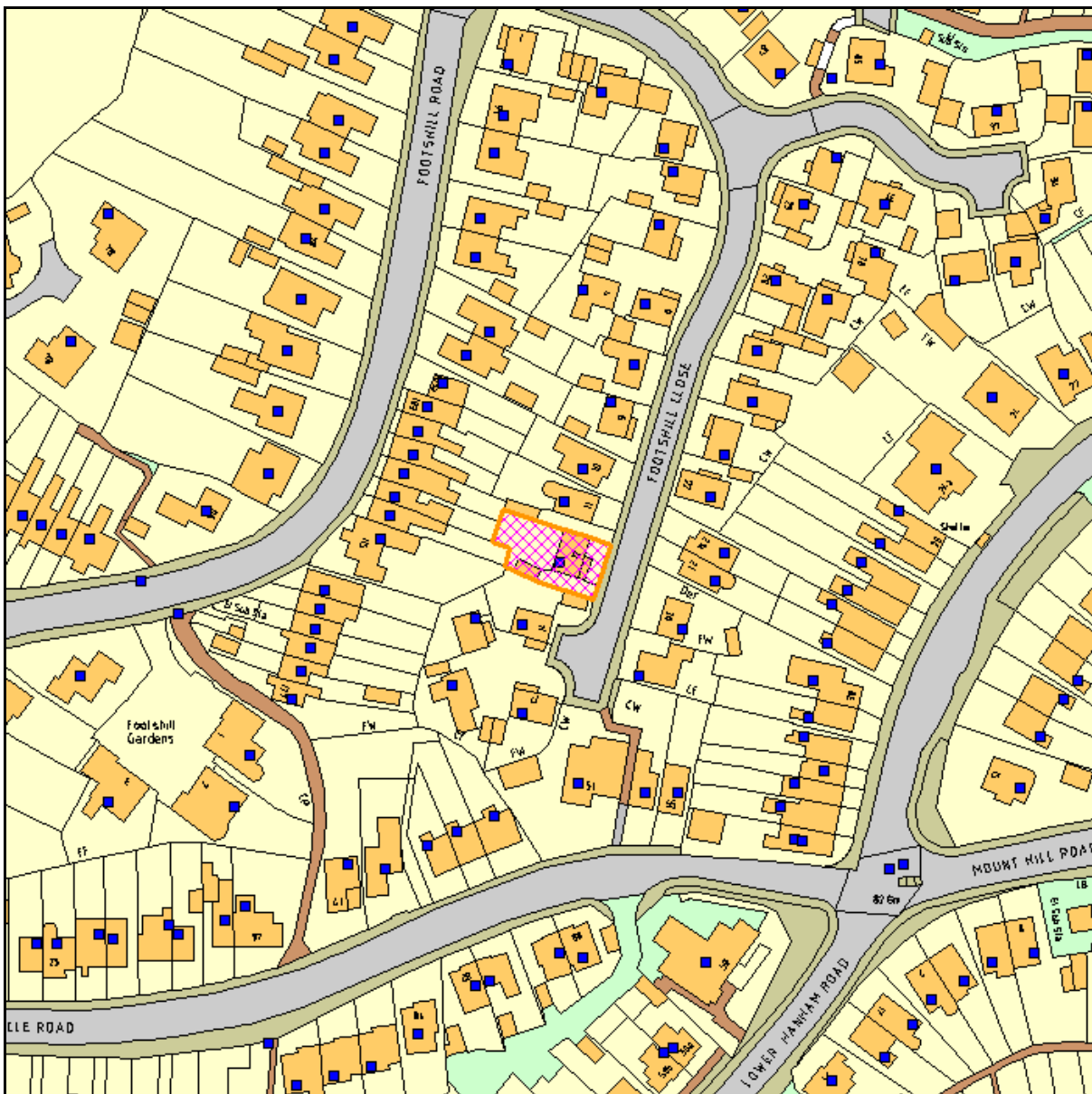
2. The hours of working on site during the period of construction shall be restricted to 7:30 to 19:00 Monday to Friday; 8:30 to 13:00 Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use 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 minimise disturbance to occupiers 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. 14/16 – 8 APRIL 2016

App No.:	PK16/0790/F	Applicant:	Mr James Sanders
Site:	12 Footshill Close Kingswood Bristol South Gloucestershire BS15 8HG	Date Reg:	29th February 2016
Proposal:	Demolition of existing garage to facilitate the erection of single storey side and rear extension to form a residential annexe.	Parish:	None
Map Ref:	364334 172721	Ward:	Hanham
Application Category:	Householder	Target Date:	21st April 2016



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PK16/0790/F

REASON FOR SUBMISSION TO THE 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. As well as this, officers do note that the applicant is related to a member of the Council's Planning Enforcement Team. Officers do not consider that this application should be determined at Development Control East Committee as the Council's Constitution does not call for such a procedure (see page 76 and 77).

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of an existing garage to facilitate the erection of a single storey side and rear extension to form a residential annexe.
- 1.2 The application site is no. 12 Footshill Close, a detached two storey dwelling within Kingswood.
- 1.3 A similar proposal was submitted to the Council through the larger householder extension permitted development procedure as set out within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (known hereafter as the GPDO). This application was withdrawn, most likely to avoid an imminent objection from the Local Planning Authority as the proposed extension would extend from both the side and rear of the host dwelling which is not considered to be permitted development.

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
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 PK16/0286/PNH Withdrawn 04/12/2016

Erection of single storey rear extension, which would extend beyond the rear wall of the original house by 8 metres, for which the maximum height would be 3.5 metres and for which the height of the eaves would be 2.5 metres.

3.2	K1431/2	Approval	31/10/1979
	Erection of 2 detached houses and garages (previous id: k1431/2).		

4. CONSULTATION RESPONSES

4.1 Parish Council
Unparished area.

4.2 Sustainable Transport
No objection subject to a condition regarding that the annexe is not sub-let or sub-divided.

Other Representations

4.3 Local Residents
One letter containing comments of objection has been received regarding this application from a member of the public (occupier of no. 14 Footshill Close), their comments are summarised below:

- The letter summarised the character of the area and the road suggesting the proposal represents more of a bungalow and this was unsuitable for the area;
- The proposal would result in damage to the boundary wall;
- The proposal will severely harm levels of outlook and light;
- The proposal will severely damage the residential amenity of no. 14;
- Loss of green gardens should not be encouraged.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the erection of a residential annexe.

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 Annexe Test

It must be determined whether or not the proposal constitutes an annexe or a self-contained dwellinghouse in its own right.

5.5 Annexes are generally expected to have an ancillary relationship with the main dwellinghouse. In terms of planning there is no fixed definition of ancillary, rather it is a matter of fact and degree. Generally, an ancillary relationship with the host dwelling is demonstrated through the use of shared facilities between the annexe and the host dwelling, such as shared gardens, driveways and services. Effectively an annexe ancillary to a dwellinghouse, equates to the annexe and the dwelling operating as one household dwellinghouse.

5.6 Through reviewing the proposed development it is clear that the proposal will contain a bedroom; a living/dining room; a bathroom and a shared lobby area. Further to this, the annexe and the existing dwelling will share a garden; a parking area and an access. Taking account the size of the proposed annexe together with the above, officers consider that the proposal would operate as part of the existing dwelling in an ancillary manner. This view is further supported by the fact that the annexe will provide accommodation for the applicant's mother.

5.7 In summary, officers consider the proposal to represent an annexe that will operate in an ancillary manner to the main dwelling, rather than a more self-contained relationship which is typical of a separate dwellinghouse. To ensure such an ancillary relationship is maintained, in the interests of transportation requirements, should planning permission be granted, officers suggest a condition is imposed that requires the annexe to always operate in an ancillary manner.

5.8 Design and Visual amenity

Officers accept that the proposed extension is rather large in that it extends to the rear of the dwelling by approximately 8 metres. As well as this, the extension also extends to the side of the existing dwelling by over 2 metres. Although the extension is large, the general perception of this extension from the street scene will be limited to a small aspect of the extension – mainly the side extension. With this in mind, from Footshill Close, the extension will appear rather modest in scale.

5.9 Further to this, the proposal is only single storey in height and has shallow pitch which contributes to officers' assessment that the proposal has an acceptable scale.

5.10 The proposal will utilise materials that match those used in the existing dwelling which allows the extension to further respect the character of the existing dwelling and surrounding area.

5.11 Overall the proposal has an acceptable design which accords with policy CS1 of the adopted Core Strategy.

5.12 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.
- 5.13 Due to the proposal's scale and positioning the development will not result in a material loss of light to any nearby occupiers. The proposal does include a number of windows that provide outlook to primary rooms within the annexe. Such windows look out toward no. 11 Footshill Close; currently there is a boundary treatment with an approximate height of 2 metres that marks the northern boundary treatment between the host dwelling and no. 11. This boundary treatment, together with no. 11's garage, prevents any indivisibility issues between the proposed annexe and no. 11 Footshill Close. With this in mind, should planning permission be granted, officers recommend a condition that ensures a boundary treatment is maintained between no. 11 and the host dwelling of at least 1.8 metres.
- 5.14 The application site currently has a flat roof garage that runs along the a section of the boundary with no. 14 Footshill Close, the remaining boundary has fencing with an approximate height of 2 metres, the garage has a height of approximately 2.5 metres. Footshill Close has a cramped layout that results in no. 14 having a relatively small garden and its rear elevation windows are orientated so the majority look toward no. 12, the host dwelling.
- 5.15 Officers note comments from the occupiers of no. 14 stating concern regarding outlook and levels of light. Whilst officers accept that the proposal will impact upon the levels of outlook enjoyed by the occupiers of no. 14, officers do not consider that the proposal will materially harm the levels of outlook and light enjoyed by no. 14 when compared to the existing situation at the site. Similarly, the proposal will not materially harm the levels of residential amenity that the occupiers of no. 14 currently enjoy within their garden, this is due to the proposal being set back from shared boundary.
- 5.16 As stated, the existing boundary treatment between no. 14 and the host dwelling is marked with a fence and garage. As the garage will be removed, officers find it pertinent to suggest that should planning permission be granted, the shared boundary treatment should be marked with a wall or fence that is at least 1.8 metres high.
- 5.17 Should planning permission be granted, the host dwelling will have approximately 78.8 m² of private amenity space available to the dwelling, such levels of private amenity space are considered to be acceptable.
- 5.18 Overall, subject to the suggested conditions, the proposal is considered to not materially prejudice the residential amenity of any nearby occupiers.
- 5.19 Transport and Parking
- Should planning permission be granted the proposal will result in a four bedroom dwelling. This equates to net-increase of one bedroom at the dwelling. A four bedroom dwelling requires a minimum of two off-street car parking spaces to accord with the Council's minimum residential parking

standard. Two off-street car parking spaces are proposed at the site which accords the Council's minimum residential car parking standard. Officers note that one of these car parking spaces would be to the front of the dwelling's porch, such an arrangement is not an ideal scenario in terms of visual amenity. However, officers are also aware that such an arrangement could be facilitated without the need for planning permission.

- 5.20 Should planning permission be granted, officers recommend a condition that ensures a minimum of 2 car parking spaces are provided within the residential curtilage of the site at all times. Further to this, a condition is also suggested that ensures the proposed new parking area is finished in a permeable and bound material in the interest of sustainable drainage and highway safety.

5.21 Other Matters

Officers note concerns from a nearby occupier regarding issues with shared boundary treatments and the proposed works that will potentially require access to neighbouring occupiers land. Such matters are not considered to constitute material planning considerations as they are addressed within separate legislation to planning – should planning permission be granted, informative notes will be included within decision notice to alert the applicant to such legislation.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. Prior to the occupation of the hereby permitted annexe a 1.8 metre high wall or fence shall be erected, and thereafter retained, on the boundary between the host dwelling and no. 14 Footshill Close. For the avoidance of doubt the aforementioned boundary treatment is considered to be on the south west side of the site from the rear of no. 14 Footshill Close's garage to the boundary of no. 115 Footshill Road.

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.

3. A fence or wall measuring at least 1.8 metres in height shall be retained on the northern boundary between the host dwelling and no. 11 Footshill Close. For the avoidance of doubt the aforementioned boundary treatment starts at the rear of the original host dwelling and extends and terminates at the boundary of no. 11 Footshill Road.

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.

4. The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as no. 12 Footshill Close. For the avoidance of doubt this condition means the extension hereby approved cannot be inhabited as a self-contained dwelling without the express planning permission from the Local Planning Authority.

Reason

To ensure adequate levels of residential amenity, parking facilities and highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

5. Prior to the occupation of the hereby permitted extension, a minimum of two off-street car parking spaces, measuring 2.4 metres by 4.8 metres, shall be provided, and retained thereafter, within the residential curtilage of the site.

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.

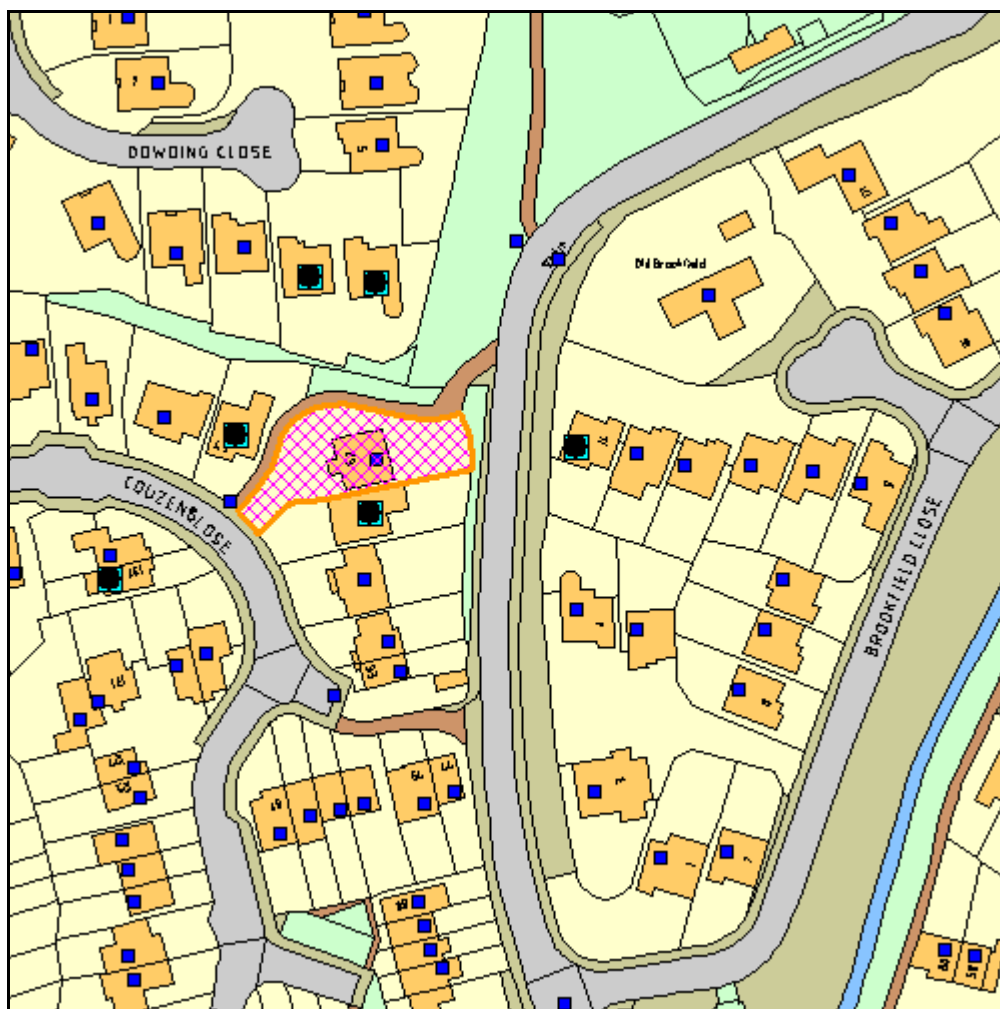
6. The hereby permitted parking area to the front of no. 12 Footshill Close shall be constructed from a permeable and bound material.

Reason

In the interests of highway safety to ensure material is not carried onto the highway, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 14/16 – 8 APRIL 2016

App No.:	PK16/0829/CLP	Applicant:	Mrs Sabrina Dunkerley
Site:	45 Couzens Close Chipping Sodbury Bristol South Gloucestershire BS37 6BT	Date Reg:	24th February 2016
Proposal:	Application for a certificate of lawfulness for the proposed erection of a single storey rear extension.	Parish:	Sodbury Town Council
Map Ref:	373092 182588	Ward:	Chipping Sodbury
Application Category:		Target Date:	18th April 2016



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PK16/0829/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. 45 Couzens Close, Chipping Sodbury, would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class A
- 2.2 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 P91/1727 Approved 19/06/1991
Residential and ancillary development on approximately 17 acres (6.8 hectares) (outline)
- 3.2 P93/1001 Approved 19/05/1993
Erection of 141 dwellings with associated garages, driveways, footpaths, roads and landscaped areas. (In accordance with the amended layout plan received by the council on the 22 april 1993 as amended by fax plan dated 19 may 1993 and house type plans received by the council on 11 may 1993) (to be read in conjunction with P91/1727)
- 3.3 P94/1938 Approved 26/09/1994
Erection of 21 dwellings and associated works

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No Objection

4.2 Other Consultees

Councillor

No response received

Public Rights of Way

Standard informative recommended

Open Spaces Society

No response received

Other Representations

4.3 Local Residents

None received

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

5.1 Site Location Plan

Existing Ground Floor Plan (AZ-1858-D001)
Existing Partial First Floor Plan (AZ-1858-D002)
Existing Elevations (AZ-1858-D003)
Proposed Ground Floor Plan (AZ-1858-D004)
Proposed Elevations (AZ-1858-D005)
Proposed Section (AZ-1858-D006)

All plans received by the Council on 22/02/2016.

6. **ANALYSIS OF PROPOSAL**

6.1 Principle of Development

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

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

6.3 The proposed development consists of a single storey rear extension. This development would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015,

which permits 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 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 extension would not extend beyond a wall which forms the principal elevation of the original dwellinghouse. The development therefore meets this criteria.

- (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 3.4 metres beyond the rear wall. The development is 3.6 metres in height. The development therefore meets this 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 as the applicant is not applying for an extended householder extension through the prior approval procedure.

- (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 rear 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 height of the eaves does not exceed 3 metres. The development therefore meets this criteria.

- (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 development does not extend beyond a side elevation of the dwellinghouse.

- (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;

As per the Proposed Elevations (AZ-1858-D005) submitted 22/02/2016, the materials used in the exterior work will match the existing.

- (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

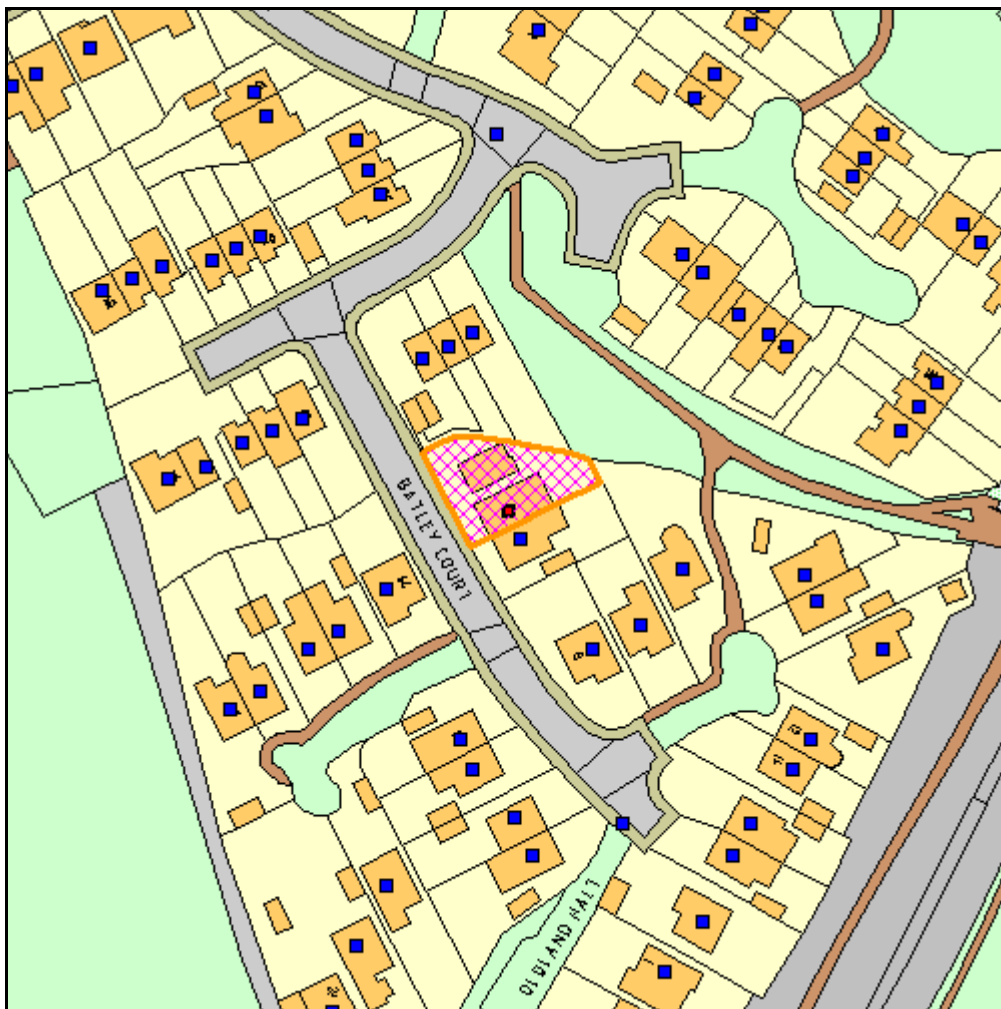
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that the proposed rear extension would be allowed as it is considered to fall 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 863133

CIRCULATED SCHEDULE NO. 14/16 – 8 APRIL 2016

App No.:	PK16/0899/F	Applicant:	Mr Paul Andrews
Site:	4 Batley Court North Common Bristol South Gloucestershire BS30 8YZ	Date Reg:	1st March 2016
Proposal:	Erection of two storey side link extension and first floor extension over existing garage to form additional living accommodation. (re-submission of PK15/4882/F).	Parish:	Bitton Parish Council
Map Ref:	367586 171836	Ward:	Oldland Common
Application Category:	Householder	Target Date:	21st April 2016



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PK16/0899/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been referred to circulated schedule due to representations being received contrary to the findings of this report. Under the current scheme of delegation it is required that the application is decided via circulated schedule as a result.

1. The Proposal

- 1.1 The proposal seeks to erect a two storey side link extension and first floor extension over existing garage to form additional living accommodation.
- 1.2 The subject property is a late-20th Century two storey semi-detached dwelling with a pitched gabled roof a single storey detached garage. The property has reconstituted stone elevations and a portico door to the front. The site relatively level. Boundaries are 1 metre rendered walls with timber fences above (totalling around 2 metres) to the rear and a low picket fence to the front drive.
- 1.3 The proposed two storey side extension will extend over the existing garage to the side and will create a covered walkway between the dwelling and the existing garage giving access to the garden. The application is a re-submission of PK15/4882/F which was refused due to an unsatisfactory design.
- 1.4 The subject property is situated in the built up residential area of North Common.

2. Policy Context

- 2.1 National Guidance
National Planning Policy Framework (adopted) March 2012
National Planning Policy Guidance 2014
- 2.2 South Gloucestershire Local Plan Core Strategy (adopted) 2013
CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
- 2.3 South Gloucestershire Local Plan (SGLP) (adopted) 2006 (saved policies)
H4 Development within Existing Residential Curtilages
T12 Transportation
- 2.4 South Gloucestershire Supplementary Planning Documents
Design Checklist SPD (adopted) August 2006
Residential Parking Standards SPD (adopted) December 2013

3. Relevant Planning History

- 3.1 PK15/4882/F – Refusal – 21/01/2016 – Erection of two storey side extension to provide additional living accommodation – Refused as it failed to meet the required standard of design and would detriment the character of the host property and street scene. This was attributed to the form and scale of the proposal and the use of render in the front elevation.
- 3.2 K6369/1 – Approval – 14/08/1995 – Erection of single storey rear extension.

- 3.3 K6369 – Approval – 30/08/1989 – Extension to existing garage.
- 3.4 K670/22 – Approval – 27/01/1981 – Erection of 5 three bed houses 11 two bed houses, 18 one bed houses and 6 one bed studio houses, associated garages and parking spaces, construction of roads and footpaths.
- 3.5 K670/15 – Approval – Erection of 6 detached houses, 16 semi-detached houses and 3 bungalows associated garages and parking spaces, construction of roads footpaths and play space.

4. Consultation Reponses

- 4.1 Bitton Parish Council
Objection – view the revised proposal as not having overcome the refusal reasons.
- 4.2 Other Consultees
Transportation DC
No Objection

Other Representations

- 4.3 Local Residents
Two objections have been received. These were concerned with the impact on residential amenity of neighbouring properties and the design of the proposed scheme largely due to the proposed elevational treatments. One of the objectors noted they were not against the original submitted application and felt the current application went beyond that of the previous proposal.

5. Analysis of Proposal

- 5.1 Principle of Development
Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development with the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal accords with the principle of development subject to the consideration below.
- 5.2 Design and Visual Amenity
The character of the area is relatively uniform with the majority of buildings being constructed in the late 20th century with reconstituted stone elevations. This has a typical suburban atmosphere.

- 5.3 The proposal consists of two storey and first floor side extensions to form additional living accommodation. The proposed extension will project beyond the side elevation of the host dwelling over the existing detached garage. The previous proposal was refused due to an unsatisfactory design. Specifically the officer had found that the proposal would be out of keeping with the host dwelling and the remainder of the cul-de-sac. The area is characterised by modern semi-detached and terraced dwellings constructed with reconstituted stone blocks with a similar colour and hue to natural bathstone. The historic proposal had put forward K render for the elevations of the extension – this was seen as resulting in significant negative impact on the street scene. Further to this the form of the proposal was viewed as upsetting the balance of the dwelling by introducing a structure with a significant volume in such a prominent position. The revised proposal has indicated the material to the front elevation will match that of the existing buildings. The side and rear elevations will be K rendered this is not a material evident in the locality, however this is not prominent and will be reasonably well screened from the street whilst not being an unusual choice of material for a proposal of this type. There is no longer an objection to the elevational treatment of the building.
- 5.4 There were also objections to the proposed scale and form of the refused extension. The officer considered the proposal to be disproportionate addition at odds with the modest proportions of the original dwelling. This was in part due to the ridge line of the extension. Though it was subservient to the dwelling due to the width of the proposal it was a significant addition and would not result in a balanced building and pair of semis. The revised application has introduced a further step in the ridge line and the distance from the boundary to the front elevation, significantly reducing the form of the building and its dominance of the streetscene. It is thought that the revised design has overcome the negative impact the proposal would have on the balance of the host dwelling and adjoining property.
- 5.5 Objections have been received with regard to the revised proposal. The objectors are concerned with the proposed finish for the extension – the previous application as refused partly on this basis. The revised proposal has introduced materials to match the front elevation of the host dwelling and the surrounding area. This would be seen as having been informed by the character of the area. The use of render in the side and rear elevations would not be seen as significant enough to warrant refusal on this basis. An objector also comments that they had no objection to the refused proposal but that the revised application was “going way beyond” the original submission. The revised proposal has been reduced in scale, consequently the proposal is considered to have a less significant impact on the neighbouring occupiers. An objection was also received from the Parish Council indicating that they did not consider the application to have overcome the previous refusal reasons as the width has not been reduced. This was not the finding of the previous officers report which had indicated that the scale of the proposal resulted in a disproportionate addition as a result of the scale and form – which have been addressed.

- 5.6 Overall, it is considered that the proposed extensions would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to be 'in keeping' with policies CS1 and H4 and conforms to the criteria in the adopted Local Plan.
- 5.7 Residential Amenity
Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling. The refused proposal was assessed as having an acceptable impact on the amenities of the host dwelling and surrounding occupiers. The revised proposal has not been considered to have any further negative impact on residential amenity and would be considered acceptable subject to the same assessment as the previous officer's report.
- 5.8 The properties forward of the front elevation are set a significant distance from the host property and separated by a highway and driveways. The proposal has not been considered to unacceptably impact the amenities of properties to the front of the host dwelling.
- 5.9 The side of the extension closest to no.3 Batley Court has been reduced in height and has a lower ridge line than the remainder of the extension. This will act to reduce any overbearing impact on the adjacent dwellings along the perpendicular spur of Batley Court (no's 1, 2, 3). There are no windows oriented at less than 45 degrees to the rear elevation of these dwellings and consequently would not be considered to have a negative impact on the privacy of the dwellings nor result in any significant overlooking impact.
- 5.10 The proposals will utilise the footprint of the existing garage and would not project any further in any direction. They would not result in a floor area significantly larger than the existing dwelling and would leave an acceptable amount of outdoor amenity space.
- 5.11 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in a detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.
- 5.12 Sustainable Transport and Parking Provision
The proposal would result in the creation of an additional bedroom. Currently the property has an area of hardstanding to the front of the property and an attached single garage. The proposal would retain the existing garage. According to the residential Parking Standards SPD a 4 bedroom property would be required to provide 2 private parking spaces. This requirement is satisfied by the area of hardstanding to the front of the property and garage. The proposal would not require any additional parking spaces nor will it have a negative impact on highway safety or the retention of an acceptable level of

parking provision, meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006). The council has no objection to the proposal in relation to highway safety or parking provision.

6. Conclusion

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

7. Recommendation

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

Contact Officer: Hanni Osman
Tel. No.

CONDITIONS

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

Reason

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

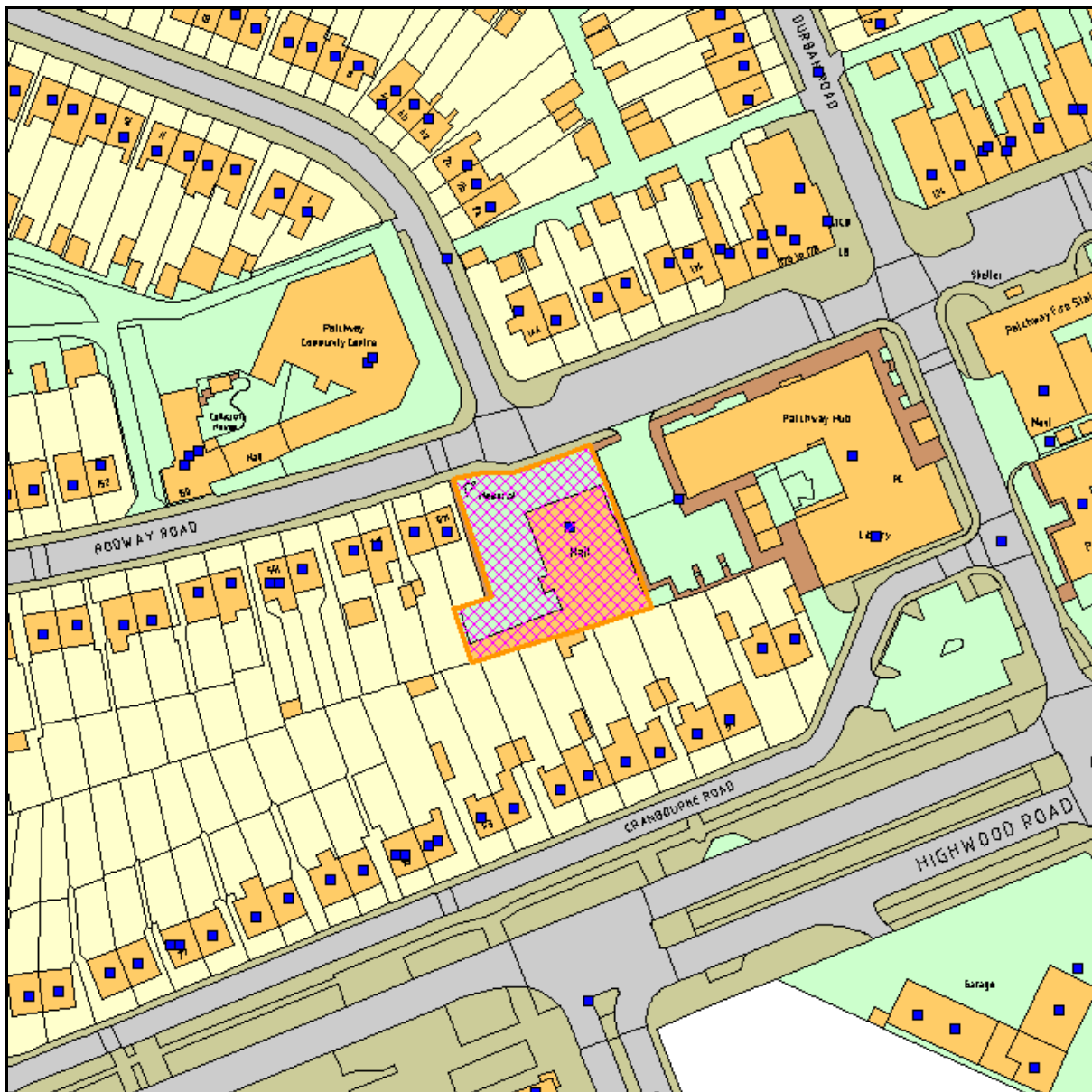
2. Prior to the commencement of development samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

CIRCULATED SCHEDULE NO. 14/16 – 8 APRIL 2016

App No.:	PT15/5099/F	Applicant:	MCDI Homes Ltd
Site:	The Royal British Legion Rodway Road Patchway Bristol South Gloucestershire BS34 5PE	Date Reg:	30th November 2015
Proposal:	Demolition of existing building and erection of 8no. dwellings with parking, landscaping and associated works.	Parish:	Patchway Town Council
Map Ref:	360029 181518	Ward:	Patchway
Application Category:	Minor	Target Date:	5th February 2016



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PT15/5099/F

REASON FOR REFERRING THE APPLICATION TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule due to the receipt of an objection which is contrary to officers' recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing building (former Royal British Legion Hall) and the erection of 8 no. dwellings with parking, landscaping and associated works.
- 1.2 The site is approximately 0.12 ha and is located within a predominantly residential area of Patchway with access to the site from Rodway Road. The proposal will comprise 5 no. three bedroom properties in the form of a single terrace of three and a semi-detached pair fronting onto Rodway Road with a single terrace of 3 no. two bedroom properties situated to the rear. Each property will benefit from private rear gardens, secure cycle storage and two parking spaces (16 no. spaces in total). A refuse storage and collection point for the units to the rear will be provided close to the site access.
- 1.3 The application site is situated on the southern side of Rodway Road. To the south and west lie semi-detached properties (to the south lie the gardens of properties in Cranbourne Road). To the immediate east lies the large Patchway Hub building while to the north on the opposite site of Rodway Road lie further residential properties and the Patchway Community Centre.
- 1.4 In support of the application, detailed marketing information has been submitted.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

Policy 6	Delivering a wide choice of high quality homes
Policy 7	Requiring good design
Policy 8	Promoting Healthy Communities

National Planning Practice Guidance

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
CS16	Housing Density
CS17	Housing Diversity

- | | |
|------|--|
| CS18 | Affordable Housing |
| CS23 | Community Infrastructure & Cultural Activity |
| CS25 | Communities of the North Fringe |
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
L1 Landscape Protection and Enhancement
EP2 Flood Risk and Development
- 2.4 Supplementary Planning Guidance
South Gloucestershire Design Checklist 2007
Residential Parking Standards Adopted December 2013
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations
Guidance (Adopted March 2015)
Waste Collection: guidance for new developments, SPD Adopted on 28
January 2015

Other

A Vision for Patchway Centre July 2014 (Endorsed November 2014)

3. RELEVANT PLANNING HISTORY

- 3.1 P90/1856 Demolition of existing building and erection of replacement club building comprising public bar with skittle alley, lounge bar and ancillary storage, kitchen and toilet facilities with function room, committee room, toilet facilities and staff accommodation over; alterations to existing vehicular access and construction of associated vehicular parking and manoeuvring areas (in accordance with amended plans received by the council on 15/10/90 and details received on 27/12/90) (approved)

4. CONSULTATION RESPONSES

4.1 Patchway Town Council

Patchway Town Council does not object to housing on this site but, in view of the current shortage of housing in South Gloucestershire and the request for new sites to be identified, the Council considers that a development of higher density should be called for rather than the present application for 8 houses.

There is a shortage of affordable housing in Patchway and, being adjacent to the Children's Hub building of three stories, this is an excellent opportunity to build apartments to offer more units plus some social housing. As the applicant states, most of the accommodation currently available in the Rodway Road area is 3 bedroomed semis, so the Town Council considers the accommodation offered on this site should be 2 or 1 bedroomed. This would give an opportunity for residents in 3 bedroomed properties, particularly older residents, to downsize and thus release family homes to the market.

4.2 Other Consultees [including internal consultees of the Council]

Other Representations

Highway Structures

No comment

Lead Local Flood Authority

No objection subject to a condition to secure sustainable urban drainage (Suds)

Urban Design Officer

Objection - The scheme does not respond to the Patchway Town Centre vision to increase scale and mix of uses in the locality (in accordance with CS1, CS14 and PSP32). It also does not enhance the mix of dwellings in locality which is dominated by 2-4 bed houses. It is considered therefore that the proposal does not make efficient use of the land in accordance with policy CS16.

Archaeologist

The site is not one with known archaeological potential which may however solely be a reflection on the small amount of investigation in the vicinity. However evidence for archaeological remains was recovered from the nearby Filton Airfield investigations, and it is likely that the construction of the building and associated car parking did not involve significant ground disturbance. It is not clear from the submitted information what the extent of ground disturbance will be however I believe it would be prudent to impose an archaeological condition requiring a watching brief to be undertaken during ground disturbance associated with the proposed development. Standard Condition HC11 would be appropriate with Reason HR05.

Sustainable Transport

The revisions submitted address initial concerns regarding access within the site. The revised kerbline together with the proposed relocation of the speed cushions is considered acceptable and overcomes the previous highway concerns on this development.

The existing cushions are however not suitable to be reused, and as such the requirement will be for them to be replaced rather than relocated.

The removal, making good and replacement of the cushions in the revised (agreed) position will require changes to the existing TRO, the cost of which will need to be borne by the developer.

Given the scope of the works includes variations to the existing TRO which will involve public consultation, and that the revised kerbline is on existing carriageway which will necessitate Traffic Management works the applicant will be required to enter into a S106 agreement to secure these works.

Subject therefore to the applicant entering into a S106 agreement to secure the following; then there will be no transportation objection to this proposal.

1. Variation of the existing TRO to facilitate movement of the speed cushions.
2. Removal of the existing speed cushions and making good the surface of the highway.
3. Construction of replacement speed cushions, with specification to be agreed with SGC.
4. Realignment of kerblines in vicinity of the site.

4.3 Local Residents

One letter of support has been received. The comment can be summarised as follows:

- Adequate frontage blends well
- Enough parking to be self contained
- Disagree with Patchway Town Council that there should be a higher density due to impact on parking and need for buildings to be taller
- Extra housing should be at runway

One letter has been received that neither objects to or supports the proposal as follows:

- No objection in principle as the unoccupied British Legion building is an eyesore
- Concern that the vehicles that currently park at the site (stated as being employees at "The Hub") will park elsewhere to the detriment of the area. Due to the small amount of parking provision for the Hub.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework carries a presumption in favour of sustainable development and details a set of 12 principles that should underpin plan making and decision taking. These include the effective use of land, the promotion of mixed-use communities and seeking to ensure the fullest possible use of public transport, walking and cycling. Further, chapter 6 (Delivering a wide choice of high quality homes) talks of the need to 'boost significantly the supply of housing'. Accordingly the benefit from the additional housing units and their mix that this scheme proposed attracts considerable weight in support of the proposal.

A significant material consideration in the determination of those planning applications that relate to the provision of housing and one to which weight must be given is the appeal decision (APP/P0119/1/14/2220291) that approved the development of 106 dwellings in Charfield. The outcome of that appeal is such that it has been found that South Gloucestershire Council can no longer demonstrate that it has a five year supply of deliverable housing. Accordingly,

in considering this application weight should be given to Paragraph 49 of the NPPF which sets out that;

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

- 5.2 On this basis, it is considered that the failure by South Gloucestershire Council to demonstrate a five-year supply of deliverable housing land means that policies CS5 and CS25 are now out of date. The assessment of this application therefore falls to the requirements of paragraph 14 of the National Planning Policy Framework and as such, the proposed development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal; which is the provision of new housing towards the five-year supply of deliverable housing land. There is no reason to doubt that that the delivery of these 8 units with 5 years is highly likely. This aspect is given significant weight in the determination of this proposal. The impacts of the development are considered below.
- 5.3 Policy CS25 of the adopted Core Strategy also encourages providing housing and associated local facilities which are integrated with existing communities. Policy CS1 of the Core Strategy seeks high quality standards in terms of design and Policy CS16 seeks to ensure housing development make efficient use of land to conserve 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.
- 5.4 Policy CS23 of the adopted Core Strategy seeks to protect the existing community infrastructure. The existing building is a hall formerly used by the Royal British Legion and as such is considered to fall within this category. The policy indicates that such community infrastructure should be retained unless it can be demonstrated that, the use has ceased and there is no longer a demand or the facility is no longer fit for purpose and there is suitable provision within easy walking distance.

The Club was wound up legally in July 2014. Information submitted by the applicant indicates that the site was marketed between March 2015 and September 2015. The agency (Lambert Smith Hampton - LSH) indicate that interest in acquiring the site was high as was the number of viewings prior to the submission of bids. All the bids are indicated as being from either residential or retail led schemes with none representing a community or other such use. Clearly the use has ceased but it is considered that It is considered that this information is sufficient to indicate that there is little demand for the facility. It should also be recognised and this is clear from the information submitted by LSH as well as from the site visit made by the Case Officer that the building is not in a good state of repair particularly to the front and considerable investment would be required to bring the building and site back to use. It is regrettable however it is considered that the retention in a community use is unlikely given the above circumstances.

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

5.5 Design Issues

Policy CS1 of the adopted Core Strategy seeks to achieve good design in all new development.

Concern has been raised by Patchway Town Council that there is an opportunity that is being missed to provide a more dense development and thus secure social housing where there is a need in the area. The Urban Design Officer also indicates that the development does not enhance the scale and mix of dwellings in the locality and is this contrary to the "Vision for Patchway Town Centre " document (Endorsed Nov 2014) and Policy CS16 of the Core Strategy.

The Case Officer has informed the applicant of these concerns however they have indicated that while a revised scheme may be considered in future they want the current application considered on its own merits.

The "Vision for Patchway Town Centre" document sets out a vision for the remodelling of the existing centre at Patchway and the proposed local centre for Charlton Hayes to provide a new unified and vibrant town centre to serve both communities.

In terms of planning status it should be noted that this document is not adopted policy and is at an early stage. This was acknowledged in November 2014 in the resolution at the PTSE Committee which stated *"...it represents a good starting point for the development of detailed proposals for an enhanced town centre with the acknowledgement that there are practical and detailed issues to be considered"*. This work has not been significantly progressed since that time and there is no masterplan in place for this scheme. The application site is not specifically identified in the document as being safeguarded or having a defined role in achieving the aim of improving connectivity between areas.

Policy CS16 seeks to ensure that housing density *"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 among other objectives seeks to *"improve the mix of housing types in the locality"*

Regarding the density of the development, the proposal would result in a development of approximately 66 dwellings per hectare. The comment from Patchway Town Council and Urban Design Officer are this density this compares favourably with local densities that are approximately 20-30 dwellings per hectare. Notwithstanding this however it is considered that a more dense development could be problematic in terms of the provision of amenity space and parking provision and possible impact upon neighbours of higher structures. The current scheme is able to provide sufficient parking and external amenity space to cater for the needs of future occupiers whilst not providing a cramped form of development.

The immediate area is characterized by post-war semi-detached properties that are two-storey and largely constructed of brick with render (the latter added more recently). There are some terrace properties within the vicinity in particular to the east of the site on Rodway Road.

In terms of the layout, it is considered that the provision of a strong frontage across the front of the site is an appropriate design and sits well with the linear pattern of development in Rodway Road. The frontage benefits from a 0.9 metre wall across the frontage and this replicates the wall that fronts No.143/145 and many of the other properties on Rodway Road (as well as part of the existing site). The development to the rear (Plots 6 to 8) and car park (kept away from the public realm) is also considered appropriate. With respect to scale and amount, again the comments of Patchway Town Council are noted and it is acknowledged that the adjoining Hub is three storey but it is considered that a height of two and a half storeys is appropriate as the building relate more readily to the rest of the residential properties to the west. At 2.5 storeys in height the frontage will form a transition between these two elements. The contemporary form, use of colour render with double roman tiles is also appropriate to the street scene.

The site is considered to provide a secure environment through the use of fencing and the enclosed courtyard parking arrangement to the rear that is well overlooked by the new properties.

Regarding the location of bin storage/collection, Plots 1 to 5 can provide collection to the front and as such this accords with the Waste SPD. To provide an adequate collection point for Plots 6 to 8 (having regard to the fact that a bin lorry would not access the site) a collection point needs to be close to the front of the site. The collection point would be marginally more than the recommended 25 metres from the storage points ie the properties Plots 7 to 8 however this is considered appropriate.

In summary the design of the proposed development is considered acceptable and in accord with Policy CS1 and CS16 of the South Gloucestershire Local Plan Core Strategy 2013.

5.6 Transportation

Saved Policy T12 indicates that new development will be permitted provided that the new development makes adequate, safe and appropriate provision for the transportation demands that it will create. and minimises the adverse impact of motorised traffic. The adopted Residential Parking Standards consider standards for residential car parking. Policy CS1 of the adopted Core Strategy also requires that development enables people to gain access safely and conveniently having regard to the needs of all road users with reference to pedestrians, cyclists, children, and the disabled and older people.

During the course of the applications, amendments have been received to secure alterations to the pedestrian layout within the site. The main concern from the outset has been the acceptability of the access.

It is not possible to improve the visibility splay given that there is land within the splay that is not within the ownership of the applicant. Officers have therefore sought to adjust the speed on the adjoining road, through a number of measures. A revision to the kerb line together with the relocation of speed cushions is considered acceptable however as the existing cushions are not suitable to be reused there will be a requirement for them to be replaced rather than relocated. The removal, making good and replacement of the cushions in the revised (agreed) position will require changes to the existing Traffic Regulation Order (TRO), the cost of which will need to be borne by the developer.

Given the scope of the works includes variations to the existing TRO which will involve public consultation, and that the revised kerbline is on existing carriageway which will necessitate Traffic Management works the applicant will be required to enter into a S106 agreement to secure these works as detailed in section 7.1 below. A condition is also recommended to ensure that the parking provision and waste storage facilities are in place prior to the first occupation of the development.

Subject to the above planning condition and the applicant entering into a legal agreement to secure the necessary highway alterations, there is no highway objection to the proposal.

5.7 Landscaping

Policy CS9 of the adopted Core Strategy and saved Policy L1 of the adopted Local Plan seeks to protect and where possible enhance the quality of the landscape. Officers have no landscape objection to the proposal subject to a condition seeking a full detailed soft landscaping scheme.

5.8 Residential Amenity

Policies CS1 and CS5 of the adopted Core Strategy state that the residential amenity of existing occupiers is to be assessed when determining applications for new residential development. Amenity is assessed in terms of whether the development would appear oppressive or overbearing when viewed from that property and this also includes whether overlooking/loss of privacy would result. The residential amenity of future occupiers of the development is also a material consideration.

Impact upon neighbouring occupiers

With respect to the physical impact of the buildings upon neighbouring occupiers, it is not considered given their scale and location in relation to the nearest properties, that the buildings located to the front of the site (Plots 1 to 5) would have any adverse impact. The southern flank wall of Plots 6 to 8 to the rear of the site is located approximately 21 metres from the rear elevation of the nearest properties in Cranbourne Road.

With respect to privacy, given the scale and location of Plots 1 to 5 it is not considered that any loss of privacy would accrue to neighbouring occupiers. A dormer is proposed on the western side of the roof of Plot 5 however this overlooks the roof of No.145 Rodway Road and would not detract from the

residential amenity of that occupier nor would the first floor landing window on the same elevation which faces towards the side of that property. The only potential impact from Plots 6 to 8 is the first floor landing window located on the southern elevation however while this would overlook gardens to the south, those gardens are lengthy and as indicated already in this report the nearest windows in properties to the south are approximately 21 metres distant. This relationship is considered acceptable

Future occupiers

The relationship between the new properties is generally considered acceptable, having regard to the future outlook and privacy of neighbouring occupiers. The only potential impact is upon the outlook of plots 2 and 3 in relation to the flank wall of Plot 6, however given that the separation distance is approximately 11.6 metres this relationship is considered appropriate. It is also considered appropriate to impose a condition to require the first floor window in the side elevation (to a landing) of No.6 to be obscure glazed.

All the properties on the site benefit from cycle storage as well as adequate private amenity space

Given that the site is situated within a residential area, it is considered that it would be necessary to impose a condition to restrict the construction hours.

5.9 Drainage

Policy CS9 of the adopted Core Strategy seeks to ensure the protection of the environment from development proposals both to ensure that development is not adversely affected by the existing water environment and to ensure that new development does not have an adverse impact upon that environment by reason of surface water run-off or water discharge.

The Drainage Engineer has considered the proposal and officers raise no objection to the proposal subject to a condition requiring further details to secure Sustainable Urban Drainage details.

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

5.10 Planning Obligations

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

Necessary to make the development acceptable in planning terms;
Directly related to the development; and
Fairly and reasonably related in scale and kind to the development.

The development of 8 no. residential units falls below the threshold of 10 units set out in the National Planning Policy Guidance at which Affordable Housing and other contributions that can be provided through a S106 agreement can be sought. In this instance the physical works required to make the use of the access acceptable as set out in 5.7 above and in the recommendation below are considered appropriate.

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 South Gloucestershire Local Plan Core Strategy 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- The variation of the existing Traffic Regulation Order to facilitate the moving of the speed cushions
 - The removal of the existing speed cushions and making good the surface of the highway
 - The construction of the replacement of the speed cushions, with the specification to be agreed with South Gloucestershire Council
 - Realignment of the kerb line in the vicinity of the site

To accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) saved policy 2006 and Policy CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy 2013.

- 7.2 Should the agreement not be completed within 6 months of the date of the Committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

Contact Officer: David Stockdale
Tel. No. 01454 866622

CONDITIONS

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

Reason

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

2. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

Reason

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

The scheme must be submitted and approved prior to the commencement of the development in order to avoid the need for future remedial action

3. 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 and the National Planning Policy Framework.

The scheme must be submitted and approved prior to the commencement of the development in order to avoid the need for future remedial action

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

Reason

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

5. Prior to the commencement of the development, full details of the refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and be retained as such thereafter.

Reason

In the interests of the amenity of the area and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013 and the Waste Collection SPD January 2015

This is a pre-commencement condition in order to avoid the need for future remedial action

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

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

The scheme must be submitted and approved prior to the commencement of the development in order to avoid the need for future remedial action

7. Prior to the use or occupation of the building identified as Plot 6 on Drawing No.15.002-002 hereby permitted, and at all times thereafter, the proposed first window on the side/north elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed'..

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013 and the National Planning Policy Framework.

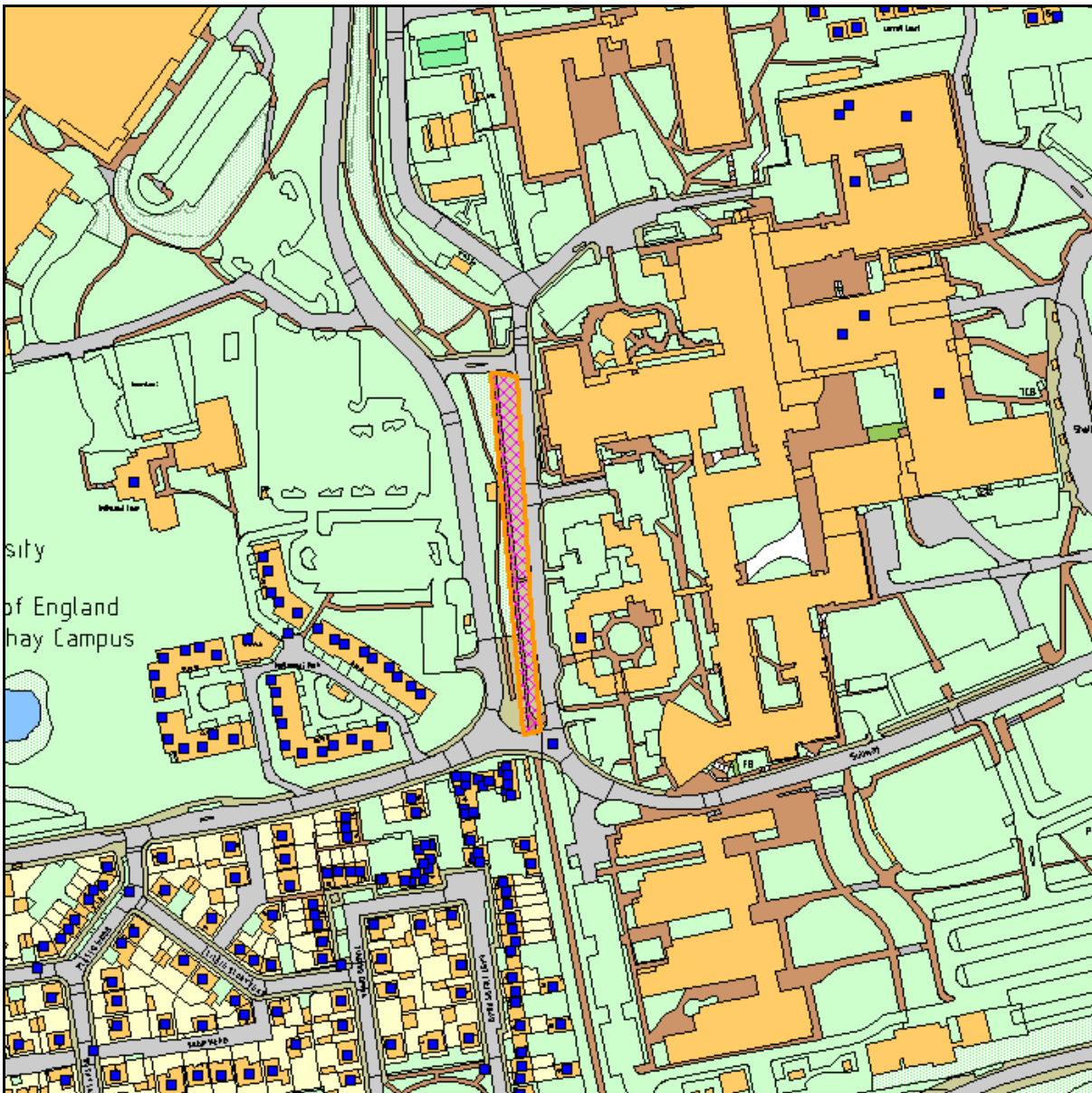
8. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 hours Monday to Friday and 0800 to 1300 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: 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 CS1 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 14/16 – 8 APRIL 2016

App No.:	PT16/0029/FDI	Applicant:	Curtins
Site:	University Of West Of England Coldharbour Lane Stoke Gifford South Gloucestershire BS16 1QY	Date Reg:	6th January 2016
Proposal:	Diversion of footpath LSG 22/10	Parish:	Stoke Gifford Parish Council
Map Ref:	362096 178158	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	29th February 2016



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PT16/0029/FDI

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Under the current scheme of delegation all footpath diversion orders are required to be determined by the circulated schedule process.

1. THE PROPOSAL

- 1.1 The application is made under Section 257 of the Town and Country Planning Act 1990 (as amended) for the diversion of footpath LSG22/10.
- 1.2 The application seeks consent for realign an existing footpath between points A and C (which it is a total distance of 152.4m) as shown on submitted drawing reference BR1279-H-006. The extent of the realignment at its greatest is 5 metres to the west of the current route and will result in a more direct route along what historically was the boundary of the former Hewlett Packard estate and the University of the West of England.

2. POLICY CONTEXT

- 2.1 National Guidance
Circular 01/2009
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
LC12 Recreational Routes
- 2.3 South Gloucestershire Core Strategy (Adopted) December 2013
Policy CS9 Environmental Resources and Built Heritage

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/3809/O: Erection of new buildings on 55.1 hectares of land for; academic, recreation, administration and support purposes (44,055m², Use Class D1); student residential and associated welfare facilities (30,790m², sui generis use); 15,200m² of mixed commercial uses, consisting of a Hotel (200 bedrooms [6,000m², Use Class D1), Restaurant/Public House/Hot Food Take-away (1,200m² Use Classes A3/A4/A5); Office/Research and Development (8,000m², Use Class B1a/B1b); associated infrastructure including provision of a new public transport hub, 2 no. decked and at grade car parks, landscaping, internal highway realignment, amendments to 2 no. adopted vehicular access points; and the demolition of 7,330m² existing buildings. Outline application with all matters reserved except access. Approved 17th June 2013.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No objection
- Public Rights of Way
- 4.2 The proposed diversion has been discussed with the application and the proposed diversion of the footpath is satisfactory.

- 4.3 Landscape Officer
No objection

Other Representations

- 4.4 Local Residents
No consultation responses were received.

5. ANALYSIS OF PROPOSAL

5.1 Principle Matters

The diversion of a Public Right of Way is not development as defined in the Town and Country Planning Act. As such a diversion order can only be considered within planning legislation when the diversion of the footpath is required in order to allow the implementation of a planning permission. The nature of the assessment should consider the proposed route and its suitability in terms of the amenity of the public right of way and whether or not the diversion is reasonably necessary in respect of the planning permission it relates to.

5.2 The Proposal

This footpath is identified as an LC12 route in the Local Plan and as part of the expansion of the on-site student accommodation in what the masterplan identifies as the new “heart-zone” area, a more direct route is to be provided that seeks the footpath more slightly to the east of its current position. This also helps move the footpath slightly further away from the vehicular access which as approved in outline, will eventually service the new transport hub. It is therefore considered that the amenity of the route will be slightly improved but overall the proposed diversion is limited both in terms of scale and the potential change in character and amenity of the route that would result.

- 5.3 The Council’s Public Rights of Way officer has no objection to the proposed diversion and there are no landscape concerns either.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposal is considered to satisfactorily comply with Circular 01/09 and Policy LC12 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 as the utility and amenity of the route would be retained.

7. RECOMMENDATION

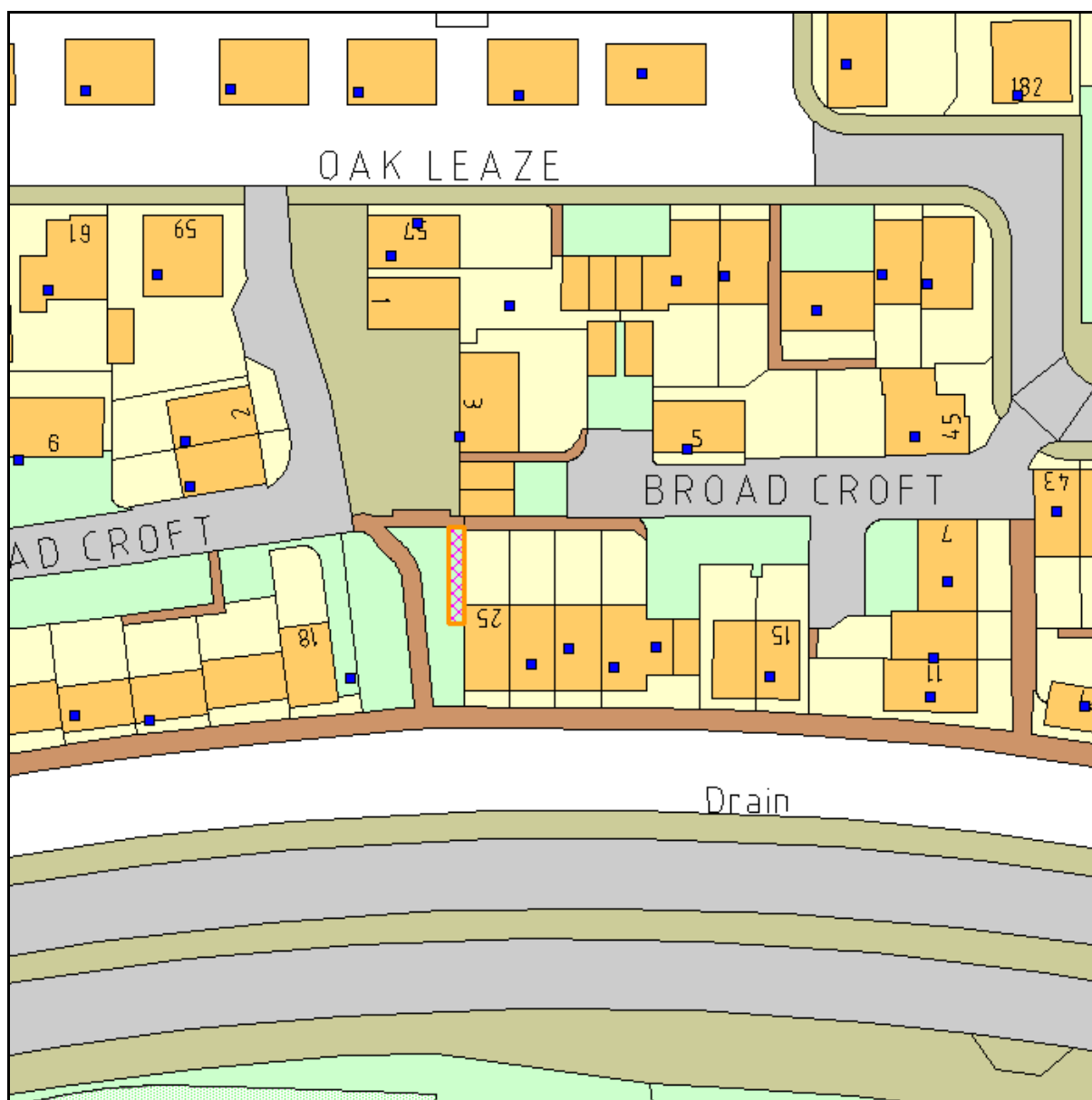
- 7.1 That no objection be raised to the proposed diversion of footpath LSG 22/10 and that the Head of Legal and Democratic Services be instructed and authorised to make an Order under Section 257 of the Town and Country

Planning Act 1990 for the diversion of footpath LSG 22/10 as illustrated on layout plan reference (drg no.BR1279-H-006) received by the Council on 4th January 2016.

Contact Officer: Robert Nicholson
Tel. No. 01454 863536

CIRCULATED SCHEDULE NO. 14/16 – 8 APRIL 2015

App No.:	PT16/0185/F	Applicant:	Mr Christopher Erasmus
Site:	25 Broad Croft Patchway South Gloucestershire BS34 5FS	Date Reg:	
Proposal:	Change of use of amenity land to residential. Erection of 1.8m boundary fence (Retrospective)	Parish:	Patchway Town Council
Map Ref:	359543 180621	Ward:	Patchway
Application Category:	Minor	Target Date:	19th April 2016



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PT16/0185/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as a result of receiving two objections.

1. THE PROPOSAL

- 1.1 The application relates to a residential site located north of Hayes Way within the new housing development of Charlton Hayes, Patchway. Within the residential curtilage is a single end terrace dwellinghouse with a modest garden area to the rear of the property. As a result of its location within the new Charlton Hayes development, the property is surrounded by numerous other residential properties as well as intentionally landscaped public open space.
- 1.2 The development of Charlton Hayes is ongoing and as such the property associated with this application was only completed within the last couple of years. The application is retrospective in nature and details the change of use of amenity land within the applicant's ownership to residential use along with the erection of a 1.8m boundary fence; essentially the applicant has replaced the original yellow brick wall which stood on the west boundary of the property with a 1.8m close board fence, whilst adopting part of the landscaped amenity land into their residential garden. The dwellinghouse is located adjacent a pathway which is considered an important pedestrian link and runs along its south and west boundaries.

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

CS8 Improving Accessibility

CS16 Housing Density

CS26 Cribbs / Patchway New Neighbourhood

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

L5 – Open Areas within the Existing Urban Areas and Defined Settlements

L1 – Landscape Protection and Enhancement

M1 – Site 4 Major Mixed Use Development Proposals at Northfield, Filton

Aerodrome, Patchway

LC9 – Protection of Open Space and Playing Fields

2.3 Supplementary Planning Guidance

South Gloucestershire Local Plan: Policies, Sites and Places Plan

PSP11 – Active Travel Routes

PSP5 – Undesignated Open Spaces within Urban Areas & Settlements.

3. RELEVANT PLANNING HISTORY

3.1 None.

4. CONSULTATION RESPONSES

4.1 Patchway Town Council
No comment.

4.2 Other Consultees

The Tree Officer Natural & Built Environment Team
There are no objections.

The Listed Building & Conservation Officer Natural & Built Environment Team
No comment.

The Ecology Officer Natural & Built Environment Team
There are no objections to this application on ecological grounds.

Sustainable Transport – Transportation DC
I refer to the above planning application to which no transport objection is raised.

Community Enterprise
No comment.

Lead Local Flood Authority
The Drainage & Flood Risk Management team have no objection to this application.

Highway Structures
The Highway Structures team has no comment.

Strategic Planning Policy & Specialist Advice Team
The Woodlands scheme was supported by a Design Code approved by way of condition to the Outline (PT03/3143/O). The codes show a strategic gap (green area) in this location along the alignment of some existing and now cleared trees. It is unfortunate that the developer has conveyed the land to the property owners in this area, land that would otherwise logically be public open space. The gap provides a pedestrian connection and therefore should be a pleasant safe space. Narrowing, via encroaching close board fences would set a harmful precedent. Therefore I would object to the proposal.

Other Representations

4.3 Local Residents

There has been one objection from a local resident. The objection concerns the impact the development will have on their view from their kitchen window at No.1 Broad Croft. The objection also raises concerns over the height and

design of the proposed fence as the objector states the fence is too high and is not in keeping with the surrounding area. The objector informed us within their comments that they were assured by Bovis homes that amenity land would stay as such and this was one of the reasons they were attracted to the property. As a result, they believe that the development detailed within this application will have a negative effect on the desirability of their house when they decide to sell it.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (adopted December 2013) addresses 'High Quality Design' and states that proposals are required to demonstrate that siting, amongst other things, must be informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. Proposals should also demonstrate that the overall layout is well integrated with existing adjacent development and amenity value is expected to be safeguarded and enhanced. In addition, Policy CS1 states that any proposal should take account of personal safety, security and crime prevention.

Saved Policy L5 of the South Gloucestershire Local Plan (Adopted) January 2006 which addresses 'Open Areas within the Existing Urban Areas and Defined Settlements' must also be considered alongside this application in addition to PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan entitled 'Active Travel Routes'. The former states that development will not be permitted where it adversely affects the character, amenity and distinctiveness of the open area, where the latter prohibits development where it prejudices the amenity, attractiveness and safety of active travel routes.

Considering the above, along with the National Planning Policy Framework (NPPF) March 2012 which outlines that proposals should ensure the creation and retention of an appropriate mix of uses including the incorporation of green and public open spaces, it is deemed that the proposal is not supported in principle. The erection of a 1.8m close board fence resulting in the loss of part of the adjacent amenity land is not commensurate with the locality. There is also concern over the narrowing of the public open space in this area as it may have a detrimental effect on the personal safety of pedestrians using the adjacent footpath.

5.2 Design and Visual Amenity

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) is not supportive in principle of this proposal. It states that development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they enhance and respect the character, distinctiveness and amenity of both the site and its context; that the proposed layout is well integrated with existing adjacent development; and that existing features of landscape and amenity value are safeguarded and enhanced through incorporation into the development.

The proposal does not adhere to the above requests of Policy CS1 in that the replacement of the original yellow brick wall with a 1.8m close board fence does not respect the character of the development as a whole. The majority of the residential boundary treatments seen in the locality are constructed of yellow brick and as such a close board fence would seem out of place in this context.

The proposal to adopt part of the adjacent amenity land into the residential curtilage by re-locating and siting the residential boundary approximately 2m to the west of the original residential curtilage and extending the length of the residential garden south by approximately 2.75m, does not comply with Policy CS1's request to respect the amenity and the context of the site as it decreases the amount of amenity space available to others.

The proposed layout of the boundary treatment does not match the layout of other boundary treatments seen at residential properties in the same vicinity. No other properties have benefitted from such development (either through express permission being granted or unlawfully) as yet, and it is feared that granting permission for such a proposal would set a harmful precedent for other property owners in the area resulting in a far reduced area of public open space to that which was imagined in the original plans.

5.3 Amenity Space / Public Open Space

Saved Policy L5 'Open Areas within the Existing Urban Areas and Defined Settlements' of the South Gloucestershire Local Plan (Adopted) January 2006, asserts that development will not be permitted where it may have an adverse effect on the contribution an area of open space makes towards the quality, character, amenity and distinctiveness of the locality. It's deemed that such areas of open public space make a significant contribution to the character of the landscape; a contribution too important to diminish.

Policy CS16 'Housing Density' of the South Gloucestershire Core Strategy (adopted December 2013) re-visits the point of the requirement for high quality design to be adopted within proposals; an objective previously set out in Policy CS1. It also addresses the requirement of proposals to provide adequate levels of public open space; a point which is later addressed within Policy CS26 of the same Core Strategy and which was detailed as an aspiration for the Charlton Hayes development within Policy M1 'Site 4 Major Mixed Use Development Proposals at Northfield, Filton Aerodrome, Patchway' of the South Gloucestershire Local Plan (Adopted) January 2006.

Saved Policy LC9 'Protection of Open Space and Playing Fields' of the South Gloucestershire Local Plan (Adopted) January 2006 also states that proposals for the development of existing formal or informal open space will only be permitted if the development would not result in, or add to, a deficiency of public open space.

Considering the policies discussed above, it is deemed that the current proposal does not meet with the requirements of enhancing or even safeguarding public open space. It proposes to reduce the amount of amenity

land, thus decreasing the openness of the residential area and reducing the visual enjoyment experienced by both the surrounding residents and users of the footpath.

5.4 Impact on the Footpath

The proposal is deemed to degrade the attractiveness of the area through diminishing the openness of the public space. A reduction in the amenity space at this location would decrease the space envisaged in relation to an important pedestrian connection. Narrowing of this public open space may have a detrimental effect on the personal safety experienced by pedestrians and cyclists alike by virtue of the proximity of the proposed fence to the public footpath.

5.5 Other Matters – Consultee objections / comments

Considering the comments submitted by the Strategic Planning Policy & Specialist Advice team and the information gathered during a site visit conducted on the 16th March 2016, the area of amenity land detailed as being taken into the residential curtilage of 25 Broad Croft has been strategically designed to provide public open space. The open space serves to provide a pleasant and safe space as part of a pedestrian connection. Narrowing of this space through permitting encroachment by a close board fence is deemed to set a harmful precedent to other property owners in the area. All of the above points are relevant to this application and will be taken into consideration.

Bearing in mind the comments submitted by the objector, the height and design of the fence proposed by this application and any effect this development may have on the enjoyment of neighbouring residents of the amenity space have been taken into consideration. It is not deemed that the height of this fence at 1.8m is overbearing as it replaces a wall of a similar height. Furthermore, a boundary treatment at 1.8m is usually considered appropriate when located at the rear of a residential property. It is not considered to impact on the residential amenity of the area as there are no residential properties immediately facing the proposed fence, however it may be argued that there is a degree of visual impact as a result of its erection. The close board fence is not considered in-keeping with other surrounding boundary treatments and will result in the loss of attractive open space which will impact on the visual amenity of the area. The objector's comment regarding the effect the development may have on the desirability of their property however, cannot be taken into account as it is not considered a planning issue.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The works described within this retrospective application are sited within the newly developed residential area of Charlton Hayes. It is deemed that the

proposal details works which will adversely affect the quality, character, amenity and distinctiveness of the locality as valuable amenity land will be taken away from the existing open space. It's considered that this amenity land holds high value in relation to its surrounding locale and it's depletion in this manner will only serve to set precedent to other property owners in the area, which may result in more serious ramifications.

- 6.3 The recommendation to **refuse** 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 **REFUSED** as a result of the decrease in the openness of the area surrounding the application site and the narrowing of the public open space associated with an important pedestrian link. A harmful precedent would be set through the granting of this application and we deem the value of such amenity space higher than its potential value if it were to be included within residential curtilage.

Contact Officer: Lisa Evans
Tel. No. 01454 863162

REFUSAL REASONS

1. This proposal is not supported in principal in relation to design and visual amenity. It does not respect or enhance the character or amenity of the site and its context, and is considered out of keeping with its surrounding area. This proposal has therefore been submitted contrary to policy CS1 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.
2. This application proposes to reduce the amount of amenity land available for the visual enjoyment experienced by residents and users of the adjacent footpath alike. Narrowing of the public open space in this way would have a detrimental effect on an important pedestrian link as well as the openness of the amenity area. This proposal has therefore been submitted contrary to saved Policies L5 and LC9 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS8, CS16 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted December 2013, as well as supplementary planning guidance PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Proposed Submission Plan - Public Consultation (Summer 2015).
3. Permitting such a development would set a harmful precedent for other property owners in the area resulting in a further reduction in the surrounding public open space.

CIRCULATED SCHEDULE NO. 14/16 – 8 APRIL 2016

App No.:	PT16/0545/F	Applicant:	Mr Ruman Mohammed
Site:	Land Opposite 1 Catbrain Hill Easter Compton South Gloucestershire BS10 7TH	Date Reg:	11th February 2016
Proposal:	Erection of 1no. dwelling with associated works. (Amendment to previously approved scheme PT14/3878/RM to add a basement).	Parish:	Almondsbury Parish Council
Map Ref:	357618 180416	Ward:	Patchway
Application Category:	Minor	Target Date:	15th April 2016



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PT16/0545/F

REASON FOR REPORTING TO THE 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 a dwelling. However, the site already has an extant planning permission to erect a dwelling at the site which is near-identical to the dwelling proposed within this application, apart from this planning application includes a basement in order for the dwelling to provide additional storage.
- 1.2 With this in mind, this planning application effectively seeks planning permission to amend an existing planning permission in order to construct a basement to facilitate the provision of additional storage for the dwelling.
- 1.3 It should be noted that the previous planning permission at the site for a dwelling has not yet be implemented, however the permission remains extant and therefore exercisable. The site does have an interesting history, in that an outline planning application to erect a dwelling was refused by the Local Planning Authority in 2013, this decision was then appealed, the Inspector upheld this appeal (planning refs' PT13/0737/O and APP/P0119/A/13/2200996). An application for reserved matters was then submitted to the Local Planning Authority, this application was then approved (planning ref. PT14/3878/RM). They key point to take from this, is that if this planning application is refused, then this extant planning permission could be implemented. In this way, the principle of the dwelling at this site has been accepted.
- 1.4 Accordingly, all that is to be assessed within this application are the material differences between the extant planning permission and the proposal submitted within this planning application. For information, these differences are as follow:
 - The construction of a basement for storage;
 - The windows frames proposed within this development are to be constructed of PPC grey finish aluminium rather than timber.
- 1.5 The Environment Agency have identified that the application site is currently understood to be within Flood Zone 1. Further to this, the Environment Agency, along with the Council's Emergency Planners and Lead Local Flood Authority have identified that the application site is within the breach zone of the Cribbs Causeway Reservoir.
- 1.6 The application site is at the bottom of Catbrain Hill with the disused Filton Airfield to the south; Medlar Close to the north and a number older dwellings associated with Catbrain Hill. The Henbury Trym River also runs along the northern border of the site, notwithstanding this, the development is within Flood Zone 1. The site also falls within defined Patchway settlement boundary.
- 1.7 The surrounding area to the application site has been subject to a number of planning approvals in recent years for large mixed use development, the

majority of such developments involve a high proportion of residential dwellings. For example the disused airfield to the south has a large mixed-use development with a resolution to grant planning permission subject to a legal agreement; and the area to the west of Catbrain Hill recently had a residential development consisting of approximately 110 new dwellings approved by the Planning Inspectorate at appeal.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS26 Cribbs/Patchway New Neighbourhood

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

L1 Landscape Protection and Enhancement
L5 Open Areas within Existing Urban Areas and Defined Settlements
L9 Species Protection
T7 Cycle Parking
T12 Transportation Development Control
EP2 Flood Risk and Development

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 PT15/5026/RM Withdrawn 18/01/2016
Erection of 1no. dwelling with layout, appearance, landscaping and scale to be determined (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT13/0737/O and appeal APP/PO119/A/13/2200996) (Amendment to previously approved scheme PT14/3878/RM).
- 3.2 PT14/3878/RM Approved with Conditions 04/02/2015
Erection of 1no. dwelling with access to be determined (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT13/0737/O and appeal APP/PO119/A/13/2200996).

- 3.3 PT13/0737/O Approved at Appeal
Erection of 1no. dwelling (Outline) with access to be determined. All other matters reserved. (Resubmission of PT12/1516/O).

4. **CONSULTATION RESPONSES**

4.1 Almondsbury Parish Council

None received.

4.2 Sustainable Transport

No objection, the driveway has space for four car parking spaces.

4.3 Public Rights of Way

The development proposal may affect the footpath OAY 88 that runs along the border of the development area. For this reason the limitations listed are required for the application should it be granted permission. Should planning permission be granted such limitations will be attached to the decision notice as informative notes.

4.4 Open Spaces Society

None received.

4.5 Highway Structures

Details of excavations and the temporary support that is to be provided during construction are to be submitted to satisfy the highway authority that support to the highway is provided at all times. The application includes a boundary wall/fence alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner.

4.6 Lead Local Flood Authority

No objection in principle to this application subject to the following advice:

As the site is located within the inundation zone of the Cribbs Causeway Reservoir it is up to LPAs Emergency Planners to determine whether the level of risk is acceptable. We note the Environment Agency comments dated the 3rd of March 2016 which confirms their acceptance that the site is located in Flood Zone 1.

Further to this comment the Lead Local Flood Authority requested that the development is carried out in accordance with the submitted SuDS plans.

Officers questioned if a Flood Evacuation Plans or flood resilient and resistant construction methods were required for this development:

Not requested as the development is in Flood Zone 1.

As well as this, the Lead Local Flood Authority was asked if the development accords with the Standing Advice with regard to Flood Risk for the District:

I do believe from the reviewing the previous applications associated with this application from the outline PT13/0737/O both reserve matters apps PT14/3878/RM and PT15/5026/RM it was established that the EA had set a minimum boundary that no development including boundary walls was to occur within 5 Metres, this was stated by Richard Bull.

You are, I believe correct in raising these concerns but as this matter in particular is connected to a designated "Main River" it is a requirement that the EA specifically will need to advise on what elements of their standing advise they wish you to apply to this application regarding Flood Defence Consent.

4.7 Environment Agency (South West)

No objection, but the Agency stated the following:

We advise that we have previously confirmed that the site would be reclassified as Flood Zone 1 (letter dated 2 April 2013 to J Ryan, your ref: PT13/0737/O). However, this has still not happened formally yet due to us receiving another hydraulic model associated with a nearby development, which may update the flood outline around this location. We accept though that at the current time this site should still be classed as Flood Zone 1. Therefore, we have no objection to the above proposed revisions to the proposed development.

Notwithstanding what Flood Zone the site is within (under the Flood Risk Map for Planning - Rivers & the Sea), the site is within the breach zone of the Cribbs Causeway Reservoir as South Gloucestershire Council (SGC) have already pointed out. We are unfortunately unable to provide any detailed depth or velocity flood information about this for security purposes. Therefore we advise SGC's Emergency Planners must review whether the Flood Warning and Evacuation Plans are acceptable on the basis of the current limited information.

Officers questioned if a Flood Evacuation Plans or flood resilient and resistant construction methods were required for this development:

The Environment Agency did not reply to this query.

4.8 Tree Officer

None received.

4.9 Archaeology Officer

No objection.

4.10 Emergency Planning Unit

The application site is within the Cribbs Causeway Reservoir Inundation Zone:

As the Environment Agency have provided no information with regards to water depth or flow rate it is impossible for the Emergency Planning Unit to quantify the level of risk, such an assessment should lie with the Environment Agency. The Emergency Planning Unit assumes that the Environment Agency have based their assessment on technical data, and therefore the Environment Agency has no objections. Although the Emergency Planning Unit has reservations with regard to this proposal, they are unable to back such reservations up without detailed information.

Officers questioned if a Flood Evacuation Plans or flood resilient and resistant construction methods were required for this development:

The requirement for Flood Evacuation Plans or the use of flood resilient and resistant construction methods does not come from the emergency Planning Unit. Such requests come from the Environment Agency, although such measure would be sensible, the officer commenting on behalf of the

Emergency Planning Unit stated he did not believe they had the power to request such measures or conditions.

4.11 Ecological Officer

That a Condition is attached to planning permission requiring that:

An Ecological Mitigation and Enhancement Plan, agreed with the applicant, will be submitted to the LPA for approval in writing, based on recommendations provided in Section 6.2 of the Protected Species Survey Report (JPC Ecology, dated June 2012). This plan will also include recommendations for bat-friendly lighting (L9).

Other Representations

4.12 Local Residents

One letter has been received from a member of the public regarding this planning application. The letter was from a neighbour (no. 24 Medlar Close); the letter contained comments of objection, such comments are summarised below:

- Our property is opposite the proposed development; as such concerns regarding privacy/overlooking;
- The proposed building is not in-keeping with the other properties in the area; three storeys and basement is too large in comparison to the other properties on Catbrain Lane and Medlar Close.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the erection of dwelling with a basement. As there is an extant planning permission for a dwelling at the application site that is near-identical to the one proposed within this development, officers can only assess the material differences between the extant planning permission, and the development proposed within this planning application.

5.2 Accordingly, all that is to be assessed is the proposed basement and the proposed windows material change. As well as this, officers will re-assess the conditions of the previous planning permission to make sure they accord with the relevant policy.

5.3 Principle of Development

The proposed basement is acceptable in principle, it is effectively a material amendment to a dwelling that would have the effect of permitting a larger dwelling. Similarly, the proposed window frame change in material is acceptable in principle. With regard to both these material changes from the extant planning permission, officers will assess such proposals with regard to the amenity of the area and also the amenity of future occupiers of the proposed dwelling. Such an assessment will be documented in the remaining report.

5.4 Flood Risk – Fluvial and Coastal Flooding

- Notwithstanding the adjacent river, it has been established by the Environment Agency (EA) that the application site is within Flood Zone 1. The EA are an executive non-departmental public body, sponsored by the Department for Environment, Food and Rural Affairs. The EA effectively assess the level of fluvial and coastal flood risk by categorising areas in 'Flood Zones'. As stated the EA have specified that at the time of this planning application, the application site was in Flood Zone 1, which is defined as land having a less than 1 in 1,000 annual probability of river or sea flooding; areas in Flood Zone 1 are understood to be areas at the lowest risk of flooding.
- 5.5 Adopted policy and the NPPF directs residential development to areas such as the application site, areas in Flood Zone 1 - this is stated within paragraph 101 of the NPPF. Further guidance on Flood Risk is provided within the localised standing advice issued to South Gloucestershire Council. Within this standing advice, the proposed development is considered to fall under 'Residential and non-residential extensions with a footprint of less than 1000 sq. metres'. With regard to development such as this, within 8 metres of a 'Main River' (Henbury Trym), the standing advice states that the EA must be consulted with regard to a Flood Risk Assessment on flood defence requirements.
- 5.6 As eluded to above, the EA were consulted with regard to this application. The EA confirmed the development was in Flood Zone 1, and hence, notwithstanding the adjacent watercourse, the EA had no objection to this proposal. The Lead Local Flood Authority (known hereafter as LLFA) did provide further light to this situation. The LLFA reviewed the previous applications at the site, and found that it was established that the EA had set a minimum boundary that no development, including boundary walls, was to occur within 5 metres of the top of the river bank.
- 5.7 Officers have seen such correspondence where a 5 metre exclusion zone was requested by the EA, officers also note that the outline application, which was appealed, grappled with this issue. Within the Inspectors report for this application, the Inspector stated that *'in order to maintain access to the Henbury Trym for maintenance and flood risk prevention, it is necessary to restrict the building of structures and the raising of ground levels within 5 metres of the watercourse'*. Officers find no reason to disagree with such a requirement, and note that no built structures are proposed within this 5 metre zone. To ensure that this is continued should planning permission be granted, officers suggest a condition be imposed.
- 5.8 Officers note that the extant planning permission, composed of planning refs' APP/P0119/A/13/2200996 and PT14/3878/RM, both condition that all finished floor levels are set at no lower than 44.35 metres AOD. Within the Inspector's report, it is stated that the aforementioned floor level condition is imposed in order to minimise flood risk. However, the EA have stated there is a low level of flood risk at the site, as the development site is within Flood Zone 1. With this in mind, officers can only conclude that the Inspector conditioned such floor levels due to the proximity to the watercourse. Notwithstanding this, the evidential base within this appeal provides little justification as to why such a condition was considered necessary.

- 5.9 44.35 metres AOD is understood to be the fluvial flood level for a present day 1 in 100 year event, whereas the basement will have a basement slab level of no less than 40.35 metres AOD; this would be below the expected fluvial flood level. To overcome this, the submitted Flood Risk Assessment Addendum states that any access to the basement, including service entries, should be set at a threshold no less than 44.35 AOD to preclude floodwater from entering the basement. Officers note that LLFA and EA have not picked up on this issue, as they state the development is within Flood Zone 1. However, officers are concerned that the proposed basement would be vulnerable to flooding, with this in mind, officers suggest that should planning permission be granted, the finished floor level, together with the access arrangements for the basement are conditioned as suggested within the submitted Flood Risk Assessment Addendum.
- 5.10 In line with the standing advice with regard to flood risk, should planning permission be granted, officers will include informative notes regarding Flood Defence Consent and pollution prevention.
- 5.11 Flood Risk - Cribbs Causeway Reservoir Inundation Zone
The development site falls within the Cribbs Causeway Reservoir Inundation Zone. The development is situated within an area at risk of no notice flooding by considerable amount water, however, there are currently no precise details relating to flood water depth and velocity. As this site would be at risk of a notice failure of the reservoir wall, there would be no pre warning to enable a successful evacuation.
- 5.12 The EA and LLFA did comment regarding this suggesting that it was up to the Council's Emergency Planning Unit (EPU) to determine the acceptability of the proposal within this area. The EPU stated that although they were adverse to the scheme, they had no evidence to quantify the risk from the development being within the inundation zone. With this in mind, as none of the bodies/departments/authorities consulted with regard to this development have provided officers with evidence of flood risk from the reservoir, officers cannot resist or restrict development in anyway. An informative note regarding this issue will be included with the decision notice should planning permission be granted.
- 5.13 Flood Risk – Groundwater
The geotechnical report for the site indicates that groundwater was not initially encountered during site investigation, but was recorded during return monitoring at 2.99mbgl. The natural ground conditions encountered on site comprised Mercia Mudstone, weathered stiff clays to 1.40-2.10mbgl, very stiff clays and very weak mudstones below. The ground conditions are not conducive to freely draining soil, therefore there is likely to be perched or fluctuating water tables. The information above suggests that the basement excavation may experience groundwater ingress during construction.
- 5.14 The submitted Flood Risk Assessment Addendum states that groundwater ingress/flood can be avoided through the development being built in accordance with the: *BS 8102:2009 code of practice for protection of below*

ground structures against water from the ground guidance to deal with and prevent entry of groundwater. Such protection measures are covered through the Building Control requirements, and hence there is no need for a planning condition with regard to groundwater ingress.

5.15 Flood Risk – Flood Resilient and Resistant Construction Method and Evacuation Plan

Officers noted that the previous application for reserved matters (PT14/3878/RM), was approved subject to a number of conditions. One such condition required the applicant to submit details of an emergency evacuation plan and details of resilient and resistant construction methods. The reason for the aforementioned condition was ‘in the interest of future occupiers of the site’, officers assume this was due to flood risk.

5.16 Officers questioned the LLFA, EA and EPU to understand if such measures needed to be conditioned, as from the officer’s understanding the site is within Flood Zone 1 – an area with the lowest level of flood risk. The LLFA stated such measures are not required as the development is in Flood Zone 1. Similarly, the EA in their original comment stated ‘no objection’ as the development site is in Flood Zone 1. The EPU were also consulted, in this case they suggested such measures were advisable, but then stated they could not insist on such measures due to their statutory powers.

5.17 With this in mind, officers find such a condition requiring such measures to not accord with the six tests set out within paragraph 206. This is because the level of risk from flooding is not substantiated with evidence, hence the aforementioned condition cannot be considered to be necessary to make the development acceptable; relevant to the development proposed or reasonable in all other respects.

5.18 Surface Water Drainage

A surface water drainage plan has been submitted, the drainage plan has been considered to be acceptable, should planning permission be granted, a condition is suggested that ensures the development is carried out in accordance with the proposed development.

5.19 Design and Visual Amenity

The proposed window frame material is considered to be appropriate. This will be the only material difference with regard to the external elevations of the proposed development from the previously approved proposal, and in this way, the design of the development is considered to be acceptable. Officers do note comments regarding the size of the development, comments which suggest the development’s basement and upper-ground levels floors are excessive and out of character with the surrounding area. Officers disagree with this assessment, as stated, externally the development will appear no different to the development already approved at the site, in this way, the proposal is considered acceptable in terms of the character of the area.

5.20 Residential Amenity

The proposal does not include any further windows, or propose any external changes compared to the dwelling that already has planning permission at the

site. Further to this, the elevation closest to the nearest dwelling is over 25 metres from the proposed dwelling, in this way officers do not expect the proposal to materially or prejudice the residential amenity of any nearby occupiers.

- 5.21 Catbrain Hill is a residential area, and hence officers suggest that should planning application be granted a working hours condition be attached to the decision notice to minimise disturbance.

5.22 Highway Structures

The Highways Structures Team have requested details of excavations and highway support information are submitted. The development is set back from the highway and in this way officers do not find it appropriate to condition that such details are submitted, especially as there is the Highways Act 1980 that controls such development. An informative note will be attached to the decision notice regarding this issue.

5.23 Transport and Parking

The access for the development remains unchanged from the previously approved proposal, so does the number of bedrooms within the proposed dwelling. In this way officers do not anticipate any problems regard highway safety. Notwithstanding this, officers find it pertinent to assess the possibility of the basement being converted into additional bedrooms in the future and hence increasing parking demand. The dwelling with an extant planning permission at the site already contained 5 bedrooms, this means a minimum of 3 off-street car parking spaces are required by the Council's minimum car parking standard. Any further bedrooms at the dwelling would not require any further parking spaces than 3 to accord with the Council's parking standard, in this way officers do not find it reasonable in transportation terms to restrict the future use of the basement. There is ample room for at least four car parking spaces within the proposed driveway for the proposal, should planning permission be granted, officers recommend a planning condition requiring at least 3 off-street car parking spaces are provided at the site.

5.24 Arboricultural Issues

There are a number of trees that are protected through tree preservation orders at the site, the development is unlikely to affect these. As the development is not largely different from the previously approved scheme, officers suggest the tree protection measures that were approved and conditioned within the previous application are also conditioned within this application should planning permission be granted.

5.25 Ecological Issues

A Protected Species Survey Report has been provided (JPC Ecology, dated June 2012), this report is the same report as submitted with the previously approved development at the site. Whilst a report that is nearly four years old would normally be regarded as too out of date, in this case it as the site has not changed in the interim and that the recommendation to maintain the grass short to discourage reptiles has been followed, the age of the report is not considered to be an problem. In addition, no significant protected species

activity had been found. Therefore the report is considered to be still of relevance under this application.

- 5.26 The report demonstrates that there are no ecological issues on the site which would prevent development, there are a number of recommendations with regard to the time of year in which development should take place, and also retaining an area adjacent to the Henbury Trym watercourse as a wildlife corridor.
- 5.27 The report does suggest that this application is an opportunity for some biodiversity enhancement; the Council's Ecologist agrees and suggests that a condition requiring an Ecological Mitigation and Enhancement Plan, be submitted to the Council.
- 5.28 Paragraph 118 of the NPPF states that 'opportunities to incorporate biodiversity in and around development should be encouraged'; in a similar vein policy CS9 of the Core Strategy states the new development will be expected to: 'conserve and enhance the natural environment, avoiding or minimising impacts on biodiversity'. Paragraph 118 and policy CS9 both aim to encourage and enhance biodiversity through new development; but officers consider the minor scale of this development combined with the limited evidence that the proposal is impacting on the ecology of the area to not warrant such biodiversity enhancement requirements. Accordingly, with paragraph 206 of the NPPF in mind, the suggested condition is not found to be necessary, reasonable or relevant to the development to be permitted. In this way, officers only recommend that a condition is imposed that requires the development is carried out in accordance with the recommendations of section 6.2 of the submitted Ecology Survey.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. No building or structures shall be erected, or ground levels raised on the site, within five metres of the watercourses running to the north of the site.

Reason

In the interests of maintenance of the Henbury Trym Watercourse and flood risk safety; and also to maintain an ecological corridor; and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006; and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and also sections 10 and 11 of the National Planning Policy Framework.

3. Not including the hereby approved basement, all finished floor levels shall be set no lower than 44.35 metres AOD.

Reason

In the interests of flood risk safety; and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006; and also sections 10 of the National Planning Policy Framework.

4. Access and service entries to the basement from the property should be set no lower than 44.35 metres AOD.

Reason

In the interests of flood risk safety; and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006; and also sections 10 of the National Planning Policy Framework.

5. Prior to the first occupation of the dwelling hereby approved, the surface water drainage of the proposed development hereby permitted shall be carried out in accordance with the submitted foul and surface water arrangement plan, drawing no. J-3844-V2 3011 Rev B and surface water attenuation calculations.

Reason

to minimise the effect of any flooding which may occur and to comply with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

6. All works shall be carried out in accordance with the Addendum of Arboricultural Method Statement dated January 2015, Tree Protection Plan and Arboricultural Implications Assessment received on 05/02/2016.

Reason

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

7. All works shall be carried out in accordance with recommendations set out in the JPC Ecology Protected Species Survey Report (June 2012 received by the Council on the 05/02/2016).

Reason

In the interests of biodiversity and ecology; and Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006; and section 11 of the National Planning Policy Framework.

8. Construction works shall not take place outside 0730 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank and Public Holidays.

Reason

In the interests of the residential amenity of the surrounding area and to accord with the National Planning Policy Framework.

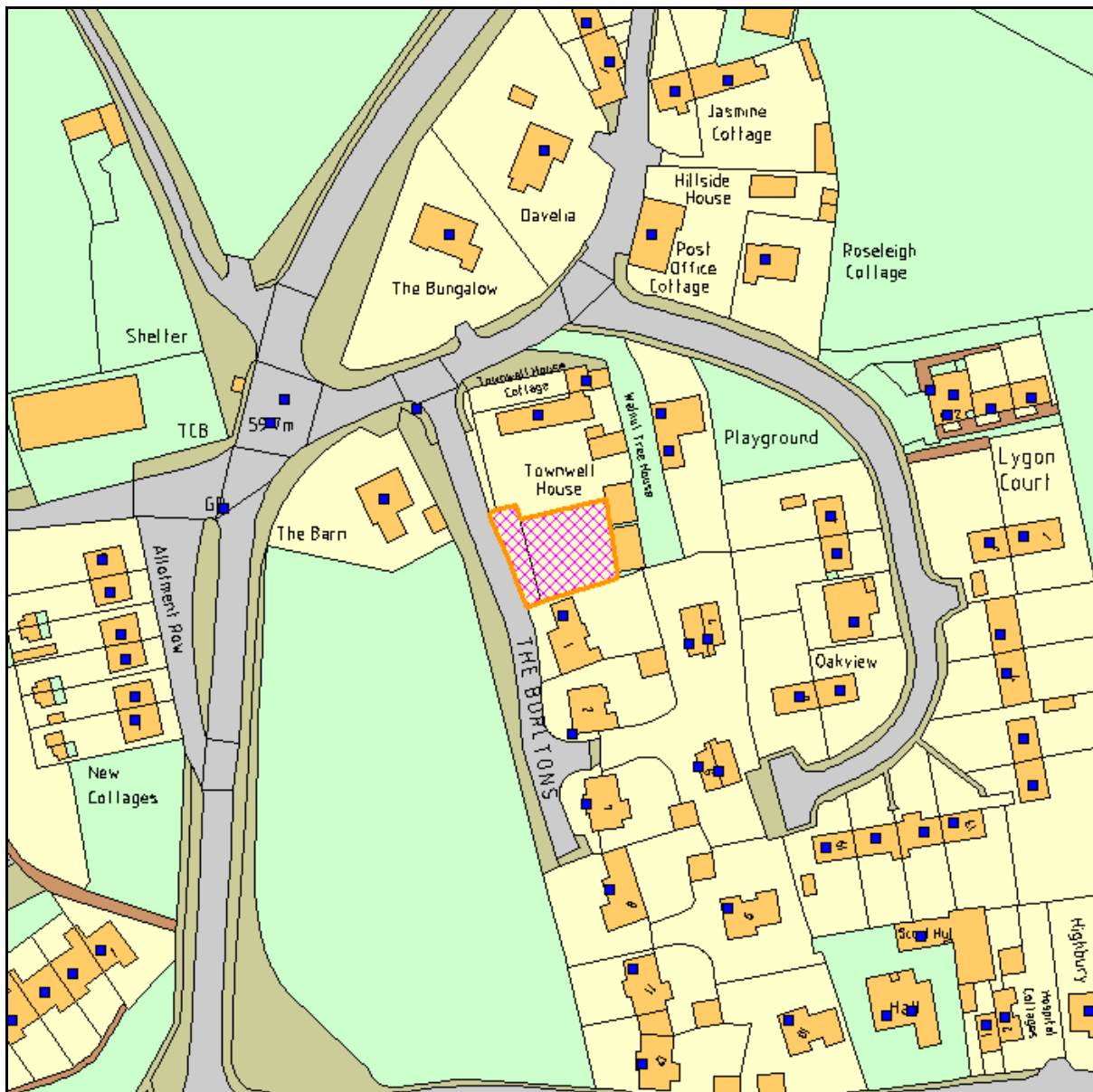
9. Prior to the occupation of the hereby approved dwelling a minimum of three off-street car parking spaces (measuring a minimum of 2.4 metres by 4.8 metres) shall be provided within the curtilage of the application site. Such a provision of car parking shall then be retained thereafter.

Reason

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

CIRCULATED SCHEDULE NO. 14/16 – 8 APRIL 2016

App No.:	PT16/0782/F	Applicant:	Mrs Margaret Ann Greenhalgh
Site:	Land At Townwell House Townwell Cromhall Wotton Under Edge South Gloucestershire GL12 8AQ	Date Reg:	24th February 2016
Proposal:	Erection of 1no. detached dwelling with access and associated works.	Parish:	Cromhall Parish Council
Map Ref:	369716 190709	Ward:	Charfield
Application Category:	Minor	Target Date:	18th April 2016



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N.T.S.

PT16/0782/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This report has been submitted to the Council's Circulated Schedule process following a representation which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The proposal seeks planning permission for the erection of 1 no detached dwelling with access and associated works within the residential curtilage of Townwell House, Townwell, Cromhall.
- 1.2 The dwelling would be accessed from The Burltons; a residential development to the south of the site which was erected in the 1990s.
- 1.3 Townwell House is a locally listed building, and the site is situated within the settlement boundary of Townwell.
- 1.4 Amendments were received on 17th March 2015 to demonstrate that adequate parking could be achieved at the site and to remove a window that raised overlooking issues. A period of re-consultation was not necessary as the changes were not significant.

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)

L5 Open Areas within Defined Settlements
L11 Archaeology
L15 Locally Listed Buildings
T7 Cycle Parking
T12 Transportation
H4 Development within Existing Residential Curtilages

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment & Heritage
CS16 Housing Density
CS17 Housing Diversity

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) June 2007
Residential Parking Standards SPD (Adopted) December 2013
The Local List SPD (Adopted)

3. RELEVANT PLANNING HISTORY

3.1 There is no recent or relevant planning history at the site.

4. CONSULTATION RESPONSES

4.1 Cromhall Parish Council
No comment received.

4.2 Other Consultees

Listed Building Officer
No objection subject to conditions.

Archaeology Officer
No objection.

Sustainable Transport
No objection subject to a condition.

Lead Local Flood Authority
No objection.

Highway Structures
No comment.

Tree Officer
No comment received.

Other Representations

4.3 Local Residents

Two letters of objection have been received stating the following:

- The proposed dwelling does not reflect the scale and character of the adjacent houses, it is considerably larger in width and depth
- It is also set back much further from the highway and causes it to stand out
- It extends much further to the rear due to being deeper and set back, and will overbear onto no. 1 The Burltons
- Upstairs side window will overlook the garden at no. 1 and must be removed
- There are continuing problems with sewerage in Cromhall, as the system is already overloaded and this will add to the strain on the system.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 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. Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. In addition Policy CS8 of the Core Strategy 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.

- 5.2 Policy CS9 seeks to protect and manage South Gloucestershire's environment and its resources in a sustainable way and new development will be expected to, among others, ensure that heritage assets, such as the locally listed building and archaeological potential, are conserved, respected and enhanced in a manner appropriate to their significance. Policy L15 also seeks to protect locally listed buildings. Policy CS5 of the Core Strategy recognises that small scale rural development may be permitted within the existing settlement boundaries of villages, and the application site is within the settlement boundary of Hawkesbury Upton. The proposal is deemed to accord with the principle of development subject to the analysis detailed below.

5.3 Visual Amenity and Impact upon Locally Listed Building

The proposed dwelling has been designed to mimic the style of other properties along The Burltons, with a gable roofline and an external finish in grey, reconstituted stone and red brick detailing around the openings. Objections have been received with regards to the position of the property within the plot, and the depth of the footprint in comparison to the other dwellings along the Burltons. The main bulk of the proposed dwelling is slightly deeper than the other dwellings, with a depth of 8 metres compared to just over 7.5 metres at no. 2 for example, however this difference is not considered to be significant. It is acknowledged that the proposed dwelling is to be set further back in the plot, and this is a welcome choice as it prevents the new building from dominating the street scene, and allows for some of the stone wall boundary and existing trees to be retained along the front of the site.

- 5.4 A condition on the decision notice will ensure that the materials used are submitted for approval along with large scale details of the windows and the front porch, and that the new boundaries match the existing stone boundary walls in order to preserve the significance of the locally listed building. Subject to the aforementioned conditions, the listed building officer has no objection to the proposal.
- 5.5 The loss of a tree along the front of the site to create the access is regrettable, however The Burltons benefits from a number of trees which contribute positively to the visual amenity of the street scene and overall, the loss of one of them is not considered harmful enough to warrant a recommendation for refusal.
- 5.6 Residential Amenity
Following objections from the neighbour, the first floor window in the side elevation serving bedroom 1 has been removed, as it would have caused

overlooking across the garage roof and into the garden of no. 1 The Burltons to the detriment of their residential amenity. The new dwelling will be approximately 2 metres away from the boundary to the neighbouring property, and whilst there are no facing windows, due to its position further back in the plot the flank gable wall will be particularly visible from the neighbouring rear garden. No. 1 has access to a good sized garden, and it is not considered that the addition of a new dwelling would be overbearing due to the amount of private amenity space they have available which is unaffected by the development. It is unlikely that any overshadowing would be caused because of the orientation of the proposal to the north of no. 1.

5.7 The host dwelling, Townwell House, may experience some loss of light within certain areas of the garden during the day, however the plot is large enough that the reduced daylight will not affect all of the garden at once and therefore would not be harmful to their amenities. No windows are proposed facing north and so the rear garden serving Townwell House will remain private.

5.8 With regards to the amenities of the future occupiers of the new dwelling, it is considered that an adequately sized garden is proposed, and it is over 20 metres away from the rear windows of the host dwelling. Overall, the development is considered acceptable in terms of policy H4 of the Local Plan.

5.10 Transport

As the study could be utilised as a fifth bedroom, the applicant was asked to produce a plan to demonstrate that three off-street parking spaces can be provided within the site boundary. This was received on 17th March 2016, and showed two parking spaces on the driveway and one within the single garage proposed, which meets criteria within the Council's adopted Residential Parking Standards SPD. The new access is proposed from a non-classified road with good visibility, and therefore there is no transportation objection to the proposal, subject to the parking spaces being conditioned.

5.11 Drainage

An objection raising concerns about the already overloaded drainage system in Cromhall has been received. The Lead Local Flood Authority have no objection to the proposal, and the drainage details will be secured and agreed through the associated Building Regulations application.

5.11 Planning Balance

Following an appeal decision on 8th June 2015 (APP/P0119/1/14/22202915) relating to a site in Charfield, the Inspector came to the conclusion that the Local Planning Authority in South Gloucestershire could not demonstrate a 5-year supply of deliverable housing land, and therefore paragraph 49 of the NPPF is currently engaged. Housing applications should be considered in the context of the presumption in favour of sustainable development, and that the Local Planning Authority should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This proposal will add one dwelling to the housing supply, and it is not considered to make a significant contribution. However, when balancing the benefit that one house will bring against the limited harm caused (the loss of the tree and the proximity to neighbouring gardens) it is considered that the

harm does not significantly and demonstrably outweigh the benefits, and therefore the application should be approved.

6. CONCLUSION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match the appearance of the adjacent dwelling known as no. 1 The Burltons, unless otherwise agreed in writing prior to commencement with the Local Planning Authority.

Reason

In order to provide a satisfactory standard of external appearance, and to preserve the special character of the adjacent locally listed building in accordance with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and policy L15 of the Local Plan (Adopted) January 2006.

3. Prior to the commencement of development, large scale details of the windows and the porch of the proposed dwelling shall be submitted for written approval from the Local Planning Authority.

Reason

In order to provide a satisfactory standard of external appearance, and to preserve the special character of the adjacent locally listed building in accordance with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and policy L15

of the Local Plan (Adopted) January 2006. Details are required prior to commencement to prevent remedial works later on.

4. The existing stone boundary wall shall be retained at the site, except where it must be removed to create the access shown on plan no 101 Rev A (received 17th March 2016). The new boundary walls proposed shall be constructed in natural stone to match the appearance of the existing boundary wall.

Reason

In order to provide a satisfactory standard of external appearance, and to preserve the special character of the adjacent locally listed building in accordance with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and policy L15 of the Local Plan (Adopted) January 2006.

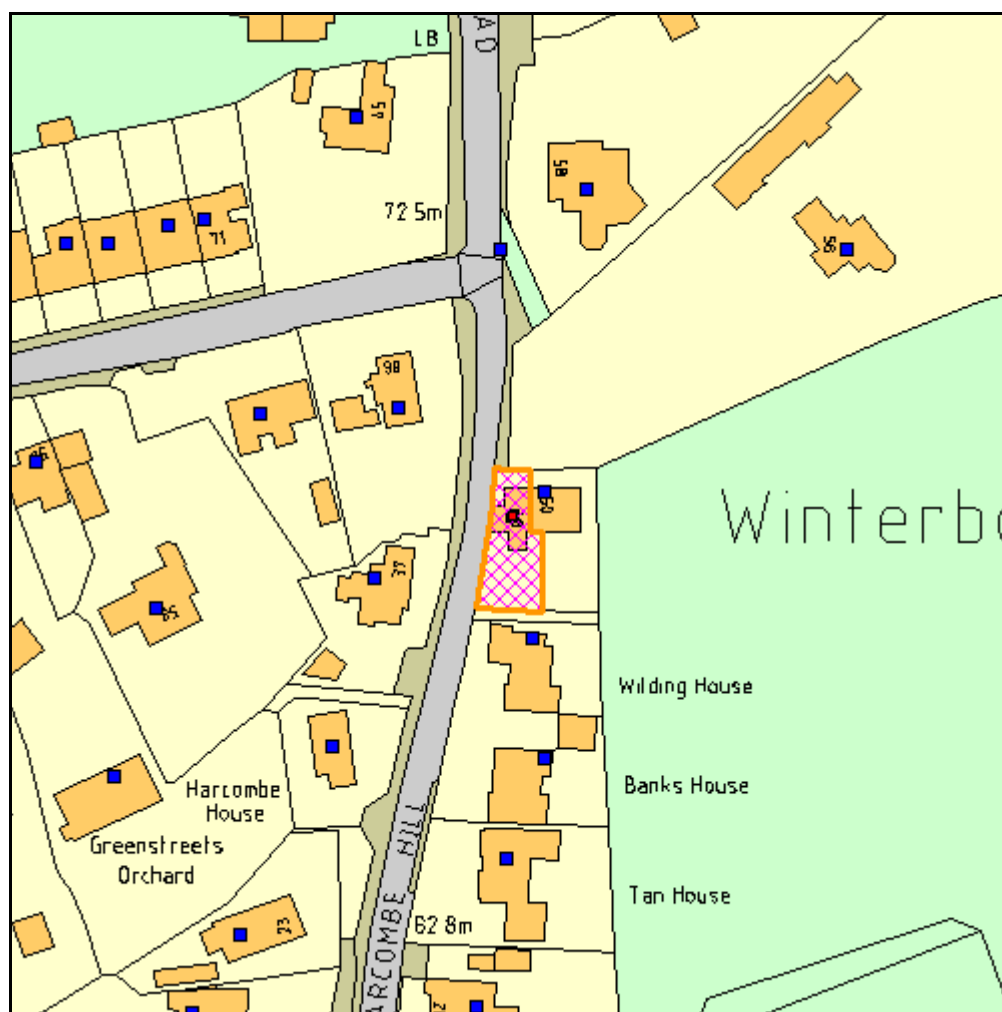
5. Prior to first occupation of the dwelling hereby approved, the proposed access and parking spaces shown on plan ref 101 Rev A (received 17th March 2016) shall be implemented.

Reason

In the interests of highway safety and to accord with policy T12 of the Local Plan (Adopted) January 2006, policy CS8 of the Core Strategy (Adopted) December 2013, and the Residential Parking Standards SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 14/16 – 8 APRIL 2016

App No.:	PT16/0844/CLP	Applicant:	Mr Jenkins
Site:	48 Harcombe Hill Winterbourne Down Bristol South Gloucestershire BS36 1DE	Date Reg:	25th February 2016
Proposal:	Application for a certificate of lawfulness for the proposed installation of a rear dormer to facilitate loft conversion.	Parish:	Winterbourne Parish Council
Map Ref:	365472 179835	Ward:	Winterbourne
Application Category:		Target Date:	18th April 2016



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PT16/0844/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer and rear roof windows to facilitate loft at 48 Harcombe Hill, Winterbourne Down would be lawful development. 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 formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192
Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

The submission is not a full planning application and the Adopted Development Plan is not of relevance to the determination of this application; the decision rests on 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 the proposed development is lawful against the GPDO.

3. RELEVANT PLANNING HISTORY

No Relevant Planning History

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No Objection
- 4.2 Other Consultees
None Received

Other Representations

- 4.3 Local Residents
No Comments Received

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

- 5.1 Application Form; Combined Plans and Elevations; Site Location Plan

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 not consideration of planning merit, the application is based on the facts presented. This 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 the householders under Schedule 2, Part 1 Class B of the GPDO (2015).

- 6.3 The proposed development consists of the introduction of a rear box dormer and the associated rear roof windows to facilitate the loft conversion. This development would be within Schedule 2, Part 1 Class B of the GPDO (2015), which allows additions etc. to the roof of a dwellinghouse, provided it meets the criteria detailed below:

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

The proposal would not exceed the height of the highest part of the existing roof.

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

The proposal will be situated to the rear 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 proposal would result in an additional volume of less than 40m³. (Circa 17.5 m³)

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

The proposal does include any of the above.

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

The host dwelling is not on article 2(3) land.

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 materials used will be of a similar appearance.

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

The proposal would be greater than 0.2 metres from the outside edge of the eaves of the original roof and does not protrude beyond the outside face of any external wall of the original dwellinghouse.

- (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 to be installed.

The windows will be situated in the rear elevation.

7. RECOMMENDATION

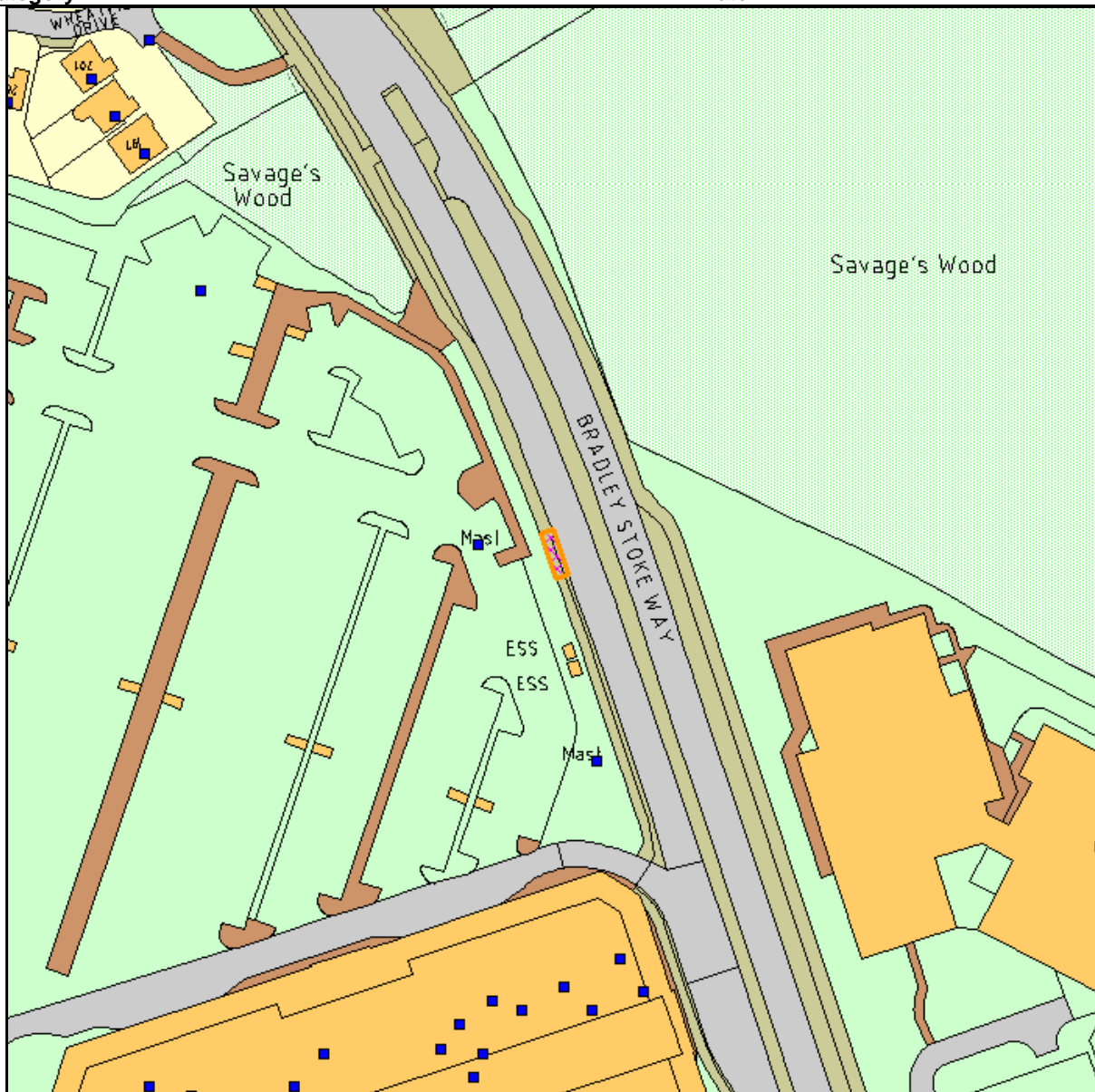
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

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

Contact Officer: Hanni Osman
Tel. No.

CIRCULATED SCHEDULE NO. 14/16 – 8 APRIL 2016

App No.:	PT16/0868/F	Applicant:	Mobile Broadband Network Ltd
Site:	Orange Communications Mast Bradley Stoke Way Bradley Stoke Bristol South Gloucestershire BS32 9DB	Date Reg:	26th February 2016
Proposal:	Removal of existing 11.5 metre high monopole and Huawei AMP30H Version C cabinet and installation of a 12.5 metre high Phase 5 monopole and Huawei Stacked cabinet measuring 600 x 480 x 1400mm, located at ground level, and associated development.	Parish:	Bradley Stoke Town Council
Map Ref:	361569 182356	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Minor	Target Date:	21st April 2016



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PT16/0868/F

REASON FOR REPORTING TO THE 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 removal of an existing 11.5 metre high telecommunications monopole and cabinet in order to facilitate the erection of a 12.5 metre high monopole and cabinet.
- 1.2 The application site is Bradley Stoke shopping centre; the pole is to be located in a similar position to the existing pole on a strip of grass on the pavement adjacent to the shopping centre car park and also Bradley Stoke Way.
- 1.3 The associated cabinet boxes will remain largely unchanged apart from an extra box will be located on top of an existing MBNL Dorset Cabinet.
- 1.4 The proposal is for the upgrade of an existing telecommunications development. To ensure that coverage is maintained during the upgrade, it is required to install the proposed monopole approximately 7 metres to the South East of the existing monopole. The existing monopole will be removed once the proposed monopole has been integrated into the network.

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

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

L1 Landscape

T12 Transportation

S5 Telecommunications

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT05/2694/PN1 No objection 26/10/2005
Prior notification of the intention to erect 11.8 metre lamppost style mast and associated equipment cabinet.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection.
- 4.2 Sustainable Transport
None received.
- 4.3 Highway Structures
No Comment

Other Representations

- 4.4 Members of the Public
One letter was received from a member of the public regarding this planning application, this letter contained comments of objection. This letter was on behalf of the owner of an O2 store in Bradley Stoke. The letter stated that they were not comfortable with the proposal as they are a competitor and they felt the proposal could impact negatively on their business.

5. ANALYSIS OF PROPOSAL

- 5.1 The proposal is for the upgrade of the existing telecommunications site at Land West of Bradley Stoke Way, Bradley Stoke. The proposed scheme comprises the removal of the existing 11.5 metre high monopole and Huawei AMP30H Version C cabinet, the installation of a 12.5 metre high Phase 5 monopole and Huawei Stacked cabinet, measuring 600 x 480 x 1400mm, located at ground level, and associated development.
- 5.2 As the proposed monopole will be increased in width by more than a third, a full planning application is required.
- 5.3 Principle of Development
Paragraph 45 of the NPPF states that applications for telecommunications development (including for prior approval under Part 24 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This 'necessary evidence' provides the criteria for what the proposal will be assessed against, this criteria will be explored within the remaining report.
- 5.4 Saved Policy S5 'Telecommunications' of the adopted Local Plan requires development of this kind to not detrimentally impact the amenity of the area. As well as this, saved policy S5 has similar concerns to the NPPF with regard to locating on masts on existing buildings if possible, this policy also suggests that possibilities of sharing facilities would be explored by applicants.
- 5.5 Policy CS1 'High Quality Design' of the adopted Core Strategy is also relevant in terms of assessing the impact of the development on visual amenity of the area.

5.6 The remaining report will assess the relevant criteria of paragraph 45 of the NPPF and the relevant development plan policies.

5.7 Technical Considerations

Paragraph 45 of the NPPF requires proposals for telecommunication masts to provide the following information:

- *the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college or within a statutory safeguarding zone surrounding an aerodrome or technical site.*

The application site is not within the vicinity of a statutory safeguarding zone. The application is within approximately 350 metres of a primary school and approximately 400 metres of another primary school and community school. No evidence has been submitted to suggest any consultation between these schools has taken place. However, due to the nature of the proposal only being a replacement mast, and also the fact that the application site is not within the immediate vicinity of aforementioned schools, officers do not require such consultation to have taken place. Further to this, the application was consulted on by the Local Planning Authority in accordance with the Council's Scheme of Community Involvement.

- *for an addition to an existing mast or base station, a statement that self certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ionising radiation protection (ICNIRP) guidelines.*

The application is not for an addition to an existing mast, but it could be argued that the development does add to an existing base station. An ICNIRP certificate has been submitted meaning this criterion is met.

- *for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.*

As the proposal is to upgrade an existing site, no alternative sites have been considered. It would also be undesirable to require a 12.5 metre high mast to be erected to an existing building in the area. An ICNIRP certificate has been submitted meaning this criterion is met.

5.8 The proposal is required for the upgrade of an existing telecommunications site in order to ensure that coverage is maintained during the upgrade. Once the proposed mast is erected and operational, the existing monopole will no longer be required to provide coverage. With this in mind, officers suggest a condition that requires the applicant to remove the existing monopole at the site once the proposed monopole has been integrated into the network. This should not be a problem for the applicant as their agent has suggested that the pole will be removed themselves.

- 5.9 Unsurprisingly, paragraph 46 of the NPPF states that developments of this kind should be determined on planning grounds, and therefore Local Planning Authorities should not seek to prevent competition between different operators. With this in mind, officers find no reason to endorse or support the statement submitted on behalf of a nearby O2 store regarding this development.
- 5.10 Further to this, paragraph 46 of the NPPF states the development does not have to provide information as to the 'need' for telecommunication systems. This is not overly relevant in this case as officers have not questioned the need for the development, the agent has clearly explained why the development is required under their own esteem.
- 5.11 Also of key importance is the final sentence of the paragraph 46 of the NPPF which states that Local Planning Authorities should not determine health safeguards if the proposal meets the International Commission guidelines for public exposure. The agent/applicant has submitted an ICNIRP certificate which contains a declaration the development will accord with the guidelines for public exposure as set out by the International Commission. Accordingly, officers and the Local Planning Authority as a whole, should not question or seek to determine health safeguards for the proposal.
- 5.12 A number of requirements of saved policy S5 of the Local Plan are also within paragraph 45 of the NPPF, in this way, the only remaining requirements of saved policy S5 which have not been assessed are criteria regarding amenity – such criteria will be assessed within the remaining report.
- 5.13 The proposal has been found to be in accordance with Section 5 of the NPPF which regard 'supporting high quality communications infrastructure'.
- 5.14 Design, Character and Visual Amenity
The existing mast is a turquoise/green colour and has a maximum height of 11.5 metres – 10 metres of which is the main pole and the final 1.5 metres is the antenna, a thicker cylindrical section. The proposed mast will have a maximum height of 12.5 metres – 9 metres of the mast will be the main pole and the final 3.5 metres will be the thicker cylindrical antenna shape.
- 5.15 The height of the pole is required in order to maintain coverage in the context of the surrounding buildings and trees. Further to this, due to the nature of Bradley Stoke a large mast is required in order to ensure service as the location of site is such that the existing and proposed mast both currently and in the future will experience a high level of traffic. Notwithstanding this, the additional height of the proposal is not considered to be materially harmful to visual context of the area, especially when considering the height of the existing mast/monopole, and the fact that this pole will be removed when the proposed monopole is integrated into the network.
- 5.16 The proposed cabinet is not considered to be materially harmful to the character of the area.
- 5.17 Officers note the colour of the pole has not been submitted, it is expected to be of a similar colour to the existing pole. Notwithstanding this, in the context of the area the colour of the proposed pole does not cause officers concern.

5.18 Overall, the proposed development has an acceptable design and impact of the character of the area.

5.19 Residential Amenity and Highway Safety

There are no nearby residential dwellings, in this way the proposal will not materially harm any nearby residents. The proposal is relatively isolated being between a highway and a pavement/car park. With this in mind, officers do not find that any occupiers of the nearby shopping centre or car park will be materially impacted. Similarly, highway safety is not expected to be materially impacted.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. The existing 11.5 metre high monopole will be removed upon the integration of the hereby approved monopole into the network.

Reason

In interests of design, visual amenity and the local landscape; and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies L1 and S5 of the South Gloucestershire Local Plan (Adopted) January 2006; and Section 5 of the National Planning Policy Framework.