

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. 17/20

Date to Members: 24/04/2020

Member's Deadline: 30/04/2020 (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 list 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:

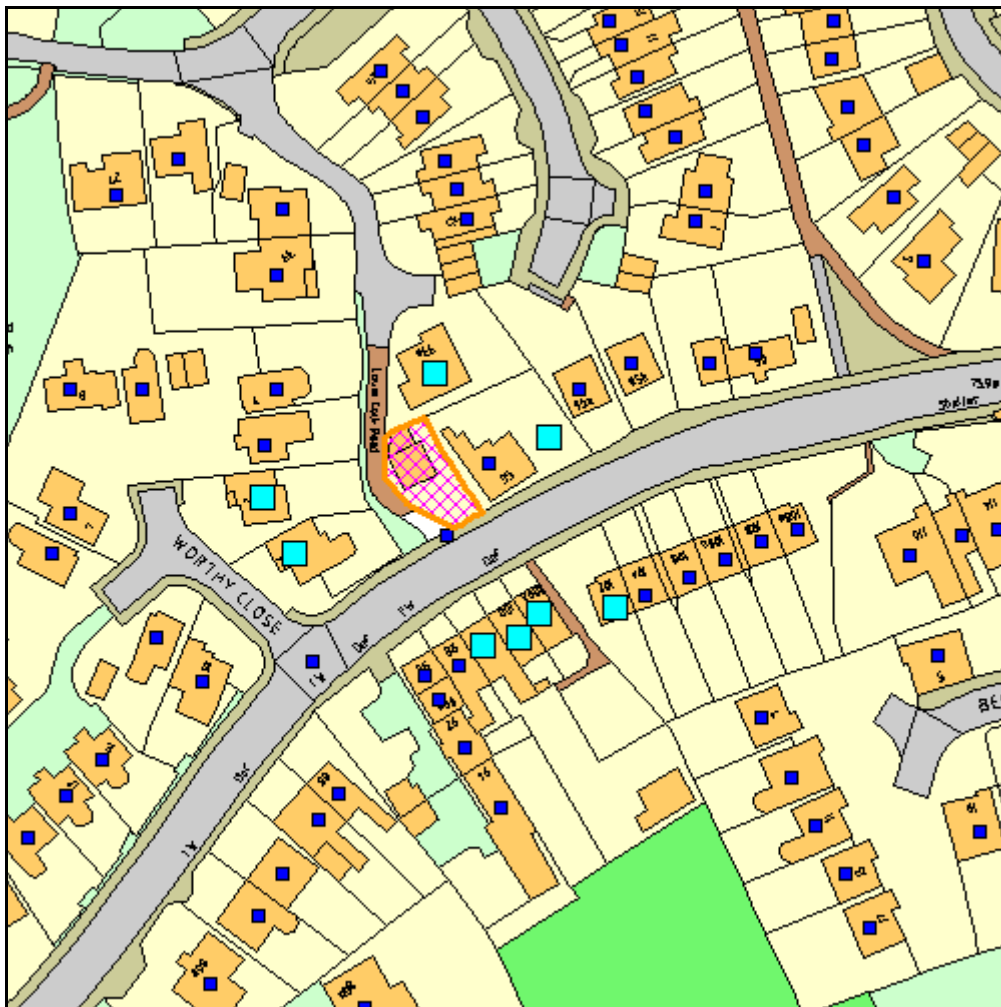
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 24 April 2020

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P20/02178/F	Approve with Conditions	95 Cock Road Kingswood South Gloucestershire BS15 9SF	Woodstock	
2	P20/04633/F	Approve with Conditions	28 Westbourne Road Downend South Gloucestershire BS16 6RX	Emersons Green	Emersons Green Town Council

CIRCULATED SCHEDULE NO. 17/20 - 24th April 2020

App No.:	P20/02178/F	Applicant:	Mr David Southwell
Site:	95 Cock Road Kingswood South Gloucestershire BS15 9SF	Date Reg:	7th February 2020
Proposal:	Use of existing ancillary annexe as 1 no. self contained dwelling.	Parish:	
Map Ref:	365993 172995	Ward:	Woodstock
Application Category:	Minor	Target Date:	2nd April 2020



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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.

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application is for the use of the existing ancillary annexe as 1 no. self-contained dwelling.
- 1.2 The application site is an outbuilding within the residential curtilage of 95 Cock Road, and is located within the residential area of Kingswood.

2. POLICY CONTEXT

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

- 2.2 Development Plans

- South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design

- CS8 Access/Transport

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

- PSP1 Parking Standards

- PSP8 Residential Amenity

- PSP38 Development within Existing Residential Curtilages

- PSP43 Private Amenity Space

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

3. RELEVANT PLANNING HISTORY

PK05/1297/F - Erection of two storey side extension to provide additional living accommodation. Refused 20.06.2005

PK06/2025/F - Erection of two storey side extension to provide additional living accommodation. (Resubmission of PK05/1297/F). Approved 21.08.2006

PK06/2648/F - Erection of two storey side extension to provide additional living accommodation. Approved 08.12.2006

PK07/3300/F - Demolition of detached garage and part of existing dwelling. Conversion of existing dwelling to 2no. flats erection of 7no. flats. Creation of additional vehicular access from Cock Road. Withdrawn 20.12.2007

PK08/3214/F - Demolition of detached garage and part of existing dwelling. Conversion of existing dwelling to 2no. flats and erection of 4no. flats. Creation of additional vehicular access from Cock Road. (Resubmission of PK07/3300/F). Withdrawn 06.02.2009

PK15/0525/F - Erection of 1 no. detached dwelling with new access and associated works. Approved 20.07.2015

P20/02178/F - Installation of 1no. side dormer to the existing two storey annexe. Approved 18.12.2019

4. CONSULTATION RESPONSES

4.1 Parish Council No Parish

Sustainable Transportation

No objection. Transportation informative recommended in relation to the need for permission from the Highways Dept. for any alterations to the existing crossover.

Other Representations

4.2 Local Residents

7 letters of objection have been received, these are summarised as follows:

- It's surprising the garage can turn into a dwelling.
- the footprint of the garage has been increased and on one side overhangs the public footpath
- when I purchased my property there were covenants in the deeds stating that I could not extend into the roof
- the garage has been altered and will overlook adjacent gardens and properties
- a fence has been erected in an attempt to provide privacy, but that does not mean it will be maintained or that windows will not alter or be installed at a later date.
- the construction is not in keeping with other properties on Cock Road
- it is a double garage, not an annexe
- the access and egress appears dangerous
- there is limited parking in the vicinity and this will worsen and force parking elsewhere
- the building is very small inside
- there have been many incremental changes to the property over the years
- the Council have been misled over the and it had been advised that works were being carried out to turn the garage into an annexe linked to the existing house

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Development and extensions to buildings and dwellings within residential curtilages, including new dwellings, are acceptable in principle subject to detailed development control considerations in respect of local amenity, design and transportation; as set out in policy PSP38. Existing permissions for the site are listed above. Each application should be addressed on its own merits. Any additional or unauthorised works would be subject to additional permissions or enforcement investigation where necessary. Planning permission does not grant rights to access, develop or carry out works on land not within the applicants control. The proposals under this application are for the use of the existing ancillary annexe as 1 no. self-contained dwelling. No additional changes to the building are proposed under this application. It is noted that a side dormer has been recently approved under a recent application. The main issues for consideration in this respect are therefore considered to be whether the use of the annexe as a self-contained unit has an adverse impact on the amenities of nearby occupiers and whether the proposals provide for adequate private amenity space and parking for the proposed self-contained and existing dwellings design of the proposal is sufficiently in keeping with the site and surroundings.

5.2 Residential Amenity

The comments above are noted. The application is for a change of use to a self-contained dwelling unit. The building would remain in residential use. No further changes are proposed to the building. There are no rear facing first floor windows. The rooflights on the west elevation are small, light-giving high level angled rooflights and a small angled rooflight above the stairwell. There are two high level rooflights in the east elevation, facing inwards in towards the application property. There is one first floor window, this faces the road to the south. It is noted that a dormer has been recently approved. The amenity aspects of this dormer were assessed as part of that application and this is east facing towards the application property with no wider views into other properties. The length, size, location and orientation of the proposals and the relationship with other properties in the area, therefore will remain the same and there are not considered to be any additional significant or material overbearing or overlooking impacts on adjacent properties in this instance, the subject of this application. A condition is recommended restricting permitted development rights by preventing additional windows without planning permission.

5.3 The building itself provides sufficient room and living space for use a one bedroom dwelling unit and there is considered to be adequate private amenity space demonstrated to serve both the existing and proposed dwellings in this instance.

5.4 Transportation.

The proposals provide one off-street parking space for the proposed new unit and two for the existing dwelling. This is in accordance with the Council's adopted parking standards for the number of bedrooms for each dwelling. Over and above this, planning permission does not permit unauthorised or unlawful

parking which would be dealt with as a legal civil issue. The access and parking is adjacent to the existing access and parking to the adjacent dwelling. There are no highways objections to the proposals.

5.5 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 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is granted.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

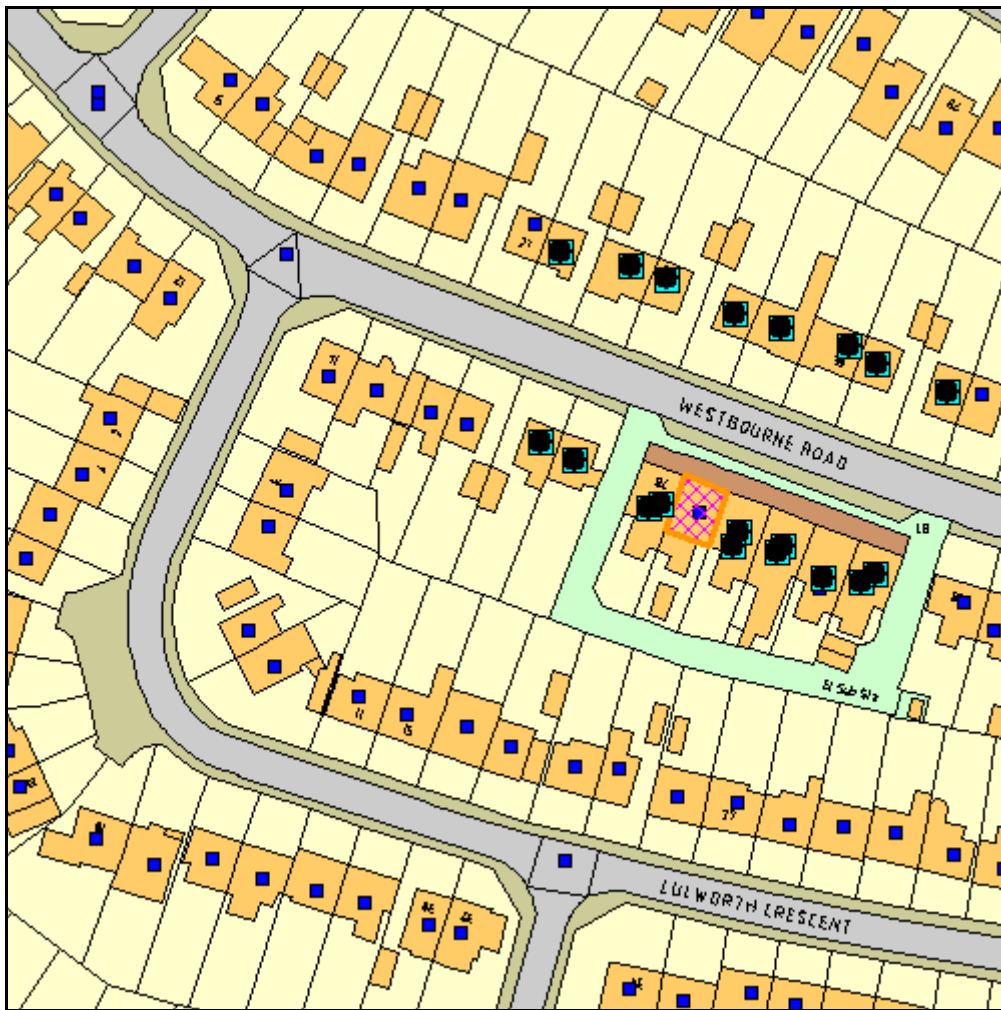
2. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights [other than those expressly authorised by this permission] shall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

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy 38 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 17/20 - 24th April 2020

App No.:	P20/04633/F	Applicant:	Miss Jin Lan Xie
Site:	28 Westbourne Road Downend South Gloucestershire BS16 6RX	Date Reg:	16th March 2020
Proposal:	Change of use from Shop (A1) to Non-residential Institution (D1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Emersons Green Town Council
Map Ref:	365720 177622	Ward:	Emersons Green
Application Category:	Minor	Target Date:	6th May 2020



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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 due to the receipt of concerns from Town Council and Councillor.

1. THE PROPOSAL

- 1.1 Planning permission is sought for a change of use from A1 (shop) to D1 (non-residential institution) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) at 28 Westbourne Road, Downend. No external alteration or extension is proposed to the existing premises. The premises would be used exclusively to offer various massages and cupping therapy, therefore falling under a D1 use.
- 1.2 The application site comprises the ground floor of a terrace property that is currently being used as a barber shop. The terrace itself contains various shops and food use premises at ground floor level with residential accommodation above. The application site is located within the residential area of Downend, within the designated Bristol eastern fringe settlement boundary.
- 1.3 The proposed hours of operation have been revised from what was initially stated on the application form. The Sunday/Bank Holiday hours of operation have been revised from '09:00 to 21:00' to '10:00 to 15:00'.

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
CS14 Town Centres and Retail

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
PSP32 Local Centres, Parades and Facilities

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

3. RELEVANT PLANNING HISTORY

- 3.1 P19/15032/PNRR
Prior notification of a change of use of the rear of the property from shop (A1) to 1no bedsit (C3).
Approve with Conditions (06/01/2020)
- 3.2 PK08/2644/F
Change of use of first floor from offices (B1) to 1no self-contained flat (C3)
Approve with Conditions (03/11/2008)
- 3.3 P98/4229
Change of use of first floor from residential (C3) to offices (B1).
Approval Full Planning (16/07/1998)

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Town Council
No Objection in principle to the proposal but concern with the length of the opening hours on Sundays and Bank Holidays.
- 4.2 Councillor
No Objection in principle to the application but question the suitability of the expected hours of operation in a residential area, specifically Sundays and Bank Holidays.
- 4.3 Sustainable Transport
No Objection
- 4.4 Local Residents
1 Objection - Insufficient parking and highway safety concerns. Opening times should not be until 9pm.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Westbourne Road is identified in Policy CS14 of the Core Strategy as local centre or parade. The role and function of local centres and parades is to provide local level services. This is achieved through encouraging retail and commercial use within a centre of an appropriate type and scale commensurate with its current or future function and safeguarding their retail character and function. Policy PSP32 of the Policies, Sites and Places Plan states that proposals will be acceptable where they are of an appropriate scale and character, there is acceptable access, vacant space would be brought back into use, active ground floor frontage is retained and where they do not result in loss essential retail uses. The proposals would involve bringing a vacant space back into use whilst retaining an active ground floor frontage and would therefore be considered acceptable principle.

5.2 Amenity

The proposed change of use is not considered to give rise to any material local amenity issues in its own right, and would provide a local service. The hours of operation proposed, 09:00 to 21:00 Monday to Fridays; 09:00 to 21:00 Saturday; and 10:00 to 15:00 Sunday/Bank Holidays, is considered acceptable for the use proposed and in context of the site and surroundings. A planning condition is imposed to secure the proposed opening hours. Further, the proposal is not to make alternations to the external appearance of the building or to extend the premises, therefore there is no amenity issue, in terms of overlooking or overbearing impact.

5.3 Transport

The unit is located on an existing local parade and is considered to be in an accessible location. It is considered that the proposed change of use would not significantly alter the trip generation pattern associated with this premises. There is no transport objection to this proposal.

5.4 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.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Oliver Phippen
Tel. No. 01454 866019

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 uses hereby permitted shall not be carried out other than between the hours of 09:00 to 21:00 Mondays to Fridays; 09:00 to 21:00 Saturdays; and 10:00 to 15:00 Sundays and Bank Holidays.

Reason

In the interests of the amenities of the locality, and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and the provisions of the National Planning Policy Framework.