



**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. 24/18

Date to Members: 15/06/2018

Member's Deadline: 21/06/2018 (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.

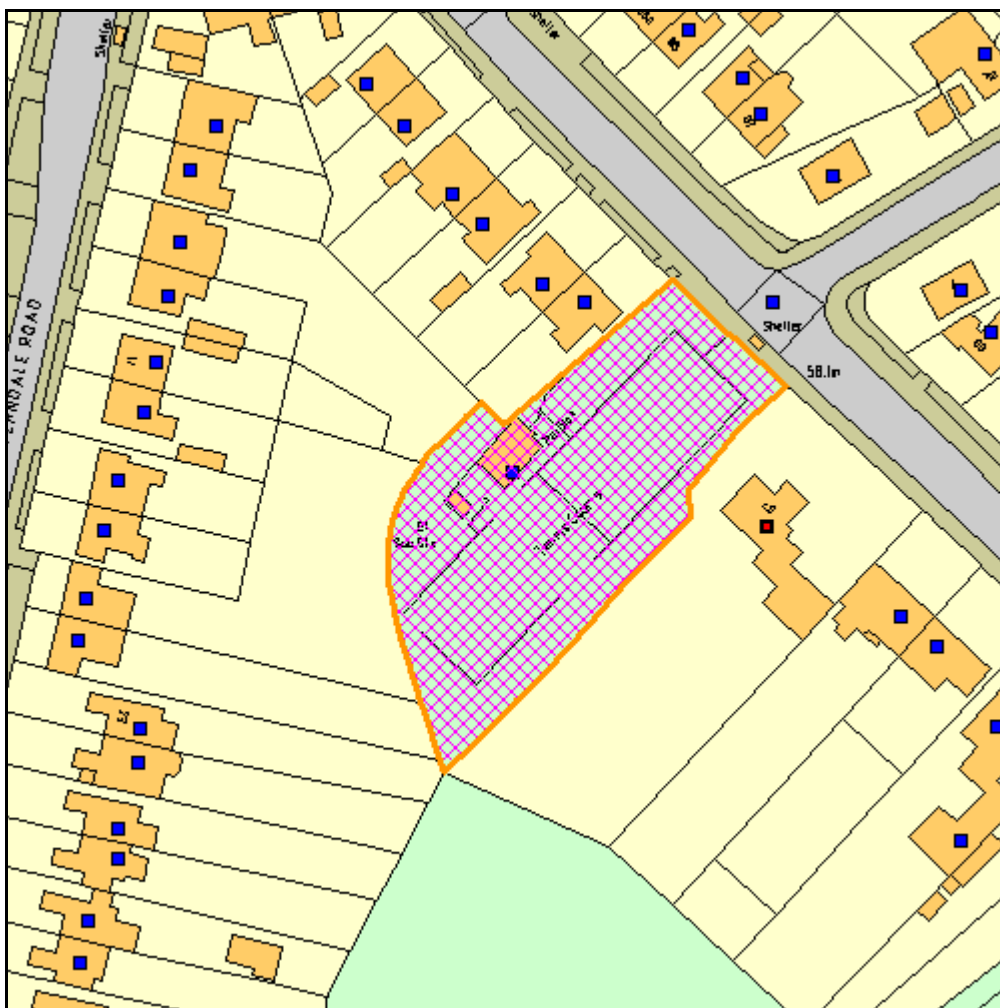
CIRCULATED SCHEDULE 15 June 2018

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/5056/F	Approve with Conditions	Tennis Courts Near 67 Cleeve Hill Downend South Gloucestershire BS16 6EU	Downend	Downend And Bromley Heath Parish Council
2	PK18/0183/CLE	Approve with Conditions	Unit 9E Aldermoor Way Longwell Green South Gloucestershire BS30 7DA	Longwell Green	Oldland Parish Council
3	PK18/0185/CLE	Approve with Conditions	Unit 9C Aldermoor Way Longwell Green South Gloucestershire BS30 7DA	Longwell Green	Oldland Parish Council
4	PK18/0186/CLE	Approve with Conditions	Units 9A To 9B Aldermoor Way Longwell Green South Gloucestershire BS30 7DA	Longwell Green	Oldland Parish Council
5	PK18/0187/CLE	Approve with Conditions	Unit 9D Aldermoor Way Longwell Green South Gloucestershire BS30 7DA	Longwell Green	Oldland Parish Council
6	PK18/0446/O	Approve with Conditions	Land Adjacent To 49 Tower Road South Warmley South Gloucestershire BS30 8BW	Parkwall	Oldland Parish Council
7	PK18/0496/O	Approve with Conditions	83 Sodbury Road Wickwar Wotton Under Edge South Gloucestershire GL12 8NT	Ladden Brook	Wickwar Parish Council
8	PK18/0668/RVC	Approve with Conditions	The Ridge Dental Surgery 86 Firgrove Crescent Yate South Gloucestershire BS37 7AG	Yate Central	Yate Town
9	PK18/1094/F	Approve with Conditions	Wapley Riding Stables Wapley Hill Westerleigh South Gloucestershire BS37 8RJ	Westerleigh	Dodington Parish Council
10	PK18/1264/F	Approve with Conditions	1 Burnham Close Kingswood South Gloucestershire BS15 4DX	Kings Chase	None
11	PK18/1461/F	Refusal	The Walled Garden High Street Hawkesbury Upton GL9 1AU	Cotswold Edge	Hawkesbury Parish Council
12	PK18/1534/CLE	Refusal	Lamorna Heathcote Drive Coalpit Heath South Gloucestershire BS36 2PT	Westerleigh	Westerleigh Parish Council
13	PK18/1562/CLP	Refusal	29 Oakdale Road Downend South Gloucestershire BS16 6DP	Downend	Downend And Bromley Heath Parish Council
14	PK18/1781/F	Approve with Conditions	15 Chepstow Park Downend South Gloucestershire BS16 6SQ	Emersons	Downend And Bromley Heath Parish Council
15	PK18/1785/RM	Approve with Conditions	57 Court Farm Road Longwell Green South Gloucestershire BS30 9AD	Longwell Green	Hanham Abbots Parish Council
16	PK18/2029/F	Approve with Conditions	41 Fountains Drive Barrs Court South Gloucestershire BS30 7XQ	Parkwall	Oldland Parish Council
17	PK18/2042/F	Approve with Conditions	33 Carmarthen Close Yate South Gloucestershire BS37 7RR	Yate North	Yate Town
18	PK18/2089/CLP	Approve with Conditions	7 Windsor Court Downend South Gloucestershire BS16 6DR	Downend	Downend And Bromley Heath Parish Council
19	PK18/2115/CLP	Approve with Conditions	16 Cleeve Road Yate Bristol South Gloucestershire BS37 4EQ	Yate Central	Yate Town

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
20	PK18/2153/CLP	Approve with Conditions	23 Engine Common Lane Yate South Gloucestershire BS37 7PX	Ladden Brook	Iron Acton Parish Council
21	PK18/2154/CLP	Refusal	23 Engine Common Lane Yate South Gloucestershire BS37 7PX	Ladden Brook	Iron Acton Parish Council
22	PK18/2156/CLP	Refusal	23 Engine Common Lane Yate South Gloucestershire BS37 7PX	Ladden Brook	Iron Acton Parish Council
23	PT17/4266/F	Approve with Conditions	Park House 12 High Street Thornbury South Gloucestershire BS35 2AQ	Thornbury North	Thornbury Town Council
24	PT17/4267/LB	Approve with Conditions	Park House 12 High Street Thornbury South Gloucestershire BS35 2AQ	Thornbury North	Thornbury Town Council
25	PT18/0905/F	Approve with Conditions	Endrick Cottage Gillingstool Thornbury South Gloucestershire BS35 2EH	Thornbury North	Thornbury Town Council
26	PT18/1065/F	Approve with Conditions	24 Bitterwell Close Coalpit Heath South Gloucestershire BS36 2UQ	Westerleigh	Westerleigh Parish Council
27	PT18/1244/F	Approve with Conditions	Woodlands Farm 103 Badminton Road Coalpit Heath South Gloucestershire BS36 2TA	Westerleigh	Westerleigh Parish Council
28	PT18/1280/F	Approve with Conditions	Paddock To Northeast Of 119 Road Frampton Cotterell BS36 2AU	Frampton Cotterell	Frampton Cotterell Parish
29	PT18/1345/F	Approve with Conditions	51 Saxon Way Bradley Stoke South Gloucestershire BS32 9AR	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
30	PT18/1493/F	Approve with Conditions	42 Bush Avenue Little Stoke South Gloucestershire BS34 8LX	Stoke Gifford	Stoke Gifford Parish Council
31	PT18/1675/F	Approve with Conditions	The Dog Field Land North Of Gumhurn Lane Pilning South Gloucestershire BS35 4JL	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
32	PT18/1702/F	Approve with Conditions	806 Filton Avenue Filton South Gloucestershire BS34 7HA	Filton	Filton Town Council
33	PT18/1761/RVC	Approve with Conditions	34 Bristol Road Winterbourne South Gloucestershire BS36 1RG	Winterbourne	Winterbourne Parish Council
34	PT18/1814/F	Approve with Conditions	109 Ormonds Close Bradley Stoke South Gloucestershire BS32 0DU	Bradley Stoke North	Bradley Stoke Town Council
35	PT18/1849/CLP	Approve with Conditions	27 The Coppice Bradley Stoke South Gloucestershire BS32 8DY	Bradley Stoke South	Bradley Stoke Town Council
36	PT18/1866/CLP	Approve with Conditions	Hammerley Cottage Woodend Lane Cromhall South Gloucestershire GL12 8AA	Charfield	Cromhall Parish Council
37	PT18/2026/F	Approve with Conditions	2 Hazel Gardens Alveston South Gloucestershire BS35 3RD	Thornbury South	Alveston Parish Council
38	PT18/2137/CLP	Approve with Conditions	Ivy Cottage 20 The Square Alveston South Gloucestershire BS35 3PE	Thornbury South	Alveston Parish Council
39	PT18/2268/TRE	Approve with Conditions	12 Kings Meadow Charfield South Gloucestershire GL12 8UB	Charfield	Charfield Parish Council
40	PT18/2405/TRE	Approve with Conditions	48 St Saviour's Rise Frampton Cotterell South Gloucestershire BS36 2SW	Frampton Cotterell	Frampton Cotterell Parish

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK17/5056/F	Applicant:	Willowdeen Developments Ltd
Site:	Tennis Courts Near 67 Cleeve Hill Downend Bristol South Gloucestershire BS16 6EU	Date Reg:	16th November 2017
Proposal:	Erection of 7no dwellings and 2no self contained flats with access, parking and landscaping.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364802 177098	Ward:	Downend
Application Category:	Minor	Target Date:	1st January 2018



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 100023410, 2008. N.T.S. PK17/5056/F

Reasons for Referring Application to the Circulated Schedule

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

1. THE PROPOSAL

- 1.1 The application site was the former home of Downend and Fishponds Tennis Club which re-located to Frenchay in 2014. Members may recall that the site along with adjoining land to the rear, was previously the subject of an application PK14/4921/F for a large (60 bed) Care Home. An appeal against non-determination was subsequently dismissed on the grounds listed at para. 3.3 below. The Inspector's Appeal Decision letter is considered to be a material consideration of significant weight in the determination of this current proposal.
- 1.2 Since the appeal, the tennis club site has been sold off to new owners and lain vacant. Recently however the two all-weather surfaced tennis courts have been ripped up and the site cleared; planning permission was not required for these works.
- 1.3 The application site is 0.23ha in area and broadly rectangular in shape, lying on the south-east side of Cleeve Hill between nos. 67 (to the south-east) and 69 (to the north-west); no.67 is a Locally Listed Building and at one time the site formed part of the wider Cleeve Hill Estate. Some of the trees around the site are protected by Tree Preservation Order (TPO). There is a single vehicular access into the site from Cleeve Hill. The site is currently largely screened from the road by a belt of Lawson Cypress trees approximately 14m in height.
- 1.4 It is proposed to erect 7no. dwellings and 2no. self-contained flats with access, parking and landscaping. The development would take the form of a small cul-de-sac with the existing access utilised. The site would be fronted by the apartment block with the houses in a perpendicular row to the rear.
- 1.5 The application is supported by the following documents:
 - Tree Survey by Silverback Arboricultural Consultancy Ltd. dated June 2017
 - Structural Survey – Turkey Oak
 - Design and Access Statement
 - Planning Statement
 - Heritage 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

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 Dec. 2013.
- Waste Collection: guidance for new developments (SPD) Adopted Jan. 2015
- The South Gloucestershire Landscape Character Assessment (Adopted) Nov 2014

2.4 Emerging Plan

Proposed Submission : Policies, Sites & Places Plan June 2016

- PSP1 - Local Distinctiveness
- PSP2 - Landscape
- PSP3 - Trees and Woodland
- PSP5 - Undesignated Open Spaces within Urban Areas and Settlements
- PSP6 - Onsite Renewable & Low Carbon Energy
- PSP8 - Residential Amenity
- PSP11 - Development Related Transport Impact Management
- PSP16 - Parking Standards
- PSP17 - Heritage Assets and the Historic Environment
- 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 PK14/043/SCR - Proposed development of 60 bed care home and associated works. (Screening opinion)
An Environmental Impact Assessment (EIA) is not required.

3.2 PK15/2032/PND - Prior notification of the intention to demolish buildings (No.67).

Prior Notification Refused 9 June 2015 for the following reasons:

- a) The site notice displayed at the site conveys inaccurate and misleading information which is contrary to the requirements of the GPDO Schedule 2 Part II, Class B, sub-section B.2 (b) (ii) and (iv).
- b) The application site and those adjoining it are covered by an area Tree Preservation Order. Details of how the trees within and immediately adjacent to the site would be protected during the demolition phase, or as to the exact location of the designated storage area for piles of rubble or where the 8-yard skips would be stored, have not been submitted and would need to be controlled via a full application.
- c) It is unclear as to exactly what development is proposed for the site which is contrary to GPDO Schedule 2 Part II, Class B, sub-section B.2 (b) (i) (aa).
- d) The site is likely to lie directly above and adjacent to the remains of an important historic house and lunatic asylum which have the potential to be adversely affected by the proposed demolition and restoration of the site. It is unclear in the application as to how any archaeological remains would be recorded or affected and this therefore needs to be secured via a full application.

3.3 PK14/4921/F - Erection of a 60no. bedroom Residential Care Home (Class C2) with access, parking, landscaping and associated works.

Appeal APP/P0119/W/15/3106092 against non-determination dismissed 9 June 2016. On the following grounds:

- *Excess scale and mass of building.*
- *Harm to the setting of no.67 Cleeve Hill, a locally listed building.*

4. **CONSULTATION RESPONSES**

4.1 Downend and Bromley Heath Parish Council

No objection, provided access road stays as a cul-de-sac.

4.2 Other Consultees

Highway Structures

No comment

Lead Local Flood Authority

No objection subject to a condition to secure SUDS.

Transportation D.C.

No objection in principle subject to:

- a) Site entrance at its junction with Cleeve Hill is widened to 5.5m wide over a length of 12m (when measured from the edge of the carriageway on Cleeve Hill) before the road is narrowed down to 4.8m inside the site.
- b) Provision of 2no. visitor parking spaces.

Revised plans showing the above were subsequently submitted.

Children and Young People

No response

Community Infrastructure and Public Open Space

No response

Housing Enabling

The proposal is for dwellings in an urban location with a site size of .23ha, and for 9 units and has a gross internal area of under 1,000m². As such this scheme would not reach any of the thresholds for Affordable Housing under Policy CS18 of the adopted Core Strategy.

Listed Building and Conservation Officer

No objection in principle. Some concerns about scale of dormers, use of white UPVC windows and use of grey tiles.

Tree Officer

Objection to the loss of 2no. TPO'd trees i.e. Turkey Oak and Copper Beach.

Other Representations

4.3 Local Residents

7no. letters/e-mails have been received from local residents objecting to the scheme as originally submitted. The concerns raised are summarised as follows:

- Access not wide enough.
- Overdevelopment.
- No visitor parking.
- Insufficient garden space.
- 3-storey dwellings out of character.
- Excessive scale.
- Insufficient tree protection – TPO'd trees on Overndale Road border.
- No pre-application contact with local community.
- Site clearance works have already taken place.
- 3-storey properties will be overbearing on Overndale Rd. properties.
- Possible subsidence of bank on Overndale Rd. boundary.
- Insufficient parking provision will increase on-street parking to detriment of highway safety.
- Insufficient turning area for service vehicles.
- The Turkey Oak should be retained.
- Loss of habitat.
- High level windows will result in overlooking and loss of privacy to Overndale Rd. properties.
- Adverse impact on drainage.
- Poor design – dormers.
- Increased light pollution
- Working hours should be restricted.

1 no letter was received taking a neutral stance; the local resident considered that the Conservation Officer's objection to white UPVC window surrounds was unfounded.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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

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

5.3 The Policies, Sites & Places Plan was adopted on 10th Nov. 2017 and now forms part of the Development Plan having superseded The South Gloucestershire Local 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 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 The loss of the tennis courts was considered during the previous planning appeal where it was accepted that suitable alternative facilities were available to serve the area. It is further noted that those courts have now been physically removed in any event. Accordingly, it is not considered that the loss of these facilities should prevent the development of the site for residential purposes.

5-Year Land Supply

- 5.10 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.
- 5.11 The site is a previously developed brownfield site within the Urban Area and within a sustainable location close to shops, services and public transport routes. The development of the site for residential purposes is broadly in compliance with Core Strategy Policy CS5 which directs most new development to the North and East fringes of the Bristol Urban Area. There is therefore no in-principle objection to the proposed residential development, subject to the matters discussed below.

Analysis

Scale and Design

- 5.12 Core Strategy Policy CS1 requires new development to, inter alia, demonstrate that siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.13 Officers are mindful that the previously proposed Care Home was dismissed at appeal in part due to its excessive scale being out of character with the location. In her Decision Letter the Inspector for the appeal noted that (para.10) "With the exception of no.67 and the detached properties at the entrance to Cleeve Lawns, development in the vicinity of the appeal site comprises mainly semi-detached properties. Houses are mostly set within generous plots, notably reflected in the size of their rear gardens. The overall density of the housing could reasonably be described as low. "

- 5.14 The Inspector goes on to say at para. 13 that “ The predominant pattern of frontage development, generous plot size particularly on Cleeve Hill, and the extensive areas of undeveloped land to the rear of the houses on Overndale Road and Cleeve Hill give the area a quality of spaciousness within which topography, trees and vegetation play a significant role.
- 5.15 The scheme has a density of 39dph but given that two of the dwellings are flats, this level of development is not considered to be excessive for this location and makes efficient use of a brownfield site in a sustainable location.
- 5.16 The scheme as originally submitted has been revised to take account of a number of officer concerns relating to certain design issues. Most of the concerns have been addressed by the amendments but the Council’s Conservation Officer still considers that the size of the proposed dormers remains excessive; that white UPVC windows would be inappropriate in context, as would the use of plain grey concrete roof tiles and white rainwater goods and soffits.
- 5.17 Taken however in the context of the wider locality, your case officer is of the opinion that any harm to result from the above mentioned concerns would only be modest and would not be grounds alone for refusal. On balance therefore the design is considered to be acceptable.

Heritage Issues

- 5.18 Para. 135 of the NPPF states:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Furthermore Policy PSP17 of recently adopted Policies, Sites and Places Plan under the title ‘Locally important heritage assets’, the policy requirement is that:

“Development proposals affecting locally important heritage assets should ensure they are preserved or enhanced, having regard to their significance. The Council will seek to retain buildings included on the Local List, as well as other non-designated heritage assets identified in the development management process’.

- 5.19 No. 67 is a locally listed building. The character and appearance of the inter-war suburb of Cleeve Hill can also be considered to be of local historic interest and so can collectively be regarded as a non-designated heritage asset.
- 5.20 Material to the consideration of this application are the findings of the Inspector in the appeal decision notice which dismissed an appeal for the redevelopment of the tennis courts for a care home.

5.21 In this instance the scheme is significantly smaller scale than the previously refused Care Home and is restricted to the previously developed area of the former tennis club, rather than encroaching into the open garden areas to the rear of no.67. As such its impact on the overall character and appearance of the area and setting of the locally listed building is, with some reservations relating to design (see above), on balance generally acceptable.

Transportation Issues

5.22 There is no objection in transportation terms to the development of this brownfield site for housing in what is a sustainable location. The plans have been revised to take account of original concerns about the access and parking arrangements. The proposed access would be via the existing access to the former tennis club off Cleeve Hill. The access road would be some 60m long but includes a turning area to allow ease of access/exit in forward gear for all service vehicles. The site entrance at its junction with Cleeve Hill has been widened to 5.5m over a length of 12m (measured from the edge of the carriageway) in order to allow a service vehicle to pass a waiting car and vice versa.

5.23 The proposed parking arrangements i.e. 2 car spaces per 3 bed house, 1 space per 2 bed flat are acceptable and 2 visitor spaces are also provided all of which meets the Council's adopted Parking Standards. Adequate cycle parking and bin storage facilities are also provided on site.

5.24 In view of all the above mentioned therefore, the residual cumulative impacts of the proposed development would not be 'severe' and as such there is no highway objection to this application.

Impact Upon Residential Amenity

5.25 The site lies within the settlement boundary and the properties most likely to be affected by the proposal are those immediately adjacent to the site i.e. nos. 67 and 69 Cleeve Hill. Officers have considered whether or not the proposal would have any adverse impact on residential amenity in terms of, overbearing impact or loss of privacy from overlooking or inter-visibility between habitable room windows; and whether adequate amenity space would be provided to serve the dwellings.

5.26 As regards overlooking and loss of privacy; some overlooking of neighbouring gardens from upper floor windows/balconies is only to be expected in urban areas where houses are built in close proximity to each other, especially if efficient use of land in the urban area is to be achieved, as is required by government and Local Plan policy.

5.27 In this instance the building blocks have been appropriately set back from the site boundaries to give adequate distance between any facing habitable room windows. Furthermore, the retention of boundary trees to the rear and introduction of new trees to the road frontage would help to screen the development and soften views to-from neighbouring residential property.

- 5.28 The buildings are considered to be appropriately scaled for the location and given their positions within the site, would not result in any significant overshadowing or overbearing impact for neighbouring residents.
- 5.29 In terms of amenity space for future occupiers, PSP Policy PSP43 provides that all residential units should benefit from adequate useable private amenity space relative to the size of the unit. All of the proposed dwellings would benefit from private gardens.
- 5.30 There are therefore no objections on amenity grounds.

Environmental Issues

- 5.31 Matters of noise, unstable land, contamination and disturbance must be considered in relation to the NPPF and Policy PSP21. The site is not at risk from former coal mining activities, neither does it lie within a zone at high risk of flooding. Connections to the mains sewer would need to be agreed with Wessex Water. A condition would secure a SUDS drainage scheme for surface water disposal. The locality is a well populated sub-urban location with a nearby night time economy; the previous tennis courts were floodlit; any light pollution to result from the proposal would not have any significant effect.
- 5.32 Standard informatives would be added to any approval, regarding construction sites. Whilst there may be some disturbance for local residents during the construction phase, this would be on a temporary basis only. In the event of planning permission being granted, a condition would be imposed to control the hours of working on the site. Possible excessive noise or anti-social behaviour from future residents is controlled by legislation other than that found within the Planning Act and is not therefore grounds to refuse the application.

Landscape and Tree Issues

- 5.33 The site has been previously developed and being enclosed by high trees it is not considered to be an open space that makes a significant contribution to the character of the landscape.
- 5.34 The site is the subject of a blanket TPO and some individual trees are also TPO'd. There have been significant tree removals from the site but these were justified on the grounds of quality and condition. The trees that have been identified for retention have been selected because they are good quality trees that have the potential to provide the many benefits that are associated with mature trees.
- 5.35 The trees on the western boundary – T969 to T980 – have been identified for retention and Tree Protection Fencing is proposed on the Tree Protection Plan to safeguard these trees. Other than this the significant trees on this site are T981 – an Ash, T982 – a Turkey Oak and T985 – a Copper Beach. All of these trees are proposed for removal. There is an existing permission PK17/2254/TRE to fell the Ash.
- 5.36 Despite the submission of a structural report to justify the removal of the Turkey Oak, the Tree Officer objects to its loss. Whilst it was originally proposed to

retain the Copper Beach, the revisions to the scheme now mean that it is brought closer to the buildings and as a result is now also proposed for removal; again the Tree Officer objects to this.

- 5.37 The applicant states that the layout proposes 15no. replacement trees across the site, together with the retention of the 17no. existing trees excluding the U-Class group of Cypress Lawson (H1). Overall there would be a net gain of 8no. trees.
- 5.38 The Turkey Oak T982 and Copper Beach T985 are both identified as Class B2 trees i.e. trees of moderate quality only. Both trees are twin-stemmed, which split at 1 metre above soil level, whilst the Turkey Oak is growing on a steep embankment. The Copper Beach is the more visually prominent of the two trees, with the canopy falling within 5 metres of the pavement, whilst the Turkey Oak is set back some 35 metres into the site, beyond the existing dwelling at 67 Cleeve Hill. Both trees are in excess of 14 metres in height.
- 5.39 Under the proposed layout the canopy of the Turkey Oak would fall within 2 metres of the rear elevation of Plot 5 if retained and the Copper Beach within 1.75 metres of the side elevation of plots 1 and 2 (which contains patio doors serving the living room to the ground floor flat, and the kitchen window to the first floor flat), which would impact on the amenity of the occupants of those units, thus increasing the pressure to fell the trees in future years.
- 5.40 Whilst the above is not disputed by the Tree Officer, he points out that 8no. trees (T970, T979 - T985 incl., and the hedge (H1) are to be removed. Other than a Cherry Tree and an Apple Tree, the trees to be removed are large growing species. Whilst there may be a net gain in the number of trees it is doubtful that there would be a gain in canopy cover into the long term.
- 5.41 Whilst the replacement species are not yet known, it is unlikely that they would be large mature trees. The Turkey Oak and Copper Beach are however prominent in the landscape.
- 5.42 Whilst the replacement trees would to some extent mitigate the loss of the trees, there would in officer opinion be some harm to landscape character. The level of harm will need to be balanced against the benefits of the scheme (see below).
- 5.43 Ecology
The site is previously developed land in a sub-urban location and has no special ecological designation. Whilst there would be some limited loss of habitat to result from the loss of trees, this is adequately mitigated by the proposed new tree planting.
- New Communities
- 5.44 The scheme for 9no. dwellings falls below the threshold for contributions to open space.

5.45 Affordable Housing

Consideration must be given to the need to provide affordable housing in accordance with Policy CS18 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

5.46 The application proposes 9no dwellings only which this falls below the threshold for contributions to affordable housing

5.47 CIL Matters

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

The Planning Balance

5.48 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.

5.49 In this case there are some clear benefits to the proposal; in light of the Council's housing land supply situation i.e. currently sufficient for 4.66 years; the provision of 9no. new dwellings must carry weight in its favour, albeit that the net gain 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 efficient use of a brownfield site for housing in a highly sustainable location within the Urban Area which is a further benefit.

5.50 Weighed against this would be the very small amount of harm identified in design terms and the harm to the landscape character to result from the loss of the Turkey Oak and Copper Beach Trees. This harm is however mitigated to some extent by the planting of replacement trees. Whilst this is a finely balanced judgement in this case, officers conclude that any harm to result from the proposal would not demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework as a whole or specific Framework policies.

5.51 On balance therefore officers consider that in their judgement, the proposal is sustainable development that should be granted planning permission.

Consideration of likely impact on Equalities

5.52 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality

duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires considerations to be reflected into the design of policies and the delivery of services.

5.53 With regards to the above this planning application is considered to have neutral impact on equality. Equalities have been given due consideration in the application of planning policy as discussed in this report.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission be GRANTED subject to the conditions listed below.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies PSP8 and PSP21 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

3. The development shall not be brought into use until the access, car parking and turning areas have been completed in accordance with the approved plans and retained thereafter for that purpose.

Reason

To ensure the satisfactory provision of access, turning and parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of the The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013.

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

Reason

In the interests of flood risk to accord with Policies CS1 and CS5 of The South Gloucestershire Local Plan Core Strategy (Adopted), Policy PSP20 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF. This is a pre commencement condition to ensure that the site can be adequately drained.

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

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP2 of the South Gloucestershire Policies, Sites and Places Plan (adopted) Nov. 2017 and the National Planning Policy Framework. This is a pre-commencement condition to ensure adequate protection from the outset to TPO'd Trees and to ensure adequate landscaping of the site can be fully implemented.

6. Prior to the commencement of any groundworks, including any exempt infrastructure, geotechnical or remediation works, a programme of archaeological work and subsequent detailed mitigation, outreach and publication strategy, must be submitted to and approved by the local planning authority. Thereafter the approved programme of mitigated measures and method of outreach and publication shall be implemented in all respects.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

7. The access road serving the development shall be constructed in 'bound surfaced material' and subsequently maintained satisfactory thereafter.

Reason

To prevent stone scatter in the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP11 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/0183/CLE	Applicant:	Mr Michael Rout CBRE Global Investors on behalf of West Midlands Pension
Site:	Unit 9E Aldermoor Way Longwell Green Bristol South Gloucestershire BS30 7DA	Date Reg:	21st March 2018
Proposal:	Certificate of Lawfulness for existing use of building as Class A1 shop.	Parish:	Oldland Parish Council
Map Ref:	365604 171846	Ward:	Longwell Green
Application Category:		Target Date:	11th May 2018



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 100023410, 2008. N.T.S. PK18/0183/CLE

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks a certificate of lawfulness for the use of Unit 9E, Aldermoor Way, Longwell Green as a shop (Class A1 as defined in the Town and Country Planning (Use Classes) Order 1987). The unit is currently occupied by Oak Flooring Supplies. Prior to this, the unit was occupied by Floors 2 Go Plc between June 2005 and August 2015.
- 1.2 The certificate of lawfulness is sought on the basis that the use of the unit for A1 purposes is immune from enforcement action. This is on the basis that the unit in question have been used predominantly for retail purposes for a period in excess of 10 years, and under 171B(3) of the Town and Country Planning Act 1990 ("the Act"), and in accordance with section 191(2) of the Act, the use is lawful.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 Associated applications for adjacent units
PK18/0186/CLE - Units 9A – 9B

Certificate of lawfulness for existing use of building as Class A1 Shop.

Status: Pending consideration
- 3.2 **PK18/0185/CLE – Unit 9C**

Certificate of Lawfulness for existing use of building as Class A1 shop.

Status: Pending consideration
- 3.3 **PK18/0187/CLE - Unit 9D**

Certificate of Lawfulness for existing use of building as Class A1 shop.

Status: Pending consideration

Other relevant applications

3.4 **PK03/3192/F** – Unit 9E

Change of use of part of floorspace from storage & distribution (B8) to fitting of vehicle spares (B2) as defined in the Town & Country Planning (Use Classes) Order 1987

Approved: 03.12.2003

3.5 **PK02/0155/F** – Units 9D-9E

Change of use from light industrial (B1) to storage & distribution (B8) with associated display and sales.

Approved: 11.03.2002

3.6 **PK01/1556/F** – Units 9A – 9B

Change of use from light industrial (B1) to storage and distribution (B8) with associated display and sales. Installation of 2 no. roller shutter doors and 1 no. pedestrian door.

Approved: 31.08.2001

3.7 **P99/4706** – Unit 9C

Retention of change of use from light industrial (B1) to storage and distribution with ancillary trade counter (B8).

3.8 **K5877** – Unit 9C

CHANGE OF USE FROM WAREHOUSING TO CLASS B1 LIGHT INDUSTRIAL USE AND ANCILLARY OFFICE SPACE (Previous ID: K5877).

Approved: 27.06.1988

3.9 **K1124/57** – Unit 9E

Change of use from light industrial building (class III) to warehouse (class X). Approximately 7500 sq feet (700 sq metres).

Approved: 28.07.1982

3.10 **K1124/32** – Units 9A – 9B

Change of use from class 10 (warehousing) to class 3 (light industrial) 15000 sq ft.

Approved: 03.06.1980

3.11 **K1124/23**

BLOCK 9-ERECTION OF CLASS 3 LIGHT IND. BUILDING.BLOCK 11-ERECTION OF CLASS 10 WAREHOUSE BUILDING. REVISED PLANS 18/5/79 (Previous ID: K1124/23)

Approved: 01.06.1979

4. **SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION**

4.1 To support this application, the following have been submitted:

- Supporting statement.
- Statutory declaration by Moira Elizabeth Baker dated 11th January 2018.
- Extract from lease dated 29th June 2005 between Wolverhampton City Council and Floors 2 Go Plc.
- Copy of planning permission No. PK02/0155/F dated 11th March 2002.
- Extracts from the Oak Flooring Supplies website relating to the Longwell Green store.
- Estimated distribution of space per unit (percentages).

5. **SUMMARY OF MIXED EVIDENCE**

5.1 The local planning authority are in possession of verifiable aerial photographs dated 1991, 1999, 2005, 2006, 2008 and 2014.

6. **SUMMARY OF CONTRARY EVIDENCE**

6.1 The local planning authority holds no contrary evidence of its own.

7. **OTHER REPRESENTATIONS RECEIVED**

7.1 Oldland Parish Council
No objection

7.2 Local Residents
None received

8. **EVALUATION**

8.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the use of the premises as an A1 shop is lawful.

8.2 Breach of Planning Control

No planning permission has been granted for the use of the unit as an A1 shop. Therefore the use of the premises in such a manner would form a breach of planning control. Section 171B of the Act introduces statutory time limits in which enforcement action against breaches of planning control should be taken. If the breach has occurred continuously for the period stated in this section it would become immune from enforcement action.

8.3 Grant of Certificate of Lawfulness

Certificates of lawfulness for existing uses are covered in section 191 of the Act. Section 191(2) states:

*For the purposes of this Act uses and operations are lawful at any time if -
(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); [...]*

8.4 Time Limit of Immunity

The applicant is claiming that the use of the premises as an A1 shop has occurred, uninterrupted, since June 2005 and that no intervening use or change to the planning unit has occurred within this time. This would constitute *any other breach of planning control* and therefore in accordance with section 171B(3) of the Act, the development would become lawful at the end of a period of 10 years beginning with the date of the breach.

8.5 In order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the use of the unit as an A1 shop has occurred continuously for a period exceeding 10 years and that there has been no subsequent change of use.

8.6 Assessment of Lawfulness

In this case, there are considered to be two main areas of assessment. The first involves establishing the current, predominant use of the unit. The applicant contends that although planning permission was granted in 2002 (application ref. PK02/0155/F) for the change of the use of the premises from light industrial (Class B1) to storage and distribution (Class B8), the premises have in fact been used for A1 purposes since the current occupiers entered in to the lease in June 2005. It should be noted that condition 3 attached to the consent stated that the use for the purposes of display and sales shall remain ancillary and subservient to the primary use of the premises for storage and distribution.

8.7 It is contended that the single, main purpose of the planning unit is as a shop falling within Class A1 to which secondary activities are ancillary and/or incidental. With regards to the condition, it is contended that as the unit has been in breach of the condition for a period of more than 10 years, the breach is immune from enforcement action. As such, it must first be established whether the premises can currently be classed as being within a predominant A1 use, with any other activities being ancillary to the main use.

8.8 The second area of assessment is length of time in which the unit has been within the established use. In order for the use to be lawful, it must be demonstrated that the use has occurred continuously for a period exceeding 10 years and that there has been no subsequent change of use. If it can be demonstrated that the use has occurred for 10 years, then it would also demonstrate that the unit has been in breach of the aforementioned condition for a period of more than 10 years.

Predominant Use

8.9 Starting with the estimated distribution of space within the unit, the percentages provided indicate that approximately 75% of the floor space of the unit is used as retail space, with approximately 25% used for the storage of goods. Having undertaken a site visit and seen the extent of the retail floor space, the submitted percentages are considered to provide a sufficiently accurate representation of how the unit is divided in reality.

8.10 During a site visit, it was noted that the majority of the floor space was set out in a showroom format, with goods arranged in such a way that they were clearly displayed to visiting customers. It was also noted that a number of cash registers were situated towards the entrance to the unit, with several members of the public and sales assistants also present at the time of the visit.

8.11 It is however acknowledged that a portion of the unit did not appear to be open to the public, and was used for the storage of goods. That said, the primary use of the premises did appear to be retail; supported by ancillary storage space which would be typical of most retail outlets to varying degrees. Whilst the premises was not considered to take on the form of a typical 'shop', the overall form and layout of the building was consistent with that of a 'retail warehouse', which also falls in to Class A1.

8.12 Extracts from the Oak Flooring Supplies website have also been provided as evidence to demonstrate that the premises functions as an A1 shop. Whilst extracts from a company's website can only be offered limited weight in the assessment of the lawfulness of a particular development, the extracts do show the premises being advertised to members of the public, as opposed to being advertised simply for trade purposes.

8.13 On the basis of the evidence submitted and the observations made during a site visit, and in the absence of any contrary evidence, it is considered that on the balance of probabilities, the premises can be classed as being within an A1 use. As such, it is considered that there has been a breach of planning control.

Time Limit of Immunity

8.14 The certificate of lawfulness application was made valid on 16th March 2018. As such, in order for the breach of planning control to be immune from enforcement action, it must be demonstrated that the unit was in an A1 use on or before 16th March 2008, and that the use has occurred continuously since that time.

- 8.15 The sworn statutory declaration submitted in support of the application outlines that during an inspection of the site by ING REIM in 2007, the property was in a retail use and was open to the general public for retail purposes. The sworn declaration also outlines that the property has consisted of retail units offering goods to the general public since circa 2005.
- 8.16 Furthermore, the extract from the lease between Wolverhampton City Council and Floors 2 Go Plc indicates that the party (Floors 2 Go Plc) occupied the unit from June 2005. Whilst no substantive evidence has been provided in this regard, it has been outlined that the unit was occupied by Floors 2 Go Plc until August 2015, at which point the lease was re-assigned to Oak Flooring Supplies. Given the similarities in the two businesses, on the balance of probability it is considered that unit will have remained in the same use since Floors 2 Go entered in to the lease in June 2005.
- 8.17 On the basis of the sworn statutory declaration and the lease extract, and in the absence of any contrary evidence, it is considered that the unit was in an A1 use prior to 20th April 2007 when the ING REIM inspection notes were written up. It is considered likely that the unit will have been in an A1 use since being taken over by Floors 2 Go Plc, on 29th June 2005.
- 8.18 In terms of whether the unit has remained in a continuous A1 use since that period, it is considered highly unlikely that the unit will have changed to any other predominant use, and then reverted back to an A1 use at the point of the certificate of lawfulness application being submitted. As such, on the balance of probability and in the absence of any contrary evidence, it is considered that the premises have been in a predominant A1 use for a continuous period of more than 10 years.
- 8.19 With regards to other evidence, aerial photographs obtained by the local planning authority show the appearance of the site in 1991, 1999, 2005, 2006, 2008 and 2014. The aerial photographs show the buildings and land that make up the premises to have changed very little between 1991 and 2014. However it is not considered that the change of use from B1 light industrial (as the lawful use of the site was in 1991) to A1 retail warehouse, would necessarily result in any significant changes to the appearance or nature of the building or surrounding land. As such, the aerial photographs provide little indication of when a breach of planning control may have occurred, and whether there has been any subsequent change of use since the breach occurred.
- 8.20 The local planning authority is not in receipt of any evidence of sufficient weight to tip the balance away from that supporting the evidence presented by the applicant. The evidence is considered to be sufficiently precise and unambiguous as to demonstrate that, on the balance of probability, the unit has been in a continuous A1 use for a period of more than 10 years, and that the unit has been in breach of condition 3 attached to planning permission ref. PK02/0155/F for more than 10 years.
- 8.21 Assessment Findings
It has been found that a breach of planning control occurred prior to 20th April 2007, and most likely in June 2005. The local planning authority is not in

possession of any counter evidence, and there is not evidence of any further change of use of the site.

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

In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

8.23 On the balance of probabilities, the unit has been used as a retail warehouse for a period of more than 10 years. It is therefore considered that the use of the premises for A1 purposes would be immune from enforcement action by virtue of section 171B(3) of the Act and under section 191(2) a certificate of lawfulness should be granted. On the balance of probabilities, the unit has also been in breach of condition 3 attached to planning permission ref. PK02/0155/F for a period of more than 10 years, and would be immune from enforcement action by virtue of section 171B(3).

9. RECOMMENDATION

9.1 It is recommended that a Certificate of Lawfulness is GRANTED for the reason listed below:

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

On the balance of probabilities, the unit included within this application has been used as a retail warehouse (Class A1) for a period in excess of 10 years and there has been no subsequent change of use. It is therefore considered that the use is lawful.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/0185/CLE	Applicant:	Mr Michael Rout CBRE Global Investors on behalf of West Midlands Pension ...
Site:	Unit 9C Aldermoor Way Longwell Green Bristol South Gloucestershire BS30 7DA	Date Reg:	21st March 2018
Proposal:	Certificate of lawfulness for existing use of building as Class A1 Shop.	Parish:	Oldland Parish Council
Map Ref:	365596 171876	Ward:	Longwell Green
Application Category:		Target Date:	11th May 2018



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 100023410, 2008. N.T.S. PK18/0185/CLE

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks a certificate of lawfulness for the use of Unit 9C, Aldermoor Way, Longwell Green as a shop (Class A1 as defined in the Town and Country Planning (Use Classes) Order 1987). The unit is occupied by Avondale Tiles.
- 1.2 The certificate of lawfulness is sought on the basis that the use of the unit for A1 purposes is immune from enforcement action. This is on the basis that the unit in question have been used predominantly for retail purposes for a period in excess of 10 years, and under 171B(3) of the Town and Country Planning Act 1990 ("the Act"), and in accordance with section 191(2) of the Act, the use is lawful.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 *Associated applications for adjacent units*
PK18/0186/CLE - Units 9A-9B

Certificate of lawfulness for existing use of building as Class A1 Shop.

Status: Pending consideration

- 3.2 **PK18/0187/CLE - Unit 9D**

Certificate of Lawfulness for existing use of building as Class A1 shop.

Status: Pending consideration

- 3.3 **PK18/0183/CLE – Unit 9E**

Certificate of Lawfulness for existing use of building as Class A1 shop.

Status: Pending consideration

Other relevant applications
3.4 **PK03/3192/F** – Unit 9E

Change of use of part of floorspace from storage & distribution (B8) to fitting of vehicle spares (B2) as defined in the Town & Country Planning (Use Classes) Order 1987

Approved: 03.12.2003

3.5 **PK02/0155/F** – Units 9D-9E

Change of use from light industrial (B1) to storage & distribution (B8) with associated display and sales.

Approved: 11.03.2002

3.6 **PK01/1556/F** – Units 9A – 9B

Change of use from light industrial (B1) to storage and distribution (B8) with associated display and sales. Installation of 2 no. roller shutter doors and 1 no. pedestrian door.

Approved: 31.08.2001

3.7 **P99/4706** – Unit 9C

Retention of change of use from light industrial (B1) to storage and distribution with ancillary trade counter (B8).

3.8 **K5877** – Unit 9C

CHANGE OF USE FROM WAREHOUSING TO CLASS B1 LIGHT INDUSTRIAL USE AND ANCILLARY OFFICE SPACE (Previous ID: K5877).

Approved: 27.06.1988

3.9 **K1124/57** – Unit 9E

Change of use from light industrial building (class III) to warehouse (class X). Approximately 7500 sq feet (700 sq metres).

Approved: 28.07.1982

3.10 **K1124/32** – Units 9A – 9B

Change of use from class 10 (warehousing) to class 3 (light industrial) 15000 sq ft.

Approved: 03.06.1980

3.11 **K1124/23**

BLOCK 9-ERECTION OF CLASS 3 LIGHT IND. BUILDING.BLOCK 11-ERECTION OF CLASS 10 WAREHOUSE BUILDING. REVISED PLANS 18/5/79 (Previous ID: K1124/23)

Approved: 01.06.1979

4. **SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION**

4.1 To support this application, the following have been submitted:

- Supporting statement.
- Statutory declaration by Moira Elizabeth Baker dated 11th January 2018.
- Extract from lease dated 5th March 2004 between Wolverhampton City Council and Avondale Ceramic Tiles Limited.
- Copy of planning permission No. P99/4706 dated 27th January 2000.
- Extracts from the Avondale Tiles website relating to the Longwell Green store.
- Estimated distribution of space per unit (percentages).

5. **SUMMARY OF MIXED EVIDENCE**

5.1 The local planning authority are in possession of verifiable aerial photographs dated 1991, 1999, 2005, 2006, 2008 and 2014.

6. **SUMMARY OF CONTRARY EVIDENCE**

6.1 The local planning authority holds no contrary evidence of its own.

7. **OTHER REPRESENTATIONS RECEIVED**

7.1 Oldland Parish Council
No objection

7.2 Local Residents
None received

8. **EVALUATION**

8.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the use of the premises as an A1 shop is lawful.

8.2 Breach of Planning Control

No planning permission has been granted for the use of the unit as an A1 shop. Therefore the use of the premises in such a manner would form a breach of planning control. Section 171B of the Act introduces statutory time limits in which enforcement action against breaches of planning control should be taken. If the breach has occurred continuously for the period stated in this section it would become immune from enforcement action.

8.3 Grant of Certificate of Lawfulness

Certificates of lawfulness for existing uses are covered in section 191 of the Act. Section 191(2) states:

*For the purposes of this Act uses and operations are lawful at any time if -
(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); [...]*

8.4 Time Limit of Immunity

The applicant is claiming that the use of the premises as an A1 shop has occurred, uninterrupted, since at least 2001 and that no intervening use or change to the planning unit has occurred within this time. This would constitute *any other breach of planning control* and therefore in accordance with section 171B(3) of the Act, the development would become lawful at the end of a period of 10 years beginning with the date of the breach.

8.5 In order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the use of the unit as an A1 shop has occurred continuously for a period exceeding 10 years and that there has been no subsequent change of use.

8.6 Assessment of Lawfulness

In this case, there are considered to be two main areas of assessment. The first involves establishing the current, predominant use of the unit. The applicant contends that although planning permission was granted in 2000 (application ref. P99/4706) for the retrospective change of the use of the premises from light industrial (Class B1) to storage and distribution (Class B8), the premises have in fact been used for A1 purposes since the current occupiers entered in to the lease at some point between 2001 and 2004.

8.7 It is contended that the single, main purpose of the planning unit is as a shop falling within Class A1 to which secondary activities are ancillary and/or incidental. As such, it must first be established whether the premises can currently be classed as being within a predominant A1 use, with any other activities being ancillary to the main use.

8.8 The second area of assessment is length of time in which the unit has been within the established use. In order for the use to be lawful, it must be demonstrated that the use has occurred continuously for a period exceeding 10 years and that there has been no subsequent change of use.

Predominant Use

- 8.9 Starting with the estimated distribution of space within the unit, the percentages provided indicate that approximately 70% of the floor space of the unit is used as retail space, with approximately 30% used for the storage of goods. Having undertaken a site visit and seen the extent of the retail floor space, the submitted percentages are considered to provide a sufficiently accurate representation of how the unit is divided in reality.
- 8.10 During a site visit, it was noted that the majority of the floor space was set out over two floors in a showroom format, with goods arranged in such a way that they were clearly displayed to visiting customers. It was also noted that a number of cash registers were situated towards the entrance to the unit, with several members of the public and sales assistants also present at the time of the visit.
- 8.11 It is however acknowledged that a large proportion of the premises did not appear to be open to the public, and was used for the storage of goods. That said, the primary use of the premises did appear to be retail; supported by ancillary storage space which would be typical of most retail outlets to varying degrees. Whilst the premises was not considered to take on the form of a typical 'shop', the overall form and layout of the building was consistent with that of a 'retail warehouse', which also falls in to Class A1.
- 8.12 Extracts from the Avondale Tiles website have also been provided as evidence to demonstrate that the premises functions as an A1 shop. Whilst extracts from a company's website can only be offered limited weight in the assessment of the lawfulness of a particular development, the extracts do show the premises being advertised to members of the public, as opposed to being advertised simply for trade purposes.
- 8.13 On the basis of the evidence submitted and the observations made during a site visit, and in the absence of any contrary evidence, it is considered that on the balance of probabilities, the premises can be classed as being within an A1 use. As such, it is considered that there has been a breach of planning control.

Time Limit of Immunity

- 8.14 The certificate of lawfulness application was made valid on 16th March 2018. As such, in order for the breach of planning control to be immune from enforcement action, it must be demonstrated that the unit was in an A1 use on or before 16th March 2008, and that the use has occurred continuously since that time.
- 8.15 The sworn statutory declaration submitted in support of the application outlines that during an inspection of the site by ING REIM in 2007, the property was in a retail use and was open to the general public for retail purposes. The sworn declaration also outlines that the property has consisted of retail units offering goods to the general public since circa 2005.

- 8.16 Furthermore, the extract from the lease between Wolverhampton City Council and Avondale Ceramic Tiles indicates that the same party (Avondale Tiles) has occupied the unit since at least March 2004. It is likely that the change of use to A1 will have occurred around the time that the new occupants entered in to the lease, which it is claimed occurred in March 2001.
- 8.17 On the basis of the sworn statutory declaration and the lease extract, and in the absence of any contrary evidence, it is considered that the unit was in an A1 use prior to 20th April 2007 when the ING REIM inspection notes were written up. It is considered likely that the unit will have been in an A1 use since being taken over by Avondale Ceramic Tiles, on or prior to 5th March 2004.
- 8.18 In terms of whether the unit has remained in a continuous A1 use since that period, it is considered highly unlikely that the unit will have changed to any other predominant use, and then reverted back to an A1 use at the point of the certificate of lawfulness application being submitted. As such, on the balance of probability and in the absence of any contrary evidence, it is considered that the premises have been in a predominant A1 use for a continuous period of more than 10 years.
- 8.19 With regards to other evidence, aerial photographs obtained by the local planning authority show the appearance of the site in 1991, 1999, 2005, 2006, 2008 and 2014. The aerial photographs show the buildings and land that make up the premises to have changed very little between 1991 and 2014. However it is not considered that the change of use from B1 light industrial (as the lawful use of the site was in 1991) to A1 retail warehouse, would necessarily result in any significant changes to the appearance or nature of the building or surrounding land. As such, the aerial photographs provide little indication of when a breach of planning control may have occurred, and whether there has been any subsequent change of use since the breach occurred.
- 8.20 The local planning authority is not in receipt of any evidence of sufficient weight to tip the balance away from that supporting the evidence presented by the applicant. The evidence is considered to be sufficiently precise and unambiguous as to demonstrate that, on the balance of probability, the unit has been in a continuous A1 use for a period of more than 10 years.
- 8.21 Assessment Findings
It has been found that a breach of planning control occurred prior to 20th April 2007, and most likely at some point between 2001 and 2004. The local planning authority is not in possession of any counter evidence, and there is not evidence of any further change of use of the site.
- 8.22 Paragraph 17c-006-20140306 of the National Planning Policy Guidance states:
In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

8.23 On the balance of probabilities, the unit has been used as a retail warehouse for a period of more than 10 years. It is therefore considered that the use of the premises for A1 purposes would be immune from enforcement action by virtue of section 171B(3) of the Act and under section 191(2) a certificate of lawfulness should be granted.

9. RECOMMENDATION

9.1 It is recommended that a Certificate of Lawfulness is GRANTED for the reason listed below:

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

On the balance of probabilities, the unit included within this application has been used as a retail warehouse (Class A1) for a period in excess of 10 years and there has been no subsequent change of use. It is therefore considered that the use is lawful.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/0186/CLE	Applicant:	Mr Michael Roult CBRE Global Investors on behalf of West Midlands Pension ...
Site:	Units 9A To 9B Aldermoor Way Longwell Green South Gloucestershire BS30 7DA	Date Reg:	21st March 2018
Proposal:	Certificate of Lawfulness for existing use of building as Class A1 Shop	Parish:	Oldland Parish Council
Map Ref:	365595 171897	Ward:	
Application Category:		Target Date:	11th May 2018



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks a certificate of lawfulness for the use of Units 9A to 9B, Aldermoor Way, Longwell Green as a shop (Class A1 as defined in the Town and Country Planning (Use Classes) Order 1987). The units are occupied by Tileflair Limited.
- 1.2 The certificate of lawfulness is sought on the basis that the use of the units for A1 purposes is immune from enforcement action. This is on the basis that the units in question have been used predominantly for retail purposes for a period in excess of 10 years, and under 171B(3) of the Town and Country Planning Act 1990 ("the Act"), and in accordance with section 191(2) of the Act, the use is lawful.
- 1.3 It is acknowledged that the premises consists of units 9A and 9B. However as the units are occupied by the same party (Tileflair Ltd), the entire premises is considered to consist of a single planning unit. As such, units 9A-9B will be referred to as 'the unit' throughout the remainder of this report.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 *Associated applications for adjacent units*
PK18/0185/CLE - Unit 9C

Certificate of lawfulness for existing use of building as Class A1 Shop.

Status: Pending consideration

- 3.2 **PK18/0187/CLE - Unit 9D**

Certificate of Lawfulness for existing use of building as Class A1 shop.

Status: Pending consideration

3.3 **PK18/0183/CLE – Unit 9E**

Certificate of Lawfulness for existing use of building as Class A1 shop.

Status: Pending consideration

Other relevant applications

3.4 **PK03/3192/F – Unit 9E**

Change of use of part of floorspace from storage & distribution (B8) to fitting of vehicle spares (B2) as defined in the Town & Country Planning (Use Classes) Order 1987

Approved: 03.12.2003

3.5 **PK02/0155/F – Units 9D-9E**

Change of use from light industrial (B1) to storage & distribution (B8) with associated display and sales.

Approved: 11.03.2002

3.6 **PK01/1556/F – Units 9A – 9B**

Change of use from light industrial (B1) to storage and distribution (B8) with associated display and sales. Installation of 2 no. roller shutter doors and 1 no. pedestrian door.

Approved: 31.08.2001

3.7 **P99/4706 – Unit 9C**

Retention of change of use from light industrial (B1) to storage and distribution with ancillary trade counter (B8).

3.8 **K5877 – Unit 9C**

CHANGE OF USE FROM WAREHOUSING TO CLASS B1 LIGHT INDUSTRIAL USE AND ANCILLARY OFFICE SPACE (Previous ID: K5877).

Approved: 27.06.1988

3.9 **K1124/57 – Unit 9E**

Change of use from light industrial building (class III) to warehouse (class X). Approximately 7500 sq feet (700 sq metres).

Approved: 28.07.1982

3.10 **K1124/32 – Units 9A – 9B**

Change of use from class 10 (warehousing) to class 3 (light industrial) 15000 sq ft.

Approved: 03.06.1980

3.11 **K1124/23**

BLOCK 9-ERECTION OF CLASS 3 LIGHT IND. BUILDING.BLOCK 11-ERECTION OF CLASS 10 WAREHOUSE BUILDING. REVISED PLANS 18/5/79 (Previous ID: K1124/23)

Approved: 01.06.1979

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

4.1 To support this application, the following have been submitted:

- Supporting statement.
- Statutory declaration by Moira Elizabeth Baker dated 11th January 2018.
- Extract from lease dated 9th November 2001 between Wolverhampton City Council and Tileflair Limited.
- Planning officer's report relating to App. No. PK01/1556/F.
- Extracts from the Tileflair website relating to the Longwell Green store.
- Estimated distribution of space per unit (percentages).

5. SUMMARY OF MIXED EVIDENCE

5.1 The local planning authority are in possession of verifiable aerial photographs dated 1991, 1999, 2005, 2006, 2008 and 2014.

6. SUMMARY OF CONTRARY EVIDENCE

6.1 The local planning authority holds no contrary evidence of its own.

7. OTHER REPRESENTATIONS RECEIVED

7.1 Oldland Parish Council
No objection

7.2 Local Residents
None received

8. EVALUATION

8.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the use of the premises as an A1 shop is lawful.

8.2 Breach of Planning Control

No planning permission has been granted for the use of the unit as an A1 shop. Therefore the use of the premises in such a manner would form a breach of planning control. Section 171B of the Act introduces statutory time limits in which enforcement action against breaches of planning control should be taken. If the breach has occurred continuously for the period stated in this section it would become immune from enforcement action.

8.3 Grant of Certificate of Lawfulness

Certificates of lawfulness for existing uses are covered in section 191 of the Act. Section 191(2) states:

*For the purposes of this Act uses and operations are lawful at any time if -
(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); [...]*

8.4 Time Limit of Immunity

The applicant is claiming that the use of the premises as an A1 shop has occurred, uninterrupted, since 2001 and that no intervening use or change to the planning unit has occurred within this time. This would constitute *any other breach of planning control* and therefore in accordance with section 171B(3) of the Act, the development would become lawful at the end of a period of 10 years beginning with the date of the breach.

8.5 In order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the use of the unit as an A1 shop has occurred continuously for a period exceeding 10 years and that there has been no subsequent change of use.

8.6 Assessment of Lawfulness

In this case, there are considered to be two main areas of assessment. The first involves establishing the current, predominant use of the unit. The applicant contends that although planning permission was granted in August 2001 (application ref. PK01/1556/F) for the change of the use of the premises from light industrial (Class B1) to storage and distribution (Class B8), the premises have in fact been used for A1 purposes since the current occupiers entered in to the lease in November 2001.

- 8.7 It is contended that the single, main purpose of the planning unit is as a shop falling within Class A1 to which secondary activities are ancillary and/or incidental. As such, it must first be established whether the premises can currently be classed as being within a predominant A1 use, with any other activities being ancillary to the main use.
- 8.8 The second area of assessment is length of time in which the unit has been within the established use. In order for the use to be lawful, it must be demonstrated that the use has occurred continuously for a period exceeding 10 years and that there has been no subsequent change of use.

Predominant Use

- 8.9 Starting with the estimated distribution of space within the unit, the percentages provided indicate that approximately 65% of the floor space of the unit is used as retail space, with approximately 35% used for the storage of goods. Having undertaken a site visit and seen the extent of the retail floor space, the submitted percentages are considered to provide a sufficiently accurate representation of how the unit is divided in reality.
- 8.10 During a site visit, it was noted that the majority of the floor space was set out in a showroom format, with goods arranged in such a way that they were clearly displayed to visiting customers. It was also noted that a number of cash registers were situated towards the entrance to the unit, with several members of the public and sales assistants also present at the time of the visit.
- 8.11 It is however acknowledged that a large proportion of the premises did not appear to be open to the public, and was used for the storage of goods. That said, the primary use of the premises did appear to be retail; supported by ancillary storage space which would be typical of most retail outlets to varying degrees. Whilst the premises was not considered to take on the form of a typical 'shop', the overall form and layout of the building was consistent with that of a 'retail warehouse', which also falls in to Class A1.
- 8.12 Extracts from the Tileflair website have also been provided as evidence to demonstrate that the premises functions as an A1 shop. Whilst extracts from a company's website can only be offered limited weight in the assessment of the lawfulness of a particular development, the extracts do show the premises being advertised to members of the public, as opposed to being advertised simply for trade purposes.
- 8.13 On the basis of the evidence submitted and the observations made during a site visit, and in the absence of any contrary evidence, it is considered that on the balance of probabilities, the premises can be classed as being within an A1 use. As such, it is considered that there has been a breach of planning control.

Time Limit of Immunity

- 8.14 The certificate of lawfulness application was made valid on 16th March 2018. As such, in order for the breach of planning control to be immune from enforcement action, it must be demonstrated that the unit was in an A1 use on

or before 16th March 2008, and that the use has occurred continuously since that time.

- 8.15 The sworn statutory declaration submitted in support of the application outlines that during an inspection of the site by ING REIM in 2007, the property was in a retail use and was open to the general public for retail purposes. The sworn declaration also outlines that the property has consisted of retail units offering goods to the general public since circa 2005.
- 8.16 Furthermore, the extract from the lease between Wolverhampton City Council and Tileflair Limited indicates that the same party (Tileflair Ltd) has occupied the unit since November 2001. It is likely that the change of use to A1 will have occurred around the time that the new occupants entered in to the lease.
- 8.17 On the basis of the sworn statutory declaration and the lease extract, and in the absence of any contrary evidence, it is considered that the unit was in an A1 use prior to 20th April 2007 when the ING REIM inspection notes were written up. It is considered likely that the unit will have been in an A1 use since being taken over by Tileflair Ltd on 9th November 2001.
- 8.18 In terms of whether the unit has remained in a continuous A1 use since that period, it is considered highly unlikely that the unit will have changed to any other predominant use, and then reverted back to an A1 use at the point of the certificate of lawfulness application being submitted. As such, on the balance of probability and in the absence of any contrary evidence, it is considered that the premises have been in a predominant A1 use for a continuous period of more than 10 years.
- 8.19 With regards to other evidence, aerial photographs obtained by the local planning authority show the appearance of the site in 1991, 1999, 2005, 2006, 2008 and 2014. The aerial photographs show the buildings and land that make up the premises to have changed very little between 1991 and 2014. However it is not considered that the change of use from B1 light industrial (as the lawful use of the site was in 1991) to A1 retail warehouse, would necessarily result in any significant changes to the appearance or nature of the building or surrounding land. As such, the aerial photographs provide little indication of when a breach of planning control may have occurred, and whether there has been any subsequent change of use since the breach occurred.
- 8.20 The local planning authority is not in receipt of any evidence of sufficient weight to tip the balance away from that supporting the evidence presented by the applicant. The evidence is considered to be sufficiently precise and unambiguous as to demonstrate that, on the balance of probability, the unit has been in a continuous A1 use for a period of more than 10 years.
- 8.21 Assessment Findings
It has been found that a breach of planning control occurred prior to 20th April 2007, and most likely in November 2001. The local planning authority is not in possession of any counter evidence, and there is not evidence of any further change of use of the site.

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

In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

8.23 On the balance of probabilities, the unit has been used as a retail warehouse for a period of more than 10 years. It is therefore considered that the use of the premises for A1 purposes would be immune from enforcement action by virtue of section 171B(3) of the Act and under section 191(2) a certificate of lawfulness should be granted.

9. RECOMMENDATION

9.1 It is recommended that a Certificate of Lawfulness is GRANTED for the reason listed below:

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

On the balance of probabilities, the unit included within this application has been used as a retail warehouse (Class A1) for a period in excess of 10 years and there has been no subsequent change of use. It is therefore considered that the use is lawful.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/0187/CLE	Applicant:	Mr Michael Roult CBRE Global Investors on behalf of West Midlands Pension ...
Site:	Unit 9D Alder Moor Way Longwell Green South Gloucestershire BS30 7DA	Date Reg:	21st March 2018
Proposal:	Certificate of Lawfulness for existing use of building as Class A1 shop.	Parish:	Oldland Parish Council
Map Ref:	365598 171859	Ward:	
Application Category:		Target Date:	11th May 2018



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PK18/0187/CLE

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks a certificate of lawfulness for the use of Unit 9D, Aldermoor Way, Longwell Green as a shop (Class A1 as defined in the Town and Country Planning (Use Classes) Order 1987). The unit is occupied by Multisave Carpets.
- 1.2 The certificate of lawfulness is sought on the basis that the use of the unit for A1 purposes is immune from enforcement action. This is on the basis that the unit in question have been used predominantly for retail purposes for a period in excess of 10 years, and under 171B(3) of the Town and Country Planning Act 1990 ("the Act"), and in accordance with section 191(2) of the Act, the use is lawful.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 Associated applications for adjacent units
PK18/0186/CLE - Unit 9A-9B

Certificate of lawfulness for existing use of building as Class A1 Shop.

Status: Pending consideration

- 3.2 **PK18/0185/CLE - Units 9C**

Certificate of Lawfulness for existing use of building as Class A1 shop.

Status: Pending consideration

- 3.3 **PK18/0183/CLE – Unit 9E**

Certificate of Lawfulness for existing use of building as Class A1 shop.

Status: Pending consideration

Other relevant applications

3.4 **PK03/3192/F** – *Unit 9E*

Change of use of part of floorspace from storage & distribution (B8) to fitting of vehicle spares (B2) as defined in the Town & Country Planning (Use Classes) Order 1987

Approved: 03.12.2003

3.5 **PK02/0155/F** – *Units 9D-9E*

Change of use from light industrial (B1) to storage & distribution (B8) with associated display and sales.

Approved: 11.03.2002

3.6 **PK01/1556/F** – *Units 9A – 9B*

Change of use from light industrial (B1) to storage and distribution (B8) with associated display and sales. Installation of 2 no. roller shutter doors and 1 no. pedestrian door.

Approved: 31.08.2001

3.7 **P99/4706** – *Unit 9C*

Retention of change of use from light industrial (B1) to storage and distribution with ancillary trade counter (B8).

3.8 **K5877** – *Unit 9C*

CHANGE OF USE FROM WAREHOUSING TO CLASS B1 LIGHT INDUSTRIAL USE AND ANCILLARY OFFICE SPACE (Previous ID: K5877).

Approved: 27.06.1988

3.9 **K1124/57** – *Unit 9E*

Change of use from light industrial building (class III) to warehouse (class X). Approximately 7500 sq feet (700 sq metres).

Approved: 28.07.1982

3.10 **K1124/32** – *Units 9A – 9B*

Change of use from class 10 (warehousing) to class 3 (light industrial) 15000 sq ft.

Approved: 03.06.1980

3.11 K1124/23

BLOCK 9-ERECTION OF CLASS 3 LIGHT IND. BUILDING.BLOCK 11-ERECTION OF CLASS 10 WAREHOUSE BUILDING. REVISED PLANS 18/5/79 (Previous ID: K1124/23)

Approved: 01.06.1979

4. **SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION**

- 4.1 To support this application, the following have been submitted:
- Supporting statement.
 - Statutory declaration by Moira Elizabeth Baker dated 11th January 2018.
 - Extract from lease dated 20th April 2005 between Wolverhampton City Council and Multisave Carpets Limited.
 - Copy of planning permission No. PK02/0155/F dated 11th March 2002.
 - Extracts from the Multisave Carpets website relating to the Longwell Green store.
 - Estimated distribution of space per unit (percentages).

5. **SUMMARY OF MIXED EVIDENCE**

- 5.1 The local planning authority are in possession of verifiable aerial photographs dated 1991, 1999, 2005, 2006, 2008 and 2014.

6. **SUMMARY OF CONTRARY EVIDENCE**

- 6.1 The local planning authority holds no contrary evidence of its own.

7. **OTHER REPRESENTATIONS RECEIVED**

7.1 Oldland Parish Council
No objection

7.2 Local Residents
None received

8. **EVALUATION**

- 8.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the use of the premises as an A1 shop is lawful.

8.2 Breach of Planning Control

No planning permission has been granted for the use of the unit as an A1 shop. Therefore the use of the premises in such a manner would form a breach of planning control. Section 171B of the Act introduces statutory time limits in which enforcement action against breaches of planning control should be taken. If the breach has occurred continuously for the period stated in this section it would become immune from enforcement action.

8.3 Grant of Certificate of Lawfulness

Certificates of lawfulness for existing uses are covered in section 191 of the Act. Section 191(2) states:

*For the purposes of this Act uses and operations are lawful at any time if -
(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); [...]*

8.4 Time Limit of Immunity

The applicant is claiming that the use of the premises as an A1 shop has occurred, uninterrupted, since April 2005 and that no intervening use or change to the planning unit has occurred within this time. This would constitute *any other breach of planning control* and therefore in accordance with section 171B(3) of the Act, the development would become lawful at the end of a period of 10 years beginning with the date of the breach.

8.5 In order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the use of the unit as an A1 shop has occurred continuously for a period exceeding 10 years and that there has been no subsequent change of use.

8.6 Assessment of Lawfulness

In this case, there are considered to be two main areas of assessment. The first involves establishing the current, predominant use of the unit. The applicant contends that although planning permission was granted in 2002 (application ref. PK02/0155/F) for the change of the use of the premises from light industrial (Class B1) to storage and distribution (Class B8), the premises have in fact been used for A1 purposes since the current occupiers entered in to the lease in 2005. It should be noted that condition 3 attached to the consent stated that the use for the purposes of display and sales shall remain ancillary and subservient to the primary use of the premises for storage and distribution.

8.7 It is contended that the single, main purpose of the planning unit is as a shop falling within Class A1 to which secondary activities are ancillary and/or incidental. With regards to the condition, it is contended that as the unit has been in breach of the condition for a period of more than 10 years, the breach is immune from enforcement action. As such, it must first be established whether the premises can currently be classed as being within a predominant A1 use, with any other activities being ancillary to the main use.

8.8 The second area of assessment is length of time in which the unit has been within the established use. In order for the use to be lawful, it must be demonstrated that the use has occurred continuously for a period exceeding 10 years and that there has been no subsequent change of use. If it can be demonstrated that the use has occurred for 10 years, then it would also demonstrate that the unit has been in breach of the aforementioned condition for a period of more than 10 years.

Predominant Use

8.9 Starting with the estimated distribution of space within the unit, the percentages provided indicate that approximately 70% of the floor space of the unit is used as retail space, with approximately 30% used for the storage of goods. Having undertaken a site visit and seen the extent of the retail floor space, the submitted percentages are considered to provide a sufficiently accurate representation of how the unit is divided in reality.

8.10 During a site visit, it was noted that the majority of the floor space was set out in a showroom format, with goods arranged in such a way that they were clearly displayed to visiting customers. It was also noted that a number of cash registers were situated towards the entrance to the unit, with several members of the public and sales assistants also present at the time of the visit.

8.11 It is however acknowledged that a portion of the unit did not appear to be open to the public, and was used for the storage of goods. That said, the primary use of the premises did appear to be retail; supported by ancillary storage space which would be typical of most retail outlets to varying degrees. Whilst the premises was not considered to take on the form of a typical 'shop', the overall form and layout of the building was consistent with that of a 'retail warehouse', which also falls in to Class A1.

8.12 Extracts from the Multisave Carpets website have also been provided as evidence to demonstrate that the premises functions as an A1 shop. Whilst extracts from a company's website can only be offered limited weight in the assessment of the lawfulness of a particular development, the extracts do show the premises being advertised to members of the public, as opposed to being advertised simply for trade purposes.

8.13 On the basis of the evidence submitted and the observations made during a site visit, and in the absence of any contrary evidence, it is considered that on the balance of probabilities, the premises can be classed as being within an A1 use. As such, it is considered that there has been a breach of planning control.

Time Limit of Immunity

8.14 The certificate of lawfulness application was made valid on 16th March 2018. As such, in order for the breach of planning control to be immune from enforcement action, it must be demonstrated that the unit was in an A1 use on or before 16th March 2008, and that the use has occurred continuously since that time.

- 8.15 The sworn statutory declaration submitted in support of the application outlines that during an inspection of the site by ING REIM in 2007, the property was in a retail use and was open to the general public for retail purposes. The sworn declaration also outlines that the property has consisted of retail units offering goods to the general public since circa 2005.
- 8.16 Furthermore, the extract from the lease between Wolverhampton City Council and Multisave Carpets indicates that the same party (Multisave Carpets) has occupied the unit since April 2005. It is likely that the change of use to A1 will have occurred around the time that the new occupants entered in to the lease.
- 8.17 On the basis of the sworn statutory declaration and the lease extract, and in the absence of any contrary evidence, it is considered that the unit was in an A1 use prior to 20th April 2007 when the ING REIM inspection notes were written up. It is considered likely that the unit will have been in an A1 use since being taken over by Multisave Carpets, on 20th April 2005.
- 8.18 In terms of whether the unit has remained in a continuous A1 use since that period, it is considered highly unlikely that the unit will have changed to any other predominant use, and then reverted back to an A1 use at the point of the certificate of lawfulness application being submitted. As such, on the balance of probability and in the absence of any contrary evidence, it is considered that the premises have been in a predominant A1 use for a continuous period of more than 10 years.
- 8.19 With regards to other evidence, aerial photographs obtained by the local planning authority show the appearance of the site in 1991, 1999, 2005, 2006, 2008 and 2014. The aerial photographs show the buildings and land that make up the premises to have changed very little between 1991 and 2014. However it is not considered that the change of use from B1 light industrial (as the lawful use of the site was in 1991) to A1 retail warehouse, would necessarily result in any significant changes to the appearance or nature of the building or surrounding land. As such, the aerial photographs provide little indication of when a breach of planning control may have occurred, and whether there has been any subsequent change of use since the breach occurred.
- 8.20 The local planning authority is not in receipt of any evidence of sufficient weight to tip the balance away from that supporting the evidence presented by the applicant. The evidence is considered to be sufficiently precise and unambiguous as to demonstrate that, on the balance of probability, the unit has been in a continuous A1 use for a period of more than 10 years, and that the unit has been in breach of condition 3 attached to planning permission ref. PK02/0155/F for more than 10 years.
- 8.21 Assessment Findings
It has been found that a breach of planning control occurred prior to 20th April 2007, and most likely in April 2005. The local planning authority is not in possession of any counter evidence, and there is not evidence of any further change of use of the site.

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

In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

8.23 On the balance of probabilities, the unit has been used as a retail warehouse for a period of more than 10 years. It is therefore considered that the use of the premises for A1 purposes would be immune from enforcement action by virtue of section 171B(3) of the Act and under section 191(2) a certificate of lawfulness should be granted. On the balance of probabilities, the unit has also been in breach of condition 3 attached to planning permission ref. PK02/0155/F for a period of more than 10 years, and would be immune from enforcement action by virtue of section 171B(3).

9. RECOMMENDATION

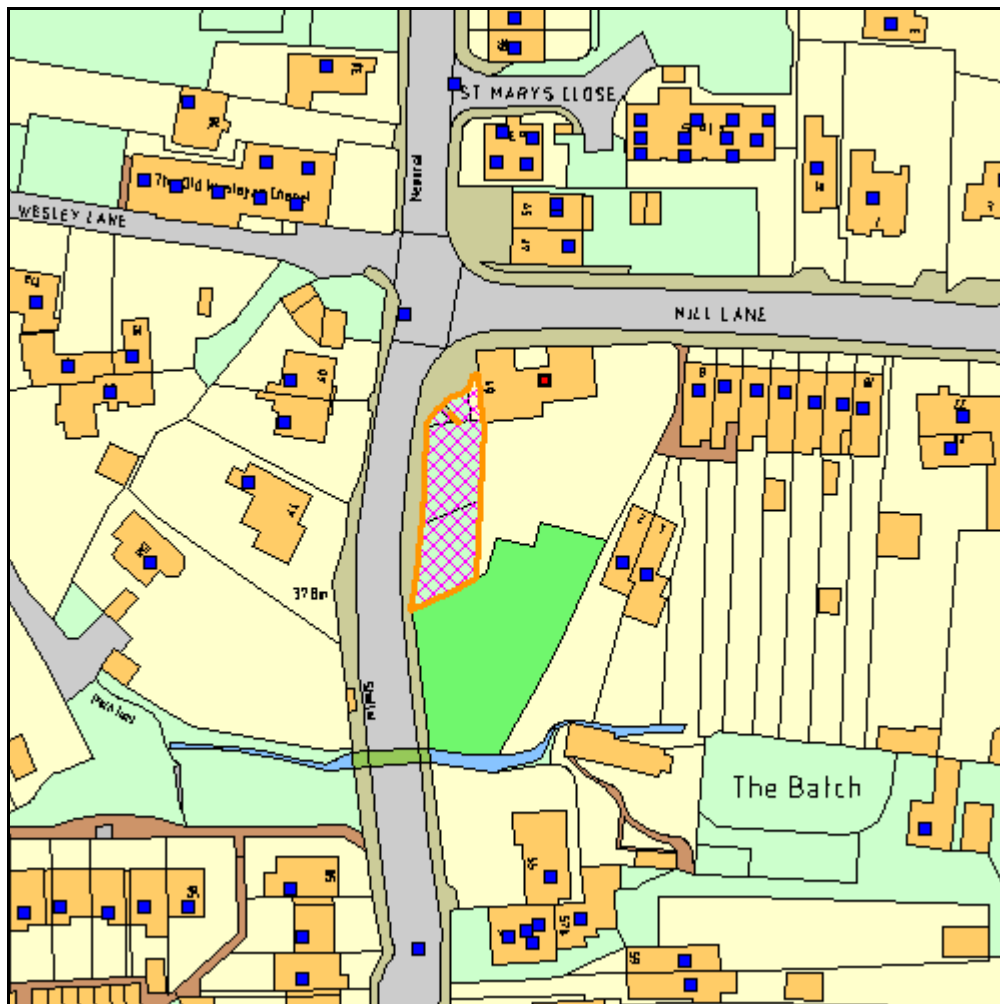
9.1 It is recommended that a Certificate of Lawfulness is GRANTED for the reason listed below:

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

On the balance of probabilities, the unit included within this application has been used as a retail warehouse (Class A1) for a period in excess of 10 years and there has been no subsequent change of use. It is therefore considered that the use is lawful.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/0446/O	Applicant:	City For Construction Ltd
Site:	Land Adjacent To 49 Tower Road South Warmley Bristol South Gloucestershire BS30 8BW	Date Reg:	20th February 2018
Proposal:	Erection of 1no. detached dwelling and associated parking (Outline) with access, appearance and scale to be determined. All other matters reserved.	Parish:	Oldland Parish Council
Map Ref:	366920 172451	Ward:	Parkwall
Application Category:	Minor	Target Date:	16th April 2018



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PK18/0446/O

CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks outline planning permission with access, appearance and scale to be determined. All other matters are reserved. It relates to the erection of 1no. detached dwellinghouse. The original application related to 2no. dwellings, but this was reduced to one due to concerns relating to design, heritage impact and residential amenity.
- 1.2 The site is located on an empty plot of land on Tower Road South, Warmley. It sits in close proximity to a recently renovated locally listed building, and within the high risk coal mining area. There are no other statutory designations.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan 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 Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP17 Heritage Assets and the Historic Environment
PSP21 Environmental Pollution and Impacts
PSP22 Unstable Land
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Waste Collection: Guidance for New Developments SPD (Adopted) 2015 (updated 2017)

3. **RELEVANT PLANNING HISTORY**

3.1 No relevant planning history

4. **CONSULTATION RESPONSES**

4.1 Oldland Parish Council
No objection

4.2 Other Consultees

Lead Local Flood Authority
No objection but queried drainage.

Sustainable Transport
No objection subject to conditions and informatives.

Listed Building and Conservation Officer
Original Plans

Objections due to concerns relating to scale, massing, design, layout and use of materials and the negative impact this would have on the street scene.

Revised Plans

No objection, subject to materials and design of external features being satisfactory.

Tree Officer
No comments received

Coal Authority
No objection subject to imposition of conditions

Wales and West Utilities
State that the applicant must not build over any plant or enclose any apparatus.

Other Representations

4.3 Local Residents
Three comments received, one supporting and two objecting.

Objection comments due to:

- Parking concerns (x2)
- Loss of parking on existing land
- Late date of notification

5. ANALYSIS OF PROPOSAL

5.1 PRINCIPLE OF DEVELOPMENT

This is an outline planning permission with access, appearance and scale to be determined. All other issues are deemed reserved matters and would be considered under a future application.

5.2 The application stands to be assessed against the above listed policies and all material considerations which include the other recent applications associated with the site and adjoining. The site is located adjacent to 49 Tower Road South, a locally listed building, lying within the east fringe of Bristol urban area. Policy CS5 directs development to the urban areas. Of importance is the resulting appearance and impact on the character of the area in general, the impact on the locally listed building, the impact on the amenity of future occupiers and closest neighbours, the impact on highway safety, the impact on private amenity space, and the impact on landscaping.

5.3 The decision-taker is now also required to consider the guidance set out within paragraph 14 of the NPPF. This states that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. In principle the development plan would broadly support additional housing within this location, subject to a number of criteria which are discussed below.

5.4 APPEARANCE, SCALE AND HERITAGE

The scheme has undergone numerous design changes since originally submitted, including the reduction from 2no. dwellings to 1no. dwelling. The application site lies to the south of the locally listed building of 49 Tower Road South. This building, an 19th century double pile house is a traditional building that has a polite, architectural character and qualities of age, style and materials that reflect other surviving traditional buildings in the area including the terraces to the east, and the public house and former chapel to the north (both also locally listed buildings).

5.5 The surrounding area has a highly varied street scene, consisting of numerous different styles, ages and scales of buildings. The proposed dwelling is a two-storey detached house, set at a right angle to the road. The dwelling would be triple fronted, with a bay window to the side, facing onto the road. It would have a gabled roof above, with double-roman roof tiles and a smooth rendered finish. It would have a landscaped parking court to the front, and a sizeable garden to the rear.

5.6 It is noted that the conservation officer has stated that the “design of external features and the impact of paraphernalia such as vents, flues and meter boxes will have an influence on the final appearance of the building”. However, due to the separation of the dwelling from the locally listed building, these features would not be considered to have a significant impact on the heritage feature; therefore, it is not considered suitable to apply via condition. However, it would

- be considered suitable to apply a condition to control the materials to be used on the outside of the building.
- 5.7 The proposed dwelling is considered acceptable in design and heritage terms, and would not be considered to have a significant negative impact on the visual amenity of the nearby locally listed building, It is considered acceptable in line with CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and PSP17 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017
- 5.8 **LANDSCAPING**
Landscaping remains to be determined as a reserved matter. There are some trees on site; the removal of these is not considered to be materially significant. Submitted plans show garden/amenity space to the rear and landscaping surrounding the front parking court. The applicant will still need to submit a full landscape proposal for approval at the reserved matters stage.
- 5.9 **RESIDENTIAL AMENITY**
The dwelling itself would be located a good distance from any neighbouring dwellings. Its size and position means that it is unlikely to have any overbearing or overshadowing impact on any neighbouring dwellings. It is noted that layout is a reserved matter; it is understood that the layout may change, and this would alter the impact on residential amenity. A final assessment of the impact on residential amenity would be made when the final layout is determined in the reserved matters application.
- 5.10 Although it is noted that the front elevation has upper floor facing the rear of No.49. No. 49 only has upper floor rear windows to the eastern end of the dwelling; there are somewhat small, and located around 15m from the front windows of the proposed new dwelling. This level of intervisibility would not be considered unreasonable considering the distance between the windows, and the angle of the windows to each other. There would be some overlooking of the rear garden of No. 49; however, this is considered acceptable in a built up, residential area. While there would be some impact on the privacy of future occupiers of No. 49, the impact would not be considered so great as to represent a materially significant impact. An upper floor side window would also be located to both ends of the proposed dwelling; one of these would overlook a road, and one would look over an existing parking court.
- 5.11 The rear garden of the proposed new dwelling measures around 100 square metres; this is considered an ample amount of amenity space; this would be surrounded by 1.5m high stone walls.
- 5.12 **TRANSPORTATION**
The transport officer has commented, stating that there is no objection subject to conditions relating to details of parking and covered and secure cycle spaces being provided, and an informative being added to the decision notice relating to the vehicle crossover and water drainage. These conditions and the informative will be added to the decision notice

5.13 **DRAINAGE**

The drainage and flood risk management officer queried the method of surface water drainage; the most recent plan does not contain a soakaway or method for surface water drainage. A condition will be added to the decision notice to ensure that proper drainage is achieved.

5.14 **COAL MINING**

The site is located in a high risk coal mining area. The Coal Authority records indicate that the site is in an area of likely historic unrecorded underground coal mine workings at shallow depth. There are also two mine entries within 20m of the site boundary with zones of influence which extend into the site. A coal mining risk assessment was submitted as part of the current application. The coal authority have no objection in principle, but have recommended a condition be added to the decision notice to ensure that the site is safe for development in relation to coal mining.

5.15 **EQUALITIES**

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.16 With regards to the above this planning application is considered to have a neutral impact on equality.

5.17 **PLANNING BALANCE**

It is acknowledged that the introduction of a new dwelling would have a small but positive impact on the current housing shortfall. Weight is also attributed to the proposal given its urban location. Overall the planning balance is in favour of the scheme and it is recommended for approval.

6. **CONCLUSION**

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the development plan, 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 listed below:

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CONDITIONS

1. Approval of the reserved matters (Landscaping and Layout) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

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

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the layout and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

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

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

Reason

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

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

Reason

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

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

Reason

In the interest of highway safety and to accord with SGC PSP Policies PSP11 and 16.

6. Reason

Notwithstanding the submitted details the dwellings shall not be occupied until two covered and secure cycle parking space have been provided for the proposed

dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

To promote sustainable transport choices and to accord with PSP Policy PSP16.

7. No development shall take place until a Coal Mining Risk Assessment has been submitted to and been approved in writing by the Local Planning Authority in consultation with the Coal Authority. In the event that the site investigations confirm the need for remedial works and/or mitigation measures to ensure the safety and stability of the proposed development, these must be undertaken prior to commencement of the development.

Reason

To accord with policy PSP22 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework. This is required prior to development as the site may be unsafe for residential development if the intrusive works find any risks related to coal mining.

8. A sample panel of the render indicating colour and texture, shall be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To maintain and enhance the character and setting of the locally listed building, and to accord with CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

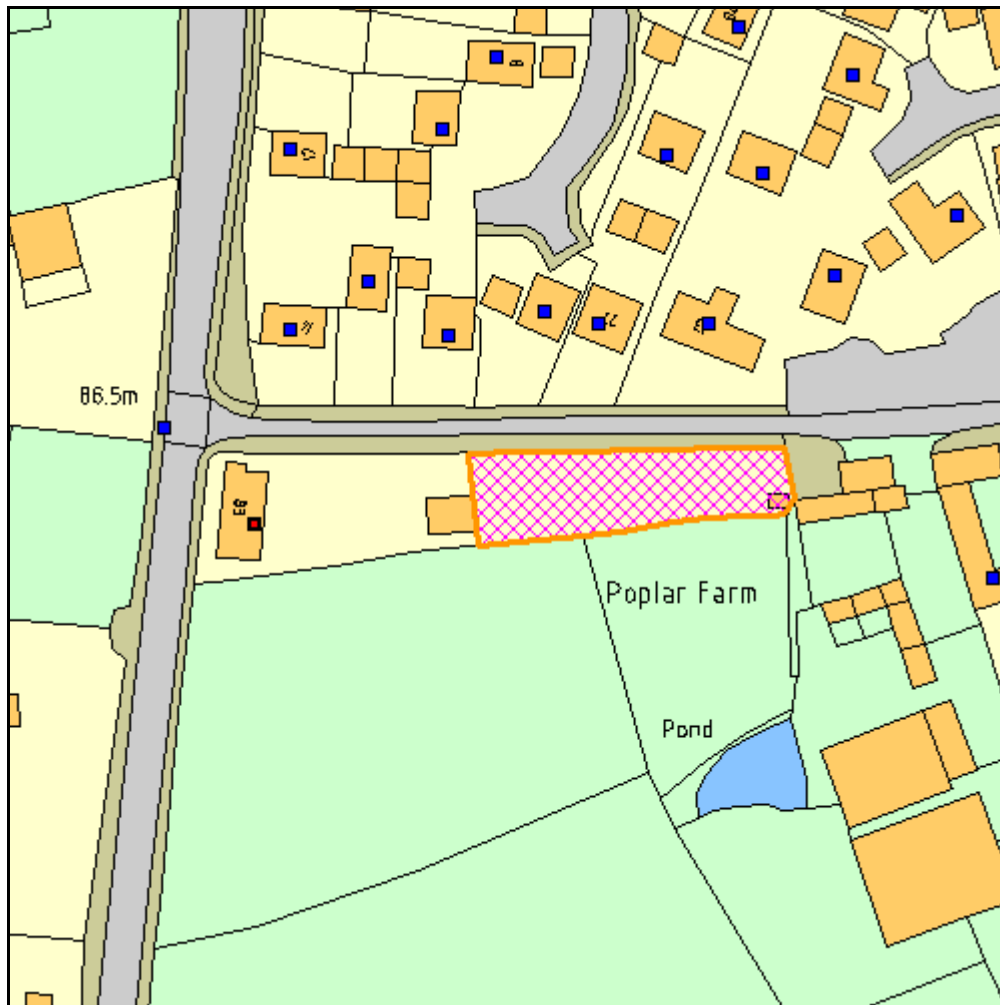
9. The method of surface water disposal or a clearly labelled drainage layout plan showing the connection point into the mains system shall be submitted for approval in writing to the Local Planning Authority at the time of the reserved matters application. Development shall be carried out in accordance with the approved details.

Reason

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

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/0496/O	Applicant:	Mr And Mrs Verinder
Site:	83 Sodbury Road Wickwar Wotton Under Edge South Gloucestershire GL12 8NT	Date Reg:	2nd February 2018
Proposal:	Demolition of existing outbuildings and erection of 2no detached dwellings (Outline). All other matters reserved.	Parish:	Wickwar Parish Council
Map Ref:	372514 187764	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	28th March 2018



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REASONS 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 it is required to be taken forward under the Circulated Schedule procedure as a result.

1. THE PROPOSAL

- 1.1 Outline planning permission is sought for the erection of 2no. detached dwellings with all matters reserved at no. 83 Sodbury Road, Wickwar.
- 1.2 The application site consists of a relatively large, detached cottage set towards the eastern end of a long, narrow plot. The main dwelling faces on to Sodbury Road, with the application site bounded on its northern side by Poplar Lane, and on its southern side by open fields. The defined settlement boundary of Wickwar extends to the northern side of Poplar Lane. As such the application site is located outside of the settlement boundary.
- 1.3 In terms of development in the immediate area, outline planning permission has been granted for the erection of 80no. dwellings at land immediately to the south of the application site (between Poplar Lane and Horwood Lane) under application ref. PK16/4006/O. The reserved matters application for this site is currently being considered by the Local Planning Authority. Application ref. PK17/4552/O, which sought outline consent for the erection of up to 90no. dwellings on land further south of the application site (to the south of Horwood Lane), appeared at DC East Committee on 4th May 2018. Whilst a formal decision is yet to be issued, members resolved to approve the application.

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
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural Areas

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
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PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP43	Private Amenity Space Standards

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

3. **RELEVANT PLANNING HISTORY**

Application Site

3.1 **P98/1682**

Erection of side conservatory.

Approved: 09.06.1998

3.2 **P92/1619**

Erection of double detached domestic garage. Alteration of vehicular access.

Approved: 14.06.1992

Other Relevant Applications

3.3 **PK16/4006/O** – *Land South of Poplar Lane (immediately south of application site)*

Outline planning permission for up to 80 residential dwellings (including up to 35% affordable housing), landscaping, informal public open space, children's play area, new access and associated works (Outline) with access to be determined. All other matters reserved.

Approved: 02.12.2016

3.5 **PK17/5966/RM** - *Land South of Poplar Lane (immediately south of application site)*

Erection of 80 dwellings with associated landscaping, including wetlands, drainage, pedestrian and vehicle links, open space including play areas, allotments and other associated infrastructure. (reserved matters to be read in conjunction with PK16/4006/O).

Status: Pending Consideration

3.6 **PK17/4552/O** - *Land South Of Horwood Lane (further south of application site)*

Erection of up to 90 residential dwellings with public open space, landscaping, sustainable drainage system and vehicular access from Sodbury Road (Outline) with access to be determined. All other matters reserved.

Status: Pending Decision (resolution to approve at DC East Committee on 04.05.2018)

4. **CONSULTATION RESPONSES**

4.1 Wickwar Parish Council

Wickwar Parish Council objects to this planning application. The application is outside the village boundary. Concerns re parking and access on to a single track lane.

4.2 Other Consultees

Sustainable Transport

We note that this outline planning application seeks to erect two new four-bedroom dwellings and a detached garage block to the rear of 83 Sodbury Road, Wickwar. We understand that access and parking will be included within the reserved matters and so no substantive details have been submitted at this time.

Having examined the information provided by the applicant, we are concerned that this location is not within easy walking distance from any significant facilities and so we believe that this development will be largely car-dependent. However, as new dwellings typically produce around 7 vehicular movements per 24 hour day, we believe that its trip generation cannot be considered to be 'severe'. Hence, we would not be able to sustain an objection on this basis.

As noted, only limited information has been provided about the access or parking arrangements has been provided by the applicant. Nevertheless, we understand that access to these new dwellings will actually be obtained from Poplar Road, and although it is fairly narrow, this is a short cul-de-sac which is very unlikely to be heavily trafficked. Hence, we believe that an acceptable access to the adjacent highway network could be obtained from this property but without detailed information we are unable to reach a definitive conclusion on this matter.

It also appears that the site is large enough for appropriate on-site parking provision (two spaces per dwelling) to be made within its curtilage so that it will conform to the Council's Residential Parking Standards SPD. We would make similar comments about provision for cycles. However, we are unclear how refuse will be collected from the site. Therefore, we would wish to see all these matters fully clarified at the reserved matters stage.

Therefore, on balance, we consider that in principal this development raises no insurmountable highways or transportation issues and have no fundamental objections to this planning application. We would however, remind the applicant of need for much more detailed information about access and parking arrangements to be submitted at the reserved matters stage otherwise we will be compelled to object to this proposal.

Lead Local Flood Authority

No objection subject to SUDS condition

Other Representations

4.3 Local Residents

2 comments raising an objection to the proposed development were submitted by local residents. The main concerns raised are outlined below:

- Proposed dwellings are too close to properties on opposite side of lane.
- Land has restricted access and is very narrow – mainly used by horse riders.
- Two four-bed properties would barely fit in the plot and the development would be cramped and not in keeping with surrounding properties.
- The property to east will radically infringe view from neighbouring property and intrude on privacy.
- Development will result in loss of established hedgerows.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies CS5 and CS34 of the South Gloucestershire Core Strategy state that new build housing should be limited to urban areas and established settlement boundaries. In this regard, the proposal is contrary to the adopted development plan as it proposes two new dwellings outside of the established settlement boundary of Wickwar and within the open countryside.

5.2 Notwithstanding the above, it is acknowledged that at present, the Local Planning Authority is unable to demonstrate a five-year supply of deliverable housing land (5YHLS). Paragraph 49 of the NPPF states that relevant policies for the supply of housing should be not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

5.3 Paragraph 14 of the NPPF states a presumption in favour of sustainable development, and states that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed

against the policies in the NPPF, or where specific policies in the NPPF indicate that development should be restricted.

- 5.4 The starting point remains the development plan policy which would resist housing in principle. The question is what weight to attribute to the NPPF, as an important material consideration in light of the current housing supply shortfall. The thrust of paragraph 14 is that sustainable development should only be resisted if significant and demonstrable harm can be shown as a result of the development. In light of this, simply being located outside of the designated settlement boundary alone is unlikely to justify a refusal. The site should be demonstrably unsustainable. Accordingly, a balancing exercise is required, and in this case considerable weight is given to the advice in the NPPF as an important material consideration.

Sustainability

- 5.5 The planning system aims to achieve sustainable development. The counter position to this is that the planning system should resist development that is unsustainable in nature. For planning there are three strands to sustainable development - economic, social, and environmental.
- 5.6 Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that isolated new homes in the countryside should be avoided.
- 5.7 In terms of relevant development plan policies, policy PSP11 of the Policies, Sites and Places Plan outlines that residential development proposals should be located on safe, useable walking and cycling routes and within an appropriate distance of key services and facilities. If key services are not accessible by walking and cycling, new residential development should be located an appropriate distance from public transport networks which connect to destinations containing key services and facilities.
- 5.8 The application site is located to the south of the defined settlement boundary of Wickwar. However it must be acknowledged that significant residential development is set to occur immediately to the south of the site. With an established residential area situated immediately to the north of the site, the application site would be bounded on both its northern and southern boundaries by residential development.
- 5.9 Furthermore, the site is situated approximately 0.3 miles from Wickwar High Street, which provides a small range of facilities and services, as well as public transport links. This would equate to an approximate 7 minute walk from the site. This is considered to be an appropriate distance, and the proposal is considered to accord with the provisions of policy PSP11.
- 5.10 Given the Council's current housing land supply situation, and the location of the site in relation to facilities, services and transport links as well as existing and proposed residential development, the application site is not considered as

an unsustainable or isolated location. Therefore in this regard, it is not considered that significant and demonstrable harm can be shown as a result of the development.

- 5.11 The development is therefore considered to be acceptable in principle and it is acknowledged that the provision of two additional dwellings towards housing supply would have a modest socio-economic benefit. However the impacts of the development proposal must be further assessed against relevant policy in order to identify any potential harm. The further areas of assessment in this case are; design and visual amenity, residential amenity, and transportation.
- 5.12 Design and Visual Amenity
Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Although the final layout, scale and design of the proposed dwelling and garage is to be determined at reserved matters stage, the capacity of the plot to successfully accommodate two 4-bed dwellings and will be assessed.
- 5.13 Although all matters are reserved at this stage, an indicative site plan has submitted in support of the application. The site plan shows the more westerly proposed dwelling (unit 1), with its side elevations facing to the north and south. The more easterly dwelling (unit 2), is rotated 90 degrees, with the front elevation facing towards the highway to the north, and the rear elevation facing towards the future development to the south.
- 5.14 Whilst it is acknowledged that the application site consists of a relatively narrow strip of land, the indicative site plan is considered to sufficiently demonstrate that two dwellings can be accommodated within the plot. There is considered to be a sufficient distance between the two dwellings, and it is not considered that they would appear unduly cramped. Overall it is considered that an appropriate density is proposed.
- 5.15 It is also acknowledged that the redevelopment of the existing garden would significantly alter the character of the site. However given the future backdrop of residential development immediately to the south, it is not considered that simply by virtue of their presence, the two proposed dwellings would adversely affect the character or distinctiveness of the immediate locality. Furthermore, the submitted site plan indicates that, for the most part, the existing boundary hedge will be retained. This is preferable in design and landscape terms, as to preserve the existing character of the site to some extent.
- 5.16 Whilst details regarding overall appearance and siting are to be determined at reserved matters stage, no fundamental issues regarding design and visual amenity have been identified at this stage. As such, the outline proposal is considered to be broadly consistent with policy CS1 of the Core Strategy. However further details relating to the layout, scale, design and finish of the proposed dwellings and any proposed garage building, as well as details of

proposed landscaping, will need to be submitted at reserved matters stage for further consideration.

5.17 Residential Amenity

Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

5.18 Given the degree of separation between the proposed dwellings and any existing properties, it is not considered that the erection of the new dwellings would create an increased sense of overlooking, overbearing or overshadowing on to existing neighbouring properties.

5.19 However regard must be given to the relationship between the proposed dwellings and the dwellings proposed to the south. Whilst the reserved matters for the 80 dwelling development are yet to be finalised, a proposed site plan has been submitted as part of the reserved matters application. This indicates that dwellings are proposed to be located in close proximity to the southern boundary of the application site. As such, it is important to ensure that the two developments are compatible, and that one would not impinge upon the other.

5.20 Overall, it is not considered that the dwellings proposed on land to the south of the site would have any significant impacts on residential amenity at the application site. Furthermore, due to the orientation of unit 1, it is not considered that its erection would have any significant impacts on dwellings proposed to the south.

5.21 The only area of concern is the potential for overlooking from the first floor rear windows of unit 2. Having considered the indicative site plan alongside the site plan for the development to the south, it would appear that the rear windows would provide a direct line of sight on to the rear gardens of properties to the south.

5.22 However one way of overcoming this issue would be by rotating unit 2 by 90 degrees, so that the side of the unit would instead face towards properties to the south. As it is less likely that main windows serving primary rooms would be located at the side elevation, the risk of overlooking is reduced. Having measured the width of the proposed dwelling against the depth of the plot, it would appear that the rotated dwelling would still fit within the site.

5.23 This option has been discussed with the applicant, and they have indicated that the overlooking issue will be considered further and addressed at reserved matters stage. On this basis, whilst layout is not to be determined at this stage, it is considered that there is scope for addressing any potential overlooking issues at reserved matters stage. As such, it is not considered that the development would cause any insurmountable overlooking issue, which could not be addressed at a later stage.

- 5.24 In terms of the residential amenity of the future occupiers of the two proposed dwellings, it is considered that sufficient levels of outdoor private amenity space can be provided for each dwelling. Given the size of the plot, it is also considered that the amenity space can be arranged in such a way that it would be sufficiently usable. The retention of the boundary hedge would also create a degree of privacy. To add to this, whilst a large portion of the rear garden serving the existing dwelling at no. 83 Sodbury Road would be lost, it is considered that a sufficient area of amenity space would be retained.
- 5.25 Overall, whilst potential issues relating to overlooking have been identified, it is considered that this is an issue that can be addressed at reserved matters stage. As such the outline proposal is considered to accord with policy PSP8 of the Policies, Sites and Places Plan. However a further assessment of impacts on residential amenity will be undertaken at reserved matters stage.
- 5.26 Transport
In terms of access, it is acknowledged that Poplar Road is a fairly narrow lane, which would not be suitable for heavy amounts of traffic. However as the proposal would only introduce two new residential units to the site, it is not considered that the development would lead to a significant increase in the levels of traffic using the lane. Furthermore, given the fairly straight nature of the lane, it is considered that adequate visibility at the site entrance can be achieved. Whilst limited information has been submitted at this stage, there is no fundamental objection to the proposed access.
- 5.27 In terms of parking provision, the number of spaces that should be provided for residential development is based on the number of bedrooms contained within each unit. It has been indicated that each dwelling would contain a total of 4 bedrooms, and as such under policy PSP16 of the Policies, Sites and Places Plan, a minimum of 2 parking spaces should be provided for each dwelling. Whilst no detailed information regarding proposed parking arrangements has been submitted at this stage, it is considered that due to the size of the site, the minimum requirement can be met. Furthermore, it would appear that sufficient parking space would be retained for the existing dwelling at no. 83.
- 5.28 For the reasons outlined above there are no fundamental concerns with the outline proposal from a transportation perspective. However detailed information regarding access, parking arrangements, cycle storage and bin storage/collection should be submitted at the reserved matters stage. Any provision in this respect should accord with the Council's adopted standards.
- 5.29 Flood Risk and Site Drainage
The application site is at a low risk of flooding and it is considered that details of the surface water and foul water drainage can be adequately dealt with through the submission of an associated building regulations application.
- 5.30 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty

came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.31 With regards to the above this planning application is considered to have a neutral impact on equality.

5.32 Planning Balance

No fundamental issues have been identified at this stage, and it is considered that the proposal represents sustainable development in accordance with paragraph 14 of the NPPF. No significant or demonstrable harm has been identified to outweigh the benefits of adding 2no. dwellings to the five year housing land supply, and as such the application should be approved.

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 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 included on the decision notice.

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the site access and on-site parking arrangements, the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

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

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

Reason

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

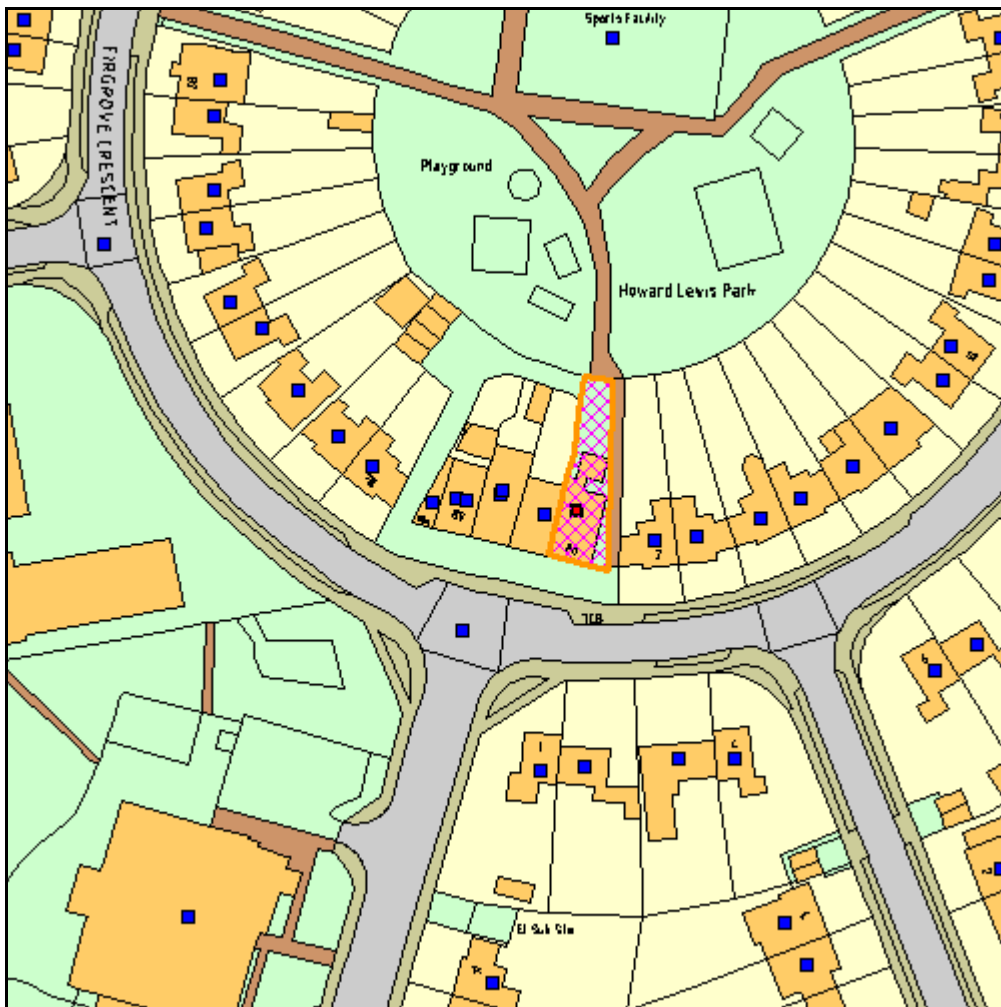
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/0668/RVC	Applicant:	Mr John Hatfield
Site:	The Ridge Dental Surgery 86 Firgrove Crescent Yate South Gloucestershire BS37 7AG	Date Reg:	14th February 2018
Proposal:	Variation of conditions 2 and 3 attached to planning permission PK10/3578/RVC to allow four surgeries within the premises.	Parish:	Yate Town Council
Map Ref:	372027 182702	Ward:	Yate Central
Application Category:	Minor	Target Date:	4th April 2018



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REASONS FOR REPORTING TO CIRCULATE SCHEDULE

The application has been subject to comments contrary to the findings of this report. Under the current scheme of delegation, it must be referred as a result.

1. THE PROPOSAL

- 1.1 The proposal seeks to vary conditions 2 and 3 attached to the planning permission PK10/3578/RVC to allow four surgeries within the premises.
- 1.2 The subject property forms part of a terrace of shops that include a hairdressers, dry cleaners, nursery and a convenience store.
- 1.3 The proposal only seeks the change of use of ancillary space to form a new surgery.
- 1.4 To the front of the property is an on street parking area and cycle stands.
- 1.5 The site is located in a built up residential area within the settlement boundary of Yate alongside other commercial uses.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS13 Non-safeguarded Economic Development Sites
CS14 Town Centres and Retail

South Gloucestershire Local Plan: Policies, Sites and Places Plan November 2017

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP31 Town Centre Uses
PSP32 Local Centres, Parades and Facilities
PSP33 Shopping Frontages

2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/3578/RVC – Approval – 25/02/2011 – Variation of conditions 2 and 3 attached to planning permission P95/1646 to allow three surgeries within the premises.

Condition 2: The number of surgeries within the premises shall not exceed three.

Condition 3: The upper floor of the premises, apart from the third surgery shown on the approved plans (8288-10) received 17th January 2011, shall be used solely for the purposes ancillary to the use of the property as a Dental Surgery.

- 3.2 P95/1646 – Approval – 23/06/1995 – Change of use of first floor flat to be used in conjunction with Dental Surgery.
- 3.3 P85/1087 – Approval – 06/03/1985 – Change of use of premises from shop to dental surgery.

4. CONSULTATION RESPONSES

4.1 Yate Town Council
No Objection

4.2 Other Consultees

Transportation Department
No Objection

Other Representations

4.3 Local Residents

Two comments have been received one of which neither objecting nor supporting the application, the other in objection. The comments both refer to the local parking issues and how increased use of the site may have an adverse impact on the situation. One comment also notes that commercial waste is being deposited in an untidy manner by other uses in the rank.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

PSP33 states change of use to non-retail uses will only be permitted where the development makes a positive contribution to the vitality and viability of the centre; does not undermine the retail function and character of the frontage, or part of it, or the wider retail area; includes a shopfront with a display function and be accessible to the public from the street; and maintains an active ground floor use. The proposal site is situated within a local parade and is adjacent to a nursery, convenience store, hair dressers and a drycleaners. The site is in a D1 use as existing, consequently the proposal would not be viewed to impact the retail offerings available or the viability of the other retail functions in the parade. There is clearly an economic benefit to permitting the addition of the further surgery. This benefit must be weighed against any harm identified.

5.2 Design and Visual Amenity

Nothing is proposed externally and the application is only to vary the condition under Section 73 of the Town and Country Planning Act. The proposal would

have no impact on the appearance of the property and consequently no objection is raised to the design of the proposal.

5.3 Residential Amenity

Policy PSP8 of the adopted Local Plan gives the Council's view on residential amenity. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the amenity of the host dwelling.

5.4 The proposal site is situated in a predominately residential setting. It is assumed that there are residential uses above some of the other retail units in the terrace. The proposal would not include any further built form, as a result it would not have any impact as a result of overbearing, loss of light or privacy.

5.5 The proposal would increase the number of patients that can be attended to in a day, consequently it is expected that there will be additional vehicular movements and associated noise. The proposal would create 1 additional surgery space, bringing the total to 4. This increase in how intensively the site is used is not viewed as significant and therefore the associated noise impact is not seen to have an unacceptable impact on amenity.

5.6 The subject property is located within a built up residential area and given the scale and location of the proposed development will not result in any material detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with Policy PSP8 of the Policies Sites and Places DPD.

5.7 Sustainable Transport and Parking Provision

The proposal site is within a generally residential area and is served by a number of unallocated parking spaces to the front and within the highway. The conditions to be varied, were attached in relation to transportation and parking provision, as a result this assessment must consider any further impact on the local highway network. Comments have been received concerned with the impact on the local highway network, largely in relation to parking. The proposal would increase the number of surgery spaces from 3 to 4. The use of the building itself is not likely to generate a significant number of movements and this is likely to be significantly less than the other more traditional retail uses in the terrace. The transport department have commented on the application and the officer has no objection to the proposal. Given this consideration the additional pressure on this parking area is limited. Paragraph 32 of the NPPF states that proposals should only be refused on transport impact when the harm is severe. This has not been found to be the case, consequently it is recommended that approval is granted. Consideration was given to condition 3, however it is not viewed as necessary in combination with condition 2 and would not therefore pass the tests for conditions identified in the NPPF.

5.8 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty

came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above this planning application is considered to have a neutral impact on equality.

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 development plan 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 number of surgeries within the premises, known as The Ridge Dental Surgery 86 Firgrove Crescent Yate, shall not exceed four.

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; Policies PSP8 and PSP11 of the Policies Sites and Places Plan (Adopted) November 2017; and the provisions of the NPPF (2012)

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/1094/F	Applicant:	Mr Roger Brine
Site:	Wapley Riding Stables Wapley Hill Westerleigh Bristol South Gloucestershire BS37 8RJ	Date Reg:	20th March 2018
Proposal:	Change of Use of buildings from Equine Use to Veterinary Clinic (Class D1) as defined in the Town and Country Planning (use classes) Order 1987 (as amended).	Parish:	Dodington Parish Council
Map Ref:	371433 179535	Ward:	Westerleigh
Application Category:	Minor	Target Date:	10th May 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated schedule as a result of consultation responses received, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the change of use of buildings from Equine Use to Veterinary Clinic (Class D1) as defined in the Town and Country Planning (use classes) Order 1987 (as amended). This follows a previous planning permission for the erection of a single storey building for equine treatment and a foaling box and associated works for use as an animal therapy room (Ref PK16/0976/F). This followed a previous refusal of planning permission for erection of single storey building to form Animal Therapy Room with parking and associated works (Ref. PK15/1561/F).

Condition 2 of PK16/0976/F states:

'The animal treatment room shall only be used by horses already on site for the purposes of the livery and riding school and for no other business purposes or for horses being brought in specifically for the treatment room whatsoever.'

Reason:

To protect the amenities of the occupiers of the nearby properties, to limit the amount of traffic accessing the site and to address Green Belt considerations, and to accord with saved Policy E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; Policies CS1 and CS5 of the South Gloucestershire Local Plan Core Strategy, the South Gloucestershire Green Belt SPD and the National Planning Policy Framework.'

- 1.2 The building stands within the grounds of an existing riding stables, with various existing buildings, stables and facilities, forming part of the Wapley Riding Stables business, offering livery services, riding lessons and horse training on site. The application site is outside of any settlement boundary and is located within the Green Belt.
- 1.3 The applicants have stated that the application is for the provision of a therapy centre for the rehabilitation of dogs through physiotherapy, hydrotherapy and treatment work. The applicants have also indicated that the application can be conditioned for this purpose only, as opposed to a vets surgery, if considered necessary. The facility would only accommodate one client an hour and a maximum of 4-5 per day, less than 1 vehicle per hour, and less than the vehicular activity from the riding school. The facility would only employ one member of staff and would be open from 9am to 7pm, 5 days a week. The building itself is 92.4 m². The change is sought in order to diversify the business.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Policies, Sites and Places Plan Adopted November 2017

- PSP1 Local Distinctiveness
- PSP2 Landscape
- PSP7 Development in the Green Belt
- PSP8 Residential Amenity
- PSP11 Transport Impact Management
- PSP16 Parking standards
- PSP21 Environmental Pollution and Impacts
- PSP28 Rural Economy
- PSP30 Horse Related Development

2.3 Supplementary Planning Guidance

- South Gloucestershire Design Checklist (Adopted)
- South Gloucestershire Green Belt SPD

3. **RELEVANT PLANNING HISTORY**

There is a relatively extensive history to the site and the neighbouring dwelling. The most relevant applications for the consideration of the current application are considered to be as follows:

P84/1024 - Use of land as riding school. Approved March 1984

P85/1383 – Erection of stables, tack room and foaling box associated with riding school. Approved 18th June 1985.

P85/2034 – Erection of stables. Approved 15th September 1985.

PK08/2650/F – Erection of a single storey rear extension to provide office and training room Class B1a (offices). Refused 22nd May 2008

PK15/1561/F - Erection of single storey building to form Animal Therapy Room with parking and associated works. Refused 17th June 2015. Dismissed at appeal 20th October 2015.

PK16/0976/F - Erection of building for equine treatment and foaling box and associated works. (Resubmission of PK15/1561/F). Approved 28/2/16.

4. **CONSULTATION RESPONSES**

4.1 Dodington Parish Council No comments received

4.2 Other Consultees

Lead Local Flood Authority

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

Highway Officer

We understand that this application seeks to change the use of buildings at Wapley Riding Stables, Wapley Hill Westerleigh from equine uses to a veterinary clinic. We understand that this is to allow small animals to use the existing equine facilities and so suspect that this will mean that additional visitors will be attracted to the site bringing pets etc to the consultations at the vet's surgery.

However, very little information has been provided about this building or its intended operations. Hence, we have been unable to determine exactly what impact it will have on the surrounding highway network, if any. Hence we would wish to see these issues clarified and request that the applicant provides additional information about the floor area of the building, the surgery's hours of operation, the expected number of staff and off-site visitors. Should this information not be forthcoming or be unsatisfactory in nature, then we would recommend an objection be lodged against this proposal.

Further information was subsequently requested in this respect.

It was subsequently confirmed by the applicants that the facility would only accommodate one client an hour and a maximum of 4-5 per day, less than 1 vehicle per hour, and less than the vehicular activity from the riding school. The facility would only employ one member of staff and would be open from 9am to 7pm, 5 days a week. The building itself is 92.4 m². The change is sought in order to diversify the business.

On this basis, further highways considerations were provided as follows:

Having reviewed this information, it is considered that this development is very small and so would be highly unlikely would generate more than 5 or 6 trips a day on weekdays. Therefore, we believe that it would be highly unlikely to create any highways or transportation impacts which could be described as 'severe'. Moreover, it appears that there is sufficient space on-site to accommodate any vehicles associated with these activities. As a consequence, although we consider that it is likely that this centre will be almost wholly car-depend in contradiction to the requirement of PSP11, we do not believe that we could sustain an objection to this proposal and so have no further comments.

Environmental Protection Officer

No adverse comments

Highway Structures

No comment

Other Representations

4.3 Local Residents

One letter of objection has been received, as follows:

'We strongly object to this proposed change of use. Planning permission was only granted for the development of the existing building in 2016 under the strict condition that it was only to be used for equine use (PK16/0976/F). The decision letter for PK16/0976/F states that:

The animal treatment room shall only be used by horses already on site for the purposes of the livery and riding school and for no other business purposes or for horses being brought in specifically for the treatment room whatsoever.

Reason

To protect the amenities of the occupiers of the nearby properties, to limit the amount of traffic accessing the site and to address Green Belt considerations, and to accord with saved Policy E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; Policies CS1 and CS5 of the South Gloucestershire Local Plan Core Strategy, the South Gloucestershire Green Belt SPD and the National Planning Policy Framework.

This approved 2016 application was a resubmission of two applications from April and August 2015 for the construction of an animal therapy room. The aim of these applications was to build an animal therapy room to be used commercially with animals brought in from elsewhere. The new application uses the same site plans as the 2016 application to which the above decision was made on and is to change the use to a veterinary clinic. A veterinary clinic appears to be a synonym for animal therapy but with the potential for many more treatments and therefore customers. Our objections to the previous applications remain valid. We object to the continual development at Wapley Riding Stables at the detriment to the local area and more specifically the flooding that occurs on our property, Bushes Farm Wapley, as a direct result of the continual expansion of this business. Our property is located opposite and downhill to Wapley Riding Stables in a low lying area compared to the surrounding land. As a result our property receives significant discharge from the high water table in Wapley. The frequency and severity of the flooding we experience have increased significantly over the time period that Wapley Riding Stables has been built and expanded. We are concerned not only by surface water, we regularly observe water discolouration due to contaminated water entering the water system. We have long believed that the existing surface water, wastewater and sewage drainage facilities at Wapley Riding Stables are not adequate. Further expansion is likely to put an even greater strain on the existing drain and sewage systems. This is of particular concern due to the wildlife in the immediate vicinity of Wapley Riding Stables. The stream that runs through the pond on our property is below Wapley Riding Stables in the water table and continues through other neighbouring properties down Wapley Hill. There are countless species that live and visit this area, including great crested newts that are a European protected species with the breeding and resting sites protected by law. Wapley Hill, the only access road for Wapley Riding Stables is a small single track lane that is not suitable for the increased traffic associated with the development of a veterinary practice. The lane is in poor

condition following the recent bad weather and the use of the lane to access the new Network Rail work site adjacent to Wapley Common. The increase in traffic on the lane would lead to further degradation of the road surface. As a single-track lane increased traffic will also cause problems for locals and existing customers due to the lack of passing places along the lane. As well as the above objections due to water and traffic, we also object to the principle of the application. This application appears to represent a belief that planning can be obtained by 'playing the long game' through the submission of incremental planning applications to achieve the aim of an original declined application. It would be very disappointing if South Gloucestershire Council approve this change of use application. It will make South Gloucestershire Council appear weak and encourage others to obtain planning permission utilising this approach. We are happy to discuss any of the above issues further and invite members from the planning committee to visit our home and Wapley Hill lane before the planning meeting.'

One letter of support has also been received, as follows:

'We own the fields opposite Wapley Riding Stables, and surrounding Bushes Farm. The stream also runs through our land, and we have not had a problem with flooding. As neighbouring Land owners we have no objections to this planning application. Please do not hesitate to contact us if you need any more information.'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of the building itself has been established through previous consents, and has been constructed. Notwithstanding this a condition of that consent specifically sought to limit the use of the building to be associated with the existing stable complex only, has highlighted above. The main issue for consideration therefore is any impact associated with the proposed change of use of the building, from equine use only, in direct association with the site to general veterinary clinic (Class D1), and any additional policy considerations that may be relevant to the consideration of the application. In this respect Policy PSP28 of the Policies Sites and Places Plan, which was adopted in November 2017, is relevant to the proposals. This policy states that sustainable new development which promotes a strong rural economy will be acceptable in rural areas. Proposals for business development outside of the defined urban areas and settlement boundaries will be acceptable, in the case of existing buildings, where the building is of permanent construction, the buildings are in keeping with their surroundings and the proposals are of a scale consistent with its function use and rural location. Given that the building has been approved under previous applications it is considered that it is acceptable in principle in these respects.

5.2 Green Belt

The planning history of the site in terms of previous considerations needs to be acknowledged. In this respect a previous application for the erection of a single storey building to form Animal Therapy Room, has been refused and a further application for the erection of a building for equine treatment and foaling box site was approved on the basis that it was used in conjunction with the existing equine premises and business. Notwithstanding this it must now also be acknowledged that the building exists in the Green Belt location. It is therefore necessary to assess the proposals in the current policy context. The proposals now seek essentially remove the specific ties to the horse related business with a more general veterinary use. Whilst the concerns above are noted, it is not unreasonable to consider proposed changes to development previously granted, and each application must be addressed on its own individual merits. The building is already there and lies within the curtilage of the existing stables and equine area and no additions or extensions are sought that would additionally impact upon the openness of the Green Belt. The main issue is therefore its re-use. The applicants state that they consider there to be a need to diversify, as the business has struggled to be financially viable.

- 5.3 The NPPF specifies forms of development that would not be considered inappropriate in the Green Belt, one of them being the re-use of buildings provided that they are of permanent and substantial construction. As discussed above the building does meet these criteria and is therefore considered acceptable in its Green Belt context. This consideration does not set a precedent as whilst this application is considered to comply with Green Belt requirements the consideration of each individual application site varies according to its particular circumstance and restrictions in each case.

5.4 Highways

Given the nature of the proposed change, the staffing and level of client usage it is not considered that the proposal would give rise to significant or material issues of highways impact in its own right. In addition to this the potential future traffic generation and levels of staff and client usage or governed by the relatively small size of the building the subject of this application. Expansion of this use would require separate planning permissions to be considered. Further to this and given the above it is not considered necessary to further limit the scope of the use class for the rehabilitation of dogs only, as offered by the applicants if it was considered necessary.

5.5 Drainage/Environmental Effects

The applicant has stated that the site is currently served by a septic tank and the revised proposal does not require any additional facilities requiring foul sewerage provision. Surface water would be drained to existing soakaways for the site. It should also be considered that the building is existing and that this application seeks a change of use. In this respect it is not considered that the proposals for change of use would contribute significantly or materially to any additional drainage issues in its own right. There are no objections from the Council's Drainage Officer or Environment Protection Officer. Notwithstanding the comments received it is not considered that this change of use would have a materially greater impact upon wildlife in the vicinity than the existing arrangement.

5.6 Residential Amenity

By virtue of the nature of the application for change of use, the location and size of the proposed building, it will not have any unacceptable impact on existing levels of residential amenity by means of overbearing, overshadowing or loss of privacy. The activities to take place within the building are unlikely to generate additional noise and disturbance for neighbouring properties. An hours of operation condition is recommended.

5.7 Landscape

Given the location and context of the site and the proposals relationship with existing buildings and uses within the site and the fact that the building is existing, it is not considered that there are any landscape issues associated with the proposals.

6. CONCLUSION

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

6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report. It is considered that the proposals have satisfactorily alleviated previous concerns and reasons for refusal, subject to the conditions recommended.

7. RECOMMENDATION

7.1 That the application be 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).

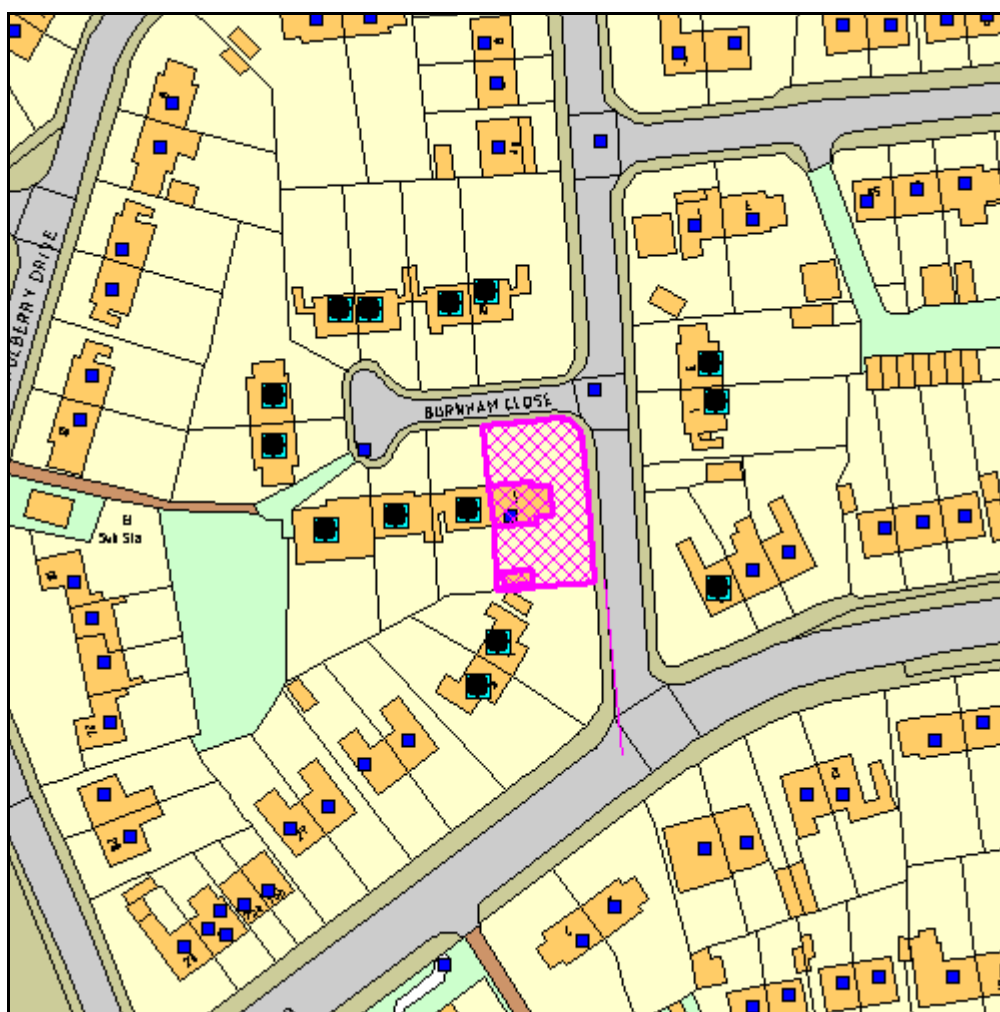
2. The use hereby permitted shall not be open to customers outside the following times: 09.00 hours and 19.00 hours Mondays to Fridays.

Reason

To protect the amenity of the area and to accord with Policy CS1 and CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/1264/F	Applicant:	Mr Dave Bamfield
Site:	1 Burnham Close Kingswood Bristol South Gloucestershire BS15 4DX	Date Reg:	21st March 2018
Proposal:	Demolition of existing outbuilding and erection of 1 no. detached dwelling with associated works.	Parish:	None
Map Ref:	365602 174051	Ward:	Kings Chase
Application Category:	Minor	Target Date:	16th May 2018



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PK18/1264/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application has received an objection comment that is contrary to the Officer recommendation. 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 seeks full planning permission for the demolition of an existing outbuilding and the erection of 1no detached dwelling and associated works at 1 Burnham Close Kingswood.
- 1.2 The application site relates to a semi-detached property situated within the settlement boundary.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017

- PSP1 Local Distinctiveness
- PSP8 Residential Amenity
- PSP11 Transport Impact Management
- PSP16 Parking Standards
- PSP38 Development within Existing Residential Curtilages
- PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007
Waste collection: guidance for new developments (Adopted) 2015

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Not applicable.

Lead Local Flood Authority

No objection subject to a public sewer location informative.

Highway Structures

“No comment.”

Sustainable Transport

No objection subject to the provision of parking areas and electric car charging point conditions.

The Coal Authority

“The Coal Authority objects to this planning application, as the required Coal Mining Risk Assessment Report, or equivalent, has not been submitted as part of the application.”

Other Representations

- 4.2 Local Residents

One objection received relating to parking in Burnham Close and the surrounding area.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

Paragraph 14 of the NPPF states that proposals that accord with the development plan should be approved without delay. Policy CS5 sets out the locational strategy for development in the district. New development is directed towards existing urban areas and defined settlements. As the site is located within the settlement boundary of a community on the east fringe of Bristol, development is supported in this location. As such, based solely on the location of the site, the principle of the development is acceptable.

- 5.2 Notwithstanding this, it is recognised that, at present, the local planning authority is unable to demonstrate a five-year supply of deliverable housing land. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. However as the application site falls within the defined settlement boundary on the east fringe of Bristol, the principle of development is acceptable under the provisions of policy CS5. As policy CS5 is not seeking to restrict the supply of housing, it can be afforded full weight in this case.

- 5.3 Whilst the principle of the proposed development is acceptable under the provisions of policy CS5, the impacts of the development require further assessment to identify any potential harm. The harm identified will then be

balanced against the benefits of the proposal. The further areas of assessment are design and visual amenity, residential amenity, and transportation.

5.4 Design and Visual Amenity

The site is a semi-detached house with an unusually wide corner plot, such as is often found on post war estates such as this and which gives them their spacious character. The proposed dwelling would be set in line with the natural building line of Burnham Close. However, it would be set forward of the building line on Burnham Drive. However, as the wider area is distinctly lacking in strong building lines. It is not thought that this design issue is detrimental to the character of the area, especially given the levels involved.

5.5 Although the area is largely characterised by semi-detached dwellings, occasionally terraces of three dwellings are to be seen. Also, an almost identical detached dwelling within a similar corner plot 60m away was approved in 2017 (PK17/2924/F). Moreover, the location of the majority of these dwellings do not follow any formal designed layout. As such the erection of a detached dwelling in the location proposed would not be at odds with the character of the area. Furthermore, the materials proposed for the new dwelling would match or be similar to the surrounding properties. It is therefore considered that the proposal is acceptable in terms of policy CS1 of the Core Strategy (Adopted) December 2013.

5.6 Residential Amenity

Policies PSP8 and PSP38 of the adopted PSP Plan sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; poor amenity space, loss of light; and loss of privacy of neighbouring occupiers.

5.7 It is acknowledged that a new dwelling in the location proposed will result in new windows on the first floor that would overlook the rear gardens on Holly Hill Road. However, owing to the spacious corner location of the host dwelling it is unlikely that these would result in any more of an impact on residential amenity than the existing windows on 1 Burnham Close. Moreover, when considering the existing boundary, combined with the siting and scale of the new dwelling. It is unlikely to appear overbearing or such that they would prejudice existing levels of outlook, privacy or light afforded to neighbouring occupiers. Therefore, the development is deemed to comply with policies PSP8 and PSP38 of the PSP Plan.

5.8 Policy PSP43 sets the minimum standards for private amenity space. As both dwellings would contain three bedrooms, these both require a minimum of 60m². Due to the proposed subdivision of the plot the remaining dwelling would have 61m² and the proposed dwelling would have 50m² of private outside amenity space. It is acknowledged that the proposed dwelling would have substandard amenity space when assessed against policy PSP43. However, this deficit should not automatically result in refusal due to the slavish adherence to these standards. The resultant harm should be a material consideration. When considering the site, its surroundings, and the outside space available for similar sized properties in the area. Officers consider the provision of a 50m² garden to be sufficient in this case, and the deficiency

would not amount to a significant and demonstrable harm that would outweigh the benefit of the dwelling proposed. There also appears to be a local area of open space within walking distance of the site.

5.9 Transport

PSP16 sets the parking requirements for new development; three bedroom properties require 2 off-street parking spaces each; and two spaces each would be provided. As such the proposal has sufficient parking. Notwithstanding this, a comment was received relating to parking issues in the area. This was noted on a site visit and the Case Officer understands the frustrations of parking issues in residential areas such as this. However, as sufficient parking, that is safe to access will be provided there are no transport objections to the proposal. Additionally, the Transport Officer requested that an electric car charge point be provided, this will be conditioned.

5.10 Drainage

Drainage details were submitted with the application and the Drainage Officer raised no objection to the proposal.

5.11 Coal

The site is located on a coal mining risk area and an objection was raised from the Coal Authority. Subsequently, a risk assessment was submitted to support the application which stated that the site is a low risk area. An updated comment from the Coal Authority was requested on May 23rd 2018, however this was not provided. Nonetheless, the report states that the site is a low risk area. As such the Case Officer is satisfied with the report, and the development, and no objection is raised in relation to coal mining risk at the site.

5.12 Equalities

The Equality Act 2010 protects people from discrimination in the workplace and in wider society. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.13 With regards to the above this planning application is considered to have a neutral impact on equality.

5.14 Conclusion

It is acknowledged that the proposed dwelling will contain less amenity space than is required by PSP43. However, as discussed the amenity space is considered acceptable. Moreover, if approved, 1 no. dwelling in a sustainable location would be created. As such the proposal would make a very small contribution to the supply of housing. Also, this dwelling will not be detrimental to the appearance of the area; the residential amenity

of neighbours, and the site will benefit from sufficient parking spaces. On balance therefore, permission should be granted

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 development plan set out above, and to all the relevant material considerations set out in the report

7. **RECOMMENDATION**

- 7.1 That the application be **GRANTED** subject to the condition(s) set out in the Decision Notice.

Contact Officer: David Ditchett
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to
Monday - Friday.....7:30am - 6:00pm
Saturday.....8:00am - 1:00pm

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 Policies PSP8 and PSP38 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

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

Reason

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

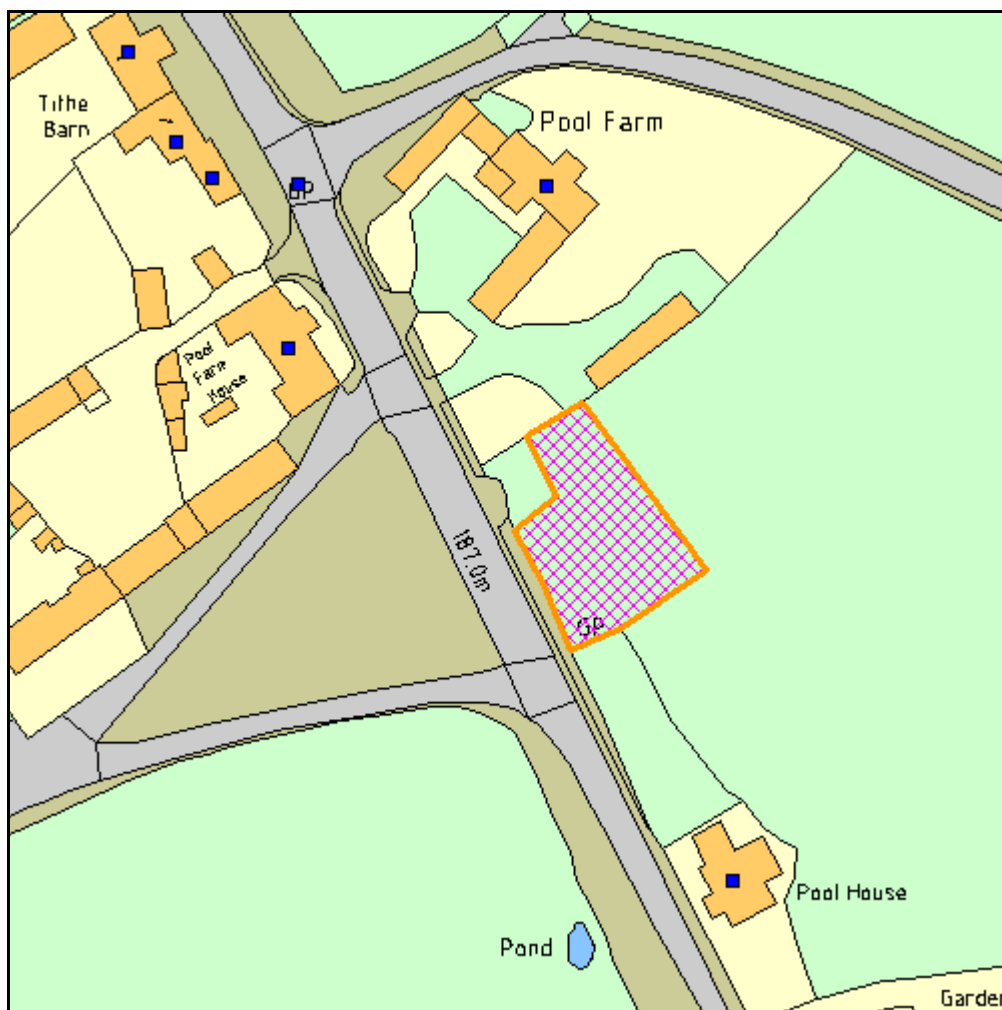
4. The new dwelling shall not be occupied until an electric vehicle charging point has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority

Reason:

To promote use of zero emission vehicles and to accord with Core Strategy Policy CS8 and South Gloucestershire Residential Car Parking Standard SPD.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/1461/F	Applicant:	Mr Tom Cole
Site:	The Walled Garden High Street Hawkesbury Upton GL9 1AU	Date Reg:	10th April 2018
Proposal:	Erection of 1no. dwelling with parking associated works (Re submission of PK17/1853/F)	Parish:	Hawkesbury Parish Council
Map Ref:	377645 187114	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	4th June 2018



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PK18/1461/F

REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of representations and a petition which are in favour of the scheme; contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 1no. 3 bedroom dwelling with parking and associated works at an area of land known as 'The Walled Garden', Hawkesbury Upton. The application is a re-submission of a recently refused scheme and subsequent dismissed appeal. Planning application ref. PK17/1853/F was refused by the Local Planning Authority on 11th August 2018, for the following reason:

The site is located within Hawkesbury Conservation Area, it forms the setting of a group of listed buildings and is within part of the Cotswolds Area of Outstanding Natural Beauty. It provides an important landscape feature and key vista within the Hawkesbury Conservation Area. The proposed development, by virtue of the introduction of built form, with an associated residential curtilage and related residential paraphernalia would harm the special character and appearance of the conservation area, the setting of the listed buildings as well as the landscape features and key vista which the site provides. This would be contrary to Section 72(1) and 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and Saved Policies L1, L2, L12 and L13 of the Adopted South Gloucestershire Local Plan (Adopted January 2006) and the Hawkesbury Conservation Area SPD.

- 1.2 The applicant appealed the decision of the Local Planning Authority. On 13th February 2018 the appeal was dismissed by the Inspector who concluded that;

Whilst the development would preserve the character and appearance of the Hawkesbury Conservation Area and would not have a harmful effect on the Cotswolds Area of Outstanding Natural Beauty, the development would have a harmful effect on the setting of a listed building. Therefore, for the reasons given and having regard to all other matters raised, I conclude that the development would be contrary to the development plan when taken as a whole and the Framework. There are no material considerations to suggest a decision other than in accordance with the development plan and therefore the appeal is dismissed.

- 1.3 This re-submission is exactly the same scheme as that previously submitted as part of PK17/1853/F. The agent states that they have re-submitted it on the basis that the Inspector 'critically misread' the relationship between the site and the Grade II listed 'Pool Farmhouse', and that 'national guidance published a short time after the appeal decision is materially relevant'. These matters will be discussed further within this report.

THE SITE

- 1.4 The site lies outside the northern end of the Hawkesbury Upton settlement boundary and is within the open countryside. It is also located within the Cotswolds Area of Outstanding Natural Beauty (AONB) and part of the Hawkesbury Conservation Area.
- 1.4 The subject site is understood to have historically been used as an orchard associated with the 'Pool Farm' complex which is located directly to the north of the application site. This group includes; Barn and Granary, Barn, Pool Farmhouse and Barn Farmhouse, all of which are Grade II listed buildings. The application site forms part of the setting of these buildings. The site is enclosed on three sides by original natural stone walls. It appears that the site is currently used as a managed garden area, albeit Officers do not consider it to form part of any residential curtilage.

SITE HISTORY

- 1.5 Previous applications at the site for similar proposals of residential development have been refused. The first, in 1998 (ref. P98/1156) was refused for the following reasons:

1. *The proposed constitutes an undesirable extension of existing sporadic development in open countryside beyond the Village Development Boundary of Hawkesbury Upton and detrimental to the visual amenities of the locality which is included within the Cotswold Area of Natural Beauty, and as such falls contrary to Policies C7 and C8 of the Avon County Structure Plan, Policy RP35 of the Northavon Rural Areas Local Plan and Policies N2 and N3 of the Northavon Local Plan (Deposit Draft).*
2. *The proposed conflicts with Policy H7 of the Avon County Structure Plan and Policy RP7 of Northavon Rural Areas Local Plan and Policy RP7 of the Northavon Rural Areas Local Plan and Policy N91 of the Northavon Local Plan (Deposit Draft) which provides new dwellings within the countryside and outside village development boundaries will not be permitted unless justified in connection with the needs of agriculture or forestry. In this instance no justification of agricultural grounds has been put forward to warrant the granting of planning permission contrary to the foregoing policies.*

The most recent was in 2009 (ref. PK09/0686/F), and was refused for the following reasons:

1. *The site lies in the open countryside outside the Defined Settlement Boundary of Hawkesbury Upton and the proposal does not fulfil any of the limited criteria, listed in Local Plan Policy, that would allow the erection of a new dwelling in the countryside. The proposal is therefore unacceptable in principle and is not in accordance with advice contained in PPS7 - "Sustainable Development in Rural*

Areas" and Policy H3 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

2. *The application site lies within the boundary of Hawkesbury Upton Conservation Area, the character and appearance of which it is desirable to preserve and enhance. Furthermore the site lies adjacent to Grade II Listed buildings, the settings of which should be preserved. The proposed development, by virtue of its location, form, design and scale would fail to preserve or enhance the character or appearance of the Conservation Area and would also harm the setting of nearby Grade II Listed Buildings, contrary to sections 72(1) & 66(1) respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 - 'Planning and the Historic Environment' and Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) 6th June 2006 and advice contained in The Hawkesbury Conservation Area Advice Note 17 (SPG) Adopted 9th December 1999 and The South Gloucestershire Design Checklist (SPD) Adopted August 2007.*
3. *The proposal constitutes an undesirable extension of existing sporadic development into the open countryside beyond the Defined Settlement Boundary of Hawkesbury Upton which would be detrimental to the visual amenities of the locality which is included within the Cotswolds Area of Outstanding Natural Beauty adjacent to The Cotswolds Way major recreation route, and as such falls contrary to policies D1, L1, L2, and LC12 of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006.*

1.6 Officers are mindful of the planning history of the site in the assessment of this application. Nevertheless, it is noted that these decisions were both prior to the introduction of the NPPF as well as the Councils adopted Core Strategy and emerging PSP Plan. These policy changes are material.

2. POLICY CONTEXT

2.1 National Guidance

NPPF National Planning Policy Framework March
PPG Planning Practice Guidance
Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density

CS17 Housing Diversity
CS34 Rural Areas

South Gloucestershire Policies, Site and Places Plan (Adopted) November 2018

PSP1 Local Distinctiveness
PSP2 Landscape
PSP8 Residential Amenity
PSP11 Development Related Transport Impact Management
PSP16 Parking Standards
PSP17 Heritage Assets and the Historic Environment
PSP37 Internal Space and Accessibility Standards for Dwellings
PSP40 Residential Development in the Countryside
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) December 2013
Waste Collection: Guidance for New Development SPD (Adopted) January 2015
Landscape Character Assessment (Adopted) August 2005. – LCA 1 –
Badminton Plateau.
Hawkesbury Conservation Area SPD (Adopted) May 2000

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|--|-----------------------------|--------------------------|
| 3.1 | P98/1156
Erection of detached dwelling and garage | Refusal | 13.03.1998 |
| 3.2 | PK09/0686/F
Erection of 1no. detached dwelling and garage with access and associated works. | Refusal | 03.06.2009 |
| 3.3 | PK13/1219/F
Construction of new vehicular access. Erection of 1.4m high gates. | Approve with Conditions | 10.06.2013 |
| 3.4 | PK14/0384/F
Erection of agricultural forestry processing and storage building | Withdrawn | 26.06.2014 |
| 3.5 | PK17/1853/F
APP/P0119/W/17/3184399
Erection of 1no. dwelling with parking and associated works | Refusal
Appeal Dismissed | 11.08.2017
13.02.2018 |

4. CONSULTATION RESPONSES

- 4.1 Hawkesbury Parish Council
No objection. The Parish Council agreed exceptionally to support the application despite the site being outside the Village Development Boundary. In reaching their decision the Council noted the application was for a single dwelling which had been sympathetically designed with careful consideration of

its visual impact and in the context of existing housing in the immediate vicinity. They noted also that allowing the build would free up a local affordable home.

4.2 Highway Structures

If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with BD2/12 of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected. Or

If the application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner.

4.3 Lead Local Flood Authority

No objection

4.4 Sustainable Transport

We note that this planning application seeks to erect a new dwelling at The Walled Garden located in the High Street, Hawkesbury Upton. We understand that this application is a resubmission of a previous one (ref PK17/1853/F) and that we raised no objection to that application. We note that this proposal remains unchanged in highways and transportation terms. Therefore, we do not wish to make any comments about the current application either.

4.5 Landscape

Insufficient information has been submitted to make a properly considered landscape appraisal of the application and it seems that the proposed plan is the same drawing as that submitted for the previous application on this site (PK17/1853/F). Therefore, Dilly Williams previous landscape comments (6th June 2017) still stand.

4.6 Conservation Officer

Unless there has been a material change in circumstances, the Inspector's findings remain relevant and material to the consideration of this application. Along with the decision itself, from the above extracts of the Inspector's decision notice you could consider that there is a "in principle" objection to the residential development of this site and so this resubmission is therefore ill-judged.

The other key outcome is that although harm to the setting of the listed building was found, they did not accept the harm to the conservation area and landscape case. I would therefore advise that again the application is refused permission, but the reason of refusal will need to be recalibrated to reflect the Inspector's decision.

4.7 Archaeology Officer

- Insufficient information submitted
- in accordance with paragraph 128 of the NPPF; applicants are required (as a minimum) an archaeological desk-based assessment.

- As before, a programme of archaeological work in accordance with a written scheme of investigation to be submitted to and approved by the Archaeology Officer (condition HC11, reason HR05)

Other Representations

4.8 Local Residents

68no. letters of support were received to the proposal. Comments can be summarised as follows;

- In-keeping with surrounding area
- Unsuitable for other uses
- Affordable housing released to market as a result of proposal
- No traffic impact
- Positive comments regarding applicants
- In-fill development
- Enhance visual amenity
- Site is currently untidy/derelict
- Small scale development.

Petition received by the Council 30th April 2018, stating the following;

We the undersigned, being residents of the Parish of Hawkesbury, hereby declare our support for planning application number PK18/1461/F and the comment below, made by the Parish Council at their June 2017 meeting.

The Parish Council agreed exceptionally to support the application despite the site being outside the Village Development Boundary. In reaching their decision the Council noted the application was for a single dwelling which had been sympathetically designed with careful consideration of its visual impact and in the context of existing housing in the immediate vicinity. They noted also that allowing the build would free up a local affordable home.

Signed by 248 residents of the Parish of Hawkesbury.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application is for the erection of 1no. dwelling and associated works on a piece of land outside of the settlement boundary of Hawkesbury Upton. The scheme is identical to that recently refused and dismissed at appeal (ref. PK17/1853/F). It is noted that since the determination of that application, the Policies, Sites and Places (PSP) Plan has been adopted (November 2017). Having said this, at the time of the appeal decision it was adopted, and the Inspector referred to specific policies.

5 Year Housing Land Supply

- 5.2 The Council cannot demonstrate a five year housing land supply, meaning paragraph 49 of the NPPF is engaged. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes on to suggest that if the

local planning authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date.

Location of Development

- 5.3 At the heart of the NPPF is the presumption in favour of sustainable development. It sets out the three dimensions – economic, social and environmental - that need to be considered, and that the roles should not be taken in isolation. Moreover, paragraph 55 of the NPPF states that in order to promote sustainable development, housing should be located where it would enhance or maintain the vitality of rural communities. Paragraph 55 goes on to state that housing development in rural areas should not be promoted where such development would not lead to isolated homes within the countryside.
- 5.4 The previous application ref. PK17/1853/F found that while the site clearly forms part of the countryside setting of Hawkesbury Upton; it was not thought that the application site would constitute ‘isolated’ or would conflict with paragraph 55 of the NPPF. In the subsequent appeal decision the Inspector stated that the site would be in an ‘accessible location’. Given the identical nature of this application, the same conclusions are drawn.

Appeal Decision

- 5.5 In the recent appeal decision, the Inspector found that the development would not be harmful to the Cotswolds AONB or the Hawkesbury Upton Conservation Area. However, found that there would be harm to the setting of a listed building. In the context of Paragraph 134 of the NPPF, the Inspector found that this would be less than substantial harm. The Inspector found modest public benefits in relation to the provision of 1no. dwelling towards the Councils lack of five year housing land supply. However, concluded that; in ‘*Giving importance and weight to the less than substantial harm and in having special regard for the desirability of preserving the setting of the listed building, the modest benefit identified would not outweigh the harm*’.
- 5.6 This appeal decision is a highly relevant and recent material planning consideration and carries significant weight in the determination of this identical application.

Summary

- 5.7 Given the Councils lack of five year housing supply, the proposal should ultimately be assessed in the context of paragraph 14 of the NPPF, this paragraph states that proposals should be permitted unless:

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

- *specific policies in this framework indicate development should be restricted.”*

5.8 Impact on Listed Buildings

- To the north of the application there is a group of Grade II listed buildings, which include; Pool Farmhouse, Barn and Granary, Barn, and Barn Farmhouse. Historically the application site was an orchard which was associated with the group of listed buildings. As such the application site has an historical association and therefore contributes to the significance of the listed buildings and their setting.
- 5.9 The applicant in their submissions refers to recent guidance from Historic England; 'Listed Buildings and Curtilage' which was released a short time after the previous appeal decision. They state that this advice demonstrates that the application site is not within the curtilage of the listed buildings. However, curtilage does not equate to setting. The NPPF defines the setting of a heritage asset as: *'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral'*.
- 5.10 Historic England's guidance 'The Setting of Heritage Assets' states that settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to their significance. While the application site is not currently an orchard, it is an informal garden area which remains open and green in nature. The Inspector in the appeal decision found that the presence of a building on the site together with the domestic activities its occupants would remove the majority of references to the site as a former orchard and would undermine the subservient nature of the site to the nearby listed buildings. It was also acknowledged that the site as it stands could be occupied by garden paraphernalia or an unkempt appearance. However, it was considered that neither of these matters would have the same discernible effect on the setting of the listed building.
- 5.11 Reflecting the conclusions of the Inspector, it is considered that this would result in less than substantial harm to the setting of the listed buildings. Paragraph 134 of the NPPF states that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use'*.
- 5.12 It is acknowledged that the scheme would provide 1no. dwelling towards the lack of five year housing land supply, which carries modest public benefit. The applicant and consultation responses also state that the proposal would make available an 'affordable dwelling' elsewhere. However, the proposal is for a market dwelling. In any other case, there is no certainty that an affordable home would result from the proposal. As such, this cannot be given additional public benefit weighting.
- 5.13 As aforementioned, the Inspector concluded that, having special regard for the desirability of preserving the setting of the listed building, the modest benefit

identified would not outweigh the harm. This assessment remains as part of this identical application.

5.14 Impact on the Conservation Area

The Inspector in the appeal decision found that the development would preserve the character and appearance of the Conservation Area. It was acknowledged that the site contributes positively to its rural character. However, it was not considered that the dwelling would be out of keeping with other buildings and would not interfere with important views. As such, given the identical nature of the scheme, Officers come to the same conclusions.

5.15 Impact on the Cotswolds AONB

It was also found as part of the appeal decision that the proposed dwelling would be viewed in the context of other buildings and therefore would not interfere with the character of the Cotswolds AONB. Given these conclusions, no objection is raised to the proposals impact on the Cotswolds AONB.

5.16 Design and Visual Amenity

Notwithstanding, that the location of the proposed development is considered to have adverse impacts on the listed buildings; the design of the development will now be assessed under relevant policy and guidance.

5.17 Comments received from public consultation stated that the dwelling would be in-keeping with the surrounding area and that the development would enhance visual amenity. It is noted that the proposed dwelling would attempt to reflect local distinctiveness to the front elevation, with its single storey scale and natural stone elevations. To the rear it would have a two storey elevation with extensive glazing as well as a balustrade balcony which would be supported by steel posts. Whilst these features are considered out of character with the surrounding area, it is not thought that this would warrant a refusal of the application in design terms.

5.18 Residential Amenity

The closest residential occupiers to the application site are located at the group of buildings at Pool Farm. Whilst the development would be located close to these neighbouring properties, and visible and points to occupiers, it is not felt that it would introduce unacceptable impacts to residential amenity. The property is otherwise bounded by the highway (High Street) to the west (front boundary) and open fields to the north east. The proposal also includes sufficient levels of private amenity space for the proposed dwelling. Overall, therefore, the proposal is considered to be acceptable in terms of residential amenity.

5.19 Highway Safety

The development offers an acceptable standard of car parking for the proposed dwelling which complies with the standards as set out in PSP16. Having said this, in the event that the application is approved, it is recommended that a condition is imposed to ensure the parking is provided prior to occupation of the dwelling.

- 5.20 The site would utilise an existing access onto the High Street. Modifications to this access were approved under a previous application (ref. PK13/1219/F), but appear to not have been implemented. Transportation colleagues consider that this arrangement would improve highway safety. Full details of the access have not been provided prior to determination of the application. Therefore, in the event that the application is approved, it is recommended that a condition is imposed to this regard.
- 5.21 It is noted that no cycle storage areas are shown on the proposed site plan. As such in accordance with PSP16, in the event that the application is approved, it is recommended that details of such are provided prior to occupation of the dwelling.
- 5.22 Archaeology
The site is opposite the extant remains of the shrunken medieval village and it is considered likely that there are remains relating to earlier settlement and occupation of the village within the site boundary. The application would involve substantial excavation below the current ground surface. The supplied documentation fails to provide sufficient information about the archaeological significance of the site as required under Paragraph 128 of the NPPF to allow assessment of the impacts of the proposals by the Council as required under paragraph 129.
- 5.23 For this reason, in the event that the application is approved, a condition is recommended to establish the extent and preservation of remains. A programme of archaeological work in accordance with a written scheme of investigation to be submitted to and approved by relevant specialist Officers.
- 5.24 Other Matters
While the letters of support for the development are noted. These do not justify permitted a proposal which has been found to be harmful and contrary to policy.
- 5.25 A number of comments related to positive comments regarding the applicants themselves. While these views are understood, they do not form a material planning consideration.
- 5.26 Planning Balance
At this point officers find it appropriate to return to the context of paragraph 14 of the NPPF, this paragraph states that proposals should be permitted unless:

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

- specific policies in this framework indicate development should be restricted.”
- 5.27 The development is restricted by the specific policies, which are listed in footnote 9 of the NPPF. The assessment of the development against the

restrictive policies, specifically designated heritage assets in this instance, indicates that development should be refused.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **refuse** permission has been taken having regard to the policies and proposals in the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017, South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

- 7.1 It is recommended that planning permission is **REFUSED** for the reasons listed below.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

1. The proposed development would have a harmful impact on the setting of a group of Grade II listed buildings known as Pool Farmhouse, Barn Farmhouse, Barn and Granary, and Barn. This is because the presence of a building on the site, together with domestic activities of its occupants would remove the historical nature of the site as a former orchard and would undermine the subservient nature of the site to the nearby listed buildings. Consequently the historic link between the site and the listed buildings would be lost, which in turn, would be harmful to their setting. While the level of harm is less than substantial, the public benefit does not outweigh the harm. As a result the proposal is not considered to be sustainable development and if permitted would be contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Policies CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/1534/CLE	Applicant:	Mr Lester Smith
Site:	Lamorna Heathcote Drive Coalpit Heath Bristol South Gloucestershire BS36 2PT	Date Reg:	5th April 2018
Proposal:	Application for a Certificate of Lawfulness for existing use of annex as 1no. residential dwelling	Parish:	Westerleigh Parish Council
Map Ref:	367623 181080	Ward:	Westerleigh
Application Category:		Target Date:	17th May 2018



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PK18/1534/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the use of an existing annex as 1no. independent residential dwelling would on the balance of probabilities be lawful development under Section 191 of the Town and Country Planning Act 1990. This is based on the assertion that the proposal would be lawful due to the passage of time.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 It is understood that Lamorna would have been one residential unit originally, and there is no record that the sub-division to 2no residential units obtained planning permission.

2. POLICY CONTEXT

2.1 National Guidance

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

The submission is not a full planning application this the Adopted Development Plan is not of relevance to the determination of this application; the decision rests on the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming the proposed development is lawful against the provisions of Section 191 to the Town and Country Planning Act.

3. RELEVANT PLANNING HISTORY

- 3.1 P87/1443 27.05.1987
Erection of single storey extension to form granny annex and garage

4. CONSULTATION RESPONSES

4.1 Westerleigh Parish Council

Westerleigh Parish Council is concerned that this development seems to have happened without consent and without enforcement and this Certificate of Lawfulness might encourage similar activity.

Frampton Cotterell Parish Council

Inadequate parking provision – supports comments made by Westerleigh Parish Council

Sustainable Transport

No comments received

Other Representations

4.3 Local Residents

One comment received objecting due to vehicle parking concerns.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully, without the need for planning permission. Accordingly there is not consideration of planning merit, the application is based on the facts presented. This submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority *must* grant a certificate confirming that the proposed development is lawful.

5.2 The key issue in this instance is to determine whether the existing use and development on site would accord with the provisions of Section 191 of the Town and Country Planning Act 1990.

5.3 The basis of the argument for lawfulness is based on the assertion that the dwelling unit (class C3) was created over 4 years prior to the application being made, and has been in continuous use since. This is based on a matter of fact and degree relating to how the annex has been used, and whether it would be reasonably classed as a separate planning unit. On that basis the current new unit would be immune from any planning enforcement action.

5.4 The supporting evidence submitted to the Local Planning Authority consists of:

- A Tenants List from 2011 to June 2017,
- Recent electricity, TV licence and council tax bills showing the annexe as a separate address
- Block and floor plans for both properties.
- A historic gas bill
- A screenshot showing tenants deposits

5.5 It is observed that council tax has been paid on the annex as a separate since 31st October 2014; prior to this, the council tax was paid as one property. This is not within the 4 year limit, and while it does not disprove that the building has

been used as a separate dwelling, it does not provide evidence to support the claim.

- 5.6 Additional evidence was submitted on 29th May 2018. This consisted of a tenant deposit list, and a gas bill for the annexe. The list of deposits does not refer to the annexe, only referring to the existing address of “Lamorna, Heathcote Drive”. This would not be considered sufficient evidence to show that the annexe has been in residential use for four years since the submission of the application.
- 5.7 The submitted gas bill does show the address of the annexe as the supply address, and the delivery address is shown as “PlotAdjTo Lamorna”. However, this does not prove that the annexe was independently occupied.
- 5.8 It is therefore concluded that insufficient evidence has been submitted to precisely or unambiguously demonstrate that, on the balance of probability, the annex has been within a continuous residential use for four years prior to the submission of this application.

6. **RECOMMENDATION**

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

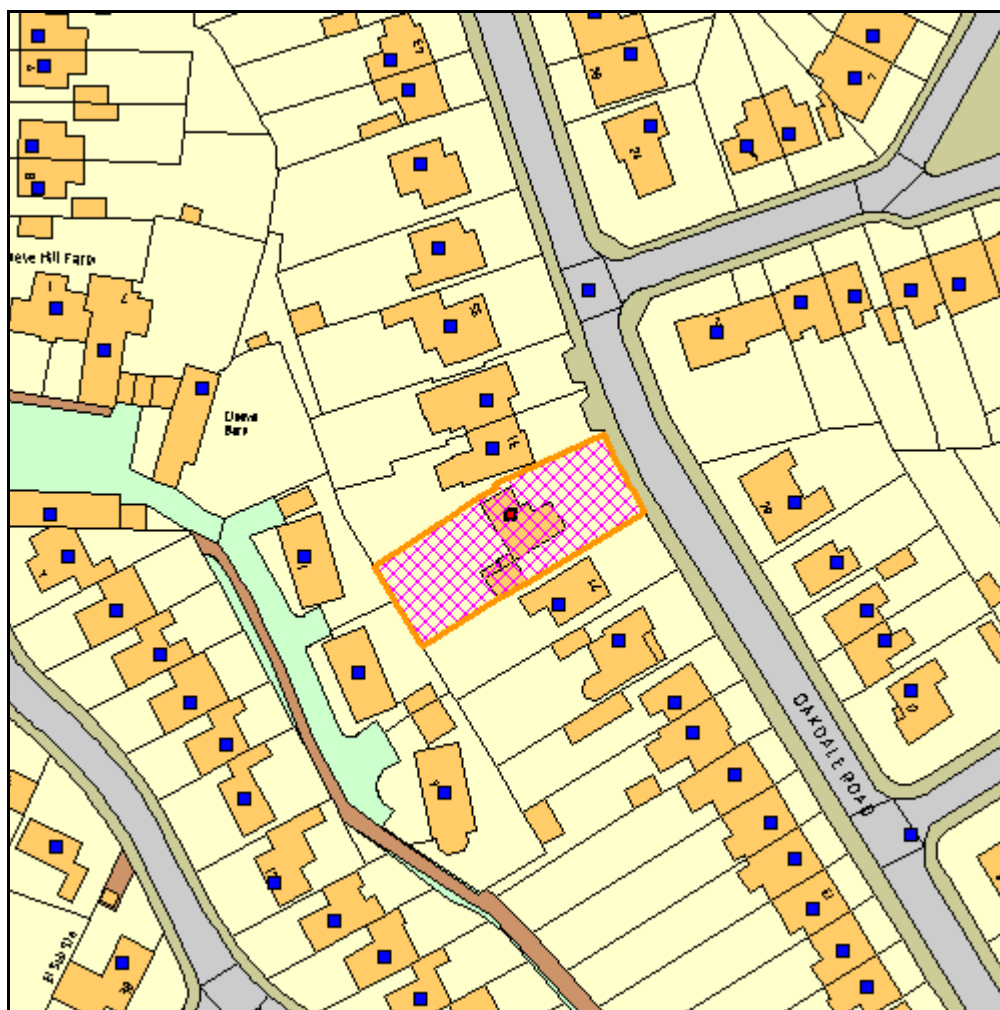
Contact Officer: Owen Hoare
Tel. No. 01454 864245

REASONS FOR REFUSAL

1. Insufficient evidence has been submitted to precisely or unambiguously demonstrate that, on the balance of probability, the annex has been within a continuous residential use as a separate dwelling (Class C3) for four years prior to the submission of this application.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/1562/CLP	Applicant:	Mr And Mrs Jaufurally
Site:	29 Oakdale Road Downend Bristol South Gloucestershire BS16 6DP	Date Reg:	11th April 2018
Proposal:	Erection of single storey side and rear extensions to form additional living accommodation.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365089 177420	Ward:	Downend
Application Category:		Target Date:	6th June 2018



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PK18/1562/CLP

EXISTING ROUND FLOOR PLAN
EXISTING SITE PLAN
EXISTING SITE PLAN 2
PROPOSED BLOCK AND SITE LOCATION PLAN
PROPOSED ELEVATIONS
PROPOSED FIRST FLOOR PLAN
PROPOSED GROUND FLOOR PLAN
PROPOSED SITE PLAN

Received by Local Planning Authority 30 Mar 2018

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposal does not extend beyond the rear wall of the original dwellinghouse by more than 4 metres, or exceed 4 metres in height.

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

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

Not applicable.

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

- (i) **extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**

- (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**

The extension would be single storey.

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

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

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

The proposal does extend beyond a side wall forming a side elevation of the property, and would have a width greater than half the width of the original dwelling; the application therefore does not meet this criteria.

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

The proposal does not include any of the above.

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

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

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

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

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

The submitted plans indicate that the proposed extension would be finished in materials to match existing. As such, the proposal meets this criterion.

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

Not applicable.

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

Not applicable.

7. RECOMMENDATION

- 7.1 That a certificate of Lawfulness for Proposed Development is **refused** for the reasons listed below:

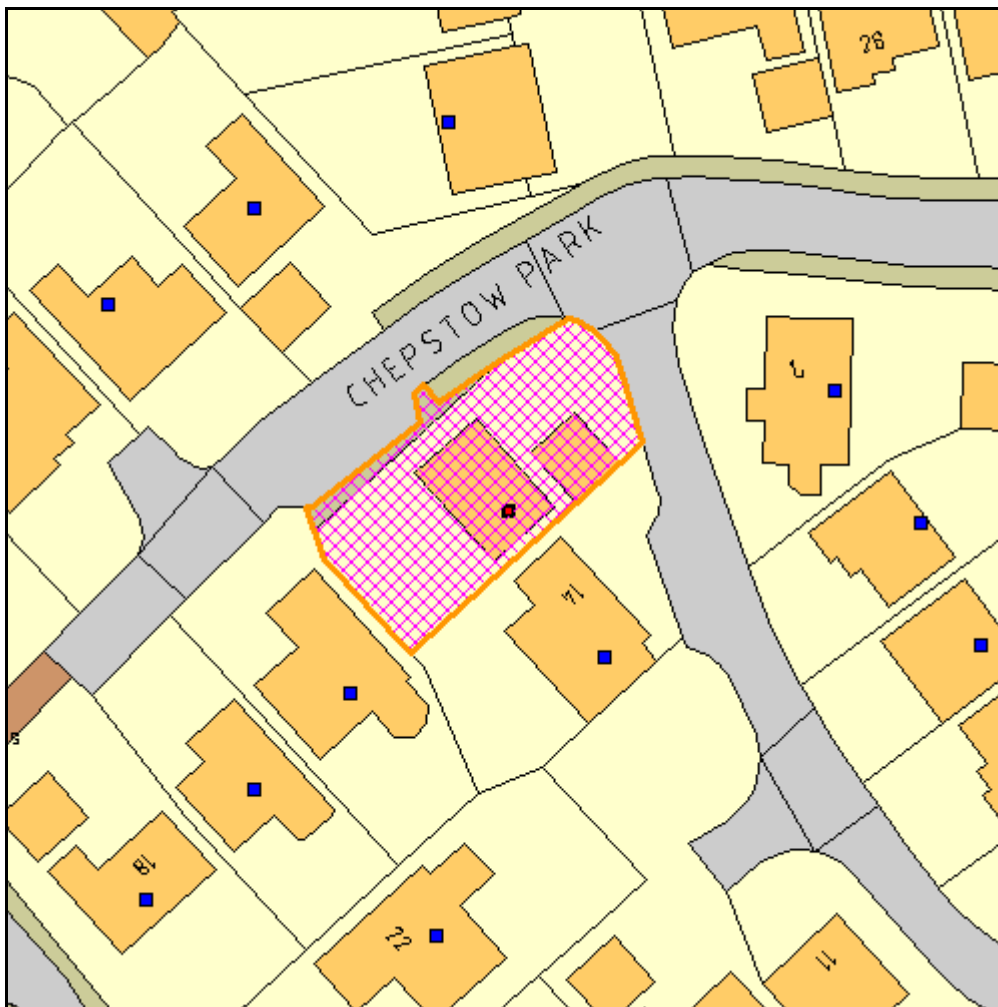
Contact Officer: Owen Hoare
Tel. No. 01454 864245

REASONS FOR REFUSAL

1. Evidence has been provided to demonstrate that on the balance of probabilities the development does not fall within permitted development for the curtilage of the dwellinghouse under Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) (As Amended) as it does not accord with Class A. (j) (iii) as it would extend beyond a wall forming a side elevation of the original dwellinghouse, and would have a width greater than half the width of the original dwellinghouse.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/1781/F	Applicant:	Ms Judy Durrant
Site:	15 Chepstow Park Downend Bristol South Gloucestershire BS16 6SQ	Date Reg:	17th April 2018
Proposal:	Erection of single storey front link extension to form porch. Erection of two storey rear extension to form additional living accommodation. Alterations to existing garage roof to change from pitched to flat roof. Alterations to existing windows and installation of new doors and windows. Erection of 1m high boundary wall.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365795 178378	Ward:	Emersons Green
Application Category:	Householder	Target Date:	8th June 2018



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE.

The application has received objections that are contrary to the Officer recommendation. As such, according to the current scheme of delegation must be placed on the circulated schedule for Members.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey front link extension to form porch; the erection of two storey rear extension to form additional living accommodation; alterations to the existing garage roof to change from pitched to flat roof; alterations to existing windows; installation of new doors and windows, and the erection of 1m high boundary wall.
- 1.2 The host dwelling relates to 15 Chepstow Park, a two-storey detached dwelling located within the settlement boundary of Downend.
- 1.3 This application is a re-submission. The previous scheme was for a two storey front extension over the garage and a single storey rear extension which was refused on design, impact on the residential amenity of No.14 Chepstow Park, and a lack of parking. The Case Officer and Agent held several conversations prior to this resubmission.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK17/5236/F
Refusal (20.12.2017)
Erection of two storey link extension and first floor front extension over existing garage and erection of single storey rear extension.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
“Objection on the following grounds: Overdevelopment. Out of character with surrounding houses. Insufficient parking Disputed parking area with neighbours.”

Archaeology Officer
“No comment.”

Other Representations

- 4.2 Local Residents
8 letters of objection were received. These related to the proposal being out of character with, and detrimental to the area and surrounding properties. In particular in relation to the style, finish, proposed materials, loss of mock Tudor appearance, change of garage roof, its prominent location, and that it looks too modern. Also, parking objections due to the currently congested area, and a disputed parking bay. Finally that it would reduce light, and access during construction.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy PSP38 of the PSP Plan allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1, which is echoed by PSP38 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 is a detached two storey mock Tudor style property on a corner plot. Its elevations are brickwork, render and timber, with white UPVc windows and doors, and a front canopy. To the front is a detached double garage, driveway, and a small front garden/amenity space. The rear garden is walled. The surrounding buildings are of a similar style and appearance with some as mock Tudor designs however this style is not a prominent feature on the street scene.
- 5.3 It should be noted that on the balance of probabilities the proposed two storey rear extension falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015. This is despite its rendered finish. This is

because, as stated in Paragraph A.3(a) of Schedule 2, Part 1, Class A “the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse”. As render exists on the property currently, then the render to the rear extension is permitted. This two storey rear element therefore somewhat negates the proposed rendering of the property, which has resulted in several objections. Moreover, as render is present on several properties in the immediate area (albeit in various scales) including the host dwelling, and when standing outside the host dwelling some of the entirely rendered properties along Church Lane are visible. The Case Officer considers that rendering most of 15 Chepstow Park has been informed by the site and its surroundings and would not be detrimental to the area.

- 5.4 In regards to the modern look and design features of the property, one of the core planning principles in the NPPF states “planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives”. While it is acknowledged that the large glazing, front boundary wall, flat roof garage and porch would be unique on the immediate street scene, the result of these alterations would improve light into the property and improve the living conditions for the occupants. Moreover, as the estate is relatively modern it is not considered that more modern design, even on a corner plot would be detrimental to the site or its surroundings. Indeed the rendering of the property and the addition of the architecturally interesting modern elements would remodel the existing dwelling in a uniform way that is considered to make a positive and distinctive contribution to the street scene.
- 5.5 Policy CS1 of the Core Strategy and Policy PSP38 of the PSP Plan seek to ensure that development proposals are of the highest possible standards and design. Developments should have appropriate siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. As discussed above, it is considered that the development is informed by the site and its surroundings. Moreover, the current application has addressed the previous design refusal reason. As such the proposal is considered acceptable in design and visual amenity terms.
- 5.6 Residential Amenity
Policies PSP8 and PSP38 of the PSP Plan sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.7 The previous application was to the front of the property. This was considered to negatively impact on the amenity of No.14. Under the current proposal the built form at the front of No.15 is reduced from what it is currently. As such it is likely that No.14 will receive an increase in light to the front of the property. Also, by moving bulk of the development to the rear of the property, setting it away from neighbouring boundaries, setting the ridge line below the host dwelling ridge line, and as it extends no further to the rear than the existing rear elevation of No.14. It is considered that the previous refusal reason has also

- been addressed. Moreover, no new detrimental impacts on residential amenity are considered to arise from the current proposal.
- 5.8 Following the development, over 70m² of private outside amenity space would remain. This exceeds the requirements of policy PSP43.
- 5.9 When considering the existing boundary, combined with the siting and scale of the proposals. The proposals would not appear overbearing or such that they would prejudice existing levels of outlook or light afforded to neighbouring occupiers. Therefore, the development is deemed to comply with policies PSP8 and PSP38 of the PSP Plan.
- 5.10 Transportation
If approved the property will contain five bedrooms. PSP16 sets the parking requirements for new development; a five bedroom property requires 3 off-street parking spaces within the boundary of the property. The existing double garage remains unaltered, as it is slightly below the dimensions expected in PSP16 the double garage can accommodate one car. Also, while the driveway could accommodate two cars, the new boundary wall and sliding gate is likely to make using these two spaces difficult. As such it is considered that the drive can also accommodate one car. Thus only two spaces can be provided. Nonetheless, the lack of one parking space should not automatically result in refusal due to the slavish adherence to these standards, the resulting harm is an important consideration. As noted in the Design and Access Statement, a visitor parking bay is present that can accommodate three cars. While this is not solely for the use of No.15, it negates the lack of one space. Moreover, there are no parking restrictions in the immediate area and on visits it was noted that the majority of properties contain driveways. As such it is not thought that the lack of one space at the property would result in significant harm to highway safety (which is the standard set by the NPPF). As such, despite the lack of one space the proposal is acceptable in terms of highway safety.
- 5.11 Other matters
A neighbour raised an objection regarding access during construction. While the Case Officer understands that the construction phase can create parking and access issues, this is a temporary matter and would not result in a reason for refusal in this instance.
- 5.12 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above this planning application is considered to have a neutral impact on equality.

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 development plan 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 condition(s) attached on the decision notice.

Contact Officer: David Ditchett
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

- 2. The hours of working on site during the period of construction shall be restricted to
Monday - Friday.....7:30am - 6:00pm
Saturday.....8:00am - 1:00pm
No working shall take place on Sundays or Public Holidays.

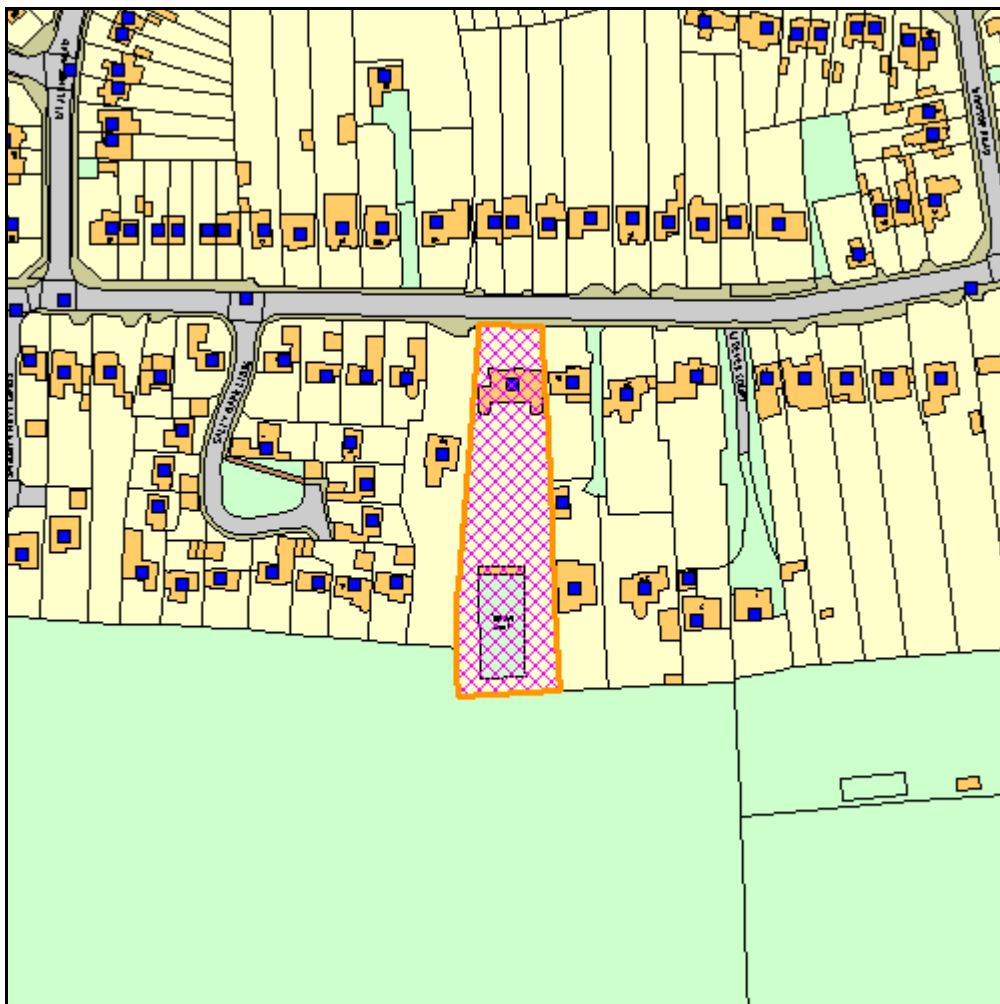
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/1785/RM	Applicant:	S Dew
Site:	57 Court Farm Road Longwell Green Bristol South Gloucestershire BS30 9AD	Date Reg:	19th April 2018
Proposal:	Erection of 5no dwellings with appearance (approval of reserved matters to be read in conjunction with Outline planning permission PK17/4284/O).	Parish:	Hanham Abbots Parish Council
Map Ref:	365567 170594	Ward:	Longwell Green
Application Category:	Minor	Target Date:	13th June 2018



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PK18/1785/RM

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination as comments of objection have been received. These are contrary to the officer recommendation for approval.

1. THE PROPOSAL

- 1.1 The application seeks approval of the reserved matters connected with outline planning permission PK17/4284/O. The outline planning permission granted consent for the erection of 5 dwellings. Only appearance will be considered here as all other matters were established under the outline permission.
- 1.2 The application site is a 0.36 hectare plot of land, located between 59 and 55/55A Court Farm Road. The site is enclosed by Court Farm Road to the north and open fields to the south.
- 1.3 Located within Longwell Green, the site falls within the East Fringe of Bristol. No further constraints are relevant to this site.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (NPPF) 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
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS29	Communities of the East Fringe of Bristol

South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP17	Heritage Assets
PSP20	Flood Risk, Surface Water & Watercourse Management
PSP21	Environmental Pollution
PSP38	Development within Existing Residential Curtilages
PSP43	Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2014
Waste Collection SPD (Adopted) 2015

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK17/4284/O
Erection of 5no. dwellings (Outline) with access, landscaping, layout and scale to be determined, all other matters reserved.
Approval
20.12.2017
- 3.2 K4455/1
ALTERATIONS AND EXTENSIONS TO EXISTING PROPERTY. (Previous ID: K4455/1)
Approval
01.04.1985
- 3.3 K4455
ERECTION OF TWO DETACHED DWELLINGS WITH GARAGES.
ALTERATION OF EXISTING VEHICULAR ACCESS (Previous ID: K4455)
Refusal
19.03.1984

4. **CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council
No objection
- 4.2 Other Consultees
- Highway Structures
No objection:
 - standard informative
- Lead Local Flood Authority
No objection:
 - condition requiring surface water details
- Sustainable Transport
No objection
- Environmental Protection
No objection:
 - standard informative
- Tree Officer
No comment

Archaeology Officer

No objection:

- condition requiring results of archaeological work are submitted for approval

Landscape Officer

No objection:

- 2 proposed trees acceptable
- proposed Site Plan has been marked up with possible locations for further tree planting
- trees in back gardens of plots 3, 4 and 5 could be fruit trees

Ecology Officer

No objection:

- include recommendations under PK17/4284/O

Housing Enabling

No objection

Children and Young People

No objection

Other Representations

4.3 Local Residents

1 letter has been received from a local resident. The points raised are summarised as:

- loss of privacy with regards proposed fenestration in plot 5
- contrary to development plan

5. ANALYSIS OF PROPOSAL

5.1 This application seeks to agree the reserved matters for the erection of 5 dwellings on land in between 59 and 55/55A Court Farm Road, Longwell Green.

5.2 Principle of Development

The application site lies within the east fringe of Bristol where development is directed by the Council's strategic planning policies. Furthermore, under the outline planning permission (PK17/4284/O) the principle of development on this site for 5 residential units was established.

5.3 Therefore the proposed development is acceptable in principle and this application should consider the specific elements included within the reserved matters. In this instance, appearance was reserved and therefore this application will only consider this.

5.4 As stated, the development is acceptable in principle and should be determined against the analysis set out below.

5.5 Design

In terms of appearance, the dwellings would present as a mixture of levels, materials and glazing creating a small individual grouping of new homes. While some of the materials proposed are not evident on other properties in the vicinity, they appear nonetheless to be high quality materials which would complement the cul de sac of dwellings and reinforce local distinctiveness. However, to ensure that the development does not prejudice the appearance of the locality, a condition will be imposed requiring samples of the materials to be used.

5.6 A landscaping scheme has already been secured by condition on the outline application, but it is understood that the Landscape Officer's comments will be taken on board when the applicant comes to discharge this condition.

5.7 Residential Amenity

It has been found at outline, subject to condition, that there was no in principle objection to the development with regard to amenity. However, now that full plans have been submitted, it is clear that 3 roof terraces to the rear of buildings 3, 4 and 5 are proposed to serve the first floor bedrooms. Plot 3 in particular is close to 55A Court Farm Road. To prevent overlooking of this house, and other occupiers in the development, a condition requiring details of frosted glass screens a minimum of 1.8 metres in height will be imposed.

5.8 Concerns regarding the west and south facing openings in plot 5 and possible overlooking from them are noted. However, as the west openings would be secondary windows, material or perceived overlooking of neighbours would not occur and furthermore balcony screening can be ensured by the use of an appropriate condition. Officers therefore do not consider that a significant level of overlooking and loss of privacy would occur.

5.9 Residential amenity during construction is already protected by the provision on the outline application of a working hours restriction.

5.10 Access, Transport and Parking

The principle of site access, parking provision and manoeuvring was established under the outline permission. The internal road serving this development will be a 'private' drive which will be maintained by the future occupiers and the access as shown was considered acceptable for the scale of the development proposed. In terms of parking, plans submitted show that each house on site will have access to a minimum of two parking spaces plus a garage and this met the Council's parking standard. The applicant is, however, reminded that the proposed garages should be built with minimum (internal) dimensions as follows:

- single garage – 6m (long), 3m (wide)
- double garage – 6m (long), 5.6m (wide)

5.11 Archaeology

As part of the outline permission, a condition requiring a programme of archaeological investigation and recording was imposed. This has not been submitted as part of this planning application. Furthermore the Archaeology

Officer has requested the results are submitted prior to dwelling occupation; Officers are satisfied that this could be achieved through a suitably worded condition which ties into the condition applied to PK17/4284/O.

5.12 Ecology

Compliance with the submitted ecology report was secured on the outline permission and the Ecology Officer has not requested anything further under this planning application.

5.13 Drainage

As part of the outline permission, a condition requiring a SUDS scheme was imposed. The Council's Drainage Engineer has again requested this matter is addressed by planning condition but with some rewording to tie it into the reserved matters application. It is not considered this would meet the reasonable or necessity tests given that the remit of this reserved matters application relates to appearance, and the matter of drainage has previously been considered with a condition applied at the outline stage.

5.14 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

5.15 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.

5.16 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have a neutral impact.

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 development plan 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: Helen Braine
Tel. No. 01454 863133

CONDITIONS

1. Prior to occupation of the dwellings hereby permitted details and samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; policy PSP1 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework March 2012.

2. Prior to occupation of the dwellings hereby permitted details of 1.8 metre high privacy screens to the sides of the proposed rear balconies shall be submitted to and approved in writing by the Local Planning Authority. The screens shall be of obscured glass to a level 3 standard or above. Development shall be carried out in accordance with the approved details.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; policy PSP1, PSP8 and PSP38 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework March 2012.

3. Prior to occupation of the dwellings hereby permitted the results of the programme of archaeological work as required by condition 11 of PK17/4284/O, including any necessary post-excavation, outreach and publication, shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the approved details.

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 PSP17 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework March 2012.

4. The development shall be implemented strictly in accordance with the following documents:
Received 13.04.2018:
Site Location Plan (AI(0)001)
PK17/4284/O Decision Notice
Plot 2 Plans and Elevations (120)

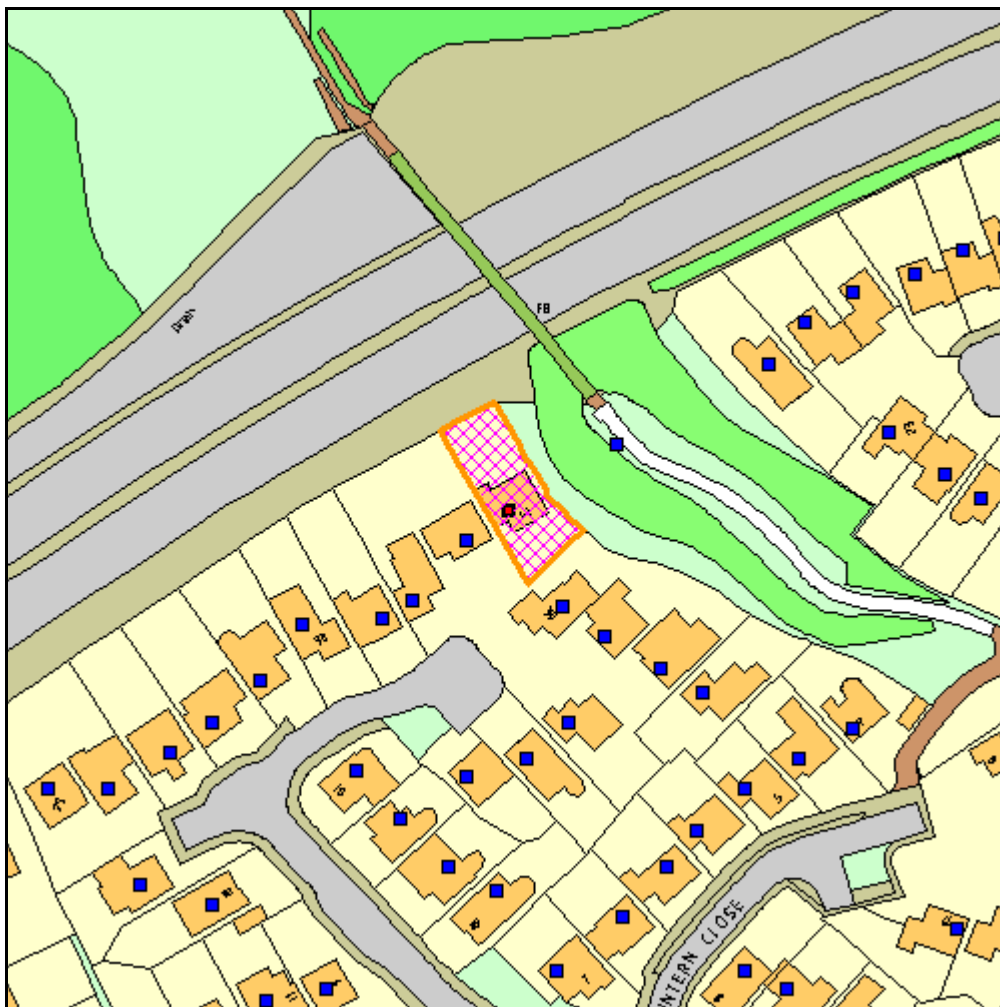
Received 18.04.2018:
Plot 1 Plans and Elevations (AL(0)11)
Proposed Site Plan (AL(0)210 Rev A)
Plots 3, 4 & 5 Plans and Elevations (AL(0)100)

Received 15.05.2018:
Email from Fox re Drainage

Reason
For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/2029/F	Applicant:	Mr Rob Liebow
Site:	41 Fountains Drive Barrs Court Bristol South Gloucestershire BS30 7XQ	Date Reg:	2nd May 2018
Proposal:	Conversion of existing garage to include single storey front extension and erection of single storey rear extension to form additional living accommodation.	Parish:	Oldland Parish Council
Map Ref:	365847 172608	Ward:	Parkwall
Application Category:	Householder	Target Date:	25th June 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as representation has been received which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the conversion of an existing garage to include a single storey front extension and the erection of a single storey rear extension to form additional living accommodation at 41 Fountains Drive, Barrs Court.
- 1.2 The application site relates to a two storey, detached property which is located within the built up residential area of Barrs Court.
- 1.3 There is no restriction on the use of the existing garage, therefore the garage can be converted without the need for planning permission under criteria set out in the Town and Country Planning (General Permitted Development) (England) Order 2015. As such, the proposed garage conversion will not be assessed as part of this report.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. **CONSULTATION RESPONSES**

4.1 Oldland Parish Council

Objection- inadequate provision of off-street parking

4.2 Sustainable Transport

The development proposes to convert the existing garage to provide additional living accommodation. Although this will result in a loss of one parking space, the plans submitted show that adequate alternative vehicular parking will be provided within the boundary of the site.

On that basis, there is no transportation objection. Raised.

Other Representations

4.3 Local Residents

No comments received.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy 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 proposed development consists of a single storey front extension to facilitate an office and utility room; and a single storey rear extension plus garage conversion to create a kitchen/diner.

5.3 *Single storey front extension*

The existing attached garage is located on the southwest elevation and is set back from the principal elevation of the main property by approximately 3.6m. The proposed front extension would infill the gap, extending forward of the garage to meet the building line of the principal elevation. It would be approximately 2.7m in width, matching the width of the existing garage. The proposal would alter the dual pitched roof of the existing garage to a hipped roof, with an eaves height of approximately 2.3m and an overall height of approximately 4m. This is considered to be of an appropriate size and scale within the context of the site.

5.4 *Single storey rear extension*

The proposed single storey rear extension would extend from the rear elevation of the existing garage by approximately 4.8m and would have a width of approximately 4.3m; spanning across the rear elevation of the garage and part of the main property. It would consist of a dual pitched roof with an eaves and ridge height to match the proposed front extension. The proposal would include a window on the rear elevation and bi-fold doors on the side elevation facing into the garden.

5.5 The materials proposed in the external finish of the proposed development include brickwork elevations, Double Roman roof tiles and UPVC windows. All materials would match the existing dwelling and are therefore deemed acceptable.

5.6 Overall, it is considered that the proposed development would not be detrimental to the character of the host dwelling or the surrounding area and is of an acceptable standard of design. As such, the proposal is deemed to comply with policy CS1 of the Core Strategy.

5.7 Residential Amenity

Policy PSP8 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

5.8 Considering the single storey nature of the proposed extensions, combined with the boundary treatments, it would not appear to have a material overbearing or overlooking impact, nor is it considered to significantly impact on existing levels of light afforded to the neighbouring occupiers. Furthermore, it is considered that sufficient private amenity space for the occupiers of the host dwelling would remain following development.

5.9 Overall, the proposal is not considered to have a detrimental impact on the residential amenity of surrounding properties or the host dwelling and is therefore deemed to comply with policy PSP8 of the PSP Plan.

5.10 Sustainable Transport and Parking Provision

Concern was raised by the Parish Council regarding parking provision. The application would be removing an existing parking space by converting the existing garage. The proposal would not result in any additional bedrooms, so the dwelling would remain a three bedroom property; South Gloucestershire Council Residential Parking Standards require a three bedroom property to provide a minimum of two off-street parking spaces. The submitted plan indicates sufficient space to accommodate two vehicles at the front of the property. Therefore, subject to a condition, no objections are raised in terms of transportation.

5.11 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty

came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality.

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 development plan 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 included on the decision notice.

Contact Officer: James Reynolds
Tel. No. 01454 864712

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 shown on the plan hereby approved shall be provided within 1 month of the extension hereby approved being substantially complete, and thereafter retained for that purpose.

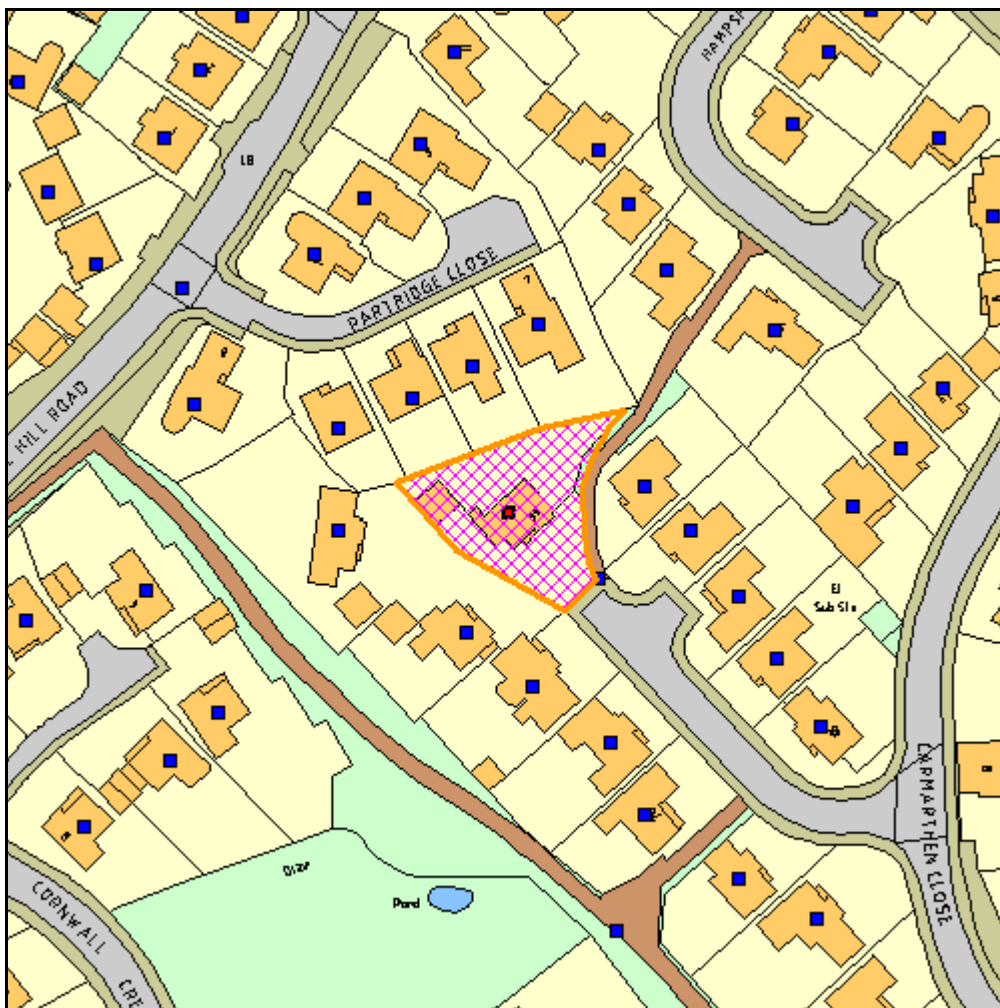
Reason

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.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/2042/F	Applicant:	Mr And Mrs Marshall
Site:	33 Carmarthen Close Yate Bristol South Gloucestershire BS37 7RR	Date Reg:	1st May 2018
Proposal:	Erection of two storey side extension to form additional living accommodation. Erection of front porch.	Parish:	Yate Town Council
Map Ref:	371898 183638	Ward:	Yate North
Application Category:	Householder	Target Date:	25th June 2018



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule in light of the concerns regarding parking expressed by the Town Council.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a 2 storey side extension, and a front porch on this modern detached property within an established residential area of Yate.
- 1.2 During the course of the application the plans were revised to reduce the size of the 2 storey side extension. It was not considered that a further round of consultation was necessary given the reduced size of the proposals.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS8 Access

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

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

South Gloucestershire Residential Parking Standards (adopted March 2013)

3. RELEVANT PLANNING HISTORY

- 3.1 P86/2027 Single storey side extension. Approved 13.8.86.

4. CONSULTATION RESPONSES

4.1 Yate Town Council

Object unless appropriate parking and turning are provided.

4.2 Transportation Officer

The development will increase the bedrooms on the first floor to five, which will require 3 parking spaces to accord with the minimum standards. The plans indicate that there is an existing detached garage and driveway running alongside the property which will remain. The level of parking is considered satisfactory for the size of the dwellings. There is no transportation objection raised.

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of extending existing residential properties within their curtilage is supported by the development plan policies under PSP38. This is however subject to the consideration of the criteria and impacts set out below.

5.2 Design

The property is a detached brick house located on a residential cul-de-sac with similar properties constructed in the late 20th century. The alterations comprise two parts. The most significant is a 2 storey side extension. This is set back from the front building line, and uses a reduced roof ridge height and dormer window to signify subservience to the main building. It will be in materials to match the existing building and is a suitable addition to the dwelling. The porch is less successful in respecting the character of the existing dwelling as it encloses the space and moves the door to the side, instead using a large window to present to the front elevation. However, it is noted that there are similar approaches to porches in the vicinity, and dwelling does not take up a particularly prominent position within Carmarthen Close. It will sufficiently respect the character of the area.

5.3 Impact upon Living Conditions

The proposals are unlikely to have a material impact upon those living nearby over and above the existing situation – although the reduction in the size of the 2 storey element has secured this. The resulting dwelling will maintain an acceptable relationship with other residential properties nearby, whilst retaining sufficient garden space for No 33 (70sqm indicated as minimum is met).

5.4 Transportation

The resulting dwelling will increase from 4 bedrooms to 5 potential bedrooms (the study noted on the floorplan at first floor has been counted as a bedroom for the purposes of this assessment). The access, detached garage and driveway will remain and will provide for 3 off street spaces which is the minimum requirement. There is no objection on this basis.

5.5 Consideration of likely impact on Equalities

It is considered that the proposal would have a neutral impact upon Equalities.

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 development plan 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 set out below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

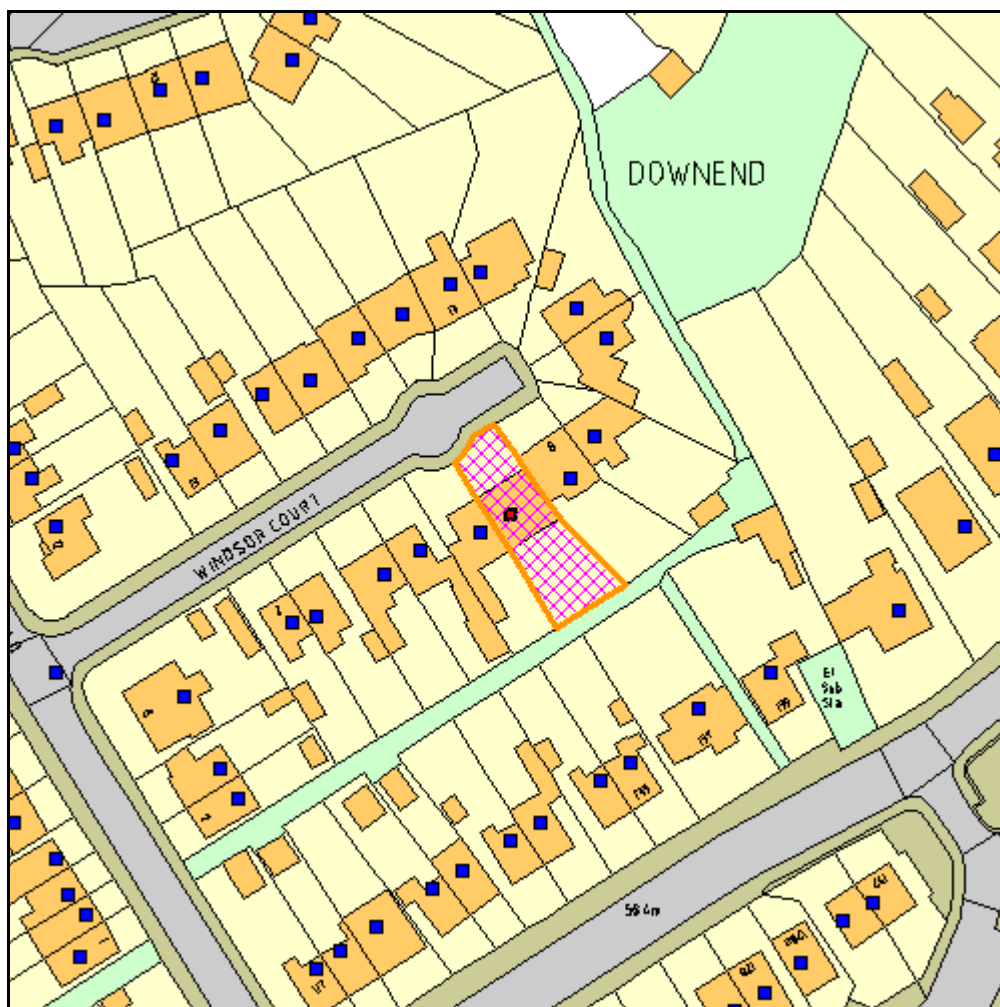
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/2089/CLP	Applicant:	Ms Anna Molter
Site:	7 Windsor Court Downend Bristol South Gloucestershire BS16 6DR	Date Reg:	4th May 2018
Proposal:	Installation of rear and side dormer to facilitate loft conversion.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365230 177393	Ward:	Downend
Application Category:		Target Date:	27th June 2018



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PK18/2089/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of 1no rear and 1no side dormer at no. 7 Windsor Court, Downend would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Permitted Development) (England) Order 2015, 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 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No comment received
- 4.2 Councillor
No comment received.

Other Representations

- 4.3 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Received by the Council on 2nd May 2018:
Site Location Plan
Existing & Proposed Elevations

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. It should be noted that there is no restriction on permitted development rights at the subject property. As such permitted development rights are intact and exercisable.

- 6.3 The proposed development consists of the installation of a 1no rear and 1no side dormer. 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 and roof alterations 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, PA or Q of Part 3 of this Schedule (changes of use)**

The dwellinghouse was not granted under Classes M, N, P, PA 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 height of the proposed dormer windows would not exceed the highest part of the roof, and therefore the proposed development meets this criterion.

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

The proposed dormer windows would be located to the rear and side of the property, and as such would not extend beyond any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway. As such the proposal meets this criterion.

- (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 semi-detached house and the proposal would result in an additional volume of no more than 50 cubic metres.

- (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 would include 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;**

Submitted plans indicate that the proposed dormers will incorporate a hanging tile finish to 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, 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 eaves of the original roof will be maintained; the rear and side dormers would be 0.2 metres away from the eaves of the original roof. Additionally, the proposal 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 proposal does include the insertion of a window into the side elevation of the dwellinghouse. However, the plans indicate that this will be obscure glazed and non-opening.

Roof lights to front elevation

The proposal also involves the installation of 1no roof light to the front elevation of the property. The roof lights meet the criteria set out in Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015, and as such constitute permitted development.

7. RECOMMENDATION

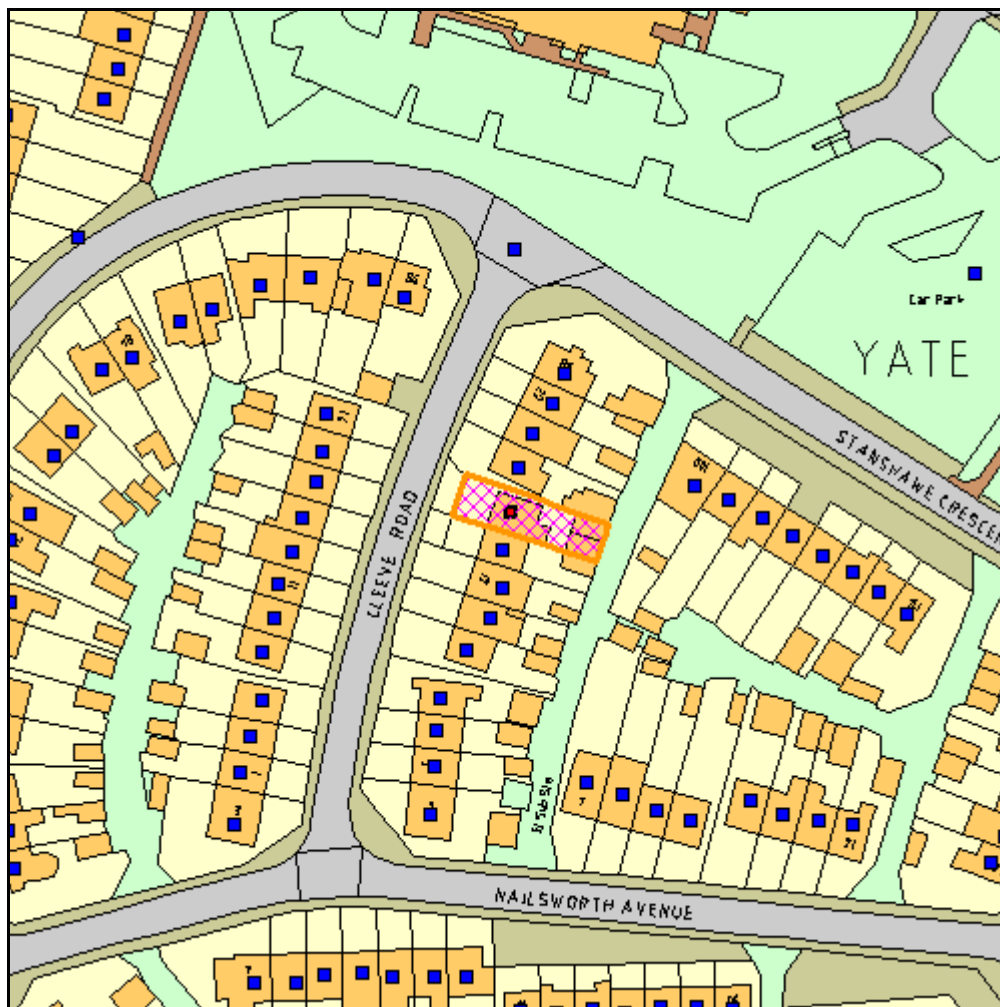
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Contact Officer: James Reynolds
Tel. No. 01454 864712

Evidence has been provided to demonstrate that on the balance of probabilities the proposed installation of rear and side dormer windows would fall 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.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/2115/CLP	Applicant:	Mr And Mrs Brooks
Site:	16 Cleeve Road Yate Bristol South Gloucestershire BS37 4EQ	Date Reg:	8th May 2018
Proposal:	Certificate of lawfulness for the proposed erection of single storey rear extension to provide additional living accommodation.	Parish:	Yate Town Council
Map Ref:	371183 182294	Ward:	Yate Central
Application Category:		Target Date:	27th June 2018



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PK18/2115/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 single storey rear extension 16 Cleeve Road, Downend would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Councillor
No comments received

Yate Town Council
No Objection

Other Representations

- 4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Proposed and Existing Elevations
Proposed and Existing Floor Plans

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposal does not extend beyond the rear wall of the original dwellinghouse by more than 4 metres, or exceed 4 metres in height.

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

Not applicable.

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

The extension would be single storey.

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

height of the eaves of the enlarged part would exceed 3 metres;

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

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

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

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

The proposal does not include any of the above.

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

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

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

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

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

The submitted plans indicate that the proposed extension would be finished in materials to match existing. As such, the proposal meets this criterion.

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

Not applicable.

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

Not applicable.

7. RECOMMENDATION

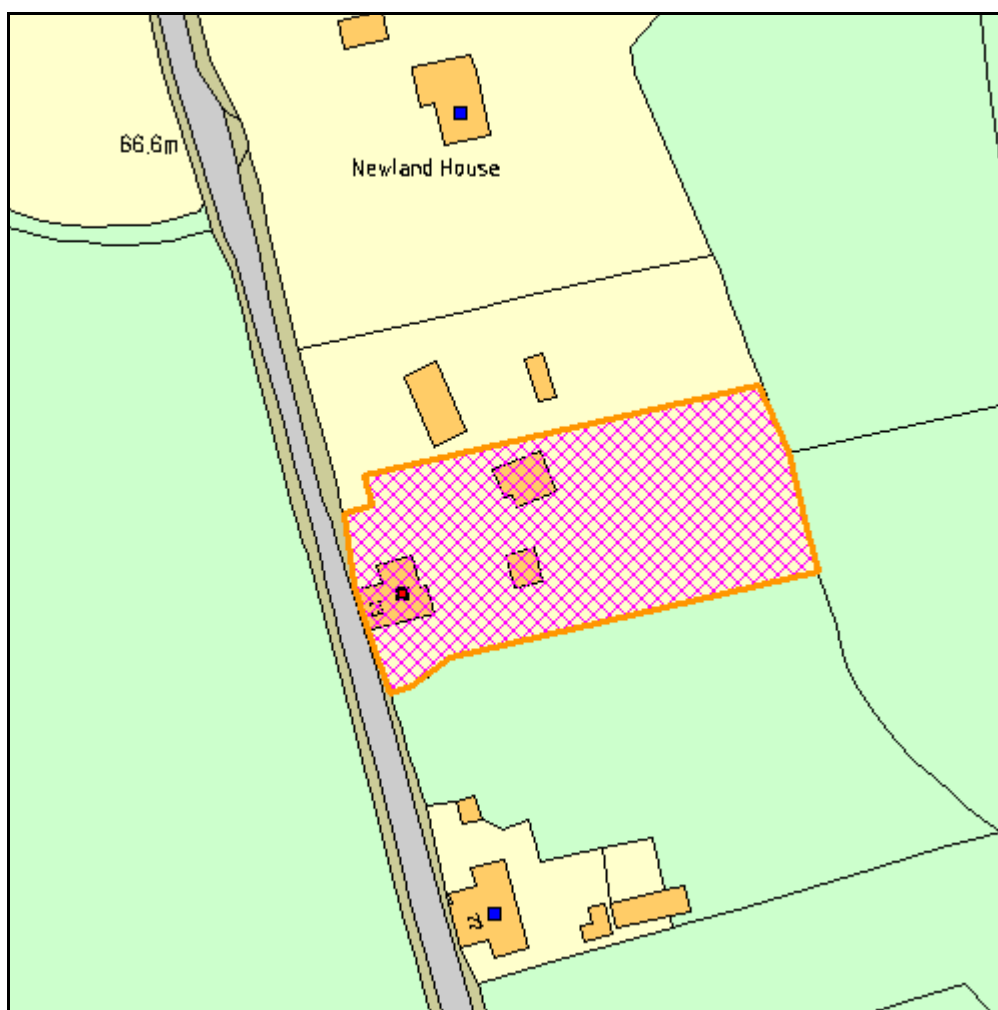
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Contact Officer: Westley Little
Tel. No. 01454 862217

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

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/2153/CLP	Applicant:	Mr And Mrs Johns
Site:	23 Engine Common Lane Yate Bristol South Gloucestershire BS37 7PX	Date Reg:	10th May 2018
Proposal:	Erection of garage.	Parish:	Iron Acton Parish Council
Map Ref:	370093 184914	Ward:	Ladden Brook
Application Category:		Target Date:	4th July 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a garage at 23 Engine Common Road, Yate 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 E

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 | PK18/2154/CLP
Pending consideration | Erection of single storey extension |
| 3.2 | PK18/2156/CLP
Pending consideration | Erection of single storey extension |
| 3.3 | PK18/2208/PNH
Pending consideration | Single storey extension. |
| 3.4 | PK18/2662/CLP
Pending consideration | Erection of outbuilding |

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
No comment

- Tree officer
No objection

Other Representations

- 4.2 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 As received by the Council on 4.5.18:
Site location plan
- As received by the Council on 8.5.18:
Proposed elevations
Proposed block plan
- As received by the Council on 14.5.18:
Proposed location of garage

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 would fall within Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the erection of buildings incidental to the enjoyment of a dwellinghouse, provided it meets the criteria as detailed below:
- E. The provision within the curtilage of –**
- (a) Any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or**
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.**

E.1 Development is not permitted by Class E 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 permitted under classes M, N, P or Q of Part 3.

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

The proposed outbuilding, when taken with other outbuildings/enclosures and containers would not exceed 50% of the total area of the curtilage.

- (c) any part of the building, enclosure, pool, or container would be situated on land forward of a wall forming a principal elevation of the original dwellinghouse;**

The building would not be forward of a wall forming a principal elevation of the original dwellinghouse.

- (d) the building would have more than a single storey;**

The proposal will be of a single storey scale.

- (e) the height of the building or enclosure would exceed –**
(i) 4 metres in the case of a building with a dual pitched roof,
(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
(iii) 3 metres in any other case;

The proposed building would be situated at least two metres from the boundary of the curtilage and would have a dual pitched roof measuring 4 metres to the ridge. The development therefore meets these criteria.

- (f) the height of the eaves of the building would exceed 2.5 metres;**

Plans indicate the height of the eaves would be 2.5 metres.

- (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;**

The host dwelling is not a listed building.

- (h) it would include the construction or provision of a verandah, balcony or raised platform;**

It does not include any of the above.

- (i) **it relates to a dwelling or a microwave antenna; or**

The proposal is for incidental uses and do not include a microwave antenna.

- (j) **the capacity of the container would exceed 3,500 litres.**

The proposal would not exceed this limitation.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within –

- (a) **a World Heritage Site,**
- (b) **a National Park,**
- (c) **an area of outstanding natural beauty or**
- (d) **the Broads,**

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres

The application site is not located within any of the above.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse

The application site is not located on article 2(3) land.

7. RECOMMENDATION

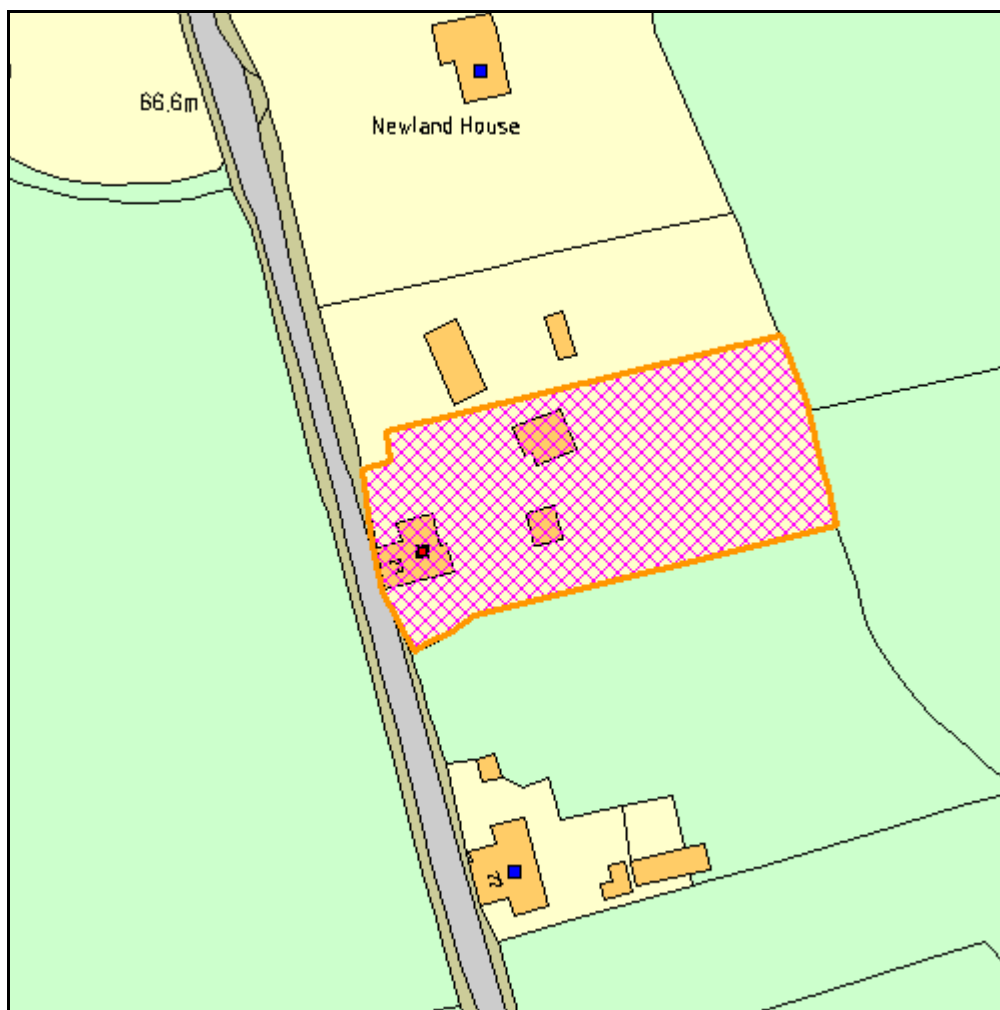
- 7.1 That a certificate of Lawfulness for Proposed Development is approved, and the certificate will identify the location of the proposed outbuilding which has found to be lawful.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

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

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/2154/CLP	Applicant:	Mr & Mrs Johns
Site:	23 Engine Common Lane Yate Bristol South Gloucestershire BS37 7PX	Date Reg:	10th May 2018
Proposal:	Erection of two storey extension.	Parish:	Iron Acton Parish Council
Map Ref:	370093 184914	Ward:	Ladden Brook
Application Category:		Target Date:	4th July 2018



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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 **two storey extension** 23 Engine Common Lane, Engine Common, Yate would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.
- 1.3 This application is part of a series of applications recently submitted for this site which include the erection of a single storey addition to the north elevation of the cottage (PK18/2156/CLP) and a further larger single storey addition to be attached to that (PK18/2208/PNH). The first single storey addition (PK18/2156/CLP) would be attached to the two-storey extension under consideration here. The entire set of applications should therefore be considered in their entirety, as essentially the scheme would result in a 'wrap around' extension which is not permitted development.
- 1.4 Notwithstanding the above, two other important elements also need to be established before something can be considered as falling within the permitted development regulations. These are the extent of the 'original' dwelling and the 'principal' elevation.
- 1.5 The 'original' dwelling is the current building and this was in place in 1947. The agent has argued that an historic map dated 1930 shows all the existing single storey extensions to the north elevation. By contrast Officers have used the website old-maps.co.uk, an historic map archive, to establish the following and to challenge this assumption:
 - OS County Series: Gloucestershire 1881 1:2,500 shows footprint of the small double frontage cottage located adjacent to the highway
 - OS County Series: Gloucestershire 1903 1:2,500 shows the footprint of the small double frontage cottage located adjacent to the highway
 - OS County Series: Gloucestershire 1921 1:2,500 shows the footprint has extended out to the east representing the two storey side addition and two small projections to the eastern corner of the rear elevation
 - OS County Series: Gloucestershire 1951-1967 1:2,500 shows a similar footprint to the 1921 plan i.e. the projection to the north does not extend beyond the small rear extensions

- OS County Gloucestershire 1979 1:2,500 shows the extended rear extension representative of the current dwellinghouse
- 1.6 The above demonstrates that the old maps can give an indication of the footprints of properties. This, along with the visual clue of the large expanse of mono-pitched roof and its single skinned appearance are for these purposes sufficient to raise the query that the largest existing rear extension is not 'original' and was not present in 1947. It would therefore not be unreasonable if Officers asked for further proof of when the additions were made to the small cottage. Without a full structural survey it is not possible to categorically establish the extent of any additions to the building however, the single storey rear addition implies a much more modern construction method has been employed. One way to establish whether the single storey extensions to the rear are original i.e. in situ prior to 1947, is for the applicant to submit a certificate of existing lawfulness.
- 1.7 Notwithstanding this query, as there are other areas where the proposal fails to comply with the permitted development regulations a full survey will not be requested. Regardless of these differences of opinion as to the age of the larger single storey rear extension, the principal elevation is more easily identified and this is discussed below.
- 1.8 To summarise, No.23 Engine Common Lane is an extended two storey cottage. It is side-on to the highway, and therefore presents a blank elevation to the road. It appears from old maps that the cottage was originally a modest two storey dwelling with a cat-slide roof to the rear. At some later stage a two-storey side addition, taller than the original cottage was added to the east, along with separate single storey rear extensions located to the north. There is no planning history for these additions and it has been shown above that historical maps are not completely reliable, but it is accepted that the two-storey was present prior to 1947 along with small rear extensions (likely to be a coal house or very small outbuilding). It is not accepted that the existing larger mono-pitched single storey rear extension is 'original' and was therefore added after 1947.
- 1.9 With regards to a 'principal' elevation, it is generally accepted that dwellinghouses have one principal elevation. It is usually that elevation which provides the main access into the dwelling. Other clues can be architectural including but not limited to a porch, bay windows or even gables and these features indicate the most important façade of a building and therefore its principal elevation. In this instance the oldest part of the house has a porch over its main entrance in the south elevation and two bonnet / gable features in the first floor either side of this central doorway. Although submitted plans have labelled the elevation immediately adjacent to the highway as being the principal elevation, this is a completely blank wall and therefore could **not** be considered the principal elevation merely by its proximity to the road. This erroneous assumption is unfortunate as it affects other applications (listed below) that have recently been submitted under the permitted development regulations.

1.10 It is noted on the submitted plans that the agent has identified what he considers to be the principal elevation and has left the description of development as more general. It is therefore for Officers to interpret the front and rear elevations and consequently the principal elevation.

2. POLICY CONTEXT

2.1 National Guidance

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

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

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|--|-------------------------------------|
| 3.1 | PK18/2153/CLP
Pending consideration | Erection of garage |
| 3.2 | PK18/2156/CLP
Pending consideration | Erection of single storey extension |
| 3.3 | PK18/2208/PNH
Pending consideration | Single storey extension. |

4. CONSULTATION RESPONSES

- | | |
|-----|--|
| 4.1 | <u>Iron Acton Parish Council</u>
No comment |
| 4.2 | <u>Tree Officer</u>
No objection |

Other Representations

- | | |
|-----|---|
| 4.3 | <u>Local Residents</u>
None received |
|-----|---|

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- | | |
|-----|---|
| 5.1 | Received by the Local Planning Authority on 8.5.18:
Existing elevations (south and north)
Existing elevations (principal and south) |
|-----|---|

Existing roof plan
Existing ground and first floor plan
Proposed south and north elevations
Proposed south and principal elevations
Proposed floor plans
Proposed roof plan

Received by the Local Planning Authority 9.5.18:
Site location plan

6. **ANALYSIS OF PROPOSAL**

6.1 Principle of Development

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

6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (2017).

6.3 The proposed development consists of a **two-storey** extension to the property. Schedule 2, Part 1, Class A allows for the enlargement, improvement or other alteration of a dwellinghouse, **provided** it meets the criteria as detailed below:

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

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

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

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

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

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

The height of the proposed two-storey extension would not exceed the height of the highest part of the existing dwellinghouse.

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

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

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

The proposed two-storey extension would be to the side of the existing dwelling. It would be a continuation of the principal elevation but would not extend beyond it.

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

The proposed extension under consideration here would **not** be single storey to the rear.

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

The proposal is **not** for a single storey enlarged rear extension.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**

- (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;**

The extension would be two-storey and to the east side of the house which would not be an extension to the rear.

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

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

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

The proposal would be to the side (i.e. a continuation of the principal elevation) and being two-storeys would exceed 4 metres in height and it would have more than a single storey. For these reasons it **fails** to comply with this part of the test.

- (ja) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it would be joined) exceeds or would exceed the limits set out in subparagraphs (e) to (j)**

The proposed extension would be to the originally extended dwellinghouse as it stood in 1947.

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

The proposal does not include any of the above.

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

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.
- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in subparagraphs (b) and (c)

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

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

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

The submitted details indicate that the proposed extension would be finished in materials to match existing dwelling.

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

Not applicable.

- (c) Where the enlarged part of the dwellinghouse has more than a single storey or forms an upper storey on an existing enlargement of the original dwelling, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not applicable.

7. RECOMMENDATION

- 7.1 That a certificate of Lawfulness for Proposed Development is **REFUSED** for the reasons listed below:

The proposal fails to meet parts j (i) and (ii) because :

The proposal would be to the side i.e. a continuation of the principal elevation and being two-storeys would exceed 4 metres in height and it would have more than a single storey.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

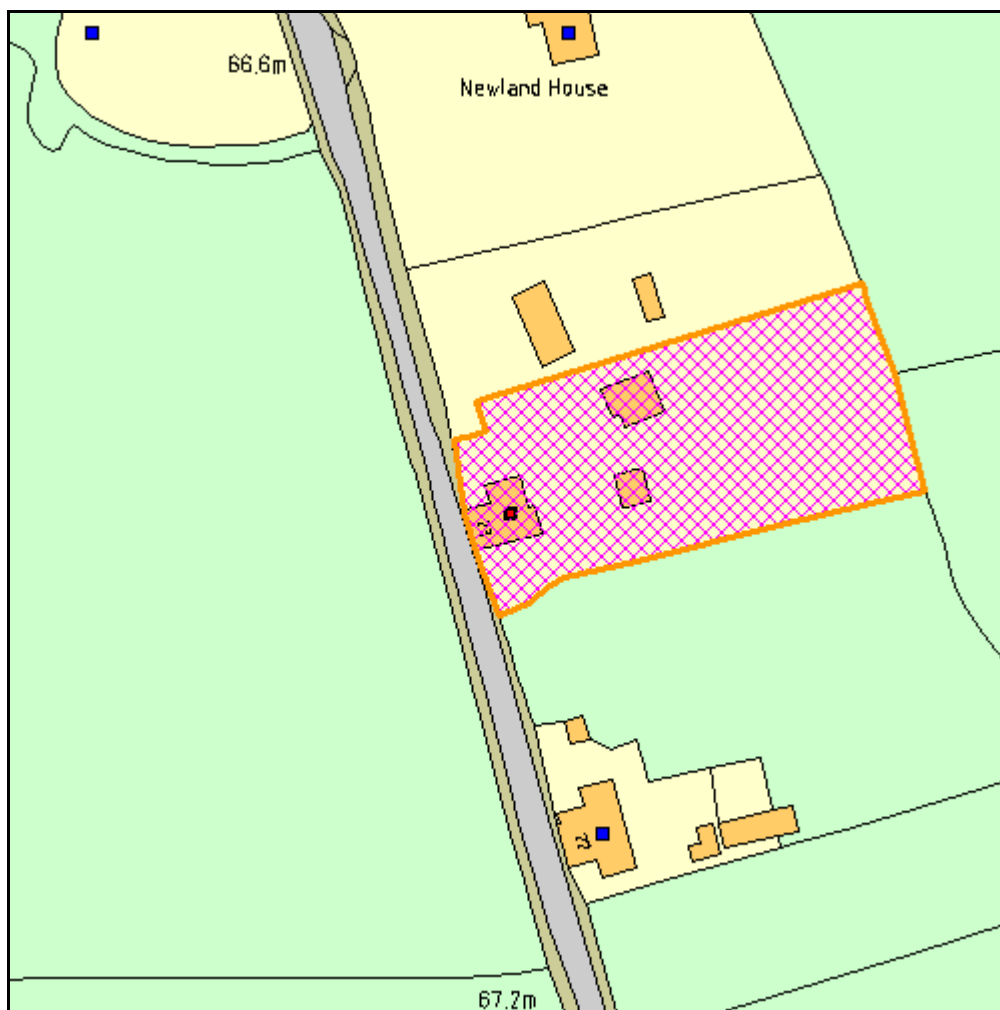
REASONS FOR REFUSAL

1. The evidence provided has been insufficient to demonstrate on the balance of probabilities that the proposed two storey side extension falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) (As amended) Order 2015.

This is because there is evidence to suggest that the proposal is contrary to paragraph j (i) and (ii) of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (As amended) Order 2015 because the proposal would be to the side i.e. a continuation of the principal elevation and being two-storeys would exceed 4 metres in height and it would have more than a single storey.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PK18/2156/CLP	Applicant:	Mr & Mrs Johns
Site:	23 Engine Common Lane Yate Bristol South Gloucestershire BS37 7PX	Date Reg:	10th May 2018
Proposal:	Erection of a single storey extension.	Parish:	Iron Acton Parish Council
Map Ref:	370093 184914	Ward:	Ladden Brook
Application Category:		Target Date:	4th July 2018



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 100023410, 2008. N.T.S. PK18/2156/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 **single storey** extension to 23 Engine Common Lane, Engine Common, Yate would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.
- 1.3 This application is part of a series of applications recently submitted for this site which include the erection of a two storey addition to the east elevation of the cottage (PK18/2154/CLP), this single storey addition to be attached to the northern elevation of that two-storey and a further single storey (PK18/2208/PNH) to be attached to the east of the single storey addition under consideration here. The whole set of applications should therefore be considered in their entirety. Essentially because the existing rear extension is not original the scheme would result in a 'wrap around' extension which is not permitted development. The extent of the original building is discussed below.
- 1.4 Before something can be considered as falling within the permitted development regulations it is necessary to first establish the starting point and this includes the extent of the 'original' dwelling and the 'principal' elevation of the property.
- 1.5 The 'original' dwelling is the building that was in place in 1947. The agent has argued that an historic map dated 1930 shows all the existing single storey extensions to the north elevation. By contrast Officers have used the website old-maps.co.uk, the historical map archive, to establish the following and to challenge this assumption:
 - OS County Series: Gloucestershire 1881 1:2,500 shows footprint of the small double fronted cottage located adjacent to the highway
 - OS County Series: Gloucestershire 1903 1:2,500 shows the footprint of the small double fronted cottage located adjacent to the highway
 - OS County Series: Gloucestershire 1921 1:2,500 shows the footprint has extended out to the east representing the two storey side addition and two small projections to the eastern corner of the rear elevation
 - OS County Series: Gloucestershire 1951-1967 1:2,500 shows a similar footprint to the 1921 plan i.e. the projection to the north does not extend beyond the small rear extensions

- OS County Gloucestershire 1979 1:2,500 shows the extended rear extension representative of the current dwellinghouse

- 1.6 The above demonstrates that the old maps can give an indication of the footprints of properties. This, along with the visual clue of the large expanse of mono-pitched roof and its single skinned appearance are for these purposes sufficient to raise the query that the largest existing rear extension is not 'original' and was not present in 1947. It would therefore not be unreasonable if Officers asked for further proof of when the additions were made to the small cottage. Without a full structural survey it is not possible to categorically establish the extent of any additions to the building, however, the single storey rear addition implies a much more modern construction method has been employed. One way to establish the age of the single storey rear elements would be for the applicant to submit a certificate of existing lawfulness.
- 1.7 Notwithstanding this query, as there are other areas where the proposal fails to comply with the permitted development regulations a full survey will not be requested. Regardless of these differences of opinion as to the age of the larger single storey rear extension, the principal elevation is more easily identified and this is discussed below.
- 1.8 To summarise, No.23 Engine Common Lane is an extended two storey cottage. It is side-on to the highway, and therefore presents a blank elevation to the road. It appears from old maps that the cottage was originally a modest two storey dwelling with a cat-slide roof to the rear. At some later stage a two-storey side addition, taller than the original cottage was added to the east, along with separate single storey rear extensions located to the north. There is no planning history for these additions and it has been shown above that historical maps are not completely reliable, but it is accepted that the two-storey was present prior to 1947 along with small rear extensions (likely to be a coal house or very small outbuilding). It is not accepted that the existing larger mono-pitched single storey rear extension is 'original' and therefore, was added after 1947.
- 1.9 With regards to a 'principal' elevation, it is generally accepted that dwellinghouses have one principal elevation. It is usually that elevation which provides the main access into the dwelling. Other clues can be architectural including but not limited to a porch, bay windows or even gables and these features indicate the most important façade of a building and therefore its principal elevation. In this instance the oldest part of the house has a porch over its main entrance in the south elevation and two bonnet / gable features in the first floor either side of this central doorway. Although submitted plans have labelled the elevation immediately adjacent to the highway as being the principal elevation, this is a completely blank wall and therefore could **not** be considered the principal elevation merely by its proximity to the road. This erroneous assumption is unfortunate as it affects other applications (listed below) that have recently been submitted under the permitted development regulations.

- 1.10 It is noted in discussions during the course of the application process that the agent has identified on plans what he considers to be the principal elevation and has left the description of development as more general. It is therefore for Officers to interpret the front and rear elevations and consequently the principal elevation.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017, Schedule 2, Part 1, Class A.

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK18/2153/CLP Erection of garage
Pending consideration
- 3.2 PK18/2154/CLP Erection of two storey extension
Pending consideration
- 3.3 PK18/2208/PNH Erection of single storey rear extension
Pending consideration

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
No comment
- Tree Officer
No objection

Other Representations

- 4.2 Local Residents
None received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Received by Local Planning Authority on 4.5.18
Site location plan
Existing elevations – north and south

Existing elevations – south and principal
Existing roof plan
Existing floor plans
Proposed roof plan
Proposed floor plans
Proposed south and principal elevations
Proposed south and north elevations

6. **ANALYSIS OF PROPOSAL**

6.1 Principle of Development

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

6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (2017).

6.3 Plans indicate this proposal is for a single storey extension to the north of the property (i.e. the rear) and would follow on from the application for a two-storey side extension which is being considered under PK18/2154/CLP. Furthermore, it would follow on from an existing single storey rear extension, which is considered as being a modern addition, having been added after 1947.

6.4 Schedule 2, Part 1, Class A, allows for the enlargement, improvement or other alteration of a dwellinghouse, **provided** it meets the criteria as detailed below:

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

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

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

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

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

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

The height of the proposed single storey rear extension would not exceed the height of the highest part of the existing dwellinghouse.

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

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

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

The single storey extension would be to the rear of the property.

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

The extent of the original building is an important consideration. The applicant is of the view that this proposed single storey addition projects off the side of an existing single storey addition which he states was present prior to 1947. This existing single storey extension appears to be a single skinned mono-pitched roof addition with a large amount of glazing to the north and east sides, extending out from the original two-storey existing addition by around 5.7 metres. It is **not** part of the 'original' cottage. This proposed single storey addition would fail to meet the tests of permitted development because it would be an extension to an existing extension and not an extension to the original dwellinghouse.

Whilst Officers have concluded that this certificate would be for a rear extension in the interests of clarity, Officers would also conclude that the proposal would not be permitted development should it have been a side extension to the existing single storey rear extension.

For the above reason the proposal **fails** this part of the test.

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

The extension would not extend out from the original part of the dwellinghouse. The proposal therefore **fails** this part of the test.

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

The extension would be single storey.

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

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

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

The proposed single storey addition would **not** extend beyond a side wall of the **original** dwellinghouse. It would extend out from the side of an existing single storey rear extension.

It therefore **fails** this part of the test. .

- (ja) **Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it would be joined) exceeds or would exceed the limits set out in subparagraphs (e) to (j)**

The proposed single storey extension would also connect internally to the proposed two-storey side addition (PK18/2154/CLP) and therefore would in essence create a 'wrap around extension'. Consequently, all the recently submitted proposals, should be read as a whole and the resulting type of 'L' shape extension does not fall within permitted development regulations.

The proposed single storey extension would exceed the limits set out above and therefore **fails** this part of the test.

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

The proposal does not include any of the above.

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

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.**
- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in subparagraphs (b) and (c).**

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

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

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

The details submitted indicate that the proposed extension would be finished in materials to match existing.

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

Not applicable.

- (c) Where the enlarged part of the dwellinghouse has more than a single storey or forms an upper storey on an existing enlargement of the original dwelling, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not applicable.

7. RECOMMENDATION

- 7.1 That a certificate of Lawfulness for Proposed Development is **REFUSED** for the reasons given in the above report.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

REASONS FOR REFUSAL

1. The evidence provided has been insufficient to demonstrate that on the balance of probabilities the proposed single storey extension falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) (As amended) Order 2015.

This is because there is evidence to suggest that the proposal is contrary to paragraphs:

F (i) because:

The extension would not be off the original building as it stood in 1947.

The existing single storey extension appears to be a single skinned mono-pitched roof addition with a large amount of glazing to the north and east sides, extending out from the two-storey existing addition by around 5.7 metres. It is not part of the 'original' cottage.

G (i) because:

The single storey extension would not extend out from the original part of the dwellinghouse.

J (i) because:

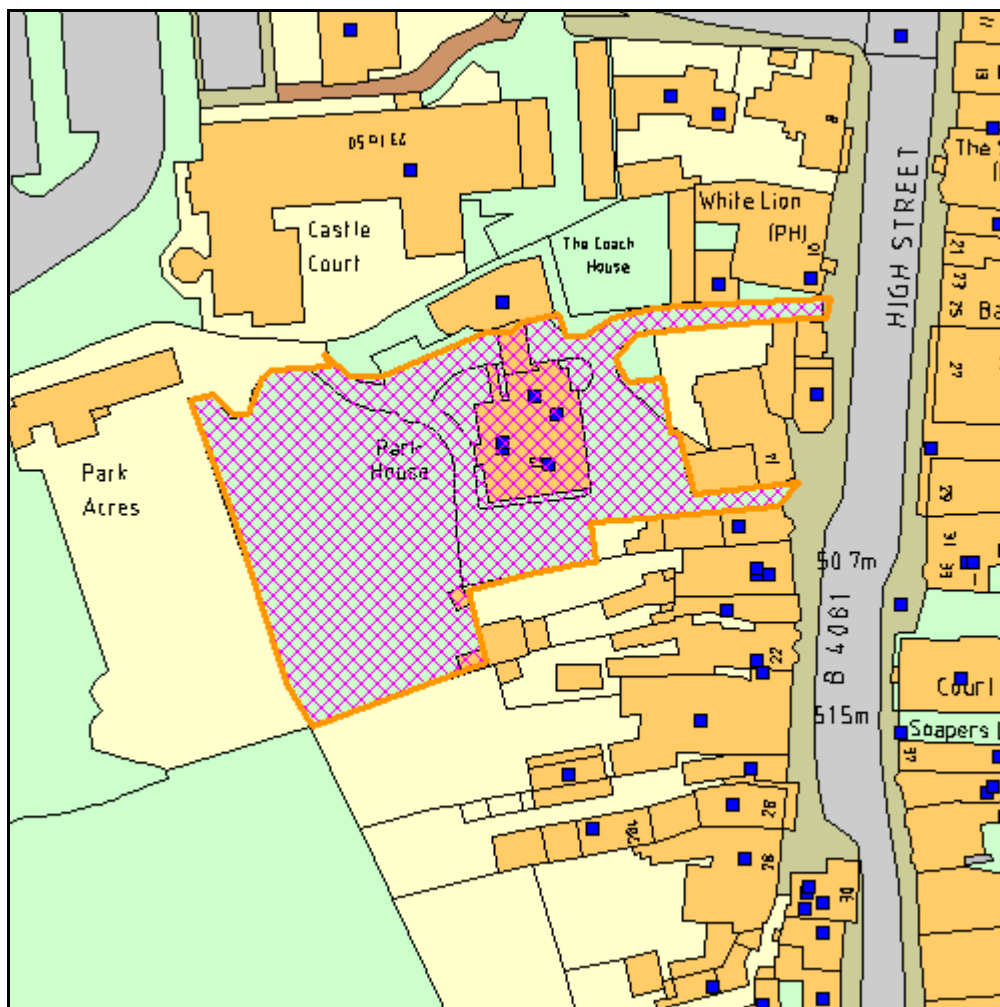
The proposed single storey addition would not extend beyond a side wall of the original dwellinghouse.

JA because:

The proposed single storey extension would also connect internally to the proposed two-storey side addition and therefore would in essence create a 'wrap around extension'. Consequently, all the recently submitted proposals, should be read as a whole and the resulting type of 'L' shape extension does not fall within permitted development regulations

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PT17/4266/F	Applicant:	Trebor Development Ltd
Site:	Park House 12 High Street Thornbury South Gloucestershire BS35 2AQ	Date Reg:	29th September 2017
Proposal:	Demolition of existing store, erection of single storey extension and installation of external staircase to basement, to facilitate conversion of existing offices to form 5no. apartments with associated works. Refurbishment of 1no. existing second floor residential apartment.	Parish:	Thornbury Town Council
Map Ref:	363605 190042	Ward:	Thornbury North
Application Category:	Minor	Target Date:	23rd November 2017



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule for determination as comments of objection have been received. These are contrary to the officer recommendation of approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to convert the building from an office to 5 residential units. It is accompanied by an application for listed building consent (PT17/4267/LB).
- 1.2 The application relates to Park House, 12 High Street, Thornbury. It is a grade II listed building dating from the early seventeenth century. The property is located to the western side of High Street, behind the White Lion and the former Wildings building. Access is provided along a single-track driveway between those buildings.
- 1.3 The site is within the defined settlement of Thornbury and the Thornbury Conservation Area. Other than the application site, there are a number of listed buildings in the vicinity. The grounds are a locally registered park and garden. The site falls within the historic tithe area associated with the town. Although used for offices, the site is not a safeguarded employment site.

2. POLICY CONTEXT**2.1 National Guidance**

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans**South Gloucestershire Local Plan Core Strategy Adopted December 2013**

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS13	Non-Safeguarded Economic Development Sites
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS32	Thornbury

South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP8	Residential Amenity

PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP39	Residential Conversions, Subdivision, and HMOs

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (Adopted) August 2007
 Residential Parking Standard SPD (Adopted) December 2013
 Waste Collection SPD (Adopted) January 2015 (updated March 2017)
 Thornbury Conservation Area Advice Note (Approved, March 2004)

3. **RELEVANT PLANNING HISTORY**

- 3.1 Significant planning history is held on this site, including various applications for both planning permission and listed building consent relating to the change of use from residential to offices. While the planning history is available to view online, no entries are wholly relevant to the application in hand.

4. **CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council
 Objection: loss of employment; loss of historical features.

Internal Consultees

- 4.2 Archaeology Officer
 No objection
- 4.3 Conservation Officer
 Object: harm to special architectural and historic interest of the property; sufficient justification has not been provided to warrant intervention and alterations to historic fabric.
- 4.4 Highway Structures
 No comment
- 4.5 Lead Local Flood Authority
 No objection
- 4.6 Sustainable Transport
 Query provision of cycle parking, waste storage, and precise parking details.

Statutory / External Consultees

- 4.7 Historic England (in relation to accompanying Listed Building application)
 Application should be determined against local advice

Other Representations

4.8 Local Residents

- 1 comment of objection has been received, raising the issues of –
- Parking issues
 - Noise and disruption from the church hall

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the conversion of Park House to 5 residential units. It includes all ancillary works required to facilitate the conversion of this listed building.

Principle of Development

- 5.2 The application site is within the settlement boundary of Thornbury. Under the provisions of CS5, residential development is directed to the urban areas and defined settlements and in this regard the proposal is policy compliant.
- 5.3 However, the site is currently used for employment (although it is not a safeguarded employment site) and therefore policy CS13 is relevant. This policy seeks to protect economic uses by applying a sequential approach requiring an economic use as a first preference followed by a mixed use before consideration of a residential only scheme.
- 5.4 In addition, the site – containing a listed building and being located within the Thornbury Conservation Area – has a number of heritage constraints. Development would only be acceptable where it preserved or enhanced the character and appearance of the conservation area and the special architectural and historic interest of the listed building.

Housing Supply

- 5.5 It is clear from the above that this development would require a balanced approach to decision making. However, issues of current housing delivery are also pertinent. At present, the Authority cannot demonstrate a 5-year housing land supply. As a result, in accordance with national guidance, policies that act to restrict the supply of housing should be considered out of date and the application determined in accordance with the presumption in favour of sustainable development.
- 5.6 Notwithstanding the above, there is no in principle objection in terms of location and the redevelopment of the site for housing. This is because the site is within a defined settlement and therefore accords with the locational strategy contained in policy CS5.

Economic-Reuses

- 5.7 The sequential approach contained in CS13 acts to restrict the supply of housing as it dictates that alternative forms of development should be

considered more desirable. This should be considered out of date. However, a clear thread of the NPPF is that the planning system should contribute to a prosperous economy. Therefore an analysis of the economic contribution that the site makes, and the implied impact should the current offices be lost, should form part of the decision making balance.

- 5.8 Only when it has been found that the proposed development would not conflict with the economic purposes of the NPPF should the tilted balance in the presumption in favour of sustainable development be applied.

Heritage

- 5.9 Heritage considerations are of great weight. A statutory duty applies to the Authority to give special regard to the conservation area and the listed building. These are reflected in the heritage section of the NPPF. An analysis of the level of harm needs to be conducted. Any harm to heritage indicated as a result of this analysis would preclude the application of the tilted balance. The harm to heritage would need to be weighed against the benefits (and other harms of development) in the overall decision making exercise.

Benefit of Development

- 5.10 It is worth identifying here the potential benefit which would result from planning permission being granted. The building already contains 1 residential unit. However, the development would result in the formation of 5 additional units in a sustainable location.
- 5.11 This is a significant identified benefit and weighs heavily in favour of the grant of planning permission.

Heritage

- 5.12 The proposed development would result in the subdivision of the existing building into multiple residential units. The level of subdivision has been subject to objection from the conservation officer. Particular concern was raised with regard to the subdivision of flat 4.
- 5.13 To overcome the heritage objection, further information was sought by the conservation officer to evidence why the level of subdivision was required; in other words why could the property not function as either an office or single dwelling, or why so many units were necessary.
- 5.14 Marketing of the property was undertaken (and this is also relevant to considerations of the loss of the economic uses). Although the conservation officer has indicated that they do not consider sufficient marketing to have been undertaken, a property such as this would appeal only to a limited market. This must be weighed against securing the ongoing use of the building, in one form or another, to ensure that a piece of architectural and historic built form is preserved.
- 5.15 Officers conclude that the marketing undertaken is sufficient to demonstrate that there is little interest in this building either as an office or as a single

dwellinghouse (bearing in mind that the second floor is already in residential use and the outbuildings have been converted to residential use and therefore the possibility of it being used as a 'single' dwelling house is weak).

- 5.16 Other concern raised related to the internal configuration and the potential loss of historic fabric. Alterations have been made to the proposal which indicate that the fabric to be lost is either not historic in nature or would result in improvements to the layout and function of the building which better reflect its heritage.
- 5.17 The objection on heritage grounds is noted. The conservation officer has concluded that the level of harm would be less than substantial. In accordance with paragraph 134, where less than substantial harm is identified, that harm should be weighed against the public benefit of the proposal which includes securing the optimum viable use of the heritage asset.
- 5.18 With regard to the conservation area, the proposed amendments would have little effect. The site is not widely visible and the character and appearance of the area would be preserved.

Loss of Economic Use

- 5.19 The NPPF seeks to secure sustainable development. In an economic sense this means ensuring that appropriate land is available during periods of growth to support economic development. However, where there is no reasonable prospect of land being used for economic purposes, its long term retention for economic uses should be avoided.
- 5.20 As discussed above, the site has been marketed. There has been little interest in the use of the site for economic purposes. While it is clear that self-sufficiency and the provision of offices (or other economic uses) within Thornbury is a key element of sustainable development, market conditions are indicating that this site does little to achieve that aim.
- 5.21 Furthermore, with the above in mind, there is little evidence to suggest that the retention of the site in an economic use is critical to the prosperity of the town. Planning policies that therefore sought an economic use over and above any other alternative use would therefore be overly restrictive. As the Authority cannot demonstrate a 5-year housing land supply, policies that restrict the supply of housing should be considered out of date. Therefore, as the site is not of great importance to the prosperity of the town, the sequential approach in CS13 should be given limited weight. The loss of the economic use is not considered to be harmful in the overall planning balance.

Design and Appearance

- 5.22 Externally, alterations to the property to facilitate the development are relatively minor. On the east elevation a window would be replaced to match those elsewhere on the elevation. On the west elevation a new extension would be added which appears in keeping with the appearance of the building. On the

south elevation, a new external subterranean staircase would be installed to provide access to the basement and a doorway would be blocked up.

- 5.23 Policy CS1 requires development to meet the highest possible standards of site planning and design and policy PSP17 requires development to preserve the historic character of the building. It is considered, that subject to detailed design (which would be secured on any listed building consent granted) the development would not be harmful to the visual appearance of the property. The development is therefore considered to comply with these policies and is acceptable.

Living Conditions

- 5.24 Development should not be permitted which either prejudices the amenities of existing occupiers or which would fail to provide adequate living conditions for future occupiers of the development.
- 5.25 The proposed units are of a reasonable size; the layout has mostly been dictated by the historic fabric of the building. No concern is raised with regard to the living conditions for the occupiers of the units. Each unit would also have adequate outlook.
- 5.26 It is not considered that the development would have a significant impact on the amenities of nearby occupiers. There is no significant extension of the building nor insertion of windows that would overlook areas hitherto unseen.
- 5.27 Under policy PSP43, new residential units are expected to be provided with private amenity space. For flats, this is likely to be provided by small balconies or private garden with larger communal areas. It is unfeasible for balconies to be added to this listed building and it is undesirable from a heritage perspective for the grounds to be subdivided to provide private areas. Therefore the only practical solution is the provision of communal amenity space. The site includes the garden of the building which is mature and landscaped; this area would provide adequate amenity space for the future occupiers of the development.
- 5.28 While noise and disturbance has been raised as a matter of local concern, it is not considered that any impact from nearby activities or land uses would have a demonstrable impact on the occupiers of this building. No objection is therefore raised in relation to this issue.

Transport and Parking

- 5.29 The site currently functions as a mixed use of offices and residential units. Access is provided along a single-track driveway to High Street. The extant lawful use of the site must be taken as the background figures with regard to transport movements. The conversion of the building to residential is likely to result in fewer movements associated with the site. Furthermore, although not acknowledged by the highways officer, plans have been provided that demonstrate the provision of dedicated parking which accords with policy PSP16 within the site.,

- 5.30 It is considered from a vehicular point of view that the likely reduction in movements would be beneficial and cannot be considered to comprise a severe impact on highway safety. Furthermore adequate car parking is provided to meet the needs arising from the development.
- 5.31 However, as the site is within a town and presents the opportunity for cycling as an alternative and sustainable means of transport, provision of secure and undercover cycle parking is required. Details of this could be secured through condition.
- 5.32 The placement of bin storage has been indicated and this is acceptable. Detailed design of the bin storage would be required by condition.
- 5.33 It is not considered that the proposed development would have an adverse transport impact. No objection is raised in this regard and would be a neutral factor in the overall planning balance.

Planning Balance

- 5.34 This application is set to be determined against the presumption in favour of sustainable development. However, the tilted balance does not apply as less than substantial harm to heritage assets has been identified.
- 5.35 If permitted, the development would result in 5 additional residential units in a defined settlement. This is a significant benefit. It would also result in the ongoing occupation of a listed building, securing a viable use for the heritage asset. This is also a benefit; given that there is some harm caused by the conversion, this benefit should only be given moderate weight.
- 5.36 No harm has been identified in relation to the loss of the existing economic uses from the building. No harm has been identified in relation to residential amenity or highway safety. These are therefore neutral factors.
- 5.37 Less than substantial harm has been identified to the listed building caused through the subdivision of the building. The Authority must give special regard to the preservation of heritage assets. This therefore weighs against the grant of planning permission and should be given significant weight.
- 5.38 The benefits of additional residential units in a sustainable location and securing an ongoing use for a listed building is considered to outweigh the harm to the heritage asset. Consequentially, planning permission should be granted.

Impact on Equalities

- 5.39 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and

victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.40 With regards to the above this planning application is considered to have a neutral impact on equality.

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: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 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 occupation of any of the new residential units hereby permitted, details of secure and undercover cycle parking provision, to accord with Schedule A of Policy PSP16 shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be completed in full before the first occupation of the new residential units and shall thereafter be 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, Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the provisions of the National Planning Policy Framework March 2012.

3. Prior to the first occupation of any of the new residential units hereby permitted, details of bin and recycling storage, as indicated in principle on plan 3292_L_011_B shall be submitted to and approved in writing by the Local Planning Authority. The approved bin and recycling storage shall be completed in full before the first occupation of the new residential units and shall thereafter be retained.

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.

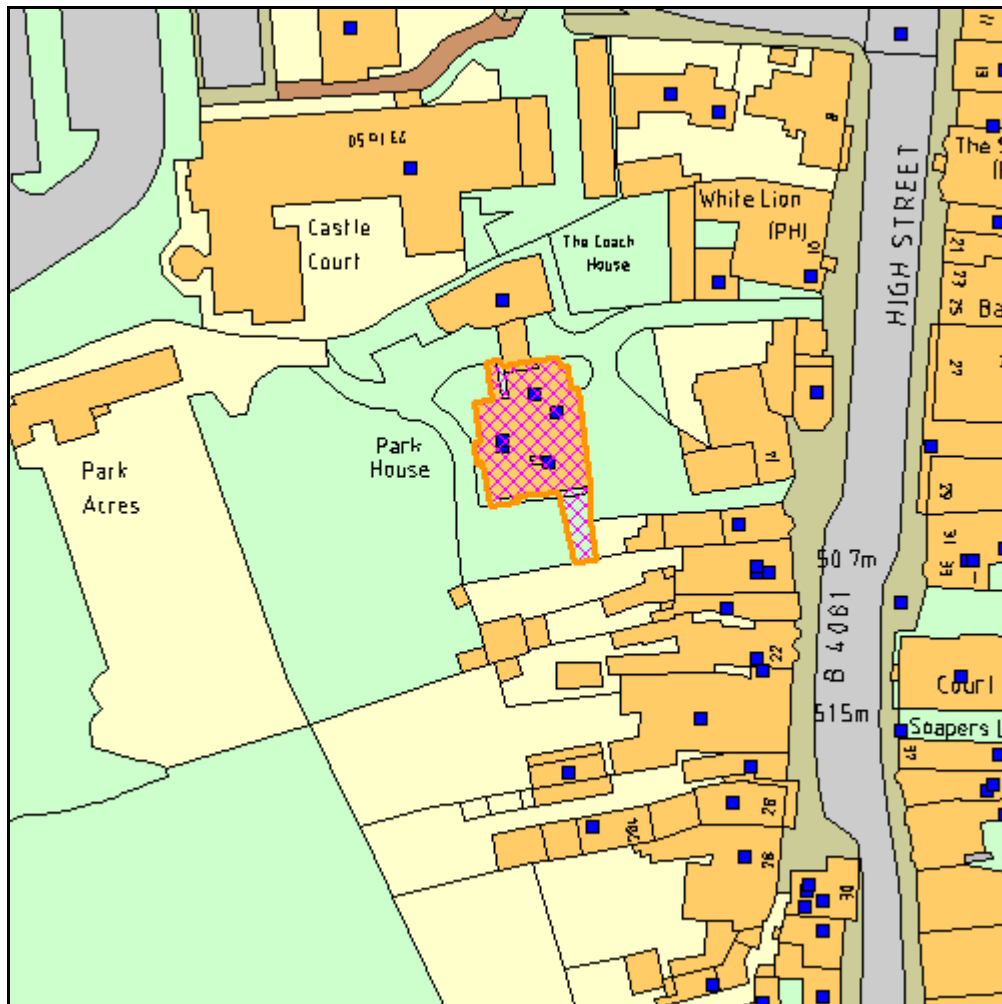
4. The off-street parking facilities shown on plan 3992_L001B shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PT17/4267/LB	Applicant:	Trebor Development Ltd
Site:	Park House 12 High Street Thornbury South Gloucestershire BS35 2AQ	Date Reg:	29th September 2017
Proposal:	Internal and external alterations to include demolition of existing store, erection of single storey extension and installation of external staircase to basement, to facilitate conversion of existing offices to form 5no.apartments with associated works. Refurbishment of 1no. existing second floor residential apartment.	Parish:	Thornbury Town Council
Map Ref:	363605 190042	Ward:	Thornbury North
Application Category:	Minor	Target Date:	23rd November 2017



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as comments of objection have been received. These are contrary to the officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks listed building consent for works required in connection with the conversion of the building into 5 additional residential units. This application is accompanied by an application for planning permission (PT17/4266/F).
- 1.2 The application site is a Grade II listed building located at Park House, 12 High Street, Thornbury.

2. POLICY CONTEXT**2.1 National Guidance**

National Planning Policy Framework (March 2012)
Planning (Listed Building and Conservation Areas) Act 1990

2.2 Development Plans**South Gloucestershire Local Plan Core Strategy Adopted December 2013**

CS1 High Quality Design
CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017

PSP17 Heritage Assets and the Historic Environment

3. RELEVANT PLANNING HISTORY*Associated Application*

- 3.1 PT17/4266/F Pending decision
Demolition of existing store, erection of single storey extension and installation of external staircase to basement, to facilitate conversion of existing offices to form 5no. apartments with associated works. Refurbishment of 1no. existing second floor residential apartment.

4. CONSULTATION RESPONSES**4.1 Thornbury Town Council**

Object: loss of employment and concern over the loss of historical features.

Internal Consultees

4.2 Conservation Officer

Object: harm to special architectural and historic interest of the property; sufficient justification has not been provided to warrant intervention and alterations to historic fabric.

Statutory / External Consultees

4.3 Historic England

Application should be determined against local advice

Other Representations

4.4 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 This application seeks listed building consent for works to a grade II listed building in Thornbury to facilitate its conversion to residential.

Principle of Development

5.2 This is an application for listed building consent. As such, the only consideration is what impact the proposed development would have on the special historic or architectural features of the property.

Assessment of Heritage Impact

5.3 The proposed development would result in the subdivision of the existing building into multiple residential units. The level of subdivision has been subject to objection from the conservation officer. Particular concern was raised with regard to the subdivision of flat 4.

5.4 To overcome the heritage objection, further information was sought by the conservation officer to evidence why the level of subdivision was required; in other words why could the property not function as either an office or single dwelling, or why so many units were necessary.

5.5 Marketing of the property was undertaken. Although the conservation officer has indicated that they do not consider sufficient marketing to have been undertaken, a property such as this would appeal only to a limited market. This must be weighed against securing the ongoing use of the building, in one form or another, to ensure that a piece of architectural and historic built form is preserved.

5.6 Officers conclude that the marketing undertaken is sufficient to demonstrate that there is little interest in this building either as an office or as a single dwellinghouse (bearing in mind that the second floor is already in residential

use and the outbuildings have been converted to residential use and therefore the possibility of it being used as a 'single' dwelling house is weak).

- 5.7 Other concern raised related to the internal configuration and the potential loss of historic fabric. Alterations have been made to the proposal which indicate that the fabric to be lost is either not historic in nature or would result in improvements to the layout and function of the building which better reflect its heritage.
- 5.8 The objection on heritage grounds is noted. The conservation officer has concluded that the level of harm would be less than substantial. In accordance with paragraph 134, where less than substantial harm is identified, that harm should be weighed against the public benefit of the proposal which includes securing the optimum viable use of the heritage asset.
- 5.9 It is considered that the use of conditions is appropriate means by which to secure the detailed design of various elements of the proposal. A condition requiring the submission of these is therefore recommended.
- 5.10 The Authority must give special regard to the preservation of heritage assets. This therefore weighs against the grant of listed building consent and should be given significant weight. Although there would be some harm to the heritage asset it is considered in the public interest that this development be permitted. This outweighs the harm to the heritage asset and it is concluded that listed building consent should be granted.

6. RECOMMENDATION

- 7.1 It is recommended that listed building consent is GRANTED subject to the conditions listed below

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason
As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.
2. Prior to the commencement of development full details comprising plans at a scale of 1:20 of the following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.
 - (a) new windows and doors (to include glazing bars);
 - (b) new and replacement rainwater goods;
 - (c) reveals to windows/door openings;

(d) internal and external staircases.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

3. All new external and internal works and finishes, and works of making good, shall match the existing original building in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

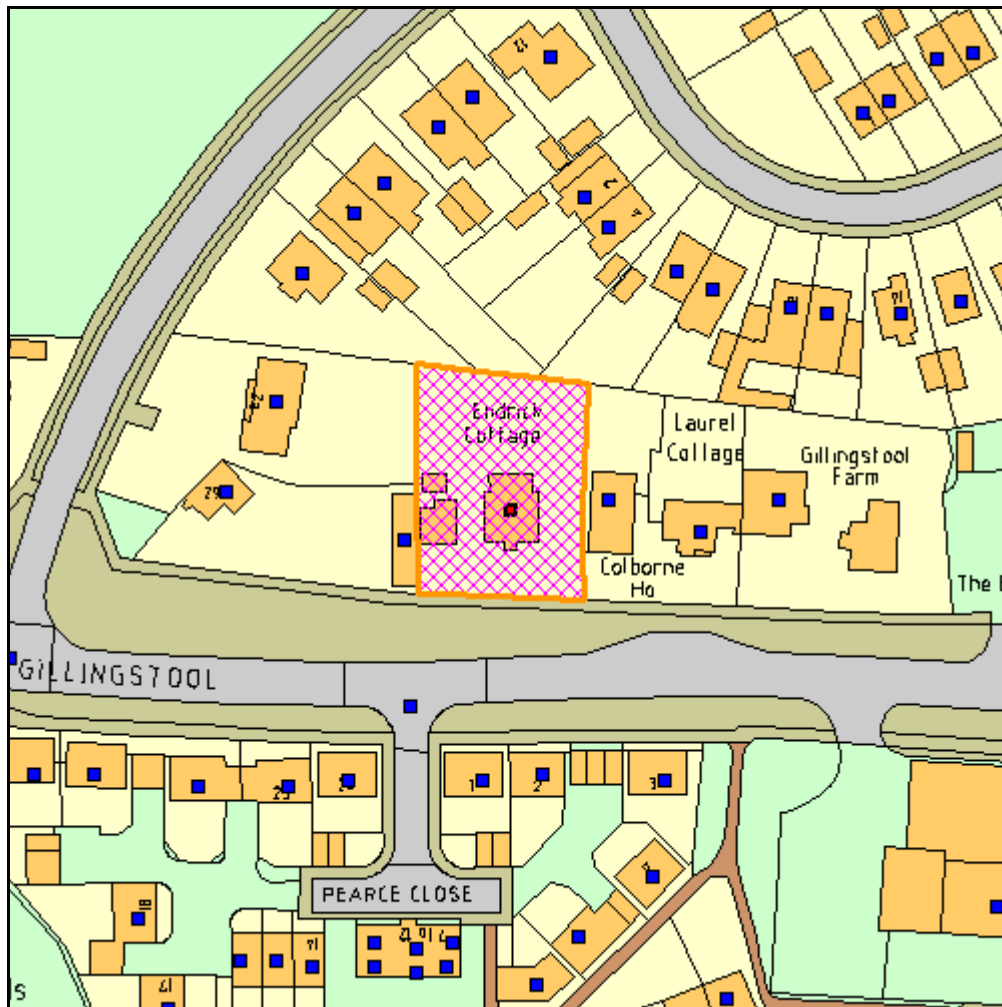
4. All new external rainwater and soil pipes shall be formed in cast metal and painted black.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PT18/0905/F	Applicant:	Mr Colin Horler
Site:	Endrick Cottage Gillingstool Thornbury Bristol South Gloucestershire BS35 2EH	Date Reg:	9th March 2018
Proposal:	Demolition of existing garage. Erection of 1 no. detached dwelling with new access and associated works and erection of 1 no. detached garage.	Parish:	Thornbury Town Council
Map Ref:	364223 189963	Ward:	Thornbury North
Application Category:	Minor	Target Date:	3rd May 2018



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PT18/0905/F

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 Planning permission is sought for the demolition of an existing garage and the erection of 1no. detached dwelling and a new detached garage. The application site relates to Endrick Cottage, Gillingstool, Thornbury. Alterations to the access would also be made.
- 1.2 The application site currently consists of a detached cottage set within a relatively large plot. The site is located within the established residential area of Thornbury. The existing dwelling incorporates a pitched roof, and is finished in render. A double garage sits to the east of the dwelling.
- 1.3 A pre-application advice enquiry was submitted in relation to this application; the recommendations have been taken into account. The pre-app stated that 1no. dwelling would be acceptable in principle, but there were concerns relating to the parking situation.
- 1.4 Revised plans to widen the proposed dwelling and to alter the access and parking arrangements were received on 17th May 2018 – these underwent a full reconsultation.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance (2014)

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS32	Thornbury

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management

PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages, including Extensions and New Dwellings
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (Adopted) 2007
 Waste Collection SPD (Adopted) 2015

3. **RELEVANT PLANNING HISTORY**

- | | | | |
|-----|---|----------|------------------|
| 3.1 | PRE16/0949 | | Enquiry Complete |
| | Demolition of existing garage to facilitate the erection of 1no. new dwelling. | | |
| 3.2 | P88/2958 | Approved | 02.11.1988 |
| | Erection of detached double garage and wood store | | |
| 3.3 | N1902/2 | Approved | 05.05.1983 |
| | Erection of single storey rear extension to form utility room, kitchen and W.C. | | |
| 3.4 | N1902/1 | Approved | 11.12.1975 |
| | Erection of a domestic garage. | | |
| 3.5 | N1902 | Approved | 09.10.1975 |
| | Two storey extension to rear of existing dwellinghouse. | | |

4. **CONSULTATION RESPONSES**

- 4.1 Thornbury Parish Council
Original Plans
 No comments received

Revised Plans

Object due to overdevelopment, proposal being out of character and inadequate parking.

- 4.2 Other Consultees

Lead Local Flood Authority
 No objection

Sustainable Transport
Original Plans
 No objection

Revised Plans
 No objection

Highway Structures

No comment

Environmental Protection

No objection subject to conditions being added to decision notice.

Other Representations

4.3 Local Residents

Four objections received due to:

- Car Parking and Access concerns (x2)
- Design and Visual Amenity (x2)
 - Loss of highway verge
 - Not in keeping due to size, position (x3)
 - Loss of Magnolia Tree (x1) (Note – magnolia tree no longer lost due to access alterations)
- Development is a “garden grab”
- Drainage Concerns
- Overshadowing Concerns
- Overlooking concerns
- Concerns relating to revised parking plans

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning permission is sought for the demolition of an existing garage and the erection of 1no. detached dwelling and a new garage. Policy CS5 directs new development in the first instance to the existing urban areas and defined settlement boundaries and therefore residential development in this location is acceptable in principle.

5.2 The principle of development is acceptable under the provisions of policy CS5, and it is acknowledged that the provision of one additional dwelling towards housing supply would have a modest benefit. However the impacts of the development proposal must be further assessed against relevant policy in order to identify any potential harm. The further areas of assessment are design and visual amenity, residential amenity, and transportation.

5.3 Design and Visual Amenity

Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. A pre-application advice enquiry was submitted in relation to this application. The advice given in relation to this enquiry was that a detached dwelling would likely be acceptable in principle, subject to design considerations. The pre-app recommended that the design should be in keeping with the neighbouring

properties, which are traditional cottages with smaller windows on the front elevation and a pitched roof porch. It is noted that the originally proposed access brought the removal of an existing magnolia tree; however, the redesigned access means that this tree will now remain in place. While this is welcomed, the tree is not subject to a tree protection order, and it would not be considered significant enough to warrant protection.

5.4 *New Dwelling*

The proposed dwelling would be set to the side of Endrick Cottage, and would be accessed off Gillingstool. The surrounding area has a number of different housing types and sizes. It is not considered that the proposed development would have any significant impact on the character or distinctiveness of the existing dwelling at the site.

5.5 The proposed dwelling would have two storeys, and would be of a fairly simple design. It would have a gabled roof to the sides, and a two-storey element would extend from the rear, which would also have a gabled roof. The new dwelling would largely use design features to match the existing dwelling.

5.6 The materials to be used in the external finish of the proposed dwelling consist of rendered elevations with brown double roman roof tiles. The surrounding area is not characterised by any one style of property. The proposed dwelling would be considered acceptable in design terms, and would not be considered to have a significant negative impact on the visual amenity of the existing dwelling, or the surrounding area.

5.7 *Proposed New Garage*

The proposed garage would sit to the east of the existing dwelling. It would be constructed with a pitched roof with a low angle, using materials to match the existing dwelling. It would be somewhat modest in size, and would be considered acceptable in design terms.

5.8 *Changes to access*

Part of the existing highway verge would be removed to accommodate a new access to the existing dwelling. While this is regrettable, a number of dwellings along Gillingstool have paved accesses over the existing green verge. It is noted that CS17 states that the cumulative impact of building on gardens can lead to congestion, parking conflict and loss of green space; however, adequate parking is provided, and the loss of green verge would not be considered materially significant enough to warrant a refusal of the application. The scheme is considered positive and sensitive in design, and would not negatively affect the character of the surrounding area.

5.9 Residential Amenity

Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration. It is noted that a number of nearby

residents objected to the proposal due to overshadowing and overbearing concerns.

- 5.10 Although it is accepted that this is a residential area, careful consideration still needs to be given to the impact of the proposal both on existing neighbouring occupiers and also the intended future residents.
- 5.11 The proposed new dwelling will be detached, located to the side of an existing dwelling with windows looking directly to the front, rear and side. These windows would result in no more of an impact on residential amenity than the existing windows on the existing dwellings in the area. As such, the existing level of overlooking for neighbouring dwellings will not be exacerbated, and privacy would not be impacted by the proposed new dwelling. The garage would have one window, facing the host dwelling's rear garden.
- 5.12 The new dwelling would extend slightly past the rear of the dwelling to the west; however, this would be minimal and would not be considered to appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers. While it is noted that the existing dwelling to the east has an upper-floor eastern side window serving a bedroom, the shape of the proposed dwelling and the path of the sun means that this would not be considered to be likely to undergo a significant loss of light. The western window of the western dwelling is obscure glazed, serving a bathroom. Therefore, the proposed development is not considered to be detrimental to residential amenity; and is deemed to comply with PSP38 of the Policies, Sites and Places Plan (adopted) November 2017.
- 5.13 *Amenity Space*
The amenity space standards set out in PSP43 state that a three bedroom dwelling should have 60sqm of outdoor amenity space, and a four bedroom house should have 70sqm of outdoor amenity space. The proposed dwelling would have around 153sqm of outdoor amenity space, and the existing dwelling would have around 345sqm of outdoor amenity space. While it is noted that a side window on the existing dwelling would overlook the rear garden of the proposed dwelling, this is normal in built-up residential areas, and would not be considered significant enough to warrant a refusal.
- 5.14 It is not considered that the proposed development would have an unacceptable impact on residential amenity. As such, the proposal is considered to accord with policy PSP8 of the Policies, Sites and Places Plan.
- 5.15 Transport
Two objections were received relating to parking and road safety and the impact that the development would have on the safety of road users. A revised access and parking plans were received on 17th May 2018.
- 5.16 The revised proposals are for 3 bedrooms within the new detached dwelling. 2 off street parking spaces are proposed which is in line with the minimum parking standards outlined within PSP16, with adequate room to reverse from the parking spaces and leave the site in forward gear. The existing dwelling also has adequate off street parking and turning area.

5.17 The proposed new access is not on the taper of the bus stop and has adequate visibility given the nature of the straight road and the wide verges to the front of the dwelling. Therefore it is not considered that the proposed access would have a severe highway safety impact. There are no transportation objections, subject to a condition ensuring that the parking is provided prior to the occupation of the new dwelling and an informative in relation for the need for permission for the proposed dropped kerb and new access.

5.18 Drainage

An objection comment related to concerns with drainage; the drainage and flood risk management officer has no concerns; accordingly, there are no drainage and flood risk management objections.

5.19 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.20 With regards to the above this planning application is considered to have a neutral impact on equality.

5.21 Planning Balance

Paragraph 14 of the NPPF outlines that development proposals that accord with the development plan should be approved without delay. While the development would have an impact on the residential amenity of the locality, this is not considered materially significant. The proposal is not contrary to any development plan policies, and as such, the application should be approved.

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the development plan, 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 listed below.

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CONDITIONS

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

Reason

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

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

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. This development shall be carried out in accordance with the plans listed below:

Plans received 23 Feb 2018
EXISTING SITE PLAN
EXISTING COTTAGE FLOOR PLANS
PROPOSED GARAGE PLANS
SITE LOCATION PLAN

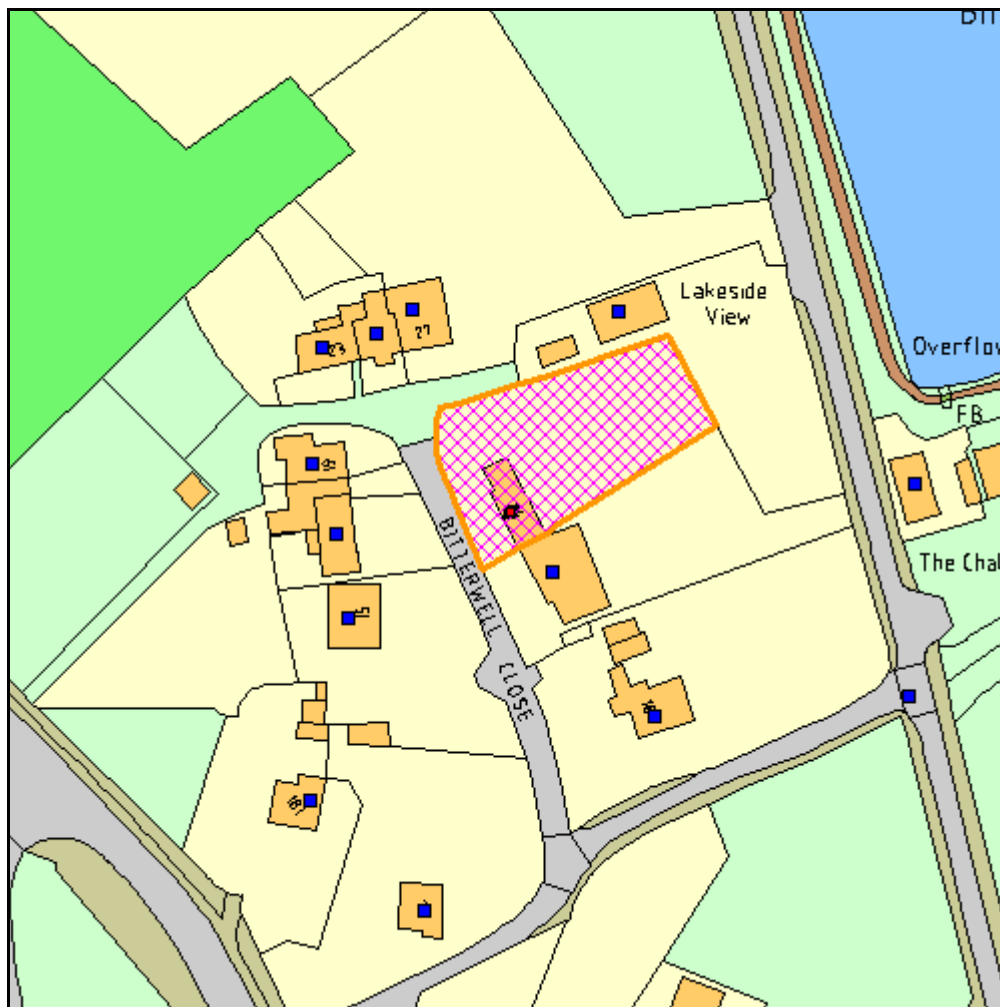
Plans received 17 May 2018
PROPOSED SITE PLAN
PROPOSED ELEVATIONS AND FLOOR PLANS

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PT18/1065/F	Applicant:	Mr N COLE
Site:	24 Bitterwell Close Coalpit Heath Bristol South Gloucestershire BS36 2UQ	Date Reg:	24th April 2018
Proposal:	Raising of roof line to facilitate first floor extension to form additional living accommodation.	Parish:	Westerleigh Parish Council
Map Ref:	367820 179436	Ward:	Westerleigh
Application Category:	Householder	Target Date:	19th June 2018



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100023410, 2008.

N.T.S.

PT18/1065/F

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the raising of the roof line to facilitate a first floor extension.
- 1.2 The property site relates to a semi-detached dwelling. The site sits within the green belt; there are no other statutory designations to consider.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS9 Environment and Heritage

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017

PSP1 Local Distinctiveness
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP16 Parking Standards
PSP18 Statutory Wildlife Sites: European Sites & Sites of Special Scientific Interest (SSSIs)
PSP19 Wider Biodiversity
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Standards

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT05/3069/F Approved 01.12.2005
Erection of single storey rear extension to form bedroom, lounge and utility.
- 3.2 PT06/1205/F Approved 19.05.2006
Erection of detached double garage.

4. CONSULTATION RESPONSES

4.1 Westerleigh Parish Council
No objection

4.2 Transport Officer
No objection

Other Representations

4.3 Local Residents
One comment received with concerns relating to consistency in comparison to planning proposals they have submitted in the past.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Policy PSP38 of the PSP Plan allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1, which is echoed by PSP38 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. CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and PSP18 and PSP19 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017 are permissive of development as long as it does not negatively impact local ecology.

5.2 Green Belt
The site lies in the Bristol and Bath Green Belt. The government attaches great importance to green belts with the fundamental aim of keeping the land permanently open in nature. Inappropriate development within the green belt is by definition harmful to the green belt and should not be approved except in very special circumstances.

5.4 Development in the green belt is inappropriate unless it is listed in the exception categories as defined in paragraphs 89 and 90 of the NPPF. The extension or alteration of a building is an exception category provided that the development does not result in a disproportionate addition over and above the size of the original building.

5.5 The dwelling has undergone some addition and extensions, which can be seen in section 3. The proposal is for the raising of the roof height, and the addition of 3no. dormer windows to the front, and 3no. dormer windows to the rear. All of the development would sit within the existing elevations of the dwelling.

5.6 PSP7 states that Additions that exceed 30% volume increase will be carefully assessed, with particular regard to whether the proposal would appear out of scale and proportion to the existing building. The larger a building becomes in excess of 30% over and above its original size, the less likely it is that the new

extension(s) will be considered proportionate. The current dwelling, when considered with the double garage and conservatory would appear to be in excess of a 30% volume increase, but less than a 50% increase. In these circumstances the impact of the proposal is considered carefully in terms of the impact to openness and the surrounding context. The additions would not increase the footprint of the dwelling but would increase the height. However the configuration of this dwelling is such that it is surrounded by other residential development. The increase in the height is not so significant that it would markedly increase the impact on the openness of the Green Belt; and this alteration would read as a proportionate alteration to the existing built form even when taken cumulatively. Accordingly it is concluded that this represents appropriate development in the green belt.

5.7 Design and Visual Amenity

The application site is a semi-detached dwelling in Westerleigh. The existing dwelling is double gabled to the side, with the rear gable sitting well below the front gable. The proposal would raise the roof height of the front gable by .3m, and raise the rear gable to match this new height. While the ridge line would sit slightly higher than that of the roof next door, this would not be considered to have a significant negative impact on the visual amenity of the dwelling, or the overall street scene.

- 5.8 The proposed dormers would be located to the front and rear of the property, with three to the front and three to the rear. The proposal would facilitate a loft conversion. The design and materials proposed would match or be similar to the host dwelling. Numerous nearby dwellings have similar dormers on the properties. It is not considered that the proposed development would be detrimental to the character of the property or its context. Additionally, it is of an acceptable standard of design. Thus, the proposal would comply with policy PSP38 of the PSP Plan and CS1 of the Core Strategy.

5.9 Residential Amenity

Policies PSP8 and PSP38 of the PSP Plan sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

- 5.10 When considering the existing boundary, combined with the siting and scale of the proposal, the proposal would not appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers. It is not considered that there would be any materially significant overlooking impact. Therefore, the development is deemed to comply with policies PSP8 and PSP38 of the PSP Plan.

5.11 Sustainable Transport

The proposed development will increase the bedrooms to four within the dwelling. The existing vehicular access and parking will be unaffected and the level of parking available complies with the Council's residential parking standards for the size of the proposed development. On that basis there is no transportation objection raised.

5.12 Other Matters

It is noted that a neighbour has commented raising concerns relating to previous planning applications they have made in the past, and the changes they had to make to their applications. Each application is assessed on its own merits and is assessed against the prevailing national and local policies in force at the time, as well as the individual circumstances of the case in point.

5.13 Equalities

The Equality Act 2010 protects people from discrimination in the workplace and in wider society. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.14 With regards to the above this planning application is considered to have a neutral impact on equality.

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 development plan 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: Owen Hoare
Tel. No. 01454 864245

CONDITIONS

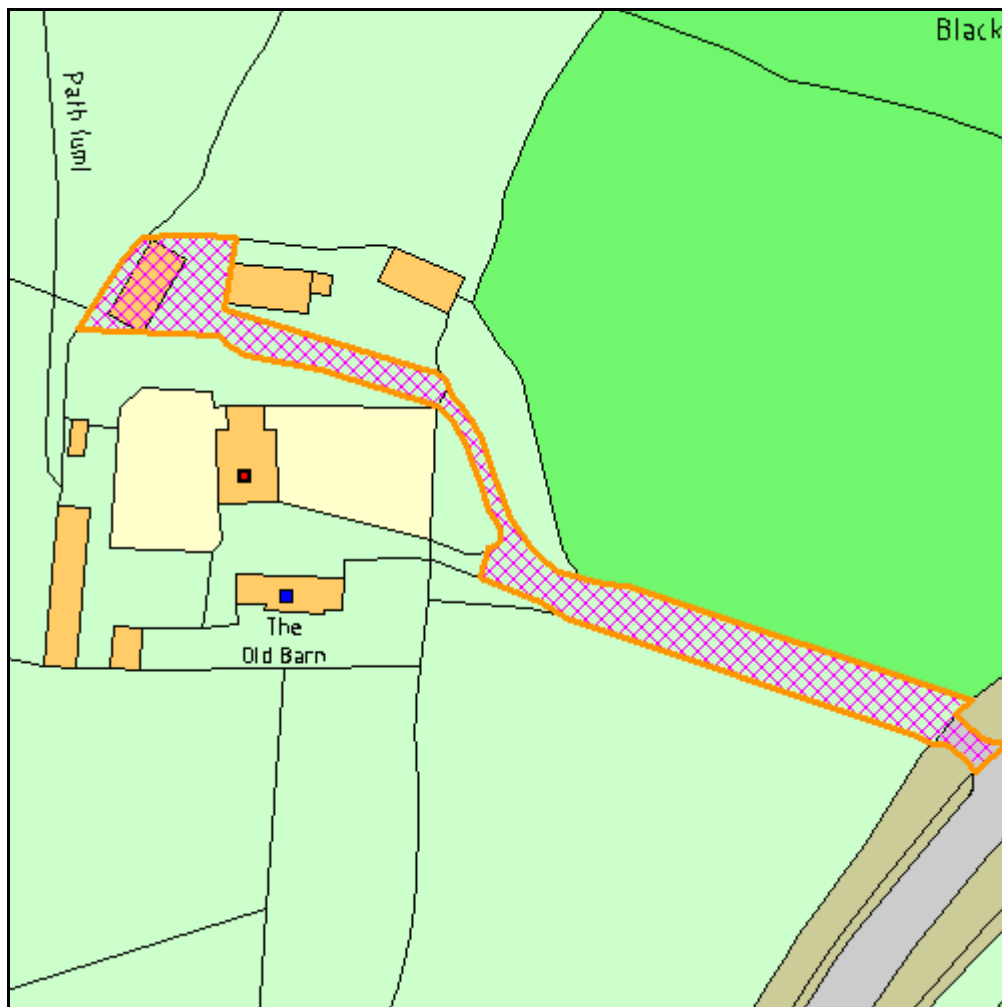
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PT18/1244/F	Applicant:	Mr Scott Cameron
Site:	Woodlands Farm 103 Badminton Road Coalpit Heath Bristol South Gloucestershire BS36 2TA	Date Reg:	4th April 2018
Proposal:	Partial demolition and conversion of existing barn to form 1no dwelling and associated works.	Parish:	Westerleigh Parish Council
Map Ref:	366803 180331	Ward:	Westerleigh
Application Category:	Minor	Target Date:	29th May 2018



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE.

The application has received objections that are contrary to the Officer recommendation. As such, according to the current scheme of delegation must be placed on the circulated schedule for

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the partial demolition and conversion of an existing barn (The Dutch Barn) to form 1no dwelling and associated works at Woodlands Farm 103 Badminton Road Coalpit Heath.
- 1.2 The application site relates to Woodlands Farm, a cluster of buildings located 160m outside of the defined settlement boundary of Coalpit Heath. The cluster contains the main farm house with small outbuilding, a smaller farmhouse with large rear extension; and four outbuildings that are likely to have once supported a larger farm (The Old Barn, The Barn, The Dutch Barn and The Stable). Of these four outbuildings 'The Old Barn' is in solely residential use an independent dwelling (PT11/1782/F), 'The Barn' has gained permission to be converted to a dwelling (PT17/4031/F) and following a site visit 'The Dutch Barn' and 'The Stable' seem to be redundant former agricultural buildings.
- 1.3 A PNGR application was refused for The Dutch Barn in 2016 (PT16/2102/PNGR). The refusal reasons were that insufficient information was provided to enable the authority to establish whether the proposal complied with the limitations of Class Q; and crucially that the barn was not considered to be an agricultural building in an established agricultural unit.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017

PSP1 Local Distinctiveness

PSP2 Landscape
PSP8 Residential Amenity
PSP16 Parking Standards
PSP37 Internal Space and Accessibility Standards for dwellings
PSP40 Residential Development in the Countryside
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Waste Collection: Guidance for New Development SPD (Adopted) January 2015

3. RELEVANT PLANNING HISTORY

- 3.1. PT17/4031/F (The Barn)
Approve with Conditions (06.12.2017)
Conversion of agricultural building to form 1no dwelling and associated works.
- 3.2. PT16/2104/PNGR (The Barn)
Refusal (22.06.2016)
Prior notification of a change of use from Agricultural Building to single residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 3.3. PT16/2099/PNGR (Stable)
Refusal (22.06.2016)
Prior notification of a change of use from Agricultural Building to 1no. residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 3.4. PT16/2102/PNGR (Dutch Barn)
Refusal (22.06.2016)
Prior notification of a change of use from Agricultural Building to 1no. residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)
- 3.5. PT11/1782/F
Approve with Conditions (01.08.2011)
Erection of first floor extension and alterations to roofline to facilitate conversion of existing outbuilding to form 1no. detached dwelling with access and associated works.
- 3.6. PT10/1929/F
Refusal (14.09.2010)
Change of use of agricultural building to retail use with associated works (Class A1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

- 3.7. PT09/5447/F
Refusal (16.11.2009)
Conversion of 3 no. agricultural buildings to create 1 no. dwelling, 1 no. holiday house and 2 no. holiday flats with associated works.
(Resubmission of PT09/0727/F)
- 3.8. PT09/0727/F
Withdrawn (29.05.2009)
Conversion of 3 no. agricultural buildings to create 2 no. dwellings and 2 no. holiday flats with associated works
- 3.9. PT09/0394/F
Approve with Conditions (20.04.2009)
Erection of two storey and single storey rear building to provide swimming pool, garage, family room and billiard room.
- 3.10. PT06/3289/F
Approve with Conditions (18.12.2006)
Erection of two storey side extension and single storey rear extension to provide additional living accommodation. Erection of front porch.

4. CONSULTATION RESPONSES

4.1 Westerleigh Parish Council

“Westerleigh Parish Council make the following observations: it is very difficult to track all the current and previous planning applications at this rural property. This latest application appears to literally cut across the last application property in terms of removing its screening tree line and parking spaces. Therefore is this application detrimental to the last one?

Concerns are amount of parking per property, and loss of trees and planting.”

4.2 Other Consultees

Sustainable Transport

“No objection.”

Highway Structures

“No comment.”

Lead Local Flood Authority

“No objection.”

Archaeology Officer

“No comment.”

Landscape Officer

“The proposed building appears to be of a similar style, volume and footprint as the existing Dutch barn. The assorted paraphernalia of domestic life is likely to

be contained within the front curtilage of the building and should not spread to the field behind. The site is already will vegetated with mature trees.

There is no landscape objections.”

Tree Officer

None received.

Environmental Protection

No objection subject to a possible contamination at the site informative.

Other Representations

4.3 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

At present the local planning authority is unable to demonstrate a 5-year supply of deliverable housing land. As a result, paragraph 49 of the NPPF is engaged and the policies in the Development Plan which act to restrict the supply of housing should be considered out-of-date. The NPPF states “where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

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

5.2 As the site is located 160m outside of any settlement boundaries, Policies CS5 and CS34 are particularly important. CS5 states “in the open countryside, new development will be strictly limited.” In addition, Policy CS34 focusing on Rural Areas states that the settlement boundaries around rural settlements should be maintained and that development outside those boundaries should be strictly controlled.

5.3 Furthermore, Paragraph 55 of NPPF resists “isolated homes” in the countryside unless there are special circumstances. Paragraph 55 reads “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.” As explained in point 1.2 there are 7 buildings within the cluster, of these 4 are currently in residential use, and a fifth has permission to be converted to a dwelling. As such, a new dwelling in the location proposed would read as being

within the group of residential properties and is therefore not considered to be an 'isolated home' in the countryside.

5.4 Although the site is 160m outside of the settlement boundary, when assessing the proposal against the useful guidance provided in PSP11 which states appropriate walking and cycling distances to key facilities; it is considered that it is located within a reasonably sustainable location due to the close proximity to urban area of Coalpit Heath. The site is approximately 670m from the nearest Public House, The Ring O Bells on Roundways, (PSP11 requires a maximum of 800m); 750m from The Manor C of E Primary School (PSP11 requires a maximum of 3200m), and just 360m from the bus stops on Badminton Road. As such, the Case Officer considers that the site would have reasonable access to facilities and transportation links.

5.5 Therefore, the proposal is not considered contrary to the principle of Paragraph 55 of the National Planning Policy Framework, as the site is situated within a reasonably sustainable location. As such the proposal will be assessed to consider if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.

5.6 Impact on the Countryside

The application site is located outside of the settlement boundary in open countryside. It is set within a cluster of buildings that was once a large working farm and is now mostly residential with some agricultural style buildings. The Dutch Barn itself is a substantial two storey barn partially open on three sides. The building is steel framed with blockwork half height walls, and a corrugated iron barrel roof. To the east is a stone barn (The Barn) that was granted permission to be converted to a dwelling in December 2017 (PT17/4031/F) and beyond that is a large wooded area. To the south are the larger and smaller farmhouses, and beyond that is the recently converted Old Barn. When taking into account the recently approved conversion of 'The Barn' the proposal is likely to be significantly bounded on two sides by residential properties. In that regard The Dutch Barn would form a rather incongruous structure in the area if it remained as a disused agricultural building. The conversion into a residential dwelling therefore is likely to improve the visual amenity of the area by re-using and upgrading the building to be more in keeping with the now mostly residential area. Moreover, on a site visit the Case Officer noted the build quality of 'The Old Barn' conversion and how well it fitted into the fabric of the area. As permission for that conversion has resulted in a high quality development in the area, the Case Officer considers that a repetition of this development, in line with the other dwellings on the site would result in an enhancement of the area by bringing a disused building back into use.

5.7 Design and Visual Amenity

The barn itself is an open sided steel framed structure with a curved roof. It has a concrete floor slab and eight metal uprights which span to a heavily rusted corrugated metal roof. As well as this, the northern elevation is composed of single skin blockwork for approximately 2.5 metres in height (barn has a maximum height of approximately 6 metres). The southern elevation is composed of single skin blockwork for 1.4 metres in height and the gable is

composed of metal cladding. The west elevation is composed of single skin blockwork and metal cladding; and the east elevation is completely open. As such considerable remodelling would be required to convert this barn into a new dwelling. As such the approach to the assessment of this proposal is that it is akin to a new building rather than a “conversion”. The design concept adopted however does clearly draw upon the existing agricultural building as a basis for the proposal.

5.8 Notwithstanding the above, many of the existing design features would be maintained. The roof, although replaced would remain as a barrel design, the eight steel uprights would remain, as would the metal detailing. The elevations are proposed to be brick dwarf walls and plinths with timber cladding painted grey/green with light grey timber windows and doors. Officers consider that the finished dwelling would resemble the existing barn and would maintain its agricultural ‘feel’. Moreover, the proposed new dwelling would be constrained within the existing built form of the barn. In that regard the design and character would be as close as could be achieved to the surrounding dwellings and buildings. As such Officers consider that a new dwelling in the location proposed with the elements as described above would not be detrimental to the site, its surroundings, or the character of the area.

5.9 Residential Amenity

If approved, new windows would be inserted throughout the dwelling at both ground and first floor level. When considering the location and orientation of these windows in relation to nearby dwellings it is unlikely that a detrimental loss of privacy would occur. Additionally, as the dwelling would be contained within the existing built form it is also unlikely that the proposal would appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers.

5.10 Included in the proposal is a substantial 214m² private garden. This far exceeds the requirements of the Council. In residential amenity terms the proposal is unlikely to result in harm to occupiers of either neighbouring properties or the new dwelling.

5.11 Transport

The plans show two parking spaces for the proposal, this meets the requirements of the Council for a dwelling of this type; this will be conditioned. Additionally, despite the piecemeal development occurring at this site it is not thought that cumulatively it would have a significant impact on the adjoining highway network. Moreover, the Case Officer noted that a suitable, safe, gated access exists to the site. Therefore, there are no transport objections.

5.12 Landscape

The Parish Council raised an objection regarding planting and loss of trees, while the Landscape Officer raised no objection a landscape scheme will need to be provided and approved by the Council. This will be conditioned.

5.13 Environmental Protection

The Dutch Barn may have been used for storing agricultural chemicals or be constructed from asbestos cement panels. On-site storage of fuels in

underground or above ground tanks may also have occurred giving rise to the potential for historic leaks or spills of fuels into the ground. The applicant is strongly advised to seek independent advice from a suitably qualified and experienced contaminated land professional/consultant to assess if there could be any potential risks of contamination to the new proposed use of the site. Where a site investigation and remedial measures are recommended these should be implemented and records of the works carried out retained on file for future reference

5.14 Drainage

Drainage details were provided with the application and the Drainage Officer raised no objection.

5.15 Equalities

The Equality Act 2010 protects people from discrimination in the workplace and in wider society. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above this planning application is considered to have a neutral impact on equality.

5.16 Other Matters

There does appear to be a small access overlap regarding this proposal and the most recently approved conversion (PT17/4031/F) which could impact on the tree screening line for 'The Barn'. However, a landscape scheme is yet to be received for 'The Barn', therefore this issue can be dealt with upon submission of the scheme.

5.17 Planning Balance

The development plan policies would seek to resist additional housing in this location, but does allow for small scale residential development within the Coalpit Heath settlement boundary. As such this recognises that the settlement of Coalpit Heath is a reasonably sustainable for this scale of proposal. However at present the LPA is unable to demonstrate a five year housing land supply and as such more weight is given to the tests in the NPPF policies as an important material considerations rather than relying on the adopted settlement boundary. The proposal would result in a new dwelling in a reasonably sustainable location when assessed against the guiding criteria in PSP11. It is also concluded that it would not result in an isolated dwelling in the countryside especially given its relationship with the cluster of buildings nearby. As such the first limb of the presumption in favour of development in the NPPF should apply, such that the development should be permitted unless there is significant and demonstrable harm that outweighs the benefit. As assessed above the main issue of harm would be the landscape scheme which is conditioned. Other than this the Officer has found little harm to the rural location or surrounding properties that would result in significant or demonstrable harm

which would outweigh the benefits of the proposal. As such permission should be granted.

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 development plan set out above, and to all the relevant material considerations set out in the report

7. RECOMMENDATION

- 7.1 That the application be **GRANTED** subject to the reason(s) set out in the Decision Notice.

Contact Officer: David Ditchett
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

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

Reason

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

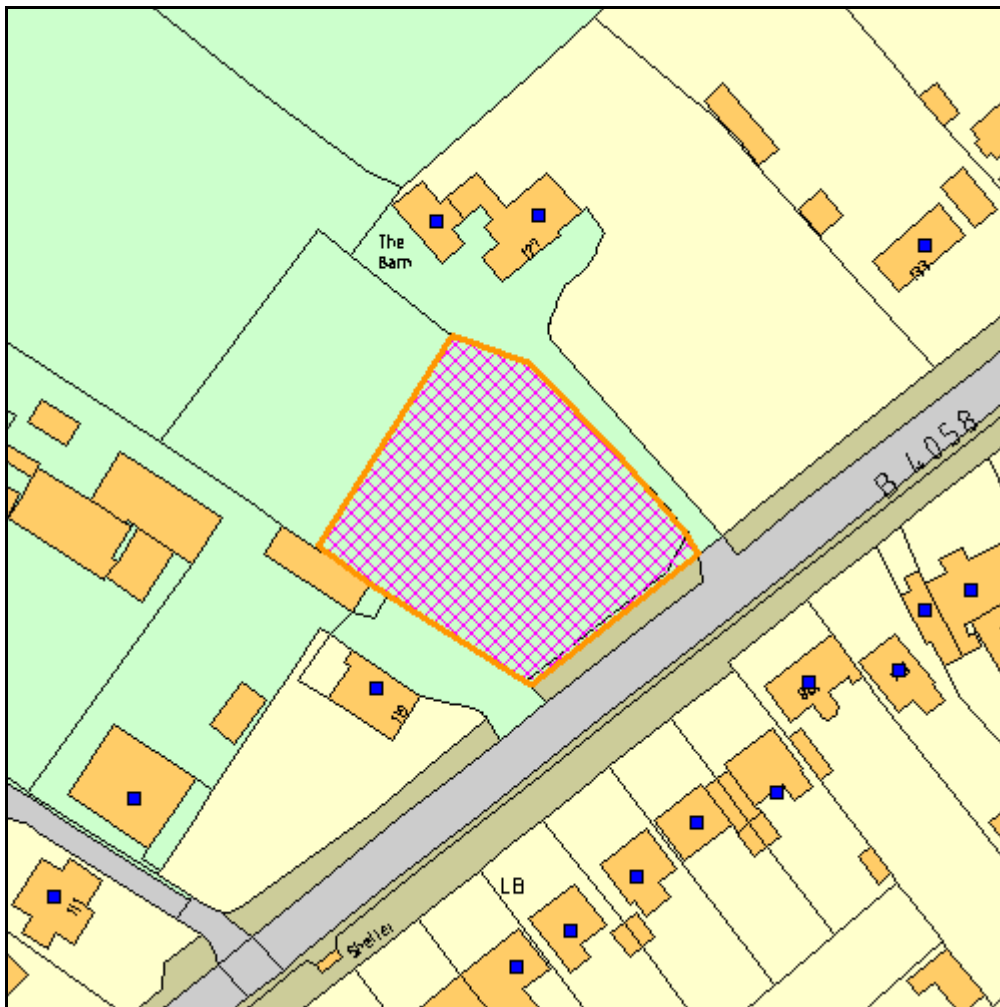
3. Within 1 month of the dwelling hereby approved being substantially complete, a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, and planted, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

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

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PT18/1280/F	Applicant:	Prestige Development Ltd
Site:	Paddock To Northeast Of 119 Bristol Road Frampton Cotterell BS36 2AU	Date Reg:	20th March 2018
Proposal:	Erection of 3 dwelling houses (Use Class C3) together with associated new vehicular access, hard/soft landscape works, and drainage.	Parish:	Frampton Cotterell Parish Council
Map Ref:	365678 181975	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	10th May 2018



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 100023410, 2008. N.T.S. PT18/1280/F

REASON FOR SUBMISSION TO CIRCULATED SCHEDULE

This application is circulated as a result of the consultation response from Frampton Parish Council set out below.

Members may recall that an outline application for this site was granted at DC(west Committee) in January 2018 which determined access, siting and scale. This application is submitted as the scale of the three buildings is increased beyond the limits of that outline approval.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission to erect three dwellinghouses on this 0.194Ha site. Like the outline application the properties would have the appearance of large bungalows with gables end on to the road but these are a little larger than the scheme put forward for that outline scheme and as such this full application is to be determined.
- 1.2 The whole site is located in the Bristol/Bath Green Belt and is outside but adjoining the nearest settlement boundary of Frampton Cotterell which is not a washed over village. The site is in Flood Zone 1. The site is not considered to be a previously developed site.
- 1.3 The agent submits that the site would be drained by SUDS and an as yet unknown foul drainage means. A phase one ecological report has been submitted which is the same as that submitted for the consented outline scheme.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Section 6 Delivering a wide choice of high Quality homes
Section 7 Requiring good design
Section 9 Protecting Green Belt Land

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Presumption in favour of sustainable development
CS5 Location of Development
CS8 Improving accessibility
CS9 Managing the Environment and heritage
CS15 Housing distribution
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable housing
CS34 Rural Areas.

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017.

PSP1	Local distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential amenity
PSP11	Transport impact management
PSP16	Parking standards
PSP19	Wider Biodiversity
PSP20	Drainage
PSP37	Internal space and accessibility standards for dwellings
PSP40	Residential development in the countryside
PSP43	Private amenity space standards

2.3 Supplementary Planning Guidance

South Gloucestershire Development in the Green Belt (Supplementary Planning Document) Adopted May 2007

South Gloucestershire Design Checklist (Supplementary Planning Document) Adopted 2007

South Gloucestershire Council Affordable Housing Supplementary Planning Document (Adopted) September 2008

Residential Parking Standards Supplementary Planning adopted December 2014

South Gloucestershire Landscape Character Assessment as amended and adopted Nov 2014:-

3. RELEVANT PLANNING HISTORY

3.1 PT17/2904/O Erection of 3no. dwellings (Outline) with access, siting and scale to be determined. (All other matters reserved) Approved 26.01.2018

3.2 PT18/0721/RM Erection of 3no. dwellings with garages, parking and associated works. (Approval of Reserved Matters - appearance and landscaping; to be read in conjunction with Outline Planning Permission PT17/2904/O)

This application was made in error as it involved dwellings of a larger scale than the outline agreement. As such the application no longer valid and the current full application is now to be determined.

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

Reiterated their previous objection – site is in the green belt and outside settlement boundary. Concern at five bedroomed properties with no increase to off-street parking spaces to three per house. Noted that the 1st floor terrace allows oversight into adjacent properties private amenity space.

4.2 Other Consultees

Landscape officer

No objection after the detailed scheme submitted.

Lead Local Flood Authority

Further detail is required – proposed SUDS condition.

Sustainable transport

The application is essentially the same as the previous outline application and as such the same considerations apply. The site is isolated from Frampton Cotterell by virtue of Bristol Road, with no controlled crossing in the vicinity of the site or footways linking to wider services such as bus stops. This would lead to pedestrians having to potentially cross the B4058 Bristol Road twice to gain access to the northbound bus services.

The lack of a safe crossing over the Bristol Road coupled with a lack of pedestrian infrastructure would therefore introduce a risk to pedestrians crossing the highway and provision of linkages to the wider services to the detriment of highway safety. The provision of a new footway that provides a safe route for residents to public transport and hence improving the sustainability credentials of the proposal to an acceptable level is shown on the drawings and shall be secured by condition. This improvement overcomes the previous concerns to such an extent that a refusal based upon a severe impact upon highway safety cannot be sustained, and as such the application is acceptable from a transportation perspective.

Highway structures

No comment

Archaeology

Watching brief required – this was received and is acceptable.

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of the development of three dwellings at this site and roughly in the manner set out on the proposed block plan, as infill development in the Green Belt, was established under outline planning consent PT17/2904/O and there has been no substantive change in policy since that application was approved at committee in January 2018.

Whilst the three dwellings within the application site are outside of the settlement boundary and in the Green Belt the Local Planning Authority consider policies CS5 and CS34 of the South Gloucestershire Core Strategy to be out of date as a result of not being able to demonstrate a five year housing supply.

- 5.2 Further to establishing that the site could be considered infill development and therefore appropriate development. The thrust of paragraph 14 is that sustainable development should only be resisted if specific and demonstrable

harm can be shown as a result of the development when weighted against the benefit of providing the dwellings.

5.3 Sustainability

The site immediately adjoins the designated settlement boundary of Frampton Cotterell and is therefore in a reasonably sustainable location. There are also houses and businesses on either side of the site. The highways officer however raised concern about sustainable use of the site as there is no safe route to the nearby public bus stop. Concern is not specifically about crossing the road at this point as the road is straight with good visibility but walking in the road between the bus stop and the site or traversing the grass verge which is not suitable or safe for pedestrians, prams, wheelchairs. The site is 150m from the nearest bus stop and a footway has been negotiated outside of the site to mitigate this concern. As such the risk to pedestrians is overcome and the sustainability of the site is increased to an acceptable level.

These three houses would not materially increase the number of journeys into properties on the west of the Bristol Road. As such given the close proximity to the settlement boundary and the immediate sandwiching between other houses and business premises on that side of Bristol Road, the site is not found to be unsustainable nor to pose a severe traffic hazard.

It would be more convenient, and safer for pedestrians by being closer to the pedestrian crossing but it is nevertheless concluded that the site remains a reasonably sustainable location. The distance to a safe crossing point weighs against the proposal but it is not considered that this makes the site unsustainable (highway safety is considered as a separate matter later in the report). This is a qualitative measure in terms of the nature of the route as opposed to the quantitative measure of proximity alone. Further the benefit of the provision of the footway is considered to give modest benefit to the application as it did in the outline scheme and again this is recommended to be secured by condition.

5.4 Green Belt

Frampton Cottrell as defined by the settlement boundary is excluded from the Green belt, as such this site lies within the Green Belt. Notwithstanding this paragraph 14 makes it clear that inappropriate development in the green belt should be resisted, and effectively the development would not be considered to be sustainable if found to be inappropriate.

5.5 The NPPF states that development in the green belt should be considered as inappropriate with the exception of certain types of development. "Limited infilling within a village" is one such exception to this restrictive policy. Policy CS5 states that 'small scale infill development may be permitted within the settlement boundaries of villages'; but the NPPF makes no such reference to this exception only applying to villages with defined settlement boundaries. The Green Belt SPD identifies infill development as '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 linear formation' (page 5). The question therefore is whether this site could be accurately be described to be within Frampton Cotterell notwithstanding the settlement boundary as

- defined in the development plan. The three dwellings proposed are located in a line between other dwellings immediately next to the site and fronting onto Bristol Road. It is further considered that most people would consider themselves to be “within” Frampton Cotterell at this location. It is therefore concluded that the proposal is considered to be limited infill within a village within the NPPF definition and therefore is appropriate development.
- 5.6 Further whilst the designated settlement boundary is tightly drawn around the settlement and excludes the existing houses and commercial properties on either side of the site, it is also reasonable to view the development on the west side of Bristol road as being part of the village. As such it is considered that the limited infilling by three dwellings, in the manner shown on the submitted plan, between two houses is, further, compliant with the NPPF.
- 5.7 As to openness of the greenbelt the scale of the proposed dwellings rise at their ridgeline to 5.9m high, only 0.4m above that of the outline planning permission but this facilitates use of the first floor roofspace. The properties however still take the form of bungalows with use of their roofspaces akin to other properties on the opposite side of the road. The long gable fronted roofspaces are utilised with a room at each end and with windows or set back balconies with the roofspace. The properties are also set well back off the site with access, landscaping and parking spaces in front of the dwellings. Space is maintained around the bungalows such that views are maintained through to the open fields behind the site. As such this appropriate development is not considered to be harmful to the openness of the greenbelt.
- 5.8 Design and impact on countryside
The detailed design of the bungalows are considered to be acceptable, being as there is a mix of houses and bungalows in the immediate vicinity of the site. The gables face the road and this facilitates space between the plots which creates a feeling of space between the properties. Grey Bradstone and brick is proposed to walls of plots one and three. Plot two will have wholly brick elevations. Additional brick detailing and Redland Stonewold Breckland black (a mixed red and grey coloured flat tile) are to be used on all properties. Both sides of the site are already developed and the infilling of the site in the manner shown would be a natural progression of the development on a continued road frontage given that there is no settlement boundary in force.
- 5.9 In terms of landscaping this part of the field has no soft edges and is enclosed by walling to three sides. A proposed landscape scheme shows that trees and hedges can be used to form the rear boundary to the site and that hedge and trees will be used to soften the southern and western boundaries. The installation of landscaping is beneficial but would need additional information being secured by condition.
- 5.10 Highway safety
The sustainability of the site is already considered above at paragraph 5.6. The site is shown to have two parking spaces per dwelling but three spaces would be required for a five bedroomed house to meet the Councils current parking standards. There is adequate turning facilities within the site to facilitate this and such details can be agreed by condition. Whilst it is acknowledged that

the road is busy at certain times of day it is only two lanes of traffic (one in each direction) and there is good visibility on this straight stretch of road. A safe crossing point is available at the junction 300m to the north should the road prove impassable on occasions. The agent has agreed to provide, as shown a tarmacked route to the nearby bus stop on highway land to an adoptable standard. This is outside of the site and will be secured by a Grampian condition. This is necessary and related to the site as it will increase the likelihood of residents taking a sustainable form of transport. It will also encourage other visitors to the west side of the road to consider using the bus. Overall subject to conditions relating to provision of the path and retention of the access and sufficient parking no highway objection is sustained and the benefit of a footway being provided weighs modestly in favour of the development.

5.11 Mix and level of housing of housing

The bungalows shown are all the same but the site size is not sufficiently large as to require a variation of the type of houses within the site. Similarly affordable housing is not required. The properties are spacious and offer a choice of market housing different to other bungalows and houses in the wider area. As such the proposal complies with policy CS17 and CS16. This has a neutral impact on the application.

5.12 Residential Amenity

The proposal would not affect the residential amenity of the neighbouring properties. First floor windows are positioned front and rear and whilst there is an open balcony at the rear of each of the properties this does not offer close direct views into the neighbouring properties and as such no overlooking or overbearing impact is caused. It is noted by the Parish Council that the 1st floor terrace allows oversight into adjacent properties private amenity space. It is considered that a distance of 16m sideways across the access to Ben's Reclamation to part of the outdoor space of the neighbours bungalow (No.119) or 28m between balcony and habitable windows at No. 127 is sufficient space to provide an acceptable level of privacy to all neighbours. This is attributed neutral weight.

5.13 Environmental Issues

The site is in flood zone 1 where flooding is not likely to occur.

A phase one habitat survey was carried out which found that the majority of the habitats on site were botanically poor which limited their ecological value, these however are to be lost and the introduction of the new hedgerows as part the scheme would enhance the site's ecological value.

There was found to be negligible potential for the majority of protected species and low potential for nesting birds but this could be improved as part of the scheme.

Recommendations put forward in section 10 of the Habitat survey would protect what little wildlife exists and enhance the ecology of the site. Aside from clearing the site at appropriate times of the year this would include planting native species, grassing the site with a particular slow growing grass

(Emorsgate EL1) seed to enhance wild flower species which in turn has value for pollinators, and that house sparrow terraces nesting boxes are provided. It is proposed that this is secured by conditions requiring such details to be submitted as part of the reserved matters.

5.14 Foul drainage

The Lead Local Flood Authority would like to know what drainage is proposed but in this case that level of detail can be dealt with by condition. Details of the drainage system were submitted to prevent the need for a pre-commencement condition but these were not enough to agree all drainage matters and as such a pre-commencement condition remains necessary. However if satisfactory details are provided prior to issue of the recommended decision the condition could be amended to secure the potential satisfactory details. This is attributed neutral weight.

5.15 Archaeology

Since the previous application the data set and consultation requirements have been updated and this has drawn attention to this site as having archaeological potential. As such a watching brief has been submitted and agreed by the Council's Archaeologist. Conditions are required to secure the works.

5.16 Consideration of likely impact on Equalities

No evidence has been put forward that this proposal would have any material impact on any particular sector of the community however the provision of a footway which gives safe access to less able users on that side of the Bristol Road is a modest benefit.

5.17 Planning Balance

Paragraph 14 NPPF sets a presumption in favour of sustainable development. For the purposes of this planning application policy CS5 and CS34 are out of date for the provision of housing on sites outside the urban area or settlement boundaries. Para 14 of the NPPF sets out that in these circumstances planning permission must be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.18 The above report finds that the site is sustainable and that the development is appropriate development in the green belt without detriment to openness in the form presented. Substantial weight must be given to the sustainable location of the site. Modest weight was given in favour of the site to provide three new dwellings and further modest positive weight is attributed because of the provision of a footpath to the nearby bus stop. Further limited weight can be attributed because the site is likely to provide a reasonable scheme of landscaping to the site.

Weighing against the proposal is the limited harm to the development as a result of lack of direct access to a crossing point across the road for pedestrians at busy times of day.

5.19 Overall the benefits of the scheme are not significantly and demonstrably outweighed by any adverse impact of the development and as such planning

permission is recommended to be granted. This is also consistent with the recent outline application at the site which this application replaces.

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 set out below.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

2. The development shall not be occupied until such time as a footway, within the highway verge, as shown on submitted plan 2904/10 revision D is provided between the site and the nearby bus stop.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, PSP11 of the South Gloucestershire Local Plan- Policies Sites and Place PLan Adopted November 2017 and the National Planning Policy Framework.

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

Reason

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

This is a precommencement condition because later consideration may need retrospective works to be carried out.

4. The scheme of landscaping as set out on plan 1301-01 Rev A shall be carried out within or before the first planting season after the erection of the dwellings and maintained thereafter for a period of at least five years, with any dead or dying elements being replaced and thereafter cared for as prescribed in the scheme.

Reason

To protect the character and appearance of the area, to increase biodiversity and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

5. Prior to the first occupation of the site the parking scheme showing the provision of three parking spaces, for each dwelling together with the manoeuvring space, cycle and bin storage facilities for all dwellings and a bin pick up point shown on the plan 2904/101 Rev D shall be provided 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 and the South Gloucestershire Waste SPD (Adopted) February 2015

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

Reason

To protect the character and appearance of the area in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

7. The development shall proceed in accordance with the recommendations made in the Phase 1 Survey by Ethos Environmental Planning (April, 2017) and these details shall be incorporated into the landscape scheme to be agreed under condition four above. This includes avoiding disturbance and harm to nesting birds, sowing Emorsgate seed EL1 on amenity grassland areas, planting locally native species and installing bird nesting boxes.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the local wildlife and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

8. Prior to first occupation of a dwelling the location of at least three house sparrow terrace boxes shall be submitted to, approved in writing by the local planning authority and installed as agreed. They shall thereafter be maintained as such.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the local wildlife and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

9. The Written Scheme of Investigation by Bristol and West Archaeology dated 7/6/2018 and submitted to the Local Planning Authority on 8/6/2018 shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP17 of the Policies, Sites and Places Plan adopted November 2017 and the National Planning Policy Framework.

10. All reporting set out in the Written Scheme of Investigation by Bristol and West Archaeology dated 7/6/2018 and submitted to the Local Planning Authority on 8/6/2018 shall be implemented in all respects within a year of the watching brief taking place on site, unless the Local Planning Authority agrees in writing to any variation.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP17 of the Policies, Sites and Places Plan adopted November 2017 and the National Planning Policy Framework.

11. The application shall be built out in accordance with the following plans:

Location plan 2904/100

Proposed Block Plan 2904/101 revD received 11/6/2018

Plans and elevations of plots 1 and 3 2904/104 rev C

Plans and elevation of plot 2 2904/103 rev C all received 15/3/2018

Proposed Block Plan 2904/101 rev D received 11/6/2018

Landscape plan 1301-01 Rev A received 11/3/2018

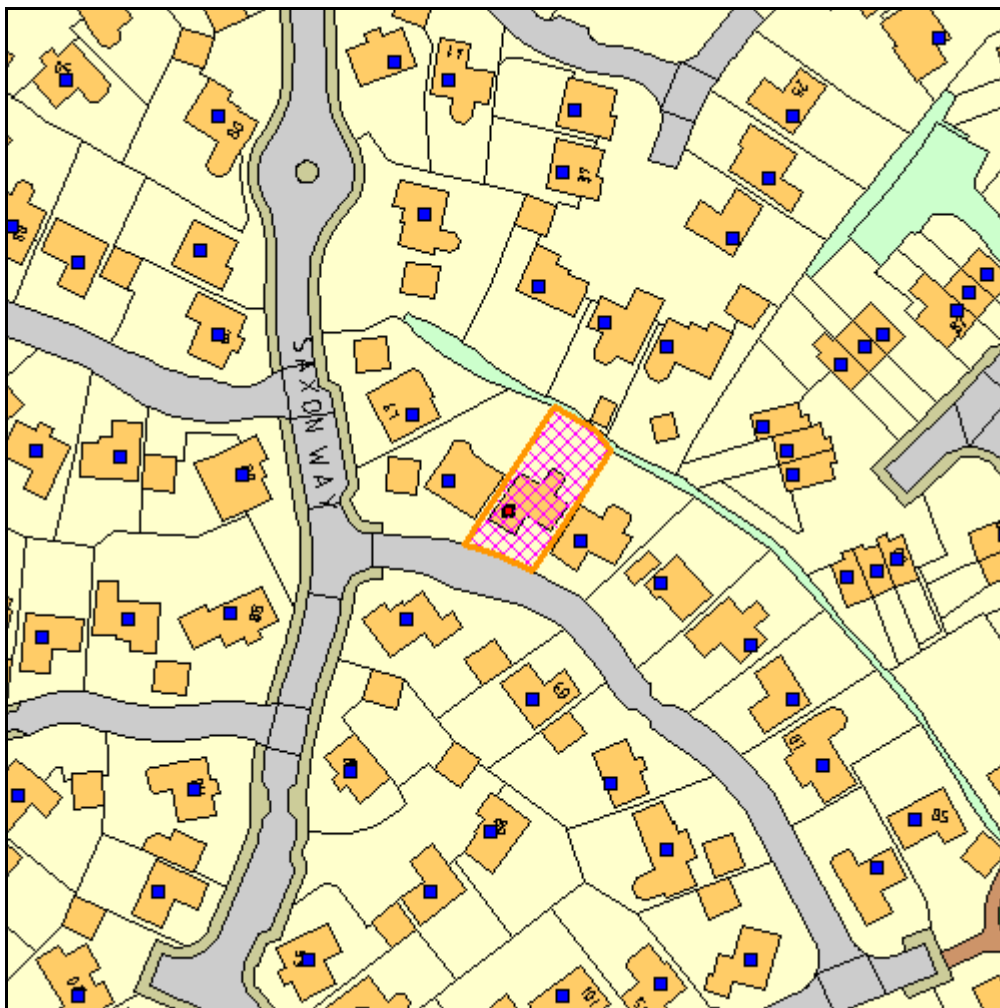
Written Scheme of Investigation by Bristol and West Archaeology dated 7/6/2018 and received 8/6/2018

Reason

For clarity and to prevent the need for remedial action.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PT18/1345/F	Applicant:	Mr Amraoui
Site:	51 Saxon Way Bradley Stoke Bristol South Gloucestershire BS32 9AR	Date Reg:	5th April 2018
Proposal:	Demolition of existing conservatory. Erection of single storey front extension to form porch and extended garage. Erection of single storey rear and first floor side extension, alteration to roofline and 1 no. rear dormer windows to facilitate loft conversion and additional living accommodation	Parish:	Bradley Stoke Town Council
Map Ref:	361258 182141	Ward:	Bradley Stoke Central & Stoke Lodge
Application Category:	Householder	Target Date:	30th May 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as representation has been received which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single storey front extension to form porch and extended garage; erection of a single storey rear and first floor side extension; and installation of 1no rear dormer window at 51 Saxon Way, Bradley Stoke.
- 1.2 The application site relates to a two storey, detached property with attached single garage, located in a modern housing estate within the built up residential area of Bradley Stoke.
- 1.3 Amendments were sought during the course of the application. Revised plans were received on 05/06/2018.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Standards

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

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history

4. CONSULTATION RESPONSES

4.1 Bradley Stoke Town Council

Objection- Overbearing proposals, overdevelopment of the site and out of keeping with the streetscene.

4.2 Sustainable Transport

A revised plan has been submitted which shows that vehicular parking complying with the Council's residential parking standards can be provided within the garage and to the frontage of the site.

To ensure adequate access and egress is available, it is recommended that the whole boundary to frontage of the site is removed and the kerb dropped along the whole length.

Subject to the above, there is no transportation objection.

4.3 Archaeology

No comment

Other Representations

4.4 Local Residents

1no objection comment received from a neighbouring occupier, summarised as follows;

1. A rear extension with a height over 3m at the pitch end would be too imposing on our garden, invasive and would cut out natural light to our kitchen.
2. An alternative flat roof would be more acceptable and in keeping.
3. The front, roof and side extensions are acceptable.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy 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 proposed development consists of a front extension; a first floor side extension; a single storey rear extension; and a dormer window.

5.3 *Front extension*

The existing property is configured in an 'L' shape, with a gable end set approximately 2.8m forward of the front door and garage. The proposed front extension would extend forward of the principal elevation by approximately 1.2m to create a front porch and extend the existing single garage. It would consist of a lean-to roof with an eaves height of approximately 2.1m and an overall height of approximately 3.2m. The proposal is considered to be a modest addition which would not detrimentally impact the visual amenity of the area. All proposed materials would match those of the existing dwelling and are therefore deemed acceptable.

5.4 *First floor side extension*

The proposed first floor side extension would extend above the existing attached garage. Concerns were raised by the Town Council that the initial proposal would be out of keeping with the streetscene. Amendments were sought by the Officer to change the proposed gable end to a hipped roof which is considered to be more in keeping with the character of the host dwelling and surrounding area. A similar first floor side extension can be found on the neighbouring property, no. 53 Saxon Way. The proposed roof would match the eaves and ridge height of the existing dwelling which is deemed appropriate in this instance to form a balanced and well-proportioned property. All proposed materials would match those of the existing dwelling and are therefore deemed acceptable.

5.5 *Rear extension*

The proposed single storey rear extension would extend from the rear elevation of the existing dwelling by approximately 3.5m and span the entire width of the existing property. It would consist of a hipped roof with an eaves height of approximately 2.1m and an overall height of approximately 3.3m. It would include 4no floor to ceiling windows and bi fold doors on the rear elevation and 2no roof lights. The proposed extension is considered to be of an appropriate size and scale within the context of the site. All proposed materials would match those of the existing dwelling and are therefore deemed acceptable.

5.6 *Dormer window*

The proposed dormer would be located on the rear elevation. It would be set back from the original eaves by approximately 0.3m and would have a width of approximately 2.1m. It would consist of a hipped roof with a ridge height lower than the host dwelling. The materials proposed for the external finish include tiled elevations to match the existing roof. It is considered by the Officer that the proposed dormer would not detrimentally impact the character of the host dwelling or surrounding area.

5.7 Overall, it is considered that the proposed development would not be detrimental to the host dwelling or surrounding area and is of an acceptable standard of design. As such, the proposal is deemed to comply with policy CS1 of the Core Strategy.

5.8 Residential Amenity

- Policy PSP8 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.9 Concerns were raised by the neighbour located to the west of the site regarding the single storey rear extension. The neighbour was concerned that the roof pitch would be too imposing and lead to a loss of light to their property. Revised plans were received in response to these comments which altered the lean-to roof to a hipped roof design. This is considered by the Officer to reduce the loss of light impact to an acceptable level. Furthermore, considering the single storey nature of the rear extension, combined with the boundary treatments, it would not appear to have an overbearing or overlooking impact.
- 5.10 The proposed first floor side extension would be adjacent to the neighbouring property to the east. Overbearing concerns were raised by the Town Council, however the properties have a separation distance of approximately 2m and the neighbouring property benefits from 1no first floor side elevation window which is obscure glazed. Furthermore, the proposed side extension does not include any side elevation windows. It is therefore considered by the Officer that the proposal would not result in a material overbearing or overlooking impact. Also, considering the siting of the proposed side extension it is not considered to significantly impact the existing levels of light afforded to the neighbouring occupiers.
- 5.11 As the subject property is located within a built up residential area, the proposed front extension and rear dormer are not considered to have a material overbearing impact, nor are they considered to result in a detrimental impact on loss of light or loss of privacy.
- 5.12 The host property benefits from a relatively large rear garden and the proposal would part replace an existing conservatory. It is therefore considered that sufficient private residential amenity space would remain for the occupiers of the host dwelling following development.
- 5.13 Overall, the proposal is not considered to have a detrimental impact on the residential amenity of surrounding properties or the host dwelling and is therefore deemed to comply with policy PSP8 of the PSP Plan.
- 5.14 Sustainable Transport and Parking Provision
The application will include an additional bedroom, increasing the number of bedrooms from four to five; South Gloucestershire Council residential parking standards require a five bedroom property to provide a minimum of three off-street parking spaces. The proposed block plan shows two parking spaces can be accommodated at the front of the property, plus the existing single garage. As such, subject to a condition ensuring the implementation of the proposed parking, no objections are raised in terms of transportation.

5.15 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality.

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 development plan 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 included on the decision notice.

Contact Officer: James Reynolds
Tel. No. 01454 864712

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 shown on the plan hereby approved shall be implemented within 1 month of the development hereby approved being substantially complete, 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.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PT18/1493/F	Applicant:	Mr Ryan Hampson
Site:	42 Bush Avenue Little Stoke Bristol South Gloucestershire BS34 8LX	Date Reg:	24th April 2018
Proposal:	Demolition of existing garage and conservatory. Erection of single storey rear and side extension to form additional living accommodation.	Parish:	Stoke Gifford Parish Council
Map Ref:	361361 180417	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	18th June 2018



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the demolition of existing garage and conservatory and the erection of a single storey rear and side extension to form additional living accommodation at 42 Bush Avenue, Little Stoke.
- 1.2 The host dwelling is a two-storey, semi-detached property finished in brick and render, the application site is situated within a mixed character area within an established residential area of Little Stoke.
- 1.3 During the course of this application revised plans were requested and received to address design concerns.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP11 Transport

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Standards

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

3. RELEVANT PLANNING HISTORY

- 3.1 NN6297 – Approved - 15.05.1980
Erection of two-storey side extension to form domestic garage and utility room with two bedrooms over (in accordance with the amended plans received by the Council on 17th April 1980).

4. **CONSULTATION RESPONSES**

4.1 Stoke Gifford Parish Council

Objection. Concerns raised about over development and access for any potential development at this location.

Sustainable Transport

Additional information and clarification is required before I can fully assess this planning application. The detail submitted states that the existing garage will be demolished. From the plans submitted it appears that a replacement garage is being proposed? However as none of the rooms have been labelled on the plans it is difficult to ascertain this. Also no detail on the internal dimensions of this proposed room/garage have been included.

Residential parking is assessed on the number of bedrooms within a dwelling. A dwelling with five or more bedrooms requires a minimum of three parking spaces within the boundary of the site. No detail on existing or proposed vehicular access or parking has been provided.

Before a final transportation comment can be made a revised plan needs to be submitted addressing the above.

Other Representations

4.2 Local Residents

No comments received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy 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 seeks full planning permission for the demolition of existing garage and conservatory and the erection of a single storey rear and side extension to form additional living accommodation

5.3 The proposed single storey side and rear extension will form an "L" shaped wraparound to the existing dwelling. The single storey extension extend approximately 3.5metres from the existing side elevation, have a depth of approximately 10.9 metres and a maximum height of 3.9 metres. The rear element will extend 3metres from the existing rear wall and have a maximum height of 3.4metres.

- 5.4 The proposal will introduce a low pitched gabled roof to the side element and a lean-to roof to the proposed rear and use materials that match the existing dwelling. The proposal will replace the existing single storey side and rear elements and the case officer considers the proposal to be in keeping with the domestic character of the building and will be a modest addition to the rear and side elevations.
- 5.5 Residential Amenity
Policy PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.6 An objection was raised regarding overdevelopment of the site, it should be noted that the majority of dwellings in the area have been altered over the years with similar extensions to the one proposed and that ample amount of outdoor space will remain after development.
- 5.7 A further objection was raised regarding access to the site. The host property is adjacent a side and rear access lane, the rear of the property can be accessed via this route. Furthermore, access can be gained via the large block paved frontage already present on site.
- 5.8 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Due to the location of the extensions, it is not considered that its erection would materially harm the residential amenity at any of the adjoining properties. Due to levels of separation, it is not deemed that the proposed extensions would impact upon the residential amenity enjoyed at properties
- 5.9 The proposal will occupy additional floor space, however sufficient private amenity space will remain following development and there is no objection with regard to this.
- 5.10 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with Policy PSP38 of the PSP Plan (November 2017).
- 5.11 Sustainable Transport and Parking Provision
No new bedrooms are proposed within the development. It is noted that as part of the works an attached garage will be erected. The internal garage measurements meet the current residential parking standards and during a site visit it was noted the entire frontage is block paved and can accommodate 3+ parking spaces. South Gloucestershire Residential Parking Standards SPD outlines that properties with 5 bedrooms must make provision for the parking of a minimum of 3 vehicles it is therefore considered that sufficient parking will remain at the property.

5.12 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality.

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 development plan 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 included on the decision notice.

Contact Officer: Westley Little
Tel. No. 01454 862217

CONDITIONS

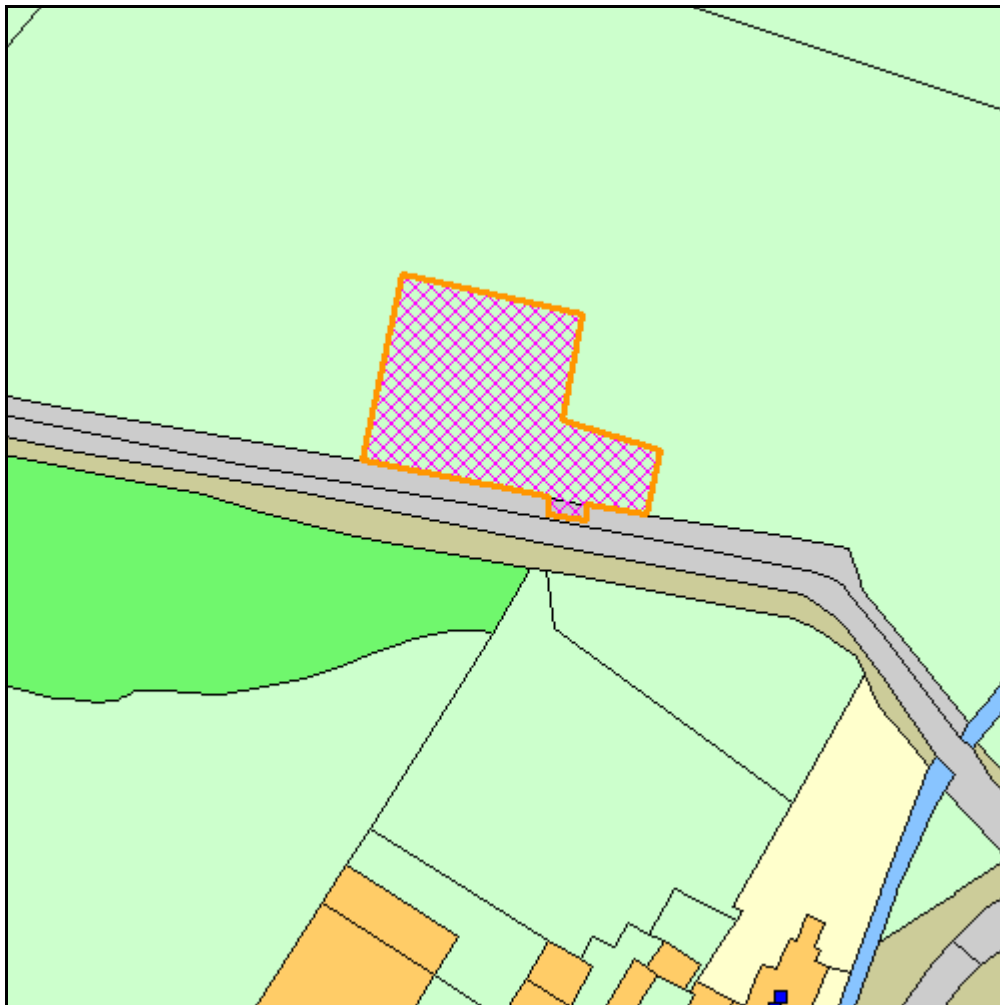
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PT18/1675/F	Applicant:	Ms Celia Bourne
Site:	The Dog Field Land North Of Gumhurn Lane Pilning Bristol South Gloucestershire BS35 4JL	Date Reg:	24th April 2018
Proposal:	Formation of Dog training arena with 1.27m high fencing and additional parking spaces.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	356664 184976	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	15th June 2018



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INTRODUCTION

This application appears on the Circulated Schedule because the applicant works for South Gloucestershire Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the construction of a dog training arena and the extension of an existing car park.
- 1.2 The application site comprises a field used for a mix of agricultural and dog training/exercising (Use Class sui generis) granted planning permission under application PT12/3237/F. The proposal involves the erection of fencing and the extension of an existing car park to form a dog training arena approximately 30m by 30m secured by post and rail fencing. The site is located on the northern side of Gumhurn Lane to the west of Piling Street. The site is located within the open Green belt outside of any defined settlement boundary. The site is within Flood Zone 3.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS9 Managing the Environment and Heritage

CS34 Rural Areas

South Gloucestershire Policies, Sites and Places Plan Adopted November 2017

PSP1 Local Distinctiveness

PSP2 Landscape

PSP7 Development in the Green Belt

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP28 Rural Economy

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Development in the Green Belt SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/3372/F Refusal 16.10.2014
Construction of a dog training arena and erection of storage building.

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. 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 National Planning Policy Framework; and policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and the South Gloucestershire Development in the Green belt SPD (adopted).*

- 2. Skylark are a species included on the UK Biodiversity Action Plan (UKBAP) and listed under Section 41 of the NERC Act 2006 as 'a species of principal importance for biological diversity in Britain'. Skylarks utilise (late-cut) hay meadows for ground-nesting; therefore, the proposed development would result in the permanent loss of semi-natural habitat within the field and disturbance to any pairs of skylark nesting on site. The proposal is therefore, contrary to policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policies L6 and L9 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).*

3.2	PT12/3237/F	Approved	23.01.13
Change of use of land from agricultural to mixed use agricultural and dog training/exercising (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)			

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
No objection

- 4.2 Drainage and Flood Risk Management
No objection subject to informative relating to culverting of the site

- 4.3 Transport Officer
No objection

- 4.4 Highway Structures Officer
No comment

- 4.5 Landscape Officer
No objection but suggests changes

- 4.6 Environmental Protection
No comments received

- 4.7 Lower Severn Drainage Board
No comments received

- 4.8 Ecology Officer
No objection subject to condition and informative.

Other Representations

- 4.9 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Green Belt

The application land has consent for a mixed use of agricultural and dog training (use class sui generis) under application PT12/3237/F; therefore, it is considered that the proposal, whilst intensifying the use for dog training, does not constitute a material change of use. The proposal relates to the erection of a 1.27m high fence, the extension of the existing car park from, three to six spaces, and the laying of permeable membranes, a hard stone sub base and a top layer of silica sand for the dog training arena. Existing conditions on the site limit a number of forms of development which would have a negative impact on the green belt; these will be carried over to this permission.

- 5.2 Paragraphs 90 of the NPPF states that engineering operations are not inappropriate, and do not conflict with the purposes of including land in the green belt in the green belt. The erection of a post and rail fence, the laying of the training surface and the provision of gravel for car parking are considered engineering operations, and would therefore not be inappropriate in the Green Bel. Additionally, the surface of the training arena will be flat, and the only part that will project above ground level is a post and rail fence around its perimeter approximately 1.27 metres in height. As such, it is considered that the construction of a training area and the laying of gravel will not have a materially greater effect on the openness of the Green Belt than the existing situation, subject to a condition limiting the number of car parking spaces.

- 5.3 Flooding

The proposal is located in Flood Zone 3, which is an area where there is a high risk of flooding. The application for the change of use of the land to agricultural and dog training (PT12/3237/F), was accepted on the basis that the use did not impose increased risk of flooding, and did not involve any operational development. Given the small scale of the proposal, and the permeable nature of the ground being laid, it is not considered that there will be a significantly greater effect in terms of flood risk over the existing situation, subject to an informative being included on the decision notice which relates to the culverting of a rhine.

- 5.4 Appearance/Form and Impact on the Character of the Area

The fenced training arena and car park are located on the southern boundary of the site, utilising the existing entrance. The field is enclosed by mature vegetation to the boundaries, screening the proposal from the surrounding area. The boundary to the south of the site along Gumhurn Lane and the hedge on the western boundary beside the public footpath is in a poor state of repair

and no longer provides an effective screen to the application site. The landscape officer has suggested hedge planting around the field's perimeter; within the design and access statement, the agent has stated that they would be open to this. A condition will therefore be added to the decision notice to ensure that the landscaping is handled appropriately prior to the use of the site. With the imposition of such a condition, and the carrying over of conditions from the previous approved permission the proposal will not have a significant adverse effect on the character of the area or the wider landscape.

5.5 Residential Amenity

Weight is given to the fact that planning permission has been granted for the change of use of the land to a mix of agricultural and dog training to allow dog training to take place. The previous consent limits the number of dogs onsite, and the hours of use; these will be carried over. Accordingly, it is not considered that there will be a materially greater effect on the residential amenity of neighbouring occupiers than the existing situation.

5.6 Transportation

Weight is given to the fact that the site already has planning permission for dog training. The existing access will be used for the proposal, although there would be an increase in parking spaces from three to six. It is not considered that there will be a materially greater effect in terms of transportation, given that a condition will still limit the number of dogs onsite.

5.7 Ecology

The land to be used for the extension of the arena is unlikely to support nesting skylark due to disturbance, although they may still be present within the field. To prevent the destruction of any nests, no vegetation clearance should be undertaken in this area until the end of the breeding season (i.e. September to February). Due to the inclusion of additional habitat features, an updated management plan should be included. This will include the following:

- The field is to be cut (for hay/silage) once a year in September (apart from a path around the edge of the field for dog-walking);
- The wildlife area is to be retained;
- Prescriptions for maintaining the hedgerows around the site.

5.8 This will be controlled via a condition added to the decision notice.

5.9 Equalities

The Equality Act 2010 protects people from discrimination in the workplace and in wider society. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.10 With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

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

6.2 The recommendation to approve permission has been taken having regard to the policies and proposals in the development plan and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 Planning permission is APPROVED subject to the conditions on the decision notice.

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CONDITIONS

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

Reason

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

2. Prior to first use of the development hereby approved, an updated Ecological Management Plan shall be submitted to the local planning authority for approval in writing. It shall be based on that provided in the original consent (PT12/3237/F) and for the avoidance of doubt, it should include additional measures including hedgerow management.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of local ecology, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, PSP3, PSP18 and PSP19 of the Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

3. Prior to the commencement of development full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for

approval and these works shall be carried out as approved. These details shall include means of enclosure; car parking layouts and hard surfacing materials. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This information is required prior to the commencement of the development in order to prevent unnecessary remediation work.

4. The total number of clients dogs on the site edged in red, together with the site edged in red relating to application PT12/3237/F shall not exceed 6 at any one time.

In the interests of highway safety and the amenity of the area and to accord with policies PSP11 and PSP16 of the Policies, Sites and Places Plan (adopted November 2016)

5. No jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

In the interests of the character and appearance of the area and to accord with policies CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and PSP2 and PSP7 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017

6. There shall be no flood lighting installed on the site at any time.

In the interests of the character and appearance of the area and to accord with policies CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and PSP2 and PSP7 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017

7. The training of clients dogs shall not occur between 22:00hrs and 08:00 hrs in any 24 hour period.

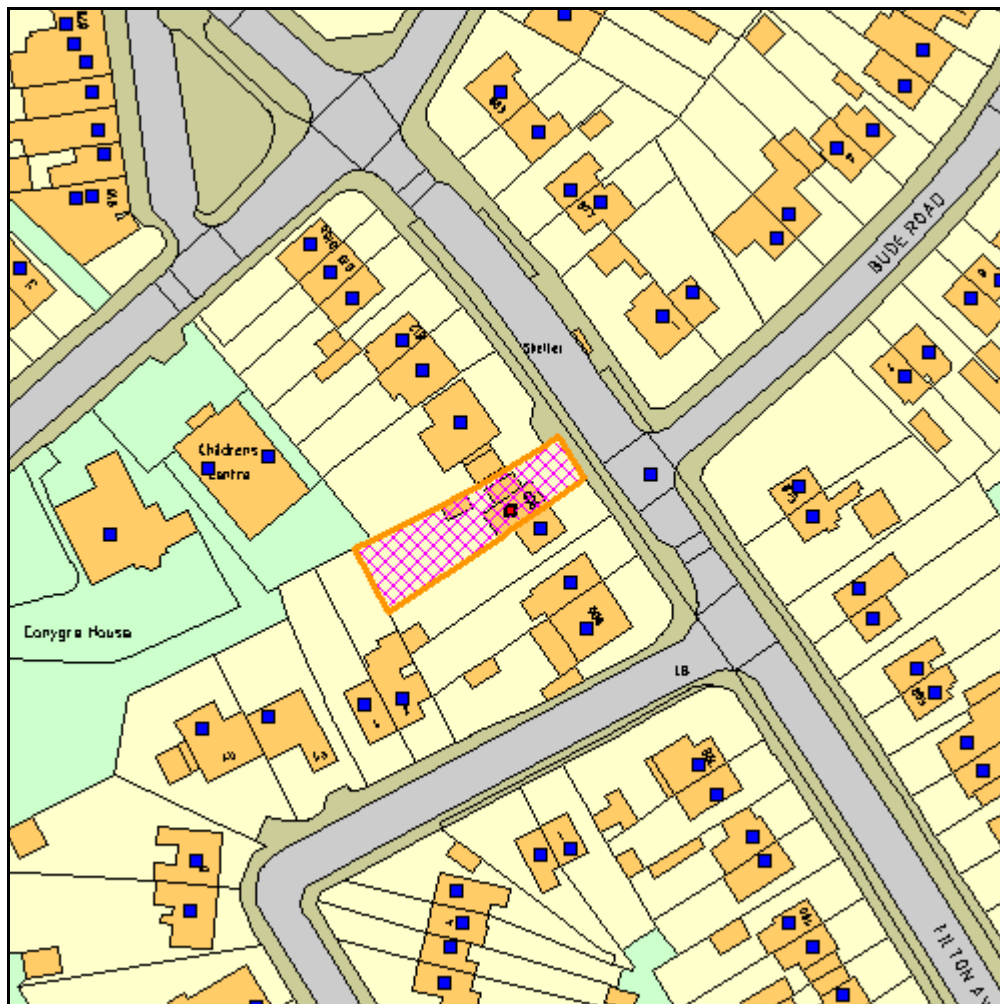
In the interests of the residential amenity of neighbouring occupiers and to accord with PSP8 of the South Gloucestershire Policies, Sites and Places Plan Adopted November 2017

8. No more than 6 vehicles shall be parked onsite at any one time

In the interests of highway safety and the amenity of the area and to accord with policies PSP11 and PSP16 of the Policies, Sites and Places Plan (adopted November 2016)

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PT18/1702/F	Applicant:	Mr Kyle Suckley
Site:	806 Filton Avenue Filton Bristol South Gloucestershire BS34 7HA	Date Reg:	17th April 2018
Proposal:	Change of use from a dwellinghouse (Class C3) to a house in multiple occupation (sui generis) with associated works as defined in Town and Country (Use Classes) Order 1987 (as amended).	Parish:	Filton Town Council
Map Ref:	360820 179411	Ward:	Filton
Application Category:	Minor	Target Date:	11th June 2018



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PT18/1702/F

CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following an objection from the Parish Council and a local resident contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the change of use from a dwellinghouse (Class C3) to a house in multiple occupation (sui generis) with associated works as defined in the Town and Country (Use Classes) Order 1987 (as amended).
- 1.2 The application site relates to a two-storey semi-detached property at 806 Filton Avenue. It is noted that the property has recently gained permission for retrospective extensions to the side and to the rear of the building and as such a total of seven bedrooms would be distributed throughout the ground and first floors. It is understood that this application is not retrospective as the house is not yet occupied. The property would need to be licenced by Private Sector Housing which is further control of the premises to ensure that there are sufficient amenities for the future inhabitants.
- 1.3 During the course of the application revised plans were requested regarding the amount of parking on site and further clarification regarding the cycle parking provision.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol

South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management

PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP37	Internal Space Standards
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Subdivision, and HMOs
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
 South Gloucestershire Design Checklist (Adopted) 2007)
 South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013
 Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
 SPD – (Adopted) March 2015

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT17/5780/F Erection of two storey side extension and single storey rear extension to form additional living accommodation with installation of new front door to front of property (retrospective).
 Approved 13.2.18

4. **CONSULTATION RESPONSES**

- 4.1 Filton Parish Council
 Objection:
 Insufficient parking

Internal Consultees

- 4.2 Sustainable Transport
 Following the receipt of revised plans showing the proposed parking, cycle storage and position of refuse bins, there are no objections to the scheme.

Other Representations

- 4.3 Local Residents
 One letter of objection has been received from a local resident. The points raised are summarised as:
- Getting four cars to the front space is unrealistic
 - Drop kerb does not extend full length of driveway
 - Seven rooms within the house could mean seven vehicles
 - Possibility of being blocked when trying to gain access to driveway
 - Where will any visitors park
 - Concerns regarding noise of seven people will have on family life

5. **ANALYSIS OF PROPOSAL**

- 5.1 The proposal is for the change of use from a dwellinghouse to a house in multiple occupation with associated works.

5.2 Principle of Development

The application is located within the north fringe of Bristol and therefore under Policy CS5, development of this nature is directed to the existing urban areas and the defined settlement boundaries. 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 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.

5.3 This site is located within the urban area of Filton and located directly on a major road/ bus route, close to local shops and schooling. As such the location is sustainable but the presumption in favour of development stands to be tested further in relation to the policies of the local plan. Relevant policies include those relating to sustainable transport which not being related to the supply of housing, attract full weight.

5.4 Policy PSP39 deals with residential conversions and houses in multiple occupation stating this type of development will be acceptable provided all the following areas are met: no harm to the character or amenity of the area; not prejudice the amenity of neighbours; provide adequate amenity space, refuse storage and servicing and provide parking in accordance with adopted parking standards. Policy CS17 is supportive of the mix of housing contributing to choice of tenure and type but PSP39 also acknowledges that such development can increase local congestion, on-street parking problems and undermine amenity and street character by the removal of front gardens, landscaping to accommodate parking and bin storage areas. Policy PSP8 and PSP16 are specifically concerned with parking and set the standards that are required for this type of development. Accordingly in principle (subject to the considerations below) the local plan policy permits such a use in this location; the proposal would make little difference to overall housing supply, but would diversify the mix of residential uses available.

5.5 Character of the area

The site is located in the urban area of Filton on Filton Avenue. Properties in this area are of a typical 1930s design, mostly semi-detached, some extended and groups of small terraces. No. 806 has benefitted from a large two-storey side extension and a single storey rear extension but the hipped roof feature and the external materials used have helped the development integrate into the street scene.

5.6 Design and Visual appearance

The proposed change of use from dwellinghouse (C3) to a house in multiple occupation would not result in any external changes to the property. Changes would be internal and proposed plans indicate that bedrooms 5, 6 and 7 would be on the ground floor along with the lounge, kitchen, shower room and utility

room. At first floor would be bedrooms 1, 2, 3 and 4 and a shower room. Given the above there are no objections in design terms.

5.7 Transport

The site is located within a sustainable location, where access to several nearby employers such as the retail park and the MOD to the south and schools, colleges and university, Rolls Royce, Airbus, Royal Mail and the Cribbs Causeway Mall are within cycling distance of the property. Policy encourages the use of sustainable transport and the scheme as proposed fails to facilitate sustainable transport options.

5.8 The first set of submitted plans showed the proposed parking to the front of the property in the form of three marked out spaces but with 4 cars inside the space, a bike store for 3 bikes plus a bin storage and refuse recycling area. This was considered unacceptable. Revised plans were requested. A reassessment of the site was made during the application and revised Transport comments were provided based on the new details.

5.9 Adopted planning policy PSP16 indicates the amount of vehicular parking and cycle parking provision required for new development. It specifically states that for a house in multiple occupation the minimum number of 0.5 car parking spaces (rounded up to the nearest whole number of spaces) per bedroom should be provided. Policy goes on to say that this can be provided within the curtilage or alternatively, through the submission of appropriate evidence of the availability of on street parking during evenings and weekends.

5.10 The details go on to discuss cycle parking and state this should be provided at a minimum of one secure and covered space per bedroom.

5.11 The revised plan shows that parking for three vehicles can be achieved on site. No details of the availability of street parking has been provided but given the speed along this road is 20mph and being of a good width, the on-street parking for the required fourth vehicle is considered acceptable. Similarly, there would be no objections to visitors using the highway for this purpose.

5.12 Revised plans also show the cycle storage area is to be positioned within the rear garden. It would be accessed through the house because the narrow width between the house and the neighbouring dwelling means this route is not wide enough. This is not ideal, but it is not an unusual situation, for example, in terraced properties. It is furthermore, recognised that the developer has made efforts to accommodate the arrangement by widening the hallway to make wheeling bicycles through the house easier for future occupants.

5.13 Given the above, the proposed change of use from a dwellinghouse to a house in multiple occupation meets the policy test of PSP16 and the adopted SPD: Residential parking standards.

5.14 Residential Amenity

The property benefits from a good sized garden to the rear. Adopted policy PSP43 requires a garden of 70 square metres minimum for a property with this

number of bedrooms. It is considered the level of amenity would accord with policy.

5.15 Concern has been expressed by a neighbour regarding potential noise and disturbance for a house in this proposed use. In general terms the use of the planning unit will remain residential in nature. There is no reasonable basis to prevent the use upon the assumption that future occupants will inevitably cause noise issues by acting inconsiderately. Other more specific legislation exists to govern this scenario.

5.16 Overall the proposal is considered to accord with adopted policy and there are no objections regarding amenity.

5.17 Planning Balance

The proposal is for the change of use of an extended dwellinghouse (Class C3) to a house in multiple occupation (sui generis). It is acknowledged that policy is supportive of development within the existing urban area and that this form of development can provide additional housing. Weight is therefore given in its favour for this reason. However, new development is required to be sustainable in its nature and the provision of the appropriate level of off street parking and cycle parking is an important consideration. Four parking spaces are required and only 3 can be achieved on site. However, additional vehicles can park on the main road, Filton Avenue. As a fairly wide road which has been shown to be quiet during evenings and weekends no objection to this alternative arrangement is raised. Given the location, the provision of the appropriate size cycle storage is important and, although to be accessed from inside the house, the rear garden cycle store is acceptable. Impact on neighbours has been addressed and deemed acceptable. In conclusion the proposal accords with policy and can be recommended for approval.

5.18 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

5.19 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.

5.20 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

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: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended that the application is **APPROVED** subject to the conditions written on the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

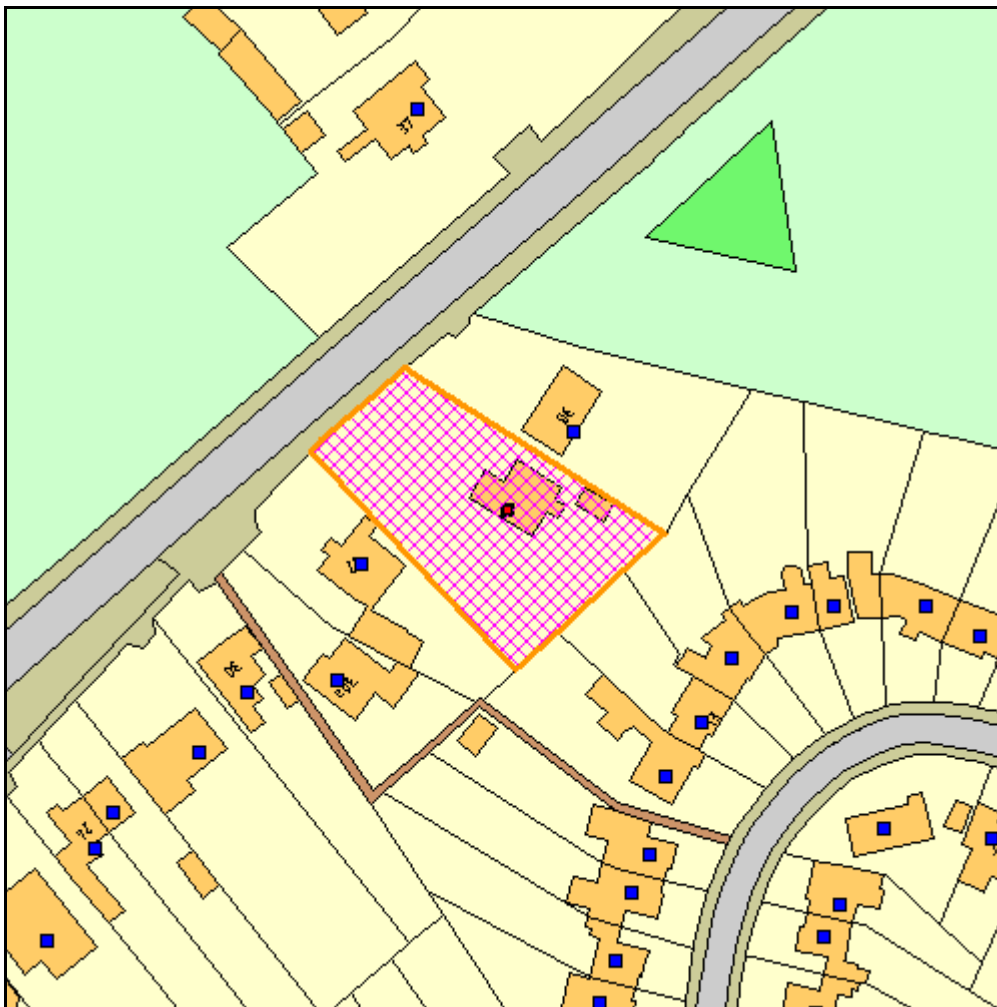
2. Details of the junction/vehicle cross over between the proposed access and the highway shall be submitted to the Local Planning Authority for written approval within one month of the date of the permission. The building shall not be occupied nor the use commenced until the junction has been constructed and is available for use in accordance with the approved details.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP16 of the Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PT18/1761/RVC	Applicant:	Southerndown Development Ltd
Site:	34 Bristol Road Winterbourne Bristol South Gloucestershire BS36 1RG	Date Reg:	23rd April 2018
Proposal:	Variation of condition no. 5 attached to planning permission PT17/1022/F to substitute the plan with 34BR.APR18.SP.1.J	Parish:	Winterbourne Parish Council
Map Ref:	365372 181467	Ward:	Winterbourne
Application Category:	Minor	Target Date:	12th June 2018



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PT18/1761/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is reported to the Circulated Schedule due to representations received, which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks permission for the variation of condition 5 attached to application PT17/1022/F. This condition requires the access, off-street parking facilities and manoeuvring areas shown on plan 34BR.JUN17.SP.1.D to be completed prior to occupation of the dwellings.
- 1.2 The original permission PT17/1022/F related to the demolition of 34 Bristol Road in Winterbourne and the erection of 2 dwellings with parking and associated works.
- 1.3 This application proposes minor alterations to the proposal. These are as follows:
 - access widening/alteration and landscaping changes;
 - subdivision/alteration of parking area and change of material from chard flint gravel to resin bonded gravel.
- 1.4 As well as assessing the changes proposed as part of this application, an RVC decision has the effect of issuing a new planning permission. It is therefore also necessary to check all conditions attached to PT17/1022/F are still relevant and necessary and need carrying forward to this new application.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (NPPF) March 2012
Planning Practice Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

South Gloucestershire Local Plan Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity

PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water & Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (Adopted) 2007
 Residential Parking Standards SPD (Adopted) 2013
 Waste Collection Guidance for New Developments SPD (Adopted) 2015

3. **RELEVANT PLANNING HISTORY**

- 3.1 DOC18/0113
 Discharge of condition 2 (SUDS) attached to planning permission PT17/1022/F. Demolition of existing bungalow and erection of 2no. dwellings with parking and associated works.
 Decided
 01.05.2018
- 3.2 DOC17/0411
 Discharge of condition 4 (Material Details) attached to planning permission PT17/1022/F. Demolition of existing bungalow and erection of 2no. dwellings with parking and associated works.
 Decided
 19.02.2018
- 3.3 PT17/1022/F
 Demolition of existing bungalow and erection of 2no. dwellings with parking and associated works.
 Approval
 15.08.2017
- 3.4 PRE17/0002
 Demolition of existing bungalow and erection of 2no. dwellings with parking and associated works.
 Complete
 02.03.2017

4. **CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council
 No objection
- 4.2 Other Consultees
- Lead Local Flood Authority
 No objection:
- condition requiring surface water details

Highway Structures

No objection

Sustainable Transport

No objection:

- condition requiring the access to be completed prior to occupation

Landscape Officer

Objection:

- concerned about northwest and southwest boundary planting with neighbour
- beech hedge preferred to iron railings
- beech hedge preferred down middle instead of laurel

Other Representations

4.3 Local Residents

1 letter of objection has been received from a local resident. The comments are summarised as follows:

- small turning areas
- multiple shunts required, not a straightforward 3-point turn
- garage users and visitors will be forced to reverse exit if spaces are in use
- driveway subdivision would result in harm to highway safety

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application is submitted under Section 73 of the Town and Country Planning Act 1990. In accordance with Section 73 (2) in determining such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission has been granted. The Planning Practice Guidance advises that every condition must always be justified by the Local Planning Authority on its own planning merits on a case by case basis. Furthermore, it advises that any proposed condition that fails to meet any of the six tests should not be used. Paragraph 206 of the National Planning Policy Framework states that planning conditions should only be imposed where they are:

1. Necessary
2. Relevant to planning
3. Relevant to the development to be permitted
4. Enforceable
5. Precise
6. Reasonable in all other respects

5.2 Being mindful of the reasons for attaching the conditions in the first place, when assessing this application Officers will consider the impact of the proposed changes on visual amenity, highway safety and residential amenity. Following this it will also need to be considered what conditions attached to application

PT17/1022/F need to be carried forward and if any further conditions need to be attached to any new consent.

5.3 Material Changes in Policy

In addition to the above, it is necessary to consider whether there have been any relevant material changes in policy since the condition was imposed. It is noted that since the previous application, there has been a material change in local planning policy. The Policies, Sites and Places Plan (PSP) has been adopted (November 2017) and replaces the South Gloucestershire Local Plan (2006). However, it is not considered that this change in policy since the determination of the previous application materially alters the assessment of the current application.

5.4 Design, Visual Amenity and Landscaping

The changes proposed as part of this RVC application have been outlined in paragraph 1.3 of this report. Along with alterations to the landscaping, more hard surfacing would be provided to the front of the dwellings for car parking and the access will be widened.

5.5 Abutting Bristol Road, the application site is readily apparent when approaching from either direction and given the changes to the development are to the front, some would be viewable from the public realm such as the widened access. However, the presence of the 2 metre high birch hedge and the set back of the new dwellings would restrict the site's visibility from the road and therefore its prominence in the street. Officers therefore do not consider that the proposal would be materially harmful to the public realm and as such is acceptable in this respect.

5.6 That said, the loss of the landscaping along the northwest site boundary is of concern, as is the inclusion of iron railings which would appear out of place in this edge of village setting. However, Officers consider that any negative impact on the character and appearance of the area could be sufficiently mitigated by way of a sympathetic landscaping condition.

5.7 Residential Amenity

It is not considered that the proposed alterations would have a detrimental impact on the residential amenity of surrounding occupiers.

5.8 Highway Safety

This proposal comprises a wider access than previously approved, with the access then split into 2 separate entrances for the proposed dwellings. Concerns regarding the new parking layout are acknowledged but the Council's Highway Officer does not raise an objection to these modifications as they would not impede upon highway safety. However, in the interests of certainty, a condition requiring the access, with inward opening gates, is completed prior to occupation has been suggested and as such Officers will reapply this in place of the current fifth condition.

5.9 Drainage

The Council's Drainage Officer has requested a condition relating to the provision of surface water drainage. However, a detailed drainage scheme for

the site was submitted as part of a discharge of condition application DOC18/0113 earlier this year and was found to be acceptable. As such, a compliance condition is recommended to ensure that the development is carried out in accordance with the approved drainage scheme.

5.10 Other conditions attached to PT17/1022/F

Planning permission PT17/1022/F was approved subject to a total of 6 conditions. The effect of an application under Section 73 of the Act is to grant a wholly new planning permission. Therefore, the conditions attached to the original consent should be replicated on the new permission, reviewed or removed. This section will assess the conditions attached to PT17/1022/F for relevance on this decision.

5.11 Condition 1

This condition related to the implementation of development within 3 years from the date of permission, in line with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended). It is noted that the development has been implemented and as such this condition is not required to be carried over.

5.12 Condition 3

This condition is a compliance condition in relation to obscured windows. It is therefore considered necessary for this condition to be carried over.

5.13 Condition 4

This condition relates to the proposed materials. It is understood that this condition has been discharged under DOC17/0411. As such, a compliance condition is recommended to ensure that the development is carried out in accordance with the approved material details.

5.14 Condition 6

This condition required the development to be carried out in accordance with the plans listed. As such, this condition will be carried over and updated with the new site plan 34BR.APR18.SP.1.J.

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 Core Strategy (Adopted) December 2013 and the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That condition 5 be amended as requested.

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

1. The development hereby approved shall be carried out in accordance with the surface water drainage details specified on the approved plans and details submitted as part of DOC18/01113, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that a satisfactory means of drainage is provide and to accord with policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework 2012.

2. Prior to the occupation of the proposed dwellings hereby permitted, and at all times thereafter, the proposed windows in the first floor, east elevation of Plot 1 and first floor, west elevation of Plot 2 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 PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places (Adopted) November 2017; and the National Planning Policy Framework 2012.

3. The development hereby approved shall be carried out in accordance with the materials specified on the approved plans and details submitted as part of DOC17/0411, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the satisfactory external appearance of the development and in the interests of visual amenity and to accord with policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework 2012.

4. The access, inward-opening gates, off-street parking facilities (for all vehicles, including cycles) and manoeuvring areas shown on the Existing & Proposed Block Plan (drwg no. 34BR.APR18.SP.1.J Rev J; received 13.04.2018) hereby approved shall be provided before the dwellings are first occupied, and thereafter permanently 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; policy PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan

(Adopted) November 2017; the Residential Parking Standards SPD; and the National Planning Policy Framework 2012.

5. The development shall be implemented strictly in accordance with the following plans:

Received 07.03.2017:

Existing Elevations (34BR.MAR17.E.1)

Cycle Store (34BR.MAR17.CS.1)

Received 14.03.2017:

Tree Survey (Silverback Arboricultural Consultancy Ltd)

Received 28.06.2017:

Proposed Floor Plans Plot 1 (34BR.JUN17.P.1.D)

Proposed Elevations & Roof Plan Plot 1 (34BR. JUN17.P.2.D)

Proposed Floor Plans Plot 2 (34BR.JUN17.P.3.C)

Proposed Elevations & Roof Plan Plot 2 (34BR.JUN17.P.4.C)

Proposed Section A-A Street Scene (34BR.JUN17.P.5.D)

Received 13.04.2018:

Existing & Proposed Block Plan (34BR.APR18.SP.1.J)

Received 23.04.2018:

Site Plan (34BR.MAR17.LP.1)

Reason

For the avoidance of doubt.

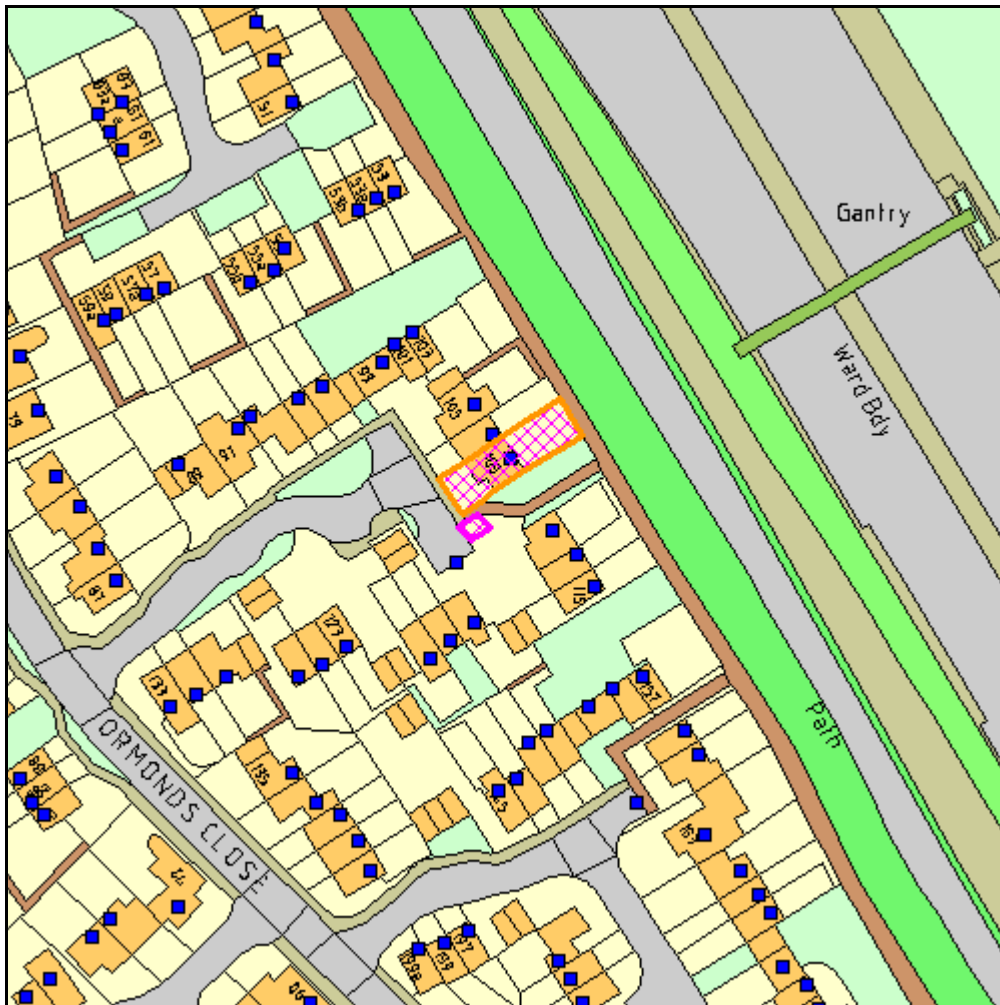
6. Prior to the occupied of the proposed dwellings a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of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

Reason

To protect the character and appearance of the area and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP2 and PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework 2012.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PT18/1814/F	Applicant:	Mr & Mrs Vahabzadeh
Site:	109 Ormonds Close Bradley Stoke Bristol South Gloucestershire BS32 0DU	Date Reg:	19th April 2018
Proposal:	Erection of two storey side extension to provide additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	362381 182544	Ward:	Bradley Stoke North
Application Category:	Householder	Target Date:	12th June 2018



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE.

The application has received objections that are contrary to the Officer recommendation. As such, according to the current scheme of delegation must be placed on the circulated schedule for Members.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a two storey side extension at 109 Ormonds Close Bradley Stoke.
- 1.2 The host property is an end terrace dwelling located within the defined settlement boundary.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017

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

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

3. RELEVANT PLANNING HISTORY

- 3.1. None relevant.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
"Bradley Stoke Town Council has no objection to this planning application but has concerns over parking provision."

Sustainable Transport

“Insufficient information has been submitted to enable me to fully assess this planning application.”

Other Representations

4.2 Local Residents

One objection received stating “given the change in height of the building I would be worried that I might lose some of the sunlight into my garden thus making my living room darker than it already is normally. I would also be worried about the effect on parking in the street that this might have both during and after the construction.”

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP38 of the PSP Plan allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1, which is echoed by PSP38 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

Policy CS1 of the Core Strategy and PSP38 of the PSP Plan seek to ensure that development proposals are of the highest possible standards and design. Developments should have appropriate siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.3 The application site is a two-storey, end-terrace dwelling in a residential close in Bradley Stoke. It has brickwork elevations with brown UPVC windows. The roof is pitched and tiled. The property benefits from an attached garage to the side of the property, a driveway, and an additional car parking space opposite a footpath adjoining the site.

5.4 The two storey side extension would form a continuation of the rear elevation and a slightly set back principal elevation (at first floor level), extending no further to the side than the existing garage. In that regard it is restrained within the existing built form. Moreover, as matching materials would be utilised for the extension, the design and character would be as close as could be achieved to the host and surroundings dwellings. Also, as the ridge height would be lower and the roof proposed would be pitched and set back from the principal roof slope, the side extension would look subservient to the host dwelling, respecting its scale and proportions. As such, an addition to No. 109 Ormonds Close, with the elements as described above would not be detrimental to the site, its surroundings, or the character of the area, and is considered to accord with policy CS1 of the Core Strategy and PSP38 of the PSP Plan.

5.5 Residential Amenity

Policies PSP8 and PSP38 of the PSP Plan sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

5.6 There are windows proposed to the first floor front, side and rear. However, when considering the location of these in relation to the neighbouring dwellings it is unlikely that these would result in a material loss of privacy. In regards to the loss of light concerning the objector, as noted, the proposal will be constrained within the existing built form and the ridge line would be lower resulting in a decrease in roof height. As such it is unlikely that a material loss of light would occur to the rear garden or any principal rooms in the objector's or neighbouring properties. Therefore, the development is deemed to comply with policies PSP8 and PSP38 of the PSP Plan.

5.7 Following the development, over 60m² of private outside amenity space would remain. This exceeds the requirements of policy PSP43.

5.8 Transportation

Post development the property will increase from two bedrooms to three. As such PSP16 requires 2 parking spaces within the site boundary to serve the enlarged property. The plan submitted shows a parking area to the front of the property that can accommodate one car and a further parking space for the property opposite a footpath adjoining the site that can accommodate a further car. While this second space is not within the boundary of the property, the plans state that it is a space for the use of No.109. Regardless of this second space, this area of Ormonds Close has no parking restrictions, visitor parking bays, and most properties contain driveways. As such it is not thought that the parking situation post development would warrant a reason for refusal.

5.9 Equalities

The Equality Act 2010 protects people from discrimination in the workplace and in wider society. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above this planning application is considered to have a neutral impact on equality.

5.10 Other matters

In regards to additional parking in the area during construction. The Case Officer understands the concerns of the objector. However, as this situation would be temporary it does not constitute a reason for refusal in this instance. Although, owing to the concerns of a neighbour, a working hour's restriction will be placed on any permission granted thereby mitigating the perceived issues during this phase.

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 development plan 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 condition(s) on the decision notice.

Contact Officer: David Ditchett
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

- 2. The 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 hours of working on site during the period of construction shall be restricted to
Monday - Friday.....7:30am - 6:00pm
Saturday.....8:00am - 1:00pm

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

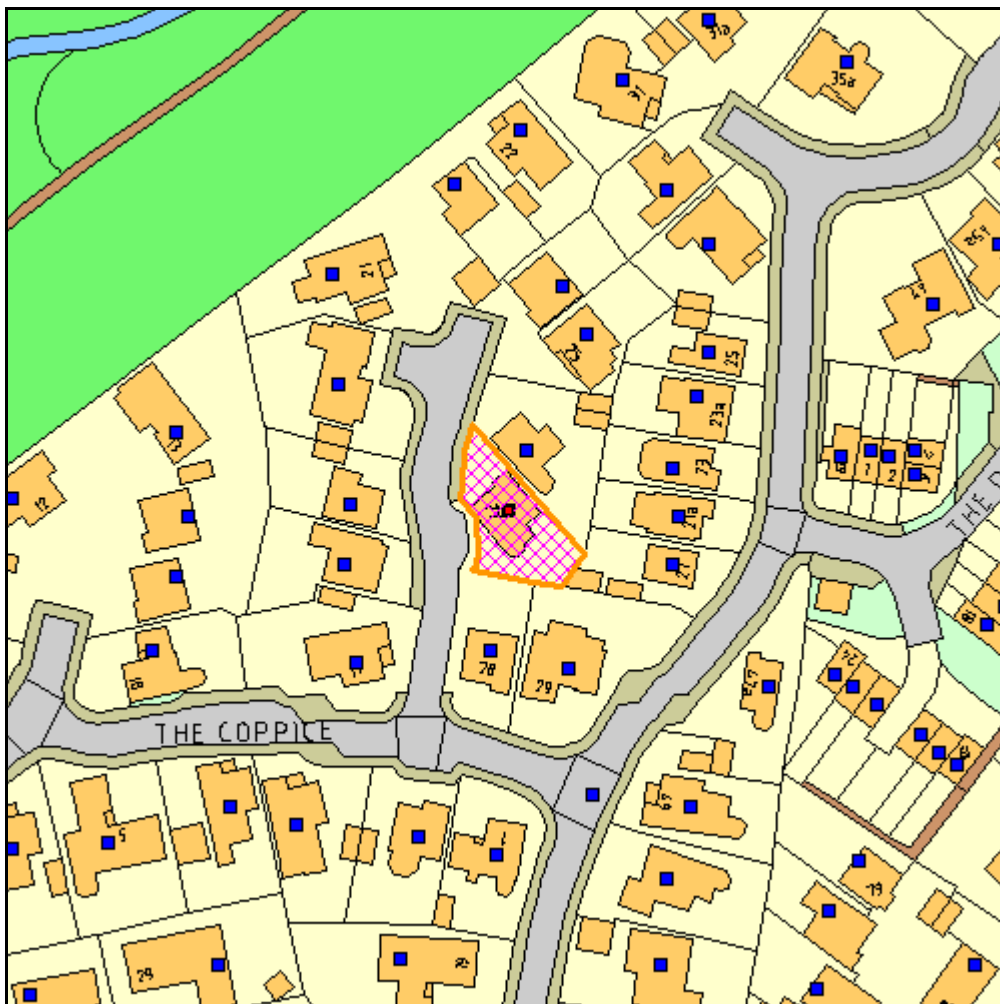
Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan Policies, Sites

and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PT18/1849/CLP	Applicant:	Mr And Mrs Wright
Site:	27 The Coppice Bradley Stoke Bristol South Gloucestershire BS32 8DY	Date Reg:	2nd May 2018
Proposal:	Application for the certificate of lawfulness proposed for the demolition of existing conservatory and erection of single storey rear extension to provide additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	362293 181195	Ward:	Bradley Stoke South
Application Category:		Target Date:	25th June 2018



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PT18/1849/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 single storey rear extension 27 The Coppice, Bradley Stoke would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 P93/0020/389 – Approved - 12.01.1994
Erection of 74 dwellings & associated works; construction of vehicular and pedestrian access (in accordance with amended plans received by the council on 22 october, 10 november and 29 november 1993 and 30 december 1993)
- 3.2 P84/0020/1 – Approved - 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 Councillor
No comments received

Bradley Stoke Town Council
No objections

Other Representations

- 4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Existing and Proposed Elevations
Proposed Block Plan and Site Location Plan
Existing Block Plan and Location Plan
Existing Ground Floor Plan
Proposed Ground Floor Plan

Received by Local Planning Authority 19th April 2018

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposal does not extend beyond the rear wall of the original dwellinghouse by more than 4 metres, or exceed 4 metres in height.

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

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

Not applicable.

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

- (i) **extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**

- (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**

The extension would be single storey.

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

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

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

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

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

The proposal does not include any of the above.

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

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

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

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

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

The submitted plans indicate that the proposed extension would be finished in materials to match existing. As such, the proposal meets this criterion.

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

Not applicable.

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

Not applicable.

7. RECOMMENDATION

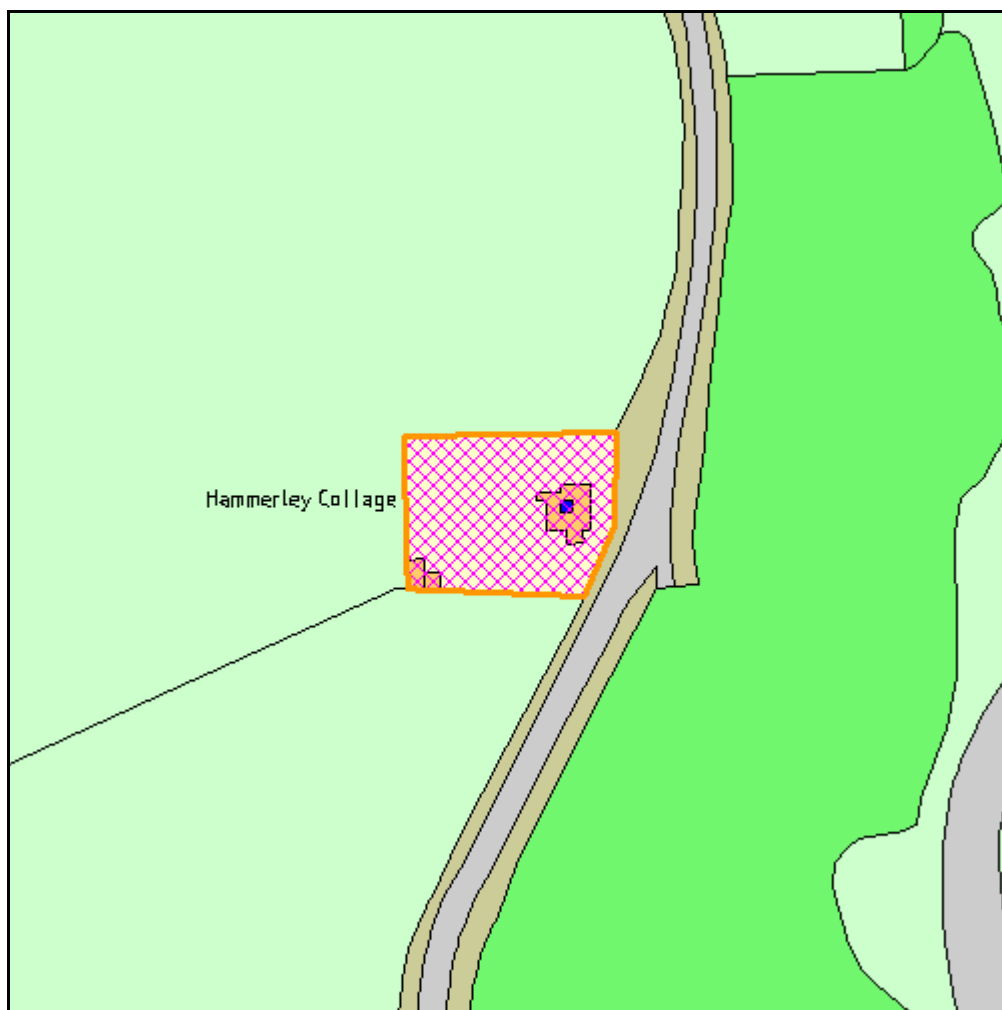
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Contact Officer: Westley Little
Tel. No. 01454 862217

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

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PT18/1866/CLP	Applicant:	The Tortworth Estate Company
Site:	Hammerley Cottage Woodend Lane Cromhall Wotton Under Edge South Gloucestershire GL12 8AA	Date Reg:	2nd May 2018
Proposal:	Installation of replacement of rear dormer and erection of two single storey side extensions.	Parish:	Cromhall Parish Council
Map Ref:	370277 191621	Ward:	Charfield
Application Category:		Target Date:	26th June 2018



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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 replacement of a rear dormer and the erection of two single storey side extensions at Hammerley Cottage, Woodend Lane, Cromhall would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Cromhall Parish Council
No comments received

Local Councillor
No comments received

Other Representations

- 4.2 Local Residents
None received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Existing Block and Site Location Plan
Existing Site Plan
Existing Floor Plans
Existing Elevations and Garage Plan
Proposed Block Plan
Proposed Site Plan
Proposed Elevations
Proposed Ground Floor Plan
Proposed First Floor Plan

Received by Local Planning Authority 19 April 2018

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 installation of a rear dormer 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 and roof alterations 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, PA or Q of Part 3 of this Schedule (changes of use)**

The dwellinghouse was not granted under Classes M, N, P, PA 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.

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

The proposal would not extend beyond the existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway.

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

- (i) 40 cubic metres in the case of a terrace house, or
(ii) 50 cubic metres in any other case'**

The property is a detached house and the proposal would not result in an additional volume of over 50 cubic metres.

- (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**

Not Applicable

- (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 noted in the application; and submitted drawings; the materials used will be of similar appearance to 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, 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 dormer would be approximately 0.3m from the outside edge of the eaves of the original roof and the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse. The eaves are maintained. As such the proposal meets this criterion.

- (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.**

Not Applicable

6.4 The proposed development also consists of two single storey side extensions. This development would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

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

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

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

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

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

The height of the side extensions would not exceed the height of the roof of the existing dwellinghouse.

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

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

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

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

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

The proposal does not extend beyond the rear wall of the original dwelling house by more than 4 metres, or exceed 4 metres in height.

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

Not applicable.

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

The extension would be single storey.

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

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

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

The extension would extend beyond a wall forming a side elevation of the original dwellinghouse. However the extension would not exceed 4 metres in height, would not have more than a single storey, and would not have a width greater than half the width of the original dwellinghouse.

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

The development would not include any of the above.

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

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

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

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

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

The submitted information indicates that the proposal will be finished in materials similar to those used in the exterior finish of the existing dwellinghouse.

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

Not applicable.

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

Not applicable.

7. **RECOMMENDATION**

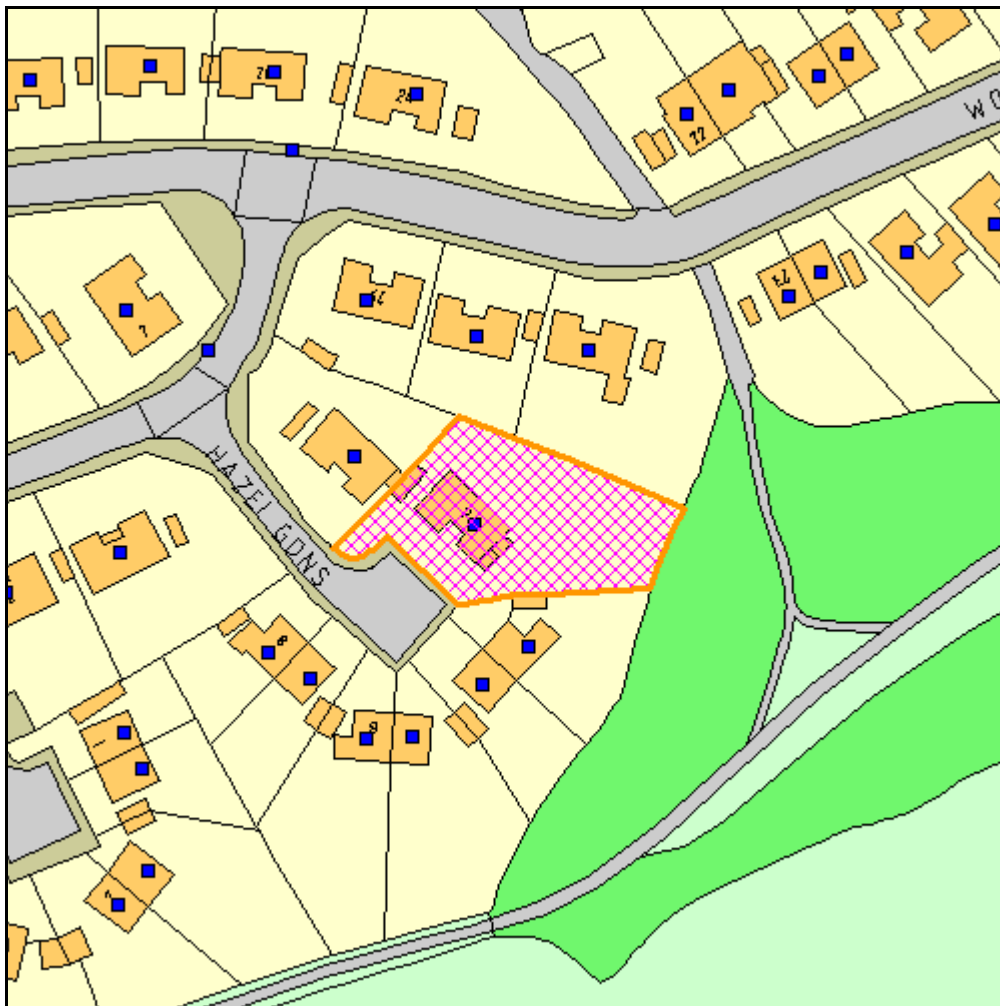
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reasons:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed replacement of a rear dormer and the erection of two single storey side extensions fall within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A and Class B of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Westley Little
Tel. No. 01454 862217

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PT18/2026/F	Applicant:	Mr And Mrs Hurd
Site:	2 Hazel Gardens Alveston Bristol South Gloucestershire BS35 3RD	Date Reg:	1st May 2018
Proposal:	Erection of single storey rear extension to provide additional living accommodation and en-suite facility. Demolition of existing garage. Erection of replacement garage and utility room. Amendment to previously approved scheme PT17/2123/F to alter roof line above garage and utility room.	Parish:	Alveston Parish Council
Map Ref:	363022 187692	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	21st June 2018



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of erection of 1no. single storey side to 2 Hazel Gardens, Alveston. This is an amendment to previously approved scheme PT17/2123/F to alter the roof of the proposal from pitched to flat; the height has also been reduced. The property is located in the green belt.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017

PSP1 Local Distinctiveness

PSP7 Green Belt

PSP8 Residential Amenity

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Standards

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT17/2123/F Approved 24.07.2017
Erection of single storey rear extension to provide additional living accommodation and en-suite facility. Demolition of existing garage. Erection of replacement garage and utility room.

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No objection

4.2 Other Consultees

Sustainable Transport

Requested additional parking information relating to provision.

Other Representations

4.3 Local Residents

One objection received due to incorrect boundary line, lack of dimensions and possible encroachment

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP38 of the PSP Plan allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1, which is echoed by PSP38 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 Green Belt

The previous application was considered acceptable in green belt terms; this is a reduction in volume compared to the previously approved addition. Therefore, it would be considered a proportionate addition to the dwelling, and would accord to national and local green belt policy.

5.3 Design and Visual Amenity

The scale and position of the proposed extension is similar to the previously approved scheme, but the application now has a flat roof. Numerous side extensions within the surrounding area have flat roofs, and the existing garage that the extension would replace has a flat roof. While this would usually be discouraged, in this instance, it is considered acceptable.

5.4 The scale and design are considered appropriate for and would respect the massing, scale proportions, materials, overall design and character of the street scene. The proposal therefore is acceptable in terms of design and visual amenity, and would comply with policy CS1 of the Core Strategy and PSP38 of the PSP Plan.

5.5 Residential Amenity

Policies PSP8 and PSP38 of the PSP Plan sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

5.6 The previous application was considered acceptable in terms of

residential amenity; this application is similarly sized, but is much lower overall; the impact on residential neighbours would therefore be materially less than the previously approved scheme. Accordingly, there are no objections in regards to residential amenity.

5.7 Transport

The proposal does not include any additional bedrooms and it would not remove any existing parking spaces. It is considered that the proposal is in accordance with the parking standards prescribed within PSP16. The council has no objection to the proposal in relation to highway safety or parking provision.

5.8 Other Matters

It is noted that a neighbour has objected due to an incorrect boundary line, lack of dimensions and possible encroachment. In reference to the incorrect boundary line, Certificate A has been completed and the agent and applicant are confident that the line within the site boundaries shown belong to the applicant. Additionally, it would appear that the boundary line has been drawn to favour the neighbour. In any case, the permission does not give permission to carry out works on, or over, land not within the ownership, or control, of the applicant, and states that written consent must be obtained prior to entering any land which does not belong to the applicant. The lack of dimensions are acceptable, as the plans are correctly scaled.

5.9 Equalities

The Equality Act 2010 protects people from discrimination in the workplace and in wider society. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above, this planning application is considered to have a neutral impact on equality.

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 development plan set out above, and to all the relevant material considerations set out in the report

7. RECOMMENDATION

7.1 That the application be **GRANTED** due to the condition(s) attached to the decision notice.

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CONDITIONS

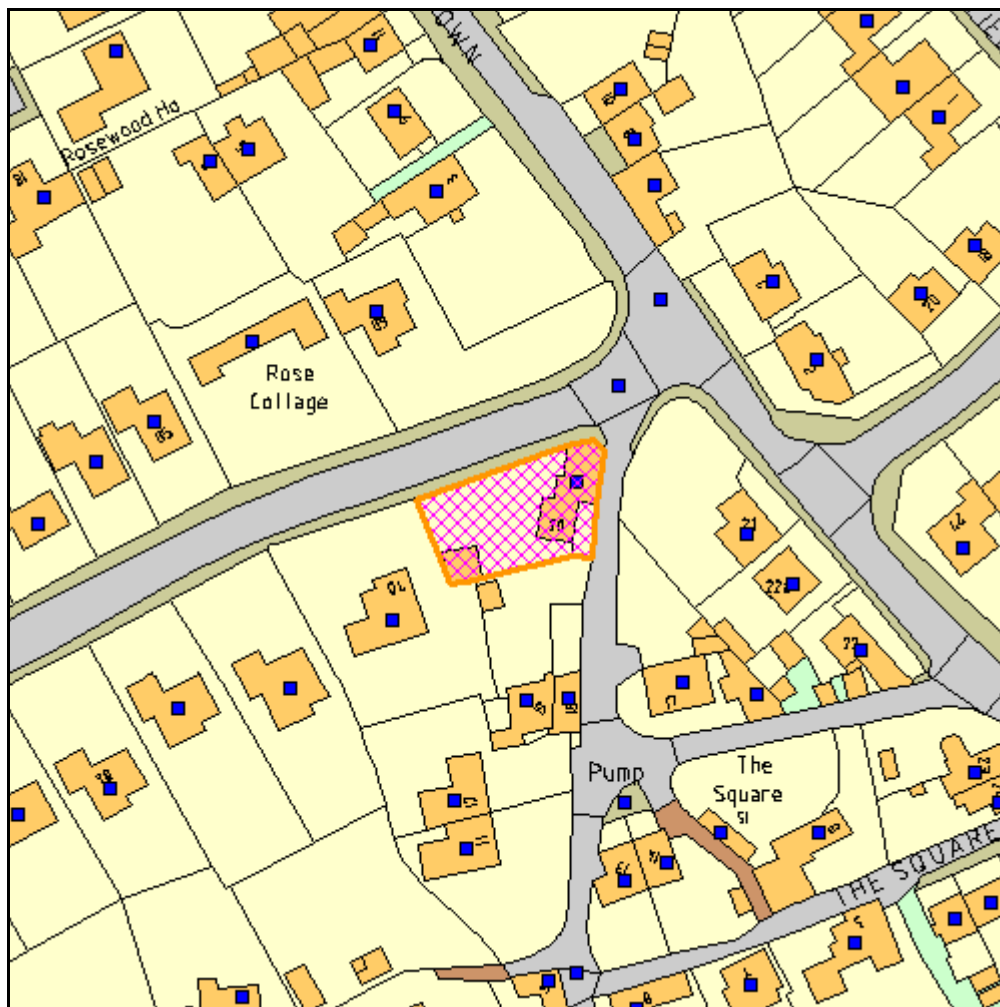
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PT18/2137/CLP	Applicant:	Mr King
Site:	Ivy Cottage 20 The Square Alveston Bristol South Gloucestershire BS35 3PE	Date Reg:	8th May 2018
Proposal:	Erection of single storey rear extension to provide additional living accommodation.	Parish:	Alveston Parish Council
Map Ref:	362963 188032	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	29th June 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at Ivy Cottage, 20 The Square, Alveston would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit; the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (as amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class A

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT17/3454/F
Erection of two storey rear extension to form additional living accommodation.
Approved: 21/09/2017
- 3.2 N5920
Erection of first floor extension to provide two bedrooms over existing garage together with two storey rear extension to provide kitchen with bedroom over. Demolition of existing kitchen.
Approved: 13/09/1979

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No objections

4.2 Archaeology

No comment

4.3 Councillor

No comment received

Other Representations

4.4 Local Residents

No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Received by the Council on 4th May 2018:
Site Location & Block Plan
Proposed Floor Plans
Proposed Elevations

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. It should be noted that there is no restriction on permitted development rights at the subject property. As such permitted development rights are intact and exercisable

- 6.3 The proposed development consists of the erection of a single storey rear extension. The proposed extension would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria set out below:

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

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

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

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

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

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

The height of the rear extension would be 3.8 metres. This will not exceed the height of the roof of the existing dwellinghouse.

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

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

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

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

The extension would not extend beyond a wall which forms the principal elevation; or fronts a highway and forms a side elevation, of the original dwellinghouse.

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

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

(ii) or exceed 4 metres in height;

The host property is detached and the proposal would extend beyond the rear wall of the original dwelling by 3 metres and have a height of 3.8 metres.

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

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

Not applicable.

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

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;

The extension would be single storey.

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

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

(j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse; or

The extension would not extend beyond a wall forming a side elevation of the original dwellinghouse.

(ja) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

The proposed single storey rear extension would not be joined to any existing enlargement of the original dwellinghouse. Therefore, the total enlargement does not exceed the limits set out in sub-paragraphs (e) to (j).

(k) It would consist of or include—

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

The development would not include any of the above.

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

- a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
- b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.**
- d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c);**

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

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

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

The submitted information indicates that the proposal will be finished in materials to match the exterior finish of the existing dwellinghouse.

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

(i) obscure-glazed, and

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

Not applicable.

c) Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not applicable.

7. RECOMMENDATION

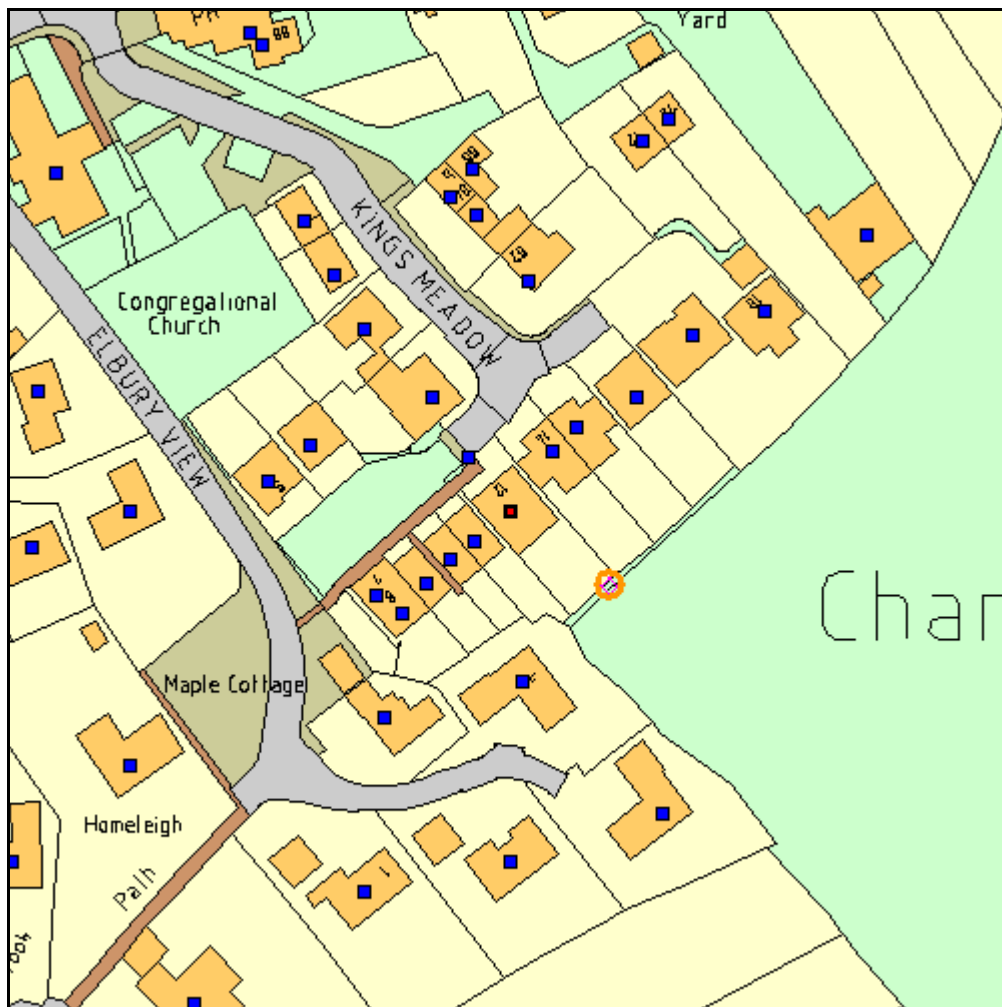
7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Contact Officer: James Reynolds
Tel. No. 01454 864712

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

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PT18/2268/TRE	Applicant:	Crest Nicholson South West
Site:	12 Kings Meadow Charfield South Gloucestershire GL12 8UB	Date Reg:	15th May 2018
Proposal:	Works to 1 no. Oak tree to prune lateral growth over hanging garden by 1-2m tree covered by SGTPO 07/11 dated 21st June 2011	Parish:	Charfield Parish Council
Map Ref:	372646 192308	Ward:	Charfield
Application Category:		Target Date:	9th July 2018



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 Works to 1 no. Oak tree to prune lateral growth over hanging garden by 1-2m tree covered by SGTPO 07/11 dated 21st June 2011

2. POLICY CONTEXT

2.1 National Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/1089/TRE, Site Address: Kingshall, 60 Wotton Road, Charfield, Wotton Under Edge, South Gloucestershire, GL12 8SR, Decision: COND, Date of Decision: 24-MAY-12, Proposal: Works to raise canopy by 2.5 metres 1no. Willow tree and crown lift by 2 metres 3no. Oak trees covered by Tree Preservation Order SGTPO 07/11 dated 21 June 2011., CIL Liable:

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
No objections

Other Representations

- 4.2 Local Residents
1 letter of support has been received.

1 letter of objection has been received. The grounds for which are that no lateral reduction is needed to the tree. The only pruning they would support is the removal of a large lower dead branch.

5. ANALYSIS OF PROPOSAL

- 5.1 Works to 1 no. Oak tree to prune lateral growth over hanging garden by 1-2m tree covered by SGTPO 07/11 dated 21st June 2011

5.2 Principle of Development

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

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

5.3 Consideration of Proposal

The tree is a mature oak tree to the rear of 12 Kings Meadow.

5.4 The lower crown of this tree is currently overhanging gardens and so remedial works have been proposed to create adequate clearance without compromising the health or the amenity of the tree.

5.5 The works are considered reasonable and will not be to the detriment of the tree nor the amenity it provides.

6. RECOMMENDATION

6.1 That permission is GRANTED subject to conditions detailed in the decision notice.

Contact Officer: Phil Dye
Tel. No. 01454 865859

CONDITIONS

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

Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

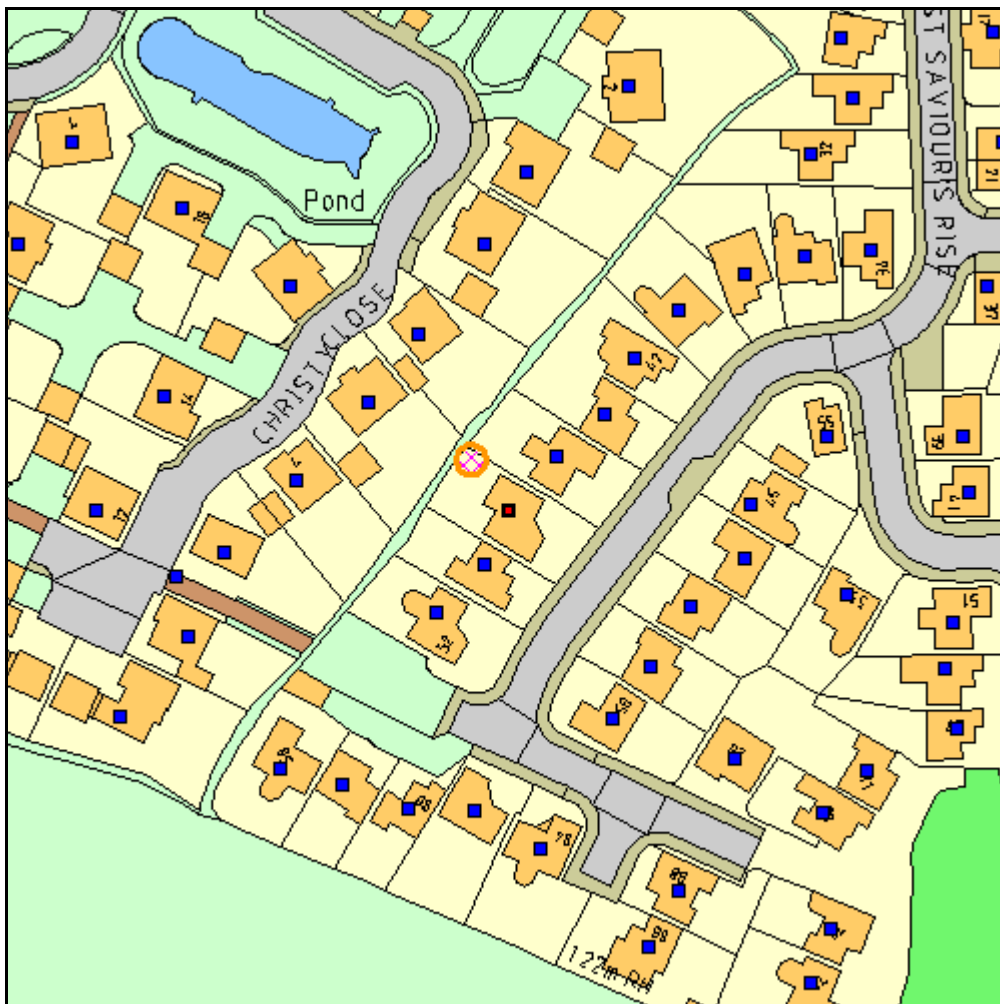
2. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

CIRCULATED SCHEDULE NO. 24/18 – 15 JUNE 2018

App No.:	PT18/2405/TRE	Applicant:	Mrs Naomi Goodwin
Site:	48 St Saviour's Rise Frampton Cotterell Bristol South Gloucestershire BS36 2SW	Date Reg:	22nd May 2018
Proposal:	Works to 1 no Oak tree to crown reduce to leave a height of 10 metres and radial spread of 5 metres. Covered by Tree Preservation Order 01/10 dated 13 July 2010.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366766 180697	Ward:	Frampton Cotterell
Application Category:		Target Date:	17th July 2018



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PT18/2405/TRE

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 Works to 1no Oak tree to crown reduce to leave a height of 10 metres and radial spread of 5 metres. Covered by Tree Preservation Order 01/10 dated 13 July 2010.

2. POLICY CONTEXT

2.1 National Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT18/0275/TRE, Site Address: 48 St Saviour's Rise, Frampton Cotterell, Bristol, South Gloucestershire, BS36 2SW, Decision: REFU, Date of Decision: 10-APR-18, Proposal: Works to 1no Oak tree to crown reduce to leave a height of 13 metres and a radial spread of 13 metres. Covered by Tree Preservation Order SGTPO 01/10 dated 13th July 2010., CIL Liable:
- 3.2 PT14/0265/TRE, Site Address: 46 St Saviour's Rise, Frampton Cotterell, Bristol, South Gloucestershire, BS36 2SW, Decision: REFU, Date of Decision: 11-JUN-14, Proposal: Works to reduce 1No. Oak tree by 15%, covered by Tree Preservation Order SGTPO01/10 dated 13.07.2010, CIL Liable:

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

Objection on the grounds that there is no justification for the reduction in size of the tree. The picture is misleading for the amount of work that has been requested. The application has no information from a Tree Officer for guidance.

Other Representations

4.3 Local Residents

Objection received from Mr C Armogie. His points of objection are that an application to prune the same tree was refused recently. He states that the reduction is greater in this application than the one refused. He also objects to the impact on amenity and biodiversity that may stem from the reduction of this tree.

A letter of support was received from a neighbour, Mrs Amer, who is concerned about falling branches. She has experienced these in her garden from the subject tree.

5. ANALYSIS OF PROPOSAL

- 5.1 Works to 1no Oak tree to crown reduce to leave a height of 10 metres and radial spread of 5 metres. Covered by Tree Preservation Order 01/10 dated 13 July 2010.
- 5.2 Principle of Development
The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.
- 5.3 Consideration of Proposal
The tree is one of a number of field boundary oak trees that are now within the rear gardens of houses along St Saviours Rise.
- 5.4 In recent times it appears that healthy branches have failed and landed in the garden.
- 5.5 The proposal to reduce the crown by up to 2m will reduce the sail area of this tree and minimise the risk of future branch failures.
- 5.6 The works, when balanced with the need to address wind-loading, are not considered detrimental to the health or the amenity of the tree.
- 5.7 The previous application that was refused, had a specification to reduce the size of the tree to a height of 13m and a radial spread of 13m. These dimensions exceed the current size of the tree and so were not implementable. Furthermore, the photograph that accompanied it showed a reduction of approximately 4 metres.
- 5.8 To address the Parish Council's objections, the present application has a photograph showing a light reduction to reduce the sail area. The photograph and the specification of up to 2m reduction are considered compatible. The justification for pruning was the issue of large fallen branches. This was due to increased wind-loading as a result of branch failure which can lead to further branches failing where they become exposed to forces they were hitherto sheltered from. As the tree officers are also the case officers for tree applications, their reports are submitted after the consultation date has elapsed.

6. RECOMMENDATION

- 6.1 That permission is GRANTED subject to conditions within the decision notice.

Contact Officer: Phil Dye
Tel. No. 01454 865859

CONDITIONS

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

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

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

Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012