



**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. 38/16

Date to Members: 23/09/2016

Member's Deadline: 29/09/2016 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE 23 September 2016

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK16/2625/F	Approve with Conditions	Land Adjacent 61 Siston Common Siston South Gloucestershire BS15 4PA	Siston	Siston Parish Council
2	PK16/3186/F	Approve with Conditions	2 Ford Lane Emersons Green South Gloucestershire BS16 7DD	Emersons	Emersons Green Town Council
3	PK16/4598/CLP	Approve with Conditions	78 Courtney Road Kingswood South Gloucestershire BS15 9RH	Woodstock	None
4	PK16/4724/CLP	Approve with Conditions	74 Church Road Soundwell South Gloucestershire	Staple Hill	None
5	PK16/4739/CLP	Approve with Conditions	58 Heath Rise Cadbury Heath South Gloucestershire BS30 8DD	Parkwall	Oldland Parish Council
6	PT16/1510/F	Approve with Conditions	The Cottage Nursery 3 Lower Stone Close Frampton Cotterell South Gloucestershire	Frampton Cotterell	Frampton Cotterell Parish Council
7	PT16/3824/F	Refusal	Land At Moorhouse Lane Hallen South Gloucestershire BS10 7RT	Almondsbury	Almondsbury Parish Council
8	PT16/3826/F	Approve with Conditions	Chequers Farm Marsh Common Road Pilning South Gloucestershire BS35 4JU	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
9	PT16/4436/F	Approve with Conditions	12 Coniston Road Patchway South Gloucestershire	Patchway	Patchway Town Council
10	PT16/4499/PDR	Approve with Conditions	2 Dewfalls Drive Bradley Stoke South Gloucestershire BS32 9BT	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
11	PT16/4586/F	Approve with Conditions	35 Dumaine Avenue Stoke Gifford South Gloucestershire BS34 8XH	Stoke Gifford	Stoke Gifford Parish Council
12	PT16/4625/CLE	Approve	Hillview Farm Greenditch Street Pilning South Gloucestershire BS35 4HJ	Severn	Olveston Parish Council
13	PT16/4629/CLE	Approve	Land West Of Hillview Farm Greenditch Street Pilning South Gloucestershire BS35 4HJ	Severn	Olveston Parish Council
14	PT16/4663/F	Approve with Conditions	6 The Grove Rangeworthy South Gloucestershire BS37 7PY	Ladden Brook	Rangeworthy Parish Council

CIRCULATED SCHEDULE NO. 38/16 – 23 SEPTEMBER 2016

App No.:	PK16/2625/F	Applicant:	Flim And Flam Developments Ltd
Site:	Land Adjacent 61 Siston Common Siston Bristol South Gloucestershire BS15 4PA	Date Reg:	12th May 2016
Proposal:	Erection of 2no dwellings, 1no double garage with access, parking and associated works.	Parish:	Siston Parish Council
Map Ref:	366483 174575	Ward:	Siston
Application Category:	Minor	Target Date:	5th July 2016



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 100023410, 2015.

N.T.S.

PK16/2625/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from Siston Parish Council and a local resident, the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is situated in the Siston Common area to the east of the A4174 and south-east of Station Road Link. The site is situated towards the end of the highway known as Siston Common. The site is bounded by open grassed meadow to the north and Common land to the South, with the Bristol/Bath cycle path to the east and residential development to the west. The site comprises an open grassed and scrub area. The ground level rises from west to east through the site up to the cycle path, which looks down onto the site. The site also incorporates part of the residential curtilage of no.61 and 61A Siston Common on the west side, which provides a vehicular access into the site.
- 1.2 The application site is situated within the urban area as defined in the adopted Local Plan.
- 1.3 The scheme as originally submitted proposed the erection of 3no. dwellings, 1no. double garage with access and parking and associated works. The houses comprised 2no. semi-detached dwellings and a detached house to the east. Following discussions between the Case Officer and the applicant's agent, the scheme has been amended whereby the detached dwelling has now been deleted.
- 1.4 The application is supported by the following documents:
 - Coal Mining Risk Assessment
 - Protected Species Survey
 - Design and Access Statement

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
The National Planning Practice Guidance 2014
Planning (Listed Buildings and Conservation Areas) Act 1990
- 2.2 Development Plans

The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013
CS1 - High Quality Design
CS2 - Green Infrastructure
CS4A – Presumption in Favour of Sustainable Development
CS5 - Location of Development
CS6 - Infrastructure and Developer Contributions

- CS8 - Improving Accessibility
- CS9 - Managing the Environment and Heritage
- CS16 - Housing Density
- CS17 - Housing Diversity
- CS18 - Affordable Housing
- CS23 - Community Infrastructure and Cultural Activity
- CS24 - Green Infrastructure, Sport and Recreation Standards
- CS29 - Communities of the East Fringe of Bristol Urban Area

The South Gloucestershire Local Plan (Adopted) 6th January 2006 – Saved Policies

- L1 - Trees and landscape
- L5 - Open Spaces
- L8 - SNCI
- L9 - Species Protection
- L11 - Archaeology
- EP2 - Flood Risk and Development
- EP4 - Noise Sensitive Development
- EP7 - Unstable Land
- T7 - Cycle Parking
- T12 - Highway Safety
- LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
- LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)
- LC12 - Recreational Routes

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.
 The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
 Affordable Housing SPD Adopted Sept. 2008.
 South Gloucestershire Council Residential Parking Standards (SPD) Adopted.
 Waste Collection: guidance for new developments (SPD) Adopted Jan. 2015
 The South Gloucestershire Landscape Character Assessment (Adopted) Nov 2014 – Westerleigh Vale and Oldland Ridge LCA12.

2.4 Emerging Plan

Proposed Submission : Policies, Sites & Places Plan June 2016

- PSP1 - Local Distinctiveness
- PSP2 - Landscape
- PSP3 - Trees and Woodland
- PSP4 - Designated Local Green Spaces
- PSP5 - Undesignated Open Spaces within Urban Areas and Settlements
- PSP6 - Onsite Renewable & Low Carbon Energy
- PSP8 - Residential Amenity
- PSP11 - Development Related Transport Impact Management
- PSP16 - Parking Standards
- PSP19 - Wider Biodiversity
- PSP20 - Flood Risk, Surface Water and Watercourses
- PSP21 - Environmental Pollution and Impacts

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK10/0264/F - Erection of 1no. detached dwelling and 2no. semi-detached dwellings with access and associated works.
Withdrawn
- 3.2 PK12/0417/F - Erection of 1no. detached dwelling, 2no. semi-detached dwellings and detached garage with access and associated works.
Refused 20 April 2012 on the grounds of:
- Incongruous layout and design.
 - Cramped development.
 - No Coal Mining Risk Assessment.
 - Encroachment onto Siston Common area.
 - Insufficient information regarding impact on ecology.
- 3.3 PK14/3765/F - Subdivision of existing dwelling to create 1no. additional dwelling with widened access and associated works. (Retrospective).
Approved 20th Jan. 2015

4. **CONSULTATION RESPONSES**

4.1 Siston Parish Council

In reiterating a long-time objection to any north eastern extension of development here, we concur with the original professional view that encroachment onto this previously undeveloped land would be inappropriate and unacceptable. Any such new build on this high rising ground would detract from its existing open character and fail to respect the rural character of this prominent site and surrounding area. However, in the event of approval for new build being forthcoming, then we are of the view that a limited linear extension of two traditional modestly sized cottage type dwellings should suffice. It is also felt that the original whole site frontage cock and hen stone boundary wall should be replaced as a priority condition. In view of the likelihood of long-standing land and domestic drainage problems being exacerbated by further development on this high level site, we would ask that detailed conditions to overcome same be issued with any consent.

The detached dwelling has since been deleted from the scheme.

4.2 Other Consultees

Highway Structures

No comment

Lead Local Flood Authority

No objection subject to a condition to secure a SUDS scheme of drainage. No public surface water sewer is available.

Historic Environment - Archaeology

The application site is within an area with considerable potential for historic mining activity, potentially dating back to the 17th century. As such a HC13 condition for a programme of archaeological work should be applied to any consent granted. This is to ensure that any mining or other archaeological remains that are present are recorded. In order to ensure that full recording takes place this condition must be applied to ALL groundworks including the initial topsoil strip and geotechnical pits and any other form of ground disturbance.

Ecology Officer

No objection subject to conditions to secure conditions relating to:

- Provision of bat and bird nesting boxes.
- Method Statement for sensitive clearance of vegetation.
- Bat friendly lighting scheme.

Plus an informative relating to nesting birds and development.

Landscape Officer

Concern about the impact on the landscape character of Siston Common. If approval is granted this should be subject to a condition to secure a full landscape scheme.

Since this comment was made the detached dwelling has been deleted from the scheme.

Transportation D.C. Officer

No objection subject to conditions to secure parking and turning areas and cycle parking facilities.

Other Representations

4.3 Local Residents

1no. letter of objection was received from the occupiers of no.51 Siston Common. The concerns raised are summarised as follows:

- The proposed site is 2m higher than no.61 and rising slightly in a South-Easterly direction.
- The proposed site and Common Land to the South-East drain into the road.
- The existing drainage system causes flooding.
- We would object to access by Common Land.
- Inadequate sewerage system.
- Narrow access.

The detached dwelling has since been deleted from the scheme.

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 The Council's Annual Monitoring Review (AMR) reveals that the Council cannot currently demonstrate a 5-year housing land supply. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a positive contribution, to the housing supply within South Gloucestershire; as such para. 14 of the NPPF is therefore engaged.
- 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 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings'. The NPPF

- encourages efficient use of land and paragraph 47 requires the need to 'boost significantly the supply of housing'.
- 5.8 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.
- 5.9 Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.
- 5.10 Policy L5 states that within the existing Urban Areas development will not be permitted where it would adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality. Where a site contributes to local character and distinctiveness the council will seek to negotiate measures to enhance and manage these open areas.
- 5.11 A recent appeal decision APP/P0119/W/16/3146174 relating to the refusal of a dwelling in a field to the rear of 53A Siston Common (see PK15/5255/F) is considered to be material when assessing this current proposal.

Analysis

- 5.12 Members will be aware that at this stage, South Gloucestershire Council cannot demonstrate that it has a five-year supply of deliverable housing land. As such, Paragraph 14 of the NPPF is the starting point for the consideration of this planning application. In this instance, the NPPF makes a presumption in favour of approving sustainable development provided that the benefits of doing so (such as the provision of new housing towards the 5yr HLS) are not significantly and demonstrably outweighed by adverse impacts. Notwithstanding this position, the site is located within the urban area where new residential development is acceptable in principle.
- 5.13 On this basis, there is a presumption in favour of approving this application. However, it is necessary to consider the benefit of this proposal against any adverse impact and weigh these factors in the balance with the benefits. The issues for consideration are discussed as follows:
- 5.14 Scale and Design
Core Strategy Policy CS1 only permits new development where "*the highest possible standards of site planning and design are achieved*". The Policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.15 The street scene along Siston Common is made up almost entirely of terraced or semi-detached houses of modest scale, the only exceptions being The Horseshoe Pub and the property known as 'Streamside'. The Inspector for the recent appeal relating to the refusal of PK15/5255/F noted that : "*The nature and layout of the built development in this belt is varied, with some*

development in depth, but even so there is a clearly defined and relatively straight boundary to the two fields at the rear.” In this respect the proposed garage and pair of semi-detached houses are not atypical of the area and conform to the existing pattern of built development; that said they are not the modest cottages that officers suggested might be acceptable at pre-application stage. Some effort has however been made to incorporate local architectural distinctiveness by incorporating within the design, a natural stone frontage with brick detailing around the doorways/window openings, brick quoins, brick chimneys and simple form with a strong vertical emphasis. Whilst the dwellings would be higher than the existing neighbouring cottages and therefore more prominent in views, this merely reflects the fact that the land rises to the east. Given that the most incongruous element of the original proposal i.e. the detached third house, has now been removed from the scheme, officers are satisfied that the proposed scale and design is appropriate for the site and that given the constraints on development, the proposal makes the most efficient use of the land which lies within the Urban Area.

- 5.16 On balance therefore the siting of the buildings would be sufficiently in keeping with the street scene and accords with Core Strategy Policy CS1.

5.17 Landscape

Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape. Policy L5 resists development that would adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality. Policy CS9 of the South Gloucestershire Local Plan Core Strategy expects new development to conserve and enhance the character, quality, distinctiveness and amenity of the landscape.

- 5.18 The South Gloucestershire Landscape Character Assessment LCA12 describes the location as follows:

“The Westerleigh Vale and Oldland Ridge landscape character area comprises a diverse and intricate mix of farmland, settlement, roads, commons and industrial heritage”.

The LCA12 landscape strategy comprises:

- Active management of hedgerow and woodland framework
- Secure the delivery of robust landscape infrastructure.
- Ensure character of rural landscapes is enforced.
- Encourage the repair and retention of natural stone walls and other traditional features such as pennant stone kerbing.

West of the Ring Road, Siston Common Road rises up to Bridge House Farm and the Bristol & Bath Railway Path. Siston Common, now divided by the Ring Road, has a very special local landscape character described in the LCA as:

“open area(s) of common with a mix of rough, unimproved grassland with thickets of hawthorn, and blackthorn scrub, small groups of trees and informal hedges”.

The row of dwellings – cottages and houses – that line Siston Common Road are generally older and traditionally built. The group sit comfortably in the topography of the site and are a significant element of the landscape character of the area. Traditional stone walls mainly form the front boundaries of the dwellings also with mixed native hedging. Two recreational routes are in close proximity of the proposed development. The Bristol & Bath Railway Path to the east of the plot and the Dramway path which rises up along the edge of the paddock to the northwest of the site.

- 5.19 The site is unusual in being within the urban area and yet having a distinctively semi-rural character. The open areas of Siston Common form an attractive historic setting to the south, which is complemented by the open fields to the north that rise to the vegetated edge of the Bristol/Bath Cycle Way. The older terraced cottages at the eastern end of Siston Common Road are particularly distinctive and entirely in keeping with this setting. The application site for most part forms an open area of scrub land that rises to the east where it meets the Cycle Path. This point provides key views into the site, which along with some boundary vegetation, form an attractive buffer between the residential development to the west and the more open rural areas to the east and south.
- 5.20 This is a sensitive area of open green space which makes a significant contribution to the landscape character of the location. Any development of this land must take account of this and as such, only very limited development would be appropriate here.
- 5.21 The originally proposed detached larger building on the eastern part of the site was considered to be totally incongruous and bore no relationship whatsoever to the existing scale and grain of development at the eastern end of Siston Common Road; this house has however now been deleted from the proposal. As such an adequate green buffer is now retained to the east. The pair of 2/3 bed semi-detached dwellings are more in-keeping as they seek to some extent, to continue the line of cottages, although this is interrupted by the large double garage of somewhat suburban appearance.
- 5.22 In order to better understand the effect of the proposal in the wider landscape context, additional photomontages have been submitted at officer request. Furthermore the applicant has confirmed that the traditional stone boundary walls would be retained/restored and that a traditional stone boundary wall would be erected fronting Siston Common Road to match existing boundary walls.
- 5.23 A preliminary landscape scheme has been submitted to demonstrate that there is sufficient space for boundary landscaping within the site to combine with existing landscaping outside the site. There are no trees within the site but young oak and other native trees have regenerated or been planted on the common land between the site and the road; these would be retained and

protected during the proposed works. All of these matters would be secured by condition in the event of planning permission being granted.

- 5.24 Officers conclude that any development of this site is likely to degrade the landscape to some extent. However, with the removal of the third incongruous house from the scheme and the measures of mitigation described above, officers are satisfied that on balance the proposal would be acceptable in landscape terms.

5.25 Impact Upon Residential Amenity

Given that the proposed houses would be located on the end of a linear form of development with a smaller garage in-between, it is inconceivable in this case that any objections could be raised on the grounds of overbearing impact or loss of privacy from overlooking or inter-visibility between habitable room windows. As regards the levels of private amenity space to be provided for future occupiers, this would be rather limited to small garden areas to the rear. Nevertheless the applicant has confirmed that the 3-bed dwelling would be served by 63sq.m. of private amenity space and the 2-bed dwelling by 60sq.m. This level of amenity space provision accords with the standards listed under emerging Policy PSP 43 which requires 50sq.m. and 60sq.m. respectively, for 2 and 3 bed dwellings. There are therefore no objections on residential amenity grounds.

5.26 Transportation Issues

In terms of location, officers are satisfied that this site, within the Urban Area, although semi-rural in character is a sustainable one. The proposed dwellings would be within easy reach of bus stops on Station Road Link, employment, schools and other services. There are excellent links to the cycle path network.

- 5.27 Whilst there are no footways leading to the site, Siston Common is lightly trafficked and suitable for pedestrian use.

- 5.28 It is proposed to utilise the existing access which serves nos. 61 and 61A to provide access to the proposed dwellings from Siston Common Road. As a point of information, the Council has previously confirmed to the applicant that this access in fact crosses highway verge in the Council's ownership and **not** Common Land. Traffic generation from the proposed two dwellings would not be significant.

- 5.29 Whilst the existing access is narrow and is insufficient for two-way traffic, it is proposed to incorporate a passing place within the site. There would also be adequate turning space within the site to allow vehicles to exit in forward gear.

- 5.30 In terms of parking provision, the proposed garage and parking spaces to the front are intended for the existing dwellings 61 and 61A. Otherwise more than adequate parking provision for the proposed dwellings is accommodated to the front and side. The level of parking provision meets the minimum standards listed in the South Gloucestershire Residential Parking Standards SPD. Adequate bin storage would be provided adjacent to the access for ease of collection.

- 5.31 Given that the residual cumulative impacts of development are not 'severe' the proposal accords with the NPPF and Development Plan Policy and subject to

conditions to secure the parking, access and turning facilities as well as bin storage and cycle parking facilities, there are no highway objections.

5.32 Environmental and Drainage Issues

Any increase in noise levels or anti-social behaviour, would be the subject of normal environmental health controls. Whilst there would inevitably be some disturbance for neighbours during the development phase, this could be adequately addressed by imposing a condition to restrict the hours of working. There are therefore no objections on environmental grounds. In terms of drainage, the site lies in Flood Zone 1 and the Council's Drainage Engineer has raised no objection to the proposal subject to the prior submission and approval of a suitable SUDS drainage Scheme. The culvert to the west would not be affected. Any connections to the main sewers would need to be agreed with Wessex Water.

- 5.33 The site lies in an area that has historically been mined for coal but is not in a Coal Referral Area. Nevertheless, a Coal Mining Risk Assessment has been submitted. Subject to a condition to secure an intrusive site investigation and remedial works if necessary, there are no objections relating to this issue.

5.34 PROW

The adjacent historic Dramway Footpath – PSN12 is heavily used by walkers. The proposal would not affect the Dramway Footpath. The proposal accords with Policies T12 and LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.35 Ecology

The 0.07 ha site consists of unmanaged improved grassland with dense growths of bramble, shrubby vegetation and small mature trees present along the north and south boundaries. Much of the site is covered with plant suppressant membrane which had become colonised by tall ruderal vegetation. The Bristol – Bath cycle path runs adjacent to the eastern boundary of the site which is formed of a line of native trees and shrubs.

- 5.36 An Extended Phase 1 Habitat Survey has been provided (Chalkhill Environmental Consulting, dated 15th November 2014). The findings are as follows:-

Habitats

- Overgrown improved grassland, being colonised by tall ruderal vegetation;
- Species-poor hedgerow (to be retained);
- Buildings.

Species protected under the Conservation Regulations 2012 (as amended), known as European Protected Species, and Wildlife & Countryside Act 1981 (as amended)

- Bats – the site has no potential to support roosting bats. Foraging and commuting may take place and therefore a recommendation regarding suitable lighting is made.

Species protected under the Wildlife & Countryside Act 1981 (as amended)

- Reptiles - the report concludes there is a low risk that a small population of common reptile species may be present on the site. No survey work was undertaken and the habitats described on the site are highly suitable for these species.
- Nesting birds – potential in hedgerows and scrub across the site.

Badger Act 1992

- There was no evidence for setts on site.

European Hedgehog (not currently protected but a UK and South Gloucestershire Priority Species.

- Potential within hedgerows and scrub.

The site did not have suitable habitat, nor was close to such habitat, to require consideration of any other protected species.

5.37 Recommendations

As well as precautionary measures to ensure no protected species are harmed, the opportunity should be taken to carry out biodiversity enhancements. These matters can be adequately covered by condition. Subject to these conditions there are no objections on ecological grounds.

5.38 Affordable Housing

The proposal is for 2no. new dwellings only, which is below the Council's threshold for affordable housing provision.

5.39 Community Services

The proposal is for 2no. new dwellings only, which is below the Council's threshold (10) for contributions to Community Services.

5.40 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. The introduction of CIL charging commenced on 1st August 2015. In the event that a decision to approve this application were issued the scheme would be liable to CIL charging.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The NPPF para. 49, is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. According to the Framework, at paragraph 14, that means that when, as here, there is no five-year housing land supply and 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 the Framework as a whole or specific Framework policies indicate that development should be restricted.

- 6.3 In this case there are some clear benefits to the proposal; in light of the Council's housing land supply situation the provision of 2no. houses must carry weight in its favour, albeit that 2no. houses would only represent a modest contribution to the 5-year housing supply. The economic benefits for local house builders and suppliers of building materials and for local services would be a further small benefit to which only moderate weight can be afforded. The proposal makes the most efficient use of land for housing in the Urban Area which is a further benefit. The residual cumulative transportation impacts of the development, which are not considered to be 'severe' can only be afforded neutral weight in the final balance as this is expected of all developments.
- 6.4 Weighed against this would be the fact that building houses in this area of sensitive landscape character would inevitably to some extent, degrade that character, but given the level of mitigation proposed by the landscaping of the site, retention of neighbouring vegetation, erection/retention of traditional boundary treatments and design of the buildings, any harm would not be so great as to significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or specific Framework policies
- 6.5 On balance therefore officers consider that in their judgement, the proposal should be granted planning permission.
- 6.6 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

To minimise disturbance to neighbouring properties and to accord with the provisions of the NPPF.

3. Prior to the first occupation of the houses hereby approved, the access, car parking facilities and turning areas shall be implemented in accordance with the approved Proposed Site Plan Drawing No. 0125-02 P002 Rev M and maintained as such thereafter.

Reason

To ensure adequate access, on-site parking provision and turning areas in the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policy CS8 of The South Gloucestershire Local Plan Core Strategy Adopted 11th Dec. 2013 and to accord with The South Gloucestershire Residential Parking Standards (SPD) Adopted.

4. Details of a refuse bin collection area and secure cycle parking facilities shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the bin collection area and cycle parking facility shall be implemented in full accordance with the details so approved prior to the first occupation of the dwellings hereby approved.

Reason

To ensure adequate bin collection and cycle parking facilities in the interests of highway safety and to promote sustainable forms of transport; to accord with Policies T12 and T7 respectively of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the Waste Collection: guidance for new developments SPD Adopted Jan. 2015..

5. Prior to the commencement of the development hereby approved, a scheme of landscaping, which shall include details of all existing trees and hedgerows on and adjacent to the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting) plus a 5-year maintenance schedule, boundary treatments and areas of hard-surfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To ensure the satisfactory appearance of the development and to protect the landscape character in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013 and the provisions

of the NPPF. This is a prior to commencement condition to ensure that those trees/hedgerows to be retained are adequately protected for the whole duration of the development.

6. Prior to development commencing, a method statement for the sensitive clearance of vegetation from the site to avoid harm to reptiles and hedgehog should be drawn up and agreed with the Council in writing. All works are to be subsequently carried out in accordance with said statement.

Reason

In the interests of protected species and to accord with Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013. This is a prior to commencement condition to ensure that clearance works do not harm protected species.

7. Prior to the relevant parts of the development hereby approved, a plan showing enhancements for bats and birds, to include types, numbers and locations of nest/roost boxes, shall be submitted to the Local Planning Authority for approval in writing. All works are to be subsequently carried out in accordance with the approved details and completed prior to the first occupation of the approved dwellings.

Reason

In the interests of protected species and to accord with Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

8. A bat-friendly lighting scheme shall be drawn up and agreed with the Council in writing. All works are to be carried out in accordance with said scheme and prior to the first occupation of the dwellings hereby approved.

Reason

In the interests of protected species and to accord with Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

9. Prior to the relevant part of the works hereby approved, samples or details of the proposed external facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in full accordance with the samples or details so approved.

Reason

To ensure a satisfactory appearance of the development to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy Adopted 11th Dec. 2013 and the provisions of the NPPF.

10. 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 to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved SUDS scheme.

Reason

To ensure that adequate drainage is provided in accordance with Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy Adopted 11th Dec. 2013 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

11. 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 order to ensure the adequate protection of archaeological remains, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy L11 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the National Planning Policy Framework. This is a prior to commencement condition to ensure that archaeological remains are not destroyed by the works.

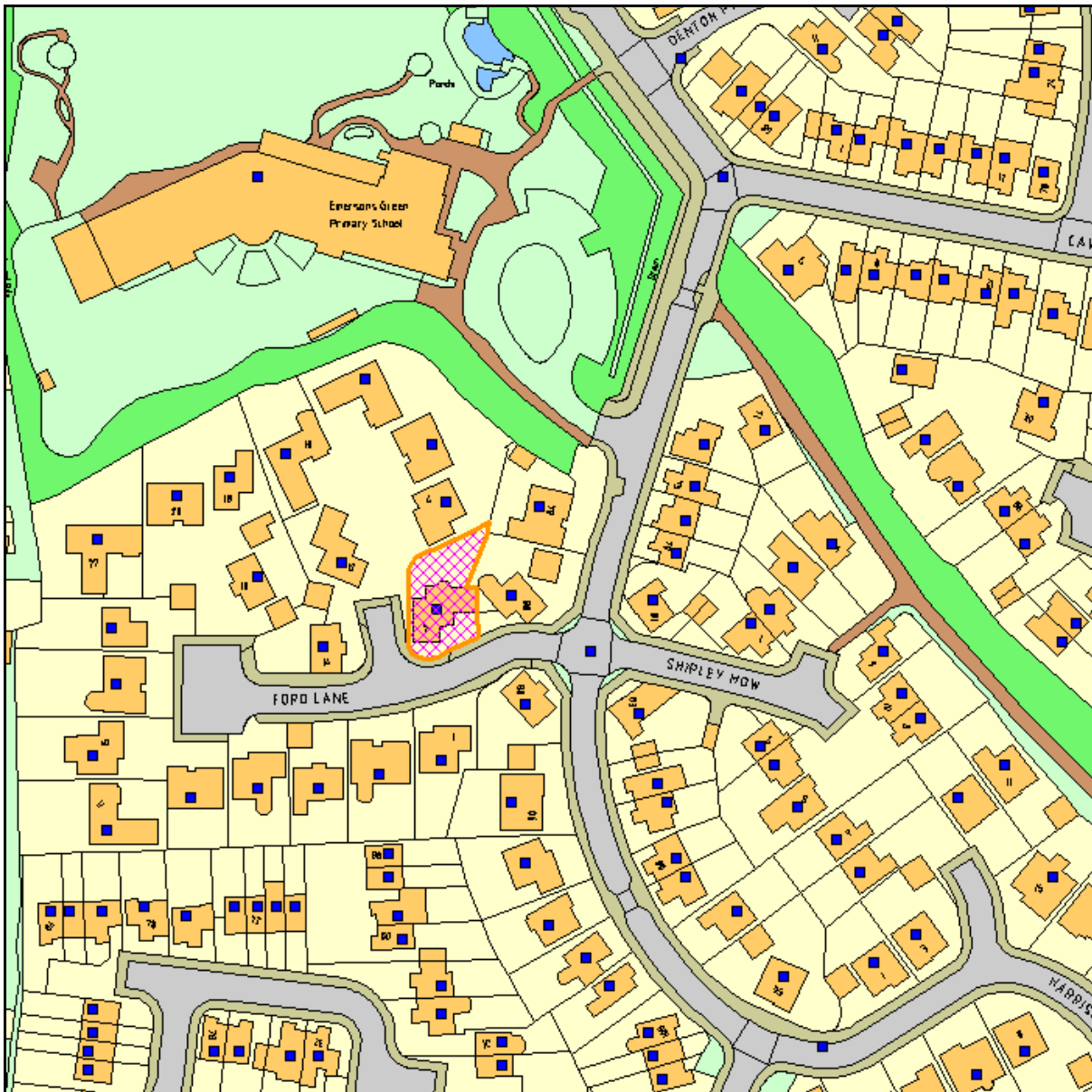
12. Prior to the commencement of the development hereby approved, site investigation works shall be carried out to identify if any shallow mining works are present beneath the site. In the event that the site investigations confirm the need for remedial works to treat any mine entries and/or areas of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

CIRCULATED SCHEDULE NO. 38/16 – 23 SEPTEMBER 2016

App No.:	PK16/3186/F	Applicant:	Mr Steven Maggs
Site:	2 Ford Lane Emersons Green Bristol South Gloucestershire BS16 7DD	Date Reg:	7th July 2016
Proposal:	Demolition of existing conservatory and the erection of a two storey rear extension	Parish:	Emersons Green Town Council
Map Ref:	366618 176983	Ward:	Emersons Green
Application Category:	Householder	Target Date:	31st August 2016



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PK16/3186/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule in light of the objections received from the Town Council and local residents.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The application seeks full planning permission for the demolition of an existing conservatory, and the erection of a two storey rear extension to provide additional living accommodation at 2 Ford Lane, Emersons Green.
- 1.2 The application site relates to a modern two storey, detached property which occupies a relatively prominent position in the streetscene of Ford Lane. The dwelling benefits from a double garage as well as parking to the front of the property. Surrounding properties are of a similar design, and are generally detached.
- 1.3 The original application involved the erection of a two storey extension, as well as raising the height of the roof to facilitate a roof conversion at the property. Following Officer advice, the applicant submitted revised plans on 22nd August 2016. These were re-consulted on for a period of 14 days. The revised proposal no longer involves the raised roof, and exclusively seeks permission for a reduced, two storey rear extension.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Adopted 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 Policy for New Development

2.3 Emerging Development Plan

South Gloucestershire Local Plan, Proposed Submission: Policies, Sites and Places (PSP) Plan, June 2016

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Space Standards

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

3. RELEVANT PLANNING HISTORY

Due to an extensive history of the wider development of Emersons Green, I have only included those applications which are of most relevance.

- | | | | |
|-----|--|------------------------------|------------|
| 3.1 | K7528 | Approval of Outline | 05.10.1995 |
| | Comprehensive development for residential/district centre/public house/restaurant/roads/footpaths/open space and other associated uses (Outline) (Previous ID: K7528)3B/P/11.730 | | |
| 3.2 | K7528/1 | Withdrawn | 29.03.1996 |
| | Comprehensive development for residential/district centre/public house/restaurant/roads/footpaths/open space and other associated uses. | | |
| 3.3 | P96/4761 | Approval of Reserved Matters | 24.02.1997 |
| | Erection of 95no. dwellings (reserved matters) | | |
| 3.4 | PK02/0708/PDR | No Objection | 10.04.2002 |
| | Erection of rear conservatory | | |
| 3.5 | PRE15/1033 | | 15.10.2015 |
| | Rear extension and roof raise | | |

Recommendations as follows:

- *Advised to bring extension in line with the existing garage, ensure it remains subordinate to existing dwelling.*
- *Reduce scale of roof raise*

4. CONSULTATION RESPONSES

4.1 Emersons Green Town Council

Original Proposal

Objection. Proposed extension will be overbearing to surrounding neighbours due to height and scale. It is also out of keeping with the local street scene.

Revised Proposal

Objection. Members are sympathetic to the objections and planning reasons raised by neighbours.

4.2 Sustainable Transport

Original Proposal

No Objection. The existing garage and vehicular parking are unaffected by the proposed development. The level of parking available complies with the Councils residential parking standards.

Revised Proposal
No comments received

Other Representations

4.3 Councillor

Original Proposal

One letter of objection was received from Councillor Ian Wiltshire, comments as follows:

- raising of this property is not in keeping with other properties in the surrounding area.
- Overdevelopment of the site
- Loss of privacy and light to neighbouring properties

Revised Proposal

No comments received

4.4 Local Residents

Original proposal

Seven letters of objection were received to the original proposal from local residents. The following concerns regard the raised height of the roof, and are no longer relevant to the revised application:

- A roof raise would be out of character and scale with surrounding properties
- The heightened roof will have an overbearing impact on neighbouring properties
- Side windows of proposed loft conversion would cause overlooking and result in a loss of privacy.
- Adding a third storey would set an undesirable precedent

The following comments regard the original, larger two storey extension:

- Overdevelopment of the plot
- Built form will be brought nearer to surrounding properties
- It will have an overbearing impact on neighbouring properties
- It will result in overlooking, loss of privacy and light to surrounding properties
- Neighbouring properties have previously been asked to withdraw similar applications due neighbour concerns.
- If study is to be used as another bedroom it would result in 5 bedrooms at the property. Concerns whether sufficient parking would be provided at the site.

Revised Proposal

Three letters of objection were received to the revised proposal from local residents. Comments as follows:

- Extension roof would be higher than at the front of the property
- The extensions height would be out of character with surrounding properties
- Loss of outlook and privacy, overbearing to neighbouring occupiers.

- Overdevelopment of the plot
- It would give precedent for similar extensions in surrounding area
- Proposed revised plans are still within 6 metres to our conservatory wall. The Law says must be over 7 metres.
- Future applications could return the scheme to as originally submitted.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and the emerging Policy PSP38 of the PSP Plan (June 2016) allow the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual amenity

The application site relates to a two-storey, detached property, occupying a corner plot within a cul-de-sac, in the wider residential area of Emersons Green. The host dwelling benefits from an attached double garage to its side elevation which is set back approximately 5 metres from the main front building line of the property. The attached garage then extends to the rear by approximately 2.5 metres beyond the dwellings main rear building line. There is an existing single storey conservatory at the site which adjoins the rear side elevation of the attached garage, and extends along the properties rear elevation.

5.3 The proposal would involve the demolition of the existing conservatory, and the erection of a two storey extension at the same location. Original plans submitted showed that the extension would extend 1.2 metres further than the attached garage. However, revised plans received 22nd August 2016 show that the extension would now follow the rear building line of the attached garage. It would extend by a depth of 2.5 metres, and run along the entire rear elevation of the property, and would have a maximum width of 8.3 metres.

5.4 Plans submitted as part of the original proposal showed that the extension would have measured 8.4 metres. The revised extension is reduced significantly, and would now have a maximum height of 7.3 metres. The case officer notes comments regarding the height of the revised extension, It is acknowledged that it would be approximately 0.3 metres higher than the existing front 'wing' of the property, however, it would still remain 0.2 metres lower than the highest point of the roof. Accordingly, the proposal is considered to remain subservient to the host dwelling and would not appear out of character with surrounding properties.

5.5 The proposed two-storey extension would only be approximately 2.5 metres deep, with a gable roof feature across the rear elevation. This is considered acceptable in terms of both bulk and massing of the proposal. The depth is not

considered to be excessive and would follow the rear building line created by the existing attached garage, and would be 1.5 metre shallower at ground floor than the existing conservatory. In this respect the proposal uses good design principles and there can be no justifiable objection in terms of its scale.

- 5.6 Objections in relation to overdevelopment of the plot are acknowledged. However, it is estimated that the area of the footprint of the extension would be reduced by approximately 1m² compared to that of the existing conservatory. The case officer is also mindful that, the emerging Policy PSP43 states that a property with 4+ bedrooms should have at least 70m² of garden amenity space. Following the construction of the two storey extension, it is estimated that over 70m² of garden amenity space would remain. It is therefore concluded that, the development would be an acceptable scale within this size of plot.
- 5.7 It is acknowledged that there are no other two-storey extensions within the cul-de-sac. This fact, however, would not be a sufficient reason to refuse an application. The case officer notes comments relating to the withdrawal of an application for a two storey extension to a neighbouring property. It is emphasised, that all schemes are assessed on an individual basis with regard to appropriate and relevant policy. Provided they accord with the principle of development, schemes can be supported.
- 5.8 The proposal would introduce 2no. windows and bi-folding doors to the rear elevation, 3no. windows to side elevations. All materials would match those found on the existing dwelling.
- 5.9 Whilst the development would represent a large addition to the existing dwelling, it would manage to remain subservient and enclosed to the rear of the property. Considering all of the above the design of the proposal is considered acceptable, in the context of both, the host dwelling and surrounding area. Accordingly, the development is deemed to comply with Policy CS1 of the Core Strategy (Adopted) December 2013 and the emerging Policy PSP1 of the PSP Plan (June 2016).
- 5.10 Residential Amenity
The property occupies a corner plot, and is orientated as such that a side boundary of its rear garden is shared with the rear garden boundary of the neighbouring Nos. 86 and 84 Guest Avenue. The nearest neighbour is No.86 Guest Avenue, this property sits at an angle away from the host dwelling. The existing attached garage sits in close proximity to No.86 single storey conservatory. Concerns were raised by these occupiers that the proposal would result in an overbearing impact. The case officer considered the above on a site visit. The existing attached garage at the application site has a pitched roof with a maximum height of 4.9 metres. Accordingly, given the revised proposal would be in line with the existing attached garage, it would only represent an increase in built form at first floor level, and would be some 5 metres away from the shared boundary.
Furthermore, the extensions roof would form a rear gable and would slope away from these occupiers. Accordingly, whilst the two storey extension would result in some change to the existing situation to these neighbours, in particular

to the light afforded to its conservatory, it is not considered such that it would warrant refusal of the application.

- 5.11 The case officer notes the concerns of other nearby occupiers who objected that the extension would be overbearing to their properties. However, as aforementioned the revised proposal would have a limited depth of 2.5 metres and it is considered that these properties are of a sufficient distance from the proposal. Whilst the development may result in some change to the existing situation, it is unlikely that it would have a material overbearing impact.
- 5.12 Nearby occupiers raised concerns with regard to overlooking and loss of privacy as a result of the two storey extension. It is acknowledged that the proposal would introduce 2no. side windows to the first floor of the property. Whilst revised submitted plans appear to show that these windows would serve bathrooms, a condition is issued to ensure that these windows are obscure glazed and non-opening to protect the residential amenity of nearby occupiers. In addition, given the close proximity of the neighbouring No. 86 Guest Avenue, a condition will be issued to ensure that there are no windows inserted to the east elevation in order to ensure that there are no future concerns regarding privacy and overlooking.
- 5.13 The extension would also introduce 1no. side window to the ground floor of the extension. It is considered that this would be unlikely to result in any overlooking, given that it would be adjacent to a 1.8 metre boundary wall. The rear windows and bi-folding doors of the extension would face a side elevation of No.4 Ford Lane. The side elevation of No.4 Ford Lane does not have any windows facing the rear of the host dwelling, and therefore these properties are unlikely to overlook one another.
- 5.14 Overall, and considering all of the above, it is considered the revised proposed development would be acceptable with regard to residential amenity and is therefore deemed to comply with saved Policy H4 of the Local Plan (2006) and the emerging Policy PSP8 of the PSP Plan (June 2016).
- 5.15 Highways
It is noted that the transport officer had no objection to the original proposal. Whilst they have not commented on the revised proposal, the case officer notes that it would still result in 4 bedrooms and the application site would be required to provide 2 spaces at the site. Accordingly, adequate parking would remain and the proposal would comply with the Councils residential parking SPD.
- 5.16 Other matters
The case officer notes an objection regarding the lawful distance of the extension from their property. Planning law does not stipulate a distance which is 'lawful', rather applications are assessed through planning policy and guidance, as well as a detailed site visit. This report has assessed the distance that the proposed extension would be from surrounding properties, and on balance it is considered to be acceptable.
- 5.17 Objections relating to a future application for a third floor at the site are understood. However, this application and any future applications are taken on

an individual basis. In addition to this, as a result of Officer concerns the third floor element of this proposal was removed.

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: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

2. Prior to the use or occupation of the proposal hereby permitted, and at all times thereafter, the proposed first floor windows on the east and west side 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 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

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

Reason

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

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

Reason

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

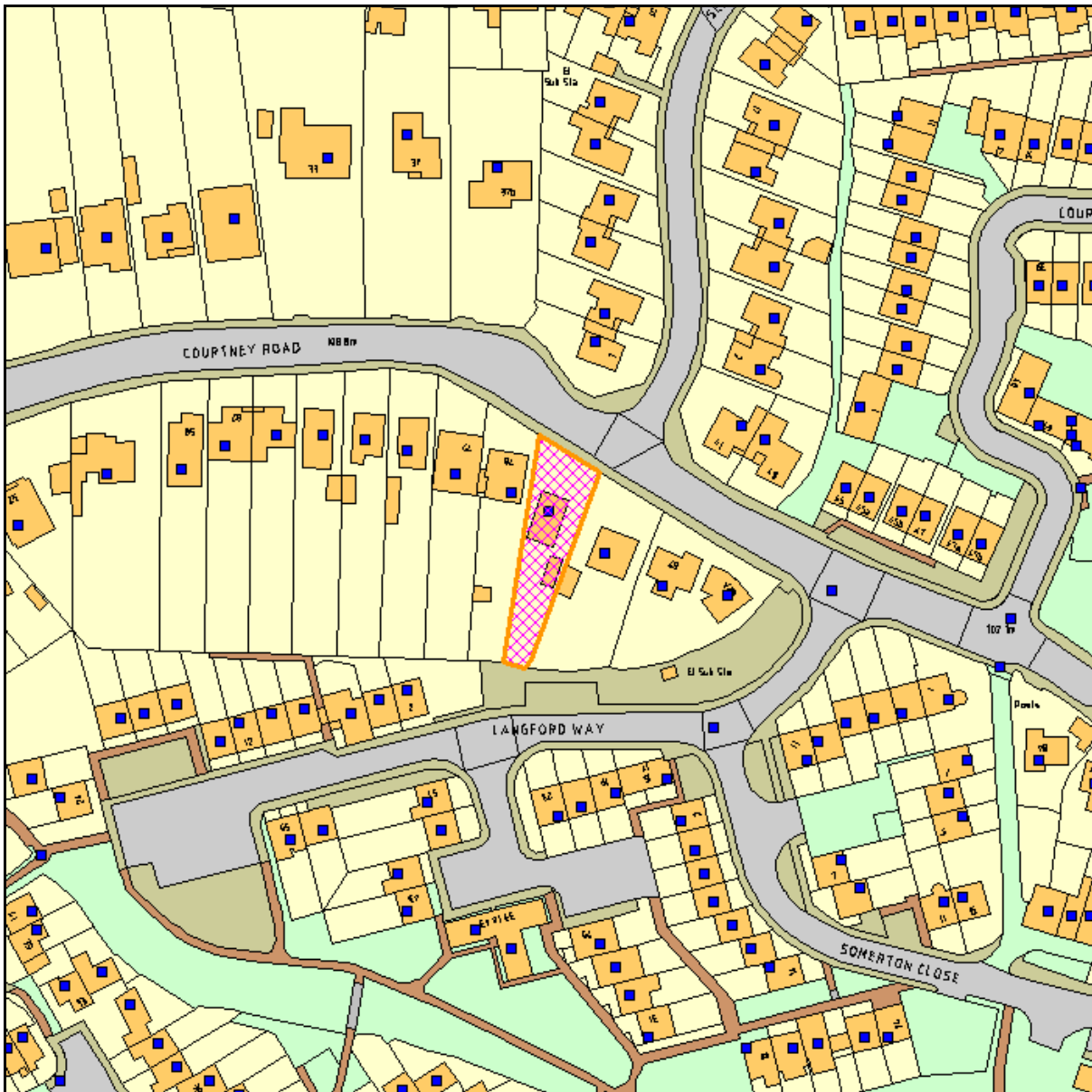
5. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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. 38/16 – 23 SEPTEMBER 2016

App No.:	PK16/4598/CLP	Applicant:	Mr And Mrs Metti
Site:	78 Courtney Road Kingswood Bristol South Gloucestershire BS15 9RH	Date Reg:	8th August 2016
Proposal:	Application for a certificate of lawfulness for the proposed installation of side dormer to form loft conversion	Parish:	None
Map Ref:	365312 173254	Ward:	Woodstock
Application Category:	Certificate of Lawfulness	Target Date:	28th September 2016



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PK16/4598/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 a side dormer window at No. 78 Courtney Road, 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 K4407 Approval 04.01.1984
SINGLE STOREY REAR EXTENSION (Previous ID: K4407)
- 3.2 K4407/1 Approval 15.08.1986
CAR PORT & PORCH CANOPY (Previous ID: K4407/1)

4. CONSULTATION RESPONSES

4.1 Woodstock Councillor

No objection, comments as follows:

- Plans are unclear, officer to assess potential overlooking on a site visit

Other Representations

4.2 Local Residents

None received.

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

5.1 Combined Plans Section B-B Site Location Plan

Plans received by the Council on 03/08/2016

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 side of a detached 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 window 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 principle elevation of the dwellinghouse and fronts a highway;

The proposal will be situated at a side elevation and would 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 detached house and the proposal would result in an additional volume of less than 50 cubic meters (Approximately 32 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 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 Combined Plans which were received by the Council 03/08/2016, 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 side extension –**
 - (aa) the eaves of the original roof are maintained or reinstated' and**
 - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge or the eaves; and**
- (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

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

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

The side dormer window will have 1no. window, but plans show that this will be both obscure-glazed and non-opening. Therefore the development meets this criterion.

Other matters

The case officer reassures the Councillor that a site visit was undertaken for the proposal on 15th August 2016. It is reinstated that a Certificate of Lawfulness application is decided entirely upon evidential lawful grounds, and not planning merit.

7. RECOMMENDATION

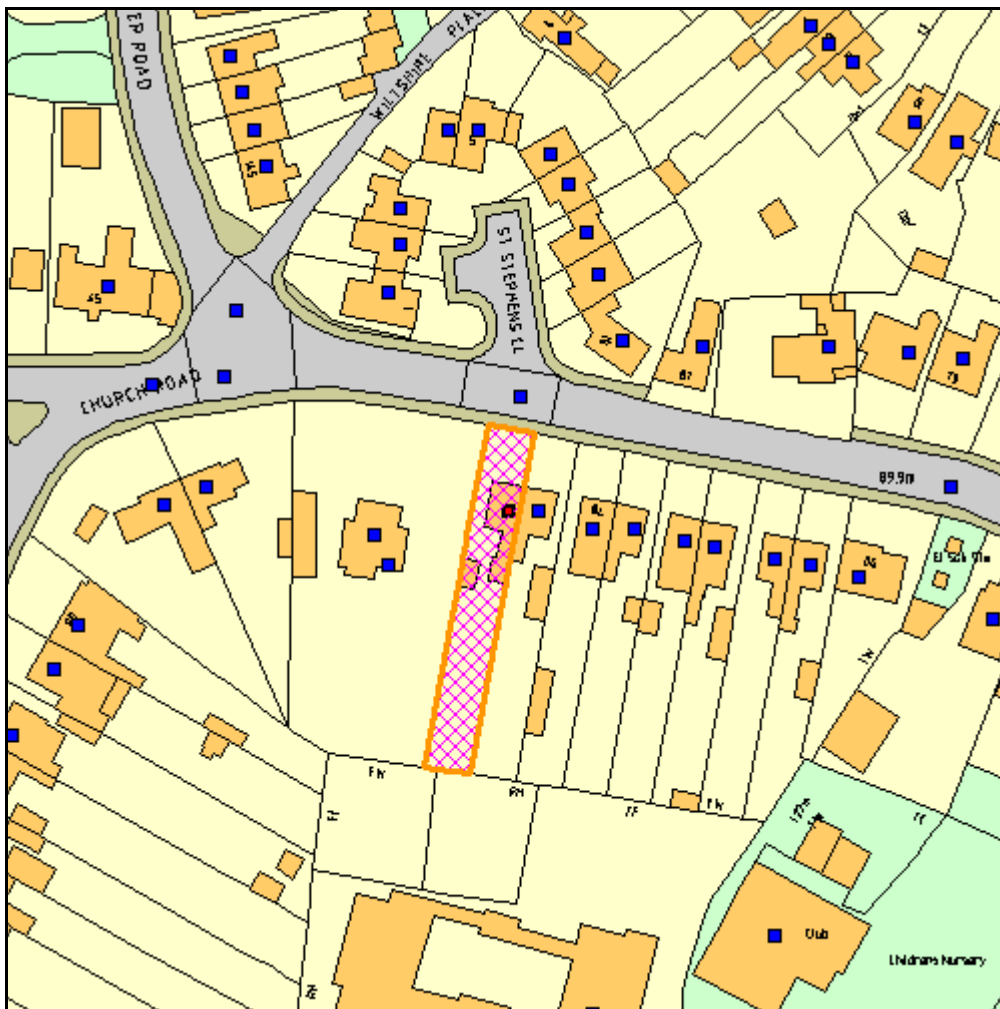
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed side 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. 38/16 – 23 SEPTEMBER 2016

App No.:	PK16/4724/CLP	Applicant:	Mr Stokes
Site:	74 Church Road Soundwell Bristol South Gloucestershire BS16 4RG	Date Reg:	15th August 2016
Proposal:	Application for certificate of lawfulness for the proposed installation of side and rear dormer, rooflights to front roof elevation, raising of chimney stacks and alteration of soil and vent pipe	Parish:	None
Map Ref:	365211 175141	Ward:	Staple Hill
Application Category:		Target Date:	6th October 2016



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PK16/4724/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 following proposed development would be lawful at No. 74 Church Road in Soundwell:
- Installation of 1no. side and rear box dormer, including French doors and a Juliet balcony;
 - Installation of 3no. rooflights on the front roof elevation;
 - Raising of 2no. chimney stacks; and
 - Alteration of a soil and vent pipe.
- 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

The Town and Country Planning Act 1990

The Town and Country Planning (Development Management Procedure) (England) Order 2015

Town and Country Planning (General Permitted Development) (England) Order (GDPO) 2015, Schedule 2, Part 1, Classes B, C, and G

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 proposal 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 No planning history

4. CONSULTATION RESPONSES

- 4.1 Councillor
No Comment

Other Representations

- 4.2 Local Residents
No Comments Received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Plan; Existing and Proposed Plans, Sections, Elevations (01) – all plans received on 11/08/2016.

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 in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Classes B, C, and G of the GPDO (2015).

- 6.3 The proposed side and rear dormer will be considered under Class B, the rooflights under Class C and the chimney stacks and soil and vent pipe under Class G. Each of these proposals will be considered as such throughout the remaining report.

B. Additions etc to the roof of a dwellinghouse (proposed rear and side dormer).

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

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

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

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

The proposed works do not exceed the maximum height of the existing roof.

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

The proposed dormer would not extend beyond the plane of the existing roof slope which forms the principal elevation and fronts a highway.

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

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

(ii) 50 cubic metres in any other case;

The house is semi-detached and the cubic content of the resulting roof space would not exceed 50 cubic metres. The cubic content of the proposed dormer would be approximately 34.8 cubic metres.

(e) It would consist of or include-

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

The Permitted development rights for householders Technical Guidance (April 2016) defines a balcony as a *platform with a rail, balustrade or parapet projecting outside an upper storey of a building*. The guidance goes on to state a *'Juliet' balcony, where there is no platform and therefore no external access, would normally be permitted development*. The proposal includes a Juliet balcony on the rear elevation of the dormer, but from this balcony there would be no external access or associated platform and is therefore considered to satisfy this criterion.

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

The proposal includes the alteration of 2no. chimneys and a soil and vent pipe, but these will be considered against Schedule 2, Part 1, Class G of the GDPO 2015.

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

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

Conditions

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

–

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

The plans demonstrate that the materials used to construct the extension will match the existing dwellinghouse.

(b) The enlargement must be constructed so that –

- i. **Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension-**
 - (aa) **the eaves of the original roof are maintained or reinstated; and**
 - (bb) **the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measures along the roof slope from outside the edge of the eaves; and**

The proposed dormer would leave the original eaves of the dwellinghouse unaffected. The edge of the proposed dormer closest to the eaves is set back by approximately 0.8 metres from the existing eaves.

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

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

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

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

There are no windows proposed for a wall or roof slope forming a side elevation.

C. Other alterations to the roof of a dwellinghouse (proposed rooflights)

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

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

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

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

The windows on the front elevation of the roof slope will not protrude more than 150mm from the roofline.

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

The proposal does not exceed the highest part of the original roofline at any point, and therefore meets this criterion.

(d) It would consist of or include-

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

The proposal includes the alteration of 2no. chimneys and a soil and vent pipe, but these will be considered against Schedule 2, Part 1, Class G of the GDPO 2015.

C.2 Development is permitted by Class C subject to the condition that any windows on the roof slope forming the side elevation of the dwellinghouse shall be –

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

There are no windows proposed on the roof slope forming the side elevation.

G. Chimneys, flues etc on a dwellinghouse (alterations to the chimneys and soil and vent pipe)

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

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

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

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

The height of the chimneys and soil and vent pipe would not exceed the highest part of the roof by 1 metre or more.

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

- (i) fronts a highway, and**
- (ii) forms either the principal elevation or a side elevation of the dwellinghouse.**

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

7. RECOMMENDATION

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

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

CIRCULATED SCHEDULE NO. 38/16 – 23 SEPTEMBER 2016

App No.:	PK16/4739/CLP	Applicant:	Mr Jason Buck
Site:	58 Heath Rise Cadbury Heath Bristol South Gloucestershire BS30 8DD	Date Reg:	15th August 2016
Proposal:	Application for a certificate of lawfulness for the proposed installation of a rear dormer.	Parish:	Oldland Parish Council
Map Ref:	366753 172233	Ward:	Parkwall
Application Category:		Target Date:	7th October 2016



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PK16/4739/CLP

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks a formal decision as to whether or not the proposed development for the installation of a rear dormer at 58 Heath Rise in Cadbury Heath would be permitted under the regulations contained within the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations. There is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

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

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No objection.
- 4.2 Councillor
No comments received.

Other Representations

- 4.3 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The following evidence was submitted to the Local Planning Authority on 12 August 2016 –
 - Site location plan (05702.04)
 - Block Plan (057.02.04)

- Combined Existing (057.02.01)
- Combined Proposed (057.02.02)

6. **ANALYSIS OF PROPOSAL**

- 6.1 This application seeks a Certificate of Lawfulness for the proposed installation of a rear dormer to facilitate a loft conversion at a property in Cadbury Heath.
- 6.2 **Principle of Development**
An application for a Certificate of Lawfulness is purely an evidential test and is a formal way to establish whether or not the proposed development can be implemented lawfully without the need for planning permission. Thus there is no consideration of planning merit, the application is based on facts presented. The submission is not a planning application and therefore the Development Plan is not of relevance to the determination of this application.
- 6.3 The key issues in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 6.4 **Assessment of Evidence: Dormer windows**
Schedule 2 Part 1 Class B allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to meeting the following criteria:

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

- (a) **Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);**
The dwellinghouse was not granted permission for use as a dwelling under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- (b) **Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**
The plans submitted indicate that the proposed works do not exceed the maximum height of the existing roof.
- (c) **Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principle elevation of the dwellinghouse and fronts a highway;**
The alterations to the roofline are at the rear of the dwellinghouse.
- (d) **The cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by more than –**
(i) **40 cubic metres in the case of a terrace house, or**
(ii) **50 cubic metres in any other case'**

The dwellinghouse is a terraced property, the resulting roof space will not exceed the cubic content of 40 cubic metres.

- (e) It would consist of or include –
(i) the construction or provision of a veranda, balcony or raised platform, or
(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
The proposed development does not consist of or include any of e (i) or e (ii).

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

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

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
The proposed dormer extensions will be constructed from materials to match those used on the existing dwelling, the dormer will be clad in plain tiles to match the existing with white upvc windows. This condition is therefore satisfied.

- (b) the enlargement must be constructed so that –
(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –
(aa) the eaves of the original roof are maintained or reinstated' and
(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge or the eaves; and
(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

The proposed development joins the original rear roof of the property.

- (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 dormer window would be located on the rear elevation of the dwellinghouse.

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) (England) Order 2015.

Contact Officer: Fiona Martin
Tel. No. 01454 865119

CIRCULATED SCHEDULE NO. 38/16 – 23 SEPTEMBER 2016

App No.:	PT16/1510/F	Applicant:	Mr Draisey
Site:	The Cottage Nursery 3 Lower Stone Close Frampton Cotterell Bristol South Gloucestershire BS36 2LG	Date Reg:	12th April 2016
Proposal:	Erection of first floor rear extension to provide classroom and kitchen area (Re Submission of PT15/5176/F)	Parish:	Frampton Cotterell Parish Council
Map Ref:	367343 181369	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	3rd June 2016



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PT16/1510/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule as the comments of the parish council could be considered tantamount to an objection. The comments could be seen as being contrary to the officer recommendation for approval which does not bring forwards the requests made by the parish.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a first floor rear extension to an existing children's nursery in Frampton Cotterell. The extension would provide an extended kitchen and a 'sleeping area'. The existing sleeping area would become a 'baby room'.
- 1.2 The application site is a detached Victorian house which has been converted into a nursery. Situated adjacent to Watermore Primary School on Lower Stone Close, the site is also close to a local shopping rank.
- 1.3 This application is a resubmission of PT15/5176/F. The earlier application was withdrawn to address highway concerns over insufficient parking due to a proposed front extension. The front extension has been omitted from the current application and there are no changes to the existing parking provision on the site.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS13 Non-safeguarded Economic Development Sites
CS23 Community Infrastructure and Cultural Activity
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

T7 Cycle Parking
T8 Parking Standards
T12 Transportation
E3 Employment Development
LC4 Proposals for Educational and Community Facilities

2.3 Supplementary Planning Guidance

Frampton Cotterell and Coalpit Heath Village Design Statement

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|---|--------------------------|------------|
| 3.1 | PT15/5176/F | Withdrawn | 09/03/2016 |
| | Erection of first floor rear and single storey front extension. Alterations to car park. | | |
| 3.2 | PT14/2656/F | Refused | 25/09/2014 |
| | Erection of single storey front extension to provide playroom | | |
| 3.3 | PT03/0097/F | Approved with Conditions | 24/02/2003 |
| | Erection of first floor extension over existing conservatory to form staff area for children's nursery. | | |
| 3.4 | PT01/0548/F | Approved with Conditions | 24/05/2001 |
| | Erection of two storey rear extension to nursery with external fire escape staircase. | | |
| 3.5 | P97/1365 | Approved with Conditions | 24/03/1997 |
| | Erection of conservatory and construction of car park in association with existing educational use of premises. | | |

4. CONSULTATION RESPONSES

- | | |
|-----|--|
| 4.1 | <u>Frampton Cotterell Parish Council</u> |
| | No objection subject to: satisfactory parking facilities; no increase in staff; provision of a travel plan. |
| 4.2 | <u>Highway Structures</u> |
| | No comment |
| 4.3 | <u>Lead Local Flood Authority</u> |
| | No comment |
| 4.4 | <u>Transportation</u> |
| | Restriction previously placed on number of children who may attend nursery; a greater number of children currently attend than specified in the condition. No severe transport impacts have been recorded in the locality as a result of this. However, the size of the nursery as now operates should be subject to a green travel plan to focus on the management of the site, parking, and access to and from the site by all users. This should be secured by condition. |

Other Representations

- | | |
|-----|------------------------|
| 4.5 | <u>Local Residents</u> |
| | None received |

5. ANALYSIS OF PROPOSAL

- | | |
|-----|---|
| 5.1 | This application seeks planning permission for a first floor extension to provide additional nursery accommodation at an existing facility in Frampton Cotterell. |
|-----|---|

5.2 Principle of Development

The application site is in a sustainable location being situated within the village of Frampton Cotterell. Not just is the site within the village but it is between the two sites of Watermore Primary School and near a local shopping parade. Policy LC4 allows for the development, expansion and improvement of educational and community facilities within defined settlements subject to an assessment of accessibility, residential amenity, environmental effects, and transport and parking. Further to this, the proposal should be considered as a form of economic development and due weight should be applied to this as a planning consideration.

- 5.3 The proposed development is therefore acceptable in principle but should be determined against the analysis set out below.

5.4 Design

The original building on the site has been extended a number of times. The proposed extension would fill in an area to the rear of the building, which is currently roughly L shaped. At the ground floor there is an existing structure and the proposed extension would be located above this. No further extensions are proposed at the ground floor; this creates a small canopied area beneath the proposed extension. There is a shallow pitch to the proposed roof orientated towards the existing rear elevation. Externally the extension would be clad with a weatherboard finish.

- 5.5 Given the narrow depth of the proposed extension, it is considered that a different roof form would look contrived. The provision of a canopied area is also not considered to constitute poor design; this would enable a 'dry' area for outdoor activities.

- 5.6 The design of the proposal is considered to be acceptable. Located to the rear, direct views of the extension would be limited. Some view may be achieved from the side across the school playground but the proposal is not considered harmful to visual amenity.

5.7 Residential Amenity

Development should not be permitted that has a prejudicial impact on residential amenity. The nearest residential is adjacent to the site to the north east. The proposed extension would be screened from this dwelling by the existing 2-storey section on the nursery.

- 5.8 Behind the site is the school playground. At the rear, the site is small. Whilst windows are proposed in this elevation they are not considered to have a greater impact on overlooking of the school than the existing rear windows. The same situation applies to the proposed side windows, which serve a kitchen.

5.9 Transport and Parking

The proposal does not seek to make any alterations to the existing access and parking arrangement. Planning policy indicates a maximum parking standard for this type of development and therefore the level of on-site parking is considered acceptable.

- 5.10 It is recognised that at peak times when drop offs and collections from the nursery and nearby schools are being made, there would be traffic associated with the development. However, parking on the public highway cannot be controlled under the Planning Act. It is the duty of the motorist to ensure that vehicles are parked in a safe and lawful manner.
- 5.11 No details of cycle parking are provided. Given that the site is in a sustainable location where it is feasible to expect some journeys to be undertaken by bicycle, a condition will be used to secure cycle parking on the site.
- 5.12 Under planning permission P97/1365 a condition was attached to the permission which restricted the number of children who may attend the nursery at any one time to 24. This condition was applied in the interests of highway safety. The most recent Ofsted report for the site identifies a maximum of 45 children to attend the nursery at any one time and 70 children on the nursery's roll. It is therefore clear that the site has been operating in breach of the conditions of P97/1365 with regard to the number of attendees.
- 5.13 From an investigation of the nature of the highway in the locality, the increased number of children attending the site has not led to a severe impact on highway safety and therefore the limitation cannot be justified and should not be brought forward onto any consent granted under this application.
- 5.14 Further to this, as the number of children which may attend the nursery at any one time is controlled through the Ofsted licence (and there is no highways reasons for a restriction), it is not considered that the number of attendees needs to be controlled through the Planning Act.
- 5.15 However, policy CS8(3) seeks to encourage the provision and promotion of sustainable travel options. With the number of children attending likely to increase as a result of this development, it is considered that the site should be subject to a green travel plan to manage travel demand and parking associated with the operation of the site as a nursery. Therefore a travel plan should be secured by condition in this instance.
- 5.16 Economic Development and Provision of Community Facilities
The proposal would make a contribution both to the economic development of the district and to the provision of community education facilities in the village. This weighs in favour of granting planning permission.
- 5.17 Environmental Impacts
The proposed development is not considered likely to result in any environmental impact.
- 5.18 Other Matters
The Parish Council have also raised concern about any increase in staff numbers. From information contained in the application form it is indicated that the proposed extension would lead to an increase of 2 part-time members of staff. The planning system manages development and not staffing numbers.

Whilst staff number can be indicative of the travel associated with the employment use, it would not be reasonable to restrict the number of staff employed on the site in this instance.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. Prior to the first use of the extension hereby permitted as part of the children's day nursery, a travel plan shall be submitted to and approved in writing by the local planning authority. Within 3 months of the approval of the travel plan, the plan shall be executed in full. For the avoidance of doubt, the travel plan should seek to minimise journeys by private motor car to promote more sustainable travel choices by managing access to and from the site by all users and managing on-site car parking.

Reason

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

3. Prior to the first use of the extension hereby permitted as part of the children's day nursery, a scheme of cycle parking – in association with the travel plan required by condition 2 – shall be submitted to and approved in writing by the local planning authority. The scheme of cycle parking shall be carried out in full within 3 months of the approval of the scheme by the local planning authority and thereafter retained.

Reason

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

CIRCULATED SCHEDULE NO. 38/16 – 23 SEPTEMBER 2016

App No.:	PT16/3824/F	Applicant:	Church Farm Estates
Site:	Land At Moorhouse Lane Hallen Bristol South Gloucestershire BS10 7RT	Date Reg:	30th June 2016
Proposal:	Erection of 4no Detached Dwellings and associated works.	Parish:	Almondsbury Parish Council
Map Ref:	354929 179874	Ward:	Almondsbury
Application Category:	Minor	Target Date:	17th August 2016



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PT16/3824/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of letters/e.mails of support from local residents, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a plot (0.18ha) of land located to the south of Moorhouse Lane, between Hallen Village and the Motorway. The land, which is generally flat, lies within the Established Settlement Boundary for Hallen Village, which in turn lies within the Bristol & Bath Green Belt. The site is currently used as a pony paddock and storage area. Moorhouse Lane is a residential street, which is just off the main Hallen Road; Hallen Garage lies immediately to the north of the site. The site has an existing vehicular access off Moorhouse Lane to the east of Hallen Garage.
- 1.2 The application seeks a full planning permission for the erection of 4no. 2-storey, 3-bedroom houses arranged around a central courtyard. The existing access off Moorhouse Lane is proposed to be upgraded and used to access the development.
- 1.3 The application is supported by the following documents:
 - Extended Phase 1 Habitat Survey
 - Compliancy Assessment Report
 - Water Compliant Specification
 - Flood Risk and Drainage Strategy
 - Design and Access Statement
 - Flood Risk Assessment

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
The National Planning Practice Guidance 2014
- 2.2 Development Plans
The South Gloucestershire Local Plan (Adopted) 6th January 2006 (saved policies)
 - L1 - Trees and landscape
 - L5 - Open Areas within the Existing Urban Areas and Defined Settlements
 - L9 - Species Protection
 - L11 - Archaeology
 - EP2 - Flood Risk and Development
 - T7 - Cycle Parking
 - T12 - Highway Safety
 - LC12 - Recreation Routes

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
CS15 - Distribution of Housing
CS16 - Housing Density
CS17 - Housing Diversity
CS18 - Affordable Housing
CS23 - Community Infrastructure and Cultural Activity
CS24 - Green Infrastructure, Sport and Recreation Standards
CS34 - Rural Areas

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
South Gloucestershire Council Residential Parking Standards (SPD) Adopted.
SG Landscape Character Assessment as adopted Nov 2014.
Development in the Green Belt SPD Adopted June 2007.
SGC Waste Collection: guidance for new developments SPD Adopted Jan. 2015

2.4 Emerging Plan

Proposed Submission: Policies, Sites & Places Plan June 2016

PSP1 - Local Distinctiveness
PSP2 - Landscape
PSP3 - Trees and Woodland
PSP4 - Designated Local Green Spaces
PSP5 - Undesignated Open Spaces within Urban Areas and Settlements
PSP6 - Onsite Renewable & Low Carbon Energy
PSP7 - Development in the Green Belt
PSP8 - Residential Amenity
PSP11 - Development Related Transport Impact Management
PSP16 - Parking Standards
PSP19 - Wider Biodiversity
PSP20 - Flood Risk, Surface Water and Watercourses
PSP21 - Environmental Pollution and Impacts
PSP43 - Private Amenity Space Standards

3. RELEVANT PLANNING HISTORY

3.1 None

4. **CONSULTATION RESPONSES**

4.1 Almondsbury Parish Council

No Objection, however the Parish Council has concerns about the location of the access to the properties, the entrance is very close to a junction off a busy main road.

Other Consultees

4.2 The Open Spaces Society

No response

4.3 Historic Environment (Archaeology)

The applicants will be required to submit the results of an archaeological desk-based assessment and the results of field evaluation, involving trial trenching, prior to determination. Until this information is submitted, I recommend refusal.

4.4 Highway Structures

No comment

4.5 Lead Local Flood Authority

No objection subject to a condition to secure a SUDS drainage scheme and an informative relating to land drainage consent.

4.6 Transportation D.C.

No objection subject to conditions to secure access, turning and parking facilities.

4.7 The Environment Agency

The site falls below flood risk standing advice.

4.8 Environmental Protection

No objection subject to a condition related to potentially contaminated land.

Ecology

4.9 As well as precautionary measures to ensure no protected species are harmed, the opportunity should be taken to carry out biodiversity enhancements. These can be secured via Conditions and Informatives.

4.10 Housing Enabling

The proposal for 4no. dwellings falls below the threshold for affordable housing.

4.11 Landscape Officer

There is no landscape objection to the development with regards to L1 and CS1. Conditions should secure a detailed planting plan and boundary treatments to Hallen Road.

Other Representations

4.12 Local Residents

5no. letters/e-mails of support have been received from local residents; the matters raised are summarised as follows:

- The houses will be in-keeping.
- The development will enhance the surroundings of the area.
- More houses are needed in Hallen.
- The scheme sits well in the surrounding area.
- Will be good for business locally.

A further letter/e-mail was received from the owner of Hallen Garage who whilst having no objection per se, raised the following concerns:

- The yard used by the garage customers could be lost to the scheme, which would threaten the viability of the garage business or create additional on-street parking and congestion.

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 The Council's Annual Monitoring Review (AMR) reveals that the Council cannot currently demonstrate a 5-year housing land supply. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a positive contribution, to the housing supply within South Gloucestershire albeit a very small one; as such para. 14 of the NPPF is therefore engaged and officers must in this case consider how much weight to give to this in determining this application. Whilst the lack of a 5-year housing land supply is a material consideration that would weigh in favour of the proposal this would not in itself amount to a very special circumstance to outweigh harm to the Green Belt by reason of inappropriateness and any other harm. In this case the contribution that 4no. dwellings would make to the 5-year housing supply would be a benefit but only a small one, to which officers can only give modest weight.

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. It should be noted that the original policies relating to housing

provision and settlement boundaries have now been removed from the PSP Plan and these will now be progressed through a separate plan.

- 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 Core Strategy Policy CS5 6(C) requires proposals for development in the Green Belt to comply with the provisions of the NPPF. Policy CS8 (1) does not support proposals which are car dependant or promote unsustainable travel behaviour.
- 5.9 Impact on the Openness of the Green Belt
Paragraph 79 of the NPPF states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.10 Inappropriate development is by definition harmful to the openness of the Green Belt and should not be approved except in very special circumstances (para. 87).
- 5.11 The five purposes of including land within the Green Belt are listed at para. 80 of the NPPF and are as follows:
- To check the unrestricted sprawl of large built up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;

- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.12 Para. 89 of the NPPF states that planning authorities should regard the construction of new buildings as inappropriate in the Green Belt but lists exceptions amongst which are the following:

- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

5.13 Taking the second bullet point first, officers are satisfied that the development site is previously developed land, but only in as much as it is used for the keeping of horses and for storage purposes. These existing uses are relatively low key and most of the structures and paraphernalia on the land are of a minor or portable nature. The land is otherwise relatively open and forms a transition between the buildings fronting Moorhouse Lane to the north and the open fields to the south.

5.14 The proposed houses would be considerably larger than the existing stables etc. This together with the proposed residential curtilages and associated hard-standings, turning area, and domestic paraphernalia, would clearly have a significantly greater impact on the openness of the Green Belt than the existing development, so this criterion is not met.

5.15 Moving to the first bullet point, officers consider that the issue of 'limited infilling', is key to the determination of this application. There is linear housing development along Moorhouse Lane interspersed with some commercial development i.e. Hallen Garage.

5.16 Consideration must be given to what is meant by the term 'limited infilling' and in doing so it is noted that the supporting text at para. 8.162 to Policy H2 of The South Gloucestershire Local Plan (SGLP) defined the term as:

"..the filling of small gaps within built development, where it does not significantly impinge upon the openness of the Green Belt".

It is however acknowledged that the South Gloucestershire Local Plan: Core Strategy 2006-2027 was adopted in Dec. 2013 and Policy H2 was not a saved policy in the SGLP.

5.17 In the Core Strategy, Policy CS5 confirms at para. 6 (a) that, in the Green Belt, small scale infill development may be permitted within the settlement boundaries of villages shown on the policies map; this includes Hallen. The Core Strategy Glossary of Terms defines 'infill development' as:

“The development of a relatively small gap between existing buildings, normally within a built up area.”

- 5.18 Also of relevance is the Councils adopted SPD note “Development in the Green Belt” June 2007. Under the heading ‘Infill Development’ on pg5 the SPD states that:

“Infill development is development that is small in scale and which fits into an existing built up area in a defined settlement boundary, normally in-between existing buildings, in a linear formation.”

Under this definition the proposal is not infill development because it does not lie within a gap within the linear development along Moorhouse Lane but is more akin to a back-land development on the very southern edge of the village.

- 5.19 Given the Council’s inability to currently demonstrate the lack of a 5-year housing land supply, para.14 of the NPPF is engaged. The NPPF allows for “*limited infilling within villages*” but does not define exactly what ‘limited infilling’ means.

- 5.20 A more recent appeal APP/P0119/A/13/2197733 relating to the refusal of housing in the Green Belt close to the village of Iron Acton (PK13/0839/O) was decided 17 Oct. 2013. Within his Decision Letter the Inspector broached the issue of whether or not the proposed development represented infilling or not. In so doing, the Inspector noted that:

“Because....the site, in its entirety, does not form a gap between existing buildings in linear formation, the proposal would not constitute an infilling opportunity in the context of the Framework...”

Clearly the Inspector has used the definition of infill development referred to in the ‘South Gloucestershire Development in the Green Belt SPD (Adopted)’. Officers therefore consider that it reasonable to use this definition in the determination of this current proposal.

- 5.21 On this basis and for the reasons explained above, the proposal fails the criteria listed at bullet point one above (para.5.13) and as such is inappropriate development within the Green Belt for the purposes of the NPPF. Furthermore, the scheme does not formally include an affordable housing component for local community needs to which the Framework and the SPD, ‘Development in the Green Belt’, refer.
- 5.22 The applicant is clearly not of the opinion that the proposal is inappropriate development within the Green Belt and as such has not demonstrated the very special circumstances to overcome the harm by reason of inappropriateness and any other harm. There is therefore an in-principle objection to the proposed development, which would be harmful to the openness of the Green Belt and to the purposes of including land within the Green Belt. In line with the NPPF officers attach significant weight to this harm.

5.23 Design and Landscape Issues

The NPPF promotes the highest standards of design stating at para.56 that, *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Core Strategy Policy CS1 only permits new development where good standards of site planning and design are achieved. The Policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

5.24 Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape. Policy L5 states that within the existing urban areas and settlements as defined on the proposals map, development will not be permitted where it would adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality.

5.25 The detailing, siting and design of the proposed buildings should have regard to the local vernacular. The proposed houses would be relatively simple gable-ended structures. The walls would have a painted rendered finish and the roof tiled.

5.26 Officers have assessed the built development within this part of the village and concluded that it is characterised by a mix of different styles which reflect the period when the properties were built. As such the design of the proposed dwellings would not in urban design terms appear out of place.

5.27 The site is located within the settlement boundary of Hallen. It is located on the southern boundary between the village and the motorway. There are no public footpaths in the area between the site and the motorway. The site is screened by existing buildings, walls and vegetation in views from Moorhouse Lane. It would be open to views from the entrance from Hallen Road. From the entrance way the views to the paddocks beyond are kept open and the development would not, in general landscape terms, have a significant impact on the rural character of the village.

5.28 There is scope to enhance the views from Hallen Road through planting within the site and on the southern boundary. Subject to conditions to secure a detailed planting plan and appropriate boundary treatments, the proposal would accord with Policies L1 and L5 of the adopted local plan.

5.29 Impact Upon Residential Amenity

The proposed dwellings would be set back a sufficient distance from the site boundary and nearest residential properties. There are no obvious reasons why the proposal should be refused on privacy or overbearing issues. Adequate amenity space would be made available to the proposed dwellings.

5.30 Transportation Issues

Sufficient parking space would be provided within the site to satisfy the minimum Residential Parking Standards SPD. Access would be via an existing access where having regard to the nature of the Moorhouse Lane and the local geometry, sufficient visibility is available. There would be adequate provision for refuse vehicles to access and turn within the site. The location is considered to be a sufficiently sustainable one and traffic generation would be negligible. There are therefore no transportation objections to the proposal.

5.31 Environmental and Drainage Issues

Any increase in noise levels or anti-social behaviour, would be the subject of normal environmental health controls. Whilst there would inevitably be some disturbance for neighbours during the development phase, this could be adequately mitigated by imposing a condition to restrict the hours of working. In terms of drainage, the means of foul disposal is indicated as being to the mains sewer. Surface water would be disposed of to a Sustainable Drainage System, the details of which could be secured by condition. Given the previous land uses of the site a condition is required to secure an investigation to ascertain if any of the land is contaminated and measures of mitigation if it is.

5.32 The site lies for most part in Flood Zone 1 but the southern part of the site lies in Flood Zone 2. Given that there would be no built development within the area in Flood Zone 2 there are no objections on drainage or flooding grounds and the scheme is considered to meet the sequential test outlined in the NPPF. The site does not lie within a Coal Referral Area.

5.33 Ecology

The site is not covered by any statutory or non-statutory nature conservation designations. An Extended Phase 1 Habitat Survey report (IES Consulting, October 2015) has been provided. The findings are as follows:-

Habitats

- Hardstanding;
- Ephemeral vegetation;
- Buildings;
- Dense scrub;
- Rubble piles with tall ruderal vegetation.

Species protected under the Conservation Regulations 2012 (as amended), known as European Protected Species, and Wildlife & Countryside Act 1981 (as amended)

- Bats – there are six buildings on site, all of which were found to provide no roosting potential for bats.

Species protected under the Wildlife & Countryside Act 1981 (as amended)

- Reptiles – the site was considered to provide sub-optimal habitats for reptiles.
- Nesting birds – the site offers potential nesting opportunities for birds. Although no evidence of birds was observed.

European Hedgehog (not currently protected but a UK and South Gloucestershire Priority Species).

- The dense scrub present on site has the potential to provide habitat for hedgehog.

The site did not have suitable habitat, nor was close to such habitat, to require consideration of any other protected species.

- 5.34 As well as precautionary measures to ensure no protected species are harmed, the opportunity should be taken to carry out biodiversity enhancements. This can be secured by appropriate conditions.

Historic Environment

- 5.35 The application site lies adjacent to the historic settlement of Hallen; it is within the Almondsbury Levels, an alluvial landscape of alluvial deposition that contains significant archaeological and environmental evidence of past settlement and land use, and exists within a broader landscape of known archaeological potential and importance. The application is not supported by any heritage assessment to determine the significance of the archaeology nor the impact of the development to that archaeology. The applicants are required to submit the results of an archaeological desk-based assessment and the results of field evaluation, involving trial trenching, prior to determination. As the applicant has declined to submit this information at this stage, this weighs heavily against the proposal and constitutes in its own right, grounds for refusal.

5.36 Affordable Housing

The proposal is for 4no. new dwellings only, which is below the Council's threshold for affordable housing provision.

5.37 Community Services

The proposal is for 4no. new dwellings only, which is below the Council's threshold for contributions to Community Services.

CIL Matters

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

Planning Balance

- 5.39 In its favour the proposal would make a positive contribution to the 5 year housing supply, albeit a small one to which only modest weight can be given.

This would clearly be outweighed by the identified harm to the openness of the Green Belt and potential harm to archaeology.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposal is inappropriate development in the Green Belt for which no very special circumstances have been advanced that would overcome the presumption against inappropriate development in the Green Belt or any other harm, which is contrary to Core Strategy Policies CS5 and CS34 and the provisions of the NPPF. Furthermore insufficient information has been submitted to fully assess the potential impact of the development on archaeological remains.
- 6.3 Whilst the acknowledged need for housing in the County weighs in favour of the application, these matters are clearly outweighed by the harm identified above. Notwithstanding the failure of the Council to demonstrate a 5-year housing land supply, any adverse impacts of granting consent would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.4 The recommendation to refuse 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 is **REFUSED** for the reasons listed on the Decision Notice.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

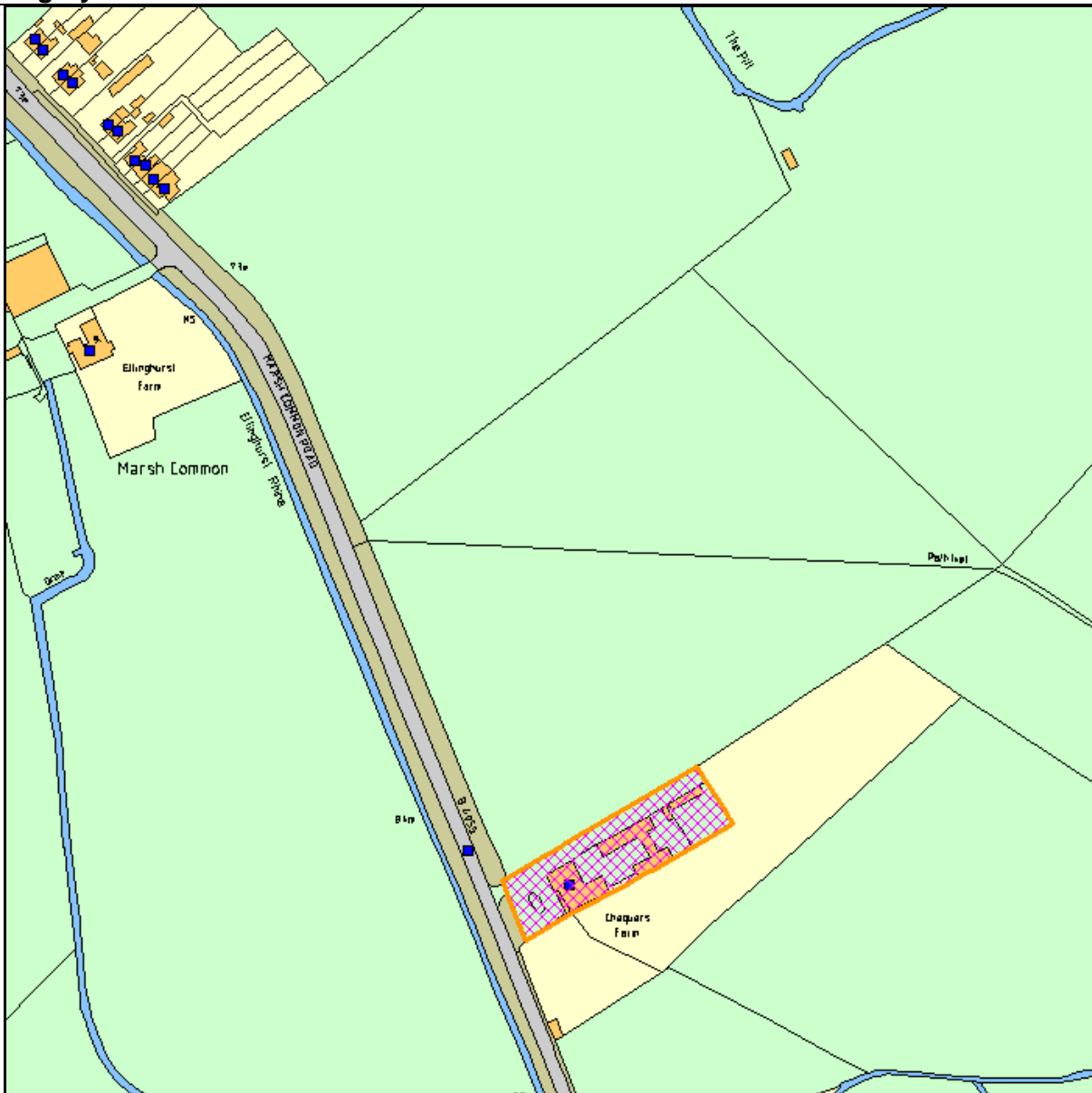
REFUSAL REASONS

- 1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. It is not considered that the development comprises limited infilling within a village. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework and the South Gloucestershire Development in the Green Belt SPD (adopted).

2. The site has the potential to contain archaeological remains and as such the proposed development is likely to have a significant and demonstrable harm upon those remains if present. No evidence has been submitted to demonstrate that adequate mitigation can be provided as part of the development. The application is therefore contrary to Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2011 and Policy L11 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 38/16 – 23 SEPTEMBER 2016

App No.:	PT16/3826/F	Applicant:	Mr & Mrs R. Kelley
Site:	Chequers Farm Marsh Common Road Pilning Bristol South Gloucestershire BS35 4JU	Date Reg:	28th July 2016
Proposal:	Erection of two single storey rear extensions to provide additional living accommodation.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	356257 183984	Ward:	Pilning And Severn Beach
Application Category:	Householder	Target Date:	20th September 2016



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PT16/3826/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following an objection from the Parish Council which is contrary to the officer recommendation within this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 2 no. single storey rear extensions at Chequers Farm, Marsh Common Road, Pilning.
- 1.2 Permission is sought for the extension to provide a music room, a dressing room and a utility room at the property.
- 1.3 The application site is situated within the Bristol/Bath Green Belt and the within the open countryside. The site is also situated within Flood Zone 3.
- 1.4 An application to turn the redundant buildings to the north of the dwelling into 2 no. annexes ancillary to the main dwelling has also been received, and this is currently pending consideration by the Local Planning Authority (PT16/3812/F).
- 1.5 During the course of the application, a Flood Risk Assessment was received to support 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
CS5 Location of Development
CS8 Improving Accessibility
CS9 Environment
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation
H4 Development within Existing Residential Curtilages
L1 Landscape
L11 Archaeology

South Gloucestershire Policies Sites and Places Development Plan Document (Submission Draft) June 2016

PSP1 Location Distinctiveness
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP16 Parking Standards

PSP38	Extensions within Residential Curtilages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/3812/F Pending Consideration
Conversion of existing outbuildings to form 2no annexes ancillary to main dwelling.
- 3.2 PT04/1539/F Approve with Conditions 01/06/2004
Erection of detached double garage.
This development was either never implemented, or has since been removed from the site as the garage is not in situ. .
- 3.3 PT01/1189/F Approve with conditions 02/07/2001
Change of use of existing redundant buildings to boarding kennels/cattery
- 3.4 P99/1131 Refused 08/03/1999
Change of use of stables to dwelling.

Reasons for refusal:

1 - The proposal would lead to the introduction of a further residential curtilage which would be detrimental to the rural character and openness of the Bristol Green Belt contrary to Policy RP34 of the adopted Rural Areas Local Plan, Policy N10 of the Northavon Local Plan (Deposit Draft), Policy GB6 of the Avon County Structure Plan (incorporating the adopted Third Alteration) and guidance set out in PPG2 and PPG7.

2 - The proposed development would give rise to additional turning movements onto and off the classified road B4055 which would interrupt and interfere with the free and safe movement of traffic to the detriment of highway safety contrary to Policy TR19 of the Avon County Structure Plan (incorporating the adopted Third Alteration, Policy RP1 of the adopted Rural Areas Local Plan, and Policy N81 of the Northavon Local Plan (Deposit Draft).

3 - The proposed residential conversion would result in an unsatisfactory arrangement of building, which would be detrimental to the amenities of the existing bungalow contrary to Policy RP1 of the adopted Rural Areas Local Plan and Policies N1 and N66 of the Northavon Local Plan (Deposit Draft).

- 3.5 N5792/2 Refused – Appeal Allowed 02/01/1982
Partial demolition of existing farmhouse and erection of a 4-bedroom detached bungalow and double garage.

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council

This proposed application is far too large for the Greenbelt. This addition to Chequers Farm will not be in keeping with other properties on the road.

4.2 Other Consultees

Lead Local Flood Authority

No objection to FRA, however the applicant should consider updating the emergency flood plans in relation to access and egress.

Lower Severn Drainage Board

No comment received.

Archaeology Officer

Archaeological watching brief is recommended during all groundworks.

Other Representations

4.3 Local Residents

None received.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Green Belt

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

5.3 The Parish Council have concerns that the proposed extensions are too large for the Green Belt location. Officers have looked into the planning history and note that previously a two-storey farmhouse stood at the site, and this was replaced with a bungalow in the 1980s, which was originally refused by the Council but then approved at appeal (N5792/2). Due to the age of the application, the record is kept in microfiche form however it is of a poor quality

and officers were unable to carry out an exact volume calculation. The plans show that the previous farmhouse was on a slightly smaller footprint, however it was full two-storey height and had a bulky catslide roof to the rear. The bungalow, whilst over a slightly larger footprint has a significantly reduced ridge height, and the rear gable seen on site today is not a recent addition and was approved as part of the replacement bungalow in the 1980s. Officers conclude that, whilst unfortunately an exact volume calculation cannot be undertaken due to the age of the development, it appears that the bungalow approved in the 1980s was of a similar volume to the previous farmhouse it replaced, as the increase in footprint was offset by the reduction in height. Therefore, for the purposes of this assessment, officers have used the volume of the bungalow as it stands today as the 'original' volume.

- 5.4 The outbuildings to the north have not been included within the volume calculation as these do not appear to be residential buildings, with the last lawful use being as a cattery and as stables. In light of this, a volume calculation of the proposed extensions has been undertaken, indicating that the development hereby proposed represents an increase of approximately 30% over and above the volume of the original dwelling. This is an acceptable increase in Green Belt terms, and as the proposed extensions are enclosed within the existing courtyard area, the impact on openness is not considered to be harmful.

5.5 Design

The bungalow is formed of two gables; the main gable set back from the highway and running parallel to it, with the secondary gable protruding to the rear at a reduced ridge height. The bungalow is finished in a mix of render, stonework, concrete pantiles and brown UPVC windows, and there is a chimney stack on the north-west side of the main gable. There is a gravelled courtyard garden to the back leading to various outbuildings, which are currently the subject of planning application PT16/3812/F currently pending consideration by the Local Planning Authority.

- 5.6 Both of the proposed extensions will extend to the rear of the bungalow, with the proposed dressing room and utility room infilling the gap between the master bedroom and the adjacent outbuilding, and the proposed music room extending to the north-east from the main gable. The Parish Council have indicated that the proposals are not in keeping with the character of the dwelling and surrounding properties, however the gable roofline is considered to reflect the existing form and architectural style. The proposal will be finished in materials to match the existing property and a condition on the decision notice will ensure this is the case. Subject to this, the development is considered to be in accordance with policy CS1 of the Core Strategy.

5.7 Residential Amenity

The application site does not have any adjoining neighbours, and so the development will not impact upon any nearby occupiers. The proposed development will reduced the amount of garden area available to the occupiers of the dwelling, however the remaining amount following development is considered to be adequate. The development is in accordance with policy H4 of the Local Plan.

5.8 Transport

It is considered that the proposed music room could form an additional bedroom for future occupiers, so the dwelling has been assessed as a five-bedroom property. Chequers Farm benefits from a large driveway with a turning area, so it is considered that three off-street parking spaces could easily be provided in accordance with the Residential Parking Standards SPD.

5.9 Drainage

As the development is in Flood Zone 3, a householder Flood Risk Assessment was requested and received by the Council on 31st August 2016. The Lead Local Flood Authority has no objection to the mitigating measures detailed in the FRA, however they recommend that the applicant reviews their emergency flood plans in relation to access & egress. An informative on the decision notice will remind the applicant to update any such document in the event the extensions are approved and implemented.

5.10 Archaeology

The property is sited in the centre of a series of medieval banks and ditches forming a drainage system for the marsh, as evidenced on aerial photographs. The proposed development has the potential to impact upon these and so the Council's Archaeology officer has recommended that a watching brief is undertaken during all ground works. Given the small scale of the development within an existing area of hardstanding, officers consider it highly unlikely these ditches will be affected and do not consider this condition necessary.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission is **GRANTED** subject to the conditions on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

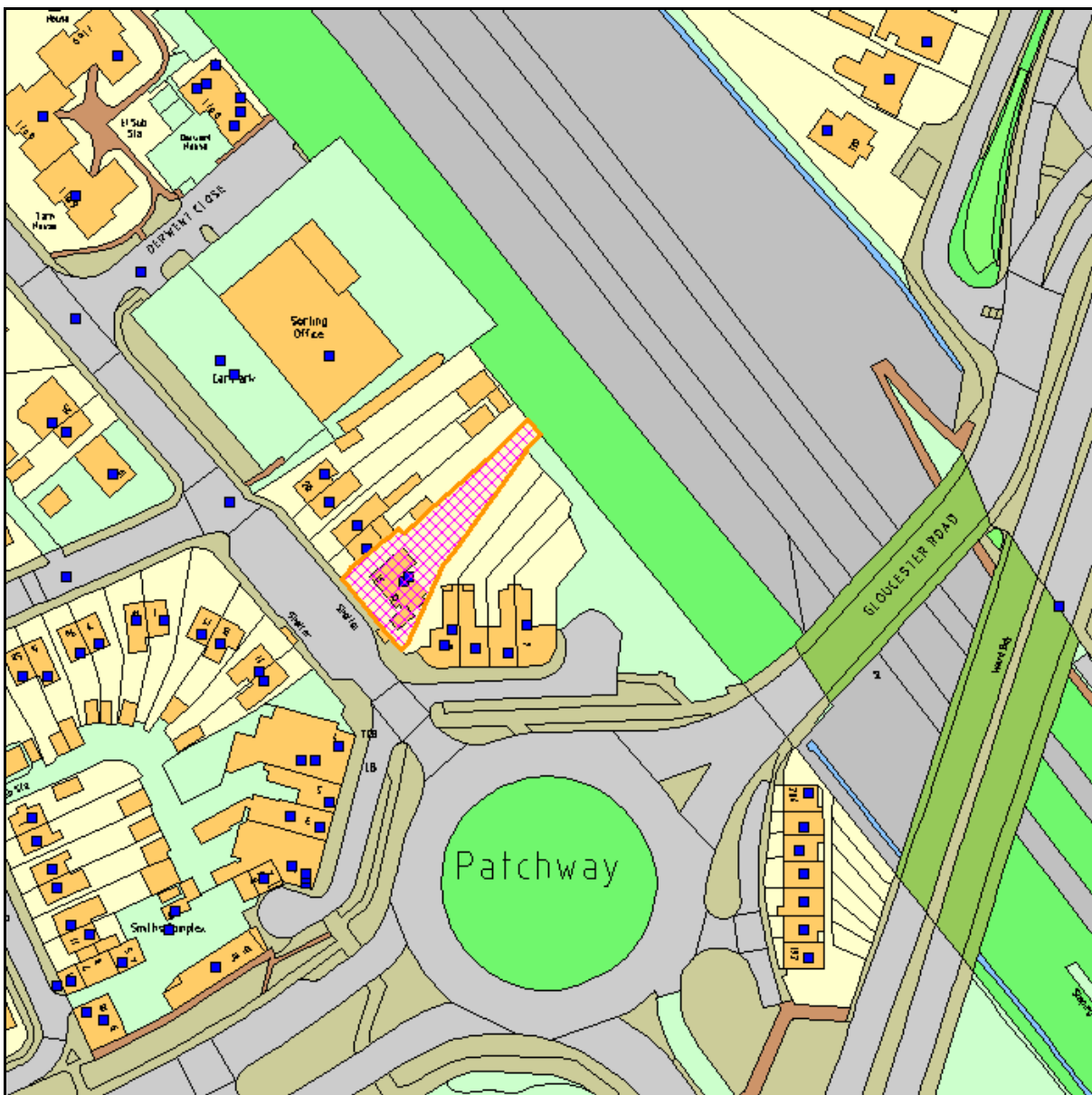
2. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

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.

CIRCULATED SCHEDULE NO. 38/16 – 23 SEPTEMBER 2016

App No.:	PT16/4436/F	Applicant:	Mr Murtaza Khaderbhai
Site:	12 Coniston Road Patchway Bristol South Gloucestershire BS34 5JL	Date Reg:	28th July 2016
Proposal:	Erection of 2no. two-storey rear extensions to facilitate change of use and sub-division from a house in multiple occupation to 2no. dwellings (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)	Parish:	Patchway Town Council
Map Ref:	360526 181724	Ward:	Patchway
Application Category:	Minor	Target Date:	19th September 2016



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PT16/4436/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule as comments have been received which are contrary to the officer's recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the subdivision and extension of the existing building to form 2 three-bedroom dwellings. The building is currently occupied, according to the application, as a house in multiple occupation. However, prior to this the site operated as a doctor's surgery. The doctor's surgery was formed by amalgamating a pair of semi-detached houses into one unit; in effect, this application would revert to the original use of the site for a pair of semi-detached dwellings.
- 1.2 The application site is located on Coniston Road in Patchway, which is part of the north fringe of Bristol. Immediately outside the site is a bus stop and zebra crossing. The site stands next to an established local shopping parade. Vehicular access is provided by a shared drive between nos.12 and 14. To the very rear of the site runs the South Wales Mainline railway.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

T12	Transportation
H4	Development within Existing Residential Curtilages
H5	Residential Conversions

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP37	Internal Space Standards
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance
Residential Parking Standard SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P96/2791 Approval of Full Planning 13/01/1997
Change of use from doctor's surgery to single dwelling house
- 3.2 N1621 Approve with Conditions 10/07/1975
Alterations and extensions to enlarge doctor's surgery.

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
None received
- 4.2 Highway Structures
No comment
- 4.3 Lead Local Flood Authority
No objection
- 4.4 Sustainable Transport
No objection

Other Representations

- 4.5 Local Residents
3 comments of objection from 1 neighbour to the site have been received which raise the following points:
- Correct parking arrangements in front of neighbouring garage not shown
 - Insufficient room to access rear garden given size of proposed extension
 - Part of neighbouring driveway does not form part of the shared access
 - Shared access does not serve no.10
 - Proposed layout would not enable access to parked car for no.14
 - Situation is different for nos.16 and 18 with regard to garages/shared driveways
 - Extension situated over inspection chambers
 - Insufficient parking provided leading to parking on driveway which may block access
 - Parking for HMO was not a problem
 - Parking policy is being ignored
 - Works to Wessex Water drains required prior to planning permission
 - Building not being restored to 2 two-bedroom properties and proposed gardens are not as original

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the subdivision of an existing dwelling (in use as a HMO) into 2 dwellings and extensions to the building to provide additional living accommodation.
- 5.2 Principle of Development
The application site is situated within the north fringe of Bristol. Under policy CS5, development of this nature is directed to the existing urban areas and defined settlements and therefore the proposal does not conflict with the locational strategy as set out in the development plan.
- 5.3 However, at present, the local planning authority cannot demonstrate a 5-year supply of deliverable housing land and in accordance with paragraph 49 of the NPPF the policies in the development plan, insofar as they relate to housing, are out of date. When the development plan is absent, silent, or – as applies in this instance – out of date, applications for residential development should be assessed against the presumption in favour of sustainable development, as set out in paragraph 14 of the NPPF. The presumption in favour of sustainable development states that planning permission should be approved unless the adverse impacts of doing so *significantly and demonstrably* outweigh the benefits of the proposal when assessed against the NPPF as a whole or extant policies in the development plan.
- 5.4 Therefore, the proposed development is acceptable in principle but should be determined against the analysis set out below.
- 5.5 Site Layout
The proposed layout indicates that an extension would be added to the existing rear elevation which would project 4.8 metres. On the ground floor this provides for an enlarged kitchen and general living accommodation; on the first floor the extension provides a third bedroom and bathroom. Behind the extension lies a small patio area from which there is access to the vehicular parking and turning area. Beyond that the site is split into two to provide gardens for each of the units.
- 5.6 The proposed layout is by no means ideal. It introduces significant separation between the dwellings and their amenity space and inserts a communal parking area almost immediately to the rear of the dwellings. The distance between the houses and the gardens is likely to result in irregular use to the detriment of residential amenity provision and the upkeep of the land. On initial examination, the layout is considered to be harmful and that harm to be significant.
- 5.7 However, in terms of the layout it is clear that, if the proposed rear extensions are acceptable, there is little scope to amend the proposal to make improvements. The parking area is located where the site is at its widest; should the parking be relocated further into the site there would not be sufficient width within the plot to enable vehicles to park and manoeuvre.

Whilst the gardens are separate from the dwellings that they serve, in terms of compliance with the proposed private amenity space standard contained in policy PSP43, the gardens are likely to be acceptable. Under this policy a 3-bedroom dwellings is required to provide a minimum of 60 square metres of outdoor private amenity space. Excluding the patios immediately adjacent to the rear of the dwellings, 63 square metres of garden is provided for no.12 and 57 square metres for no.10. Although the slight under provision for no.10 is noted, it is not considered that in its own right this would be sufficient reason to resist the development.

- 5.8 It is also clear, given the location of the bus stop and the zebra crossing to the front of the property that there is little scope to provide an alternative access point for no.10 or the site as a whole. Whilst it is recognised that at some point vehicular access for no.10 would have been provided somewhere in the vicinity of the zebra crossing, the highway itself has undergone significant change over the years and little weight can be applied to any historic access as an alternative access point.
- 5.9 Taking the above into account, the degree of harm that would result from the development should be reassessed. The initial assessment was that the layout was harmful. However, in light of the constraints on the site it has been concluded by officers that there is little that can be done to improve the situation. The level of harm is further lessened as, although separate from the dwellings, the proposed gardens are of a reasonable size. Whilst the location of the parking is undesirable, the provision of some parking – albeit in a less than desirable location – is preferable to the provision of no parking or the provision of parking in an area that is unfeasible or unworkable. In such circumstances the development would be likely to lead to additional parking on the public highway which is subject to waiting restrictions; transport matters are discussed in more detail in a succeeding section.
- 5.10 Therefore, to summarise on the site layout, it is still considered that the proposal would have a harmful impact; however, the severity of that harm is, in reality when considering the site constraints, is moderate.
- 5.11 Transportation
There are two main issues with regard to transportation: access and parking. The neighbour has raised concern with regard to the access. To address some of the neighbour concerns first, the Planning Act would not grant a right of access over third party land; this is a civil matter between the relevant land owners. When it comes to planning permission, the local planning authority must – on the information submitted – be satisfied that access can be gained. The necessary legal agreements to enable such access hold limited weight in the determination process of a planning application.
- 5.12 As part of the plans submitted with this planning application, it has been indicated that access to the proposed rear parking area is feasible. The concern raised by the neighbour with regard to the location of their own parking at the front of their garage is noted, but the local planning authority is not in a position to dispute the submitted plans. Should it be found that land ownership and rights of access do not concur with that shown on the plans, then it would

be a matter for the applicant to review their planning permission to ensure that any development can be lawfully implemented and undertaken.

- 5.13 Turning to traffic generation and parking, the proposed development must be considered against the existing use of the site. The existing use of the site as a house in multiple occupation with 6 residents is likely to cause a similar if not higher level of traffic demand than that of 2 three-bedroom dwellings. Therefore, the traffic generation is considered comparable to the existing situation. It is also considered by the transport officer that the proposal would lead to a lower demand for on-site car parking than that associated with a house in multiple occupation.
- 5.14 It is noted that under the Residential Parking Standard SPD, three-bedroom dwellings are required to provide 2 parking spaces. Based on the SPD, the proposed development requires 4 parking spaces – 2 for each of the proposed dwellings. Linked to the discussion above, the site constraints impact on the ability of the site to provide sufficient parking in a location that allows for manoeuvring areas. It should also be noted that the site is in a highly sustainable area with good access to public transport, convenience shopping and employment opportunities. The local highway network in the vicinity is subject to waiting and no-stopping restrictions. Given this, it is unlikely that convenient on-street parking would serve the dwellings. As a result, the limited on-site parking provision may act to limit car ownership to the benefit of sustainable transport patterns. The transport officer has raised no objection to the under supply of parking given the existing use of and the sustainability credentials of the site. Whilst the under supply of parking may result in harm, any harm is considered to be limited. This is therefore a neutral factor in reaching a balanced decision on this application.
- 5.15 Design and Appearance
All development in the district is required to meet the highest possible standards of site planning and design to accord with policy CS1. For development of this sort, it is expected that the proposal respects the character and appearance of the existing property in terms of scale and materials.
- 5.16 Located on the rear elevation, the proposed extension would have little impact on the appearance of the dwelling from the street. It is indicated on the application form that the materials to be used would be the same as those that are used on the main dwelling. This can be secured by condition if necessary. Whilst the extension is large, satellite imagery shows that similar extensions are been erected at nos. 16 and 18 and therefore it cannot be considered that the development proposed here would be out of character with the area.
- 5.17 Overall, the design of the proposal is considered to be acceptable and would not act as a constraint to the grant of planning permission.
- 5.18 Residential Amenity
Development should not be permitted that has a prejudicial impact on residential amenity. Any assessment of amenity should consider the application site itself and nearby occupiers.

- 5.19 It has been identified above that adequate, in terms of size, outdoor amenity space is proposed for the dwellings. The proposal is therefore not considered to provide substandard living conditions for future occupiers. New windows are proposed on the flank elevations of the building at first floor level. These present the opportunity to enable greater levels of overlooking to the detriment of the amenities of nearby occupiers.
- 5.20 The proposed first floor window in the side elevation between no.12 and 14 is not considered to impact on amenity. This window would look at the side elevation of no.14 which is blank. Whilst this window would have a limited outlook, it would not enable greater overlooking to the detriment of residential amenity. A similar window is proposed on the side elevation facing no.8. Here there is greater distance between the two buildings in question. The angular relationship between the two dwellings also acts to reduce any intervisibility. It is not considered that the impact of this window would amount to a prejudicial impact on residential amenity and is therefore acceptable. The windows on the rear elevation would not result in a significant change over and above the existing situation.
- 5.21 Landscape and Ecology
The garden for the dwelling is overgrown and it is adjacent to a number of areas which are relatively unkempt. Therefore, the site could provide suitable ecological habitat. It is considered that given the scale of development and the development that could be undertaken without planning permission, an informative note regarding protected species should be attached to the decision notice.
- 5.22 Overdevelopment
Given the above discussion, particularly with regard to the site layout and parking provision, it could be argued that the proposal would amount to the overdevelopment of the site.
- 5.23 It must be acknowledged and due weight attributed to the fact that the site originally functioned as a pair of semi-detached dwellings. Therefore it is illogical to now contend that the site could not satisfactorily provide for 2 dwellings. The main change would be the rear extensions. Should these come forward independently, again, there would be little reason to resist them. What has changed is the local highway network and access; however, it is clear that the site has functioned as one unit (either as a doctor's surgery or single dwellinghouse) and therefore the existing access must be considered established.
- 5.24 Other Matters
Concerns have been raised by the neighbour that have not been addressed in the main body of the report. These shall be covered here.
- 5.25 Permission would be required from the sewerage undertaker to build over their apparatus. This is a separate consent and does not form part of this assessment. It is possible that planning permission be granted without any such other consents in place.

- 5.26 This runs the risk of requiring an amendment to any planning permission given should the consent of other statutory undertakers be withheld.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. The off-street parking facilities (for all vehicles, including cycles) shown on plan 513-06 shall be provided before the first occupation of either unit as an independent dwelling, 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.

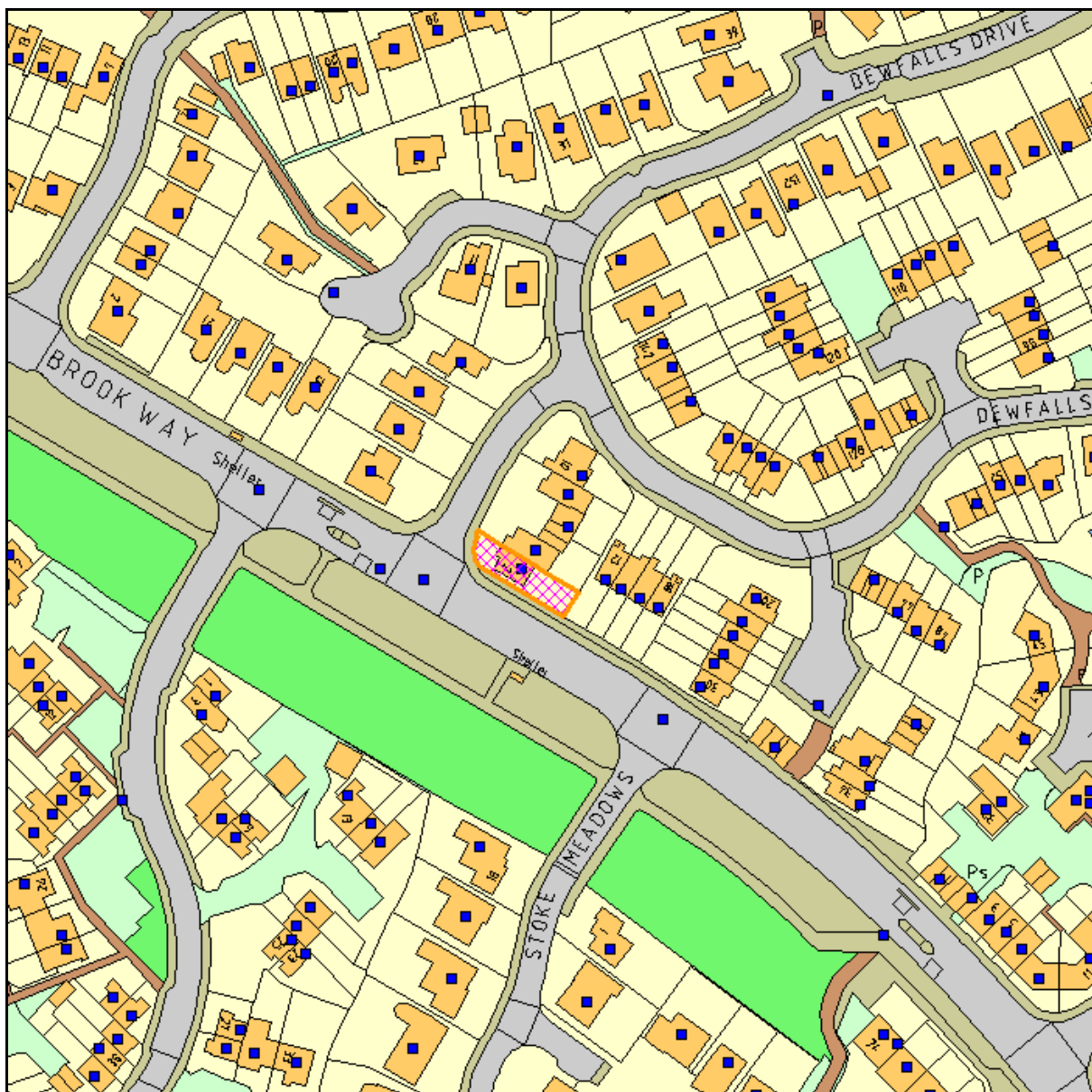
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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. 38/16 – 23 SEPTEMBER 2016

App No.:	PT16/4499/PDR	Applicant:	Mr Samarat Chowdhury
Site:	2 Dewfalls Drive Bradley Stoke Bristol South Gloucestershire BS32 9BT	Date Reg:	1st August 2016
Proposal:	Erection of single storey rear extension to provide additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	361590 182131	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	PDR	Target Date:	21st September 2016



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PT16/4499/PDR

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as the representation from the Town Council runs counter to the recommendation.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The proposal seeks full planning permission to erect a rear extension to 2 Dewfalls Drive, Bradley Stoke, where permitted development rights have been removed under P96/2142.
- 1.2 The application site relates to a modern semi-detached, end of terrace, two storey property, which makes up part of a corner plot. The exterior comprises of brick elevations with UPVC windows. The main dwelling is located within the built up area of Bradley Stoke. Neighbouring dwellings in the vicinity are modern but, vary in size, form and style.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance 2014
- 2.2 Adopted 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
- 2.3 Emerging Development Plan

Proposed Submission Policies, Sites and Places Plan (June 2016)
PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP38 Development within Existing Residential Curtilages
- 2.4 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)
Residential Parking Standard SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P84/0020/1 Approval 03.12.1986
Residential, shopping & employment development inc. Roads & sewers and other ancillary facilities on approx. 1000 acres of land.

4. CONSULTATION RESPONSES

4.1 Bradley Stoke Town Council

Objection, comments as follows:

- Proposed flat roof is out of keeping with the streetscene and detrimental to visual amenity.

Other Representations

4.2 Local Residents

No Comments Received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and the emerging Policy PSP38 of the Policies, Sites and Places (PSP) Plan allow the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual amenity

The property is an end of terrace plot and is orientated as such that its southern side elevation and part of its rear elevation is visible from the adjacent Brook Way. The single storey addition would run along the entire width of the rear elevation for 4.9 metres, it would have a depth of 3 metres and a maximum height of 3 metres.

- 5.3 Original plans submitted proposed that the extension would have a flat roof with 2no. elevated rooflights. Following concerns raised by the Town Council, the case officer entered into correspondence with the agent. It was established that a lean-to roof would not be viable in this instance, instead revised plans show a glazed lantern would be introduced to the roof. Given the alterations to the proposal, it is considered that, in this instance the proposed glazed lantern would improve the roof design, and overall is acceptable.

- 5.4 The development would introduce bi-folding doors opening out into the rear garden and would consist of materials and detailing which would match the existing dwelling. Considering all of the above, the proposal is thought to be acceptable in the context of the existing dwelling and wider surrounding area. Accordingly, the development conforms to the requirements of policies, H4 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the adopted Core Strategy.

5.5 Residential Amenity

The development forms a semi-detached pair with the adjacent No.4 Dewfalls Drive. The properties rear gardens are separated by a 1.8 metre wall, on a site visit the case officer noted that No.4 has a rear conservatory which also extends by approximately 3 metres. Given that the proposed extension would extend by a similar distance, and would not have side windows, it would be unlikely to have a detrimental impact on the residential amenity of these neighbours.

5.6 A 1.8 metre boundary wall and pathway separate the property with Brook Way to the south. It is considered that whilst the first floor of the rear elevation is visible from this road, the existing boundary treatment at the site will allow for an appropriate level of privacy to the ground floor and associated rear garden.

5.7 A suitable amount of garden space would remain following the development. Considering the above, overall, the proposal is deemed acceptable in terms of Policy H4 of the Local Plan (Adopted) January 2006 as well as the emerging Policy PSP8 of the PSP Plan (June 2016).

5.8 Transport and Parking

No additional bedrooms are proposed nor does the proposal encroach onto existing parking provision, and therefore there is no transportation objection to the proposal.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

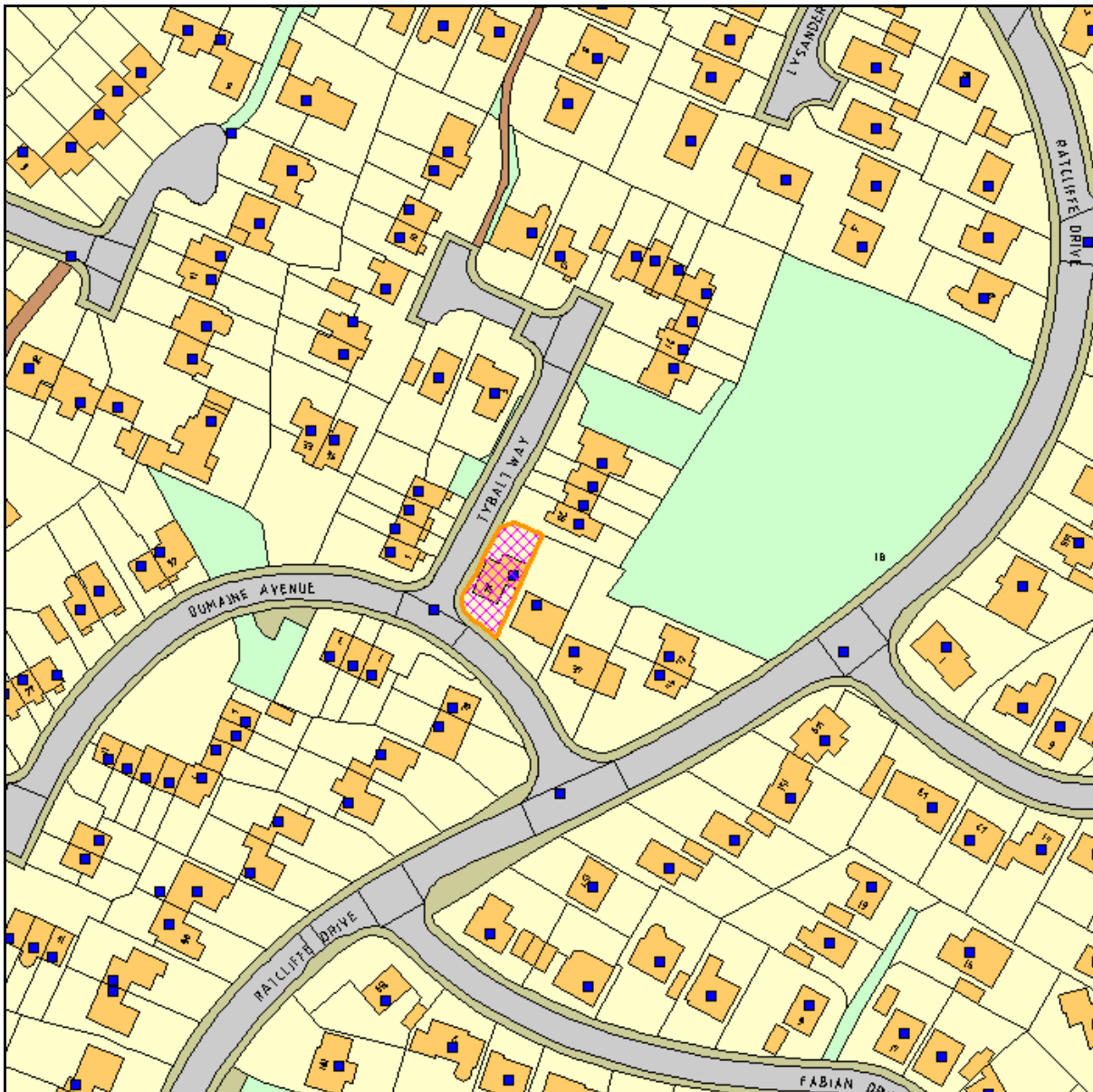
2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: 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; CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 38/16 – 23 SEPTEMBER 2016

App No.:	PT16/4586/F	Applicant:	Mr Steve Pugh
Site:	35 Dumaine Avenue Stoke Gifford South Gloucestershire BS34 8XH	Date Reg:	22nd August 2016
Proposal:	Conversion of existing garage and erection of a single storey front and side extension to provide additional living accommodation. Erection of front porch.	Parish:	Stoke Gifford Parish Council
Map Ref:	362396 180205	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	17th October 2016



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PT16/4586/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to comments received raising certain concerns regarding aspects of the development.

1. THE PROPOSAL

- 1.1 The application is for the conversion of an existing attached garage and erection of a single storey front and side extension to provide additional living accommodation and the erection of front porch.
- 1.2 The property is a brick and render finish, volume built, detached dwelling located on a residential road, containing similar properties, within the built up area of Bradley Stoke.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Access/Transport
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 P88/1089 – Two storey side extension to provide garage and utility room with bedroom over, canopy over forward projections of garage. Refused 30th March 1988.
- 3.2 PT04/1991/F – Rear conservatory. Approved 1st July 2004.
- 3.3 PT08/2806/F – Two storey side extension and front porch. Approved 5th December 2008.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No objection

4.2 Sustainable Transportation

The applicant seeks to convert the existing garage and erect a single storey front and side extension to provide additional living accommodation. Although a parking space will be lost due to the proposed conversion of the garage, the submitted plans show that 2 off street parking spaces will be provided to the front of the property. This level of off street parking is acceptable for a 3 bed dwelling. There are no transportation objections. Note: the applicant may need to contact the South Gloucestershire Council Streetcare Department in order to obtain drop kerb specifications should the drop kerb need extending.

Other Representations

4.3 Local Residents

One letter has been received, whilst wishing to raise no real objections, wished to raise a couple of concerns associated with apparent proposed overhang with his property (to which there was no objection, but concern was raised should future owners object) and potential damage to drains from foundation work.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design

The proposals are considered to be of an appropriate standard in design and are not out of keeping with the character of the main dwelling house and surrounding properties. The proposals are of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials would match those of the existing dwelling.

5.3 Residential Amenity

The length, size, location and orientation of the proposals are not considered to give rise to any significant or material overbearing impact on adjacent properties. Further to this sufficient garden space remains to serve the property.

With regards to the comments received on potential overhang, ownership certificate B, acknowledging the encroachment and formally notifying the neighbours has been signed and stated as being served and addresses this issue, in planning terms. In terms of potential damage to underground drains this would be a matter initially for Building Control at construction stage, and thereafter a civil matter between the two properties. Notwithstanding these points, the granting of planning consent would not grant rights to carry out any works, repairs or access across land not within the applicants control.

5.4 Transportation

Whilst parking provision for the site, in the form of the garage, would be lost, the applicants have indicated a replacement off street parking space within the associated curtilage of the property. This level of provision would meet the Council's requirements. A condition is recommended to ensure and secure the level of parking required and secured.

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 proposals are of an appropriate standard in design and are not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Adequate parking can be provided on the site.. As such the proposal accords with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

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

Reason

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

3. The parking spaces shown on the approved plan (35DA. AUG16.P.1.C Rev C) shall be provided prior to the first occupation of the extension hereby approved, 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.

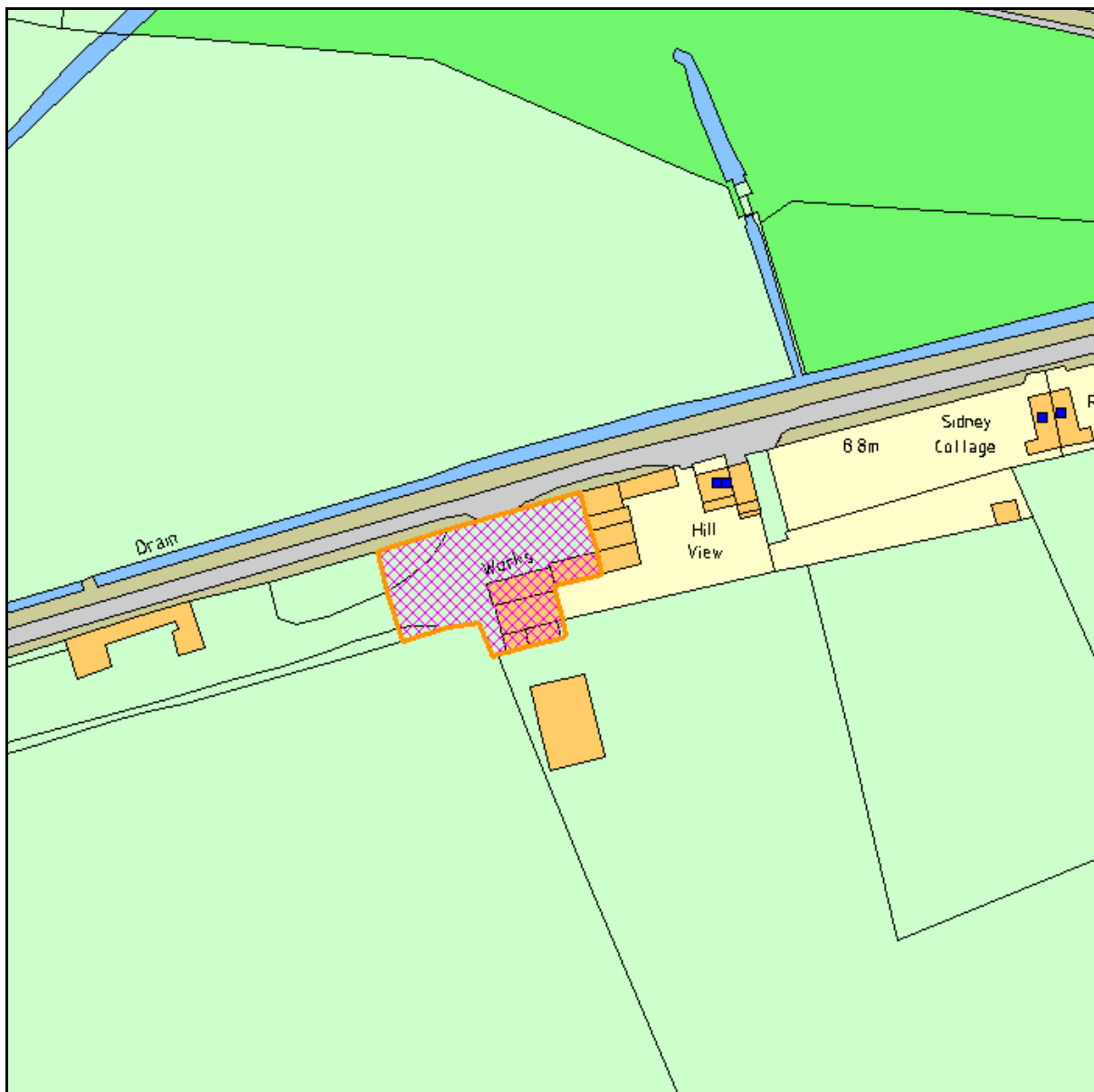
4. The hours of working on site during the period of construction shall be restricted to 08.00 - 18.00 Mondays to Fridays; 08.00 - 13.00 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use 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. 38/16 – 23 SEPTEMBER 2016

App No.:	PT16/4625/CLE	Applicant:	Mr Dean Plumber
Site:	Hillview Farm Greenditch Street Pilning South Gloucestershire BS35 4HJ	Date Reg:	9th August 2016
Proposal:	Application for a certificate of lawfulness for the existing use of buildings and yard for repair, overhaul, maintenance and re- building of commercial vehicles and agricultural machinery, and storage of parts and spares.	Parish:	Olveston Parish Council
Map Ref:	358804 186373	Ward:	Severn
Application Category:	Certificate of Lawfulness	Target Date:	3rd October 2016



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PT16/4625/CLE

REASON FOR APPEARING ON CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application is for a Certificate of Lawfulness for the existing use of the buildings and adjacent yard for the repair, overhaul, maintenance and re-building of commercial vehicles and agricultural machinery, and the storage of parts and spares at Hillview Farm, Greenditch Street, Pilning.
- 1.2 Another Certificate of Lawfulness application is currently pending consideration for the strip of land immediately to the west of Hillview Farm (PT16/4629/CLE). This certificate is sought for the existing use of the buildings and land for the storage of accident damaged vehicles, trailers, parts and spares and the stationing of storage containers ancillary to the main use.
- 1.3 The application site is situated within the open countryside and the Green Belt, and within Flood Zone 3.

2. POLICY CONTEXT

- 2.1 National Guidance
 - I. Town and Country Planning Act 1990
 - II. Town and Country Planning (Development Management Procedure) Order 2015
 - III. National Planning Practice Guidance 2014

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/4629/CLE Pending Consideration
Application for a certificate of lawfulness for the existing use of yard and buildings for storage of accident damaged vehicles, trailers, parts and spares and stationing of storage containers ancillary to main use.
- 3.2 P93/2680/CL Certificate of Lawfulness Granted 02/12/1996
Use of land and building as commercial vehicle yard with workshops and offices - certificate of lawfulness

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
No comment.
- 4.2 Other Consultees

Sustainable Transport
No comments received.

Ward Councillors

No comments received.
Environmental Protection
No comments received.

Other Representations

- 4.3 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 5.1 In support of the application, the following information has been submitted:
- A property particulars sheet indicating a tenancy proposal from 28th July 2000 until 28th February 2006 between the owner Snow Commercials Limited and the applicant Dean Gareth Plummer, who rents the site
 - A statutory declaration from Mr Dean Gareth Plummer, the applicant and tenant
 - Invoices showing vehicle repairs and maintenance taking place at the site between 11th December 2008 and 13th June 2016.

6. SUMMARY OF CONTRARY EVIDENCE

- 6.1 None

7. SUMMARY OF EVIDENCE HELD BY THE COUNCIL

- 7.1 The Council's own evidence consists of aerial photographs for the following years: 1991, 1999, 2005, 2006, 2008-2009. Each photograph shows a large number of commercial and agricultural vehicles being kept within the red line boundary.
- 7.2 The Case Officer undertook an unannounced site visit on 22nd August 2016 and the site was in use as described, for the repair and maintenance of commercial and agricultural vehicles, with a lorry and a horsebox on site for repairs on this date.
- 7.3 A previous certificate of lawfulness was approved at the site and also the adjacent land to the west of Hillview Farm in 1996 for a commercial vehicle yard with workshops and offices (P93/2680/CL).

8. ANALYSIS OF PROPOSAL

- 8.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such, the applicant needs to provide precise and unambiguous evidence. For a certificate to be issued, evidence must be demonstrated that the land within the red edged application site-plan is lawful and no enforcement action may then be taken in respect of the operations on site. The time for taking enforcement action in this case is 10 years from the breach, and therefore the buildings and yard must have been continuously used for the repair, overhaul, maintenance and re-

building of commercial vehicles and agricultural machinery, and the storage of parts and spares for 10 years consecutively, prior to the receipt of the application on 4th August 2016.

- 8.2 The guidance contained within the National Planning Practice Guidance 2014 states that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application. This is however with the provision that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. The planning merits of the use are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant's version of events less than probable, should be taken into account.

8.3 Hierarchy of Evidence

The evidence submitted comprises of invoices evidencing repair work on site, a sworn statutory declaration from the applicant and a document indicating that the site was rented out to Mr Plummer between 2000 and 2006. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits), which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

8.4 Examination of Evidence

The evidence provided is accepted as true unless contradictory evidence indicates otherwise. The statutory declaration of Mr Dean Gareth Plummer states the following in summary:

- Between 150-200 commercial vehicles per year come through the site for maintenance, repair, servicing, overhaul and alteration, and Mr Plummer works 60 hours a week
- A certificate of lawfulness was issued for Mr Plummer's families use of the site in 1996, for the buying and selling of commercial vehicles, some of which he broke up for spares and some were refurbished and sold on from the site. When the applicant's father died the land was sold to Mr Percy

Snow of Snow Commercials Limited, who has leased the site to the applicant since July 2000

- The nature of the applicant's business is slightly different to the certificate issued in 1996 and so Mr Snow has requested that Mr Plummer reapply for a new Certificate of Lawfulness
- Mr Plummer states that his business as previously described has operated continuously from this site since July 2000

8.5 The Council's aerial records confirm the applicants claim that the site has been used in the same manner as it is today for the last 15 years, which is in excess of the 10 years required for a breach to become lawful. That said, the use applied for in 1996 and the use applied for here would have a similar appearance when photographed from above, and the last 15 years does encompass both uses. From the submitted statement, it appears that the previously approved certificate included the selling of refurbished vehicles from the site, similar to a showroom, and combined with the repairs this would have been a sui generis use. It is noted however that the description of development for certificate reference P93/2680/CL does not refer to car sales and simply stated 'Use of land and building as commercial vehicle yard with workshops and offices' which could more accurately be described as a B2 use, meaning that Mr Plummer's use of the land is already lawful. Notwithstanding this, an application for a Certificate of Lawfulness has been submitted and so will still be considered by the Local Authority.

8.6 The use described within the red line boundary of this application site appears to be a B2 use class, with ancillary storage. There was no evidence on site that customers visited the site to purchase commercial vehicles any longer, and the invoices submitted indicated that customers brought vehicles to the site for servicing and repairs, including works to a number of horse boxes, tractors and lorries such as tipper trucks.

8.7 Significant weight has been given to the statutory declaration and the invoices, and no contrary evidence has been found by the Council or submitted by any interested parties. Only limited weight has been given to the 'particulars' document which appears to show a tenancy agreement, as the date of this document cannot be verified and it has not been signed.

8.8 Based on the evidence and assessment outlined above, and on the balance of probability, it is likely that the submitted area outlined in red has all been used continuously for the repair, overhaul, maintenance and re-building of commercial vehicles and agricultural machinery from 2006-2016, and the use is therefore lawful.

9. CONCLUSION

9.1 It is considered that the evidence submitted, along with that of the evidence gathered by the Local Planning Authority, demonstrates, on the balance of probability, the land edged in red has been used for the repair, overhaul, maintenance and re-building of commercial vehicles and agricultural machinery for a consistent period of at least ten years prior to the submission of the application.

10. RECOMMENDATION

10.1 That the Certificate of Lawfulness is **APPROVED**.

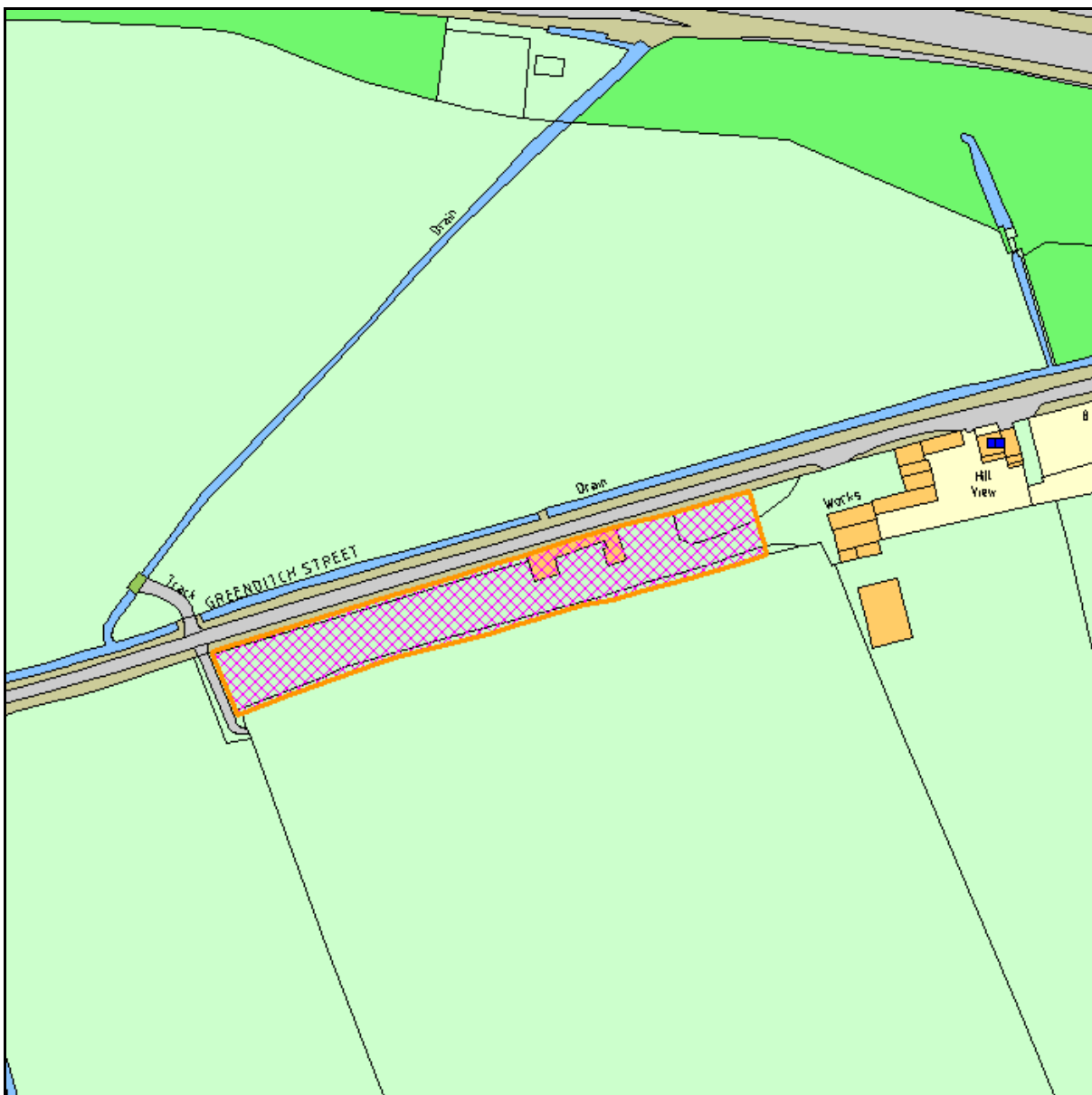
Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

REASON

1. The applicant has demonstrated that on the balance of probability, the land and buildings edged in red set out in the Site Location Plan received by the Council on 4th August 2016 has been used for the repair, overhaul, maintenance and re-building of commercial vehicles and agricultural machinery and the ancillary storage of parts and spares for a continuous period of ten years prior to the submission of the application.

CIRCULATED SCHEDULE NO. 38/16 – 23 SEPTEMBER 2016

App No.:	PT16/4629/CLE	Applicant:	Snows Commercials Ltd
Site:	Land West Of Hillview Farm Greenditch Street Pilning South Gloucestershire BS35 4HJ	Date Reg:	9th August 2016
Proposal:	Application for a certificate of lawfulness for the existing use of yard and buildings for storage of accident damaged vehicles, trailers, parts and spares and stationing of storage containers ancillary to main use.	Parish:	Olveston Parish Council
Map Ref:	358804 186373	Ward:	Severn
Application Category:	Certificate of Lawfulness	Target Date:	3rd October 2016



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PT16/4629/CLE

REASON FOR APPEARING ON CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application is for a Certificate of Lawfulness for the existing use of the buildings and land for the storage of accident damaged vehicles, trailers, parts and spaces and the stationing of storage containers ancillary to the main use on a linear strip of land to the west of Hillview Farm, Greenditch Street, Pilning.
- 1.2 Another Certificate of Lawfulness application is currently pending consideration for the strip of land at Hill View Farm to the east (PT16/4625/CLE). This certificate is sought for the existing use of the buildings and land for the repairs, overhaul, maintenance and re-building of commercial vehicles and agricultural machinery, and the storage of parts and spares.
- 1.3 The application site is situated within the open countryside and the Green Belt, and within Flood Zone 3.

2. POLICY CONTEXT

- 2.1 National Guidance
 - I. Town and Country Planning Act 1990
 - II. Town and Country Planning (Development Management Procedure) Order 2015
 - III. National Planning Practice Guidance 2014

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/4625/CLE Pending Consideration
Application for a certificate of lawfulness for the existing use of yard and buildings for repairs, overhaul, maintenance and re-building of commercial vehicles and agricultural machinery, and the storage of parts and spares.
- 3.2 P93/2680/CL Certificate of Lawfulness Granted 02/12/1996
Use of land and building as commercial vehicle yard with workshops and offices - certificate of lawfulness

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
No comment.
- 4.2 Other Consultees

Sustainable Transport
No objection.

Ward Councillors

No comments received.

Environmental Protection
No comments received.

Other Representations

4.3 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 5.1 In support of the application, the following information has been submitted:
- A 'stock holding' sheet indicating the stock at the site dated 17/07/2016
 - A stock record dated 31st March 2006 to 31st March 2016, showing stock takes in September and March of each year
 - A sworn statutory declaration from Mr Percy Snow, the applicant and owner of the site
 - A sworn statutory declaration from Mr Ian Parker, an employee at Snow commercials since 1985
 - A sworn statutory declaration from Mr Nicholas Snow, the applicant's son

6. SUMMARY OF CONTRARY EVIDENCE

- 6.1 None

7. SUMMARY OF EVIDENCE HELD BY THE COUNCIL

- 7.1 The Council's own evidence consists of aerial photographs for the following years: 1991, 1999, 2005, 2006, 2008-2009. Each photograph shows a large number of commercial vehicles and parts, as well as shipping containers and temporary buildings being kept within the red line boundary.
- 7.2 The Case Officer undertook an unannounced site visit on 22nd August 2016 and the site was in use as described, for the storage of damaged vehicles and parts.
- 7.3 A previous certificate of lawfulness was approved at the site and also the adjacent land to the east at Hillview Farm in 1996 for a commercial vehicle yard with workshops and offices (P93/2680/CL).

8. ANALYSIS OF PROPOSAL

- 8.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such, the applicant needs to provide precise and unambiguous evidence. For a certificate to be issued, evidence must be demonstrated that the land within the red edged application site-plan is lawful and no enforcement action may then be taken in respect of the operations on site. The time for taking enforcement action in this case is 10 years from the breach, and therefore the buildings and yard must

have been continuously used for the storage of accident damaged vehicles, trailers, parts and spares and the stationing of storage containers ancillary to the main use for 10 years consecutively, prior to the receipt of the application on 4th August 2016.

- 8.2 The guidance contained within the National Planning Practice Guidance 2014 states that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application. This is however with the provision that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. The planning merits of the use are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant's version of events less than probable, should be taken into account.

8.3 Hierarchy of Evidence

The evidence submitted comprises of stock lists dating from 2006-2016 and three statutory declarations. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits), which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

8.4 Examination of Evidence

The evidence provided is accepted as true unless contradictory evidence indicates otherwise. The three statutory declarations submitted are considered to be very consistent and all agree the following information to be true:

- Land within the red line boundary serves as a storage facility for Mr Percy Snow's business, Snow Commercials Ltd, which is based in Compton Greenfield
- Mr Percy Snow has owned the land since 1999/2000
- Snows Commercials recover, assess, store and dismantle accident damaged commercial motor vehicles. Only the storage takes place at Greenditch Street, and also includes the storage of major parts such as truck cabins and lorry loading cranes

- There are some buildings/shipping containers within the site, which are also used as storage and as an office with a kitchen and wash room, and is occasionally used as a training room.
 - No vehicles are dismantled or displayed for sale within the site
 - The site has been used continuously in this manner since 1999/2000
- 8.5 The Council's aerial records confirm the applicants claim that the site has been used in the same manner as it is today for the last 15 years, which is in excess of the 10 years required for a breach to become lawful. The use described within the red line boundary of this application site appears to be a B8 use class, as it is predominantly storage with ancillary facilities for staff.
- 8.6 Significant weight has been given to the statutory declaration and no contrary evidence has been found by the Council or submitted by any interested parties. Only limited weight has been given to the stock take lists and they do not have letter heads or an address printed on them, linking the stock to the Greenfield Street site exclusively.
- 8.7 Based on the evidence and assessment outlined above, and on the balance of probability, it is likely that the submitted area outlined in red has all been used continuously for the storage of accident damaged vehicles, trailers, parts and spares and the stationing of storage containers from 2006-2016, and the use is therefore lawful.

9. CONCLUSION

- 9.1 It is considered that the evidence submitted, along with that of the evidence gathered by the Local Planning Authority, demonstrates, on the balance of probability, the land edged in red has been used for the storage of accident damaged vehicles, trailers, parts and spares and the stationing of storage containers for a consistent period of at least ten years prior to the submission of the application.

10. RECOMMENDATION

- 10.1 That the Certificate of Lawfulness is **APPROVED**.

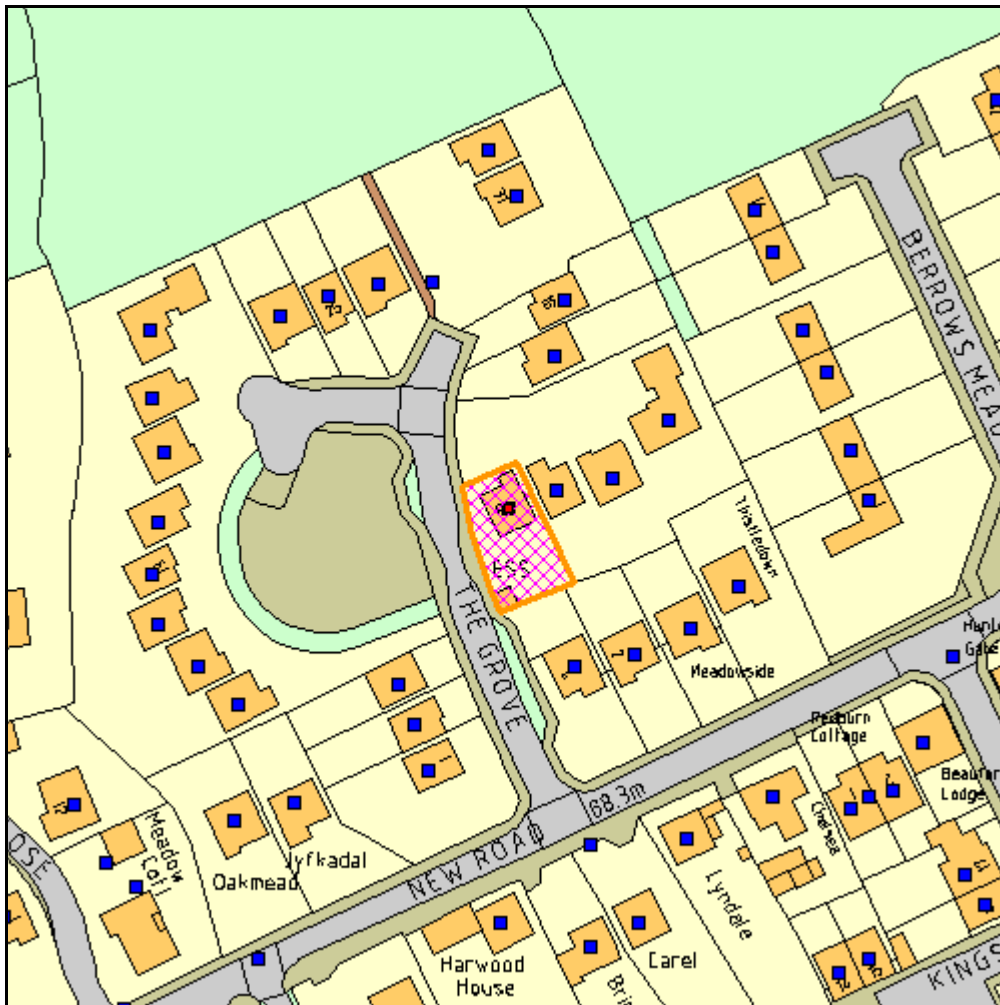
Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

REASON

1. The applicant has demonstrated that on the balance of probability, the land edged in red set out in the Site Location Plan received by the Council on 4th August 2016 has been used for the storage of accident damaged vehicles, trailers, parts, spares and the stationing of storage containers ancillary to the main use for a continuous period of ten years prior to the submission of the application.

CIRCULATED SCHEDULE NO. 38/16 – 23 SEPTEMBER 2016

App No.:	PT16/4663/F	Applicant:	Mr Greg Breaks
Site:	6 The Grove Rangeworthy Bristol South Gloucestershire BS37 7PY	Date Reg:	9th August 2016
Proposal:	Erection of a first floor rear extension to form additional living accommodation.	Parish:	Rangeworthy Parish Council
Map Ref:	369316 185905	Ward:	Ladden Brook
Application Category:	Householder	Target Date:	3rd October 2016



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PT16/4663/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation the application is required to be taken forward under circulated schedule as a result.

1. THE PROPOSAL

- 1.1 The proposal seeks to erect a first floor rear/side extension above an existing single storey projection.
- 1.2 The subject property is a two storey late-20th century detached dwelling with a gabled roof and tile covering with a rear/side single storey extension. To the front of the property is a porch and bay window and the garage has been converted into living accommodation. To the rear/side is a detached garage. The property has brick elevations.
- 1.3 The host dwelling is situated on a level site. Boundary treatments are timber closed panel fences and brick walls of around 1.8 metres.
- 1.4 The site is located within the built up residential area of Rangeworthy in a modern housing estate.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (adopted) August 2006
Residential Parking Standards SPD (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT02/1664/F – Approval – 21/06/2002 – Erection of detached garage.
- 3.2 P91/2797 – Approval – 11/03/1992 – Erection of seven detached three bedroom dwellings and 21 detached four bedroom dwellings with associated garages; construction of driveways, access roads and provision of landscaped areas (in accordance with the amended layout plan and amended house type details received by the council on the 21ST February 1992) (to be read in conjunction with P90/2720)
- 3.3 P90/2720 – Approval – 26/06/1991 – Residential and ancillary development on 1.1 hectares (outline)
- 3.4 P89/1639 – Refusal – 01/06/1989 – Residential and ancillary development on 1.4 hectares (3.5 acres) (outline).

4. CONSULTATION RESPONSES

- 4.1 Rangeworthy Parish Council
Objection – residential amenity of neighbouring occupiers and overdevelopment of the site.
- 4.2 Other Consultees

Transportation Officer
No Objection – adequate parking provided.

Other Representations

- 4.3 Local Residents
One objection received. The comments indicate concern over the following topics:
- potential overbearing impact of the proposal
 - it being out of keeping with the area
 - overshadowing and loss of light
 - flooding and drainage relating to sunlight drying areas of grass
 - loss of existing views
 - insufficient garden remaining
 - insufficient parking
 - the commenter also questions the need for additional space

The commenter also notes that they at the point of submitting these comments had not received formal notification of the proposal. The Councils records confirm that notification was sent out on 9th August to the address in question. Nevertheless this representation was received within the consultation period, and has been taken into account in this report.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

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

5.2 **Design and Visual Amenity**

The proposal consists of the erection of a first floor rear extension above an existing ground floor extension to form additional living accommodation in the form of a bedroom and en-suite. The subject property is oriented slightly differently to its neighbouring occupiers and though it shares the same elevation to the north, the principal elevation of the dwelling and front door is to the side of the property. The proposed extension will project the same distance as the existing ground floor extension. The estate was constructed in the early to mid-1990's. Though the estate itself is relatively un-altered there are other examples of two storey extensions to properties nearby including along New Road. The proposal will be well balanced with the existing dwelling and though it will not be subservient to the existing property it would not be easily distinguished from it and is therefore considered to be in keeping with the character of the property. The proposed extension has not been considered to have a significant detrimental impact on the character of the property or its context and is therefore acceptable.

5.3 Objection has been received from a neighbour and the parish council concerned that the proposal would represent overdevelopment of the site. Consideration has been given to the fact no additional floor space will be occupied by the proposal. Furthermore no additional parking space will be required as a result of the proposal. Given this consideration the proposal is not viewed to generate any additional demand for outdoor space nor would it result in a building with a contrived form or shape and is not seen as resulting in overdevelopment.

5.4 Comments from a neighbour have also questioned the requirement for the additional space. The proposal is for additional living accommodation, the planning department's role is to assess the potential impact of this proposal not the necessity of it. This comment is not considered relevant to the assessment of this application.

- 5.5 Information provided indicates the materials used will have a similar appearance to those in the existing dwelling. Consequently there is no objection with regard to materials.
- 5.6 Overall, it is considered that the proposed extension would not harm the character or appearance of the area or the subject property and as such is considered acceptable in terms of visual amenity and design. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to be 'in keeping' with policies CS1 and H4, conforming to the criteria in the adopted Local Plan.
- 5.7 Residential Amenity
Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.
- 5.8 The proposal will have an obscure glazed bathroom window at first floor level on the east elevation. This is proposed within the existing fabric of the house rather than the extended part. Consequently window to window inter-visibility is not viewed as a potential issue with the proposal.
- 5.9 Objection has been given with regard to the proposals impact on the amenity of neighbouring occupiers; in particular no.8 The Grove. This property is located to the east of the host dwelling and has a south facing aspect to the rear of the property. Comments also identify the potential for the proposal to reduce sunlight hours to the rear garden of the neighbouring property noting that as a result it may not dry out. This dwelling is sited so its rear elevation is just further to the south than the host dwellings original rear elevation. The host property has been subsequently extended to the rear at ground floor. The proposal will not project any further to the south than the existing extension but will match the ridge height of the existing dwelling. No specific standard is currently within adopted policy with regard to potential impact on residential amenity; however technical advice indicates that an angle of at least 45 degrees should be retained on a horizontal plane from a window which serves primary living accommodation. When applied to the rear elevation of the neighbouring property the angle would exceed this from every window. Given the host dwelling is on relatively level ground and the south facing aspect of the neighbouring property, the scheme is not viewed as resulting in an unacceptable impact on the amenity of the neighbouring property as a result of overbearing or loss of light.
- 5.10 The proposal will not result in the loss of any further garden space. Comments question the provision of garden space as a result of the additional bedroom. It should be noted that though comments indicate the ground floor former garage has also been converted to a bedroom, no control can be held over the alteration of internal space where it does not require planning permission. No planning permission was necessary for its conversion and it is therefore not considered appropriate to assess the impact of it under this planning application. The proposal would result in the creation of an additional bedroom.

Emerging policy states that a 4+ bedroom dwelling would be required to provide 70m² of garden space. This provision is met by the existing garden and the proposal would not result in the loss of any further garden space. As a result it is viewed that the proposal is acceptable with regard to private amenity space.

- 5.11 The proposal will have fewer windows on the south elevation. Dwellings in this direction are separated by private gardens and the closest will be around 17.5 metres from the side elevation of the proposal. Given this distance and the obscure glazing proposed to the en-suite bathroom at first floor level the proposal is considered to have an acceptable impact on the amenity of dwellings in this direction.
- 5.12 There are no dwellings directly to the west and properties in this direction are separated by an area of grassland and landscaping. As a result the proposal is not considered to impact the amenity of dwellings in this direction. Furthermore the proposal is not viewed as impacting the amenity of dwellings to the north.
- 5.13 The subject property is located within a built up residential area and given the scale and location of the proposed development is not considered to result in an unacceptable detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.
- 5.14 Sustainable Transport and Parking Provision
Comments have also identified concern over the potential impact of the proposal in relation to parking provision – this is not viewed to be the case given the consideration below. Currently the property has an area of hardstanding to the front of the property and a detached double garage. Residential development should provide parking in accordance with the Residential Parking Standards SPD (Adopted) December 2013. For a 4 bedroom house, 2 parking spaces are required, the existing arrangement of hardstanding providing spaces for at least 2 cars and the detached garage more than satisfy this requirement, meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006). Comments from the transport officer indicate there is no objection to the proposal in relation to highway safety and parking provision.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 08:00 - 18:30 Monday to Friday; 08:30 - 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.