



**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. 26/18**

**Date to Members: 29/06/2018**

**Member's Deadline: 05/07/2018 (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](mailto: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](mailto: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.

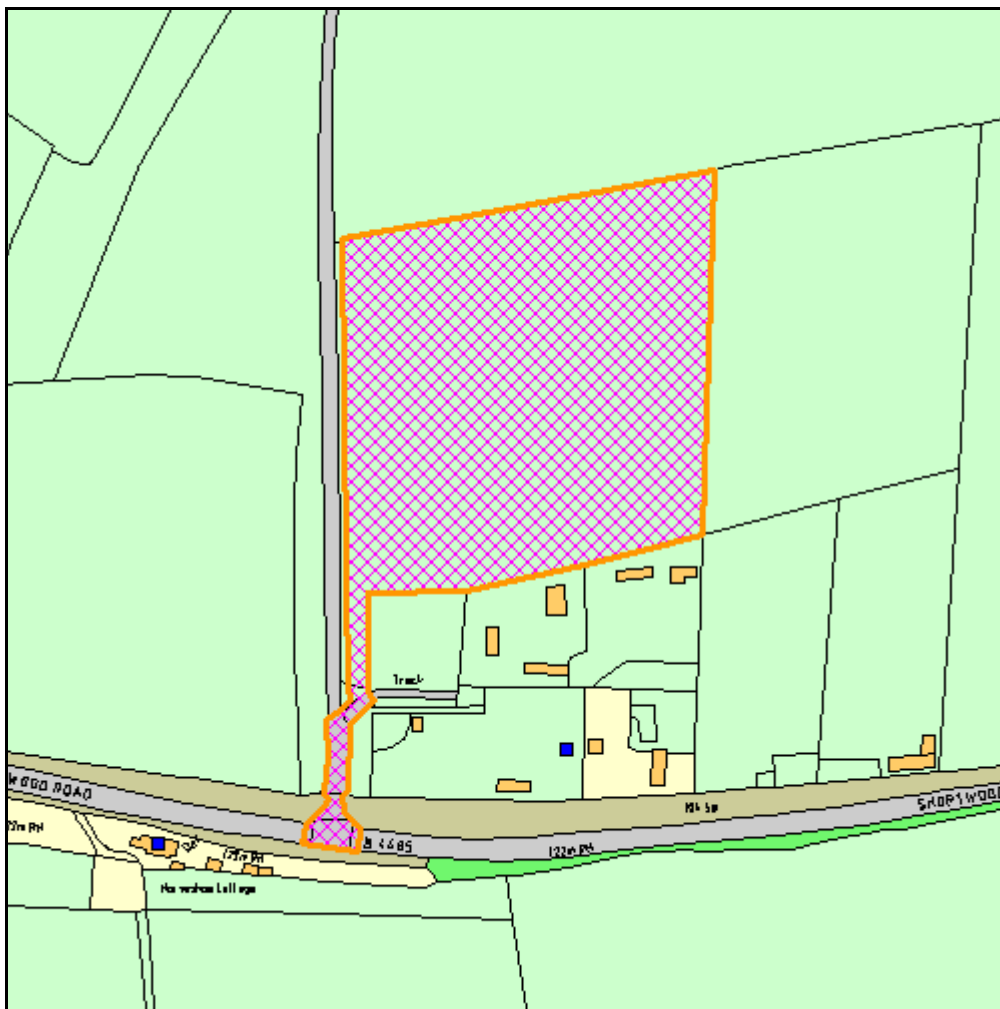
# CIRCULATED SCHEDULE 29 June 2018

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK18/0959/F</b>	Approve with Conditions	Meadow View Shortwood Road Pucklechurch South Gloucestershire BS16 9PQ	Boyd Valley	Pucklechurch Parish Council
2	<b>PK18/1127/F</b>	Approve with Conditions	South Kelding Willmotts Lane Upton Cheyney South Gloucestershire BS30 6LY	Bitton	Bitton Parish Council
3	<b>PK18/1540/F</b>	Approve with Conditions	10 Springville Close Longwell Green South Gloucestershire BS30 9UG	Longwell Green	Oldland Parish Council
4	<b>PK18/1931/RVC</b>	Approve with Conditions	Stanshawes Court Day Nursery 4 Stanshawes Court Drive Yate South Gloucestershire BS37 4EA	Yate Central	Yate Town
5	<b>PK18/2041/F</b>	Approve with Conditions	1 Stephens Drive Barrs Court South Gloucestershire BS30 7AA	Longwell Green	Oldland Parish Council
6	<b>PK18/2199/F</b>	Approve with Conditions	64 Cave Grove Emersons Green South Gloucestershire BS16 7BA	Emersons	Emersons Green Town Council
7	<b>PK18/2261/TRE</b>	Approve with Conditions	25C Shortwood Road Pucklechurch South Gloucestershire BS16 9PL	Boyd Valley	Pucklechurch Parish Council
8	<b>PT17/2240/F</b>	Approve with Conditions	Land At Duck Street Tytherington Wotton Under Edge South Gloucestershire GL12 8QP	Ladden Brook	Tytherington Parish Council
9	<b>PT17/5526/F</b>	Approve with Conditions	15 Gipsy Patch Lane Little Stoke South Gloucestershire BS34 8LS	Stoke Gifford	Stoke Gifford Parish Council
10	<b>PT17/5964/F</b>	Approve with Conditions	3 Shaymoor Lane Pilning South Gloucestershire BS35 4JR	Almondsbury	Almondsbury Parish Council
11	<b>PT18/1134/F</b>	Approve with Conditions	The Grange Bagstone Road Rangeworthy Wotton Under Edge South Gloucestershire GL12 8BD	Ladden Brook	Rangeworthy Parish Council
12	<b>PT18/1509/CLP</b>	Approve with Conditions	Olveston Football Club Alveston Road Tockington South Gloucestershire BS32 4PF	Severn	Olveston Parish Council
13	<b>PT18/1831/F</b>	Approve with Conditions	7 Denny Isle Drive Severn Beach South Gloucestershire BS35 4PZ	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
14	<b>PT18/1999/F</b>	Approve with Conditions	27 Mayville Avenue Filton South Gloucestershire BS34 7AB	Filton	Filton Town Council
15	<b>PT18/2127/F</b>	Approve with Conditions	35 Hunters Way Filton South Gloucestershire BS34 7EP	Filton	Filton Town Council

**CIRCULATED SCHEDULE NO. 26/18 – 29 JUNE 2018**

<b>App No.:</b>	PK18/0959/F	<b>Applicant:</b>	Mr Jason Mcdonagh
<b>Site:</b>	Meadow View Shortwood Road Pucklechurch South Gloucestershire BS16 9PQ	<b>Date Reg:</b>	7th March 2018
<b>Proposal:</b>	Change of use of land from agricultural to land for the keeping of horses	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	369079 175807	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th April 2018



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 100023410, 2008. N.T.S. PK18/0959/F

## **CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule as it represents a departure from relevant Green Belt Policy within the adopted Development Plan. An objection has also been received from Pucklechurch Parish Council.

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

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the change of use of land from agriculture to the keeping of horses. The application site relates to land off Shortwood Road, Pucklechurch which is within the Bristol/Bath Green Belt and outside any defined settlement boundary. It is therefore within open countryside. The land is approximately 1.54 hectares.
- 1.2 During the course of the application the red line was amended and as a result the application was re-consulted on for 21 days.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Practice Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP11	Active Travel Routes
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP30	Horse Related Development
PSP44	Open Space, Sport and Recreation

- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007  
Development in the Green Belt SPD (Adopted) 2007  
Revised Landscape Character Assessment SPD (Adopted) 2014

### 3. RELEVANT PLANNING HISTORY

3.1 PK17/4232/RVC

Variation of condition 1 and 2 attached to PK14/2889/F allowed on appeal APP/P0119/W/15/3065767 condition no. 1 to now read The use hereby permitted shall be carried on only by the following and their resident dependants: James McDonagh and Helen Monagan (Plot 1) and Jason McDonagh and Theresa McDonagh (Plot 2). Condition no. 2 to now read, When the land ceases to be occupied by those named in Condition 1) above, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought onto the land, or works undertaken to it in connection with the use shall be removed and the land restored within a further three months to its condition before the development took place

Approve

04.12.2017

3.2 PK14/2889/F

Change of use of land to gypsy/travellers site including 2 no. mobile homes and 2 no. touring caravans with the formation of additional hard standing and 2 no. ancillary utility/day rooms

Refusal

19.02.2015

Reason 1:

The proposal does not meet any of the exception criteria provided by the National Planning Policy Framework and represents inappropriate development in the Green Belt that is, by definition, harmful. It is for the applicant to demonstrate that very special circumstances exist so as to outweigh the presumption against such inappropriate development. In the context of this development, the Council does not accept that the issue of unmet demand amounts to very special circumstances to outweigh the harm arising from the inappropriate development and the Council does not accept that the applicant has demonstrated personal circumstances to outweigh the harm arising from the inappropriate development. The cumulative impact of the unmet demand and the personal circumstances is also not of sufficient merit to outweigh the harm arising from inappropriate development. The proposal has a detrimental impact on the openness of the Green Belt and amounts to encroachment in the Green Belt. The proposal is therefore contrary to the advice of the National Planning Policy Framework (2012) and Policies CS5, CS21 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

Reason 2:

The proposed site is within the open countryside where development should be strictly limited and it is immediately adjacent to two existing residential gypsy/traveller sites comprising of 4 pitches. The proposal will have a detrimental impact upon the character of the landscape of this rural area, by adding further residential features (mobile homes, fencing, hard surface) to the harm caused by the development of the immediately adjoining land, increasing the encroachment into open countryside and increasing the prominence of the site. The proposal is therefore contrary to Policies

CS5, CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy L1 of the South Gloucestershire Local Plan (Adopted) 2012 and the advice of the National Planning Policy for Traveller Sites (PPTS) (2012).

Appeal: APP/P0119/W/15/3065767  
Allowed  
10.02.2016

#### **4. CONSULTATION RESPONSES**

##### **4.1 Pucklechurch Parish Council**

Objection

- inappropriate development in the Green Belt
- very special circumstances absent
- no information about horse paraphernalia which can harm visual amenity, openness and the quality of the rural landscape
- disagree with Council's Transport Officer; additional traffic likely generated
- inadequate information provided in order to assess transport and landscape impact and the safety and comfort of the horses

##### **4.2 Siston Parish Council**

No comment

##### **4.3 Economic Development**

No objection

##### **4.4 Sustainable Transport**

No objection

##### **4.5 Lead Local Flood Authority**

No objection

##### **4.6 Landscape Officer**

No objection

- condition landscaping scheme

##### **4.7 British Horse Society**

No comment

#### **Other Representations**

##### **4.8 Local Residents**

None received

#### **5. ANALYSIS OF PROPOSAL**

##### **5.1 Principle of Development**

In the first instance the change of use of agricultural land to land for the recreational keeping of horses must be considered against guidance contained in the NPPF and policy PSP7. Changes of land use however do not fall within

the current NPPF list of appropriate forms of development and recent case law has in fact established that although somewhat contradictory the change of use of land is inappropriate according to the national framework. Inappropriate development is by definition harmful to the Green Belt and as such very special circumstances are required to show that the proposal would outweigh any harm by reason of definition and harm to the openness of the area. These are discussed below and are considered to be sufficient to outweigh the perceived harm. The proposal would therefore be acceptable in principle.

5.3 Horse related development is also relevant to this proposal and is covered under policy PSP30. Likewise, parking provision and the effect on highway safety will be covered by policies PSP11 and PSP16, policy PSP8 covers impact on residential amenity, and the impact on the surrounding landscape and character of the site will be covered by policy PSP2.

5.4 If the proposal is in accordance with all these policies, the development should be approved unless other material considerations indicate otherwise.

5.5 Impact on the Green Belt and surrounding landscape and very special circumstances

The NPPF declares that one of the beneficial uses of the Green Belt is to provide opportunities for outdoor sport and recreation. Change of use of land for the keeping of horses for recreational use is in accordance with this ethos. Considerable weight can therefore be given this. Furthermore, the change of use of the land would not have a materially greater impact upon the openness of the Green Belt than the existing use as agricultural; again this weighs in favour. Moreover, it is noted that the draft NPPF (May 2018) expressly lists material changes in the use of land that would preserve the openness of the Green Belt and not conflict with the purposes of including land within it to be appropriate. This then indicates that it is the Government's intent to address the somewhat confused position in relation to the still current NPPF which omitted this hitherto longstanding reference. This adds weight to the recreational use of the land, whilst retaining openness as a very special circumstance.

Policy PSP7 states that when assessing an application for the change of use of land for sport or recreation weight will be given to the beneficial use of the Green Belt in the establishment of very special circumstances. In addition, the site is distinctly rural and as such the keeping of horses would not be out of character. Appropriate conditions limiting for example business use and horse related equipment stored on the land can ensure the openness is maintained whilst protecting the surrounding landscape.

5.6 It is considered that the above reasons amount to very special circumstances sufficient to outweigh any harm to the Green Belt by reason of definition and harm to the openness of the area. Approval can therefore be recommended.

5.7 Landscape

The site falls within the Pucklchurch Ridge and Boyd Valley landscape character area (LCA 6). The landscape strategy in particular mentions horse keeping:



*Proposals for horsekeep and non-agricultural uses should be designed to ensure that the particular character of the wider landscape is conserved. Given the large number of such developments within the area, this may limit the number and extent of new facilities which can be accommodated, particularly between Pucklechurch and Abson. Where these are permitted the scheme proposals should incorporate appropriate landscape and habitat enhancements.*

Also:

*Active management and strengthening of the various elements of the landscape framework, in particular hedgerows, trees and woodlands, including replacement or new planting, is needed to ensure the conservation of these key features for the long term as well as conserving and enhancing habitat value and connectivity. The loss of hedgerows or introduction of fences should be resisted.*

- 5.8 Although there is no objection on landscape grounds from the Council's Landscape Officer, it is agreed that planting could, subject to further details being secured by condition, provide long-term mitigation across the application site especially once matured. This would help assimilate the use into the landscape. The eastern boundary could be a mixed native hedge with native hedgerow trees and any tapes proposed should be green.
- 5.9 Horse Related Matters  
Concern has been raised over the safety and comfort of the horse(s) to be kept there. The British Horse Society recommends each individual should have between 1-1.5 acres of land - the field in this case is 3.6 acres. It is therefore considered necessary to impose a condition limiting the number of horses on this site to 3.
- 5.10 Transportation  
It is understood that the field will not be altered in any way, no buildings will be constructed and its access will remain unmodified. Hence, for all practical purposes, it remains unchanged.
- 5.11 It is therefore not considered that the proposed change of use will alter the travel demand associated with this land and as such will not raise any potential highways or transportation issues. Of course if any of these parameters were to change this position would be reviewed.
- 5.12 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.

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

5.14 Other Matters

The Parish Council question the considerations and conclusions of the Council's Highways Department, but advance little alternative evidence of their own to support their views. Accordingly Officers have no obvious reason to disagree with these.

## 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.

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

## 7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the conditions set out below:

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

#### Reason

To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory, and to accord with Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP2, PSP7 and PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the Development in the Green Belt and Revised Landscape Character Assessment SPDs; and the National Planning Policy Framework March 2012.

These details are required prior to commencement in view of the site's Green Belt designation and rural location.

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

#### Reasons

To protect and enhance the character of the site and the area and in the interests of highway safety, and to accord with Policies CS1, CS8, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP2, PSP7, PSP11 and PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the Development in the Green Belt and Revised Landscape Character Assessment SPDs; and the National Planning Policy Framework March 2012.

4. The number of horses kept on the site edged in red on the plans hereby approved shall not exceed 3 (three).

#### Reason

In the interest of the welfare of horses and to accord with the guidance of the British Horse Society, and to accord with Policy PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

5. No jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

#### Reasons

To protect and enhance the character of the site and the area, and to accord with Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP2, PSP7 and PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the Development in the Green Belt and Revised Landscape Character Assessment SPDs; and the National Planning Policy Framework March 2012.

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

#### Reasons

To protect and enhance the character of the site and the area, and to accord with Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP2, PSP7 and PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November

2017; the Development in the Green Belt and Revised Landscape Character Assessment SPDs; and the National Planning Policy Framework March 2012.

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

Received 17.05.2018:

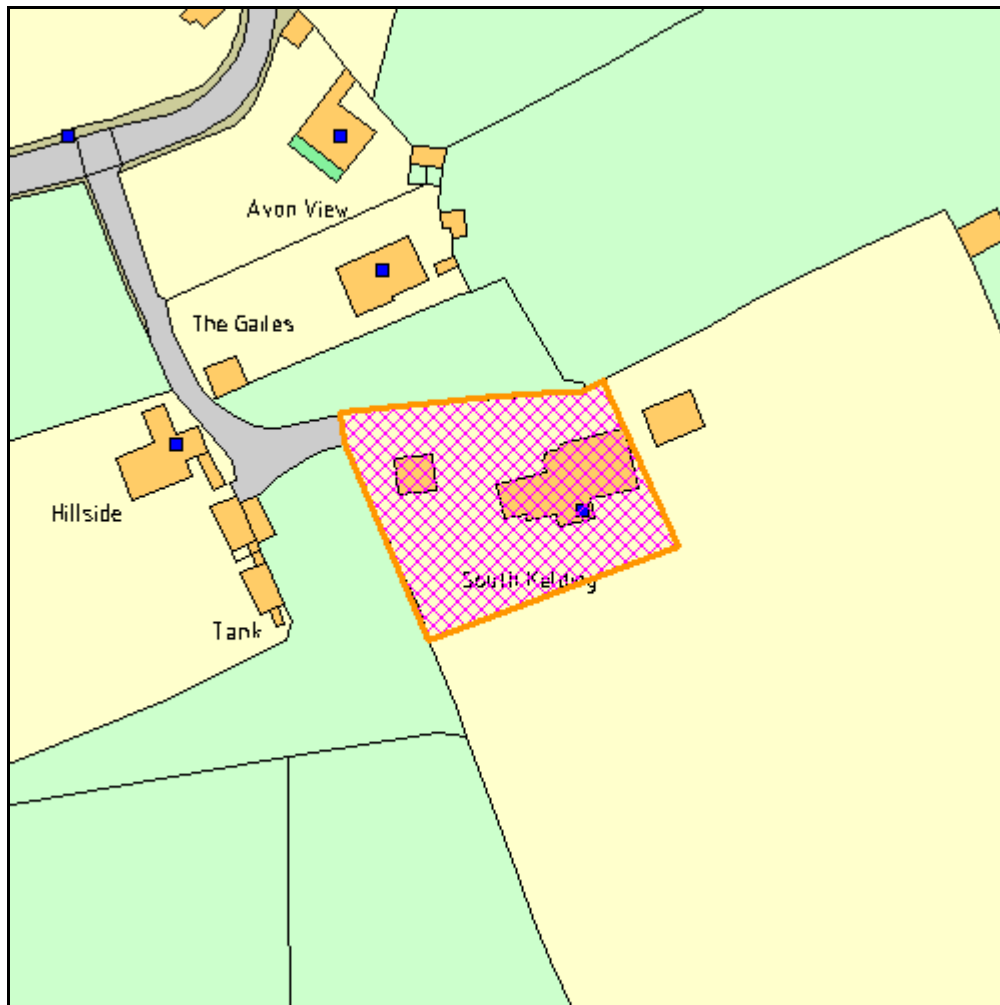
Site Location Plan

Reason

For the avoidance of doubt.

**CIRCULATED SCHEDULE NO. 26/18 – 29 JUNE 2018**

<b>App No.:</b>	PK18/1127/F	<b>Applicant:</b>	Mr Simon Manaton APG Architecture
<b>Site:</b>	South Kelding Willmotts Lane Upton Cheyney South Gloucestershire BS30 6LY	<b>Date Reg:</b>	26th April 2018
<b>Proposal:</b>	Erection of two storey ground/lower ground floor side extension to eastern elevation, single storey extension to upper northern elevation to form garage. Installation of balcony to upper ground floor level and installation of external timber cladding to facilitate conversion of existing garage/games room to form annex ancillary to the main dwelling.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	369264 169656	<b>Ward:</b>	Bitton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	20th June 2018



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## **REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE**

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two storey side extension to eastern elevation, a single storey extension to upper northern elevation to form garage, the installation of a balcony to the upper ground floor level and the installation of external timber cladding to facilitate conversion of existing garage/games room to form annex ancillary to the main dwelling at South Kelding, Willmotts Lane, Upton Cheyney.
- 1.2 The annex will be formed of 2 no. bedrooms, an open plan living, dining and kitchen area, 2 no. bathrooms and an attached garage. The garden area will be shared with the main house.
- 1.3 The application site falls outside of the defined settlement boundaries, is within the Bristol/Bath Green Belt and the Cotswold Area of Outstanding Natural Beauty.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Practice Guidance

#### 2.2 Development Plans

##### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS34 Rural Areas

##### South Gloucestershire Policies Sites and Places Development Plan Document Adopted November 2017

PSP1 Location Distinctiveness  
PSP2 Landscape  
PSP7 Development in the Green Belt  
PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP16 Parking Standards

PSP17	Heritage Assets and the Historic Environment
PSP38	Extensions within Residential Curtilages
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

### 2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Residential Parking Standard (Adopted) December 2013
- (c) Development in the Green Belt SPD
- (d) Landscape Character Assessment SPD November 2014

## 3. **RELEVANT PLANNING HISTORY**

- 3.1 PK05/1913/RVC – Approved - 30.08.2005  
Removal of condition 5 of Planning Permission PK04/3463/F dated 15 March 2005 to allow the use of reflective glass.
- 3.2 PK04/3463/F – Approved - 15.03.2005  
Demolition of existing dwelling to facilitate erection of new detached house.
- 3.3 K1461/3 – Approved - 30.07.1980  
Double garage and tractor store with stable (previous id: k1461/3)
- 3.4 k1461/2 – approved - 04.01.1980  
replacement store
- 3.5 k1461/1 – approved - 31.05.1977  
extension

## 4. **CONSULTATION RESPONSES**

### 4.1 Bitton Parish Council

No objections but Councillors request that a condition be applied ensuring that the accommodation in the annex must remain ancillary to the main dwelling.

### Listed Building and Conservation Officer

Whilst this sits just outside the conservation area, the development of the associated house (comprising the demolition of an existing building and construction of the new house) was not judged to impact on the character, appearance or setting of the Upton Cheyney Conservation Area.

This scheme, which proposes the conversion of the garage to a large 'annex' would be seen in conjunction with this previously approved dwelling and from the south (where there are long distance views across the fields), its height, form and relationship with the house would not be affected. No comments, therefore, from a conservation perspective

### Public right of way

No Objections

Open Spaces Society

No comments

Planning Enforcement

No comments

### **Other Representations**

4.2 Local Residents

No comments received

## **5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy PSP38 of the Policies, Sites and Places Plan (Adopted) November 2017 is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 The locational strategy for the district is set out in policies CS5 and CS34. Both of these policies seek to direct new residential development in the first instance to the existing urban areas and defined rural settlements. As the site is outside of a defined settlement, the proposal would conflict with the locational strategy. Certain forms of residential development that conflict with the general locational strategy may be considered. PSP40 identifies residential development that may be acceptable but limits this to: rural exception sites; rural workers dwellings; replacement dwellings; and, the conversion or reuse of existing rural buildings as dwellings. The last of which is proposed.

5.3 Whilst the application has been submitted as an annexe to the main dwelling South Kelding the resultant development would contain all the elements of principal living accommodation (i.e. two bedrooms, kitchen/diner, 2 no. bathrooms and an integral garage) that would enable it to be used as an independent unit of residential accommodation. In many respects then it displays characteristics of an independent residential unit. Nevertheless, the applicant has confirmed that what is proposed would be used as an annex, which would share the residential curtilage and access for the main property; and would be smaller than the main house. There is no intention to sub-divide the planning unit. This would be development that would require a planning application in its own right, and as such it is not considered necessary to impose a condition to reiterate this.

5.4 Green Belt

The NPPF allows for limited extensions to buildings within the Green Belt providing that they do not result in disproportionate additions over and above the size of the original building (the volume of the dwelling at construction or its



volume on July 1<sup>st</sup> 1948). PSP7 states that an addition resulting in a volume increase of between 30%- 50% will be subject to careful consideration and assessment. Any proposed development over and above 50% or more of the original dwelling would be considered in excess of any reasonable definition of 'limited extension'. Whether an addition is considered disproportionate or not, depends on the individual circumstances and what type of addition is proposed.

5.5 It has been calculated that the proposed extension represents a volume increase of approximately 51%. Given that the proposed extensions are minor in scale and will be tucked up adjacent to the existing dwelling, the proposal will maintain the openness of the green belt. It is not therefore considered that the extension represents a disproportionate addition over and above the volume of the original dwelling.

5.6 The proposed development would result in modest additions to the front and side of the existing detached garage. The host property benefits from a large curtilage that is screened by mature trees, the proposal is "tucked in" to the hillside 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.

5.7 *Design and Visual Amenity*

The proposal would consist of the erection of a two-storey side extension to the east elevation. The two storey element will extend approximately 1.4 metres from the existing side wall, have a depth of 5.4 metres and a maximum height of approximately 5.2 metres. The proposal will incorporate the existing roof design, the ridge and eaves height will not exceed the existing element. It is considered this design allows for the proposal to appear in keeping with the existing built form.

5.8 Part of the proposed works includes a single storey front extension to form an integral garage to the proposed annexe. The front extension will extend 3 metres from the existing principal elevation, have a width of 5.8 and a maximum height of 4.5metres. The proposal will extend the existing hipped roof with eaves and ridge height to meet the existing element.

5.9 The proposal will introduce render to the ground floor level and timber cladding to the first floor level. Overall, it is considered that the design, scale and finish of the proposed extensions results in an addition that sufficiently respects the character and distinctiveness of the host dwelling and its immediate context.

5.10 *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.

5.11 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

5.12 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.

5.13 Transport

The proposed development will create a two bed dwelling within the site boundary. The plans submitted show that adequate vehicular parking can be provided within the site boundary. Therefore, it is considered that sufficient parking can be provided and as such the development raises no concerns in this respect.

5.14 Planning Balance

The proposal to convert buildings to other uses is appropriate development within Green belt and the proposal complies with policy PSP40. As such given that no other material harm is found the application is considered acceptable.

5.15 Equalities

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

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Contact Officer: Westley Little**  
**Tel. No. 01454 862217**

### **CONDITIONS**

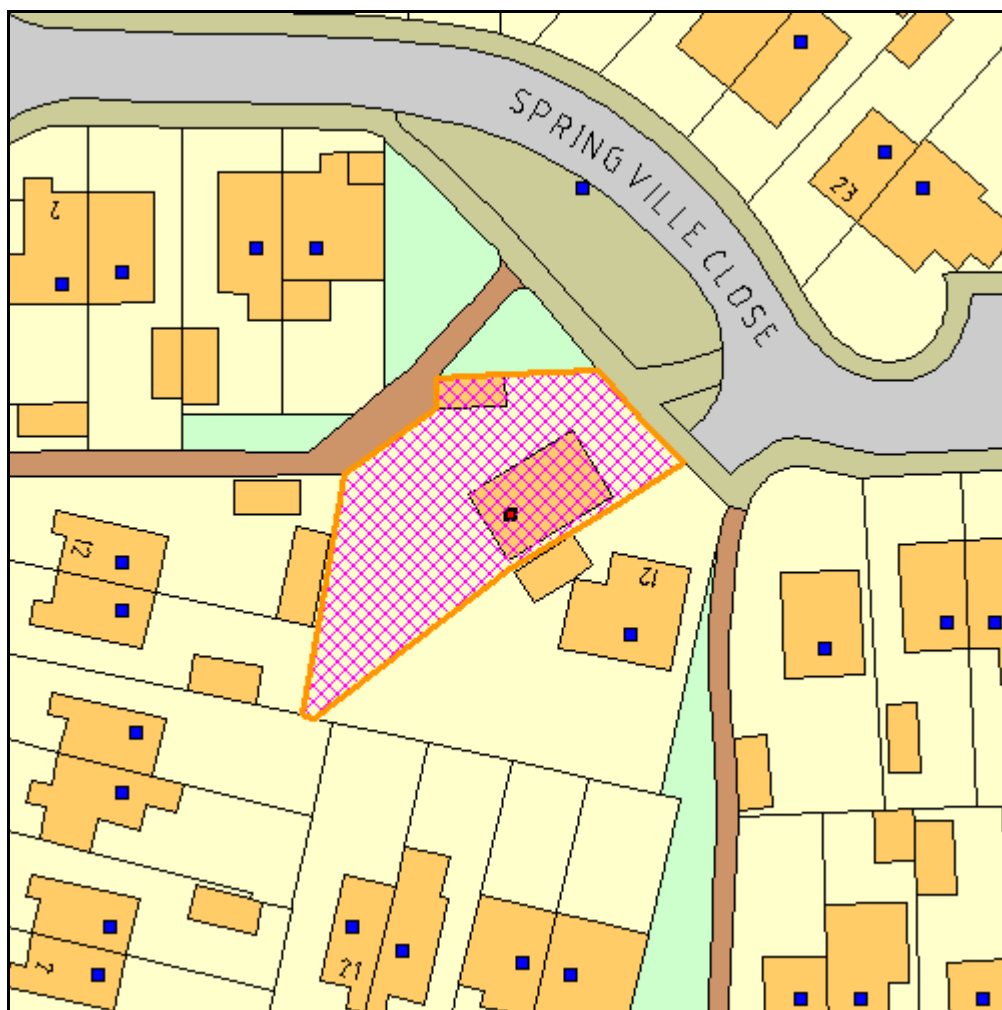
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 26/18 – 29 JUNE 2018

<b>App No.:</b>	PK18/1540/F	<b>Applicant:</b>	B GREEN
<b>Site:</b>	10 Springville Close Longwell Green Bristol South Gloucestershire BS30 9UG	<b>Date Reg:</b>	5th April 2018
<b>Proposal:</b>	Erection of 1 no. detached dwelling and associated works.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	366276 171065	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th May 2018



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PK18/1540/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 is for the erection of 1no. detached dwelling with access and associated works at 10 Springville Close, Longwell Green.
- 1.2 The host property is a two storey dwelling located in the built up residential area of Longwell Green. The new dwelling is proposed to be a two storey, two bed dwelling built on the western side of the existing dwelling. There are no statutory designations to consider.
- 1.3 It was discovered that the original location plan contained land which was not under the applicant's control; this was corrected and a full reconsultation was carried out.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1 Local Distinctiveness  
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  
Waste Collection: Guidance for New Development SPD (Adopted) January 2015

**3. RELEVANT PLANNING HISTORY**

3.1 No relevant planning history

**4. CONSULTATION RESPONSES**

4.1 Oldland Parish Council

Object due to overdevelopment and inadequate parking provision.

4.2 Transport officer

No objection in principle, but concerns relating to parking arrangement. Recommended refusal if information relating to vehicle tracking was not forthcoming.

4.3 Highway Structures

No comment

4.4 Drainage and Flood Risk Management

No objection

4.5 Public Rights of Way

No objection

**Other Representations**

4.5 Local Residents

Five objections received, due to:

- Overbearing Impact
- Loss of light
- Loss of privacy
- Parking Provision (x4)
- Concerns relating to emergency access
- Feels that boundary line is incorrect
- Concerns relating to rear access from public footpath (x2)
- Design Concerns (x4 )

**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 The proposal will have one tangible and clear benefit, this would be the modest contribution of 1no. new residential dwelling towards the Council's 5 year housing land supply.
- 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.
- 5.4 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.
- 5.5 The proposed dwelling would be set to the side of No. 10, and would be accessed off Springville Close. Due to the separation between the proposed dwelling and the existing, it is not considered that the proposed development would have any significant impact on the character or distinctiveness of the existing dwelling at the site. The siting of the proposal is fairly unobtrusive, and while the proposed dwelling would be smaller in width than the existing dwelling, this would not be considered to have a significant impact on the visual amenity of the surrounding area.
- 5.6 The proposed dwelling would have two storeys, and would be of a fairly simple design. It would have a gabled roof to the front, and would largely use design features to match the existing dwelling.
- 5.7 The materials to be used in the external finish of the proposed dwelling consist of brickwork elevations with vertical tiling detailing and brown double roman roof tiles above. The surrounding area is not characterised by any one style of property.
- 5.8 Overall, it is not considered the proposed dwelling would adversely impact the character of the area and would not cause a material degree of harm to visual amenity in order to warrant a refusal. As such, the proposal is deemed to comply with policy CS1 of the Core Strategy.
- 5.9 Residential Amenity  
Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration. It is noted that a number of nearby

- residents objected to the proposal due to overshadowing and overbearing concerns.
- 5.10 Although it is accepted that this is a residential area, careful consideration still needs to be given to the impact of the proposal both on existing neighbouring occupiers and also the intended future residents.
- 5.11 The proposed new dwelling will be detached, located to the side of an existing dwelling with windows looking directly to the front and rear. A window is shown on the western elevation; this serves a bathroom. If permission were granted, a condition would be added to the decision notice to ensure that this was obscure glazed and non-opening. Otherwise. The proposed windows would result in no more of an impact on residential amenity than the existing windows on the host dwelling. As such, the existing level of overlooking for neighbouring dwellings will not be exacerbated, and privacy would not be impacted by the proposed new dwelling.
- 5.12 It is noted that the erection of the dwelling would result in the encroachment of a two-storey building towards the boundaries of the site. It is noted that neighbours have commented, stating that this would be overbearing and cause a loss of light. Having assessed the location and size of the development, although it would be visible from some nearby gardens, the overbearing impact would not be considered to be so great as to warrant a refusal. Additionally, it would not be considered that the loss of light would have a materially significant negative impact on the residential amenity of nearby occupiers.
- 5.13 Therefore, the proposed development is not considered to be detrimental to residential amenity; and is deemed to comply with PSP38 of the Policies, Sites and Places Plan (adopted) November 2017.
- 5.14 Transport  
Numerous objections were received relating to parking and road safety and the impact that the development would have on the safety of road users.
- 5.15 It is noted that the transport officer has objected due to the access, and the perceived need for any parking to overrun the area of green space to the side of the property. However, it is considered that this can be controlled via condition, and it would therefore not be a reason to refuse the application outright. Adequate parking would be provided to both properties; therefore, subject to a condition to ensure the parking provision is acceptable, there are no transport objections to the proposal.
- 5.16 Other Matters  
Concerns were raised relating to the site boundaries and the access from the footpath. The public rights of way officer was consulted, but this is not a recorded right of way. In regards to the boundary line, the agent believes that this is the correct boundary.
- 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.

5.18 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 **approved** 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 planning permission is **APPROVED** subject to the Condition(s) on the decision notice.

**Contact Officer: Owen Hoare**  
**Tel. No. 01454 864245**

## **CONDITIONS**

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

Reason

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

2. Prior to the commencement of development detailed plans showing the provision of car parking facilities and access with suitable vehicle tracking shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason

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

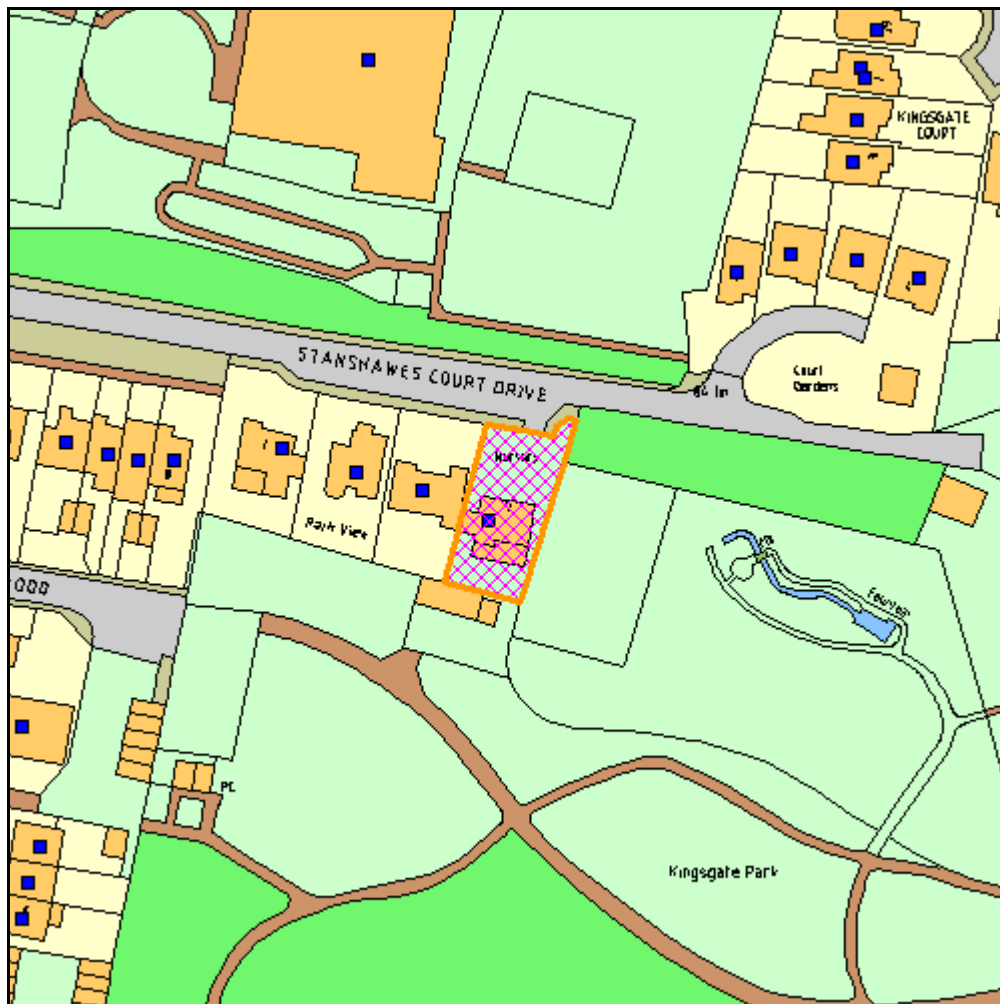
3. Prior to the use or occupation of the dwelling hereby permitted, and at all times thereafter, the proposed upper floor window on the western elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP38 of the Policies, Sites and Places Plan(adopted) November 2017; and the National Planning Policy Framework.

## CIRCULATED SCHEDULE NO. 26/18 -29 JUNE 2018

<b>App No.:</b>	PK18/1931/RVC	<b>Applicant:</b>	Miss Elaine Bond
<b>Site:</b>	Stanshawes Court Day Nursery 4 Stanshawes Court Drive Yate South Gloucestershire BS37 4EA	<b>Date Reg:</b>	2nd May 2018
<b>Proposal:</b>	Variation of condition 4 attached to planning permission P93/1114 to increase the number of children from 20 to 40	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371325 181869	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd June 2018



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**REASON FOR REPORTING TO CIRCULATED SCHEDULE**

The application received comments that are contrary to the Officer recommendation. As such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

**1. THE PROPOSAL**

- 1.1 The applicant seeks permission for the variation of condition 4 to planning application P93/1114 to increase the number of children permitted to attend Stanshawes Court Day Nursery from 20 to 40.
- 1.2 The application site is situated within a residential suburb of Yate south of the commercial centre. The site is situated off the main access to the locally listed Stanshawes Court Hotel. The site lies to the south of the cul de sac Stanshawes Court Drive and is situated within the settlement boundary of Yate and Chipping Sodbury.
- 1.3 Permission for a two storey side extension was approved in 2015 (PK15/0158/F). This has now been constructed thereby increasing the operating potential of the nursery which is currently restricted by condition.

**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
- CS8 Improving Accessibility
- CS9 Managing the environment and heritage
- CS23 Community infrastructure and cultural activity
- CS30 Yate and Chipping Sodbury

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

- PSP1 Local Distinctiveness
- PSP8 Residential Amenity
- PSP11 Transport Impact Management
- PSP16 Parking Standards

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

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK15/0158/F  
Approve with Conditions (25.02.2015)  
Erection of two storey side extension.
- 3.2 PK04/3174/F  
Approve with Conditions (20.10.2004)  
Erection of 2 no. rear conservatories.
- 3.3 P93/1114  
Approval full Planning  
Change of use of premises from dwellinghouse to day nursery for 20 children.
- 3.4 P90/2456  
Approval (28.11.1990)  
Change of use of premises from residential to day nursery. Renewal of temporary consent
- 3.5 P89/2049  
Approval Full Planning (29.08.1989)  
Change of use of premises from residential to day nursery

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
“Object, in line with objection of neighbour. Whilst applicant states landlord of adjacent pub allows parking, staff often don’t use this, therefore will need to increase staff parking. These houses are designed for residential use in a residential area. Loss of amenity for neighbours. Increased traffic in small lane. Need to show adequate on-site parking and turning.”
- 4.2 Other Consultees
- Ofsted Early Years  
None received.
- Sustainable Transport  
No objection subject to the following conditions:
1. The development shall not be brought into use until all six parking spaces on site have been marked out with white paint and maintained on site satisfactorily thereafter in accordance with a plan to be submitted details and approved in writing by the Local Planning Authority; and
  2. The development shall not be brought into use until a minimum of one covered and secure cycle parking space has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority beforehand.

## **Other Representations**

### 4.3 Local Residents

One objection comment was received which primarily referred to the current parking issues in the area (parking in a private layby and in front of drop kerbs, and parents/staff not walking/cycling) which would be exacerbated by the increase in the number of children attending the nursery as no additional parking provision is proposed. Also the impact on the amenity of residents due to increased trip numbers which is already high due to the businesses in the area. And that the objector disagrees that the informal parking agreement with the local landlord is utilised.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application seeks planning permission to vary a condition attached to the previously approved permission P93/1114. Section 73 of the Town and Country Planning Act allows for applications for the variation of conditions attached to previously granted permissions. The regulations set out that when determining such applications it is only the question of the conditions attached to the approved consent which may be considered. As such, the principle of the original scheme cannot be re-considered under this application.

### 5.2

The regulations set out that the Local Planning Authority can grant permission with conditions differing from the original permission, or it can refuse the application if it considers that the original conditions should apply. Therefore, when assessing this application Officers will consider the impact of the proposed changes on highway safety and residential amenity. Following this it will also need to be considered what conditions attached to application ref. P93/1114 need to be carried forward and if any further conditions need to be attached to any new consent.

However the result of this variation would be that an increased number of early years provision is provided for childcare. It is noted that the NPPF (paragraph 72) states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It goes on to state that great weight should be given to the need to expand schools. Clearly this nursery is not a “school”, but the provision of early years care is related. As such it is considered that the increase in provision should attract weight in favour of the proposal. This is of course subject to the consideration of the impact on the surrounding area which is considered in the rest of this report.

### 5.3 Highway Safety

The major issue at stake in this application is the impact on highway safety resulting from 40 children attending Stanshawes Court Day Nursery which is currently restricted to 20 children.

### 5.4

According to information submitted with the application, there are currently 10 staff (4 full-time and 6 part-time) working at the nursery. If this application is approved, the applicant confirms that 2 more staff would be needed if the

nursery is filled to capacity. The parking requirement for a day nursery is assessed against the number of staff working at the nursery. The Councils 'parking guidance' for day nursery suggests 1 parking space per 2 staff; and there is requirement for a pick up and dropping off area. With this in mind and with the likely increase in the number of staff to total of 12 then, parking requirement for this would be 6no. parking spaces. The Transport Officer confirms that there is adequate space for up to six car parking including manoeuvring area on site and a pick up/drop off area. Thus, the existing level of off street parking for this development meets the Councils car parking guidance. The applicant has also confirmed that there is an 'informal' agreement with the landlord of the nearby Stanshawes Court Pub to allow staff from the nursery to use his car park. Although such an informal agreement is not enforceable, Officers are satisfied that there is an alternative option for staff parking if they choose to use it.

- 5.5 In addition, officers also acknowledge that there is likely to be an additional demand for drop off and pick up spaces on the adjoining roads. Officers took into consideration the sustainable location of the site and the temporary nature of the parking. Furthermore, the adjoining road (i.e. Stanshawes Court Drive) is sufficiently wide enough to accommodate some on-street parking and there are areas where driveways will not be obstructed. In this instance, officers consider that the proposal would not result in an unacceptable level of on-street parking to the detriment of public highway safety.
- 5.6 In terms of transportation and highway safety, it is important to stress that 40 is the maximum number and it is not necessarily expected that the nursery will regularly operate at this level. Furthermore, the nursery operates a series of sessions (am or pm or full time) so it is not the case that all parents will be arriving and departing at the same time. It is also more probable than not that some of the children will be siblings. Also, being mindful that the site is located in close proximity to two local schools, there would potentially be some shared trips between these sites.
- 5.7 In light of the assessment above, while the number of trips would increase, as could the amount of parking in the area as a result of the development. When considering existing parking provision and local availability, current access, trip numbers in relation to the site and the likely habits of day nursery customers. Officers consider that while there will be an impact to highway safety, it is not considered that this resultant impact would amount to a "severe" impact to highway safety – which is the threshold suggested by paragraph 32 of the NPPF.
- 5.8 Residential amenity  
As assessed above it is likely that the trip numbers and on-street parking would increase in the area as a result of the development. However, as noted in point 5.6 this is unlikely to result in an increase at any particular time of day. This is likely to be spread throughout both the day, and indeed throughout the week. Therefore it is not thought that this increase would result in a sufficiently detrimental impact on residential amenity to warrant a reason for refusal.

5.9 Other conditions attached to P93/1114

Decision ref. P93/1114 was subject to a total of 4 conditions. The effect of an application under Section 73 of the Act is to grant a wholly new planning permission. Therefore, the conditions attached to the original consent should be replicated on the new permission, reviewed or removed. This section will assess the conditions attached to P93/1114 for relevance on this decision.

5.10 Condition 1

This condition related to the implementation of development within 5 years from the date of permission which is in line with the requirements of Section 91 of the Town & Country Planning Act 1990. It is noted that the development has now been implemented, therefore this condition is not required to be carried over.

5.11 Condition 2

Condition 2 states that the original permission is for the benefit of the applicant Miss E Bond only and not for the land. This is because the site is not within an area where the development proposed would normally be allowed and consent was granted solely having regard to the particular circumstances of the case. This condition does not meet the current tests as set out in Paragraph 206 of the NPPF (2012) that conditions should be necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects. This condition would preclude the use of the site to operate as a day nursery should Miss E Bond wish to leave the business. As such the condition will not be re-applied.

5.12 Condition 3

This condition ensured that the nursery only be open for business between the hours of 08.00 to 18.00 Mondays to Fridays with no operation outside these hours or on Saturdays or Sundays. Owing to the nature of the site and similar conditions attached to other recent nursery applications in the wider area. Officers deem this condition to be applicable and it will be re-applied.

5.13 Condition 4

Condition 4 is the subject of this application. This application will amended in line with the assessment above which permits a maximum of 40 children to attend the nursery.

5.14 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 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 a neutral impact as equality matters have duly been considered in planning policy

5.15 Additional conditions

As stated by the Transport Officer. Additional conditions are required to temper the impact of the development. These relate to staff parking spaces and a covered and secure cycle space being provided.

**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 condition 4 be amended as requested.

**Contact Officer: David Ditchett**  
**Tel. No. 01454 863131**

**CONDITIONS**

1. The maximum number of children accommodated by the nursery at the site at any one time shall be limited to 40.

Reason:

In the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; policies PSP8 and PSP11 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the NPPF.

2. The hours of operation shall be between 0800 hours and 1800 hours Mondays to Fridays, with no operation on Saturdays, Sundays and Bank Holidays.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses; to accord with policies PSP8 and PSP11 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the NPPF.

3. Within three months from the date of this permission, details of six staff parking spaces shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. These spaces should be marked out with white paint, shall be a minimum of 2.4m x 4.8m, and shall be satisfactorily maintained as such thereafter.

Reason:

In the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; policies PSP8, PSP11 and PSP16 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the NPPF.

4. Within three months of the date of this permission details of two covered and secure cycle parking spaces shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. These spaces should be satisfactorily maintained as such thereafter.

Reason:

In the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; policies PSP8, PSP11 and PSP16 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the NPPF.

## CIRCULATED SCHEDULE NO. 26/18 – 29 JUNE 2018

<b>App No.:</b>	PK18/2041/F	<b>Applicant:</b>	Mr Lacy
<b>Site:</b>	1 Stephens Drive Barrs Court Bristol South Gloucestershire BS30 7AA	<b>Date Reg:</b>	15th May 2018
<b>Proposal:</b>	Conversion of existing attached garage and erection of single storey side and rear extension to provide additional living accommodation.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	366140 171949	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	9th July 2018



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PK18/2041/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the conversion of an existing attached garage and the erection of a single storey side and rear extension to provide additional living accommodation at 1 Stephens Drive, Barrs Court.
- 1.2 The application site relates to a two storey, detached property located within the built up residential area of Barrs Court.
- 1.3 The property has no restriction on the use of the existing garage and as such could be converted without the need for planning permission under the Town and Country Planning (General Permitted Development) (England) Order 2015. Therefore, only the proposed single storey side and rear extension will be addressed within the following report.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework  
National Planning Policy Guidance

#### 2.2 Development Plans

##### South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

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

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

#### 2.3 Supplementary Planning Guidance

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

### **3. RELEVANT PLANNING HISTORY**

3.1 No relevant planning history.

### **4. CONSULTATION RESPONSES**

4.1 Oldland Parish Council  
No objection

4.2 Sustainable Transport  
The proposed development will remove vehicular parking from the garage to facilitate the extension of the dwelling to provide additional living accommodation. No alterations are proposed to the first floor.

The block plan submitted shows that adequate vehicular parking for the size of the dwelling can be provided within the boundary of the site. On that basis, there is no transportation objection to the proposed development.

#### **Other Representations**

4.3 Local Residents  
Objection comments received from 1 no local resident, summarised as follows;

- Concerns about the number of cars at the property, including vans, with not enough space to fit on the driveway. Increase in on-street parking on a busy main road.
- Conversion of garage will remove another space which may exacerbate the situation.
- If planning is granted the Council should look to implement parking restrictions around the junction of Parkwall Road and both sides of Stephens Drive.

### **5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development  
Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity  
The proposed development consists of a single storey side and rear extension to create a kitchen diner and WC.

- 5.3 The existing attached garage is set back from the principal elevation of the main property and extends beyond the rear building line by approximately 3.1m, creating an 'L' shape at the rear of the property. The proposed extension would extend to the side of the existing garage and to the rear of the main dwelling, effectively in filling the gap. It would extend from the rear elevation of the main dwelling by approximately 3.1m to meet the rear building line of the existing garage and would span the entire width of the property. It would consist of a lean-to roof with an eaves height to match the existing dwelling and an overall height of approximately 3.3m. The proposed extension is considered to be of an appropriate size and scale within the context of the application site.
- 5.4 The materials to be used in the external finish of the proposed extension include white rendered elevations, concrete roof tiles and white UPVC windows. All materials would match those of the existing property and are therefore deemed acceptable.
- 5.5 Overall, it is considered that the proposed extension would not be detrimental to the character of the host dwelling or surrounding area and is of an acceptable standard of design. As such, the proposal is deemed to comply with policy CS1 of the Core Strategy.
- 5.6 Residential Amenity  
Policy PSP8 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.7 Considering the siting and single storey nature of the proposal, combined with the boundary treatments, it would not appear to have a material overbearing or overlooking impact, nor is it considered to significantly impact the existing levels of light afforded to neighbouring occupiers. Furthermore, it is considered that sufficient private residential amenity space for the occupiers of the host dwelling would remain following development.
- 5.8 Overall, the proposal is not considered to have a detrimental impact on the residential amenity of the surrounding properties or the host dwelling and is therefore deemed to comply with policy PSP8 of the PSP Plan.
- 5.9 Sustainable Transport and Parking Provision  
The proposal will not include any additional bedrooms, so a four bedroom property will remain; South Gloucestershire Council residential parking standards require a four bedroom property to provide two off-street parking spaces. The proposal will remove an existing parking space by converting the garage. However, from a site visit it was noted that the property benefits from an existing driveway to the front which is capable of accommodating three vehicles. The existing driveway and access will be unaffected by the proposal. Although concern has been raised by a local resident regarding parking at the site, the proposal would comply with the Council's residential parking standards and therefore no objections are raised in terms of transport. Any request for the

implementation of on-street parking restrictions is assessed by the Council's Highways Team but should not be made via a planning application representation; this request is not considered material to this planning assessment.

#### 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 the application be **APPROVED** subject to the conditions included on the decision notice.

**Contact Officer: James Reynolds**  
**Tel. No. 01454 864712**

## CONDITIONS

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

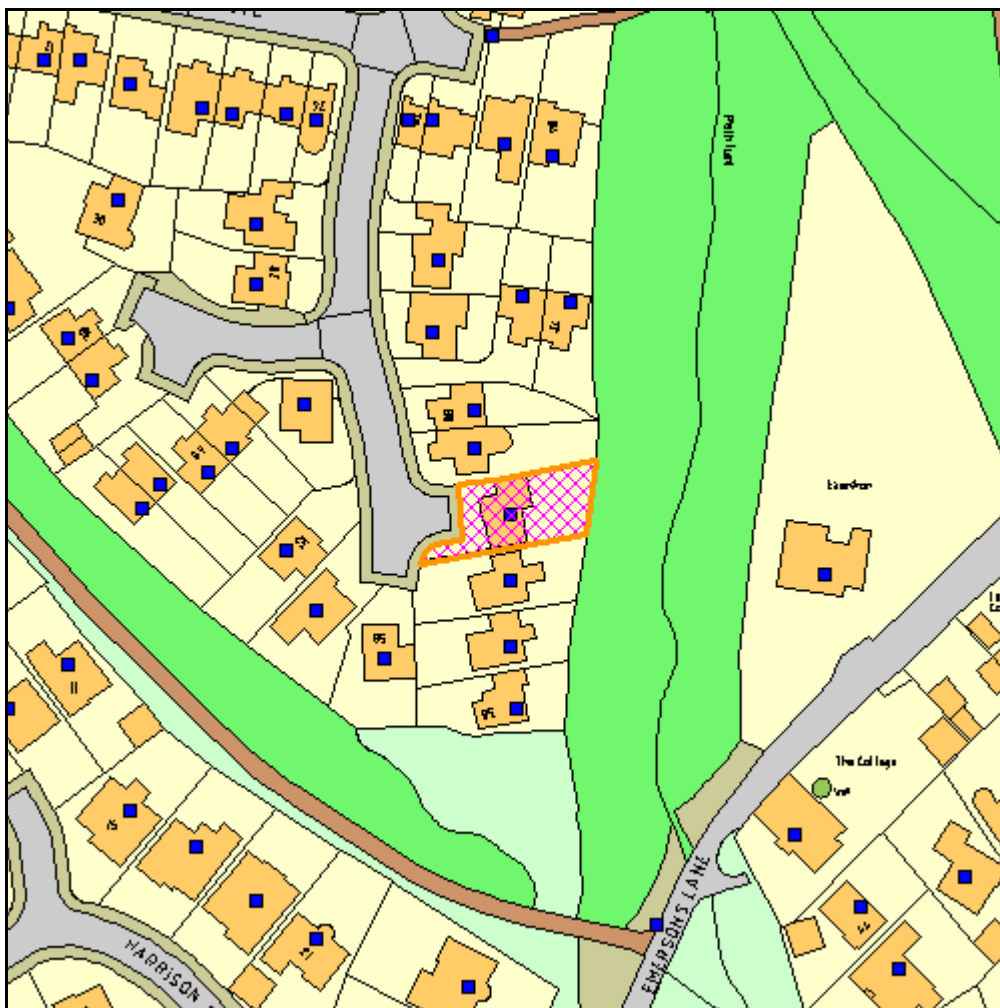
Reason

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



## CIRCULATED SCHEDULE NO. 26/18 – 29 JUNE 2018

<b>App No.:</b>	PK18/2199/F	<b>Applicant:</b>	Mr And Mrs Chocha
<b>Site:</b>	64 Cave Grove Emersons Green Bristol South Gloucestershire BS16 7BA	<b>Date Reg:</b>	11th May 2018
<b>Proposal:</b>	Erection of two storey rear extension to form additional living accommodation.	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	366812 176975	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	6th July 2018



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PK18/2199/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 the erection of a two storey rear extension to form additional living accommodation at 64 Cave Grove, Emersons Green.
- 1.2 The application site relates to a two storey, detached property which is located within a residential area of Emersons Green.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework  
National Planning Policy Guidance

#### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP11 Transport

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Standards

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

### **3. RELEVANT PLANNING HISTORY**

- 3.1 P96/4761 – Approved - 24.02.1997  
Erection of 95no. dwellings (reserved matters)
- 3.2 K7528 – Approved - 05.10.1995  
Comprehensive development for residential/district centre/public house /restaurant/roads/footpaths/open space and other associated uses (outline).  
(previous id: k7528)3b/p/11.730

## **4. CONSULTATION RESPONSES**

### **4.1 Emersons Green Town Council**

The Comments of Emersons Green Town Council Planning Committee are: Members have noted the comments received from neighbours and would ask the South Gloucestershire Council Planning Officer ensures that these are taken into consideration, in particular those relating to the roofline and height of the proposed extension.

#### **Sustainable Transport**

The development proposes to extend the existing dwelling to provide additional living accommodation. Part of the development will increase the bedrooms on the first floor to four. No change is proposed to the existing vehicular access and parking and the level of parking available complies with the Council's residential parking standards.

Subject to a condition that the garage is kept for the parking of a motor vehicle associated with the host dwelling, there is no transportation objection to the proposed development.

### **Other Representations**

#### **4.2 Local Residents**

This application received a total of 1 objection letter that raised several points, these are outlined below.

- The addition of 3metres will “hem us in”
- The proposal will appear overbearing and overdeveloped
- The proposal is not in keeping
- The proposal will include new windows that look directly overlook us
- The proposal will devalue our property
- The proposal will effect natural light into adjacent property

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

### **5.2 Design and Visual Amenity**

The application seeks full planning permission for the erection of a two storey rear extension to form additional living accommodation.

- 5.3 The proposed two storey rear extension will have a maximum height of 7.2metres, extend approximately 3metres from the existing rear wall and have a width of approximately 8.4metres. The proposal will feature a double gable roof and use materials that match the existing dwelling.
- 5.4 The case officer considers the proposal to be in keeping with the domestic character of the building and believes it will be a modest addition to the rear elevation.
- 5.5 Residential Amenity  
Policy PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.6 The concerns raised regarding overbearing and overshadowing impacts have been taken in to account. With regard to increased overbearing and loss of outlook from neighbouring windows, it is not considered that the proposed two storey extension would have any unacceptable impacts. When applying the 45 degree rule from the east-facing windows at the immediate neighbour to the South, the proposed extension would not obscure outlook.
- 5.7 A further objection raised concerns about the site being overdeveloped and not in keeping with the area, it should be noted that the majority of dwellings in the area have been altered over the years with similar extensions to the one proposed and that ample amount of outdoor space will remain. Plans show that the proposal will be built inside the applicant's residential curtilage and use materials that match the existing dwelling.
- 5.8 The concerns raised regarding potential overlooking have been taken in to account. The proposal will introduce 3 no rear facing windows, this is similar to the existing situation and is not considered to result in an increased sense of overlooking or loss of privacy. It is also noted that no windows are located on the proposed side elevation. As such, it is not considered that the proposal will result in a significant loss of privacy at neighbouring properties through overlooking.
- 5.9 A neighbouring occupier commented on the loss of sunlight which would occur as a result of the proposal. Having looked at the path of the sun, it is not considered that the extension would have a material impact on the amount of sunlight offered to the neighbouring property.
- 5.10 An objection comment has raised concerns that the proposed development will devalue their property. This is not considered a planning matter.
- 5.11 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.

5.12 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with Policy PSP38 of the PSP Plan (November 2017).

5.13 Sustainable Transport and Parking Provision

As a result of the proposed development, the number of bedrooms within the property would increase from a total of 3 to 4. South Gloucestershire Residential Parking Standards SPD outlines that properties with 4 bedrooms must make provision for the parking of a minimum of 2 vehicles, with each parking space measuring a minimum of 2.4m x 4.8m.

5.14 The existing parking arrangements would not be affected by the proposed development. On this basis, it is considered that the minimum parking provision for a 4-bed property can be provided on-site. However in order to secure this provision, a condition will be attached to any decision requiring a minimum of 2 parking spaces to be provided on-site and thereafter retained for that purpose.

5.15 Equalities

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

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Contact Officer: Westley Little**  
**Tel. No. 01454 862217**

## **CONDITIONS**

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

Reason

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

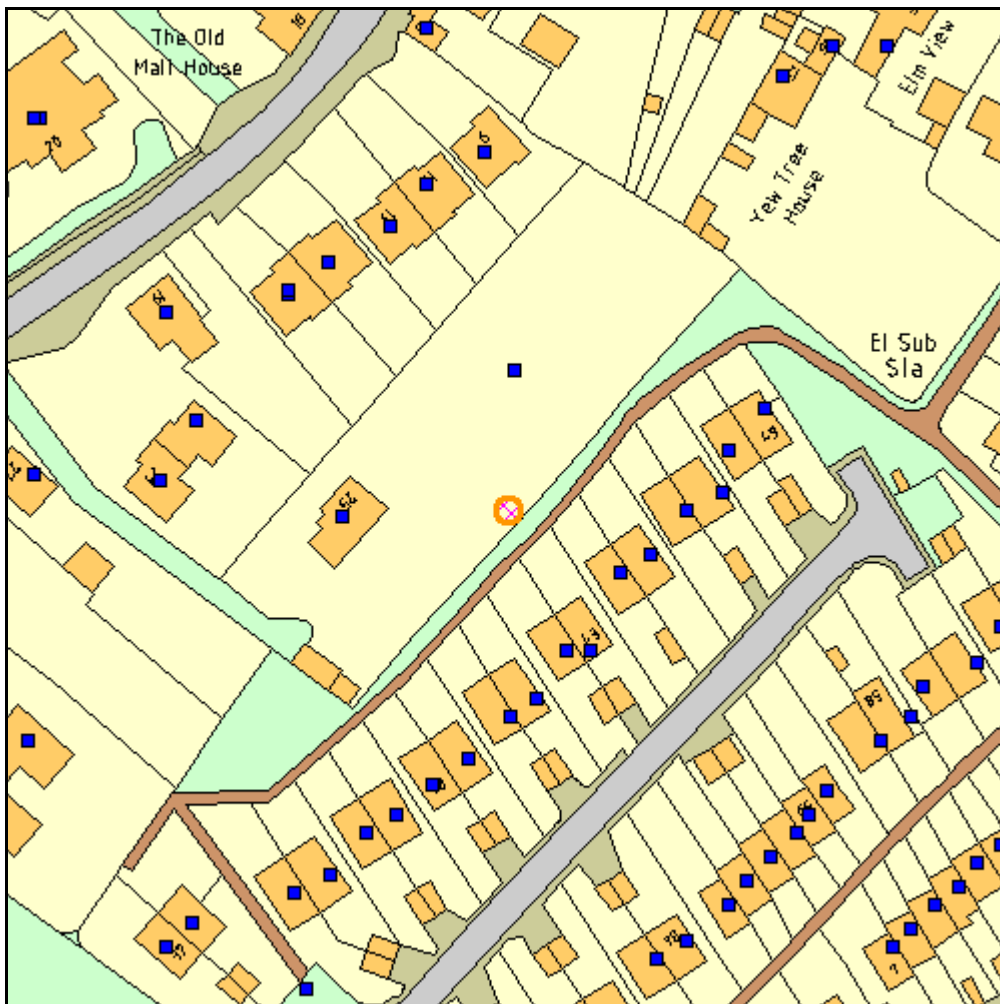
2. Upon the substantial completion of the extension hereby approved the off-street parking facilities shall make provision for the parking of a minimum of 2 vehicles (with each space measuring at least 2.4m by 4.8m); which shall thereafter be retained.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

## CIRCULATED SCHEDULE NO. 26/18 – 29 JUNE 2018

<b>App No.:</b>	PK18/2261/TRE	<b>Applicant:</b>	Mr Julien Lock
<b>Site:</b>	25C Shortwood Road Pucklechurch Bristol South Gloucestershire BS16 9PL	<b>Date Reg:</b>	24th May 2018
<b>Proposal:</b>	Works to crown 1 no. Walnut tree by 1m and crown lift to 2.5m on footpath side tree covered by SGTPO 44/14 dated 11/5/2015	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	369917 176310	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>		<b>Target Date:</b>	16th July 2018



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PK18/2261/TRE

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE/COMMITTEE**

This application has been referred to the Circulated Schedule as comments have been received that are contrary to the officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 Works to crown 1 no. Walnut tree by 1m and crown lift to 2.5m on footpath side tree covered by SGTPO 44/14 dated 11/5/2015.
- 1.2 The tree is in the front garden of no.25C Shortwood Road, Pucklechurch, Bristol, South Gloucestershire, BS16 9PL.

### **2. POLICY CONTEXT**

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

### **3. RELEVANT PLANNING HISTORY**

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Pucklechurch Parish Council reviewed this application at its meeting on 06.06.18 and resolved to defer to South Gloucestershire Council's Tree Officer.

#### **Other Representations**

- 4.2 Local Residents

Comments have been received from a member of the public objecting to the work on the grounds that the tree provides habitat for birds, is aesthetically pleasing to residents, and presents no problem in terms of public safety or convenience.

### **5. ANALYSIS OF PROPOSAL**

- 5.1 Works to crown reduce 1 no. Walnut tree by 1m and crown lift to 2.5m on footpath side.
- 5.2 Principle of Development

The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.



### 5.3 Consideration of Proposal

The proposed works are relatively minimal given the trees location in close proximity to the new property.

5.4 Whilst it is accepted that the property has only recently been constructed and has been built close to the tree, the impact of the tree still has to be considered. The branches of the tree are, in places, touching the garage and encroach on the footpath.

5.5 If there are active nests work will need to be postponed until the birds have fledged – it is contrary to the Countryside and Wildlife Act to disturb nesting birds.

5.6 It is not considered that the proposed works will have a negative impact on the tree's function as habitat to birds nor will it have a detrimental impact on the amenity the tree provides.

5.7 The works will not have a negative impact on the long term health of the tree.

## 6. RECOMMENDATION

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

**Contact Officer: Simon Penfold**

**Tel. No. 01454 868997**

## CONDITIONS

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

Reason

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

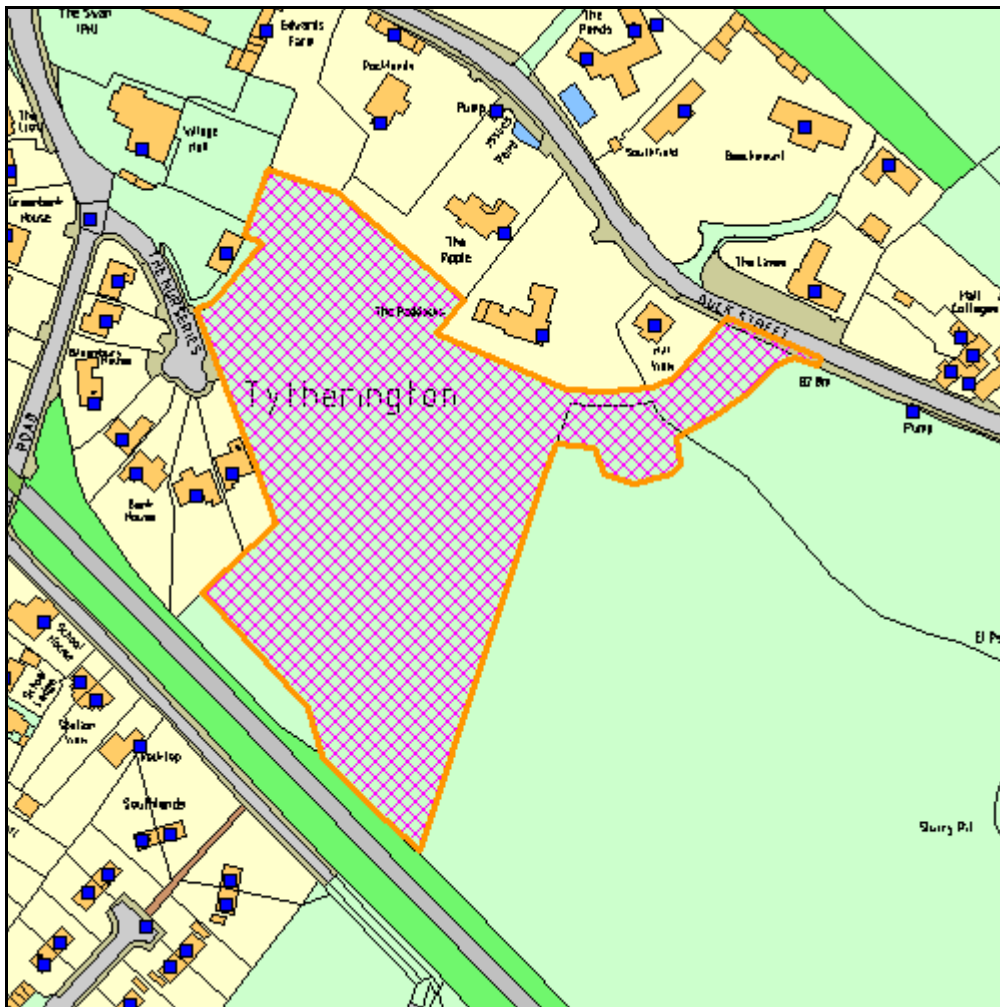
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

## CIRCULATED SCHEDULE NO. 26/18 – 29 JUNE 2018

<b>App No.:</b>	PT17/2240/F	<b>Applicant:</b>	Cotswold Homes Limited
<b>Site:</b>	Land At Duck Street Tytherington Wotton Under Edge South Gloucestershire GL12 8QP	<b>Date Reg:</b>	23rd May 2017
<b>Proposal:</b>	Erection of 28no. dwellings with new access, landscaping and associated works.	<b>Parish:</b>	Tytherington Parish Council
<b>Map Ref:</b>	366867 188192	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Major	<b>Target Date:</b>	4th August 2017



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PT17/2240/F

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application previously appeared before the Development Control (West) Committee on 14 December 2017. At that meeting Members resolved to grant planning permission subject to the applicant entering into a planning obligation within 6 months and subject to a number of conditions.

Work on the accompanying legal agreement has been progressing. It is now nearing completion and is due to be signed, endorsed, and sealed in the coming weeks. However, the resolution made by the Committee has now expired.

This application has therefore be referred to the Circulated Schedule in order to renew the resolution to grant planning permission. Given the advanced state of negotiations, it is considered likely that the legal agreement will be completed by the end of July and this is reflected in the recommendation below.

As there has been no change to the application details, a full report is not provided here. Members can see the background to this application on the committee papers of 14 December 2017 and the application file.

## **RECOMMENDATION**

- 1.1 It is recommended that the authority be delegated to the Director of Environment and Community Services to grant planning permission subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- (i) **AFFORDABLE HOUSING**  
35% of the dwellings be delivered as Affordable Housing at nil public subsidy.

Based on the scale of development, this would equate to 10 dwellings with a tenure split of 73% social rent (7 dwellings) and 22% shared ownership (3 dwellings).

Reason:

To provide appropriate on-site affordable housing proportionate to the scale of development in accordance with policy CS6 and CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

- (ii) **PUBLIC OPEN SPACE**  
A financial contribution towards the provision and/or enhancement and maintenance of Public Open Space as set out in the table below:

Category of open space	Spatial amount provided on site	Shortfall in provision (m <sup>2</sup> )	Contributions towards off-site	Maintenance contribution
------------------------	---------------------------------	--	--------------------------------	--------------------------

	(m <sup>2</sup> )		provision and/or enhancement	
Informal recreational open space	936.2	0	NA	NA
Natural and semi-natural open space	1,455.9	0	NA	NA
Outdoor sports facilities	0	1,075.20	£53,954.18	£16,330.14
Provision for children and young people	0	168	£28,248.18	£29,703.17
Allotments	176	0	NA	NA

A Public Open Space inspection fee for areas subject to private management of £52 per 100 square metres plus £500 core service fee.

Reason:

To offset the impact of the development on public open-space provision in the locality and to comply with policy CS2, CS6 and CS24 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

(iii) TRANSPORT TO SCHOOL

A financial contribution of £22,470 towards transport by bus to The Castle School.

Reason

To offset the impact of the development upon travel to school provision in the locality and to comply with policy CS6 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

1.2 It is recommended that that the Head of Legal and Democratic Services be authorised to check and agree the wording of the Agreement.

1.3 It is recommended that should the Agreement not be completed by 31 July 2018, the application shall:

- (i) be returned to the Circulated Schedule for further consideration; or,
- (ii) that delegated authority be given to the Director or Environment and Community Services to refuse the application.

**Contact Officer: Griff Bunce**  
**Tel. No. 01454 863438**

### **CONDITIONS**

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

Reason

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

2. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to commencement to ensure any archaeology is preserved.

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

Reason

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

4. Prior to commencement of development details, in relation to the form and construction of the access (as agreed in principle on drawing 35997/5502/SK01 rev A), shall be submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed details. No dwellings hereby approved shall be occupied until the approved access has been constructed in full.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to the commencement of development to ensure highway safety at all times and avoid remedial works.

5. Prior to the commencement of development, an intrusive site investigation to ascertain the extent, nature, and risks of potential land contamination to human health, protection of ground waters, and plant growth shall be undertaken. The results of the intrusive site investigation shall be submitted to the Local Planning Authority in the form of a report (to include a conceptual model) prior to the commencement of the development. The report shall include details of any remediation works required to address any unacceptable risks found. The remediation works shall be agreed in writing with the Local Planning Authority prior to the commencement of development and shall thereafter be implemented in full.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to the commencement to ensure land contamination is adequately addressed.

6. Prior to the first occupation of any of the dwellings hereby permitted, should remediation works have been undertaken in accordance with the details agreed under condition 5, a report verifying that all necessary works to address land contamination in the interests of human health, protection of ground waters, and plant growth have been undertaken shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

7. If, following the intrusive site investigations required by condition 5, unexpected land contamination is found, development shall cease immediately upon that part(s) of the site affected and the Local Planning Authority informed in writing. A further site investigation and risk assessment should be undertaken and, where necessary, an additional remediation scheme prepared. A report of the site investigation shall be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

8. Prior to the first occupation of any of the dwellings hereby approved, a scheme of landscaping, which shall include: details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments; and, areas of hardsurfacing; shall be submitted to the Local Planning Authority for approval. Development shall be carried out in full in accordance with the agreed details within the first planting season following the first occupation of any dwelling hereby permitted. Should any plant, tree, or shrub, die, become diseased, or damaged within a period of 5 years from the date the landscaping scheme is implemented, that plant, tree, or shrub shall be replaced with a specimen similar in size to that which died, became diseased, or damaged, within the next available planting season. For the avoidance of doubt, the scheme of landscaping shall include measures for the creation of new ecological corridors and reinforce existing ecological corridors within and around the application site. Planting shall prioritise native species to provide benefits for invertebrates and birds.

Reason

To ensure biodiversity enhancement and in the interests of visual amenity, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

9. Prior to the first occupation of any dwelling hereby permitted, a plan (in association with the landscaping scheme required by condition 8) indicating the species, planting size, and position, of a tree to replace that covered by South Gloucestershire Tree Preservation Order 0321 shall be submitted to and approved in writing by the Local Planning Authority. The replacement tree shall be planted in accordance with the approved details in the next available planting season.

Reason

In the interests of visual amenity, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

10. Prior to the first occupation of any of the dwellings hereby permitted, the location and type of 10 bird boxes and 10 bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details. For the avoidance of doubt, the bird boxes shall suit a variety of species including house sparrow, house martin, and swift.

Reason

To ensure biodiversity enhancement, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

11. Prior to the first occupation of any dwelling hereby permitted, a lighting design strategy for biodiversity for the development as a whole shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and no other lighting shall be erected at any time. For the avoidance of doubt, the lighting strategy shall: (1) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and (2) demonstrate that any external lighting to be installed (through the provision of appropriate lighting contour plans and technical specifications) will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Reason

To ensure biodiversity enhancement and in the interests of visual amenity, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

12. Prior to the application of any external finish, samples of the roofing and external facing materials proposed, in accordance with the schedule of materials (dated 10 October 2017) to be used shall be submitted to and approved in writing by the Local

Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

13. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

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.

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

Reason

To 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.

15. Prior to the first occupation of the dwellings hereby permitted, a scheme of public art shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall be carried out in full within 1 year of the first occupation of any dwelling hereby permitted. The applicant is advised that further details about the Local Planning Authority's public art programme are contained in the Art and Design in the Public Realm Advice Note.

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.

16. The development hereby approved shall be carried out in strict accordance with the Arboricultural Impact Assessment and Method Statement, prepared by Tim Pursey.

Reason

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

17. 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 amenity of nearby occupiers during construction and to accord with the provisions of the National Planning Policy Framework.

18. The development shall be carried out in accordance with the following plans:

Received 05 May 2017

600-05-P1 Proposed Single Garages  
600-06-P1 Proposed Double Garages  
600-51-P1 A Type Proposed Elevations  
600-55-P1 B1 Type Proposed Elevations  
600-59-P1 B2 Type Proposed Elevations  
600-67-P1 D Type Proposed Elevations  
600-71-P1 D\* Type Proposed Elevations  
600-SLP01-P1 Site Location Plan

Received 30 May 2017

600-63-P2 C Type Proposed Elevations

Received 06 September 2017

600-CP01-P1 Proposed Context Plan

Received 13 October 2017

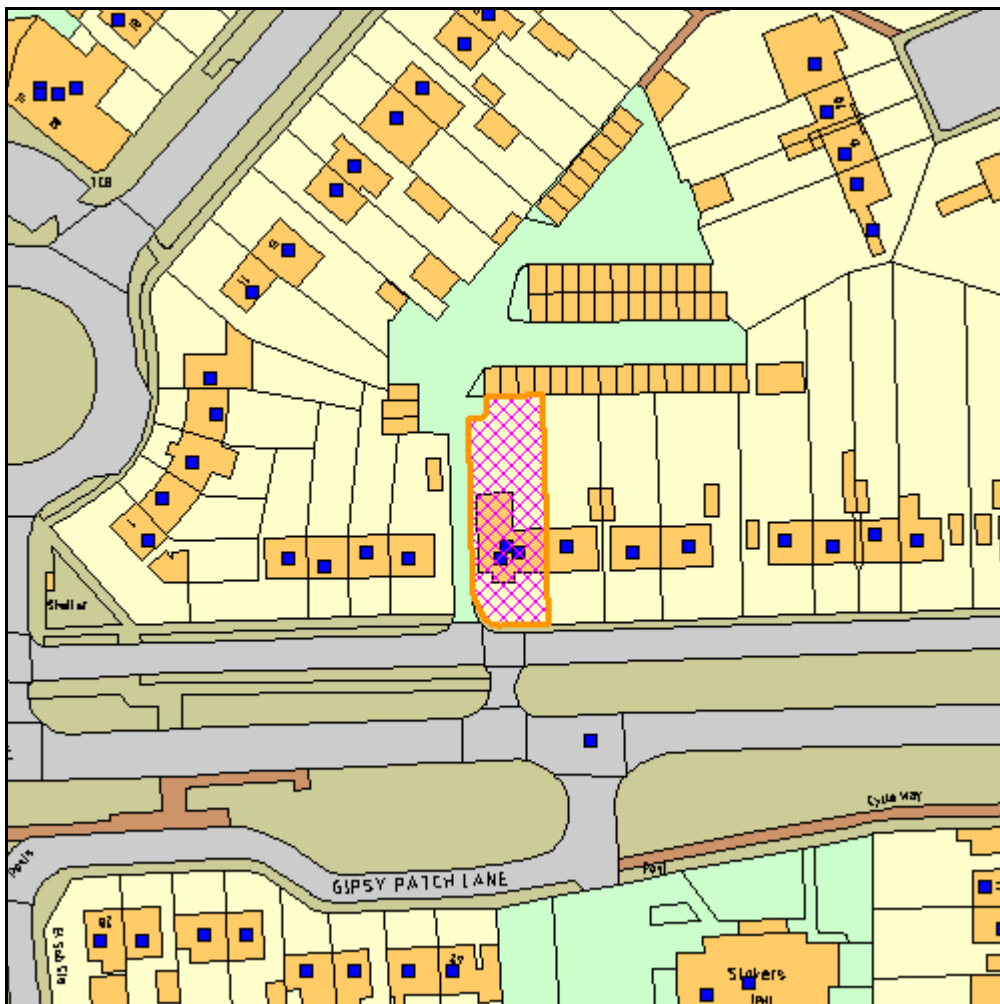
600-01-P6 Proposed Site Plan  
600-50-P2 A Type Proposed Floor Plan  
600-54-P2 B1 Type Proposed Floor Plan  
600-58-P2 B2 Type Proposed Floor Plan  
600-62-P2 C Type Proposed Floor Plan  
600-66-P2 D Type Proposed Floor Plan  
600-70-P2 D\* Type Proposed Floor Plan  
600-75-P2 Affordable Housing Plots 6&7  
600-85-P2 Affordable Housing Plots 14-17  
600-100-P1 Affordable Housing Plots 8-11

Reason

In the interests of clarity and proper planning.

## CIRCULATED SCHEDULE NO. 26/18 – 29 JUNE 2018

<b>App No.:</b>	PT17/5526/F	<b>Applicant:</b>	Mr And Mrs Juliet And Martin Cox
<b>Site:</b>	15 Gipsy Patch Lane Little Stoke Bristol South Gloucestershire BS34 8LS	<b>Date Reg:</b>	15th December 2017
<b>Proposal:</b>	Change of use from residential dwelling (Class C3) to 8no. bedroom HMO (Sui Generis) as defined in the Town and Country Planning (Use Classes) order 1987 (as amended).	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	361340 180595	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th January 2018



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**CIRCULATED SCHEDULE**

This report appears on the Circulated Schedule following objections from the Parish Council and local residents which are contrary to the Officer recommendation.

**1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the change of use from a dwellinghouse (Class C3) to an 8-bedroom house in multiple occupation (HMO) (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application relates to an end Cornish style house at 15 Gipsy Patch Lane, Little Stoke. The site is within the existing urban area of the North Fringe of Bristol.
- 1.3 During the course of the application revised plans were requested regarding the bin storage, cycle spaces and car parking on site.

**2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

**South Gloucestershire Local Plan Core Strategy Adopted December 2013**

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Subdivision & HMOs
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013  
Waste Collection SPD (Adopted) 2015

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PT07/1609/F  
Conversion of existing dwelling into 4 no. flats with associated works  
Refusal  
20.08.2007
- 3.2 P98/1007  
Variation of condition 02 attached to planning permission P89/1073 (to allow 6 persons with learning difficulties, rather than 4). Erection of single storey rear extension.  
Approval  
20.02.1998
- 3.3 P89/2172  
Erection of two storey side extension to provide lounge and dining room with en-suite bedroom and study above (in accordance with amended plans received by the council on the 6TH july 1989).  
Approval  
02.08.1989
- 3.4 P85/1073  
Change of use of premises from dwellinghouse to use as family unit to house up to four mentally handicapped people.  
Approval  
06.03.1985

### **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
Objection:
- impact on residential amenity
  - inadequate on-site parking
  - parking concerns, especially if more garage courts to redeveloped
  - potential call in to Planning Committee
- 4.2 Other Consultees
- Economic Development  
No objection
- Sustainable Transport  
No objection
- condition removal of existing garage and secure details of cycle parking

#### **Other Representations**

- 4.3 Local Residents  
5 local residents have objected, raising the following points –

- out of character
- insufficient on-site parking
- existing hedge forms boundary along access lane
- potential for illegal or inconsiderate parking
- drop kerb required
- increased noise and disturbance
- no waste/recycling facilities proposed
- no cycle storage proposed
- sets a precedent
- fire risk
- drainage overload

## 5. **ANALYSIS OF PROPOSAL**

5.1 The proposal is for the change of use from a dwellinghouse to a HMO.

### 5.2 Principle of Development

Policy PSP39 of the Local Plan is broadly supportive of HMOs subject to an assessment of the effect on the character of the area, residential amenity, transport and waste. Therefore the proposal is acceptable in principle but should be determined against the analysis set out below.

### 5.3 Design

The north side of Gipsy Patch Lane is predominantly characterised by terraced and semi-detached Cornish units. Officers saw that there was a variety of boundary treatments along the road ranging from simple brick walls to concrete posts with mesh fencing as well as shrubs. The use of the frontages of the houses in the locality also differed widely with varying degrees and scales of lawned areas and hardstanding for car parking.

5.4 Local residents have objected to the use of the property previously for rental purposes stating that it has led to a change in the character of the street and that this would get worse with the number of occupants at the application property increasing. They describe late night activities, pressures on parking and generally higher levels of activity in the street which they feel is changing the quiet character of a family orientated residential neighbourhood. No evidence of other HMOs in the area has been provided and from observations made during the site visit, Officers can reasonably assume the surrounding housing in Gipsy Patch Lane and other nearby streets is occupied by family households.

5.5 Officers have noted the concerns raised by local residents and it is recognised that an area's character may change with the introduction of a number of HMOs into a residential area. However, there is no evidence before Officers to indicate that the introduction of one HMO property into this area would lead to a detrimental change in the character of the local community.

5.6 Local residents also suggest that the development would have a harmful impact on the appearance of the street, especially if the hedge is removed to facilitate the construction of a larger car parking area to the front of the house.

- Insofar as the submitted plans show no external modifications to the property are required, the character and appearance of the area would remain unchanged in that regard. Moreover, the alterations to the front of the property, which includes removal of the front boundary hedges, would not in the Officers opinion, harm the appearance of the street given the variety of frontage treatments in the area.
- 5.7 It is therefore concluded that the development does not result in material harm to the character and appearance of the area.
- 5.8 Amenity  
The property benefits from a good sized garden to the rear. Adopted policy PSP43 requires a garden of 70 square metres minimum for a property with four bedrooms or more. It is considered the level of amenity would accord with policy.
- 5.9 Concern has been expressed regarding potential noise and disturbance for a house in this proposed use. In general terms the use of the planning unit will remain residential in nature. There is no reasonable basis to prevent the use upon the assumption that future occupants will inevitably cause noise issues by acting inconsiderately. Other more specific legislation exists to govern this scenario.
- 5.10 Overall the proposal is considered to accord with adopted policy and there are no objections regarding amenity.
- 5.11 Transport  
Regard has been had to concerns raised about the level of parking proposed on-site. The applicant has indicated on the revised details that there is sufficient parking, but the garage space is sub-standard when compared with the Council's standards for a garage. Therefore the proposal would be in conflict with policy PSP16.
- 5.12 Furthermore, no specific details have been provided to prove that the buildings for the cycle parking are both appropriate and suitable.
- 5.13 Notwithstanding the above, Officers are confident that parking could be achieved on site in accordance with the Council's standards by removing the garage and laying hardstanding to make the fourth car parking space. In addition to this, there is space within the back garden for cycle parking if the existing buildings/sheds are not suitable.
- 5.14 In conclusion, subject to conditions requiring removal of the existing garage to provide hardstanding for a car prior to first use and another requiring details of cycle parking to be submitted for approval, there is no transportation objection to this proposal. An informative will also be attached advising the applicant how to make a dropped kerb request.
- 5.15 Waste/Recycling Storage  
Sufficient waste/recycling storage will be available for residents of the development.

5.16 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.

5.17 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.

5.18 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.

5.19 Other Matters

Several other issues have been raised by objectors; each is considered in turn below.

5.20 *Illegal or inconsiderate parking:* Officers have taken into account the prior difficulties experienced by neighbours arising from illegal or inconsiderate parking. The applicant has however sought to ensure that there is adequate off-street parking available and as such this should not lead residents to seek to park their cars in neighbouring streets, adding to levels of parking street in the area.

5.21 *Precedent:* Officers have considered the concerns about precedent, but every case is determined on the basis of its site-specific circumstances.

5.22 *Fire safety:* such matters are addressed by the building regulations regime.

5.23 *Drainage overload:* given any additional flows from the site would be quite small, it is not considered that this would warrant refusal of the scheme given it is acceptable in all other respects.

**6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

- 7.1 It is recommended that the application is APPROVED subject to the conditions written on the decision notice.

**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 building shall not be occupied until the existing garage shown on the approved plans has been removed and re-surfaced, and thereafter, the area shall be kept free of obstruction and available as the fourth space for the parking of vehicles associated with the development.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Policy PSP16 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

3. The building hereby approved shall not be occupied until details of cycle parking facilities have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy PSP16 of the South Gloucestershire Local Plan Policies, Sites and Places (Adopted) November 2017.

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

Received 23.11.2017:

The Location Plan

Received 21.01.2018:

Existing Ground Floor Plan (15/GPL/LS/01/P)



Received 31.01.2018:

Proposed Ground Floor (15/GPL/LS/02/P)

Existing First Floor Plan (15/GPL/LS/03/P)

Proposed First Floor (15/GPL/LS/04/P)

Existing Block Plan (15/GPL/LS/05/P)

Proposed Block Plan (15/GPL/LS/06/P)

Bin Store Detail (15/GPL/LS/09/P)

Access Lane Photo

Existing & Rear Garaging Photo

Garaging Behind 13 Gipsy Patch Lane photo

Rear Garaging Photo

Reason

For the avoidance of doubt.

**CIRCULATED SCHEDULE NO. 26/18 – 29 JUNE 2018**

<b>App No.:</b>	PT17/5964/F	<b>Applicant:</b>	Mr Craig Nilsson
<b>Site:</b>	3 Shaymoor Lane Pilning Bristol South Gloucestershire BS35 4JR	<b>Date Reg:</b>	19th February 2018
<b>Proposal:</b>	Demolition of existing rear extension and erection of two storey rear extension and single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	356827 183970	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Householder	<b>Target Date:</b>	16th April 2018



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 100023410, 2008. N.T.S. PT17/5964/F

## **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 demolition of an existing rear extension and the erection of a two storey rear extension to form additional living accommodation at no. 3 Shaymoor Lane, Pilning.
- 1.2 The application site consists of a mid-terrace property situated towards the front of a long, narrow plot. The site is located outside of any defined settlement boundary, and within the Bristol and Bath Green Belt. The site is partially located within EA Flood Zone 3, and partially within Zone 2.
- 1.3 Revised plans were received by the Local Planning Authority on 4<sup>th</sup> June 2018. The revisions involve a reduction in the depth of the proposed two storey extension, and the replacement of part of the proposed two storey element with a single storey element. The alterations to the scheme were considered to trigger a further round of consultation. This was run from 4<sup>th</sup> June – 14<sup>th</sup> June 2018.
- 1.4 Following the submission of revised plans, the description of development was altered to more accurately reflect the development proposed.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance (2014)

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage

South Gloucestershire Local Plan: 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
PSP20	Flood Risk, Surface Water and Watercourse Management

PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

- 2.3 Supplementary Planning Guidance  
Development in the Green Belt SPD (Adopted) 2007  
Design Checklist SPD (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013

### 3. **RELEVANT PLANNING HISTORY**

#### 3.1 **P88/1164**

Erection of a two storey rear extension to provide kitchen, extended utility room and extended bathroom with bedroom over.

Approved: 09.03.1988

### 4. **CONSULTATION RESPONSES**

- 4.1 *Original Plans*  
Almondsbury Parish Council  
No comment

#### 4.2 Other Consultees

Sustainable Transport  
Further details on parking arrangements required

Lead Local Flood Authority  
No objection

*Revised Plans*

- 4.3 Almondsbury Parish Council  
No comment

#### 4.4 Other Consultees

Sustainable Transport  
Further details on parking arrangements required

Lead Local Flood Authority  
No objection

#### **Other Representations**

- 4.5 Local Residents

*Original Plans*

One letter of objection was received during the first round of consultation. The main concerns raised are summarised below:

- Serious concerns with increased size of extension as this will block out light and sun to neighbouring house and garden.
- Due to lack of sunlight, garden will become damp and garden will be a lot colder as it will be shadowed.
- Will also impact views, especially from right hand side bedroom.
- Garden will be overlooked by proposed rear window and balcony, although this is not shown on plans.

#### *Revised Plans*

No further comments were received during the second round of consultation.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The application seeks permission for the erection of a two storey rear extension and single storey rear extension. Extension and alterations to existing properties is managed through policy PSP38 of the Policies, Sites and Places Plan. This policy is generally supportive subject to an assessment of design, amenity, transport, and trees/vegetation. However, the site is located within the Green Belt and any development must accord with the principles of Green Belt policy to be acceptable.

### **5.2 Green Belt**

Policy CS5 and CS34 of the Core Strategy and policy PSP7 of the Policies, Sites and Places Plan support the protection of the Green Belt from inappropriate development. The NPPF also attaches great importance to the Green Belt – with development in the Green Belt generally being considered inappropriate. However, there are limited categories of development within the Green Belt that are not considered to be inappropriate. One of the exception categories is the extension of a building provided that it does not result in a disproportionate addition over and above the original size of the building, as is set out in Paragraph 89 of the NPPF.

5.3 A disproportionate test (outlined in Policy PSP7 of the Policies, Sites and Places Plan and the South Gloucestershire Supplementary Planning Document: Development in the Green Belt (Adopted) 2007) is used as a means of assessing whether or not an addition to a dwelling can be considered proportionate to the original dwelling. Generally, additions resulting in a volume increase of less than 30% above the volume of the original building are likely to be considered acceptable. Those resulting in a volume increase of 30%-50% are to be carefully assessed against further criteria. Those resulting in a volume increase of more than 50% are likely to be considered in excess of any

- reasonable definition of 'limited extension'; and therefore may be disproportionate in nature.
- 5.4 Having reviewed historic mapping, it would appear that when originally constructed, the building at no. 3 Shaymoor Lane consisted of the main two storey element with a single storey element projecting to the rear. The property was then extended following the granting of planning permission for the erection of a two storey rear extension in 1988. Volume calculations indicate that this extension increased the overall volume of the building by approximately 25%.
- 5.5 The current application as originally submitted sought to erect a two storey rear gable, which would subsume the previously approved extension. Volume calculations indicated that the erection of the gable would represent a 67% increase in volume from that of the original building. On the basis of the volume calculations and its significant depth, the two storey rear gable as originally proposed was considered to represent a disproportionate addition over and above the size of the original building.
- 5.6 The development proposal was subsequently revised with the two storey element reduced in depth and a single storey element added. Revised volume calculations indicate that the erection of the two storey gable and single storey extension now proposed would increase the volume of the original building by approximately 52%. It is acknowledged that this goes above the 50% mark, which tends to indicate a disproportionate addition. However the proposal would only marginally increase the footprint of the original building, with the major alteration to the property being the replacement of the existing rear dormer with a gable. Given its relatively modest depth and the fact that the extension would be mostly contained within the existing footprint, it is not considered that the two storey extension would clearly appear as a disproportionate addition to the host. The proposed single storey element is also of a modest scale, and is considered to appear proportionate to the host.
- 5.7 On the basis of the assessment set out above, it is not considered that the proposal would appear as a disproportionate addition over and above the size of the original building. The proposal would therefore fall in to the predefined exception category for development in the Green Belt, and would not be inappropriate. However given the volumetric increase, it is considered that any further addition to the property would likely go beyond what could reasonably be considered as a proportionate addition to the host, and as such the future development options for the site are limited.
- 5.8 Design and Visual Amenity  
Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek 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.

- 5.9 The proposed extensions would be situated to the rear of the dwelling, with the considerable rear garden area extending to the north. As such, the extension would not be readily visible from public areas. Any impacts of the development on the streetscene or the character and distinctiveness of the locality would therefore be limited. The main area of assessment from a design perspective is the extent to which the extension respects the character and appearance of the host.
- 5.10 The existing property consists of a mid-terrace property incorporating a pitched roof. As a result of the 1988 extension, a cat-slide roof with a box dormer was constructed at the rear elevation. A conservatory also projects from the rear elevation. The existing rear projection is not considered to represent a high standard of design, with the substantial box dormer considered to detract from the overall appearance of the dwelling.
- 5.11 In this regard, it is considered that the replacement of the cat-slide roof and dormer with a two storey gable results in a more refined appearance. However as originally proposed, the two storey rear gable was to project from the rear of the existing two storey terrace by approximately 5.8m. It was considered that an extension of this depth would appear as an overly prominent addition, and would fail to respect the proportions of the host. The scheme was subsequently amended with the gable reduced in depth to 3.8m. The reduction in depth is considered to result in a more proportionate appearance, and the overall scale and form of the two storey element is considered to be acceptable.
- 5.12 In terms of its more detailed design, it is acknowledged that the gable would take on a fairly contemporary appearance with the incorporation of large areas of glazing at a first floor level. The extension would be finished in white render to match the host dwelling. The proposed single storey extension would also take on a more contemporary form, incorporating a flat roof and finished in wood cladding. As the existing building is not considered to exhibit any real distinctiveness in terms of its design and appearance, it is not considered that a more contemporary design approach would significantly detract from the character or appearance of the host.
- 5.13 For the reasons outlined above and given the appearance of the existing dwelling, it is not considered that the proposal would cause any significant harm to visual amenity. On balance, it is considered that an acceptable standard of design has been achieved, and the development proposal is considered to accord with policy CS1 of the Core Strategy and PSP38 of the Policies, Sites and Places Plan.
- 5.14 Residential Amenity  
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that 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.

- 5.15 When considering the impacts of the proposal on the residential amenity of neighbouring residents, the main neighbouring properties under consideration are the adjoining properties to the west and east at no's. 2 & 4 Shaymoor Lane respectively.
- 5.16 It is acknowledged that the proposed two storey element would span the width of the property, and would extend to the boundaries shared with the adjoining properties. As such, the originally submitted proposal would have resulted in a two storey element extending along the boundary for 5.8m. It was considered that an extension of this scale would have an unacceptable overbearing and overshadowing impact on the adjoining neighbours.
- 5.17 The extension has subsequently been reduced in depth. The extension would now only project very slightly beyond the rear building line of the existing rear cat-slide roof and rear dormer. Whilst the creation of a gable would increase the bulk of the building, it is not considered that the sense of overbearing or overshadowing would be significantly greater than that caused by the current arrangement. Furthermore, the neighbouring properties are served by large rear gardens, and the development proposal would only affect a small proportion of this. Overall, whilst it is accepted that the proposal would have some additional overbearing and overshadowing impacts, the overall harm to residential amenity is not considered to be so severe as to sustain a reason for refusing the application.
- 5.18 In terms of overlooking, it is not considered that the proposed rear-facing first floor windows would cause any greater sense of overlooking than existing windows. Furthermore, the only side-facing windows proposed are velux rooflights, to be set in to the side-facing roof slope. As the rooflights would be set well above the first floor level and would be set in to the roof slope, they would offer minimal outlook and would not provide a line of sight on to neighbouring gardens. Notwithstanding this, any windows inserted in to the side elevations of the extension at a first floor level would provide a direct line of sight on to neighbouring gardens. In the interests of protecting the privacy of immediate neighbours, a condition will be attached to any decision, restricting the future insertion of windows in to the side elevations of the extension.
- 5.19 Given its more modest scale and siting away from neighbouring boundaries, it is not considered that the proposed single storey extension would have any significant impacts on residential amenity.
- 5.20 Given the scale of the proposed extension and its proximity to neighbouring boundaries, it is acknowledged that its erection would cause some disturbance to neighbours during the construction period. In the interests of protecting the residential amenity of neighbours, a condition will be attached to any decision, restricting the permitted hours of work during the construction period.
- 5.21 With regards to the residential amenity of the occupants of the subject property, it is considered that ample amenity space will be retained on-site following the implementation of the development.



5.22 For the reasons outlined above and subject to the aforementioned conditions, it is not considered that the development proposal would have any unacceptable impacts on residential amenity. The proposal is therefore considered to comply with policies PSP8 and PSP38 of the Policies, Sites and Places Plan.

5.23 Transport

The number of parking spaces that should be provided for residential development is based on the number of bedrooms contained within the residential unit. At present there are 3 bedrooms contained within the property. As originally submitted, the proposal sought to create a 4<sup>th</sup> bedroom through the provision of additional floorspace at a first floor level. However the reductions in the scale of the two storey element has resulted in the 4<sup>th</sup> bedroom being removed from the scheme. As such, there would be no increase in bedroom number and there is subsequently no increased requirement for on-site parking spaces.

5.24 In terms of highway safety, the proposed extensions would be set away from the adopted highway, and the development would not alter the existing vehicular access to the site. As such, it is not considered that the proposal would have any material impacts on highway safety.

5.25 Flood Risk

The Council's drainage engineer has found the submitted flood risk assessment to be acceptable, and has no concerns regarding on-site drainage or flood risk.

5.26 Trees and Vegetation

The proposal would not result in the loss of any trees or vegetation that contribute significantly to the character of the locality.

5.27 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.

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

## 6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in

accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 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).

2. No windows shall be inserted at any time at first floor level in the side elevations of the two storey rear extension hereby approved.

Reason

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

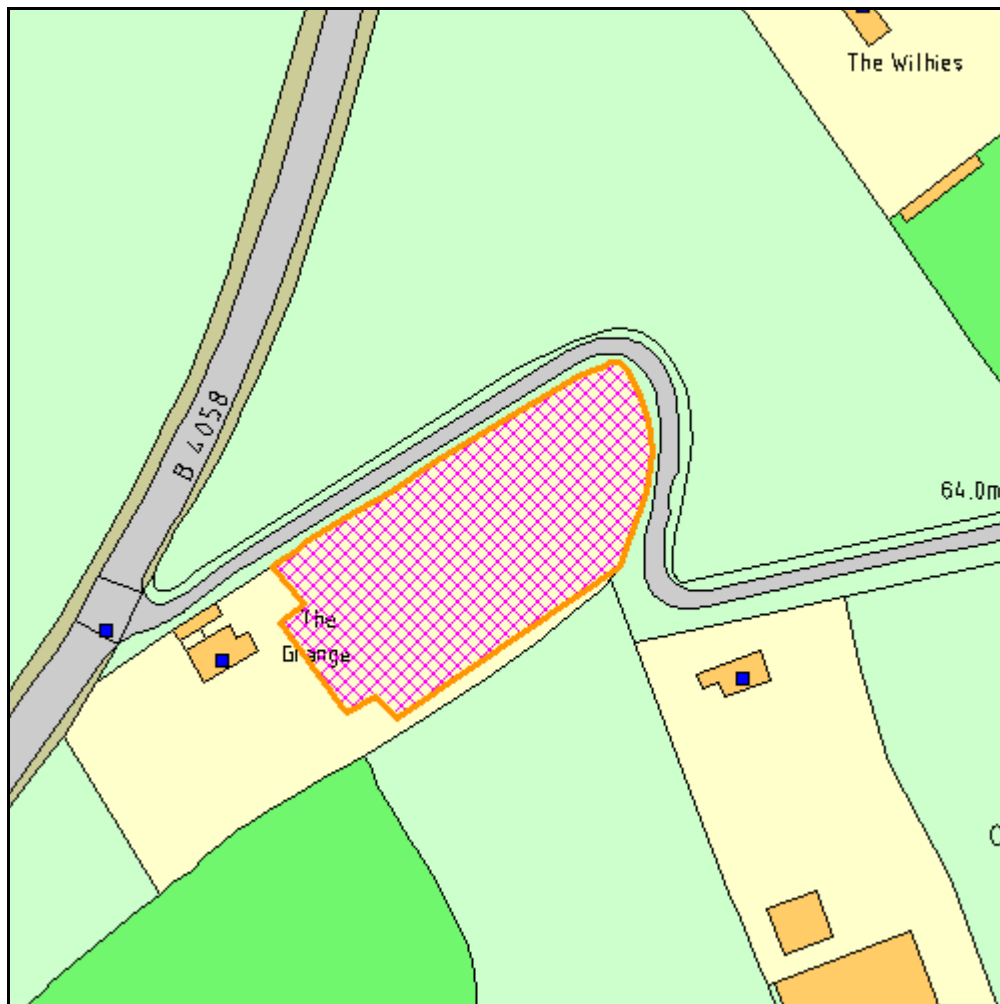
3. The hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

**CIRCULATED SCHEDULE NO. 26/18 – 29 JUNE 2018**

<b>App No.:</b>	PT18/1134/F	<b>Applicant:</b>	Mr And Mrs B Grandfield
<b>Site:</b>	The Grange Bagstone Road Rangeworthy Wotton Under Edge South Gloucestershire GL12 8BD	<b>Date Reg:</b>	21st March 2018
<b>Proposal:</b>	Demolition of existing detached garage. Erection of 3no dwellings and associated works. (amendment to previously approved scheme PT16/5668/F)	<b>Parish:</b>	Rangeworthy Parish Council
<b>Map Ref:</b>	369008 186597	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th May 2018



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100023410, 2008.

**N.T.S.**

**PT18/1134/F**

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application is referred to the Circulated Schedule as a comment of objection has been received; this is contrary to the Officer's recommendation for approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the demolition of an existing garage on site and the erection of 3 dwellings on The Grange in Rangeworthy. This application seeks to make an amendment to a previously approved scheme PT16/5668/F. The proposed amendment predominately relates to plot 3 and comprises the additions of a bedroom over the garage and a utility to the rear. A detached garage for The Grange itself has also been omitted.
- 1.2 Located outside of the defined settlement boundary of Rangeworthy the site is in the open countryside. No further land use designations cover the site.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

#### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Sites
PSP19	Wider Biodiversity
PSP21	Environmental Pollution and Impacts
PSP20	Flood Risk, Surface Water & Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013  
CIL and S106 SPD (Adopted) 2015  
Waste Collection SPD (Adopted) 2015 (amended 2017)

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PT16/5668/F  
Demolition of existing detached garage. Erection of 3no. detached dwellings and a detached garage with associated works. Erection of detached garage to serve existing dwelling.  
Approval  
13.09.2017

### **4. CONSULTATION RESPONSES**

- 4.1 Rangeworthy Parish Council  
Objection

- outside settlement boundary
- Green Lane is a grade 5 highway lead into the Jubilee Way which is used by horse riders, walkers, cyclists etc
- attention draw to paragraphs 1-3 of refusal PT16/1593/O which specifically mention maintaining the rural aspect on the approach to the village
- difficult to discern changes between PT16/5668/F and PT18/1134/F
- plot 3 has increased to a 4-bed which is not stated on the application information
- detached garage is no longer included

- 4.2 Other Consultees

Ecology Officer

No objection

- condition securing bat and bird box and an informative advising that bats may be present

Highway Structures

No objection

Lead Local Flood Authority

No objection

Sustainable Transport

No objection

- carry over conditions 6, 7, 8 and 9 from PT16/5668/F

Wessex Water

No comment

Landscape Officer

No objection

Conservation Officer

No objection

- carry over conditions from PT16/5668/F

Tree Officer

No objection

- there should be a no-dig within the RPA of T16

Housing Enabling

No objection

**Other Representations**

4.3 Local Residents

It is understood an objection was meant to be submitted by the Parish Council on behalf of a local resident but this has not been received. Issues however were to be raised regarding lack of control over working hours, overdevelopment and that amendment applications should reassess schemes in full.

**5. ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for the demolition of an existing garage on site and the erection of 3 new detached dwellings to the northeast of The Grange, Bagstone Road, Rangeworthy. It seeks to amend the design previously approved under PT16/5668/F.

5.2 Principle of Development

Under policy CS5, development is directed to the existing urban areas and the defined settlements. The application site is not within a defined settlement and there is in the open countryside. Under policy PSP40 only certain forms of residential development are permitted in the countryside. The proposal does not contain any of the forms of development permissible under PSP40. Therefore the development would conflict with the locational strategy outlined in the development plan. In other circumstances, the application would be refused.

5.3 However, at present the authority cannot demonstrate a 5 year supply of deliverable housing sites. Guidance in paragraph 49 of the NPPF states that in such circumstances policies in the development plan which act to restrict the supply of housing should be considered out of date and applications for residential development should be assessed against the presumption in favour of sustainable development. An analysis of the impacts of residential development on this site was conducted under PT16/5668/F and it would found that any harm arising from the proposal was outweighed by the benefits.

Full planning permission was subsequently granted. This therefore establishes that residential development of the site is acceptable, despite conflicting with the development plan. This position is maintained for the assessment of this application. The assessment must consider the differences between this application and the extent full consent and conclude as to whether the proposed variations to the development would result in significant and demonstrable harm.

5.4 Design

The amendments to the design results in the removal of a previously proposed detached garage and the erection of a first floor side extension and a single storey rear extension.

5.5 Both policies CS1 and PSP38 require proposals to meet the highest possible standards of site planning and design. It is acknowledged that the proposed development would increase the amount of built form on the site when compared to that previously approved. The third dwelling would be wider and have a slightly greater front to back distance at this part. Given the size of the proposed building, it would invariably have a greater impact on the streetscene as a result of its increased bulk.

5.6 Notwithstanding that, the design of the building seeks to break up its massing by the use of differing materials, a gable and stepping the development back at two storey from the front and back. To Officers, these design features, together with the distances from each boundary, would result in a development which would not be overly dominant in the street scene. Furthermore, its overall appearance and scale would not appear out of place with the overall character and appearance of the scheme.

5.7 For the above reasons, the overall design is considered acceptable. However in the interests of the character and appearance of the area, previous conditions relating to landscaping and materials will be carried over to this application.

5.8 Residential Amenity

Development should not be permitted that has a prejudicial impact on the residential amenities of nearby occupiers, the application site or which would fail to provide future occupiers of the dwelling with an acceptable standard of living conditions.

5.9 The previous permission on this site did not raise concern with regard to residential amenity and neither is it considered the proposed amendment would make a difference with regard to impact.

5.10 The redevelopment of the site would inevitably bring about noise and disturbance but such effects are to be balanced against the desirability of curtilage reuse and beneficial additional housing – and can be managed through the imposition of conditions – such as hours of operation – aimed at controlling the impacts upon neighbouring residential users. The effects would be of limited duration and are not matters of sufficient weight to justify refusal of the scheme.

- 5.11 No objection is raised to this amendment with regard to residential amenity.
- 5.12 Transport and Parking  
No highway impacts were previously identified in association with the previous approval and it is considered that this proposal is essentially unchanged in highways and transportation terms.
- 5.13 However, a number of conditions were placed on consent PT16/5668/F to ensure that appropriate highways works were carried out. It is therefore considered necessary for these to be carried over to this application.
- 5.14 Trees  
In response to the Tree Officer's request the applicant has confirmed the RPA of T16 will be of no-dig construction; this shall be secured by condition.
- 5.15 Drainage  
In response to the Drainage Officer's comments the applicant has agreed foul water from the site shall be disposed of via the public sewer; this is considered acceptable.
- 5.16 Ecology  
A Bat Survey Report by Abricon (October 2016) has been submitted with the application; its findings are summarised below.

*Bats*

The garage to be demolished is a two-storey breezeblock building with a pitched clay-tiled roof. The external elevations are rendered and the western roof pitch has solar (PV) panels. There are some soffits, but no barge boards. There was very little potential for roosting bats seen from the exterior bar lifted tiles in two locations. No evidence of bats was found internally. The garage was judged as having low roosting potential for bats.

No bats were recorded emerging or re-entering the building during the subsequent emergence survey. Four bat species were recorded in the area during the survey: common and soprano pipistrelle, noctule and a *Myotis* spp.

- 5.17 It is therefore concluded that there is no ecological objection to this application. However, in the interests of local biodiversity, a condition will be imposed requiring further details of the bat and bird boxes which are recommended in the Report.
- 5.18 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.

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

5.20 Overall Planning Balance

The provision of 3 dwellings would make a contribution towards housing supply. As the number is low, it attracts limited weight. However, the principle is accepted. Harms that would result from the development have either been mitigated through the use of planning conditions and controls or do not significantly and demonstrably outweigh the benefit. Accordingly, planning permission should be granted.

5.21 Other Matters

It is noted that the Parish Council and local residents do not consider that this site is a suitable location for development. However, the local planning authority has previously granted planning permission for development of this scale and in doing so taken account of the issues raised during the consultation process. Therefore, while noted, these do not act as a constraint to planning permission being granted on the currently application.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**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 development shall be implemented strictly in accordance with the following documents:

Received 08.03.2018:

Biodiversity Survey and Report  
Design & Access Statement  
Tree Survey

Received 21.03.2018:

Plot 3 Plans and Elevations (GRA/1035/PL/02/18/005 Rev D)  
Street Scene and Garage (GRA/1035/PL/02/18/006 Rev B)  
Proposed Site Plan (GRA/1035/PL/02/18/002 Rev C)  
Existing Plans Elevation and Site Plan (GRA/1035/PL/07/16/001 Rev A)  
Plot 1 Plans and Elevations (GRA/1035/PL/07/16/003 Rev A)  
Plot 2 Plans and Elevations (GRA/1035/PL/07/16/004 Rev A)

Received 06.06.2018:

Snook (email)

Reason

For the avoidance of doubt.

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

Reason

To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework 2012.

4. The materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be natural stone and clay roof tiles.

Reason

To ensure that the external appearance of the buildings is satisfactory and respects the local vernacular, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places (Adopted) November 2017; and the National Planning Policy Framework 2012.

5. 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.

6. The development shall be strictly carried out in accordance with the submitted Arboricultural report (Silverback Arboricultural Consultancy Ltd; March 2017). The RPA of T16 shall be of no-dig construction unless otherwise agreed in writing by the Local Planning Authority.

Reason

To safeguard existing trees on site, to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework 2012.

7. The buildings hereby permitted shall not be occupied until details of one bat box and one bird box have been submitted to and approved in writing by the Local Planning Authority. The details shall take into account the models recommended in the Bat Survey Report (Abricon; October 2016). The development shall be carried out in accordance with the approved details.

Reason

In the interests of local biodiversity, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP3, PSP18 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework March 2012.

8. Prior to the commencement of development, details of the cautionary signage to be displayed along the entrance of Green Lane shall be submitted to the Local Planning Authority for approval. The details shall include the number, design and location(s) of the signage and shall highlight to visitors to the site that the lane is used by pedestrians, cyclists and horse riders as a recreational route and that care should be taken by drivers of vehicles on Green Lane. The agreed details shall be implemented prior to the commencement of development along the lane and permanently retained thereafter.

Reasons

In the interests of highway safety and amenity, to accord with Policies CS8 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) January 2013; Policies PSP10 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework March 2012.

This condition is pre-commencement as it is important that cautionary signage is erected before the development commences on site and additional construction vehicles use the lane.

9. No dwelling shall be occupied until the 2.4m x 80m visibility splay to the nearside carriageway edge and the north side junction radius of Green Lane and B4058 have been improved in accordance with plan Junction Visibility Splays (29615/100 Rev B, received by the Council on 4th August 2017) which was submitted in relation to application no. PT16/5668/F. The works shall be carried out strictly in accordance with the agreed plan and permanently retained thereafter.

Reason

In the interests of highway safety and the users of Green Lane, 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 March 2012.

10. No dwelling shall be occupied until the details of the proposed re-surfacing and necessary drainage of Green Lane from the junction with B4058 up to the development site access are submitted to the Local Planning Authority for written approval. The works shall be implemented strictly in accordance with the approved details.

Reason

In the interests of highway safety and the users of Green Lane, 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 March 2012.

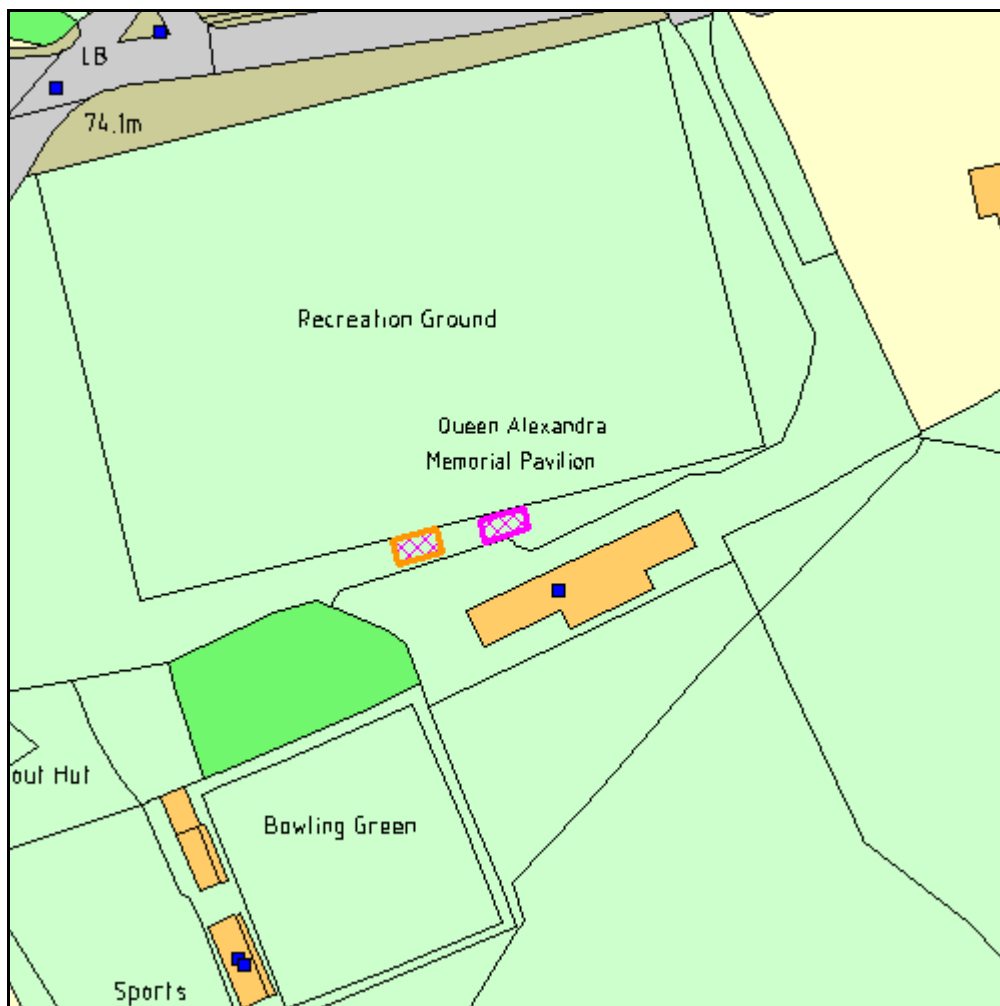
11. No dwelling shall be occupied until the associated vehicle parking areas and manoeuvring areas have been provided strictly in accordance with plan Revised Site and Location Plan (002 Rev B, received by the Council on 8th June 2017) which was submitted in relation to application no. PT16/5668/F. The facilities provided shall be permanently retained thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the Residential Parking Standards SPD; and the National Planning Policy Framework March 2012.

**CIRCULATED SCHEDULE NO. 26/18 – 29 JUNE 2018**

<b>App No.:</b>	PT18/1509/CLP	<b>Applicant:</b>	Olveston Football Club
<b>Site:</b>	Olveston Football Club Alveston Road Tockington South Gloucestershire BS32 4PF	<b>Date Reg:</b>	19th April 2018
<b>Proposal:</b>	Certificate of lawfulness for the proposed temporary erection of 2no. metal framed 'dugouts' with perspex canopies from September to April annually.	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	361216 187215	<b>Ward:</b>	Severn
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	12th June 2018



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 100023410, 2008. **N.T.S.** **PT18/1509/CLP**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE.**

The application is being re-circulated at the request of Councillor Matthew Riddle including additional information relating to time scales and land use.

### **1. THE PROPOSAL**

- 1.1. The applicant is seeking a formal decision as to whether the proposed erection of 2no. metal framed 'dugouts' with Perspex canopies at Olveston Football Club Olveston would be lawful.
- 1.2. The application is a formal way of establishing whether the proposal requires planning permission or not.
- 1.3. It should be noted that the site in question does not benefit from 'permitted development rights'.

### **2. POLICY CONTEXT**

- 2.1. Town and Country Planning Act 1990 (as amended) sections 55 and 192.

### **3. RELEVANT PLANNING HISTORY**

- 3.1. None relevant.

### **4. CONSULTATION RESPONSES**

- 4.1. Olveston Parish Council  
"Olveston Parish Council has concerns over the letter currently published with the application and also would like to record that the postal address for the Council is actually 8 Orchard Rise, rather than that shown."

Ecology Officer  
None Received.

Planning Enforcement  
None received.

Fields in Trust  
None received.

Tree Officer  
"No objection."

Public Rights of Way  
"No objection"

## **Other Representations**

### 4.2. Local Residents

Six objection letters were received, of which two were duplicates. These related to advertisement consent, dugouts being applied for are different to those displayed previously, proposal being development, addresses being different, dug outs being structures, consultations, visual impact, design, length of time dugouts used, storage, and that the site is a village green.

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

### 5.1 Existing Location Plan

Drawing No. 14/0058/001

Received by the Council on 17<sup>th</sup> April 2018

### Proposed Dugout Images

Received by the Council on 26<sup>th</sup> March 2018

Email from applicant confirming dugouts anchorage details.

Received by the Council on 21<sup>st</sup> May 2018

## **6. ANALYSIS OF PROPOSAL**

### 6.1. Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test that 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. As the submission is not an application for planning permission and 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 is considered 'development' as described in the Town and Country Planning Act 1990 (as amended) section 55 below:

55 Meaning of "development" and "new development".

- (1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

**[F1(1A)** For the purposes of this Act “building operations” includes—

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.]

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

- (a) the carrying out for the maintenance, improvement or other alteration of any building or works which—
  - (i) affect only the interior of the building, or
  - (ii) do not materially affect the external appearance of the building

- 6.3 As recognised in the definition given to the words ‘building operations’, the work done will normally involve work to a ‘building’. The meaning of the word ‘building’, therefore, is also relevant to the question of whether a particular activity constitutes development. A number of significant judicial decisions have been made on its precise meaning and application.
- 6.4 *Barvis Ltd v Secretary of State for the Environment* (1971) 22 P & CR 710 is the strongest authority for assessing what constitutes a ‘building’. Coming from this decision are the key elements to consider; which are its size, its permanence and physical attachment to the land.
- 6.5 The relevance of permanence was considered in *Skerritts of Nottingham Ltd v Secretary of State for the Environment transport and the Regions* [2000] JPL 1025. In it the question of whether the erection of a marquee every year between February and October amounted to a building operation. Ultimately the court decided that as it took several people several days to erect/disassemble the marquee, despite its temporary nature the marquee was considered to be a ‘building operation’. The application form for the ‘dugouts’ states that no concrete or blocks will be used and the structures are temporary. However, the images included show that the dugouts would be on concrete bases. The Case Officer contacted the applicant to confirm the exact nature of the proposal. The applicant stated via email that the images showing concrete bases were for illustration only and in fact the dugouts would be anchored using large 14 inch screws (also included in images supporting the application) that would be sunk into the ground. The dugouts would then be fixed to these screws. When applying the test arising from the *Skerritts* case then, it would take just two people a few minutes to move. In this regard the proposed dugouts lack permanence.



- 6.6 Questions were raised regarding the length of time the dugouts could be in one place before they required planning permission. This is a matter of fact and degree based on the facts presented in any given case. In this case, as noted in section 6.5, the dugouts proposed lack permanence when assessed against the test arising from the Skerritts case. The Local Planning Authority is required to assess the facts presented to it, and as such it is not appropriate to speculate as whether a longer use of the dugouts would amount to “development”. Notwithstanding this, given that the information that this decision is based clearly states that the dugouts will be in place between September and April, during the established football season this will be made clear in the description of the lawful development on the Certificate.
- 6.7 In regards to the attachment of the proposed dugouts to land. A decision by the Secretary of State which was later upheld in *Britton* [1997] JPL 617, stated that a woven timber framework anchored to land by posts driven into the ground was not operational development. This decision bears a strong correlation to how the proposed dugouts would be fixed to the ground. By proxy, Officers consider that the dugouts attachment to the land is also tenuous as they can be removed at any time. In this regard they would lack a significant attachment to the land and would not be considered as operational development on these facts.
- 6.8 Finally, when considering the size of the dugouts and whether they constitute buildings, the decision in *Cheshire CC v Woodward* [1962] 2 QB 126 is an important consideration. Lord Parker CJ stated that to be considered a structure or erection is to change the physical character of the land. In this case some representations indicate that this site is used as a village green, although it is understood it operates for a substantial amount of the year as a communal sports field. When considering this site, and the location in which the dugouts would be located, far from changing the character of the land, the dugouts would be consistent with the established use. As such the size of the dugouts are not considered to warrant labelling as a ‘building’ or ‘structure’ for the purposes of the Town and Country Planning Act 1990 (as amended). The assessment has used the facts presented against the criteria established in case law as to whether this proposal amounts to “development”. Whether the site involved constitutes a village green or not has not been one of the determinant characteristics identified in the case law.
- 6.9 In summary, the proposed dugouts lack permanence; have a tenuous attachment to the land; and are not of a sufficient size to change the character of the land, thus on the balance of probabilities should not be classified as a ‘structure’ on the facts presented. Therefore, the proposed erection of 2no. dugouts are not considered to be ‘building operations’ for the purposes of the Town and Country Planning Act 1990 (as amended) as they are not considered to be ‘buildings’ or ‘structures’. Thus, they are not considered to be ‘development’ and do not require planning permission.

## 7. **RECOMMENDATION**

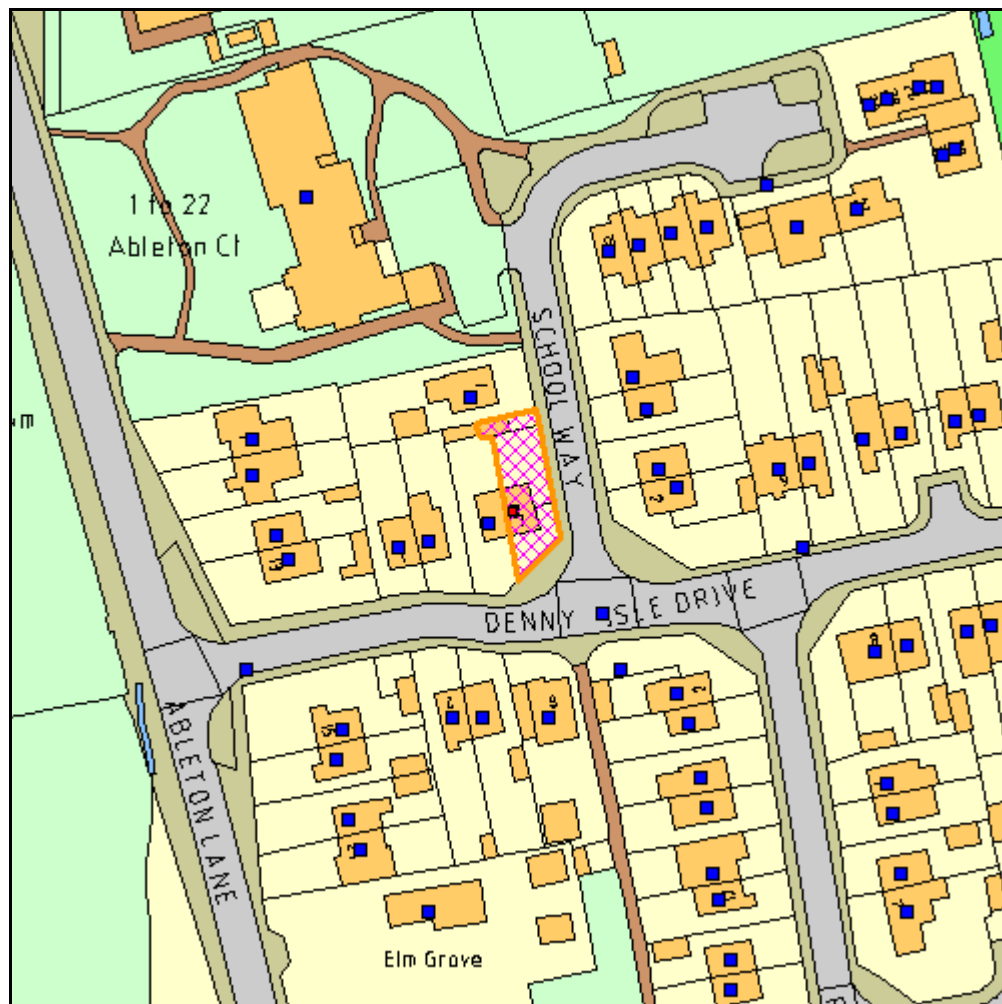
- 7.1. That a Certificate of Lawfulness for the Proposed Development is **GRANTED** for the reasons listed below:

The evidence provided is sufficient to demonstrate that, on the balance of probabilities, the proposed erection of 2no. metal framed 'dugouts' with Perspex canopies does not constitute development as described in Town and Country Planning Act 1990 (as amended) section 55(2)(a)(ii).

**Contact Officer: David Ditchett**  
**Tel. No. 01454 863131**

**CIRCULATED SCHEDULE NO. 26/18 – 29 JUNE 2018**

<b>App No.:</b>	PT18/1831/F	<b>Applicant:</b>	Andy & Helen Fitzgerald
<b>Site:</b>	7 Denny Isle Drive Severn Beach Bristol South Gloucestershire BS35 4PZ	<b>Date Reg:</b>	19th April 2018
<b>Proposal:</b>	Erection of two storey side extension and erection of single storey rear extension to form additional living accommodation. Extension of existing boundary wall & gates to rear garden.	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	354323 184535	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Householder	<b>Target Date:</b>	13th June 2018



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## **REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE**

This application has been submitted to the Council's circulated schedule procedure following comments received from the local Parish Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a two storey side extension and single storey rear extension to form additional living accommodation and the extension of the existing boundary wall & gates to rear garden at 7 Denny Isle Drive, Severn Beach.
- 1.2 The application site relates to a two storey, semi-detached property which is located within a residential area of Severn Beach.
- 1.3 The application site falls within flood zones 2 and 3 due to its close proximity to the Severn Estuary.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework  
National Planning Policy Guidance

#### 2.2 Development Plans

##### South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

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

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

#### 2.3 Supplementary Planning Guidance

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

### **3. RELEVANT PLANNING HISTORY**

- 3.1 No relevant planning history

### **4. CONSULTATION RESPONSES**

4.1 Severn Beach Parish Council

Pilning & Severn Beach Parish Council would like South Glos Council to consider whether the application will adversely affect the neighbouring property in terms of light. If it is found that there are no adverse light issues, the Parish Council has no objection to this application.

Lead Local Flood Authority

No objection

Sustainable Transport

No objection

**Other Representations**

4.2 Local Residents

No Comments Received

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The application seeks full planning permission for the erection of a two storey side extension and single storey rear extension to form additional living accommodation and the extension of the existing boundary wall & gates to rear garden.

5.3 *Single storey rear*

The proposed single storey rear extension will extend approximately 3metres from the existing rear wall, have a width of 8.5 metres and a maximum height of 3.6metres. The rear element will feature a lean-to roof with 3no roof lights and feature 2no double doors to the rear elevation.

5.4 *Two storey side*

The two storey side extension will have a maximum height of 7.1 metres, a total width of 3.3 metres and a depth of approximately 9.9metres. The proposal will introduce a gabled roof, the stepping-back of the front elevation at both ground and first floor levels is seen to increase the levels of subservience between the proposed extension and the host dwelling.

- 5.5 It is considered that the proposed extensions would appear as an appropriate addition within the immediate streetscene. Overall, it is considered that the design, scale and finish of the proposed extensions results in an addition that sufficiently respects the character and distinctiveness of the host dwelling and its immediate context.
- 5.6 As part of the proposal the boundary wall is to be extended a further 2.6 metres enclosing the detached garage to the rear of the property. The addition will match the existing boundary in terms of height and materials and will incorporate timber gates to allow access to and from the property. The proposal is considered to be acceptable as the wall is set back from the highway and would provide further privacy from the road and adjacent properties.
- 5.7 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.
- 5.8 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Due to the location of the extensions, it is not considered that its erection would materially harm the residential amenity at any of the adjoining properties. Due to levels of separation, it is not deemed that the proposed extensions would impact upon the residential amenity enjoyed at properties nearby.
- 5.9 The proposal will occupy additional floor space, however sufficient private amenity space will remain following development and there is no objection with regard to this.
- 5.10 The parish council have requested that the case officer consider if the proposal would impact on any potential loss of sunlight which would occur as a result of the proposal. Having looked at the path of the sun, it is not considered that the extension would have a materially harmful impact on the amount of sunlight offered to the neighbouring property.  
The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with Policy PSP38 of the PSP Plan (November 2017).
- 5.11 Sustainable Transport and Parking Provision  
The proposal will include additional bedrooms, however would not require the provision of any further parking spaces. The existing hardstanding provides space for 2 vehicles and is therefore in accordance with the provisions of the Residential Parking Standards SPD. The proposal would not be considered have a negative impact on highway safety or the provision of off-street parking facilities.

#### 5.12 Flood Risk

The subject property is located in an area that is considered to be at risk of flooding. The proposed extension and is not thought to result in any further risk. The agent confirms the new proposal will be no lower than the existing property and that typical flood mitigation measures have been considered in the proposed design.

The Lead Local Flood Authority have no objections over the proposed development, consequently the proposal is considered acceptable in this respect.

#### 5.13 Equalities

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

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

### 6. CONCLUSION

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

### 7. RECOMMENDATION

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

**Contact Officer: Westley Little**  
**Tel. No. 01454 862217**

## **CONDITIONS**

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

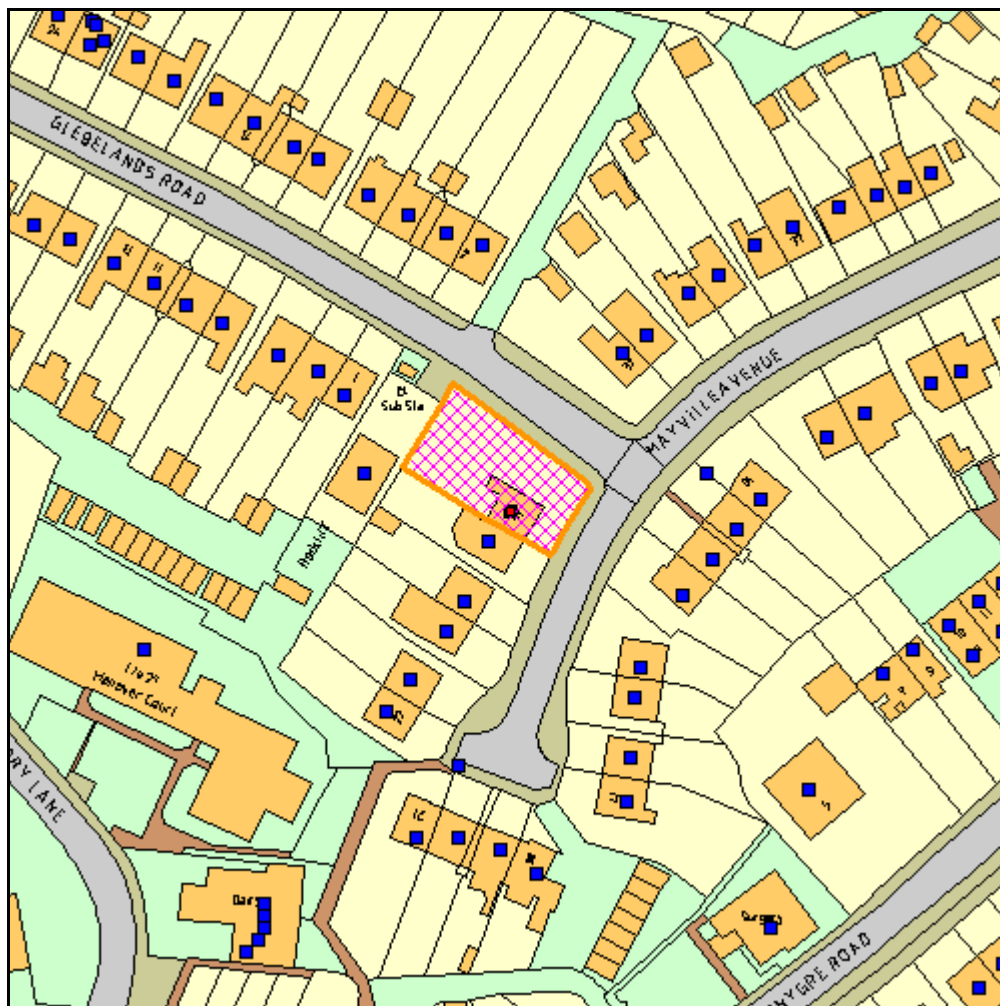
Reason

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



## CIRCULATED SCHEDULE NO. 26/18 – 29 JUNE 2018

<b>App No.:</b>	PT18/1999/F	<b>Applicant:</b>	Mr & Mrs Taynton
<b>Site:</b>	27 Mayville Avenue Filton Bristol South Gloucestershire BS34 7AB	<b>Date Reg:</b>	2nd May 2018
<b>Proposal:</b>	Demolition of existing rear porch. Erection of two storey side and rear extension with dormer window and single storey rear extension to form 3 no. flats with new vehicle access and associated works.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360407 179352	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th June 2018



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## **REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE**

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a two-storey side extension to form 3no. 1 bedroom flats with vehicle access and associated works. The development would be located in the side garden of 27 Mayville Avenue. The property is located within the established urban area of Filton. A proposed new single-storey rear extension would be erected to the existing dwelling. There are no statutory designations to consider onsite, although the site sits within the Filton settlement boundary.
- 1.2 A pre-application advice enquiry was submitted in relation to this site; some design changes were suggested. These have been taken into consideration and changed in the current application.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework  
Planning Policy Guidance

#### 2.2 Development Plans

##### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS25	North Fringe of Bristol Urban Area

#### 2.3 South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017

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

#### 2.4 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007  
Residential Parking Standard SPD (Adopted) 2013  
Waste Collection: Guidance for New Developments (Adopted) January 2015

### 3. RELEVANT PLANNING HISTORY

3.1 PRE18/0020 Enquiry Complete 16.02.2018  
Construction of a building attached to No 27 to House 3No. 1-Bed flats.

### 4. CONSULTATION RESPONSES

4.1 Filton parish Council  
No comments received

4.2 Other Consultees

Drainage and Flood Risk Management  
No objection.

Highway Structures  
No comment.

Archaeology Officer  
No comment

Transport Officer  
No objection, subject to conditions and informatives being attached to the decision notice.

#### Other Representations

4.3 Local Residents  
9 objections received, due to:

- Parking concerns (x9)
- No turning point which would lead to danger for road users and pedestrians
- Dropped kerb will remove on-street parking
- Flats are out of character with family oriented area (x6)
- Could devalue surrounding properties (x2)
- Loss of privacy to neighbours (x3)
- States that if flats are for rent then residential becomes commercial business
- Too many houses have been turned into HMOs
- Parking in current garden would lead to engines running and doors shutting – this would lead to unacceptable noise
- No site notices erected
- Design concerns, stating that proposal is out of character of surrounding area
- Loss of light to No. 27
- Overdevelopment of the small plot of land.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy CS5 directs new development to the existing urban areas & defined settlements. The site relating to the application lies within the Filton, within the North Fringe of Bristol Urban Area (as outlined in CS25), and therefore accords with the locational strategy for the district. CS16 and CS17 are also supportive of the development of the site for residential use, where the development would not negatively affect the character of the vicinity, would not lead to unacceptable congestion and would allow for adequate residential amenity. The proposal is therefore supported in principle by the development plan policy, and paragraph 14 of the NPPF suggests that (subject to the consideration of impact set out below) applications that accord with the development plan should be approved without delay. Added weight is given in favour of the scheme as it would result in 3 additional housing units in a sustainable location. This is particularly the case when one considers that the Council is currently unable to demonstrate a 5 year housing supply. The proposal would also introduce a variety of dwelling type into the established residential area where otherwise similar 3 bedroom houses dominate.

5.2 The relevant policies for the site-specific considerations of this application are primarily CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013, and policy PSP38 of the Policies, Sites and Places Plan. Whilst these are permissive of proposals for new residential development, this is subject to considerations of design, residential amenity and highway safety whilst adequate amenity space should be provided for any new dwelling.

### 5.3 Design and Visual Amenity

The application site relates to the large side garden of 27 Mayville Avenue Filton; one of a semi-detached post war pair. It is acknowledged that the street scene in the immediate area is varied in reference to materials, which include brick, render and pebbledash finishes. In addition, the housing stock in the area is somewhat varied, with semi-detached pairs, terraces of four dwellings with front gabled “bookends” and a mixture of gabled ended and hipped roofs. The site also slopes downwards from south to north. One neighbour objection stated that the design would be out of keeping with the existing street scene in design terms, and one objection was due to overdevelopment of the plot.

5.4 Due to the slope onsite, a three-storey building can be created which would adjoin the existing ridge of the dwelling. While the extension itself would not match the existing dwelling, it would be considered to sufficiently draw from the design features of the surrounding area, and particularly the units opposite. So long as the material match the existing property (which it is indicated to be the case in matching brick and tile) then this will be sufficiently respectful of the surrounding area.

5.5 The proposal would have a gable fronted “bookend”, similar to the dwellings across the street. This bookend would have a bay window to the lower front, with a large porthole in the upper level and would follow the existing building line. Sitting slightly back from the front elevation would be a doorway, leading to the communal hallway. The roof above the main bulk of the extension would be

- hipped to the end, following the ridge of the existing dwelling. Small pitched-dormer windows would be located to the side and rear of the extension – these would sit well below the ridge line.
- 5.6 The extension would extend from the dwelling's rear elevation by around 3m, with a hipped roof to the rear. This rear extension would sit directly next to a single-storey rear extension to the existing house, which would have a lean-to roof above.
- 5.7 It is noted that the extension would remove a landscaped area to the side of the dwelling, and part of the garden to create a parking area. The parking area would have a modest cycle and bin store upon it. While the removal of any green relief is regrettable, the removal of this would not be considered to have a materially significant impact on the visual amenity of the surrounding area, and would be considered acceptable.
- 5.8 Overall, the extension appears to be informed by the existing dwelling, and the surrounding area. While the extension would be large in terms of verticality, it would not be considered overly bulky, and it would match the ridge height of the existing dwelling. In conclusion it is considered acceptable in design terms.
- 5.9 Residential Amenity  
The new dwelling would be located to the northern end of the property, next to the highway. It is noted that neighbours have objected due to overshadowing and overlooking concerns. 27 Mayville Avenue sits to the southern side of the proposal, and Glebelands Road is located to the north.
- 5.10 The proposal would result in the encroachment of a two storey element next to the boundary of the site with No. 27 (the existing dwelling). A new single-storey extension would be built next to the two-storey element, abutting the rear. The two-storey element would extend 3m past the rear of the dwelling. This would match the ridge height of the existing dwelling, and would have a hipped roof above. Having assessed the size and location of the proposal, it would not be considered to have an overbearing or overshadowing on any nearby residential occupiers.
- 5.11 A number of neighbours have objected due to overlooking concerns. The north and east boundaries of the site are located adjacent to Glebelands Road and Mayville Avenue respectively; the closest neighbours are located across the road from the proposed building. Due to the level of separation, and the current situation, these properties would not be considered to be overlooked in a materially significant way; some overlooking across residential streets is to be expected in built up residential areas, and in this instance, the overlooking is considered acceptable. Similarly, the dwelling to the rear (No. 1a) is located a significant distance from the road, with tall landscaping blocking views from the proposed development. The level of overlooking to the existing dwelling would not be in excess of the present situation.
- 5.12 The block plan shows a garden for the ground floor flat; this measures 7.92sqm. The garden for the existing dwelling would measure around 30sqm. The garden for the existing dwelling would measure around 93sqm. The

proposed gardens accord to the standards set out within PSP43 of the Policies, Sites and Places Plan (Adopted\_ November 2017 as far as they go. However, no garden is provided for the 1<sup>st</sup> and 2<sup>nd</sup> floor flats; while this would not accord to the standards set out within PSP43. This does weigh against the scheme, but needs to be balanced with achieving a realistic design approach to providing one bedroom units within an existing urban location. Overall given the likely occupants of a one bedroom flat in a sustainable urban location it would not be considered to have a significant impact on the residential amenity of future occupiers.

5.13 It is noted that neighbours have objected due to the devaluing of their properties and the noise brought about by the proposed parking area. The devaluation of any nearby properties is not a material consideration, and cannot be assessed within this report. The sound of engines and car doors shutting is considered to be expected in a residential area, and would not be considered to have a significant impact on the amenity of any nearby residential occupiers. Accordingly, there are no objections in relation to residential amenity.

5.14 Sustainable Transport

Neighbours have objected due to parking concerns, the removal of on-street parking due to the dropped kerb and the lack of a turning area. The transport officer has confirmed that the proposed extension does not raise any transportation safety issues. The proposal would have appropriate level of parking for both the host dwelling and the proposed dwellings. A condition is recommended to ensure that the proposed parking is provided prior to first occupation of the proposed dwelling, and that cycle storage is provided for the existing dwelling. The applicant would also be required to construct a vehicle crossover to serve the parking for the dwellings, with details to be submitted for approval and completed prior to first occupation of the dwelling in accordance with the approved details.

5.15 Other Matters

Neighbours have objected due to flats in general being out of character with the surrounding area, which they consider to be family oriented. The proposal would be considered to increase housing diversity in the surrounding area, according to CS17 which seeks to provide a variety of housing types.

5.16 A neighbour has also stated that site notices were not erected; this is not a requirement, and neighbours were notified by post.

5.17 A neighbour has also stated that if the flats are for rent then a residential site would become a commercial business. This is not considered relevant to considering the merits of the proposed residential units.

5.18 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.

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

## 6. **CONCLUSION**

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

6.2 The recommendation to **approve** permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

## 7. **RECOMMENDATION**

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

**Contact Officer: Owen Hoare**  
**Tel. No. 01454 864245**

## **CONDITIONS**

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

Reason

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

2. The new dwellings shall not be occupied until the access, car and cycle parking arrangements have been provided in accordance with the submitted details.

Reason

In the interest of highway safety, to promote sustainable transport choices and to accord with Policies PSP11 and PSP16 of the Policies, Sites and Places Plan (adopted) November 2017.

3. Two covered and secure cycle parking spaces shall be provided for the existing dwelling within one month of the removal of the existing storage sheds, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

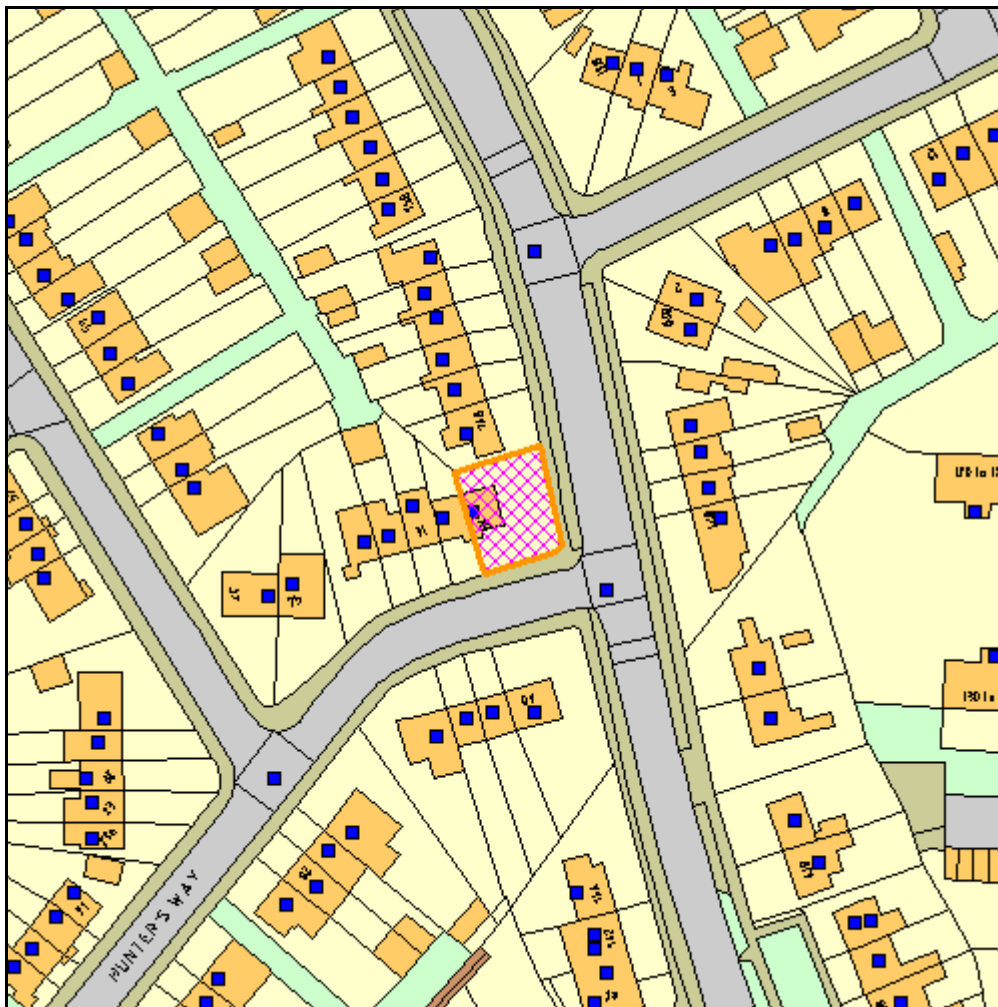
Reason

In the interest of highway safety, to promote sustainable transport choices and to accord with Policy PSP16 of the Policies, Sites and Places Plan (adopted) November 2017.



## CIRCULATED SCHEDULE NO. 26/18 – 29 JUNE 2018

<b>App No.:</b>	PT18/2127/F	<b>Applicant:</b>	Mrs Phyllis Ellis
<b>Site:</b>	35 Hunters Way Filton South Gloucestershire BS34 7EP	<b>Date Reg:</b>	9th May 2018
<b>Proposal:</b>	Erection of single storey side and rear extensions to provide additional living accommodation. Side ramp to provide wheelchair access.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360936 179195	<b>Ward:</b>	Filton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	27th 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 erection of single storey side and rear extensions and a side ramp to provide wheelchair access. The application relates to no. 35 Hunters Way, Filton.
- 1.2 The application site consists of an end of terrace property set within a moderately sized corner plot. The site is situated within the urban fringe area of Filton. Planning permission was granted for the erection of the dwelling at the site in 2011 under application ref. PT11/1271/F.

### **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

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

PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings

#### 2.3 Supplementary Planning Guidance

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

### **3. RELEVANT PLANNING HISTORY**

#### **3.1 PT11/1271/F**

Erection of 2no. dwellings attached to existing terrace with access and associated works.

Approved: 31.05.2011

## 4. CONSULTATION RESPONSES

4.1 Filton Parish Council  
No comment

4.2 Other Consultees

Sustainable Transport  
Further details required

Archaeology  
No comment

### Other Representations

4.3 Local Residents

One letter of objection was received during the consultation period. The main concerns raised are summarised below:

- The property has only recently been sold a fortnight ago.
- Concern is that I will look at this extension from across the road which feel will be too close to my property and encroach on views.

One comment neither objecting to nor supporting the application was also received. The main points raised are outlined below:

- Not so fussed about the rear extension as it blocks light to neighbouring property, side extension is OK.

## 5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of single storey side and rear extensions and a wheelchair ramp. Policy PSP38 of the Policies, Sites and Places Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity, transport and loss of trees and vegetation. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek 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.

- 5.3 The proposed extension would wrap around the north-west corner of the property. Given the corner plot nature of the site, the extension would be visible from within the public domain. However given its modest scale, it is not considered that the proposed development would have any significant impacts on the character or distinctiveness of the locality, and would not obstruct any important views. The extension is also considered to be of an appropriate design, and would appear proportionate to the host. Overall, it is considered that an acceptable standard of design has been achieved, and the proposal is considered to accord with policy CS1 of the Core Strategy and PSP38 of the Policies, Sites and Places Plan.
- 5.4 Residential Amenity  
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that 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.
- 5.5 By virtue of its siting away from neighbouring properties, it is not considered that the proposed side extension would have any impacts on neighbours. The rear extension would however be constructed in close proximity to the boundaries shared with the properties to the west and north. However given its pitched roof design and modest height, it is not considered that the extension would have significant overbearing or overshadowing effects on the neighbours. It is acknowledged that the rear garden area serving the neighbouring property to the west is relatively small, and is already bounded on one side by a neighbouring extension. However as the proposed extension would be of a modest depth and would only project slightly above the boundary treatment, it is not considered that its erection would significantly prejudice the levels of amenity enjoyed at the neighbouring property.
- 5.6 In terms of the residential amenity of the occupants of the host dwelling, it is acknowledged that the extension would result in the loss of some garden space to the rear and side. However the existing garden arrangement provides little private space, and it is considered unlikely that the proposed extensions would result in the loss of valuable outdoor amenity space.
- 5.7 For the reasons outlined above, it is not considered that the proposals would have any unacceptable impacts on residential amenity. The development is therefore considered to accord with policies PSP8 and PSP38 of the Policies, Sites and Places Plan.
- 5.8 Transport  
Plans submitted as part of application ref. PT11/1271/F indicate that the property contains two bedrooms. On the floor plans submitted for the current application, it has been outlined that one of the rooms contained within the ground floor extension would be used as an occasional bedroom, which would therefore increase the total number of bedrooms to 3.

- 5.9 Under policy PSP16 of the Policies, Sites and Places Plan, a minimum of one parking space should be provided for 2-bed properties, with a minimum of two provided for 3-4 bed properties.
- 5.10 There is considered to be ample parking space at the site. However given the increase in living accommodation and for the avoidance of doubt, a condition will be attached to any decision requiring a minimum of two parking spaces to be provided and retained at the site. Subject to this condition, there are no concerns regarding on-site parking provision or highway safety.
- 5.11 Trees and Vegetation  
The proposal would not result in the loss of any trees or vegetation that contribute significantly to the character of the locality.
- 5.12 Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.13 With regards to the above this planning application is considered to have a neutral impact on equality.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

- 7.1 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).

2. The off-street parking facilities at the site (for all vehicles, including cycles) shall make provision for the parking of a minimum of 2 vehicles (measuring at least 2.4m by 4.8m), and shall be provided within 1 month of the extension hereby approved being substantially complete, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.