

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: 52/20

Date to Members: 24/12/2020

Member's Deadline: 07/01/2021 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2020. 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. You may also wish to refer to the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

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 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 You may wish to consider the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

If would be helpful if you could indicate if you:-

- Have discussed the application(s) with the Case Officer and/or Development Manager
- Have discussed the application(s) with ward Member(s) if the site is outside of your ward
- Consider the site would benefit from a visit by the committee, setting out the reasons

Valid referral requests will be considered by the Committee Chair, in consultation with the Spokes, against the criteria given in the Members' Planning Code of Good Practice in the Council's constitution and you will be notified of the Chair's decision. Applications which are not referral, or where the referral request is not agreed by the Chair, will be determined by officers under delegated powers

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.

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?

6. Do you feel a site visit is required or can issues be addressed by other means e.g. further information in the report, additional presentation material, video etc.

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

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
51/20	15 th December by 5pm	17 th December by 9am	23 rd December 5pm	24 th December
52/20	22 nd December by 5pm	24 th December by 9am	7 th January 21 5pm	8 th January 21
No Circulated on Friday 1 st January 21				

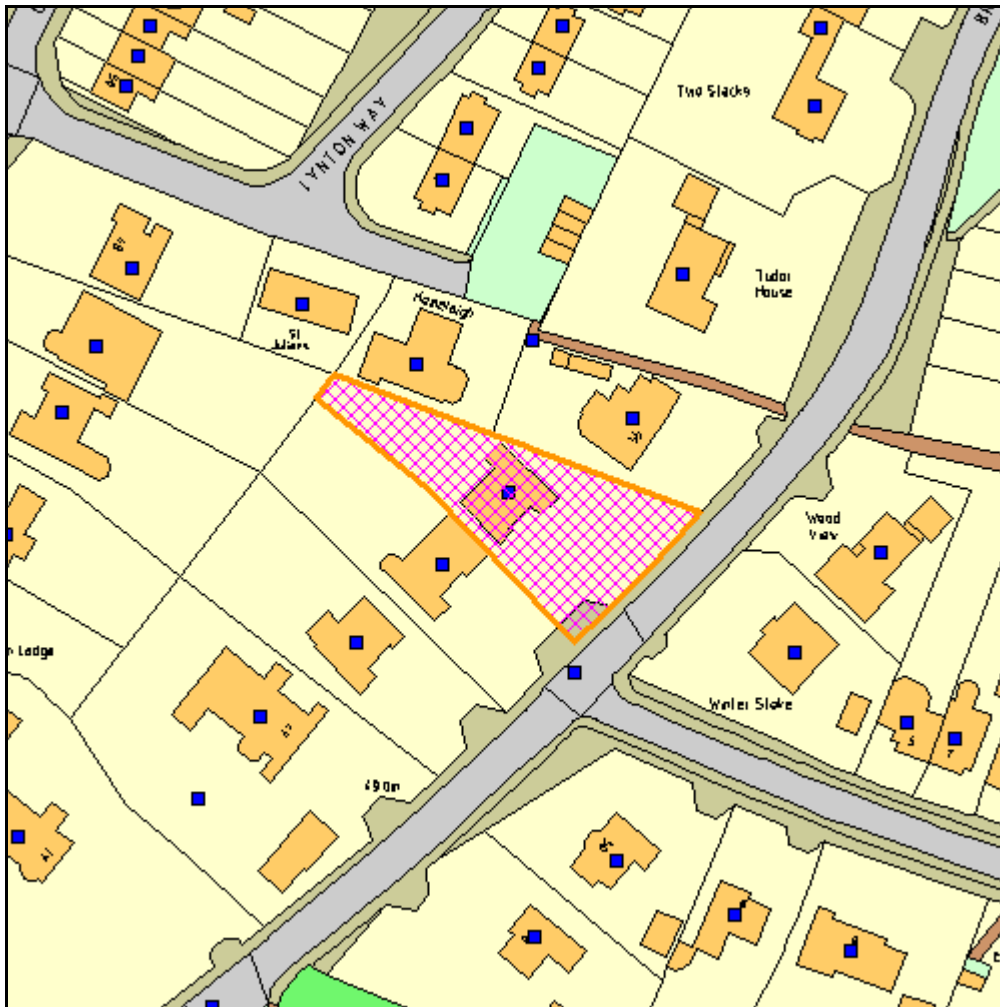
Dates and officer deadlines for Circulated Schedule Christmas Holidays 2020

CIRCULATED SCHEDULE - 24 December 2020

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P20/04567/F	Approve with Conditions	Mancroft 53 Bristol Road Frenchay South Gloucestershire BS16 1LQ	Frenchay And Downend	Winterbourne Parish Council
2	P20/21669/PDR	Approve with Conditions	32 Riverside Park Severn Beach South Gloucestershire BS35 4PN	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
3	P20/21790/CLP	Approve Certificate of Lawfulness	Beaconfields House Park Street Hawkesbury Upton South Gloucestershire GL9 1BA	Chipping Sodbury And Cotswold Edge	Hawkesbury Parish Council

CIRCULATED SCHEDULE NO. 52/20 -24th December 2020

App No.:	P20/04567/F	Applicant:	LUDWELL PROPERTY LTD
Site:	Mancroft 53 Bristol Road Frenchay South Gloucestershire BS16 1LQ	Date Reg:	24th March 2020
Proposal:	Demolition of existing bungalow. Erection of 5 no. flats with new access and associated works. (Re submission of P19/15338/F)	Parish:	Winterbourne Parish Council
Map Ref:	363695 178141	Ward:	Frenchay And Downend
Application Category:	Minor	Target Date:	14th May 2020



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100023410, 2008. **N.T.S.** **P20/04567/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 the circulated schedule due to objections received from the parish council and 30no local residents which are contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the demolition of an existing bungalow and the erection of a three storey building to form 5 no. flats with new access and associated works. The application is a re-submission of previously withdrawn scheme, reference. P19/15338/F.
- 1.2 The application site relates to Mancroft, 53 Bristol Road, Frenchay. The site is located within the defined north fringe of Bristol urban area. There are no other statutory designations to consider.

2. POLICY CONTEXT

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

- CS1 High Quality Design
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS25 Communities of the North Fringe of Bristol Urban Area

South Gloucestershire Local Plan 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
- PSP20 Flood Risk, Surface Water and Watercourse Management.
- PSP43 Private Amenity Standards

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

3. RELEVANT PLANNING HISTORY

- 3.1 P19/15338/F
 Demolition of existing dwelling. Erection of 6 no. flats, creation of access and associated works.
 Withdrawn: 18/12/2019
- 3.2 PT14/4474/F
 Erection of two storey rear extension to form additional living accommodation. Installation of 2no. front dormer windows to facilitate loft conversion and erection of detached double garage.
 Split Decision:18/02/2015
Part Approval: Erection of two storey rear extension. Installation of 2no. front dormer windows.
Part Refusal: Erection of detached double garage.
- 3.3 PT11/1382/F
 Installation of 2no. front dormers to facilitate loft conversion and erection of single storey rear extension to provide additional living accommodation.
 Approve with conditions: 05/07/2011
- 3.4 PT08/0741/F
 Installation of 2 no. front dormer windows to facilitate loft conversion and erection of single storey rear extension to provide additional living accommodation
 Approve with conditions: 12/05/2008

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection-
 Overbearing and loss of light to neighbouring houses.
 Loss of privacy from balcony.
 Shared access would be restricted.
 Inadequate parking allocation.
 Highway safety issue- access opposite Malmain Drive
 Lack of pavement for pedestrians/cyclists leaving the property.
 Not a need for more flats in the immediate vicinity
- 4.2 Sustainable Transport
 No objection, subject to condition.
- 4.3 Highway Structures

Details of excavation works and the temporary support that is to be provided during construction are to be submitted to satisfy the highway authority that support to the highway is provided at all times.

4.4 Urban Design Officer

- Significant overlooking from balcony in northern corner area.
- Minimal landscape elements to frontage of site.
- No objection to parking, will function well.
- Combination of zinc and brick could work well, depending on material selection.
- Modern approach is acceptable given the range of property types and styles found in the area.

4.5 Tree Officer

No objection, existing trees to be protected in accordance with the submitted report.

4.6 Lead Local Flood Authority

Clarity required on method of SUDS.

4.7 Landscape

Tree/hedgerow protection plan, detailed planting scheme, and details of proposed boundary and hard landscape treatments required.

Other Representations

4.8 Local Residents

Letters of objection received from 30 local residents, summarised as follows;

Design:

- Out of keeping with character and residential context.
- Excessive height.
- Inappropriate scale and design.
- Breaches current building line.
- Overdevelopment, 2- bed bungalow replaced by 5, 2 - bed flats
- Disproportionate to the plot.
- Property fills the width of the plot, appears “bulky”

Residential Amenity:

- Loss of privacy to adjacent properties
- Overshadowing/loss of light.
- Increase in noise and disturbance from future residents

Highways:

- Insufficient parking.
- Small access point for excessive number of vehicles.
- Will cause narrowing of adjacent access.
- Roads overcrowded.
- Potentially dangerous at already difficult road junction with poor visibility.
- No footpath for pedestrians.

Other:

- Number of 2-bed flats are being built at Frenchay Park.
- Increased air pollution from additional vehicles.
- Loss of trees
- Owner has never lived at the property.

5. ANALYSIS OF PROPOSAL**5.1 Principle of Development**

Policy CS5 of the South Gloucestershire Core Strategy outlines the locations at which development is considered to be appropriate; new development is directed towards the existing urban areas and defined rural settlements. The site is located within the North Fringe of Bristol Urban Area and is contained within an existing residential curtilage. This development would provide a purpose built building, replacing a detached bungalow with five, 2-bedroom flats.

Therefore, based solely on the location of the site, the principle of development is acceptable. However, the impacts of the development must be further assessed against relevant policy in order to identify any potential harm. The further areas of assessment are discussed below.

5.2 Design and Visual Amenity

Within the setting of Bristol Road a mixture of housing types and architectural styles are present, from late 19th century 2-storey dwellings to late 20th century 3-storey flats, 2-storey terraces and detached bungalows. The distinctive character of the area is considered to be formed by the large open frontages and mature vegetation creating a leafy appearance along the road. The immediately adjacent properties include a dormer bungalow, which given its scale can be considered 2-storey property, and a smaller dormer bungalow to the north-east.

5.3 The proposed building would be three storeys in height, modern in appearance and its footprint would be stepped to broadly reflect the existing building line. The second storey height of the building would be similar to that of the eaves of the dormer windows found on the adjacent property to the south-west, although the proposal includes a third storey this is substantially narrower than the remainder of the building which is considered by officers to significantly reduce the overall bulk and massing; the width of the proposed building is also thought to be acceptable within the context of the site. Giving consideration to the wider context, the lack of distinct architectural character within the surrounding area is considered to allow for the introduction of building in this location with a modern approach without causing substantial harm to the character and appearance of the locality.

5.4 As stated above the proposal would be modern in appearance, the external facing materials of the principal elevation would include brickwork to the ground floor, zinc at second and third floors with power coated aluminium door and windows. During the course of the application the framing of the building was amended resulting in more favourable simplistic approach. This combination of materials is considered to be acceptable in terms of design, however due to an

- absence of specific material selection, in order to ensure a satisfactory appearance the proposed materials will be secured by condition to be agreed in writing by the council.
- 5.5 Overall, the proposed development is considered to be appropriate in size, scale and massing, and the appearance is deemed to be acceptable subject to the proposed conditions. As such, the proposal is considered to be in accordance with policy CS1 of the Core Strategy.
- 5.6 It has been highlighted by local residents that there are a number of flats being erected at nearby Frenchay Park. Although there are flats present, the surrounding area is made up of mostly large family dwellings. Policy CS17 seeks housing diversity to improve the housing choice and to create sustainable, inclusive and mixed communities. Flats can make a valuable contribution suitable for smaller households and single people and as such, the introduction of five 2-bed flats is considered acceptable in this location.
- 5.7 Landscape and Trees
As stated previously the frontages along Bristol Road are characterised by mature landscape features. The existing site comprises of a low stone wall with tree and shrubbery planting behind. During the course of the application the importance of a suitable landscape scheme was communicated and subsequently a planting scheme was provided. This is considered to adequately increase the level of planting along the frontage of the site to sufficiently retain the character of the surrounding area and in turn provides some screening of the parking and refuse storage areas. The proposed parking bays would be differentiated by use of permeable block paving with the remainder of the parking area laid with permeable tarmac; this is considered to appropriately break up the expanse of hard tarmac to result in an adequate appearance. Furthermore, the tree officer has identified that the submitted arboricultural report is sufficient to ensure the protection of existing trees and a number of new trees are proposed to be planted within the site.
- 5.8 Residential Amenity
Policies PSP8 of the PSP Plan (November 2017) sets out that development should not create unacceptable living conditions or have an unacceptable impact on the residential amenity of occupiers of the development or of nearby properties.
- 5.9 In terms of amenity space, Policy PSP43 of the PSP plan states that every new home should have access to suitable private and/or communal amenity space through, for example, one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces. The form of private amenity space will be dependent on the type of dwelling. Flat 5, located on the second floor, would be provided with a balcony area; all other flats would be afforded access to a large communal garden located at the rear of the building. It is acknowledged that some of the occupants would not have individual amenity space, however the communal outdoor area is considered to be very generous in size and of good quality, it is therefore considered that a sufficient level of amenity space can be provided to satisfy policy PSP43. The internal living space is also considered to be acceptable.

- 5.10 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Concern has been raised of a potential loss of privacy, specifically from the top floor balcony, a loss of light and overbearing impact on neighbouring occupiers.
- 5.11 While the proposal would be three storeys, the building is thought to have been kept to a reasonable overall height, and the narrowing of the top floor is considered to have significantly reduced the bulk of the building and in turn its impact on the neighbours. The proposal does not break either the front or rear building lines of the neighbouring properties and the separation distances between the adjacent properties are considered to be appropriate as not to result in any material overbearing impact. It is acknowledged that a detached garage has previously been refused at the site, and although the proposal is considerably taller, the siting of the previously refused garage forward of the principal elevation and abutting the boundary with the neighbouring property is considered by officers to result in a materially greater impact on the living conditions of the neighbour than the building subject of this application. Furthermore, although a degree of overshadowing would occur, given the aforementioned separation distances from surrounding properties it is not considered to result in any substantial loss of light to neighbouring properties which would be so detrimental as to warrant refusal.
- 5.12 The concern regarding a loss of privacy from the top floor terrace was initially shared by officers. The original submission indicated that the balcony area would wrap around the entirety of the top floor, it was identified by officers that the north corner would pose significant overlooking issues to the neighbouring garden of no.55. To address these concerns, amendments were made removing this area from the proposal altogether. The siting of, and separation distances between the remainder of the balcony areas and surrounding properties, is considered to be sufficient as not to result in any unacceptable loss of privacy to any of the neighbouring occupiers.
- 5.13 Concern has also been raised in regards to a potentially detrimental increase in noise and disturbance, however it is considered by officers that it would be unreasonable to assume that the occupants of five 2-bed flats would create any excessive noise over and above what is expected in a residential area such as this.
- 5.14 Drainage
To ensure no remedial works are required at a later date, a condition will be included on any decision for surface water drainage details, including SUDS, to be agreed in writing by the council.
- 5.15 Sustainable Transport
Policy PSP16 of the PSP plan requires 2-bed flats to provide 1.5 parking spaces, rounded down to the nearest whole number with the remainder provided as unallocated visitor space in close proximity. The application is proposing five 2-bed flats; a total of 8 off-street parking spaces are provided within the site boundary. Five spaces would be allocated to individual flats and the remaining three for use by visitors; this is considered satisfactory levels of

parking to comply with policy PSP16. Furthermore, a cycle store would be located within the site which will promote more sustainable travel methods. The site is also lies in relatively close proximity to an active travel route which provides good connectivity to the green infrastructure network and access to public transport facilities. Overall, the level of parking provision is considered to be acceptable for the proposed development.

5.16 Some concern has been raised by local residents in regards to highway safety at the access point, however the council's highways officer has indicated that the proposed setting back of the boundary wall allows sufficient visibility for vehicles entering and exiting the site. The new access would also be located opposite an existing dropped kerb to assist pedestrians gaining access to the footpath on the opposite side of the road. It is therefore considered that the proposed access is adequate for the proposed development and would not result in any severe highway safety impact. As such, subject to conditions, no objections are raised in terms of transport.

5.17 Equalities

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

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

5.19 Other Matters

Any increase in air pollution from the addition of five 2-bed flats is considered to be modest and not so severe as to outweigh the benefits of the scheme or warrant a refusal reason.

5.20 The living arrangements of the owner of the property is not a material planning consideration and cannot therefore form a reason 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 **grant** permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

CONDITIONS

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

Reason

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

2. Prior to the commencement of the relevant works, representative samples of all new facing elevation and roofing materials shall be provided for approval by the local planning authority. The development shall be completed in accordance with the approved details.

Reason

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

3. All soft landscape works shall be carried out in accordance with the approved Proposed Planting Scheme and Planting Specification (prepared by Bristol Garden Company, November 2020) . The works shall be carried out in accordance with the programme agreed with the Local Planning Authority.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP2 and PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

4. Works shall be carried out in accordance with the approved Arboricultural Report and Tree Protection Plan compiled by Hillside Trees Ltd, received on 27th May 2020.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the trees, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

5. Prior to the first occupation of the development, the off-street vehicular parking, visibility splays, cycle storage and bin storage area shall be provided in accordance with the submitted plans and subsequently maintained thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety, security and the amenity of the area, and to provide alternatives to the private car to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

6. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS (e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection shall be submitted and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2012. Information is required prior to commencement to prevent remedial works later on.

7. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below

Received by the council on 11th March 2020;

The Location Plan

Swept Path Analysis

Swept Path Analysis Plans

Existing Block Plans

Existing Plans

Existing Layout Plans

Received by the council on 18th May 2020;

Proposed Floor Plans (Drawing no. 210 Rev A)

Received by the council on 13th August 2020;

Proposed Elevations (Drawing no. 225 Rev D)

Received by the council on 18th December 2020;

Proposed Site Layout (Drawing no. 230)

Proposed Planting Scheme

Received by the council on 2nd October 2020;

Proposed Roof Plan (3223/3 Rev B)

Received by the council on 23rd November 2020;

Proposed Site Plan (3223/2 Rev C)

Received by the council on 30th November 2020;

Proposed Floor Plans (3223/4 Rev C)

Proposed Elevations (3223/5 Rev C)

Reason

To define the terms and extent of the permission.

**IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.**

POSITIVE AND PROACTIVE STATEMENT:

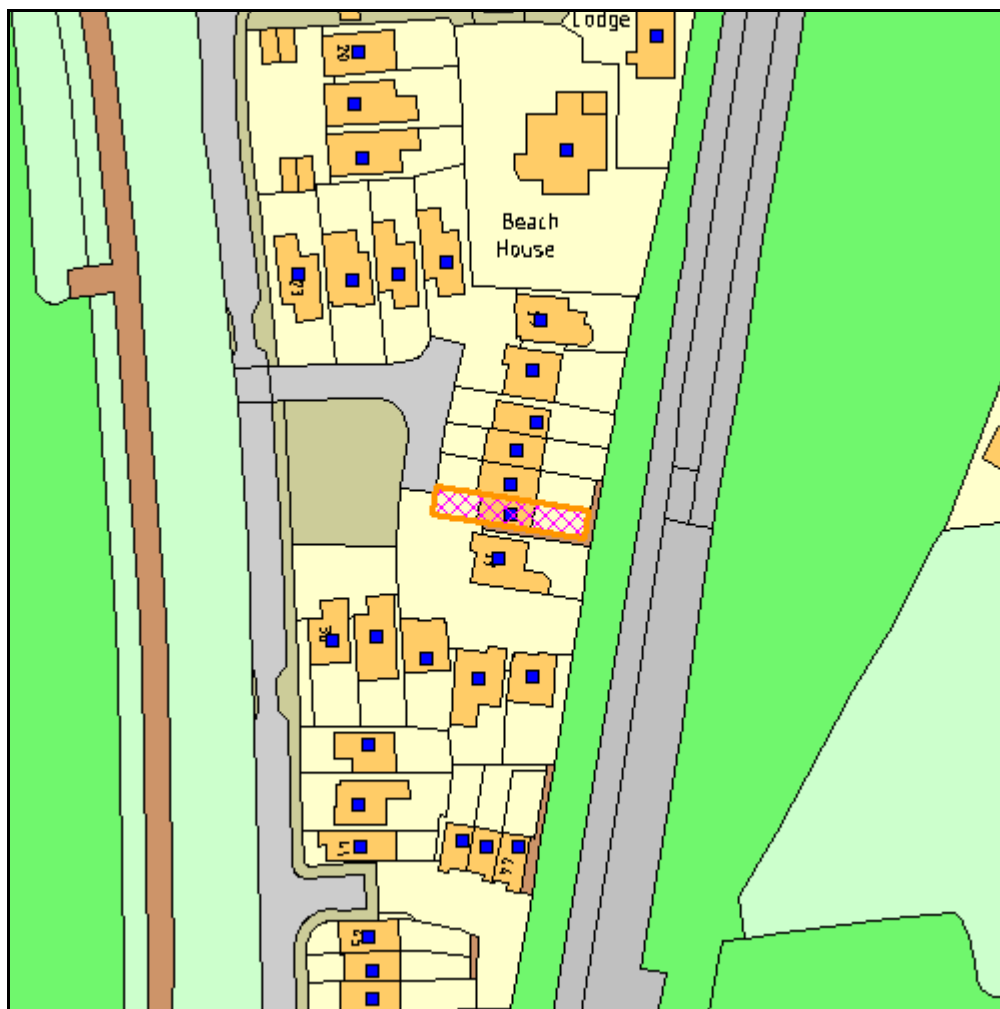
In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways: amendments were accepted and considered by officers during the course of the application.

Case Officer: James Reynolds

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 52/20 -24th December 2020

App No.:	P20/21669/PDR	Applicant:	Mr And Mrs Chris And Thea Blunt
Site:	32 Riverside Park Severn Beach South Gloucestershire BS35 4PN	Date Reg:	9th November 2020
Proposal:	Replacement of garage door with window.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	353972 184553	Ward:	Pilning And Severn Beach
Application Category:		Target Date:	29th December 2020



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P20/21669/PDR

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.

This application is referred to the Circulated Schedule as an objection has been received from the Parish Council that is contrary to the officer recommendation

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the installation of a window to replace a garage door at No. 32 Riverside Park. This would not normally require consent however permitted development rights were removed in the original application for the estate.
- 1.2 The application site relates to a two storey end terrace property located within the residential area of Severn Beach.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

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

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

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

3. RELEVANT PLANNING HISTORY

P97/2246 Erection of 31 dwellings Approved 11th Dec 1997

4. **CONSULTATION RESPONSES**

4.1 Pilning & Severn Beach Parish Council

The principle of turning a garage into accommodation is one reason why 'permitted development' rights were removed when these houses were initially granted consent. The applicant needs to show how they will accommodate the second parking space within their plot. They should not be allowed to rely upon on-street parking as space is at a premium here. If they can address this then there needs to be a condition / advisory added to the effect that the garage room should not be used as a bedroom because of flood risk/ sea level rise

4.2 Sustainable Transport

No objection subject to showing that two spaces can be shown.

Other Representations

4.3 Local Residents

No response received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety.

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 of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. The proposal has been carefully assessed and would have no adverse impact upon the design of the property or visual amenity

5.3 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 outlines the types of issues that could result in an unacceptable impact. The proposal would have no adverse impact upon the residential amenity of neighbouring occupiers.

5.4 Sustainable Transport and Parking Provision

Policy PSP16 of the Policies, Sites and Places Plan sets out the Council's parking standards. Concern has been raised that the removal of the garage would impact upon the area with reference to the removal of permitted development rights at the outset.

A revised block plan has been submitted and it is considered that two parking spaces as required within the parking standards set out in PSP16 can be provided. A condition is recommended to ensure that the spaces are provided and retained. Subject to this condition the proposal is considered acceptable.

5.5 Flood Risk

It is noted that the site is within Flood Zone 3. However the internal rearrangement of rooms does not in itself require consent. A living room is shown in place of the garage. It is not considered that the application could be refused on the grounds of creating one addition internal room to replace the garage.

5.8 Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application be **APPROVED** subject to the conditions set out below.

CONDITIONS

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

Reason

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

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

Received 3rd November 2020

NWB792/BP.01 Block Plan
NWB792/EX.PL01 Existing Ground Floor Plan
NWB792/EX PL.02 Existing Elevations
NWB792/PR.PL01 Proposed Ground Floor Plan
NWB792/PR.PL02 Proposed Elevations
NWB792/SP01 Location Plan

Reason

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

3. Two parking spaces shall be provided as shown on Drawing NWB792-BP01A Block Plan (rec 15th December) prior to the removal of the garage space and shall be retained as such thereafter.

Reason:

In order to ensure sufficient off-street parking and to accord with PSP16 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017

IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.

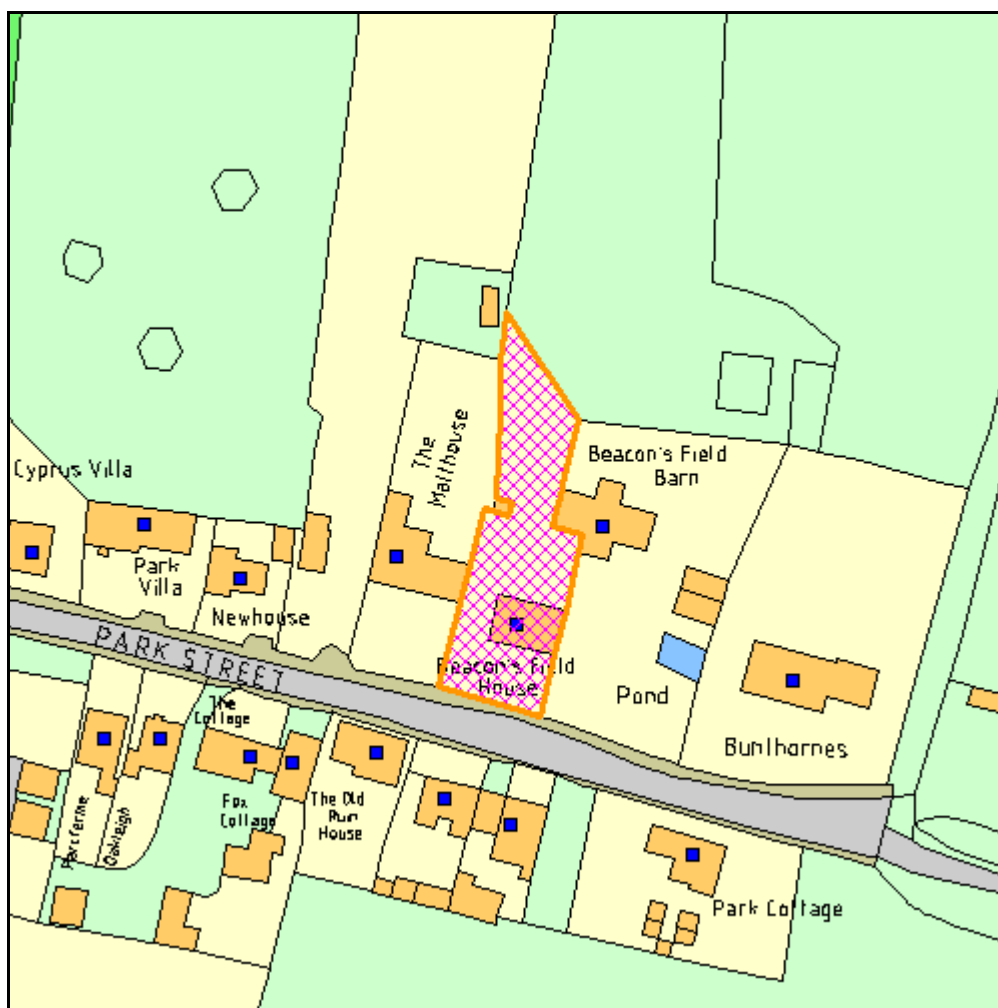
POSITIVE AND PROACTIVE STATEMENT:

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways: The decision has been issued in a timely manner

Case Officer: David Stockdale
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 52/20 -24th December 2020

App No.:	P20/21790/CLP	Applicant:	Mr David Edge
Site:	Beaconfields House Park Street Hawkesbury Upton South Gloucestershire GL9 1BA	Date Reg:	12th November 2020
Proposal:	Erection of single storey rear extension.	Parish:	Hawkesbury Parish Council
Map Ref:	378238 186942	Ward:	Chipping Sodbury And Cotswold Edge
Application Category:		Target Date:	1st January 2021



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100023410, 2008.

N.T.S.

P20/21790/CLP

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.

1. THE PROPOSAL

- 1.1 A Certificate of lawfulness is sought for the erection of a single storey extension.
- 1.2 The application site is set within the wider settlement boundary of Hawkesbury Upton and comprises a large plot, with the property itself forming a two-storey, detached dwelling.
- 1.3 The proposed extension would project to the rear of the existing property by approximately 4m, have a width 6m, and a height of 2.8m.

2. POLICY CONTEXT

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

To note: The submission is not a planning application and the Development Plan is therefore not of relevance to the determination of this application.

3. RELEVANT PLANNING HISTORY

- 3.1 Ref: ENQ20/0350. 04/09/2020
Proposal: *Erection of a single storey rear extension*
Outcome: *“Proposal is ‘permitted development’ under the terms of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and as such, you would not be required to apply for planning permission”.*
- 3.2 Ref: PK12/0188/CLP. Certificate granted, 27/02/2012
Proposal: *Application for certificate of lawfulness for the proposed installation of 4no. rooflights to rear elevation to facilitate loft conversion.*
Outcome: *“Evidence has been provided to demonstrate that the development meets the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and is therefore permitted development.”*

4. CONSULTATION RESPONSES

- 4.1 Councillor
No comments received.
- 4.2 Hawkesbury Parish Council
One **letter of objection** has been received from the parish council. Key points are summarised as follows:

- “Drawings and information are not of sufficient quality or contain enough information to enable an accurate adjudication”.
- “Concerns not that this is not deemed a proper application”.
- “No information regarding what materials will be used”.

4.3 *[Officer Comment]* The above points have been noted. Whilst it is accepted the submitted drawings are, to a degree, rudimentary, this application seeks a certificate of lawfulness, and as such, excessive drawing detail is not required from the applicant. Additionally, the use of materials are discussed below.

It should also be noted that under the Council Constitution the determination of both certificates of existing and proposed lawfulness are always delegated to the Director of Environment and Community Services and therefore cannot appear of the weekly circulated schedule.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Application Form (received 04/11/2020)
- 5.2 Location Plan (received 04/11/2020)
- 5.3 Existing Block Plan (received 04/11/2020)
- 5.4 Proposed Block Plan (received 04/11/2020)
- 5.5 Existing Rear Elevation (received 04/11/2020)
- 5.6 Proposed Rear Elevation (received 04/11/2020)
- 5.7 Existing Side Elevation (received 04/11/2020)
- 5.8 Proposed Side Elevation (received 04/11/2020)

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based and assessed on the evidence presented. If such evidence demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

6.2 The principle of development is accepted as this development would fall within Schedule 2, Part 1, Class A of the GDPO, which permits the enlargement, improvement or other alteration of a dwellinghouse provided that it meets the criteria as detailed below:

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

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

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

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

The total area of ground covered by buildings (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage.

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

The height of the proposal would not exceed the height of the roof of the existing dwellinghouse.

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

The height of the eaves of the proposal would not exceed the height of the eaves of the existing dwellinghouse.

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

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

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

The proposal does not exceed the limits set out above.

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

The proposal exceeds the limits in (g) and is subject to the criteria of the previous paragraph (f).

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

The proposal does not have more than one single storey.

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

The proposal would be within 2 metres of the boundary curtilage but the eaves would not exceed 3 metres in height.

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

The proposal would not extend beyond a wall forming a side elevation.

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

The application property has not been previously extended.

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

The proposal does not include any of the above.

- (l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouse).**

The dwellinghouse was not built under Part 20 of the GDPO.

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

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**

The submitted evidence suggests the proposed development would not include cladding.

- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;**

The proposal would not extend beyond a wall forming a side elevation.

- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse: or**

The proposal would not have more than a single storey.

- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in subparagraph (b) and (c).**

The proposal would not exceed the limits set out above.

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

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

The submitted evidence indicates the proposal would be finished in materials similar in appearance to that of the existing dwelling. However, as this is a condition, it must be complied with in order for the proposal to be permitted development.

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

Not applicable.

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

Not applicable.

7. **RECOMMENDATION**

- 7.1 That a Certificate of Proposed Lawful Development is **GRANTED** for the following reason:

Evidence has been submitted to demonstrate that on the balance of probability, the proposal falls within permitted development within the curtilage of a dwellinghouse under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is classified as permitted development. The case officer notes the decision has been based on the measurements annotated on the submitted plans.

Evidence has been submitted to demonstrate that on the balance of probability, the proposal falls within permitted development within the curtilage of a dwellinghouse under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is classified as permitted development. The case officer notes the decision has been based on the measurements annotated on the submitted plans.

1. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

Application Form (received 04/11/2020)

Location Plan (received 04/11/2020)

Existing Block Plan (received 04/11/2020)

Proposed Block Plan (received 04/11/2020)

Existing Rear Elevation (received 04/11/2020)

Proposed Rear Elevation (received 04/11/2020)

Existing Side Elevation (received 04/11/2020)

Proposed Side Elevation (received 04/11/2020)

To define the terms and extent of the permission.

Case Officer: Ben France

Authorising Officer: David Stockdale