

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. 31/19

Date to Members: 02/08/2019

Member's Deadline: 08/08/2019 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2018. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

Having considered the reports, those applications that Councillors feel should be referred to the relevant Planning Committee must be notified to the Strategic Planning section by email within five working days of the publication of the schedule (by 5pm) in line with the procedure set out below. If there has been no valid 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, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee.

PLEASE NOTE: The circulated schedule process is only open to elected Members of South Gloucestershire Council.

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate planning committee then a referral should:

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk identifying the application reference and site location
- b) 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 end of the following Thursday (see cover page for the date)
- c) The request in writing must be made in writing by at least two or more Members, not being Members of the same ward
- d) In addition, the request in writing must have the written support of at least one of the Development Management Committee Chair and Spokes Members
- e) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral
- f) Indicate whether you have discussed the application(s) with the Case Officer and/or Development Manager
- g) Indicate whether you have discussed the application(s) with ward Member(s) if the site is outside of your ward

The Circulated Schedule will always contain the following applications unless the application is required to be determined by Committee:

- 1) Any application submitted by, or jointly, or on behalf of the Council.
- 2) Any application submitted by or any matter directly affecting or involving any

Member of the Council and any application(s), submitted by an Officer of the Council working in the Strategic Planning area (specifically the Policy and Specialist Advice, Development Management, Strategic Major Sites and Planning Enforcement, Validation & Registration and Planning Technical Support teams) or any Member or Officer of the Council acting as a planning agent.

- 3) Any application requiring a new planning agreement.
- 4) Any applications requiring a modification of an existing planning agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.

5) Any application where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making.

6) Any applications, except those listed below a-f where three or more representations contrary to the Officers recommendation are received within the notification period other than from officers of the Council acting in their professional capacity.

7) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

8) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officer's recommendation from any Member of South Gloucestershire Council.

Applications that will not appear of the Circulated Schedule procedure as a result of representations received:

- a. All applications, where approval is deemed to be granted upon the expiry of a defined period
- b. All applications to be determined the lawfulness of a proposed or existing use of a site
- c. All applications for non-material amendments
- d. All applications to discharge planning conditions
- e. All applications solely required because of the removal of Permitted Development Rights or Article 4 direction
- f. Any footpath stopping up or diversion required to implement an approved scheme

Additional guidance for Members

Always make your referral request by email to MemberReferral@southglos.gov.uk (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

When emailing your circulated referral request, please ensure you attach the written confirmation from the Supporting Member(s) and Supporting Chair or Spokes

Please note a copy of your referral e mail will appear on the website.

Before referring an application always contact the case officer or Development 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.

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

The referral should include the reasons for the referral indicating why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issues the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay of the referral

4. If the site is outside your ward have you contacted the ward Member(s) to inform them of the referral?

5. Have you discussed the referral with the case officer or Development Manager?

a) Referring Member:

b) Details of Supporting Member(s) (cannot be same ward as Referring Member)

c) Details of Supporting Chair or Spokes Member of the Development Management Committee

Do you consider this is an application of strategic importance such that you would request the Director to consider using his discretion to refer the matter to the Strategic Sites Delivery Committee? If so please set out your reasons:

Date:

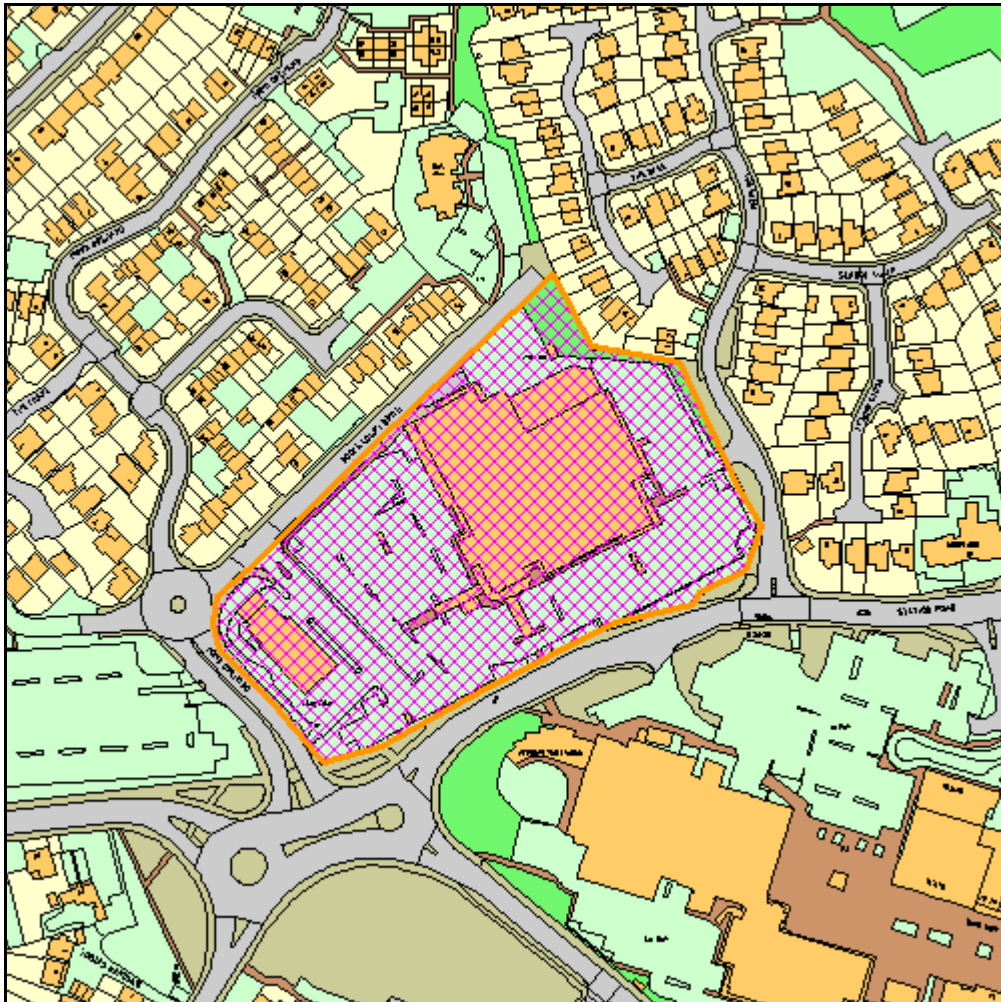
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 2 August 2019

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/4687/ADV	Approve with Conditions	Morrisons Station Road Yate South Gloucestershire BS37 5PW	Yate Central	Yate Town Council
2	P19/5711/F	Refusal	Noades House Old Hundred Lane Tormarton Badminton South Gloucestershire GL9 1JA	Boyd Valley	Tormarton Parish Council
3	P19/5926/RVC	Approve with Conditions	6 Bences Close Marshfield South Gloucestershire SN14 8TD	Boyd Valley	Marshfield Parish Council
4	P19/6462/F	Approve with Conditions	2 Cheshire Close Yate South Gloucestershire BS37 5TQ	Yate North	Yate Town Council
5	P19/7401/F	Approve with Conditions	12 Camberley Drive Frampton Cotterell South Gloucestershire BS36 2DF	Winterbourne	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 31/19 – 2 AUGUST 2019

App No.:	P19/4687/ADV	Applicant:	WM Morrison Supermarkets PLC
Site:	Morrisons Station Road Yate South Gloucestershire BS37 5PW	Date Reg:	2nd May 2019
Proposal:	Display of 1 No. internally illuminated freestanding totem sign, 5 No. internally illuminated fascia signs, 1 No non-illuminated fascia sign and 1 No. internally illuminated fascia signs to the North-East, North-West and South-West Elevations of the car wash.	Parish:	Yate Town Council
Map Ref:	371145 182653	Ward:	Yate Central
Application Category:	Minor	Target Date:	24th June 2019



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P19/4687/ADV

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

A representation has been made by the parish council, which is contrary to the findings of this report. Under the current scheme of delegation it is therefore required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The application seeks advertisement consent for the display of 2no. non-illuminated fascia signs, 1 no. internally illuminated freestanding totem sign, and a total of 8 no. internally illuminated fascia signs.
- 1.2 The application relates to the Morrisons superstore, Station Road, Yate. The non-illuminated signage would be located on the main building, with the illuminated signage located at the petrol filling station and car wash. The site is located within the defined settlement of Yate.

2. POLICY CONTEXT

2.1 National Guidance

- i. National Planning Policy Framework February 2019
- ii. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS9	Managing the Environment and Heritage

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP21	Environmental Pollution and Impacts

3. RELEVANT PLANNING HISTORY

There are various applications associated with the site. Only those relating to advertisement consent are considered relevant, and are listed below:

3.1 PK18/2031/ADV

Display of 4no. non-illuminated fascia signs, 4no. non-illuminated hoarding signs and 4no. vinyl wrap signs.

Approved: 18.09.2018

3.2 PK08/1010/ADV

Display of 6no. internally illuminated fascia signs, 1no. non-illuminated fascia sign and 1no. freestanding information sign. (Retrospective).

Approved: 15.05.2008

3.3 PK04/4120/ADV

Display of superstore signage including 2 no. internally illuminated signs and 2 no. wall mounted non illuminated signs. Display of petrol filling station signage including 1 no. free standing, internally illuminated sign, 6 no. internally illuminated boxed signs and 1no. non-illuminated fascia sign on the car wash north-west elevation.

Approved: 09.05.2005

3.4 PK04/0210/ADV

Retention of 1 no. internally illuminated ATM collar surround and 1 no. double sided internally illuminated projecting sign.

Approved: 13.02.2004

3.5 PK02/2620/ADV

Display of 2 No. gantry signs. Sign 1 - internally illuminated; Sign 2 - non-illuminated.

Approved: 20.01.2003

4. CONSULTATION RESPONSES

4.1 Yate Town Council

Objection - We do not object to the size or location of the new signs, which entirely match the previous ones, however we are concerned about the switch to internal illumination on two of them - the lower part of sign 3, which we believe will have an impact on drivers by its large white internally illuminated area (which contains no signage and is therefore not necessary) - at what is a very difficult and sensitive junction, and the internal illumination on 6, at the rear of the car wash, which directly looks into bedroom windows and will be intrusive.

4.2 Other Consultees

Sustainable Transport

No comment

Other Representations

4.3 Local Residents

One comment neither objecting to nor supporting the application was received during the statutory consultation period. The main points raised are summarised below:

- Would like clarity on whether side panel on car wash will be illuminated.
- This faces on to rear of neighbouring properties.
- Feel change in design is great improvement, but want to confirm that sign will not be illuminated.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks advertisement consent for the display of 2no. non-illuminated fascia signs, 1 no. internally illuminated freestanding totem sign, and a total of 8 no. internally illuminated fascia signs.

5.2 Principle of Development

Guidance within the National Planning Policy Framework states that advertisements should only be controlled in the interests of amenity, public safety and cumulative impact. Design and design quality is assessed in terms of visual amenity and cumulative impact using policy CS1 of the Core Strategy. Public safety is assessed using policy PSP11 of the Policies, Sites and Places Plan, to ensure that the signage is not detrimental to highway safety or presents a traffic hazard. Further guidance in the NPPF states that development should only be refused on transport grounds where the impact is considered to be 'severe'.

5.3 Design, Visual Amenity and Cumulative Impact

The proposed signage consists of 6 main components. This comprises 2x 900mm cap height Morrisons condensed letter logo signs, an internally illuminated PFS Totem, internally illuminated PFS canopy signs, an internally illuminated kiosk sign and internally illuminated car wash signs.

5.4 All of the proposed signage would replace existing signage, and would be of a largely similar scale and location. The signage would provide a cleaner, more modern appearance when compared to the outdated and faded existing signage. Overall, the scale, location and detailed design of the proposed signage is considered to be appropriate, and it is considered that the replacement of the existing signage would result in a visual improvement.

5.5 Amenity

There are residential properties situated within the vicinity of the site, and it is noted that a number of elements of the signage would be illuminated. If poorly designed, it is acknowledged that illuminated signage can cause a degree of disturbance to surrounding residents. However in this instance, the signage would be dimly lit (300 cd/m²), and given the degree of separation to neighbouring properties, it is not considered that the illumination would be

unduly noticeable from neighbouring properties. It is also acknowledged that there is a history of illuminated signage being present at the site.

- 5.6 Notwithstanding the above, if constantly lit, it is accepted that even relatively dim illuminations can result in a nuisance to residents. As such, it is considered reasonable in this instance to restrict the permitted lighting of the signage to sociable hours (06:00 – 23:00). Given that the superstore is not open outside of these hours, it is not considered that the restriction on illumination times would adversely affect the operation of the business. Subject to the above condition, it is not considered that the proposal would have any significant adverse impact on the residential amenity of nearby residents.

5.7 Public Safety

The concerns raised regarding illuminated signage potentially causing a distraction to passing motorists have been acknowledged. It is noted that the superstore is situated at a heavily used double-roundabout; and it is therefore of paramount importance that any signage does not distract passing motorists.

- 5.8 The transport officer has reviewed the submitted materials and is satisfied that the proposed signage would not represent a significant distraction to passing motorists. In terms of its scale and location, the proposed signage is consistent with the existing arrangement. Whilst the overall appearance would alter, it is not considered that the proposed signage would be significantly more prominent than existing. On the basis of the above, it is not considered that the proposed signage would cause a significant distraction to passing motorists.

6. RECOMMENDATION

- 6.1 It is recommended that advertisement consent be **granted**.

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

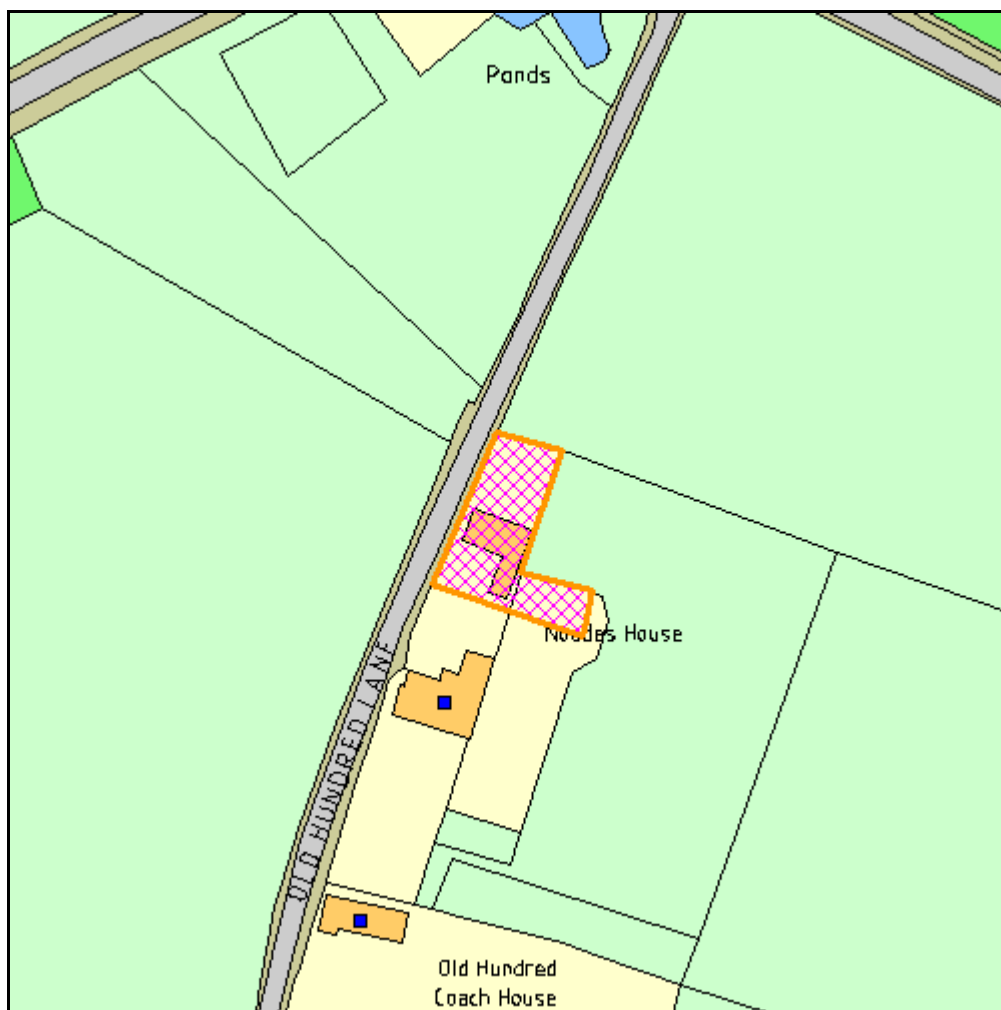
1. The approved illuminated signage shall only be lit between the hours of 06:00 and 23:00. Any internal illumination shall be switched off at all other times.

Reason

To avoid causing disturbance to local residents during anti-social hours, to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

CIRCULATED SCHEDULE NO. 31/19 – 2 AUGUST 2019

App No.:	P19/5711/F	Applicant:	Ms J Hossack
Site:	Noades House Old Hundred Lane Tormarton Badminton South Gloucestershire GL9 1JA	Date Reg:	4th June 2019
Proposal:	Conversion and extension of existing outbuilding to form 1no. dwelling with new access and associated works (Class C3).	Parish:	Tormarton Parish Council
Map Ref:	376551 178789	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	26th July 2019



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P19/5711/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application is referred to circulated schedule due to 5no. support comments from local residents which are contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the conversion and extension of existing outbuilding to form 1no. dwelling with new access and associated works at Noades House, Tormarton.
- 1.2 The application site relates to an existing building/car port and garden area of the host dwelling known as Noades House. The existing building is a large, detached property which appears to have been heavily extended. It has mainly two storeys but has three storey and single storey elements. It is formed of natural stone elevations alongside coping details, timber/upvc windows and a tiled roof. The site benefits from a large garden area, an existing access off Old Hundred Lane, and a large area of hardstanding for parking cars. Stone boundary walls and hedging bound the existing residential curtilage from the lane.
- 1.3 The application site is situated outside of a settlement boundary and within the open countryside. The site is close to a number of listed buildings, notably directly opposite the curtilage of the Grade II listed 'Old Hundred'. It is also located in part of the Cotswolds Area of Outstanding Natural Beauty (AONB) and the Cotswold Way runs directly adjacent to the western boundary of the site.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework Feb 2019
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
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP38	Development in Residential Curtilages
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK01/0510/F Approve with Conditions 30.07.2001
Erection of attached car port and detached garden building.
- 3.2 PK05/1796/F Approve with Conditions 11.11.2005
Change of use of agricultural land to residential curtilage.
Erection of outbuilding to form loose boxes and double carport.
- 3.3 PRE18/0179 12.04.2018
New single storey dwelling.
- 3.4 P19/0077/CLE Refusal 15.03.2019
Continued use of land as residential curtilage (Use Class C3).

4. CONSULTATION RESPONSES

- 4.1 Tormarton Parish Council
No comments received
- 4.2 Sustainable Transport
Additional information is required.
- 4.3 Lead Local Flood Authority
No objection
- 4.4 Tree Officer
No comments received
- 4.5 Archaeology
No comment

4.6 Public Rights of Way
No objection. Recommended informatives.

4.7 Highway Structures
No comment

Other Representations

4.8 Local Residents
5no. letters of support have been received. Comments summarised as follows:

- Valuable member of the community
- Attractive dwelling which is in-keeping
- The proposed use is appropriate
- Small property improve housing options in Tormarton
- We cannot see the outbuilding from our property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
This application seeks permission for the conversion and extension of an existing outbuilding to form 1no. dwelling in the open countryside and part of the Cotswolds AONB.

5.2 Policies CS34 of the Core Strategy sets the vision for the rural areas within South Gloucestershire. The policy aims to protect, conserve and enhance rural areas, from inappropriate development. The NPPF sets out that isolated homes in the countryside should be avoided, except in certain circumstances. PSP40 sets out that residential development within the countryside, could be acceptable in a number of circumstances. These include; rural housing initiatives, rural workers dwellings, replacement dwellings, and the re-use of disused buildings. It goes on to state that in all of the circumstances, development proposals will be acceptable where they do not have a harmful effect on the character of the countryside, or the amenities of the surrounding area.

5.3 In this instance, the agent considers that the proposal complies with PSP40 due to it forming a conversion of an existing building. It is considered appropriate at this stage to assess whether the scheme is a conversion. Generally this means that buildings retain their original appearance and character.

5.4 Notwithstanding the proposed extensions to the building, in terms of the host building itself, the development proposes to block up and enclose an existing car port area as well as introduce a number of openings and rooflights. It is also proposed that a stone wall would be introduced to the south elevation. The development would completely alter the appearance of the building and would introduce new build elements. Accordingly, it is not considered that the proposal amounts to a conversion.

5.5 Whilst the development is not considered to form a conversion of a building, for completeness the relevant aspect of PSP40 is assessed below.

i). the building is of permanent and substantial construction; and

The building is of permanent and substantial construction.

ii). it would not adversely affect the operation of a the rural business(es) or working farm(s); and

The development would not affect the operation of a rural business or working farm.

iii). any extension as part of the conversion or subsequently is not disproportionate to the original building; and

Plans show that there would be extensions to the building, including a glazed link which would adjoin to a separate structure. It is also proposed that a basement would be constructed. These additions would have a combined footprint of 46m². The host building itself only has a footprint of 66m², and as such this represents a 70% increase. This is a substantial increase which would clearly result in disproportionate additions to the building. Its impact would be worsened due to its detached nature and extensive amount of glazing/rooflights. The development does not complt

iv). If the building is redundant or disused; the proposal would also need to lead to an enhancement of its immediate setting.

It is not considered that the building is redundant or disused.

- 5.6 Given the above, even if the building were to amount to a conversion, it would fail to comply with PSP40. As such, the development will be assessed as 1no. dwelling within the open countryside.
- 5.7 Policy CS5 of the Core Strategy establishes the spatial strategy for development in the district. Under this policy, new development is directed to the existing urban areas, market towns, and defined rural settlements. Following the publication in December 2018 of an extract from the Councils Authority Monitoring Report, South Gloucestershire Council can demonstrate a 5 year housing land supply. This was supported in a recent appeal decision following a public inquiry (ref. APP/P0119/W/17/3189592, 14th May 2019) for 370 dwellings at a site near Thornbury. The Inspector concluded that on the available evidence, the Council do have a 5 year housing land supply. This has also been reflected in other recent appeal decisions.
- 5.8 Policies that restrict the supply of housing should no longer be considered out of date and should be afforded full weight in decision taking. The tilted balance – on the basis of housing supply policies – should no longer be applied. Under the spatial strategy set out above, development of this nature should therefore be permitted only in the urban areas or defined settlements. The site is not within a defined settlement and nor does the built form in this location represent a village.

- 5.9 It therefore follows that there is an in principle objection to the proposed development as it does not accord with the spatial strategy as expressed in the Development Plan.
- 5.10 Notwithstanding this, and whilst the majority of applications for new residential development outside of settlement boundaries should be resisted in accordance with the Council's spatial strategy, the Local Planning Authority do consider that it may be suitable, in a few circumstances, to recommend approval of dwellings outside of the settlement boundary.
- 5.11 This will only apply when the site lies close to the edge of the defined settlement boundary and has a direct relationship with it (for example, may be linked to the settlement boundary by other buildings, or have good footpath links to the settlement boundary). Essentially, it should read as a natural extension to the settlement boundary. However in the interests of the Council's overall spatial strategy for new housing, this should only apply to very small development proposals of 1-2 dwellings.
- 5.12 In this instance, the application site is approximately 120 metres from the nearest settlement boundary of Tormarton. This would comprise walking along Old Hundred Lane which is narrow, has no footpath and is not lit. There is no obvious relationship to the settlement, and no buildings connecting the site to it. Further, the site and surrounding area clearly have a rural character with open fields separating the settlement boundary from the site. Accordingly, and for these reasons the site is not well related to the nearest settlement boundary. Therefore, this development would fail to form one of the few cases where development could be allowed. As such, the location of development is unacceptable in principle
- 5.13 It has been identified that the development would not amount to a conversion and would not comply with PSP40. It has therefore been assessed as a new dwelling within the countryside, which has demonstrated that it would be unacceptable in principle. Notwithstanding this, detailed matters are discussed below.
- 5.14 Landscape
The application site is located in part of the Cotswold AONB, and the Cotswold Way runs along the western boundary of the site. The proposal would be open to views from the Cotswold Way. This is a sensitive location. PSP2 sets out that great weight will be given to the conservation and enhancement of the natural and scenic beauty of this landscape.
- 5.15 The applicant submitted a landscape plan, it is proposed that existing stone boundary walls would be retained, and additional native/shrub planting is proposed to aid with screening of the proposal. A dry stone wall is proposed to enable separation with the host dwelling. It is also proposed that the parking area would be sunken to provide additional screening. The proposal itself would be single storey and would incorporate materials found on the outbuilding/host and in the wider AONB. Accordingly, it is considered that the proposal would not result in harm to the AONB.

5.16 Design and Visual Amenity

Plans show that the existing car port would be partly enclosed and would also provide a modest courtyard area. A number of openings would be introduced to the building including patio doors and rooflights. It is then proposed to introduce a glazed link to a proposed building. A basement would also be provided which would gain natural light through a lightwell.

- 5.17 It is proposed that materials would comprise nature stone, timber cladding alongside timber windows and a pantile roof. These materials are considered in-keeping with the surrounding area. The development is considered acceptable with regards to design and visual amenity. In the event of approval, conditions are recommended in relation to materials.

5.18 Residential Amenity

The proposed dwelling would be nearest to the host dwelling. It is single storey and would retain as such, and is not considered to result in overbearing impacts. At the nearest point the dwelling would be approximately 6 metres away. However, it is proposed that dry stone boundary walls would be introduced which you prevent inter-visibility between the dwellings.

- 5.19 PSP43 sets out private amenity space standards for dwellings. The existing property has 5 bedrooms and the proposed property has 2. It is expected that 70m² and 50m² should be provided respectively. Plans show that both dwellings would have in excess of the standards, and as such no objection is raised.

5.20 Parking and Highway Safety

It is proposed that an additional access would be introduced along Old Hundred Lane, this would lead to a parking area. The Highways Authority have reviewed the access and whilst acceptable in principle, have raised concerns with the visibility available from the proposed access. Accordingly, and in the absence of this information prior to determination, it is recommended that a condition is imposed.

- 5.21 In terms of parking, PSP16 sets out standards for residential units. The proposed dwelling would have 2 bedrooms and as such would require 1.5 parking spaces, the existing dwelling has 5 parking spaces and would require 3 parking spaces.

- 5.22 The submitted proposed block plan does show the parking layout for the site. This demonstrates that the proposed dwelling would have 2no. parking spaces. Parking for the proposed dwelling is not shown on the plan. It is noted that as a result of the development the property would lose the car port. However, it is considered that 3no. tandem car parking spaces could be accommodated at the site. Having said this, a condition is recommended in the event of approval, to agree details of parking arrangements.

- 5.23 Given the above, it is considered on balance that the parking and access arrangements are acceptable, subject to conditions to ensure further detail is provided.

5.24 Equalities

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

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

5.26 Other matters

A number of comments related to positive comments regarding the applicants themselves. While these views are understood, they do not form a material planning consideration.

5.27 Planning Balance

The proposed development is not considered to amount to a conversion and would result in an additional dwelling at a location that is unsupported by the spatial strategy. The site also fails to relate well to any existing defined settlements. This weighs heavily against the scheme.

5.28 The benefits of the development would be limited, with the contribution of one new dwelling towards housing supply in South Gloucestershire failing to outweigh the harm arising from the location of the development; particularly in the context of the Council's current housing land supply position.

5.29 As such, the harm is considered to outweigh the benefit, and it is recommended for refusal.

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**.

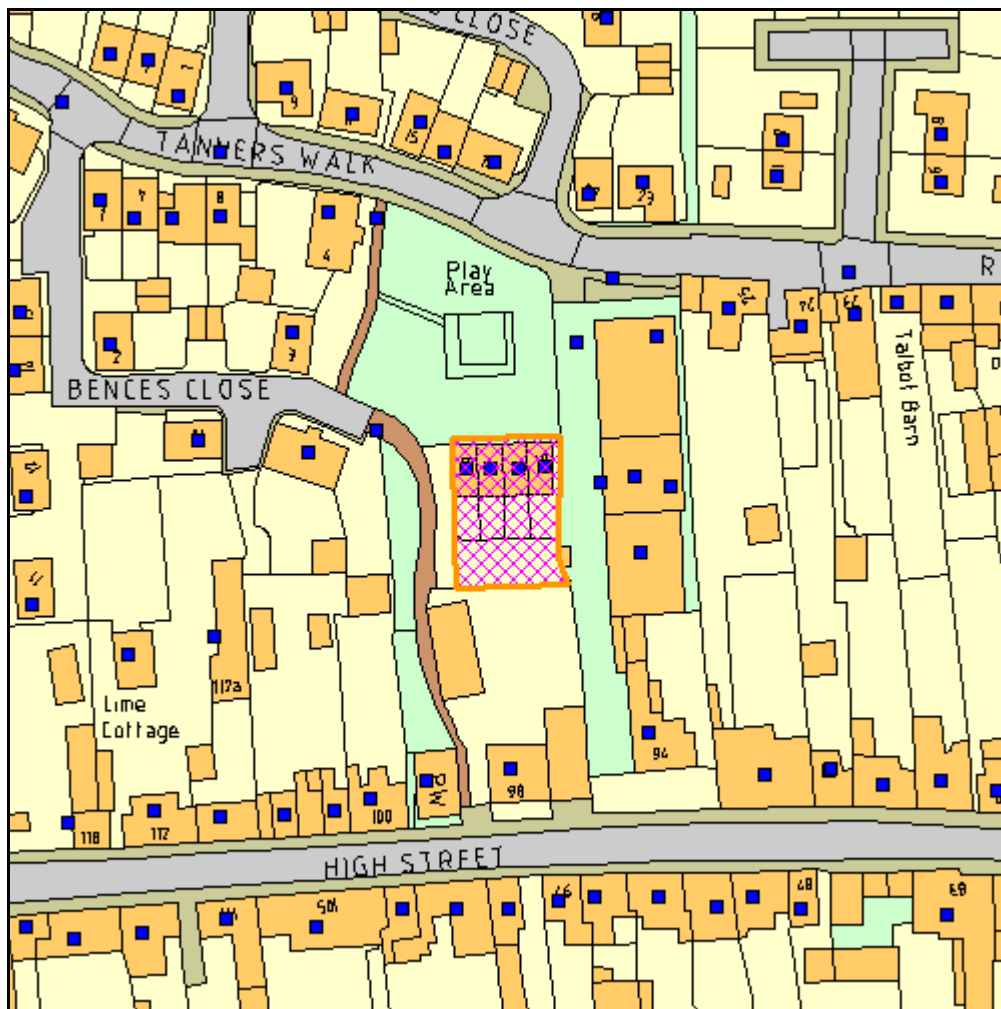
Contact Officer: Lucy Paffett
Tel. No. 01454 863436

REASONS FOR REFUSAL

1. The proposed development by virtue of the works proposed would fail to amount to a conversion of the existing building. It therefore does not comply with PSP40, and has therefore been assessed as a new dwelling in the open countryside. Defined settlements establish locations which the local planning authority consider suitable, in the spatial strategy, for sustainable development. The proposal conflicts with the locational strategy, the site is not considered to relate well to any defined settlements, and the proposal does not contain any of the limited forms of residential development acceptable in the open countryside. The proposal is therefore not a sustainable form of development and conflicts with policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework, July 2018.

CIRCULATED SCHEDULE NO. 31/19 – 2 AUGUST 2019

App No.:	P19/5926/RVC	Applicant:	Miss Amy-Marie Zerk
Site:	6 Bences Close Marshfield Chippenham South Gloucestershire SN14 8TD	Date Reg:	30th May 2019
Proposal:	Removal of conditions 29 and 30 attached to permission P98/4831.	Parish:	Marshfield Parish Council
Map Ref:	377683 173808	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	18th July 2019



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P19/5926/RVC

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 This application seeks permission for the removal of conditions 29 and 30 attached to permission P98/4831. That permission was for the residential development of 44 no. dwellings and associated works; together with new footpath link to the High Street. Erection of workshop. This was approved on 14th January 1999.

1.2 Condition 29 of that permission states:

'The dwellings situated on Plot Numbers 27, 28, 29 and 30, to be referred to as restricted dwellings shall only be occupied by a person who at the time of their first occupation of the dwelling has a local connection as defined below:

(a) has lived in the Parish of Marshfield for the majority of his life, or

(b) has lived in the Parish of Marshfield for a continuous period of five years expiring at any time during the year immediately preceding the date of disposal of the restricted dwelling, or

(c) Is (as at the date of taking occupation or the date of completion of the disposal of a restricted dwelling (as the case may be) and has for a continuous period of five years been employed within the Parish of Marshfield immediately preceding the date of disposal of the restricted dwelling, or

(d) has a parent, child or sibling who is living (as at the date of taking occupation or at the date of completion of the disposal of a restricted dwelling (as the case may be) and has lived in the Parish of Marshfield for a continuous period of five years immediately preceding the date of disposal of a restricted dwelling.

In the event of the owner of a restricted dwelling having used his best endeavours for a minimum of six months to comply with the local connection he shall then, having first consulted the Council, be able to offer the restricted dwelling to a person in housing need with a local connection within the neighbouring parishes of Cold Ashton and Tormarton. If after a further period of 3 months using best endeavours the owner fails to dispose of the restricted dwelling to a person with a local connection to the adjoining parishes he shall be able to offer it for occupation by a person with a local connection with South Gloucestershire or the adjoining parishes of North Wraxall and Colerne in the County of Wiltshire and St Catherine and Batheaston in the district of Bath and North East Somerset. If at the end of a further period of six months the owner fails having used best endeavours to dispose of the restricted dwelling to a person with a local connection with South Gloucestershire or adjacent parishes as defined above and having first consulted the Council, shall be able to offer the dwelling to a person without a local connection.

Reason: To define the terms under which a restricted dwelling can be occupied in order to ensure the development contributes to meeting local housing needs.'

- 1.3 Condition 30 states:
Prior to the first or any subsequent disposal of a restricted dwelling as defined in condition 29 the owner shall agree with the Council the price at which the property will be offered for sale. This price shall be the agreed market value discounted by 20%. Market value for the purpose of this connection shall mean the value which, in the opinion of an independent valuer who is a member of the Royal Institution of Chartered Surveyors, could be realised on the sale free of any restrictions at the time of sale.
- 1.4 The site itself is a row of four dwellings, forming part of the wider consent, within the village settlement boundary and Conservation Area of Marshfield.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2019
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS18 Affordable Housing

3. RELEVANT PLANNING HISTORY

- 3.1 P98/4831 - Residential development of 44 no. dwellings and associated works; together with new footpath link to the High Street. Erection of workshop. Approved 14th January 1999.

4. CONSULTATION RESPONSES

- 4.1 Marshfield Parish Council
Marshfield Parish Council strongly object to this planning application.

- 4.2 Other Consultees

Marshfield Community Land Trust

Marshfield Community Land Trust does not own the assets under question or have any legal right to intervene in this dispute but we are active in promoting affordable housing and are concerned at the potential loss of any affordable housing in Marshfield. A recent Housing Needs Survey, commissioned by Marshfield Parish Council and conducted by South Gloucestershire Council, identified a continuing unfulfilled need for affordable housing for local people in Marshfield. Any loss of existing affordable housing stock would be a retrograde step. MCLT would therefore wish to register its opposition to this application.

This case highlights the important role a Community Land Trust can play in providing housing which remains affordable in perpetuity and whose status is not vulnerable to legal challenge.

Cllr Steve Reade

Objects, with the community, to this condition being lifted, particularly in a village with very high property prices and limited affordable homes.

The objections from Cllr Reade are noted, however they were received beyond the consultation date, so do not in their own right automatically refer the application to the circulated schedule. Notwithstanding this the issues raised will be considered in the report.

Housing Enabling

The Council received enquiries in early Feb 2019 in regard to the planning covenants affecting 4 homes (no's 5-8) at Bences Close, Marshfield from 2 of the current residents. The homes were built in 2000 for discount sale affordable housing, with restrictions (covenants) placed on future occupation and the level of discount. Under these terms, the homes have provided affordable housing within Marshfield for nearly 20 years.

The planning application to build these properties was made in 1998, just two years after the establishment of SGC in 1996 and was ahead of a local and national approach to Affordable Housing policy. As national and local policy development was in its infancy, the scheme pre-dates both a formal planning policy for Affordable Housing and the establishment of a Housing Enabling Team within the Council. The Affordable Housing scheme at Bences Close was therefore an early attempt by the council to secure Affordable Housing via planning policy through negotiations with the developer. It now transpires that the method chosen to try and secure the provision of the Affordable Housing for the long term has not proven to be robust enough and current legal advice is that the intent behind the conditions can no longer be achieved. National and local policy practice has evolved considerably since this time and the planning condition for Bences Close is no longer used.

To remove the condition at Bences Close a planning application (under section 73 of the Planning Acts) would be required. The application would need to be made by at least one of the current owners of the affected properties and notice would need to be served by the applicant(s) on the other owners affected, but it is not a necessity for all land owners involved to agree to the proposed removal or variance of any conditions identified in the application. In addition, the application would be subject to normal publicity and consultation requirements

The above considerations have been conveyed to the Local Parish Council, Councillors and the MP at the initial time of the enquiry.

Other Representations

4.3 Local Residents

62 letters of objection have been received summarised as follows, the key concern being the loss of affordable housing:

- the original development provided much needed affordable housing in the area which should be retained as such
- Housing surveys clearly indicate the need for affordable housing in the area
- The affordability criteria have been fulfilled to date, but would now be removed for personal gain
- There is a national and local need for affordable housing
- There should remain a legal and moral obligation to pass on the affordable opportunity
- It is currently the only affordable housing in Marshfield in an area which needs it for younger people, because of the property prices
- The houses were bought in knowledge of the clauses
- There is a need to preserve all social housing and build more
- The conditions were imposed as part of a commitment to affordable housing and accepted
- If necessary a rewording of the condition should be made
- There is a shortage of housing stock for those in need of affordable housing in the village

1 letter of support has been received, as follows:

'The comments opposing the loss of affordable housing are valid. However as both South Gloucestershire county council and the local MP have previously confirmed in writing the conditions are unenforceable as it was worded or set up incorrectly at the outset. I believe in this case the owner has no choice but to have it removed. This situation left unchanged will make it almost impossible to sell the property as any potential purchaser would be either put off by the uncertainty of the clauses or potentially advised not to proceed by their conveyancer. As such, as it is unenforceable I see no legal reason this should not be removed. As mentioned by the MP in his correspondence this is not a situation that would happen again as they are aware of the error. Any anger should be directed at the original solicitor who set this up or the council themselves, not at the owner who simply wishes to resolve any uncertainty.'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of the original development for housing is established and implemented. This permission had a number of conditions of consent, including the two referred to above that sought to stipulate the occupation requirements to someone with a connection to the area and control a discounted sell on price. This permission and therefore this application relates to the four properties referred to on the plot, now known as 5, 6, 7 and 8 Bences Close. The relevant certificate of notice has been served on these properties. The site is located within Marshfield Conservation Area, however the nature of the proposals have no bearing on this consideration or policy designation, in this instance.

- 5.2 The applicants propose that the conditions referred to do not meet the tests for planning conditions as set out in the NPPF, are not enforceable, necessary or precise and the wording ambiguous leading to uncertainty. Examples of case

law where similar circumstances have resulted in successful challenges to remove similar conditions have been provided. The submission also follows previous enquiries to the Council's Legal and Housing Enabling Teams to establish a view as to the validity of the conditions.

- 5.3 In assessing the case, and being mindful of the responses received, it is acknowledged that the principles, requirements and acceptability of affordable housing are widely agreed with and the assessment of this submission is not an assessment of the principles of such. In this instance, it is an assessment of whether the conditions attached to the existing consent is or remains to be an acceptable and enforceable way of achieving this that can be carried forward with the property.
- 5.4 The NPPF and PPG states that planning conditions should be 'necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects' - and provides tests where conditions should and should not be used.
- 5.5 It has been considered by the Councils Legal Officer that planning condition 29 is very badly worded. It says that the dwellings shall only be occupied by a person who, at the time of their first occupation of the dwelling has a local connection. The problem with this is that it is not clear whether the condition is referring to the person or first occupation of the property. Generally an individual doesn't occupy a property twice so it is taken it to mean that the condition applies to the first time the property is sold (which it already has been) and therefore the condition doesn't apply to any subsequent sales. It is also not considered that the timescales are reasonable, as it is not considered reasonable to force someone to market a dwelling for up to 12 months. It is not considered that this condition is enforceable.
- 5.6 The Legal Officer has also looked at the connected deeds and title transfer details. In looking at the transfer Schedule 4 refers to the Buyers covenants with the seller for 5 years and with other Owners permanently. The first clause says not to use the whole or any part of the property other than for residential purposes in accordance with conditions 29 and 30 of the planning permission. The problem is that the covenant isn't clear whether that covenant is with the Seller or the 'Other Owners' who incidentally aren't defined. Therefore it could be argued that as the sale took place in 2000 the 5 years has expired in 2005 and we don't know who the 'Other Owners' are as this should have been a defined term.
- 5.7 It is not therefore considered that the planning permission or indeed the transfer could be enforced. Obligations such as this are generally and more appropriately controlled through a S106 Legal Agreement rather than condition of permission. This hasn't however been the case in this instance.
- 5.8 On the basis of the advice and on assessment of the specific circumstances to this case, on balance, it is not considered that the conditions could be considered enforceable. As such their retention could not reasonably be justified. On this basis an objection to and subsequent refusal of an application for their removal would not be reasonable or justifiable in this instance.

Therefore whilst the valid concerns regarding affordable housing are acknowledged, it is not considered that this requirement can legally or enforceably remain to be relied upon in respect of this development. On the basis of the above the application is recommended for approval.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report. Many of the previous conditions related to pre-commencement requirements and requirements associated with the original building of the development, any remaining, relevant conditions, which mainly seek to restrict permitted development rights, are recommended to be carried through with this consent.

7. RECOMMENDATION

- 7.1 That permission for the removal of conditions is granted.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

1. The proposed garage/workshop within the curtilage of No. 96 High Street shall only be used for the garaging of private motor vehicles and for purposes incidental to the enjoyment of the dwelling house.

Reason

To accord with the terms of the application and in the interests of the amenities of nearby residents and in accordance with CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) there shall be no enlargement, improvement or other alteration to any dwellinghouse (including alterations to the roof or porch thereof) or installation of any satellite antenna, without the prior written consent of the Council.

Reason

To ensure the satisfactory appearance of the development in the interests of visual amenity and in accordance with CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

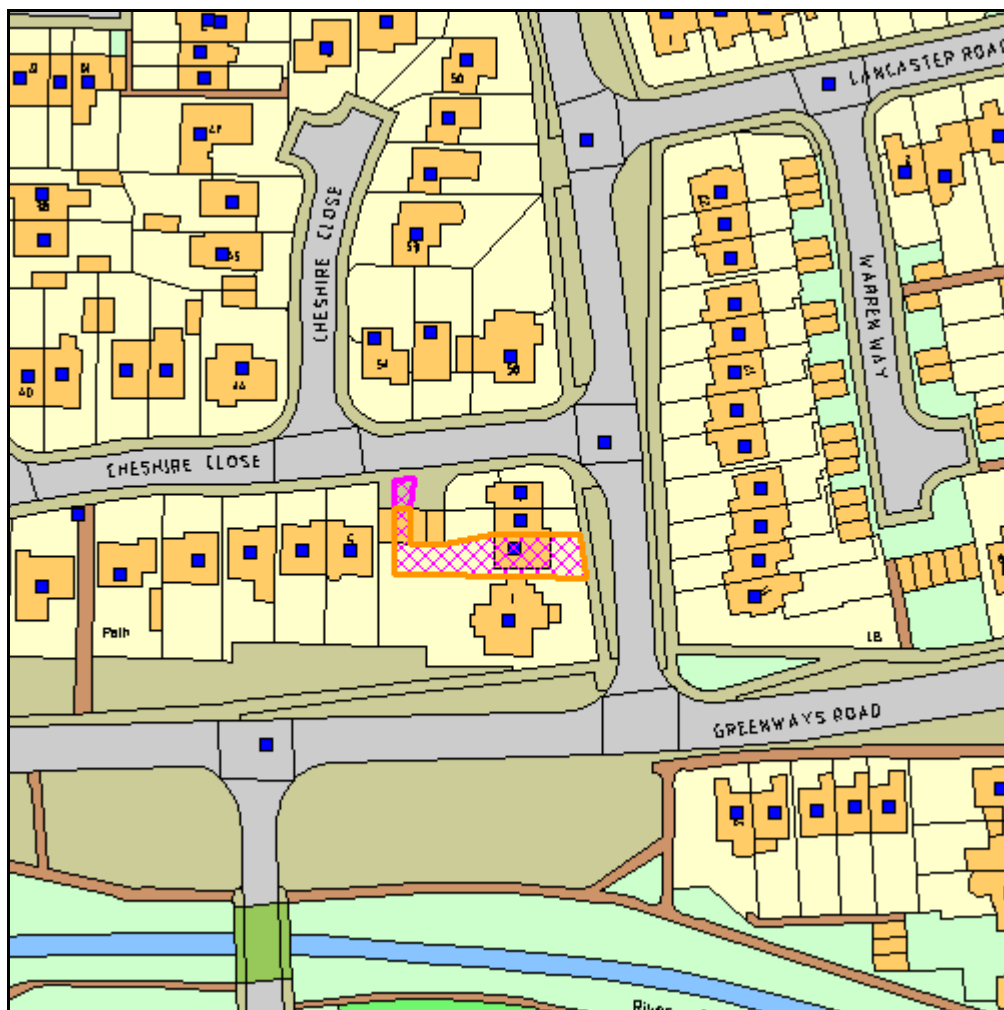
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the parking space located forward of the garage of Plot 35 shall at all times be kept available for the parking of a motor vehicle.

Reason

To ensure adequate parking is retained at all times for the property and in accordance with CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

CIRCULATED SCHEDULE NO. 31/19 – 2 AUGUST 2019

App No.:	P19/6462/F	Applicant:	Mr M Hanks
Site:	2 Cheshire Close Yate Bristol South Gloucestershire BS37 5TQ	Date Reg:	7th June 2019
Proposal:	Erection of first floor extension to provide additional living accommodation.	Parish:	Yate Town Council
Map Ref:	371207 183140	Ward:	Yate North
Application Category:	Householder	Target Date:	30th July 2019



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P19/6462/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report, with the number of contrary representations made exceeding a total of three. Under the current scheme of delegation it is therefore required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a first floor extension to provide additional living accommodation at no. 2 Cheshire Close, Yate.
- 1.2 The application site comprises a single storey property set at the southern end of a terrace of three. The property sits within a moderately sized plot. The site is situated within the established residential area of Yate.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework Feb 2019
National Planning Policy Guidance (2014)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

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

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

3.1 None relevant

4. CONSULTATION RESPONSES

4.1 Yate Town Council
No comment

4.2 Other Consultees

Sustainable Transport
No objection

Other Representations

4.3 Local Residents

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

- Do not want any further attachment to neighbouring property. Plans give no indication of how this will be done.
- Proposal will de-value neighbouring properties.
- Proposed increase in height will lead to overlooking on to neighbours and affect privacy.
- Character of Cheshire Close is being changed by residents extending their properties.
- Proposed extension will block view of trees by river Frome.
- Will not allow encroachment on to neighbouring property.
- Proposal will cause disruption during building.
- Will invite larger family to home which will lead to more traffic.
- Proposal will interrupt tranquillity.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials

- which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.3 The proposal seeks to erect an extension to provide a first floor above the existing property. The provision of the extension would essentially convert the existing bungalow in to a two-storey property.
- 5.4 In terms of the character of the immediate surrounding area, the streetscene is primarily made up of two storey properties, with a number of bungalows also present in the area. However on the basis that the existing bungalow attaches to a two storey terrace, there is no fundamental concern with the provision of a second storey from a design perspective.
- 5.5 In terms of the visual relationship between the host dwelling and attached properties, it is noted that once extended, the host dwelling would not replicate the proportions of the attached properties. The ridge line of the host dwelling would be set slightly down, and the front and rear elevations set slightly back. This design approach would result in a degree of subservience being created between the host building and adjoining properties. Generally, an addition to a terrace row should seek to replicate the form and scale of other properties along the terrace; thus creating a balanced appearance.
- 5.6 As such, the subservient design approach is not generally accepted for a new dwelling attached to a terrace row. However in this instance, it is acknowledged that the current arrangement comprises a bungalow attached to the two storey terrace. As such, there is already a lack of balance between the host and adjoining properties, and it is not considered that the provision of a first floor extension would create any significantly greater sense of imbalance. Furthermore, it is noted that a number of properties in the area are arranged in a staggered fashion. As such, the staggered arrangement between the host dwelling and the adjoining properties would not be entirely at odds with immediate streetscene.
- 5.7 On balance, whilst the extended dwelling would have an unusual visual relationship with the adjoining properties, it is not considered that the provision of the extension would have any significantly greater visual impact on the streetscene than the current arrangement. The streetscene is relatively mixed, and as such there is considered to be scope for a further element of variation in visual terms.
- 5.8 In terms of the more detailed elements of the design, the arrangement of openings are considered to sufficiently assimilate other properties in the area, and are considered to be appropriate. It is also proposed to match proposed facing materials to the existing, which is also considered to be the most appropriate design approach. This will be secured by condition.
- 5.9 On the basis of the assessment set out above, it is concluded that an acceptable standard of design has been achieved. It is not considered that the provision of the proposed extension would have any significant adverse impact on the visual amenity of the streetscene, or the character of the wider area. The proposal therefore meets the design requirements of policies CS1 and PSP38.

5.10 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

- 5.11 The proposed extension would attach to the adjoining property to the north. In terms of any potential overbearing or overshadowing impact, as the extension would not project beyond the front or rear plane of the adjoining property, its provision would not reduce outlook from neighbouring windows or decrease the levels of natural light entering the adjoining property. Furthermore, as there would be no projection beyond the existing building line, it is not considered that the proposed extension would have any significant overbearing or overshadowing impact on the areas of amenity space associated with the adjoining property. In respect of any overlooking impact, it is noted that first floor windows are proposed. However these would not provide a direct line of sight in to neighbouring windows or on to the neighbouring garden, and as such it is considered that the privacy of the neighbour would be preserved.
- 5.12 It is also noted that the host property is set in relatively close proximity to a detached bungalow to the south. Whilst the extension would increase the presence of built form as experienced from the neighbouring property, it is not considered that this would translate to any significant overbearing impact. This is on the basis that the ridge height of the building would only increase by approximately 1.5m. The fact that the buildings follow largely the same building line would also reduce any sense of overbearing on to the neighbouring garden areas. In terms of overlooking, it is noted that a first floor side-facing window is proposed. However as this window would serve a bathroom, it is likely to be obscurely glazed, which would eliminate the risk of any overlooking on to the adjacent bungalow. However in the interests of preserving the privacy of the neighbour, a condition will be attached to any decision requiring the window to be obscurely glazed.
- 5.13 In terms of the properties to the east and west of the host dwelling, there is considered to be a sufficient degree of separation between the dwelling and neighbouring properties, as to avoid any overshadowing, overbearing or overlooking issues. The concerns raised regarding the loss of views from neighbouring properties have been taken in to account. However the loss of view would be marginal, and it is not considered that this would translate to any significant impact on residential amenity.
- 5.14 On the basis of the assessment set out above, it is not considered that the presence or occupation of the proposed extension would have any significant adverse impact on the residential amenity of neighbours. However it is acknowledged that residents could be subject to some disturbance during the construction period. However a degree of disruption is to be expected of any

- development, and does not, when considered in isolation, justify a reason for refusing to grant planning permission. However in the interests of preserving the amenity of neighbours, a condition will be attached to any decision, restricting the permitted hours of operation during the construction period.
- 5.15 In terms of the amenity of the occupants of the property, as the extension would be constructed above existing built form, the proposal would lead to no loss of on-site amenity space.
- 5.16 Subject to the conditions set out above, it is not considered that the proposed development would have any unacceptable impact on the residential amenity of neighbouring residents. The proposal therefore complies with policies PSP8 and PSP38.
- 5.17 Transport
In terms of vehicular access to the site, the proposals would have no impact on the existing access point. In terms of on-site parking, this is currently provided in the form of a single garage and 1no. external parking space situated to the west of the site. Under policy PSP16 of the Policies, Sites and Places Plan, a minimum of one parking space should be provided for 2-bed properties. Following development, the host dwelling would continue to contain 2 bedrooms, and as such the existing parking provision is sufficient. Overall, there are no concerns with the development proposal from a transportation perspective.
- 5.18 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.19 With regards to the above this planning application is considered to have a neutral impact on equality.
- 5.20 Other Matters
A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below:
- 5.21 In terms of any potential impacts caused by parked construction vehicles during the building phase, any vehicles parking illegally would be dealt as a police matter. Furthermore, due to its modest scale, the development is not considered to warrant the submission of a Construction Environmental Management Plan to manage construction vehicles.

5.22 In terms of any potential impact of the development on the value of neighbouring properties, property values are not a planning matter and as such any anticipated impact in this respect has no bearing on the assessment of the application.

5.23 The concerns raised regarding the attachment of any first floor extension to a neighbouring property have been taken in to account. However this is a party wall issue, which is covered under separate legislation in the form of the Party Wall Act 1996. As such, any issues relating to the attachment of the extension to the neighbouring property are not material planning considerations.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

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

Reason

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

3. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the south-facing side elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being a minimum of 1.7m above the floor of the room in which it is installed.

Reason

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

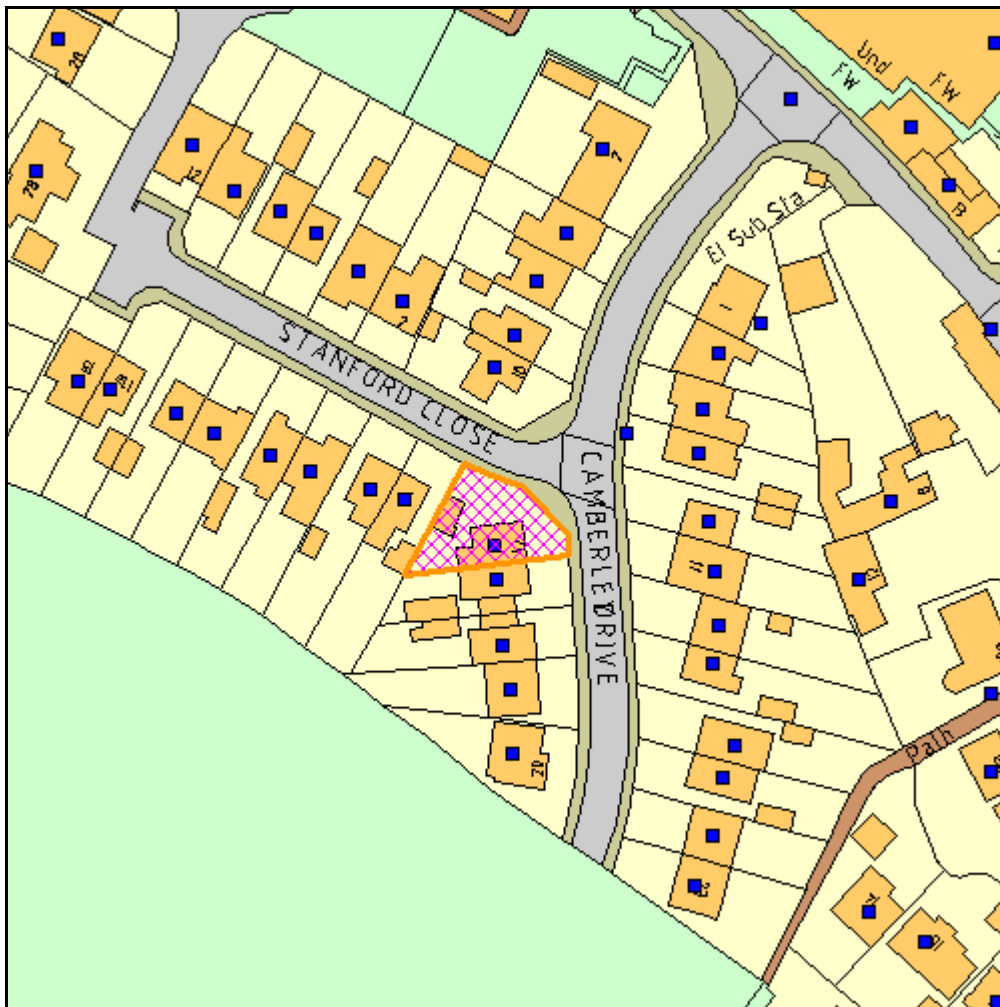
4. The hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: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

Reason

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

CIRCULATED SCHEDULE NO. 31/19 – 2 AUGUST 2019

App No.:	P19/7401/F	Applicant:	Mr & Mrs Darby
Site:	12 Camberley Drive Frampton Cotterell Bristol South Gloucestershire BS36 2DF	Date Reg:	21st June 2019
Proposal:	Erection of a two storey side extension to form additional living accommodation. Installation of vehicular access to form 2 no additional parking spaces.	Parish:	Winterbourne Parish Council
Map Ref:	365699 181723	Ward:	Winterbourne
Application Category:	Householder	Target Date:	14th August 2019



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P19/7401/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of a letter of objection from the Parish Council

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two-storey side extension at a semi-detached property on Camberley Drive, Frampton Cotterell.
- 1.2 The site is within the defined settlement boundary for Frampton Cotterell and consists of a pair of modern semi-detached houses finished externally in brick with vertical tile hanging ornamentation. The site is on a corner location with Stanford Close; it therefore benefits from a larger side garden. A small number of properties on the road have been extended in a similar manner with varying degrees of success.
- 1.3 This is the resubmission of a previously refused application reference P19/3775/F. the difference between the refused scheme and the current scheme are explained in the analysis section below

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework February 2019
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP5	Undesignated Open Spaces
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) August 2007
Residential Parking Standard SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P19/3775/F Erection of a two storey side extension to form additional living accommodation.

Refused 23rd May 2019 for the following reason:

1. The proposed extension is overly wide and would unbalance the architectural composition of the semi-detached pair. The resulting extension would be prominent in the street scene and would have an adverse impact on the appearance of the locality. The development therefore fails to consider the scale and proportions of the proposal and does not reach the highest possible standards of site planning and design. The development is therefore contrary to policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the provisions of the National Planning Policy Framework.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Object to the application on the basis that the parking space indicated in the garage would not be accessible if there are two other cars in the other two spaces on the drive. Therefore, there are not three accessible parking spaces.

Internal Consultees

- 4.2 Sustainable Transport
No objection

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks permission for a two-storey side extension at a semi-detached house in Frampton Cotterell.

Principle of Development

- 5.2 Policy PSP38 allows for the extension and alteration of existing houses subject to an assessment of design, residential amenity, and transport. In principle the development is therefore acceptable but should be determined against the above considerations.

Design and Appearance

- 5.3 Policy PSP38 is clear. Extensions to existing dwellings must respect the building line, form, scale, and proportions (amongst other things) of the existing house. Policy PSP38 is a supplementary policy to give detail on householder type developments. The main design policy – which should also be applied to this application – is CS1. Policy CS1 requires development in the district to reach the ‘highest possible’ standards of site planning and design.
- 5.4 When designing an extension to a semi-detached dwelling, considerations of scale, form and proportion become more critical in achieving an overall high standard. This is because although separate dwellings, in the street scene and built form, they appear as a single building. Alterations, therefore, to one of the dwellings has an impact on the appearance of them both. A sympathetic addition or alteration can preserve the scale, form and proportions of the built form and be a successful addition to the built environment. Conversely, poorly considered extensions can become conspicuous and draw the eye.
- 5.5 The previously refused application showed the side extension to have a width of 3.8metres. It was considered that because of its excessive width, the extension would unbalance the architectural composition of the semi-detached pair, hence the forthcoming refusal.
- 5.6 This application reduces the width of the proposed extension to 3.3 metres. This reduced width ensures that the extension reads an appropriate addition to the existing dwelling. Officers are satisfied therefore that the previous refusal reason has been overcome.

Residential Amenity

- 5.7 The development is unlikely to give rise to any amenity concerns. The new first floor rear windows would serve an en-suite and the front and side overlook the public highway. Sufficient private amenity space would be retained to serve the needs of residents.

Transport

- 5.8 For householder development, the most pressing highways issue is the provision of adequate off-street parking. Policy PSP16 requires the minimum provision of off-street parking depending on the number of bedrooms in a property.
- 5.9 The extended property would contain four bedrooms. Plans indicate the provision of two off-street parking spaces. The level of parking proposed is policy compliant. In the event permission was granted, a condition would be applied to secure the provision of the spaces indicated.

Impact on Equalities

- 5.10 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.

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 It is recommended that planning permission is approved subject to the conditions on the decision notice

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

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

Reason

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