



**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. 29/18

Date to Members: 20/07/2018

Member's Deadline: 26/07/2018 (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.

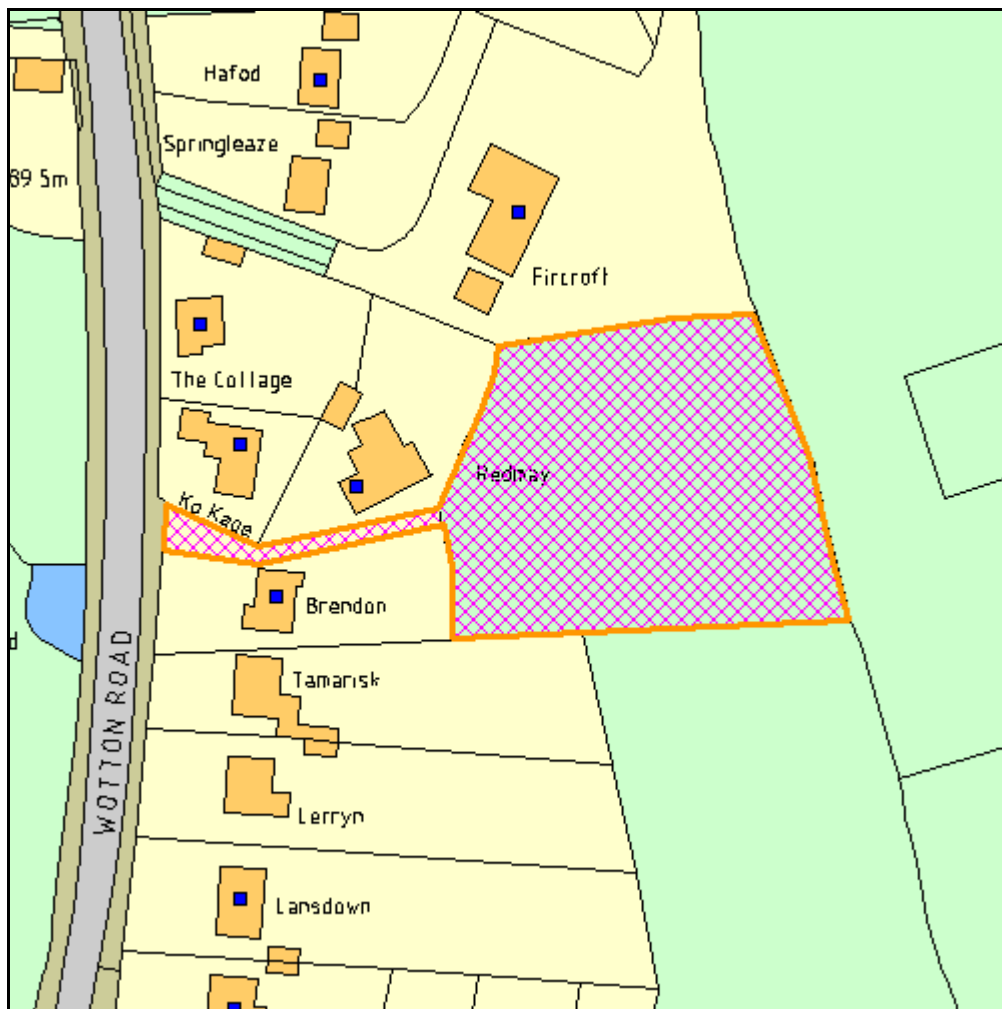
CIRCULATED SCHEDULE 20 July 2018

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	MODT18/0003	Approve	Redmay Wotton Road Rangeworthy BS37 7LZ	Ladden Brook	Rangeworthy Parish Council
2	PK18/0703/AD	Refusal	53 High Street Hanham South Gloucestershire BS15 3DQ	Hanham	Hanham Parish Council
3	PK18/1558/F	Approve with Conditions	Kingswood RFC Grimsbury Road Playingfields Grimsbury Road Kingswood South Gloucestershire BS15 9RA	Woodstock	None
4	PK18/1756/F	Approve with Conditions	Unit 6 Bridge Road Kingswood South Gloucestershire BS15 4FW	Rodway	None
5	PK18/1837/F	Approve with Conditions	Plot 1 And 2 The Greenways Chipping Sodbury South Gloucestershire BS37 6DW	Chipping	Sodbury Town Council
6	PK18/2426/F	Approve with Conditions	88 Sutherland Avenue Downend South Gloucestershire BS16 6QN	Downend	Downend And Bromley Heath Parish Council
7	PK18/2496/CLP	Approve with Conditions	39 Bromley Heath Road Downend South Gloucestershire BS16 6HY	Downend	Downend And Bromley Heath Parish Council
8	PK18/2510/CLP	Approve with Conditions	81 Fouracre Road Downend South Gloucestershire BS16 6PH	Downend	Downend And Bromley Heath Parish Council
9	PK18/2529/F	Approve with Conditions	23 Kilnhurst Close Longwell Green South Gloucestershire BS30 9AB	Longwell Green	Hanham Abbots Parish Council
10	PK18/2662/CLP	Approve with Conditions	23 Engine Common Lane Yate South Gloucestershire BS37 7PX	Ladden Brook	Iron Acton Parish Council
11	PK18/2821/CLP	Approve with Conditions	23 Engine Common Lane Yate South Gloucestershire BS37 7PX	Ladden Brook	Iron Acton Parish Council
12	PK18/2859/CLP	Approve with Conditions	16 Hay Street Marshfield Chippenham South Gloucestershire SN14 8NL	Boyd Valley	Marshfield Parish Council
13	PK18/2868/CLP	Approve with Conditions	20 Bromley Heath Road Downend South Gloucestershire BS16 6HX	Downend	Downend And Bromley Heath Parish Council
14	PT17/1814/F	Approve with Conditions	51 Kenmore Crescent Filton South Gloucestershire BS7 0TJ	Filton	Filton Town Council
15	PT17/5472/LB	Approve with Conditions	10 The Plain Thornbury South Gloucestershire BS35 2AG	Thornbury North	Thornbury Town Council
16	PT18/1393/F	Approve with Conditions	37 Russet Close Olveston South Gloucestershire BS35 4EF	Severn	Olveston Parish Council
17	PT18/2014/F	Approve with Conditions	138 Manor Lane Charfield Wotton Under Edge South Gloucestershire GL12 8TN	Charfield	Charfield Parish Council
18	PT18/2347/F	Refusal	Street Farm The Street Alveston South Gloucestershire BS35 3SX	Thornbury South And	Alveston Parish Council
19	PT18/2348/LB	Refusal	Street Farm The Street Alveston South Gloucestershire BS35 3SX	Thornbury South And	Alveston Parish Council

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
20	PT18/2506/F	Approve with Conditions	11 Bourton Avenue Patchway South Gloucestershire BS34 6EB	Bradley Stoke Central And Stoke Lodge	Stoke Lodge And The Common
21	PT18/2664/CLP	Approve with Conditions	8 Kenmore Crescent Filton Bristol South Gloucestershire BS7 0TN	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 29/18 – 20 JULY 2018

App No.:	MODT18/0003	Applicant:	Rangeworthy Management Ltd
Site:	Redmay Wotton Road Rangeworthy South Gloucestershire BS37 7LZ	Date Reg:	21st June 2018
Proposal:	Deed of Variation of Section 106 Legal Agreement attached to planning permission PT17/1761/O	Parish:	Rangeworthy Parish Council
Map Ref:	369190 185659	Ward:	Ladden Brook
Application Category:		Target Date:	15th August 2018



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule as it relates to a modification of a planning obligation under section 106 of the Town and Country Planning Act 1990. Under the scheme of delegation, such matters need to be referred to the circulated schedule for Members' attention.

1. THE PROPOSAL

- 1.1 This application is made under section 106A of the Town and Country Planning Act 1990 (as amended). It is proposed to vary the section 106 agreement attached to planning permission PT17/1761/O dated 13th November 2017 relating to Affordable Housing. Details of the variation are set out in detail later in this report however, as headline changes, the following variation is proposed:

Affordable Housing

- The Affordable Housing requirement be met by an off-site sum (£85,725) rather than an on-site provision.

- 1.2 As background, outline planning permission was granted under PT17/1761/O on 16th November 2017 for the erection of 5 dwellings, with access and layout to be determined, on land at Redmay, Rangeworthy.

- 1.3 There is no change to the development itself, however there is a change to the number of Affordable Housing units to be provided. The development would no longer provide an Affordable Housing unit, with an off-site financial contribution instead proposed.

2. POLICY CONTEXT

2.1 Legislation

Town and Country Planning Act 1990 (as amended)
Community Infrastructure Levy Regulations 2010 (as amended)

2.2 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
CS6	Infrastructure and Developer Contributions
CS18	Affordable Housing

2.3 Supplementary Planning Guidance

Affordable Housing and ExtraCare SPD (Adopted) May 2014
CIL Charging Schedule and the CIL & S106 SPD (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

3.1 PT17/1761/O

Erection of 5no. detached bungalows (Outline) with access and layout to be determined. All other matters reserved.

Approved: 16.11.2017

3.2 PT18/1304/RM

Erection of 5no dwellings with appearance, landscaping and scale. (Approval of reserved matters to be read in conjunction with PT17/1761/O).

Approved: 24.05.2018

4. ANALYSIS OF VARIATION

4.1 This application seeks to make modifications to a planning obligation in relation to Affordable Housing.

4.2 Principle of Development

Paragraph 122 of the Community Infrastructure Levy Regulations 2010 sets out the limitations of planning obligations. Paragraph 122 outlines that:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –

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

4.3 This application relates to the modification of an existing S106 agreement. At the point of the original S106 being agreed, the obligation was considered to satisfy the criteria outlined in paragraph 122, as set out above. The proposed modification would not alter the scope of the development, and seeks to alter the planning obligation so that instead of providing an on-site Affordable Housing unit, an off-site financial contribution of £85,725 is made. This figure was calculated by the Council's housing enabling team, using the Council's off-site contribution formula.

4.4 The modification is not considered to alter the overall purpose of the original S106 agreement, and as such, it is considered that the criteria set out in paragraph 122 would still be met. Furthermore, the housing enabling team are satisfied that the proposed off-site sum would off-set the loss of the provision of one affordable unit and the modification is therefore acceptable in principle. The applicant's reasoning for seeking a modification is discussed in greater detail below.

4.5 Affordable Housing

The original S106 agreement dated 13th November 2017 (associated with planning permission PT17/1761/O), agreed that one Affordable Housing unit (3-bed) would be provided as part of the development of 5no. dwellings. However no bids were received by any Registered Providers (RPs), following the sending out of an invitation to bid on 11th December 2017. As no bids were received, the applicant is seeking to provide an off-site contribution instead of providing an Affordable Housing unit.

4.6 Affordable Housing should be provided on-site unless exceptional circumstances can be justified. In such cases, off-site provision of a financial contribution of broadly equivalent value can be considered. The housing enabling team are of the opinion that given the circumstances, an off-site contribution can be considered in this case.

4.7 The housing enabling team have sought prices and values for land, build costs and the price paid by an RP for the dwellings, in order to calculate the off-site financial contribution which is equivalent to the level of subsidy that would have been provided by the developer, had the Affordable Housing been delivered on site. Following calculations, the housing enabling team have recommended a figure of £85,725.

4.8 As the applicant is seeking to contribute the recommended figure, the proposed amendment is considered acceptable by the housing enabling team. Therefore officers are content with the proposed amendments in relation to Affordable Housing.

4.9 Summary

The proposed amendments are considered acceptable and would not have a detrimental impact on the provisions of the planning obligation.

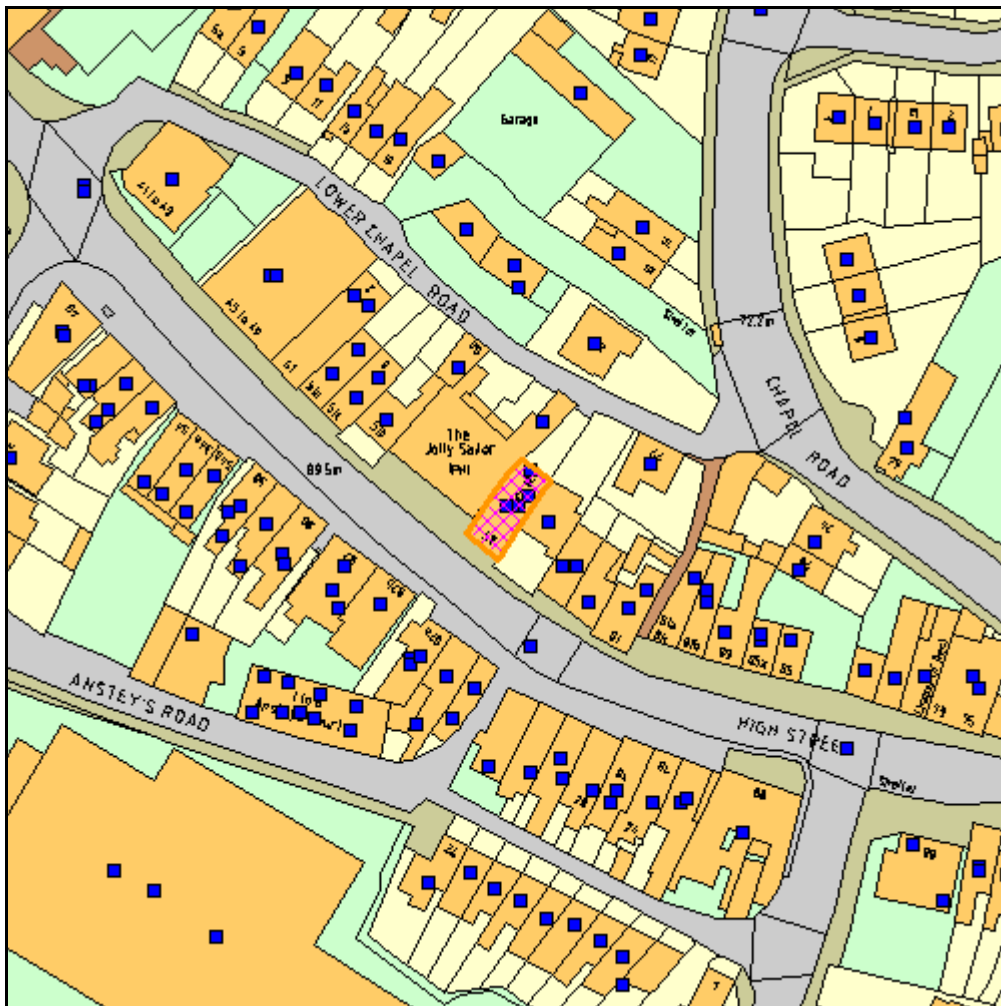
5. RECOMMENDATION

5.1 It is recommended that authority be delegated to the Director of Environment and Community Services and the Head of Legal and Democratic Services to vary the S106 agreement dated 13th November 2017 (associated with planning permission PT17/1761/O) so that the Affordable Housing requirement for the development be met by an off-site sum (£85,725) rather than on-site provision.

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CIRCULATED SCHEDULE NO. 29/18 – 20 JULY 2018

App No.:	PK18/0703/ADV	Applicant:	Mrs Leanne Jefferies Style creation hair and beauty
Site:	53 High Street Hanham South Gloucestershire BS15 3DQ	Date Reg:	20th March 2018
Proposal:	Retention of 1no advertisement mural.	Parish:	Hanham Parish Council
Map Ref:	364183 172369	Ward:	Hanham
Application Category:	Minor	Target Date:	10th May 2018



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Councils Circulated Schedule as letters of support have been received contrary to the officers' recommendation.

1. THE PROPOSAL

- 1.1 This application seeks advertisement consent for the retention of 1.no advertisement mural at 53 High Street, Hanham.
- 1.2 The site is a small hairdressing salon located on Hanham high street. The building sits either side of a public house and residential property. Situated on Hanham high street, there are a number of other nearby buildings where goods or services are sold. Advertisements are a common feature along the high street, reflecting the commercial nature of the area.
- 1.3 Currently, the shop front has a mural painted on the front and a side elevation. The advertisement writing is located next to the door of the salon and along the side elevation of the building.
- 1.4 The case officer noted at the site visit that the advert mural is already in place. This application therefore seeks 'retention' of the advertisement.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
The Town and Country Planning (Control of Advertisements) (England) Regulations 2007
Planning Practice Guidance (2014) – Advertisements

2.2 Development Plans

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

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

PSP1 Local Distinctiveness
PSP33 Shopping Frontages

2.3 Supplementary Planning Guidance

Shopfronts and Advertisements (Adopted) April 2012

3. RELEVANT PLANNING HISTORY

- 3.1 **PK15/2511/F** - Change of use from Residential (Class C3) to Beauty Salon (sui generis) as defined in Town and Country (Use Classes) Order 1987 (as amended). Approved 04.09.2015.

4. CONSULTATION RESPONSES

4.1 Hanham Parish/Town Council

'This application was considered at a meeting of Hanham Parish Council on 4th April. No objections to the sign however there are concerns over the general appearance of the frontage by painting over the old stonework'.

4.2 Other Consultees

Sustainable Transport – Transportation DC:

'There is no transportation objection to the proposed signage as submitted'.

Other Representations

4.3 Local Residents

One objection has been submitted and is summarised below:

- Advertisement is out of character of Hanham High Street.
- Does not enhance the local area.

The applicant has submitted details to the case officer showing comments of support. These are summarised below:

- The artwork brings individuality onto the high street.
- The new design is vibrant, colourful and lifts the appearance of the high street.
- The artwork brings the feel of Bristol to the high street.
- It is not out of keeping with other businesses, and is good for local areas helping to encourage new clients.
- The new logo and design reflect the spirit of the business.
- The design and temporary and modern.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The Planning Practice Guidance (2014) provides that local authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are

material, and any other relevant factors. Guidance contained within the South Gloucestershire Council shopfronts and advertisements SPD (Adopted) April 2012 advises shop signs should be designed to complement the building elevation to which they are attached and the wider street scene. Consequently, this application will be considered with regard to amenity and public safety, as well as the advertisements cumulative impact.

5.2 The contents of the above policies and supporting guidance have been considered throughout the following paragraphs of this report.

5.3 Design and Visual Amenity

5.4 The advert consists of a mural located on the front and side elevation of the shop front. The salon itself occupies a prominent position along Hanham high street, sitting adjacent to a public house and amongst other shops and restaurants in the area. The first floor and left elevation of the building comprises of stone that is similar in design to the buildings located opposite, while the right elevation is rendered.

5.5 Advertisements are a common feature in the immediate area, reflecting the commercial nature of the high street. Existing advertisements comprise of shop front signs that are of modest scale and design. Within the immediate area, there are other shops that contain advertising that is located on both the front and side elevations of buildings. Officers also acknowledge signage advertising the salon was previously present on the both the front and side elevations of the premises.

5.6 The advert subject of this application is a dominant feature of the shop front due to its design and scale. The majority of the shop front is painted with a particular design and the lettering is integrated into the artwork on both the front and side elevations of the premises. The design of this advert is not poor, as it is clear the applicant has attempted to replicate the appearance of other areas of central Bristol where brightly coloured artwork on buildings is prevalent. Officers consider however the side elevation is not as neatly designed as the front of the premises, as the artwork has been directly painted onto external facing brick which results in the advert mural having a more untidy appearance.

5.7 Hanham high street is considered to be a busy road for both pedestrians and vehicles as it acts as a small commercial centre for the area. Existing adverts in the area comprise of free – standing structures or modest shop signs. The salon occupies a prominent position on the high street and can be clearly viewed from both sides of the road. The advertisement mural given its size and design is unrelated physically to any other buildings or signage in the immediate area; appearing isolated and a somewhat alien feature in the area. While unique, the particular design is not similar to any other advert in the immediate locality and it appears at odds with the street scene. Accordingly, there is a degree of harm to the visual amenity of the locality.

5.8 To conclude, officers find that while the mural offers distinctive and unique feature, it is found that it does not have a beneficial impact on the visual amenity of the locality. The design and scale of the mural appears incongruous

and disproportionate to those surrounding advertisements. In such a prominent position, the retention of the mural would have a harmful impact on the visual amenity building itself and of the high street.

Public Safety

5.9 The advertisement mural has been assessed by the Council's Transportation Officer and there are no objections to the retention of it on the grounds of public safety. It is set back from the highway and therefore is not considered a distraction for drivers commuting along Hanham high street.

5.10 Consideration of likely impact on Equalities

5.11 The impact upon equalities is likely to be neutral.

6. CONCLUSION

6.1 The recommendation to **refuse** 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

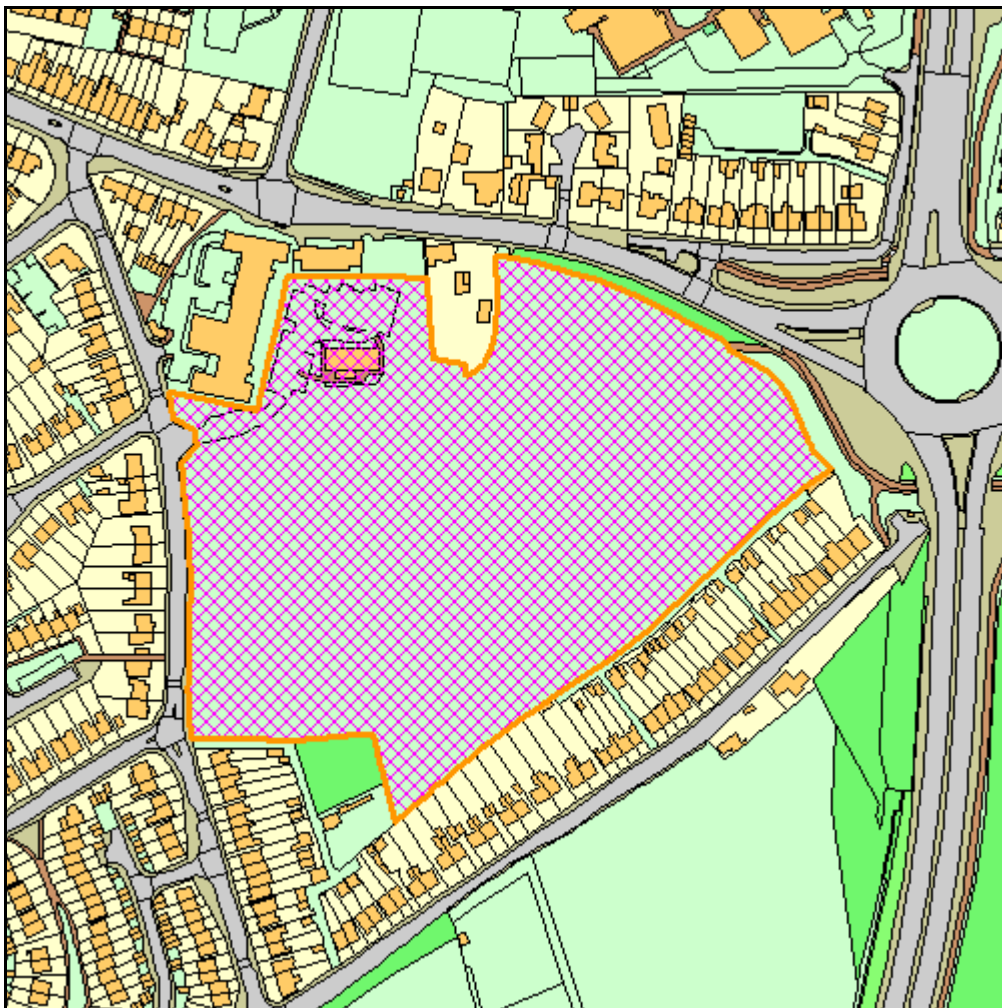
7.1 It is recommended that advertisement consent be **REFUSED** for the reason (s) attached to the decision notice.

Contact Officer: Sam Garland
Tel. No. 01454 863587

The retention of the mural advertisement would be harmful to the visual amenity of the locality. The design and scale of this advertisement does not accord with existing shop fronts along the high street and is considered to detrimentally affect the character of the street scene. The advertisement is therefore contrary to guidance contained within the National Planning Policy Framework (2012); Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013; Policy PSP1 and PSP33 of South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) 2017 and guidance contained within the Shopfronts and Advertisements SPD (Adopted) April 2012 and Planning Practice Guidance (2014).

CIRCULATED SCHEDULE NO. 29/18 – 20 JULY 2018

App No.:	PK18/1558/F	Applicant:	Kingswood RFC Ltd
Site:	Kingswood RFC Grimsbury Road Playingfields Grimsbury Road Kingswood South Gloucestershire	Date Reg:	17th April 2018
Proposal:	Extension and refurbishment of existing pavilion. Reconfiguration of car park and installation of 3no additional floodlights.	Parish:	None
Map Ref:	366254 173542	Ward:	Woodstock
Application Category:	Minor	Target Date:	11th June 2018



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REASONS FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The proposal seeks to extend and refurbish the existing pavilion, reconfigure the car park and install 3no additional floodlights.
- 1.2 The subject property is the grounds of Kingswood Rugby Club which is occupied by a number of sports pitches as well as a brick built pavilion structure. To the eastern pitch/training area there are existing floodlights.
- 1.3 The proposal would introduce a large extension to the side of the existing pavilion that would increase its floor area by around a third. 3no additional floodlights will be introduced to the training pitch and the north-east of the site and the car park shall be reconfigured.
- 1.4 The proposal site falls within the built up residential area of Kingswood and is surrounded predominately by residential 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
CS23 Community Infrastructure

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP44 Open Space, Sport and Recreation

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/4202/F – Approval – 12/03/2013 – Erection of spectator's shelter and associated works.
- 3.2 ELK09/0005 – Licensing Enquiry – 29/09/2009 – Licensing Application
- 3.3 P96/4243 – Approval – 31/07/1996 – Erection of 4no floodlights

- 3.4 P96/4234 – Approval – 08/07/1996 – Erection of security cage/store
- 3.5 K7792/2 – Approval – 27/10/1995 – Erection of sports pavilion, provision of car park to accommodate 54 cars and 1 coach, creation of vehicular access to Grimsbury Road.
- 3.6 K7792/1 – Approval – 28/11/1994 – Erection of sports pavilion, provision of car park to accommodate 60 cars and 2 coaches. Creation of vehicular access from Grimsbury Road.
- 3.7 K7792 – Approval – 28/11/1994 - Erection of sports pavilion, provision of car park to accommodate 47 cars and 2 coaches. Creation of vehicular access from Grimsbury Road.

4. CONSULTATION RESPONSES

4.1 District Cllr. Pat Rooney

“As one of the Woodstock Cllrs, I can reassure all concerned that I and fellow Councillors, Perkins and Manson have engaged and supported the Kingswood RFC and have always been impressed by their community involvement and care taken when events of any sort are arranged and have taken place.”

The councillor disagrees with one of the comments made in objection by a local resident.

Unparished Area

No Comment Available

4.2 Other Consultees

Highway Structures

No Comment

Transport Officer

No Comments/Objections

Lead Local Flood Authority

No objection in principle but requested further information with regard to the developed area as further information would be required for proposals in excess of 1Ha. This is discussed below.

Sport England

No Objections

Lighting Engineer

Insufficient information has been provided with regard to upward light ratio and luminaire intensity calculations to make a recommendation and further information is requested. This is discussed in the residential amenity section below.

Other Representations

4.3 Local Residents

Three comments received, two in objection to the proposal. One of the comments has raised concerns over the use of the site out of hours and

questioning the orientation of the proposed floodlighting. The other objection has concerns over the introduction of the additional floodlights and timing of their use and requests that further information is provided with regard to this. The other comment is not objecting to the development at hand but requests something is done about the drainage of the pitches to allow children and dogs to use the space without getting muddy.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

PSP44 seeks to protect and enhance existing sports and recreation facilities. Within the policy it is stipulated that the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Section 8 of the NPPF (2012) is supportive of recreational and sporting developments and CS23 of the Core Strategy states the Council and partners will work to provide additional, extended or enhance community infrastructure and encourage participation in cultural activity. The proposal would work to refurbish and extend the existing facilities, while also renovating internally and introducing the additional floodlighting. On this basis the proposal must be viewed to enhance these existing facilities so in principle the development is considered acceptable, and carries positive weight in favour of the proposal. The proposal is subject to the consideration below.

5.2 Design

Development will only be permitted where good standards of site planning and design are achieved. Policy CS1 of the Core Strategy and the Design Checklist SPD set out the Council's position on design. Acceptable development proposals must demonstrate the designs are informed by, respect and enhance the character, distinctiveness and amenity of the site and its context.

5.3 The proposal seeks to extend the existing facilities and to refurbish them. The proposal would bring the facilities back in line with current requirements. The works do involve a relatively large extension. The existing structure is utilitarian in appearance and is not viewed to have any particular aesthetic interest in its own right. Additionally while the residential properties tend to have a relatively uniform appearance and form a character area, the proposal is viewed as separate from this character area and would not therefore be required to adhere to this general character. Works to the front of the existing structure would enclose an existing viewing area with a more substantial structure. This is viewed as an improvement on the existing lightweight structure and positive weight has been design to the impact of this part of the extension works. To the east of the existing structure a south facing gable will be introduced with a parapet gable sign feature. This provides some interest visually and the articulation aids in assimilating with the existing structure.

5.4 While the massing and form of the extensions are a reasonable increase on the existing, given the size of the associated site, it would not be viewed to result in overdevelopment. Additionally as the proposal would not be viewed to form part of the character area of the nearby residential properties, is not viewed to result in any harm to the general character of the area.

- 5.5 The proposals also include works to rearrange the car park. The proposal would result in the provision of additional spaces, bringing the total to 72. The existing arrangement is somewhat informal and the surface has deteriorated and requires replacement. The proposed changes would result in a more logical layout and would include soft and hard landscaping features, as well as resurfacing of the area. Again this is viewed to improve the appearance of the facilities.
- 5.6 Included in the proposals is the provision of 3no additional floodlights. It is assumed that these would have a relatively standard appearance and on this basis no objection would be raised to their appearance.
- 5.7 Overall it is thought that the proposals would improve the appearance of the existing building and the site in general and consequently positive weight has been attached to design considerations.
- 5.8 Residential Amenity
Policy PSP8 states that development proposals will be acceptable provided they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of occupiers of the development or of nearby properties.
- 5.9 *Extensions:*
The proposal site is located in a predominately residential area and the site is bounded on all sides (except the north-east) by residential property. The proposal would include extensions to the existing pavilion building which is in relatively close proximity to a handful of properties. Nevertheless the proposals are of a modest height and whilst there is an increase in height from the existing, this is not significant. Consequently no objection is raised with respect to the additional built form and the associated overbearing, dominating impact or loss of light of neighbouring dwellings and is viewed as acceptable in this respect.
- 5.10 *Floodlighting:*
The development includes the introduction of 3no additional floodlights to light the training pitch/area. These have the potential to disturb neighbouring residential properties as a result of additional glare and ambient light levels. It must be noted that the works also include changes to the tilt angle of the existing lighting as per guidance outlined within GN01:2011. Additionally the proposal would introduce lighting oriented largely in the same direction as the existing lights. It is therefore assumed that no additional properties would be affected by the works. Nevertheless the proposal has not been supported by sufficient information for the Council's lighting engineer to fully assess the impact of the proposals. It is expected that a suitable solution could be reached subject to the additional information being provided, therefore it has been seen as appropriate to attach a condition to secure this prior to the commencement of the relevant part of the build.

- 5.11 Comments have been received concerned with the orientation of the floodlights and their times of operation and has requested further information is included in this report. The proposals will be arranged with a general southerly orientation to light the land to the north-east of the site. As this is the same general direction of the existing and would be providing modern lighting arranged according to current guidelines, it is not expected to result in further harm to residential property subject to the additional information to be requested being within acceptable parameters. According to the supporting documentation the floodlights would not be in use beyond 9pm. As a result a condition will be attached preventing the use of the lights after that time.
- 5.12 *Noise Pollution:*
The proposal would extend the existing pavilion facilities, however no change to the licensing has been requested under this application. While the floor area of the clubhouse would increase, it is not expected to increase how intensively the site is used as rugby teams are restricted in numbers and it is not expected to attract a significant number of additional people to watch games and training sessions.
- 5.13 Comments have been received objecting to the proposal, stating that the facilities are regularly used outside of the licensed times and this has resulted in noise pollution and fighting following closure. Response has been received from a district councillor disputing these claims. It must be noted that this is an issue separate from the planning process and relates to licensing of the clubhouse. Officers can only make recommendations based on opening times that have been given and not to speculate on when breaches occur. The proposal does not seek to change the times of operation, consequently it has been seen as unreasonable to attach any negative weight to this consideration and furthermore that this issue is not relevant to the assessment of the planning application at hand.
- 5.14 Transport
The proposal seeks to introduce additional parking provision bring the total to 72no spaces for cars. 4 of these will be allocated for disabled accessible spaces. The development itself is not expected to generate a significant amount of additional users of the site and on this basis, would only be viewed to improve the situation with regard to parking and highway safety. No objection is raised with regard to transport and parking provision and the proposal would be viewed to accord with the provisions of the adopted local development plan.
- 5.15 Drainage
The site would increase the building coverage on the site and could lead to additional rainwater runoff. Nevertheless no objection in principle was raised by the Lead Local Flood Authority. A query was raised with regard to the actual development area as developments in excess of 1Ha would require a flood assessment to be submitted. The actual area of the developed area is less than half a hectare, accordingly no further information is required and it is not expected to result in any further issues with regard to drainage.

- 5.16 A comment was received, not specifically objecting to the developments proposed but requests that something is done about drainage of the pitches to allow them to walk dogs with their children without getting muddy. The site operates as a sport club and it is expected there is no specific right for members of the public to utilise the site for such purposes. Nevertheless the issue is not relevant to the planning application at hand and does not carry weight in the assessment.
- 5.17 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 carries moderate positive weight as it would provide better disabled facilities for users.
- 5.18 Planning Balance
The proposal is for extension and refurbishment of an existing sports facility within the defined settlement boundary and the east fringe of Bristol. Enhancement of such facilities is supported by policy at both the local and national level and significant positive weight should be attached to this.
- 5.19 The extensions and rearrangement of the parking facilities has been seen to improve the appearance of the site and the existing clubhouse and again positive weight should be attached to design considerations. There is potential for the additional floodlighting to have negative impact on the amenity of neighbouring residential uses and insufficient information has been provided to fully assess this impact. Subject to a prior to the commencement of the relevant part of the build condition and an acceptable lighting scheme coming forwards, this impact would be within acceptable parameters and as a result neutral weight has been attached to this in the assessment of the application at hand. Further consideration would be given to this issue upon submission of an application for the discharge of the suggested condition. Additionally a condition will be attached restricting the times the lights can be used.
- 5.20 Limited positive weight has been attached to the changes to the parking arrangement and to the improvement of disabled facilities. Overall the positive impacts of development would outweigh any identified harms and consequently it is advised that permission is granted subject to the conditions suggested above.

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. Development shall be carried out in accordance with the following plans:

Received by the Local Planning Authority on 3rd April 2018 - Lighting Survey; Existing Site Layout; Existing Block Plan; Proposed Clubhouse Part 1 (Floor Plan); Proposed Clubhouse Part 2 (Floor Plan); Site Location Plan; Proposed Site Layout; Location of Proposed Floodlights; Existing Clubhouse Floor Plan; Proposed Elevations; Existing Elevations; Proposed 3D Views

Reason

In the interests of proper planning and for the avoidance of doubt.

3. Prior to the commencement of relevant part of the development details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details. For the avoidance of doubt the proposals should include further information in an appropriate report format confirming the impact with regard to Upward Light Ratio Calculations and Luminaire Intensity Calculations; to accord with ILP's Guidance Notes for the Reduction of Obtrusive Light.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the Policies Sites and Places DPD (adopted) November 2017 and Policy CS9 of the Core Strategy (adopted) December 2013; and the provisions of the National Planning Policy Framework.

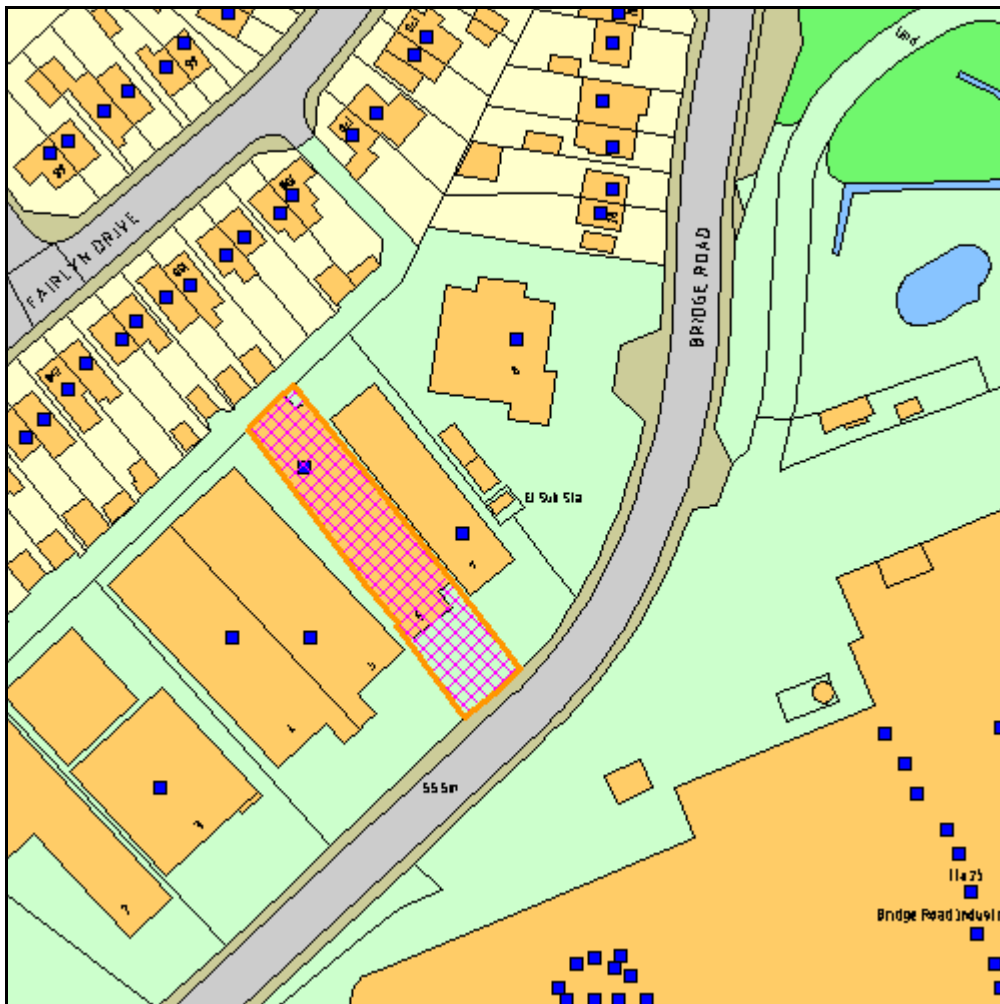
4. The floodlighting hereby approved shall not be illuminated beyond 21:00 in any given 24 hour period.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the Policies Sites and Places DPD (adopted) November 2017 and Policy CS9 of the Core Strategy (adopted) December 2013; and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 29/18 – 20 JULY 2018

App No.:	PK18/1756/F	Applicant:	Impact Mentoring
Site:	Unit 6 Bridge Road Kingswood Bristol South Gloucestershire BS15 4FW	Date Reg:	18th April 2018
Proposal:	Change of Use of building from Handrail and Tubular Frame Supplier and Distributor (Class B2) to non residential Institution to provide education and training (Class D1) as defined in the Town and Country Planning (Use Classes) Order 1987 (As Amended).	Parish:	None
Map Ref:	365990 175331	Ward:	Rodway
Application Category:	Minor	Target Date:	12th June 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 Planning permission is sought for the change of use of a building from handrail and tubular frame supplier and distributor (Class B2), to a non-residential Institution to provide education and training (Class D1) as defined in the Town and Country Planning (Use Classes) Order 1987 (As Amended). The application relates to Unit 6, Bridge Road, Kingswood.
- 1.2 The application site consists of an industrial unit situated along Bridge Road in the urban fringe area of Kingswood. The site forms part of the Station Road Trading Estate, which is designated as a safeguarded area of economic development under policy CS12 of the Core Strategy (2013).
- 1.3 The premises is currently vacant, but was previously used for the supply and distribution of handrails and tubular frames. The total floor space of the existing unit is 522m². 310m² of this was used for storage purposes, with 80m² used for the manufacturing of goods. A further 132m² was used as ancillary office space. For the purposes of this assessment, the predominant, lawful use of the premises is considered to be general industry (B2), with the storage and office areas considered to be ancillary to the predominant use.
- 1.4 For clarity, should the proposal be found to be acceptable, permission would be granted for the change of the use of entire premises to D1. This is on the basis that the building and its curtilage are considered to form a single planning unit, with B2 considered to currently be the predominant lawful use. It is acknowledged that the applicant wishes to retain offices within the premises, and that the offices have been labelled within the submission as being within a B1 use. However the offices are considered to be ancillary to the existing B2 use. Should permission be granted, the offices could be retained as part of the planning unit, but would be considered ancillary to the predominant D1 use.
- 1.5 Additional information and plans regarding the proposed use of the premises and the proposed parking arrangements were submitted to the Local Planning Authority on 12th June 2018.

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
CS12	Safeguarded Areas for Economic Development
CS23	Community Infrastructure and Cultural Activity

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

PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP21	Environmental Pollution and Impacts

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 There is no planning history associated with the application site. However planning permission has previously been granted for the change of use of a nearby premises from Class B1 to D1. Details of this are set out below:
- 3.2 **PK13/2450/F** – *Bridge House, Bridge Road (south-west of application site)*

Change of Use of land and buildings from Class B1 to Day Nursery (Class D1) as defined in the Town and Country Planning (Use Classes) Order 1985 (as amended)

Approved: 03.09.2013

4. **CONSULTATION RESPONSES**

- 4.1 Town/Parish Council
The area is un-parished

- 4.2 Other Consultees

Sustainable Transport

Initial Comments

- Unlikely to have any material objection to proposal as generally consider that given the size of the premises, the proposed uses are unlikely to generate a significantly greater travel demand than the lawfully consented uses.
- However require more detail regarding type of operation envisaged at the premises, the number of person visiting it and its operational arrangements.
- Also require further information regarding parking.

Updated Comments Following Submission of Additional Information

- Queries have been sufficiently answered and proposed parking provision is adequate.

Economic Development

Initial Comments

- Do not wish to object to proposal.
- Recognise that whilst the proposal will result in the net loss of 390sqm of class 'B' uses, the proposed change of use will create 8 FTE jobs, whilst bringing a currently vacant unit into operation.
- Understand that the proposal supports Point 3 of Policy CS12 of the Core Strategy (the proposal would improve the number or range of jobs available in the local area), particularly as the site is in a recognised priority neighbourhood.
- In order to be supportive of this application, further information regarding the marketing strategy and viability of the site in its current use, as well as how the proposal supports Points 1 & 2 of Policy CS12 would prove useful.

Updated Comments Following Submission of Additional Information

- Have reviewed the recently provided marketing information and acknowledge that the site has been marketed in its current permitted use throughout its vacancy, with various viewings not leading to occupancy. Therefore believe that this proposed change of use is acceptable, and will not have a detrimental impact on the surrounding business landscape.

Other Representations

4.3 Local Residents

Two letters of objection were received during the statutory consultation period. The main concerns raised are summarised below:

- Application provides no information of future use.
- Refers to rear of building, what about rest of building including upstairs?
- It refers to 8 staff. What about parking? Employees from business along Bridge Road regularly park on Fairlyn Drive.
- Application provides no indication of parking.
- If being used for mentoring, how many people are coming to the site at any given time?
- Who are the pupils? Are they offenders? Why here?
- No fire escape shown on drawings.
- No hours of working proposed.
- What is happening on top floor?
- What is boxed/hatched area on plan being used for?

5. ANALYSIS OF PROPOSAL

5.1 The application seeks permission for a change of use from a handrail and tubular frame supplier and distributor (Class B2), to a non-residential institution (Class D1). The prospective occupiers of the premises are Impact Mentoring, who offer one-to-one mentoring sessions to challenging young people in South Gloucestershire. It is the applicant's intention to split some of the internal space in to smaller areas (class rooms/activity spaces). A total of 3 office staff and 5 mentors would be employed at the site.

5.2 Principle of Development

Provision of D1 Use

Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of the north and east fringes of the Bristol urban area. The application site is located in the area defined as the east fringe of the Bristol urban area, where development is generally supported.

5.3 Policy CS23 of the Core Strategy relates to community infrastructure, and outlines that the Council will work with partners to provide additional, extended or enhanced community infrastructure and encourage participation in cultural activity. The proposal would introduce a new educational/training facility to the site, which falls in to the category of community infrastructure as listed in policy CS23. As such, the proposal would be consistent with the aims of CS23.

5.4 In terms of the appropriateness of the location for a D1 use, it is acknowledged that an trading estate would generally not be considered as the most suitable location for a non-residential institution such as the one proposed. However the Station Road Trading Estate is of a fairly small scale, and is well connected to surrounding residential areas and transport links. Additionally, a D1 use has previously been found to be appropriate for another unit along Bridge Road. On balance, it is not considered that the creation of a non-residential institute at the location proposed would cause any significant harm to any future users or employees by virtue of the location of the facility.

Loss of B2 Use

5.5 The application site forms part of the Station Road Trading Estate. This is designated as safeguarded area for economic employment under policy CS12 of the Core Strategy. The primary aim of policy CS12 is to safeguard designated areas for economic development. In order to achieve this, proposals for a change from B Use Classes to other economic development uses, including to town-centre uses or non-employment uses, will need to demonstrate that:

1. the proposal would not prejudice the regeneration and retention of B Use Classes elsewhere within the defined employment area; and

2. it can be clearly demonstrated that it would contribute to a more sustainable pattern of development in the local area as a consequence of the appropriateness of the proposed use to the location; and
 3. the proposal would improve the number or range of jobs available in the local area; and
 4. no suitable alternative provision for the proposal has been made elsewhere in the Local Development Framework.
- 5.6 Having discussed the proposed change of use with the Council's Economic Development team, the proposal is considered to meet the above criteria. Additional information has been submitted during the course of the application process, outlining that the premises has been marketed for some time, with minimal interest. As such, the unit has lain vacant for a significant period of time. The proposal would bring the unit back in to operation, with the change of use introducing 8 new jobs to the site.
- 5.7 On the basis of the information submitted and having reviewed the immediate surrounding area, it is also considered that the proposal would improve the range of jobs available in the local area, and would not have a detrimental impact on the surrounding business landscape.
- 5.8 For the reasons outlined above, the proposed change of use is considered to be acceptable in principle. However the proposal is to be assessed against further relevant criteria, in order to identify any potential harm.
- 5.9 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. Policy CS1 is fully compliant with design guidance in the NPPF.
- 5.10 The proposal does not seek to make any external alterations to the existing building. The application relates entirely to the change of the use of the building. As such, it is not considered that the proposed change of use would have any significant impacts from a visual perspective. Furthermore, it is not considered that change of the use of the building would have any material impacts on the commercial character of the immediate surrounding area. Overall, the proposal is considered to accord with policy CS1 of the Core Strategy.
- 5.11 However should any external alterations or new signage be proposed in the future, it is likely that these works would require a separate planning permission or advertisement consent.

5.12 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.
- 5.13 When considering the impacts of the proposal on the residential amenity of nearby residents, the main neighbouring properties under consideration are those situated along Fairlyn Drive, to the north-west (rear) of the application site.
- 5.14 As the proposal does not seek to alter the exterior of the building, it is not considered that the proposal would have greater overbearing, overshadowing or overlooking impacts on adjacent dwellinghouses than the existing arrangement.
- 5.15 In terms of any noise, disturbance or pollution, a B2 use would generally have the potential to create a greater level of noise and pollution than a D1 use. To add to this, the information submitted indicates that all mentoring would occur within the building, and not outdoors. This is considered to reduce the potential for any noise pollution. Furthermore, the north-eastern boundary of the site is separated from immediate neighbours by a landscape buffer and a private lane providing rear access to the neighbouring properties.
- 5.16 On balance, it is not considered that the proposed use would cause any greater harm to the residential amenity of nearby residents than the current lawful use. On this basis, the proposal is considered to accord with policy PSP8 of the Policies, Sites and Places Plan.
- 5.17 Transport
- The existing access would be retained, and it is unlikely that the proposed change of use would significantly increase the travel demand associated with the premises. As such there are no major concerns regarding highway safety, and the main transportation assessment relates to proposed parking arrangements.
- 5.18 An amended block plan has been submitted, indicating that a total of 8 parking spaces can be provided to the front of the premises. It has also been detailed that young people using the facility would be collected from their homes by mentors, and as such there would be no picking up or dropping off at the premises. Overall, the proposed parking provision is considered to be adequate, and it is not considered that the proposed change of use would lead to a significant increase in on-street parking in the locality. The proposal is therefore considered to accord with policy PSP11 of the Policies, Sites and Places Plan.

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, given the nature of the development, it is considered to have a positive impact on equality.

5.21 Other Matters

The comments made regarding working hours have been taken in to account. It should be noted that the current premises benefits from an unfettered B2 use, with no restriction on hours of operation. As it is unlikely that a D1 use would cause any greater impact on amenity than a B2 use, it is not considered necessary or reasonable in this case to apply a planning condition to any consent, restricting the permitted hours of operation.

5.22 The comments made regarding the characteristics of the prospective users of the facility have also been taken in to account. It should be noted that the granting of planning permission would allow for an unrestricted D1 class use. As previously outlined it is not considered that a D1 use would have any significant impacts on the amenity of nearby residents, and as such the potential characteristics of any future users is considered to hold very limited weight in the assessment of the application in terms of the impact upon residential amenity arising from the use of the building.

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. 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. 29/18 – 20 JULY 2018

App No.:	PK18/1837/F	Applicant:	Beaumont Homes
Site:	Plot 1 And 2 The Greenways Chipping Sodbury Bristol South Gloucestershire BS37 6DW	Date Reg:	23rd April 2018
Proposal:	Erection of 2 no. dwellings with associated works (amendment to a previously approved scheme PK15/0255/F).	Parish:	Sodbury Town Council
Map Ref:	373017 181877	Ward:	Chipping Sodbury
Application Category:	Minor	Target Date:	15th June 2018



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 100023410, 2008. N.T.S. PK18/1837/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule, due to objections received, contrary to Officer recommendation. The item has previously appeared on the Schedule, however it was identified that further consultation on additional properties was necessary. This has been undertaken and the report updated in the consultation section below. There are no changes to the application under consideration.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of 2 no. dwellings with associated works. The proposals are essentially an amendment to a previously approved scheme ref. PK15/0255/F. PK15/0255/F was for the demolition of 2no. buildings and erection of 7no.detached dormer bungalows with associated works. The 7 dwellings approved under that permission, included the two the subject of this application, on plots one and two. This application seeks to amend that previous consent, in respect of the dwellings on plots one and two. The remainder of the scheme has been built.
- 1.2 The plots the subject of this condition are located at the front of The Greenways. The site is located within the residential area of Chipping Sodbury, amongst other housing.
- 1.3 The proposals seek changes/amendments to the approved scheme in respect of these two plots consisting of alterations to the layouts of the dwellings, addition and removal of windows, addition of dormers and the addition of single garages to the side of each property. Plot one would now essentially be facing and accessed from Greenways as opposed to Woodman Road. Materials will be as previously approved and will match the existing development.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan 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
CS13 Non-safeguarded Economic Development Sites
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS30 Yate and Chipping Sodbury

South Gloucestershire Policies Site and Places Plan
PSP8 Residential Amenity
PSP16 Parking Standards
PSP43 Private Amenity Space Standards

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/0255/F - Demolition of 2no. buildings and erection of 7no. detached dormer bungalows with associated works. Approved 08.04.2015
- 3.2 PK17/1287/O - Erection of 3no dwellings (outline) with layout to be determined; all other matters reserved. Refused 9th June 2017.
- 3.2 PK17/1817/NMA - Non material amendment to planning application PK15/0255/F - for approved plans to be conditioned under PK15/0255/F
- 3.2 PK17/5261/RVC - Variation of condition 1 attached to PK15/0255/F (attached through PK17/1817/NMA to add plans to decision notice) to substitute approved drawing with plans P3 A 003, P4 A 003, P5 A 003, P6 A 003 and P7 A 003 (Retrospective). Approved 23rd March 2018.

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No objection

- 4.2 Other Consultees

Highways Structures
No comment

Lead Local Flood Authority
No objections in principle subject to advice

Sustainable Transportation
There is no highway objection to this application subject to a planning condition to ensure that the proposed car parking and garaging of vehicles are provided on site all in accordance with the submitted and approved plans the said parking spaces shall be used for their intended purpose only and be maintained accordingly thereafter.

Other Representations

- 4.3 Local Residents
3 objection letters have been received, as follows:
1. *'First I still stand by my comments in previous applications that these*

properties are not Dormer Bungalows but houses, they are far taller than all other bungalows surrounding. They are actually marketed outside on the board as houses/dormer bungalows. I can only assume this is to appeal to a larger market place. In truth the height of these properties have intruded into the privacy of the surrounding properties and ruined our outlook.

The application form states that there are no hedges, shrubs etc on the plot and yet I am led to believe the boundary of the property reaches the stream on Two Stones Lane. Meaning the foliage between my property and the site would belong to plot 1. This is my only screening from the development, is this going to be left in tact? Or replaced with

the unsightly fencing further up the line? (I believe there are currently birds nesting). If it is removed, will it be replaced by similar screening to hide the fencing that will quickly be covered in weeds as it is up the rest of the lane?

I was under the impression that some screening was to be planted up the lane to replace the hedges that were taken out but this has never happened.

Plot 2 is referred to as front/rear/side elevations, whilst plot one is referred to as east/west/north/south elevations! This leads to confusion as to which way the properties could be facing and I'm assuming from the drawing of all properties in the site that the front of both properties are facing West?

Presuming plot 1 to be the front door facing inwards towards the culdesac then the rear of the property and the large upstairs window would be facing directly into my windows along the length of my property. This affects 3 rooms in my property and the annexe at the rear, to this I strongly object as I have already had the rear of my property which used to be a private garden invaded by an upstairs window in plot 3'

2 'These properties will have a profound effect on the properties Collingwood and Collingwood Annexe and others in two stones lane.

Affecting privacy and sunlight to the properties. Which had already been badly affected by the previous houses built which are now looking directly into at least 3 properties opposite. A previously private garden and conservatory is now like a goldfish bowl and my daughter rarely opens her blinds or sits in her garden due to the lack of privacy.'

3 'I am writing to object to this application. These two houses are far from the 'assisted living' bungalows originally conceived for this site. Putting aside the fact the current properties there are different to the designs, the fact the developers worked outside of normal hours and with little regard to people living nearby, I raise the following objections:

Privacy: These are houses with first floor windows which will look onto Woodmans Road, in a way the original bungalows would not.

Parking: Visitors to the existing 7 bungalows do not use their driveways or private parking spaces. Some park on Woodmans Road where the houses opposite have no option but to park on the road. With the extra traffic and parking from St John's School, any more cars will create issues endangering children who use the road to get to and from school (probably about 100 pedestrians and 30 cars twice each day). These new properties are 4 bed houses, and only having one parking space will necessitate occupiers and visitor parking on Woodmans Road as the

Greenaways access road is too narrow.

Extra traffic: The 7 bungalows already add to what is a busy road where speeding is an issue. The Greenaways residents have had several near misses exiting that road, and building a fence blocking line of site to what is now a T-junction will lead to an accident.

Design: The design of these dwellings is not in keeping with the surrounding buildings. The current bungalows are hidden from the street, but these houses will stand out from the existing buildings in a way no other buildings in the town have been allowed to.

Drainage: There is a lot of surface water run-off from the development onto the road (does the private road have drains?) leading to issues with surface water on Woodmans Road. These plans have little or no green space, so presumably will only worsen this problem.

Oversight: The existing bungalows were so different from the original plans, that new drawings were submitted after they were built, presumably to help this application? Will the developers be made to keep to plans this time, or will they be allowed to build and then resubmit plans.

Use: Originally the entire plot was going to be used for assisted-living homes. The marketing of these £450k 'executive' homes makes no reference to this. If these are, therefore, 4 bed family homes I would object to so many extra occupiers being housed in an already busy and crowded part of the road'

Officer Note:

It was identified that several new build properties, including adjacent to the application site, now occupied, within the remainder of the Greenaways development had not been consulted. These properties were subsequently consulted:

1 response was received stating that:

'Having reviewed the documentation I am writing to say that I shall not object to the plans as submitted in the application.'

3 other responses were received expressing support for the proposals although no further details of support were provided.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of the housing developed is established. Most of the dwellings have in fact now been built. The issue for consideration therefore is whether the changes the subject of this application, highlighted above, raise any further issues or give rise to different considerations. The main issues relating to the changes are considered to be those of design, orientation, finishes and materials and window/door location and whether these changes are acceptable in visual and residential amenity terms.

5.2 Residential Amenity

The main changes relate to the orientation of the dwellings and the associated fenestration dormers and gables. The height of the dwellings will not increase and will remain as previously approved and the building lines would remain similar to the front and rear, as those previously approved.

5.3 Plot One would now essentially front and be accessed from Greenways, with a side garage and associated parking to the front, as opposed to parking and access facing Woodman Road. There would be two side dormer structures and a new first floor window. This window would serve a bathroom and could be conditioned to be of obscure glazing. The change in orientation of the dwelling would mean that a pitched roof would face the rear of the property, thus reducing the bulk of the building and associated roofline in this direction, and removing the two rooflights facing in this direction.

5.4 Plot 2 would remain at the same orientation as previously approved, facing and accessed from Greenways. The main changes would be the design to the front elevation, incorporating glazed two storey dormer and two smaller first floor dormers instead of the two storey dormer and one smaller first floor dormer arrangement. A single one storey side garage would also be added. A first floor window on the rear elevation would also be removed.

5.5 On the basis of the above considerations, it is not considered that the amended proposals for these two plots would give rise to additional or material and significant amenity impacts in their own right such as to warrant objection and sustain refusal of the application on this basis

5.6 Any elements of the implemented consent that are considered not to have been implemented in accordance with the relevant approvals and subsequent conditions would be subject to enforcement investigation.

5.7 Design/Visual Amenity

The proposals incorporate a different design and orientation to the previously approved design. This includes varying proportions of the timber and stone finishes on the elevations of the dwellings and a variation in dormer design. This is not considered to give rise to significant design concerns or material issues in their own right over and above the existing approved scheme. The amended scheme for these two dwellings is considered acceptable and does not raise any material or additional issues and the proposals are considered acceptable in their own right in this respect. Materials would be consistent with the previous consents and approved schemes of materials submitted required, as would planting, and drainage provisions access and management, which have all been agreed. Any remaining relevant conditions and requirements of PK15/0255/F have been carried over and updated where necessary.

5.8 Transportation

The principle of the two dwellings in these plots is established. It is not considered that the proposed amendment affects the transport considerations of the site. Parking provision and access proposed would be acceptable and in accordance with the Council's parking standards,

and remains acceptable. There are no Highways Officers objections to the proposals.

5.9 Consideration of likely impact on 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 South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report. Conditions that remain relevant and not subject to this variation application will be brought forward with this recommendation.

7. RECOMMENDATION

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

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

2. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification) no new windows or dormer windows other than those expressly authorised by this permission shall be constructed.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the provisions of the National Planning Policy Framework 2012

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no walls, fences, gates or other means of enclosure shall be erected, positioned or placed within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason

In the interests of visual amenity and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

4. Prior to the use or occupation of the dwellings hereby permitted, and at all times thereafter, the proposed first floor window on the east elevation shall be glazed with obscure glass to level 3 standard or above.

Reason

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

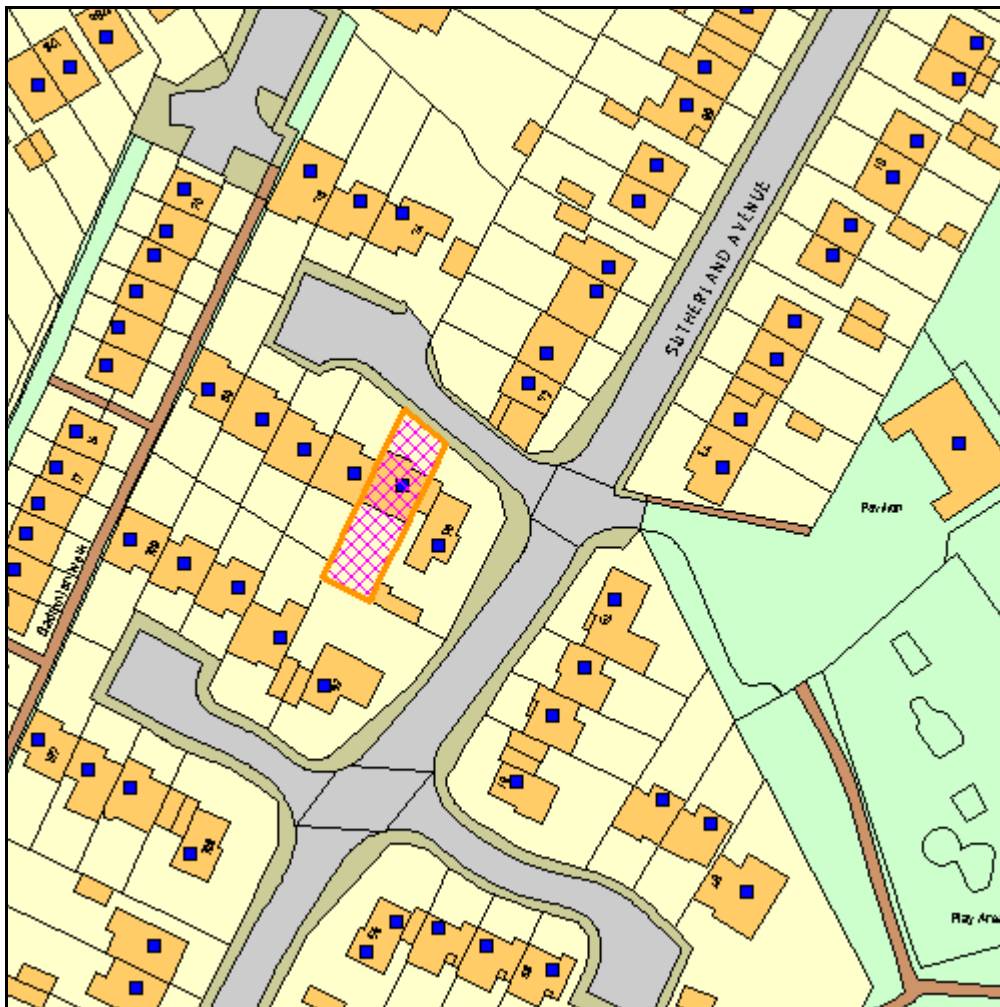
5. The off-street parking facilities, including the garages, shown on the approved plans, shall be provided before the dwellings are first occupied, and thereafter retained for that purpose.

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. 29/18 – 20 JULY 2018

App No.:	PK18/2426/F	Applicant:	Mr Flew
Site:	88 Sutherland Avenue Downend Bristol South Gloucestershire BS16 6QN	Date Reg:	5th June 2018
Proposal:	Erection of single storey rear extension to provide additional living accommodation.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365327 177245	Ward:	Downend
Application Category:	Householder	Target Date:	27th July 2018



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PK18/2426/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application has received letters of 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 rear extension at 88 Sutherland Avenue, Downend, which is a two-storey link detached dwelling locating within the settlement boundary of Downend. The proposed extension would be 2.3 metres deep by 5.8 metres wide and 3.6 metres to its ridge.
- 1.2 During the course of the application, the applicant submitted an amended proposal with an attempt to address the concerns raised by the neighbouring residents. The amended plan therefore shows that the original proposed alteration to the existing front porch and garage and the single storey side extension have been removed from the original scheme.

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

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 None.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection.

Other Representations

- 4.2 Local Residents

2 letters of objection have been received and the local residents' concerns are summarised as follows:

- Considerable reduction in light to No. 90's kitchen window
- Reduction in light & evening sun to No. 90 living room patio doors
- The proposal seeks to build an extension and alter the garage roof which works would significantly increase the degree of encroachment on the property wall of number 86 and to further increase the size of the utility room against the side of 86.
- No formal approach has been made by the applicant to seek agreement to this proposal from the owners of number 86.
- No formal notice under the Party Wall Act 1996 has been served.
- There is clearly a realistic potential for damage to the neighbouring property both during the course of works and thereafter.
- No assurances have been offered or provided to the owners of that property in relation to making good any consequential damage to the property at 86.
- The proposed works could have a detrimental effect on the value of the property 86 as a result of the significantly increased percentage of the "attachment" of the properties.
- It should be noted that neither property would be currently considered to be "semidetached" but it is suggested that under the proposal this could potentially be the case.

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 two-storey link-detached dwelling. Its elevations are finished with brickwork and render, with white UPVc windows and doors, and a front porch. The property has a reasonable sized rear garden. The surrounding buildings are of a similar style and appearance.

- 5.3 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. The proposed extension is modest in scale and would be finished with materials to match those on the host dwelling. As such the proposal is considered acceptable in design and visual amenity terms.
- 5.4 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.
- 5.5 The closest neighbouring property to the proposed extension would No. 86 and 90 Sunderland and the neighbouring residents' concerns have been noted. As the original proposal has been amended and the current plan shows no alteration to the existing garage / utility, officers therefore only consider if the proposed rear extension would have any adverse impact upon the neighbouring properties.
- 5.6 The proposed extension would be single storey structure, and it would be approximately 2.3 metres from No.86. No window is proposed on the northwest side elevation. Therefore it is considered that the proposed extension would not have an unreasonable impact, in terms of overbearing or overlooking issues, upon this neighbouring property.
- 5.7 Officers note the residents' concerns from No. 90 Sunderland Avenue, which has a window facing the application site. The proposed single storey extension would only project approximately 2.3 metres beyond the existing rear elevation. No window is proposed on the southwest (side) elevation. It is therefore considered that the proposed extension would not cause material adverse impact to be detrimental to the living conditions of the neighbouring property.
- 5.8 Following the development, a reasonable size private outside amenity space would remain. Therefore, it is considered that the residential amenity impact is deemed to be acceptable in this instance.
- 5.9 Transportation
The proposal would not increase the total number of bedrooms within the site and would not alter the existing parking and access arrangement, therefore there is no highway objection to the proposal.
- 5.10 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 following conditions.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

2. 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.

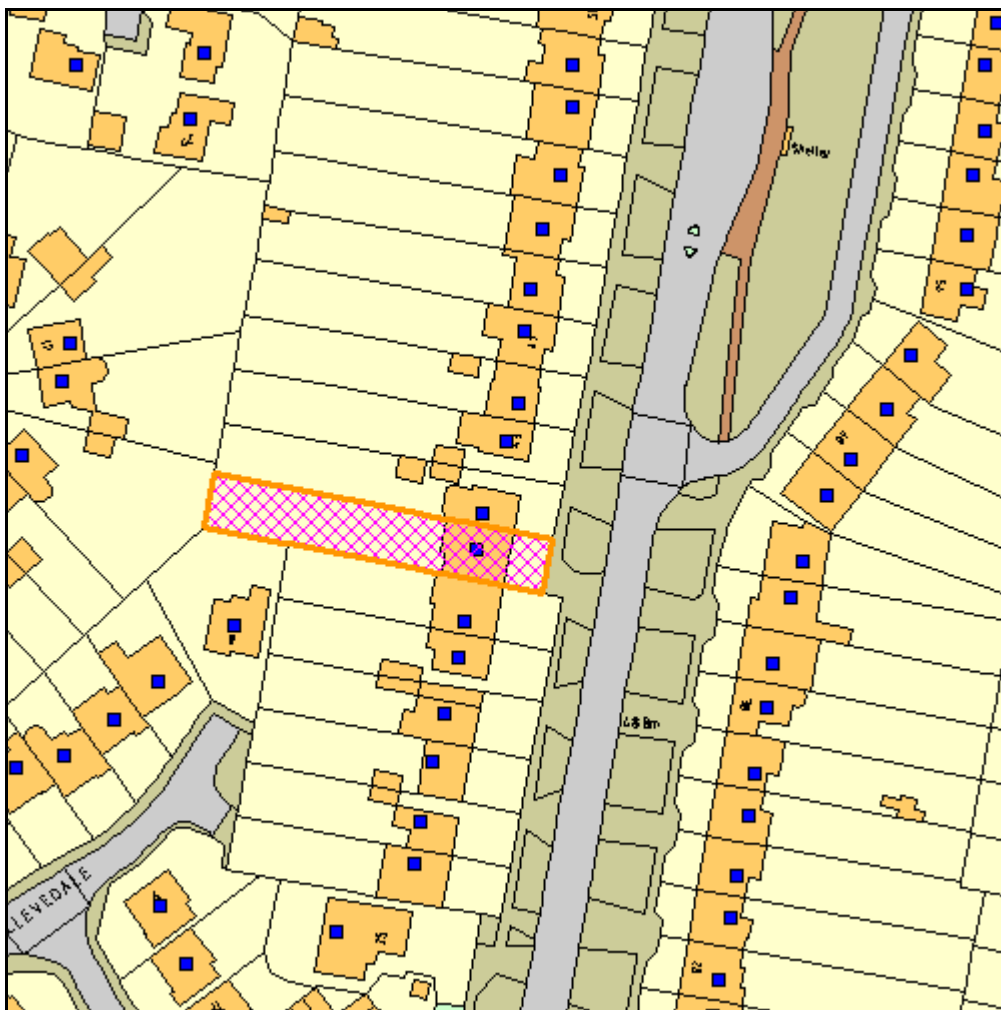
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

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. 29/18 – 20 JULY 2018

App No.:	PK18/2496/CLP	Applicant:	Mr Tom Waterton
Site:	39 Bromley Heath Road Downend Bristol South Gloucestershire BS16 6HY	Date Reg:	
Proposal:	Installation of rear dormer to facilitate loft conversion.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364720 177473	Ward:	Downend
Application Category:	Certificate of lawfulness	Target Date:	27th 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 Installation of hip to gable extension and rear dormer to facilitate loft conversion to 39 Bromley Heath 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 PK05/0896/F – Approved - 12.05.2005
Erection of rear conservatory.

4. CONSULTATION RESPONSES

- 4.1 Local Councillor
No comment received

Downend and Bromley Heath Parish Council
No objection

Other Representations

- 4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Proposed roof Elevations and 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 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 proposed Installation of hip to gable extension and rear 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 or Q of Part 3 of this Schedule (changes of use)**

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

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

The 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 window would be located to the rear 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 confirm materials of similar appearance.

- (b) the enlargement must be constructed so that –**
- (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
 - (aa) the eaves of the original roof are maintained or reinstated; and**
 - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, 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 rear dormers would be approximately 0.4 metres from the outside edge of the eaves. 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.**

Plans show that the proposed side window will be fixed and obscure glazed.

7. RECOMMENDATION

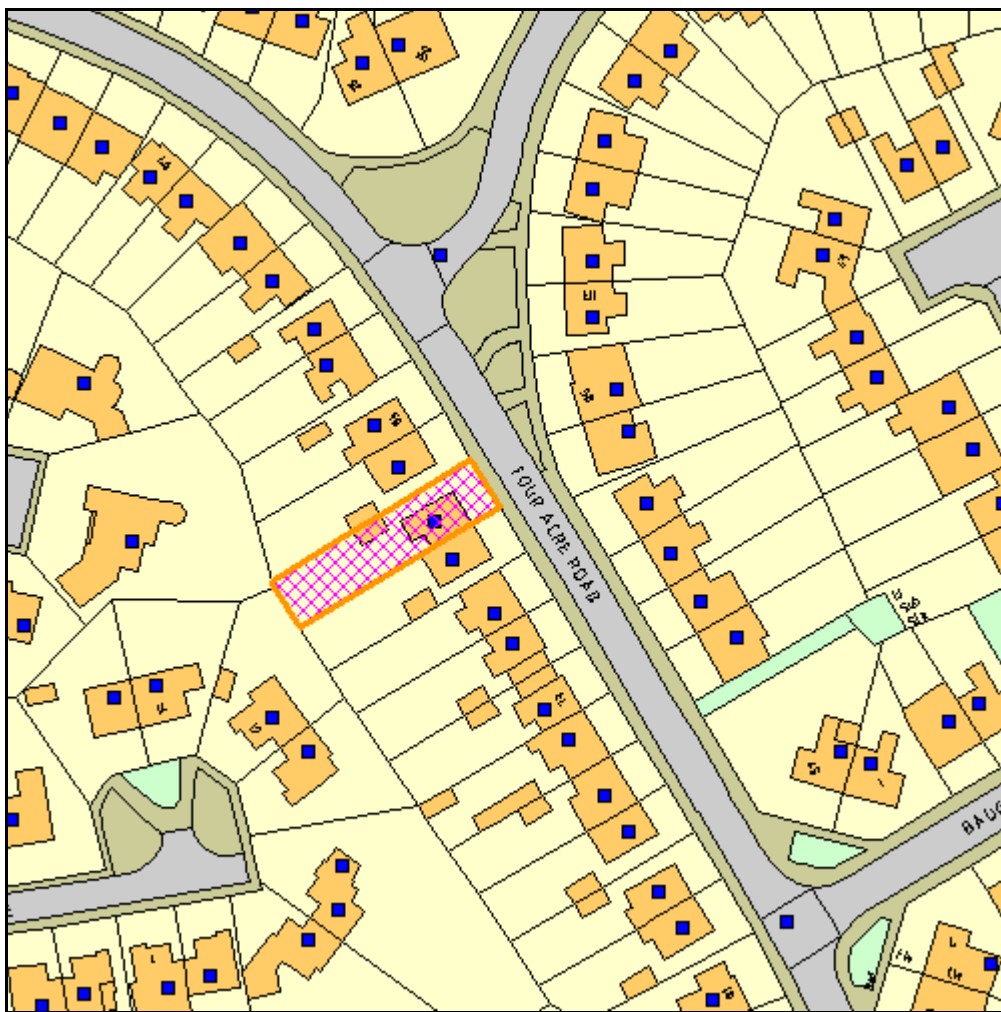
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed installation a rear dormer and alterations to the existing roofline 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.

Contact Officer: Westley Little
Tel. No. 01454 862217

CIRCULATED SCHEDULE NO. 29/18 – 20 JULY 2018

App No.:	PK18/2510/CLP	Applicant:	Mr Michael Smith
Site:	81 Fouracre Road Downend Bristol South Gloucestershire BS16 6PH	Date Reg:	31st May 2018
Proposal:	Erection of single storey rear extension to form additional living accommodation.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365296 178089	Ward:	Downend
Application Category:	Certificate of Lawfulness	Target Date:	20th July 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 81 Fouracre 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 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 None.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
"No objection."

Other Representations

- 4.2 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 All received on 25th may 2018.

Existing Ground Floor Plan
Drawing No. 0233-P01 Rev 3

Site Location Plan
Drawing No. 0233-SP01

Proposed Ground Floor Plan
Drawing No. 0233-P02 Rev 3

Existing South West Elevation
Drawing No. 0233-E01 Rev 3

Proposed South West Elevation
Drawing No. 0233-E02 Rev 3

Existing Block Plan
Drawing No. 0233-BP01 Rev 2

Proposed Block plan
Drawing No. 0233-BP02

6. **ANALYSIS OF PROPOSAL**

6.1 Principle of Development

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

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

6.3 The proposed development consists of 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 3.9 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 property is not detached and the proposal does not extend beyond the rear wall of the original dwelling house by more than 3 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 rear extension does 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 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 similar to 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.

6.4 81 Fouracre Road Downend has no planning history that restricts the erection of a single storey rear extension. Nor are there any physical attributes regarding parking, access or amenity space that would prevent this development.

7. **RECOMMENDATION**

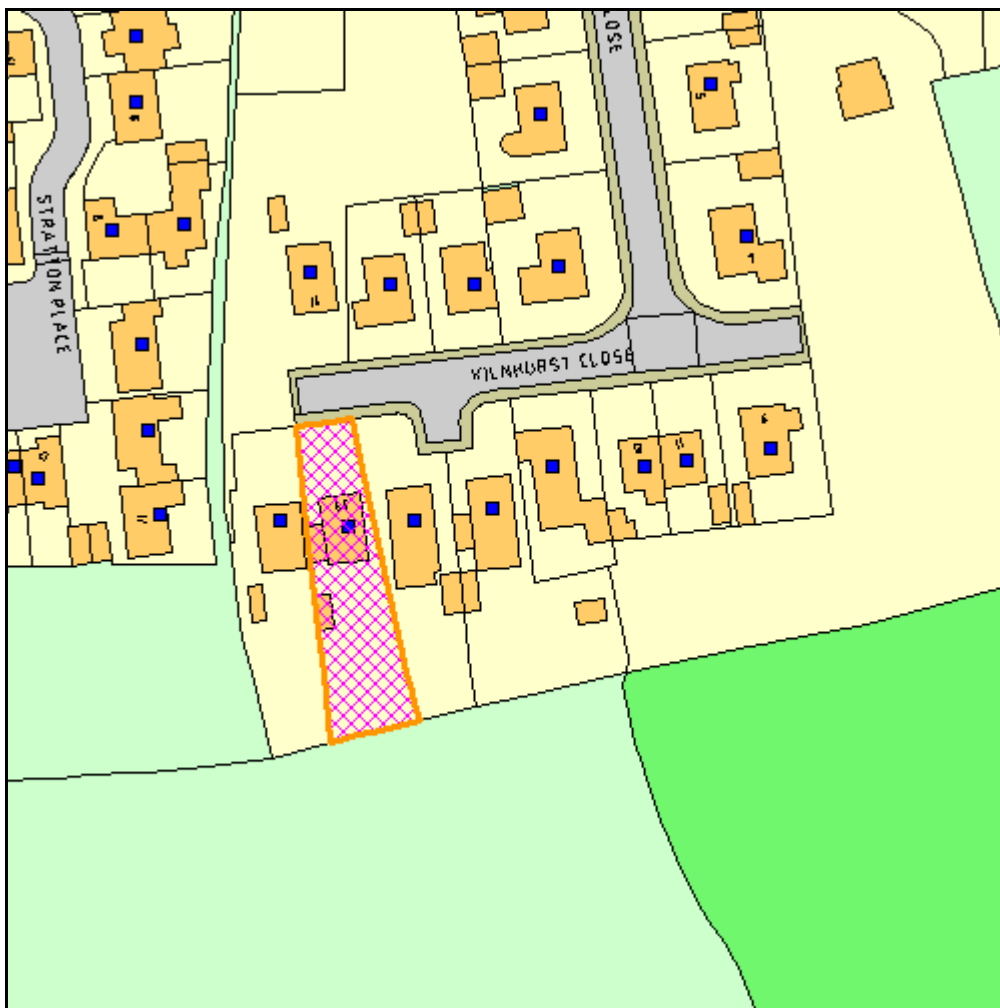
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that 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.

Contact Officer: David Ditchett
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 29/18 – 20 JULY 2018

App No.:	PK18/2529/F	Applicant:	Mrs Fudgell
Site:	23 Kilnhurst Close Longwell Green Bristol South Gloucestershire BS30 9AB	Date Reg:	4th June 2018
Proposal:	Erection of single storey side and rear extension to form additional living accommodation.	Parish:	Hanham Abbots Parish Council
Map Ref:	365935 170524	Ward:	Longwell Green
Application Category:	Householder	Target Date:	30th July 2018



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 100023410, 2008. **N.T.S.** **PK18/2529/F**

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 The application is for the erection of a single storey side and rear extension to form additional living accommodation.
- 1.2 The property is a detached, bungalow dwelling located on a residential cul de sac containing similar properties within the Longwell Green 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
CS8 Access/Transport

South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017
PSP8 Residential Amenity
PSP38 Development Within Existing Residential Curtilages
PSP43 Private Amenity Space Standards

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK18/2067/PNH – Single storey rear extension which would extend beyond the rear wall of the original house by 8 metres, maximum height of 4.7 metres and for which the eaves would be 2.35 metres. Refused 24th May 2018.

This was refused on the basis that it did not meet the criteria (height) to be eligible for consideration as permitted development under a prior notification application.

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
No comment.

Sustainable Transportation

The proposed development will increase the bedrooms within the dwelling to three. The plans submitted show that a new garage will be created within the proposed side extension to the dwelling. It is difficult to assess the dimensions of this garage to ascertain whether it complies with the Council's minimum internal measurements of 3m wide by 6m deep. The plans submitted also do not show the existing or proposed vehicular access and parking for this dwelling.

Before a final comment can be made a revised plan addressing the above needs to be submitted

Archaeology

No comment

Other Representations

4.2 Local Residents

Four letters of objection have been received, summarised as follows:

(1) We are not opposed to the building of an extension at this address but both feel there are some points that need to be addressed before hand.

- The first application for planning was refused but we had been in total agreement with it being built. The only observation was one of their side windows would have been looking into our lounge. We spoke to the owners about this and felt obscure glass would have been beneficial to both of us.
- The latest application PK18/2529/F is totally different from the original plans. What is not obvious on the plans is that our only side openings-4 windows and a glass door- are on the east side of our building and the new extension next door would create a tunnel effect.
- This is exasperated by our plot being lower than number 23 which would create a 1 metre wide passage, running down almost the entire length of our building.
- We are unable to have windows the other side of our house because it is built into the embankment, so no other natural light is possible on that side.
- If the proposed plans go ahead the new garage door will be one metre away from the only bedroom window in the bedroom to that side. We feel very strongly that having a garage door this close to this bedroom window will constantly disturb sleep and have a detrimental effect on health.
- No house in this road has an extension that comes as far forward. The houses are all quite uniform all having driveways with the garages set back behind the houses. Surely by allowing this type of extension it is setting a precedence for other disputes.

- You cannot compare the extension of numbers 25 and 14 with any other extensions in this road as these are at the end of the cul de sac and do not have any effect on any other neighbours properties.

- The last extension completed, number 10, had an extension to the rear and side but this had no detrimental effect to any of the neighbours because of the way it was designed.

- We are more than happy with our neighbours wanting to extend but feel that the build line should be set back further to the rear of the house so as not to impact upon the side bedroom, and it would also be more in keeping with the rest of the street.

(2) I have concerns that the size it will not be in line with the other property, except no 25 which is the end plot. I also have concerns that currently the land to the side of my property has been raised (previous owners). This can clearly be seen as their air bricks are now blocked or half blocked. When it rains the water off the application property comes onto our property leaving large puddles which don't drain away. If they then build on the garden to the size they have planning it will not help this problem.

(3) We live two doors away from this property and although this application doesn't affect us directly, if our neighbours decided to have a side extension like the one on this application, we would not be at all happy as it would block our daylight, as we are sure it will affect the neighbours in No 25. It could be argued that the neighbours at No 25 already have a side extension, and that this has set a precedent, but their extension does not affect anyone as it is at the very end of the close, and it doesn't overlook or block any ones light as there isn't a property next to it. We are not against how they lengthen the property, but please don't allow a side extension it is not in keeping with the properties in the close, and we certainly wouldn't want a side extension like this next to us.

(4) I object to the building work going ahead it would look unsightly and have had enough of all this building work going on with noise and mess.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Residential development within the curtilage of existing dwellings is acceptable in principle. Policy PSP38 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

5.2 Residential Amenity

- The amenity concerns raised by the neighbouring property, above, are noted. To the west the single storey side extension element of the proposals would be located almost up to the shared boundary. The neighbouring property in this direction is set approximately 1.3 metres off the shared boundary on this elevation. There is currently no significant boundary treatment between the two properties. One of the main concerns to this direction is the impact upon one of the side bedroom windows that is considered to be caused by the flat roof side extension element of the proposal, and in particular how far set forward it is.
- 5.3 The applicants' agents have subsequently submitted revised plans setting the side element back by some 3 metres. This is sufficient to take it back behind the line of the neighbouring bedroom window and side door. There are a couple of other side windows in the neighbouring property to which the side extension would be in relative close proximity. It is of note however that a single detached garage already exists near to the location of the proposed side extension and would effectively be replaced by it. This therefore would not significantly alter the existing situation and relationship between the two sites. Further to this and of note, whilst no boundary treatment currently exists between the two properties, boundary treatment could be installed up to a height of 2 metres without the requirement for planning permission. The height to eaves of the proposed flat roof side extension would be 2.5m. On this basis, given the amendments, dimensions, scale, location and relationship of the proposal with the neighbouring property, it is not considered that the single storey extension could be considered an unreasonable addition to the property in this instance that would give rise to unreasonable, significant or material residential amenity impact by way of overbearing impact such as to warrant and sustain an objection and refusal on this basis.
- 5.4 The proposed rear element of the extension would extend approximately 8.5 metres from the existing rear building line of the bungalow. This would be similar to that of a previous extension on the property immediately to the west. The property immediately to the east also appears to have been extended in the past. The proposed rear extension would be between 2.5 and 3 metres from the shared boundary in this direction. On this basis it is not considered that the extent of development proposed, taken into context with the existing site, scale and location, that it would be an unreasonable addition or have a significant or material overbearing impact
- ## 5.5 Design / Visual Amenity
- The pitched roof rear element of the extension, whilst relatively long, is not dissimilar to other extensions in the area, and the roof line is a continuation of the existing bungalow and the extension integrates adequately. The single storey flat roof element of the proposal has been pulled back somewhat in revised drawings. There are various examples of single storey flat roof development within the immediate vicinity, and the single storey proposals would not be materially out of keeping or have a material detrimental impact upon the wider streetscene. Each application is however dealt with on its own merits particularly in terms of design and residential amenity. The scale and design of the proposals in this instance is considered to adequately integrate with the existing dwelling and surrounding area, and is therefore not considered

to give rise to material or significant impact upon the streetscene such as to warrant and sustain an objection and refusal of the application on this basis. Materials would match the existing dwelling and sufficient private amenity space would remain within the property.

5.6 Transportation

The revised plans incorporate parking provision for 3 spaces to the front of the dwelling, accessed where it is considered that there is sufficient space to accommodate it. The garage area is not proposed or intended as part of the overall parking provision and level of parking available complies with the Council's off-street parking requirements.

5.7 Drainage

It is not considered that an extension as proposed should materially impact upon or contribute to off-site drainage issues on adjacent properties. Satisfactory drainage provision would be achievable and will also be required as part of the satisfactory Buildings Control regulations requirements as part of the construction process.

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 proposals are of an appropriate standard in design and are not out of keeping with the context of the area and surrounding properties. Furthermore the proposal would not materially or significantly harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with the Development Plan.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

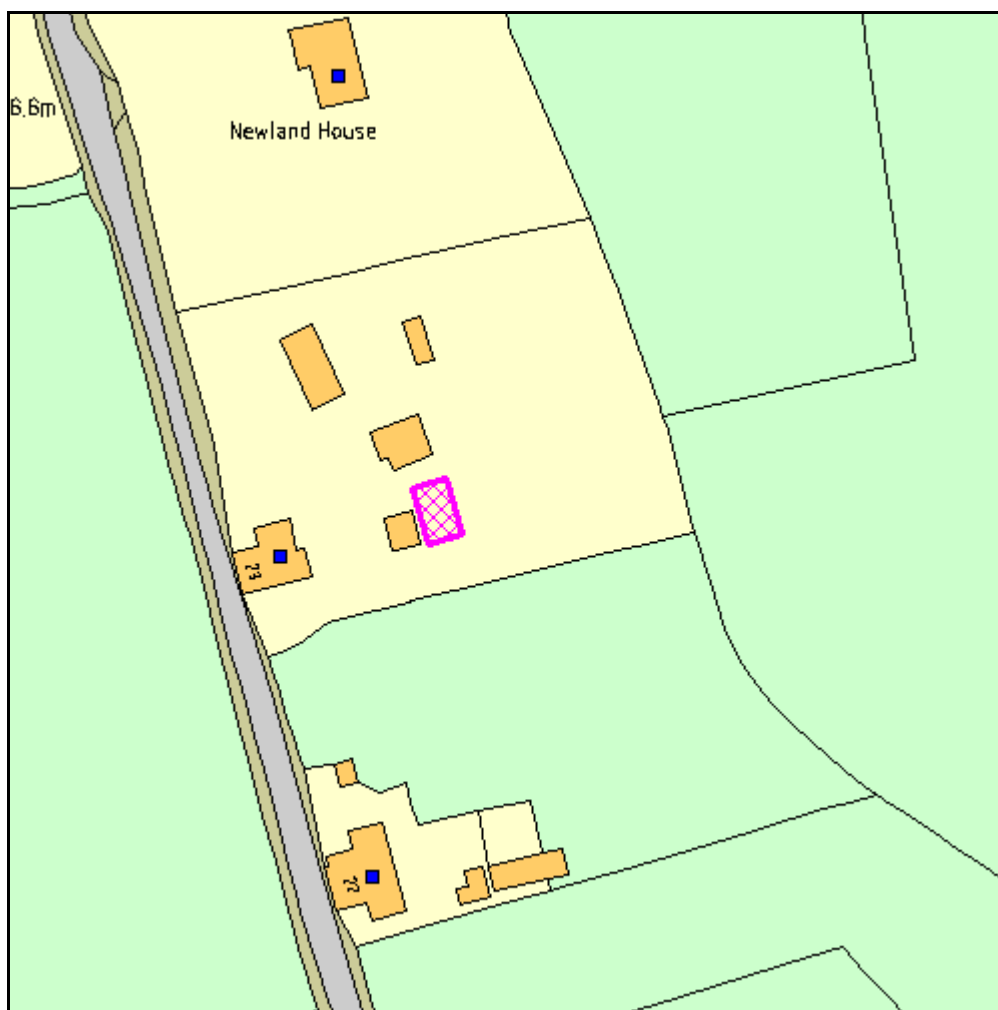
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 29/18 – 20 JULY 2018

App No.:	PK18/2662/CLP	Applicant:	Mr & Mrs Johns
Site:	23 Engine Common Lane Yate Bristol South Gloucestershire BS37 7PX	Date Reg:	8th June 2018
Proposal:	Erection of outbuilding.	Parish:	Iron Acton Parish Council
Map Ref:	370093 184914	Ward:	Ladden Brook
Application Category:	Certificate of Lawfulness	Target Date:	30th July 2018



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PK18/2662/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of an outbuilding at 23 Engine Common Road, Yate would be lawful. It is stated the building would be for a gym and games room.
- 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 | PK18/1569/TRE

Approved | Works to crown reduce 2no Leylandii trees to a finished height of 6 metres and crown lift 2no Ash trees to 5 metres. Trees covered by preservation order SGTPO 10/09 (633) dated 09 September 2009.

17.5.18 |
| 3.2 | PK18/2154/CLP
Refused | Erection of single storey extension
22.6.18 |
| 3.3 | PK18/2156/CLP
Refused | Erection of single storey extension
22.6.18 |
| 3.4 | PK18/2208/PNH
Refused | Single storey extension.
11.6.18 |
| 3.5 | PK18/2153/CLP | Erection of garage. |

- | | | |
|-----|--|--|
| | Approved | 22.6.18 |
| 3.6 | PK18/2651/TRE | Works to fell 1 no. Ornamental Fir tree and 1 no. Fruit tree covered by SGTPO 10/09 dated 9th September 2009 |
| | Approved | 6.7.18 |
| 3.7 | PK18/2821/CLP
Pending consideration | Erection of single storey side extension. |
| 3.8 | Related applications:
PK18/3105/O

Pending consideration | Erection of 1no detached dwelling and associated works (outline) all matters reserved. |

4. **CONSULTATION RESPONSES**

- 4.1 Iron Acton Parish Council
Parish would like to see further information before a decision is made.

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 4.6.18:
Site location plan
Proposed elevations
Proposed block plan

As received by the Council on 10.7.18:
Proposed location of outbuilding

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.

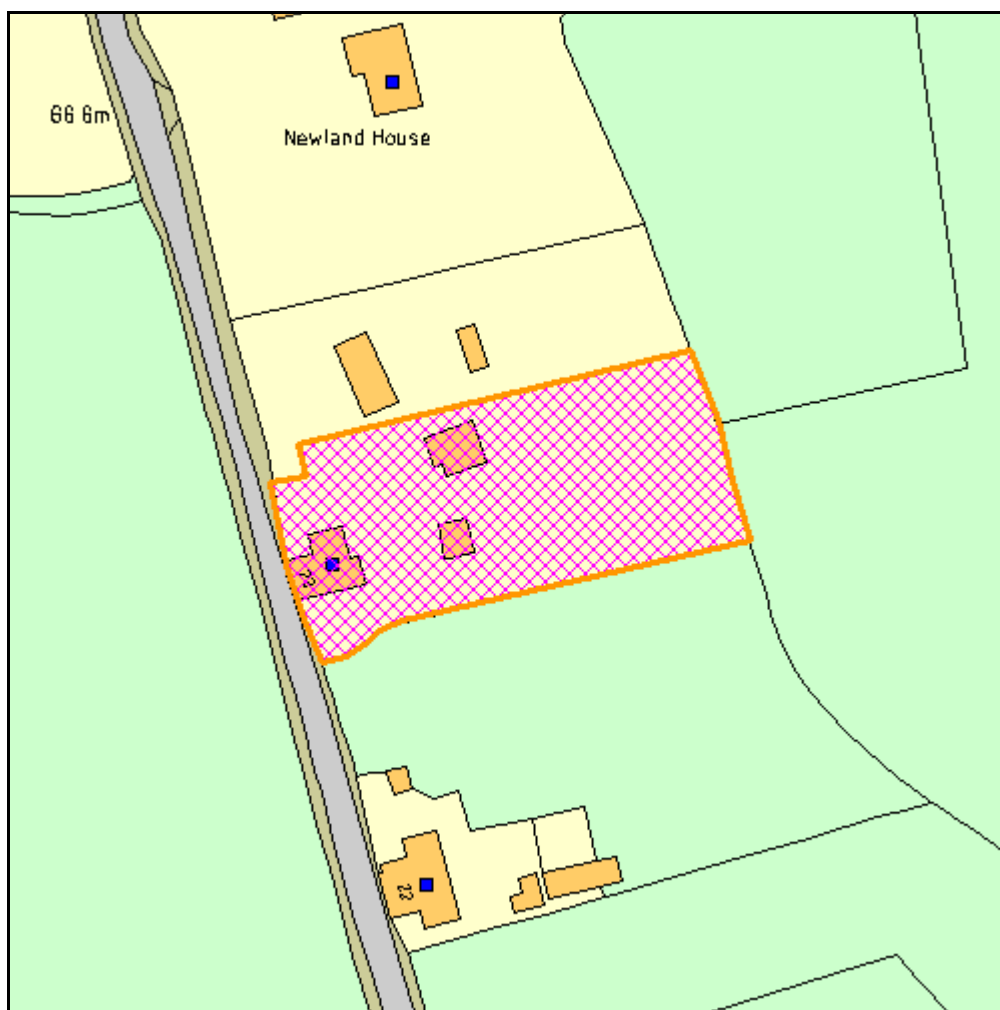
Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

1. Evidence has been provided to demonstrate that on the balance of probabilities the proposed outbuilding 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. 29/18 – 20 JULY 2018

App No.:	PK18/2821/CLP	Applicant:	Mr & Mrs Johns
Site:	23 Engine Common Lane Yate Bristol South Gloucestershire BS37 7PX	Date Reg:	20th June 2018
Proposal:	Erection of single storey side extension.	Parish:	Iron Acton Parish Council
Map Ref:	370093 184914	Ward:	Ladden Brook
Application Category:	Certificate of Lawfulness	Target Date:	8th August 2018



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 100023410, 2008. **N.T.S.** **PK18/2821/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 side** 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, design, appearance or reference to character of an area. The decision is based solely on the facts presented.
- 1.3 It is noted that this application is part of a series of applications recently submitted for this site. These are detailed in the planning history in Section 3 of this report.
- 1.4 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, but it is Officer opinion 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.
- 1.5 The extent of the original building and its principal elevation are important as these matters have been debated and discussed at length in recently determined applications PK18/2154/CLP, PK18/2156/CLP and PK18/2208/PNH. In this application the agent has argued that historic maps show all the existing single storey extensions to the north elevation were in situ in the 1898-1939 OS 3rd Edition map and the 1947-1965 OS National Grid map.
- 1.6 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

- 1.7 It is acknowledged that historic maps can give an indication of the footprints of properties and may not be completely reliable. Therefore, where there are queries regarding old maps, on site visual clues are important material considerations. Officers are therefore satisfied that the two storey addition to the east can be regarded as being original along with small single storey projections representative of something akin to a coal house or outside WC. However, the large expanse of mono-pitched roof and its single skinned appearance are sufficient to raise the query that the largest existing rear extension is not 'original' and was not present in 1947.
- 1.8 It would therefore not be unreasonable for Officers to ask 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.
- 1.9 Regardless of these differences of opinion as to the age of the larger single storey rear extension, the principal elevation for No. 23 Engine Common Lane is more easily identified and has now been accepted as being that to the south. To confirm, a principal elevation is usually that which provides the main access into the dwelling and other clues can be architectural including but not limited to a porch, bay windows or even gables. Such 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. This is therefore the principal elevation of this property.

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 | PK18/1569/TRE

Approved | Works to crown reduce 2no Leylandii trees to a finished height of 6 metres and crown lift 2no Ash trees to 5 metres. Trees covered by preservation order SGTPO 10/09 (633) dated 09 September 2009.

17.5.18 |
| 3.2 | PK18/2154/CLP
Refused | Erection of single storey extension
22.6.18 |
| 3.3 | PK18/2156/CLP
Refused | Erection of single storey extension
22.6.18 |
| 3.4 | PK18/2208/PNH
Refused | Single storey extension.
11.6.18 |
| 3.5 | PK18/2153/CLP
Approved | Erection of garage.
22.6.18 |
| 3.6 | PK18/2651/TRE

Approved | Works to fell 1 no. Ornamental Fir tree and 1 no. Fruit tree covered by SGTPO 10/09 dated 9th September 2009

6.7.18 |
| 3.7 | PK18/2622/CLP
Pending consideration | Erection of an outbuilding. |
| 3.8 | Related applications:
PK18/3105/O
Pending consideration | Erection of 1no detached dwelling and associated works (outline) all matters reserved. |

4. **CONSULTATION RESPONSES**

- 4.1 Iron Acton Parish Council
No comment

Tree Officer

There are no objections in principle to this application. The applicant will need to submit an arboricultural report in accordance with BS:5837:2012. The report should have a tree constraints plan and a tree protection plan.

Other Representations

- 4.2 Local Residents
None received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1

Received by Local Planning Authority on 13.6.18:
Site location plan
Proposed elevations, block and roof plans
Existing ground and first floor plan
Existing roof plan

For the sake of clarity the plan showing the existing ground floor and first floor submitted by the applicant indicates their interpretation of the extent of the 'original' dwellinghouse. Officers disagree and maintain not all the single storey additions to the rear are original.

For the purposes of this application it is only necessary to establish whether the extension is attached to an original part of the dwellinghouse and to establish the principal elevation.

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 east of the property and would be a continuation of the front elevation of the cottage.

- 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 side of the property, but the property does not front the highway.

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

The proposal is for a single storey side extension.

- (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 be to the side. It would not exceed 4 metres in height.

- (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 exceed 4 metres in height. Plans show the 'original' dwelling has a width of 10.7 metres. Half of this is 5.35 metres and the proposed single storey side extension would have a width of 5.3 metres. This means the new addition falls within the criteria.

- (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 connect only to the main two-storey 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.
- (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 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 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 **granted** for the following reason:

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CIRCULATED SCHEDULE NO. 29/18 – 20 JULY 2018

App No.:	PK18/2859/CLP	Applicant:	Mr Rouse
Site:	16 Hay Street Marshfield Chippenham South Gloucestershire SN14 8NL	Date Reg:	21st June 2018
Proposal:	Installation of velux roof lights to facilitate loft conversion.	Parish:	Marshfield Parish Council
Map Ref:	378140 173803	Ward:	Boyd Valley
Application Category:	Certificate of Lawfulness	Target Date:	13th August 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 installation of roof lights to form a loft conversion at 16 Hay Street, Marshfield 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.

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 PK05/2198/F
Demolition of existing detached garage at 15 Hay Street to facilitate erection of 2 no. garages one with 1 no. storage room.
Approved: 12/09/2005
- 3.2 PK04/3878/F
Demolition of existing detached garage at 15 Hay Street to facilitate erection of 2 no. garages one with 1no. storage room.
Refused: 18/01/2005
- 3.3 P84/1779/L
Demolition of garden shed and construction of vehicular hardstanding.
Approved: 18/07/1984

4. CONSULTATION RESPONSES

- 4.1 Local Councillor
No comments received
- 4.2 Marshfield Parish Council

No comments 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 18th June 2018;
Combined Plans
Existing & Proposed 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 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. It is noted that the site falls within Article 2(3) land.

- 6.3 The proposed development consists of the installation of 3no roof lights. This development would fall within Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits any other alterations to the roof of a dwellinghouse. This allows for the installation of roof lights subject to the following:

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

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

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

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

The roof lights would not protrude more than 0.15 metres beyond the plane of the roof slope of the original roof.

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

The proposed roof lights would not be higher than the highest part of the original roof.

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

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

Not applicable

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

Not applicable

Conditions

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

- (a) Obscure glazed; and**

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

The proposed roof lights would be on the principal and rear elevations.

7. RECOMMENDATION

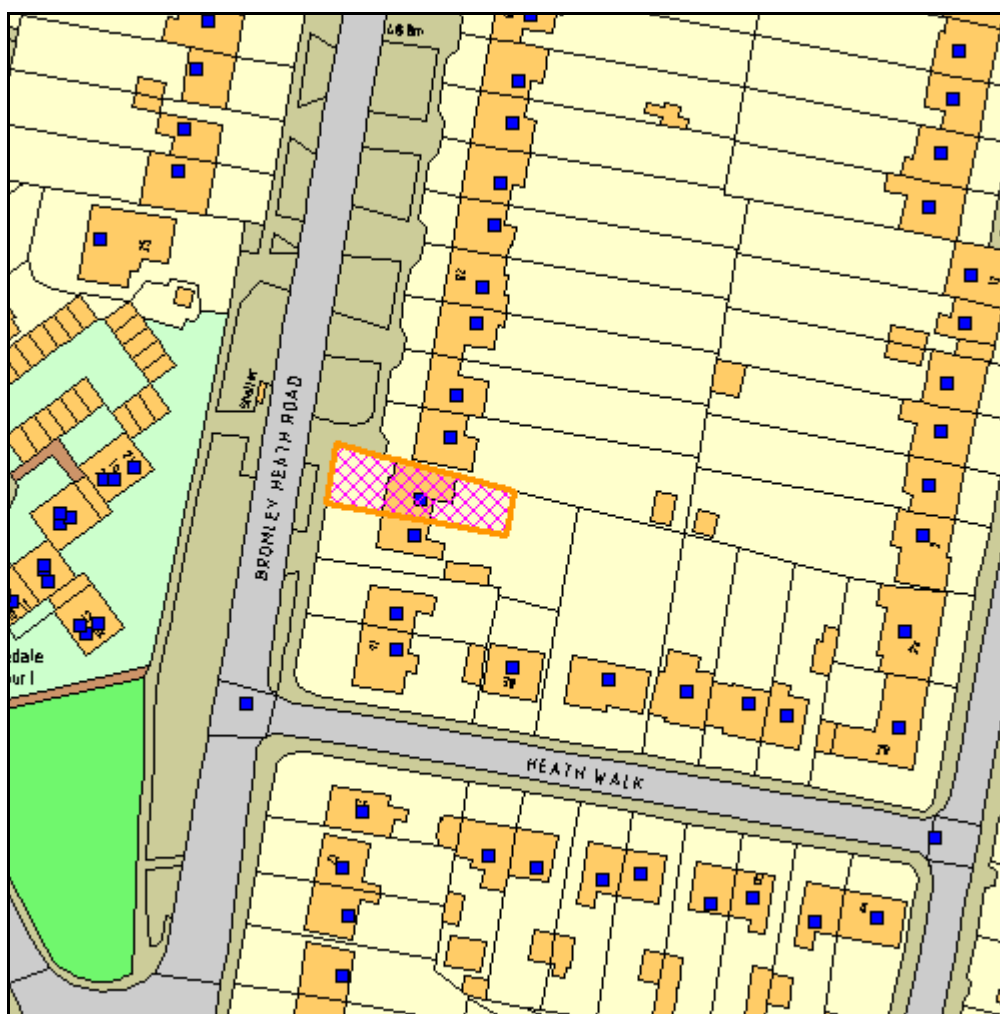
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:**

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

Contact Officer: James Reynolds
Tel. No. 01454 864712

CIRCULATED SCHEDULE NO. 29/18 – 20 JULY 2018

App No.:	PK18/2868/CLP	Applicant:	Mr Ben Lunn
Site:	20 Bromley Heath Road Downend Bristol South Gloucestershire BS16 6HX	Date Reg:	20th June 2018
Proposal:	Installation of 1no rear dormer and alterations to existing roofline to facilitate loft conversion.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364750 177367	Ward:	Downend
Application Category:	Certificate of Lawfulness	Target Date:	14th August 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 installation of a rear dormer and alterations to the existing roofline to facilitate a loft conversion at 127 Badminton 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 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 PK08/1460/F

Erection of a single storey rear extension to provide additional living accommodation.

Approved: 23/06/2008

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

No objection

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 19th June 2018:
- Existing Ground Floor Plan
 - Proposed Ground Floor Plan
 - Existing First Floor Plan
 - Proposed First Floor Plan
 - Second Floor Plan
 - Proposed Roof Plan
 - Section A-A
 - Section B-B Staircase Layout
 - Section C-C and Detail
 - Existing Side Elevation
 - Proposed Side Elevation
 - Existing and Proposed Front Elevations
 - Existing and Proposed Rear Elevations

Received by the Council on 19th June 2018:
Block 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 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 rear dormer window and alterations to the existing roofline. It also includes 3no roof lights on the front elevation roof slope. This development would fall within Schedule 2, Part 1, Class B and Class C 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 window and roof alterations would not exceed the highest part of the existing roof.

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

The proposed dormer window would be located to the rear of the property and the roof alterations would be located on the side elevation roof slope, as such the development would not extend beyond any 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 semi-detached house and the proposal would result in an additional volume of 49.21 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 proposal will be finished in materials similar in appearance to the existing dwelling.

- (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 dormer would be 0.2 metres away from the eaves of the original roof. Additionally, the application is proposing a hip-to-gable alteration.

- (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 not include any side elevation windows.

- 6.4 The proposed roof lights on the existing dwelling would fall within the category of development permitted by Schedule 2, Part 1, Class C of the GPDO, which allows for any other alterations to the roof of a dwelling house provided it meets the criteria as detailed below:

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

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

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

The roof lights would not protrude more than 0.15 metres beyond the plane of the roof slope of the original roof.

It would result in the highest part of the alteration being higher than the highest part of the original roof, or;

The proposed roof lights would not be higher than the highest part of the original roof.

It would consist of or include –

- (i) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
Not applicable
- (ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**
Not applicable

Conditions

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

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

The proposed roof lights would be on the principal elevation.

7. RECOMMENDATION

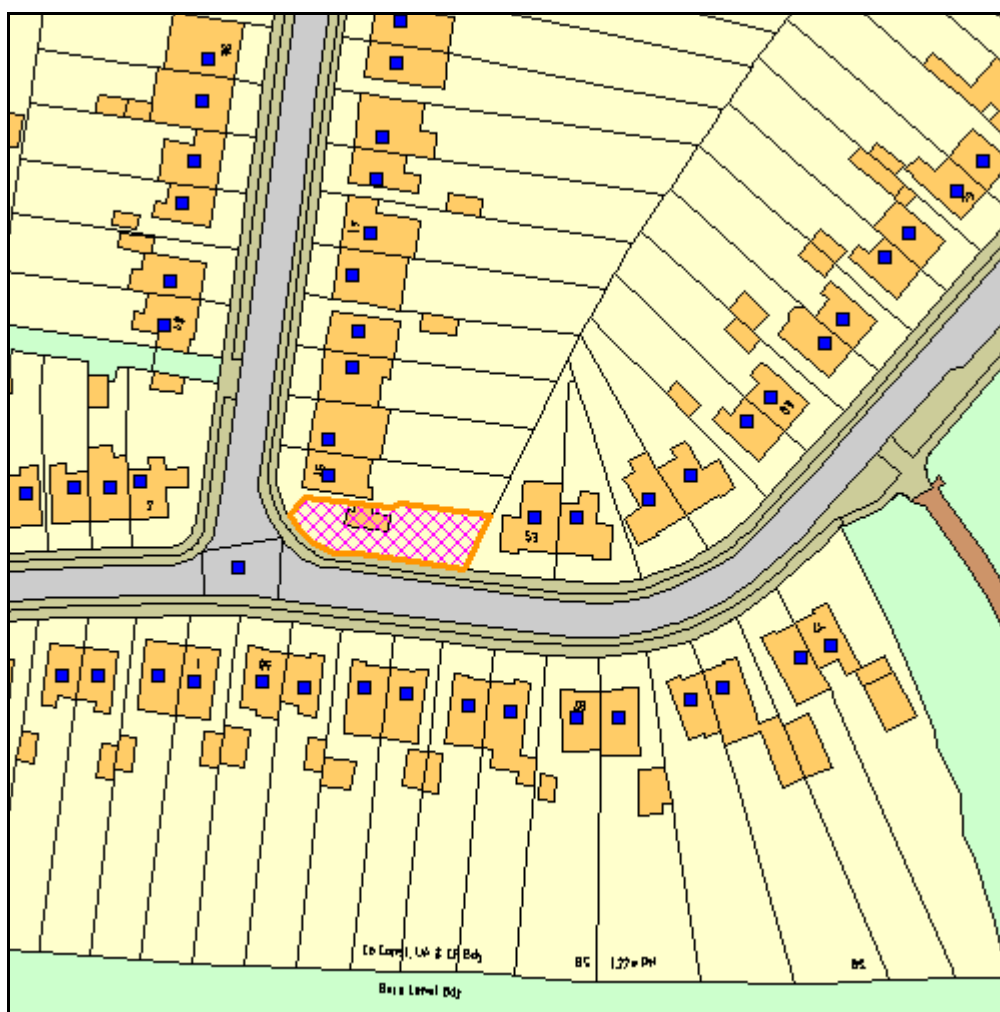
7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed installation a rear dormer, 3no front roof lights and alterations to the existing roofline would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class B and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: James Reynolds
Tel. No. 01454 864712

CIRCULATED SCHEDULE NO. 29/18 – 20 JULY 2018

App No.:	PT17/1814/F	Applicant:	Mr Tony Francis
Site:	51 Kenmore Crescent Filton Bristol South Gloucestershire BS7 0TJ	Date Reg:	9th May 2017
Proposal:	Demolition of existing detached garage. Erection of 1no detached dwelling with access and associated works.	Parish:	Filton Town Council
Map Ref:	359364 178266	Ward:	Filton
Application Category:	Minor	Target Date:	13th June 2017



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of letters of objections contrary to officers' recommendation.

1. THE PROPOSAL

- 1.1 The application is for the erection of two storey detached dwelling at the side of No. 51 Kenmore Crescent, Filton. During the course of the application, a revised proposal has been submitted to reduce the size of the proposed dwelling, reduce the number of bedrooms from 4 to 2 with a dressing room, change the access and parking arrangement for the existing and proposed dwelling, propose a mix use of render and brickwork to match those on the surrounding property. Further details have also been submitted regarding the location of the existing tree on the pavement and other utility boxes near the site.
- 1.2 The host property is a two-storey semi-detached dwelling located in the built up and residential area of Filton.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Practice 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
CS25	Communities of the North Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP16	Parking Standards
PSP37	Internal Space and Accessibility Standards for dwellings
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

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

3. **RELEVANT PLANNING HISTORY**

3.1 None.

4. **CONSULTATION RESPONSES**

4.1 Filton Town Council
No objection

4.2 **Other Consultees**

Highway Officer – No objection to the revised proposed dwelling with blocking up the existing vehicular access and providing 3 no. parking spaces subject to planning conditions securing the proposed works to be carried out and the full details of vehicular crossing.

Arboricultural Officer – No objection to the revised proposal as the tree survey has been submitted and the findings of the root investigation of the lime tree has been reviewed, subject to an arboricultural method statement to secure a detailed arboricultural method statement for the proposed vehicular crossing.

Drainage Engineer – No objection, subject to an informative advising the applicant that a written confirmation from Wessex Water regarding the proposed surface water connection and the agreed discharged rate is required.

Highway Structure – Advised of the applicant's responsibility regarding the technical requirement for any works to existing highway structure and responsibility for maintenance of boundary wall alongside the public highway and open space.

Other Representations

4.3 **Local Residents**

27 letters of objection have been received and the local residents' comments have been summarised as follows:

Highway

- Why need 4 no. parking spaces?
- Would add to the congestion and parking problems in the area, there are already problems due to the hospital traffic and rat run (particularly during rush hour)
- Potentially used for multiple occupation, which lead to mess, overgrown gardens, noise and many additional vehicles
- Would cause potential road traffic accidents
- Being able to see on-coming traffic would be difficult

- There are double yellow lines so clearly the Council did not want a static obstacle there
- Object to 4 no. parking spaces, overzealous amount of parking bays for this property
- This is obvious that this will not be family home like all the neighbouring properties but will be rented out to several occupants.
- Cause additional traffic in an already over utilised and populated area
- Building on the corner of this plot will inhibit drivers view and put local families and their children in danger
- The existing situation already cause visibility problems for neighbours, the proposal would cause congestion and exacerbate the current parking problems and visibility issues, and proposed parking spaces will be very close to the road junction
- Where will be five cars now parking on the ground go??
- Cars being unable to see past the very old very big lime tree, which most of the time has grown leaves on the trunk that you are unable to see past from my driveway at No. 53

Design / Character

- Out of character, due to the inappropriate external materials (all-brick design) and style
- Overdevelopment, too big a house in a corner, a small extension would be better use, this space too small for a 4 four bedroom dwelling
- The new house not being in line with the rest of the street
- Overlooking upon the neighbouring properties, such as, 50, 53 Kenmore Crescent
- Overshadowing, obstructing natural light to our property, making it dark
- The street scene will look like a car park
- The proposal is ludicrous and will be an intrusion to all neighbours
- A chain link fence is not adequate
- The proposed garden will be so small in proportion to the houses.
- The proposal will have tiny thin strips of ground left.
- As residents, we seems to all agree another dwelling is not appropriate, a lift extension would be more in keeping if they need to do something

Amenity

- Its boundary will be so close to the existing property.
- (No. 53) we have historic subsidence issues with our house and fear removing the trees completely may impact this risk again to our house
- There are on-going works being out at the property, and the current contractors are taking an absolute age to complete these renovations. I could potentially be staring at a building site for years
- The new windows on the side south elevation looks straight to my bedroom
- I do not believe that the changes are significant enough to satisfy all my previous objections
- The changes are cosmetic, and some parking spaces, none of the other concerns are addressed.
- Do not need houses at the expenses of residence health and wellbeing
- Do not include adequate separation between the two properties and ours (No. 53)

Nature Environment

- Loss of mature trees, such as, the magnolia and apple, which are currently growing in the garden
- Potential loss of the existing tree, which is growing in the pavement
- The existing tree needs to be felled in order to create four car drive-way
- Insist the Council plants new trees in the locality, it has been done before.
- The tree report still cannot confirm how far the root structure goes

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is located within the established urban area and is within the defined settlement boundary. This application stands to be assessed against the policies listed in paragraph 2 above, and in the light of all material considerations. In principle, the proposed development is considered to be acceptable as the site lies within the defined urban area. All issues relating to the design, impact on residential amenity, highway safety, drainage and other matters will be assessed below.

5.2 At present, the Council cannot demonstrate a five year housing land supply. Paragraph 49 of the NPPF states that if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date.

5.3 Paragraph 14 of the NPPF states a presumption in favour of sustainable development; and indicates that proposals that accord with the development plan should be approved without delay. 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.

5.4 Housing Contribution

The proposal would provide 1 no. new residential dwelling towards the Council's 5 year housing land supply, and such a modest contribution must be assessed within the framework set out under paragraph 14 of the NPPF.

5.5 Design and Visual Amenity

The application site relates to the side garden of a semi-detached two-storey dwellinghouse situated within the settlement boundary of Filton although it is noted that there is a group of 2-storey terraced dwelling nearby fronting Kenmore Drive. The existing semi-detached dwelling is finished with render with brickwork details with a hipped roof. It also has bay windows on the front elevation on both the ground floor and first floor level, which forms part of the local distinctiveness of the locality.

5.6 To address the officers' concerns, the original proposal has been re-designed. The current design of the new dwelling largely mimics the design of the existing dwelling. The revised proposed dwelling would have two bays windows on the front elevation under a full hipped roof. A similar design decorative window is proposed on the side elevation. The ridge height and eaves height also reflect the topography of the site and respect the existing height of surrounding

- properties. Similar external materials would be used for the construction of the new dwelling.
- 5.7 It is therefore considered the proposed dwelling has achieved the highest possible standards of design and would accord with the principles set out in Policy CS1.
- 5.8 Residential Amenity
Policy PSP8 and Policy PSP38 of the adopted South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016 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. Officers note the residents' concerns regarding the impact upon the amenity of the neighbouring properties. Whilst it is noted 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.
- 5.9 The proposed new dwelling will be detached from the side of the existing dwelling by approximately one metre, and its rear elevation would only project beyond the main rear elevation of the existing dwelling by approximately 1.9 metres. No window is proposed on the north side elevation, and a planning condition is imposed to restrict on new window on the first floor north side elevation to safeguard the amenity of the host dwelling and the adjacent property, No.49. A reasonable sized garden of approximately 143 square metres would still retain for the existing dwelling. Hence, the proposal would not cause an unreasonable adverse impact upon the living conditions of the existing dwelling.
- 5.10 Other nearest neighbouring properties to the site would be no. 53 Kenmore Crescent, which lies to the east side of the site, the two-storey semi-detached dwellings opposite the site (to the south) and the two-storey terraced dwelling on Kenmore Drive.
- 5.11 No. 53 Kenmore Crescent is a two-storey semi-detached dwelling with a single garage to the site. It is noted that there is a window on the first floor side elevation of this neighbouring property. Given that the rear elevation of the proposed dwelling would be approximately 19 metres from the rear (east) boundary. It is considered that the proposed dwelling would retain a reasonable distance from this neighbouring property, as such it would not cause significant overbearing or overlooking impact to be detrimental to the living condition of the neighbouring residents.
- 5.12 A group of two-storey semi-detached dwellings are located opposite the application site fronting Kenmore Crescent. Although the new dwelling would slightly project beyond the front elevation of the adjacent properties (53 Kenmore Crescent to the east), such projection would not be significant. Also, the proposed new dwelling would largely have similar siting along Kenmore Crescent. Furthermore, the new dwelling would be located to the north of these properties. Therefore, there would not be significant overbearing impact or loss of daylight / sunlight. A landing window is proposed on the first floor side

elevation, and there a w.c. window and a secondary kitchen window are proposed on the ground floor side elevation. As these are secondary windows, the overlooking impact upon the opposite neighbouring properties would not be significant to be detrimental to the living conditions of the neighbouring properties.

- 5.13 A group of two-storey terraced dwellings is located opposite the site fronting Kenmore Drive. Given that the proposed dwelling would not project beyond the front elevation of the existing dwelling, No. 51 Kenmore Crescent, it is not considered the potential overbearing and overlooking impact upon these neighbouring properties would be material worse than the existing situation.
- 5.14 Regarding the nuisance during the construction of the development, a condition is imposed to restrict the construction hours in order to minimise the adverse impact upon the neighbouring properties.
- 5.15 From the future residents' perspective, a reasonable size garden of over 100 square metres has been allocated for this new dwelling. A bin store will also be provided within the site, therefore, the residential amenity upon the future residents would be acceptable.
- 5.16 Hence, the proposed development is not considered to be detrimental to residential amenity of the neighbouring properties and the future residents, and is deemed to comply with Policy PSP8 and PSP38 of the South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan (Adopted) November 2017.
- 5.17 Transport
Residents have raised significant concerns about the parking and highway safety of the proposal.

To address the Highway Officer' original concerns, an amended plan has been submitted. The revised proposal has now shown a dwarf wall along the frontage of the host dwelling will be constructed in order to block up the existing vehicular access, three parking spaces would be provided to the rear of the site, (one will serve the proposed two-bedroom dwelling and two will serve the existing dwelling). The Highway Officer has reviewed the revised layout including the proximity to the existing lime tree and considered that the proposal would adequately address the original concerns. Furthermore, the proposed parking arrangement will comply with the South Gloucestershire Residential Parking Standards. Officers also noted the concerns regarding the potential use for the existing dwelling and new dwelling being a house for multiple occupation (HMO). It is noted that the existing dwelling could be used as a HMO for up to six residents living together as a single household without the need to obtain express planning permission from the local planning authority. Paragraph 206 of the National Planning Policy Framework states 'Planning conditions should only be imposed where they are: necessary, relevant to planning and, to the development to be permitted, enforceable, precise and reasonable in all other respects. Given the modest size of the proposed new dwelling, officers consider that it would not be reasonable to impose a planning condition restrict the number of occupancy of the proposed

dwelling. As such, there is no highway objection subject to a number of conditions to ensure the existing vehicular access will be block up prior to the first occupation of the new dwelling, the completion of the approved access and parking arrangement, and the full detailed works including section plans for the proposed vehicular crossover.

5.18 Drainage

The site is not situated within a high risk of flooding. The Council Drainage Engineer has no objection to the application on the grounds of drainage and flood risk management subject to an informative advising the applicant that a written confirmation from Wessex Water regarding the proposed surface water connection and the discharged rate is required.

5.19 Arboricultural Issues

Concerns are noted regarding the removal of the existing trees within and near the site. It is noted that there are a number of trees and shrubs within the site. It is noted that these existing trees and shrubs are not protected under a Tree Preservation Order. In addition, the Arboricultural Officer has visited the site and considered the proposed plan, there is no arboricultural objection to their removal.

5.20 Officers noted that there is a Lime tree adjacent to the proposed parking / access. Given the proximity to the tree root of this tree, an investigation work has been carried out in order to confirm if the proposed vehicular crossing would potentially cause an adverse impact upon the tree root. The Council Arboricultural Officer has reviewed the submitted findings and advised that it is possible to carry out the proposed works without significant damage the long term health of the tree. Therefore there is no arboricultural object to the proposal subject to a planning condition seeking an arboricultural method statement for the proposed crossover prior to the commencement of the development.

5.21 Planning Balance

The scheme is for one new dwelling. Given the lack of housing supply a small amount of weight can be awarded in favour of the scheme for this reason. The proposal would be within the existing residential curtilage of No. 51 Kenmore Crescent and such development is supported by both national policy and local planning policy specifically Policy PSP 38 which encourages development within existing residential curtilages. Weight is given in favour of the scheme for complying with policy. The proposal is of a modest size, more in keeping with the local distinctiveness of the site, and it would not cause an unacceptable adverse impact upon the residential amenity pf the neighbouring properties. The impact an additional 1 dwelling would have on the highways is considered not to be severe. Given the above the proposal can be recommended for approval.

5.22 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. 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. 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: Policies, Sites and Places Plan (Adopted) November 2017 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission be granted subject to the following conditions:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

2. Prior to the commencement of the development, full details of the proposed vehicular crossover shall be submitted to and approved in writing by the Local Planning Authority. Development shall be strictly carried out in accordance with the approved.

Reason

This is a pre-commencement condition to ensure that the proposed crossover will strictly be carried out in accordance with the Council's Standards. 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) November 2018 and the National Planning Policy Framework.

3. Prior to the commencement of the development, an arboricultural method statement for the proposed vehicular crossover shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be strictly carried out in accordance with the approved details.

Reason

This is a pre-commencement condition to ensure that no harm will cause to the existing Lime tree during the construction of the development, and in the interests of the long term health of the tree, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP2 and PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

4. All parking areas shown on the approved plans shall have a permeable bound surface and be satisfactorily maintained as such thereafter

Reason

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

5. Notwithstanding the submitted details, prior to the commencement of the relevant part of the development, details / samples of the roofing and external facing materials for the new dwelling and any boundary treatment / dwarf wall 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 PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

6. Prior to the first occupation of the proposed dwelling hereby approved, the existing vehicular access to the host dwelling shall be permanently blocked up by construction of the dwarf wall in accordance with the proposed block plan, drawing No. 318K.10a and shall be retained as such thereafter.

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 PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the National Planning Policy Framework.

7. 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.

8. No windows shall be inserted at any time in the first floor north side elevation of the property hereby approved.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

9. 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

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy 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.

10. Development hereby approved shall be carried out in accordance with the following plans:

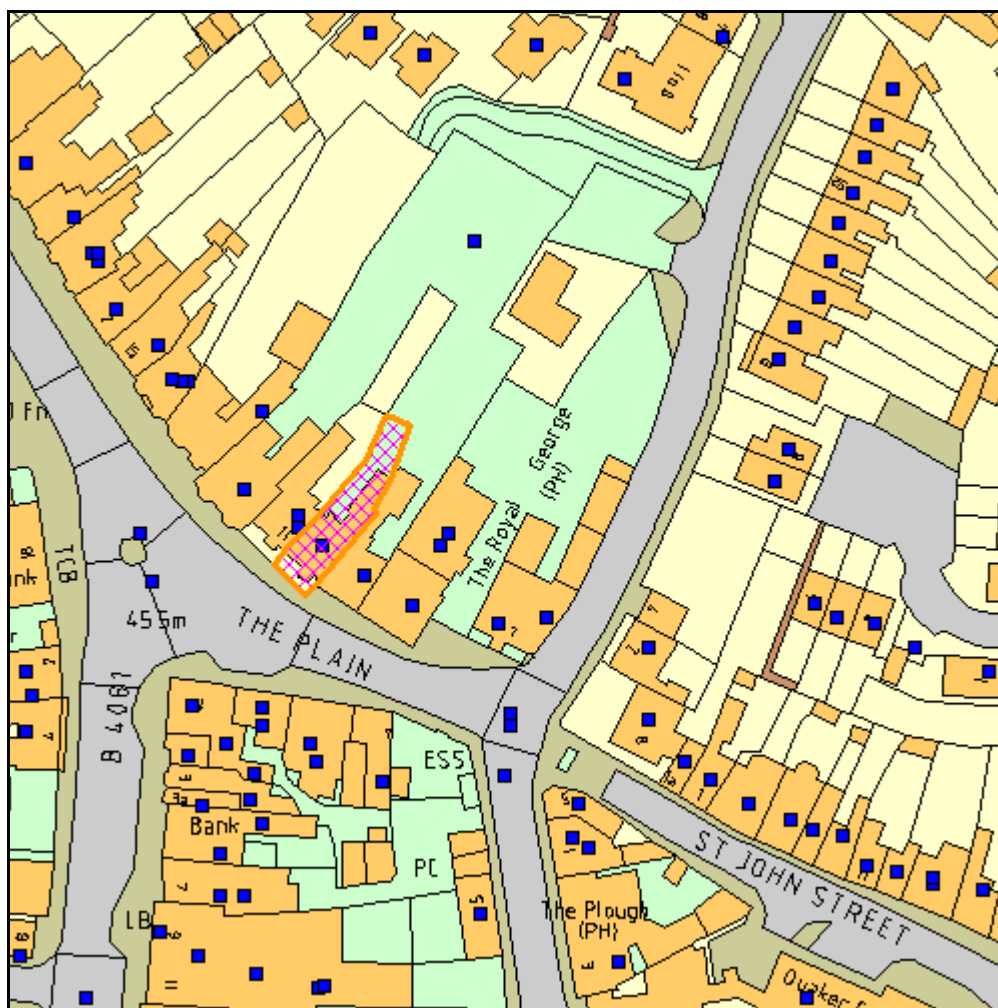
Site location plan received on 18 April 2017, bin store, Drawing No. 318K.4, received on 18 April 2017, Existing Block Plan received on 8 December 2017, Revised Proposed Elevations with street scene Drawing No. 318K.8, received on 5 February 2018, Revised Proposed Block Plan, Ground Floor and First Floor Plan Drawing No. 318K.10a received on 16 April 2018,

Reason

To protect the amenities of the locality, and to accord with Policy PSP8, PSP11, 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. 29/18 – 20 JULY 2018

App No.:	PT17/5472/LB	Applicant:	Mr Edward Gilbert
Site:	10 The Plain Thornbury Bristol South Gloucestershire BS35 2AG	Date Reg:	11th December 2017
Proposal:	Change of use to ground floor from an osteopath clinic (Class D1) to a residential use (Class C3) in connection with the residential use of the upper floor (as defined in the Town and Country (Use Classes) Order 1987 (as amended)	Parish:	Thornbury Town Council
Map Ref:	363710 190185	Ward:	Thornbury North
Application Category:	Minor	Target Date:	18th January 2018



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination as an objection has been received from Thornbury Town Council.

1. THE PROPOSAL

- 1.1 This application seeks listed building consent for works to 10 The Plain in Thornbury in association with a change of use to full residential use.
- 1.2 The building is grade II listed.
- 1.3 An accompanying application for planning permission PT17/5471/F has been submitted for consideration. This has been determined under the delegated powers procedure.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
Planning (Listed Building and Conservations Areas) Act 1990

3. RELEVANT PLANNING HISTORY

- 3.1 There is incremental planning history relating to the site before its current use as an osteopath clinic - which is not considered to be particular relevant to this proposal.
- 3.2 PRE15/0742
One new dwelling with garden and parking to rear
21.08.2015
- 3.3 PT02/0865/LB
Replacement valley gutter and erection of rear boundary wall.
Refusal
13.05.2002
- 3.4 P98/1983
Change of use of ground floor from residential to consulting rooms for osteopath practice
Approval
18.08.1998
- 3.5 P98/1035
Change of use of premises from offices to residential.
Approval
05.03.1998
- 3.6 PT17/5471
Change of Use to ground floor from an osteopath clinic (D1) to a residential use (class C3) in connection with the residential use of the upper floor.

Refusal recommended

18.07.2018

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

Objection

- loss of employment site

4.2 Other Consultees

Sustainable Transport

No objection

Lower Severn Drainage Board

No comment

Archaeology Officer

No objection

Conservation Officer

No objection

- Condition submission of details for the proposed floors, wall and ceiling finishes

Historic England

No objection

National Amenity Societies

No comment

Other Representations

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 This application seeks listed building consent for works associated with the change of use of the building into full residential use.

5.2 Principle of Development

This is an application for listed building consent and as such the only consideration is what impact the proposed development would have on the special historic or architectural features of the property.

It is noted that the Town Council objects to the loss of the employment site ie the principle of the change of use. This is not within the scope of this Listed Building consent application, but is within the scope of the accompanying planning application reference PT17/5471/F. The principle of the loss of use is

considered there, and has formed a refusal reason in relation to that application.

5.3 Assessment of Impact on Heritage Asset

As the only external alteration appears to be the removal of a sign and internally there appears to be no change in plan form as part of turning this building into a 3-bed dwellinghouse, the only issues to consider are any associated ancillary requirements such as vents and flues (but the applicant has confirmed that none are required), services and internal finishes, as Officers want to avoid any recordation that includes applying dry linking and skimmed plaster finishes.

5.4 The issue of services appears to be pretty straightforward as the only change is the relocation of the first floor kitchen to the existing rear consulting room directly below which can therefore utilise the existing plumbing/soil and waste pipes insitu in this location.

5.5 Subject to a condition securing details of the proposed floor, wall and ceiling finishes, the proposed development is acceptable.

6. RECOMMENDATION

6.1 It is recommended that listed building consent is GRANTED subject to the conditions listed below.

Contact Officer: Helen Braine
Tel. No. 01454 863133

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.

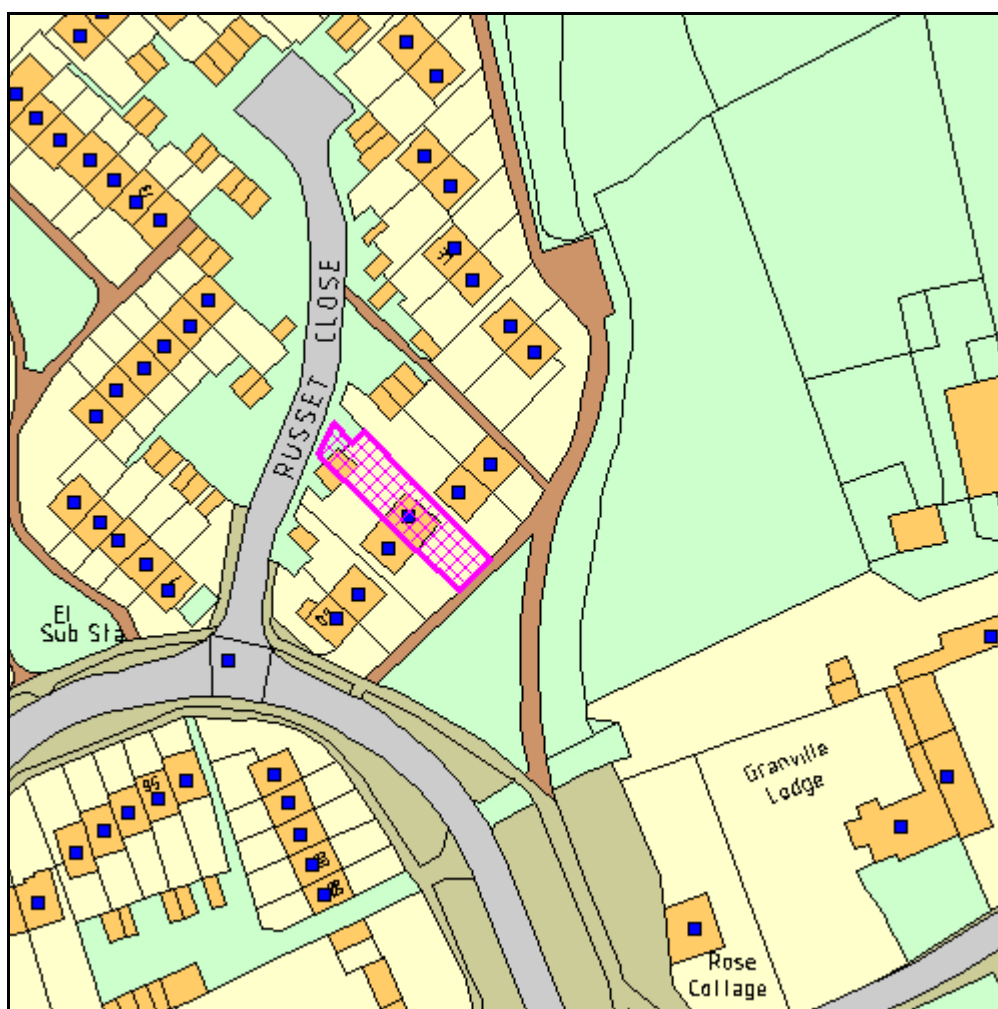
2. Prior to commencement of development, full details of the proposed floors, wall and ceiling finishes shall be submitted and agreed in writing by the local planning authority. The development shall thereafter be carried out strictly in accordance with the agreed details.

Reason

In order that the development serves to preserve the architectural and historic interest and setting of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 29/18 – 20 JULY 2018

App No.:	PT18/1393/F	Applicant:	Ms Maria Fogg
Site:	37 Russet Close Olveston Bristol South Gloucestershire BS35 4EF	Date Reg:	26th March 2018
Proposal:	Demolition of existing front extension. Erection of single storey front extension and two storey and single storey rear extension to form additional living accommodation.	Parish:	Olveston Parish Council
Map Ref:	360445 187123	Ward:	Severn
Application Category:	Householder	Target Date:	16th May 2018



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100023410, 2008. **N.T.S.** **PT18/1393/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing front extension and the erection of a single storey front extension and a two storey and single storey rear extension to form additional living accommodation. The property would remain a 3-bed.
- 1.2 The application site relates to a two-storey Radburn style semi-detached property situated in the established settlement of Olveston, which is in the Green Belt. The property is 37 Russet Close.
- 1.3 During the course of the application amendments were made to change the roof of the rear extension from a gable to a hip and the front extension was reduced in depth.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (NPPF) 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
CS9	Managing the Environment and Heritage
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007
Green Belt SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 N810
Erection of single storey extension at rear of dwelling to provide a conservatory.
Approval
13.02.1975

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
No objection

- 4.2 Other Consultees

Archaeology Officer
No comment

Tree Officer
No comment

Other Representations

- 4.3 Local Residents
4 local residents have objected – comments summarised as follows:
- out of keeping
 - loss of privacy
 - loss of light
 - overbearing
 - loss of outlook
 - no advertisement of application
 - a single storey extension would be acceptable
 - devalue property
 - unnecessary

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application stands to be assessed against the above listed policies and all material considerations. Of particular importance is the location of the site within the Bristol/Bath Green Belt and the impacts the proposal would have in terms of appearance, residential amenity and highways.
- 5.2 The proposal is considered to accord with policy and this is discussed in more detail below.
- 5.3 Green Belt
The NPPF states that the fundamental aims of Green Belt policy is to prevent urban sprawl. Five purposes are listed and any new development must meet the set criteria. Extensions or alterations of a building provided that it does not

result in disproportionate additions over and above the size of the original building. In this instance it is acknowledged that the house has been extended in the past with an addition to the rear. However, this will be demolished to make way for the proposal. The recurring approach taken by the NPPF is one of *limited* development in this special area and development that is not *disproportionate*. Although one of the listed criteria stated, additions should not be of a size over and above the original dwelling, the document is also mindful of preserving a setting and the special character of places. The house is part of a cul-de-sac of identical properties.

- 5.4 It may further be argued that the South Gloucestershire SPD: Green Belt holds a view which has been superseded by the approach taken by the NPPF. This local planning documents indicates that an increase in volume of under 30% over and above that of the original property is considered acceptable, an increase of between 30-50% could be appropriate and that exceeding 50% would be unacceptable as being disproportionate. The NPPF is a much more up-to-date policy where volume is not mentioned. Some weight can be awarded to this position.
- 5.5 Calculations indicate that the proposed new built form would be about 32% more than the existing situation. Although it its entirety this would result in a large increase to the original house, it must be noted that the new development can be offset by the removal of the existing front extension and on balance the increase is considered proportionate and acceptable. In terms of impact on the openness of the Green Belt the additions would firstly, be physically attached to the main dwelling and secondly, within an existing built up area. As such, there would be no adverse impact on the openness of the Green Belt. The proposal is therefore considered to accord with Green Belt policy.
- 5.6 Design
The application site is two storey semi-detached dwelling with a front extension and entrance canopy. It faces southeast across a footpath onto an open, flat, triangular, grassed area of public open space which is part of a Radburn style housing estate, characterised by modest pairs tile hung at first floor, finished in render at ground and with brick gable ends.
- 5.7 As mentioned above, to accommodate this proposal existing structures would be demolished. The resulting two-storey element of the rear extension would be stepped back from the building line and stepped down from the main roof ridge making it subservient to the original house. This is considered good design practice. The two-storey and single storey rear addition would incorporate within them: at ground floor - a dining area - and 2 existing bedrooms would be extended at first floor level. To the front, a pitched extension containing a shower/WC would extend out into the front garden.
- 5.8 The new rear addition would achieve a width of about 6.15m and have a total depth of 3.05m. In addition, the front extension would measure 2.4m by 2.95m. Materials would match those of the existing property. Whilst Officers have carefully noted the concerns of local residents regarding appearance, by virtue of its design, scale and massing, the proposal is considered appropriate to the

host dwelling and the character of the area in general and can therefore be supported.

5.9 Amenity

Officers have taken into account concerns raised by interested persons in relation to the impact on residential amenity but none, as discussed fully below, are such as to count significantly against the proposal.

5.10 New built form would be largely to the rear of the existing house on site. Furthermore, the top floor would be recessed away from the final rear elevation, thus alleviating the effect of the additional height and bulk of the proposed extensions on its surroundings.

5.11 In consequence, the levels of light and outlook to 38 Russet Close and its respective garden areas would broadly reflect the existing situation. The proposal would also be set away from the boundary with 36 Russet Close, although due to its siting, there would be some additional overshadowing from mid-afternoon of this neighbouring garden when compared with the existing situation. However, Officers do not consider this overshadowing to be significant enough to refuse the application and furthermore it is not considered the development would lead to the creation of an overbearing effect or loss of outlook.

5.12 In terms of privacy, ground floor views would be mainly screened by a combination of walls and fencing and the only windows proposed at first floor face the rear garden. Taking these things together, Officers do not consider that the development would lead to a material loss of privacy.

5.13 The property benefits from adequate amenity space and the new development would not impact negatively on this.

5.14 Officers do appreciate that the construction work may lead to disruption for surrounding residents but given the scale of the proposal, this is likely to be of a temporary nature. However, working hours will be controlled by condition.

5.15 Overall there would be no loss of privacy or overbearing effect, limited overshadowing and the revised proposal would be acceptable in terms of its effect on the living conditions of the current occupants.

5.16 Transport

The development would not adversely impact the parking provision currently associated with the dwellinghouse.

5.17 Other Matters

Several additional concerns are raised by local residents. These include:

Publicity: given the nature of the development, only neighbour notification was required.

Alternative scheme: although a smaller proposal may have less impact, it does not lead Officers to alter the decision when the current proposal has been found acceptable.

Property values: impact on property value is not a material planning consideration.

Unnecessary: reasoned justification for the development is not required by policy PSP38 of the Local Plan.

5.18 Consideration of likely 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 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 That the application be APPROVED subject to the conditions listed below:

Contact Officer: Helen Braine
Tel. No. 01454 863133

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

Reason

To protect the residential amenity of neighbouring occupiers, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the National Planning Policy Framework.

3. The development shall be implemented strictly in accordance with the following documents:

Received 21.03.2018:

Site Location Plan (352-001 Rev A)
Existing Block Plan (352-002 Rev C)
Existing Floor Plans (352-003 Rev A)
Existing Elevations (352-005 Rev A)

Received 27.06.2018:

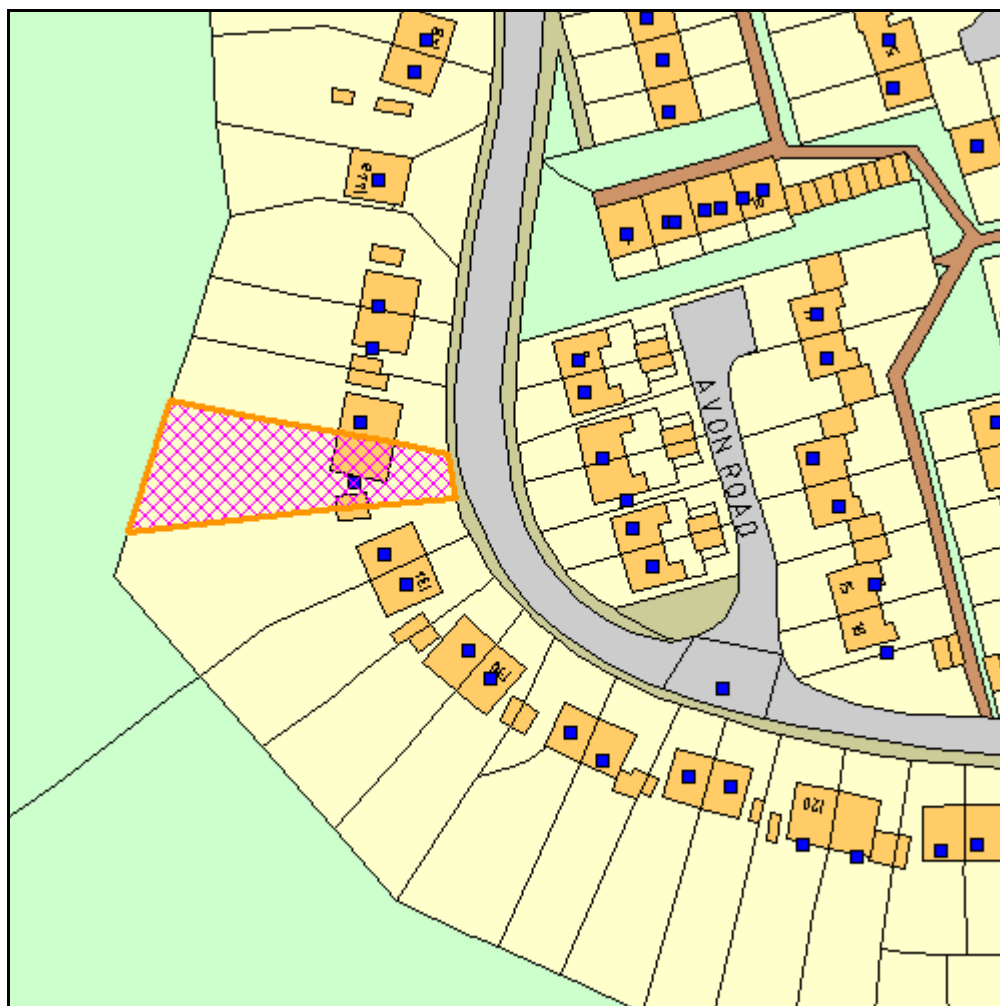
Proposed Floor Plans (352-004 Rev C)
Proposed Elevations (352-006 Rev F)
Proposed Block Plan (352-007 Rev B)

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 29/18 – 20 JULY 2018

App No.:	PT18/2014/F	Applicant:	Mr Timothy Sansum
Site:	138 Manor Lane Charfield Wotton Under Edge South Gloucestershire GL12 8TN	Date Reg:	18th May 2018
Proposal:	Demolition of existing rear conservatory. Alterations to existing side/rear extension. Erection of single storey rear extension to provide additional living accommodation.	Parish:	Charfield Parish Council
Map Ref:	371980 191923	Ward:	Charfield
Application Category:	Householder	Target Date:	13th July 2018



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PT18/2014/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for the erection of a single storey rear and side extension and installation of 1 no. rear dormer to facilitate loft conversion to form additional living accommodation.
- 1.2 The property is a semi-detached, bungalow dwelling located on a residential road containing similar properties within the Charfield 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
CS8 Access/Transport

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

PSP8 Residential Amenity
PSP38 Development Within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 N624 – Construction of patio at ground floor level with enlarged bedrooms above (No's 138 and 140). Refused 18/11/74 (No's 138 and 140)
- 3.2 N624/1 – Two storey rear extensions to provide bedrooms, porches and covered way (No's 138 and 140). Approved 13/2/75
- 3.3 N624/2 – Erection of extensions to existing dormer windows (No's 138 and 140). Approved 14/9/78
- 3.4 P88/2598 – Rear conservatory. Approved 5/10/88
- 3.5 PT18/1018/PNH – Single storey rear extension which would extend beyond the rear wall of the house by 4.1 metres, maximum height 3.6 metres and eaves height 2.6 metres. Refused 26/4/18

4. CONSULTATION RESPONSES

4.1 Charfield Parish Council

Charfield Parish Council has no objections to this proposal.

Tree Officer

There are some small trees growing to the rear of the property which should remain unaffected by the development proposal.

In order to ensure that the trees remain unharmed the applicant should erect a protective barrier to prevent any construction activity within the root protection areas of the trees. This includes mixing of cement etc as it is toxic to trees and plants.

If any construction vehicles are likely to be utilised at the rear of the property then heras fencing in accordance with BS:5837:2012 will be required. However if all works are pedestrianised then I will accept Another form of fencing e.g chestnut paling, provided that it will inhibit any activity within the Root protection area.

Archaeology

No comment

Other Representations

4.2 Local Residents

One letter of objection has been received, as follows:

My concern is that this extension involves my property boundary walls. The wall of the existing conservatory was built some 30 years ago and it was agreed at the time with the then owner that this was a party wall with a single skin garden wall along side my patio. The new extension is going to involve this garden wall with all my mature plantings and electric supply to garden lights and water feature affected.

My understanding is that this boundary, on the property, is my responsibility and therefore my wall. I also understand that the new extension will have a pitch roof using the new wall as support and will therefore prevent any extensions on my side in the future.

I have also been informed that the foundations will encroach onto my property...is this really necessary?

Should any new wall for this extension be within Mr Sansum's side of the boundary and not encroaching on mine?

I am at present seeking legal advice as to the effect this will have on any searches when I or my estate wishes to sell my property.

The applicant is at present on holiday and so I am unable to discuss this matter with him and I am aware any comment I make is time sensitive'

No further comments or representations have been received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP38 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

5.2 Residential Amenity/Neighbour Concerns

The concerns raised by the neighbouring property, above, are noted. The applicants have served a certificate of ownership notification to the adjoining property (no. 140). However the proposals appear to be confined to within the red line boundary of the application site. The plans indicate that the extended wall would follow the existing line of the conservatory side wall. Beyond the existing conservatory, there is a garden wall between the two adjoining properties that appears to divide the properties. It should be noted that if structural works to a party wall are proposed, then written notice, under the Party Wall Act would need to be given to any adjoining owners and occupiers. Before the specific works are started that affect a party wall, written agreement between the parties must be obtained or failing this a surveyor appointed to prepare a Party Wall Award in respect of the works. These considerations are dealt with through the Party Wall Act and this position does not prevent the granting of planning permission. Further to this it must be considered that the granting of any consent does not grant the rights to build or access onto property not within the applicants control or without permission. On this basis it is not considered that the granting of planning consent would prevent any future development or extension on the neighbouring property.

5.3 On the basis of the proposed development itself, given the dimensions, scale, location and relationship of the proposal with the surrounding area, it is not considered that single storey extension could be considered an unreasonable addition to the property in this instance that would give rise to unreasonable, significant or material residential amenity impact by way of overbearing impact or amenity impact upon the adjoining property.

5.4 Design / Visual Amenity

The scale and design of the proposals is considered to adequately integrate with the existing dwelling and surrounding area. Materials would match the existing dwelling and sufficient private amenity space would remain within the property.

5.5 Trees

The comments regarding trees, above, are noted. Taking into account the location and size of the extension it is not considered that there would be any material impact. Further to this it is considered unlikely that any associated works or storage would occur such as to impact upon any trees, given this distance from the dwelling and access to the site.

5.6 Transportation

The level of parking available and required is not impacted by the proposals.

5.7 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 proposals are of an appropriate standard in design and are not out of keeping with the context of the area and surrounding properties. Furthermore the proposal would not materially or significantly harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with the Development Plan.

6.3 The recommendation to grant permission has been taken having regard to the policies and proposals set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

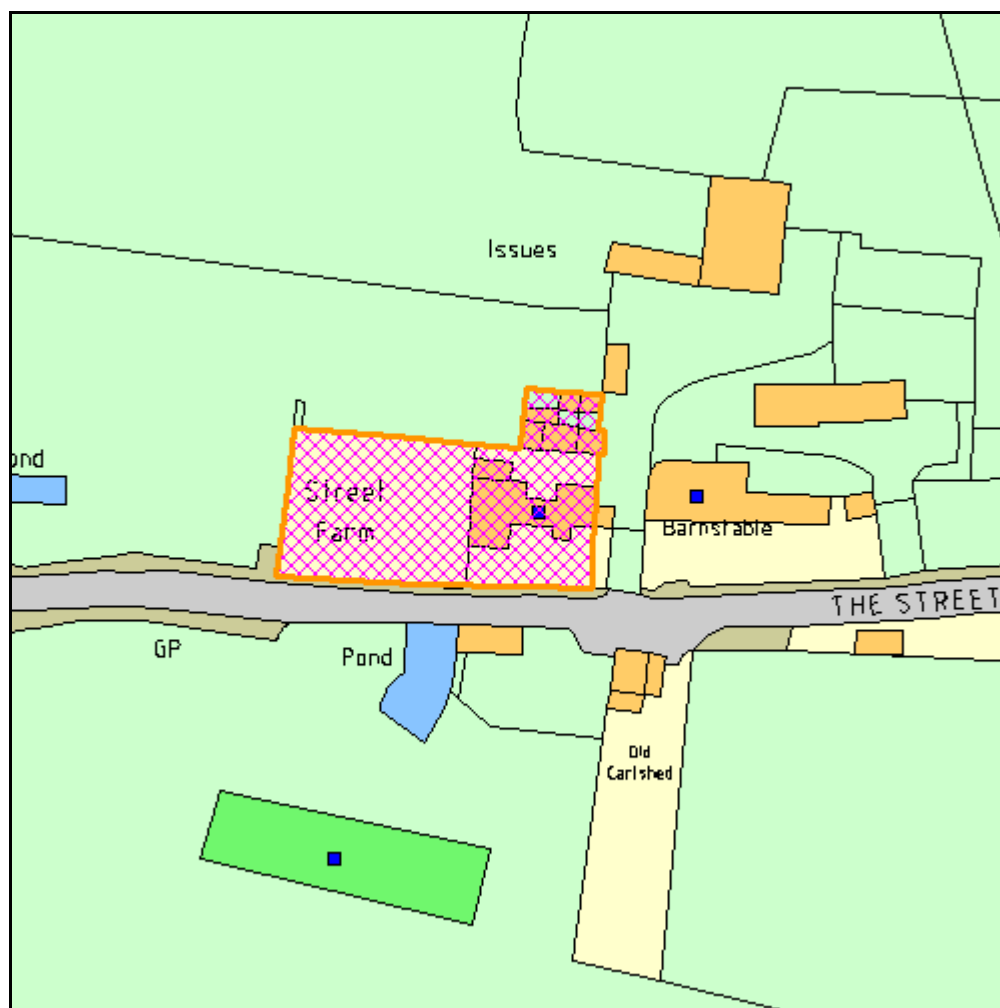
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 29/18 – 20 JULY 2018

App No.:	PT18/2347/F	Applicant:	Mr Andrew Loring
Site:	Street Farm The Street Alveston South Gloucestershire BS35 3SX	Date Reg:	4th June 2018
Proposal:	Alterations to existing outbuildings to include raising of roofline, erection of conservatory and installation of new windows and doors to facilitate conversion to residential annexe.	Parish:	Alveston Parish Council
Map Ref:	363716 188047	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	26th July 2018



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PT18/2347/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 application seeks full planning permission for alterations to existing outbuildings to include raising of roofline, erection of conservatory and installation of new windows and doors to facilitate conversion to residential annexe at Street Farm, The Street, Alveston.
- 1.2 The application site relates to a Bakehouse located within the curtilage of Street Farm a grade II listed building. It is noted that the Bakehouse is not just curtilage listed but listed (Grade II) within its own right. The site also falls within the Bristol/Bath Green Belt.
- 1.3 The application site comprises a two storey stone building that features a half hipped pantile roof and various lean-to extensions. An un-used and dilapidated pigsty abuts the north wall. The building is located to the rear (North) of Street Farm. The reason for the application is to create an annexe ancillary to the main dwelling. The proposal will also represent a scheme of refurbishment and give the building a sustainable future.

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
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS9 Managing the Environment and Heritage

South Gloucestershire Policies, Sites and Places Plan Adopted November 2017

PSP1 Local Distinctiveness
PSP2 Landscape
PSP8 Residential Amenity
PSP11 Development Related Transport Impact Management
PSP16 Parking Standards
PSP17 Heritage Assets and the Historic Environment
PSP20 Drainage
PSP38 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/0333/LB – Approved - 22.03.2012
Internal and external alterations to include installation of conservation rooflights to rear elevation, works to decayed timbers, roof structures and floor structures, installation of insulation and replacement of floorboards.
- 3.2 PT02/1967/LB – Approved - 02.08.2002
Remove and rebuild north west chimney stack.
- 3.3 P86/2190/L – Approved - 11.11.1986
Alterations & repairs, including installation of replacement windows and doors, installation of new windows and repair of roof trusses. In accordance with the revised plan received by the council on the 3RD october 1986.

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council
No Comments

4.2 Other Consultees

Highway Structures
No Objection

Lead Local Flood Authority
No Objection

Sustainable Transport
No Objection

Environmental Protection
No Objections – informative on decision

The Listed Building and Conservation Officer
As proposed the scheme of conversion would result in substantial harm to the historic significance of the Grade II listed bakehouse. It would also result in less than substantial harm to the setting and in turn significance of the Grade II listed Street Farm. Although the proposals represent a scheme of refurbishment and could be considered to give the building presumably a sustainable future, these considerations are outweighed by the identified level of harm that would be caused.

Refusal is therefore recommend at this stage.

The Landscape Officer
If approval is granted prior to a landscape scheme being approved then a landscape condition is recommended.

Archaeology
No Comment

Public Rights of Way
PROW do not have any objections as the right of way - footpath OAN 14A which runs along the western boundary of the outlined site is unlikely to be affected.

Planning Enforcement
No Comments

Other Representations

4.3 Local Residents

The application received a total of 1 support comments, this is outlined below.

- As immediate neighbours we fully support this application

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In deciding the application, Officers have had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 In this case, the development plan comprises the South Gloucestershire Core Strategy adopted in December 2013 and the Policies, Sites and Places Plan recently adopted November this year. Other material considerations which Officers have taken into account into the National Planning Policy Framework (NPPF) and the planning guidance published in March 2014; and relevant Historic England good practice advice and advice notes.

5.3 Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.

5.4 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.

5.5 As regards local policy, Core Strategy Policies CS1 and CS9 and Policy PSP17 of the Policies, Sites and Places Plan all expect new development to respect and complement the characteristics of the site and its surroundings, and the historic form and context of the setting. However, Policy PSP17 goes further, seeking amongst other things, that new development preserves and enhances

the special architectural or historic interest of listed buildings, the special character and appearance of conservation areas, non-designated archaeology, and all their settings.

5.6 Green Belt

National Green Belt policy under the NPPF has five aims which help to prevent urban sprawl as set out in paragraph 80:

- To check the unrestricted view sprawl of large built up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The fundamental aim of Green Belt Policy is to keep land permanently open.

5.7 Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate in Green Belt. Exceptions to this are:

- Buildings for agriculture and forestry;
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land with it;
- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in Local Plan; or
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and purpose of including land within it than the existing development..

5.8 The SPD Development in the Green Belt (2007), also has a disproportionate test for additions within this special area. In assessing whether a proposal is disproportionate account will be taken of:

- The increase in volume of the original dwelling
- The appearance of the proposal (it should not be out of proportion with the scale and character of the original dwelling).
- Existing extensions and outbuildings within the curtilage

5.9 The proposed redevelopment and extensions would result in modest additions to the rear of the existing bakehouse. The proposal is single storey and “tucked up” adjacent to the existing built form and due to its siting, scale and position,

the case officer considers the proposal to be proportionate and the impact on openness is not considered to be harmful.

- 5.10 Overall, it is concluded that the proposal would not in this instance result in material harm to the openness of the Green Belt and is considered to comply with Policy PSP7 of the PSP Plan (November 2017) and the NPPF.
- 5.11 Heritage, Conservation and Design
The proposal is suggested to bring a vacant grade II listed building back into use. The proposals submitted are comprehensive and involve alteration, remodelling, and reconfiguring multiple aspects of this historic building.
- 5.12 The internal works to the bakehouse comprise of a new staircase, a new first floor element to serve the east room (this will replicate that which was removed in the past), the erection of internal walling and repairs, repointing and finishes to the existing internal walls. All stonework will be left exposed and finished with lime wash.
- 5.13 A host of internal works are proposed, however, the external appearance to these sections will drastically change. At ground floor, the single storey Poultry shed roof would be removed in its entirety, the eaves height will be raised by some 0.6metres and the roof will be reconstructed to a slightly lower pitch and will feature a tiled finish. A larger opening is proposed on the rear poultry shed northern elevation to facilitate 1no. Window. 2no. roof lights are also proposed on the new roof structure.
- 5.14 New openings are proposed in the original roof to facilitate 5no. roof lights and 1no. Cast iron soil vent pipe. A further opening is proposed on the east elevation at first floor level to facilitate 1no. New window. A double glazed timber conservatory will abut the poultry shed on the north elevation. The conservatory will extend 2.5 metres from the existing rear wall, have a length of 4.5 metres and a maximum height of 3.1 metres. Part of the internal wall on the north elevation will be removed to facilitate the insertion of a doorway to enable access to this extension.
- 5.15 All new windows will be double glazed and external finish will match the existing materials.
- 5.16 With regards to the rear elevation it is not considered that the removal of the poultry roof is justified in order to raise the eaves levels. It is desirable that this feature be maintained. It is also considered that the proposed conservatory would result in an overly domestic appearance, undermining its character as an outbuilding in a rural farmyard setting. It is also considered that the presence of roof lights on the principal elevation would further exacerbate this issue. As such, the proposal would be detrimental to the significance of the listed building. Consequently as a matter of principle the proposed scheme is recommended for refusal.
- 5.17 Overall as proposed the balance between conversion and retention has not been struck and the risk is that if approved, although the building may be sustained in the long-term, the historic interest that can be derived from its

scale and configuration will be significantly compromised and the resultant building could have a negative impact on the host grade II listed building and its setting.

5.18 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.

5.19 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

5.20 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.

5.21 Sustainable Transport

The proposed development does not affect bedroom numbers, access or current parking provision. Therefore, there are no objections on highways grounds.

5.22 Consideration of likely impact on 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.

5.23 In regards to the above statement, the proposal is deemed to have a neutral impact on 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 **refuse** 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 **REFUSED**.

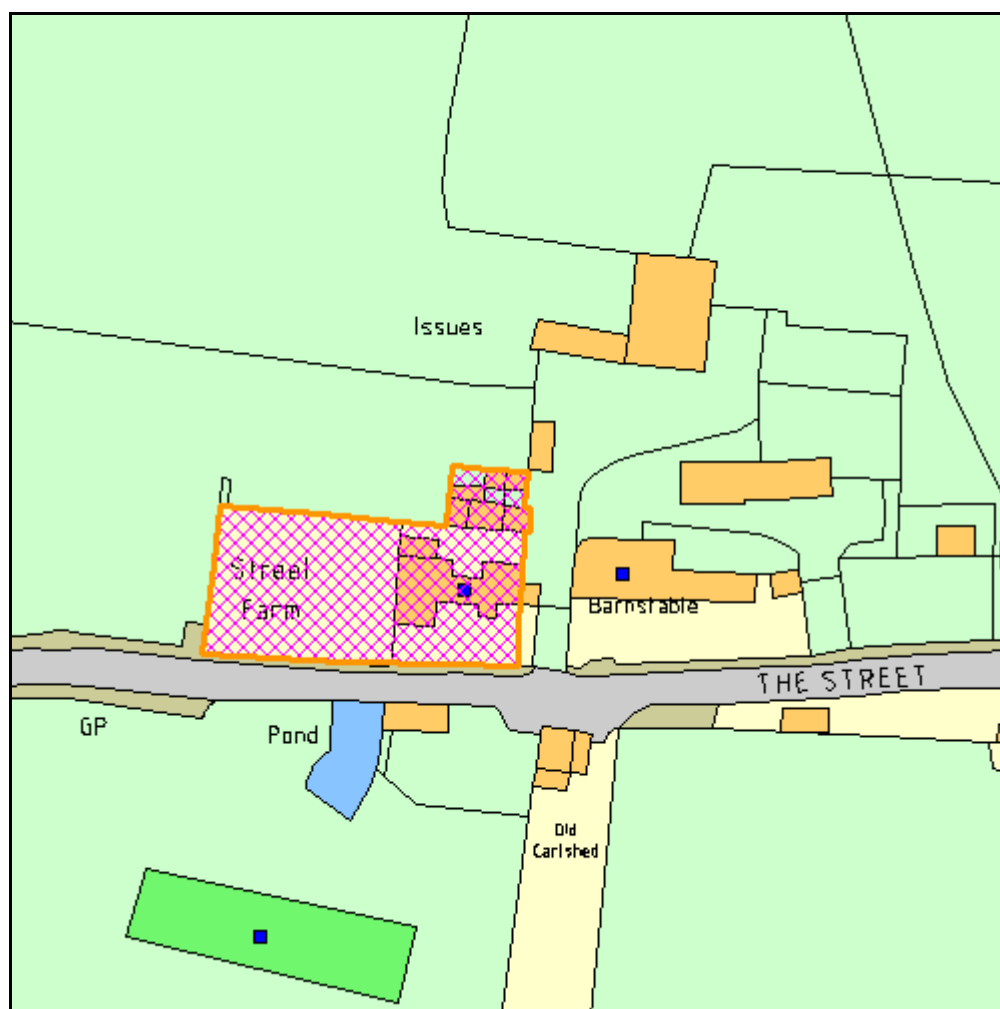
Contact Officer: Westley Little
Tel. No. 01454 862217

REASONS FOR REFUSAL

1. By reason of design and scale, the proposals would cause harm to special architectural and historic character of the Grade II listed building. The former barn also makes a positive and important contribution to the setting of the adjacent Grade II listed Street Farmhouse. The considered harm to the significance of the listed building would therefore detract from the setting and in turn significance of the adjacent Grade II listed Street Farmhouse. The proposals are therefore considered contrary to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; contrary to the relevant provisions of the National Planning Policy Framework (2012); contrary to Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

CIRCULATED SCHEDULE NO. 29/18 – 20 JULY 2018

App No.:	PT18/2348/LB	Applicant:	Mr Andrew Loring
Site:	Street Farm The Street Alveston South Gloucestershire BS35 3SX	Date Reg:	4th June 2018
Proposal:	Internal and external works as detailed in the Design and Access statement. Raising of roofline, erection of conservatory and installation of new window and doors to facilitate conversion to residential annexe.	Parish:	Alveston Parish Council
Map Ref:	363716 188047	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	26th July 2018



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PT18/2348/LB

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 Listed Building consent for alterations to existing outbuildings to include raising of roofline, erection of conservatory and installation of new windows and doors to facilitate conversion to residential annexe at Street Farm, The Street, Alveston.
- 1.2 The application site relates to a Bakehouse located within the curtilage of Street Farm a grade II listed building. It is noted that the Bakehouse is not just curtilage listed but listed (Grade II) within its own right. The site also falls within the Bristol/Bath Green Belt.
- 1.3 The application site comprises a two storey stone building that features a half hipped pantile roof and various lean-to extensions. An un-used and dilapidated pigsty abuts the north wall. The building is located to the rear (North) of Street Farm. The reason for the application is to create an annexe ancillary to the main dwelling. The proposal will also represent a scheme of refurbishment and give the building a sustainable future.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Guidance 2014

Managing Significance in Decision-Taking in the Historic Environment (GPA 2)

The Setting of Heritage Assets (GPA 3)

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

PSP1 Local Distinctiveness

PSP17 Heritage Assets

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

Shopfronts and Advertisements SPD (Adopted) 2012

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/0333/LB – Approved - 22.03.2012

Internal and external alterations to include installation of conservation rooflights to rear elevation, works to decayed timbers, roof structures and floor structures, installation of insulation and replacement of floorboards.

- 3.2 PT02/1967/LB – Approved - 02.08.2002
Remove and rebuild north west chimney stack.
- 3.3 P86/2190/L – Approved - 11.11.1986
Alterations & repairs, including installation of replacement windows and doors, installation of new windows and repair of roof trusses. In accordance with the revised plan received by the council on the 3rd October 1986.
- 3.4 PT18/2347/F – Pending - 26.07.2018
Raising of roofline, erection of conservatory and installation of new window and doors to facilitate conversion to residential annexe.

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council
No Comments

4.2 Other Consultees

Highway Structures
No Objection

Lead Local Flood Authority
No Objection

Sustainable Transport
No Objection

Environmental Protection
No Objections – informative on decision

The Listed Building and Conservation Officer
Internal Alterations

- The position of the staircase needs reconsideration, as although I appreciate to need to avoid the historic roof trusses, the proposed position would result in the removal of what appears to be an original load bearing wall and thus loss of historic fabric;
- The specification of internal finishes needs to be reconsidered to ensure the finishes to floors, walls and ceiling are appropriate to a building of this construction and age.
- For the walls and ceilings, they should also be constructed and finished so they remain permeable to water vapour and allow for an appropriate finish.
- A structural report would also be helpful in understanding the condition of the building
- The condition survey of the partial first floor is required to ensure the scope of repairs is understood;

- Further details on the reinstatement of the first floor is required – confirmation of timber sizes and the proposed support bracket at each end beam.

External Proposals

- I see no justification for the removal of the poultry shed roof as part of scheme to raise the eaves level and so would advise it is maintained as it is. It clearly would be desirable, but the level of justification required for these works considering the potential loss of fabric is a much higher test;
- The proposed conservatory to the rear is not acceptable.
- The rooflights to the south elevation should also be removed
- The svp to the south elevation should also be removed and would suggest either an air admittance value system is considered or a more visually discreet venting solution is considered for the north facing roof plane.

As proposed the scheme of conversion would result in substantial harm to the historic significance of the Grade II listed bakehouse. It would also result in less than substantial harm to the setting and in turn significance of the Grade II listed Street Farm. Although the proposals represent a scheme of refurbishment and could be considered to give the building presumably a sustainable future, these considerations are outweighed by the identified level of harm that would be caused.

Refusal is therefore recommend at this stage.

The Landscape Officer

If approval is granted prior to a landscape scheme being approved then a landscape condition is recommended.

Archaeology

No Comment

Public Rights of Way

PROW do not have any objections as the right of way - footpath OAN 14A which runs along the western boundary of the outlined site is unlikely to be affected.

Planning Enforcement

No Comments

Other Representations

4.3 Local Residents

The application received a total of 1 support comments, this is outlined below.

- As immediate neighbours we fully support this application

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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. According to the Listed Building and Conservation Act (1990) no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character, unless the works are authorised.

5.2 Policy PSP17 states that alterations, extensions or changes of use to listed buildings, or development within their setting, will be expected to preserve and, where appropriate, enhance those elements which contribute to their special architectural or historic interest, including their settings. The NPPF supports this statement in paragraph 132 where it is stated that: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

5.3 Analysis

The proposal is suggested to bring a vacant grade II listed building back into use. The proposals submitted are comprehensive and involve alteration, remodelling, and reconfiguring multiple aspects of this historic building.

5.4 The internal works to the bakehouse comprise of a new staircase, a new first floor element to serve the east room (this will replicate that which was removed in the past), the erection of internal walling and repairs, repointing and finishes to the existing internal walls. All stonework will be left exposed and finished with lime wash.

5.5 A host of internal works are proposed, however, the external appearance to these sections will drastically change. At ground floor, the single storey Poultry shed roof would be removed in its entirety, the eaves height will be raised by some 0.6metres and the roof will be reconstructed to a slightly lower pitch and will feature a tiled finish. A larger opening is proposed on the rear poultry shed northern elevation to facilitate 1no. Window. 2no. roof lights are also proposed on the new roof structure.

5.6 New openings are proposed in the original roof to facilitate 5no. roof lights and 1no. Cast iron soil vent pipe. A further opening is proposed on the east elevation at first floor level to facilitate 1no. New window. A double glazed timber conservatory will abut the poultry shed on the north elevation. The conservatory will extend 2.5 metres from the existing rear wall, have a length of 4.5 metres and a maximum height of 3.1 metres. Part of the internal wall on the north elevation will be removed to facilitate the insertion of a doorway to enable access to this extension.

- 5.7 All new windows will be double glazed and external finish will match the existing materials.
- 5.8 With regards to the rear elevation it is not considered that the removal of the poultry roof is justified in order to raise the eaves levels. It is desirable that this feature be maintained. It is also considered that the proposed conservatory would result in an overly domestic appearance, undermining its character as an outbuilding in a rural farmyard setting. It is also considered that the presence of roof lights on the principal elevation would further exacerbate this issue. As such, the proposal would be detrimental to the significance of the listed building. Consequently as a matter of principle the proposed scheme is recommended for refusal.
- 5.9 Overall as proposed the balance between conversion and retention has not been struck and the risk is that if approved, although the building may be sustained in the long-term, the historic interest that can be derived from its scale and configuration will be significantly compromised and the resultant building could have a negative impact on the host grade II listed building and its setting.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That the consent is **REFUSED** for the reasons given on the decision notice.

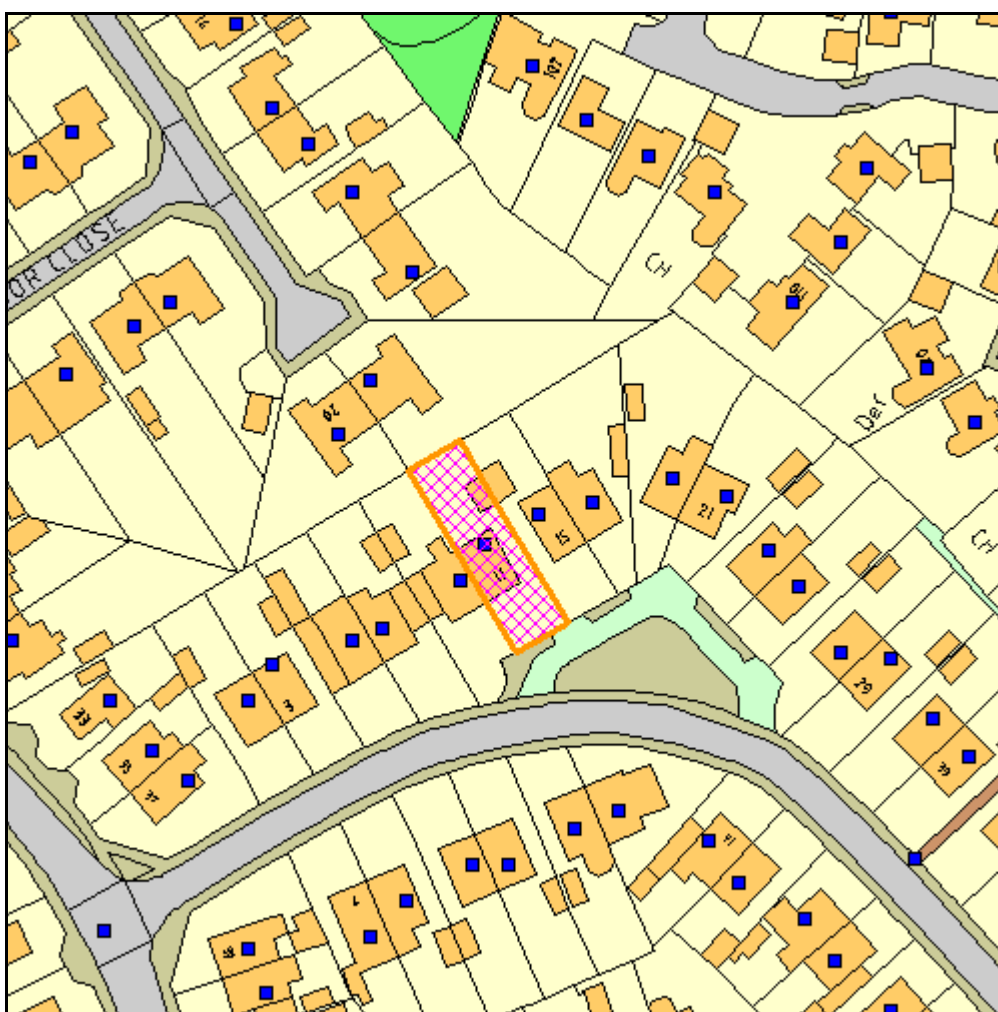
Contact Officer: Westley Little
Tel. No. 01454 862217

REASONS FOR REFUSAL

1. By reason of design and scale, the proposals would cause harm to special architectural and historic character of the Grade II listed building. The former barn also makes a positive and important contribution to the setting of the adjacent Grade II listed Street Farmhouse. The considered harm to the significance of the listed building would therefore detract from the setting and in turn significance of the adjacent Grade II listed Street Farmhouse. The proposals are therefore considered contrary to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; contrary to the relevant provisions of the National Planning Policy Framework (2012); contrary to Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

CIRCULATED SCHEDULE NO. 29/18 – 20 JULY 2018

App No.:	PT18/2506/F	Applicant:	Mr And Miss Collins And Tilley
Site:	11 Bourton Avenue Patchway Bristol South Gloucestershire BS34 6EB	Date Reg:	30th May 2018
Proposal:	Installation of front and rear dormers to facilitate loft conversion.	Parish:	Stoke Lodge And The Common
Map Ref:	361114 182032	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Householder	Target Date:	20th July 2018



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has received comments that are contrary to the Officer recommendation. As such, according to the current scheme of delegation must be referred to the circulated schedule.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for 1no front and 1no rear dormer to facilitate a loft conversion at 11 Bourton Avenue Patchway.
- 1.2 The property site relates to a semi-detached bungalow 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

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

4. CONSULTATION RESPONSES

- 4.1 Stoke Lodge and the Common
None received.

Sustainable Transport
"No objection."

Other Representations

4.2 Local Residents

One letter of objection was received which related to the adjoining occupier not being able to access his front and rear dormers for maintenance.

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 host dwelling is a semi-detached bungalow with cream rendered and brickwork elevations; white UPVC windows and doors; a pitched tiled roof and a detached garage with driveway.

5.3 Policy PSP38 states large front dormers that overwhelm the host property should be resisted. However, No's. 7, 9, 13, 17 and 25 all benefit from large front dormers. Indeed the neighbours on either side of the host dwelling benefit from identical front dormers. As such the addition of a large front dormer at No.11 would be informed by properties in the vicinity. The large rear dormer is less prominent due to its siting. Both dormers would be constructed from materials that would match the host dwelling.

5.4 Overall the dormers are informed by the character of the area, matching the design elements and materials of similar nearby properties. Thus, the proposal accords with policies CS1 of the adopted 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 When considering the existing boundary, combined with the siting and scale of the proposals. The proposals would not appear overbearing or such that it 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.

5.7 Following the development, over 70m² of private outside amenity space would remain. This exceeds the requirements of policy PSP43.

5.8 Sustainable Transport

Post development the property will increase from one bedroom to three. Policy PSP16 requires three bedroom properties to have two off street parking spaces within the site boundary. The property currently has a detached garage and a drive that would accommodate two cars. Therefore sufficient parking would be present at the property and there are no transport objections.

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

The occupier of the adjoining semi-detached bungalow raised concerns regarding access to his front and rear dormers for maintenance. The objector's dormers are constructed up to the shared boundary with No.11. In that regard access is already limited by ownership boundaries. Nonetheless, as the proposed dormers would be set back from this shared boundary, it is likely that maintenance would still possible.

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: 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).

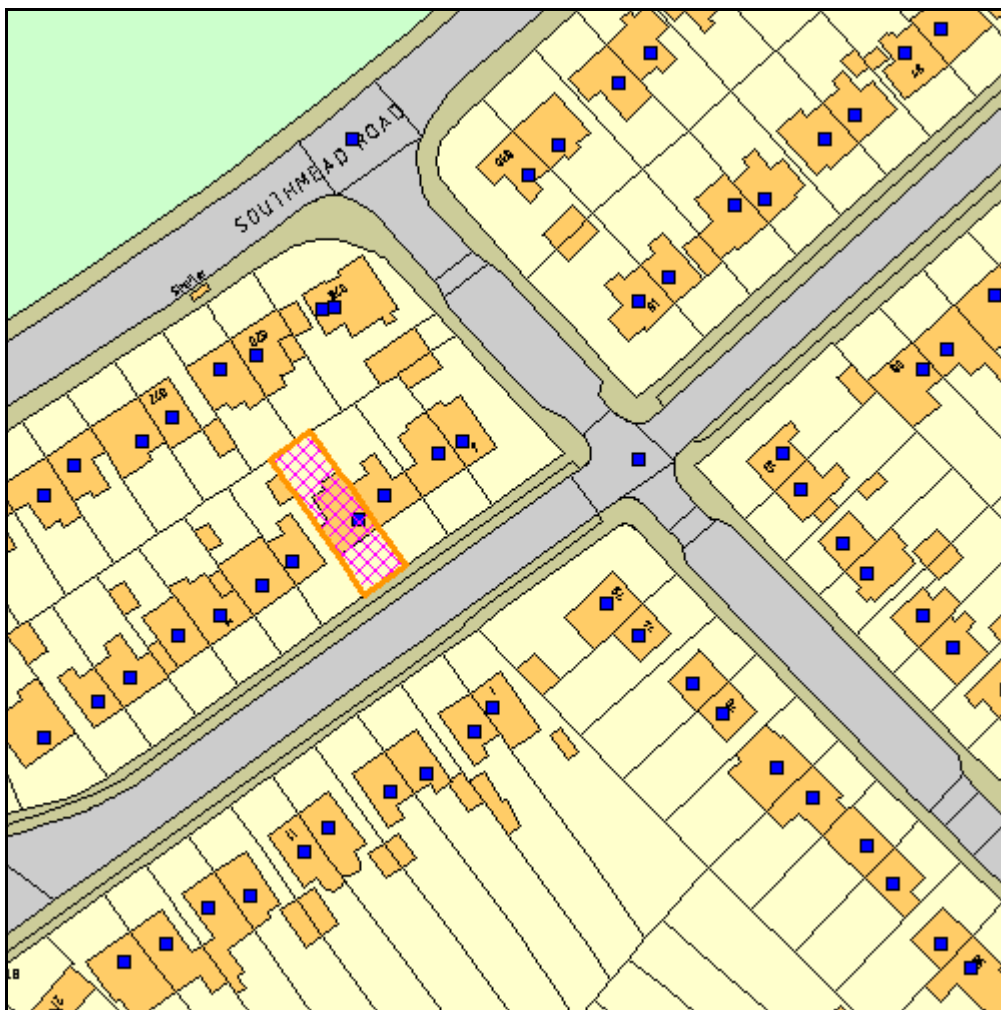
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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.

CIRCULATED SCHEDULE NO. 29/18 – 20 JULY 2018

App No.:	PT18/2664/CLP	Applicant:	Mr Dean Morton
Site:	8 Kenmore Crescent Filton Bristol South Gloucestershire BS7 0TN	Date Reg:	8th June 2018
Proposal:	Hip to Gable extension and Installation of rear dormer to facilitate loft conversion.	Parish:	Filton Town Council
Map Ref:	359444 178476	Ward:	Filton
Application Category:	Certificate of Lawfulness	Target Date:	30th 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 Installation of hip to gable extension and rear dormer to facilitate loft conversion to 8 Kenmore Crescent, Filton would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

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 Local Councillor
No comment received

Filton Parish Council
Object!

The Council supports the neighbours comments, the roof of the dormer should be below the height of the ridge, not in line with it. The patio doors should also be replaced with a dormer window.

Other Representations

- 4.2 Local Residents
This application received a total of 2 objection letters that raised the following points.

- Proposal is out of keeping with surrounding properties.

- The Juliet balcony will overlook and cause privacy issues
- Neighbouring properties have benefited from Velux roof lights rather than dormer windows.

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

- 5.1 Existing and Proposed Side Elevations
Existing First Floor and Roof Plans
Proposed Roof and Floor Plans
Existing and Proposed Front and Rear Elevations
Site Location Plan

Received by Local Planning Authority 04 June 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. 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 proposed Installation of hip to gable extension and rear 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 or Q of Part 3 of this Schedule (changes of use)**

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

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

The 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 window would be located to the rear 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 confirm materials of similar appearance.

- (b) the enlargement must be constructed so that –**

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

- (aa) the eaves of the original roof are maintained or reinstated; and
- (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, 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 rear dormers would be approximately 0.2 metres from the outside edge of the eaves. 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.

No side windows are proposed.

- 6.4 The proposed roof lights on the existing dwelling would fall within the category of development permitted by Schedule 2, Part 1, Class C of the GPDO, which allows for any other alterations to the roof of a dwelling house provided it meets the criteria as detailed below:

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

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

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

The roof lights would not protrude more than 0.15 metres beyond the plane of the roof slope of the original roof.

It would result in the highest part of the alteration being higher than the highest part of the original roof, or;

The proposed roof lights would not be higher than the highest part of the original roof.

It would consist of or include –

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

Not applicable

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

Not applicable

Conditions

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

(a) Obscure glazed; and

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

The proposed roof lights would be on the principal elevation.

7. RECOMMENDATION

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

Evidence has been provided to demonstrate that on the balance of probabilities the proposed installation a rear dormer and alterations to the existing roofline 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.

Contact Officer: Westley Little
Tel. No. 01454 862217