



**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. 42/18

Date to Members: 19/10/2018

Member's Deadline: 25/10/2018 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE - 19 October 2018

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/5400/F	Approve with Conditions	Myrtle House Siston Hill Siston South Gloucestershire BS30 5LU	Siston	Siston Parish Council
2	PK18/0339/RVC	Refusal	67 Barry Road Oldland Common South Gloucestershire BS306RA	Bitton	Bitton Parish Council
3	PK18/2658/F	Approve with Conditions	5 Kilnhurst Close Longwell Green South Gloucestershire BS30 9AB	Longwell Green	Hanham Abbots Parish Council
4	PK18/3229/F	Approve with Conditions	Units 1 To 4 Morley Road Staple Hill South Gloucestershire BS16 4QT	Staple Hill	None
5	PK18/3539/RM	Approve with Conditions	66 Court Farm Road Longwell Green South Gloucestershire BS30 9AD	Longwell Green	Hanham Abbots Parish Council
6	PT18/3477/F	Approve with Conditions	12 Smithcourt Drive Little Stoke South Gloucestershire BS348LZ	Stoke Gifford	Stoke Gifford Parish Council
7	PT18/3541/F	Approve with Conditions	42 Bush Avenue Little Stoke South Gloucestershire BS34 8LX	Stoke Gifford	Stoke Gifford Parish Council
8	PT18/3721/CLP	Approve with Conditions	59 Home Leas Close Stoke Gifford South Gloucestershire BS16 1FL	Frenchay And Stoke Park	Stoke Gifford Parish Council
9	PT18/3751/F	Refusal	Paddock To The North Of Bush Cottage Merryhole Lane Old Down South Gloucestershire BS32 4PT	Severn	Olveston Parish Council
10	PT18/3796/F	Approve with Conditions	28 The Close Little Stoke South Gloucestershire BS34 6JS	Stoke Gifford	Stoke Gifford Parish Council
11	PT18/3810/F	Approve with Conditions	29 Woodlands Road Charfield Wotton Under Edge South Gloucestershire GL12 8LT	Charfield	Charfield Parish Council
12	PT18/3935/CLP	Approve with Conditions	7 Slade Baker Way Stoke Gifford South Gloucestershire BS161QT	Frenchay And Stoke Park	Stoke Gifford Parish Council
13	PT18/4081/PDR	Approve with Conditions	27 The Beeches Bradley Stoke South Gloucestershire BS329TA	Bradley Stoke South	Bradley Stoke Town Council
14	PT18/4085/CLP	Approve with Conditions	45 Braemar Avenue Filton South Gloucestershire BS7 0TF	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 42/18 – 19 OCTOBER 2018

App No.:	PK17/5400/F	Applicant:	Mr And Mrs Cappell
Site:	Myrtle House Siston Hill Siston Bristol South Gloucestershire BS30 5LU	Date Reg:	28th December 2017
Proposal:	Construction of widened vehicular access and gravel track leading to Myrtle house. Installation of gate and 2.4m high fence.	Parish:	Siston Parish Council
Map Ref:	367371 174396	Ward:	Siston
Application Category:	Minor	Target Date:	8th February 2018



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PK17/5400/F

REASON FOR REPORTING TO THE CIRCULED SCHEDULE

This application appears on the Circulated Schedule due to consultation responses received, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the construction of a widened vehicular access and gravel track leading to Myrtle House and the installation of a gate and 2.4m high fence. It is stated that the application will open up an existing access and create a safer vehicular access and egress than currently exists, up to the rear garden of the residential property of Myrtle House.
- 1.2 The application site comprised an existing gated access point into the field adjoining Myrtle House. The site is within the Green Belt. From a site visit it appeared that engineering works pursuant to the development proposed had commenced.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance
- 2.2 South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
CS9 Managing the Environment and Heritage

South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017
PSP1 Local Distinctiveness
PSP7 Development in the Green Belt
PSP8 Residential amenity
PSP11 Transport Impact Management
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Development in the Green Belt SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 K1887/1
Approve (07.06.1995)
REMOVAL OF AGRICULTURAL OCCUPANCY CONDITION AND
TRANSFER TO ANOTHER DWELLING (Previous ID: K1887/1)
- 3.2 K1887
Approved (27.07.1977)
TWO STOREY EXTENSION TO EXISTING FARMHOUSE TO PROVIDE
ENLARGED LIVING ROOM, UTILITY ROOM AND WC WITH TWO
BEDROOMS AND SEWING ROOM OVER (Previous ID: K1887)

- 3.3 PK17/2822/F - Erection of two storey rear and side extension to create additional living accommodation. Approved 13/9/17

4. **CONSULTATION RESPONSES**

4.1 **Siston Parish Council**

Siston Parish Council objects to this application as it believes the current Green Belt policy covers inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This property already has substantial access to all existing buildings within its boundaries. It is therefore wholly inappropriate to construct an additional drive on green belt/agricultural land. The proposal to remove and relocate the hedgerow will impact existing wildlife and the historical street view. It also has to be noted work has already started on laying the drive without appropriate and necessary planning approval. Until approval is granted all work must stop and the land returned to its original state.

Sustainable Transportation

We understand that this planning application seeks permission to construct a new access to Myrtle House in Goose Green, Siston.

We have no objection in principal to this proposal, however, insufficient information has been submitted by the applicants to enable us to determine whether the details of the proposed access are satisfactory. We are particularly concerned about the visibility from the proposed access. This is because, although it appears that the applicants have undertaken calculations to determine the visibility provided from it, insufficient information is available to allow us ascertain whether this process has been completed correctly. Therefore, we are unable to ascertain whether these proposals conform to the required standards and so we have concerns about their safety. Hence, we would wish to see this matter clarified by the applicant before we can come to a conclusion about this development. Should this information not be forthcoming or be unsatisfactory, then we would recommend an objection be lodged against this proposal.

Further to these highways comments, additional detail and information was sought from the applicant. Subsequently additional plans and calculations were received in relation to visibility from the site.

Upon reconsultaion, it was considered that the details were acceptable and the visibility calculations appeared correct, addressing the original query satisfactorily.

Highway Structures

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

required to pay the fees associated with the review of the submission whether they are accepted or rejected.

Or

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

Landscape

Upon review, concern is raised regarding the requiring the design, scale and nature of the proposed gate and fence. In addition submission and approval of a detailed landscape plan, specification and five year maintenance schedule for the proposed hedge is also recommended. This hedge must be a mixed native hedge in order to preserve the rural character of the area and be in accordance with Policies CS1 and PSP2.

Commons Stewardship Officer

I have no objection in principal to this proposal, however, insufficient information has been submitted by the applicants to enable me to determine whether the details of the proposed access crossing the registered common land are satisfactory. The existing access is across registered Common G/CL29 Siston Commons, Goose Green and Webbs Heath. It is currently of an unsealed (grassed) nature. The common is managed with a scheme of Management and Byelaws held by South Gloucestershire Council.

If the surface of the access track is to remain unsealed, laid down with gravel, grass grids or to the South Gloucestershire Council design of access tracks as attached then there will be no objection.

If a sealed surface (Tarmacdam, concrete, block paving etc) is intended then this will require Secretary of State approval through the Commons Act 2006, Section 38 application. I would like to see the surface design of the new track clarified by the applicant, should this information not be forthcoming, I would recommend an objection be lodged against this proposal.

Further design details were sought regarding the surfacing of the proposals, and subsequently received.

Upon reconsultation it was considered that it was unclear from the drawings whether the last section from the gate to the roadside was to remain unsealed. It was however agreed that this could be addressed and secured through a condition.

Other Representations

4.3 Local Residents

No comments received

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

Policy CS1 of the South Gloucestershire Local Plan (Adopted) 2013 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area. In addition there are policies to ensure that they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. The application is for access only, which is denoted by the redline boundary, to the curtilage of the property. No change of use or enlargement of curtilage is proposed. The site is also located within the Green Belt and outside of any defined settlement boundary, so additional consideration will need to be given in this respect of Green Belt policy.

5.2 **Green Belt**

The National Planning Policy Framework (NPPF) attaches great importance to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence. It states that inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances. The NPPF states that engineering operations can be appropriate forms of development in the Green Belt provided that they preserve it's openness and do not conflict with the purposes of including land within it.

5.3 Concern was raised with regard to the nature and scale of the originally proposed gates. These were rather large and bulky residential gates, more akin to a more residential area as opposed to a rural and agricultural context within the existing hedgerow which may have a greater impact upon the openness of the Green Belt. Revised proposals have subsequently been requested and received. These illustrate a much more sympathetic 1.2 metres 5 bar gate and short 1.2 metres high post and rail fence. This demonstrates a reduction in height, scale and form reducing any impact upon the openness of the Green Belt and appropriate to its agricultural/rural setting. The access tack would not be considered to materially impact upon the openness of the Green Belt. It is therefore not considered that the proposals would impact upon the openness of the Green Belt or be disproportionate to the existing building and are therefore not considered to be inappropriate development.

5.4 **Landscape/Design**

As per the Green Belt considerations above, it is considered that the revised 5 bar 1.2m gate proposals are more appropriate to the location and context of the site. The applicants have proposed translocation of part the existing hedge to accommodate sightlines/visibility splays. This would essentially retain the existing character of the site, however, given the hedgerow fronts the road side and is rather prominent it is considered that this should be subject to a condition to ensure that the hedgerow is re-established and retained and maintained.

5.5 Agricultural Land

It is not considered that this area of land and level of use would encroach significantly upon the available useable adjacent agricultural land which is moderate grade grazing land.

5.6 Residential Amenity

Given the overall nature and scale of the revised proposals and their relationship with the existing dwelling and surrounding properties, it is not considered that they would give rise to a significant or material amenity impact upon neighbouring properties. It is considered therefore that the proposals would be acceptable in terms of residential amenity.

5.7 Common Land

The comments of the Commons Stewardship Officer, above, are noted. It is considered that the revised drawing, design and surfacing details adequately address these issues. A condition is recommended to secure and retain the surfacing.

5.8 Transportation

The proposals would essentially open up an existing access point into the field for use as a residential access point to the dwelling. It is considered that the visibility splays from the access is acceptable, and there are no highways objections to the proposals.

5.9 Equalities

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

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

6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Core Strategy and South Gloucestershire Policies, Sites and Places Plan, set out above, and to all the relevant material considerations set out in the report for the following reasons:

7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the conditions recommended.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

2. The access and track hereby approved shall be laid in an unsealed and unbound material and thereafter retained as such.

Reason

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

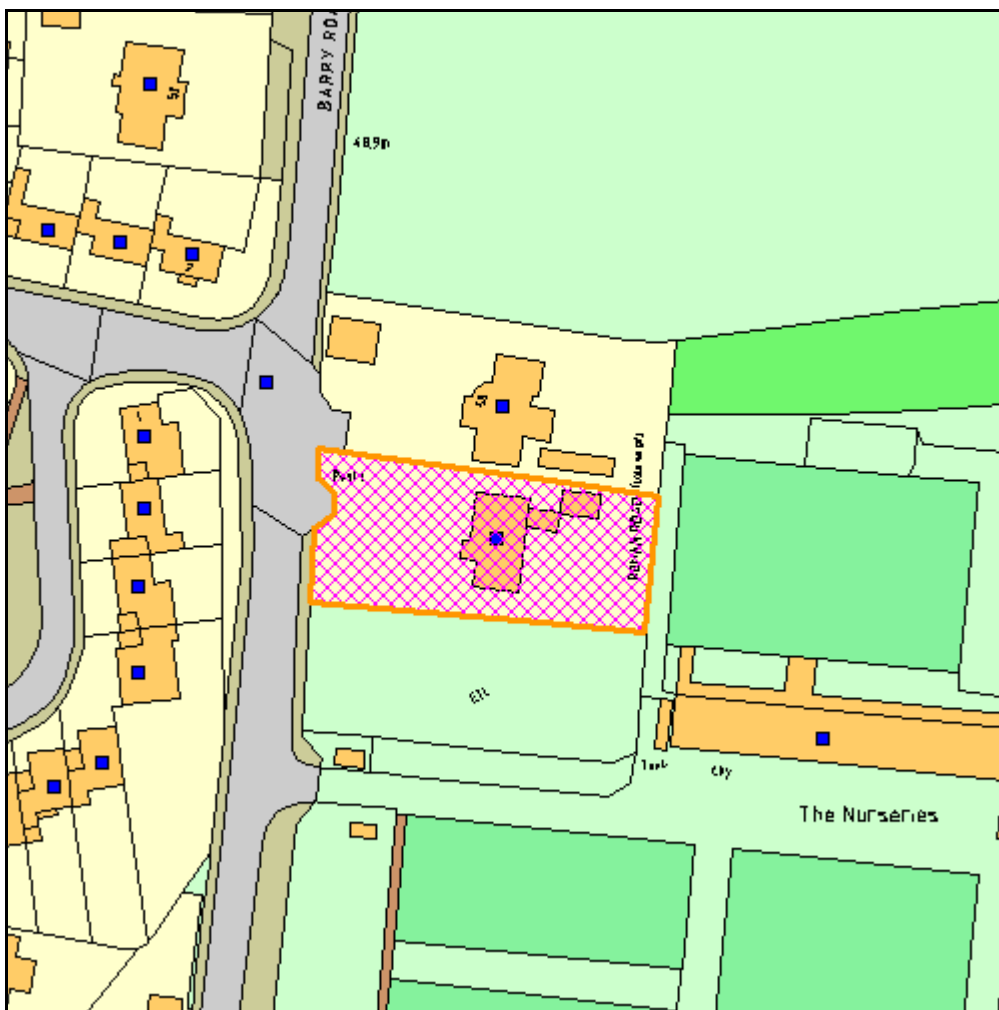
3. Prior to the removal and relocation of the hedgerow, a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the arrangements for its implementation and maintenance and details of replacement planting should any of the hedgerow become damaged or dead over this period. Development shall be carried out in accordance with the approved schedule.

Reason

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

CIRCULATED SCHEDULE NO. 42/18 – 19 OCTOBER 2018

App No.:	PK18/0339/RVC	Applicant:	Mrs B Jarrett
Site:	67 Barry Road Oldland Common Bristol South Gloucestershire BS30 6RA	Date Reg:	26th January 2018
Proposal:	Removal of condition no. 3 attached to K1743 appeal decision T/APP/5118/A/77/7344/G5 stating the dwellinghouse is to be used for none other than agricultural occupancy	Parish:	Bitton Parish Council
Map Ref:	367307 170748	Ward:	Bitton
Application Category:	Minor	Target Date:	19th March 2018



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PK18/0339/RVC

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule for determination as one comment of support has been received. This is contrary to the officer recommendation for refusal.

1. THE PROPOSAL

- 1.1 This planning application is made under Section 73 ("s73") of the Town and Country Planning Act 1990 (as amended) ("the Act"). Applications made under this section of the Act seek to develop land without compliance with conditions previously attached to the relevant planning permission. In this instance, the applicant seeks to remove a condition restricting the occupancy of the dwelling to persons employed in the locality in agriculture.
- 1.2 This application seeks to overcome an earlier decision to refuse the application; this is listed in detail in section 3.
- 1.3 The application relates to 67 Barry Road, Oldland Common, Bristol. This is a modern detached house located to the east of the A4175 and the north of Chief Trading Post, which occupies the nursery site. The site is located outside of (but adjacent to) the defined area of the east fringe of Bristol and is therefore in the open countryside. This part of the district is contained within the Bristol and Bath Green Belt. Although not relevant to this type of application, the route of a Roman Road falls under the dwelling and its rear garden.
- 1.4 This dwelling was permitted at appeal in February 1978 subject to a number of conditions. Condition 3 stated:

the occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in section 290(1) of the Town and Country Planning Act 1971, or in forestry (including and dependents of such a person residing with him), or a widow or widower of such a person
- 1.5 It is the applicant's position that the condition should be removed as the site is unsellable with the agricultural occupancy condition attached.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2018
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
CS34	Rural Areas

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

PSP7	Development in the Green Belt
PSP40	Residential Development in the Countryside
PSP41	Rural Workers Dwellings

2.3 Supplementary Planning Guidance
Development in the Green Belt SPD (Adopted) June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK17/2842/RVC Refused 01/09/2017
Removal of condition no. 3 attached to K1743 appeal decision
T/APP/5118/A/77/7344/G5 stating the dwellinghouse is to be used for none
other than agricultural occupancy

Reasons

1. The submitted Planning and Marketing Statement fails to demonstrate that there has been a genuine and unsuccessful attempt to market the property reflecting the agricultural worker's occupancy restriction or that there is no need for the dwelling either on the holding or in the wider area as the marketing exercise has sought to subdivide the dwellinghouse from the remainder of the agricultural holding and therefore does not reflect the true value or interest in the dwelling and its associated land. The removal of condition 3 of planning permission K1743/AP would be contrary to policy H9 of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The proposed planning unit (defined by the red edge indicated on the accompanying plans) would include land to the south of the dwelling that is not considered to currently have a residential (Class C3, as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended) use. As a result, a change of use of land is proposed. The change of use of this land would represent inappropriate development in the green belt for which no special circumstances have been demonstrated that would outweigh the general presumption against development in the green belt. Furthermore the proposal would result in the encroachment of development into the countryside to the detriment of the purposes of the green belt. The change of use of land would be contrary to policy CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.

- 3.2 K1743/AP Approved at Appeal 17/02/1978
Erection of detached dwellinghouse with integral garage. Construction of new
vehicular and pedestrian access

- 3.3 K1743 Refused 03/03/1977
Erection of one dwellinghouse construction of new vehicular and pedestrian
access

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

Objection: site is within the green belt; house would not have been granted unless need could be demonstrated; other properties are not comparable; no change since earlier application was determined.

Internal Consultees

4.2 Sustainable Transport

No transport impact; no objection

Other Representations

4.3 Support Comments

One comment of support has been received which states that the dwelling is not sellable with the condition attached.

4.4 General Comments

A comment has been received from the son of the late Mr Jarrett which seeks to clarify errors made in the submission. These include the date the nursery was built and the date the lease was transferred (which would appear to have been subject to legal challenge).

A comment has been received from Chief Trading Post which raises concerns about the impact of the application on the operation of the business.

4.5 Comments of Objection and Representations of Compliance with Agricultural Occupancy Condition

Two formal comments have been received raising objection to the proposed removal of the condition. All were made on the basis that they would comply with the agricultural occupancy condition, were willing to purchase the property, and that the agent had been obstructive.

Additional informal comments of the same nature have been received but as these are informal in nature have not been reported here or given weight in the overall planning assessment.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks to remove condition 3 attached to K1743/AP which places an agricultural workers occupancy restriction on the dwelling. This is a resubmission of PK17/2842/RVC.

5.2 Principle of Development

Applications made under s73 of the Act seek permission for the development of land without compliance with conditions subject to which a previous planning permission was granted. With applications made under s73, the Local Planning Authority shall consider only the conditions subject to which planning permission was granted; the principle of development is therefore established.

- 5.3 If the Local Planning Authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the Authority should grant permission accordingly. If the Authority decides that planning permission should be granted subject to the same conditions, then the application should be refused.
- 5.4 The previous application to remove the condition was refused. For it now to be found acceptable, it would need to be demonstrated that the previous reasons for refusal had been overcome.
- 5.5 Proposed Removal of Condition
It is sought to vary the original planning permission to remove the agricultural workers occupancy condition. The applicant's case is that the property has been marketed subject to the restriction but that this has failed to result in a sale. As a result, the claim is that there is no demonstrated need for an agricultural worker's dwelling and the restriction should be removed.
- 5.6 Policy PSP41 is the starting point for establishing whether the condition should be removed. It states:
- The removal of an occupancy condition on a rural worker's dwelling will be acceptable where it can be demonstrated there is no existing or foreseeable need on the unit or in the locality, and there has been an independent market assessment following an unsuccessful attempt to market the property at a realistic price.
- 5.7 It was previously concluded that the marketing exercise was insufficient to demonstrate that there had been a genuine and unsuccessful attempt to market the property.
- Marketing*
- 5.8 The planning statement accompanying this application includes information on the marketing undertaken by the agent. Within the statement a number of lists are included to demonstrate the interest generated in the property by the marketing exercise.
- 5.9 These lists indicate that there has been interest in the property but that no interested party fulfilled the requirements of the agricultural occupancy condition.
- 5.10 When determining applications such as this, the evidence presented to the authority must be balanced to reach a view as to the most probable course of events.
- 5.11 During the time this application has been before the authority, a number of third parties have submitted representations which state that they would comply with the occupancy condition and are willing to purchase the property. These have not been included in the agent's lists of enquirers. This therefore brings doubt on whether the case as presented by the agent is an accurate reflection of

- events or whether it has been manipulated in the applicant's interests. The weight that can therefore be attached to the contents of the planning and marketing statement is therefore significantly reduced.
- 5.12 The provisions of policy PSP41 indicate that the authority must be satisfied that there is no existing or foreseeable need. As there has been expressions of interest made by persons who would fulfil the agricultural occupancy restriction, it has not been demonstrated that there is no existing or foreseeable need. Furthermore, while it is clear that a marketing exercise has been undertaken, the reported results of this exercise cannot be found to be genuine as it would appear to have some significant and notable emissions.
- 5.13 Therefore, by balancing these factors, officers are not satisfied that there is no demand for or that appropriate marketing has been undertaken on this property and the justification for the removal of the occupancy condition has not been found sound.
- 5.14 Previous issues with regard to the subdivision of the site do appear to have been overcome.
- 5.15 Other Factors
A doctor's note has been submitted with this applicant; it indicates that the applicant has various ailments. It has been requested that this is given weight in the determination of the planning application.
- 5.16 The information disclosed to the planning authority suggests that the applicant's health would improve by moving closer to other family members. This is not disputed nor questioned. However, it is not uncommon for any persons advancing in age to benefit from close relationships with family or friends as an aide to daily living. As a result, it is noted in the decision made but it only given limited weight. The public benefit of retaining an agricultural worker's dwelling outweighs the personal benefit to the applicant.
- 5.17 Summary
Evidence has been presented to the local planning authority that there is demand for, and interest in, the property (and associated land) by persons who would accord with the agricultural occupancy condition.
- 5.18 The case presented by the agent therefore should be attached less weight as it does not include reference to that interest. The balance therefore falls towards a demonstrated demand and therefore the request to remove the condition should be refused.
- 5.19 Impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.

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

- 5.20 With regards to the above this planning application is considered to have a neutral impact on equality as the condition would not be removed. The retention of the condition is considered to assist in the advancement of equality as it would provide a place of residence for persons employed in agriculture in close proximity to their place of work when market house prices may otherwise be an impediment.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 It is recommended that the proposed removal of the agricultural occupancy condition is REFUSED.

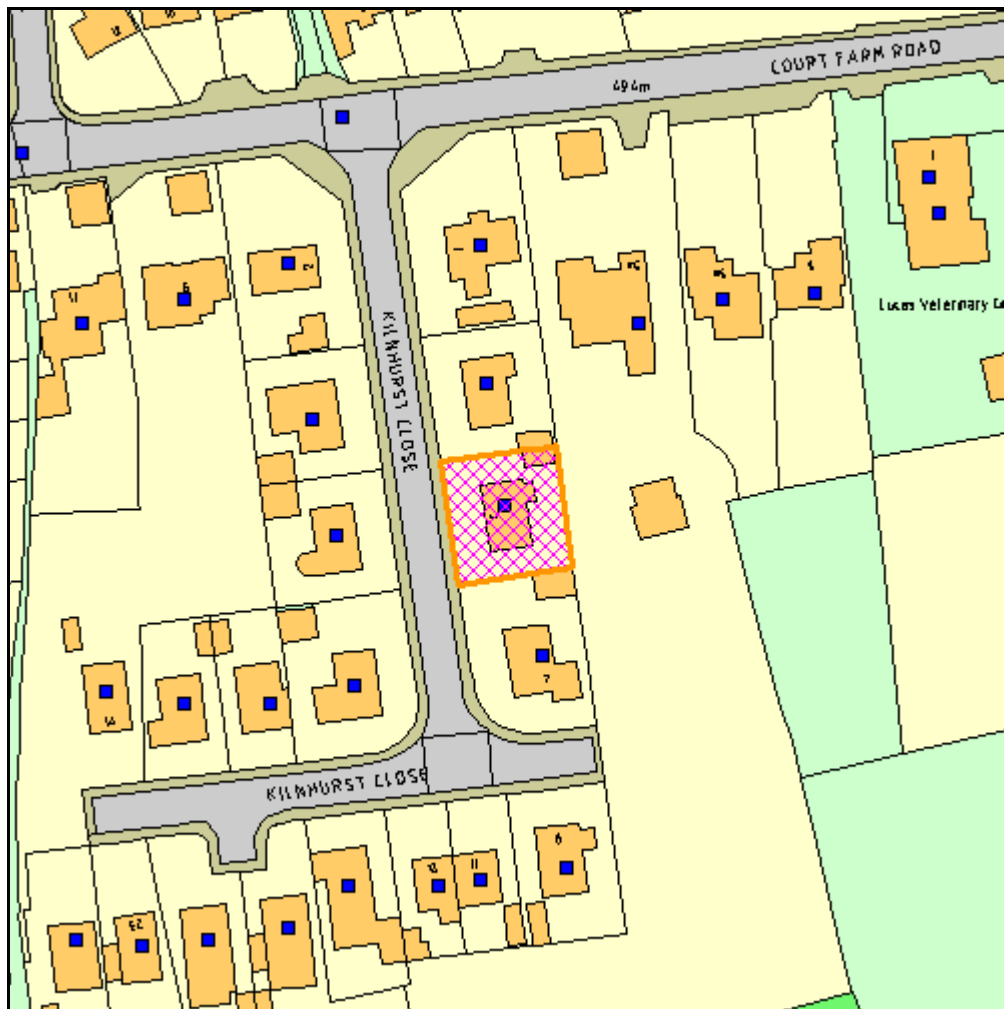
Contact Officer: Griff Bunce
Tel. No. 01454 863438

REFUSAL REASON(S)

1. The submitted Planning and Marketing Statement fails to demonstrate that there has been a genuine and unsuccessful attempt to market the property subject to the agricultural worker's occupancy restriction or that there is no need for the dwelling either on the holding or in the wider area. Evidence has been submitted which indicates that there is both a demand for and interest in this property by persons who would fulfil the occupancy restriction. This has not been addressed in the application as submitted. Therefore, the local planning authority is not satisfied that there is no existing or foreseeable need or that the marketing assessment is an accurate reflection of the interest in the property. The removal of condition 3 of planning permission K1743/AP would be contrary to policy PSP40 and PSP41 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

CIRCULATED SCHEDULE NO. 42/18 – 19 OCTOBER 2018

App No.:	PK18/2658/F	Applicant:	Mrs M Parfrey
Site:	5 Kilnhurst Close Longwell Green Bristol South Gloucestershire BS30 9AB	Date Reg:	1st August 2018
Proposal:	Demolition of existing conservatory. Erection of front porch and single storey rear extension to provide additional living accommodation.	Parish:	Hanham Abbots Parish Council
Map Ref:	365995 170597	Ward:	Longwell Green
Application Category:	Householder	Target Date:	21st September 2018



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PK18/2658/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the demolition of an existing conservatory and the erection of a front porch and single storey rear extension to provide additional living accommodation at 5 Kilnhurst Close, Longwell Green.
- 1.2 The application site relates to a detached bungalow which is located within the settlement boundary of Longwell Green.
- 1.3 During the course of the application amendments were sought to reduce the size of the proposed porch and remove the proposed timber cladding from the principal elevation.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP11 Transport

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Standards

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

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

4.1 Hanham Abbots Parish Council
No comments received

4.2 Sustainable Transport
The proposed development will not increase the number of bedrooms within the dwelling nor does it propose to alter the existing vehicular access and parking. On that basis there is no transportation objection.

4.3 Archaeology
No comment

Other Representations

4.4 Local Residents
Objection comments received from 4no local residents, summarised as follows;

Resident 1:

- Timber cladding to replace Bathstone blockwork is inappropriate and an unnecessary cosmetic change.
- Adding porch will destroy uniform appearance of the road. Materials should match.

Resident 2:

- Cladding and porch out of character with the bungalows in Kilnhurst Close.

Resident 3:

- The removal of 'Cotswold stone' would greatly detract from the overall ambience and appearance of the area.
- No porches are present within Kilnhurst Close, a porch would be out of character with the appearance of the remaining bungalows.

Resident 4:

- Cladding would be out of character.
- No porches in the close, would be out of character.

5. ANALYSIS OF PROPOSAL

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

5.2 Design and Visual Amenity

The proposed development consists of a single storey rear extension to enlarge the existing kitchen and a front porch extension.

- 5.3 The proposed single storey rear extension would extend from the rear wall of the host dwelling by 4 metres and would have a width of approximately 5.7 metres. It would consist of a gable end roof with an eaves height to match the existing bungalow and a ridge height lower than the main roof. As such, the proposal would identify as subservient. It would include a large feature window on the rear elevation and bi-fold doors on the side elevation facing into the rear garden. Examples of similarly sized rear extensions can be found in the immediate surrounding area.

- 5.4 The materials to be used in the external finish of the rear extension include rendered elevations, interlocking roof tiles and white UPVC windows and doors. All materials would match the existing dwelling and are therefore deemed to be acceptable.

- 5.5 Concerns have been raised by local residents regarding the installation of timber cladding to replace the bradstone on the principal elevation. After request by the Officer, this has been removed from the application and the existing bradstone will be retained.

- 5.6 Concerns have been raised that a porch would be out of keeping with the character of the neighbouring bungalows and surrounding area. It is considered that the permitted development rights for the subject property are intact and exercisable. As porches can be erected without the need for planning permission under the criteria outlined within the Town and Country Planning (General Permitted Development) Order 2015, a porch is acceptable in principle. An existing porch is also present on neighbouring property, no.15 Kilnhurst Close.

- 5.7 The proposed porch would be located on the principal elevation of property. After request from the Officer the depth of the proposed porch has been reduced by 0.5m, resulting in a proposal that would measure 1m in depth by 2.2m wide. It would consist of a gable end roof with an eaves height to match the host dwelling and an overall height of approximately 3.5 metres. The orientation of the properties within Kilnhurst Close is such that the side elevation gable end of a number of properties face the highway. As such, the introduction of a small gable end is not considered to be significantly detrimental to the character of the area. The proposal would be constructed of an open oak framed porch and canopy with a Cedral dwarf wall and plain tiled roof. The host dwelling includes existing timber detailing under the window on the principal elevation which can also be found on a number of properties in the immediate surrounding area. Therefore, the use of an oak frame is considered to somewhat reflect the existing timber detailing and would therefore not have a significantly detrimental impact on the character of the host dwelling or surrounding area. Furthermore, the open nature of the porch is considered to further reduce its impact within the streetscene.

- 5.8 Overall, it is considered that the proposed development would not be significantly detrimental to the character of the host dwelling or surrounding area and is of an acceptable standard of design. As such, the proposal is deemed to comply with policy CS1 of the Core Strategy.
- 5.9 Residential Amenity
Policy PSP8 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.10 Considering the siting at the front of the property and the open nature of the proposed porch, it is not deemed to result in a detrimental impact to the residential amenity of any surrounding neighbours.
- 5.11 Considering the siting and single storey nature of the proposed rear extension, combined with the boundary treatments, it is not considered to result in a material overbearing or overlooking impact, nor is it considered to significantly impact the existing levels of light afforded to the neighbouring occupiers.
- 5.12 The proposal would occupy additional floor space, however it is considered by the Officer that sufficient private residential amenity space would remain for the occupiers of the host dwelling following development.
- 5.13 Overall, the proposed development is not considered to have a detrimental impact on the residential amenity of surrounding properties or the host dwelling and is therefore deemed to comply with policy PSP8 of the PSP Plan.
- 5.14 Sustainable Transport and Parking Provision
The application is not proposing any additional bedrooms, nor is it impacting the existing parking provision or access. As such, no objections are raised in terms of transport.
- 5.15 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

6. **CONCLUSION**

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

7. **RECOMMENDATION**

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

Contact Officer: James Reynolds
Tel. No. 01454 864712

CONDITIONS

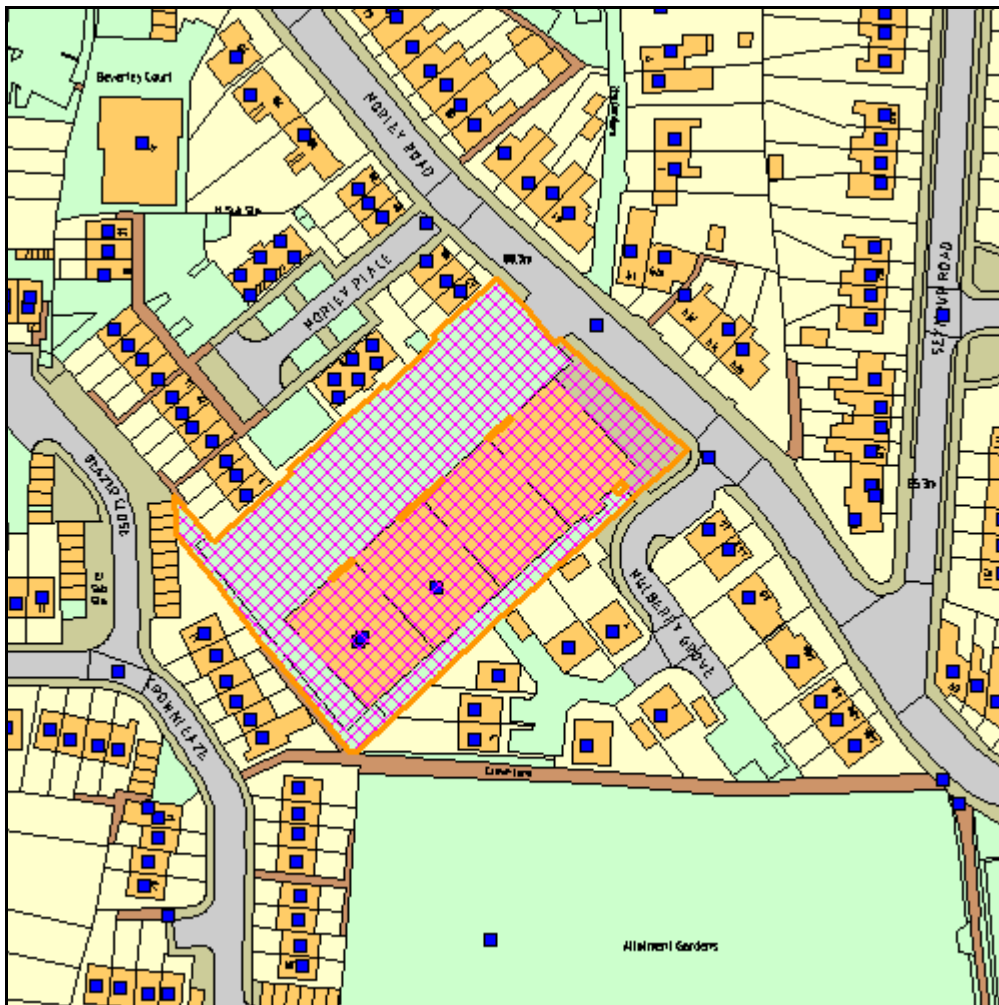
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 42/18 – 19 OCTOBER 2018

App No.:	PK18/3229/F	Applicant:	Mr Andrew Simpson
Site:	Units 1 To 4 Morley Road Staple Hill South Gloucestershire BS16 4QT	Date Reg:	18th July 2018
Proposal:	Installation of a portacabin, covered walkway and 2.4m high fencing.	Parish:	None
Map Ref:	364946 175361	Ward:	Staple Hill
Application Category:	Minor	Target Date:	12th September 2018



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PK18/3229/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a portacabin, covered walkway and 2.4m high fencing at Units 1 to 4 Morley Road, Staple Hill.
- 1.2 The application site relates to a plot of 4no Industrial buildings with access from Morley Road, Staple Hill. The site is bounded by residential properties.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport
PSP16 Parking Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

3.1 DOC18/0225

Discharge of condition 2 (Fencing) attached to planning permission PK17/5161/F. Erection of 2.4m high pallisade fencing and access gate.
Erection of two storey rear extension
Condition discharged: 22/06/2018

3.2 PK17/5161/F

Erection of 2.4m high palisade fencing and access gate.
Approved: 19/12/2017

- 3.3 PK12/2849/F
Installation of 2 no. external extraction ducts
Approved: 11/10/2012
- 3.4 PK06/1800/F
Erection of single storey extension to form additional office with wc and installation of new window.
Approved: 04/08/2006

4. **CONSULTATION RESPONSES**

- 4.1 Town/Parish Council
Unparished area
- 4.2 Sustainable Transport
We believe this proposal will not raise any material highways or transportation issues, therefore, we have no comments about this planning application.
- 4.3 Highway Structures
No comment
- 4.4 Lead Local Flood Authority
No objection in principle subject to an informative.
- 4.5 Landscape Officer
The soft landscape- mown grass and trees- of the current roadside curtilage to the warehouses provides a welcome green break along Morley Road enhancing the setting to the building and the visual amenity of the locality. Its loss will be a shame though it is noted that permission for the 2.4 metre fence has already been approved under PK17/5161/F.
Condition 2 of PK17/5161/F was discharged on 22nd July 2018 but no fence details can be found on the SGC system.

There appears to be gated access, off Morley Road, to the backs of the warehouses and it is queried how this is to be accessed.

Referencing current mapping information it seems that the grass verge and trees at the back of the pavement, and on which the modular building is to stand, is currently classified as SGC Adopted Highway.

Apart from the possibility of the proposed modular building standing on Adopted Highway, it is felt that it unacceptably juts out into the Streetscene and will have a negative visual impact. In the event of consent being felt to be acceptable then the finish of external walls and windows should be carefully considered to help reduce its impact.

Tree planting proposals are sufficient but more detail is required. The current trees are rather squat in form and in the event of consent being felt to be acceptable this would be a good opportunity to introduce trees of a more

significant stature and a more natural form that will contribute to the setting of the development and the streetscene of Morley Road.

This application would be an opportunity also be an opportunity to review and negotiate the style and colour of the fencing. Black is usually advised in this sort of location or dove/slate grey to match the asbestos colour of the warehouses. Preferably the fence would be 1.8 metres, not 2.4, and would be railings or security mesh rather than security palisade fencing.

Further comments following revised plans:

Previous landscape architect comments still apply except the reduced width of the portacabin allowing the retention of roadside trees is welcome.

The applicant could seek the opportunity for further roadside tree planting in line with SGC planning policy and landscape strategy.

4.6 Tree Officer
No comments received

4.7 The Coal Authority
No comments received

Other Representations

4.8 Local Residents
Comments from 2no local residents received, summarised as follows:

Resident 1:

- At present the site looks onto the road and has lovely trees and an open grass area. The new proposal shows no trees hiding the unit, just the fence which doesn't look as nice as what is there at present

Resident 2:

- Gates will lead to more noise nuisance from this site. Already there is regular metal bashing noise at 7am in the morning, often at weekends.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
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. Also of relevance is the impact the development would have on residential amenity and road safety. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity
The proposed development consists of 2.4 metre high fencing and a modular building which would sit adjacent to the northeast elevation of the industrial units along Morley Road.

- 5.3 The proposed fencing and access gate have already been granted under previous planning application ref. PK17/5161/F and condition 2 discharged under ref. DOC18/0225. It would consist of 2.4 metre high palisade fencing finished in RAL6005 green colour. The proposed fencing is therefore considered to be acceptable within the industrial setting and is not considered to have a significantly negative effect on the visual amenity of the area.
- 5.4 The proposed modular building would be 12.1 metres in length and 3.7 metres in width, it would consist of a flat roof with a height of approximately 2.8 metres. At the request of the Officer the proposal was reduced in width by 2.7 metres which set the modular building away from the highway, somewhat reducing its prominence within the streetscene and allowed for the existing trees to be retained. The proposed building would be located 1.69 metres from the side elevation of the industrial unit, between the two buildings would be a polycarbonate walkway supported by timber joists. No elevations have been provided for the walkway, however it is considered that a polycarbonate roof with timber joists in this location would have minimal impact on the character of the area and is therefore deemed to be acceptable.
- 5.5 The site consists of 4no industrial buildings, constructed using corrugated metal and brick elevations. The proposal would be clad in stained softwood timber, this was altered from the original prefabricated portacabin appearance. Although the materials would not match the industrial units, the timber finish is considered to soften the exterior of the proposal and considering that the fencing and existing trees would act as somewhat of a screen from the public highway, the materials are deemed acceptable within the context of the industrial site.
- 5.6 Overall, the proposal is not considered to have a significantly detrimental impact on the character of the industrial units or the surrounding area and is therefore deemed to comply with policy CS1 of the Core Strategy.
- 5.7 Landscape and Trees
The comments from the Landscape Officer have been noted. The proposal would be sited on an area of grass and trees along Morley Road, within the curtilage of the industrial units and not on adopted highway land as suggested. Concerns were raised by a neighbour in relation to the existing trees being removed. During the course of the application the modular building was reduced in width to allow for the existing 4no trees and some grassed area to be retained. It is considered that this work could take place without any adverse impact to the existing trees, however to ensure the retained trees are not damaged during the installation of the proposed portacabin a condition will be included on the decision notice for an arboricultural report and tree protection plan to be submitted and agreed prior to the installation of the portacabin. The Case Officer does not consider it necessary for additional trees to be planted considering the industrial nature of the site and therefore, subject to a condition, no objections are raised in terms of landscape.

5.8 Residential Amenity

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

5.9 Although the proposal is located within an industrial setting there are numerous residential properties nearby. Considering the location at the front of the site and modest size of the proposed building, it is not considered to have a significantly detrimental impact on the residential amenity of any neighbouring occupiers through overbearing, overlooking or loss of light. Concerns were raised by a neighbour of the gates leading to an increase in noise. It is the opinion of the Officer that the proposed gates would not significantly increase the existing levels of noise expected from industrial units of this nature, considering how frequently the gates will be in use.

5.10 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.

5.11 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).

5.12 Sustainable Transport and Parking Provision

The proposal is not considered to materially impact the highway or existing access. The gates would open onto the site, away from the highway and as such no objections are raised in terms of transport.

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: James Reynolds
Tel. No. 01454 864712

CONDITIONS

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

Reason

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

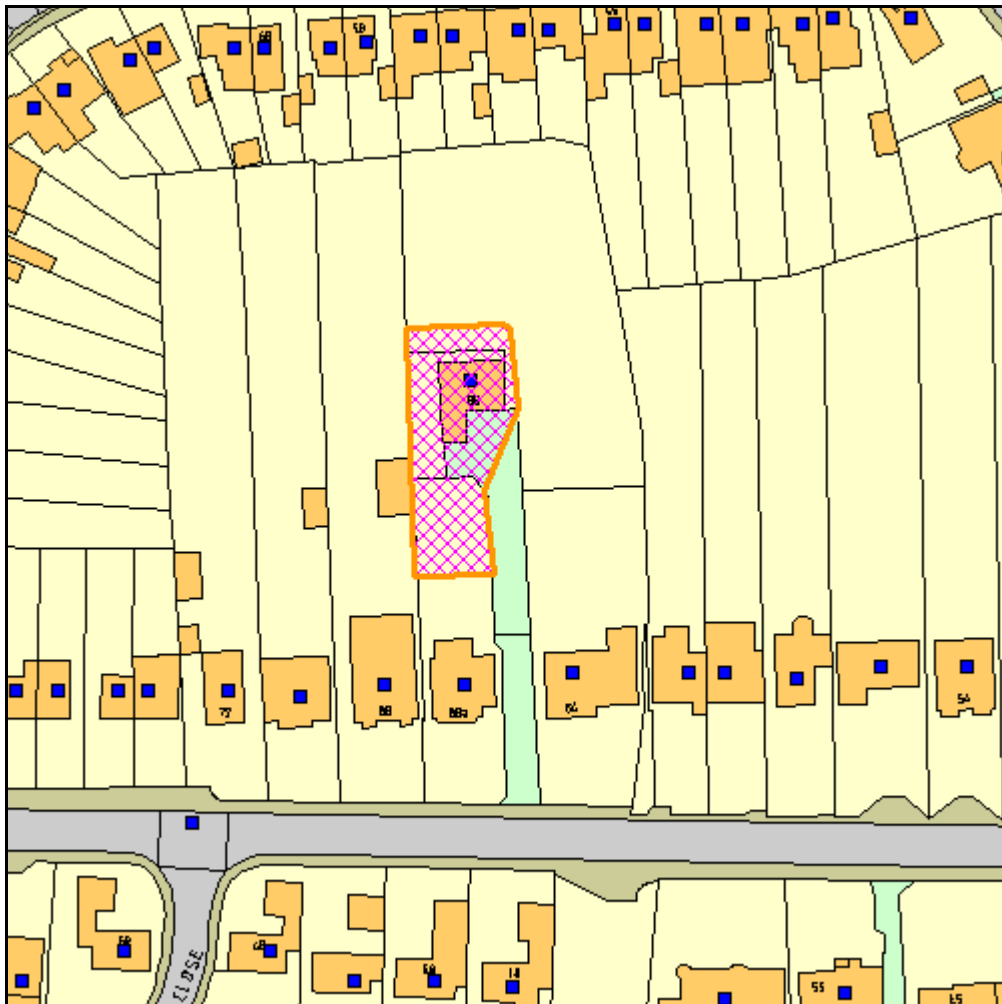
2. Prior to the installation of the portacabin hereby approved, an arboricultural report containing an arboricultural survey, arboricultural method statement and tree protection plan shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the trees, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013.

CIRCULATED SCHEDULE NO. 42/18 – 19 OCTOBER 2018

App No.:	PK18/3539/RM	Applicant:	Mrs Victoria Morgan
Site:	66 Court Farm Road Longwell Green South Gloucestershire BS30 9AD	Date Reg:	21st August 2018
Proposal:	Demolition of existing bungalow. Erection of 2no. dwellings and detached garages with appearance, landscaping and scale to be determined. (Approval of reserved matters to be read in conjunction with PT17/3232/O).	Parish:	Hanham Abbots Parish Council
Map Ref:	365525 170696	Ward:	Longwell Green
Application Category:	Minor	Target Date:	15th October 2018



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PK18/3539/RM

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application is for the Local Planning Authority to determine the 'reserved matters' connected with outline planning permission PT17/3232/O for the erection of a pair of detached dwellings in Longwell Green. PT17/3232/O granted only the access and layout as all other matters were reserved.
- 1.2 The application site lies within the established urban area of the East Fringe of Bristol. There are no other statutory or non-statutory land use designations that cover the site.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS29	Communities of the East Fringe of Bristol Urban Area

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

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

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

Waste Collection SPD (Adopted) 2015 (updated 2017)

3. RELEVANT PLANNING HISTORY

- 3.1 PT17/3232/O

Demolition of existing bungalow. Erection of 2no. detached dwellings (Outline) with access and layout to be determined. (All other matters reserved).

Approval

08.11.2017

4. CONSULTATION RESPONSES

4.1 Hanham Abbots Parish Council

No objection

4.2 Other Consultees

Highway Structures

No objection

- standard informative recommended

Lead Local Flood Authority

No objection

Sustainable Transport

No objection

- condition development to be built in accordance with approved drawings and subsequently maintained thereafter

Planning Enforcement

No comment

Environmental Protection

No objection

- standard informative recommended

Other Representations

4.3 Local Residents

4 local residents have commented on the scheme and these are summarised below:

1 objection

- limited assessment previously of the cumulative impact on highway safety with other schemes

3 support

No additional comments

5. ANALYSIS OF PROPOSAL

5.1 This application seeks approval of the matters reserved from outline planning permission PT17/3232/O for the erection of a pair of detached dwellings in Longwell Green.

5.2 Principle of Development

The proposed development is acceptable in principle as outline planning permission for the proposed development has been granted under application

PT17/3232/O. This application seeks to approve the 'reserved matters'. In this instance the reserved matters are: appearance, landscaping and scale.

5.3 Design: Appearance, Landscaping and Scale

Layout plans for the proposed development were submitted with the application for outline planning permission. The plans submitted with this application for approval of the reserved matters are similar in appearance. The proposed dwellings would be dormer bungalows with conservatories to the rear. It is proposed to finish the properties externally in a render with brick plinths. Horizontal timber cladding will be incorporated on the north elevation.

5.4 Turning to the amenity space, plans show that the frontages would be mostly laid to lawn with a single space for each and to the rears are private gardens. Both are 3-beds - policy PSP43 of the Policies, Sites and Places Plan states that dwellings of this size should have a minimum of 60sqm of amenity space. Plot 6 will have 80sqm and plot 7 will have 85sqm. As such, amenity space provision is acceptable.

5.5 The scale of the development is in line with that which was proposed at the outline stage. Both are proposed to be 6.3m high and as such the scale is acceptable.

5.6 Residential Amenity

Development should not be permitted that has a prejudicial impact on residential amenity. Acceptable amenity space will be provided for both dwellings and it is not considered that the development would harm neighbour residential amenity either.

5.7 Access and Parking

As the layout and access have already been determined, the main consideration here is the parking. Plans submitted show three parking spaces (2no spaces plus a garage) on the site for each house. This level of parking is considered acceptable and meets the Council's parking standards. As such, there is no highway objection to this application, but a condition will be imposed requiring the implementation of the parking areas prior to the first occupation of the dwellings to ensure their provision.

5.8 The residential cumulative impact of the proposed development on highway safety was considered acceptable under application PT17/3232/O and as such carries little weight here.

5.9 Impact on Equalities

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

It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

6. CONCLUSION

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

1. Within 3 months of the new dwellings hereby approved being substantially completed the off-street parking shown on the approved plans shall have been completed, and thereafter, these areas shall be satisfactorily maintained and kept free of obstruction and available for the parking of vehicles associated with the development.

Reason

To ensure that there are adequate parking facilities to serve the development, and to accord with Policy PSP16 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; and the revised National Planning Policy Framework.

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

Received 27.07.2018:
Design & Access Statement
The Location Plan
Proposed Elevations (CFR1806)
Proposed Block Plan (EAM0806)
Landscape Plan (EAM2505)

Received 06.08.2018:
Existing Block Plan (CFR0108)
Existing Floor Plan (CFR0109)

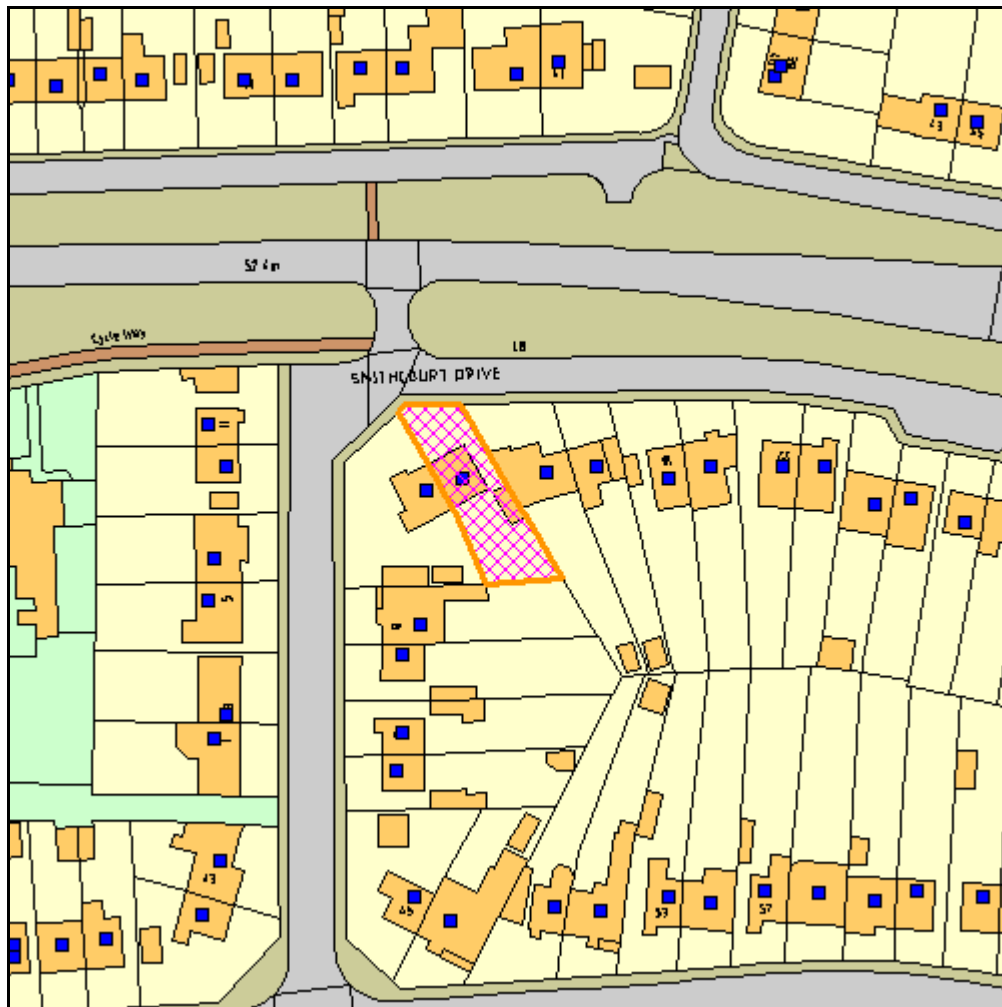
Proposed Floor Plans (CFR1106)
Existing Elevations (CFR1843)
Proposed Garages (CFR2605)
Proposed SUDS Plan (EAM2405)

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 42/18 – 19 OCTOBER 2018

App No.:	PT18/3477/F	Applicant:	Mrs E Taylor
Site:	12 Smithcourt Drive Little Stoke Bristol South Gloucestershire BS34 8LZ	Date Reg:	1st August 2018
Proposal:	Demolition of existing garage and erection of two storey side extension to form additional living accommodation.	Parish:	Stoke Gifford Parish Council
Map Ref:	361461 180530	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	24th September 2018



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 erection of a two storey side extension to form additional living accommodation at 12 Smithcourt Drive, Little Stoke.
- 1.2 The application site relates to a two storey, semi-detached property which is located within a residential area of Little Stoke.

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 planning history

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

Objection – proposed demolition of the garage in favour of a two bed extension is not supported by an adequate plan for parking, three off-street parking spaces being required! Under SGC parking policy...the ground floor of the

extension appears to include storage for 4 bicycles, the permanency of which should be conditioned.

Sustainable Transport

The development proposes to remove an existing detached garage to facilitate the erection of a two storey side extension to provide additional living accommodation. If permitted the bedrooms within the dwelling would increase to five.

The block plan submitted fails to show the existing or proposed vehicular access or the proposed parking for the dwelling after development. The Council's residential parking standards state that a dwelling with five bedrooms requires a minimum of three parking spaces within the boundary of the site.

A revised plan addressing the above needs to be submitted. Without adequate parking being provided I would raise a transportation objection to the proposed development.

Archaeology

No comment

Other Representations

4.2 Local Residents

None Received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design and Visual Amenity

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

- 5.3 The two storey side extension will have a maximum height of 7.9 metres, a total width of 2.5 metres and a depth of approximately 8.2metres. The proposal will introduce 1no. window and 1.no up and over garage door to the principal elevation and 2no windows to the rear elevation. A hipped roof is proposed with a slight reduction in ridge height, this is seen to increase the levels of subservience between the proposed extension and the host dwelling.

- 5.4 The proposed materials are set to match that of the existing dwelling, as such it is considered that the proposed extension would appear as an appropriate addition within the immediate streetscene. Overall, it is considered that the design, scale and finish of the proposed extension results in an addition that sufficiently respects the character and distinctiveness of the host dwelling and its immediate context.
- 5.5 Residential Amenity
Policy PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.6 The 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.
- 5.7 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.
- 5.8 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).
- 5.9 Sustainable Transport and Parking Provision
As a result of the proposed development, the number of bedrooms within the property would increase from a total of 3 to 4. Policy PSP16 of the PSP Plan (November 2017) outlines that properties with 4 bedrooms must make provision for the parking of a minimum of 2 vehicles, with each parking space measuring a minimum of 2.4m x 4.8m.
- 5.10 Objections were raised regarding the inadequate parking provision following development. Revised plans show that the existing driveway is of sufficient size as to provide 2 parking spaces. On this basis, it is considered that the minimum parking provision for a 4-bed property can be provided on-site.
- 5.11 A request was made to condition the permanency of the cycle store. Given the residential situation of the proposal the case officer does not see any justification to attach a condition the proposed ground floor storage area.

5.12 Equalities

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

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Westley Little
Tel. No. 01454 862217

CONDITIONS

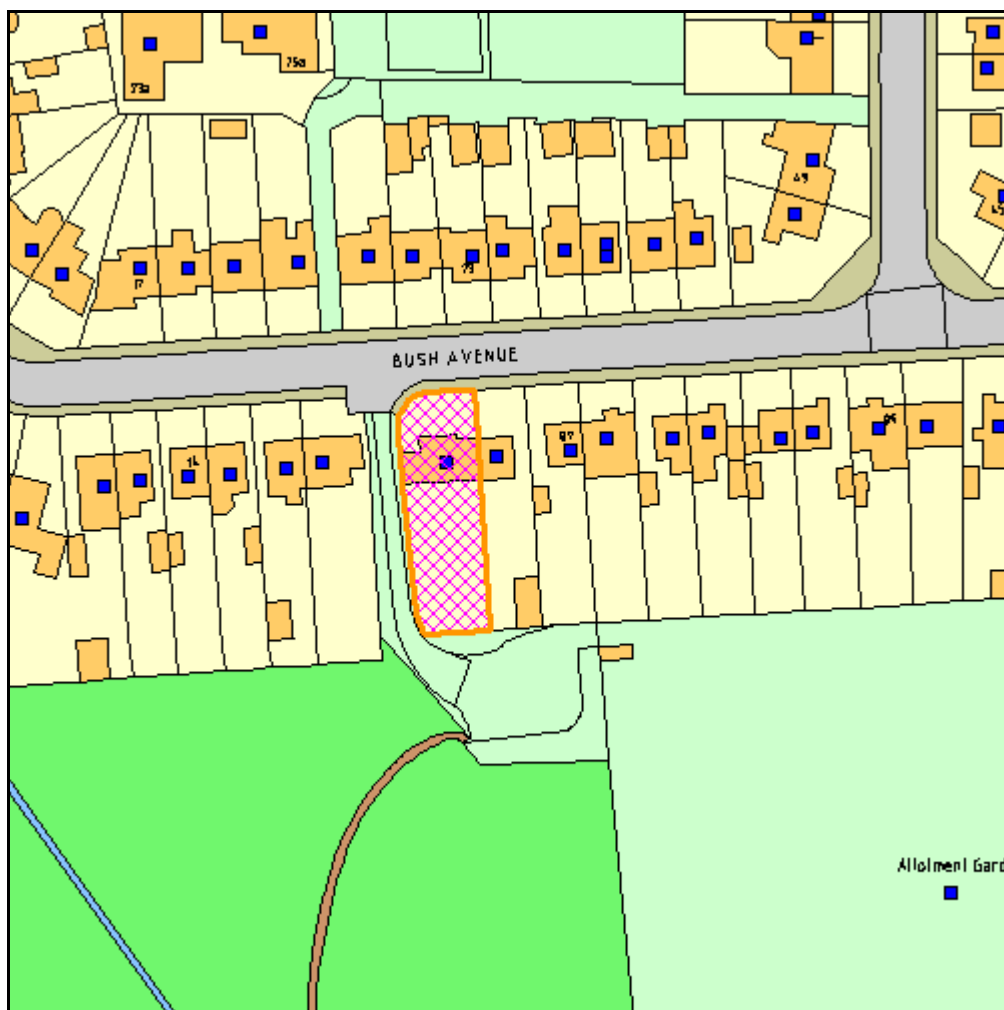
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 42/18 – 19 OCTOBER 2018

App No.:	PT18/3541/F	Applicant:	Mr Ryan Hampson
Site:	42 Bush Avenue Little Stoke Bristol South Gloucestershire BS34 8LX	Date Reg:	3rd August 2018
Proposal:	Erection of first floor side extension to facilitate subdivision of existing dwelling into 2no dwellings with associated works.	Parish:	Stoke Gifford Parish Council
Map Ref:	361361 180417	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	24th September 2018



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N.T.S.

PT18/3541/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for the erection of a first floor side extension to facilitate subdivision of existing dwelling into 2no dwellings with associated works at 42 Bush Avenue, Little Stoke.
- 1.2 The host property is currently a five bedroom, two storey dwelling located in the built up and residential area of Little Stoke. The new attached dwelling is proposed to be a two storey, three bed dwelling built on the west side of no.42 Bush Avenue, within the large garden to the side of the host dwelling. The proposed new dwelling would also have a single-storey element to the rear.
- 1.3 During the course of this application revised plans were requested and received to address design concerns and parking issues.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS25 Communities of the North Fringe of Bristol

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

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT18/1493/F – Approved - 11.06.2018
Demolition of existing garage and conservatory. Erection of single storey rear and side extension to form additional living accommodation.
- 3.2 N6297 – Approved - 15.05.1980
Erection of two-storey side extension to form domestic garage and utility room with two bedrooms over (in accordance with the amended plans received by the Council on 17th April 1980).

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
OBJECTION - It is noted that this is a further application for this property subsequent to the recently approved PT18/1493/F where Councils concerns were addressed by officers. Council shares residents concerns about parking provision, especially as bin and cycle provisioning detail would suggest that the pair of dwellings will be HMOs. Council would presume that each property will require two parking spaces.

Archaeology
No comment

Highway Structures
No comment

Lead Local Flood Authority
No objection

Public Rights of Way
No objection

Sustainable Transportation
We understand that this planning application seeks to erect a first floor extension to the west side of 42 Bush Avenue, Little Stoke to allow it to be converted into two self-contained three-bedroom dwellings.

As we note that this property is located within an urban area, we believe that it fully complies with the requirements of Policy PSP11 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places document in terms of juxtaposition to necessary facilities and access by all travel modes. Consequently, although we acknowledge that this change will increase the travel demand associated with this property, we have no highways or transportation objection in principal to in this proposal.

Likewise, the Councils minimum domestic car parking requirements, as set out in the Residential Parking Standards SPD adopted in December 2013, relates the number of off-street parking spaces required to the number of bedrooms present in any property. From the information provided to-date by the applicant, we believe that four spaces will be provided in front of these two three-bedroom properties.

Consequently, it conforms to these requirements as well. We would normally be somewhat concerned about the need for vehicles to reverse out of these spaces so close to a junction. However, given the residential character of the area and our understanding that the unsurfaced lane west of the property only provides access to an open space and some allotments, we do not consider this to be a significant problem in this instance.

Therefore, on balance, we have no highways or transportation objection to this proposal.

Open Spaces

No comment

Other Representations

4.2 Local Residents

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

- An extra house will not be very appealing
- An extra house will result in additional parking issues

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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

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

5.4 Housing Contribution

The proposal will have one tangible and clear benefit, this would be the modest contribution of 1no. new residential dwelling towards the Council's 5 year housing land supply. Such a modest contribution must be assessed within the framework set out under paragraph 14 of the NPPF.

5.5 Design and Visual Amenity

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development.

5.6 The application site relates to the side garden of a semi-detached two-storey dwellinghouse situated within the settlement boundary of Little Stoke. It is set amongst a mix of semi-detached properties, which make up the bulk of the street scene, most properties have undergone some form of development of mixed scale and design. The application site is positioned along Bush Avenue, A public right of way runs along the properties west boundary.

5.7 The existing dwelling is of a simple design with modest proportions. The design of the new dwelling largely mimics the design of the existing dwelling, with the entrance way to the front, a hipped roof to the side and similar windows. In addition, the overall layout should be well integrated with the existing adjacent development

5.8 The proposal would have pebble dash render, with a brown tiled roof and white UPVC windows and doors. These materials would match those present on the original dwellinghouse and nearby properties.

5.9 Overall, it is considered that the proposed alterations would not harm the character or appearance of the area and as such are considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 and PSP38 and conforms to the criteria in the adopted Local Plan.

5.10 Residential Amenity

Policy PSP38 of the South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

5.11 Although it is accepted that this is a residential area, careful consideration still needs to be given to the impact of the proposal both on existing neighbouring occupiers and also the intended future residents.

- 5.12 The proposed new dwelling will be attached to the side of an existing dwelling with windows looking directly to the front and rear. These windows would result in no more of an impact on residential amenity than the existing windows on the host dwelling. As such, the existing level of overlooking for neighbouring dwellings will not be exacerbated, and privacy would not be impacted by the proposed new dwelling. A single storey rear element would be located to the rear of the proposed dwelling. This is located next to an existing rear extension to no. 42, Bush Avenue. This is very modest, and would not result in any overbearing or overshadowing on the neighbouring property.
- 5.13 The parish council raised concerns that due to the proposed bin and cycle provision, the application site may be used as houses of multiple occupancy at a future date. This application is solely for an erection of a first floor side extension to facilitate subdivision of existing dwelling into 2no dwellings, any future application will be assessed on its own merits
- 5.14 A neighbouring occupier raised concerns that the proposal will result in further parking issues on Bush Avenue. As a result of the proposed development, both dwelling houses will become 3 bed properties. South Gloucestershire Residential Parking Standards SPD outlines that properties with 3 bedrooms must make provision for the parking of a minimum of 2 vehicles, with each parking space measuring a minimum of 2.4m x 4.8m. A revised plan has now been submitted which shows two parking spaces are to be provided to the front of each property. On this basis, it is considered that the minimum parking provision can be provided on-site.
- 5.15 A neighbouring occupier commented that additional housing would not be appealing in the area. At present, the Council cannot demonstrate a five year housing land supply. Therefore, the proposal would make a contribution towards the current undersupply of housing in the district. This development would result in the increase of 1no. dwelling towards housing land supply.
- 5.16 The proposal would not appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers. Additionally, privacy would not be affected. Therefore, the proposed development is not considered to be detrimental to residential amenity; and is deemed to comply with policy PSP38 of the South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan (November 2017).
- 5.17 Transport
With regards to parking provision, under policy PSP16 of the Policies, Sites and Places Plan, a minimum of two parking spaces should be provided for the existing dwelling and the newly proposed 3-bed dwelling. The proposed site plan indicates that the existing driveway will be subdivided in order to provide a parking area for both the existing dwelling and the proposed. The proposed parking provision meets the standards set out in PSP16, and is considered acceptable.

5.18 Consideration of likely impact on Equalities

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission is **GRANTED** subject to the Condition(s) on the decision notice.

Contact Officer: Westley Little
Tel. No. 01454 862217

CONDITIONS

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

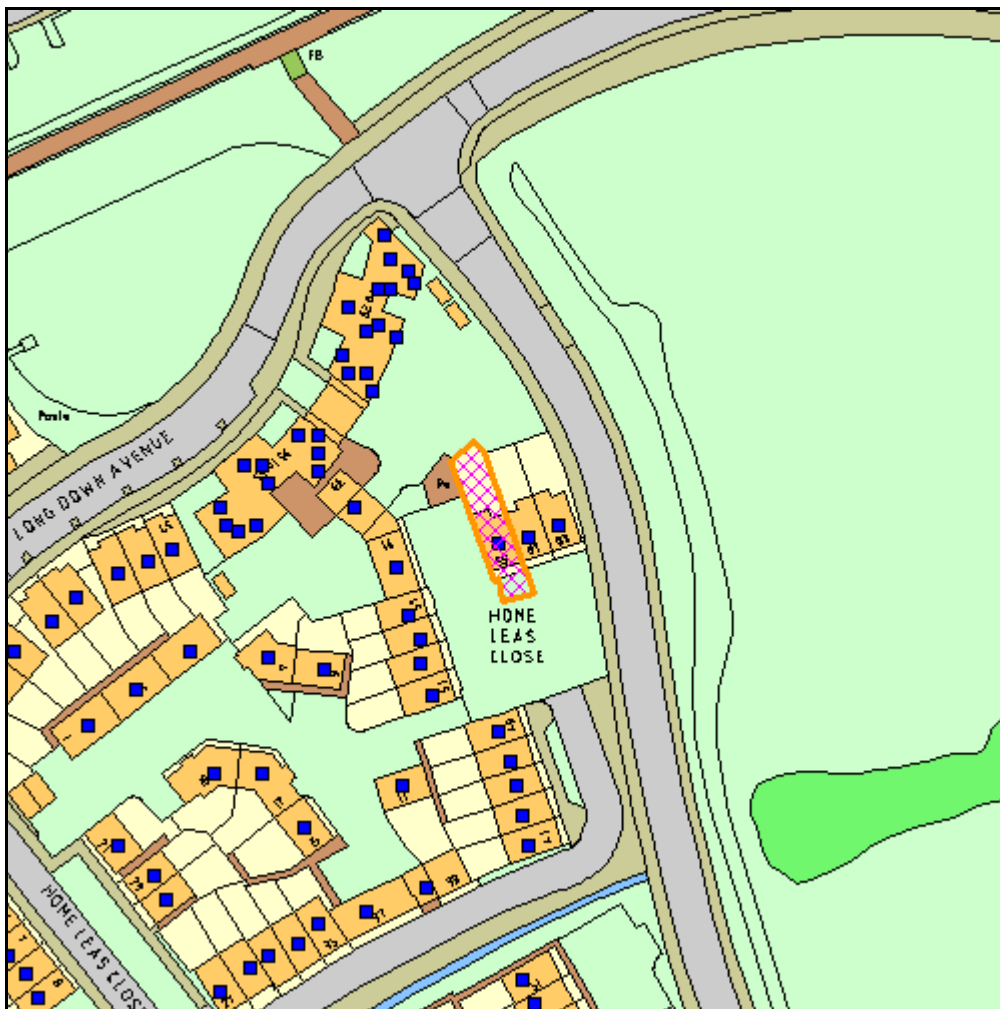
Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The off-street bin storage and parking facilities (for all vehicles, including cycles) shown on drawing No.02 hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; 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. 42/18 – 19 OCTOBER 2018

App No.:	PT18/3721/CLP	Applicant:	Mrs Carol Evans
Site:	59 Home Leas Close Stoke Gifford Bristol South Gloucestershire BS16 1FL	Date Reg:	7th September 2018
Proposal:	Proposed Change of use from dwelling (Class C3) to HMO (Class C4).	Parish:	Stoke Gifford Parish Council
Map Ref:	361251 178028	Ward:	Frenchay And Stoke Park
Application Category:	Certificate of Lawfulness	Target Date:	31st October 2018



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PT18/3721/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed use of an existing dwelling (C3) as a 6no. bed HMO (C4) at 59 Home Leas Close, Stoke Gifford.
- 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 The Town and Country Planning (Use Classes) Order 1987 states that under Class C4, the maximum inhabitants for a HMO would be six people. As the proposed HMO would have six beds, it is considered that the use could be defined as a HMO under Class C4.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class L.

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 PT04/0684/O – Approved - 02.11.2005
Residential development at a density of 50 units per hectare overall across the site together with supporting infrastructure and ancillary facilities.
- 3.2 P85/0055/4 – Approved - 02.07.1989
Erection of 1,345,000 sq.Ft. Of buildings for the manufacture of high technology products including light industrial processes, computerised and manual wiring assembly, research development and technical support. Construction of car parking, recreational areas and landscaping. (Details following outline.) (To be read in conjunction with N3510/4.)
- 3.3 PT11/1684/RVC – Approved - 18.07.2011
Variation of condition 9 attached to planning ref PT04/0684/O (approved 02/11/05) to allow the submitted reserved matters application to achieve a minimum average density of 40 dwellings per hectare over the application site as a whole (as opposed to 50 dwellings originally approved).

- 3.4 PT07/1715/RM – Approved - 05.11.2007
Erection of 100 dwellings with car parking, landscaping and associated works (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT04/0684/O).
- 3.5 PT04/0685/RVC – Approved - 02.11.2005
To develop the land for B1 (Business) Uses (as defined in the Town & Country Planning (Use Classes) Order 1987) without complying with condition (J) of planning permission N3510/4 dated 7 October 1982 and condition 06 of planning permission P85/0055/4 dated 3 July 1989 which restricted the use of the land to the manufacture of high technology products, the research and development thereof and associated facilities
- 3.6 PT04/0686/RVC – Approved - 21.10.2008
Erection of 4No. 3-storey office buildings (Variation of condition M of planning permission N3510/4, condition E of planning permission N3510/4ap, condition 8 of planning permission P85/0055/4 and condition 4 of planning permission P85/0055/2).
- 3.7 N3510/4 – Approved - 07.10.1982
Erection of buildings totalling 2,200,000 sq. ft. (204,386 sq. m.) for the manufacture of high technology products and the provision of associated research and development facilities, together with ancillary facilities and accommodation on 146 acres (58.4 hectares). (Outline).

4. CONSULTATION RESPONSES

4.1 Local Councillor

No comments received.

Stoke Gifford Parish Council

Objection. Council notes there are already significant parking problems in the Cheswick development, and in this particular road. There is insufficient parking and storage space to facilitate such a development.

Other Representations

4.2 Local Residents

No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site location plan
Received by Local Planning Authority 05 September 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. As such the objection from the Parish Council which relates to the transportation impact of the proposal does not have any bearing on the questions of fact.

- 6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class L. There is no evidence that the normal permitted development rights are restricted in relation to this class at this property. The proposal does not include any physical external works of alteration (any changes to the internal layout of a dwelling would not amount to development that requires planning permission.)
- 6.3 The proposed development consists of the conversion of the property to a 6 bed HMO. This development would fall within Schedule 2, Part 3, Class L, which allows for the conversion of small HMOs to dwellinghouses and vice versa, provided it meets the criteria as detailed below:

L.1 Development is not permitted by Class L if it would result in the use—

- (a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or**

The works would not result in the use as two or more separate dwellinghouses falling within the C3 use class.

- (b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.**

The works would not result in the use as two or more separate dwellinghouses falling within the C4 use class.

7. RECOMMENDATION

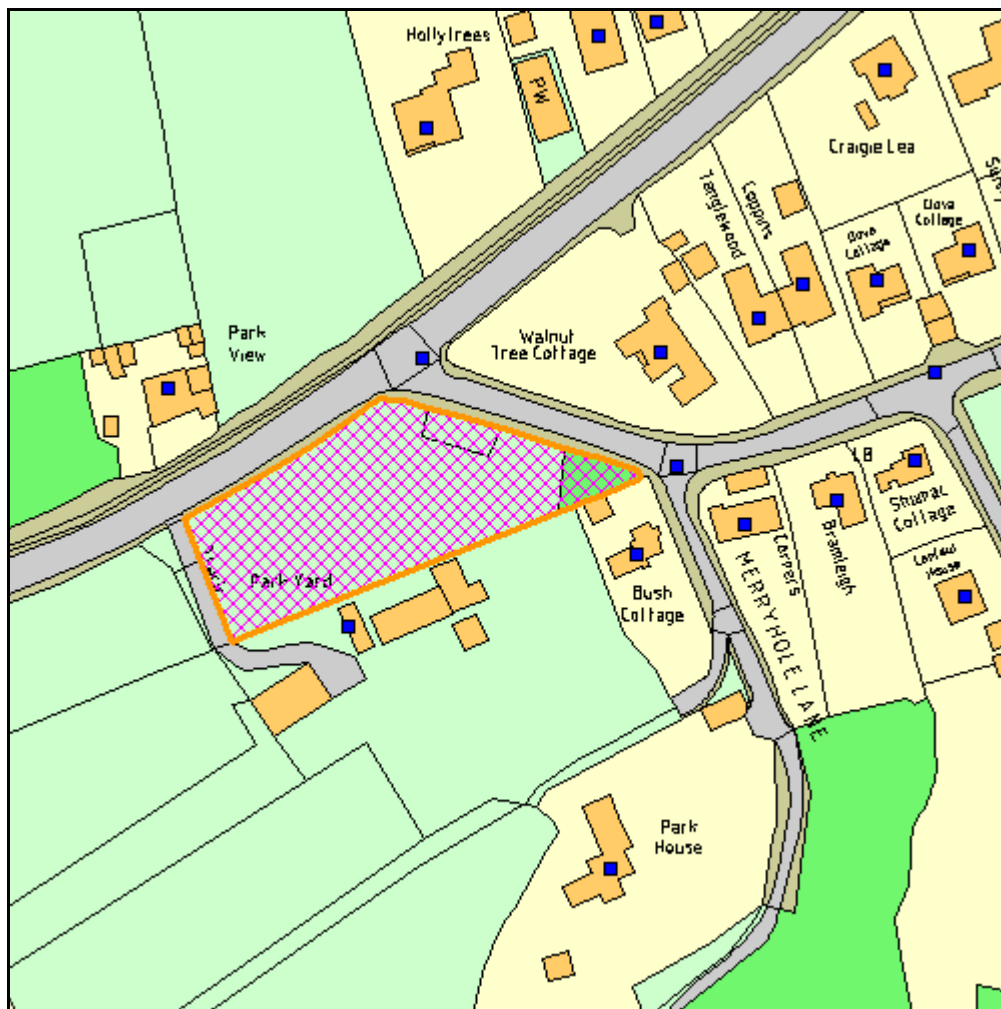
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Evidence has been provided to demonstrate that the development falls within Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: Westley Little
Tel. No. 01454 862217

CIRCULATED SCHEDULE NO. 42/18 – 19 OCTOBER 2018

App No.:	PT18/3751/F	Applicant:	Mr & Mrs D. Buckley
Site:	Paddock To The North Of Bush Cottage Merryhole Lane Old Down South Gloucestershire BS32 4PT	Date Reg:	22nd August 2018
Proposal:	Demolition of existing stable/stores. Erection of 2 no. detached dwellings with associated works.	Parish:	Olveston Parish Council
Map Ref:	361601 187362	Ward:	Severn
Application Category:	Minor	Target Date:	9th October 2018



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PT18/3751/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 Planning permission is sought for the demolition of existing stables/stores, and the erection of 2no. detached dwellings with associated works. The application relates to a paddock to the north of Bush Cottage, Merryhole Lane, Old Down.
- 1.2 The application site consists of a paddock area extending to approximately 0.24 hectares. The site is situated outside of any defined settlement boundary, with the clutch of properties making up the hamlet of Old Down situated to the east of the site. The site is also situated within the Bristol and Bath Green Belt. The site in its current form is open in nature, with a several small structures situated towards the north-eastern and southern boundaries.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance (2014)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings

PSP40 Residential Development in the Countryside
PSP43 Private Amenity Space Standards

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

3. **RELEVANT PLANNING HISTORY**

Application Site
3.1 **P93/1860/P**

Erection of two poly tunnels

Approved: 12.07.1993

3.2 **P90/2197**

Erection of dwelling and garage, construction of new vehicular and pedestrian access (outline).

Refused: 05.09.1990

3.3 **P86/2529**

Erection of two dwellings and garages. Formation of new vehicular access (outline).

Refused: 12.11.1986

3.4 **N558/5**

Erection of a detached dwelling and garage. Alterations to existing vehicular access (Outline).

Refused: 10.02.1983

Other Relevant Applications
3.5 **PT17/4635/F** – *Paddock to West of Sweet Briar, Hazel Lane, Tockington*

Demolition of existing shelter and erection of 2no detached dwellings with access and associated works.

Approved: 20.04.2018

3.6 **PT18/3763/F** – *Paddock West of Holly Trees, Alveston Road, Old Down*

Erection of 1 no. dwelling and associated works.

Status: Pending consideration (at time of writing report)

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council

Objection on the grounds that Old Down is a hamlet in the Green Belt area and therefore it does not fit the criteria for development in the Green Belt, it cannot be considered infill as Old Down is a hamlet it has no official boundaries.

4.2 Other Consultees

Sustainable Transport

No objection – Sufficient parking provided and proposed access acceptable. Proposal would not have ‘severe’ impact on highway safety. However the development would likely be car dependant.

Landscape Officer

The site is a paddock on the edge of Old Down bounded on the roadside by a low stone wall backed by a well maintained native hedge. Sites such this and the gaps between the scattered dwellings are significant components contributing to the landscape character of Old Down and there incremental loss is having a negative impact on the village.

Ecology Officer

No objection subject to conditions.

Lead Local Flood Authority

No objection subject to submission of further details.

Environmental Protection

No objection subject to contaminated land conditions.

Highway Structures

No objection

Tree Officer

No comment

Archaeology Officer

No comment

Other Representations

4.3 Local Residents

In total, 15 representations were made by local residents. 7 raised an objection to the proposal, 4 supported it, and 4 neither explicitly objected to nor supported the scheme, but raised several points.

The concerns raised within the 7 objection comments are summarised below:

Green Belt

- Erosion of green spaces will lead to increased urbanisation and will eventually join Old Down to Greater Thornbury.

- Proposal cannot be classed as limited infill – only a single property situated on one side of the site.
- Two small sheds and a tractor shelter (erected in 2018), would not class land as being ‘previously developed land’.
- Allowing application may lead to unfettered development in area.

Landscape/Visual Impacts

- Too many buildings being erected in Old Down.
- Proposal will alter rural character of Old Down.
- Open spaces within hamlet should not be lost.

Residential Amenity

- Loss of privacy at neighbouring property due to differences in ground level.
- If permission is granted, request that working hours be conditioned.
- New dwellings would obstruct views from nearby properties.

Transport

- Concerns regarding proposed access – proposed location would be dangerous. Safer access point would be directly off Alveston Road.

Other

- Proposals will lead to loss of habitats, and will have a negative impact on wildlife.
- Drains in the area currently prone to blockages. Hope for upgrade if permission is granted.

The points raised within the 4 support comments are summarised below:

- Proposal sits well within ‘village design statement’.
- As properties are intended for proposer, sure that they will be built sympathetically.
- Applicants have lived in Old Down for many years and look after several facilities in village.
- Proposal will help to sustain village/local services.
- Development will free up smaller housing for newcomers.
- One storey houses will blend in to Old Down very well.
- Proposed houses are well laid out and will not overlook neighbours.
- Proposed access will not cause greater risk of accidents.
- Woodland runs along back of village, so proposed development will have no impact on wildlife.

The points raised within the 4 general comments are summarised below:

- Several applications for development of paddocks in area. If Green Belt policy remains, developments should not be permitted. If policy has changed, residents should be made aware of implications for Old Down.
- If more of Green Belt is to be sacrificed for development, would prefer to see land used for starter homes. Would improve demographic and

would satisfy requirement of Parish Plan which seeks more Affordable Homes.

- Generally opposed to development as wish to see rural character of Old Down preserved – however as applicants are residents, would prefer for them to build than an external developer.
- Request that close attention be paid to safety of proposed access.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the redevelopment of a Paddock area to provide 2no. detached dwellings. The site is located outside of any defined settlement boundary, and within the Bristol and Bath Green Belt.

5.2 Policies CS5 and CS34 of the Core Strategy state that new build housing should be limited to urban areas and established settlement boundaries. In this regard, the proposal is contrary to the adopted development plan as it proposes new dwellings outside of any established settlement boundaries as shown on the Proposals Map, with the site located within the open countryside and the Green Belt.

5.3 Whilst policy PSP40 of the Policies, Sites and Places Plan allows for certain types of residential development in the countryside, the proposed dwellinghouses would not fall in to any of the categories for development as set out in PSP40.

5.4 As such, the site is not one at which residential development is supported under local planning policy. It is however acknowledged that at present, the Local Planning Authority is unable to demonstrate a five-year supply of deliverable housing land (5YHLS). Paragraph 11, fn 7 of the NPPF states that relevant policies for the supply of housing should be not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

5.5 The starting point remains the development plan policy which would resist housing in principle. The question is what weight to attribute to the NPPF, as an important material consideration in light of the current housing supply shortfall. The thrust of paragraph 11 is that sustainable development should only be resisted if the application of policies in the NPPF that protect areas or assets of particular importance (such as Green Belts) provides a clear reason for refusing the development proposed; or significant and demonstrable harm can be shown as a result of the development. In light of this, simply being located outside of the designated settlement boundary alone is unlikely to justify a refusal. The site should be demonstrably unsustainable. Accordingly, a balancing exercise is required, and in this case considerable weight is given to the advice in the NPPF as an important material consideration.

5.6 Benefits of Proposal

When undertaking a balancing exercise, the benefits of a proposal must first be considered. In this case, the socio-economic benefit of providing two new dwellings towards the overall housing deficit in South Gloucestershire is

considered to weigh modestly in favour of the development. However the proposal is to be reviewed against further areas of assessment, in order to identify potential harm. Any identified harm will then be balanced against the benefits of the proposal.

5.7 Green Belt

The site is situated within the Bristol and Bath Green Belt, and reviewing the proposal against Green Belt policy is considered to be the starting point, when assessing the principle of development. Green Belt policy is one such policy within the NPPF which, irrespective of how sustainable a site is for residential development, could indicate that development should be restricted.

- 5.8 Policy CS5 and CS34 of the Core Strategy and policy PSP7 of the Policies, Sites and Places Plan support the protection of the Green Belt from inappropriate development. The NPPF attaches great importance to the Green Belt – with the fundamental aim of preventing urban sprawl and keeping the land open in nature. In order to achieve this, there is a general presumption against inappropriate development in the Green Belt. Any type of development in the Green Belt is considered inappropriate, unless it falls into a predefined exception category or very special circumstances override the presumption against inappropriate development. Very special circumstances will not be found unless the harm to Green Belt and any other harm is clearly outweighed by the benefits of the proposal.
- 5.9 New buildings in the Green Belt are inappropriate unless they fall into one of the exceptions listed in paragraph 145 of the NPPF. One of the exception categories relevant to this case is limited infilling in villages. The Council has defined infill development in the glossary to the Core Strategy as 'the development of a relatively small gap between existing buildings, normally within a built up area'.
- 5.10 The site is bounded on its northern and eastern sides by Alveston Road and Merryhole Lane/The Down respectively. Several outbuildings are situated immediately to the south of the site, with a residential property situated beyond the south-eastern corner of the site. There are no substantial buildings to the west of the site, with the landscape becoming more open.
- 5.11 It is acknowledged that there are buildings located on several sides of the site. However the overall arrangement is scattered, and the site is not considered to represent a clear gap between existing built form. Whilst the areas immediately to the east of the site are more densely populated by residential units, the area immediately surrounding the site is not considered to be built up. There are considered to be clear visual breaks between the proposed dwellings and surrounding buildings, and overall, the development is not considered to constitute limited infilling.
- 5.12 Another exception category, as set out in paragraph 145 of the NPPF, is the 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or, not cause substantial harm to the

openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

- 5.13 Whilst there are some relatively modest and mostly dilapidated structures on the site, it is predominantly open and does not appear at any point to have been substantially developed. As such, it is not considered that the land could be classed as being previously developed. In any case, the provision of two dwellings at the site would have a significantly greater impact on openness than the existing arrangement. Furthermore, no evidence has been provided to suggest that the proposed dwellings would provide affordable housing to contribute towards an identified need.
- 5.14 For the reasons set out above, it is not considered that the proposal would fall in to any of the exception categories for development in the Green Belt. The development would therefore be inappropriate, and would, by definition, be harmful to the Green Belt and should not be approved except in very special circumstances. No case for very special circumstances has been made by the applicant, and it is not considered that any circumstances exist where the harm to the Green Belt, and any other harm, would be clearly outweighed by other considerations. Planning Practice Guidance states that unmet housing need is unlikely to outweigh harm to the Green Belt and other harm to constitute very special circumstances justifying the inappropriate development.
- 5.15 It is not considered that any amendments could be made to the scheme which would result in a more appropriate form of development in the Green Belt, and as such no revisions have been invited.
- 5.16 The proposal would constitute inappropriate development in the Green Belt, and would therefore by definition cause harm in this respect. Furthermore, when considering the circumstances of the case and the context of the site, it is considered that the proposal would have a direct and evident impact on the openness of the land. On this basis, when balancing the harms of the development against the benefits, the harm to the Green Belt has been attributed substantial weight.
- 5.17 The recent decision at 'Paddock to the West of Sweet Briar' (PT17/4635/F) has been taken in to consideration. In this case, permission was granted for the erection of two dwellings at a paddock to the east of the application site within Old Down. In the case of PT17/4935/F, the case officer concluded that the development could be classed as limited infilling. However there are considered to be material differences between the two sites, and their relationship with adjacent built form. In the case of the approved application, the paddock was situated within a more defined row of buildings, with neighbouring properties on either side. For the reasons set out above, this is not considered to be the case with the application site, and given the differences between the two sites, the previous decision is not considered to have a bearing on the outcome of this application.

5.18 Sustainability

The planning system aims to achieve sustainable development. The counter position to this is that the planning system should resist development that is unsustainable in nature. One of the key indicators of how sustainable a location is for residential development is the extent to which a site relates to existing settlements, and the accessibility of key services, facilities and public transport networks. Locating residential development in close proximity to existing services and public transport networks reduces dependency on private vehicle usage.

5.19 In terms of development plan policies, policy PSP11 of the Policies, Sites and Places Plan outlines that residential development proposals should be located on safe, useable walking and cycling routes and within an appropriate distance of key services and facilities. If key services are not accessible by walking and cycling, new residential development should be located an appropriate distance from public transport networks which connect to destinations containing key services and facilities.

5.20 The transport officer has highlighted that given the relatively limited facilities in the locality, any new dwellings at the site would be largely car dependant. In this respect, the proposal would fail to comply with the requirements of policy PSP11.

5.21 That said, when assessing sustainability, the recent decision at 'Paddock to the West of Sweet Briar' (PT17/4635/F) is considered to be material. The site in question is approximately 270m to the east of the application site, and is also located in close proximity to existing residential units in Old Down, however also outside of any defined settlement boundary. In the case of PT17/4635/F, both the case officer and members found that whilst the site is not located within a defined settlement boundary, it should not be classed as inherently unsustainable. This was on the basis that a main bus route along Alveston Road was within walking distance of the site, and a wider range of facilities could be accessed in Alveston (1.2km from site), and Thornbury (2.5km from site). Whilst the facilities are not considered to be easily accessible by foot, it would be possible for residents to access facilities by bicycle.

5.22 Given the similarities between the two sites in locational terms, a similar assessment has been made in this case. Whilst the majority of trips from the two proposed properties would likely be taken by private vehicle, it would be possible to access facilities and services using more sustainable transport methods. Overall, it is not considered that, purely from a sustainability perspective, the development would result in significant and demonstrable harm which outweighs the benefits of providing two new dwellings at this location. As such, the sustainability of the location is considered to hold neutral weight, when balancing the positives of the development proposal against the negatives.

5.23 Design, Visual Amenity and Landscape Impact

Policy CS1 of the Core Strategy is the principal design policy. This policy requires development to meet the 'highest possible' standards of site planning and design. Development proposals are required to demonstrate that they

respect and enhance the character, distinctiveness, and amenity of the site and its context and that the density and overall layout is well integrated into the existing adjacent developments.

- 5.24 Policy PSP1 of the Policies, Sites and Places Plan requires development proposals to demonstrate an understanding of the character of an area. Development proposals should make a positive contribution to the distinctiveness of a locality and innovative architectural responses to design issues are encouraged.
- 5.25 In terms of a landscape impact, policy PSP2 of the Policies, Sites and Places Plan outlines that development proposals should seek to conserve and where appropriate enhance the quality, amenity, distinctiveness and special character of the landscape. Furthermore, policy CS34 of the Core Strategy outlines that development proposals will seek to protect, conserve and enhance the rural areas' distinctive character and beauty.
- 5.26 At present, the site consists of a paddock area on the edge of the hamlet of Old Down. The site is bounded on the roadside by a low stone wall backed by a native hedge. A substantial treeline bounds the site on its southern side. The paddock area contains several small structures, but is predominantly rural in character.
- 5.27 Several similar paddocks are present in and around Old Down, and provide gaps between the scattered dwellings which make up the hamlet. The visual breaks that the paddock areas provide are considered to be significant components contributing to the landscape character of Old Down, and it is considered that their incremental loss would have a negative impact on the character of the hamlet and wider countryside.
- 5.28 When viewing the site in the context of the hamlet, the majority of built form is situated to the east of the site. When travelling along Alveston Road in a westerly direction, the road is bounded on both sides by residential properties for a short section, before transitioning in to a more open landscape at the point of the application site. An adjacent paddock on the northern side of Alveston Road also adds to the sense of openness at this location. Whilst it is noted that a property (Park View) is situated to the north of the site, and is separated from the slightly denser form of residential development to the east, this consists of a modest cottage, which blends sympathetically in to surrounding landscape.
- 5.29 It is considered that redeveloping the site to provide new dwellings would fundamentally alter its character, and would significantly reduce the extent to which the site contributes to the surrounding character. The issue relates not only to the loss of openness through the provision of two dwellinghouses, but also the domestication of the curtilages, and the shift away from the existing rural, informal appearance. Overall it is concluded that the site in its current state forms an important feature within the immediate area, and its loss would have detrimental impacts on visual amenity and the character and appearance of the surrounding landscape.

- 5.30 Turning to the more detailed elements of the design, the proposed dwellings would take on a chalet bungalow form. The buildings would incorporate pitched roofs, with pitched dormers set in to the roof slope. The two dwellings would be similar in appearance, however there would be some elements of distinction between the two. It is acknowledged that the overall design approach is more sympathetic to the rural location, and that the dwellings would not take on an overly suburban appearance. Overall, there are no objections to the more detailed elements of the design.
- 5.31 However the concerns regarding the overall impact that the domestication of the site would have on the character and appearance of the immediate locality and surrounding landscape remain. Whilst it is acknowledged that the implementation of substantial, appropriate landscaping features could soften the overall visual impact, it is considered that there would still be significant harm to the character of area as a whole.
- 5.32 For the reasons outlined above, it is considered that the redevelopment of the existing paddock to provide 2no. dwellinghouses would fail to preserve the distinctive character and beauty of the rural area. The paddock in its current form makes a significant positive contribution to the character of the area, and its loss would cause significant harm in this regard. The proposal would therefore be contrary to policies CS1 and CS34 of the Core Strategy, and policies PSP1 and PSP2 of the Policies, Sites and Places Plan. The development would cause harm to the visual amenity of the area and surrounding landscape, and this harm has been attributed significant weight.
- 5.33 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. In order to be acceptable, any development proposal must be compatible with its immediate surroundings.
- 5.33 In terms of neighbouring properties, the nearest properties are Bush Cottage to the south-east of the site, Walnut Tree Cottage to the east, and Park View to the north. There are no neighbouring residential properties immediately to the west or south of the proposed dwellings.
- 5.34 In terms of any potential overbearing or overshadowing impact, it is considered that the degree of separation between the proposed dwellings and neighbouring properties eliminates the possibility of any significant impact. In this regard, it is also considered that the two proposed dwellings would have an appropriate relationship with one another.
- 5.35 The concerns raised regarding overlooking, particularly those in relation to ground levels, have been given due consideration. However as the proposed dwellings would be separated from neighbouring properties by relatively large garden areas, it is not considered that the proposal would lead to significant

overlooking, and the privacy of neighbouring residents would be preserved. It is also considered that landscaping features could be both retained and provided, as to reduce any inter-visibility.

- 5.36 In terms of any potential disturbance to neighbours, it is acknowledged that the erection of two dwellings would likely cause some disturbance during the construction period. Whilst this is not considered to substantiate a reason for refusal, should a recommendation of approval have been made, the permitted hours of working would have been controlled by condition, in order to preserve the amenity of nearby residents.
- 5.37 In terms of the living conditions of any prospective occupants of the two dwellings, it is considered that the proposed areas of amenity space are sufficiently large, private and usable. It is also considered that the dwellings would be sufficiently set back from Alveston Road, and that passing vehicles would not detriment living conditions at the properties.
- 5.38 Overall, it is not considered that the proposal would have any significant harmful impact on residential amenity, and that any impact could be sufficiently controlled by condition. The proposal therefore accords with policy PSP8 of the Policies, Sites and Places Plan. The impact of the development on residential amenity has been attributed neutral weight within the assessment of the application as a whole.
- 5.39 Transport
In terms of site access, the concerns raised by local residents have been taken in to account. However given the fairly quiet rural nature of the access lane, the transport officer does not consider that the provision of an access at the point proposed would have any severe impact on highway safety. The relatively low number of vehicular trips to be generated by the two dwellings is also considered to lessen the highway impact.
- 5.40 In terms of on-site parking provision, space would be provided to the frontage and side of each property for the parking of several vehicles. Each property would contain 3 bedrooms, and each would therefore require two external parking spaces in order to satisfy the minimum residential parking standards set out in policy PSP16 of the Policies, Sites and Places Plan. As the proposed provision of parking would meet the minimum required standard, there are no concerns in this respect.
- 5.41 Overall, the proposed access is considered to be acceptable, and a sufficient level of on-site parking can be provided. As such, there are no objections to the proposal from a transportation perspective, and the overall impact is considered to carry neutral weight.
- 5.42 Natural and Historic Environment
With regards to an ecological impact, the ecology officer is satisfied that the proposal would not have an unacceptable impact, provided that the recommendations of the submitted ecological survey are adhered to, and mitigation measures are put in place to off-set any impact.

- Should the development have had a recommendation for approval, conditions would have been imposed to this effect.
- 5.43 In terms of site drainage and overall flood risk, the application site is not located in an area of high flood risk. It is noted that the drainage officer has requested that a detailed drainage layout plan be submitted. However given the scale of development, it is not considered that the drainage layout would have a significant impact on the overall layout of the development. As such, it is considered that any issues could be satisfactorily considered and addressed through the building regulations process.
- 5.44 It is noted that there are some larger trees towards the southern boundary of the site. However the properties would be set away from the trees, and the tree officer has not raised any objection. With regards to archaeology, the archaeology officer has not indicated that the development would have the potential to impact upon archaeological remains.
- 5.45 There is information to suggest that land within 250m of the site was historically used as filled ground/a quarry, which may have caused contamination which could give rise to unacceptable risks to the proposed development. Should the application have had a recommendation for approval, conditions would have been imposed to require investigation and where necessary mitigation for contaminated land. Whilst this is an issue, it is not considered to be insurmountable as it is likely that remediation could be carried out.
- 5.46 Overall, it is not considered that the proposal would have any unacceptable environmental impacts as discussed above, and the impact in this regard has therefore been attributed neutral weight when balancing the harm of development against the benefit.
- 5.47 Overall Planning Balance
The development is considered to consist of inappropriate development in the Green Belt, which under the provisions of the NPPF, should not be approved except in very special circumstances. No case for very special circumstances has been made. Furthermore, it is considered that the development would have a direct and evident impact on the openness of the Green Belt. Substantial weight has been applied to the harm to the Green Belt.
- 5.48 Furthermore, the proposal would detract from the rural character of the area and surrounding landscape, and would result in the loss of a paddock area which is considered to form a significant component contributing the character of the locality. Significant weight has been applied to the harm to the character of the area and surrounding landscape.
- 5.49 The development proposal would also have a number of neutral impacts in respect of residential amenity, transportation and the natural and historic environment.
- 5.50 However the identified harms are considered to outweigh the limited benefit of providing two new dwellinghouses. The proposal would not be sustainable development and it therefore follows that this application should be refused.

5.51 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.

5.52 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 **refuse** 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 **REFUSED** for the following reasons:

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

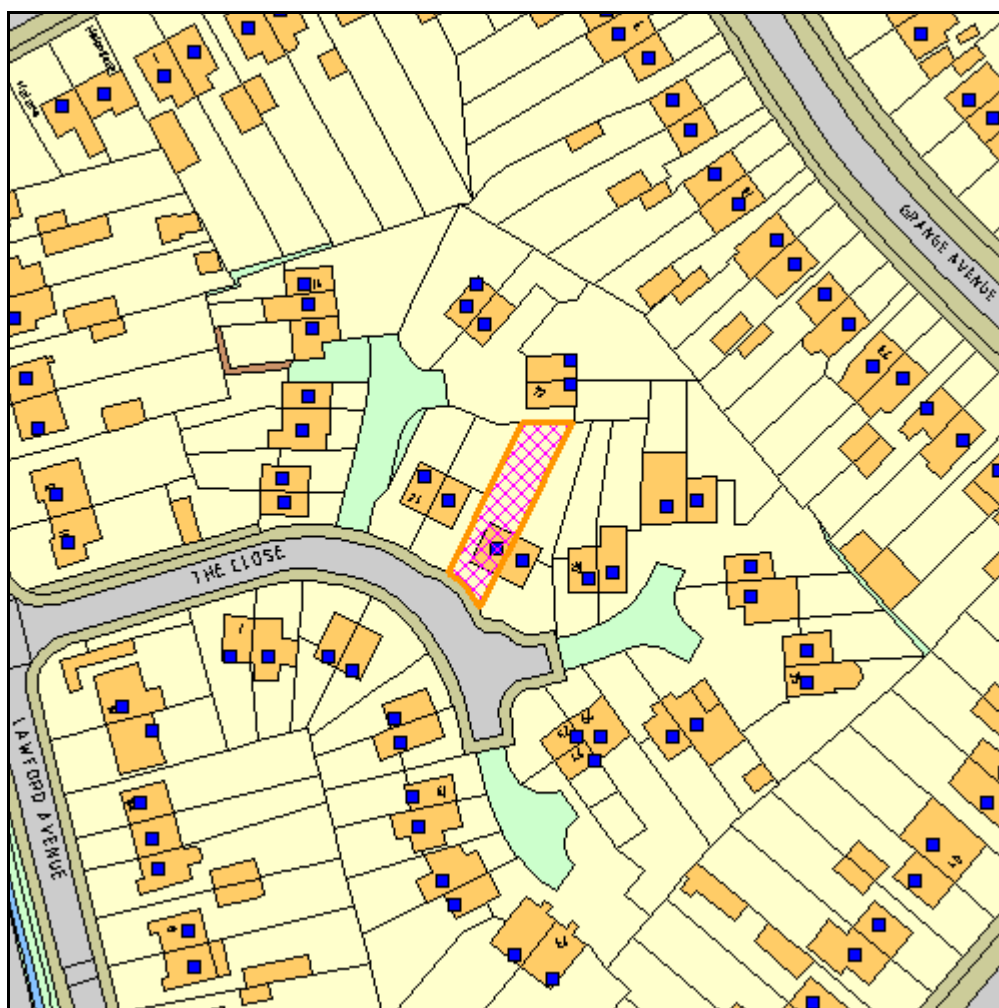
REASONS FOR REFUSAL

1. The proposal would not comprise limited infilling in a village or the redevelopment of previously developed land, and as such would constitute inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No very special circumstances have been submitted to demonstrate that the presumption against inappropriate development in the Green Belt should be overridden. Substantial weight has been applied to the harm identified in this respect, and the proposal is contrary to policies CS4A, CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013; policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the South Gloucestershire Development in the Green Belt SPD (Adopted) 2007, and the provisions of the National Planning Policy Framework (2018).

2. The proposal would result in the replacement of an informal paddock area with two domesticated curtilages, and would lead to the loss of a significant component contributing to the landscape character of Old Down. The redevelopment of the site to provide residential properties would extend development in to the open countryside, and would detract from the character and beauty of the distinctly rural landscape. Significant weight has been applied to the harm identified in this respect, and the proposal is contrary to policies CS1 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013; and policies PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

CIRCULATED SCHEDULE NO. 42/18 – 19 OCTOBER 2018

App No.:	PT18/3796/F	Applicant:	Mr M Sims
Site:	28 The Close Little Stoke Bristol South Gloucestershire BS34 6JS	Date Reg:	23rd August 2018
Proposal:	Erection of a single storey rear and side extension to form additional living accommodation.	Parish:	Stoke Gifford Parish Council
Map Ref:	361260 180800	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	9th October 2018



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N.T.S.

PT18/3796/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 side and rear extension to form additional living accommodation at 28 The Close, Little Stoke.
- 1.2 The application site relates to a two storey, semi-detached property which is located within a residential area of Little Stoke.
- 1.3 This application is part retrospective as works have already commenced on 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 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 PT08/1909/F – Approved - 19.09.2008
Erection of two storey side and rear and single storey rear extensions to form additional living accommodation.

- 3.2 P89/1249 – Approved - 16.03.1989
Erection of 42 houses and two bungalows together with garages, screen walls and fences; construction of associated estate road and car parking spaces (in accordance with the amended plans received by the council on 20th February 1989)

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No comments

Archaeology
No comments

Other Representations

- 4.2 Local Residents
This application received a total of 1 letter of objection that raised several points. These are outlined below.

- All brickwork must be finished to a professional standard
- The current partially built rear element is too close to my boundary (No.30)
- The heating flue at the rear is too close to my boundary (No.30)
- Insist noise pollution is kept to a minimum and not audible over my boundary wall (No.30)

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 single storey side and rear extension to form additional living accommodation.
- 5.3 The proposed single storey side and rear extension will form an “L” shaped wraparound to the existing dwelling. The single storey rear element will extend 3metres from the existing rear wall, have a width of approximately 7metres and have a maximum height of 3.6 metres. The side element will extend approximately 2.2metres from the existing side elevation, have a depth of 7.6 metres and a maximum height of approximately 3.6 metres. The proposal will introduce a hipped roof and use materials that match the existing dwelling.

- 5.4 The case officer considers the proposal to be in keeping with the domestic character of the building and will be a modest addition to the rear and side elevations.
- 5.5 Residential Amenity
Policy PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.6 A neighbouring occupier raised concerns that the proposal will be too close to the party wall. Submitted plans show that the proposal falls entirely within the applicant's curtilage and that there is no encroachment proposed. The applicant will be reminded that they need the consent of the land owner to carry out works on land outside of their ownership by means of an informative on the decision notice, however this is a civil issue and has been given limited weight in the determination of the application.
- 5.7 A neighbouring occupier raised concerns that the installed heating flue near the boundary will result in health issues and should be repositioned. The case officer notes that this application is solely for an erection of a single storey side and rear extension. Submitted plans do not include the erection of a flue as part of this assessment. Domestic heating arrangements would not normally trigger the need for a planning application.
- 5.8 A neighbouring occupier raised concerns about the noise and disruption caused by the proposed works. It is recognised that the construction of the proposal could cause a degree of disturbance to neighbours during the construction period. That said, a degree of disturbance is to be expected as part of any development, it is not considered that the proposal would cause unacceptable levels of disturbance to immediate neighbours through increased noise.
- 5.9 In regards to the buildability and finish of the proposals, the designs proposed are not complex and should pose little issue to a competent builder. The detailed technical issues would be addressed through the Building Regulations process.
- 5.10 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.
- 5.11 The proposal will occupy additional floor space, however sufficient private amenity space will remain following development.
- 5.12 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring

occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with Policy PSP38 of the PSP Plan (November 2017).

5.13 Sustainable Transport and Parking Provision

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

5.14 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

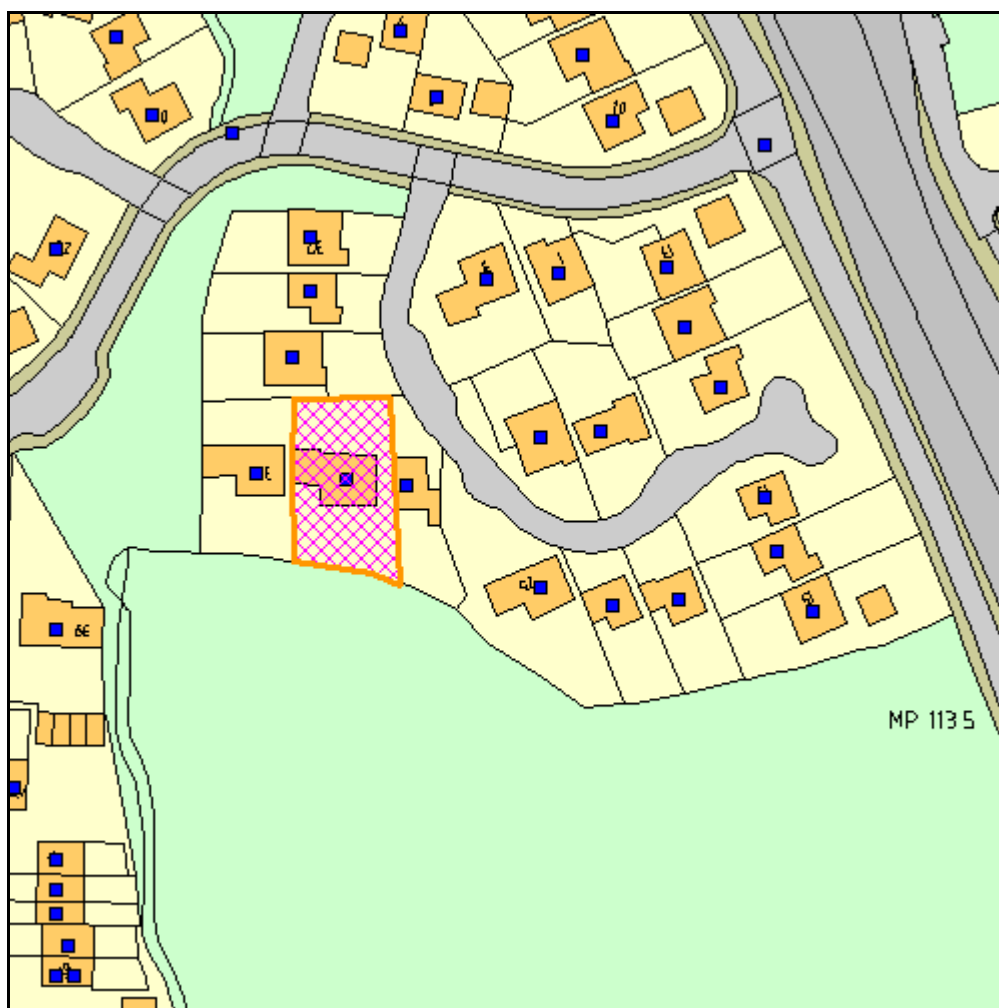
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 42/18 – 19 OCTOBER 2018

App No.:	PT18/3810/F	Applicant:	Mr & Mrs Godfrey
Site:	29 Woodlands Road Charfield Wotton Under Edge South Gloucestershire GL12 8LT	Date Reg:	23rd August 2018
Proposal:	Erection of single storey side and rear conservatory.	Parish:	Charfield Parish Council
Map Ref:	372549 191795	Ward:	Charfield
Application Category:	Householder	Target Date:	18th October 2018



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PT18/3810/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has received representations that are contrary to the Officer recommendation, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The application is for the erection of a single storey side and rear conservatory at 29 Woodlands Road Charfield.
- 1.2 The application site comprises of a detached property situated within the defined settlement boundary.
- 1.3 The property currently provides childcare on domestic premises from 7.30 am to 6pm Monday to Friday. A planning application was submitted in 2013 to change the use from a residential dwelling to mixed use residential dwelling and nursery (Class D1). However, advice provided by Council's Children and Young People's Team at the time stated that this change does not require planning permission. As such the use of the property is not in question. Notwithstanding this, the applicant should be aware that if the proposed conservatory results in an increase in the capacity of the nursery, and therefore an intensification of the site, this may constitute a material change of use.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1	High Quality Design
CS8	Access/Transport

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

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

2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/3439/F
Approve with Conditions (26.11.2013)

Erection of front porch.

Formerly: Change of Use from residential dwelling to mixed use residential dwelling and Nursery (Class D1) as defined in the Town & Country Planning (use Classes) Order 1987). Erection of front porch.

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
No objection.

Other Representations

- 4.2 Local Residents
One letter of objection was received which raised concerns regarding the business extending as a result of the development.

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.
- 5.2 Design and Visual Amenity
The proposed single storey extension which is located on the rear elevation of a detached property is acceptable having regard to the existing property and the wider street scene. Moreover, as it is proposed to use similar materials, the new structure would integrate successfully with the existing building.
- 5.3 Residential Amenity
Policy PSP8 of the PSP Plan sets out that development within existing residential curtilages should not prejudice residential amenity through noise and disturbance; overbearing; overlooking; overshadowing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.4 As noted, the conservatory has the potential to increase the number of children attending the property. Childcare providers of this type are governed by separate legislation to ensure minimum standards are met. Notwithstanding this, when considering the scale and location of the proposed development in relation to the host and neighbouring occupiers; this not considered to create any detrimental impact in residential amenity terms. In addition sufficient private amenity space is retained by the dwelling.
- 5.5 Sustainable Transport and Parking Provision
The proposal does not affect parking provision, access or bedroom numbers. Also, Officers acknowledge that it is possible that an additional demand for drop off and pick up spaces on the adjoining roads would result from the development. Officers take into consideration the sustainable location of the

site and the temporary nature of the parking. Furthermore, Woodlands Road is sufficiently wide enough in places to accommodate some on-street parking and there are areas where driveways will not be obstructed. In this instance, Officers consider that while there will be an impact to highway safety, it is not considered that this resultant impact would amount to a “severe” impact to highway safety which is the threshold suggested by paragraph 109 of the NPPF.

- 5.6 Consideration of likely impact on Equalities
The impact upon equalities would be neutral

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

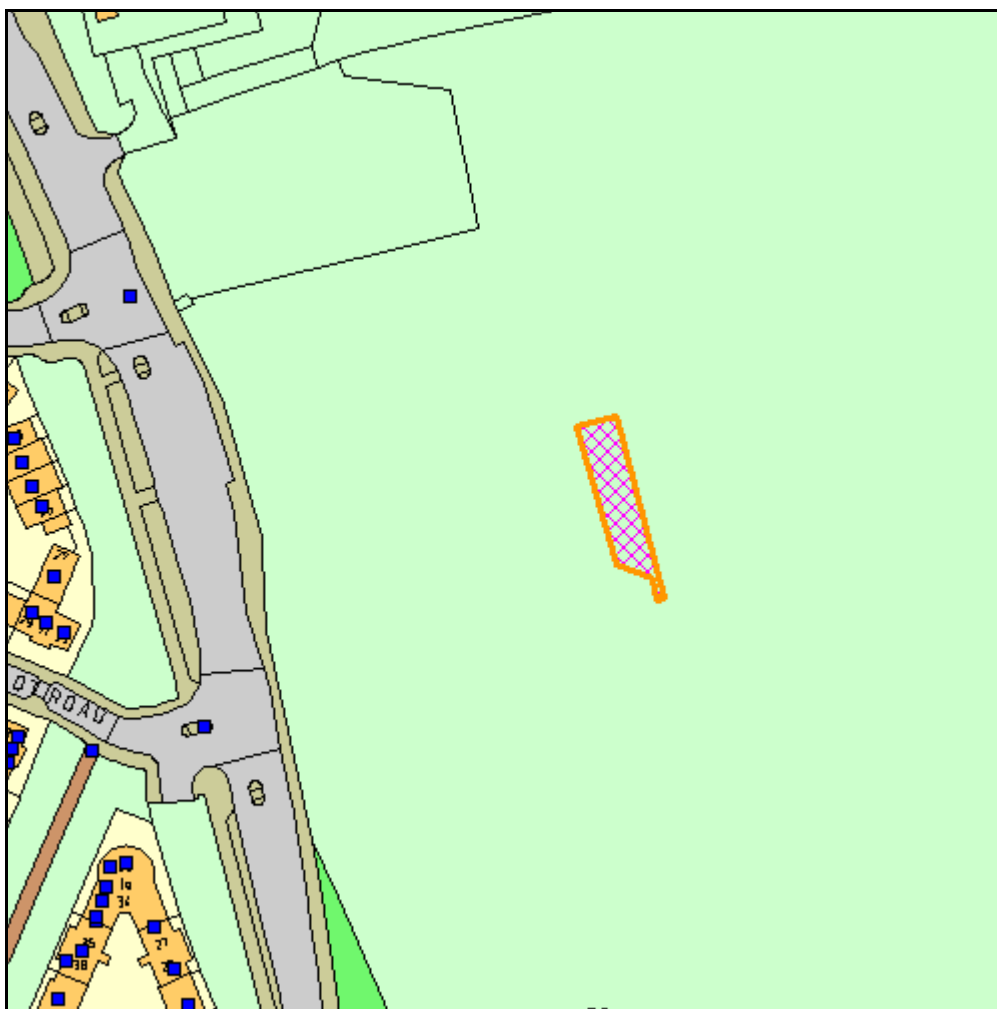
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 42/18 – 19 OCTOBER 2018

App No.:	PT18/3935/CLP	Applicant:	Mrs Carol Evans
Site:	7 Slade Baker Way Stoke Gifford Bristol South Gloucestershire BS16 1QT	Date Reg:	30th August 2018
Proposal:	Change of Use from dwelling (Class C3) to HMO (Class C4) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Stoke Gifford Parish Council
Map Ref:	362388 177516	Ward:	Frenchay And Stoke Park
Application Category:	Certificate of Lawfulness	Target Date:	25th October 2018



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PT18/3935/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed change of use of an existing dwelling (Class C3) to maximum of a 6no. bed HMO (Class C4) at 7 Slade Baker Way Stoke Gifford 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 The Town and Country Planning (Use Classes) Order 1987 states that under Class C4, the maximum inhabitants for a HMO would be six people. As the proposed HMO would have five beds initially but the applicant indicated that it may increase to a maximum of six beds in the future, it is considered that the use could be defined as a HMO under Class C4.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class L.

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
Objection. Council notes this is a CLP application but understands that the developer has covenants in place across the housing stock to prevent use as HMOs. Many of the properties built so far on this road are already reportedly in use as HMOs.

Other Representations

- 4.2 Local Residents
Four letters were received.

One raised no objection, stating that as HMO's are already present in the area it would be unfair to not permit this application.

The remaining three objected in relation to:

Amenity

Noise, disturbance, rubbish, overcrowding, and vermin.

Transport

Parking pressures, illegal parking, poor pedestrian and vehicular access.

Other

Lacking community development, driving out families, health impacts, environmental impacts, and landlords not adhering to existing covenants on the properties.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Site Location Plan

Received by the Council on 20th August 2018.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

- 6.2** The proposed development consists of the conversion of the property to a maximum of a 6 bed HMO. This development would fall within Schedule 2, Part 3, Class L, which allows for the conversion of small HMOs to dwellinghouses and vice versa, provided it meets the criteria as detailed below:

L.1 Development is not permitted by Class L if it would result in the use—

- (a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or**

The works would not result in the use as two or more separate dwellinghouses falling within the C3 use class.

- (b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.**

The works would not result in the use as two or more separate dwellinghouses falling within the C4 use class.

6.3 Other Matters

The Case Officer understands the frustrations of local residents regarding the proliferation of HMO's in this location. However, applications of this type are a matter of fact and degree based on the facts presented. The development is either lawful, or not. Any issues relating to amenity, transport, health, community cohesiveness, or indeed existing covenants at the property are not of relevance to the determination of this planning application.

7. **RECOMMENDATION**

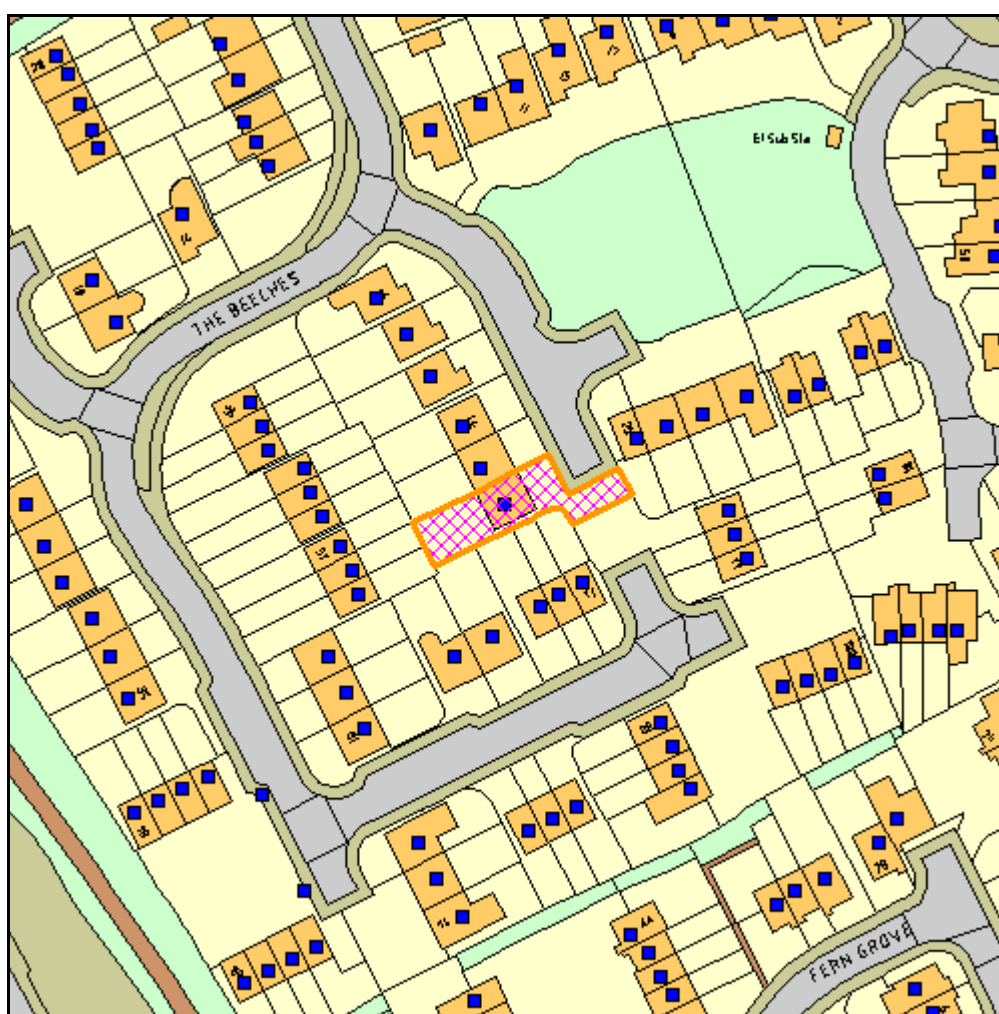
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities, the development falls within Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: David Ditchett
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 42/18 – 19 OCTOBER 2018

App No.:	PT18/4081/PDR	Applicant:	Mr Iain Ritson
Site:	27 The Beeches Bradley Stoke Bristol South Gloucestershire BS32 9TA	Date Reg:	13th September 2018
Proposal:	Erection of single storey rear extension and garage conversion to provide additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	361600 181628	Ward:	Bradley Stoke South
Application Category:	Householder	Target Date:	6th November 2018



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PT18/4081/PDR

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a single storey rear extension and garage conversion to provide additional living accommodation at 27 The Beeches, Bradley Stoke.
- 1.2 The application site relates to a two storey, end terrace property which is located within the built up residential area of Bradley Stoke.
- 1.3 Ordinarily, the application would fall within permitted development under the criteria set out in the Town and Country Planning (General Permitted Development) (England) Order 2015. However, permitted development rights were restricted under the original application for the development ref. P96/1736.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

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

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

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 P96/1736

Erection of 90 dwellings. Construction of infrastructure. Provision of public open space.

Approved: 21/08/1996

4. CONSULTATION RESPONSES

4.1 Bradley Stoke Town Council

No objection

4.2 Sustainable Transport

No detail on existing vehicular access or parking has been submitted. The Council's residential parking standards state that a dwelling with three bedrooms requires a minimum of two off-street parking spaces to be provided within the boundary of the site. Each space needs to measure a minimum of 2.4m by 4.8m.

4.3 Archaeology

No comment received

Other Representations

4.4 Local Residents

Objection comment received from 1no neighbouring occupier, summarised as follows;

- No detail of the treatment of the boundary. I can only assume that it would be a 3m long and 3m high wall, in place of what is currently a 1.8m high fence.
- The contemporary design is at odds with the host dwelling but is acknowledged not to be visible from the public realm.
- The scale and mass is assessed to be overbearing on my garden and habitable rooms, particularly the lounge/diner.
- The scale of the extension is such that it takes up in excess of one third of the existing garden.
- Given the location to the south of my property, it would reduce natural light to the rear of my property as well as the garden.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design and Visual Amenity

- The proposed development consists of a single storey rear extension and the conversion of an existing integral garage to create additional living accommodation.
- 5.3 The proposed garage conversion would replace the existing garage door with two white framed windows and brickwork to match the host dwelling. This is considered to be acceptable in terms of design.
- 5.4 The proposed single storey rear extension would extend from the rear wall of the host dwelling by approximately 3m and would span the entire width of the property. The neighbour expressed concern over the boundary treatment, the proposal is set away from the boundary by 0.2m and the existing 1.8m high fence would be retained. The proposal consists of a flat roof with an overall height of approximately 2.8m, it would also include a small roof lantern which extends a further 0.5m in height. A parapet wall would be located adjacent to the single storey element of the neighbouring property. The size and scale of the proposal is deemed to be acceptable within the context of the site.
- 5.5 The materials to be used in the external finish of the proposal include brickwork elevations with white framed windows and bi-fold doors. All materials would match those used in the existing dwelling and are therefore deemed to be acceptable.
- 5.6 Concern was raised by the neighbour regarding the contemporary design of the proposed rear extension. Although the proposed flat roof and lantern are considered to be fairly contemporary in style, the materials would match those used in the original house and due to the siting at the rear, the extension would not be visible from the public realm. It is therefore judged not to have a significantly detrimental impact on the character of the area.
- 5.7 Overall, it is considered that the proposed development would not be detrimental to the character of the host dwelling or the surrounding area and is of an acceptable standard of design. As such, the proposal is deemed to comply with policy CS1 of the Core Strategy.
- 5.8 Residential Amenity
- Policy PSP8 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.9 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Concerns have been raised by the neighbouring occupier of the attached property in regards to overbearing and loss of light impacts. The proposal would be built 0.2m away from the boundary and would have an overall height of approximately 2.9m, this is considered by the Officer to be an appropriate height within a built up residential area and would not result in a material overbearing impact. The proposal would sit to the south of the neighbouring occupier and it is acknowledged that this would have some impact on the natural light afforded to

the neighbour. That said, considering the single storey nature of the proposal, it is not considered to significantly alter the existing levels of light to such a degree as to warrant refusal. Furthermore, the height and angle of the proposed lantern and rooflight would not result in a material loss of privacy.

- 5.10 The proposal would occupy additional floor space, however it is considered by the Officer that sufficient private amenity space would remain for the occupiers of the host dwelling following development.
- 5.11 The subject property is located within a built up residential area and given the scale and location of the proposed development, it is not considered to have a significantly detrimental impact on the residential amenity of surrounding properties or the host dwelling and is therefore deemed to comply with policy PSP8 of the PSP Plan.
- 5.12 Sustainable Transport and Parking Provision
The application is not proposing any additional bedrooms; South Gloucestershire Council residential parking standards require a three bedroom property to provide two off-street parking spaces. The application would remove the existing single garage, however from a site visit it was noted that the existing driveway at the front is able to accommodate two vehicles. The existing driveway would be unaffected by the proposal and as such no objections are raised in terms of transport.
- 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: James Reynolds
Tel. No. 01454 864712

CONDITIONS

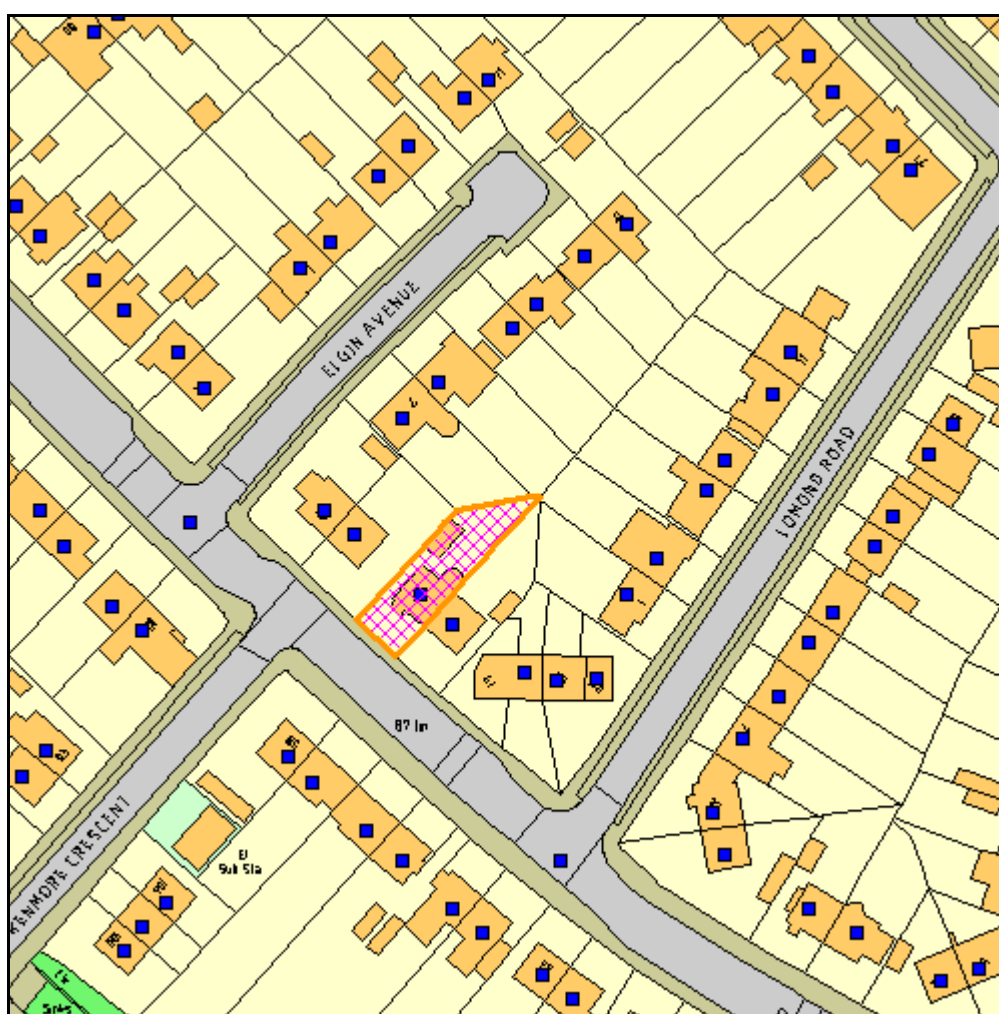
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 42/18 – 19 OCTOBER 2018

App No.:	PT18/4085/CLP	Applicant:	Mr Jon Squire
Site:	45 Braemar Avenue Filton Bristol South Gloucestershire BS7 0TF	Date Reg:	7th September 2018
Proposal:	Demolition of existing conservatory and erection of single storey rear extension to form additional living accommodation.	Parish:	Filton Town Council
Map Ref:	359591 178408	Ward:	Filton
Application Category:	Certificate of Lawfulness	Target Date:	30th October 2018



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PT18/4085/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed single storey rear extension 45 Braemar Avenue, Filton would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 P99/1394 – Approved - 29.04.1999
Erection of rear conservatory

4. CONSULTATION RESPONSES

- 4.1 Filton Parish Council
No Comments

Local Councillor
No Comments

Other Representations

- 4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Existing Plan
Proposed Plans
Site Location Plan
Received by Local Planning Authority 04th September 2018

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Not applicable.

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

The extension would be single storey.

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

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

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

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

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

The proposal does not include any of the above.

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

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

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

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

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

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

- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—

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

Not applicable.

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

Not applicable.

7. RECOMMENDATION

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

Evidence has been provided to demonstrate that on the balance of probabilities the proposed erection of a single storey rear extension would 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.

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