

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: 44/21

Date to Members: 05/11/2021

Member's Deadline: 11/11/2021 (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 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.

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:

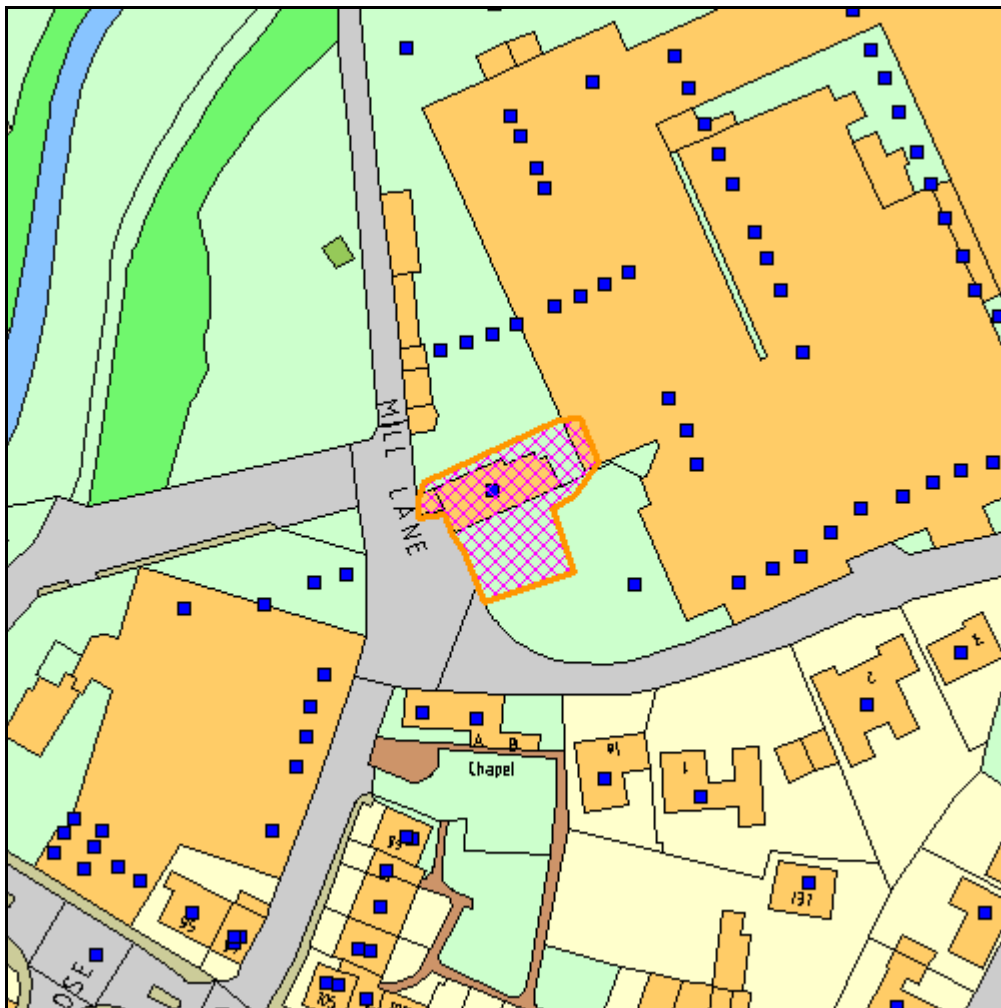
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 05 November 2021

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	P21/04112/F	Refusal	29 Champion Road Bitton South Gloucestershire BS30 6AD	Bitton And Oldland Common	Bitton Parish Council
2	P21/05538/F	Approve with Conditions	72 Braemar Avenue Filton South Gloucestershire BS7 0TQ	Filton	Filton Town Council
3	P21/05876/F	Refusal	Fairview 3 Windsor Court Wick South Gloucestershire BS30 5PT	Boyd Valley	Wick And Abson Parish Council

CIRCULATED SCHEDULE NO. 44/21 - 5th November 2021

App No.:	P21/04112/F	Applicant:	Bro Architecture
Site:	29 Champion Road Bitton South Gloucestershire BS30 6AD	Date Reg:	30th June 2021
Proposal:	External alterations and installation of first floor to facilitate change of use to children's day nursery (Class E).	Parish:	Bitton Parish Council
Map Ref:	368137 169733	Ward:	Bitton And Oldland Common
Application Category:	Minor	Target Date:	24th August 2021



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 100023410, 2008. **N.T.S.** **P21/04112/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 APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following the receipt of support comments from Cllrs Williams and Hughes and local residents, contrary to the officer recommendation below.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for external alterations and installation of first floor to facilitate change of use to children's day nursery (Class E).
- 1.2 The application site is located with a settlement boundary and falls within the Bitton Conservation Area. The subject building is locally listed, and in Flood Zone 3. The site lies to the north of the Bath Road and High Street, slightly to the west of the village centre of Bitton.
- 1.3 The existing building currently forms a vacant canteen building, which previously benefitted from a change of use to commercial and community uses (formally Use Classes B1/D1) under application ref. PK15/0532/F.
- 1.4 Prior to the extant development on site, the wider application site was referred to as "Golden Valley Mill". The last occupiers were Intier who made car components before the site closed in 2006. Since the previous application (ref. PK15/0532/F), the unit has remained vacant and in a derelict state apart from the provision of a replacement roof.

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
CS12	Safeguarded Areas for Economic Development
CS23	Community Infrastructure and Cultural Activity

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

PSP1	Local Distinctiveness
PSP7	Development in the Green Belt

PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK15/0532/F. Permission Granted, 18/10/2016, Proposal: Mixed use development on 7.4 hectares of land comprising up to 115no new dwellings; change of use of the Gatehouse to commercial use (Use Class B1); change of use of existing 'canteen' building to commercial and community uses (Use Classes B1/D1); engineering works to raise the raise the existing ground levels; associated landscaping and the retention of Ash House and Heather House in residential use (Use Class C3)
- 3.2 P20/20329/F. Permission Refused, 19/02/2021, Proposal: Alterations to former canteen building to facilitate the change of use to Offices (Class B1).

4. **CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council – *No objection to the revised plans subject to a satisfactory statement from the Transport Officer being submitted.*
- 4.2 Transport DC – Further information requested in the form of a Transport Statement.
- 4.3 Drainage – FRA now received which is welcomed, subject to typographical error being rectified.
- 4.4 Environment Agency – Objection withdrawn, subject to the development being carried out in accordance with the submitted FRA.
- 4.5 Conservation – Subject to details of internal floor, the proposals would result in a significant enhancement to a locally listed building.

Other Representations

4.6 Local Residents

26 objection comments have been received, summarised as:

- Parking for drop off not sufficient
- On-street parking will lead to disruption for residents
- Existing parking situation difficult
- Other nurseries with more parking spaces often have full car parks
- Parents will arrive at peak times
- Narrow roads surrounding site
- Staff parking not sufficient
- Change of use will devalue nearby properties

- Risk to children from increased traffic
- Nursery would generate noise
- Not the right location
- Pollution generated by additional cars
- Residents have not been consulted by nursery
- Loss of green space
- No bat survey has been submitted
- Existing nursery a mile away
- Parents unlikely to walk to site
- Two storey nursery is a health and safety concern
- Building works would cause disturbance

11 support comments have been received, summarised as:

- Unrealistic idea that community could take on building due to costs
- Building is a mess and should be brought back into use
- Lovely setting for nursery
- Plenty of nearby parking
- Needed by local families
- Will add to community feel
- Best option for the building
- Thought has been given to the design of the building
- Any proposal for the building would need to deal with limited parking
- Most children would likely be local and would walk to site
- Proposal could employ locals

4.7 Councillor representations

Councillor Williams and Councillor Hughes have submitted a joint support comment, stating the following:

“Councillor Paul Hughes and I support this application as we feel the establishment of this much needed facility, will benefit the community of Bitton, Oldland Common and surrounding areas. The building will not only benefit families with children it will also benefit all the residents as the developer has indicated their willingness to work with residents to make the building available for the community during the times when the nursery is not in use. This is a wonderful opportunity to bring life back into the building for generations to come.

The Highways Officer, has stated that there is low parking and objects to the application on that basis as well as the number of parents who would arrive to drop off and pick up their children. Bear in mind that at these times the period of time taken to carry this out would be short. Also that many local residents would walk to the nursery and it would be a great bonus to the community that they would not need to drive to an early years setting.

Yet the previous application P20/ 2039/F was objected to by residents due to the low amount of parking spaces available based on the fact that the application was for 34 work spaces and a boardroom, suggesting that those who would be working there would be on the premises all day.

The Highways Officer comments on the previous application are as follows: Based on the total floor area of 269m² of Canteen building and the required maximum parking standards of 1 space per every 35m², the maximum number parking spaces required for this development is 7.6 spaces (rounded down to 7 spaces). Plan submitted with this application shows 3 parking spaces on site. Level of parking proposed falls within the maximum parking standards and as such, it is considered acceptable.

In terms of travel sustainability, I am satisfied that the local area has acceptable travel options including bus stops within close proximity to the site. The site is also within a short walking distance to some shops and amenity.

Also in line with the council's sustainability policy, the applicant proposes cycle parking provisions on site - total of 10 parking spaces (for bikes) are provided and this is considered acceptable.

In view of all the above mentioned, therefore, we transportation development control have no objection to this application.

We find this a complete contradiction with regards to the current application response that has been submitted, which does not consider the aforementioned short time span for picking up and dropping off as well as the fact that many local families will walk to the Nursery.”

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 The application seeks full planning permission for alterations to a former canteen building to facilitate the change of use to a children's day nursery (Class E). The principle of development is therefore to establish whether the change of use and works are acceptable.

Land use

- 5.2 Firstly, clarification of the existing use of the building needs to be clarified. This was examined in detail under application P20/20329/F.
- 5.3 Under application PK15/0532/F permission was granted for the following:

“Mixed use development on 7.4 hectares of land comprising up to 115no new dwellings; change of use of the Gatehouse to commercial use (Use Class B1); change of use of existing 'canteen' building to commercial and community uses (Use Classes B1/D1); engineering works to raise the existing ground levels; associated landscaping and the retention of Ash House and Heather House in residential use (Use Class C3)”.

- 5.4 The description makes it clear that permission was granted for the change of use of the canteen building for both commercial and community uses, essentially forming a mixed development. No restrictions relative to the permitted uses (formerly B1/D1, now Class E) for the former canteen building were included within the decision notice or Section 106 Agreement.

- 5.5 The remainder of the built development commenced under application PK15/0532/F within the statutory time limit. Although the use of the building has never commenced, the implementation of the development as a whole results in the permitted use of the building as Class E remaining extant, and could still be carried out.
- 5.6 The use of the building as a canteen ceased around 2006. *Pioneer Aggregates (UK) Ltd v Secretary of State for the Environment (1985) HL*, Lord Scarman affirmed the principle that planning rights based on an existing use may be lost by abandonment. The issue of whether existing use rights have been lost through abandonment arises where a use has ceased for a time and where, in the meantime, the land has not been used for any other purpose. If it is held that a use has been abandoned, the land will have a “nil” use and the resumption of any previous use will require planning permission. With the canteen building comprising only an empty shell of a structure, where the use of the former canteen having ceased for a significant period of time and that the canteen has not been used for any other purposes since, the canteen building is effectively abandoned. It therefore has a land use defined as being ‘nil’. As such, the acceptability of the proposed use of the building from a ‘nil’ use to a day nursery must be considered, with the extant use being given appropriate weight.
- 5.7 The proposed use as a day nursery is considered to be community infrastructure, and as such CS23 must be considered. Policy CS23 states that *“the Council will work with partners to provide additional, extended or enhanced community infrastructure and encourage participation in cultural activity.”*
- 5.8 The retention of the building for a proposed community use was a contributing factor to the overall determination of application P21/04112/F, and the addition of an additional floor would enhance the potential for community provision. The principle of the proposal is therefore supported, subject to other material considerations.

Transportation DC

- 5.9 Although the use of the building under Class E falls under an extant permission, the proposal under consideration increases the floor space of the building from 154m² to 251m² by the introduction of an additional floor. The increased floorspace increases the potential users of the facility, and thus the impact upon the highway network needs to be assessed.
- 5.10 The submitted proposal includes 3no. off street parking spaces for staff, and 3no. additional drop off points for parents. This level of parking is considered to be low.
- 5.11 In order to assess the parking demand for the nursery, further information is required to justify the level of parking. In terms of the information required, this would include opening hours, number of children at the nursery, total number of staff and their likely mode of travelling to the site, management plan for parking, methods to discourage staff and parents for any discriminate parking on the public highway, and a travel plan. The information submitted would need to be

supported with evidence from other nurseries and their modal attractions as a basis for predictions. The applicant has been asked for this information, but it has not been provided.

- 5.12 Without the requested information, the LPA cannot assess the parking demand, and as such cannot assess whether the proposed parking arrangements are appropriate. The application as submitted could lead to parking on the public highway to the detriment of other road users, and as a result cause an unacceptable impact on highway safety.
- 5.13 It is noted that a previous application to convert the building to an office was supported by Transportation DC. The previous application was considered to have submitted sufficient information in regards to parking need, and would have different travel patterns etc. associated with the use. The support given by Transportation DC to the previous application is not considered to conflict with the comments given on this application, as in this case insufficient information has been provided to ascertain any potential harm.

Impact upon the Heritage Asset

- 5.14 The application site lies within the Bitton Conservation Area. The subject building is also a locally listed building and forms a group of such designated structures that includes the gatehouse and former chapel to the south.
- 5.15 Under application PK15/0532/F the importance of the retention of the former canteen building formed a key part of a scheme of mitigation and enhancement associated with the residential redevelopment of the former mill site.
- 5.16 Since the building was externally repaired and made weather tight as per an obligation of the consent, it has remained vacant. There is a concern that if a use is not found for the building in the foreseeable future, then in due course its condition will once again deteriorate. Therefore, with the proposals seeking to bring the building back into use, the principle of what is proposed is supported.
- 5.17 The external alterations are limited to some minor changes to openings, and the insertion of new windows and rooflights.
- 5.18 The significance of this building can be considered to be primarily derived from its standing fabric and the contributions its external character and appearance makes to its surroundings as a remnant of the former industrial use of the building. Retaining the legibility of the building is also important in ensuring its historic association with the former mill is not eroded or severed.
- 5.19 No external alterations to the building are proposed that are considered to materially change the character of the building. Its existing character and contribution to the locality should therefore be preserved.
- 5.20 What has not yet been clarified is the potential impact of the new floor on the windows of the building, particularly the large windows on the front and rear elevations. Given the proposed use, it is also possible that guard rails would be required. The floor may be required to be pulled back from the window for

safety reasons, as well as to reduce the visual impact of any floor structure and railings. It is considered that this information could be subject to a condition of any consent.

- 5.21 Large scale details on the construction and detailing of the windows will be required. The use of velux rooflights should also be reconsidered to a more authentic Victorian rooflight design.
- 5.22 Subject to the submission of the details via condition, the proposal is considered to result in a significant enhancement to this vacant locally listed building. The proposals will have little to no impact on the character and appearance of the Bitton Conservation Area, the significance of which will be preserved.

Flooding and drainage

- 5.23 The proposal is sited within Flood Zone 3, and as such a Flood Risk Assessment (FRA) has been submitted. As the proposal is classed by the Environment Agency as “minor”, a Sequential Test is not required. The proposed use is classed as “More Vulnerable”.
- 5.24 The undefined flood depth on site is 0.28m AGL considering a 1:1000 year event. A defended event would see zero flood depth on site. Flood risk comes from fluvial and surface water; sewer flooding should also be taken into account. The site is shown as benefitting from flood defences.
- 5.25 The proposal will not increase run-off in terms of surface water management.
- 5.26 The applicant would need to produce and maintain a Flood Warning and Evacuation Plan as part of any permission granted. This should include a migration route in the event of flood, a convenient route to the north. Site contractors and residents should also subscribe to EA flood warning text messaging services on 0845 988 1188. A copy of Environment Agency Guide: “What to do before, during and after a flood” should be provided to each occupant. This guidance includes details of how to take refuge on first floor of buildings during a flood.
- 5.27 A water resistant design has been adopted, with water resistant materials used up to 0.50m above ground level, with no cavity weeps or vents installed below 0.50m, with any existing having covers installed. Flood board brackets will be fitted over ground floor openings and flood boards provided, with instruction on how to use them.
- 5.28 Subject to the development being carried out in accordance with the submitted FRA, there is no objection raised by the Environment Agency or the Council’s Drainage team.

Residential amenity

- 5.29 Concerns have been raised in regards to residential amenity, particularly in regards to noise. It is acknowledged that the use of the building as a day

nursery will generate some noise, particularly above that generated from a vacant building.

- 5.30 The nursery does not have an outside area so any noise generated by the children will be contained, with the exception of some noise at drop off and pick up time from children and car movements.
- 5.31 Any noise generated will be during weekdays, during opening hours of 8am to 6pm. Nurseries are generally found within residential areas, and the potential noise impact is not considered to cause significant harm to residential amenity.

Ecology

- 5.32 Concerns have been raised regarding works and their potential impact upon bats. Due to the level of works required, a survey has not been considered necessary in this instance, however a condition can be added to any approval given requiring works to stop immediately and an ecologist to be brought on site should any bats be discovered during the construction phase.

Consideration of likely impact on Equalities

- 5.33 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. This planning application it is considered to have a neutral impact on equality.

Planning Balance

- 5.34 There are clear benefits to the proposal as submitted, those given particular weight are the provision of an enhanced community facility, and bringing a vacant locally listed building back into use in a sympathetic manner.
- 5.35 The concerns raised by Transportation DC must also be given significant weight. Without the requested information, the level of harm to the highway network potentially caused by insufficient parking provision cannot be assessed.
- 5.36 Whilst there is undoubtedly a balance to be made between the benefits and harms raised, a balancing exercise cannot be properly undertaken if the level of harm is unknown. The application is therefore 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 development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 It is recommended that planning permission is REFUSED.

REASONS FOR REFUSAL

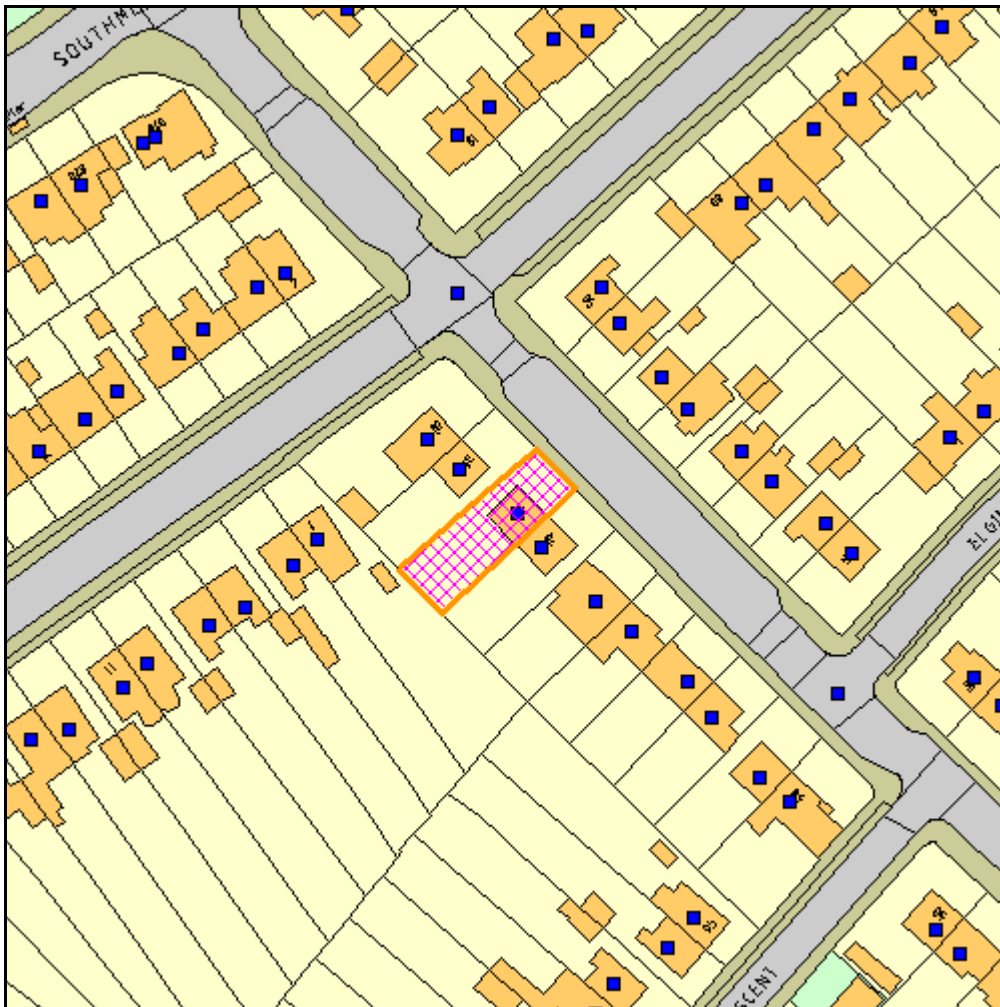
1. Insufficient information has been submitted in order to assess the transport impacts of the development, contrary to policies PSP11 and PSP16 of the adopted South Gloucestershire Policies, Sites and Places DPD (Adopted) November 2017.

Case Officer: Rae Mepham

Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 44/21 - 5th November 2021

App No.:	P21/05538/F	Applicant:	Mr Sid Kaithakkoden
Site:	72 Braemar Avenue Filton South Gloucestershire BS7 0TQ	Date Reg:	4th September 2021
Proposal:	Erection of two storey side extension to form additional living accommodation.	Parish:	Filton Town Council
Map Ref:	359500 178450	Ward:	Filton
Application Category:	Householder	Target Date:	28th October 2021



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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.

CIRCULATED SCHEDULE

This application appears on the Circulated Scheduled following a comment from Cllr Wood:

I believe this proposal is over-development of the site, building a double story extension right up against the neighbouring property risks turning the road from a set of semi-detached houses into what is approaching a near terrace

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a two storey side extension to form additional living accommodation. The application site relates to a two-storey semi-detached property in Filton, 72 Braemar Avenue.
- 1.2 The applicant has completed Certificate B to indicate that they are not the owners of the site and in answer to Officer questions have confirmed they did issue a letter to the owner. The owner, however, has contacted the LPA to say she has not been notified by the applicant. There is therefore a dispute between these parties which the LPA cannot challenge further. To clarify the situation somewhat, it is appropriate to set out the legislation and responsibilities of parties below.
- 1.3 When making a planning application it is incumbent on the applicant to provide a relevant certificate with regards to the ownership of the application site and that notice has been served on any other owners (The forms of notice are in Schedule 2 to the Town and Country Planning (Development Management Procedure (England) (Order) 2015.) An application is not valid, and therefore cannot be determined by the local planning authority, unless the relevant certificate has been completed. It is an offence to complete a false or misleading certificate, either knowingly or recklessly, with a maximum fine of up to £5,000.
- 1.4 In this instance the applicant completed Certificate B to indicate that they were not the sole owner of the site and know the name and address of the other owner(s). The applicant is not required to provide proof to the LPA, merely to complete the relevant sections within the application form. A typed name is recognised as providing a signature on an electronic submission.
- 1.5 To confirm, a planning application can be made on someone else's land. The National Planning Policy Guidance states:

The planning system entitles anyone to apply for permission to develop any plot of land, irrespective of ownership. However, an applicant is required to notify owners of the land or buildings to which the application relates, as well as any agricultural tenants, in accordance with article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. When making an application, an applicant is required to sign a certificate confirming the ownership of the land to which the application relates and that the relevant notices have been served.

- 1.6 The application is therefore considered to have been submitted correctly and the assessment will continue below. Any dispute between neighbours is however a civil matter that is beyond the scope of this assessment.
- 1.7 During the course of the application revised plans were received to ensure no part of the development would hang over land outside of the applicant's control/the application site, to confirm the positions and size of parking area and to set back the extension from the front building line.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2021
National Planning 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
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS25	Communities of the North Fringe of Bristol

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
PSP39	Residential Conversions, Subdivision, and HMOs
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Household Design (Adopted) 2021)
South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – (Adopted) March 2015
South Gloucestershire Council Waste Collection: guidance for new developments SPD (Adopted) Jan 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PT15/5475/F Erection of single storey rear extension to form additional living accommodation.
Approved 4.2.16

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No response.

Other Representations

4.2 Local Residents

- 1 Local resident has objected/commented (2 letters received).** The points raised are summarised as:
- Scaffolding Regulations,
 - Party Wall agreement, builders need access and my permission, will they make mess etc
 - As the owner of the application site I have not received any form of notification from applicant
 - Boundary lines are not correct – if hedge is moved how can I ensure sufficient room to erect a boundary line to secure my property without losing land
 - Lack of detail on environmental issues such as noise
 - The cellar underneath the property has the potential to impact on the development on and its potential to impact my land has not been investigated

1 support comment has been received from a local resident. The points raised are summarised as:

- pleased that my neighbour has incorporated my suggestion that the extension should be set back 300 - 500 mm and with a hip roof as this considerably reduces the visual impact and is in keeping with the general street view. I am therefore fully supporting the application but reserve my position should there be any amendments

Local Councillor: objection

I believe this proposal is over-development of the site, building a double story extension right up against the neighbouring property risks turning the road from a set of semi-detached houses into what is approaching a near terrace.

5. ANALYSIS OF PROPOSAL

- 5.1 This application is for the Erection of two storey side extension to form additional living accommodation.

5.2 Principle of Development

The application site lies within the settlement boundary of Filton. Both local and national planning policy support development in built up areas.

- 5.3 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. It states that new dwellings and extensions within existing residential curtilages are acceptable in principle but should respect the overall design and character of the street and

surrounding area. They should not prejudice the amenities of neighbours, or that of highway safety and the parking provision should be of an acceptable level for any new and existing buildings. The adequate provision of private amenity space should also not be sacrificed for any new development that forms part of a settlement pattern that also contributes to local character.

5.4 Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The update NPPF (2021) makes it very clear that all forms of new development should aim for the highest standards of site planning and design and that poor design should be refused.

5.5 Although acceptable due to its location within a built up area, the other issues identified above must be fully assessed

5.6 Design and Visual Amenity:

The application site is a two-storey, hipped roofed, semi-detached property situated in a road of similar properties. The proposal is for a two-storey side extension that would also have a hipped roof and would be both set down from the main ridge line and following revised plans would see its first floor and ground floor set back from the front building line. Plans indicate that the structure would allow a small gap of 0.15 metre between it and the adjacent property. In these respects the proposal is in accord with the recently adopted Householder Design Guide SPD (2021).

5.7 The scheme would allow for an additional bedroom plus a study or bathroom at first floor and WC, utility room and workshop area at ground floor level. This type of addition is not unusual and there are many examples throughout the district. It is acknowledged that a two-storey side extension is not a dominant feature in this immediate area although a flat roofed two-storey side extension is noted a few doors away on the same side of the road. Nevertheless, the proposal accords with adopted design principles and its overall appearance is therefore acceptable. Good quality materials to match those of the main dwelling would be used in its construction.

5.8 The proposal would be in accordance with policy CS1 and the Household Design Guide SPD (2021).

5.9 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.

- 5.10 The impact on residential amenity has been assessed in terms of the surrounding neighbouring properties. It is noted that the neighbour at No 74 has a single storey side extension and that there are no windows in the main opposing side elevation. Therefore, given the proposed siting and overall design with no windows in the north facing side, the proposed side addition would not have an overbearing or overlooking impact, nor would it affect the existing levels of light afforded to the neighbouring occupiers.
- 5.11 A neighbour has expressed concern regarding noise. As such a condition will be placed on the decision notice to ensure that construction takes place as reasonable hours.
- 5.12 Policy PSP43 deals with amenity space. All new development should meet or exceed a set of minimum requirements. The property benefits from a good size rear garden and even with the increase in number of bedrooms, sufficient amenity space would remain to satisfy adopted policy standards.
- 5.13 The proposal therefore complies with adopted amenity policies.
- 5.14 Transport
Policy PSP16 of the Policies, Sites and Places Plan sets out the Council's parking standards. The proposal includes an additional bedroom resulting in 4 for this property. Two off-street parking spaces are shown to be allocated to this property and as such the amount of off-street parking conforms to adopted planning policy. On this basis there can be no transport objections.
- 5.15 Other matters:

With regards to the removal of the hedge – information provided during the course of the application confirmed that the hedge is within land associated with the application site. A fence separates neighbours at No. 72 from No. 74 and if the development causes damage or temporary removal, it should be reinstated in the same position so as to not encroach on land outside the application site. This would be a matter for discussion between the relevant parties.

Although planning permission can be granted on land outside someone's ownership, works cannot take place without the express agreement of the owner. Similarly, no structure, which includes drain pipes or guttering can overhang a neighbouring property without permission from the owner. An informative attached to all permission states:

This permission shall not be construed as granting rights to carry out *works on, or over, land not within the ownership, or control, of the applicant.*

Revised plans show a parapet roof to ensure nothing overhangs the neighbour's land. This however is for the applicant to agree with the neighbour outside the scope of the application.

Building Regulations are separate to planning policy and fall outside the remit of this application. This would include matters relating to the cellar and any relating potential impacts from the development.

The Party Wall Act requires co-operation between neighbours but again this falls outside the remit of a planning application and should be discussed between parties. This will include access over land and the positioning of scaffolding.

5.16 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

5.17 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.

5.18 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

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 It is recommended that the application be **APPROVED** subject to conditions.

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. Development shall proceed in accordance with the following plans:

As received by the LPA on 14.8.21:

The location plan
Existing ground floor plan - 01
Existing first floor plan - 02
Existing front elevation - 03
Existing side elevation - 04
Existing rear elevation - 05
Existing site plan - 12

As received by the LPA on 13.10.21:
Proposed site plan with parking - 13
Proposed rear elevation - 11 A

As received by the LPA on 18.10.21:
Proposed ground floor plan - 07 A
Proposed first floor plan - 08 B
Proposed front elevation - 09 B
Proposed side view - 10 A

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; Policy PSP1 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

3. The hours of working on site during the period of construction shall be restricted to:

Monday - Friday.....7:30am - 6:00pm
Saturday.....8:00am - 1:00pm
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.

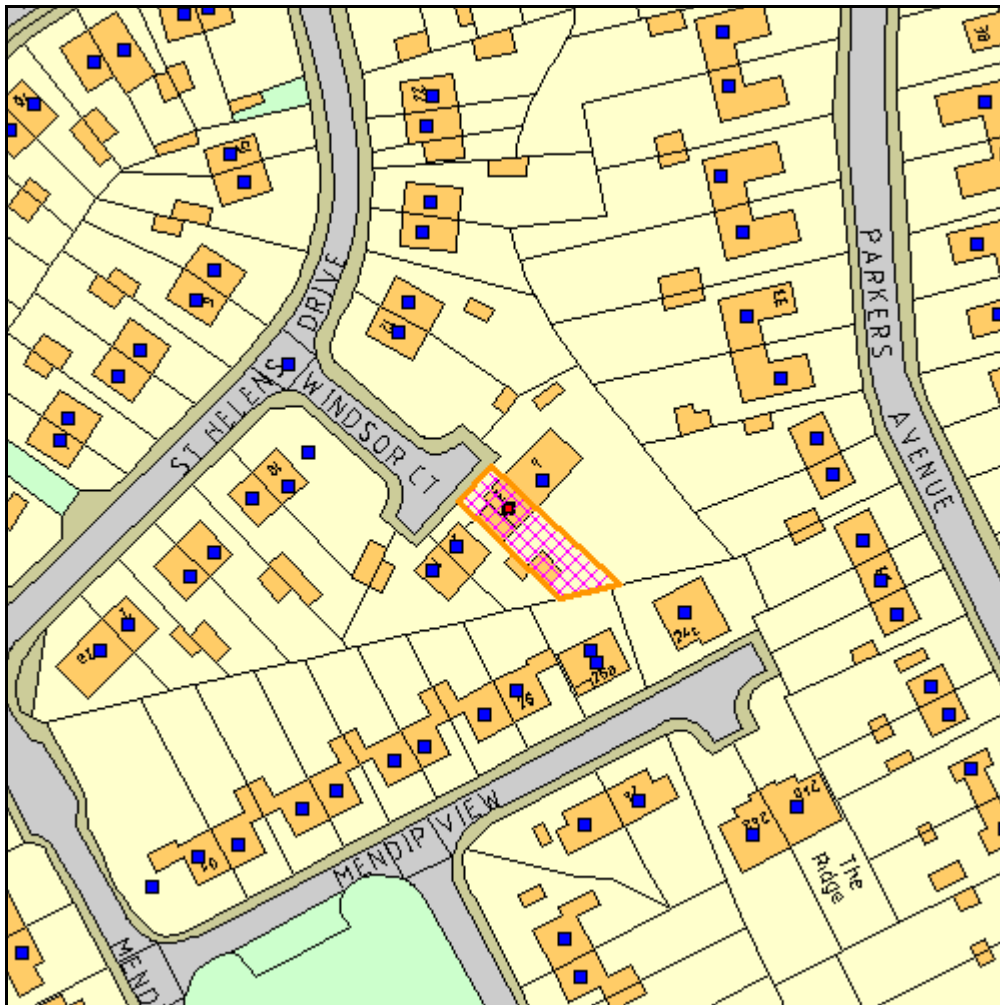
Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with PSP8 of the Policies Sites and Places Plan (Adopted) 2017 and the provisions of the National Planning Policy Framework.

Case Officer: Anne Joseph
Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 44/21 - 5th November 2021

App No.:	P21/05876/F	Applicant:	Mark Prentice
Site:	Fairview 3 Windsor Court Wick South Gloucestershire BS30 5PT	Date Reg:	9th September 2021
Proposal:	Installation of 1 no. rear dormer to facilitate loft conversion.	Parish:	Wick And Abson Parish Council
Map Ref:	370136 173243	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	2nd November 2021



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 100023410, 2008. N.T.S. P21/05876/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 the Circulated Schedule

This application appears on the Circulated Schedule due to the receipt of a support comment from the Parish Council, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the installation of 1 no. rear dormer to facilitate loft conversion at Fairview, 3 Windsor Court, Wick.
- 1.2 The applicant site comprises a modest plot with the property itself forming a two-storey semi-detached dwellinghouse that is finished in pebble dash render. Likewise, the dwelling benefits from a rear garden which provides the residents with ample amenity space. However, the case officer notes the site is 'washed over' by the Bristol and Bath Green Belt (hereafter referred to as BBGB).

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
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)
Residential Parking Standards SPS (Adopted 2013)
SGC Householder Design Guide (Adopted March 2021)

3. RELEVANT PLANNING HISTORY

- 3.1 Ref: PK02/1959/F. Approve with conditions, 31.07.2002
Proposal: *Erection of rear conservatory.*
- 3.2 Ref: N859/1. Approve with conditions, 15.05.1975
Proposal: *Erection of single storey rear extension to provide enlarged kitchen and dining room. Erection of detached garage.*

4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council
The Parish council have supported this application.
- 4.2 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy PSP38 states that extensions to dwellings within established residential curtilages are accepted in principle, subject to detailed development control considerations in respect of local amenity, design and transportation.
- 5.2 Notwithstanding this and in regard to the constraint identified above, the proposal is located within the BBGB, with policy PSP7 and the NPPF setting out strict criteria to avoid inappropriate development in the Green Belt. This suggests the main issue to assess (whilst not dismissing those highlighted by PSP38) is whether the proposed development would be considered inappropriate having regard to local plan policies and the NPPF.
- 5.3 Green Belt
Paragraphs 149 and 150 of the NPPF make clear the forms of development that are not inappropriate within the Green Belt. One such development is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- 5.4 Further to this, policy PSP7 provides guidance on the assessment of the severity of potential harm caused by development in the Green Belt. It states that the larger a building becomes in excess of 30% over and above its original size, the more likely the building will become disproportionate, resulting in a detrimental impact to the Green Belt.
- 5.5 The proposed development is considered of minor extent which is not thought to result in built form exceeding 30%, and as such, would not be prominent within the landscape nor impact upon the openness of the Green Belt. Therefore, the development is deemed to comply with policy PSP7 and corresponding provisions of the NPPF.

- 5.6 Design and Visual Amenity
Policies CS1, PSP38 and the SGC Householder Design Guide seek to ensure that development proposals are of the highest possible standards of design in which they respond to the context of their environment. This means that developments should demonstrate a clear understanding of both the site and local history to ensure the character, distinctiveness and amenity is well assessed and incorporated into design.
- 5.7 The proposed works would project from the Southeast-facing roof plane by approximately 3,700mm, have a width of 5800mm and a height of 2200mm. The dormer is considered of classic 'box' design that would feature a Juliet balcony (overlooking the rear garden) and facilitate the addition of 1no. bedroom to the property.
- 5.8 Whilst the principle of making alterations to this site is not dismissed and the case officer recognises the proposed is compliant with regards to Green belt, concern is raised regarding the extent to which the proposed works would appear visually unsympathetic and the potential for harm caused to the immediate area.
- 5.9 Although dormers can often compliment the overall aesthetic of a dwelling, this proposal seeks to 'in-fill' the rear roof plane, which as stated by the South Gloucestershire Householder Design Guide, roof extensions must respect existing built form with box-style dormers to be generally avoided unless they form part of a prevailing architectural feature present on neighbouring properties. The case officer recognises that other properties within the wider area feature box-style dormers, but it is noted these are located at minimum 80 meters away, meaning they would generally be viewed as isolated design features. This suggests the proposed loft conversion at 3 Windsor Court would introduce an inharmonious element that does not reflect design characteristics of the immediate area or demonstrate an understanding of good design principles.
- 5.10 Due to the reasons listed above, it is therefore considered that the proposed development would amount to a dwelling with inappropriate design features that do not appear as subservient additions, contrary to policies CS1 & PSP38 and the SGC Householder Design guide. Due to this, the case officer considers there a lack of mitigatory circumstances to overcome the impacts described above.
- 5.11 Residential Amenity
Policy PSP8 relates specifically to residential amenity in which it states development proposals are acceptable, provided they do not create unacceptable living conditions or result in unacceptable impacts on residential amenities. These are outlined as follows (but are not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and, odours, fumes or vibrations.
- 5.12 When considering the impact of the rear dormer, specifically the Juliet balcony, some concern is raised due to the increased opportunity for overlooking into the rear garden of No.4 Windsor Court, and No.26a & No.24c Mendip view.

However, there are existing first floor windows in the rear elevation of No.3 which suggests the addition of what is largely considered a full-length window – a Juliet balcony does not provide external access – would not exacerbate the existing overlooking nor would it create unacceptable impacts on either of the neighbouring occupiers.

5.13 Therefore, given the scale, sitting and form of the proposed works and in respect of adjoining neighbours, this scheme would not result in any unreasonable impacts as described above and complies with policy PSP8.

5.14 Transport

Policy PSP16 sets out the Council's criteria for parking specifications. It states that parking space provision per dwellinghouse is proportionate to bedroom number with a property of the proposed size expected to provide 2no. on-site parking spaces. Although this scheme represents an increase in the total number of bedrooms, the parking requirements remain effectively unchanged, and as such, the proposal is considered to satisfy the requirements of PSP16.

5.15 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

6.2 The recommendation to **refuse** permission has been taken having regard to the policies and proposals in the 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 **REFUSED** for the reason below:

REFUSAL REASONS

1. The proposed development would result in a poorly designed building with inappropriate proportions and form that would not sufficiently reflect existing characteristics of the host property or surrounding context. Due to this, it is therefore considered the development is contrary to policies CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), and, the South Gloucestershire Householder Design Guide (Adopted March 2021).

Case Officer: Ben France

Authorising Officer: David Stockdale