



**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. 23/16

Date to Members: 10/06/16

Member's Deadline: 16/06/2016 (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:

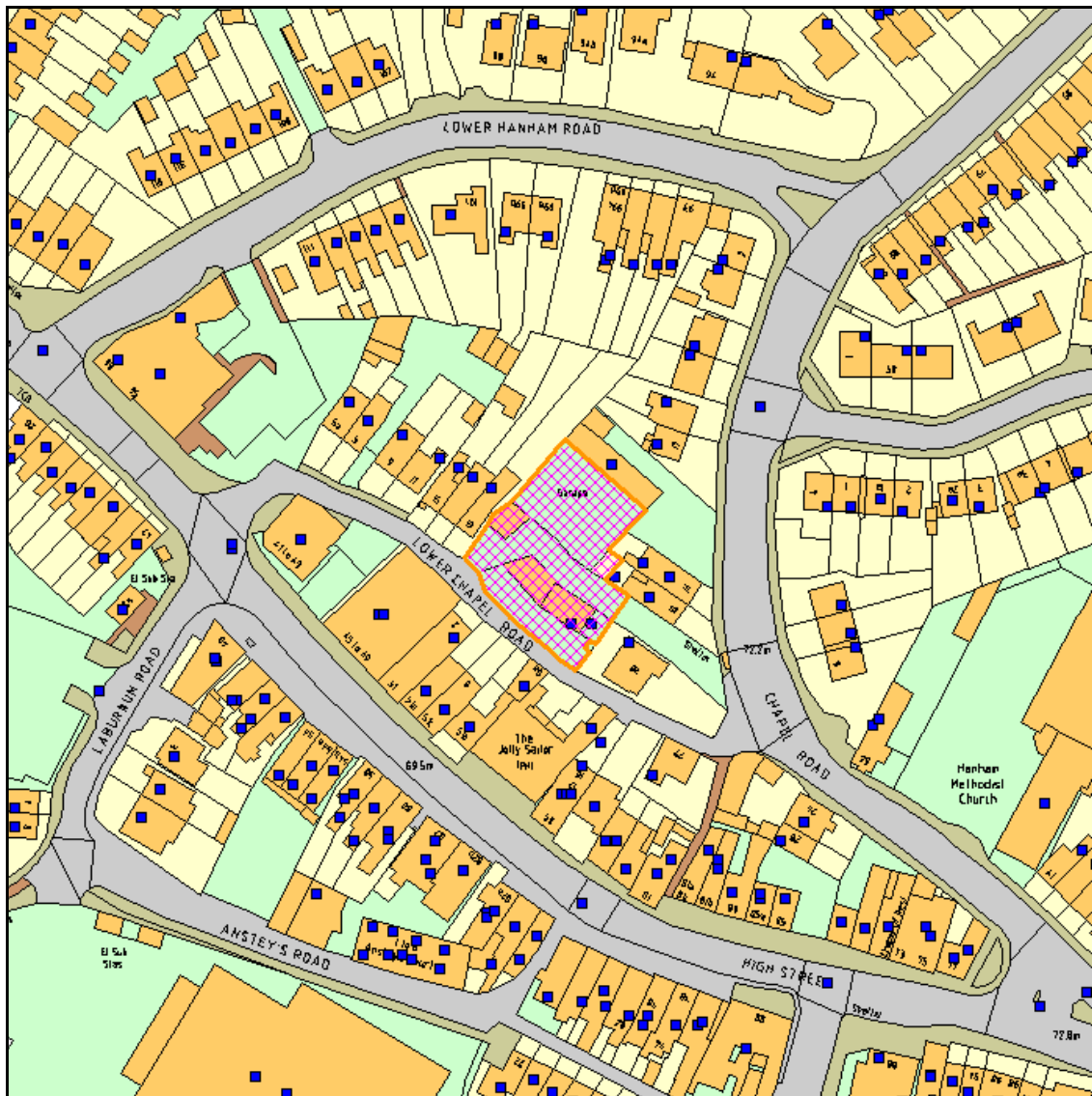
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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 - 10 June 2016

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/4917/F	Approve with Conditions	16 Lower Chapel Road Hanham South Gloucestershire BS15 8SH	Hanham	Hanham Parish Council
2	PK16/0513/F	Approve with Conditions	1 Frys Cottages Leigh Lane St Catherine South Gloucestershire BA1 8HQ	Boyd Valley	Cold Ashton Parish Council
3	PK16/1005/F	Approve with Conditions	7 Lansdown Road Kingswood South Gloucestershire BS15 1XA	Kings Chase	None
4	PK16/1375/F	Approve with Conditions	43 Woodstock Road Kingswood South Gloucestershire BS15 9UE	Woodstock	None
5	PK16/1452/F	Refusal	Land Rear Of 314 North Road Yate South Gloucestershire BS37 7LL	Ladden Brook	Iron Acton Parish Council
6	PK16/1668/F	Approve with Conditions	11 Gilroy Close Longwell Green South Gloucestershire BS30 9YT	Longwell Green	Oldland Parish Council
7	PK16/1758/F	Approve with Conditions	12 Springville Close Longwell Green South Gloucestershire BS30 9UG	Longwell Green	Oldland Parish Council
8	PK16/1958/F	Approve with Conditions	15 Sunridge Downend South Gloucestershire BS16 2RY	Downend	Downend And Bromley Heath Parish Council
9	PK16/1960/F	Approve with Conditions	21 Portland Street Staple Hill South Gloucestershire	Staple Hill	None
10	PK16/2174/F	Approve with Conditions	16 Pettigrove Gardens Kingswood South Gloucestershire BS15 9QL	Woodstock	None
11	PK16/2288/CLP	Approve with Conditions	52 Crispin Way Kingswood South Gloucestershire BS15 4SN	Rodway	None
12	PK16/2299/TRE	Approve with Conditions	64 Clayfield Yate South Gloucestershire BS37 7HU	Yate North	Yate Town
13	PT16/1405/F	Approve with Conditions	31 - 33 High Street Thornbury South Gloucestershire BS35 2AR	Thornbury North	Thornbury Town Council
14	PT16/1585/F	Approve with Conditions	Rolls Royce Plc Old Church Farm Church Road Rudgeway South Gloucestershire BS35 3SQ	Thornbury South And	Alveston Parish Council
15	PT16/1608/F	Approve with Conditions	76 Woodend Road Coalpit Heath South Gloucestershire BS36 2LH	Frampton Cotterell	Frampton Cotterell Parish Council
16	PT16/1979/CLP	Refusal	35 Huckley Way Bradley Stoke South Gloucestershire BS32 8AR	Bradley Stoke South	Bradley Stoke Town Council
17	PT16/2179/F	Approve with Conditions	7 Cannans Close Winterbourne South Gloucestershire BS36 1PG	Winterbourne	Winterbourne Parish Council
18	PT16/2295/CLP	Approve with Conditions	44 Malmain Drive Frenchay South Gloucestershire	Frenchay And Stoke Park	Winterbourne Parish Council
19	PT16/2319/F	Approve with Conditions	6 Meadow Way Bradley Stoke South Gloucestershire BS32 8BN	Bradley Stoke South	Bradley Stoke Town Council

CIRCULATED SCHEDULE NO. 23/16 – 10 JUNE 2016

App No.:	PK15/4917/F	Applicant:	Saltford Developments
Site:	16 Lower Chapel Road Hanham Bristol South Gloucestershire BS15 8SH	Date Reg:	18th February 2016
Proposal:	Demolition of existing office buildings to facilitate the Erection of 6no. dwellings and garage block with access and associated works.	Parish:	Hanham Parish Council
Map Ref:	364157 172432	Ward:	Hanham
Application Category:	Minor	Target Date:	11th April 2016



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N.T.S.

PK15/4917/F

REASON FOR REPORTING TO CIRCULATED SCHEDULED

This application has been referred to the Circulated Schedule following the receipt of objections from Hanham Parish Council and concerns raised by a local resident. A new S106 Agreement is also required.

1. THE PROPOSAL

- 1.1 The application relates to a former builders yard, office buildings and associated outbuildings, located to the north of Lower Chapel Road, Hanham. The yard area has been used as a car sales lot. Vehicular access is currently from Chapel Road. The yard is generally enclosed by high boundary walls, which separate it from commercial buildings to the rear (north-east) and residential properties to either side, a mix of residential and commercial properties, lie opposite the front of the site, on the south-western side of Lower Chapel Road.
- 1.3 Outline planning permission PK14/0340/O was resolved to be granted (subject to S106 Agreement) to demolish the existing buildings and erect 6no. dwellings, with access, layout and scale determined at that stage. All matters of external appearance and landscaping were to be the subject of a future reserved matters application. The approved scheme comprised three adjoining 2-storey blocks. The residential accommodation comprised a mix of 4no. three-bedroom houses, 1no. two-bedroom flat and 1no. one-bedroom flat. The proposed parking court and garden areas were to the rear of the buildings. Vehicular access was to be from Lower Chapel Road, through an archway within the building. The existing access from Chapel Road was to be closed off. It was also proposed to provide a new footway to the front of the site on Lower Chapel Road.
- 1.4 The S106 Agreement for the outline consent was eventually signed and the consent issued on the 22nd June 2015, so this outline consent is still extant and is a material consideration in the determination of this current application.
- 1.5 Since the outline consent PK14/0340/O was granted, the site has been sold on to a new developer who has submitted the current application for full planning permission PK15/4917/F. The scheme as now proposed is along similar lines to that previously approved under PK14/0340/O and is again for the demolition of the existing buildings to facilitate the erection of 6no. dwellings; but this time in two separate blocks with a garage block and parking court to the rear. The accommodation would be as follows:

Plots 1,2,5 & 6 – 2-Storey with accommodation in the roof space, 4 bed houses with parking space and garage.

Plots 3 & 4 - Ground Floor Apartment with 1 parking space and First Floor Duplex 2 bed Apartment with 1 parking space respectively.

Bin storage and cycle parking facilities would be provided either side of the rear garage block. A vehicular access would again be created from Lower Chapel

Road where a new 1.5m footpath would be provided to the front of the site. The existing access off Chapel Road would again be stopped up.

- 1.6 The application is supported by the following documents:
- Coal Mining Risk Assessment

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

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

CS1 - High Quality Design
CS4A – Presumption in Favour of Sustainable Development
CS5 - Location of Development
CS6 - Infrastructure and Developer Contributions
CS8 - Improving Accessibility
CS9 - Managing the Environment and Heritage
CS13 - Non-Safeguarded Economic Development Sites
CS17 - Housing Diversity
CS18 - Affordable Housing
CS23 - Community Infrastructure and Cultural Activity
CS24 - Green Infrastructure, Sport and Recreation Standards

South Gloucestershire Local Plan (Adopted) January 2006

L1 - Landscape Protection and Enhancement
L5 - Open Areas within the Existing Urban Areas and Defined Settlements
L9 - Species Protection
L11 - Archaeology
EP2 - Flood Risk and Development
EP4 - Noise-sensitive development
T7 - Cycle Parking
T8 - Parking Standards
T12 - Transportation Development Control Policy for New Development
LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)
LC12 - Recreational Routes

The Minerals and Waste Local Plan (Adopted) 2002

Policy 37 - Waste Management

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

Policy 1 - Waste Management

2.3 Emerging Plan

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

PSP1 - Local Distinctiveness

PSP2 - Landscape

PSP5 - Undesignated Open Spaces within Urban Areas and Settlements

PSP6 - Onsite Renewable & Low Carbon Energy

PSP8 - Settlement Boundaries and Residential Amenity

PSP12 - Development Related Transport Impact Management

PSP17 - Parking Standards

PSP21 - Flood Risk, Surface Water and Watercourses

PSP22 - Environmental Pollution and Impacts

PSP44 - Private Amenity Space Standards

2.4 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted)

The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.

Affordable Housing SPD Adopted Sept.2008.

South Gloucestershire Council Residential Parking Standards (SPD) Adopted.

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK03/1261/O - Erection of 13no. one bed flats (outline) with means of access and siting to be determined. All other matters are reserved.
Approved 15th April 2004 Subject to S106 Agreement and provision of 13 car parking spaces as opposed to 10.
S106 Signed 22 Feb 2007
- 3.2 PK10/0156/EXT - Erection of 13no. one bed flats (outline) with means of access and siting to be determined. All other matters are reserved. (Consent to extend time limit implementation for PK03/1261/O).
Refused 27th Feb. 2012 – S106 not signed.
- 3.3 PK14/0340/O - Erection of 6no. dwellings (Outline) with access, layout and scale to be determined. All other matters reserved.
Approved 22 June 2015 - S106 signed.

4. **CONSULTATION RESPONSES**

4.1 Hanham Parish Council

Objection – Access and egress is onto a narrow road and is to the detriment of vehicle and pedestrian highway safety. More car parking spaces onsite should be provided.

4.2 Other Consultees

Highways Structures

No comment

Transportation D.C.

We have now reviewed this planning application and note that it seeks to erect six dwellings and garage block at 16 Lower Chapel Road, Hanham. We understand that this site was subject to a series of previous applications (ref PK03/1261/O, PK10/0156/EXT and PK14/0340/O) and that we raised no objection to the last application provided that a Section 106 agreement and TRO were signed.

We note that the current proposals shown on drawing no SD-010-03 are very similar in transport terms however, the access is widened to 3.75m to create a safer route for pedestrians, cyclists and cars as recommended by the Council.

Likewise, we note that although the proposed development continues to include the construction of four 4-bed dwellings and two flats of 1 and 2 beds respectively, the number of car parking spaces provided has been reduced to 10. Nevertheless, the parking provided continues to conform to the guidelines set out in the South Gloucestershire Council Residential Parking Standards.

Consequently, we do not consider that these changes are likely to materially alter the traffic patterns associated with this dwelling. Therefore, we do not wish to make any transportation comments about the current application either.

At the time of the previous application we indicated that the applicant should confirm that they will meet the full cost of amending the existing Traffic Regulation Order (TRO) on Lower Chapel Road. Once again this is required for the current proposal. A Section 106 will also be needed to facilitate the proposed changes to Lower Chapel Road.

In our response to application PK14/0340/O we indicated that a number of conditions would be required. These must also be carried over to the current application.

Environmental Protection

No objection subject to a condition relating to possible contaminated land given the former use of the site as a 'garage' and 'builder's yard'.

Lead Local Flood Authority

No objection subject to a condition to secure a SUDS scheme of drainage.

Historic Environment

In view of the development's location within the core area of medieval settlement, a condition should be imposed to secure a phased programme of archaeological work in accordance with a written scheme of investigation to be submitted to and approved by the Local Planning Authority, prior to the commencement of development.

The Coal Authority

No objection subject to a condition to secure site investigations prior to development and remedial works should shallow mine workings be found.

Children and Young People

No response

Covered by CIL.

Other Representations

4.3 Local Residents

1no. response was received from the occupant of no. 19 Lower Chapel Road who raised the following concerns:

The plans aren't clear regarding the preservation of the stone boundary wall which surrounds the property and forms the shared party wall of No.19. This wall needs to be preserved as outlined in the Party Wall Act 1996, as this is a key feature and adds privacy to my property.

As detailed on the previously approved plans for this site, the side elevation of Plot 1 had fixed and frosted glazing so not to impact privacy over No.19. This was a positive to the previous development which should be also applied to this proposal.

In addition the Bin Storage and Cycle Storage were the other way around which again should be applied to this proposal. This would keep the Bins away from residential properties as the other side is a car workshop and therefore has less impact.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para. 14 of the NPPF states that decision takers should approve development proposals that accord with the development plan without delay; where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

5-Year Land Supply

- 5.2 A recent appeal decision APP/P0119/A/14/2220291 – Land South of Wotton Road, Charfield, established (para. 146) that the Council can currently only demonstrate a 5-year housing land supply sufficient for 4.64 years. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a positive contribution, albeit a small one, to the housing supply within South Gloucestershire.

- 5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only limited weight can currently be given to most of the policies therein.
- 5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants' to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.6 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.
- 5.7 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.*
- 5.8 Local Plan Policy H2 is not a saved policy; there is no prescribed minimum density requirement for housing development. The NPPF however seeks to make efficient use of land in the Urban Area for housing. Given the site constraints and proximity of neighbouring dwellings, 6no. dwellings on this specific plot is considered to make the most efficient use of this brownfield site in the Urban Area, which is a requirement of the NPPF.
- 5.9 The site is located within a residential area in a sustainable location, close to the centre of Hanham, within easy walking distance of shopping and community facilities and bus stops. In this respect the proposal therefore accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.
- 5.10 The site is located within the established urban area and comprises existing office B1a buildings and associated yard. The site is therefore classed as a previously developed, or brownfield site. The site is not safeguarded (under Core Strategy Policy CS12) as economic development land, however Core Strategy Policy CS13 only permits the development of non-safeguarded sites within the urban area where it can be clearly demonstrated that all reasonable attempts have failed to secure a suitable economic development re-use. Where

these circumstances occur, then priority will be given to alternative uses in the following sequence:

1. A mixed use scheme.
2. A residential only scheme.

Whilst policy CS13 introduces a sequential test for the change of use of non-safeguarded economic use sites, it is considered that in the light of the current housing supply position, this policy cannot be considered up to date. In effect it seeks a mixed use or other economic development use in preference to residential use. Such a sequential approach is not reflected in the NPPF; and would otherwise be a form of extra control suppressing housing supply. On this basis more weight is given to the paragraph 14 test. Furthermore, officers are mindful that a recent court of appeal decision relating to Richborough Estates Partnerships LLP v Cheshire East Borough Council and Secretary of State for Communities and Local Government established that where a Local Planning Authority cannot demonstrate a minimum 5-year housing land supply that the policy in Paragraph 49 of the NPPF can apply to all policies that restrict housing supply. Officers consider that this will apply to Policy CS13 and as such officers must give less weight to the requirements of CS13 in this case.

- 5.11 Notwithstanding the above, the acceptance in principle of the residential development of this site with access off Lower Chapel Road was previously established at the 15th Feb. 2007 DC (East) Committee. This decision was subsequently endorsed with the approval in principle of PK10/0156/EXT and subsequent outline consent PK14/0340/O for 6 dwellings, which was a very similar scheme to that now proposed. The office building is redundant and has been for some time and as such is now in a poor state of repair.
- 5.12 The NPPF para.22 states that:
'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.'
- 5.13 The NPPF para. 49 states that: *'Housing applications should be considered in the context of the presumption in favour of sustainable development.'* and at para.51: *'Local Planning Authoritiesshould normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.'*
- 5.14 The site is not protected economic development land; land is however allocated as a safeguarded area for economic development at nearby Hanham Business Park. The site is surrounded by residential development, which is in close proximity and the access arrangements are not ideal for commercial development, being either from Chapel Road, which is busy and adjacent to a

bus stop or alternatively off a narrow one-way street i.e. Lower Chapel Road; officers therefore consider that the site is severely constrained for commercial uses given the likely associated noise and size of vehicles that would use the site. Officers consider that, the fact that planning permission for the residential development of the site was previously granted, is a material consideration of significant weight in the determination of this current application. Furthermore there is an acknowledged need for residential dwellings in South Gloucestershire and the site lies within a highly sustainable location, both supported by the NPPF.

5.15 A further consideration of considerable weight is the fall back situation, should full planning permission not be granted. The scheme approved under PK14/0340/O would be a potential fall-back situation should this current application be refused and this again weighs heavily in favour of the current proposal. Also, recent changes to the permitted development rights (see Statutory Instrument 2013 No.1101 relating to The Town and Country (General Permitted Development) (Amendment) (England) Order 2013) mean that under Part 3 Class O buildings and their curtilage falling under Class B1a (Offices) can be changed to Class C3 (dwelling houses) without the need for planning permission.

5.16 Having regard to **all** of the above factors, officers consider that the proposed residential development of the site could not now be reasonably resisted. In accordance with the NPPF the proposal is acceptable in principle, subject to a number of criteria, which are discussed under the following headings.

5.17 Density

The scheme would provide 6 units of accommodation on the 0.1025ha site, which equates to 45.5 dph. It is considered that in this instance, given the site's location in the heart of the urban area, where higher density development is to be expected, its position at the junction between the commercial core of Hanham and the surrounding residential area, and the fact that the site is in very easy walking distance of Hanham High Street with its associated shopping area and regular bus routes, the location is highly sustainable and well capable of accommodating a development of the density proposed. In principle it is considered that the proposal would integrate very well within the locality. Having considered the constraints to developing the site, officers are satisfied that efficient use of the site in terms of density will be achieved by the proposal without the proposal being out of character with its immediate surroundings.

5.18 Visual Amenity

The proposed footprint of the buildings is similar to that previously approved and is considered to integrate adequately within the existing pattern of development along Lower Chapel Road and Chapel Road. Guidance contained in the NPPF and South Gloucestershire Local Plan Core Strategy supports a mix of house types and this is reflected in the mix proposed. The architectural vernacular of the location is mixed and officers are satisfied that the buildings are appropriately designed and would not adversely affect the visual amenity of the area as demonstrated in the submitted plans and sketch proposals. Furthermore the existing buildings on the site are quite unsightly and their loss would not detract from the visual quality of the area.

5.19 Landscaping

There is no vegetation growing on the site that needs to be retained or protected. The proposed layout is considered to be acceptable, with gardens to the front and rear. It is intended to retain the existing boundary walls. There is little scope for further landscaping of the site.

5.20 Impact Upon Residential Amenity

Officers consider that whilst it is perfectly normal for buildings to be in close proximity to each other in densely populated urban locations, careful consideration still needs to be given to the impact of the development on the residential amenities of neighbours and future occupiers alike.

5.21 For prospective occupiers, amenity areas are to be provided, which would provide ample opportunity for sitting out in a relatively private area. Bin storage and cycle storage facilities would be provided within the site. The occupier of neighbouring no.19 Lower Chapel Road has suggested that the respective positions of the Bin Store and Cycle Parking be reversed so that the bins would be further away from residential property. Officers concur with this view and this can be secured by condition. The boundary walls, which are to be retained, are high enough to provide adequate screening and privacy for both future and neighbouring occupiers.

5.22 The proposed buildings would be located in a similar position to the existing office and to those previously approved, with a linear form facing onto Lower Chapel Road. Officers are satisfied that in this case there would be sufficient distance between the majority of facing habitable room windows to the front and rear. There is an existing issue of inter-visibility between the existing office windows and the front windows of the residential flats opposite at 2 Lower Chapel Road. There is potential for this issue to be replicated by the proposed development, however this matter has been addressed by locating the proposed access opposite this dwelling.

5.23 Officers consider that some overlooking of neighbouring property is inevitable in this densely populated urban area, where properties are in close proximity to each other. Having regard to the proposed buildings' siting, any overlooking would be from an acceptable distance to front and rear. There is however the potential for significant loss of privacy for the occupiers of the dwellings to either side; in this respect officers consider it justified to impose a condition such that any fenestration in the end elevations of the proposed buildings would be obscurely glazed only.

5.24 Having had regard to the current impact of the existing buildings and high boundary walls, officers do not consider that the siting of the proposed buildings would be so overbearing on the neighbouring properties as to justify refusal of planning permission.

5.25 As regards noise, officers consider that the potential continued use of the site as an office and builder's yard would be likely to create more noise than the proposed residential use. Any excessive noise issues emanating from future occupants would be subject to the usual controls under Environmental Health Legislation.

- 5.26 On balance therefore, officers are satisfied that, subject to conditions to control the fenestration, retain boundary walls and relocate the bin store, that the impact of the proposed development upon neighbouring residential amenity, would be acceptable, especially given that the scheme is very similar to that previously approved under PK14/0340/O.
- 5.27 Transportation
Lower Chapel Road is very narrow and there is currently no footway along it. Prior to the submission of the original application PK03/1261/O, the Council was made aware that Lower Chapel Road had become a very popular 'short-cut' between Chapel Road and High Street, Hanham. In response to the concerns raised, the Council secured a Traffic Regulation Order (TRO) to make Lower Chapel Road a one-way street and this was subsequently implemented. Officers considered the previous similar scheme PK14/0340/O was acceptable. There is however still a requirement for a new 1.5m wide footway along the site frontage on Lower Chapel Road, this can again be secured by a S106 Agreement.
- 5.28 The Council's current minimum parking requirements are to be found at Appendix A of The South Gloucestershire Council Residential Parking Standards SPD. The requirements are; for 1-bedroom flats 1 space per flat, for 2-bedroom flats 1.5 spaces each (rounded down) and for 4-bedroom houses 2 spaces each. As a total of 10no. off-street car parking spaces are to be provided within the parking court and garages, this level of parking provision will satisfy the minimum adopted standards. The development site is well located in respect of it being close to bus routes on High Street and Lower Hanham Road, as well as the shopping area along Hanham High Street and nearby public car park. The proposed parking provision is therefore considered to be acceptable in this highly sustainable location.
- 5.29 Furthermore the scheme will include an adequate turning area to allow vehicles to exit the site in forward gear. Access to the site is via a 3.75m wide driveway which would be a safe route for pedestrians/cyclists to pass a vehicle. Officers are also satisfied that due to the proximity of the building to Lower Chapel Road, there would be no requirement for emergency vehicles to enter the site.
- 5.30 As part of the scheme, the applicant is proposing a highway improvement along the site frontage. The existing road width on Lower Chapel Road varies between 3 to 3.8m wide and there is currently no footway outside the site frontage. The applicant's scheme includes highway widening outside the development to facilitate the construction of a new 1.5m wide footway along the site frontage. Officers consider the proposed changes to be appropriate in this case. There is an existing parking restriction (i.e. single yellow line) outside the application site. An amendment to the existing TRO would be necessary and hence, the applicant is expected to meet the cost for this via a S106 Agreement.
- 5.31 Subject to the above S106 and conditions relating to the provision and maintenance of the parking and turning facilities and the provision of the cycle and bin stores, all prior to the first occupation of the building, there are no highway objections to the proposal.

5.32 Drainage Issues

The Council's Drainage Engineer has raised no objections to the principle of the development, which would also be the subject of Building Control. A SUDS scheme of drainage would be secured by condition.

5.33 Archaeology

In view of the site's location within the likely area of medieval settlement, a condition should be imposed to secure a programme of archaeological work in accordance with a brief provided by the Local Planning Authority.

5.35 Environmental Issues

The site does not lie within a zone at risk from flooding. Given that the existing buildings would be demolished, officers consider it appropriate to impose a condition to secure the prior submission and approval of a Waste Management Audit.

5.36 The scheme would also be the subject of Building Regulation Control and controls embodied within The Environmental Health Act. The Council's Environmental Health Officer has raised no objections on Environmental Protection grounds subject to a condition relating to possible contaminated land given the former use of the site as a 'builder's yard'.

5.37 Affordable Housing

The proposal is for 6no. dwellings only, which is below the Council's threshold for affordable housing provision.

5.38 Community Services

The proposal is for 6no. dwellings only, which is below the Council's threshold (10) for contributions to Community Services.

CIL Matters

5.39 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging commenced on 1st August 2015 and this development, if approved, would be liable to CIL charging.

5.40 Planning Obligations

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

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

In this instance, it is considered that the planning obligations relating to the cost of the TRO and provision of the footpath are required to mitigate the impacts

from the development and are consistent with the CIL Regulations (Regulation 122).

- 5.41 Regulation 123 also limits to 5 (back dated to April 2010) the number of S106 agreements that can be used to fund a project or type of infrastructure, from the point at which the Council commences charging the CIL or after April 2015. CIL charging has commenced and officers have confirmed that the contributions sought would not exceed the threshold of 5 S106 Agreements for the off-site provisions.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 (1) That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
- (i) To provide, prior to the first occupation of any of the dwellings hereby approved, a 1.5m wide footway to the site frontage on Lower Chapel Road. The works shall be carried out to adoptable standards and in accordance with the principles shown on the approved 'Site Plan 3 New Road Frontage' Drawing No. SD-010 04.
 - (ii) To pay the Council its reasonable costs in connection with any Traffic Regulation Orders or consultation procedures required for any phase of the development or the highway works and carry out forthwith any consequent physical works including associated works.

The reasons for this Agreement are:

- (i) In the interests of highway safety on Lower Chapel Road in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

- (ii) To meet the costs associated with any new or variation in the Traffic Regulation Order relating to Lower Chapel Road In the interests of highway safety on Lower Chapel Road in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

- (2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

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: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

- 2. Prior to the commencement of the development hereby approved, site investigation works shall be carried out to identify if any shallow mining works are present beneath the site. In the event that the site investigations confirm the need for remedial works to treat any mine entries and/or areas of shallow mine workings these works shall be carried out prior to the commencement of the development.

Reason

To ensure the safety and stability of the proposed development having regard to past Coal Mining within the area and to accord with Policy EP7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. This is a prior commencement condition to ensure that the site is safe for development before works commence.

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

Reason

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

4. Other than the windows shown on the approved plans, no new windows shall be inserted in the far north-west or south-eastern elevations of the buildings hereby approved. Prior to the first use or occupation of the buildings hereby permitted, and at all times thereafter, the proposed windows in the far north-west and south-eastern elevations 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 the requirements of the NPPF.

5. The hours of working on site during the periods of demolition and construction shall be restricted to 7.30am to 6.00pm Mondays to Fridays inclusive, 8.00am to 1.00pm Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: deliveries of construction materials, the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

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

6. The existing walls enclosing the boundary of the site shall be retained and shall not be altered without the prior written consent of the Local Planning Authority.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the requirements of the NPPF and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013.

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

Reason

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

8. Subject to the provisions of Condition 14, the approved car parking, cycle parking, bin store and turning arrangements (shown on the Proposed Site Plan 1 Drawing No. SD-010 02) shall be provided prior to the dwellings being first occupied and shall be permanently retained as such thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and The South Gloucestershire Council Parking Standards SPD.

9. Prior to the first occupation of the dwellings hereby approved, the car parking and turning areas within the site shall be surfaced with bound surfaced material and maintained as such thereafter.

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

10. The development hereby permitted shall not be occupied nor the use commenced until the means of vehicular, pedestrian, and cyclist access (shown on Proposed Site Plan 3 New Road Frontage - Drawing No. SD-010 04) has been constructed and is available for use in accordance with the approved plans. There shall be no obstructions to visibility exceeding 0.9 metres in height within the splayed areas.

Reason

In the interests of highway safety, to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

11. Before the vehicular access hereby permitted is first used, the existing vehicular access onto Chapel Road shall be permanently stopped up in accordance with the approved plans.

Reason

In the interests of highway safety, to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

12. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the attached brief.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

13. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
 - (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
 - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.

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

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

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

The approved works shall subsequently be carried out in accordance with the agreed details.

Reason

To accord with the Council's adopted Waste Management Strategy, and to accord with Policy 37 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002. This is a prior commencement condition to take account of the demolition phase and ensure the correct use/disposal of the waste therefrom.

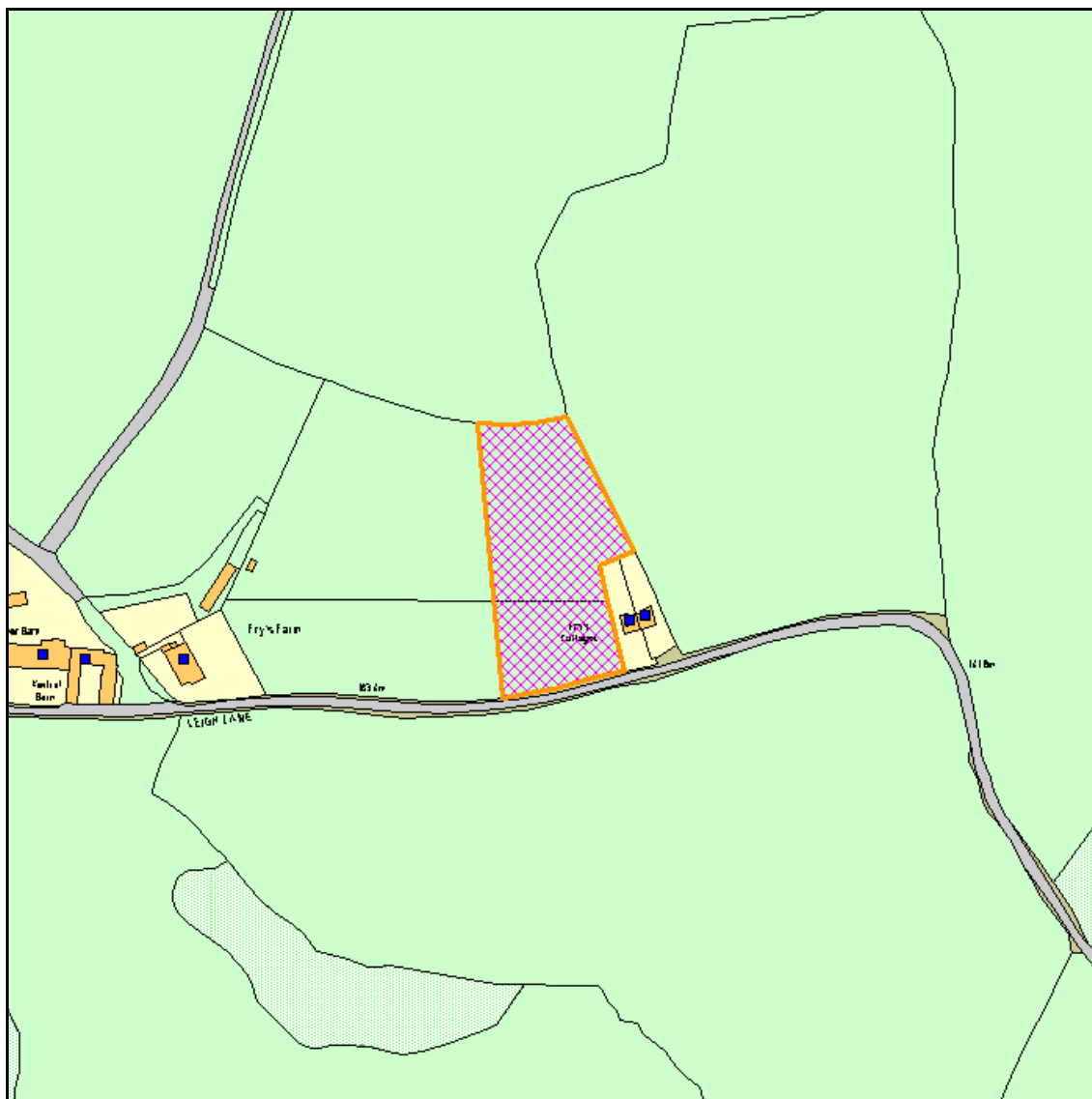
14. Notwithstanding the details shown on the Site Plans hereby approved, the respective locations of the bin store and cycle parking facility shall be swapped over i.e. the bin store shall be where the cycle parking is shown and vice versa.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the requirements of the NPPF and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013.

CIRCULATED SCHEDULE NO. 23/16 – 10 JUNE 2016

App No.:	PK16/0513/F	Applicant:	Mr John Hole
Site:	1 Frys Cottages Leigh Lane St Catherine South Gloucestershire BA1 8HQ	Date Reg:	23rd February 2016
Proposal:	Change of use of land from agricultural to land for the keeping of horses. Erection of a stable block, access track and area of hardstanding. (Part retrospective).	Parish:	Cold Ashton Parish Council
Map Ref:	375692 171466	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	13th April 2016



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 100023410, 2008.

N.T.S.

PK16/0513/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as it represents a departure from relevant Green Belt Policy within the adopted Development Plan. Objections have also been received from local residents.

In this case any resolution to grant planning permission for this development does not need to be referred to the Secretary of the State for Communities and Local Government as the development is not of a large enough scale and it would not have a significant impact on the openness of the Green Belt (referral criteria is set out in the Departure Direction 2009).

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the change of use of land from agricultural to the keeping of horses to include the erection of a stable block, access track and an area of hardstanding (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). A new access has been created off Leigh Lane and in this respect the application is partly retrospective.
- 1.2 The land is located off Leigh Lane, St Catherine's within the Bristol/Bath Green Belt and outside any defined settlement boundary. It is therefore within open countryside and also the Cotswolds AONB. The land is approximately 1.21 acres in size.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

L1	Landscape Protection and Enhancement
L2	Cotswolds AONB
L9	Species Protection
L16	Protecting the Best Agricultural Land
EP2	Flood Risk Development
E10	Horse related development
T12	Transportation
LC5	Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary

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
CS34	Rural Areas

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire Supplementary Planning Document: Green Belt
(Adopted) 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK05/2378/F Erection of single storey rear & side extensions to
from additional living accommodation.
Refused 5.9.05
- 3.2 PRE15/1109 Erection of Stable, Hay Store and Feed Store and
Hardstanding
Response 11.11.15
Concluded that an application could be acceptable especially in light of a
similar successful application to the neighbouring property.
- 3.3 **Neighbouring property** 2 Frys Cottages
PK15/3126/F Change of use of land from agricultural to land for the
keeping of horses. Erection of a stable block, access track
and area of hardstanding.
Approved 21.10.15

4. **CONSULTATION RESPONSES**

- 4.1 Cold Ashton Parish Council
No objection

- 4.2 Other Consultees

Highway Structures

No objection

Drainage and Flood Risk Management

No objection

Landscape officer comments summarised:

No in-principle objection. The landscape strategy for the The Ashwicke Ridges landscape character area recommends resisting change of use to horse keeping. However, the neighbouring property has recently been granted planning consent for horse keeping. It is therefore recommended that a landscape scheme be approved prior to the decision.

Updated comments:

The planting on revised drawings are good and the native hedgerow mix is acceptable.

Highway Engineer

No objection in principle

Other Representations

4.3 Local Residents

Two letters of objection have been received.

- Siting ill considered, fully visible from the road and public bridleways and other rights of way
- Applicant only owns 1.21 acre paddock and not the whole field
- Block plan 1:500 not drawn to scale, stable will be 15 metres from our house and 2 metres from our garden hedge. South Gloucestershire Council does not have published guidelines but Chorley Borough Council does and says it should be 30m min
- Incorrect that paddock is mainly level - is approx. 1 m higher than our garden and 2 m higher than the adjoining field, and drains into both our garden, the site for our stables hay barn and our field. Everything will drain into our garden : effluent waste, rain water run off, waste from horse water buckets. Serious flooding risk compounded by horse urine and faeces
- The intention is to house 2 small horses but if sold others could house more and larger horses. Request condition limiting the number of horses
- Where is the hay barn/feed store to be located?
- No gate from the paddock onto the road and existing tape not electrified
- Concerned the muck heap will be next to our garden hedge .Request a condition not to locate muck heap or any refuse heap against our boundary hedges
- Planned soakaway will drain downhill into our garden which will cause flooding. Civil engineers have told us water is affected by gravity and will flow downhill.
- The rear windows of our house will look directly into proposed stable yard and our lawn will be only 2 metres from their stables
- What lighting is planned? Lights will shine directly into our property causing light pollution
- Suggest moving position of stables to west of their house or next to the road
- Make it a condition that they are not allowed to add the stable drainage and soakaway to the existing residential system
- Wish to speak at the next committee at which this is decided
- Site is only big enough for one horse
- No facilities for manure disposal, risk of runoff
- The parking has been done without permission and an unauthorised entrance made into the field

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In the first instance the proposal must be considered in the light of current Green Belt Policy as the land lies within the Bristol and Bath Green Belt. The primary policy consideration is guidance contained in the NPPF. Design and siting for the stables will be covered by Policy CS1 High Quality Design and CS5 Location of Development and the impact on the surrounding landscape and character of the site will be covered by Policy L2 Cotswolds AONB.

- 5.2 Turning to consideration of the Green Belt: The application includes the change of use of agricultural land to land for the recreational keeping of horses.

National policy on changes of use of land in the Green Belt has been the subject of a number of Court of Appeal cases. This is because whilst historically this was stated to be appropriate development so long as there was no material harm to openness, the NPPF (2012) does not list a change of use of land as one of the appropriate forms of development. This is in contrast to the fact that it does list new buildings for outdoor recreation (such as the stable building) as being appropriate.

The Court of Appeal judgements are not universal on the point but on the whole conclude that notwithstanding this apparent contradiction, the change of use of land in the Green Belt must be inappropriate development, and had the Government intended otherwise it should have expressly said so. One judge went on to suggest that given that there is express support for recreational uses on Green Belt land in the NPPF this might form part of a case for very special circumstances.

Inappropriate development is by definition harmful to the Green Belt and as such very special circumstances are required to show that the proposal would outweigh any harm by reason of definition and harm to the openness of the area. These are discussed below and are considered to be sufficient to clearly outweigh the likely harm to openness. The proposal would therefore be acceptable in principle. Following on from this, the erection of buildings for outdoor recreation can be regarded as being appropriate development in the Green Belt in line with NPPF advice and it is considered that the modest stable block which would accommodate 2no. horses is acceptable in principle.

- 5.3 The proposal must also satisfy Policy T12 Transportation Development Control.
- 5.4 Horse related development policy is also relevant to this proposal and is covered in this report by Policy E10 Horse Related Development and Policy LC5 Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary.
- 5.5 If the proposal is in accordance with all these policies the development should be approved unless other material considerations indicate otherwise.
- 5.6 Impact on the Green Belt and surrounding landscape and very special circumstances

The NPPF declares that one of the beneficial uses of the Green Belt is to provide opportunities for outdoor sport and recreation. The proposal for the change of use of land for the keeping of horses for recreational use would therefore be in accordance with this ethos. Furthermore, it is considered that the change of use of the land would not have a materially greater impact upon the openness of the Green Belt than the existing authorised use as agricultural. This is given considerable weight given in favour of the proposal. In addition, the site is distinctly rural and as such the keeping of horses would not be out of character. Appropriate conditions limiting for example business use and horse related equipment stored on the land can ensure the openness is maintained and protect the surrounding landscape. These conditions will also ensure the development has minimum impact on the natural beauty of the landscape and does not cause harm to land that lies within the Cotswold AONB.

Similarly the creation of a simple access track to facilitate access to the stable block for the delivery of hay etc is considered acceptable. The creation of the new access and turning area close to the dwelling is necessary to allow farm vehicles (and others) to park off the road and to turn on site.

- 5.7 In light of the finding that there will be negligible harm caused to openness it is considered that the above reasons are sufficient to amount to very special circumstances that clearly outweigh any harm to the Green Belt by reason of definition and harm to the openness of the area.
- 5.8 Turning to the erection of the stable block, the NPPF states the construction of new buildings inside the Green Belt is not inappropriate development if the development relates to an appropriate facility for outdoor sport and recreation, as long as it preserves the openness of the Green Belt. It is considered that the stable block is modest in size, adequate for a small horse and its pony companion. It would be located along the eastern boundary of the field, just beyond the residential gardens. The field is currently screened by mature planting within the residential gardens of No. 1 and 2 Frys Cottages to the south. On this basis it is considered that the stable block would have minimal impact on the openness of the Green Belt.
- 5.9 Given the above it is considered that the change of use of the land to the keeping of horses, the erection of the modest stable block and the associated track would not cause harm to the Green Belt, the surrounding landscape and Cotswold AONB and thereby accords with the NPPF and Policy L2. The proposal can therefore be recommended for approval.
- 5.10 Design
The proposal would be a modest timber structure comprising internally a hunter box and a loose box. It would measure about 7.8 metres in length, about 5 metres in width including an overhang to the front and have an overall height of 7.6 metres. A 2 metres apron would stretch across the front of this building, whilst to its east an enclosed area of bark of about 6.5 metres square would provide additional space for the horses. The structures would be set back about 5 metres from the rear boundary of the long residential gardens. In terms of the overall design, scale, massing and materials the stable and associated areas are considered appropriate to the location and therefore acceptable.
- 5.11 Horse Related Development Policy
Policy E10 Horse Related Development and LC5 Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundaries are the relevant horse related policies. These Policies support proposals for horse related development provided it does not have an unacceptable impact in relation to the environment, residential amenity, highway safety and horse welfare. Highway safety is dealt with below within the Transportation section.
- 5.12 The supporting statement declares that the modest stable block is to house a small retired horse and companion Shetland pony. Comments from neighbours with regard to the size of the area to be used for the keeping of the horses are

noted. General guidelines from the British Horse Society state that each horse should have between 1-1.5 acres of land; in this case the field is 1.21 acre which falls short. However, it is noted that an area of bark and an apron to the front of the stables where hay store would be located would help reduce the effects of long term grazing by the elderly horses, giving the grass and ground a chance to recover and preventing overgrazing. A condition will be attached to the decision notice stating the number of horses that can be kept here is limited to two and on this basis the proposal is considered acceptable.

- 5.13 Concern has also been expressed with regard to drainage and that there would be *Serious flooding risk compounded by horse urine and faeces*. However, regard must be given to the small size of the stable, its small front apron and small bark area to one side. It is acknowledged that the field is slightly above the height of the respective gardens of both cottages (unlikely to be to the extent quoted), but the proposed stable block would be approximately 30 metres away from the main rear building line of No. 2. It is clear from Officers site visits that the neighbouring property and the proposed stables would be separated by mature planting and by a distance of about 7 metres from the end of the long gardens. On this basis it is considered that there would remain ample opportunity for water to soak into the existing field and not to have any impact on the neighbour in terms of flooding, run-off, or drainage issues in general. Drainage Officers have assessed the site in terms of drainage, infiltration and surface water potential and have referred to data from the Environment Agency. They have concluded that given the small scale of the development there are no concerns and have no objections to the scheme.
- 5.14 It is considered that the stables would have not any adverse environmental effects by means of noise, smells, flooding or disturbance due to its size and siting.
- 5.15 It is acknowledged that there are residential properties in close proximity to the development and neighbours have objected on these grounds. However, stables and for example, agricultural buildings are typically found in this countryside location and as such there can be no valid objection to the small stable block being located to the north of the dwellings at a distance of about 30 metres from the main rear building lines. No lighting has been proposed for this stable and given the above it is considered that there would be no adverse impact on existing residential amenity.
- 5.16 The development therefore is considered to in accordance with the criteria listed in Policy E10 and Policy LC5 and can be recommended for approval.
- 5.17 Transportation issues
The field would be used for the recreational keeping of horses only and not for livery use or business purposes. Given the site's remote location and that Leigh Lane is a single track lane with limited opportunities to pass, conditions will be required to restrict the number of horses and to ensure no livery or business use is carried out from the site, this is in the interests of highway safety.

- 5.18 This proposal seeks permission for the modification of an access into the field and the creation of an associated access track. It is considered that the area of hardstanding that has been made by increasing the width of the existing access provides an adequate area for vehicles and horseboxes to manoeuvre off the highway to allow the gate to be opened. There would be sufficient room within the site for turning and the loading and unloading of horses without obstructing the highway. Given the above it is considered that the proposal is acceptable, in accordance with Policy T12 and can be recommended for approval.
- 5.19 Landscape Assessment
The site is a gently sloping field that rises up to a neighbouring property and bordered by a well-established informal native hedge with very few if any hedgerow trees. Leigh Lane, on the southern boundary, is a recreational route. The landscape strategy for the The Ashwicke Ridges landscape character area recommends resisting change of use to horse keeping. However, it is noted that the neighbouring property No. 2 Frys Cottages have recently been granted planning consent for horse keeping (and a new stable block) and this weighs in favour of this application.
- 5.20 The general location for the proposed stable building is acceptable and the proposed timber cladding is appropriate for this location. The Cotswold stone access track with central grass strip is also felt to be acceptable. The existing hardstanding at the entrance is fairly well hidden however there are concerns that this area will become a general parking area and a topping of Cotswold stone to match the track rather than the current grey coloured road stone could be a visual improvement.
- 5.21 It is noted that the application boundary appears to enclose only a small section of the larger field. This has now been separated by means of a fence and planting which have been considered under this application through the submission of additional plans and again, considered acceptable.
- 5.22 The associated paraphernalia of keeping horses may be as intrusive as the building and therefore a condition will be imposed to restrict field subdivision of fields by any means, parking and jumps. Also to restrict the use of lighting to maintain the dark skies tranquillity of the area.
- 5.23 During the course of the application the applicant has carried out some work which includes the introduction of a new access and gateway into the field. This work is recognised as being retrospective. The above report has included within it the assessment of this access and gate and found it acceptable. In addition work to the boundary between the application site and the adjacent field to the west has been undertaken and the poor quality electric tape replaced with substantial stock proof fencing and planting. In terms of the impact on the wider landscape these measures are considered acceptable and appropriate.

5.24 Other matters

One neighbour has asked to speak at the next Committee, however, this application will appear on the Circulated Schedule for all Members to read and will only be called to a full planning committee on the basis of planning objections to the scheme.

A request has been received to include a condition to prevent rubbish or a muck heap being placed next to the boundary. Issues of drainage are considered above. In light of the scale of this development such a condition would be considered disproportionate, as it is unlikely that this would amount to a prejudicial harm to the living conditions of nearby residents. Accordingly such a condition is not considered to meet the necessity or reasonableness test outlined in national policy.

No lighting is planned but a condition will be attached to the decision notice to control this.

Suggestions have been made by the neighbour regarding a revised position, but the applicant is entitled to have their proposal as submitted considered. The proposed location is considered to be acceptable when assessed against planning policy.

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.
- 6.3 The proposal represents a departure from the Development Plan as the recommendation for approval is made on the basis that very special circumstances have been demonstrated. The application has been advertised as a departure but it is not considered that a referral to the Secretary of State is necessary.

7. **RECOMMENDATION**

- 7.1 Planning permission is granted subject to the conditions set out below and the decision can be issued as the consultation period for the departure advertisement has already passed.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. At no time shall the development the subject of this permission be used for livery, riding school or other business purposes whatsoever.

Reasons:

- a. To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy CS1, CS5 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and the saved Policy L1 and Policy E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.
 - b. In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - c. To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The number of horses kept on the site edged in red on the plans hereby approved shall not exceed 2 (two).

Reasons:

- a. In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and the saved Policy E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
 - b. To protect the amenities of the occupiers of the nearby dwellings, and to accord with the saved Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - c. In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
4. No jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

5. Any temporary jumps erected on the land shall be stored away to the side of the associated stable, immediately after use.

Reason

To protect the character and appearance of the Green Belt, the AONB and landscape in general, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy L1 and L2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

6. At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

Reason

To protect the character and appearance of the Green Belt, the AONB and landscape in general, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy L1 and L2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

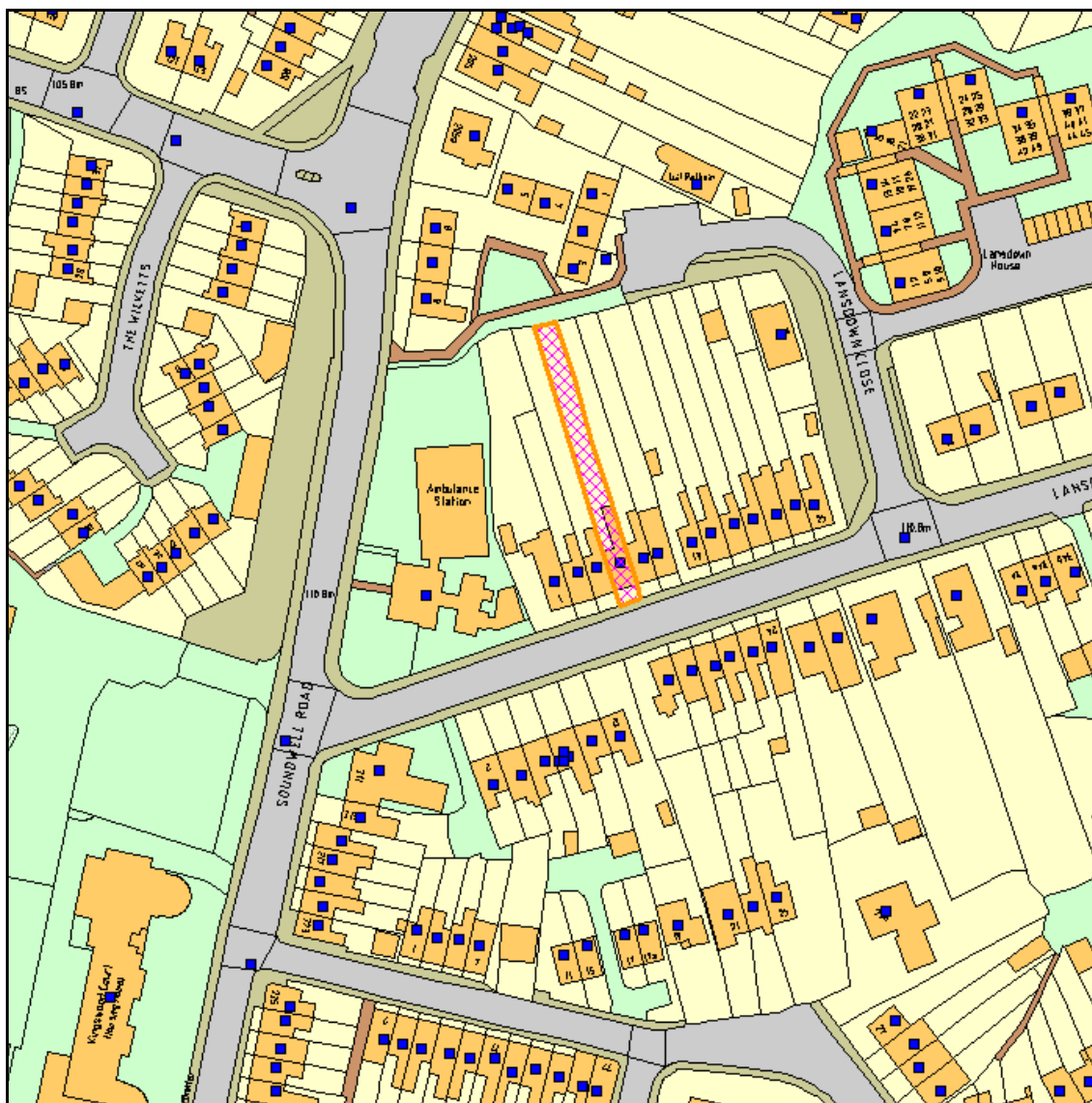
7. No external illumination shall be installed at the site or stable unless details have previously been submitted to and agreed in writing by the Local Planning Authority. Thereafter any such lighting will be installed in accordance with the agreed details.

Reason

To protect the character and appearance of the Green Belt, the AONB and landscape in general, and to protect residential amenity and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

CIRCULATED SCHEDULE NO. 23/16 – 10 JUNE 2016

App No.:	PK16/1005/F	Applicant:	Mr Simon Hollister
Site:	7 Lansdown Road Kingswood Bristol South Gloucestershire BS15 1XA	Date Reg:	4th March 2016
Proposal:	Erection of single storey rear and first floor rear extensions to form additional living accommodation.	Parish:	None
Map Ref:	364740 174766	Ward:	Kings Chase
Application Category:	Householder	Target Date:	27th April 2016



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PK16/1005/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a first floor rear extension and a single storey rear extension at 7 Lansdown Road Kingswood.
- 1.2 The host dwelling is a mid-terrace, three-storey dwelling located within the settlement boundary of Kingswood.
- 1.3 The materials proposed would be of a similar appearance to the existing elevations and roof, with rendered block elevations, red concrete tiles and white UPVC windows and doors.
- 1.4 Revised plans were received on 13th May 2016 a short period of re-consultation was provided.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
- 2.3 Supplementary Planning Guidance
Design Checklist Supplementary Planning Document (adopted) August 2007
Residential Parking Standards Supplementary Planning Document (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Town/ Parish Council
Area is unparished.

4.2 Sustainable Transport

No highway or transportation comments about this application as whilst the site has no parking provision and does not conform to the Residential Parking Standards SPD 2013 it is not considered that the proposal will materially alter the trip generation patterns.

Other Representations

4.3 Local Residents

Two comments of objection have been received from the same neighbour highlighting concerns regarding:

- Light, as they will be seeking permission for a conservatory in the future which would be situated alongside the double height rear extension. Further lighting concerns have been raised regarding the loss of light that will arise from the building of the first floor extension so close to the objectors' window.
- The plans do not show the boundary treatment, the neighbour does not want any foundation, guttering or downpipe to intrude across their boundary.

Following reconsultation the objection comment remains, although they do believe that the amendments are an improvement aesthetically. The objection highlights the following points:

- There is no indication of the foundations and they do not have permission from the objector to cross the boundary. Furthermore, there is no rainwater gutter, overhanging gutters are also not permitted, and they should be within the applicants' boundary.
- The proposal is a very tall extension on a very small site and I believe that it will adversely affect me.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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

5.2 Design and Visual Amenity

The application site is a two-storey, mid-terrace property in Kingswood. The terrace is uniform and the dwellings have long rear gardens and minimal front gardens.

The application seeks permission for the erection of a single storey rear and first floor rear extension to provide additional living accommodation. Following correspondence with the agent regarding the design amended drawings were received on 13th May 2016. The revised plans show a more interwoven proposal which is considered to be more in-keeping.

There is an existing single storey rear extension, the proposed single storey rear extension will be located next to this. The proposed single storey extension will extend beyond the rear elevation by 7.7 metres with a total height of 2.9 metres. The materials utilised for the single storey rear extension will include an area with a glazed roof.

The proposed first floor rear extension will have a gable roof that intercepts the existing roof. The first floor rear extension will not be subordinate to the existing dwellinghouse however, the first floor rear extension will not be visible from the street scene.

The design and materials would be in-keeping with the character of the existing dwelling and would respect the character area.

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

5.3 Residential Amenity

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

The applicant site is a mid-terrace two-storey property located in Kingswood. The dwelling is part of a uniform terrace of six properties. The proposal seeks permission for the erection of a first floor rear extension and single storey rear extension.

There are three proposed windows. There will be windows in the first floor rear extension, one of which will replace an existing window and a single window in the third floor. The close proximity of the neighbouring dwellings means that there will be some overlooking but officers do not believe there will be an adverse impact on overlooking. There are no side elevation windows.

Originally an objection comment was received from a neighbour raising an issue of loss of light. This report considers the likely impact on residential amenity rather than 'rights to light'. The proposed first floor rear extension will be situated on the north elevation and whilst there is likely to be some impact on the existing situation it would not adversely impact the right to light. Following revised plans being submitted the objection comment relates more to the height of the proposal and the adverse impact it would have. Whilst the proposal may appear overbearing the proposed first floor extension extends just 2.9 metres beyond the existing rear elevation which is considered to reduce the overbearing impact.

The proposed extensions are unlikely to affect the private amenity space of the existing residents or any future residents as there is a large rear garden available.

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

5.4 Highways

There are no further bedrooms proposed, the dwelling will remain a three-bed property. There is no available off street parking because of the style of dwelling, nor is there the possibility to achieve an off-street parking provision as there is no appreciable front garden or vehicle access to the rear. The occupiers currently park on the street which has unrestricted parking.

5.5 Other Issues

The objector raised a second issue regarding the boundary treatment and states that they do not want any foundation, guttering or downpipe intruding across their boundary. The plans submitted show the guttering and downpipe remaining within the applicants' curtilage. An informative will be added reminding the applicant to consider the Access of Neighbouring Land Act 1992 and Party Wall Act 1996. The permission does not authorise the applicant to enter any land.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application is **APPROVED** with conditions.

Contact Officer: Fiona Martin
Tel. No. 01454 865119

CONDITIONS

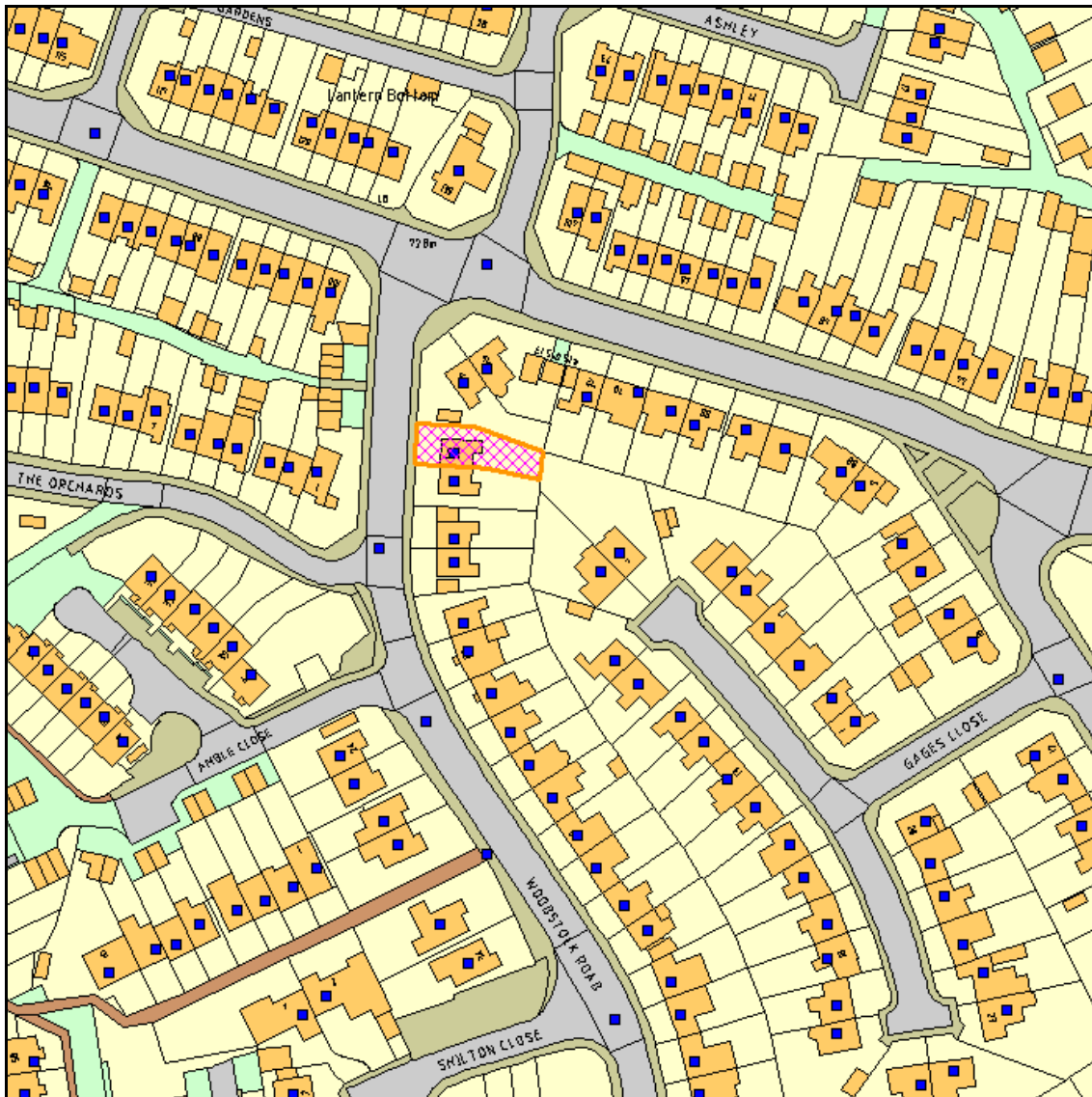
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 23/16 – 10 JUNE 2016

App No.:	PK16/1375/F	Applicant:	Mr Jamie Mitchell
Site:	43 Woodstock Road Kingswood Bristol South Gloucestershire BS15 9UE	Date Reg:	1st April 2016
Proposal:	Erection of two storey side extension to provide additional living accommodation.	Parish:	None
Map Ref:	365735 173489	Ward:	Woodstock
Application Category:	Householder	Target Date:	25th May 2016



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PK16/1375/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a two storey rear/ side extension to provide additional living accommodation at 43 Woodstock Road Kingswood.
- 1.2 The original proposal was for a two storey side extension, however due to parking issues amendments were submitted for a two storey side/ rear extension instead. Revised plans were received on 4th May 2016 and a short period of re-consultation was offered.
- 1.3 The host dwelling is a two storey semi-detached dwelling with pebbledash render elevations and a front bay window. The topography of the site results in the property being higher than neighbours as it is situated on a steep incline.
- 1.4 The dwelling is situated within the settlement boundary of Kingswood. The materials proposed would be of a similar appearance to the existing elevations and roof. The boundary treatments at the site consist of 1.8 metre fences.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

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

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

2.3 Supplementary Planning Guidance

Design Checklist Supplementary Planning Document (adopted) August 2007

Residential Parking Standards Supplementary Planning Document (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history.

4. CONSULTATION RESPONSES

4.1 Town/ Parish Council
Area is unparished.

4.2 Sustainable Transport
Following revised plans and amendments there is no transportation objection to the proposed development as the required level of parking will be provided for the size of the proposed dwelling.

Other Representations

4.3 Local Residents

An objection comment has been received from a neighbouring resident. The following objections have been raised by a neighbour with regards to the erection of a two storey side/ rear extension at 43 Woodstock Road:

- We are not south facing and do not get much sun, this proposal will removed our sunlight during the afternoon.
- We are at the bottom of the hill and after heavy rainfall our garden gets boggy, we need as much sunlight as possible to help dry this up.
- We are concerned how close the build would be to our garage and are concerned it will affect the foundations.
- With regards to scaffolding, we do not allow for overhang and require assurance any scaffolding is safe and secure as it is near our children's play area.

Following re-consultation the objection comment remains with issues regarding light, ground and scaffolding.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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

5.2 Design and Visual Amenity

The application site is a two-storey semi-detached dwelling in Kingswood. The property is located on Woodstock Road which has a steep topography. There is an area of hardstanding at the front of the property as well as a detached garage.

The application seeks approval for the erection of a two storey side/ rear extension to provide additional living accommodation. The existing dwelling has pebble dash render elevations, a gable roof and white upvc windows and doors. The proposed two storey side/rear extension will utilise the same materials as the existing dwelling. The proposal will have a gable roof and be subordinate to the existing dwelling with the ridge line being 0.9 metres lower than the existing. The proposal will be visible from the street scene, however, it will be set back from the front elevation by circa 4.6 metres.

The proposal has an appropriate scale and form which is considered to respect the existing dwelling and surrounding dwellings.

Accordingly, it is judged that the proposal is considered to accord with policy CS1 of the adopted Core Strategy as it would not harm the character or appearance of the area.

5.3 Residential Amenity

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

The applicant site is a semi-detached dwelling situated on Woodstock Road, the site is situated on the incline of a hill. The dwelling is attached to no. 45, which is higher than the host dwelling because of the topography of the site; the boundary treatments utilised consist of 1.8 metre fences. There are no proposed north elevation windows which will overlook no. 45.

To the south of the dwelling is no.41 which is situated below the host dwelling because of the topography. The boundary treatments at the site consist of 1.8 metre fences. There are no south elevation windows proposed, reducing the potential for overlooking. There are new windows proposed in the west elevation which will have an outlook of the residential road and in the east elevation which are not considered to create a detrimental impact regarding overlooking.

An objection comment has been received from a neighbour raising the issue that the proposal will remove their access to afternoon sunlight; and the likely impact this will have on their garden. This report considers the likely impact on residential amenity rather than 'rights to light'. The proposed two storey side/ rear extension will be situated on the northern and eastern elevation, whilst there is likely to be some impact on the existing situation it would not adversely impact the overall living conditions to a material extent.

The proposed extensions are unlikely to affect the private amenity space of the existing residents or any future residents as the property benefits from having a modest curtilage.

It is considered that the scale and positioning of the proposal is appropriate. Thus, the proposal would not create an overbearing impact on the nearby neighbouring occupiers.

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

5.4 Highways

Following the change of design and revised parking plans being received on 25th May 2016 there is no transportation objection to the proposed development as the number of spaces provided correlate with the number of bedrooms. As such, this achieved the standard set out within the Residential Parking Standards Supplementary Planning Document (adopted) December 2013.

5.5 Other Issues

The objector is also concerned with how close the proposed extension will be to their garage and the potential impact on the foundations; this is a civil issue between landowners rather than something administered by the Local Planning Authority. Similarly the issue raised regarding the overhang of any scaffolding is covered not something covered by the planning legislation. Informatives will be placed on any decision notice in relation to land ownership.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 That the application is **APPROVED** with the following conditions.

Contact Officer: Fiona Martin
Tel. No. 01454 865119

CONDITIONS

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

Reason

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

2. The vehicle parking for 2 car parking spaces hereby approved shall be provided prior to the first occupation of the extension hereby approved and thereafter shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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. 23/16 – 10 JUNE 2016

App No.: PK16/1452/F

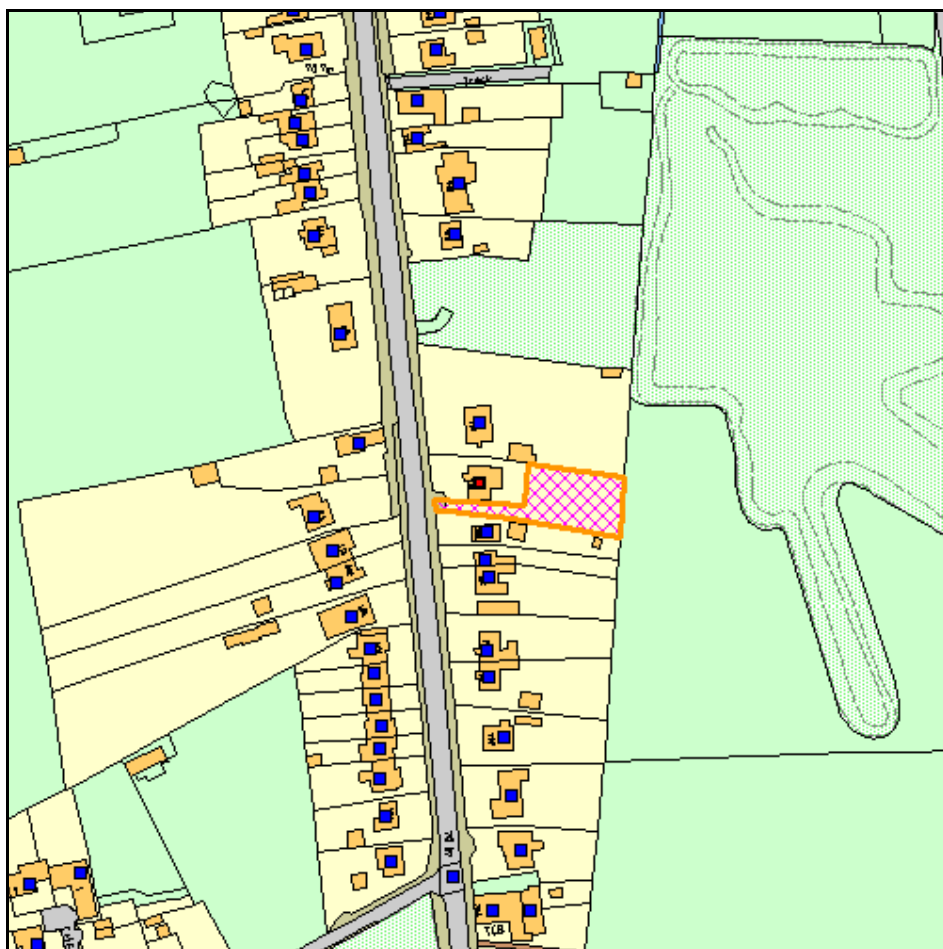
Applicant: Mr M Rushent

Site: Land Rear Of 314 North Road Yate
Bristol South Gloucestershire BS37
7LL

Date Reg: 4th April 2016

Proposal: Erection of 1no. detached dwelling with
associated works.

Parish: Iron Acton Parish
Council

Map Ref: 369872 184168**Ward:** Ladden Brook**Application** Minor**Target** 26th May 2016**Category:****Date:**

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PK16/1452/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The planning application has been referred to the Council's Circulated Schedule procedure due to comments received from local residents contrary to the Officers decision.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of 1no. detached three-bed dwelling with associated works to the rear of no. 314 North Road.
- 1.2 The applicant site is situated within a defined settlement boundary, the site is a large plot of land located to the rear of no. 314 North Road Yate. The applicant site is bounded by residential properties to the north and south.
- 1.3 The site itself is covered by a blanket Tree Preservation Order. The site is not covered by any other statutory or non-statutory designations although the site lies to the west of a Site of Natural Conservation Interest (SNCI) 'Fields South of Engine Common'.
- 1.4 Planning permission for the erection of dwellings at this site has been previously refused and appealed, see section 3 for further details.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

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

H4 Development within existing Residential Curtilages
EP6 Contaminated Land
L1 Landscape Protection and Enhancement
L9 Protected Species
T7 Cycle Parking
T8 Parking Standards
T12 Transportation

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing

2.3 Supplementary Planning Guidance

Design Checklist Supplementary Planning Document (adopted) August 2007
Residential Parking Standards Supplementary Planning Document (adopted)
December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/1092/F Erection of 2no. detached dwellings with associated works.
(Resubmission of PK13/2932/F)

Refused 20/05/2014

Refusal reason:

'The proposed development, by reason of its location of the dwellings, layout and scale, would constitute unacceptable back land development which if allowed would be out of keeping with the strong linear character and existing general pattern of residential development within the locality. The proposal would therefore have an adverse impact on the visual amenity of the immediate surrounding area and would be contrary to the provisions of National Planning Policy Framework, Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).'

APP/P0119/A/14/2220453 Appeal Dismissed 03/09/2014

Summary of Inspector's determination.

'Proposal would appear out of place in this back land location, the proposal at no.328 North Road does not set a precedent for back land development. The main issue is the unacceptable adverse effect on the character and appearance of the area. The need for additional dwellings does not outweigh the harm in this case.'

- 3.2 PK13/2932/F Erection of 2no. detached dwellings with associated works.

Refused 23/10/2013

Refusal reason:

'The proposed development, by reason of its location of the dwellings, layout and scale, would constitute unacceptable back land development which if allowed would be out of keeping with the strong linear character and existing general pattern of residential development within the locality. In addition, the proposal would create two two-storey dwellings behind the existing dormer bungalow, which are poorly designed and would be out of keeping with the character of the host dwelling and also would create a dominant feature within the locality. The proposal would therefore have an adverse impact on the visual amenity of the immediate surrounding area and would be contrary to the provisions of

- 3.3 PK08/2770/O Erection of 2no. dwellings (Outline). All matters reserved.

Refused 05/12/2008

Refusal reason:

'The proposed development, by reason of its illustrative layout and scale, would constitute unacceptable back land development which if allowed would be out of keeping with the strong linear character and existing general pattern of residential development within the locality. In addition, the proposal would create two two-storey dwellings behind one single storey bungalow, would be out of keeping with the character of the host dwelling and also would create a dominant feature within the locality. The proposal would therefore have an adverse impact on the visual amenity of the immediate surrounding area and would be contrary to the provisions of PPS1 and Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.'

APP/P0119/A/09/2098476 Appeal Dismissed 08/06/2009

Summary of Inspector's determination

'Proposal would disrupt the distinctive linear pattern and is contrary to the objectives of Policies D1 and H4 of the adopted South Gloucestershire Local Plan and Planning Policy Statement 1: Delivering Sustainable Development.'

Other Planning history relating to the existing dwelling associated with the site.

- 3.4 PK10/1097/F Erection of detached garage/hobby room.

Approve with Conditions 21/06/2010

- 3.5 PK10/0236/F Erection of two storey side and rear extensions to form additional living accommodation. Installation of 2no. front dormer windows to facilitate loft conversion.

Approve with Conditions 15/03/2010

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
No observations.

- 4.2 Sustainable Transport
The current proposal, like previous applications includes: adequate access, off-street parking and manoeuvring areas both for the existing and new house, as such there is no highway objection to this application.

- 4.3 Lead Local Flood Authority
No objection subject to conditions.
- 4.4 Highway Structures
No comment to make regarding the proposal.
- 4.5 The Tree Officer Natural and Built Environment Team
No objection subject to conditions.
- 4.6 Environmental Protection
No objections in principle subject to a planning condition relating to investigation works on potentially contaminated land; this is because that the historic use of land adjacent to the site as the former Yate Colliery may have caused contamination.
- 4.7 The Ecology Officer Natural and Built Environment Team
No objections on ecological grounds to this application.

Other Representations

- 4.8 Local Residents
Two letters of objection have been received by neighbouring residents. The following objections have been raised by neighbours with regards to the proposed erection of 1no. dwelling and associated works:
- This is back garden development and would be out of keeping with the area. There is a current linear appearance to North Road, this development would change the appearance.
 - The development would be visible from the street and look out of place.
 - If the application was allowed there would be a precedent set which would allow other people to build houses to the rear of their properties.
 - Proposal would have a detrimental effect on this unique area.
 - There have been previous planning applications and appeals, the main reasons for refusal is back garden development and the impact on character and appearance, how is this different?

Five letters of support have also been received from neighbouring residents, the following points have been raised:

- We should be encouraging young people to stay in the area.
- The development will be at the back of the garden and will not be out of place.
- South Gloucestershire Council has to agree to build a large number of new houses in the next few years.
- As a neighbour and local resident I give full support for this planning application.
- Supporters' children attend the local school and are excited to see North Road developing.
- The property is in keeping with majority of bungalows in the road which is nice to see.
- We need more homes in Yate as there is a shortage and North Road is a beautiful area for children to grow up.

- this is a fantastic planning opportunity
- North Road is a well sought after area and I am interested in purchasing one of the new builds occurring on North Road, although the ones to the left of this site are too big for me
- The bungalow looks fantastic and will add value to the popular road.
- A smaller house would also be ideal for retired people.
- Full support - the bungalow cannot be seen from the road so there is no issue.
- There is a development to the left of the site which is for two-storey homes and so a bungalow will be in keeping with the area.
- This is a fantastic use of spare land.

5. **ANALYSIS OF PROPOSAL**

5.1 The application seeks full planning permission for the erection of 1no. dwellinghouse at land to the rear of 314 North Road, Yate.

5.2 **Principle of Development – 5 Year Housing Land Supply**

There is a presumption in favour of sustainable development therefore, applications should not be refused unless the adverse impacts create a significant and demonstrable harm, this is outlined within paragraph 49 of the NPPF. Paragraph 49 of the NPPF also states that if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date. At present the Local Planning Authority cannot demonstrate a five year supply of deliverable housing, this is an outcome of a recent appeal decision (APP/P0119/1/14/2220291).

5.3 However, whilst paragraph 14 of the NPPF also has a presumption in favour of sustainable development it highlights that where development plans are absent, silent or relevant policies are out of date, the Local Planning Authority should grant planning permission unless;

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
- Specific policies in the NPPF indicate development should be restricted.

5.4 As a result of not being able to demonstrate a five-year supply of deliverable housing sites in South Gloucestershire policies CS5, CS15 and CS34 are now found to be out-of-date.

5.5 Consequently the proposal will be assessed against adopted development plan policies and paragraph 14 of the NPPF. Using the decision-taking approach as outlined within paragraph 14 of the NPPF the proposal will be assessed with regard to whether the adverse impacts significantly and demonstrably outweigh the benefits of the proposal.

- 5.6 Principle of Development – Relevant Policies
Policy CS1 of the Core Strategy (adopted December 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved, paragraph 56 of the NPPF outlines that good design should contribute to making places better for people. Additionally, paragraph 53 of the NPPF highlights that local planning authorities should resist inappropriate development of residential gardens, for example where the development would cause harm to the local area. Furthermore, CS1 states that proposals should enhance and respect the character, distinctiveness and amenity of the site and its context. As well as this the density and overall layout should be well integrated with existing adjacent development and connect with wider transport links, safeguard existing landscapes and contribute to the vision and strategic objectives of the locality.
- 5.7 Officers acknowledge that saved Policy H4 is generally supportive providing development within the curtilage of existing dwellings (which includes new dwellings), it is silent in respect of the provision of new dwelling in the rear gardens of existing residential properties. On this basis, in relation to this proposal, officers apply more weight to Policy CS1 of the South Gloucestershire Local Plan and Paragraph 53 of the NPPF; which represents a more up to date policy position.
- 5.8 Policy CS16 relates to housing density and relates to making efficient use of land, however it does note that new developments should be informed by the character of the area. Further to this policy CS17 'housing diversity' highlights new dwellings on gardens will be allowed where it does not adversely impact the character of the area.
- 5.9 Principle of Development – Summary
The proposal will be assessed in relation to paragraph 14 of the NPPF. The remaining report will be structured to consider whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the proposal.
- 5.10 Benefits of the Proposal
It has been highlighted within paragraph 14 of the NPPF that the application should only be refused if the adverse impacts outweigh the benefit of the proposal. As such it is necessary to define what benefit the proposal would have should planning permission be granted.
- 5.11 The proposal seeks planning permission for the erection of 1no. residential dwelling. This would contribute to the Council's five-year housing land supply.
- 5.12 In assessing the proposal it is clear there is one single benefit, this is the contribution of 1no. new residential dwelling to the Council's 5 year land supply. As the proposal would amount to 1 additional dwelling it is considered to be a limited benefit in relation to housing provision and the number of dwellings needed in South Gloucestershire.

5.13 Adverse Impacts of the Proposal – Previous Decisions

As part of assessing this case a major material consideration is the previous planning permissions and their appeals. There have been three previous applications and two planning appeals relating to this site in relation to proposals to develop new dwellings in the rear garden of the subject property. Officers acknowledge that the previous applications sought permission for the erection of 2no. detached dwellings and that the current application only seeks permission for 1no. detached dwelling. However, the refusal reasons (and subsequent Planning Inspector decisions) highlight the adverse impact of the proposed development upon the strong linear form and character of the locality. In the appeals it is noted by the Inspector that the proposals would have an unacceptable adverse effect on character, appearance and distinctiveness of the street scene contrary to policies within South Gloucestershire.

5.14 Adverse Impacts of the Proposal – Design and Visual Amenity

The applicant site is situated on North Road in Yate. The style of dwellings within the area is made up of a mixture of two storey dwellings and bungalows, the properties are characterised by their large rear gardens and the strong linear pattern of the property locations. The location of the proposed dwelling will disrupt this linear formation as it will be in the rear garden, it is noted that objections have been raised regarding this disruption. It is considered that this disruption to the linear form would not enhance or respect the character, distinctiveness and amenity of the site and its context, as such it is contrary to Policy CS1 and CS16 of the Core Strategy.

5.15 This is compounded by the poor design of the proposed dwelling. The design of the dwelling is formed by a squat, rectangular box and shallow pitched roof. As such officers consider that the proposed dwelling fails to recognise the wider vernacular context of the surrounding area. Whilst officers acknowledge that there is a very wide variety of buildings forms within the context of the application site, the design of the proposed dwelling lacks design flair and does not provide its own distinctive character.

5.16 Having regards to the above assessment, officers conclude that the siting and design of the proposed development is such the it represents an adverse impact and this is given significant weight in the determination of this application.

5.17 Adverse Impacts – Arboriculture

The applicant site is covered by a blanket Tree Preservation Order (TPO). As part of the development the applicant seeks to remove the existing apple tree located to the West of the proposed dwelling from the site as it is in a poor condition. This factor would result in an adverse impact. However, officers note that the apple tree is not of sufficient quality warrant protection under a TPO on its own merit; and is only protected as part of the associated group TPO. However, given that the development would result in the loss of the tree it is appropriate to secure adequate mitigation in respect of its loss, and this would normally be in the form of a replacement tree. Given that officers have already identified a significant adverse impact in respect of the siting and design of the dwelling, such mitigation has not been sought at this stage. Without such mitigation secured, officers conclude that the loss of the tree would represent

an adverse impact which can be attributed weight in the determination of this application.

5.18 Neutral Impacts – Residential Amenity

Saved policy H4 of the adopted Local Plan aims to ensure that development within residential curtilages does not prejudice the amenity of any neighbouring occupier.

5.19 The host dwelling is a detached two storey property with neighbours to the east and west. The proposed new dwelling will be situated to the south of the host dwelling within the modest rear garden. The openings will be located on the north and south elevations, with the proposed dwelling being over 20 metres away from the rear of the existing dwelling the potential for inter-visibility with the existing dwelling is reduced. With no openings proposed within the side elevations and because the proposal is for a single storey bungalow the potential for overlooking is reduced. Furthermore, due to the reduction in height of the proposal the impacts relating to overbearing is reduced.

5.20 It is considered that there is adequate amenity space available for the existing residents and any future residents.

5.21 Overall whilst the introduction of a new dwelling would result in changes to the amenity of neighbouring properties it is considered that the impacts would not detrimentally impact the residential amenity of neighbouring occupiers or future occupiers. As such the proposal is considered acceptable in terms of saved policy H4 of the Local Plan (adopted) 2006.

5.22 Neutral Impact – Sustainable Transport

The plans submitted show that there will be private off-street vehicle parking available for both no.314 and the proposed dwelling which achieves the standards set out within South Gloucestershire Council's Residential Parking Standard. The Sustainable Transport Officer has no objection to the proposed erection of 1no. dwelling as there is adequate access, off-street parking (including sufficient space for the storage of cycles) and manoeuvring areas for both the existing and proposed house.

5.23 Accordingly, the proposal meets the general requirements of saved policies T7 and T12 of the South Gloucestershire Local Plan.

5.24 Neutral Impact – Drainage

There are no objections from the Lead Local Flood Authority regarding drainage at the site, however, if officers are minded to recommend this application for approval it will be subject to conditions regarding the requirement to show a detailed layout which shows SUDs.

5.25 Neutral Impact – Ecology

The site is not covered by any other statutory or non-statutory designations although the site lies to the west of a Site of Natural Conservation Interest (SNCI) 'Fields South of Engine Common'. There are no ecological objections to this proposal.

5.26 Neutral Impact – Environmental Protection

The Council's Environmental Protection services have no objections in principle to the proposal, however as the historic use of land adjacent to the site as Yate Colliery may have caused contamination which could give rise to unacceptable risks to the proposed development; as such if the officers are minded to recommend this application for approval the use of conditions will be utilised regarding contamination.

5.27 The Planning Balance

Paragraph 14 of the NPPF makes a presumption in favour of sustainable development setting out that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.28 Officers have identified that the proposed development would result in an adverse impact in respect of the siting and design of the proposed dwelling. Noting the previous appeal decisions, officers attribute significant weight to this adverse impact. Furthermore the development would result in the loss of a tree covered by a TPO which is an adverse impact, and officers also attribute weight to this factor.

5.29 It is acknowledged that the proposal would introduce 1 dwelling towards the provision of a 5 year supply of housing land in South Gloucestershire. However, in the context of the wider shortfall of housing land, the benefit of one dwelling is considered to be limited. On this basis, officers attribute limited weight to this factor.

5.30 Accordingly, officers conclude that the adverse impacts of the proposal are such that they significantly and demonstrably outweigh the limited benefit. As such, the proposal does not represent a sustainable form of development and is contrary to Paragraph 14 of the NPPF.

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 **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 It is recommended that planning permission is **REFUSED**.

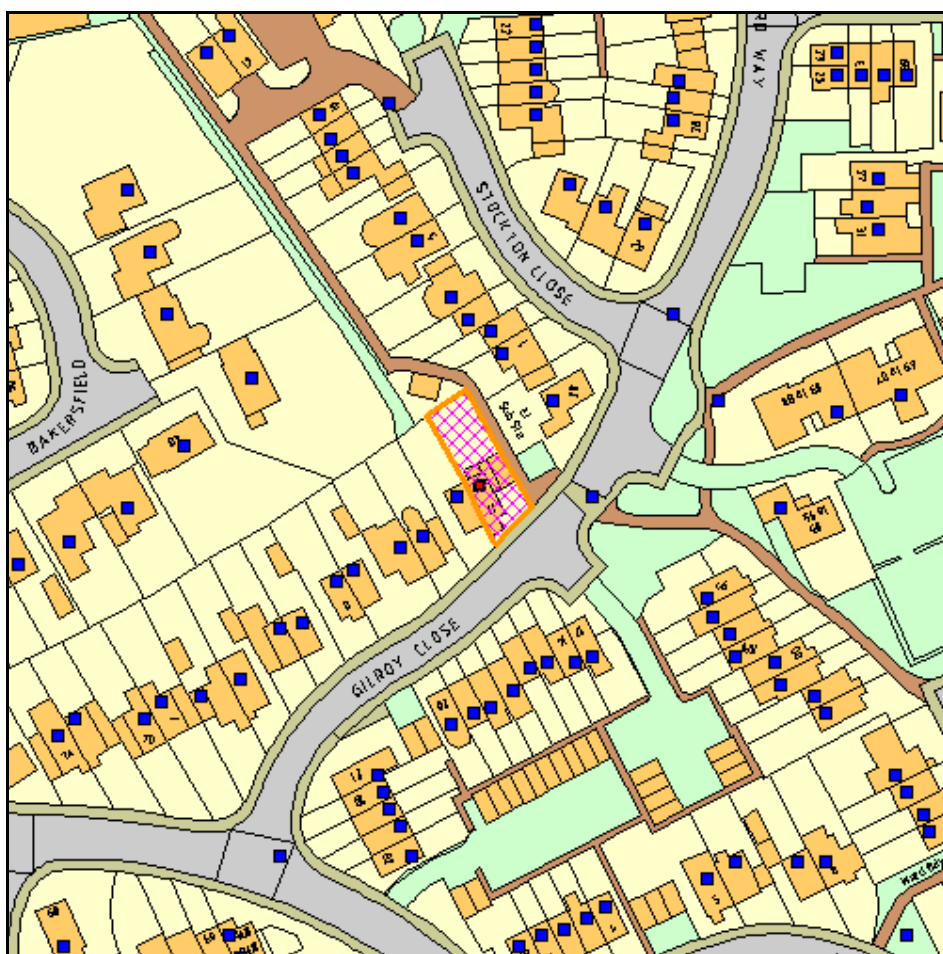
Contact Officer: **Fiona Martin**
Tel. No. **01454 865119**

REFUSAL REASON

1. The siting and design of the proposed development is such that it would be out of keeping with the strong linear character and existing pattern of residential development within the locality. The proposal would therefore have an adverse impact on the visual amenity and character of the surrounding locality. The proposal represents inappropriate development within a residential garden, a form of back land development contrary to paragraph 53 of the National Planning Policy Framework. This identified harm acts to significantly and demonstrably outweigh the limited benefit of the development in the form of the provision of a single dwelling towards the South Gloucestershire 5 year supply of housing land. The development is contrary Policy CS1, CS16 and CS17 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, saved Policy H4, L1 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of Paragraph 14 of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 23/16 – 10 JUNE 2016

App No.:	PK16/1668/F	Applicant:	Mr And Mrs J Pinker
Site:	11 Gilroy Close Longwell Green Bristol South Gloucestershire BS30 9YT	Date Reg:	19th April 2016
Proposal:	Demolition of existing garage. Erection of two storey side extension to form additional living accommodation and garage. Erection of new boundary wall.	Parish:	Oldland Parish Council
Map Ref:	366603 171337	Ward:	Longwell Green
Application Category:	Householder	Target Date:	13th June 2016



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PK16/1668/F

REASONS FOR REFERRING TO CIRCULATED SCHEDULE

The application has been referred to circulated schedule following comments being received contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under Circulated Schedule as a result.

1. THE PROPOSAL

- 1.1 The proposal seeks to demolish the existing garage in order to erect a two storey side extension and single storey rear extension to form additional living accommodation, integral garage and partially covered car port.
- 1.2 The subject property is a late-20th Century two storey semi-detached dwelling with a pitched and gabled roof; to the side of the property is a single storey detached garage. The property has brick elevations and a single storey porch and rear extension. The site is relatively level. Boundaries are a combination of 1.6 - 1.8 metre closed panel fences and 2 metre block walls that require retrospective permission.
- 1.3 The proposal will require the demolition of the exiting single storey garage to facilitate the erection of the two storey side and single storey extensions. A pre-application enquiry relating to the erection of an attached dwelling was lodged prior to the submission of this planning application. It was found a dwelling in this location would be unacceptable due to lack of parking provision and the design implications on the character of the area as a result of the introduction of a row of terraced houses.
- 1.4 The subject property is situated in the built up residential area of Longwell Green.

2. POLICY CONTEXT

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

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 K5450/3 – Approval – 08/03/1991 – Single storey rear extension.
- 3.2 K5450/2 – Refusal – 18/05/1990 – Single storey rear extension and conservatory.
- 3.3 K5450/1 – Approval – 05/10/1987 – Single storey front extension.
- 3.4 K5450 – Refusal – 29/06/1987 – Entrance porch to front elevation.
- 3.5 K1088/53 – Approval – 04/01/1982 – Erection of 42 dwellings and associated garages.
- 3.6 K1088/45 – Approval – 18/09/1979 – Erection of 276 dwellinghouses on approx. 9.3 hectares (23.25 acres). Construction of estate roads and footpaths.
- 3.7 K1088/6 – Approval – 19/08/1977 – Residential development on approx. 87 acres. Construction of estate roads and footpaths.
- 3.8 K1088 – Approval – 24/03/1976 – Residential development on approx. 104 acres. Construction of new vehicular and pedestrian access.

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No Objection

- 4.2 Other Consultees

Transportation DC

No Objection but recommend that a condition is attached restricting the use of the garage to parking of private motor vehicles and domestic storage and no other uses.

Public Rights Of Way

No objection but note that the public right of way runs along the site boundary and that standard requirements relating to the right of way be attached to the decision.

Other Representations

- 4.3 Local Residents

Two objection comments have been received. Both of which object to the proposal on the basis that it may result in loss of light and overlooking of properties to the east of the dwelling. One of the comments asked if permission is granted work does not start until 1st October 2016 on medical grounds.

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 gabled roofs and in a semi-detached format and has a typical suburban atmosphere.

5.3 The proposal consists of two storey side extension and single storey rear extension to form additional living accommodation. The proposed extension will project beyond the side elevation of the host dwelling and replace an existing detached single garage. A number of similar extensions have taken place along Gilroy Close and are not an uncommon characteristic of the area and consequently the proposals would be considered in keeping with the character of the area.

5.4 The application has put forward materials to match the existing dwelling meaning there is no objection with regard to materials.

5.5 The proposal will match the form of the existing dwelling and would result in a volume increase of around 100%. That said the proposal will appear as an addition and would not be perceived as an independent dwelling in its own right as a result of the partial car port and recessed garage. The design features of the extensions will be almost identical to that of the original dwelling, consequently it is considered to be in keeping with the design of the subject property and its context.

5.6 Residential Amenity

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

5.7 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. There are no dwellings directly to the rear of the subject site, consequently the amenity of neighbouring occupiers to the rear of the dwelling will not be impacted.

5.8 The two objecting parties are situated to the east and north of the subject site. These properties have their gardens to the rear oriented perpendicular to the subject property with the rear boundary onto the public right of way. This right of way separates the gardens. Both objections relate to the loss of light and

privacy as a result of the two storey extension. With regard to this the proposal seeks to introduce a further window to the rear elevation. The orientation of these properties means that direct inter-visibility is unlikely to occur. Consequently any impact on privacy is considered to have an acceptable impact on the amenity of the neighbouring occupiers. The commenters also bring up their concerns over the loss of light. The orientation of the dwellings in relation to the path of the sun mean that there is not expected to be a material change in the amount of direct sunlight to either of these dwellings. The proposal is situated a sufficient distance from the nearest dwelling to prevent an unacceptable overbearing impact. With regard to these issues the proposal is viewed to have an acceptable impact on the neighbouring dwellings amenity.

- 5.9 One of the comments made request that the development if permitted is not commenced until after 01st October 2016 for medical reasons. Information relating to the condition was provided but it has been requested that this is not made public. The proposal is situated in a residential area and it is realistic to expect that constructions works will occur in these locations from time to time on a temporary basis. As a result it is not considered reasonable to further restrict times of working or the location of construction works beyond that of the norm. The objector has not left contact information other than a postal address. Consequently it has not been possible, nor is it reasonable to provide advice to the affected party. Further to this the applicants, as they are not privy to the sensitive information on the condition, they are not expected to be able to react accordingly. Were this information provided it may be possible to agree a term of works that would prevent any undesirable impact. Subject to the consideration above, the implications on the resident are beyond the remit of the planning matter and should be resolved through civil negotiation. At this point it would be advisable for the objector to get in contact with the applicant in order to establish a suitable arrangement and to seek further medical advice.
- 5.10 There is an existing single storey rear extension. The proposed single storey extension will project the same distance as the existing. As a result the proposal is not considered to result in negative impact on the amenity of the adjoining occupier.
- 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/side of the property and a detached single garage. The proposal would result in the loss of the existing garage. According to the residential Parking Standards SPD a 3 bedroom property would be required to provide 2 private parking spaces. This requirement is satisfied by partially covered car port and integral single garage proposed. This fulfils the parking requirement and 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 Transport Officer has no objection to the proposal subject to a condition restricting the use of the garage to nothing other than the parking of a private motor vehicle or ancillary domestic storage. This has been considered appropriate and will be appended to the decision notice.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That the application be **APPROVED** subject to the conditions 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 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the Local Planning Authority.

Reason

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

3. The hours of working on site during the period of construction shall be restricted to 07:30 - 18:00 Monday to Friday; 08:00 - 13:00 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 23/16 – 10 JUNE 2016

App No.:	PK16/1758/F	Applicant:	Mr David Blake
Site:	12 Springville Close Longwell Green Bristol South Gloucestershire BS30 9UG	Date Reg:	27th April 2016
Proposal:	Demolition of existing conservatory and erection of single storey rear and first floor side extensions to form additional living accommodation.	Parish:	Oldland Parish Council
Map Ref:	366286 171055	Ward:	Longwell Green
Application Category:	Householder	Target Date:	21st June 2016



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PK16/1758/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule process, due to objections received which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of an existing conservatory and the erection of a single storey rear and first floor side extension to form additional living accommodation at 12 Springville Close, Longwell Green.
- 1.2 Permission is sought for the extension to form a third bedroom, new bathroom and additional landing space at first floor level and a new utility room, playroom and larger kitchen at ground floor level.
- 1.3 On 13th May 2016, amended plans were submitted to the Council to show an obscure glazed window on the principal elevation. 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
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 PK14/2112/F Approve with conditions 22/07/2014
Erection of swimming pool enclosure

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No objection.

Other Representations

4.2 Local Residents

One letter of objection has been received, stating the following:

- Direct line of site between proposed upstairs window on front elevation and landing window of no. 10
- Views into the landing, bathroom, and two bedrooms will be possible, causing a privacy issue
- Frosted window with top opener only to be installed
- Objection would be removed if covenant placed on site to prevent clear glass in the future

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 proposed side extension is to be two storeys in height, with a hipped roof of a reduced ridge height to the main dwelling, and it is considered to be subservient to its host. Openings proposed on the rear and front of the extension will mirror the scale and form of the rest of the property. The proposed single storey rear extension is modest and will also have a hipped roofline, and subject to a condition requiring all materials to match the existing property, there is no objection from a design perspective. The development is considered to accord with policy CS1 of the Core Strategy (Adopted) December 2013.

5.3 Residential Amenity

Given the proximity of the two storey extension from the neighbour, and the fact it is separated by the existing garage, the proposal is not considered to overbear onto no. 10. An objection has been received stating that the front window serving the new bedroom would overlook the existing landing window, which in turn leads to bedrooms and a bathroom. This is acknowledged, and whilst the landing is not a principal room, the unusual angle and close proximity of the properties could cause it to feel intrusive. Amendments have been received showing this window to be obscure glazed, and this will be conditioned on the decision notice. The proposed rear extension is separated by the existing footpath from the neighbour to the east, no. 14, and is considered acceptable.

5.4 Turning to the amenities of the application site, it is noted that much of the residential curtilage is taken up with a swimming pool. It is considered that adequate private amenity space will remain following the development, so the

development is in accordance with policy H4 of the Local Plan (Adopted) January 2006.

5.5 Transport and Parking

Currently, the dwelling contains four bedrooms, and following development will contain four bedrooms and an office. It is unlikely that the office will be used as a fifth bedroom due to its small size, and so additional parking is not required as part of this proposal. With the existing driveway and garage being unaltered, 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 It is recommended to **GRANT** planning permission subject to the conditions listed on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the extensions 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 principal elevation of the extension hereby approved labelled as W1-02 shall be glazed with obscure glass to level 3

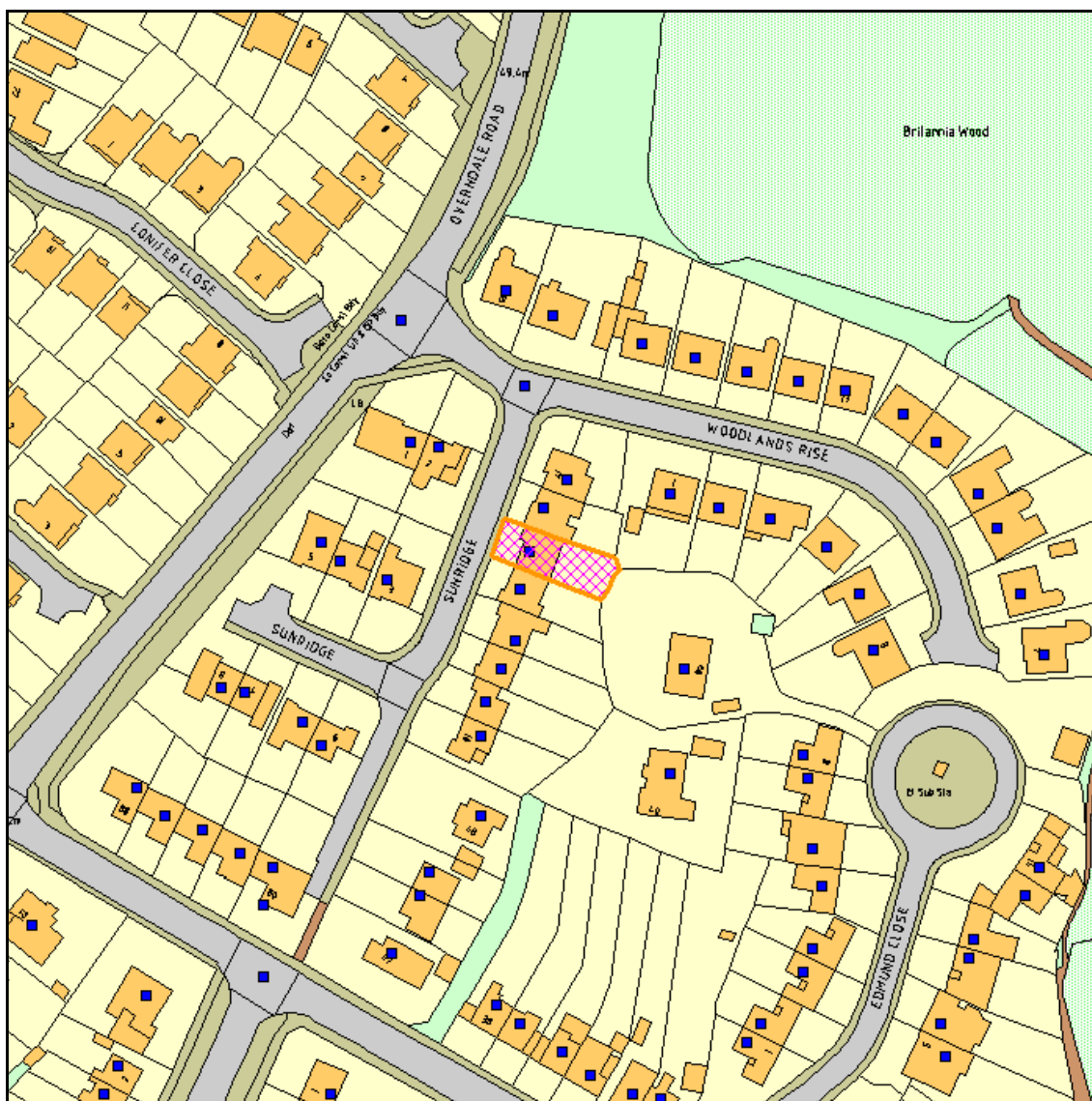
standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

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

CIRCULATED SCHEDULE NO. 23/16 – 10 JUNE 2016

App No.:	PK16/1958/F	Applicant:	Mr & Miss Connors & Hughes
Site:	15 Sunridge Downend Bristol South Gloucestershire BS16 2RY	Date Reg:	11th May 2016
Proposal:	Erection of single storey rear extension to form additional living accommodation. Replacement of existing flat garage roof with pitched roof.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364618 176771	Ward:	Downend
Application Category:	Householder	Target Date:	20th June 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following an objection from a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a single storey rear extension to form additional living accommodation and the replacement of existing flat garage roof with pitched roof.
- 1.2 The application site relates to a two-storey semi-detached property situated in the established residential area of Downend.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility

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

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

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

No objection

Other Representations

4.2 Local Residents

One letter of objection has been received from a local resident. The points raised are:

- Proposed could leave a gap leading to water penetration
- Will block afternoon light into garden
- Would extend beyond current rear building line and would change character of neighbourhood

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular importance is the resulting design of the development and its impact on the host property and character of the area in general. Any impact on residential amenity must be carefully considered as would the impact on highway safety and on street parking.

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

5.2 Design and Visual Amenity

The application site benefits from a single garage attached to its north elevation. Part of the proposal would be to replace the flat roof of this garage with a pitched roof and continue a mono-pitch roof above the front door. The roof would add about 1.3 metres to the overall height of the garage. Pitched roof garages are quite standard and therefore in terms of design the proposal is acceptable.

5.3 The second part of the proposal would be a single storey rear extension. It would measure about 2 metres deep, and stretch across the rear of the house for 5.5 metres. It would have a height to eaves of 2.4 metres and an overall height of 3.7 metres. Openings would be to the rear facing the garden with an additional 3no. roof lights to bring in additional natural light. In terms of its scale, massing and appearance the single storey rear extension is acceptable. Comments received from a neighbour have stated that the proposal would alter the character of the area. It is considered that a single storey rear extension of this modest size would in no way have a negative impact on the host property or the area and many examples of similar additions can be seen locally.

5.4 Both elements of development would be of good quality materials and given the above, the proposal is considered to accord with policy.

5.5 Residential amenity

Comments from a neighbour have stated that the proposed single storey extension would impact on the amount of afternoon light entering their garden. It is acknowledged that the application site is to the south of this neighbour but the depth of the proposed extension is quite minimal at about 2 metres and therefore the scale of development is quite small when considering that under permitted development rights which the property still benefits from, an extension of up to 6 metres could be erected without a full application. No openings are proposed in the side elevations and so there would be no issues of inter-visibility to consider.

The closest property to the rear is side-on to the application site separated by its own garage and with a first floor window in that elevation, serving it is assumed a landing. There would therefore be no adverse impact on this neighbour.

5.6 Other matters

The neighbour has expressed concern that the proposed changes to the garage roof could cause water penetration. This is not a matter that can be dealt with under the remit of a planning application. Issues would either be dealt with by building control experts or potentially between the two parties as a civil matter.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

Contact Officer: **Anne Joseph**
Tel. No. **01454 863788**

CONDITIONS

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

Reason

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

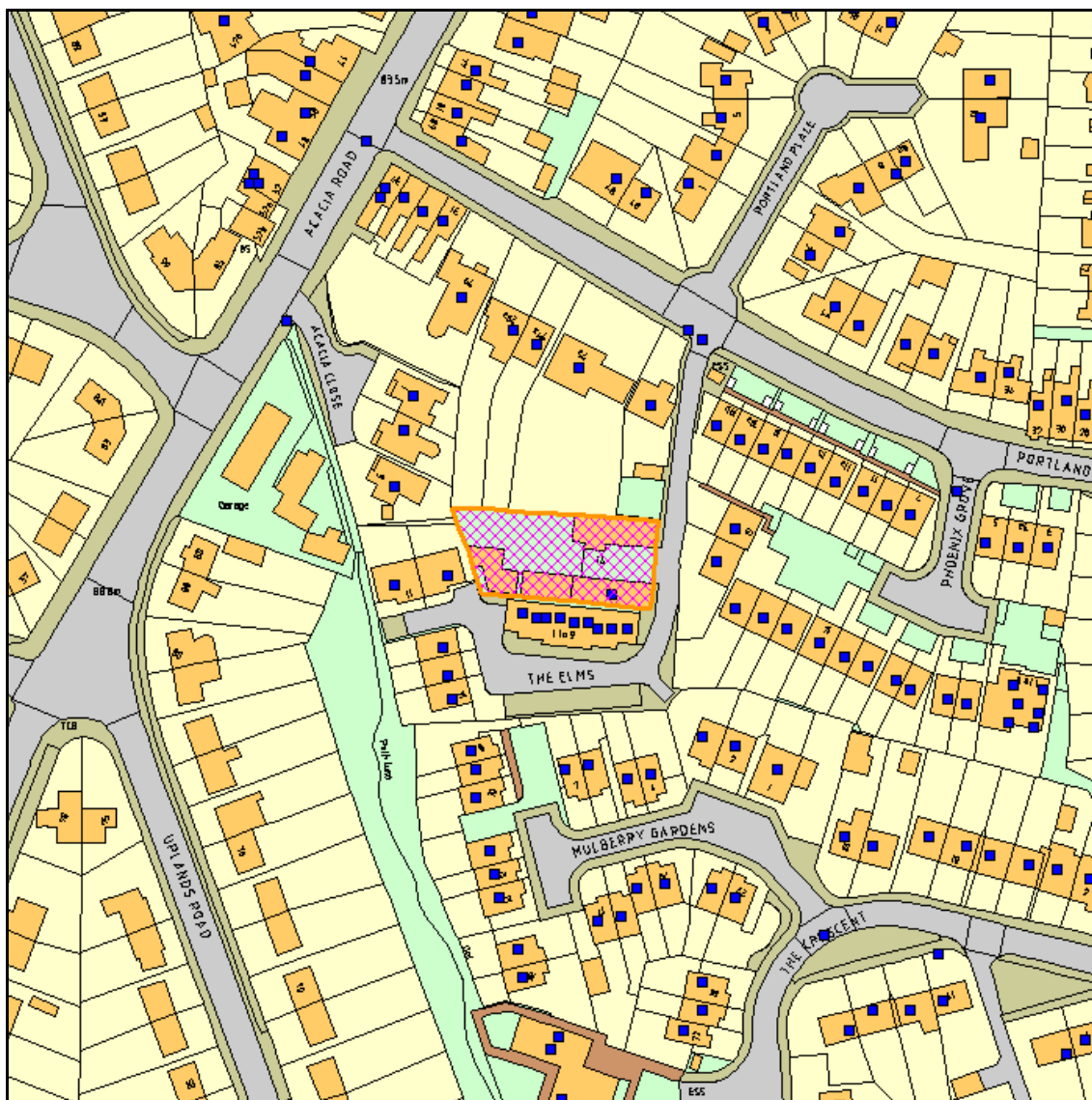
2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 23/16 – 10 JUNE 2016

App No.:	PK16/1960/F	Applicant:	Mr Yeeles, Brice & Abdullah
Site:	21 Portland Street Staple Hill Bristol South Gloucestershire BS16 4PT	Date Reg:	3rd May 2016
Proposal:	Erection of three storey building to form 7no. residential apartments and associated works.	Parish:	None
Map Ref:	364687 175431	Ward:	Staple Hill
Application Category:	Minor	Target Date:	24th June 2016



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PK16/1960/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following comments received from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of 7no. flats and associated works. The application site, No .21 Portland Street, relates to a small parcel of commercial land surrounded by residential development situated within the settlement boundary of Staple Hill.
- 1.2 This application follows on from recent detailed pre-application planning advice.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (NPPF) March 2012
National Planning Policy Guidance
Technical housing standards – nationally described space standard (THS) March 2015
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
T7 Cycle Parking
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
Cs13 Non-Safeguarded Employment Area
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
- 2.3 Supplementary Planning Guidance
Residential Parking Standard SPD (Adopted) December 2013
South Gloucestershire Design Checklist SPD (Adopted) August 2007
South Gloucestershire Waste Collection: guidance for new development SPD (Adopted) January 2015
- 2.4 Emerging PSP DPD Site and Places
PSP44 Private Amenity Space Standards

3. RELEVANT PLANNING HISTORY

- 3.1 PRE16/0113 Erection of 9no. flats

Response given 24.2.16

Summarised as: notwithstanding where the principle of development of this site is accepted, the conclusion of this advice must be that the overall design has sought to introduce a higher number of units on this small site than can be comfortably accommodated in the space. The result is a cramped form of development that would be unacceptable in visual terms and would have further implications for residential amenity of both existing neighbours and future occupants. An alternative scheme with a reduced number of units on the site is likely to overcome a number of the concerns relating to amount of development and adverse impact on residential amenity and parking.

- | | | |
|-----|----------------------|---|
| 3.2 | P96/4611
Approved | Change of use from builders yard to taxi control office
2.12.96 |
| 3.3 | K1076/5
Approved | Two storey extension for office and garage use
23.4.90 |
| 3.4 | K1076/4
Approved | Erection of first floor office building
19.7.82 |
| 3.5 | K1076/3
Approved | Construction of garage
10.7.79 |
| 3.6 | K1076/2
Approved | Change of use of building from builders storage to light industrial
3.4.79 |
| 3.7 | K1076/1
Approved | Erection of builders workshop to provide covered storage area and builders workshop with ancillary canteen accommodation
21.9.76 |
| 3.8 | K1076
Refused | Erection of a store with ancillary office and toilet facilities
15.1.76 |

Next door sites:

Land at Portland Street –

- | | | |
|-----|-------------|---|
| 3.9 | PK09/0927/F | Demolition of existing factory and erection of 24no. houses and 6no. apartments with associated parking, amenity space, cycle and bin store. (Resubmission of PK07/1622/F). |
| | Approved | 17.8.09 |

2 Portland Street (The Elms) -

- | | | |
|------|-------------|---|
| 3.10 | PK05/0757/F | Demolition of existing workshop, flat and garages to facilitate the erection of 9no. flats and 5no. dwellings with access, car parking, landscaping and associated works. |
| | Approved | 30.5.06 |

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
The area is un-parished

4.2 Other Consultees

Sustainable Transport

No objection subject to either a widening of the existing access or the submission of manoeuvring

Highway Drainage

No objection subject to condition relating to SuDS

Environmental Protection

No objection subject to construction works conditions

Highway Structure

No objection but makes the following observation: If the application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner

Other Representations

4.3 Local Residents

Two letters of objection has been received from local residents. The issues raised are summarised as:

- planning to build a house in our property, which will be very close to the one you are proposing
- overbearing effect on the skyline and an intrusion and erosion of privacy to the rear of our property
- increased level of traffic and noise will downgrade properties in the immediate area
- the site is higher by nearly a storey than the rear gardens of our properties in Portland Street we will be greatly overlooked and a considerable amount of sunlight will be blocked out
- a four storey dwelling is a storey too high so close to our boundaries
- the proliferation of social housing has lead to increased noise, litter and anti social behaviour
- existing business/industrial use does not cause anyone problems

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

A recent decision has determined that South Gloucestershire Council does not have a five year land supply and the Council's Annual Monitoring Review (November 2015) set out that South Gloucestershire has a 4.28 yr housing supply. As such paragraph 49 of the NPPF is engaged and Policy CS5 is considered out of date. Paragraph 49 declares that housing applications

should be considered in the context of the presumption in favour of sustainable development.

Paragraph 14 of the NPPF goes on to state that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

- 5.2 A recent Court of Appeal case *Suffolk Coastal District Council v Hopkins Homes Ltd; Richborough Estates Partnership LLP v Cheshire East Borough Council and another* [2016] EWCA Civ 168) has determined that where a local authority cannot demonstrate an up-to-date 5 year housing land supply a wider remit of policies will be considered 'out of date' for the purpose of determining applications. This does not, however, mean that the local policies should be disregarded but that a wider interpretation of paragraph 49 is appropriate with the decision maker attributing weight to each policy accordingly.
- 5.3 The benefits of this scheme are the introduction of 7 no. new flats which would add to the housing shortfall likely to be delivered within the next 5 years. This is given significant weight in its favour. In addition the scheme would see the re-development of a brownfield site which again is viewed in its favour and weight awarded accordingly. By contrast it must be recognised that the scheme would result in the loss of an area currently used for employment purposes. The site is used by three businesses: a pattern makers workshop which is in the process of closing (Class use B1), a chimney sweep's business premises which has closed (Class use B1) and a taxi firm which is in operation (Class use sui generis). Policy CS13 encourages a sequential alternative approach to re-development of such sites. If attempts have failed to secure a suitable economic re-use, then a mixed use scheme followed by a residential only scheme is the preferred choice. As no details have been given it is assumed that no attempts have been made to find alternative business uses. Some weight is therefore awarded against the scheme for this reason. However, it must be recognised that the site is already surrounded by residential development and its use as an employment area would be limited.
- 5.4 The advice in the NPPF does not include a sequential approach as set out in policy CS13. Whilst it is certainly supportive of economic development it cautions against long term protection of sites for employment use. This is not a designated employment use site. Moreover, the permitted development rights introduced since the NPPF was published reflect that the Government support the change of use of some commercial buildings to residential uses. Given the lack of 5 year land supply it is considered that the sequential approach proposed by policy CS13 is effectively "out of date" and would be viewed as a barrier to providing additional housing. Moreover the loss of the employment uses of this small scale are not considered to amount to a significant and demonstrable harm under the national policy test.
- 5.5 Policy CS1 of the Core Strategy demands the 'highest possible standards of design and site planning', a number criteria which compose high quality design are form, scale, massing, density and overall layout. Policy H4 of the adopted

Local Plan and policy CS16 of the adopted Core Strategy are also concerned with achieving high quality design.

Policy CS16 explicitly calls for new development to be informed by the character of the area and to contribute to 'the high quality design objectives set out in policy CS1'.

- 5.6 The impact the proposal will have on traffic congestion and parking will be assessed through saved policy T12 of the adopted Local Plan and policy CS8 of the Core Strategy. The adopted Residential Parking SPD is also material in assessing levels of parking.
- 5.7 Policy CS18 deals with the provision of affordable housing. As 9no. units are proposed on site and the site is less than 0.33 ha then this falls below the threshold of requiring an element of affordable housing.
- 5.8 It is noted this application follows recent detailed pre-application planning advice for a very similar scheme. The main difference is that following Officer concerns the scheme has been reduced from 9no. flats to 7no. flats. This is a material consideration.
- 5.9 The proposal is considered to accord with the principles of development and this is discussed in more detail below.
- 5.10 Character of the area
The site is located within an established urban area and currently comprises commercial buildings, some of which it is stated have fallen into disuse. As mentioned above the site in its current use would have some merit, but given recent changes to the area, it is now a small pocket surrounded by residential dwellings. More weight is therefore awarded to its potential for providing 7no. new homes rather than its potential to continue as an employment site with limited business opportunities. The site is in a low risk flood area and close to other residential properties which includes the block of flats to the south and two-storey dwellings to the north, west and east. The proposed demolition of the buildings and their replacement with new housing is acceptable in principle but their successful integration into the surrounding residential area needs to be closely scrutinised, particularly in relation to the impact on neighbouring dwellings.
- 5.11 In terms of style the area is mixed, with those properties to the north mostly being of a typical post war two-storey design, properties to the west and south a more modern design and those to the east on the other side of the access lane, being of fairly recent construction. The only block of flats is that immediately to the south of the site. This is a very tall block which, other than four windows at third floor (some of which are obscurely glazed) presents essentially a large expanse of blank wall.
- 5.12 Design
Good quality design is an overriding factor of both national and local planning policy. A successful design is one which shows it has been sympathetic to the plot size and the context of an area. Scale, bulk and massing is clearly an

important consideration. It is acknowledged that the site is not without its challenges and it is considered that a block of flats could be an acceptable form of development.

Initial pre-application planning advice given on the basis of a desk-top study was critical of the proposed amount of development and the applicant has taken note of Officer comments and has reduced the overall footprint, has reduced the proposed number of flats from 9no. to 7no, and increased the amount of amenity space. These changes have thereby removed the concern that it would be a cramped form of development and furthermore, a corresponding amendment to the internal configuration and fenestration pattern has addressed concerns that the design had a negative impact on the amenity of future occupants.

- 5.13 The building would be a three storey block of flats with an additional roof element. Even with this rooftop element the building would be lower than the existing block serving The Elms. Two flats would be positioned on each of the first three floors and one in the roof making a total of 7no. The structure would be located at the western most end of the site and the footprint of the building would be rectangular and as such follow on from the side building line created by the three-storey block of flats in The Elms, to its southern side. This in turn means that the building has been stepped further away from the two storey dwellings to the west The Elms and those to the northwest on Acacia Close.
- 5.14 In terms of its appearance the proposed block would have a slate grey roof, brown and orange coloured brick and in these terms would blend in with the existing developments at The Elms and Phoenix Grove to the east. The scheme would benefit from planted gardens to the front separating the main frontage from the parking area and a good size asymmetrical plot of about 211 sq metres to the rear would serve as communal gardens. Overall the building would be set lower than the block on The Elms and also those properties directly opposite the site's entrance at Phoenix Grove. Visually the proposal is considered to improve the overall appearance of the area when compared with the existing dilapidated light industrial buildings and this is given some weight in its favour. The proposal is therefore considered acceptable in terms of its design, scale, massing and materials.
- 5.15 Residential Amenity:
This assessment of impact on residential amenity is concerned with both the future occupants of the flats and existing neighbours. As recognised above, the proposed residential use would have some benefit in terms of reduced noise, dust, dirt, pollution etc over the existing use and this again is given weight in favour of the scheme.
- 5.16 The property likely to be most affected by the development is that to the northwest at No. 3 Acacia Close and this was noted in the pre-application planning advice. However, changes in design and scale have now limited the opportunities for adverse impact. By reducing the overall size of the footprint the block has moved away from these neighbours achieving a distance of about 22 metres between respective habitable windows. In built up areas where development is encouraged this level of separation is not unacceptable.

Furthermore, the rear elevation of the block would not be directly facing the rear of No. 3 Acacia Close but would be slightly angled away thus again reducing the opportunity for direct inter-visibility even more.

To further safeguard the privacy of these neighbours a robust scheme of planting will be required and this will be conditioned within the decision notice.

- 5.17 Other neighbours have objected on the basis that the proposal would affect the amount of sunlight entering their property, be overbearing and impact on their privacy. Firstly, it is noted that these neighbours are situated to the northwest of the site at approximately 35 metres distant. This neighbour is part of a row of dwellings that all benefit from long rear gardens. It is noted that the proposed rear garden area serving the flats would be adjacent to this particular neighbour, thus even further separating the two. It is however, recognised that the windows in the proposed stairwells would introduce the opportunity for perceived overlooking which is not currently present and as such it is reasonable to condition that these side windows be of obscure glazing. Secondly, concern has been expressed that the block is too high a structure for this location and would affect sunlight and privacy levels of this same neighbour. As mentioned above the block would be lower than The Elms and given the orientation of the properties would effectively be in the shadow of this block rather than being the cause of any new loss of sunlight. Nevertheless, given the substantial distance between these blocks and the neighbours and their long gardens, it is considered that there would be no unacceptable impact on light, overbearing or privacy for these neighbours.
- 5.18 As the overall footprint of the block has been reduced following advice given in a pre-application enquiry, the increase in provision of communal garden space for the 7no. flats is noted. This is to be welcomed and is now considered to accord with emerging policy PSP 44 which proposes set amenity space standards. For a 1 bed flat this space is 5sq m and for 2+ bed flats, 5sq m plus private shared communal space. Plans also show planting and as mentioned above, to ensure privacy for neighbour and for future occupants, this planting will be secured by condition. Any private shared communal space would be subject to appropriate management controls to ensure property maintenance. A condition will be attached to the decision notice to control construction hours in the interests of residential amenity of neighbouring occupiers.
- 5.19 Sustainable Transport
The proposal involves demolishing the existing commercial buildings on site and replacing them with residential properties. In view of extant use (i.e. as a brown-field site) then, there are no highway objections to principle of the redevelopment of the site.
- 5.20 The access lane that leads into the site is relatively long, has restricted width and limited footway. The lane is private road and there is no intention to adopt this - as such, it will remain a private road.
- 5.21 Although the access to the site is off a private drive, it is considered to be of sufficient design to accommodate the traffic associated with the proposed residential development and weight is given to the fact that this is redevelopment of a 'Brownfield' site where the existing use can generate much

traffic. It is noted that the existing lane has an adequate running surface and a footway to one side of it. Therefore, the access is considered adequate for use by pedestrians and cyclists.

- 5.22 Notwithstanding this, it is recommended that the width of the site entrance at its junction with the existing drive is widened to a minimum width of 5.5m in order to allow easier access and egress. This can be secured by condition. In terms of parking, the proposal includes 10no. parking spaces for 7no. flats. This level of parking meets the Council's parking standards SPD and as such, there is no objection to this in terms of parking.

5.23 Cycles

Saved policy T7 that sets a minimum cycle parking standard that proposals of this kind must adhere to. Saved policy T7 states that there should be at least one secure and undercover cycle parking space per unit. Details of this can be secured by condition

5.24 Planning Obligations and Affordable Housing

The scheme falls below the threshold whereby affordable housing is sought under adopted policy CS18. The government policy amendments to the National Planning Policy Guidance (NPPG) of the 28th November 2014 propose a threshold at which contributions for affordable housing and other tariffs can be sought. This is also a material consideration, and it accords with the current adopted policy position in this case.

5.25 Other matters

Comments have been received regarding potential noise, the type of tenure and resulting anti-social behaviour. With regard to noise, it must be noted that there is an existing unfettered B1 use on the site which is considered more likely to have an impact than the proposed residential use. With regard to the tenure and the potential for anti-social behaviour, there is no reason to suppose that this proposal would result in occupants who may exhibit anti-social behaviour than any other residential development. No weight has been given to this issue in the consideration of this proposal. In the event of this occurring in the future, such anti-social behaviour should be reported to the Police Authority.

- 5.26 One neighbour has objected on the grounds that the proposal would interfere with their plans to build within their plot. No application has been received for this site and speculative or potential development plans are no reason to delay or withhold planning permission. No weight has been given to this issue.

5.27 Overall conclusion

The above has examined the proposed block of 7no. new flats and weighed up the harm versus the benefits of the scheme. In favour of the scheme is the contribution 7no. new flats would have to the current shortfall in housing supply; provision for sufficient parking that meets adopted standards has been identified; and in design terms the proposed block would be lower than the existing block on The Elms and would visually tie-in with the area in terms of materials and colour palette. Residential amenity has been discussed and although there would be changes for some of the closest neighbours, it is

considered that in this type of location there would be an acceptable distance between properties. In addition the benefit of residential accommodation has been given weight over the potential dust, noise and other disturbance associated with light industrial uses.

Overall a greater amount of weight in favour of the new residential scheme has been awarded over its retention as a light industrial site. On this basis it is recommended for approval.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS9 of the South Gloucestershire Local Plan :Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

3. Prior to the first use of the building the width of the site entrance at its junction with the existing drive on Portland Street shall be widened to a minimum width of 5.5 metres in order to allow easier access and egress. Details shall be submitted to the Local Planning Authority for approval and development shall be in accordance with these approved details.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. The off-street parking facilities shown on the plan Proposed block plan - 1256/05 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 development a scheme of landscaping, which shall include details of proposed planting (and times of planting), species and size; boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in future and to protect the privacy of existing neighbours and to enhance 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.

6. Prior to the use or occupation of the building hereby permitted, and at all times thereafter, the proposed windows on the east and west elevations serving the stairwells 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 level of its respective area.

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; and the National Planning Policy Framework.

7. Prior to the first occupation of the flats, a plan showing at least one secure and undercover cycle parking space per unit shall be submitted to the LPA to be approved in writing. The cycle storage shall be retained for use of the flats thereafter, all to accord with Policy T7 of the South Gloucestershire Local Plan (Adopted) 2006.

Reason

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

8. 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

This is a pre-commencement condition to avoid any unnecessary remedial action in future and to comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

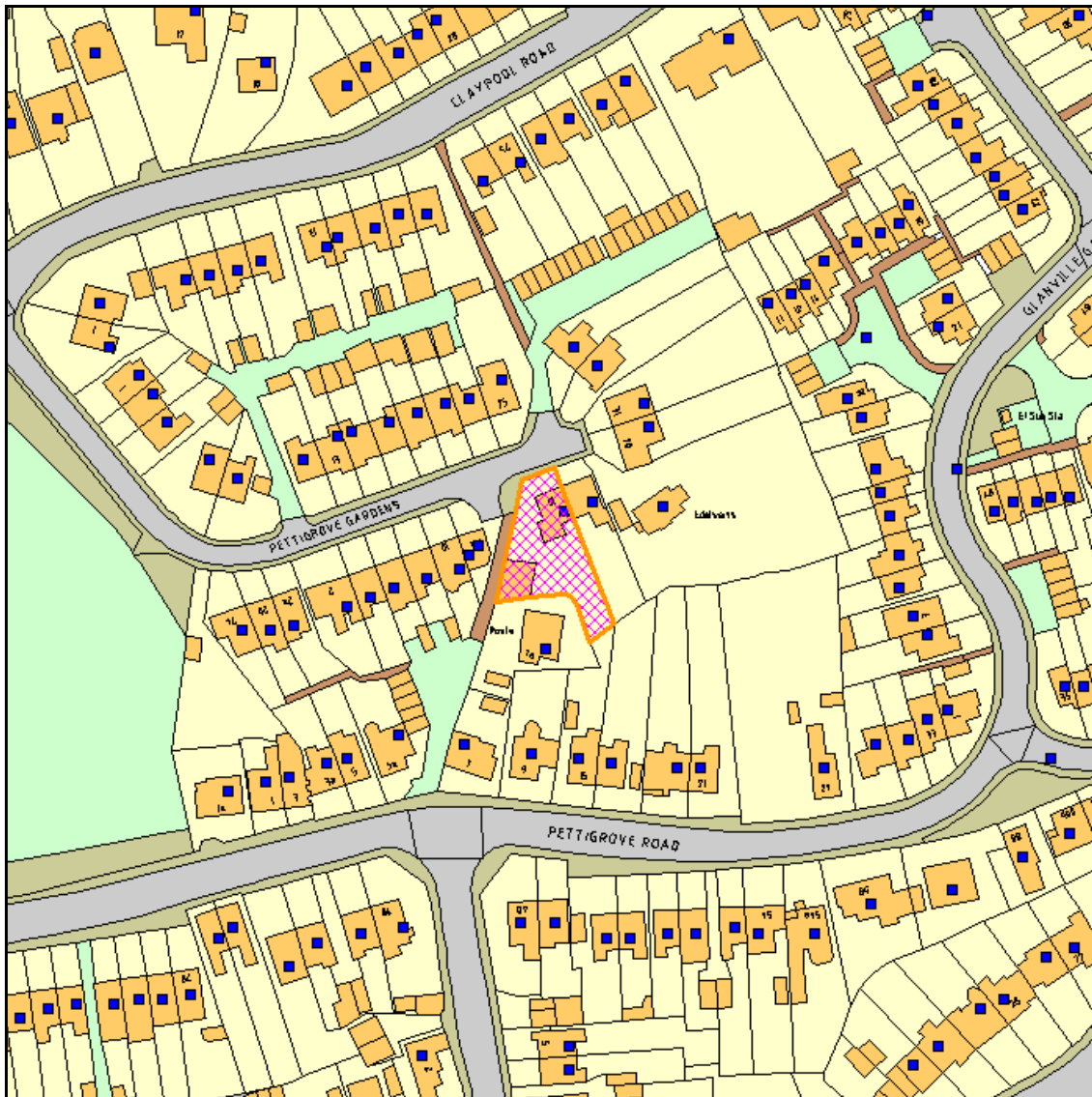
9. Prior to the first occupation of the proposed flats hereby permitted a management plan for communal areas within the scheme shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall cover the first 5 years of the development and shall be carried out in accordance with the approved details.

Reason

In the interest of residential amenity of the future and neighbouring occupiers and to accord with the Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

CIRCULATED SCHEDULE 23/16 – 10 JUNE 2016

App No.:	PK16/2174/F	Applicant:	Mr Old
Site:	16 Pettigrove Gardens Kingswood Bristol South Gloucestershire BS15 9QL	Date Reg:	4th May 2016
Proposal:	Erection of single storey rear and side extension to form additional living accommodation	Parish:	None
Map Ref:	365131 173028	Ward:	Woodstock
Application Category:	Householder	Target Date:	24th June 2016



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PK16/2174/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a single storey side and rear extension at 16 Pettigrove Gardens in Kingswood.
- 1.2 The host dwelling is a two-storey semi-detached dwelling within the Kingswood settlement boundary. The existing property utilises the materials of pebble dash render and white pvc doors and windows.
- 1.3 The boundary treatments at the site consist 2 metre walls and 1.8 metre fences.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

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

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility

2.3 Supplementary Planning Guidance

Design Checklist Supplementary Planning Document (adopted) August 2007
Residential Parking Standards Supplementary Planning Document (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/1872/F Approve with Conditions 20/07/2004
Erection of 2 no. single storey side extensions to provide additional living accommodation. Erection of rear conservatory.
- 3.2 PK03/3440/F Refusal 03/12/2003
Erection of 2 no. single storey side extensions to provide additional living accommodation. Erection of rear conservatory and detached garage.
- 3.3 K6173 Approval Full Planning 08/05/1989
Two storey rear extension (Previous ID: K6173)

4. CONSULTATION RESPONSES

- 4.1 Town/ Parish Council
Area is unparished.

Other Representations

- 4.2 Local Residents

An objection comment has been received from a neighbouring resident. The following objections have been raised by a neighbour with regards to the erection of a single storey rear and side extension at 16 Pettigrove Gardens:

- The proposed extension will run along the boundary wall and is likely to have a detrimental effect on the light/sunlight to the neighbouring property. This will result in a habitable room being left dark and the feeling of being hemmed in.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

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

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

- 5.2 Design and Visual Amenity

The application site is a two-storey semi-detached property within the settlement boundary of Kingswood. The site benefits from a modest sized garden. The proposal seeks permission for the erection of a single storey side/rear extension to provide additional living accommodation. The materials utilised will include rendered elevations, brown PVC windows and doors and roof tiles to match the existing.

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

- 5.3 Residential Amenity

Saved policy H4 of the adopted Local Plan aims to ensure that residential development within established residential curtilage does not prejudice the residential amenity of any neighbouring occupier.

The proposed development is for a single storey side and rear extension. The boundary treatments at the site consist of 1.8 metre fences separating the host dwelling from no. 18, and a 2 metre wall separating the dwelling from a

footpath. Concern has been raised by a neighbouring dwelling about the proposal and particularly the proposed rear extension which will run along the boundary wall, as it will result in a loss of light and creating the feeling of being 'hemmed in'. The host dwelling and objectors gardens are south facing and the proposed works are single storey, officers do not consider the proposal to create a material loss of light to neighbouring properties. Furthermore, Officers note that the proposed part of the extension next to the boundary wall would be Permitted Development. The proposed windows in the single storey side and rear extensions are unlikely to be overlooking towards the surrounding dwellings.

There is also adequate amenity space remaining for the present and future occupiers of No. 16 Pettigrove Gardens.

Therefore the proposal is considered to accord with saved policy H4 of the adopted Local Plan 2006.

5.4 Transport

No new bedrooms are proposed within the development, furthermore the proposed extension does not affect the existing parking provision. Thus there are no transport concerns.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application is **APPROVED** with the following conditions.

Contact Officer: Fiona Martin
Tel. No. 01454 865119

CONDITIONS

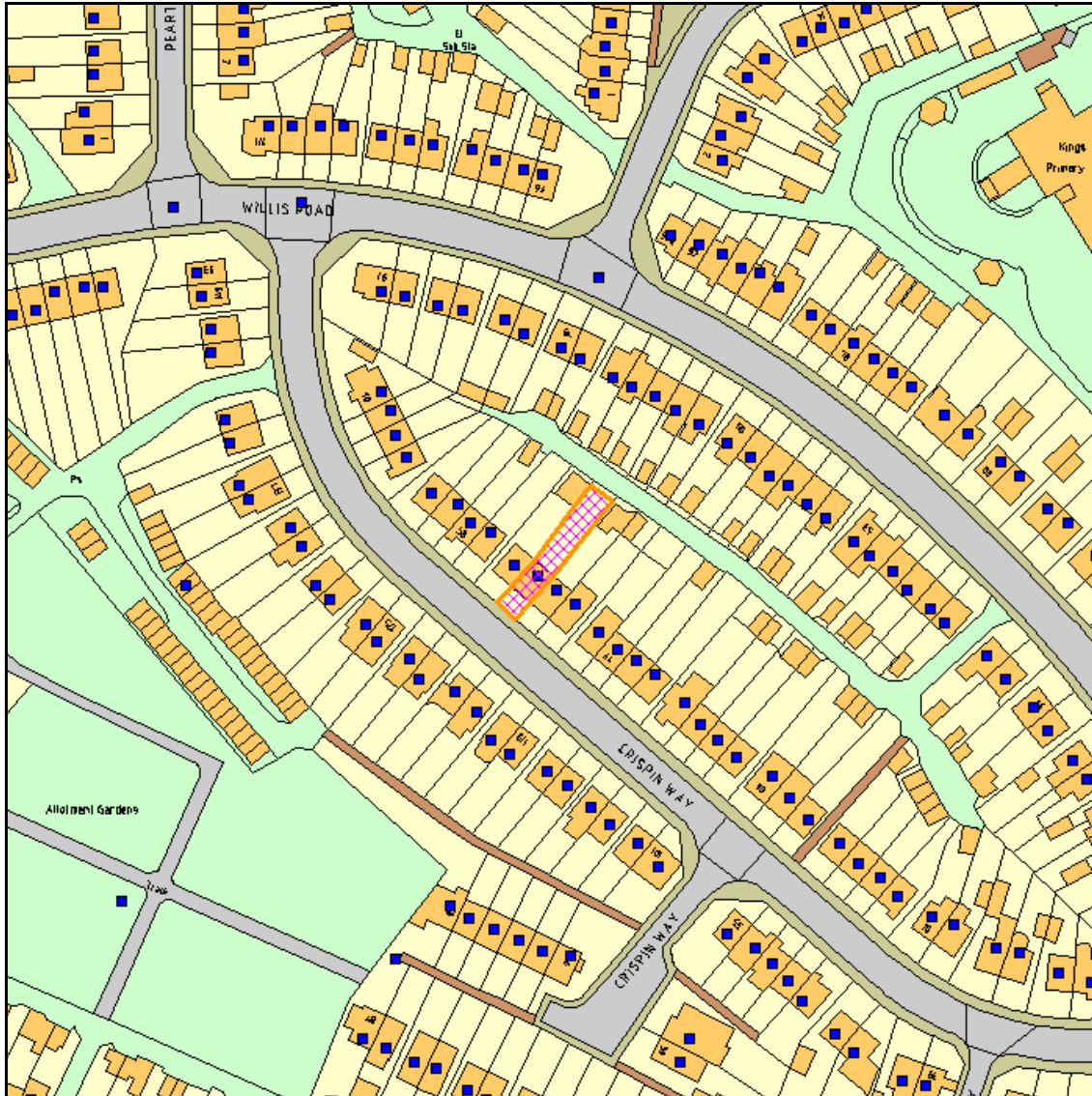
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 23/16 – 10 JUNE 2016

App No.:	PK16/2288/CLP	Applicant:	Mr Jon Maddy
Site:	52 Crispin Way Kingswood Bristol South Gloucestershire BS15 4SN	Date Reg:	5th May 2016
Proposal:	Certificate of Lawfulness proposed for installation of rear dormer to form loft conversion.	Parish:	None
Map Ref:	365842 174833	Ward:	Rodway
Application Category:	Certificate of Lawfulness	Target Date:	30th June 2016



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PK16/2288/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer at No. 52 Crispin Way, Kingswood 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 B

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

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Consultees
None

Other Representations

- 4.2 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Ground Floor Plan - Existing (52/CW/K/01/BR)
Ground Floor Plan – Proposed (52/CW/K/02/BR)
First Floor Plan – Existing (52/CW/K/03/BR)
First Floor Plan – Proposed (52/CW/K/04/BR)
Roof Plan – Proposed (52/CW/K/07/BR)
Second Floor Plan – Proposed (52/CW/K/06/BR)

Elevation Rear – Existing and Proposed (52/CW/K/11/BR)
Site Location Plan

Plans received by the Council on 29/04/2016

5.2 Side Elevations – Proposed (52/CW/K/15/BR)

Plans received by the Council on 24/05/2016

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 dormer window to the rear of a terraced house. This development would fall within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows dormer additions subject to the following:

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

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

The dwellinghouse was not granted 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 proposed dormer would not exceed the highest part of the roof, and therefore meets this criterion.

- (c) **Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms a principal 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, as a result of the works, exceed the cubic content of the original roof space by more than –**
(i) **40 cubic metres in the case of a terrace house, or**
(ii) **50 cubic metres in any other case'**

The property is a terraced house and would result in an additional volume of less than 40 cubic meters (Approximately 20.1 cubic meters).

- (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, flue or soil and vent pipe; or**

The proposal includes none of the above.

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

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

B.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class B 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 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;**

As per the Existing and Proposed Plans and Elevations which were submitted 29/04/2016 and 24/05/2016, the materials used in the exterior work will be of similar appearance to existing materials.

- (b) the enlargement must be constructed so that –**
 - (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or site extension –**
 - (aa) the eaves of the original roof are maintained or reinstated' and**
 - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge or the eaves; and**
 - (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**
- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be –**
 - (i) obscure-glazed, and**
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

The 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.

The dormer window is to the rear of the dwelling and therefore this is not applicable.

7. RECOMMENDATION

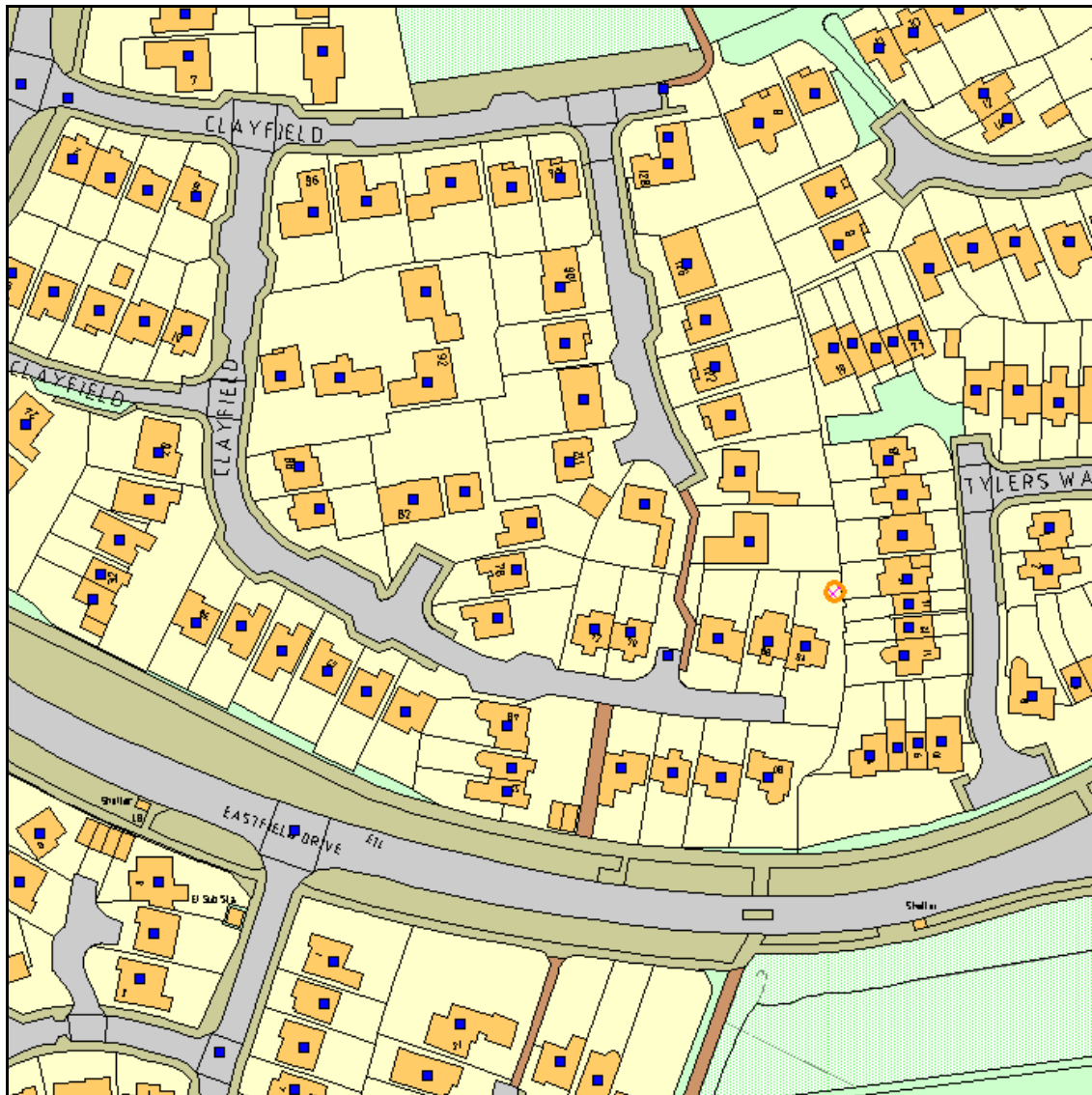
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

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

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CIRCULATED SCHEDULE NO. 23/16 – 10 JUNE 2016

App No.:	PK16/2299/TRE	Applicant:	Mr C Pritchard
Site:	64 Clayfield Yate Bristol South Gloucestershire BS37 7HU	Date Reg:	4th May 2016
Proposal:	Works to 1 no. oak tree to reduce height to 8 metres with a radial spread of up to 8 metres covered by Tree Preservation Order TPO 383 dated 16th September 1987	Parish:	Yate Town Council
Map Ref:	371481 183990	Ward:	Yate North
Application	Works to trees	Target	24th June 2016
Category:		Date:	



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PK16/2299/TRE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The report has been submitted to the circulated schedule as comments have been submitted to the Council that are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 Works to 1no. oak tree to reduce height to 8 metres with a radial spread of up to 8 metres covered by Tree Preservation Order TPO 383 dated 16th September 1987
- 1.2 The tree is in the rear garden of no.64 Clayfield, Yate, Bristol, South Gloucestershire, BS37 7HU.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK00/1667/TRE, Site Address: 64 Clayfield, Yate, South Gloucestershire, BS37 7HU, Decision: COND, Date of Decision: 07-SEP-00, Proposal: Crown thin by 10%, prune limbs near house and removal of deadwood to 1no. Oak (T9), CIL Liable:

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council made the comment that they neither support or object to the application and that they will rely on the Tree Officer report.

Other Representations

- 4.2 Local Residents

A neighbour has submitted comments objecting to the application. The neighbour states that the proposed works are excessive and that the specification is potentially damaging to the tree and that it is the wrong time of year to prune trees.

5. ANALYSIS OF PROPOSAL

- 5.1 Works to 1no. oak tree to reduce height to 8 metres with a radial spread of up to 8 metres covered by Tree Preservation Order TPO 383 dated 16th September 1987.
- 5.2 Principle of Development

The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree

to the locality and whether the works would prejudice the long-term retention of the specimen.

5.3 Consideration of Proposal

The tree officer has met with both the applicant and the objecting neighbour. The estimation of the final height and crown radial spread by the applicant appear to be slightly inaccurate. It is the intention to reduce the crown of the tree to points up to, but not exceeding, the previous pruning points. This would leave a final height of approximately 10 metres. It would be poor practice to prune beyond the previous points as this creates large wounds which are potential ingress points for pathogens.

5.4 Trees use a lot of energy in producing and shedding their leaves. Outside of these periods – Spring and Autumn – tree pruning is acceptable. There is a further constraint, however, in that birds nest between March and October. It is illegal to disturb actively nesting birds and there is an informative note on the Council's decision notices that reiterates this. It is the responsibility of the tree surgeon to exercise due diligence in establishing the presence (or not) of active nests.

5.5 A condition of consent will be for a pre-commencement meeting between the applicant's contractor and the Council's Tree Officer to agree the extent of the works.

6. RECOMMENDATION

6.1 That consent is GRANTED subject to the conditions on the decision notice.

Contact Officer: Simon Penfold
Tel. No. 01454 868997

CONDITIONS

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

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

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 The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

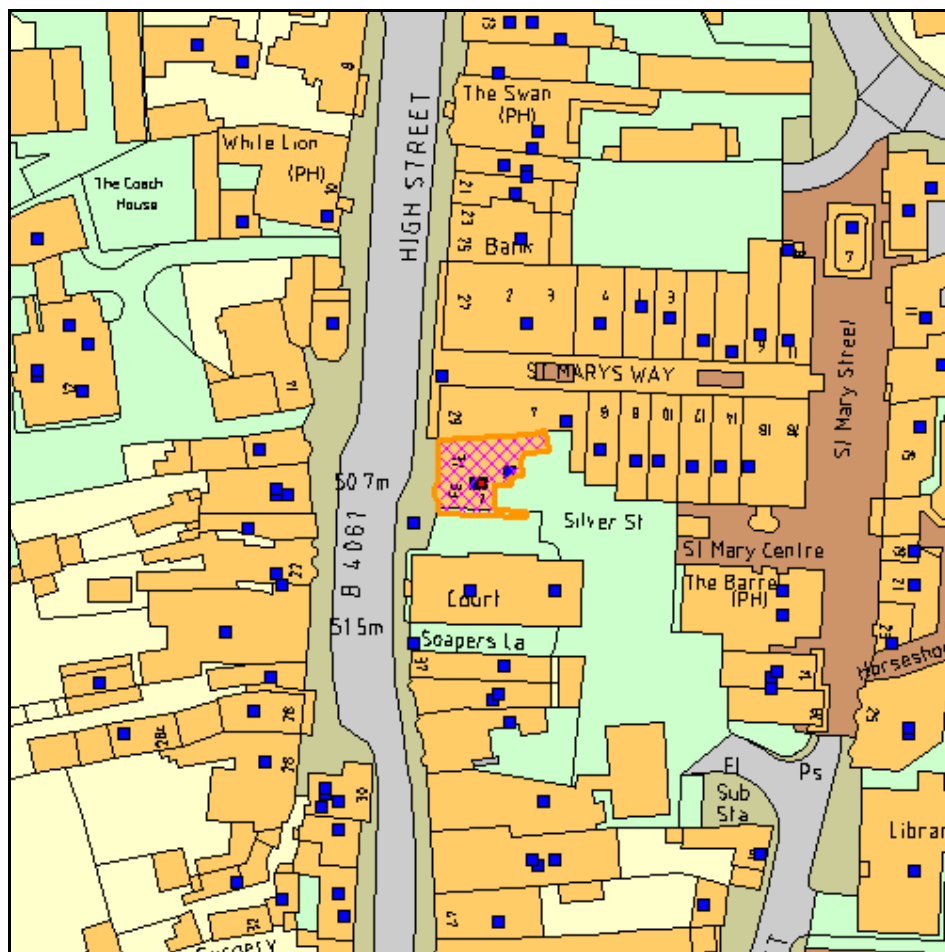
3. Prior to the commencement of any works at least 3 week notice shall be given to the Local Planning Authority of the intended commencement date. No works shall take place until a site meeting has taken place between the applicant's contractor and the Council's Tree in order to confirm the extent of the works hereby approved on site. Thereafter, the works shall proceed in accordance with the details confirmed on site.

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 The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

CIRCULATED SCHEDULE NO. 23/16 – 10 JUNE 2016

App No.:	PT16/1405/F	Applicant:	Costa Ltd
Site:	31 - 33 High Street Thornbury Bristol South Gloucestershire BS35 2AR	Date Reg:	
Proposal:	Change of use from Bank (Class A2) to mixed use cafe (Class A1, A3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) and creation of outdoor seating area.	Parish:	Thornbury Town Council
Map Ref:	363683 190023	Ward:	Thornbury North
Application	Minor	Target	24th May 2016
Category:		Date:	



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PT16/1405/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application relates to nos.31-33 High Street, Thornbury which was occupied by the Co-Op Bank and previously by the Britannia Building Society. The building has been vacant since June 2015 when the Co-Op Bank closed down. In accordance with Core Strategy Policy CS14 the site lies within Thornbury Town Centre. Policy RT9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 places the site in the designated Primary Shopping Frontage. The site also lies within the Thornbury Conservation Area.
- 1.2 It is proposed to change the use of the vacant premises from Financial and Professional Services (Class A2) to a mixed Shop/Food & Drink Use i.e. A1/A3. The application also relates to a proposed external seating area to be located to the side of the building. Any change to the shop front or advertisements, are to be covered under separate applications.
- 1.3 The proposals would involve the conversion of the former bank premises to allow a retail area and servery to be inserted, along with circa 50 seats, a back of house area, manager's office and customer toilets. No kitchen area is required as there would be no preparation of food on the site. Additionally, it is proposed to site 6no. external tables and 12 external covers to the east of the unit.
- 1.4 The proposed opening hours are listed on the application form as: 06.30hrs – 20.00hrs Mon. to Sat. and 08.00hrs – 18.30hrs Sundays and Bank Holidays. The proposal would provide employment for 10no. full-time employees.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Practice Guidance 2014
Town and Country Planning (Use Classes) Order 1987 (as amended April 2015).
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
L12 - Conservation Areas
L13 - Listed Buildings
EP2 - Flood Risk and Development
T7 - Cycle Parking
T8 - Parking Standards
T12 - Transportation Management Proposals
RT1 – Development in Town Centres

RT9 - Changes of Use of Retail Premises Within Primary Shopping Frontages in Town Centres

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 - High Quality Design

CS4A - Presumption in Favour of Sustainable Development

CS14 - Town Centres and Retail

CS32 - Thornbury

2.3 Supplementary Planning Guidance

Town Centres and Retailing August 2015

Thornbury Town Centre Strategy (2009)

The South Gloucestershire Council : Waste Collection guidance for new developments SPD January 2015

Emerging Plans

2.4 Proposed Submission : Policies, Sites and Places Plan March 2015

PSP1 - Local Distinctiveness

PSP9 - Residential Amenity

PSP12 - Development Related Transport Impact Management

PSP17 - Parking Standards

PSP18 - Heritage Assets and the Historic Environment

PSP22 - Environmental Pollution and Impacts

PSP34 - Shopping Frontages

3. RELEVANT PLANNING HISTORY

There have been numerous applications over the years relating to this building, mostly for advertisement consents when the building was occupied by the Britannia Building Society. Otherwise the most relevant applications are listed as follows:

3.1 N166/LBC - Demolition of part rear wall of building to form new window openings.
Approved 4 Jan 1979

3.2 N5070 - Alterations to frontage of existing building.
Approved 4 Jan 1979

3.3 PT03/3159/F - Regrading of paving slabs to provide level access for disabled purposes.

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council
No objection

4.2 Other Consultees

Listed Building and Conservation Officer

No objection to proposed change of use but would stress the importance of sensitive external advertisement and branding in this central location in the Thornbury Conservation Area.

The proposed advertisements are the subject of a separate application PT16/2744/ADV for advertisement consent.

Transportation D.C.

No objection. A licence will be required from South Gloucestershire Council's Street-Care Team for the seating area on the public highway. This may not be forthcoming for the current layout because it conflicts with a street bench.

Community Enterprise Officer

No response

Other Representations

4.3 Local Residents

26no letters/e.mails of objection have been received. The concerns raised are summarised as follows:

- Already too many coffee shops in Thornbury.
- Thornbury is a Market Town and shops should be individual not multi-national chains.
- Already too much competition between coffee shops including major player Coffee #1.
- Would not be in character with Thornbury.
- Would adversely affect the viability of other existing cafes.
- How much area would the outside seating take up to the side where there is a public bench.

1no. e.mail in support of the scheme was received. The points raised in support are summarised as follows:

- The application from a larger company is a vote of confidence for Thornbury.
- The premises was previously occupied by a national chain i.e. Co-Operative Bank.
- Costa would enhance the vitality of the evening economy in the town.
- Would fit well with the Thornbury Town Council strategy.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

Para. 14 of the NPPF states that decision takers should approve development proposals that accord with the development plan without delay; where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

- 5.2 Core Strategy Policy CS14 identifies Thornbury as a Market Town. The Policy seeks to protect and enhance the vitality and viability of existing Centres in recognition of their retail, service and social functions. Similarly for Policy CS32, the vision for Thornbury is, amongst other things, to provide increased and diversified employment opportunities, particularly within the town centre, through improvements to existing sites, premises and communications infrastructure.

The Proposed Use and Use Classes

- 5.3 It is intended that the proposed change of use would allow the site to be occupied by Costa Coffee, which is a successful multi-national chain of Coffee Shops.
- 5.4 The Costa model of coffee shop is one where hot and cold drinks are sold for consumption both on and off the premises, along with sandwiches and other cold food. The proposal does not include the production of hot food for either eating in or for takeaway. A small element of sales would consist of panini or toasted sandwiches but this would not require any kitchen or specialist extraction facilities.
- 5.5 The coffee shop would therefore trade as a mixed A1/A3 unit, on the basis that it would serve hot and cold drinks and cold food for take-away and for consumption on the premises. Officers generally consider that mixed uses fall into the sui generis Class but a succession of Inspector's in assessing this issue for proposed Costa Coffee Shops and similar establishments such as Starbucks, Café Nero and Coffee Republic, have accepted that where levels of seating and levels of eat-in sales take up a significant proportion of the use, a mixed A1/A3 use occurs.

Analysis of Proposal

- 5.6 Core Strategy Policy CS14 seeks to protect and enhance the vitality and viability of existing centres such as Thornbury by promoting and protecting their retail, commercial, leisure and cultural functions. The proposal would in fact enhance the percentage of retail shopping frontage on the High Street by bringing a vacant A2 building into use as a coffee shop which incorporates a high percentage of A1 retail use.
- 5.7 Whilst saved Local Plan Policy RT9 seeks to resist the change of use of A1 retail uses within the Primary Shopping Frontages the policy does not apply in this case as the existing lawful authorised use of the building falls within the A2 use class i.e. Financial and Professional Services.

The proposed change of use is however supportive of the general aims of Policy RT9 as, due to the hybrid A1/A3 nature of the proposed use, the number of units in the Primary Shopping Frontage, which contain an element of A1 will increase. There is no policy that seeks to protect A2 uses.

- 5.8 Saved Local Plan Policy RT1 states that retail and other development appropriate to a town centre location will be permitted within the frontages provided that:
- A. It would not detract from the overall vitality and viability of the centre; and
 - B. It would be consistent with the scale and function of the centre; and
 - C. It would be accessible to public transport users, pedestrians, cyclists and those with special mobility needs; and
 - D. It would not have unacceptable environmental or transportation effects, and would not prejudice residential amenity; and
 - E. It would, include residential accommodation or other non-retail uses appropriate to a town centre on upper floors.

These matters will be discussed as follows:

Impact on Vitality and Viability

- 5.9 The supporting text to Policy RT1 para. 9.17 states that ‘in order for the health of the town centres to be maintained, it is essential that they should have the scope to expand, modernise and diversify to meet modern conditions. The NPPF Annex 2 Glossary clarifies that primary frontages are “likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods”. The supporting text to Policy RT1 at para. 9.19 goes on to state that ‘schemes which would enhance the evening economy of town centres will be supported’ and at para. 9.21 that, ‘the Council views the re-use or re-development of vacant or under-used sites or premises within the established centres as a first priority for town centre investment’. The NPPF encourages a positive, permissive and proactive approach to promoting the vitality and viability of town centres.
- 5.10 The proposal would contribute to the above aims in bringing back into use a long vacant unit within the established centre. Furthermore the proposed use has proven high levels of footfall and includes evening opening.
- 5.11 Most of the local resident objections related to concerns about the possible over concentration of coffee shops in Thornbury and in particular the impact that a multi-national brand such as Costa would have on the viability of the existing coffee outlets and the impact on the Market Town image of Thornbury.
- 5.12 It is noted however that Priority 2 of the Thornbury Town Centre Strategy (2009) seeks to “maintain quality cafes, restaurants and food pubs in the centre of Thornbury to make it a destination town for people who enjoy good food and drink whilst at work or play”. Given the length of time that the premises have been vacant and the length of time that it has been marketed, this indicates a lack of potential for other A1 uses of this substantial site. Furthermore, Class E of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015, grants permitted development rights for

the change of use from A2 to A1 but there have been no takers for such a change.

- 5.13 The Council's Town Centres & Retailing audit for 2015 reveals that for Thornbury the eastern side of High Street maintains 57.3% of its frontage in A1 use and the western side 73.3% which is considered to be a reasonably high percentage and retail uses would still predominate in the High Street if this application is approved. There are currently only 4 units in the High Street in fully A3 use and two other units in mixed use that include an A3 element. The proposal in fact introduces a significant element of A1 retail activity which was not there in the previous A2 use. This would strengthen the retail function and enhance the provision of active ground floor uses in the High Street as well as making a positive contribution to sustainable economic development and providing full-time employment for 10 people.
- 5.14 The concerns expressed by local residents about the effect that corporate chains such as Costa might have on the viability of independent traders and the character of a centre where independent traders dominate is nothing new and have been the subject of comment by a number of Inspectors in a series of recent appeal decisions. In relation to an appeal for a Costa Coffee Shop in Gloucester Road, Bristol (see APP/Z0116/C/12/2168263) the Inspector considered that "it is not the role of the planning system to control competition and it cannot influence whether the end user is corporate or independent". The Inspector accepted that 'undisputed evidence shows that coffee shops attract people to the High Street and improve their vitality. Branded coffee shops contribute significantly to local vitality and they can act as a catalyst for further development on the High Street.'
- 5.15 The NPPF advises that development proposals according with the Development Plan should be approved without delay. Whilst officers have taken account of the views expressed by local residents that they do not want a Costa brand outlet in Thornbury, but these views do not outweigh making a land use decision other than in accordance with the Development Plan. On balance therefore, there is no evidence to suggest that the proposal would not contribute to maintaining the vitality, viability and diversity of the High Street; criterion A of Policy RT1 is therefore met.

Scale and Function of the Centre

- 5.16 The proposal is for the change of use of an existing unit within the town centre and in terms of scale is consistent with other uses within the High Street. The NPPF identifies the proposed use as one that would be expected within a town centre so the proposal would also be consistent with the function of the town centre.

Accessibility

- 5.17 The site lies within the town centre in a highly accessible and sustainable location. The building has a disabled access.

Environmental Impacts

- 5.18 Due to the nature of the proposed use, no hot food would be prepared on the premises so there is no need for an extraction system. The site lies within a

town centre location in Flood Zone 1. Given the proposed use and location there should be no issues of excess noise and disturbance. Foul and surface water drainage would be as existing, to the mains sewer. The existing facilities for waste/recyclable storage and collection would be utilised. There are no objections on environmental grounds.

Transportation Issues

- 5.19 Whilst there are no designated parking areas associated with the building, none would be expected for this highly sustainable, High Street, town centre location where large public car parks are in close proximity. All deliveries would be from the rear courtyard via St Mary Street & Silver Street. Typically, Costa receive daily deliveries of food and other perishable goods and weekly/fortnightly deliveries of non-consumable goods such as takeaway cups. Costa use 7.5tonne lorries or smaller. On this basis there are no transportation objections.
- 5.20 An exterior seating area for 12no. covers' (6 tables) is indicated on the plans to the side of the building and this forms part of the planning application. There is however a public bench located here and the extent of the external seating area is subject to the removal of this bench. A licence will be required from the Council's Street Care Team for the removal of this bench however this may not be forthcoming. Whilst officers are satisfied that there is adequate room for the proposed external seating area and that it would not cause obstruction to the free flow of pedestrians in this location the final extent of the area would be the subject of a condition.
- 5.21 As regards bin storage and collection arrangements; Costa typically store waste and recyclables internally within the unit and this is collected by private contractors when required. Whilst the exact bin storage and collection arrangements have not yet been finalised it is likely that the rear yard may be utilised in some way. These final details can be conditioned.

Impact on Residential Amenity

- 5.22 Being located in the heart of the town centre with commercial properties enclosing the site, the proposed use would have no significant adverse impact on the nearest residential properties.

Use of Upper Floors

- 5.23 The marketing details indicate that the upper floor of the building is in office use and appears to be currently occupied by a chartered accountant which is considered to be an appropriate use. There are no proposals to change this use in the application as the application relates to the ground floor only. The proposed use of the ground floor is considered to be compatible with that of the upper floor.

Conservation Issues

- 5.24 The site lies within the Thornbury Conservation Area and the neighbouring Magistrates Court (no.35) is a Grade II Listed building. Given that no external works are required to change the use of the building the character of the Conservation Area would be preserved. The impact of any advertisements would be considered under the separate application for advertisement consent. Whilst the proposed external seating area would have some impact on the

character or appearance of the Conservation Area and setting of the nearby Listed Building, this would not be significant, especially given the extent of the area and the temporary nature of it. Other such external seating areas are to be found within the town centre. There are therefore no objections on heritage grounds.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended (April 2015), or any order revoking and re-enacting that Order with or without modification), the premises shall be used only as a coffee shop (mixed Use Classes A1 and A3) and for no other purpose.

Reason

Having regard to the predominantly retail character of the High Street to accord with Policy CS14 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec 2013 and Policy RT1 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. The use hereby permitted shall not be open to customers outside the following times 06.00hrs - 20.00hrs Monday to Saturday inclusive and 08.00hrs - 18.30hrs Sundays and Bank Holidays.

Reason

In the interests of the amenity and character of the area to accord with Policy RT1 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. Prior to the first occupation of the premises for the use hereby approved, full details of the bin and recyclable storage facilities and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development use shall commence in full accordance with the details so approved.

Reason

To ensure a satisfactory level and location of bin and recyclable storage facility and collection arrangements in accordance with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and The South Gloucestershire Council Waste Collection ; guidance for new developments SPD (Adopted) January 2015.

5. Notwithstanding the details shown on Plan No. 110053 3.0 C (General Layout Plan) the use of the public highway for external seating shall not commence until full details of the location of external seating and tables has been submitted to and approved in writing by the Local Planning Authority. Thereafter the external seating shall be installed in strict accordance with the details so approved and maintained as such thereafter.

Reason

In the interests of the safety of the public highway and to take account of the presence of a public bench in the proposed location of the external seating to accord with Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th December 2013.

CIRCULATED SCHEDULE NO. 23/16 – 10 JUNE 2016

App No.:	PT16/1585/F	Applicant:	Rolls-Royce Plc
Site:	Rolls Royce Plc Old Church Farm Church Road Rudgeway Bristol South Gloucestershire	Date Reg:	18th April 2016
Proposal:	Change of use from Hotel/Conference Centre (sui generis) to a single residential dwelling (Class C3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Alveston Parish Council
Map Ref:	363191 186497	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	10th June 2016



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N.T.S.

PT16/1585/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of a local resident's objection letter.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the change of use from an existing hotel and conference centre (sui generis) to a single residential dwelling (Class C3) as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The applicant owns the Old Church Farmhouse and its ancillary buildings. The land and buildings have been used for corporate hospitality. The site comprises:
 - The 'farmhouse' providing 8 bedrooms and reception rooms. This is a corporate facility and it is not open to the public to stay,
 - A three bedroom detached bungalow providing an accommodation for the site manager,
 - A converted barn providing conference facilities
 - The ruins of St Helen's Church
- 1.3 Old Church Farmhouse and the outbuildings are Grade II Listed and the church ruins are recognised as a National Significance under the Ancient Monuments and Archaeological Area Act 1979. The site resides within the open Green Belt and the open countryside. No internal or external works are proposed with this application, therefore a listed building application is not required for the proposal.

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
CS13	Non-Safeguarded Economic Development Sites
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

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

E6	Employment Development in the Countryside
E7	Conversion and Re-use of Rural Buildings
H5	Residential Conversions and Re-use of Buildings for Residential Purposes
H10	Conversion and Re-use of Rural Buildings for Residential Purposes
L1	Landscape Protection and Enhancement
L13	Listed Buildings
T8	Parking Standards
T12	Transportation Development Control Policy for new Development

2.3 Supplementary Planning Guidance

Development in the Green Belt (2007)
South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

The site has been subject to a number of planning/listed building applications in the past, however, the following planning history are the most relevant to the determination of this application.

- 3.1 N6915, Site Address: Bungalow at Old Church Farm Church Road Rudgeway., Approved with conditions, 14-OCT-80, Proposal: (Comprising or including works for the alteration or extension of a Listed Building). Single storey extension to form living area.
- 3.2 P91/2788, Refused, 29-JAN-92, Proposal: Erection of extension to former barn and conversion of barn to form conference facility. Erection of detached garage and screen wall to serve housekeepers bungalow.
- 3.3 PT01/0439/F, Refused, 21-MAR-01, Proposal: Change of use and extension of cattle sheds to create two residential dwellings.
- 3.4 PT01/2014/F, Refused, 13-AUG-01, Proposal: Conversion of existing cattle sheds into two dwellings. Construction of two garages. Demolition of existing buildings.
- 3.5 PT02/1944/F, Approved with condition, 23-JUL-02, Proposal: Erection of natural stone wall to enclose existing plant, external extract ductwork and fan for existing kitchen and WC.
- 3.6 PT05/0953/F, Approved with condition, 11-MAY-05, Proposal: Barn conversion to facilitate relocation of existing skittle alley to ground floor and store rooms to form meeting rooms.

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council
No objection.

4.2 Other Consultees

Historic England
No objection.

Transportation
No objection.

Archaeology & Listed Building Officer
No objection.

Public Rights of Way Officer
No objection

Other Representations

4.3 Local Residents

One letter of concerns has been received. The local resident is concerned whether or not the new owners will be prepared to pump the sewerage tank weekly as the existing owners currently empty it weekly to avoid any over flows into the ditch opposite the neighbouring property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal is to convert an existing hotel and conference suite to a single dwelling, and the site manager's bungalow and the ruins of the Church will be included as part of the residential curtilage of this dwelling. This building was formerly used as a farmhouse and there are a number of outbuildings, which were converted to a conference suite and a bungalow for the site manager.

5.2 Paragraph 14 of the National Planning Policy Framework states that 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or – specific policies in this Framework indicates development should be restricted.

5.3 Whilst no specific local policy relates to the proposed change of use, Policy CS13 of the adopted Core Strategy and Policy H10 of the adopted Local Plan would be the most relevant to the determination of this application. Both policies have given a priority to an alternative business or employment use over a residential use. Officers however would only offer a limited weight on Policy H10 given that it was adopted in 2006 and there is an adopted Core Strategy in place.

- 5.4 Policy CS16 of the Core Strategy requires housing development to make efficient use of land to conserve resources and maximise the amount of housing supplied. Given that there is an existing bungalow within the site, the applicant has considered about the sub-division of the site in order to provide additional residential unit. However, given that the historic and parking constraints, it is considered that it would be more appropriate to occupy the site as one dwelling unit. In addition, the host building is large property, as such, the bungalow would provide an accommodation for future care takers.
- 5.5 Furthermore, it should also be noted that 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.
- 5.6 The existing building is Grade II listed, Policy CS9 of the adopted Core Strategy and Policy L13 of the adopted Local Plan seek to ensure that new development involving curtilage listed buildings will not result in a harmful impact to the setting of the listed building or the loss of historic fabric.
- 5.7 Old Church Farm is also located in the open Green Belt. Paragraph 90 of the NPPF states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. One of these is the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 5.8 Therefore, officers consider that there is no in-principle objection to the proposed change of use provided that it would meet the criteria of the above policies.
- 5.9 Potential for re-use of Building for Economic Development
The existing building, namely Old Church Farmhouse, is a private hotel comprising of 8 bedrooms and there is a converted barn which is currently used as a conference centre. These building are used for corporate hospitality and are not open to the public to stay. The applicant has submitted a planning statement for the proposal and has indicated that Rolls-Royce no longer have any corporate use for the property and will shortly seek to sell the buildings and land. It is also indicated that the farmhouse was a private dwelling prior to Rolls-Royce taking ownership and the change of use would return the property to its previous use.
- 5.10 The agent has also sought a commercial advice prior to the submission of this application, it has been suggested that the buildings are not viable as a commercial hotel or conference centre due to its inadequate size and lack of parking. Further, the potential commercial hotel uses would require substantial

alternations to this listed building and its setting including the provision of additional car parking spaces.

5.11 Whilst officers acknowledge that the proposal would inevitably result in a loss of hotel and conference facility in the area, more weight is given that the building was a former farmhouse and is not a commercial hotel / conference facility; therefore the potential loss of business use would not be materially significant harm. Furthermore, the conference centre is within the proximity of the hotel building, a mixed use of the site would likely cause transportation, including parking and access issues, and residential concerns. Also, the building is a grade II listed and Policy CS9 seeks to conserve the heritage assets. It is considered that the proposed change of use to a single dwelling would have less adverse impact upon the heritage assets and the setting of the listed building.

5.12 In this instance, Officers considered that the proposed residential use would be more appropriate solution for this particular site, as the proposed would comply with the adopted policies.

5.13 Impact on Listed Building

Old Church Farm is a grade II listed building and the ruins of the St Helen Church is recognised as National Significance under the Ancient Monument and Archaeological Areas Act. No internal or external works are proposed, therefore, the Historic England and the Council Archaeological and Listed Building Officer have no objections from the historic conservation perspective.

5.14 Green Belt

National Planning Policy Framework allow for a re-use of buildings provided that the building are of permanent and substantial construction. Although no structural survey report is submitted, officers inspected the site and acknowledged that all buildings within the site are structurally sound and found no signs of disrepair. The buildings are carefully maintained to a high standard.

In addition, the proposal is not to extend or alter the buildings, as such, the proposed change of use would not cause any adverse impact upon the openness of the Green Belt.

Nevertheless, the proposed use would likely introduce more 'domestic paraphernalia' within the site and these would likely have an adverse impact upon the openness. It is therefore considered there is a special circumstance to justify the removal of permitted development rights of this property to retain some oversight of extensions and outbuildings.

5.15 Residential Amenity

There are a number of residential properties to the north of the site. The proposal is not to alter or extend the existing buildings including the conference centre and the manager's bungalow, and there would not be any new windows or doors to all existing buildings. As such, there would not be any material adverse impact in terms of overlooking or overbearing. Therefore, it is considered that the change of use would not prejudice the residential amenity of any neighbouring occupiers.

5.16 As discussed above, the applicant has considered regarding the sub-division of the site given that there is an existing bungalow. Nevertheless, there are potential issues regarding the protection of the historic setting and the provision of parking spaces, the applicant considers that it would be more appropriate to use the site as one dwelling. In addition, given the large scale of the host dwelling, it would be likely that a care-taker will be living on site, and the existing bungalow would therefore provide such facilities. In this instance, officers are satisfied that the proposal has made efficient use of land, however, it would be necessary to impose a condition to secure the bungalow would be used ancillary to the host dwelling.

5.17 Transportation

The proposal seeks to change the use of the existing buildings to become one large house and accompanying facilities. The site is currently by Rolls Royce, and it comprises an overnight accommodation for 8 delegates, residential accommodation for the site manager, and a conference centre.

5.18 The Highway Officer considers that the proposed change of use is unlikely to materially alter the traffic generation patterns of this site, and the proposal would also likely reduce the trips associated with this site and so be broadly beneficial to the local highway network. Therefore, Officers therefore have no highways or transportation objection to the proposal.

5.19 Design / Visual Amenity

There are no internal or external changes proposed to the host building or to the ancillary facilities including the conference centre and site manager's bungalows. The size of residential curtilage proposed is considered acceptable as the private amenity space is proportional to the size of the farmhouse and the bungalow, as such, there is no material impact upon the character and appearance of the buildings and their setting.

5.20 Other issues

Officers acknowledge the residents' concerns regarding the future drainage maintenance. The Drainage Engineer has considered the concerns, it is considered that the proposed change of use would not materially affect the existing drainage system, in fact, the impact would be likely less given the buildings will be used by a single household, therefore the Council Highway Drainage Engineer has no objection to the proposal, however, officers consider that the applicant is advised to inform the potential future household regarding the requirement of the drainage maintenance.

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 be granted subject to the following conditions.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, and E), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To safeguard the openness of the Green Belt and to accord with the National Planning Policy Framework March 2012 and Policy CS1 and CS5 of the South Gloucestershire Local Plan: Core Strategy December 2013.

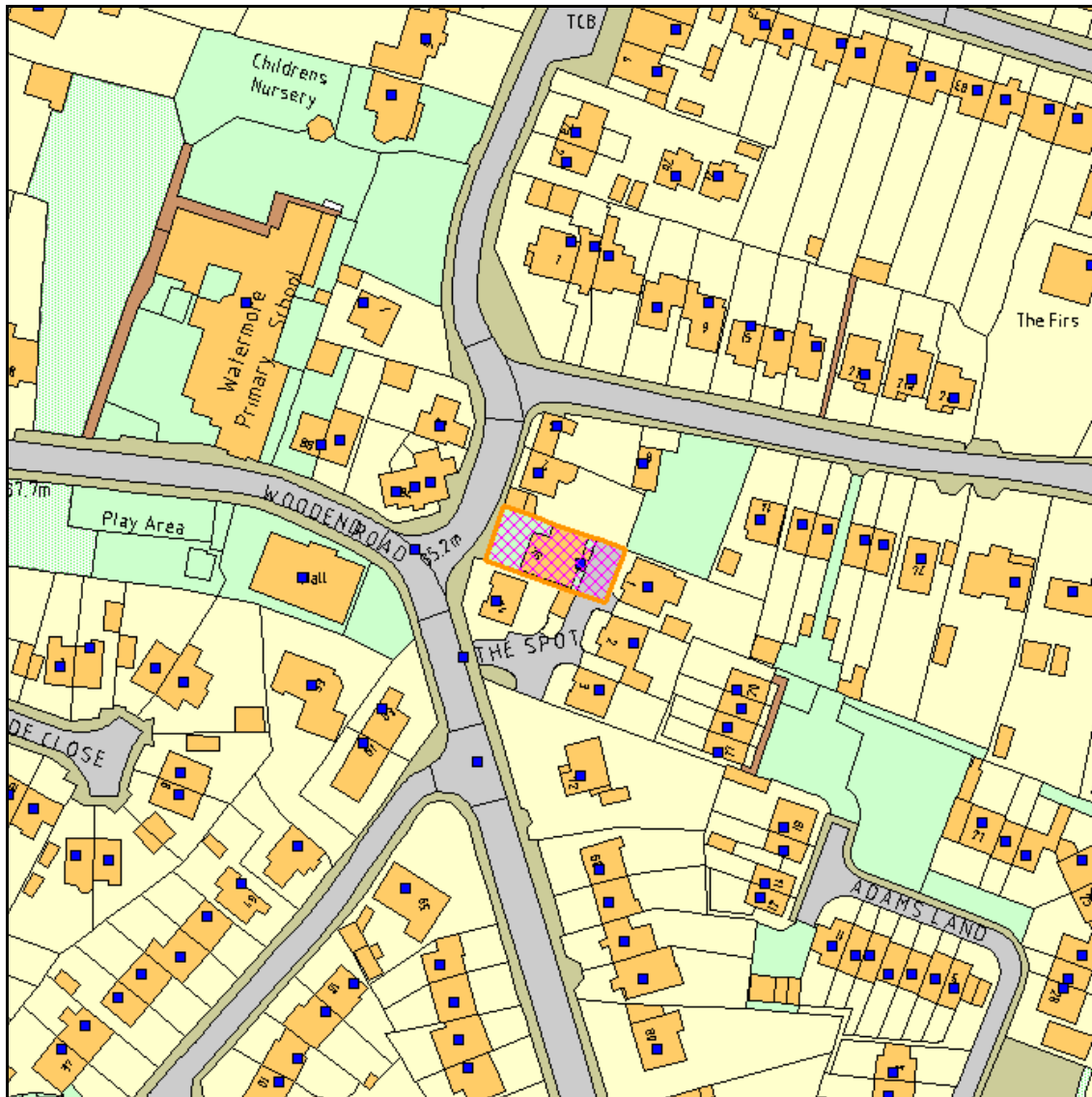
3. The bungalow shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Old Church Farm, Rudgeway.

Reason

To protect the amenity of the locality including the openness of the Green Belt, and to accord with the National Planning Policy Framework, Policy CS1, CS5, CS8 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and South Gloucestershire Residential Parking Standards Adopted December 2013.

CIRCULATED SCHEDULE NO. 23/16 – 10 JUNE 2016

App No.:	PT16/1608/F	Applicant:	Mr P Endicott
Site:	76 Woodend Road Coalpit Heath Bristol South Gloucestershire BS362LH	Date Reg:	12th April 2016
Proposal:	Erection of single storey front extension with associated works.	Parish:	Frampton Cotterell Parish Council
Map Ref:	367383 181270	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	6th June 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The planning application has been referred to the Council's Circulated Schedule procedure due to objections received from Frampton Cotterell Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a single storey front extension with associated works to Frampton Garage, 76 Woodend Road, Coalpit Heath, which is a vehicle maintenance and MOT garage located within an established residential area of Coalpit Heath.
- 1.2 The applicant site is a single storey building used as a vehicle maintenance and MOT garage. The building has a pitched roof and stone elevations.
- 1.3 The proposal will replace an existing lean-to extension and allow all vehicle maintenance to be undertaken within one building.

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)
E3 Employment Development within the Urban Area
T8 Parking Standards
T12 Transportation

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance
Design Checklist Supplementary Planning Document (adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/4536/F Approve with Conditions 14/05/2014
Erection of single storey side and front extension to form office and store and erection of flat roofed open steel framed covered working area.
- 3.2 PT13/2925/RVC Approve with Conditions 19/09/2013
Variation of condition 2 attached to planning permission PT13/1788/RVC.
- 3.3 PT13/1788/RVC Approve with Conditions 16/07/2013

Variation of conditions no. 4 of PT09/5477/F to change hours of operation from Mon-Fri 8am to 6pm, Sat 8am to 1pm, none on Sundays/Bank Holidays to Mon - Fri 7am - 7pm, Sat 8am to 4pm, none on Sunday/Bank Holidays.

- | | | | |
|-----|--|-------------------------|------------|
| 3.4 | PT10/2945/F | Approve with Conditions | 13/12/2010 |
| | Alterations to approved scheme (PT09/5477/F) to include 8no. rooflights, siting and single storey side extension (Retrospective). | | |
| 3.5 | PT09/5477/F | Approve with Conditions | 25/11/2009 |
| | Erection of replacement building as MOT station and vehicle maintenance garage with associated works (Use Class B2). | | |
| 3.6 | PT07/2795/F | Approve with Conditions | 05/11/2007 |
| | Demolition of existing garage to facilitate erection of 2 no. dwellings with associated works. | | |
| 3.7 | PT06/0260/O | Refusal | 04/10/2007 |
| | Demolition of commercial garage and hairdressing salon to facilitate erection of four new dwellings on 0.13 hectares of land (Outline). Means of access and siting to be considered (in accordance with amended plans received by the Council on 24 May 2006). | | |

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
Objection, the Parish Council feels this will make an unsafe walkway to the local shops, school and nursery. Cars reversing from the ramp have a poor sight line and are reversing across the path and into the road making this dangerous.
- 4.2 Sustainable Transport
From the information received it appears this proposal will formalise the existing arrangements and that the activities which will take place in this extension already occur on-site in the open. The extension will increase the size of the garage by a relatively small amount which is not considered significant enough to alter the site's trip generation. As such we do not believe that this proposal raised any material highway or transportation issues and we have no comments about this application.
- 4.3 Highway Structures
No comment.
- 4.4 Community Enterprise
No comments received.
- 4.5 Economic Development Officer
No objection.
- 4.6 Lead Local Flood Authority
No objection.

4.7 Planning Enforcement

No comments received.

4.8 The Archaeology Officer

No archaeological objections.

Other Representations

4.9 Local Residents

One letter of support has been received from a neighbouring resident highlighting that they are content with this extension.

5. ANALYSIS OF PROPOSAL

5.1 The application seeks permission for the erection of a single storey front extension with associated works to an existing single storey vehicle maintenance and MOT garage. The proposal will formalise the existing structure which is a lean-to extension.

5.2 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (adopted December 2013) exists to make sure developments enhance and respect the character, distinctiveness and amenity of the site and its context. Policy CS34 of the South Gloucestershire Core Strategy (adopted December 2013) is supportive in principle as it seeks to protect rural employment sites, alongside this the National Planning Policy Framework March 2012 seeks to encourage economic development and supports the growth and expansion of all types of businesses in rural areas. Accordingly there is significant weight in favour of the proposal. Whilst the policies are supportive in principle, the proposal shall be determined against the analysis below.

5.3 Design and Visual Amenity

The proposed front extension is to formalise the frontage of the garage, currently there is an existing lean-to extension which has been built contrary to what was approved under PT13/4536/F.

The proposed front extension will have a gable front and be constructed from materials to match the existing, with local stone, brick quoin detailing and rendered elevations. The footprint of the site will remain unchanged as the proposed development will formalise the existing activities.

The design and materials are considered to be in-keeping with the character of the building.

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

5.4 Residential Amenity

The applicant site is situated within an established settlement. There are a mixture of uses in the area including residential properties. The proposal is not considered to have an adverse impact on neighbouring dwellings with regards to overbearing, overshadowing or overlooking; and is unlikely to make a material change in relation to the present situation. Nevertheless a condition is proposed to clarify the use of tools and machinery.

5.5 Highways

Concern has been raised by Frampton Cotterell Parish Council regarding the safety of surrounding pedestrians which will include children going to and from school and nursery (which are nearby). They indicate it will create an unsafe walkway as cars reversing from the ramp have a poor line of sight. Weight is given to the observations of the highway officer in this regard who consider the situation is unlikely to be materially different than the current situation. The proposed works will formalise the current situation it is unlikely the proposal will result in an increased number of trips. This is a small garage operation, within a settlement near to other facilities. It is not considered that the proposal will have a "severe" impact upon highway safety (NPPF).

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application is **APPROVED** with conditions.

Contact Officer: **Fiona Martin**
Tel. No. **01454 865119**

CONDITIONS

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

Reason

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

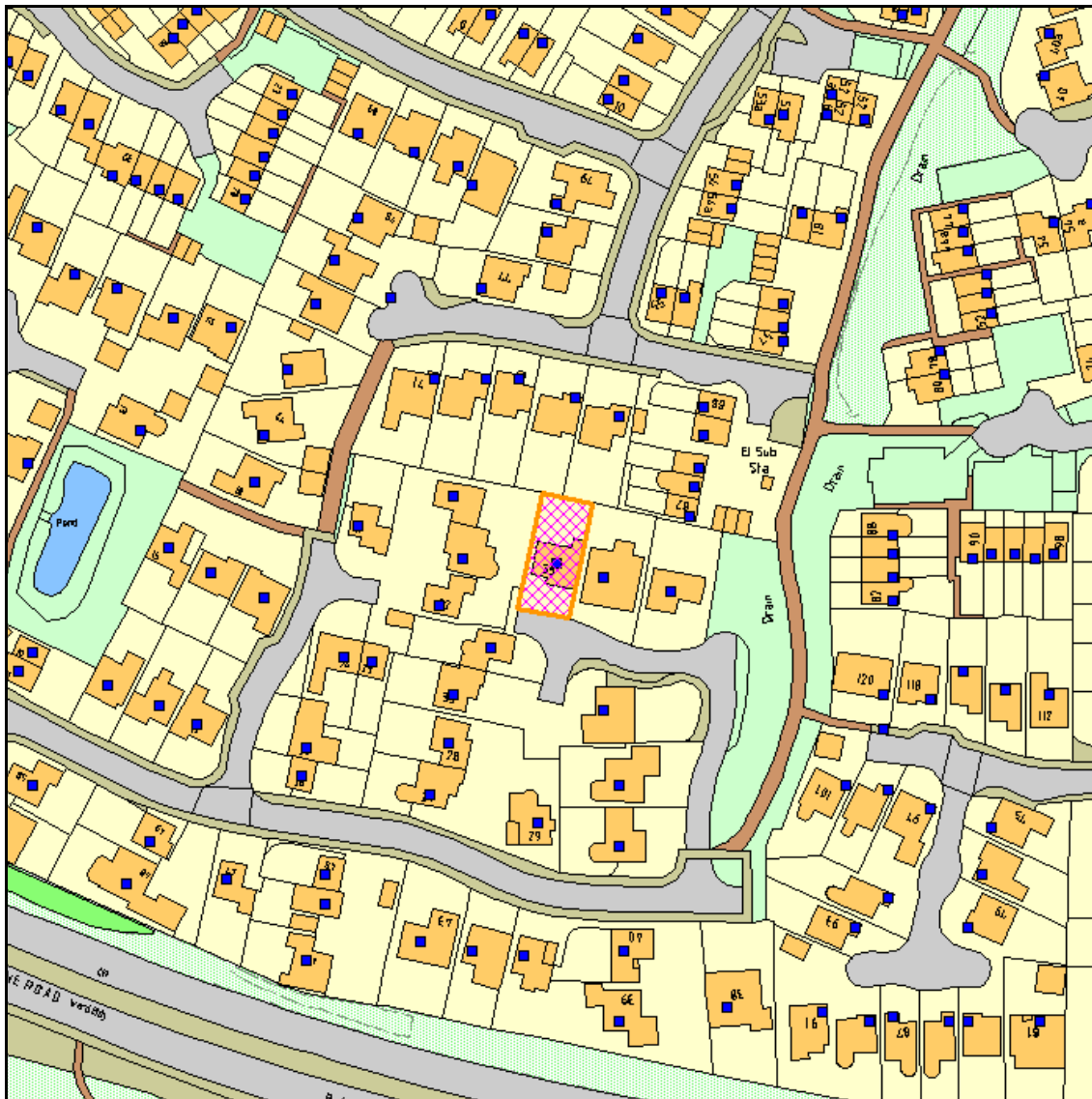
2. No machinery or powered hand held tools shall be operated outside of the covered working area hereby permitted. For the avoidance of doubt this precludes the following activities from being undertaken outside of the extension- grinding, drilling, cutting, metal fabrications.

Reason

To minimise disturbance to occupiers of neighbouring properties and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 23/16 – 10 JUNE 2016

App No.:	PT16/1979/CLP	Applicant:	Mrs Stephanie Trebble
Site:	35 Huckley Way Bradley Stoke Bristol South Gloucestershire BS32 8AR	Date Reg:	26th April 2016
Proposal:	Application for a certificate of lawfulness for the proposed erection of a single storey rear extension.	Parish:	Bradley Stoke Town Council
Map Ref:	363036 180553	Ward:	Bradley Stoke South
Application Category:	Certificate of Lawfulness	Target Date:	17th June 2016



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PT16/1979/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. 35 Huckley Way, Bradley Stoke 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

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 PT03/3023/F Approved with Conditions 28.10.2003
Erection of first floor side extension over garage. Erection of two storey rear extension to form utility room with bedroom and en-suite over.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No Objection

4.2 Other Consultees

Councillor
No response received

Other Representations

- 4.3 Local Residents
No response received

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

- 5.1 Combined Existing Plans (6061W – 02)
Combined Proposed Plans (6061W – 03)

All plans received by the Council on 22/04/2016.

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 3.6 metres beyond the rear wall. The development is 4 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 proposed single storey extension would extend beyond a side elevation of a previous two storey rear extension which was granted permission in 2003 (ref: PT03/3023/F). Therefore, the proposal does not extend beyond a side elevation of the original dwellinghouse and will require planning permission.

- (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 Combined Proposed Plans (6061W – 03) submitted 22/04/2016, 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

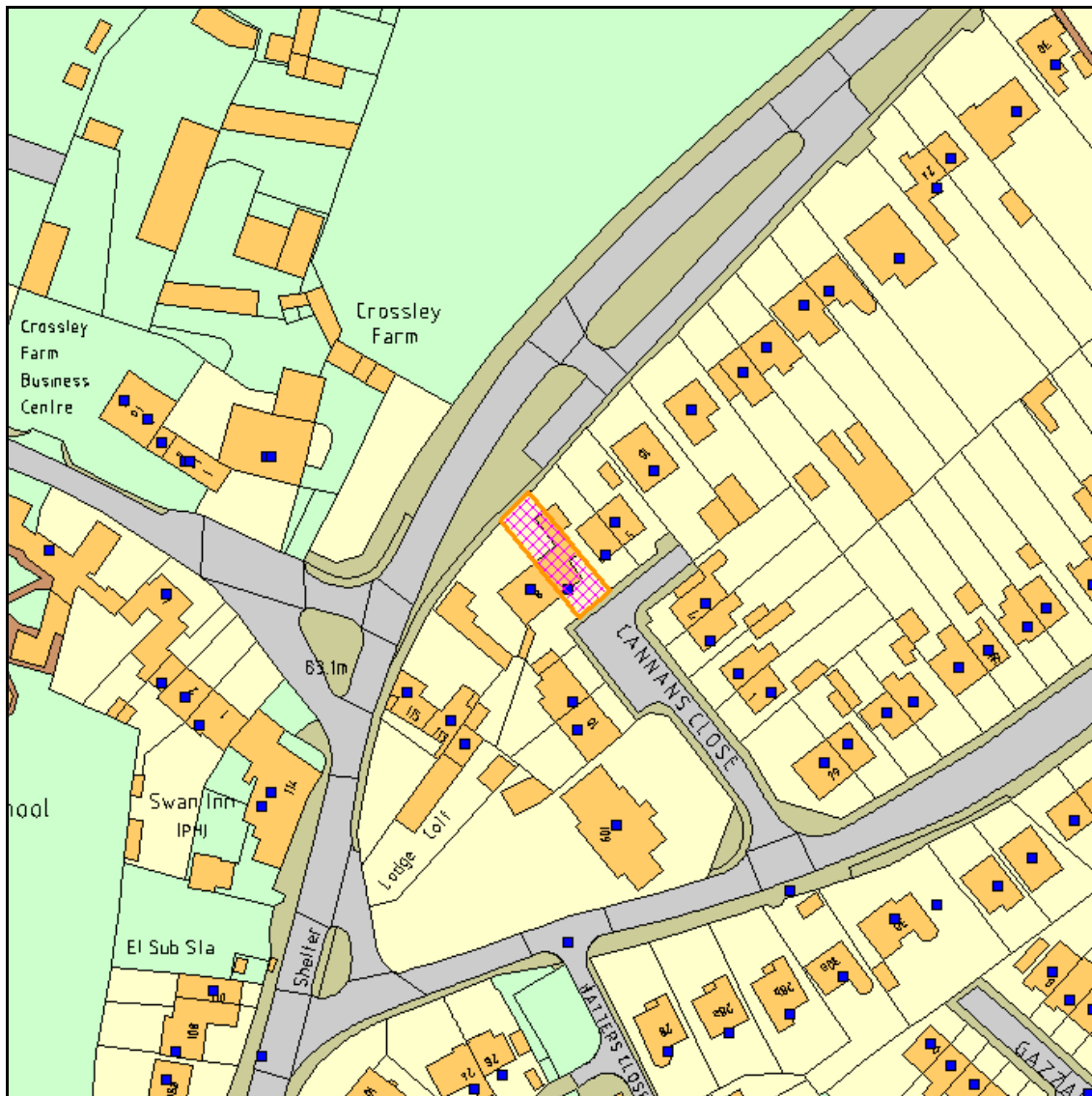
- 7.1 That a certificate of Lawfulness for Proposed Development is **refused** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the development does not fall within permitted development for the curtilage of the dwellinghouse under Schedule 2, Part 1, of the Town and Country Planning General Permitted Development Order 2015 as it does not accord with Class A. (j), as it would extend beyond a side elevation which does not form part of the original dwellinghouse, and therefore does not meet this criteria. It therefore requires the benefit of planning permission.

Contact Officer: Lucy Paffett
Tel. No. 01454 863463

CIRCULATED SCHEDULE NO. 23/16 – 10 JUNE 2016

App No.:	PT16/2179/F	Applicant:	Mr T Sage
Site:	7 Cannans Close Winterbourne Bristol South Gloucestershire BS36 1PG	Date Reg:	4th May 2016
Proposal:	Demolition of existing garage. Erection of two storey side and single storey rear extensions to form garage and additional living accommodation	Parish:	Winterbourne Parish Council
Map Ref:	365226 181326	Ward:	Winterbourne
Application Category:	Householder	Target Date:	23rd June 2016



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PT16/2179/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a two-storey side extension and a single storey rear extension at 7 Cannans Close in Winterbourne. The existing garage will be demolished to facilitate the proposal.
- 1.2 Permission is sought to provide a replacement integral garage, utility room and larger kitchen diner at ground floor level, and an additional bedroom at first floor level.

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 The site has no planning history from the last 25 years.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection, the development would have an overbearing effect on the next door neighbour, over development of the site with particular concerns with regards to parking.

4.2 Other Consultees

Sustainable Transport

No objection, subject to conditions. The applicant will need to contact Streetcare in order to obtain the specifications for dropping the kerb outside the property.

Other Representations

4.3 Local Residents

One letter of objection has been received from a neighbour stating the following:

- Size and siting of extension represents an unneighbourly form of development which would adversely affect the amenities of no. 6 and would be overbearing
- Extension will block light
- Out of keeping with design and character of existing dwellings

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 and Visual Amenity

The proposal is for a two-storey side extension, continuing the ridge height of the semi detached pair of properties, and a modest single-storey rear extension which will not be visible from the public realm. The side extension will reduce the space in between no. 7 and no. 6, and whilst the gaps in between the dwellings do contribute positively to the character of the area, the gap would not be completely infilled due to the space remaining on the no. 6 side of the boundary, and so the pattern of development is retained. No. 8, the attached dwelling, has a similar two-storey side extension, and this proposal would allow the dwellings to read as a balanced pair once again, and the development is therefore considered to be in keeping with the character of the area, contrary to the objection received from the neighbour. A condition on the decision notice will ensure that materials match the host dwelling in appearance and subject to this, the development is in accordance with policy CS1 of the Core Strategy (Adopted) December 2013.

5.3 Residential Amenity

The closest neighbour to the extension, no. 6, has objected on the grounds that the structure will overbear and overshadow their property. Whilst the two-storey element will abut the boundary to no. 6, the only facing window on the landing does not serve a principal room.

The driveway the extension will be adjacent to does not represent usable amenity space and only provides access to the side door and the garage, so it is not considered to have a significant affect. With regards to overshadowing, it is acknowledged that there might be a slight impact in the afternoon, however this will not significantly differ from the loss of light already caused by the existing dwelling. No new windows are proposed on the side elevation, and the proposed front and rear openings will provide only indirect viewpoints into neighbouring gardens, which are common in residential areas. The proposed single storey extension is modest in scale and will not harm the amenities of the neighbours.

- 5.4 Turning to the amenities of the application site, the footprint of the development will leave an adequate amount of private amenity space for a four bedroom property, particularly as the garage is to be removed. A condition on the decision notice will ensure that the existing garage is removed from the site prior to first occupation of the extensions. Subject to this, the development is in accordance with policy H4 of the Local Plan (Adopted) January 2006.

5.5 Transport

The proposed development will result in a four bedroom dwelling, requiring two parking spaces. These are shown to the front of the dwelling, one of which will be accessed from a new dropped kerb. The dropped kerb does not require planning permission as the road is unclassified, however information must be sought from the Street Care department before dropping the kerb, and an informative on the decision notice will remind the applicant of this. There is no transportation objection.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

2. Prior to first occupation of the two storey extension hereby approved, the existing garage on site shall be removed. The materials should be reused in the development, recycled or responsibly disposed of.

Reason

To allow adequate private amenity space for the larger property, in accordance with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

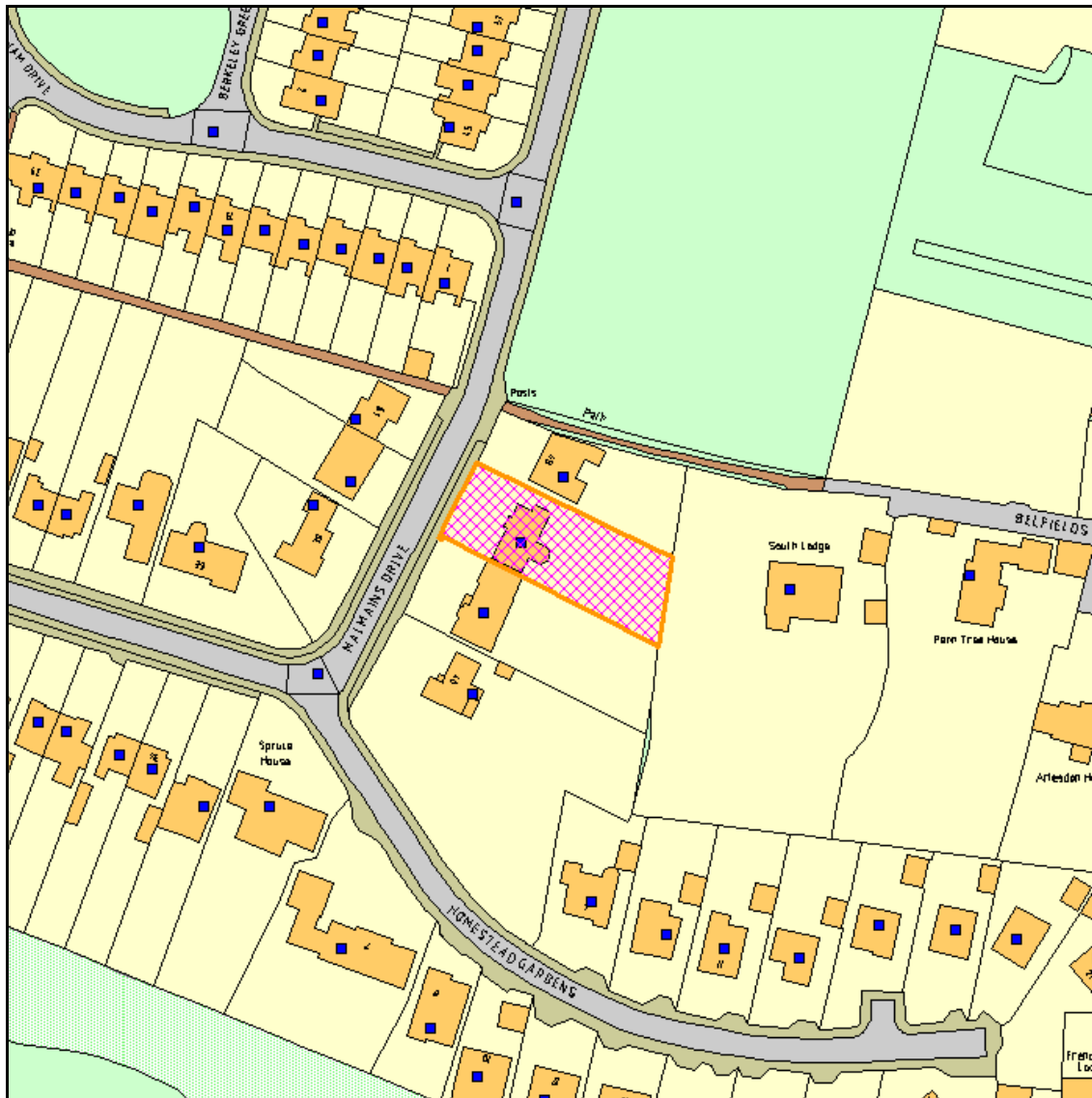
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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. 23/16 – 10 JUNE 2016

App No.:	PT16/2295/CLP	Applicant:	Mr Gransden
Site:	44 Malmaims Drive Frenchay Bristol South Gloucestershire BS16 1PJ	Date Reg:	9th May 2016
Proposal:	Certificate of Lawfulness Proposed to erect a single storey rear extension.	Parish:	Winterbourne Parish Council
Map Ref:	363971 178062	Ward:	Frenchay And Stoke Park
Application Category:	Certificate of Lawfulness	Target Date:	30th June 2016



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PT16/2295/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. 44 Malmain Drive, Frenchay 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

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 N2967 Approved with Conditions 14/10/1976
Erection of lounge extension at rear, erection of first floor side extension to provide bathroom.
- 3.2 PT12/0625/F Approved with Conditions 11/04/2012
Erection of first floor rear extension to provide additional living accommodation.

4. CONSULTATION RESPONSES

Other Representations

4.1 Local Residents

1 letter of objection has been received. Points raised are as follows:

- Close proximity to property
- Loss of light

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

5.1 Existing and Proposed Plans and Elevations (16043_P1)

All plans received by the Council on 29/04/2016.

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. Accordingly, the representations received from the local resident pertain to the merits of the proposal rather than the facts of the case. They cannot be taken into account in this analysis.

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 3.6 metres beyond the rear wall. The development is 4 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 Existing and Proposed Plans and Elevations (16043_P1) submitted 29/04/2016, 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

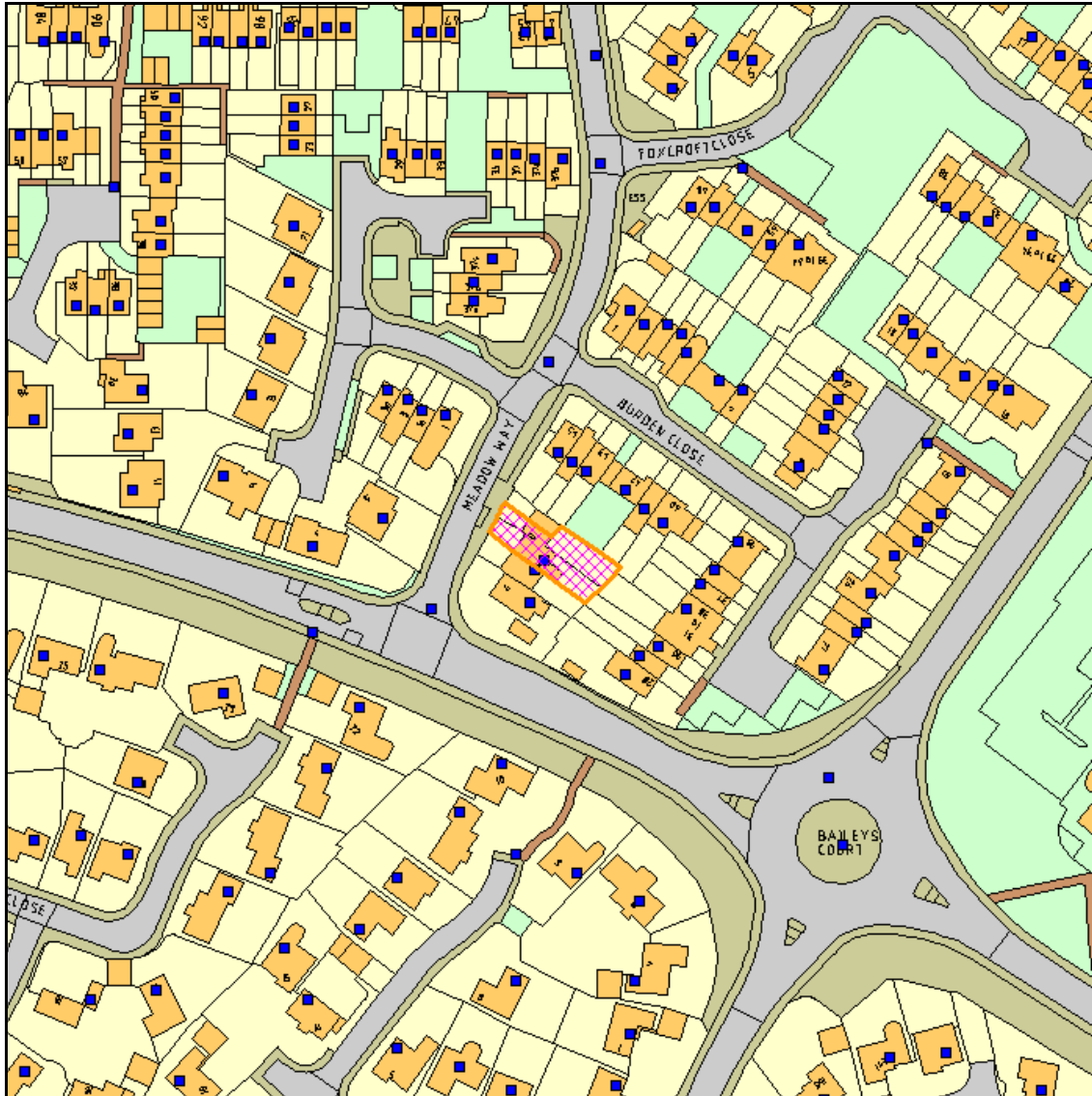
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

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

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CIRCULATED SCHEDULE NO. 23/16 – 10 JUNE 2016

App No.:	PT16/2319/F	Applicant:	Mr And Mrs Scobile
Site:	6 Meadow Way Bradley Stoke Bristol South Gloucestershire BS32 8BN	Date Reg:	5th May 2016
Proposal:	Erection of two storey side extension and single storey rear extension to form additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	362489 180897	Ward:	Bradley Stoke South
Application Category:	Householder	Target Date:	28th June 2016



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PT16/2319/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following an objection from a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a two-storey side extension and a single storey rear extension to form additional living accommodation.
- 1.2 The application site relates to a two-storey end of terrace property situated within the established settlement of Bradley Stoke.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance April 2016

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage

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

H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12	Transportation Development Control
L1	Landscape

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|---------------------------|--|
| 3.1 | PT00/1138/PDR
Approved | Rear conservatory
16.5.00 |
| 3.2 | P88/0020/81
Approved | Residential development to include 108 dwellings and associated works
13.7.88 |

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection

Other Representations

4.2 Local Residents

One letter of objection has been received from a local resident. The points raised are summarised as follows:

- Unable to interpret plans
- Application form incorrect and trees will be affected
- Loss of privacy, outlook, light
- Noise from the development

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all other material considerations. In this instance of particular importance is the overall scale of the proposed two storey and single storey extension within the residential garden and its design (CS1; CS5); the impact on residential amenity of adjacent neighbours (H4); and the impact on highway safety and off street parking (T12; SPD residential parking standards).

The proposal for a replacement garage is considered to accord with the principle of development and this is discussed in more detail below.

5.2 Design and Visual Amenity

The application site benefits from a single garage attached to its northern side. This garage in turn is attached to another single garage, not within the ownership of the applicant. The proposed first floor extension would therefore be above this existing garage. Submitted plans clearly show that the extension would be stepped down from the main ridge line and stepped back from the main front elevation. In this way it is considered to follow good design principles as the extension can be easily read as a new addition to the original property. The extension would follow the side of the existing dwelling, stopping just short of the rear building line. A single storey rear extension is also proposed across the entire width of the property. This would achieve a height of about 2.9 with an addition roof lantern on top and a stepped depth of between 3.5 metres and 5.5 metres and a length of about 7.9 metres. In terms of appearance materials would be to match the existing house and openings would be in the front and rear elevations only.

- 5.3 In terms of design, scale, massing and materials the proposed development is considered to be appropriate to the host property and the character of the area in general and can therefore be supported.

5.4 Residential Amenity

The application site is situated side-on to neighbours to the north. Given that there would be no windows in the opposing elevation, there would be no adverse impact on the privacy of these neighbours. Openings would be located in the front and rear elevations and as such it is considered that there would be no issues of overlooking over and above the existing situation. Comments from the neighbour regarding loss of light are noted but the two-

storey side extension would be alongside and actually within the sides of the existing main house and the roof line would be lower. As such there would be no impact with regard to loss of light for neighbours to the north. In planning terms there is no right to a view but to reiterate, in terms of the first floor addition and there would very little change and so no adverse impact to the outlook of these neighbours.

- 5.5 The single storey rear extension would have openings in the southeast, facing the garden. The property is bound by high boundary treatments and benefits from a good size garden which wraps around both garages. There would therefore be no adverse impact on amenity for neighbouring dwellings and sufficient amenity space would remain to serve the house following the development. On this basis the proposal is considered to accord with policy and can be recommended for approval.

5.6 Sustainable Transport

The proposal entails some internal reconfiguration and as such the dwelling remain a three bed property. No changes are proposed to the existing parking in terms of the garage and off-street space to the front. There are therefore no transportation objections.

5.7 Other matters

A neighbour has commented that trees would be affected by the proposal. It is acknowledged that the application form should have identified any trees likely to be affected by the development, but in this instance it is also recognised that the trees in question are typical of those found in gardens and do not benefit from Tree Preservation Orders. The works to the trees, whether this be felling, lopping or topping would therefore be acceptable.

With regards to the neighbour being unable to understand the plans, the plans are sufficiently clear in illustrating the proposed development and proportionate to this scale of development.

The possibility of construction noise is acknowledged and to this end a condition will be attached to the decision notice stipulating the hours of work thereby limiting the degree of disturbance which in turn would be limited to the overall construction period for this type of domestic development. This is not unacceptable and a refusal on this basis could not be substantiated.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.