



**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. 28/18**

**Date to Members: 13/07/2018**

**Member's Deadline: 19/07/2018 (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.

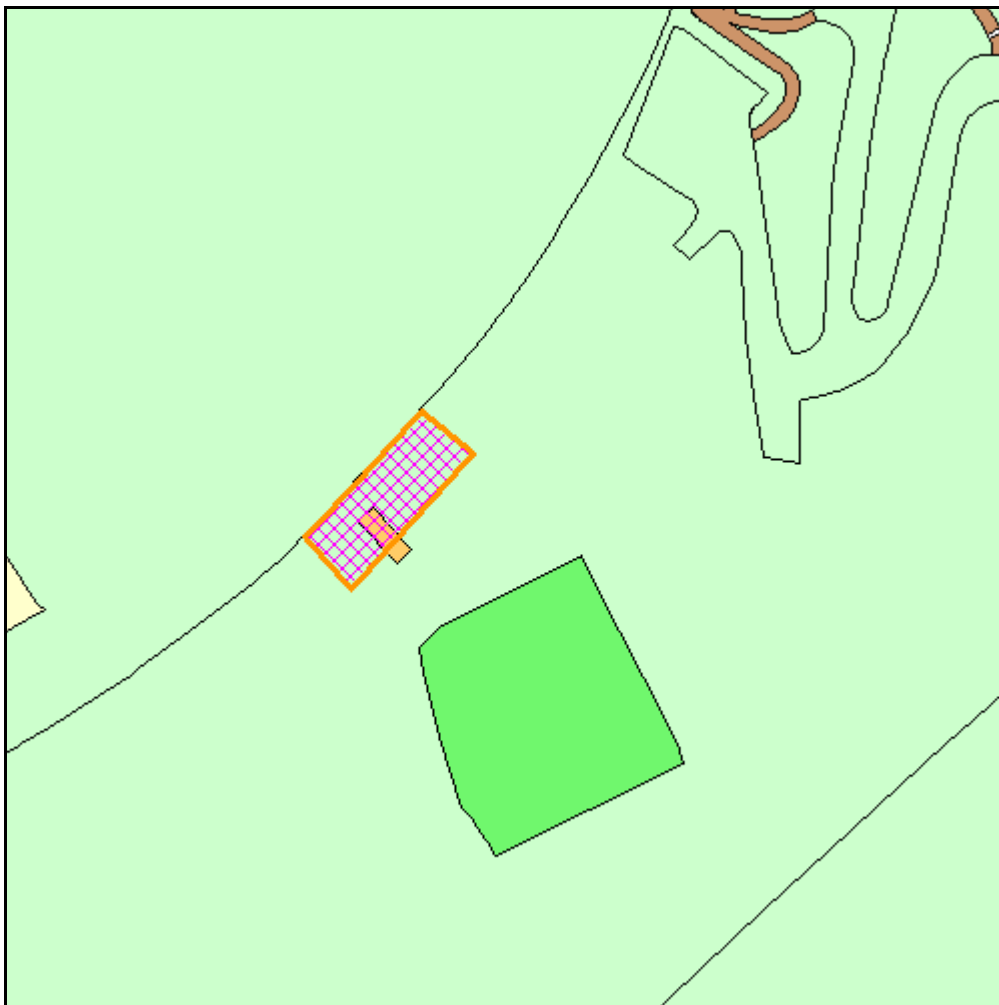
# CIRCULATED SCHEDULE - 13 July 2018

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK18/0891/F</b>	Approve with Conditions	Land Rear Of Willsbridge House Willsbridge Hill Willsbridge South Gloucestershire BS30 6EX	Longwell Green	Hanham Abbots Parish Council
2	<b>PK18/1674/F</b>	Approve with Conditions	4 High Croft North Common South Gloucestershire	Oldland	Bitton Parish Council
3	<b>PK18/1968/F</b>	Approve with Conditions	20 Holly Close Pucklechurch South Gloucestershire	Boyd Valley	Pucklechurch Parish Council
4	<b>PK18/2295/F</b>	Approve with Conditions	Meadows Livery Church Road Bitton South Gloucestershire	Bitton	Bitton Parish Council
5	<b>PK18/2809/CLP</b>	Approve with Conditions	7 Deanery Road Kingswood South Gloucestershire	Kings Chase	None
6	<b>PT17/5201/F</b>	Approve with Conditions	First And Second Floor 14 High Street Thornbury South Gloucestershire BS35 2AQ	Thornbury North	Thornbury Town Council
7	<b>PT17/5202/LB</b>	Approve with Conditions	First And Second Floor 14 High Street Thornbury South Gloucestershire BS35 2AQ	Thornbury North	Thornbury Town Council
8	<b>PT18/2050/F</b>	Approve with Conditions	5 Holly Close Alveston South Gloucestershire BS35 3PW	Thornbury South And	Alveston Parish Council
9	<b>PT18/2189/CLP</b>	Approve with Conditions	51 Juniper Way Bradley Stoke South Gloucestershire BS32 0BR	Bradley Stoke South	Bradley Stoke Town Council
10	<b>PT18/2224/F</b>	Approve with Conditions	Queens Lodge New Passage Road Pilning South Gloucestershire BS35 4LZ	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
11	<b>PT18/2225/F</b>	Approve with Conditions	Eighteen Eighty Six New Passage Road Pilning South Gloucestershire BS35 4LZ	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
12	<b>PT18/2306/RM</b>	Approve with Conditions	Land At 24 Malmain Drive Frenchay South Gloucestershire BS16 1PQ	Frenchay And Stoke Park	Winterbourne Parish Council
13	<b>PT18/2362/CLP</b>	Approve with Conditions	105 Mortimer Road Filton South Gloucestershire BS34 7LH	Filton	Filton Town Council

**CIRCULATED SCHEDULE NO. 28/18 – 13 JULY 2018**

<b>App No.:</b>	PK18/0891/F	<b>Applicant:</b>	Mr Martin Bracey
<b>Site:</b>	Land Rear Of Willsbridge House Willsbridge Hill Willsbridge Bristol South Gloucestershire BS30 6EX	<b>Date Reg:</b>	26th February 2018
<b>Proposal:</b>	Conversion of agricultural building to form 1no holiday let (Class C3).	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	366394 170644	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	23rd April 2018

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100023410, 2008. **N.T.S.** **PK18/0891/F**

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

This report appears on the Circulated Schedule following an objection comment received from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the conversion of a single storey stone agricultural building into a holiday let.
- 1.2 The building is situated on agricultural land located to the south of Willsbridge House. It falls within the former curtilage of Willsbridge Castle, which itself is Grade II listed, and the adopted Bath/Bristol Green Belt in the open countryside.

### **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 Local Plan Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP28	Rural Economy
PSP29	Agricultural Development
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007  
Development in the Green Belt SPD (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013  
Revised Landscape Character Assessment SPD (Adopted) 2014

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

- 3.1 PK16/1068/F  
Erection of an agricultural building for the storage of agricultural machinery and feed for livestock. (Amendment to previously approved scheme PK13/1978/F). (Part retrospective).  
Approval  
11.05.2016
- 3.2 PK15/2858/NMA  
Non material amendment to approved planning permission PK13/1978/F to increase roof pitch to increase storage space in roof void  
Objection  
23.07.2015
- 3.3 PK13/1978/F  
Erection of an agricultural building for the storage of agricultural machinery and feed for livestock.  
Approval  
30.08.2013

### 4. **CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council  
Objection
- location unsuitable for housing
- 4.2 Highway Structures  
No objection
- 4.3 Lead Local Flood Authority  
No objection
- 4.4 Sustainable Transport  
No objection
- 4.5 Conservation Officer  
No objection
- never used for agricultural purposes
  - alternative uses not investigated
  - timber fencing boundary create an incongruous, domestic arrangement; subtle planting and landscaping should be used instead
  - flues, extracts, meter boxes and all other domestic paraphernalia should be restricted to the rear

- existing timber doors should be retained as shutters

4.6 Landscape Officer  
Objection

- any parking or paraphernalia will be visible from well used public footpath; screen planting required
- a more discrete location for parking should be identified

4.7 Planning Enforcement  
No comment

**Other Representations**

4.8 Local Residents

1 letter of support has been received from a local resident – comments summarised as follows:

- in keeping with its surroundings
- housing shortage
- lack of alternative uses
- within an existing residential curtilage
- site has an existing access
- positive contribution to the character and appearance of the area

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application site is located in the rural areas as defined by policy CS5 and CS34. Holiday accommodation in the rural areas is strictly controlled by policies PSP28 and PSP40. Both policies allow for the conversion or reuse of existing buildings for tourist purposes subject to set criteria. However, due to other development constraints, the proposal must also accord with guidance set out in the NPPF relating to the Green Belt and heritage assets.

5.2 Therefore, subject to the analysis set out below, the development is acceptable in principle.

5.3 Alternative Use

A valuation has been supplied by the applicant. The change of use has been requested because the building is unlikely to generate any interest in either its purchase or as a let commercially. The applicant cites several reasons for potential lack of interest: the poor access, the lack of services and that substantial modification would be necessary to facilitate an ongoing commercial use.

5.4 From what Officers observed on site, the size and layout of the site and its prominent semi-rural location could potentially be attractive to a small rural enterprise. However as a result of the past activities the application site would require some investment and is not capable of ready conversion to commercial purpose. Small businesses seeking cheap accommodation would be unlikely to afford the necessary services, upgrading and building costs.

- The necessary investment would likely be much higher for businesses seeking high quality accommodation. The site has not been marketed for alternative employment uses, which is not anyway required by any development plan policy in this situation, but notwithstanding this, on the available evidence in relation to demand, its alternative economic use does not appear to be a reasonable prospect.
- 5.5 Consequently, although an agricultural use would be lost to this rural location, the existing building would be reused and would continue contributing to the prosperity of the rural economy which the NPPF supports. The application site furthermore does not present a realistic opportunity for conversion to an alternative employment use. As a result the development would not be harmful to the local rural economy. A condition will be imposed though to restrict occupancy.
- 5.6 Green Belt  
The application site is located within the Bristol/Bath Green Belt and comprises a detached agricultural building and land associated. Paragraph 90 of the NPPF sets out forms of development that are not inappropriate development within the Green Belt, provided they preserve the openness and do not conflict with the purposes of including land within the Green Belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction. This support is reinforced by policies PSP28 and PSP40.
- 5.7 The proposal seeks to convert the agricultural building to a holiday let, which would include 2 en-suited bedrooms and an open plan lounge kitchen diner.
- 5.8 Officers observed that the agricultural building appeared to be of a permanent and substantial construction. It would also not be extended or significantly altered externally. In addition, it appears to be currently used for storage and thus, the applicant already utilises the driveway for the parking of vehicles. Whilst the Parish Council raise the concern that the converted building could be used as a separate dwelling, a suitability worded planning condition as suggested above could be imposed to ensure its use remains for holiday letting purposes only. As such, the proposal would not be tantamount to a new dwelling and it would be unlikely to generate the level of domestic paraphernalia found with a residential unit. Nor are Officers persuaded that the proposed curtilage, which is small and somewhat constrained around the building, would have a harmful effect on the character of the Green Belt.
- 5.9 On the basis of these factors, the proposal would have no greater impact than the current situation on the openness of the Green Belt. Nor, in the Officers view, would it conflict with the purposes of including land within it. Consequently, the proposal would conflict with the listed exceptions as set out in Paragraph 90 of the NPPF, in respect of the re-use of buildings. It would therefore not be inappropriate development within the Green Belt.
- 5.10 Openness  
Paragraph 79 of the NPPF indicates that openness is an essential characteristic of the Green Belt. As set out above, Officers have found the development not to be inappropriate development in the Green Belt, including



in respect of its effect on openness. Thus, it would not conflict with Paragraph 79 of the NPPF.

5.11 Character and Appearance

Turning to the second issue, it is accepted that the proposal does go beyond a mere change of use to the building concerned and in this context Officers agree with some of the Conservation Officer's more detailed points on its design and construction.

5.12 The existing building is a relatively simple, functional structure and in such cases it can be difficult to retain character whilst still providing a building resulting in holiday accommodation that would meet the expected standards associated with that use. However, retention of the timber doors as shutters would help retain some character and avoid the building appearing as though it was always intended for residential occupation; this will therefore be secured by condition.

5.13 On balance, the scheme would not harm the character and appearance of the host building and it would not be seen from the surrounding countryside as being anything other than a reasonable and for the most part harmonious conversion to holiday accommodation. Officers do not therefore regard the proposal as being in harmful conflict with the policies of the NPPF or the Local Plan.

5.14 In addition to the above, Officers agree with the Conservation and Landscape Officers opinion that the proposed boundary treatments would appear as incongruous, domesticating features whilst a landscaping scheme would not within the wider landscape character of the area and would furthermore help to reduce the effect of the holiday building; a condition will therefore be imposed requiring a landscaping scheme is agreed and implemented.

5.15 Residential Amenity

It is not considered that the use would be unacceptably harmful to the living conditions of future visitors or neighbouring residents.

5.16 Transport and Parking

Access to the site is via an existing access and the plans submitted with this application show 2 parking spaces for the proposed holiday let. In view of this, Officers have no objection to the application.

5.17 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.

- 5.18 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.
- 5.19 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.
- 5.20 Overall Planning Balance  
Although there would be some concerns for an additional dwelling within the countryside at this location, weight is given to the pseudo economic use/benefit associated with holiday let conversions. There are other considerations, including the effect on the character and appearance of the host building, the surrounding area, residential amenity and transport, which indicate that planning permission should be granted. As such, this shall be recommended below.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

**Contact Officer: Helen Braine**  
**Tel. No. 01454 863133**

## **CONDITIONS**

1. 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 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 PSP1, PSP2, PSP3, PSP7, PSP28 and PSP40 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 prominent rural location.

3. The class C3 unit hereby permitted shall only be used for the purposes of holiday accommodation, and shall not be the primary or main place of residential accommodation for the occupant.

Reason

The development has been permitted on the circumstances of the case, and in balancing those issues weight has been given to the intended occupancy of the unit as holiday accommodation in terms of the location of the site, its unsuitability for conversion to an alternative employment use and the rural economic benefits to accord with Policies PSP28 and PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policies CS1, CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

4. Prior to occupation of the building, details of the timber shutters proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

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

Received 22.02.2018:

Survey Report

Existing Site Plan (2984/1)

Proposed Site Plan (2984/2)

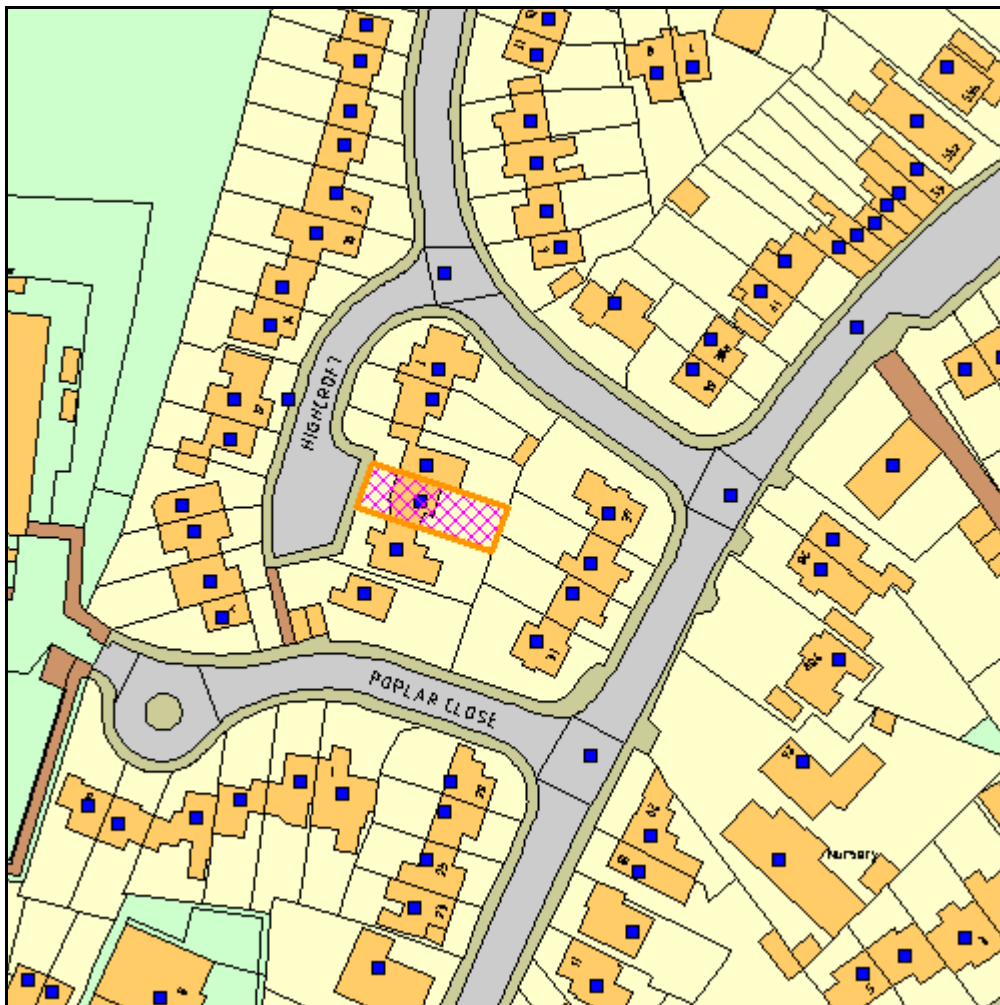
Existing Plans & Elevations (2984/3)

Proposed Plans & Elevations (2984/4)  
Site Location Plan (2984/5)  
Covering Letter

Reason  
For the avoidance of doubt.

**CIRCULATED SCHEDULE NO. 28/18 – 13 JULY 2018**

<b>App No.:</b>	PK18/1674/F	<b>Applicant:</b>	Mr Ward
<b>Site:</b>	4 High Croft North Common Bristol South Gloucestershire BS30 5NP	<b>Date Reg:</b>	12th April 2018
<b>Proposal:</b>	Erection of single storey front extension to form additional living accommodation.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367459 172563	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Householder	<b>Target Date:</b>	7th June 2018



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 100023410, 2008. **N.T.S.** **PK18/1674/F**

## **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 full planning permission for the erection of a single storey front extension to form additional living accommodation at 4 High Croft North Common.
- 1.2 The property site relates to a link semi-detached dwelling located within the defined settlement boundary.
- 1.3 Following concerns raised by the Case Officer the element closest to No. 3 High Croft was reduced in height and depth. A re-consultation period was not required as the proposal was being reduced.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework  
National Planning Policy Guidance

#### 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Standards

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

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

- 3.1. None relevant.

### **4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
"No objection."

## Sustainable Transport

“No objection.”

### **Other Representations**

#### 4.2 Local Residents

One received which related to the extension being overbearing and oppressive; would overshadow and reduce light to the main habitable room; the design would be different to neighbours; and that the foundations would damage the roots of plants.

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

#### 5.1 Principle of Development

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

#### 5.2 Design and Visual Amenity

The application site is a link semi-detached property located on the eastern side of a residential cul-de-sac. Its elevations are brickwork with white UPVC windows and doors. The roof is pitched and tiled. The property benefits from a small canopy and an attached garage with small driveway.

5.3 The single storey front extension would be in two elements. A porch; and a living room extension. The porch would be constructed in front of the existing front entrance, it would have a lean to tiled roof and brickwork elevations. This porch would be almost identical to several properties on the eastern side of the close as such is informed in design and materials by nearby properties.

5.4 The second element is a living room extension, this would also be lean to with brickwork elevations. This element would adjoin but sit below and behind the porch thereby forming one clear extension across the front of the property. While it is acknowledged that no other nearby properties benefit from this type of extension, the majority of these properties have differing frontages, including their locations within each plot, canopies, porches, garages, location of entrances, and some seemingly aftermarket bay windows. As such a common frontage is not a strong feature of the area. Moreover, as the proposal is only 1m deep, set away from the shared boundary with No. 3, and set below the porch element, Officers consider this to be appropriate addition to the property.

5.5 The additions to No. 4 High Croft therefore, with the elements as described above are unlikely to be detrimental to the site, its surroundings, or the character of the area, and are considered to accord with policy CS1 of the Core Strategy and PSP38 of the PSP Plan.

5.6 Residential Amenity

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

5.7 As noted in point 1.3, the element closest to No. 3 High Croft was reduced in height and depth as Officers were concerned regarding the impact to the residents of No. 3, in particular loss of light, overshadowing and created a 'closed in' feel due to the existing garage at No. 3 which is set 3.8m in front of the principal elevation.

5.8 In regards to the loss of light and overshadowing impact. It should be noted that the front of No.3 is west, north-west facing, as such receives little light throughout the year before 3pm. Only really benefiting from direct sunlight late afternoon/evening from April-September. When considering that the newly reduced extension would be set away from the shared boundary, would be 1m deep (thereby reducing the angle from the middle of the window serving the main habitable room of No.3 to the highest and deepest points of the extension to substantially less than the 45° angle advocated by guidance), and would be lean to, combined with the orientation of the properties. The front extension is unlikely to result in a detrimental loss of light, or an overshadowing impact to the occupiers of No.3 or other nearby dwellings.

5.9 When considering the 'closed in' feel resulting from No.3 having built form on both sides of the principal elevation. It is considered that the reduced proposal limits this impact. Following a site visit, Officers consider that little of the front extension would be seen from the window serving the main habitable room of No. 3, and certainly not enough to create an enclosed space that would cause harm to the occupiers of No.3.

5.10 Additionally, when considering the proposal in relation to nearby occupiers it is unlikely that a detrimental loss of privacy would occur from the proposal. Therefore, as assessed the reduced proposal accords with policies PSP8 and PSP38 of the PSP Plan.

5.11 Following the development, over 60m<sup>2</sup> of private outside amenity space would remain. This exceeds the requirements of policy PSP43.

5.12 Sustainable Transport

The development does not affect bedroom numbers, parking provision or access. Nonetheless, a drive and attached garage exists that provides parking for multiple cars. As such there are no transport objections.

5.13 Other Matters

The objector also raised concerns regarding damage to the roots of plants resulting from the foundations of the extension. While the Case Officer understands the concerns of the neighbour, any damage to property resulting from the development would be a civil matter, to be rectified between the relevant parties.



#### 5.14 Equalities

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

### 6. CONCLUSION

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

### 7. RECOMMENDATION

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

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

### CONDITIONS

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

Reason

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

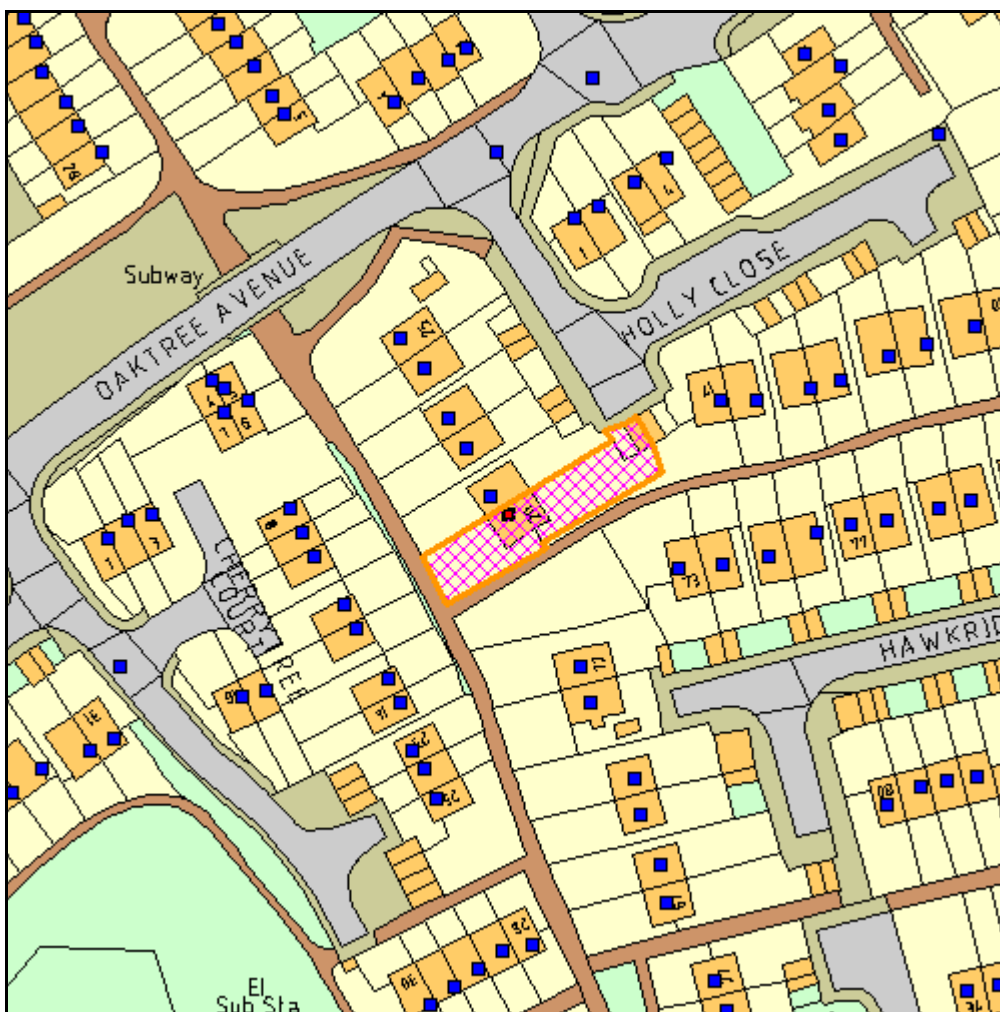
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

**CIRCULATED SCHEDULE NO. 28/18 – 13 JULY 2018**

<b>App No.:</b>	PK18/1968/F	<b>Applicant:</b>	Mrs J Harford
<b>Site:</b>	20 Holly Close Pucklechurch Bristol South Gloucestershire BS16 9TD	<b>Date Reg:</b>	2nd May 2018
<b>Proposal:</b>	Demolition of existing garage. Erection of detached garage. Erection of single storey side extension to form additional living accommodation.	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	370154 176175	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	27th June 2018



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

This application has been referred to the circulated schedule as comments of objection have been received. These are contrary to the officer recommendation and according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a detached garage and the erection of a single storey side extension to form additional living accommodation at 20 Holly Close, Pucklechurch.
- 1.2 The application site relates to a two storey, semi-detached property which is located within a residential area of Pucklechurch.
- 1.3 During the course of this application revised plans were requested and received to address design concerns.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

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

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

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

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

- 3.1 No relevant planning history

## 4. CONSULTATION RESPONSES

### 4.1 Pucklechurch Parish Council

Pucklechurch Parish Council reviewed this application at its meeting on 4th July 2018 and passed the following resolution: Objection The new plans reinstate the driveway but also reduce the internal size of the garage and the width of its door. POLICY PSP16 PARKING STANDARDS requires single garages to be 6m x3m internally and where garages are provided below the minimum size requirements only 50% of them will count towards the parking standards. It is not clear that the new proposal meets the minimum standards.

### Sustainable Transport

A revised plan has now been submitted which shows that the frontage of the garage will be altered to provide on parking space to the side. Although this appears to address my concerns, this is still not considered satisfactory. Internal dimensions of a garage should measure a minimum of 3m wide by at least 6m deep. Internal dimensions have not been included on the submitted plan but I believe that the proposed alterations will make the garage entrance below these requirements. As a result this will still only leave one parking space for a four bed dwelling. On that basis my previous transportation objection still applies.

## Other Representations

### 4.2 Local Residents

This application received a total of 2 comments, these are outlined below.

- As the owner of the adjoining garage, I need to be informed before any demolition of the garage is done. Will the demolition process weaken the structure of my garage? What will be the effect on the present party wall and how will the roof be dealt with? How wide will the gap between the two garages be? With reference to access for maintenance of what will become an exterior wall, will the contractors be waterproofing the wall?
- Can you please clarify, if the new garage wall will be OUTSIDE of our newly refurbished wall and stands on the property of 20 Holly Close on what is currently the hard standing of 20 Holly Close. Can the applicant please confirm that NO vehicles will be parked in front of their new garage (as is the present arrangement) as this would partially block access to 21 Holly Close.

## 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 detached garage and the erection of a single storey side extension to form additional living accommodation.

5.3 The proposed single storey extension will extend 1.8metres from the existing side elevation, have a depth of approximately 6.7 metres and a maximum height of 3.2 metres. The proposal will introduce a lean to roof with materials to match the existing dwellinghouse.

5.4 The proposed detached garage will be located at the far end of the properties rear garden. The proposal will measure 5.1 metres at its widest point, 9.2 metres deep and will have a maximum height of 2.3metres. The proposal will introduce 1no door and 1no up and over garage door to the north-west elevation and 1 no window to the south-west elevation. The proposal will feature a flat roof with materials to match the existing garage that will be demolished to facilitate the proposal.

5.5 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 side elevation. The detached garage is also considered to be of an appropriate scale, form and detailed design, and would not appear as an incongruous addition to the site. On balance it is considered that an acceptable standard of design has been achieved, and the proposal therefore accords with policy CS1 of the Core Strategy and PSP1 of the Policies, Sites and Places Plan.

5.6 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.

5.7 It is noted that the neighbour has raised concerns over the party wall act and possible encroachment. The Council does not hold details of land ownership and the Party Wall Act is a civil issue that will need to be resolved separately outside of this planning application process. Notwithstanding this, informatives will be attached to any consent granted to remind the applicant that the granting of planning permission does not give rights to access or work on land not within their control and also drawing their attention to the requirements of the Party Wall Act.

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 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  
It is acknowledged that the proposed development would result in the minor loss of internal floor space to the detached garage, the width of the existing garage measures 2.4m x 4.7m. This means that the current garage does not accord to the South Gloucestershire Parking Standards SPD and would not count towards the dwelling's off street parking provision. The paved driveway adjacent the garage allows for one parking space, this is substandard in relation to the Residential Parking Standards SPD that outlines that properties with 3 bedrooms must make provision for the parking of a minimum of 2 vehicles.
- 5.12 This proposal of itself does not introduce any further bedrooms. It seems that the property is currently deficient by one parking space, and would remain that way if this proposal were to be permitted. It is not considered that in these circumstances it would be reasonable to reject the extension on the basis that there is a lack of parking (which already exists) when the requirement for parking would not be materially different in policy terms. The property remains in a predominantly residential area meaning that any additional on-street parking may be inconvenient to other road users but is unlikely to cause a highway safety problem. Overall whilst this counts against the proposal it is not considered that it amounts to a severe highway impact that would justify the refusal of the scheme.
- 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.

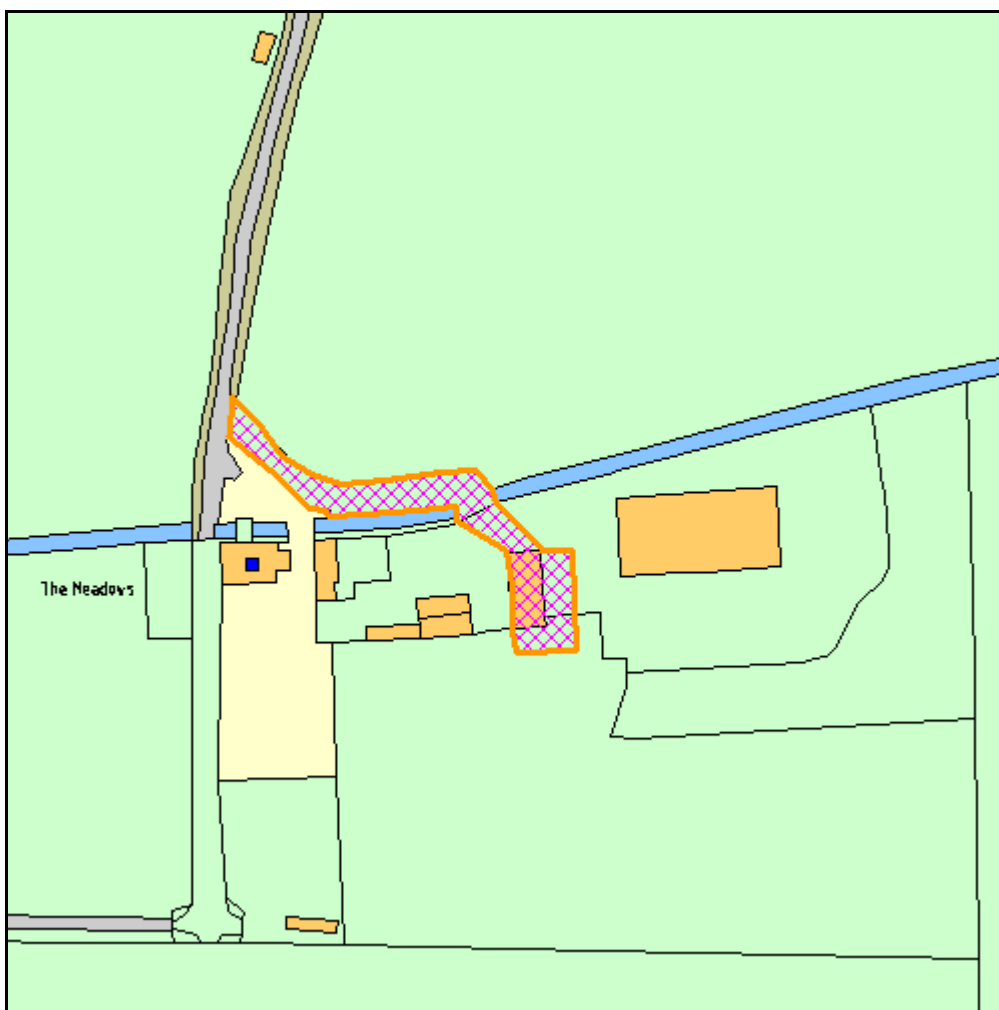
Reason

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

**CIRCULATED SCHEDULE NO. 28/18 – 13 JULY 2018**

<b>App No.:</b>	PK18/2295/F	<b>Applicant:</b>	Ms Nicola Gunning
<b>Site:</b>	Meadows Livery Church Road Bitton South Gloucestershire BS30 6LL	<b>Date Reg:</b>	18th May 2018
<b>Proposal:</b>	Conversion of existing Dutch barn to form rural workers dwelling on first floor and equestrian yard facilities on ground floor (sui generis)	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	368204 169103	<b>Ward:</b>	Bitton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th July 2018

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

This application appears on the Council's Circulated Schedule procedure following objections from local residents which are contrary to the officer recommendation detailed in the report below.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the conversion of the existing dutch barn to form a rural workers dwelling at first floor level and equestrian yard facilities at ground floor level.
- 1.2 The site relates to Meadows Livery, Church Road, Bitton.
- 1.3 The site is located within the open countryside outside of any defined settlement boundary and within the Bristol/Bath Green Belt. The site is also within flood zone 3b and the Bitton Conservation Area.
- 1.4 Amendments to the plans were received to clarify that the storage containers on site were to be removed, and to reduce the red line site boundary so that the paddock to the south was not included within the site. A re-consultation was not undertaken as the site boundary had reduced in size.
- 1.5 An amended Flood Risk Assessment and Flood Response Plan was also received during the course of the application.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Practice Guidance

#### 2.2 Development Plans

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

CS1 High Quality Design  
CS5 Location of Development  
CS8 Accessibility  
CS9 Heritage and Environment  
CS16 Housing Density  
CS17 Housing Diversity  
CS34 Rural Areas

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP7 Development in the Green Belt  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP17 Heritage  
PSP19 Wider Biodiversity

PSP20	Flood Risk
PSP28	Rural Economy
PSP30	Horse Related Development
PSP40	Residential Development in the Countryside
PSP41	Rural Workers Dwelling
PSP44	Recreation and Sport

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

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

- 3.1 PK08/1149/F Approve with conditions 18/08/2008  
 Change of use of agricultural land to land for the keeping of horses. Repairs and alterations to 2 no. agricultural buildings and partial reconstruction of agricultural building to facilitate change of use to livery use. Replacement of field shelter and erection of boundary fence (Retrospective) (Resubmission of PK08/0377/F).

### 4. **CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
 No objection provided flooding issues are addressed.

4.2 Other Consultees

Highway Structures  
 No comment.

Lead Local Flood Authority  
 Objection.

British Horse Society  
 No comment.

Ecology  
 No objection.

Landscape  
 Concern regarding inclusion of paddock in curtilage and wants confirmation that storage container is to be removed.

Listed Building and Conservation  
 No objection.

Environment Agency  
 No comment.

## Emergency Planning

Amendments to Flood Response Plan recommended.

## Transport

No objection.

## **Other Representations**

### 4.3 Local Residents

Four letters of objection have been received stating the following in summary:

- FRA is inadequate and site has flooded regularly in last 15 years
- Access is too narrow, site hard to access for horse boxes and emergency services
- Proposal implies use is being intensified beyond 15 horse limit
- Already residential accommodation on site – is this to replace it or add to it?
- Wildlife impact and light pollution not considered
- Fences to site poorly maintained and grazing land is poor
- Conversion proposed is actually a new build

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application site is located in the open countryside outside of any defined settlement boundary. Paragraph 55 of the NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as '*...where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting...*' or '*the essential need for a rural worker to live permanently at or near their place of work in the countryside.*'

5.2 This approach is generally reflected by policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and saved policy PSP40 allows for the conversion and re-use of existing buildings for residential purposes where:

- the building is of permanent and substantial construction; and
- it would not adversely affect the operation of the rural business; and
- any extension as part of the conversion or subsequently is not disproportionate to the original building, and
- if the building is redundant or disused; the proposal would also need to lead to an enhancement of its immediate setting.

5.3 The building is considered to be of permanent and substantial construction as the application relates to a modern Dutch barn. Despite comments from neighbours to the contrary, officers do not consider that the proposal would represent a complete re-construction or new build, as the structure of the existing building is to be used to support the new roofing and external walls of the proposed conversion. With regards to ensuring development supports the rural business, the proposal will provide facilities for the existing livery at ground floor level including a meeting/training room, kitchen, utility and WC for staff. Some of these facilities are currently provided in the adjacent storage

containers proposed to be removed from the site following development, and it is therefore apparent that the demand for these facilities are there. Justification for the bedrooms has also been received as having a staff member on site overnight can prevent horse fatalities should an emergency occur, and it is therefore considered that the proposal would support the needs of the rural business. No extension is proposed, and so officers consider the criteria for policy PSP40 have been met.

- 5.4 Whilst the description of development refers to the first floor facilities proposed as a 'rural workers dwelling,' it is not necessary for the applicant to submit a case demonstrating the business need for the dwelling against the points in policy PSP41. This is because the proposal relates to a conversion, and is therefore supported by policy subject to the criteria in PSP40 above being met. Notwithstanding this, the applicant has submitted a statement from the Equine Consultancy Group demonstrating that the livery has been in operation since 2008 and is an established equestrian business. A list of yard emergencies over the last few years has also been submitted, which includes several flood events where the horses were moved to higher ground.
- 5.5 As the proposed residential accommodation and equestrian facilities are considered to support the sustainable growth of this rural business, as is supported by paragraph 28 of the NPPF. Whilst the number of horses is not proposed to increase, the replacement facilities are of a higher quality than the storage containers which are currently on site and therefore weight can be given to the economic benefits of the scheme. The facilities are to be provided through the conversion of an underused existing building, which is supported by PSP28 of the Policies Sites and Places Development Plan Document (Adopted) November 2017. The development is therefore acceptable in principle, subject to the assessment below.
- 5.6 *Green Belt*  
As the proposed development relates to a conversion, it is acceptable in Green Belt terms. The proposal also includes the removal of the adjacent storage container and the canteen container on site, and this can be conditioned as it will benefit the openness of the site. No curtilage is proposed for the first floor living accommodation following changes to the proposed red line boundary received on 12<sup>th</sup> June, as this will have a negative impact on openness. It is considered appropriate development in accordance with paragraph 90 of the NPPF.
- 5.7 *Flood Risk*  
The aim of the National Planning Policy Framework is to reduce the risks of development from flooding. Therefore, development is required to be directed towards areas with the lowest probability of flooding (Flood Zone 1). In addition, where necessary, the exception test can be applied where there are overriding, exceptional circumstances as to why development should not be located in an area with the lowest risk from flooding. In addition, the applicant is required to submit a site-specific flood risk assessment to acceptably demonstrate that that the development will be safe for its lifetime from the risks from flooding.

- 5.8 The proposal is for the conversion of an existing barn to form equestrian facilities at ground floor level and residential accommodation at first floor level. The site is located in Flood Zone 3b and residential development is classified as being 'more vulnerable' within the National Planning Policy Framework (NPPF), whilst the equestrian facilities are 'less vulnerable'. The NPPF specifies that a sequential risk based approach should be undertaken with regards to the location of new development to avoid where possible flood risk to people and property. Accordingly, new development should be directed into areas with the lowest probability of flooding (Flood Zone 1); if there are no reasonably available sites in Flood Zone 1, then development should be directed into areas classified as Flood Zone 2. This is known as the Sequential Test. The NPPF advises that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
- 5.9 The NPPG states that the Sequential and Exception Tests do not need to be applied to change of use applications, and so for the change of use of the barn, the Flood Risk Assessment must demonstrate that future users of the development will not be placed in danger from flood hazards throughout its lifetime.
- 5.10 The Flood Risk Assessment originally submitted was found to be incomplete, including a lack of resilience measures to be incorporated into the design or safe access and egress routes to and from the building during a flood event. A detailed evacuation/emergency plan was requested and a final version was submitted on the 28<sup>th</sup> June 2018.
- 5.11 The Lead Local Flood Authority object to the proposal on the grounds that new residents would be introduced to the floodplain, and that there is a risk that a person would become stranded for several days until flood waters had receded, and that emergency services would be unable to reach them. Officers consider that the circumstances of this case are unusual however, as the residential accommodation would only be occupied by staff members of the livery and their family when on shift. Furthermore, there is animal welfare to consider, and currently the livery staff must go to the site during a flood warning in order to move the horses to higher ground. This would take place much faster if a staff member was available on site 24/7.
- 5.12 The final Flood Risk Assessment and Flood Response Plan was sent to the Council's Emergency Planning team for comment, and they confirmed that the evacuation plan for the site met the minimum requirements. Subject to a condition ensuring that the residential accommodation is not sub-divided into a separate planning unit from the livery it relates to, the Flood Risk Assessment is considered adequate for the development proposed.
- 5.13 Design  
The existing Dutch barn is steel frame with concrete block walls, steel cladding and a corrugated curved steel roof. The conversion will maintain the existing structure and agricultural appearance but introduce a new roof of insulated corrugated roof sheets, metal and timber cladding and stone and blockwork walls. The large sliding doors will be retained with the entrance to the dwelling

hidden within the barn. New windows will be inserted, however these are tall and narrow in form to maintain the agricultural appearance of the barn. The site is situated within the Bitton Conservation Area, but it will not have any impact on the character and the Conservation Officer has no objection to the scheme. The design proposed is acceptable and in accordance with policy CS1 and CS9 of the Core Strategy.

#### 5.14 Landscape

The Landscape Officer raised concerns regarding the creation of a garden area, subdividing the paddock to the south in order to create it. This has now been removed from the scheme. The removal of the canteen and the storage container will be conditioned on the decision notice, as these facilities have been moved inside the barn as part of the proposal, and so the development will have a positive impact on the landscape by removing these unsightly structures.

#### 5.15 Residential Amenity

As has previously been mentioned, a condition on the decision notice will ensure that the dwelling is not subdivided from the livery use for flood risk reasons. Another reason for this condition is due to the living conditions within the residential unit; with the bedrooms only lit by a roof light and the kitchen lit by small windows. Furthermore, the residential unit does not have access to a private garden, but the condition to tie the unit to the livery so that it can only be used by staff would ensure that occupants have access to outdoor space within the livery whilst tending to the horses. No nearby dwellings will have their amenities affected by the development.

#### 5.16 Transport

No intensification of the livery is proposed, with the previous condition restricting it to a maximum of 15 horses still applicable, and the occupiers of the residential unit have adequate parking within the site. A condition will ensure the dwelling is not occupied separately to the livery and therefore it does not need to have separate parking allocated to it.

#### 5.17 Ecology

The Council's Ecology officer has assessed the proposal and does not consider that any wildlife will be harmed by the development, as the barn is unsuitable for protected species.

#### 5.18 Horse Welfare

As no intensification of the number of horses at the site is proposed, there are no horse welfare concerns following the development.

#### 5.19 Consideration of Likely Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.

The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

## 6. **CONCLUSION**

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

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

## 7. **RECOMMENDATION**

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

**Contact Officer: Trudy Gallagher**  
**Tel. No. 01454 864735**

## **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 residential unit hereby permitted shall only be occupied in conjunction with the livery business at Meadows Livery, Church Road, Bitton.

Reason 1

All impacts have been assessed on the basis that living accommodation forms part of the same planning unit as the livery business with regards to policy CS1, CS5, CS8, CS9, CS34 of the South Gloucestershire Core Strategy (Adopted) December 2013 and policy PSP1, PSP2, PSP7, PSP8, PSP16, PSP20, PSP40, PSP41 and PSP43 of the Policies Sites and Place Development Plan Document (Adopted) November 2017.

Reason 2

Weight has been given to the particular circumstances of the business, in particular with regards to horse welfare during flood events, in accordance with policy PSP30 of the Policies Sites and Places Development Plan Document (Adopted) November 2017.

3. Prior to first use of the development hereby approved, the storage container and canteen shown within the blue line boundary to the east of the development shall be removed from the site, and the materials to be recycled appropriately.

Reason

To protect the openness of the Green Belt and the rural landscape, in accordance with PSP2 and PSP7 of the Policies Sites and Places Development Plan Document (Adopted) November 2017 and the National Planning Policy Framework.



**CIRCULATED SCHEDULE NO. 28/18 – 13 JULY 2018**

<b>App No.:</b>	PK18/2809/CLP	<b>Applicant:</b>	Dr Lisa Daniels
<b>Site:</b>	7 Deanery Road Kingswood Bristol South Gloucestershire BS15 9JA	<b>Date Reg:</b>	18th June 2018
<b>Proposal:</b>	Proposed single storey rear extension to enlarge the existing utility and WC area.	<b>Parish:</b>	None
<b>Map Ref:</b>	366450 173608	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	7th August 2018



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at 7 Deanery Road, Kingswood would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit; the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning Act 1990 (as amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class A

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

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

- 3.1 PK10/2278/F  
Erection of 1no. detached dwelling and detached garage with access and associated works.(Amendment to previously approved scheme PK08/2780/F)  
Approved: 02/11/2020
- 3.2 PK08/2780/F  
Erection of first floor rear extension to provide enlarged bedroom (in accordance with the amended plan received by the council on 30th June 1987).  
Approved: 15/07/1987

### **4. CONSULTATION RESPONSES**

- 4.1 Councillor  
No comment received.

#### **Other Representations**

- 4.2 Local Residents  
No comments received.

## 5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Received by the Council on 12<sup>th</sup> June 2018:  
Existing Site Location Plan & Proposed Block Plan  
Ground Floor & Roof Plan Existing  
Ground Floor & Roof Plan Proposed  
Existing Elevations  
Proposed Elevations

## 6. ANALYSIS OF PROPOSAL

### 6.1 Principle of Development

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

- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015. It should be noted that there is no restriction on permitted development rights at the subject property. As such permitted development rights are intact and exercisable

- 6.3 The proposed development consists of the erection of a single storey rear extension. The proposed development would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria set out below:

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

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

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

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

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

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

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

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

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

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

The extension would not extend beyond a wall which forms the principal elevation; or fronts a highway and forms a side elevation, of the original dwellinghouse.

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

The host property is detached and the proposal would extend beyond the rear wall of the original dwelling by 3.2 metres and have a height of 3.4 metres.

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

Not applicable.

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

The extension would be single storey.

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

The extension would not be within 2 metres of the boundary. The height of the eaves would be 2.5 metres.

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

The extension would not extend beyond a wall forming the side elevation of the original dwellinghouse.

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

The proposal would not exceed the limits set out in sub-paragraphs (e) to (j).

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

The development would not include any of the above.

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

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

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

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

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

The submitted information indicates that the proposal will be finished in materials to match the exterior finish of the existing dwellinghouse.

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

The proposal does not include any upper floor windows.

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

Not applicable.

## **7. RECOMMENDATION**

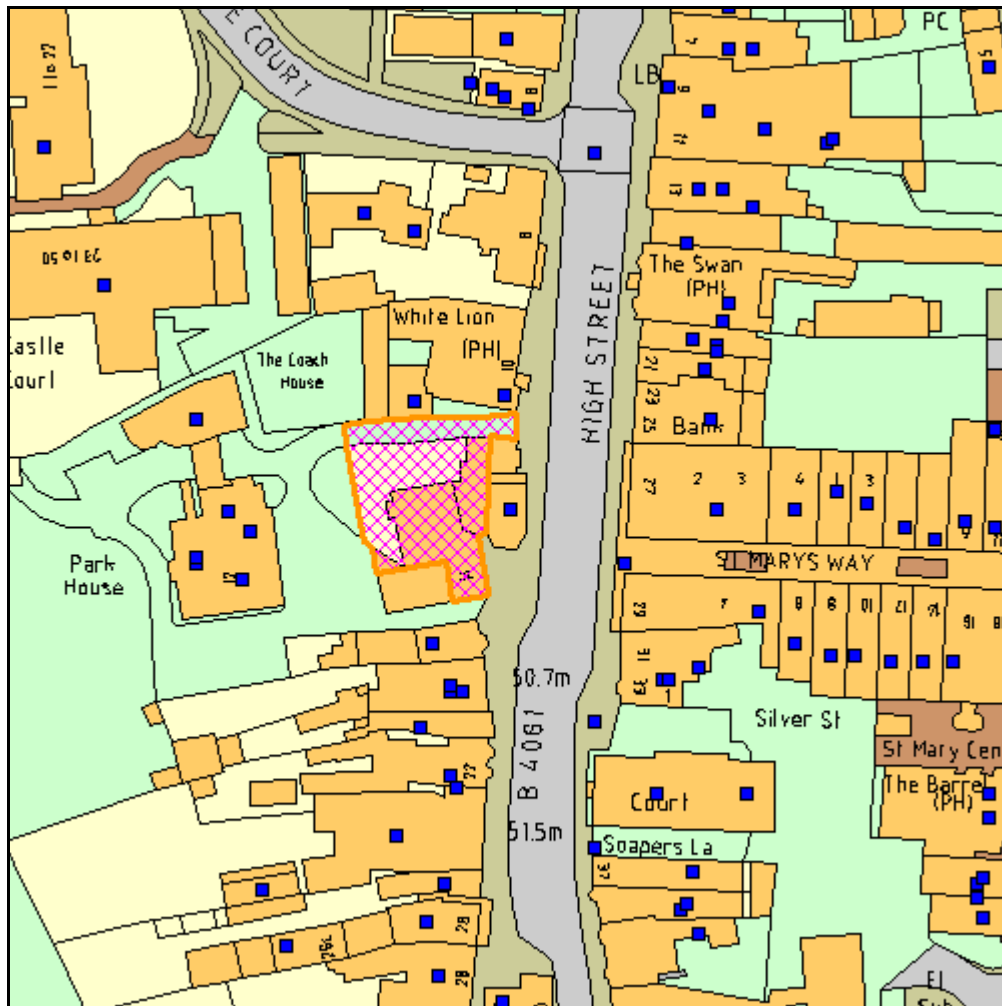
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

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

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

CIRCULATED SCHEDULE NO. 28/18 – 13 JULY 2018

<b>App No.:</b>	PT17/5201/F	<b>Applicant:</b>	Wildings Ltd
<b>Site:</b>	First And Second Floor 14 High Street Thornbury South Gloucestershire BS35 2AQ	<b>Date Reg:</b>	20th November 2017
<b>Proposal:</b>	Change of use from first/ second floor ancillary office and storage to 3no. flats (Class C3) with associated works, as defined in Town and Country Planning (Use Classes) Order 1987 (as amended)	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	363657 190051	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd January 2018



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

This application appears on the circulated schedule due to representations received contrary to the Officer's recommendation.

### **1. PROPOSAL AND SITE DESCRIPTION**

- 1.1 This application seeks planning permission for the change of use of ancillary office and storage space at first and second floors to 2no. 2-bedroom and 1no. 3-bedroom flats (Class C3) with associated works, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), at 14 High Street in Thornbury. The host building is Grade II listed and as such, this application is accompanied by a Listed Building Consent application which is also pending determination (ref. PT17/5202/LB).
- 1.2 The development relates to the upper floors (first and second) above an existing retail unit and restaurant along Thornbury High Street and in part of the Thornbury Town Centre and Primary Shopping Frontage as well as Thornbury Conservation Area. The retail unit was previously much larger, however, as part of ref. PT16/1580/F it was subdivided to form 1no. retail unit and 1no. restaurant unit. Given the reduced scale of the retail unit, it is understood that the office/storage space at first and second floors is no longer needed to such an extent. This application does propose to retain a store room for the unit at first floor.
- 1.3 The building itself is formed of three storeys, it is rendered with a slate/double roman roof, it has bay windows at first floor and 4-panel sash windows elsewhere. It is linked at ground floor to the former Market Hall which is a highly prominent building along the High Street, and which is also Grade II listed.
- 1.4 Throughout the course of the application the red line has been amended to include the access lane to the north of the building. Following this, the case officer undertook a period of re-consultation for 14 days.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

National Planning Policy Guidance 2014

Planning (Listed Buildings and Conservation Areas) Act 1990

#### **2.2 Adopted Development Plans**

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design

CS4a Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS15 Distribution of Housing

CS16 Housing Density

CS32 Thornbury

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP16 Parking Standards

PSP17 Heritage Assets and the Historic Environment

PSP21 Environmental Pollution and Impacts

PSP31 Town Centre Uses

PSP33 Shopping Frontages

PSP38 Development within Existing Residential Curtilages

PSP39 Residential Conversions, Sub-Divisions and Houses in Multiple Occupation

PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

South Gloucestershire SPD: Thornbury Conservation Area

South Gloucestershire Waste Collection: guidance for new development SPD (Adopted) January 2015

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT16/1580/F Approve with Conditions 04.10.2016  
Subdivision of building and change of use of one unit from Retail (Class A1) to one Restaurant unit (Class A3) and one retail unit (Class A1) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of plant/machinery on flat roof and external flue to rear elevation.
- 3.2 PT16/1582/LB Approve with Conditions 14.10.2016  
Internal and external alterations to facilitate subdivision of building and conversion of one unit from retail to one restaurant unit and one retail unit.
- 3.3 PT17/5202/LB Pending Consideration  
Change of use from first/ second floor ancillary office and storage to 3no. flats (Class C3) with associated internal and external works, as defined in Town and Country (Use Classes) Order 1987 (as amended).

**4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
Objection due to loss of employment premises.
- 4.2 Highway Structures  
No comment
- 4.3 Lead Local Flood Authority  
No objection.

#### 4.4 Sustainable Transport

- travel demand would be less than office use
- concerns regarding pedestrian entrance
- it would be 30 metres from high street so considered that small number of pedestrians would be able to safely access the flats
- deliveries would be able to take place from High Street, as with other properties.
- footway along High Street wide enough for waste collection
- bins need to be shown on a plan
- there is no parking – however area controlled by parking restrictions so not considered there would be an impact on highway safety
- is within a sustainable location with access to key local facilities and public transport.
- cycle parking should be shown
- additional information is required.

#### 4.5 Conservation Officer

*An accurate and up to date heritage statement needs to be submitted to comply with requirements of the NPPF.*

A revised heritage statement has been submitted alongside revised plans.

*The proposal is acceptable in principle, although the amended design of the proposed conversion may help preserve the significance of this Grade II listed building, I would advise conditions are considered to ensure the conversion is executed in a manner that is appropriate to the historic significance of this designated heritage asset.*

#### 4.6 Archaeology

No objection

#### 4.7 Environmental Protection

An acoustic report has been submitted. It is recommended that the noise mitigation measures as set out in the report should be adhered to, this is to ensure acceptable acoustic conditions in the properties.

#### 4.8 Economic Development

Not in accordance with CS13 – acknowledge accessibility issues of site. Further consideration should be given as to how these can be addressed to make the premises more attractive for potential occupiers.

### **Other Representations**

#### 4.9 Local Residents

5no. letters of objection were received to the original proposal. These are summarised as follows;

- Inconvenience using private driveway for access
- Concerns regarding parking and access
- Overlooking/privacy concerns
- Loss of employment
- Disproportionate historic fabric loss – given listed status
- Concerns regarding construction traffic and impact on nearby offices.

- No rights have been granted over access lane
- Unsafe for pedestrians and other road users
- Delivery vehicles would use private road

3no. from a two parties were received to the revised red line proposal. Comments summarised as follows;

- Applicant does not own the driveway and has limited/disputed rights of access
- If the development was implemented it would require rights over the private road, landowner would not be prepared to grant any additional rights.
- Proposed means of access is not suitable and was never designed for this purpose
- Driveway is too narrow for a large vehicle/pedestrian to pass, safety concerns.
- Occupiers would have no parking

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular importance is the perceived loss of ancillary office/storage space and the impacts on the listed building, character of the area amenity and the highway.

5.2 It is acknowledged that South Gloucestershire Council does not have a five year land supply. As such paragraph 49 of the NPPF is engaged. Paragraph 49 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF goes on to states that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Notwithstanding the above, the adopted development plan remains the starting point for assessment

5.3 The NPPF promotes sustainable development and great importance is attached to the design of the built environment. Paragraph 56 emphasises *good design is a key aspect of sustainable development* and paragraph 57 expects *high quality and inclusive design for all development, including individual buildings*. Paragraph 58 expects development should *add to the overall quality of the area... respond to local character and history, and reflect the identity of surroundings... [and be] visually attractive as a result of good architecture*.

5.4 On the one hand the proposal would result in the re-use of part of a listed building as well as the creation of 3no. residential units which counts in its favours and on the other would result in the loss of ancillary office/storage space. This factor would count against the proposal, but there is a balance between the positive and negative effects and this is discussed in more detail below.

5.5 Loss of ancillary office/storage space

Comments from economic development and Thornbury Town Council regarding the concerns of loss of employment are noted. It is also noted that the application site is located within the Town Centre of Thornbury and in part of its Primary Shopping Frontage. It is understood that the upper floors of the building were previously used as ancillary office/storage space relating to the larger retail unit at ground floor. As part of ref. PT16/1580/F the unit was subdivided to make a smaller retail unit as well as a restaurant. The reduced retail floorspace has now left the accommodation above vacant and separated from the floor below with its only access from an external staircase. The case officer noted that the first and second floors were vacant when attending a site visit, and seemed as though they had been for some time.

5.6 CS13 sets out that states such proposals must clearly demonstrate that all reasonable attempts to secure a suitable economic development re-use have failed. Priority is given to mixed use schemes, and only then residential. The NPPF states in Para. 51 that local planning authorities should normally approve planning applications for a change to residential use from commercial buildings where there is an identified need for additional housing in that area, provided that are not strong economic reasons why such development would be inappropriate. The development is located in a Primary Shopping Frontage, PSP33 only seeks protection of an active ground floor use. Further to this, Para. 23 of the NPPF sets out the residential development can play an important role in ensuring the vitality of centres.

5.7 It is noted that the change of use to residential use would represent some loss of potential office space. However, given their existing ancillary nature to the retail unit, it is not considered that this would be detrimental to the economic context of the surrounding area. Furthermore, the agent states that the existing layout is not suitable for modern office use. The only access would be restricted to a single means which would place constrictions on office use and a means of escape.

5.8 It is acknowledged that the application has not demonstrated that all reasonable attempts to secure economic development re-use have failed, as required by CS13. However, this policy is considered out-of-date and weight is given to advice set out within the NPPF, and that following the development 14 High Street would comprise mixed uses.

5.9 Heritage

The host building is Grade II listed and is also within part of the Thornbury Conservation Area. It is currently vacant and in a poor state of repair. The NPPF sets out that in determining planning applications relating to heritage assets, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Throughout the course of the application a revised Heritage Statement and revised plans were submitted as a result of concerns from the conservation officer.

- 5.10 It is considered that the development would have a neutral impact on the Thornbury Conservation Area. Externally the building would introduce new windows but these would not generally be visible from the wider public realm. Further, the development would see the redecoration and restoration of the exterior of the property which would result in a positive change. As such, it is considered that the proposal would preserve the character and appearance of the Conservation Area.
- 5.11 The development proposals seeks both internal and external alterations to facilitate the change of use. Externally, these would involve a new access stair and access route as well as new windows to north elevation and general redecoration. Internal works will be covered in detail within the listed building consent but would involve alterations to the layout. The conservation officer states that the level of existing surviving historic fabric within the building is low, however, noted that a historic Victorian staircase should be retained. As a result of negotiation, the agent has now provided revised plans to show that this staircase would remain following the development. It is considered that following the submission of the revised plans and heritage statement, the development is acceptable in principle and would preserve the significance of the Grade II listed building. This is subject to detailed conditions to appear on the associated Listed Building Consent.
- 5.12 Given all of the above, there would be a degree of harm to the listed building in terms of some loss of historic fabric. However, it is deemed that this harm would be less than substantial in the context of Para. 134 of the NPPF. This paragraph sets out that the harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. In this instance, given the vacant nature and poor state of repair of the upper floors as well as the limited access available (as covered above), it is considered that a residential use would secure a viable use for these floors. As such, while it is acknowledged that as a result of the change of use there would be some harm, in the context of the above, it is considered that the public benefits would outweigh such.
- 5.13 Design  
Internally, the layout would be altered to facilitate its conversion to 3no. flats. The development would involve minor external alterations which include the installation of 3no. windows to the northern elevation. These would match existing windows and utilise existing openings where possible and are considered acceptable with regard to design. Plans also show that the rear access external stair case, access route and entrance doorway would be altered. While not generally visible from the wider public realm, this is considered an improvement to the existing situation (this will be subject to detailed conditions to appear on the Listed Building Consent). In the context of CS1, it is considered that the development respects the character and the distinctiveness of the host and the surrounding area.
- 5.14 Access and Parking  
The development would not have any vehicular or cycle parking, it would gain pedestrian access off High Street down a private road through to a side access on the buildings north elevation. The flats would be accessed by an external

staircase which leads to the first and second floors. Previously the floors would have been accessed through the front entrance of the retail unit at ground floor. This would not be an appropriate access following the change of use.

- 5.15 Throughout the course of the application the red line boundary was amended to include this access, and relevant statutory notice served on the landowner by the applicant. A number of concerns were raised in relation to the use of the access from the landowner as well as other local residents. It was stated that the access is narrow and would be unsafe and inconvenient for pedestrians as well as other users of the road. There was also concerns that delivery vehicles coming to and from the flats would use the private road. The transport officer considers that given the small number of pedestrians and the limited distance from High Street (30 metres) that future occupiers could gain safe access to the flats. They also stated that delivery vehicles could use the High Street, as with other properties within the vicinity. It is also considered that the footway along High Street would be wide enough for waste collection.
- 5.16 It was also stated by the landowner that there is no rights granted over the access lane and that should the development be implemented it would require rights over the private road, the landowner stated that they would not be prepared to grant any additional rights. The case officer made the agent aware of this, and they still wish to proceed with the determination of this application. While this is a civil matter, and not strictly a planning consideration, Officer's are mindful that without the provision of the access over the private road this development could not be implemented. As such, a condition is recommended that prior to implementation of the permission that the access is secured.
- 5.17 It is acknowledged that the pedestrian entrance through an external staircase and side entrance door is not preferable. However, Officer's are mindful of the current situation at the site and that the building would stand largely vacant at first and second floors without redevelopment. This is a particular concern in terms of its Grade II listed status, and it is considered a residential use would be the most appropriate. In this instance, therefore, the pedestrian entrance is considered acceptable. Further, it is noted that access through an external staircase is not uncommon in built up areas.
- 5.18 The travel demand would be less compared to an office use. In terms of vehicular parking PSP16 would require a total of 4no. parking spaces for 2no. 2-bedroom and 1no. 3 bedroom flats. The supporting text of PSP16 sets out that provision that does not accord with these standards may be acceptable. The transport officer considers that the location of the development it within a sustainable location with access to key local facilities and public transport, as such can be considered acceptable. It is also acknowledged that there are parking restrictions of nearby streets so there is unlikely to be an impact on highway safety. The development would also not provide any cycle parking, due to the constraints of the site. While this is regrettable, Officer's note that there are nearby on-street cycle parking facilities and in this circumstance give significant weight to the re-use of the listed building.

- 5.19 Waste storage would be provided externally below the staircase. This is considered acceptable, subject to a condition to ensure this is provided and made available prior to occupation of the flats.
- 5.20 Residential Amenity and Environmental Concerns  
Throughout the course of the application an acoustic report was submitted to show how noise from plant and extraction systems of the neighbouring restaurant will impact future occupiers. Environmental Protection colleagues have reviewed this document and consider it acceptable. This is subject to a condition to ensure that noise mitigation measures set out in the report are adhered to.
- 5.21 Comments received raised concerns with privacy and overlooking to the rear. 'Park House' to the rear is approximately 20 metres to the west of the application site. While it is acknowledged that the buildings conversion to flats may represent some change to these adjacent occupiers, given the distance and orientation of both buildings it is not considered that any harmful impacts would occur.
- 5.22 The access to adequate amenity space can play an important role in the physical health, mental health and wellbeing of people. Policy PSP43 sets out a guide for private amenity space standards for residential units. It is stipulated that for a 2+ bedroom flat, 5 square metres of private amenity should be provided plus a shared communal space.
- 5.23 The development would result in 2no 2 –bedroom and 1no. 3-bedroom flats and plans show that the flats would not be allocated with any private amenity space. Whilst this does not accord with the PSP43, it is not unusual for flats to have no private amenity space, particularly in town centres. Furthermore, Officers note that there are playing fields to the rear of the site and other open green areas within 15 minute walking distance. Accordingly, the lack of private amenity space is therefore balanced against these nearby facilities.
- 5.24 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.
- 5.25 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 (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

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

**Contact Officer:** Lucy Paffett  
**Tel. No.** 01454 863436

## CONDITIONS

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

Reason

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

2. Access

The development hereby permitted shall not be implemented until access to the pedestrian entrance as shown on the Site Location Plan (dwg no. 2565 L01 B, received 2nd July 2018) is secured.

Reason

To ensure provision and availability of a suitable access, in accordance with Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework.

3. Waste Storage

The waste storage facilities shown on the Proposed Floor Plans (dwg no. 2565 P01 B, received 2nd July 2018) hereby approved shall be provided before the dwelling is first occupied, and thereafter retained for that purpose.

Reason

To maintain and enhance the character and appearance of the conservation area, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP1 and PSP17 of the Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

4. Acoustic

The development hereby permitted shall proceed in accordance with the mitigation measures as set out in the submitted Acoustic Report (Acoustic Consultants Ltd, dated April 2018).

Reason

To protect the residential amenities of future occupiers and to ensure the development does not have an unacceptable environmental effect and to accord with policy CS1, and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; PSP21 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

5. Construction Management Plan

Prior to the relevant stage of development a Construction Management Plan shall be submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

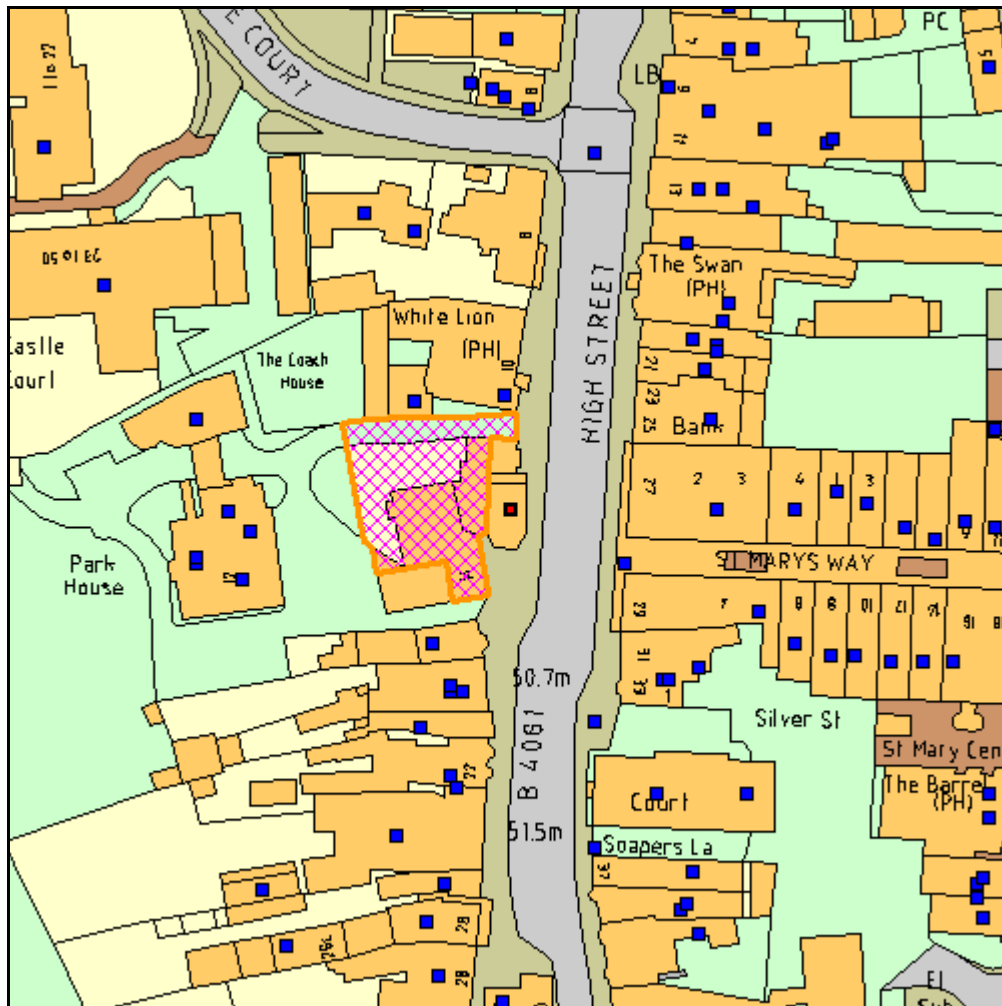
- a) parking of vehicles for operatives and visitors
- b) hours of operation
- c) pedestrian and cyclist protection
- d) delivery management, specifically hours and types of vehicles.

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; Policy PSP16 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

CIRCULATED SCHEDULE NO. 28/18 – 13 JULY 2018

<b>App No.:</b>	PT17/5202/LB	<b>Applicant:</b>	Wildings Ltd
<b>Site:</b>	First And Second Floor 14 High Street Thornbury South Gloucestershire BS35 2AQ	<b>Date Reg:</b>	20th November 2017
<b>Proposal:</b>	Change of use from first/ second floor ancillary office and storage to 3no. self contained apartments (Class C3) with associated internal and external works, as defined in Town and Country (Use Classes) Order 1987 (as amended)	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	363657 190051	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd January 2018



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

This application appears on the circulated schedule due to representations received contrary to the Officer's recommendation on the associated full application ref. PT17/5201/F. For completeness this application has also been referred.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the change of use of ancillary office and storage space at first and second floors to 2no. 2-bedroom and 1no. 3-bedroom flats (Class C3) with associated works, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), at 14 High Street in Thornbury. The host building is Grade II listed and as such, this application is accompanied by a Full Planning application which is also pending determination (ref. PT17/5201/F).
- 1.1 The development relates to the upper floors (first and second) above an existing retail unit and restaurant in part of the Thornbury Conservation Area. The building itself is formed of three storeys, it is rendered with a slate/double roman roof, it has bay windows at first floor and 4-panel sash windows elsewhere. It is linked at ground floor to the former Market Hall which is a highly prominent building along the High Street, and which is also Grade II listed.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Planning (Listed Buildings and Conservation Areas) Act 1990  
NPPF National Planning Policy Framework March 2012  
PPG National Planning Proactive Guidance

#### **2.2 Adopted Development Plans**

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

CS1 High Quality Design  
CS9 Managing the Environment and Heritage  
CS34 Rural Areas

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

PSP1 Local Distinctiveness  
PSP17 Heritage Assets and the Historic Environment

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

Design Checklist SPD (Adopted) 2007

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

- 3.1 PT16/1580/F Approve with Conditions 04.10.2016  
Subdivision of building and change of use of one unit from Retail (Class A1) to one Restaurant unit (Class A3) and one retail unit (Class A1) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).  
Installation of plant/machinery on flat roof and external flue to rear elevation.

- 3.2 PT16/1582/LB Approve with Conditions 14.10.2016  
Internal and external alterations to facilitate subdivision of building and conversion of one unit from retail to one restaurant unit and one retail unit.
- 3.3 PT17/5201/F Pending Consideration  
Change of use from first/ second floor ancillary office and storage to 3no. flats (Class C3) with associated works, as defined in Town and Country Planning (Use Classes) Order 1987 (as amended)

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

- 4.1 Thornbury Town Council  
Objection to loss of employment.
- 4.2 Conservation and Listed Building Officer  
An accurate and up to date heritage statement needs to be submitted to comply with requirements of the NPPF.

A revised heritage statement has been submitted alongside revised plans.

The proposal is acceptable in principle, although the amended design of the proposed conversion may help preserve the significance of this Grade II listed building, I would advise conditions are considered to ensure the conversion is executed in a manner that is appropriate to the historic significance of this designated heritage asset.

- 4.3 Historic England  
No need to be consulted on for this application.
- 4.4 National Amenity Society  
No comments received.

#### **Other Representations**

- 4.5 Local Residents  
7no. comments have been received the proposal (full details within the associated full planning application delegated report ref. PT17/5201/F)

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

- 5.1 Principle of Development  
This is an application for listed building consent. This application stands to be assessed against National Planning Policy Framework March 2012 and Planning (Listed Buildings and Conservation Areas) Act 1990. As such, the only consideration is the impact of the proposed development on the special historic or architectural features of the property.

## 5.2 Assessment of Impact on Heritage Asset

The host building is Grade II listed and is also within part of the Thornbury Conservation Area. It is currently vacant and in a poor state of repair. The development proposals seeks both internal and external alterations to facilitate the change of use. Externally, these would involve a new access stair and access route as well as new windows to north elevation and general redecoration. Internal works include entrance hall floor raised, reorganisation of first and second floor layouts to include demolition or partitions and construction of new partitions, thermal upgrading to separating walls, installation of acoustic ceiling to first floor, guarding to retained stained glass window, and redecoration throughout.

5.3 The conservation officer has reviewed the development and overall there are no objections as the impact on the existing historic fabric of the building is considered acceptable. The conservation officer considered that an exception would have been the removal of a Victorian staircase. Following negotiations, this is now proposed to be retained.

5.4 It is considered that following the submission of the revised plans and heritage statement, the development is acceptable in principle and would preserve the significance of the Grade II listed building. Having said this, it is recommended that conditions are imposed to ensure details are to Officer's expectations.

## 6. CONCLUSION

6.1 The recommendation to **grant** Listed Building Consent has been taken having regard to the section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained in the National Planning Policy Framework.

## 7. RECOMMENDATION

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

**Contact Officer: Lucy Paffett**  
**Tel. No. 01454 863436**

## CONDITIONS

### 1. Large Scale Details

Prior to the commencement of development, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.

- a. All new windows and fixed glazing (including cill, head, reveal and glass details)
- b. Rooflight
- c. All new doors (including frames and furniture)
- d. All new vents and flues
- e. Window safety guard details
- f. External Staircase and railings

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

#### Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

### 2. Finishes

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

#### Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

### 3. Repairs to Windows

Prior to the commencement of the relevant works, a detailed specification for the repairs to all existing windows shall be submitted to the Local Planning Authority for approval. The specification shall also include details of the extent of proposed replacement of historic fabric. The development shall thereafter be carried out strictly in accordance with the agreed details.

#### Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

#### 4. Paving Material

Prior to the commencement of development, details or samples of the paving material proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

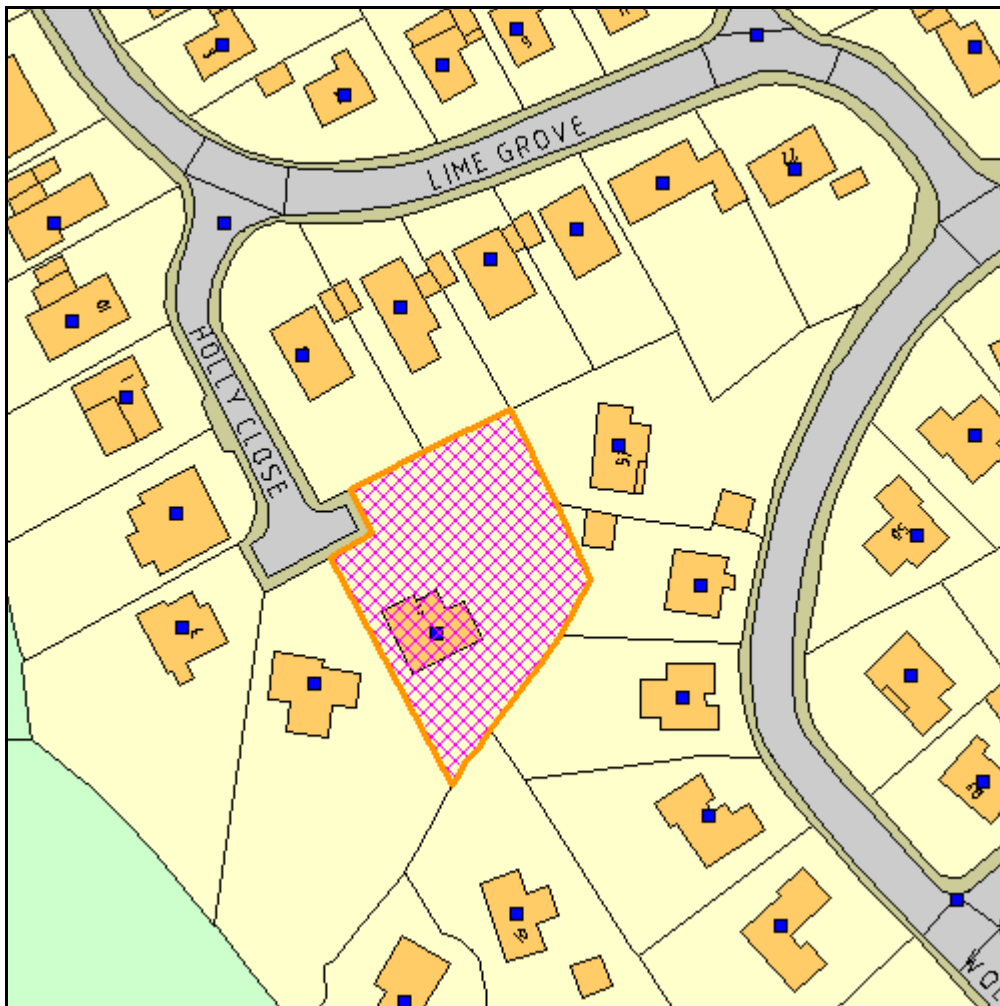
##### Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).



**CIRCULATED SCHEDULE NO. 28/18 – 13 JULY 2018**

<b>App No.:</b>	PT18/2050/F	<b>Applicant:</b>	Mr Chris Hill
<b>Site:</b>	5 Holly Close Alveston Bristol South Gloucestershire BS35 3PW	<b>Date Reg:</b>	4th May 2018
<b>Proposal:</b>	Erection of a single storey front extension to provide additional living accommodation and erection of detached triple garage with hardstanding.	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	362718 187906	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	28th June 2018



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**N.T.S.                      PT18/2050/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 single storey front and side extension and the erection of detached garage at 5 Holly Close, Alveston.
- 1.2 The application site relates to a two storey, detached property which is located within a residential area of Alveston. The site is within the Bristol/Bath Green Belt.
- 1.3 During the course of this application revised plans were requested and received to address design concerns.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

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

PSP1 Local Distinctiveness

PSP7 Development in the Green Belt

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 PT06/3339/O – Refused - 08.01.2007  
Erection of detached dwelling (Outline) with layout and means of access to be considered

- 3.2 N4098 – Approved - 12.01.1978  
Erection of front single storey extension to provide additional living accommodation.

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

- 4.1 Alveston Parish Council  
No Objection

Sustainable Transport

The applicant seeks to erect a single storey front extension to provide additional living accommodation and erect a detached triple garage with hard standing. The proposed triple garage and hard standing provide sufficient off street parking for this 4 bed dwelling. The existing access will remain unchanged. There are no transportation objections.

Environmental Protection

No objections – informative on decision

Archaeology

No Comment

#### **Other Representations**

- 4.2 Local Residents

This application received a total of 6 objections, these are summarised below.

- The Proposal will create a 'forward extending' precedent
- It will be what we see from our kitchen/diner, which the architects of Holly Close originally planned to avoid, with careful offsetting of the building windows and viewing angles.
- It will increase the height of the proposed roof ridge which increases the 'closed in' effect, because we are so much lower, and changing the character of the close. In particular the visual bunching of 4 and 5 against the planned dispersed visual impact of the Close.
- The proposal will impact on sunlight into our property.
- We are concerned with the size of the garage block being in excess of 30 meters and it is out of character with those in the locality, which are doubles rather than a triple garage.
- Overall this proposal compromises the low density pattern development within the locality and in particular within the street scene of Holly Close, as a result it would further negatively impact on the current pattern in the local area.
- The erection of the detached garage does not consider the impact on the environment in regards to Noise pollution for surrounding neighbours, and

additional congestion at the end of a close which already suffers from parking difficulties.

- The proposed pitched roof garage is not in keeping as the majority of garages in Holly Close are all of a flat roof design.

- The Proposed east end of the building shows a 'double height' elevated window, this will enable unrestricted visual invasion of privacy to neighbouring properties at 47 and 49 Wolfridge Ride.

- The footprint of the outbuildings may at a future time form the request for extension thereof to a full dwelling.

- I wish to object to the excavation into the banks to the building of 3 garages as this could cause subsidence in my garden.

- Trees would need to be removed and by digging away a large part of the bank could result in damage to roots of other mature trees.

- Our main concern is with the road drainage in Holly Close.

- The erection of a garage directly in the line of sight of our only open aspect is disappointing.

## 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 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.

5.3 It has been calculated that the proposed extension represents a volume increase of approximately 42%. 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.

- 5.4 The proposed development would result in modest additions to the front and side of the existing dwelling detached dwelling house. A detached garage is common within the local vicinity and this proposal is sited within the existing residential curtilage, and built into the land levels. The proposal is considered proportionate to the host property. The proposal is considered appropriate development in Green Belt terms.
- 5.5 Design and Visual Amenity  
The application seeks full planning permission for the erection of a single storey front and side extension and the erection of detached garage.
- 5.6 The proposed single storey front and side extension will form an “L” shaped wraparound. The proposal will extend 2.3metres from the existing principal elevation, have a length of 14.7metres and extend approximately 3metres from the existing side elevation. The proposal will have a maximum height of 4.4 metres and introduce a low pitched gable roof.
- 5.7 The proposed detached garage will be located to the north of the existing dwellinghouse, sitting 7.3 metres from the principal elevation. The proposal will measure approximately 6metres wide, 9.5 metres in length and will have a maximum height of 4.5metres. The proposal will introduce 7no solar panels situated on a gabled roof with 3no up and over doors to the south elevation.
- 5.8 The case officer considers the proposal to be in keeping with the domestic character of the building and believes it will be a reasonably modest addition to the front and side elevations. The detached garage is also considered to be of an appropriate scale, form and detailed design, and would not appear as an incongruous addition to the site.

The street scene comprises larger detached dwellings built at a lower density, many are split level dwelling utilising the land levels within the respective plots, and are generally set back from the road. There are a variety of designs in evidence. The proposal under consideration would not significantly change the overall character of the street.

Overall it is considered that an acceptable standard of design has been achieved, and the proposal therefore accords with policy CS1 of the Core Strategy and PSP1 of the Policies, Sites and Places Plan.

- 5.9 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.

- 5.10 An objection comment raised concerns that the proposal would create a 'forward extending' precedent in the local area. Any future application will be assessed under its own merits. The application site benefits from a large curtilage and the location of the proposed extension is not considered harmful to the residential amenity at any of the adjoining properties. Furthermore sufficient private amenity space will remain following development.
- 5.11 An objection comment has raised concerns about the close proximity of the built form proposed to the west boundary, more specifically, that the proposal would create a "closed in effect" due to the topography of the site. The applicant has submitted an amended design that removed these concerns.
- 5.12 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 proposal would have a material impact on the amount of sunlight offered to the neighbouring property.
- 5.13 It is noted that the neighbour has raised concerns regarding the proposed garage creating noise pollution and additional congestion onto Holly Close. Given the scale of the development, it is not considered that the proposal would cause unacceptable levels of disturbance to immediate neighbours through increased noise, odours, fumes or vibration. The case officer does not consider the erection of a detached garage to increase traffic or congestion. The principle of a garage is to store vehicles, furthermore, the property benefits from a large driveway.
- 5.14 An objection comment raised concerns that the scale and design of the proposed garage will not be in keeping with the local area. During a site visit the case officer noted many adjacent properties have benefited from development similar in scale and design to the proposal. Many detached double garages with pitched roofs can be seen in the immediate vicinity.
- 5.15 Privacy concerns have been raised stating that the proposed glazed window on the east elevation would allow "unrestricted visual invasion" into neighbouring properties, more specifically, No's 47 and 49 Wolfridge Ride which are located to the east of the application site. During a site visit it was noted that large mature trees located around the curtilage obscure any outlook into neighbouring properties. Furthermore, this relationship already exists at both ground and first floor level and whilst there would be a small degree of harm to residential amenity, it is not considered that the identified harm would be of such severity as to substantiate a reason for refusing the application.
- 5.16 A neighbouring occupier raised concerns that the detached garage may result in future applications for an erection of a dwelling house, a past application for such was made and subsequently refused. This application is solely for an erection of a single storey front and side extension and the erection of detached garage, any future application will be assessed on its own merits.

- 5.17 An objection was made in regards to land excavation in order to facilitate the detached garage as this may cause subsidence issues at neighbouring properties. The proposed garage will be buried some 2.6 metres in to the existing bank, the applicant is aware this area may be subject to landfill and an informative will be issued on any decision. However the primary responsibility of ensuring the stability of the land remains with the developer; and issues of harm caused through subsidence to neighbouring land are civil matters normally covered by land law.
- 5.18 The neighbour was concerned with the removal of mature trees and shrubs during construction. The trees within the applicants curtilage are not subject to tree preservation orders, and as such might be removed irrespective of the planning proposal. Potential damage to neighbouring plants would be a civil matter between landowners. However the resultant development would still retain a large domestic curtilage and garden, and the loss of some vegetation would not be a reason to prevent the proposal.
- 5.19 A neighbouring occupier raised concerns about the proposal causing drainage issues. It is considered that for this scale of development issues of drainage can be more appropriately addressed through Building Regulations; there is no reason to suppose a significant drainage concern would be created.
- 5.20 A neighbouring occupier objected to the positioning of the proposed garage. The applicant has discussed this with the neighbour and amended plans show the garage to be situated a further 1.5 metres north-east of the original position.
- 5.21 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
- 5.22 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.
- 5.23 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).
- 5.24 Sustainable Transport and Parking Provision  
No new bedrooms are proposed within the development. It is noted that as part of the works an attached garage will be erected. However, the garage does not meet the residential parking standards and cannot be considered an off-street parking space. Submitted plans show that the application site has sufficient space to provide 3+ parking spaces to the front of the property, South Gloucestershire Residential Parking Standards SPD outlines that properties

with 4 bedrooms must make provision for the parking of a minimum of 2 vehicles it is therefore considered that sufficient parking will remain at the property.

#### 5.25 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.

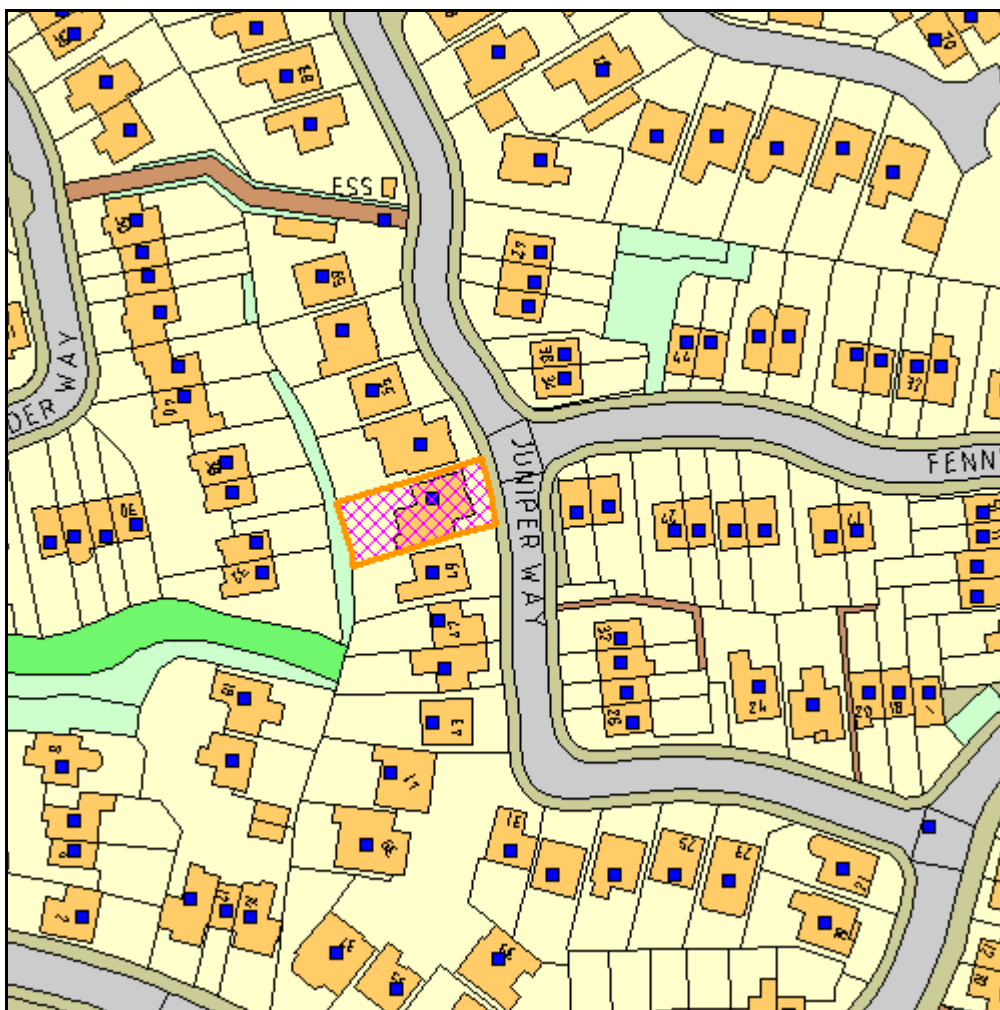
Reason

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



**CIRCULATED SCHEDULE NO. 28/18 – 13 JULY 2018**

<b>App No.:</b>	PT18/2189/CLP	<b>Applicant:</b>	Mr Lomax
<b>Site:</b>	51 Juniper Way Bradley Stoke Bristol South Gloucestershire BS32 0BR	<b>Date Reg:</b>	29th May 2018
<b>Proposal:</b>	Demolition of existing conservatory and erection of single storey rear extension. Installation of rear dormer to facilitate loft conversion.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	363038 181284	<b>Ward:</b>	Bradley Stoke South
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	24th July 2018



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 100023410, 2008. **N.T.S.** **PT18/2189/CLP**

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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the erection of a single storey rear extension and installation of a rear dormer to 51 Juniper Way, Bradley Stoke at 62 Seymour Road, Staple Hill would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit; the decision is based solely on the facts presented.
- 1.3 It should be noted that under condition 7 of application no. P96/2724, most Permitted Development Rights associated with the original development have been restricted.

Cond 7: Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) no development as specified in Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out on plots 39-95 without the prior permission in writing of the Council.

The subject property relates to plot 38. Therefore, permitted development rights remain intact and the certificate of lawfulness application can be assessed against the relevant criteria of the Town and Country Planning (General Permitted Development) (England) Order 2015.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning Act 1990 (as amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class A and Class B.

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

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

- 3.1 PT05/0196/F  
Erection of rear conservatory.

Approved: 10/03/2005

- 3.2 P96/2724  
Erection of 87 dwellings and associated works, construction of vehicular and pedestrian access.  
Approved: 09/04/1997

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

- 4.1 Bradley Stoke Town Council  
No objection

- 4.2 Councillor  
No comment received

#### **Other Representations**

- 4.3 Local Residents  
No comments received.

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

- 5.1 Received by the Council on 9<sup>th</sup> May 2018:  
Block & Site Location Plan  
Existing Elevations  
Proposed Floor Plans  
Existing Floor Plans

Received by the Council on 10<sup>th</sup> July 2018:  
Proposed Elevations

#### **6. ANALYSIS OF PROPOSAL**

- 6.1 Principle of Development  
The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.
- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015. It should be noted that there is no restriction relating to extensions or dormer windows at the subject property. As such permitted development rights are intact and exercisable.

6.3 The proposed erection of a single storey rear extension would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria set out below:

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

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

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

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

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

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

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

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

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

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

**(i) forms the principal elevation of the original dwellinghouse; or**

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

The extension would not extend beyond a wall which forms the principal elevation; or fronts a highway and forms a side elevation, of the original dwellinghouse.

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

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

The subject property is a detached dwelling and the proposal would extend beyond the rear wall of the original dwelling by 4 metres and would not exceed 4 metres in height.

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

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

Not applicable.

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

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
- (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**

The extension would be single storey.

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

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

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

The extension would not extend beyond a wall forming the side elevation.

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

The total enlargement would not exceed the limits set out in paragraphs (e) to (j).

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

The development would not include any of the above.

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

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

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

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

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

The submitted information indicates that the proposal will be finished in materials to match the exterior finish of the existing dwellinghouse.

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

Not applicable.

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

Not applicable.

- 6.4 The proposed rear dormer to facilitate the loft conversion would fall within the category of development permitted by Schedule 2, Part 1, Class B of the GPDO, which allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, provided it meets the criteria as detailed below:

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

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

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

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

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

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

The proposed dormer would not extend beyond the principal elevation.

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

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

Not applicable

- (ii) **50 cubic metres in any other case;**

The cubic content of proposed dormer would be 29.93m<sup>3</sup>

- (e) **It would consist of or include-**

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

Not applicable

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

Not applicable.

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

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

**Conditions**

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

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

All materials will match existing.

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

- i. Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension-**

**(aa) the eaves of the original roof are maintained or reinstated; and**

**(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measures along the roof slope from outside the edge of the eaves; and**

The original eaves would be maintained and the proposal would be 0.3 metres from the eaves.

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

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

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

**(i) Obscure glazed; and**

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

Not applicable.

**7. RECOMMENDATION**

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

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



**Contact Officer: James Reynolds**

**Tel. No. 01454 864712**

**CIRCULATED SCHEDULE NO. 28/18 – 13 JULY 2018**

<b>App No.:</b>	PT18/2224/F	<b>Applicant:</b>	Mr Peter Brown
<b>Site:</b>	Queens Lodge New Passage Road Pilning Bristol South Gloucestershire BS35 4LZ	<b>Date Reg:</b>	24th May 2018
<b>Proposal:</b>	Erection of 1no. detached car port and store. Creation of new vehicular access and associated works.	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	354606 186160	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Householder	<b>Target Date:</b>	12th July 2018



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 100023410, 2008. **N.T.S.** **PT18/2224/F**

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

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

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a detached 3no vehicle bay carport and store and the creation of a new vehicular access.
- 1.2 Queens Lodge itself is a locally listed semi-detached dwelling located on New Passage Road, outside of any defined settlement boundary, within the designated Green Belt and within the residential area of Severn Beach.
- 1.3 This application is a resubmission of a previously approved scheme. The car port itself is identical to what was previously approved. It is proposed to change the location of the car port within the plot so it can be served by a new access.
- 1.4 A concurrent application is also being considered by the Council for a double detached garage to serve the new dwelling constructed on site (PT16/1052/F).
- 1.5 Recent applications have shown that the cattery on site is associated with Queens Lodge. Now that the new dwelling is constructed, the owner/manager of the cattery, along with the applicant has moved from Queens Lodge into the new dwelling. Immediate family members now reside in Queens Lodge. Plans show that if both applications are approved, two new planning units will be created. Queens Lodge will revert to a residential unit only, with a new access, car port/store, and other domestic outbuildings. The cattery will become associated with the new dwelling, and will be served by the original parking area and access to the site.

### **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
- 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  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages  
PSP43 Private Amenity Space Standards

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

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

- 3.1. PT18/2225/F  
Pending Decision  
Erection of a detached double garage.
- 3.2. PT17/4906/F  
Approve with Conditions (02.02.2018)  
Erection of detached 3no vehicle bay carport and store.
- 3.3. PT17/3762/CLP  
Refusal (22.09.2017)  
Application for the certificate of lawfulness proposed erection of a detached garage.
- 3.4 PT16/6607/NMA  
No Objection (03.01.2017)  
Non Material Amendment to planning permission PT16/1052/F to alter the external appearance of the approved dwelling.
- 3.5 DOC16/0385  
Discharge of Conditions Decided (16.12.2016)  
Discharge of condition no. 3 (Residential Curtilage) and 4 (Residential Parking) attached to planning permission PT16/1052/F for Demolition of existing garage to facilitate erection of 1no. dwelling.  
*The former planning unit has now been subdivided to form two new curtilages; one for the new dwelling and a revision of the curtilage for Queens Lodge.*
- 3.6 PT16/1052/F  
Approved with Conditions (05.07.2016)  
Demolition of existing garage to facilitate erection of 1no. dwelling.  
This development has commenced, as witnessed by the case officer on 15<sup>th</sup> June 2017.
- 3.7 PT13/1505/F  
Approved with Conditions (05.07.2013)  
Erection of single storey side extension to existing outbuilding
- 3.8 PT13/1044/NMA  
Objection (24.04.2013)

- Non material amendment to PT10/0787/F to the profile and materials of the roof of the proposed extension to be level with the attached garage and a minor change to the windows to include additional boarding.
- 3.9 PT11/0876/F  
Approve with conditions (24.05.2011)  
Installation of 15 no. photovoltaic panels on garage roof
- 3.10 PT10/0787/F  
Approve with conditions (02.06.2010)  
Erection of single storey extension to existing outbuilding
- 3.11 PT09/5691/CLP  
Withdrawn (17.12.2009)  
Certificate of lawfulness for the proposed use of an outbuilding to form ancillary residential accommodation
- 3.12 PT01/2025/F  
Approved with Conditions (01.10.2001)  
Erection of extension to existing cat kennels
- 3.13 P90/2331  
Refusal of Full Planning (26.09.1990)  
Change of use of premises from dwelling house to form eight bedsit units.
- 3.14 N2330/4  
Refused (22.04.1982)  
Erection of a single storey dwelling in connection with existing cattery.  
Extension to existing cattery. Construction of a new access (Outline).

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

- 4.1 Pilning and Severn Beach Parish Council  
“Pilning & Severn Beach Parish Council object to this application because this would result in overdevelopment of the site contrary to policy CS1. In addition to this, this proposal would result in the loss of a pond which provides or should provide an important habitat for wildlife.”
- 4.2 Other Consultees
- Archaeology Officer  
“No comment.”
- Listed Building and Conservation Officer  
None received.
- Lower Severn Drainage Board  
None received.
- Sustainable Transport  
“No objection.”

Highway Structures

“No comment.”

Lead Local Flood Authority

“No objection.”

**Other Representations**

4.3 Local Residents

None received.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

As an amendment to a previously approved scheme, the principle of development has been found to be acceptable. Nonetheless, PSP38 allows the principle of development subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1, which is echoed by PSP38 seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Additionally, the site is located within the Bristol/Bath Green Belt where development is rigorously controlled. Thus, the development must also accord with policy PSP7 of the PSP Plan; CS5 of the Core Strategy; and the NPPF.

5.3 Green Belt

An assessment for the previous application (PT17/4906/F) found the car port/store to be acceptable in Green Belt terms. The size of the building remains the same, however the revised location moves the building 2m further south to run alongside the cattery. In that regard very little would change in regards to the previously approved proposal as such no new Green Belt objections are raised.

5.4 Design and Visual Amenity

The car port and store is proposed to be constructed from timber boarding elevations, a grass roof, and a stone plinth. The new access would have a gravel surface and the road frontage would be an opening in the existing stone wall created by stone plinths and metal gates. It is considered that these materials are informed by the rural location and would reflect the built form that is present at the site.

5.5 From several site visits, it is Officers opinion that the car port and store would be located in a sympathetic position, with this being alongside the cattery, facing into a new hardstanding area, separated by a hedge from the cattery and new dwelling. In that regard the new placement and new access would give the area a more domestic feel by creating a clear separation between the cattery and Queens Lodge. This separation is a welcome addition to the site

and the development is considered to accord with Policy PSP38 of the PSP Plan and CS1 of the Core Strategy.

5.6 Residential Amenity

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

5.7 When considering the existing boundary, combined with the siting and scale of the proposal. The proposal would not appear overbearing or such that it would prejudice existing levels of outlook, privacy or light afforded to neighbouring occupiers. Therefore, the development is deemed to comply with policies PSP8 and PSP38 of the PSP Plan.

5.8 Transport

The new access would join a residential road with good lighting and a 30mph speed limit. The wall either side of this access is 0.8m and curved, thereby allowing sufficient access along the road when leaving the site. Moreover, despite the car port not meeting the parking standards set out in PSP16, the proposed access incorporates an area of gravel that appears sufficiently large to allow multiple vehicles to park and leave the site in forward gear. As such there are no transport objections.

5.9 Landscape

Contrary to the previous scheme, a large hedge would remain, this is an improvement on the previous iteration of the development. Also, a query was raised regarding the loss of a pond on site. It is proposed to move this pond, as such it would not be lost entirely.

5.10 Flood Risk/drainage

The site is located within Flood Zone 3. In accordance with the local standing advice provided by the Environment Agency, a Flood Risk Assessment was submitted and accepted therefore there are no objections in regard to flood risk and drainage.

5.11 Equalities

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

## 6. **CONCLUSION**

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

## 7. **RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

2. The development hereby permitted shall be carried out as an alternative to the permission granted on 02.02.2018 for the erection of a detached 3no vehicle bay carport and store (Reference PT17/4906/F) but not in addition to it, to the intent that the applicant may carry out one of the developments permitted but not both, nor parts of both developments.

Reason

To prevent an unsatisfactory mix of development and/or over- development of the site.



**CIRCULATED SCHEDULE NO. 28/18 – 13 JULY 2018**

<b>App No.:</b>	PT18/2225/F	<b>Applicant:</b>	Mr Ray Brown
<b>Site:</b>	Eighteen Eighty Six New Passage Road Pilning South Gloucestershire BS35 4LZ	<b>Date Reg:</b>	22nd May 2018
<b>Proposal:</b>	Erection of a detached double garage.	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	354603 186160	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th July 2018



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a detached double garage at 1886 New Passage Road.
- 1.2 1886 is a recently constructed dwelling built within the curtilage of Queens Lodge which is a locally listed semi-detached dwelling located on New Passage Road, outside of any defined settlement boundary, within the designated Green Belt and within the residential area of Severn Beach.
- 1.3 Recent applications have shown that the cattery on site is associated with Queens Lodge. Now that the new dwelling is constructed, the owner/manager of the cattery, along with the applicant has moved from Queens Lodge into the new dwelling. Immediate family members now reside in Queens Lodge. Plans show that if both applications are approved, two new planning units will be created. Queens Lodge will revert to a residential unit only, with a new access, car port/store, and other domestic outbuildings. The cattery will become associated with the 1886, and will be served by the original parking area and access to the site.

### **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
- 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
- PSP8 Residential Amenity
- PSP16 Parking Standards
- PSP38 Development within Existing Residential Curtilages
- PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007

**3. RELEVANT PLANNING HISTORY**

- 3.1. PT18/2224/F  
Pending Decision  
Erection of 1no. detached car port and store. Creation of new vehicular access and associated works.
- 3.2. PT17/4906/F  
Approve with Conditions (02.02.2018)  
Erection of detached 3no vehicle bay carport and store.
- 3.3. PT17/3762/CLP  
Refusal (22.09.2017)  
Application for the certificate of lawfulness proposed erection of a detached garage.
- 3.2 PT16/6607/NMA  
No Objection (03.01.2017)  
Non Material Amendment to planning permission PT16/1052/F to alter the external appearance of the approved dwelling.
- 3.3 DOC16/0385  
Discharge of Conditions Decided (16.12.2016)  
Discharge of condition no. 3 (Residential Curtilage) and 4 (Residential Parking) attached to planning permission PT16/1052/F for Demolition of existing garage to facilitate erection of 1no. dwelling.  
*The former planning unit has now been subdivided to form two new curtilages; one for the new dwelling and a revision of the curtilage for Queens Lodge.*
- 3.4 PT16/1052/F  
Approved with Conditions (05.07.2016)  
Demolition of existing garage to facilitate erection of 1no. dwelling.  
This development has commenced, as witnessed by the case officer on 15<sup>th</sup> June 2017.
- 3.5 PT13/1505/F  
Approved with Conditions (05.07.2013)  
Erection of single storey side extension to existing outbuilding
- 3.6 PT13/1044/NMA  
Objection (24.04.2013)  
Non material amendment to PT10/0787/F to the profile and materials of the roof of the proposed extension to be level with the attached garage and a minor change to the windows to include additional boarding.
- 3.7 PT11/0876/F  
Approve with conditions (24.05.2011)  
Installation of 15 no. photovoltaic panels on garage roof

- 3.8 PT10/0787/F  
Approve with conditions (02.06.2010)  
Erection of single storey extension to existing outbuilding
- 3.9 PT09/5691/CLP  
Withdrawn (17.12.2009)  
Certificate of lawfulness for the proposed use of an outbuilding to form ancillary residential accommodation
- 3.10 PT01/2025/F  
Approved with Conditions (01.10.2001)  
Erection of extension to existing cat kennels
- 3.11 P90/2331  
Refusal of Full Planning (26.09.1990)  
Change of use of premises from dwelling house to form eight bedsit units.
- 3.12 N2330/4  
Refused (22.04.1982)  
Erection of a single storey dwelling in connection with existing cattery.  
Extension to existing cattery. Construction of a new access (Outline).

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

- 4.1 Pilning and Severn Beach Parish Council  
“Pilning & Severn Beach Parish Council do not object to the erection of a double garage but do object to the proximity of this garage to Queens Lodge as it is likely to harm its setting and the design is poor which is contrary to Policy CS1 of the Core Strategy.”
- 4.2 Other Consultees
- Landscape Officer  
“No objection.”
- Sustainable Transport  
“No objection.”
- Highway Structures  
“No comment.”
- Lead Local Flood Authority  
More information is required to fully assess the proposal.

#### **Other Representations**

- 4.3 Local Residents  
None received.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

5.2 Additionally, the site is located within the Bristol/Bath Green Belt where development is rigorously controlled. Thus, the development must also accord with policy PSP7 of the PSP Plan; CS5 of the Core Strategy; and the NPPF.

### 5.3 Green Belt

Policy PSP7 permits extensions to properties in the Green Belt providing that the extension is not disproportionate to the original dwelling, stating that volume increases below 30% of the original dwelling are acceptable. The host dwelling is newly constructed, as such is original. The volume of the dwelling is 498 m<sup>3</sup> and the proposed garage is 107 m<sup>3</sup>. This is a 21.5% volume increase which is considered acceptable by Policy PSP7.

### 5.4 Design and Visual Amenity

The double garage is proposed to be low level with a sloping grass roof. The elevations would be brickwork where these elevations face Queens Lodge; and render where the elevations face 1886. A timber door that matches 1886 is also proposed. While unorthodox, the Case Officer can see the logic in this design. In particular as the currently open site will become distinctly separate when the garage and carport are constructed. Thus, standing in either site the materials would match the side that the person is viewing the garage from. As such it is considered that these materials are informed by the rural location and would reflect the built form that is present at the site.

5.5 From several site visits, it is Officers opinion that the garage would be located in a sympathetic position, with this being alongside the hedge, blocking the access to Queens Lodge. In that regard, when combined with the car port/store and access at Queens Lodge also recommended for approval, a clear separation between the properties would be created. This separation is a welcome addition to the site and the development is considered to accord with Policy PSP38 of the PSP Plan and CS1 of the Core Strategy.

### 5.6 Residential Amenity

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

- 5.7 When considering the existing boundary, combined with the siting and scale of the proposal. The proposal would not appear overbearing or such that it would prejudice existing levels of outlook, privacy or light afforded to neighbouring occupiers. Therefore, the development is deemed to comply with policies PSP8 and PSP38 of the PSP Plan.
- 5.8 Transport  
The garage would sit alongside two spaces for the cattery and within a large gravelled area. This space is suitable for the turning of vehicles and to accommodate sufficient parking for the dwelling and cattery. As such there are no transport objections.
- 5.9 Heritage  
As was noted from the Landscape Officer “any damage to the setting of the locally listed building (Queens Lodge) was substantially achieved through the granting of planning consent for the 1886 house.” Moreover, the garage is an appropriate addition for a dwelling of this type. As such no heritage objection is raised.
- 5.10 Flood Risk/drainage  
The site is located within Flood Zone 3. In accordance with the local standing advice provided by the Environment Agency, a Flood Risk Assessment was submitted by the Agent. While the Drainage Officer requested that the Agent submit a flood mitigation form in addition to the flood risk assessment, this form was not submitted for a larger carport/store just 2m away that the Drainage Officer raised no objection to. Thus, by proxy, when considering that this garage is smaller and in an almost identical location. No drainage objection is raised.
- 5.11 Equalities  
The Equality Act 2010 protects people from discrimination in the workplace and in wider society. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above this planning application is considered to have a neutral impact on equality.

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

2. The detached garage hereby approved shall be used for the parking of vehicles and ancillary domestic storage only.

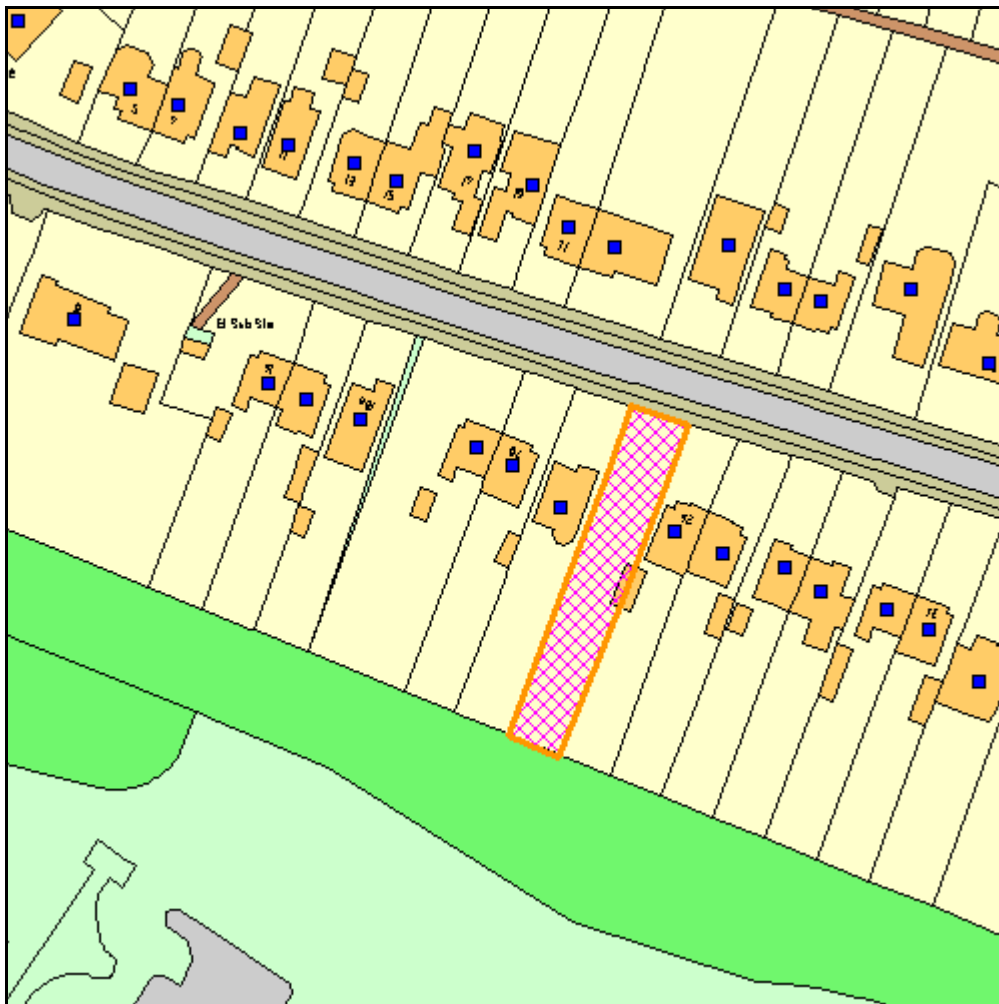
Reason

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

**CIRCULATED SCHEDULE NO. 28/18 – 13 JULY 2018**

<b>App No.:</b>	PT18/2306/RM	<b>Applicant:</b>	Mr D Nunn
<b>Site:</b>	Land At 24 Malmins Drive Frenchay Bristol South Gloucestershire BS16 1PQ	<b>Date Reg:</b>	8th June 2018
<b>Proposal:</b>	Erection of 1no dwelling with appearance, landscaping, layout, scale and access to be determined. (Approval of Reserved Matters to be read in conjunction with outline permission PT17/5187/O).	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	363851 178030	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th July 2018

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PT18/2306/RM



## **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 This application seeks approval of the reserved matters connected to outline planning permission PT17/5187/O. The outline planning permission granted consent for the erection of 1no. dwelling at land associated with no. 24 Malmaims Drive, Frenchay. All matters were reserved.
- 1.2 The application site comprises a side garden associated with no. 24 Malmaims Drive. The site is situated within the urban fringe area of Frenchay.
- 1.3 During the application process, the description of development was altered to add the 'access' to the list of matters to be determined under the application. The application form outlines that it was the applicant's intention for access to be determined, and the omission of this from the original description was an oversight during the registration of the application. However it is not considered that the slight amendment to the description has disadvantaged any consultees, and as such the change was not considered to trigger a further round of consultation.

### **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 Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP43	Private Amenity Space Standards

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

**3. RELEVANT PLANNING HISTORY**

3.1 **PT17/5187/O**

Erection of 1no dwelling (outline). All matters reserved.

Approved: 19.12.2017

**4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection

4.2 Other Consultees

Sustainable Transport  
No objection subject to conditions

Lead Local Flood Authority  
No objection

Highway Structures  
No objection

**Other Representations**

- 4.3 Local Residents  
One letter of objection was received during the statutory consultation period.  
The main concerns raised are summarised below:

- Proposed dwelling will project to the front and rear of neighbouring property. This will interfere with privacy. Rear bedrooms will overlook neighbouring patio area.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application site is situated in an area where development is directed under policy CS5 of the Core Strategy. Furthermore, the principle of erecting 1no. dwelling at the site was found to be acceptable under the outline application.

5.2 Therefore the proposed development is acceptable in principle and this application should consider the specific elements included within the reserved matters. As all matters were reserved at outline stage, this application shall consider all other relevant planning considerations. The application shall be determined against the analysis set out below.

### 5.3 Design and Visual Amenity

Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS1 is fully compliant with design guidance in the NPPF.

5.4 No fundamental issues regarding design or site planning were identified at outline stage. In terms of its siting, the proposed dwelling would be situated in a gap between two existing properties. It is considered that the siting of the building sufficiently respects the pattern and grain of development in the area. Given the width of the plot, it is also considered that the new dwelling would sit comfortably within the site, without appearing unduly cramped or contrived.

5.5 In terms of its more detailed design, the proposed dwelling would take on a fairly simple form. The dwelling would front on to the highway, and would incorporate a pitched roof. A single, pitched roof garage would project from the front of the main dwelling. It is proposed to finish the dwelling in a light render with a Redland double roman interlocking tile roof.

5.6 In terms of the character of the immediate surrounding area, Malmains Drive is made up of a mixture of detached and semi-detached properties of varying forms and architectural styles. Given the mix of property types and the lack of uniformity along the street, it is considered that the proposed dwelling would appear as a congruent new feature within the streetscene. The overall form and finish is considered to be sufficiently informed by adjacent development. Furthermore, attached front garages are present at several properties in the immediate vicinity, and in this respect it is not considered that the proposed garage would appear out of keeping.

5.7 The proposed landscaping to the frontage and rear are also considered to be appropriate. On balance, it is considered that an acceptable standard of design has been achieved. The proposal is therefore considered to accord with policy CS1 of the Core Strategy.

5.8 Residential Amenity

- Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.9 There was no in principle objection to the proposal from a residential amenity perspective at outline stage. The concerns raised regarding the projection of the building to the front and rear have been taken in to account. However given the modest depth of the projection beyond the building line of the neighbouring property, it is not considered that the proposed dwelling would have any significant overbearing or overshadowing impacts on adjacent neighbours.
- 5.10 In terms of any overlooking or inter-visibility, although side-facing windows are proposed, these would be obscurely glazed. This would significantly reduce outlook, and would reduce the potential for any overlooking. However in order to preserve the residential amenity of neighbours and for the avoidance of doubt, a condition will be attached to any decision ensuring that the side-facing windows at a first floor level are obscurely glazed. Any rear-facing windows would only provide a direct line of sight on to the rear garden of the new dwelling, with any front-facing windows facing on to public areas.
- 5.11 For the reasons outlined above, it is not considered that the presence or occupation of the proposed dwelling would cause any significant harm to the residential amenity of neighbouring residents. It is however recognised that the actual building of the dwelling would likely cause some disturbance to neighbours during the construction period. Whilst this is not considered to substantiate a reason for refusing the application, a condition will be attached to any decision, restricting the permitted working hours during the construction period.
- 5.12 With regards to amenity space, given the substantial size of existing site, it is considered that sufficient space would be both provided for the prospective occupiers of the proposed dwelling, and retained for the occupiers of the existing dwelling at no. 24.
- 5.13 For the reasons outlined above and subject to the aforementioned conditions, it is not considered that the proposal would have any unacceptable impacts on residential amenity. The development is therefore considered to comply with policy PSP8 of the Policies, Sites and Places Plan.
- 5.14 Transport
- Policy PSP16 of the Policies, Sites and Places Plan sets out the Council's minimum parking standards for residential development. The number of parking spaces that should be provided is based on the number of bedrooms contained within a residential unit. The proposed dwelling would contain a total of 4 bedrooms. Under PSP16, a minimum of two parking spaces, each measuring a minimum of 2.4m x 4.8m, should be provided for 4-bed dwellings.

- 5.15 Submitted plans indicate that a driveway will be provided to the frontage of the site. The driveway is of sufficient size as to accommodate two vehicles. This meets the minimum standards set out above, and the proposed parking arrangements are considered acceptable. However a condition will be attached to any decision, ensuring that the proposed parking spaces are provided prior to the first occupation of the dwelling. Given the residential nature of the road, it is not considered that the provision of a new access would have any material impacts on highway safety.
- 5.16 It is acknowledged that condition 5 attached to the outline consent required details of parking and access to be submitted and approved prior to the commencement of development. The details submitted at reserved matters stage are considered to be sufficient as to satisfy the condition. Condition 6 attached to the outline consent required details of cycle storage to be submitted and approved prior to the first occupation of the dwelling. No details have been submitted in this respect, and as such the condition still applies, and will need to be discharged prior to the first occupation of the dwelling.
- 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 **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. Prior to the first occupation of the dwelling hereby permitted, and at all times thereafter, the proposed first floor windows on the east and west facing elevations shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being a minimum of 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 Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

2. 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.

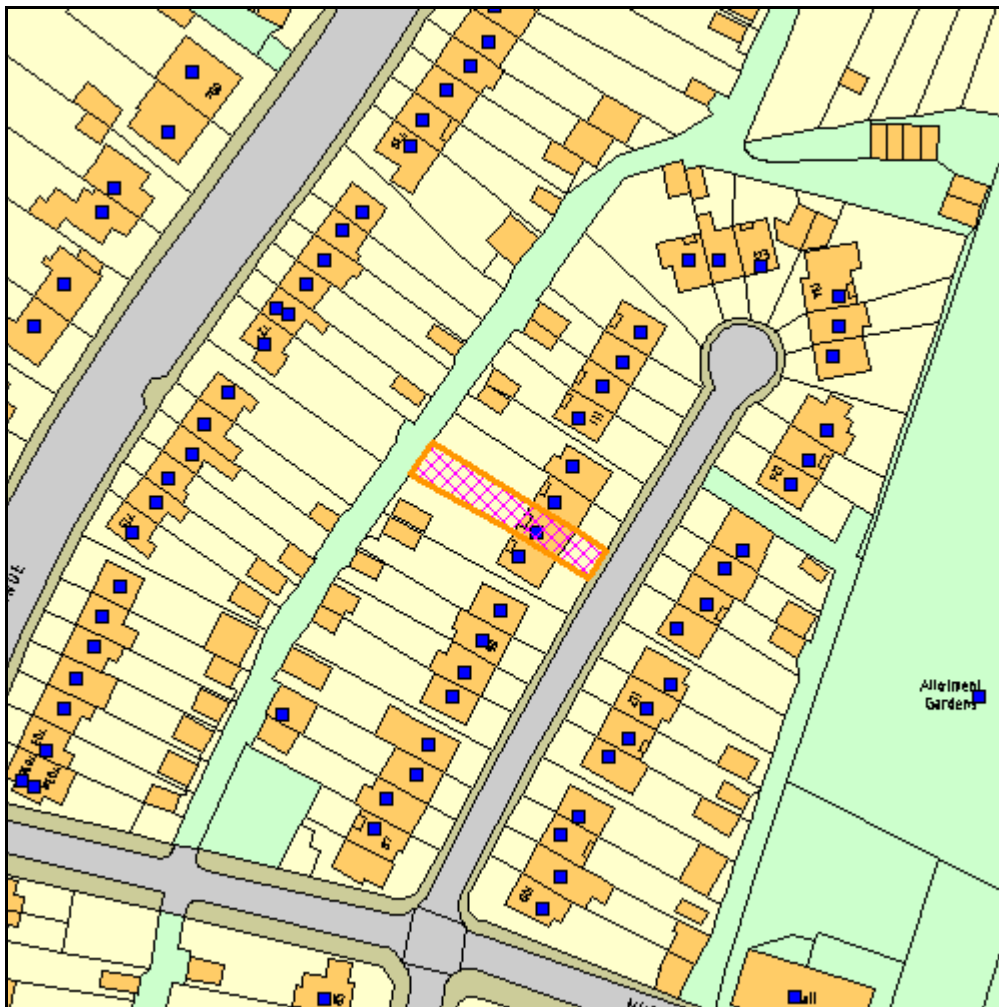
3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan (018-055-075 A) hereby approved shall make provision for the parking of a minimum of 2 vehicles (measuring at least 2.4m by 4.8m), and shall be provided before the building is first occupied, and thereafter retained for that purpose.

#### Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; 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. 28/18 – 13 JULY 2018**

<b>App No.:</b>	PT18/2362/CLP	<b>Applicant:</b>	Mr Fang
<b>Site:</b>	105 Mortimer Road Filton Bristol South Gloucestershire BS34 7LH	<b>Date Reg:</b>	31st May 2018
<b>Proposal:</b>	Erection of single storey rear extension and installation of rear dormer to facilitate loft conversion.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360915 178746	<b>Ward:</b>	Filton
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	26th July 2018



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the erection of a single storey rear extension and installation of a rear dormer to 105 Mortimer Road, Filton would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit; the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning Act 1990 (as amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class A and Class B.

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

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

- 3.1 No relevant planning history

### **4. CONSULTATION RESPONSES**

#### **4.1 Filton Town Council** Object!

The application is over intensive and there will not be enough space for parking. The council is also querying future use; it looks like this will be turned into a house of multiple occupancy.

#### **4.2 Councillor** No comment received

#### **Other Representations**

#### **4.3 Local Residents** No comments received.



## 5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Existing Plans  
Received by the Council on 18<sup>th</sup> May 2018

Combined Proposed  
Received by the Council on 10<sup>th</sup> July 2018

## 6. ANALYSIS OF PROPOSAL

### 6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful. Accordingly, although the Town Council have raised some concerns these relate to issues which are not within the scope of this assessment. The assessment is based on the facts before the Local Planning Authority and do not involve planning judgements, nor what might happen in the future.

6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015. It should be noted that there is no restriction relating to extensions or dormer windows at the subject property. As such permitted development rights are intact and exercisable

6.3 The proposed erection of a single storey rear extension would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria set out below:

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

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

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

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

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

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

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

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

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

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

The extension would not extend beyond a wall which forms the principal elevation; or fronts a highway and forms a side elevation, of the original dwellinghouse.

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

The subject property is a mid-terraced dwelling and the proposal would extend beyond the rear wall of the original dwelling by 3 metres and would not exceed 4 metres in height.

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

Not applicable.

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

The extension would be single storey.

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

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

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

The extension would not extend beyond a wall forming the side elevation.

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

The total enlargement would not exceed the limits set out in paragraphs (e) to (j).

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

The development would not include any of the above.

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

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

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

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

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

The submitted information indicates that the proposal will be finished in materials to match the exterior finish of the existing dwellinghouse.

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

Not applicable.

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

Not applicable.

- 6.4 The proposed rear dormer to facilitate the loft conversion would fall within the category of development permitted by Schedule 2, Part 1, Class B of the GPDO, which allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, provided it meets the criteria as detailed below:

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

- (a) **Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of uses);**  
The use of the building as a dwellinghouse was not granted by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule.
- (b) **Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**  
The proposed works do not exceed the maximum height of the existing roof.
- (c) **Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;**  
The proposed dormer would not extend beyond the principal elevation.
- (d) **The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-**
- (i) **40 cubic metres in the case of a terrace house, or**  
The cubic content of proposed dormer would not exceed 40 cubic metres
  - (ii) **50 cubic metres in any other case;**  
Not applicable
- (e) **It would consist of or include-**
- (i) **The construction or provision of a veranda, balcony or raised platform, or**  
Not applicable
  - (ii) **The installation, alteration or replacement of a chimney, flue or soil and vent pipe;**  
Not applicable.
- (f) **The dwellinghouse is on article 2(3) land.**  
The dwellinghouse is not on article 2(3) land.

### **Conditions**

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

- (a) **The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.**  
All materials will match existing.
- (b) **The enlargement must be constructed so that –**
- i. **Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension-**

**(aa) the eaves of the original roof are maintained or reinstated; and**

**(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measures along the roof slope from outside the edge of the eaves; and**

The original eaves would be maintained and the proposal would be 0.3 metres from the eaves.

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

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

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

**(i) Obscure glazed; and**

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

Not applicable.

## **7. RECOMMENDATION**

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

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

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