



**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. 15/17

Date to Members: 12/04/2017

Member's Deadline: 20/04/2017 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE - 12 April 2017

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/0005/F	Approve with Conditions	145 Badminton Road Downend South Gloucestershire BS16 6NF	Downend	Downend And Bromley Heath Parish Council
2	PK17/0809/CLP	Approve with Conditions	25 Goose Green Yate South Gloucestershire BS37 5BL	Yate North	Yate Town
3	PK17/0848/CLP	Approve with Conditions	66 Salisbury Gardens Downend South Gloucestershire BS16 5RE	Downend	Downend And Bromley Heath Parish Council
4	PK17/0878/CLP	Approve with Conditions	77 Mount Hill Road Hanham South Gloucestershire	Hanham	Hanham Parish Council
5	PK17/0996/CLP	Approve with Conditions	96 Queensholm Crescent Downend South Gloucestershire BS16 6LJ	Downend	Downend And Bromley Heath Parish Council
6	PT17/0518/CLE	Approve with Conditions	1 Zion Cottages Church Hill Olveston South Gloucestershire BS35 4BY	Severn	Olveston Parish Council
7	PT17/0642/CLP	Approve with Conditions	Little Mead 8 The Pound Almondsbury South Gloucestershire BS32 4EG	Almondsbury	Almondsbury Parish Council
8	PT17/0654/CLP	Approve with Conditions	48 Gayner Road Filton South Gloucestershire BS7 0SW	Filton	Filton Town Council
9	PT17/0655/F	Approve with Conditions	Land At Bradley Stoke Way South Gloucestershire	Bradley Stoke South	Bradley Stoke Town Council
10	PT17/0656/F	Approve with Conditions	Swan Lane Winterbourne South Gloucestershire BS36 1RP	Frampton Cotterell	Frampton Cotterell Parish Council
11	PT17/0657/F	Approve with Conditions	Challacombe House Perrinpit Road Frampton Cotterell South Gloucestershire BS36 2AT	Frampton Cotterell	Frampton Cotterell Parish Council
12	PT17/0722/F	Approve with Conditions	47 Wallscourt Road Filton South Gloucestershire BS34 7NR	Filton	Filton Town Council
13	PT17/0731/F	Approve with Conditions	15 Tyrrel Way Stoke Gifford South Gloucestershire BS32 8BP	Stoke Gifford	Stoke Gifford Parish Council
14	PT17/0972/CLP	Refusal	147 Meadow Way Bradley Stoke South Gloucestershire	Bradley Stoke South	Bradley Stoke Town Council
15	PT17/1083/CLP	Refusal	Reynolds Engineering Winterbourne Ltd Hicks Common Road Winterbourne South Gloucestershire BS36 1EJ	Winterbourne	Winterbourne Parish Council

Dates and Deadlines for Circulated Schedule
During Easter Bank Holiday 2017

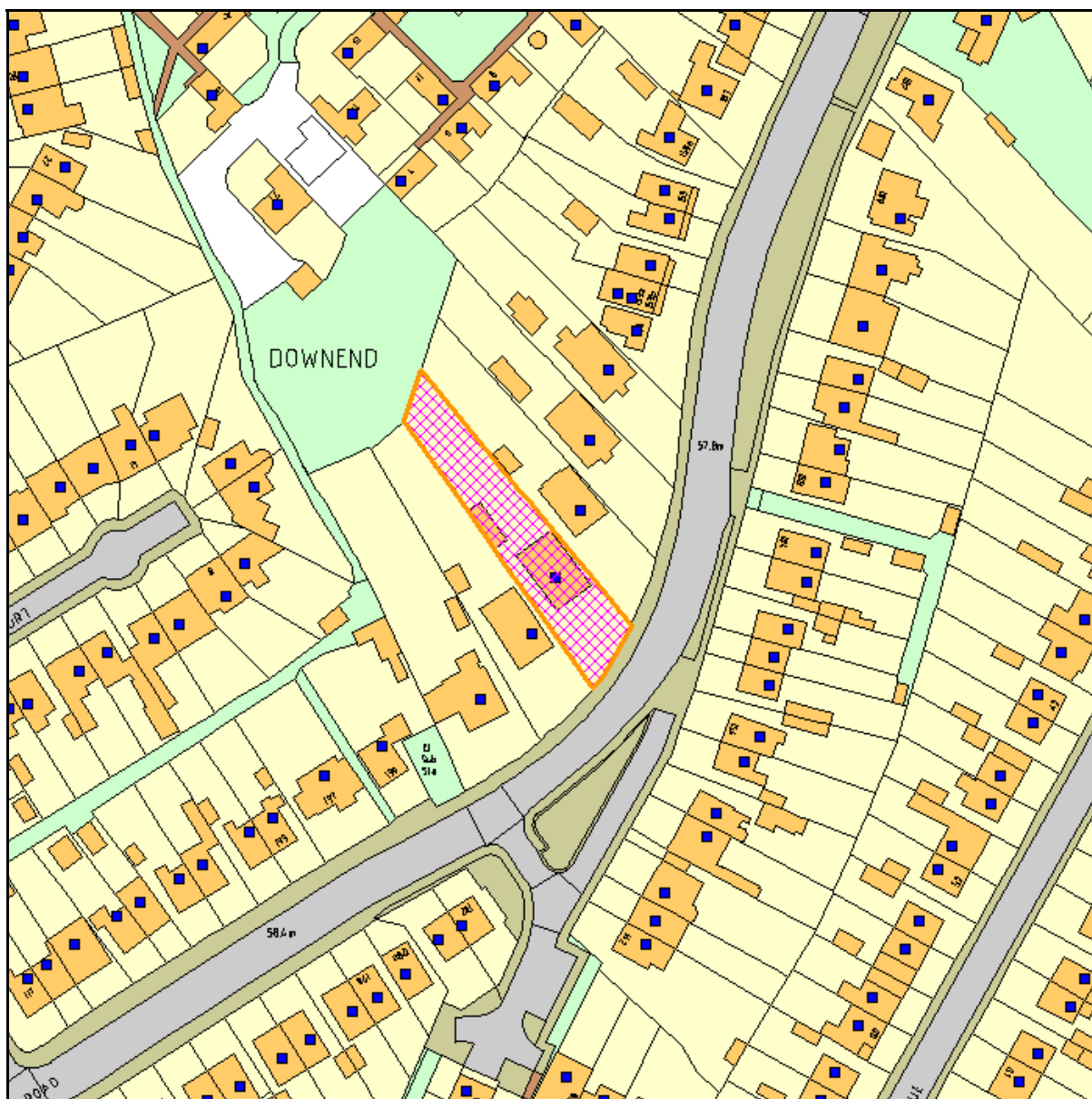
Schedule Number	Date to Members 9am on	Members Deadline
14/17	9.00 am Thursday 06 April	5.00pm Wednesday 12 April
15/17	09.00am Wednesday 12 April	5.00 pm Thursday 20 April

Please see changed deadlines in **RED**.

All other dates remain as usual until next Bank Holidays in May.

CIRCULATED SCHEDULE NO. 15/17 – 12 APRIL 2017

App No.:	PK17/0005/F	Applicant:	Mr R Burness
Site:	145 Badminton Road Downend Bristol South Gloucestershire BS16 6NF	Date Reg:	6th January 2017
Proposal:	Erection of a two storey and single storey rear extension and raising of roofline with flue to provide additional living accommodation. (Re-submission of PK16/3652/F)	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365310 177403	Ward:	Downend
Application Category:	Householder	Target Date:	3rd March 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure following an objection from a neighbour which is contrary to the officer recommendation detailed within this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a two-storey rear extension and the raising of the roof line to provide additional living accommodation at 145 Badminton Road, Downend. A flue is also proposed.
- 1.2 Permission is sought to provide two additional bedrooms, a dining room, a larger kitchen and lounge area and new bathrooms and en-suites at first floor level.
- 1.3 The application site is situated within the North Bristol urban fringe, in an established residential area.
- 1.4 The application is a resubmission of PK16/3652/F, for a similar but larger extension, which was refused for the following reasons:
 - 1- *The proposed extension and increase in ridge height, by reason of its size, scale, form, design and external appearance, would be out of keeping with the existing dwellinghouse and other nearby properties and, if allowed, would detract from the visual amenities of the locality. The proposal is therefore considered contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.*
 - 2- *The proposed development by reason of its position, mass and height would have an overbearing and overshadowing effect on the occupiers of the adjoining properties which would be to the detriment of residential amenity and would also be contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the core planning principles identified in paragraph 17 of the National Planning Policy Framework.*
- 1.5 Amended plans and additional information have been submitted to reduce the size of and show obscure glazing in the south-west first floor window, to clarify the design of the flat roof elements and to show a new boundary wall on the south-west boundary. The wall is permitted development and so will not be assessed within this report. A period of re-consultation was not deemed necessary as there had been no material change in the development proposed.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation

H4 Development within Existing Residential Curtilages

South Gloucestershire Policies Sites and Places Development Plan Document (Submission Draft) June 2016

PSP1 Location Distinctiveness

PSP8 Residential Amenity

PSP16 Parking Standards

PSP38 Extensions within Residential Curtilages

PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

(a) South Gloucestershire Design Checklist (Adopted) August 2007

(b) Residential Parking Standard (Adopted) December 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK16/3652/F Refused 07/09/2016
Erection of a two storey and single storey rear extension and raising of roofline with flue to provide additional living accommodation.
- 3.2 K7163 Approve 06/06/1992
Single storey rear extension

4. **CONSULTATION RESPONSES**

4.1 Downend and Bromley Heath Parish Council
No objection.

4.2 Other Consultees

Sustainable Transport
No objection.

Other Representations

4.3 Local Residents

One letter of objection has been received from a local resident. The points raised are summarised below:

- Proposal includes a rear window which will overlook no. 143
- The hedge and fencing in between do not provide a barrier
- Fencing has not been maintained so may not be maintained going forward
- Increase in ridge height will be overbearing and overshadow
- Will look distasteful

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Design

The application site relates to a detached property with a gable roofline running parallel to the road, a pitched roof canopy over the porch and a single storey rear extension with a gable roofline. Whilst there are three bedrooms currently at first floor level, two of them only benefit from a roof light and from the public realm, the property appears to be of single storey. It is one of seven bungalows in a row on this side of Badminton Road, each staggered further back into the plot than the last as you head from south to north. The adjacent properties have slightly different architectural details; many have dormer windows to facilitate first floor accommodation, and they are all finished in a mix of render and brick detailing. Facing the site is a terrace of 3no. two storey properties with a steeply pitched feature gable on the principal elevation, whilst the rest of this stretch of Badminton Road consists of post war, semi-detached housing with hipped bay windows.

5.3 The proposal consists of the raising of the roof height to form a dormer bungalow with pitched roof dormer windows on the front elevation, and to also raise the ridge height of the rear gable, which is orientated at a perpendicular angle to the highway. A flue is also proposed on the rear gable and two flat roof structures are to extend beyond the rear elevation. Officers initially raised concerns regarding the box-like appearance of these flat roof elements, however the applicant submitted an additional 'Design Justification' document on 3rd March 2017, showing how these contemporary elements would look in practice. Furthermore, given their location to the rear of the extension, it is unlikely they will be visible from the public realm and so will not have a negative impact on the visual amenity of the area. The previous design refusal reason is considered to be overcome as the property appears to be a dormer bungalow when viewed from Badminton Road, and the massing and bulk of the extension has been reduced significantly. Overall, officers consider that the development is in accordance with policy CS1 of the Core Strategy (Adopted) December 2013.

5.4 Residential Amenity

The application site and the adjacent bungalows all have principal windows on the side elevations, however due to the staggered nature of the building line and the predominantly single storey height of the dwellings, this does not cause any significant overlooking or overbearing.

5.5 It is unlikely that the proposal will result in increased overlooking, as many of the principal windows will be in the same position as existing principal windows, and those which are not are either high level, or could reasonably be conditioned to be obscure glazed due to the nature of the room to which they relate (a bathroom, hallway etc). A principal bedroom window on the south-west elevation is shown to be obscure glazed up to 1.7 metres above ground level on the revised plans, and this will be conditioned on the decision notice. Whilst ordinarily this would not be acceptable for a principal window, the bedroom it relates to is small and is likely to be used as a secondary bedroom. All other windows proposed are at single storey level and can adequately be screened by boundary treatments and the existing garage. A neighbour has stated that rear windows on the extension will overlook number 143, however these windows will only provide indirect views common in high density residential areas. The depth the extension protrudes into the garden has been significantly reduced as part of this resubmission and so the overbearing and overshadowing issues raised previously are considered to be overcome. An adequate amount of private amenity space will remain following development, and so the application is considered to comply with policy CS1 of the Core Strategy and policy H4 of the Local Plan.

5.6 Transport

The dwelling will be increasing from a capacity of five bedrooms to a capacity of six bedrooms with the potential for seven if future occupiers utilise the study as a bedroom. Three parking spaces are required for both the existing and proposed dwelling, and it is considered that these can be provided on the existing driveway. There is no transportation objection to the development.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

- 7.1 That planning permission is **APPROVED** subject to the conditions on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

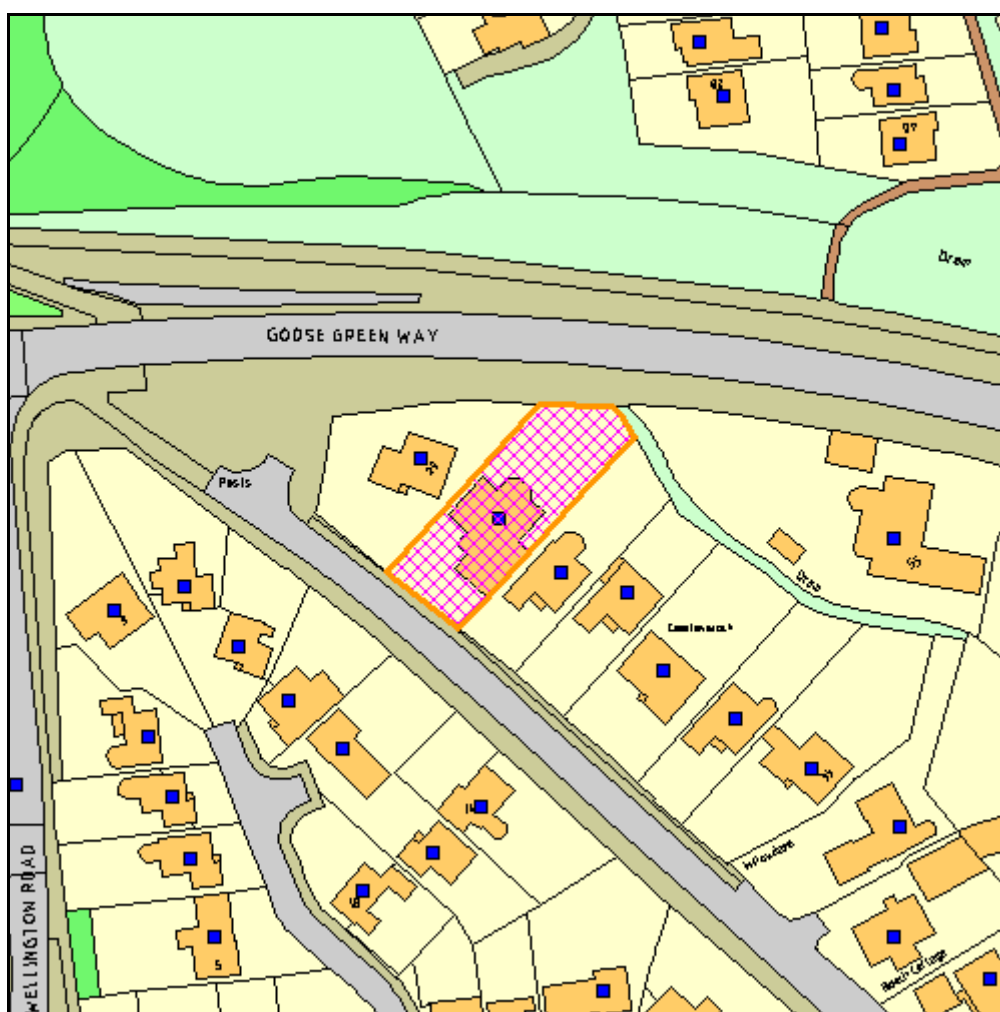
2. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window serving 'Bedroom 4' on the south-west elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy H4 of the Local Plan (adopted) January 2006 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 15/17 – 12 APRIL 2017

App No.:	PK17/0809/CLP	Applicant:	The Aurora Group
Site:	25 Goose Green Yate Bristol South Gloucestershire BS37 5BL	Date Reg:	1st March 2017
Proposal:	Certificate of Lawfulness Proposed to use existing dwelling house as a residential care home for six adults	Parish:	Yate Town Council
Map Ref:	371248 183683	Ward:	Yate North
Application Category:		Target Date:	21st April 2017



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PK17/0809/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the use of the existing dwellinghouse as a residential care home for six adults would be lawful.
- 1.2 The application relates to 25 Goose Green, Yate, which is a detached property within the settlement boundary.
- 1.3 No operational development is proposed to facilitate the use proposed.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (Development Management Procedure) Order 2015
Town and Country Planning (General Permitted Development) Order 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/3190/F Approve with conditions 11/12/2007
Erection of two storey side and single storey front extension to form additional living accommodation with integral garage. Erection of rear conservatory.

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Objection. Small plot in a quiet residential street will make dramatic difference to traffic movements. No room for on street parking.
- 4.2 Other Consultees

Sustainable Transport
Application is a test of facts and legal issues. No comments to make.

Environmental Protection
No comment.

Other Representations

4.3 **Local Residents**

Four letters of objection have been received making the following points in summary:

- Children use the road as a walkway as cars often block the pavement
- Where will residents, staff, visitors, ambulances and deliveries park?
- Will the staff have sole use of the annex, comprising a separate bedroom, shower room, kitchen, dining room and conservatory.
- There are multiple kitchens, bathrooms, dining rooms etc as seen on floor plan from previous application – this does not indicate a single family unit
- Wellbeing and safety of neighbours will be negatively affected living next to a household of six adults, who are home for most of the day
- De-value houses in area
- Commercial property will damage appeal of area and affect integrity of community

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location Plan, Covering Letter and Supporting Statement, all received 23rd February 2017.

6. EVALUATION

- 6.1 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 decision is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application. If the evidence submitted demonstrates that the proposed development is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming this.

- 6.2 The dwelling subject to the proposed use is an existing C3 use. Reference is made to the Town and Country Planning (Use Classes) Order 1987 (as amended) which describes a C3 use as the following:

Use as a dwellinghouse (whether or not a main residence) by:

- a) a single person or by people to be regarded as forming a single household*
- b) not more than six residents living together as a single household where care is provided for residents; or*
- c) not more than six residents living together as a single household where no care is provided to residents*

- 6.3 It is proposed to use the property as a small residential care home for six adult residents. The residents of the property will have learning difficulties and will be adults living as a single household and receiving care. Two members of staff will be employed on a rota basis, however the staff will live off site and will not form part of the household.

- 6.4 The applicant has submitted an example of a similar case in the London Borough of Croydon in 2014 (APP/L5240/X/14/2216851), where it was proposed to occupy an existing dwellinghouse with 5 no. residents with learning difficulties, who would receive care from members of staff which would live off-site. The Inspector noted the following:

“If the carers are resident, the question is whether they, together with the other residents, constitute a single household. But if they are not resident, there remains a perfectly sensible question whether those who are resident, that is to say those who are in receipt of care, themselves constitute a single household. That is a question essentially to be answered on the facts.

“As a matter of fact and degree, the proposed use, will in my view result in five residents living together as a single household with care being provided for them. It will therefore be within Class C3(b), and not Class C2, and an application for planning permission is not required. Should the actual use turn out to be materially different to that described, the position could be re-assessed and a different conclusion might be reached.”

- 6.5 An objection letter received in response to the consultation period has highlighted differences between the above case in Croydon, and the case under consideration here. 25 Goose Green gained planning permission in 2007 for the erection of a two-storey extension (PK07/3190/F), and the floor plans at the time show this additional accommodation takes the form of an annex, as it has an additional dining room, additional lounge and additional kitchen as well as two extra bedrooms and a bathroom. This differs from the Croydon case above where all residents would share one kitchen and one bathroom and dine together, and the objection letter considers that the provision of multiple reception rooms indicates that the occupiers do not represent a ‘single household’. This point is noted, however when the extension was approved in 2007, at the time it was not considered that the household was subdivided due to the additional facilities. The second kitchen, dining room and living room at the house would allow for the six residents to live more comfortably alongside each other, but would not prevent them from existing as a single household.
- 6.6 A number of letters raising concerns regarding parking and disturbance from six adults and two carers using the site have been received, however this application is simply seeking a formal decision as to whether the proposed use is lawful, and so an assessment regarding the impact on noise and vehicular movements cannot be taken into consideration.
- 6.7 Overall, officers consider that, on the balance of probability, the proposed use of the dwelling would not represent a material change of use because it falls under use class C3(b) of the Town and Country Planning (Use Classes) Order 1987. The proposal does not constitute development and is therefore lawful.

7. RECOMMENDATION

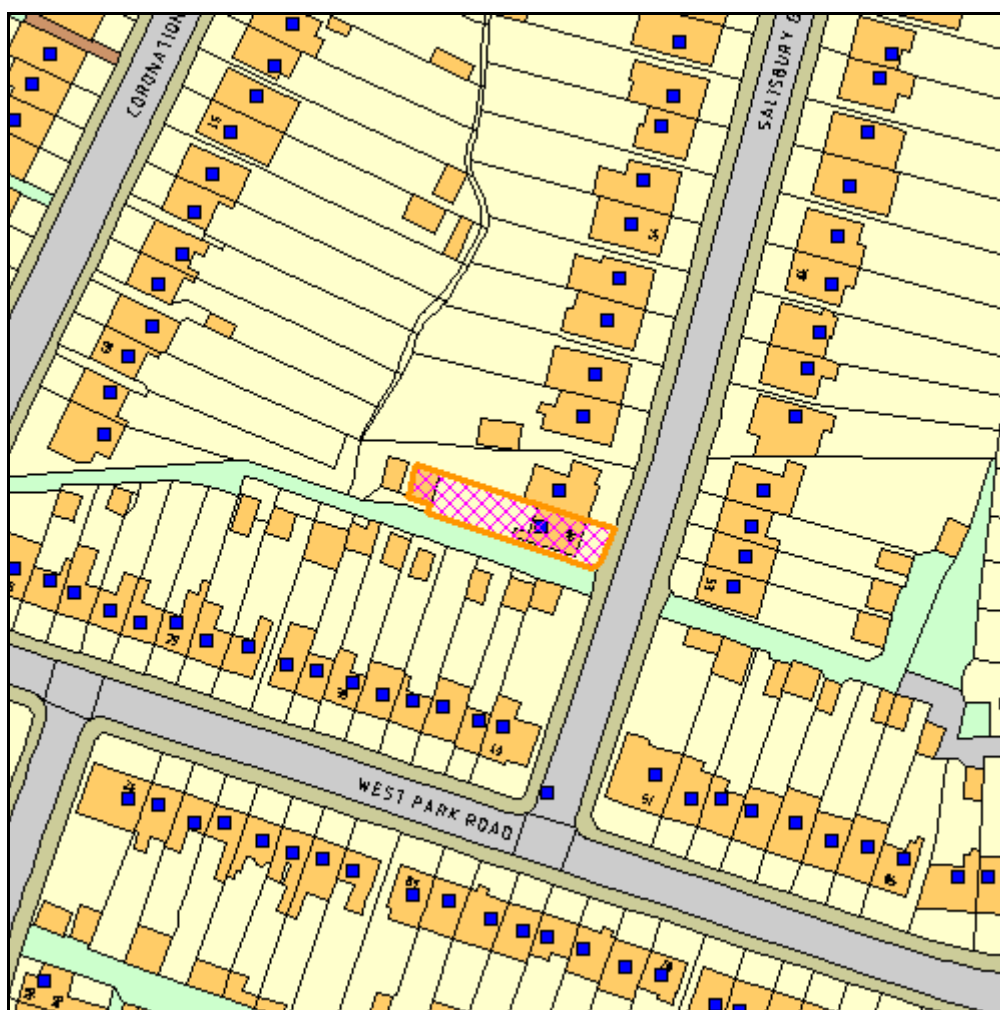
- 7.2 That a Certificate of Lawful Development is **GRANTED**.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

It is considered that, on the balance of probability, the proposed use of the dwelling would not represent a material change of use because it falls under use class C3(b) of the Town and Country Planning (Use Classes) Order 1987. The proposal does not constitute development and is therefore lawful.

CIRCULATED SCHEDULE NO. 15/17 – 12 APRIL 2017

App No.:	PK17/0848/CLP	Applicant:	Mr And Mrs Rylands
Site:	66 Salisbury Gardens Downend Bristol South Gloucestershire BS16 5RE	Date Reg:	8th March 2017
Proposal:	Application for a certificate of lawfulness for the proposed installation of a rear and side dormer to facilitate loft conversion.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365176 176293	Ward:	Downend
Application Category:		Target Date:	28th April 2017



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PK17/0848/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The applicant is seeking a formal decision as to whether the following proposed development would be lawful at No. 66 Salisbury Gardens, Downend:

- Erection of 1no. side and rear dormer

1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

The Town and Country Planning Act 1990

The Town and Country Planning (Development Management Procedure) (England) Order 2015

Town and Country Planning (General Permitted Development) (England) Order (GDPO) 2015, Schedule 2, Part 1, Class B.

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

3. RELEVANT PLANNING HISTORY

3.1 No relevant planning history

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council
No objection.

Other Representations

4.2 Local Residents

No comments received.

5. **SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

5.1 Existing & Proposed Elevations Rev A received 5 April 2017

Existing Block & Location Plans, Existing First & Attic Floor Plan, Existing Ground Floor Plan, Proposed Block & Location Plans, Proposed Ground Floor Plan, received 27 Feb 2017.

6. **ANALYSIS OF PROPOSAL**

6.1 Principle of Development

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

6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B of the GPDO (2015). There is no reason to believe that PD rights have been removed for this property.

6.3 The proposed side and rear dormer will be considered under Class B.

B. Additions etc to the roof of a dwellinghouse (proposed rear and side dormer).

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

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

The use of the building as a dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule.

(b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

The proposed works do not exceed the maximum height of the existing roof.

(c) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

The proposed dormer would not extend beyond the plane of the existing roof slope which forms the principal elevation and fronts a highway.

(d) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-

(i) 40 cubic metres in the case of a terrace house, or

(ii) 50 cubic metres in any other case;

The house is semi-detached and the cubic content of the resulting roof space would not exceed 50 cubic metres.

(e) It would consist of or include-

(i) The construction or provision of a veranda, balcony or raised platform, or

The proposed works would involve the addition of a Juliet balcony. This does not allow external access and is considered permitted development.

(ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe;

The proposal does not include the includes the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

(f) The dwellinghouse is on article 2(3) land.

The dwellinghouse is not on article 2(3) land.

Conditions

B.2 Development is permitted by Class B subject to the following conditions

(a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

The plans do not demonstrate which materials will be used to construct the extension. Therefore, a condition will be attached to ensure that it would match the existing dwellinghouse.

(b) The enlargement must be constructed so that –

i. Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension-

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measures along the roof slope from outside the edge of the eaves; and

The proposed enlargement would not alter the eaves of the original roof and the edge of the enlargement closest to the eaves is 0.2m from the edge of the eaves, measures along the slope of the roof.

ii. Other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

The proposal does not extend beyond the outside face of any external wall of the original dwellinghouse.

(c) Any window inserted on a wall or roof slope forming the side elevation of a dwellinghouse shall 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.

The windows proposed on the side elevation are obscure glazed and non-opening.

7. RECOMMENDATION

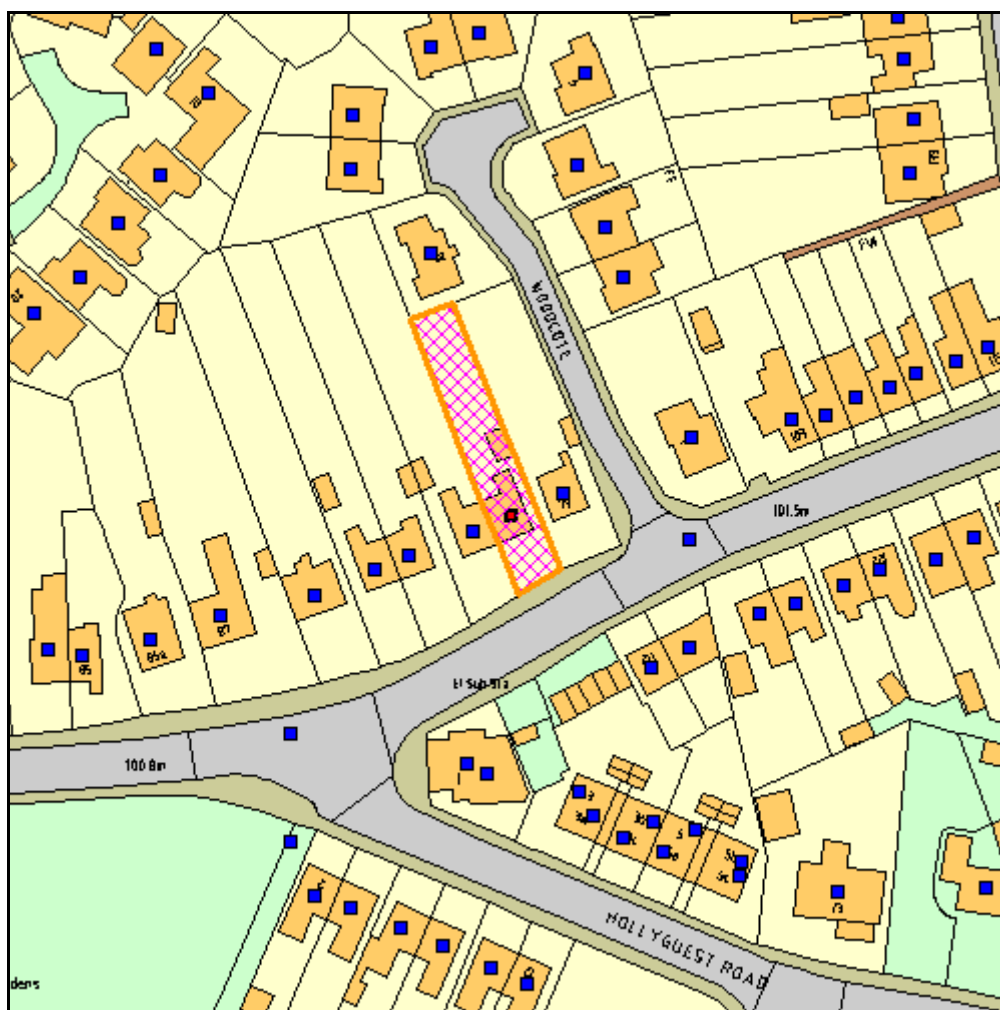
7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Contact Officer: Owen Hoare
Tel. No. 01454 864245

Evidence has been provided to demonstrate that on the balance of probability the proposed extensions would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

CIRCULATED SCHEDULE NO. 15/17 – 12 APRIL 2017

App No.:	PK17/0878/CLP	Applicant:	Mr And Mrs Morris
Site:	77 Mount Hill Road Hanham Bristol South Gloucestershire BS15 8QR	Date Reg:	7th March 2017
Proposal:	Application for Certificate of Lawfulness for the proposed erection of a single storey rear extension and side porch.	Parish:	Hanham Parish Council
Map Ref:	364887 172634	Ward:	Hanham
Application Category:		Target Date:	27th April 2017



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 100023410, 2008. **N.T.S.** **PK17/0878/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension and side porch at 77 Mount Hill Road, Hanham would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No objection

Other Representations

- 4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Existing Plans 77BS158QR
Proposed Plans 77BS158QR
EMAIL RE MATERIALS Received 05 Apr 2017.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (2015). There is no reason to believe that PD rights have been restricted for this property.

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

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

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

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

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

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

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

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

The height of the side porch would not exceed the height of the roof of the existing dwellinghouse.

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

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

The height of the side porch would not exceed the eaves of the roof 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 rear extension does not extend beyond a wall which fronts a highway or the principal elevation of the original dwellinghouse.

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

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

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

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

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

Not applicable.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
- (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;

The rear extension would be single storey.

The side porch would be single storey.

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

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

The side porch would be within 2 metres of the boundary, however the eaves would not exceed 3 metres in height.

- (j) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—**

- (i) exceed 4 metres in height,
- (ii) have more than a single storey, or
- (iii) have a width greater than half the width of the original dwellinghouse; or

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

The side porch does extend beyond a side wall of the original dwellinghouse. However, it does not exceed 4 metres in height, does not have more than a single storey, or have a width greater than half of the original dwellinghouse.

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

The proposal does not consist of or include any of the above features.

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

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

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

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

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

The proposed plans do not indicate that the proposal will be finished in a similar style to the existing dwellinghouse. However, it has been confirmed that the materials used would match the existing dwelling.

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

Not applicable.

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

Not applicable.

7. RECOMMENDATION

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

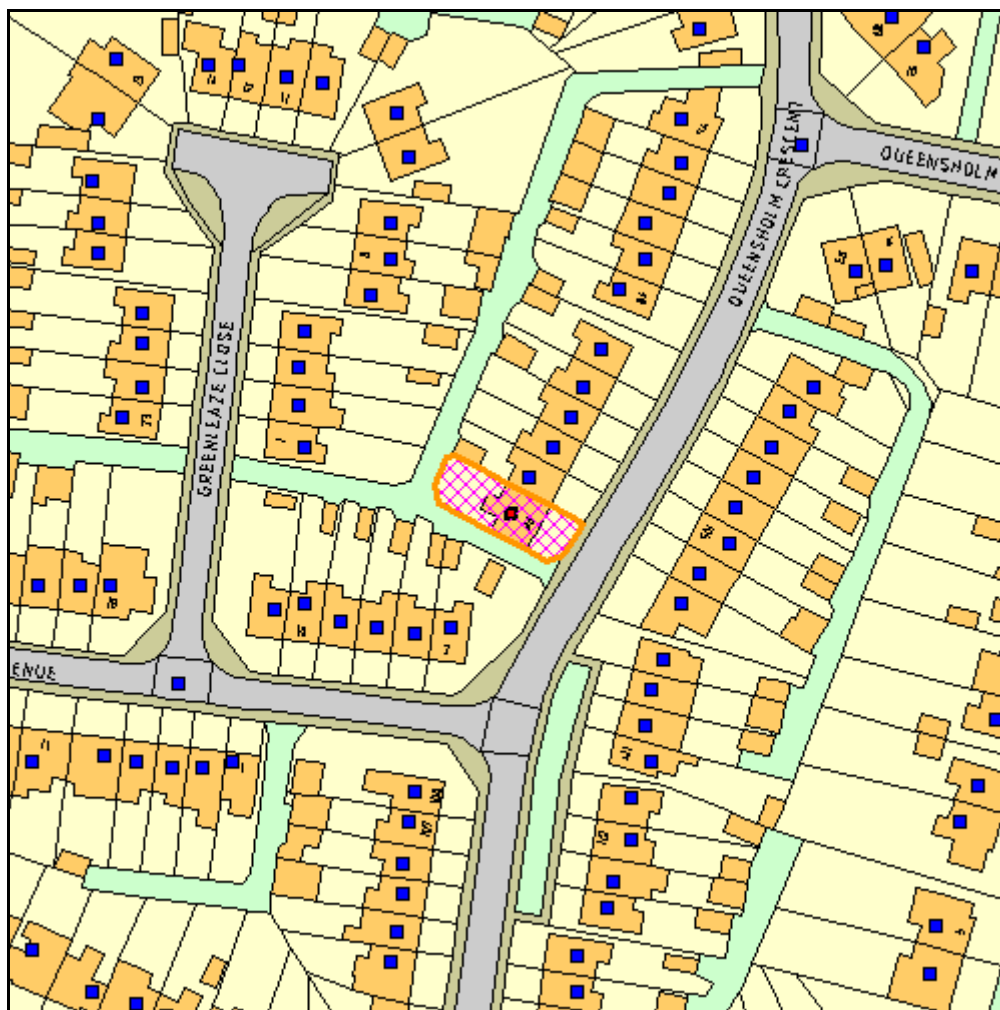
Contact Officer: Owen Hoare
Tel. No. 01454 864245

REASONS

Evidence has been provided to demonstrate that on the balance of probability the proposed extensions would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

CIRCULATED SCHEDULE NO. 15/17 – 12 APRIL 2017

App No.:	PK17/0996/CLP	Applicant:	Mrs Carly Simons
Site:	96 Queensholm Crescent Downend Bristol South Gloucestershire BS16 6LJ	Date Reg:	9th March 2017
Proposal:	Application for a Certificate of Lawfulness for the proposed hip to gable conversion and installation of rear dormer.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365041 178048	Ward:	Downend
Application Category:		Target Date:	1st May 2017



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N.T.S.

PK17/0996/CLP

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015. There is no reason to believe PD rights have been restricted at this property.

6.3 The proposed development consists of a hip to gable conversion and installation of a rear dormer. This development would fall within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows dormer additions and roof alterations subject to the following:

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

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

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

- (b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The proposed dormer window and roof alteration would not exceed the highest part of the roof, and therefore meets this criterion.

- (c) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms a principle elevation of the dwellinghouse and fronts a highway;**

The proposal also involves the installation of two roof lights to the front elevation of the dwelling. However these roof lights would not extend beyond the plane of the existing roof slope which forms a principal elevation of the dwellinghouse and fronts the highway. As such the proposal meets this criterion.

- (d) **The cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by more than –**
- (i) **40 cubic metres in the case of a terrace house, or**
 - (ii) **50 cubic metres in any other case'**

The property is a semi-detached house and the proposal would result in an additional volume of no more than 50 cubic metres (Approximately 49 cubic metres).

- (e) **It would consist of or include –**
- (i) **the construction or provision of a verandah, balcony or raised platform, or**
 - (ii) **the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The proposal does not involve of any of the above features.

- (f) **The dwellinghouse is on article 2(3) land**

The host dwelling is not on article 2(3) land.

B.2 Development is permitted by Class B subject to the following conditions—

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

The submitted plan (Proposed Elevations) does indicates that the materials used in any exterior work will be similar in appearance to those in the construction of the exterior of the existing dwellinghouse.

- (b) **the enlargement must be constructed so that –**
- (i) **other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
 - (aa) **the eaves of the original roof are maintained or reinstated' and**
 - (bb) **the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge or the eaves; and**
 - (ii) **other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The rear dormer would be approximately 0.2 metres from the outside edge of the eaves of the original roof and the proposal does not protrude

beyond the outside face of any external wall of the original dwellinghouse.

- (c) **any window inserted on 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.**

The proposal involves the insertion of a window to the north-facing side elevation of the main dwelling. This window will be obscurely glazed and non-opening.

Roof lights to front elevation

The proposal also involves the installation of two roof lights to the front elevation of the property. These roof lights meet the criteria set out in Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015, and as such constitute permitted development.

7. RECOMMENDATION

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

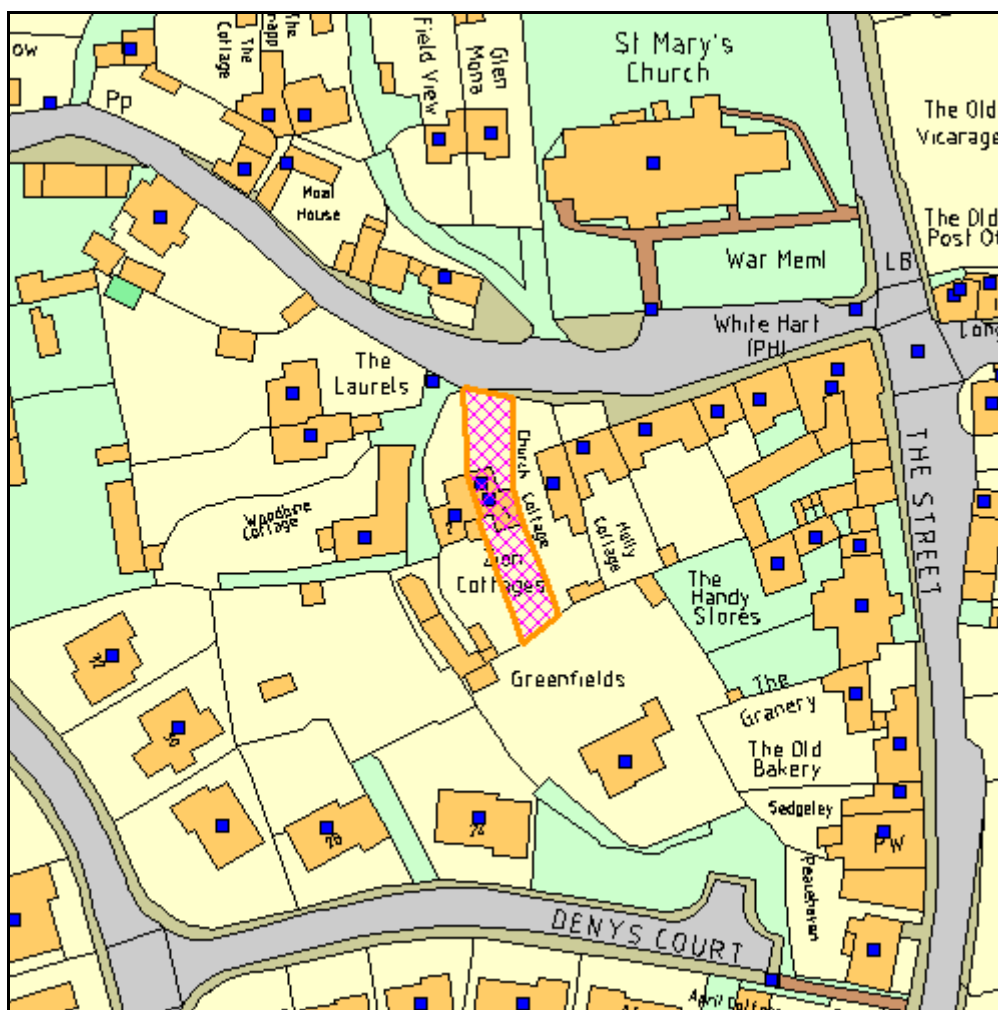
Contact Officer: Owen Hoare
Tel. No. 01454 864245

REASONS

Evidence has been provided to demonstrate that on the balance of probabilities the proposal would fall within the permitted rights afforded to householders under Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015.

CIRCULATED SCHEDULE NO. 15/17 – 12 APRIL 2017

App No.:	PT17/0518/CLE	Applicant:	Mr Nick Thurston
Site:	1 Zion Cottages Church Hill Olveston Bristol South Gloucestershire BS35 4BY	Date Reg:	10th February 2017
Proposal:	Application for a certificate of lawfulness for existing single storey rear extension.	Parish:	Olveston Parish Council
Map Ref:	360046 187232	Ward:	Severn
Application Category:		Target Date:	4th April 2017



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PT17/0518/CLE

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawfulness, and as such, under the Council's current scheme of delegation, is to be determined under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the existing use of a single storey rear extension. The application therefore seeks to demonstrate that the recently erected single storey rear extension is permitted development.
- 1.2 The application site relates to a two storey semi-detached old cottage situated on Church Hill, Olveston.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. Town and Country Planning Act 1990: s171B and s191
 - ii. Town and Country Planning (General Permitted Development)(England) Order 2015
 - iii. National Planning Practice Guidance: 17c (06.03.2014)

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/0678/F Construction of new vehicular access approved.
- 3.2 PT06/2716/F Erection of first floor front extension to form dressing room and single storey front porch. Approved 26.10.2006

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
No objection.

Other Representations

- 4.3 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 In support of the application:
 - Plans and a location plan of the identified single storey rear extension.

6. SUMMARY OF CONTRARY EVIDENCE

- 6.1 The Local Planning Authority has no contrary evidence to submit.

7. EVALUATION

7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such, the applicant needs to prove precise and unambiguous evidence.

7.2 In this instance, it must be proven that the extension was permitted development at the time it was substantially completed as it has not been erected for over four years prior to the date of this application.

7.3 Assessment of Evidence

The property is a dwellinghouse. Permitted development rights for dwellinghouses have not been removed from this old cottage. Your officers believe that the full width of the plot has, since 1947, been developed and as such this rear extension to the old single storey lean-to can be permitted development in principle. The site history indicates that a first floor extension was erected on the side elevation and a two storey front/side extension was also erected. These do not affect the permitted development rights in relation to the proposal as they did not form a new rear elevation or a new side extension onto which the subject extension is attached. Further to this the other conditions of Class A, Part 1, of Schedule II are met in that:

The ground area of the extensions would not cover more than 50 percent of the curtilage. The height of the ridge and eaves are below that of the main roof and the subject extension is to the rear. The proposal is no more than three metres deep, nor more than four metres tall when measured from the natural ground level.

7.4 In this instance, the Local Planning Authority has no evidence that the extension is not permitted development and as such Officers consider that on the balance of probability, the single storey rear extension is lawful with the terms of Class A, Part 1, of Schedule II of the Town and Country Planning (General Permitted Development)(England) Order 2015.

8. CONCLUSION

8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the extension the subject of this application would have been permitted development when it was completed in August 2016.

9. RECOMMENDATION

9.1 The Certificate of Existing Lawful Use be approved.

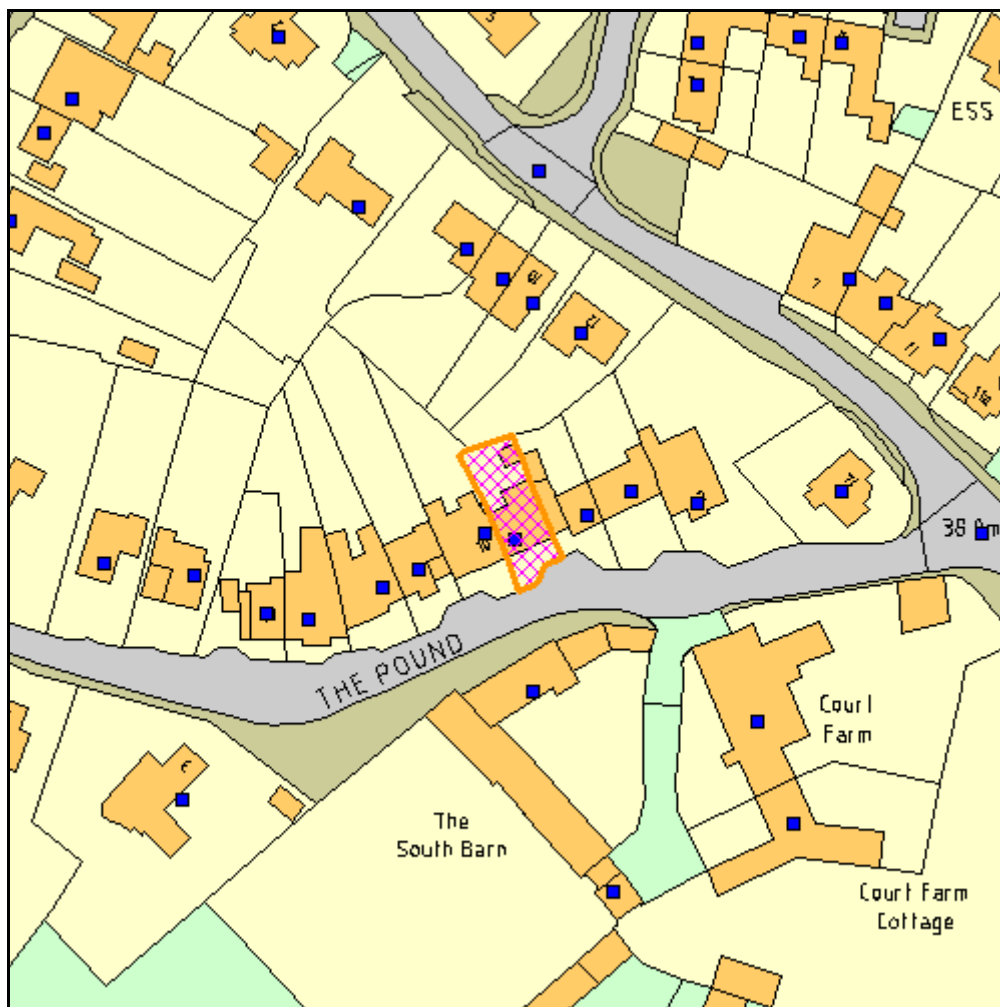
Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

1. On the balance of probabilities, this extension to the dwellinghouse was permitted development when it was substantially complete on 05/08/2016 in accordance with Class A, Part 1, of Schedule II of the Town and Country Planning (General Permitted Development)(England) Order 2015.

CIRCULATED SCHEDULE NO. 15/17 – 12 APRIL 2017

App No.:	PT17/0642/CLP	Applicant:	Mr Nick Evans
Site:	Little Mead 8 The Pound Almondsbury Bristol South Gloucestershire BS32 4EG	Date Reg:	16th February 2017
Proposal:	Application for a Certificate of Lawfulness for the proposed erection of a single storey rear extension.	Parish:	Almondsbury Parish Council
Map Ref:	360199 184151	Ward:	Almondsbury
Application Category:		Target Date:	11th April 2017



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PT17/0642/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at Little Mead, 8 The Pound, Almondsbury would be lawful development. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990 section 192
Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT02/3089/F – Approval – 25/11/2002 – Erection of two storey side extension with front and rear dormer, to form garage and WC with bedroom over. Erection of single storey rear extension to form kitchen. Demolition of detached garage to rear of the property (in accordance with amended plans received on 28 October 2002).

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No Comments Received
- 4.2 Other Consultees
None Received

Other Representations

4.3 Local Residents

One comment was received objecting to the proposal on the basis of a flue being introduced to the side elevation of the extension. There is no indication of this flue on the plans. This application is for a certificate of lawfulness is an evidential test to establish whether the proposed development is lawful according to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 Class A and there is no consideration of planning merit. If the facts presented indicate the proposal accords with the aforementioned Class, the Local Planning Authority must grant a certificate confirming the proposed development is lawful. As there is no indication of the proposed flue in the plans presented, it is not possible to assess whether it would accord with the provisions of Class G or not. The remainder of this report will only assess the plans provided.

5. ANALYSIS OF PROPOSAL

5.1 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 not consideration of planning merit, the application is based on the facts presented. This submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

5.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to the householders.

5.3 The proposed development consists of a single storey extension to the rear of the property. This development would fall within Schedule 2, Part 1 Class A of the GPDO (2015), which allows for the enlargement, improvement or other alterations of dwellinghouse provided it meets the criteria detailed below:

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

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

(b) As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other

than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The total area of the ground covered by the buildings (other than the original dwellinghouse) would be less than 50% of the total area of the properties 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 extension would not exceed the height of the existing dwellinghouse.

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

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

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

The extension does not project beyond a wall which forms the principle elevation nor does it form a side elevation of the original dwellinghouse which fronts a highway.

(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 development does not extend beyond the rear wall of the original dwellinghouse by more than 3 metres nor does it exceed 4 metres in height.

(g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
- (ii) exceed 4 metres in height;**

Not applicable.

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

The extension proposed is a single storey.

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

The extension would be within 2 metres of the boundary, and the height of the eaves is below 3 metres.

- (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;**

The proposal does not extend beyond the side elevation of the dwellinghouse.

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

The proposal does not appear to include any of the above.

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

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

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

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

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

The proposed plans indicate that the proposal will be finished with materials to match the existing extension. The proposed materials would therefore have a similar appearance to the materials in the host dwelling.

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

Not Applicable.

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

Not Applicable.

6. RECOMMENDATION

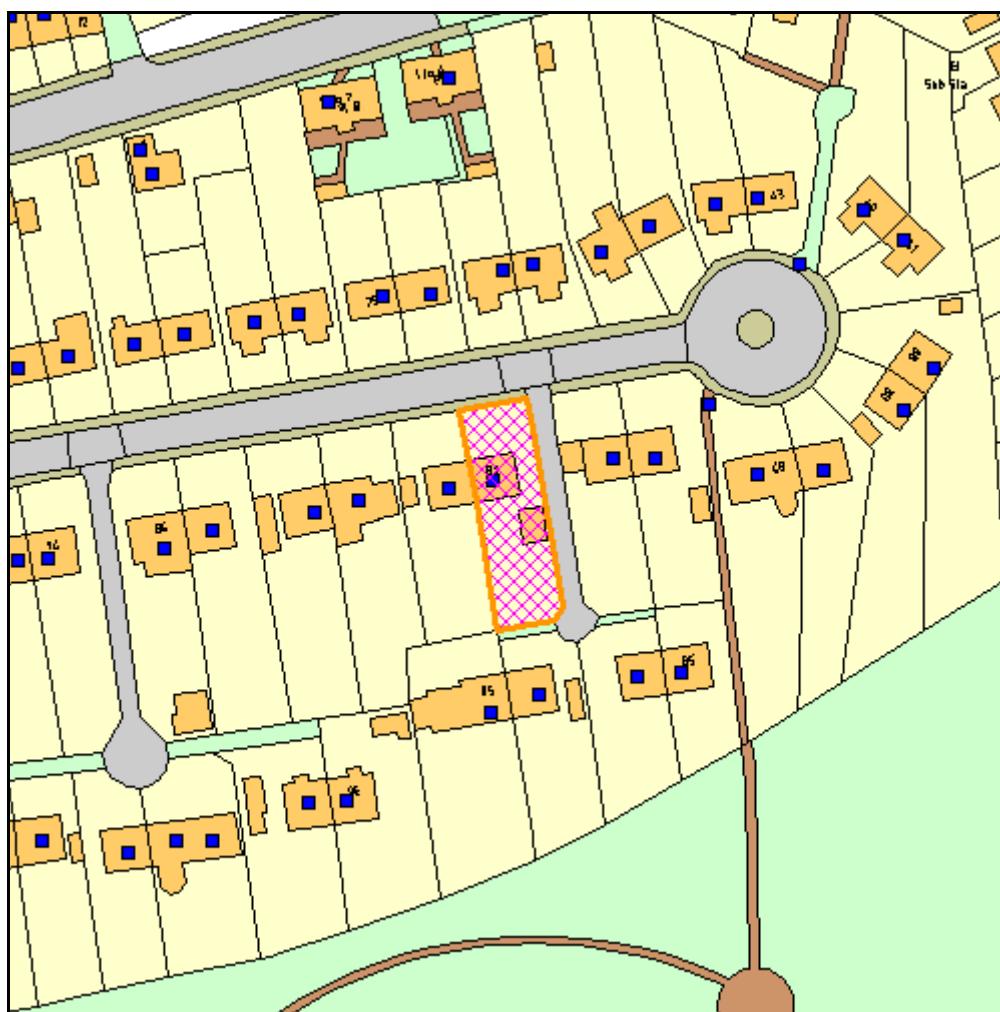
- 6.1 That a certificate of Lawfulness for Proposed Development is granted for the following reason:

Evidence has been provided to demonstrate that the proposed extension would on the balance of probabilities fall within the permitted rights afforded to householders under Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015.

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 15/17 – 12 APRIL 2017

App No.:	PT17/0654/CLP	Applicant:	Mr And Ms Jerome And Chimene Villanova
Site:	48 Gayner Road Filton Bristol South Gloucestershire BS7 0SW	Date Reg:	17th February 2017
Proposal:	Application for a Certificate of Lawfulness for the installation of rear dormer to facilitate loft conversion	Parish:	Filton Town Council
Map Ref:	360188 178493	Ward:	Filton
Application Category:		Target Date:	12th April 2017



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PT17/0654/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a rear dormer, front rooflights and a hip to gable conversion at 48 Gayner Road, Thornbury would be lawful development. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192
Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

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

3. RELEVANT PLANNING HISTORY

No Relevant Planning History

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No Objection

- 4.2 Other Consultees
None Received

Other Representations

- 4.3 Local Residents
No Comments Received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to the householders under Schedule 2, Part 1 Classes B and C of the GPDO (2015).

5.3 The proposed development consists of the introduction of a rear dormer and 3no. front rooflights and a hip to gable conversion to facilitate a loft conversion. This development would be within Schedule 2, Part 1 Classes B and C of the GPDO (2015), which allows additions etc to the roof of a dwellinghouse provided it meets the criteria detailed below:

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

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

(b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

The proposal would not exceed the height of the highest part of the existing roof.

(c) Any part of the dwellinghouse as a result of the works, extend beyond the plane of any existing roof slope which forms a principle elevation of the dwellinghouse and fronts a highway;

The proposal will be situated to the rear elevation and does not front a highway.

- (d) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than –**
 - (i) 40 cubic metres in the case of a terrace house, or**
 - (ii) 50 cubic metres in any other case**

The house is semi-detached and the proposal would be in the region of 49.5 m³.

- (e) It would consist of or include —**
 - (i) the construction or provision of a verandah, balcony or raised platform, or**
 - (ii) the installation, alteration or replacement of a chimney, flu or soil and vent pipe;**

The proposal includes a 'Juliet Balcony' this, as defined by the 'Permitted Development for Householders Technical Guidance', would not constitute a balcony.

- (f) The dwellinghouse is on article 2(3) land.**

The host dwelling is not on article 2(3) land.

B.2 Development is permitted by Class B subject to the following conditions—

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

The materials used will be of a similar appearance.

- (b) the enlargement must be constructed so that –**
 - (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
 - (aa) the eaves of the original roof are maintained or reinstated; and**
 - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measure along the roof slope from the outside edge of the eaves; and**
 - (ii) other than in the case of an enlargement which joins the original roof to the roof of a side or rear extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The proposal would be greater than 0.2 metres from the outside edge of the eaves of the original roof and does not protrude beyond the outside face of any external wall of the original dwellinghouse.

- (c) any window inserted on 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 to be installed.**

Not applicable.

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

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

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

- (c) The alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measure from the perpendicular with the external surface of the original roof;**

The alteration would not protrude more than 0.15 metre beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof.

- (e) It would result in the highest part of the alteration being higher than the highest part of the original roof; or**

The proposal would not result in the highest part of the alteration being higher than the highest part of the original roof.

- (f) It would consist of or include;**
 - (i) The installation, alteration or replacement of a chimney, flue, or soil and vent pipe; or**
 - (ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

The proposal would not include the installation, alteration or replacement of a chimney, flue, or soil and vent pipe. The proposal would not include the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be –

(a) Obscure-glazed; and

The proposal does not include introduction of windows in the side elevation of the dwellinghouse.

(b) 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 —

Not Applicable.

6. RECOMMENDATION

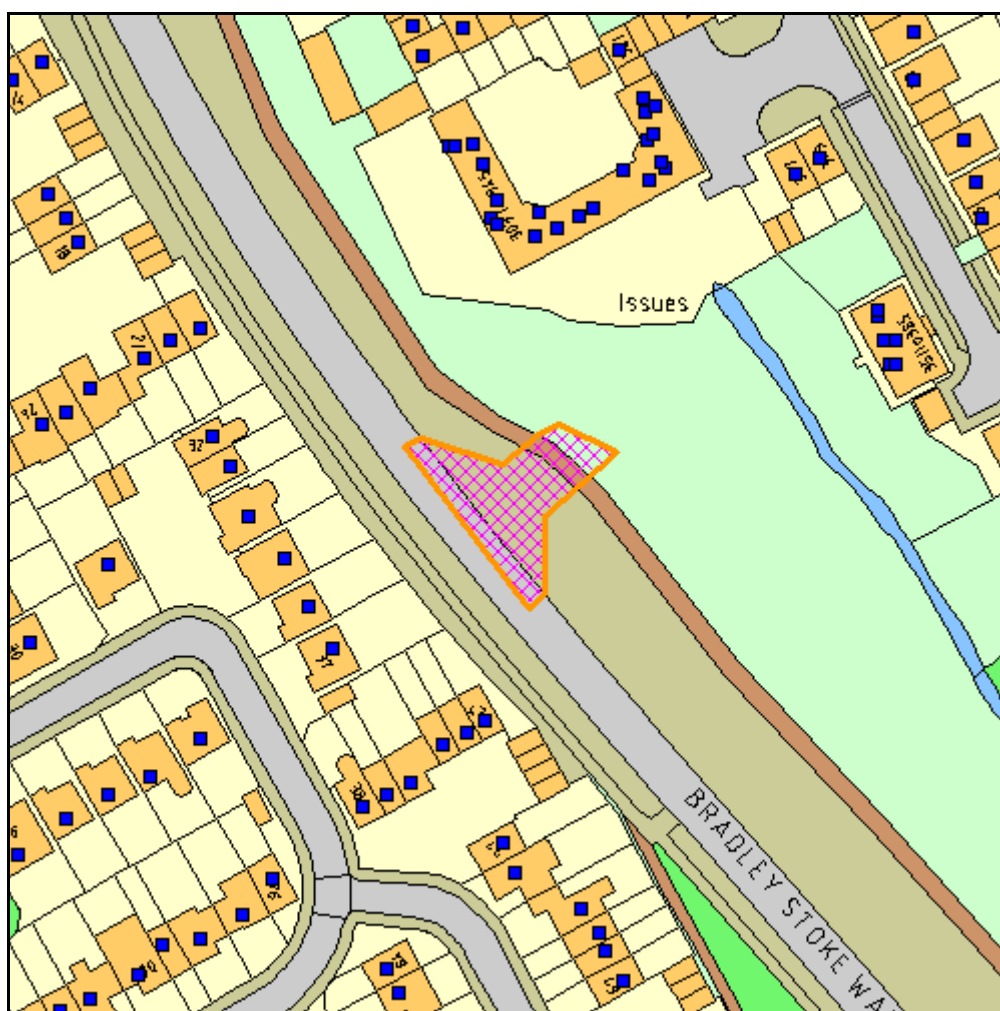
6.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that the proposed extension would be allowed as it is considered to fall within the permitted rights afforded to householders under Schedule 2; Part 1, Classes B and C of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 15/17 – 12 APRIL 2017

App No.:	PT17/0655/F	Applicant:	Wessex WaterWessex Water
Site:	Land At Bradley Stoke Way Bristol South Gloucestershire BS32 8DL	Date Reg:	24th February 2017
Proposal:	Construction of an access for a temporary period of 20 weeks from May 2017 to allow access to the working area during construction of a new sewer.	Parish:	Bradley Stoke Town Council
Map Ref:	362255 181523	Ward:	Bradley Stoke South
Application Category:	Minor	Target Date:	19th April 2017



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PT17/0655/F

REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application has been referred to circulated schedule as no objection was received from a local resident contrary to Officer Recommendation. The application should be read in conjunction with Full Planning Applications ref. PT17/0656/F and PT17/0657/F. It is felt necessary and for the sake of completeness, to include all three applications on the circulated schedule as the proposals are linked

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the construction of a temporary access track at land off Bradley Stoke Way in Bradley Stoke. The development would enable access to the working area for the construction of a new sewer between Bradley Stoke and Frampton Cotterell. The temporary period would be approximately 20 weeks (until end of November 2017).
- 1.2 The site comprises an area of roadside verge and a strip of rough grassland and tall ruderal herbs as well as a footpath, all which are adjacent to Bradley Stoke Way. The application site is located in an established residential area in part of the North Fringe of Bristol Urban Area.
- 1.3 Wessex water is a sewerage undertaker and largely, works carried out by such bodies would constitute permitted development. In this case, the works would not take place on their operational land and as such does not meet criteria as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 13, Class B. The development therefore requires planning permission.
- 1.4 This application has been submitted alongside two other planning applications which are also pending determination and are in relation to the construction of the new sewer between Bradley Stoke and Frampton Cotterell (refs. PT17/0656/F and PT17/0657/F).

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

2.2 Adopted Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies

L9 Species protection
T12 Transportation Development Control Policy for New
Development

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Environmental Resources and Built Heritage

2.3 Emerging Development Plan

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP19 Wider Biodiversity

PSP20 Flood Risk, Surface Water and Watercourse Management

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/026/SCR EIA Not Required 08.08.2016
EIA - Wessex Water to install a new 4.7km sewer from Bradley Stoke to Frampton Cotterell.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection

- 4.2 Sustainable Transport
We note that this proposed access has been discussed with the Councils Streetcare team and who have confirmed the on-site discussions relating to the proposed access and visibility. Additional information has been provided through an Access and Traffic Movement update to give an understanding of proposed routing and a typical profile of numbers and types of goods vehicles each day. We have no objection in principle to the proposed access and works, and recommend conditions.

- 4.3 Highway Structures
No objection. Suggested informative

- 4.4 Lead Local Flood Authority
No objection subject to informatives.

- 4.5 Street Care
No comments received

- 4.6 Archaeology Officer
No objection

- 4.7 Ecology Officer
No objection. Suggested condition and informative.

Other Representations

4.8 Local Residents

An objection were received from 1no. local resident. Comments as follows:

- No mention of vehicle movements
- In the interests of road safety, I would strongly recommend that vehicular access from Bradley Stoke Way be restricted to "left turn in" and "left turn out". Traffic coming south along Bradley Stoke Way is accelerating downhill and the road is curved, which is a concern if northbound lorries are allowed to make a "right turn in" manoeuvre. Furthermore, this is a busy road, particularly at peak hours, and lorries queuing on the northbound side of the road waiting for a break in traffic on the southbound side will result in traffic tailbacks.
- warning signs would not be effective
- condition should specify vehicle movements at certain times
- number of students from nearby secondary school use this route
- safety for pedestrians and cyclists needs to be explicitly detailed by the applicant

4.8 A neutral comment was received from 1no local resident. Comments as follows:

- I know the work needs to be done
- Concerns regarding local wildlife including nesting birds.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The design and siting of the proposed temporary access will be covered by Policy CS1 and location of the development in CS5. Impact on highway safety under saved policy T12 and CS8. It is noted that some verge and brambles will be removed as part of the development and as such the loss of biodiversity will be assessed under saved policy L9 and well as CS9.

5.2 Design and Visual Amenity

The proposal is for the construction of a temporary access off Bradley Stoke Way in Bradley Stoke to enable construction access for works on a new sewer. Plans show that the access would be tarmacked and would have a maximum length of 17 metres as measured from the existing highway. It is proposed that hawthorn and bramble are to be removed as part of the development as well as the loss of part of the grass verge.

5.3 The submitted Environmental Supporting Statement (Dated: 14/02/2017) states that on completion of the construction works, the access track and junction will be removed and highway verge returned to its current state.

5.4 Given the above, whilst it is noted that the proposed temporary access track would have an impact on the visual amenity of the area, the works are not considered such that they would warrant refusal. Especially given the temporary nature of the proposal, its location in an existing built up area and that its purpose is to facilitate works for public benefit. Having said this, a condition will be recommended to ensure that the site will be returned to its current state, and with this in mind the proposal is considered acceptable in this instance.

5.5 Residential Amenity

The development would be located near to an established built up area with a number of residential properties nearby. The nearest properties are approximately 25 metres away, it is acknowledged that the proposal would generate some disturbance to these occupiers, beyond that at present, and as such Officers consider it appropriate to condition the hours of working at the site. With this in mind, it is not considered that the proposal would result in unacceptable impacts to the residential amenity of nearby occupiers. Given the assessment above, it is considered the proposed development would not be detrimental to residential amenity and is deemed to comply with saved Policy H4 of the Local Plan (2006).

5.6 Ecology

Comments from local residents in relation to wildlife including nesting birds at the site are understood. Ecology colleagues have assessed information as submitted in the Environmental Supporting Statement (Dated: 14/02/2017). It is considered that the habitat is not suitable for protected species, although it is acknowledged that nesting birds may be present within the scrub. However, given the habitat is temporary (until November 2018) and will be replaced upon completion of the works, there are no ecological objections subject to a suggested condition. A condition is recommended to ensure that all habitat lost is replaced in accordance with that which is set out in the Environmental Supporting Statement.

5.7 Highway Safety

Local residents raised concerns that the amount and type of traffic was not mentioned on the application. Throughout the course of the application additional information was provided through an Access and Traffic Movement update to give an understanding of proposed routing and a typical profile of numbers and types of vehicles each day. Transportation colleagues have reviewed this document and have no objection in principle. As such, whilst the concerns in relation to highway safety from local residents are noted, it is thought that the access would not result in detrimental impacts to highway safety and would be acceptable in this instance.

5.8 The access would be located over part of an existing footpath, it is proposed that there would be pedestrian gates to allow continuing movements. The comments from local residents regarding the safety of pedestrians and cyclists are understood. Transportation colleagues have assessed the submitted information and consider it acceptable. It is noted that they have recommended a condition that any diversion or temporary stoppage is in agreement with the Councils Cycling Officer. This is not considered necessary to make the development acceptable in planning terms, and as such, would not meet the conditions test as set out in the NPPF. Instead, it is recommended that it is placed as an informative on the decision notice.

5.9 In addition to the above conditions, two other conditions were suggested by transportation colleagues, one to ensure that works relating to the temporary access are in consultation with the councils Street Care teams. This application has been found to be acceptable in relation to highway safety, and this condition is not considered necessary. Instead, it is recommended that it is

placed as an informative on the decision notice. The second condition is for the provision of a construction management plan, this is recommended to appear on the decision notice in the interests of highway safety.

5.10 Conclusions

Overall, the preceding assessment has found that, on balance, the proposal is deemed acceptable. Weight has been given to the fact that it would be in place for a temporary period (until November 2017), that it would be reinstated to its current state following completion of the works and that it would facilitate infrastructure for public benefit.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

1. The access hereby permitted shall be discontinued and the land restored to its former condition on or before 30th November 2017 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

Weight is given to the temporary nature of the proposal and the condition is necessary to protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; South Gloucestershire SPD: Green Belt (adopted) 2007 and the National Planning Policy Framework.

2. Prior to construction of the temporary access, a working Construction Environmental Management Plan shall be submitted and approved by the Local Planning Authority. For avoidance of doubt, this should confirm:

- a) HGV routes and movement details;
- b) site operations ensuring all parking and storage areas on-site are adequate for the likely demand and avoid highway parking;
- c) there are appropriate washing facilities to prevent spoil and mud from exiting vehicles being spread on the highway

Thereafter the proposal shall be carried out in accordance with the approved details.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

- 3. All habitat lost through development shall be replaced as recommended in Sections 3ii) and 3iv) of the Environmental Supporting Statement (Wessex Water, February 2017).

Reason

In the interests of protected species, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Saved Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012.

CIRCULATED SCHEDULE NO. 15/17 – 12 APRIL 2017

App No.:	PT17/0656/F	Applicant:	Wessex WaterWessex Water
Site:	Swan Lane Winterbourne Bristol South Gloucestershire BS36 1RP	Date Reg:	24th February 2017
Proposal:	Construction of an access for a temporary period until end April 2018 to allow access to the working area during construction of a new sewer.	Parish:	Frampton Cotterell Parish Council
Map Ref:	363789 182084	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	19th April 2017



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REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application has been referred to circulated schedule as 3no objections were received by local residents contrary to Officer Recommendation. The application should be read in conjunction with Full Planning Applications ref. PT17/0655/F and PT17/0657/F. It is felt necessary and for the sake of completeness, to include all three applications on the circulated schedule as the proposals are linked

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the construction of a temporary access track at land off Swan Lane in Winterbourne. The development would enable access to the working area for the construction of a new sewer between Bradley Stoke and Frampton Cotterell. The temporary period would be approximately 12 months (until the end of April 2018).
- 1.2 The site comprises an area of agricultural land which sits at the junction between Old Gloucester Road and Swan Lane, and which is bounded by hedging. The application site is located in part of the Bristol and Bath Green Belt, and is outside any defined settlement boundary or established urban area. A small part of the site is located in Flood Zone 3.
- 1.3 Wessex water is a sewerage undertaker and largely, works carried out by such bodies would constitute permitted development. In this case, the works would not take place on their operational land and as such does not meet criteria as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 13, Class B. The development therefore requires planning permission.
- 1.4 This application has been submitted alongside two other planning applications which are also pending determination and are in relation to the construction of the new sewer between Bradley Stoke and Frampton Cotterell (refs. PT17/0655/F and PT17/0657/F).

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

2.2 Adopted Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies

EP2	Flood Risk and Development
L1	Landscape Protection and Enhancement
L9	Species protection
L16	Protecting the Best Agricultural Land
T12	Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
-----	---------------------

CS5	Location of Development
CS9	Environmental Resources and Built Heritage
CS34	Rural Areas

2.3 Emerging Development Plan

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

PSP1 Local Distinctiveness

PSP7 Development in the Green Belt

PSP19 Wider Biodiversity

PSP20 Flood Risk, Surface Water and Watercourse Management

2.4 Supplementary Planning Guidance

Development in the Green Belt (Adopted)

South Gloucestershire Design Checklist (Adopted)

South Gloucestershire Landscape Character Assessment (Adopted)

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT16/026/SCR EIA Not Required 08.08.2016
EIA - Wessex Water to install a new 4.7km sewer from Bradley Stoke to Frampton Cotterell.

4. **CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council
No objection

- 4.2 Sustainable Transport
We note that this proposed access has been discussed with the Councils Streetcare team and who have confirmed the on-site discussions relating to the proposed access and visibility. Additional information has been provided through an Access and Traffic Movement update to give an understanding of proposed routing and a typical profile of numbers and types of goods vehicles each day. We have no objection in principle to the proposed access and works, and recommend conditions.

- 4.3 Highway Structures
No objection. Suggested informative

- 4.4 Lead Local Flood Authority
A small part of the site is located in Flood Zone 3 and therefore it requires the submission of a Flood Risk Assessment to consider potential risk of flooding. Subject to this being received and approved, no objection.

Update

A Flood Risk Assessment has been received, and is acceptable. Therefore, no objection is raised.

- 4.5 Ecology Officer

No objection. Hedgerows are a South Gloucestershire Council priority habitat, therefore, any loss must be compensated for. The development is short-term and the hedgerow will be replaced upon completion of the construction phase in this area. No negative impacts on bats or birds are predicted provided mitigation recommendations in the report are undertaken. Suggested conditions.

4.6 Environmental Protection

No comments received

Other Representations

4.7 Local Residents

Objections were received from 3no. local residents. Comments as follows:

- Confusion surrounding timescale of development
- We would like to see what impact there would be on biodiversity
- Amount and weight of traffic is not mentioned
- All homes in this area should benefit from new sewer
- Works will worsen flooding around property
- Should replace road drainage system whilst they are carrying out these works.
- Exact road position not clear
- Local bullfinches will be disturbed
- Dispute findings of FRA
- Boundary wall will fall into stream
- Reference to environmental reports as part of previous applications.
- Five asbestos buildings are located at our property, concerns that lorries will disturb these buildings and will move toxic dust into air causing health issues.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In the first instance the proposal must be considered in the light of current Green Belt Policy as the land lies within the Bristol/Bath Green Belt. The primary consideration is guidance contained within the NPPF. Design and siting will be covered by Policy CS1 and location of the development in CS5. Impact on highway safety under saved policy T12 and CS8. It is noted that part of the application site is located in Flood Zone 3 and as such will be assessed against saved policy EP2.

5.2 Green Belt

The NPPF sets out that protection of Green Belt is of great importance. It goes on to limit development by giving specific lists of categories which could be considered appropriate development within the Green Belt. Amongst others, one of these criteria is engineering operations providing that they preserve the openness of the Green Belt. The creation of the temporary access is considered to fall under this criteria, it is noted that the introduction of the access would have a greater impact on the openness of the Green Belt compared to the current field and associated hedgerow. However, the case officer is mindful of the small scale of the proposal, its temporary nature and

that a condition is recommended to ensure that the land is returned to its former state following its use. Under these circumstances, the proposal is therefore deemed to be appropriate development in the Green Belt.

5.3 Design and Visual Amenity

The proposal is for the construction of a temporary access near a junction between Swan Lane and Old Gloucester Road in Winterbourne to enable construction access for a new sewer. The access would be tarmacked and would be a maximum of 23 metres in length, as measured from the highway and would lead to a set of temporary access gates. Plans show that 17 metres of hedging to the south of the site would be removed and to the west of the access, 15 metres of hedgerow would be reduced to a height of 0.5 metres, both to enable a visibility splay for vehicles entering and exiting the site.

5.4 The submitted Environmental Supporting Statement (Dated: 14/02/2017) states that on completion of the construction works, the access track and junction will be removed and the field and hedgerows will be reinstated to match its current state.

5.5 Given the above, whilst it is noted that the proposed temporary access track would have an impact on the visual amenity of the area, the works are not considered such that they would warrant refusal. Especially given the temporary nature of the proposal and that its purpose is to facilitate works for public benefit. As aforementioned, a condition will be recommended to ensure that the site will be returned to its current state, and with this in mind the proposal is considered acceptable in this instance.

5.6 Residential Amenity

It is noted that there is 1 no residential property which is located approximately 20 metres from the proposed temporary access. It is acknowledged that the proposal would generate some disturbance to these occupiers beyond that at present, and as such Officers consider it appropriate to condition the hours of working at the site. Given the above, it is not considered that the proposal would result in unacceptable impacts to the residential amenity of nearby occupiers. Given the assessment above, it is considered the proposed development would not be detrimental to residential amenity and is deemed to comply with saved Policy H4 of the Local Plan (2006).

5.7 Ecology

The development would involve the disturbance to 32 metres of hedgerow along Swan Land and Old Gloucester Road. Hedgerows are a South Gloucestershire Council priority habitat, therefore, any loss must be compensated for. Local residents have raised concerns with regard to the biodiversity and bird habitat loss. Relevant ecology information was submitted as part of the Environmental Supporting Statement (Dated: 14/02/2017). Ecology officers have been consulted regarding the development, it has been assessed that the proposal is unlikely to impact bat roosts. It was noted that the hedge could possibly support nesting birds, however, given the proposed mitigation works including timing outside breeding season, netting the hedge to prevent birds entering and pre-removal checks for nesting birds; it is not thought that the development would result in negative impacts. Having said

this, two conditions have been suggested, and Officers recommend that these are issued to the decision notice to protect species.

5.8 Highway Safety

Local residents raised concerns that the amount and type of traffic was not mentioned on the application. Throughout the course of the application additional information was provided through an Access and Traffic Movement update to give an understanding of proposed routing and a typical profile of numbers and types of vehicles each day. Transportation colleagues have reviewed this document and have no objection in principle but have suggested two conditions. The first is that works relating to the temporary access shall be undertaken with consultation with the Councils Street Care team. This is not considered necessary to make the development acceptable in planning terms, and as such, would not meet the conditions test as set out in the NPPF. Instead, it is recommended that it is placed as an informative on the decision notice. Further to this it is suggested that a condition is issued for a construction management plan to be submitted for approval, this condition is recommended to appear on the decision notice. In light of all of the above, no objection is raised to this regard.

5.9 Flooding

It is noted that a small part of the site is in Flood Zone 3. Comments from local residents regarding increase in flooding at the site, property and surrounding roads are noted. Throughout the course of the application a Flood Risk Assessment was submitted, local residents disputed some of the findings of the report. However, the Councils drainage team has assessed the supporting information, and considers that the development would be acceptable in relation to flooding.

5.10 Conclusions

Overall, the preceding assessment has found that, on balance, the proposal is deemed acceptable. Weight has been given to the fact that it would be in place for a temporary period (until April 2018), that it would be reinstated to its current state following completion of the works and that it would facilitate infrastructure for public benefit.

5.11 Other Matters

Concerns were expressed by local residents that they have 5 asbestos buildings on their land which could be disturbed by the vibrations of the additional vehicular traffic and potentially release dust into the atmosphere. Officers understand these concerns however, this would be a civil matter amongst the landowners and the applicant, rather than a planning consideration.

5.12 It is not possible to condition who benefits from the new sewer, this planning application is solely assessing the impacts of the proposed temporary access with in relation to planning matters.

5.13 With regard to concerns in relation to a nearby wall falling into the stream as part of this development, these comments are understood, however, this would

form a civil matter amongst the applicant and relevant landowner rather than a matter for planning.

- 5.14 With regard to environmental reports as submitted as part of alternate applications, this is noted, however, every application is assessed on its own merits. In this instance, relevant colleagues have been consulted and the development is considered acceptable on balance.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

1. The access hereby permitted shall be discontinued and the land restored to its former condition on or before 30th April 2018 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

Weight is given to the temporary nature of the proposal and the condition is necessary to protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; South Gloucestershire SPD: Green Belt (adopted) 2007 and the National Planning Policy Framework.

2. The hedgerow shall be replaced immediately following discontinued use of the temporary access using the same species listed in Section 3 Environmental Appraisal of the Environmental Supporting Statement (Wessex Water, February 2017). The reinstatement shall follow the methods shown in drawing STD/836 in Appendix B of the same report.

Reason

In the interests of protected species, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Saved Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012.

3. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason

In the interests of protected species, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Saved Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012.

4. Prior to construction of the temporary access, a working Construction Environmental Management Plan shall be submitted and approved by the Local Planning Authority. For avoidance of doubt, this should confirm:
 - a. HGV routes and movement details including the wider route network in relation to narrow lanes and avoiding weak bridges, and how deliveries will be managed on sections if narrow lanes cant be avoided;
 - b. site operations ensuring all parking and storage areas on-site are adequate for the likely demand and avoid highway parking;
 - c. Appropriate washing facilities to prevent spoil and mud from exiting vehicles being spread on the highway

Thereafter the proposal shall be carried out in accordance with the approved details.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

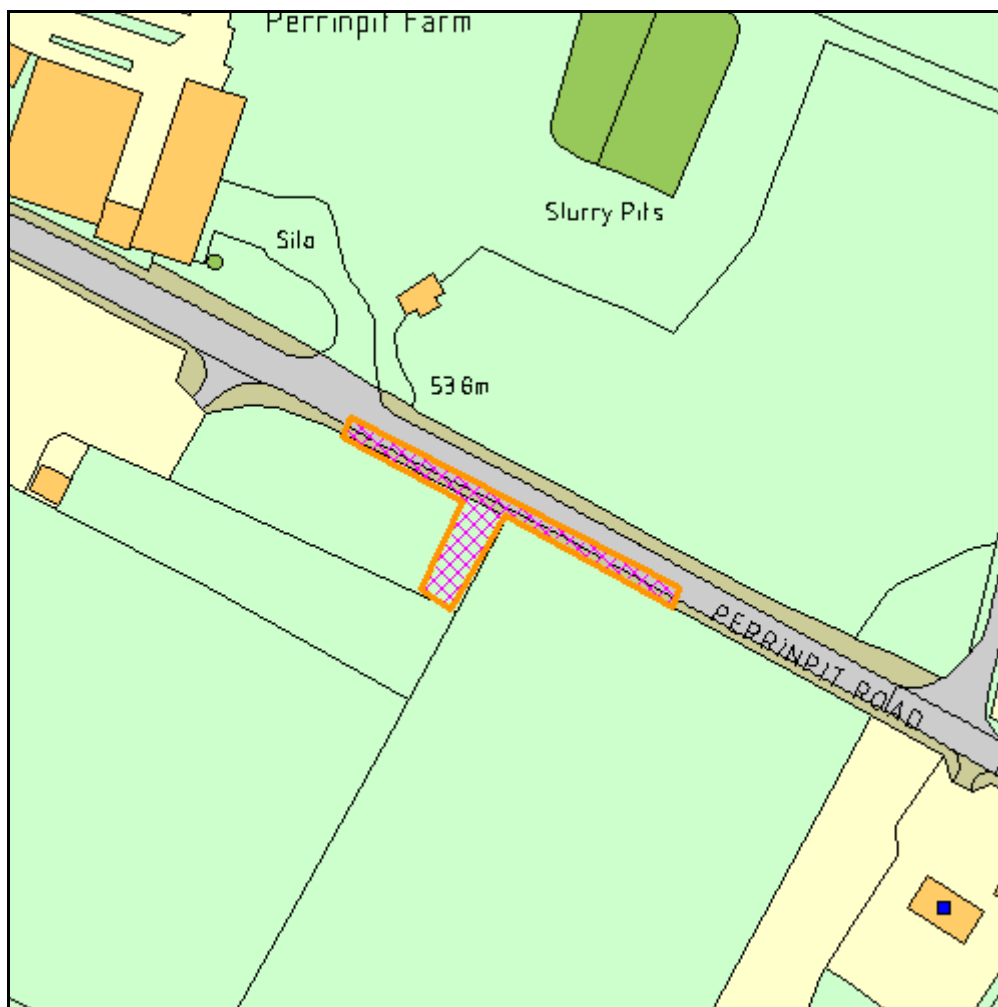
5. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturday; and no working shall take place on Sundays or Public Holidays. The term `working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 15/17 – 12 APRIL 2017

App No.:	PT17/0657/F	Applicant:	Wessex WaterWessex Water
Site:	Challacombe House Perrinpit Road Frampton Cotterell Bristol South Gloucestershire BS36 2AT	Date Reg:	24th February 2017
Proposal:	Construction of an access for a temporary period until end April 2018 to allow access to the working area during construction of a new sewer.	Parish:	Frampton Cotterell Parish Council
Map Ref:	365450 182693	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	19th April 2017



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PT17/0657/F

REASON FOR REFERRING TO CIRCULATED SCHEDULE

The application should be read in conjunction with Full Planning Applications ref. PT17/0655/F and PT17/0656/F, which received objections contrary to officer recommendation. It is felt necessary and for the sake of completeness, to include all three applications on the circulated schedule as the proposals are linked

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the construction of a temporary access track at land off Perrinpit Road in Frampton Cotterell. The development would enable access to the working area for the construction of a new sewer between Bradley Stoke and Frampton Cotterell. The temporary period would be approximately 12 months (until the end of April 2018).
- 1.2 The site comprises an area of agricultural land which is bounded by hedging along Perrinpit Road. The application site is located in part of the Bristol and Bath Green Belt, and is outside any defined settlement boundary or established urban area.
- 1.3 Wessex water is a sewerage undertaker and largely, works carried out by such bodies would constitute permitted development. In this case, the works would not take place on their operational land and as such does not meet criteria as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 13, Class B. The development therefore requires planning permission.
- 1.4 This application has been submitted alongside two other planning applications which are also pending determination and are in relation to the construction of the new sewer between Bradley Stoke and Frampton Cotterell (refs. PT17/0655/F and PT17/0656/F).

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

2.2 Adopted Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies

L1	Landscape Protection and Enhancement
L9	Species protection
L16	Protecting the Best Agricultural Land
T12	Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS5	Location of Development

CS9 Environmental Resources and Built Heritage
CS34 Rural Areas

2.3 Emerging Development Plan

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

PSP1 Local Distinctiveness

PSP7 Development in the Green Belt

PSP19 Wider Biodiversity

2.4 Supplementary Planning Guidance

Development in the Green Belt (Adopted)

South Gloucestershire Design Checklist (Adopted)

South Gloucestershire Landscape Character Assessment (Adopted)

3. RELEVANT PLANNING HISTORY

3.1 PT16/026/SCR EIA Not Required 08.08.2016
EIA - Wessex Water to install a new 4.7km sewer from Bradley Stoke to Frampton Cotterell.

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council
No comments received

4.2 Sustainable Transport
We note that this proposed access has been discussed with the Councils Streetcare team and who have confirmed the on-site discussions relating to the proposed access and visibility. Additional information has been provided through an Access and Traffic Movement update to give an understanding of proposed routing and a typical profile of numbers and types of goods vehicles each day. We have no objection in principle to the proposed access and works, and recommend conditions.

4.3 Highway Structures
No objection

4.4 Lead Local Flood Authority
No objection subject to informative.

4.5 Ecology Officer
No objection. The development is short term and the hedgerow will be replaced upon completion of the construction phase in this area. No negative impacts on bats or birds are predicted provided mitigation recommendations in the report are undertaken. Suggested conditions.

Other Representations

4.2 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In the first instance the proposal must be considered in the light of current Green Belt Policy as the land lies within the Bristol/Bath Green Belt. The primary consideration is guidance contained within the NPPF. Design and siting will be covered by Policy CS1, location of the development in CS5 and impact on highway safety under saved policy T12 and CS8.

5.2 Green Belt

The NPPF sets out that protection of Green Belt is of great importance. It goes on to limit development by giving specific lists of categories which could be considered appropriate development within the Green Belt. Amongst others, one of these criteria is engineering operations providing that they preserve the openness of the Green Belt. The creation of the temporary access is considered to fall under this criteria, it is noted that the introduction of the access would have a greater impact on the openness of the Green Belt compared to the current field and associated hedgerow. However, the case officer is mindful of the small scale of the proposal, its temporary nature and that a condition is recommended to ensure that the land is returned to its former state following its use. Under these circumstances, the proposal is therefore deemed to be appropriate development in the Green Belt.

5.3 Design and Visual Amenity

The proposal is for the construction of a temporary access off Perrinpit Road in Frampton Cotterell to enable construction access for a new sewer. The access would be tarmacked and would be approximately 15 metres in length, as measured from the highway and would lead to a set of temporary access gates. Plans show that 30 metres of hedging to the west of the access would be removed and to the east of the access, 27m of hedgerow would be reduced to a height of 0.5 metres, both to enable a visibility splay for vehicles entering and exiting the site.

5.4 The submitted Environmental Supporting Statement (Dated: 12/02/2017) states that on completion of the construction works, the access track and junction will be removed and the field and hedgerows will be reinstated to match its current state.

5.5 Given the above, whilst it is noted that the proposed temporary access track would have an impact on the visual amenity of the area, the works are not considered such that they would warrant refusal. Especially given the temporary nature of the proposal and that its purpose is to facilitate works for public benefit. As aforementioned, a condition will be recommended to ensure that the site will be returned to its current state, and with this in mind the proposal is considered acceptable in this instance.

5.6 Residential Amenity

The proposed temporary access would be a minimum of approximately 80 metres from the nearest residential property. It is acknowledged that the

creation of the access may be visible and could result in some additional noise. However, it is not thought that it would give rise to unacceptable impacts to the residential amenity of nearby occupiers. Given the assessment above, it is considered the proposed development would not be detrimental to residential amenity and is deemed to comply with saved Policy H4 of the Local Plan (2006).

5.7 Ecology

The development would involve the alteration to approximately 60 metres of hedgerow along Perrinpit Road. Hedgerows are a South Gloucestershire Council priority habitat, therefore, any loss must be compensated for. The hedgerow is not suitable for Dormice and does not require a survey. It should be noted that the temporary removal of the hedgerow will create a gap that could disrupt a bat commuting route. The development is short-term and the hedgerow will be replaced upon completion of the construction phase in this area. No negative impacts on bats or birds are predicted provided mitigation recommendations in the report are undertaken. As such, ecological colleagues have raised no objection to the proposal but have suggested two conditions are imposed. Both conditions are recommended to appear on the decision notice.

5.8 Highway Safety

Throughout the course of the application additional information was provided through an Access and Traffic Movement update to give an understanding of proposed routing and a typical profile of numbers and types of vehicles each day. Transportation colleagues have reviewed this document and have no objection in principle but have suggested two conditions. The first is that works relating to the temporary access shall be undertaken with consultation with the Councils Street Care team. This is not considered necessary to make the development acceptable in planning terms, and as such, would not meet the conditions test as set out in the NPPF. Instead, it is recommended that it is placed as an informative on the decision notice. Further to this it is suggested that a condition is issued for a construction management plan to be submitted for approval, this condition is recommended to appear on the decision notice. In light of all of the above, no objection is raised to this regard.

5.9 Conclusions

Overall, the preceding assessment has found that, on balance, the proposal is deemed acceptable. Weight has been given to the fact that it would be in place for a temporary period (until April 2018), that it would be reinstated to its current state following completion of the works and that it would facilitate infrastructure for public benefit.

6. CONCLUSION

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

January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

1. The access hereby permitted shall be discontinued and the land restored to its former condition on or before 30th April 2018 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

Weight is given to the temporary nature of the proposal and the condition is necessary to protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; South Gloucestershire SPD: Green Belt (adopted) 2007 and the National Planning Policy Framework.

2. The hedgerow shall be replaced using a mix of native 'woody' species immediately following discontinued use of the temporary access, to enhance the hedgerows biodiversity. The reinstatement shall follow the methods shown in drawing STD/836 in Appendix B of the same report. A native 'woody' species planting list should be submitted to the Local Planning Authority for approval prior to planting.

Reason

In the interests of protected species, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Saved Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012.

3. No removal of the hedgerow shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason

In the interests of protected species, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Saved

Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012.

4. Prior to construction of the temporary access, a working Construction Environmental Management Plan shall be submitted and approved by the Local Planning Authority. For avoidance of doubt, this should confirm:
 - a. HGV routes and movement details including the wider route network in relation to narrow lanes and avoiding weak bridges, and how deliveries will be managed on sections if narrow lanes cant be avoided;
 - b. site operations ensuring all parking and storage areas on-site are adequate for the likely demand and avoid highway parking;
 - c. Appropriate washing facilities to prevent spoil and mud from exiting vehicles being spread on the highway

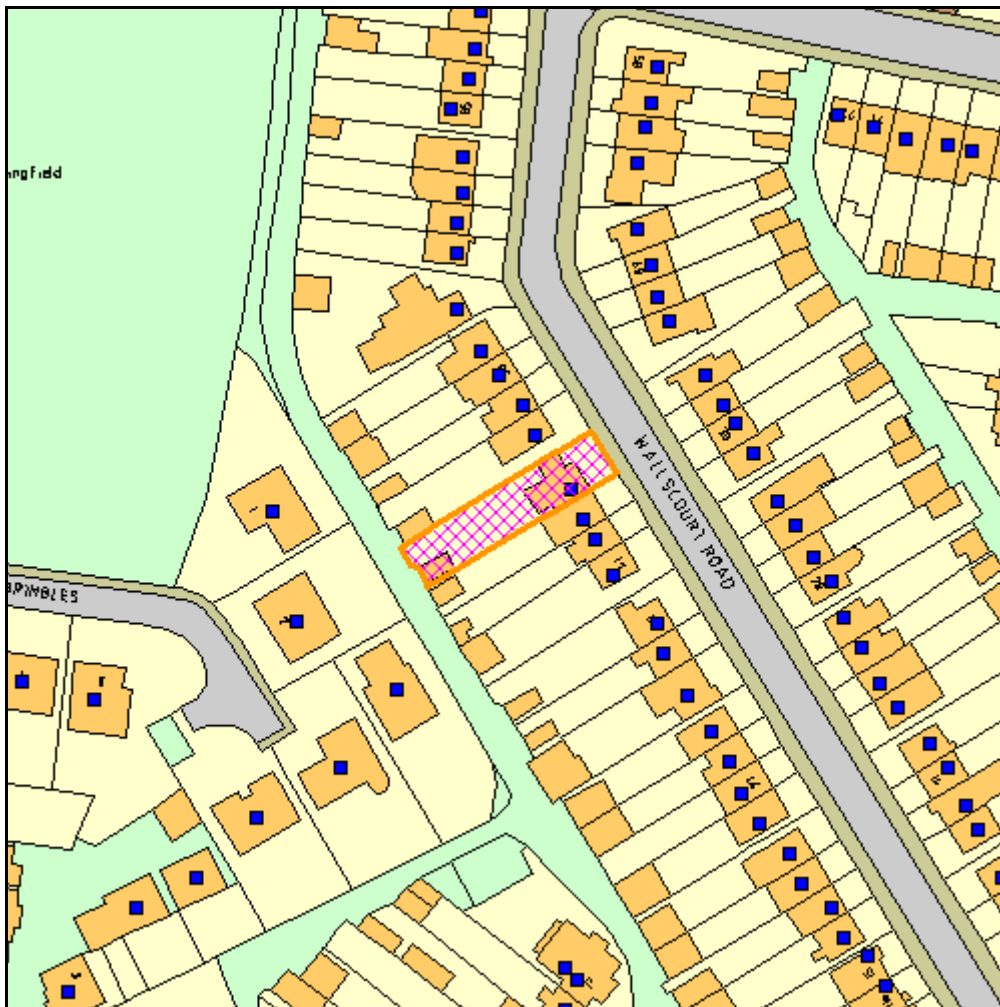
Thereafter the proposal shall be carried out in accordance with the approved details.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 15/17 – 12 APRIL 2017

App No.:	PT17/0722/F	Applicant:	Mr Kyle Suckley
Site:	47 Wallscourt Road Filton Bristol South Gloucestershire BS34 7NR	Date Reg:	27th February 2017
Proposal:	Change of use from a 6no. person HMO (Class C4) to a 7no. person HMO (Sui Generis) retrospective, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)	Parish:	Filton Town Council
Map Ref:	360622 178587	Ward:	Filton
Application Category:	Minor	Target Date:	20th April 2017



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 100023410, 2008. **N.T.S.** **PT17/0722/F**

This application has been submitted onto the Circulated Schedule as a result of receiving an objection.

1. THE PROPOSAL

- 1.1 This application details a proposal for the change of use of a dwellinghouse from a 6 bed House in Multiple Occupation (HMO) (Class C4) to a 7 bed HMO (Sui Generis).
- 1.2 The property has previously undergone development in the form of a two storey side extension and a single storey rear extension to form additional living accommodation (PT13/2309/F – approved with conditions on 1st September 2013). As a result, there is no proposed operational development as part of this application. Having discussed this development with the associated building control officer, they have confirmed that this work is yet to be signed off, however this will not impede on the determination of this current application as it deals with the change of use of the building alone.
- 1.3 This application is retrospective in nature and has been the subject of planning enforcement investigation COM/16/0546/COU.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS16 Housing Density

CS17 Housing Diversity

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H5 Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes

T8 Parking Standards

T12 Transportation Development Control Policy for New Development

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

PSP17 Parking Standards

2.3 Supplementary Planning Guidance

Residential Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 ET11/0120 - Construction of three bedroom dwelling – Enquiry Complete
- 3.2 PT13/2309/F - Erection of two storey side and single storey rear extension to form additional living accommodation. APPROVED WITH CONDITIONS

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
Approve as long as there is adequate parking facilities.

- 4.2 Other Consultees
Public Rights of Way –
- No objection.

- Highway Structures –
- No objection.

Sustainable Transport – Transportation DC –

- The amount of proposed parking is considered appropriate for the number of bedrooms associated with the change of use.
- Access for the parking to the front of the property is substandard and requires improving.
- Recommended that it is conditioned that the surface of the front parking area is constructed of a bound permeable surface and that a vehicle crossover is constructed to enable vehicles to safely access the parking area.
- Applicant is required to submit these details for approval, with the development proceeding in accordance with the approved plans within 6 months of planning permission being granted.

Drainage and Flood Risk Management Team –

- After the initial consultation, comments were received from the Drainage Team requiring further information to be submitted which would clarify the disposal of surface water.
- Further to returning to the applicant with this request, it was clarified that drainage provisions were installed at the rear of the property during the development of the extensions detailed within PT13/2309/F.
- The Drainage Team confirmed that they had no objection in principle to the application subject that a permeable material was used for the development of the 2 car parking areas and thereafter retained.
- As mentioned above, construction carried out in relation to PT13/2309/F has yet to be signed off by the SG Building Control team.

Other Representations

4.3 Local Residents

Comments were received from two neighbouring residents in objection to this application. Comments included:

- Existing parking issues in the area which may be exacerbated by the change of use;
- Concerns over an increase in noise levels as a result of the change of use;
- The fact that the HMO is rented to students given its location within a residential area;
- Concerns over the finish of the car parking area to the front of the property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

5.1.1 Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 states that development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals are therefore required to demonstrate that their siting, form and scale amongst others things are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.

5.1.2 Similarly, policy H5 of the South Gloucestershire Local Plan Adopted January 2006 (Saved Policies) states that proposals for the change of use of existing residential properties into houses in multiple occupation (HMO) will be permitted provided that they would not prejudice the character of the surrounding area. The policy continues by setting out that approved proposals would not prejudice the amenities of nearby occupiers, would identify an acceptable level of off-street parking, and would provide adequate amenity space.

5.1.3 Considering the above policies, the proposal is supported in principal however this shall be examined further below. The key consideration, bearing in mind its current status as a HMO, is whether one additional occupier would be unacceptable on any of the following grounds.

5.2 Character, Visual Amenity and Amenity Space

2.5.1 Further to studying policies CS1 and H5, the wider area of Filton is a popular location for residing university students and young professionals alike. Therefore the development of HMOs in this area is not uncommon and would not detract from its character.

5.2.2 As highlighted above, the property gained planning permission for the erection of a two storey side and single storey rear extension to form additional living accommodation in 2013. This development has been carried out and so no further operational development is detailed within this application to facilitate the proposed change of use. As a result, I do not believe that the amenities of

nearby occupiers would be prejudiced as a result of approving this application and permitting a 7 bed HMO. It must be considered that on the whole the property will continue to function as a typical HMO dwellinghouse as it would as a 6 bed HMO.

- 5.2.3 Furthermore, the proposal details four off-street car parking spaces; two to the front of the property and two to the rear which can be accessed from a vehicular track. The development of the parking provisions, both to the front and rear of the dwellinghouse are not considered to be out of character for the street scene. Other dwellinghouses on Wallscourt Road have developed their front residential gardens to offer additional parking and there are existing garages and parking spaces to the rear of the houses adjoining the application site. Additionally, the provision of this number of spaces is considered appropriate for the number of bedrooms within the property.
- 5.2.4 Finally, it's considered that the proposal provides adequate amenity space, as required by policy H5. The residential amenity space to the rear of the property is quite large, measuring approximately 15.8m by 8.1m. As a result, even with a part of this land being allocated for parking, the amount of residential amenity land is believed to be acceptable.

5.3 Parking

- 5.3.1 According to policy PSP17 Parking Standards and the current document Parking Standards SPD, the minimum parking space provision required for new residential developments of five beds or more is three parking spaces. The proposal being considered details 4 parking spaces and therefore meets the criteria of this policy.

5.4 Other Matters – Consultee Comments / Objections

- 5.4.1 Transportation DC have commented that the proposed parking area to the front of the property is sub-standard and requires improving. They have suggested that a bound permeable surface is installed and that a vehicle crossover is constructed to enable vehicles to safely access the parking area. Having spoken with the applicant in relation to this matter, we have agreed that a condition will be attached to the permission. The condition will ensure the construction of such a surface to the front of the property to facilitate the required parking provisions and will require works to be completed by the end of two months after permission is granted. The applicant has also confirmed that they will gain the authorisation of the Streetcare Team for the drop kerb (although this isn't a planning requirement).
- 5.4.2 Comments were received from neighbouring residents concerning the existing parking issues experienced in the area and how the approval of the proposal may exacerbate the problem. The proposed parking provisions have been considered in relation to policy PSP17, Parking Standards SPD and policy T8 and are considered acceptable as they meet the required criteria.
- 5.4.3 There was also concern over the finishing of the parking area to the front of the property as a gravel finish may cause stones to litter the highway. This concern has been noted, and as discussed above, a condition shall be attached to the permission requiring the laying of a bound permeable surface.

5.4.4 Further comments were received in relation to the change of use itself and the fact that the property would likely be rented by students. Filton boasts good transportation links to university campuses as well as to economic hubs and is considered to be a sustainable location. As a result, the area is a convenient location for students and young professionals alike and so HMO's have become a characteristic of the locale. Additionally, considering that a 6 bed HMO would have benefitted from deemed consent and would not have required express permission, it cannot be assumed that one additional individual (to form a 7 bed HMO) would cause a notable increase in noise in comparison and cause significant harm as a result.

6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is GRANTED subject to the conditions attached to the decision notice.

Contact Officer: Lisa Evans
Tel. No. 01454 863162

CONDITIONS

1. Contrary to approved plan "Combined Plans KS-01 revision 002", the 2No. car parking spaces to the front of the property shall be constructed of a bound permeable surface. Works in relation to this parking provision shall be completed no later than 2 calendar months after the date permission is granted.

Reason

To accord with policies CS1 and H5 in respecting both the amenity of the site and that of nearby occupiers, as well as addressing the comments received from the Sustainable Transport – Transportation DC officer.

Contact Officer: Lisa Evans
Tel. No.

CONDITIONS

1. Notwithstanding the approved plan "Combined Plans KS-01 revision 002", the 2 No. car parking spaces to the front of the property shall be constructed of a bound permeable surface. Works in relation to this parking provision shall be completed no later than 2 calendar months after the date permission is granted and retained thereafter.

Reason

To accord with policies CS1 and H5 in respecting both the amenity of the site and that of nearby occupiers, as well as addressing the comments received from the Sustainable Transport - Transportation DC officer.

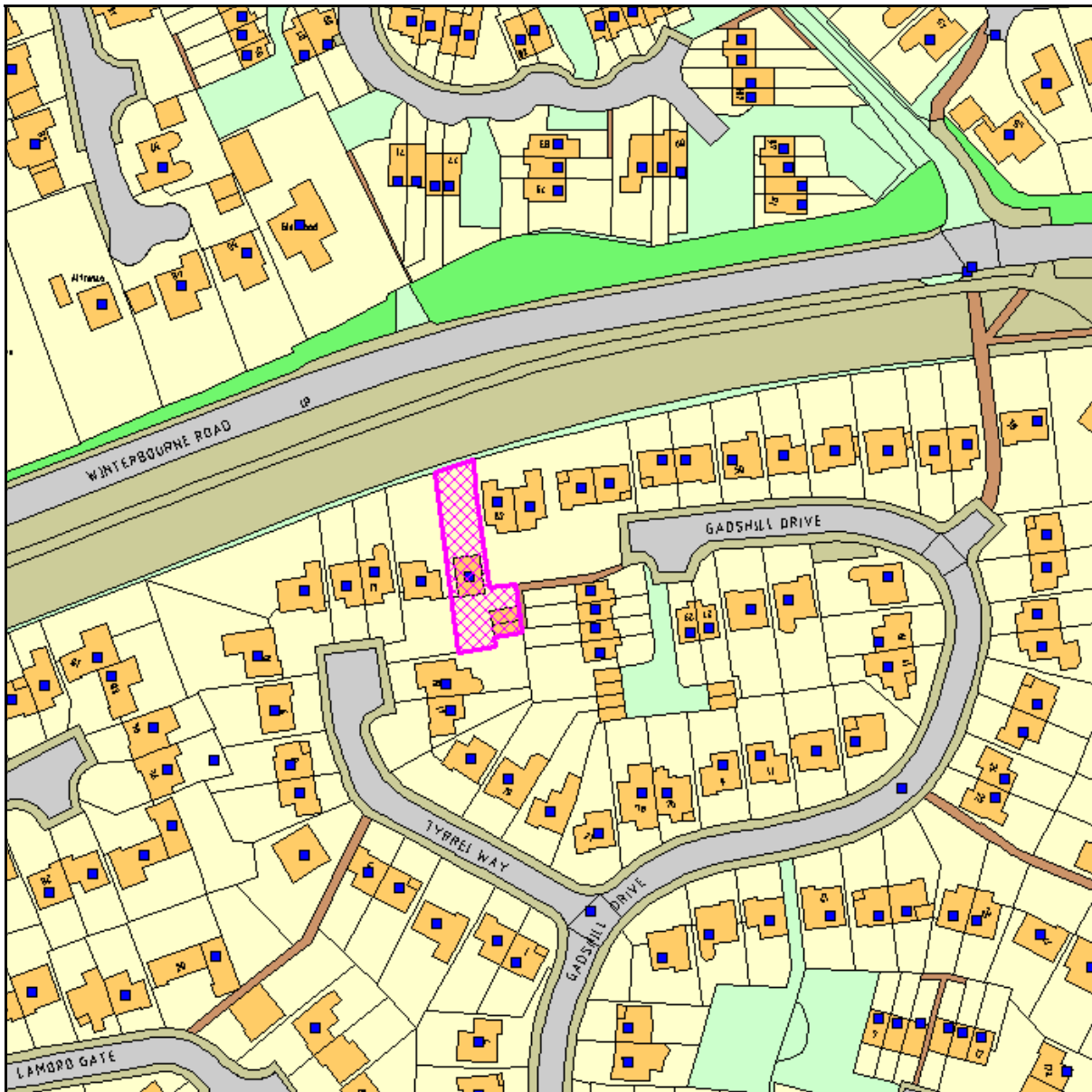
2. The layout of the premises shall remain as indicated on approved plan "Combined Plans KS-01 revision 002" and no further sub-division within the property shall occur in order to facilitate the accommodation of more than 7 persons.

Reason

Greater levels of occupation would require further assessment against policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 15/17 – 12 APRIL 2017

App No.:	PT17/0731/F	Applicant:	Mr Harj Dhillon
Site:	15 Tyrrel Way Stoke Gifford Bristol South Gloucestershire BS34 8UY	Date Reg:	24th February 2017
Proposal:	Erection of two storey rear extension to provide additional living accommodation	Parish:	Stoke Gifford Parish Council
Map Ref:	362311 180534	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	19th April 2017



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PT17/0731/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following comments from a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a two storey rear extension to form additional living accommodation. The application site is No. 15 Tyrrel Way, Stoke Gifford.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

- H4 Residential Development within Existing Residential Curtilages
T12 Transportation Development Control Policy for New Development

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

- PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages

2.4 Supplementary Planning Guidance

- Design Checklist SPD (Adopted) 2007
Residential Parking Standard SPD (Adopted) 2013
Waste Collection: Guidance for New Developments (Adopted) January 2015

3. RELEVANT PLANNING HISTORY

- 3.1 N2483/AP3 Erection of 665 dwellings and garages; 27 flats and 6 shop units with flats over and construction of estate roads, together with the provision of site for a primary school, community use and open spaces on approximately 37 hectares (in accordance with the revised layout plan received by the Council on 23rd March 1979). (details following outline). To be read in conjunction with planning permission Ref.No. N.2483.

	Approved	12.4.749
3.2	N2483/62	Substitution of house types on plots 677-831 and 1081-1097 involving a total of 172 dwellings (in accordance with amended plans received by the Council on 28th February 1983).
	Approved	21.4.83
3.3	N2483	Master plan in connection with development of approximately 174 acres of land for residential and ancillary purposes.
	Approved	13.7.76

4. **CONSULTATION RESPONSES**

4.1 Stoke Gifford Parish Council
No Objection. Hours of work to be included in planning conditions if approved.

4.2 Other Consultees

Archaeology
No objection

Other Representations

4.3 Local Residents
One letter of objection has been received by a local resident. The points raised are summarised as:

- Loss of sunlight and daylight
- Layout and density
- Loss of privacy
- Impact on property
- Utility bill and value of property

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development
The application stands to be assessed against the above listed policies and all material considerations. Of particular relevance is the resulting impact on the overall appearance and character of the main dwelling and that of the area in general. Any impact on the residential amenity of the main house and its neighbours must also be considered as would the potential impact on highway safety and on-street parking.

The proposal is considered to accord with the principle of development and this is discussed in the below report.

5.2 Design and visual amenity

The application site is a two storey detached dwellinghouse in Stoke Gifford. The house sits at the end of a cul-de-sac and it and its neighbour to the west are accessed over a shared driveway. The property has a detached double garage to the front (south) and, to the rear (north) is the main Winterbourne Road. Properties to the east are on Gadshill Road and, although they too have their rear gardens adjacent to Winterbourne Road, they are closer to it and therefore hold a different building line.

5.3 The proposal is for a two-storey rear extension with a single storey element following on. The two storey extension would measure about 6 metres wide, 3.6 metres deep, eaves height would match the host property while the overall ridge height would be lower than that of the main dwelling. The two-storey extension would have a hipped roof while the single addition following on would be mono-pitched. This would extend into the rear garden by an additional 1.7 metres. The proposal would create a family room/dining room with separate utility room at ground floor with a bedroom and en-suite at first floor level. Openings would be in all three elevations with new first floor side windows being of obscure glazing and restricted in opening. Other openings would be at ground floor level.

5.4 In terms of the overall size, it is acknowledged that the development would represent a substantial increase to the existing house, but it is not considered the resulting structure would be out of proportion with the existing property or other properties in the area. Given the lower ridge height and single storey element the addition would be seen as being subservient to the main house and respectful of its surroundings. Good quality materials to match those of the main dwelling would be used in the construction.

5.5 Residential Amenity

The closest neighbours to the west are No. 14 Tyrrel Way. These neighbours are separated from the application site by their attached garage and by access footpaths for each property. A fence forms the boundary between the two. New openings at first floor level in the west elevation of the application site which would serve the room labelled *dressng room* on the plans would be high level and fixed with obscure glazing. A condition would secure this feature. New windows at ground floor level to serve the breakfast room and new open plan dining area would be screened by existing boundary treatments and structures and would therefore not have a negative impact on the amenity of No. 14.

5.6 To the east is No. 62 Gadshill Drive. This property sits further to the north than the application site and comments have been received from concerned neighbours. Impact on the amount of light entering the property has been cited as an objection reason. Currently, given that the application site is in front of No.62 Gadshill Drive, being both to the south and the west, it must be acknowledged that the surrounding buildings already have some effect on the amount of light entering the front garden and the rooms of this neighbour. It is likely that there is only a short period of time during the early evening in the summer months where there is no interruption of sunlight for No. 62, whether that be from the application site or other properties.

In the winter months it is likely that the front of the neighbour's property does not have much direct sunlight at all. It is noted that this front garden is hardstanding used for the parking of vehicles and the rear garden would be unaffected. It is acknowledged that the proposal would have some impact on this neighbour but it is the level of impact that is important and must be assessed. The two-storey extension would extend out from the rear of No 15 by 3.6 metres. This is not an excessive amount and considered a reasonable size for such an extension. This would be followed by a single storey addition of 1.7 metres in height which again indicates that the design has taken the resulting bulk of the addition into consideration. On balance and taking the existing situation into account, the development would not have such an adverse impact as to warrant a refusal of the application or one that could be upheld at appeal.

- 5.7 With regards to loss of privacy for this same neighbour, new openings in the east elevation at ground floor level would comprise a new door serving the utility room. It is noted that the current boundary treatment between the two properties is a 1.85 metre high red brick wall. As such there would be no adverse impact from this new door. An existing landing window in the east elevation would remain and next to it would be a new bathroom window with obscure glazing, openable above 1.7 metres only. This is acceptable in terms of ensuring the privacy of both the neighbours and occupants. This treatment will be secured by condition.
- 5.8 The neighbour has comments that the layout will affect the view of distant trees and bushes currently available and has mentioned the development would increase the density of buildings in the area. In planning terms there is no right to a view and therefore a refusal on this basis cannot be upheld. Although the extension would add to the built form, the area is one in which development is encouraged. It must further be recognised as a material consideration that permitted development rights allow a detached dwelling house an 8 metre single storey extension, which could ultimately result in a similar increase in density of built form. Although in this case the permitted development rights have been removed it is likely that such an extension would be approved if a planning application was submitted.
- 5.9 Under the general heading of impact on property, the location of the site in a flood plain with the possibility of additional building having an impact on flooding has been given as an objection reason. The site is located in flood zone 1 and as such there are no concerns with regards to impact on residential amenity from flooding due to its location.
- 5.10 It has been asserted that the proposed extension would result in an increase in the cost of utility bills for the neighbouring property due to the loss of natural light. The impact on levels of light has been dealt with above but furthermore, utility bills are not something that can be taken into consideration in this context. Similarly, it has been stated that the proposal will devalue the neighbouring house and again issues of property values fall outside the remit of a planning assessment.

5.11 Sufficient garden space would remain to serve the host property following the development, window treatment to the sides of the property would ensure privacy levels are retained for both the application site and its neighbours and although there would be changes to the light reaching the neighbouring property at No.62 Gadshill Drive, a judgement has been made that on balance the changes would not impact the neighbours to such a degree as to warrant the refusal of the application. Given the above the scheme is considered to accord with policy and can be recommended for approval.

5.12 Sustainable Transport

It is noted that one of the bedrooms has been labelled *dressing* room. Nevertheless it is to be treated as a bedroom and therefore after development the bedrooms on the first floor will increase to four. Adopted residential parking standards require 2 off street parking spaces for a property with this number of bedrooms. The existing parking arrangement of double garage with parking to the front would remain unchanged and as such there are no transportation objections to the scheme.

5.13 Other matters

It is noted that the Parish Council have asked for a condition restricting the hours of construction to be added to the decision notice. The NPPF states that conditions to planning applications should be limited but in this case given the close proximity and neighbours comments the condition will be included.

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

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 glazing on the east elevation adjacent to No. 14 Tyrrel Close shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

3. Prior to the use of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the west elevation adjacent to No. 62 Gadshill Drive shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

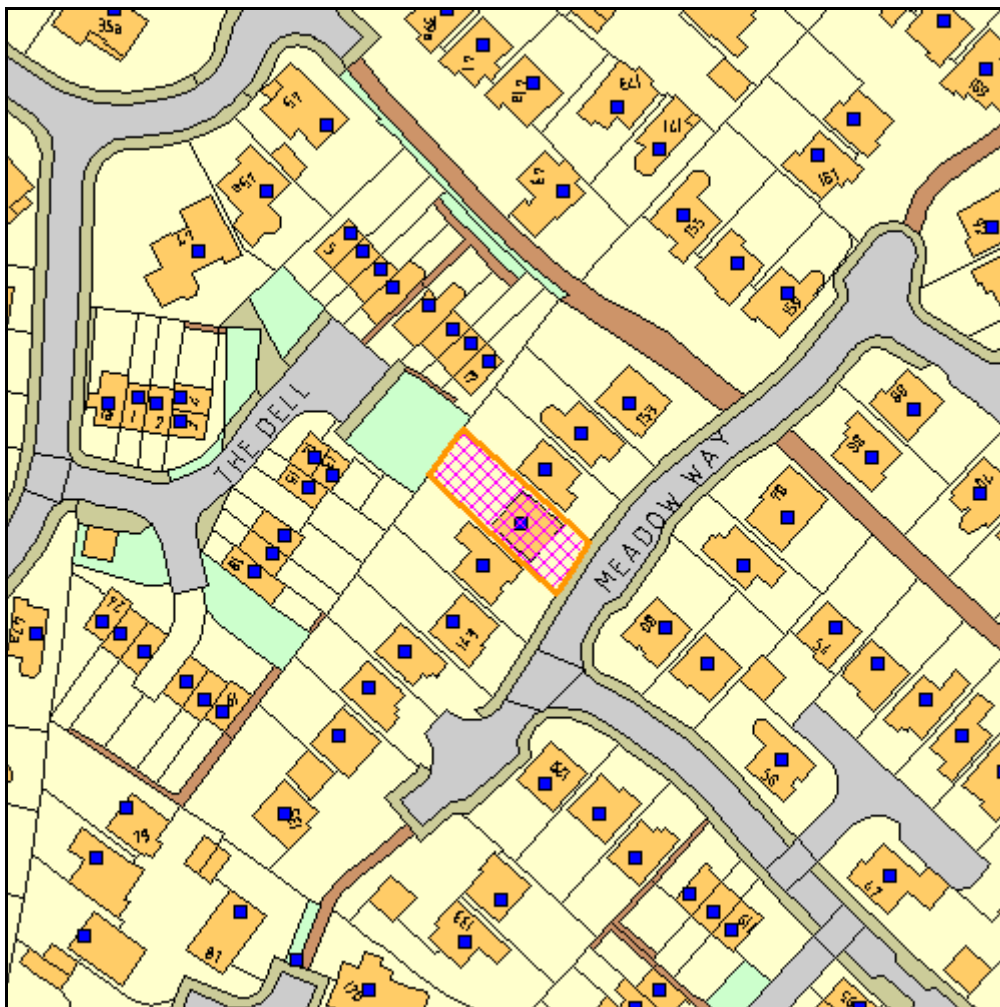
4. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 15/17 – 12 APRIL 2017

App No.:	PT17/0972/CLP	Applicant:	Miss Gillian Hampton
Site:	147 Meadow Way Bradley Stoke Bristol South Gloucestershire BS32 8BP	Date Reg:	14th March 2017
Proposal:	Certificate of lawfulness for the proposed erection of a single storey rear extension	Parish:	Bradley Stoke Town Council
Map Ref:	362416 181184	Ward:	Bradley Stoke South
Application Category:		Target Date:	4th May 2017



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as a matter of process. The application is for a certificate of lawfulness for a proposed development.

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed single storey rear extension to 147 Meadow Way would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.
- 1.3 It should be noted that under Condition 4 of application no. P91/0020/308, most Permitted Development Rights associated with this property have been restricted and as such a certificate of lawfulness proposed development cannot be granted. Therefore, an application for planning permission is deemed necessary to obtain the consent for the proposed development.

2. POLICY CONTEXT

2.1 National Guidance

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

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

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|---------------------|-------------------------------|-------------------|
| 3.1 | P91/0020/308 | Approval Full Planning | 29.01.1992 |
|-----|---------------------|-------------------------------|-------------------|
- Residential development on 3.95 acres of land to include the erection of 50 dwellings and associated garages; construction of estate roads and car parking areas (in accordance with the amended layout plan received by the council on 14TH january 1992)

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 COMBINED DRAWING - EXISTING & PROPOSED

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly

there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

The dwellinghouse to which this certificate of lawfulness of proposed development is made against has previously had its permitted development rights restricted under application P91/0020/308, Condition 4.

Cond 4: Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1988 (as amended), no development as specified in Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior permission in writing of the council.

As such a certificate of lawfulness proposed development cannot be granted as the permitted development rights attributed to the dwellinghouse have previously been restricted and as such a full application would be required.

6. **CONCLUSION**

The dwellinghouse for which this application has been made in regards to has had its permitted development rights restricted which would apply to the proposed development; as such a lawful implementation of development can not be achieved.

7. **RECOMMENDATION**

7.1 That a certificate of Lawfulness for Proposed Development is **refused** for the following reason:

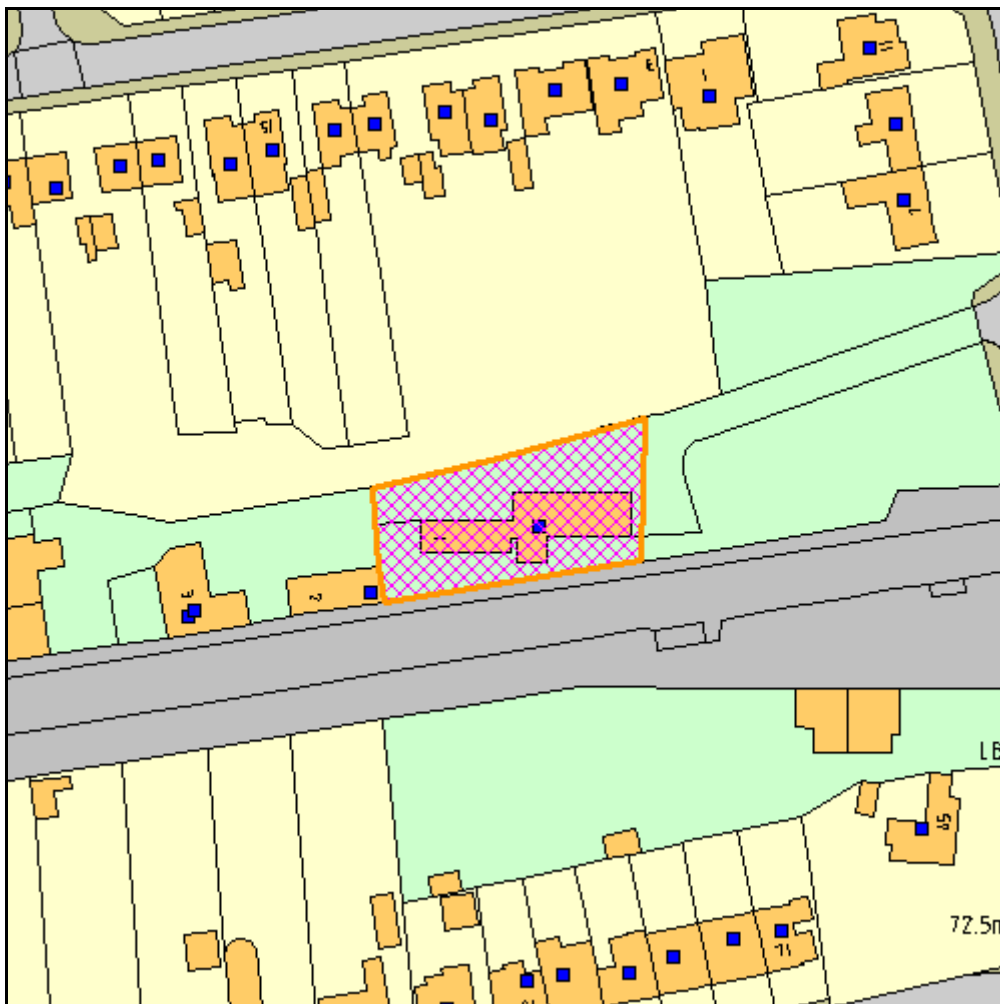
Contact Officer: Owen Hoare
Tel. No. 01454 864245

REASONS FOR REFUSAL

1. Condition 4 to planning consent P91/0020/308 withdrew Town and Country Planning General Permitted Development Order 1988, Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A)

CIRCULATED SCHEDULE NO. 15/17 – 12 APRIL 2017

App No.:	PT17/1083/CLP	Applicant:	Mr Martin Smith
Site:	Reynolds Engineering Winterbourne Ltd Hicks Common Road Winterbourne South Gloucestershire BS36 1EJ	Date Reg:	15th March 2017
Proposal:	Application for a certificate of lawfulness to sub-divide existing unit into 3no. units, the proposed installation of external entrance door, 2no. new garage doors to front elevation and external cladding.	Parish:	Winterbourne Parish Council
Map Ref:	365383 179951	Ward:	Winterbourne
Application Category:		Target Date:	4th May 2017



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PT17/1083/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The applicant is seeking a formal decision as to whether the alterations and conversion of the existing single storey building currently used as an “engineering place” (B2) to form three new units, comprising storage (B8), car valeting (B1) and an office (B1) would be lawful. External alterations would consist of the installation of two “up and over sectional garage doors” and two personnel doors for access. Industrial profiled cladding would be added to the outer walls, as well as new guttering. These alterations will also be assessed.

1.2 The application relates to an industrial building known as Reynolds Engineering, situated in Winterbourne

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 3, Class I and Schedule 2, Part 7, Class H

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

3. RELEVANT PLANNING HISTORY

3.1	P88/2090	Approval Full Planning	24.07.1988
	Erection of single storey extension to provide 19 sq. Metres (204 sq. Ft.) Of storage space		
	N166/2	Approve with Conditions	03.11.1977
	Erection of extension (760 sq. ft.) to light engineering workshop.		

4. CONSULTATION RESPONSES

4.1 Councillor
No Comments

Winterbourne Parish Council
No objection

Other Representations

4.3 **Local Residents**

Two comments received regarding

- Scaffolding on site being noisy
- Asbestos Roofing
- Operating hours set to exclude Saturday afternoons and Sunday
- Access road being not owned by Reynolds Engineering
- Building not being in a dilapidated state
- Lack of elevations and design details
- Concerns regarding access
- Noise restrictions
- Other operating hours concerns
- Concerns in regards to works being carried out already.

5. **SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

5.1 Site Location Plan.

6. **ANALYSIS OF PROPOSAL**

6.1 This application seeks a certificate of lawfulness to split the existing unit in 3no. units, comprising storage (B8), car valeting (B1) and an office (B1). The installation of 2no. personnel doors, and the installation of 2no. garage doors will also be considered.

6.2 **Principle of Development**

An application for a Certificate of Lawfulness is purely an evidential test and is a formal way to establish whether or not the proposed development can be implemented lawfully without the need for planning permission. Thus there is no consideration of planning merit, the application is based on facts presented. The submission is not a planning application and therefore the Development Plan is not of relevance to the determination of this application.

6.3 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to under Schedule 2, Part 3, Class I and Schedule 2, Part 7, Class H and of the Town and Country Planning (General Permitted Development) (England) Order 2015. There is no reason to believe the site has had its permitted development rights removed.

6.4 **Assessment of Evidence: Change of Use**

Schedule 2, Part 3, Class I allows for change of use to an industrial or general business.

I. Development consisting of a change of use of a building-

- a. from any use falling within class B2 (general industrial) or B8 (storage or distribution) of the Schedule to the Use Classes Order, to a use for any purpose falling within Class B1 (business) of that schedule**

The current use of the building as an engineering place is considered to be B2. A change to B1 is proposed, for the provision of an office and a car valet. This is allowable under permitted development.

- b. from any use falling within Class B1 (business) or B2 (general industrial) of the Schedule to the Use Classes Order, to a use for any purpose falling within Class B8 (storage or distribution of that schedule).**

The current use of the building as an engineering place is considered to be B2. A change to B8 is proposed. This is allowable under permitted development subject to the condition below;

Development Not Permitted

I.1 Development is not permitted by Class I, where the change is to or from a use falling within Class B8 of that Schedule, if the change of use relates to more than 500 square metres of floor space in that building.

The change of use from B2 to B8 does not relate to more than 500 square metres of floor space.

6.5 Assessment of Evidence: Exterior Works

Schedule 2, Part 7, Class H allows for the erection, extension or alteration of an industrial building or a warehouse. In this instance, works are considered to be “alterations to the existing building”.

H.1 Development is not permitted by Class H if-

- (a) the gross floor space of any new building erected would exceed**
- i) for a building on article 2(3) land or on a site of special scientific interest, 100 square meters**
 - ii) in any other case, would exceed 200 square metres;**

The floor space would not be altered as a result of this proposal.

(b) the gross floor space of the original building would be exceeded by more than-

- (i) In respect of an original building or development on article 2(3) land, 10% or 500 square metres (whichever is the lesser);**
- (ii) in respect of an original building or a development on a site of special scientific interest, 25% or 1000 square metres (whichever is the lesser)**
- (iii) in any other case, 50% or 1000 square metres (whichever is the lesser);**

The floor space would not be altered as a result of this proposal.

(c) the height of any part of the new building erected would exceed—

- (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;**
- (ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;**

This proposal does not include the construction of a new building.

- (d) the height of the building as extended or altered would exceed—**
(i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
(ii) in all other cases, the height of the building being extended or altered;

The height of the building would not be altered as a result of this proposal.

- (e) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;**

The outside of the building would be clad in industrial profiled cladding. As the outside of the building is within 5m of the site's boundary to the east and south, the development does not accord with Schedule 2, Part 7, Class H (e), and would therefore need planning permission.

- (f) the development would lead to a reduction in the space available for the parking or turning of vehicles; or**

It is not considered that the development would lead to a reduction in the space available for the parking or turning of vehicles

- (g) the development would be within the curtilage of a listed building.**

The development would not be in the curtilage of a listed building.

Conditions

H.2 Development is permitted by Class H subject to the following conditions—

- (a) the development is within the curtilage of an existing industrial building or warehouse;**

The development is within the curtilage of an existing industrial building.

- (b) any building as erected, extended or altered is only to be used—**

(i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;

(ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;

The development would be carried out for the purposes of an industrial process, for storage and the provision of employee facilities ancillary to the undertaking.

(c) no building as erected, extended or altered is used to provide employee facilities—

(i) between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment; or

(ii) at all, if a quantity of a dangerous substance is present at the premises of the undertaking in a quantity equal to or exceeding the quantity listed in the entry for that substance in Parts 2 or 3 of Schedule 1 to the Control of Major Accident Hazards Regulations 1999(1);

No employee facilities are proposed as a result of these works.

(d) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and

There is no new building being erected as a result of this proposal.

(e) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.

The building is not located on article 2(3) land.

7. RECOMMENDATION

7.1 That a Certificate of Lawfulness for Proposed Development is **refused** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the works proposed do not fall within permitted development for the alteration of an industrial building or a warehouse under Schedule 2, Part 7, of the Town and Country Planning General Permitted Development Order 2015 as it does not accord with Class H. (e), as part of the development would be within 5m of the boundary of the curtilage of the premises.

8. RECOMMENDATION

8.1 That a Certificate of Lawful Development is **refused** for the reason listed below:

Contact Officer: Owen Hoare
Tel. No. 01454 864245

Evidence has been provided to demonstrate that on the balance of probabilities the works proposed do not fall within permitted development for the alteration of an industrial building or a warehouse under Schedule 2, Part 7, of the Town and Country Planning General Permitted Development Order 2015 as it does not accord with Class H. (e), as part of the development would be within 5m of the boundary of the curtilage of the premises.