



**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. 38/17

Date to Members: 22/09/2017

Member's Deadline: 28/09/2017 (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:

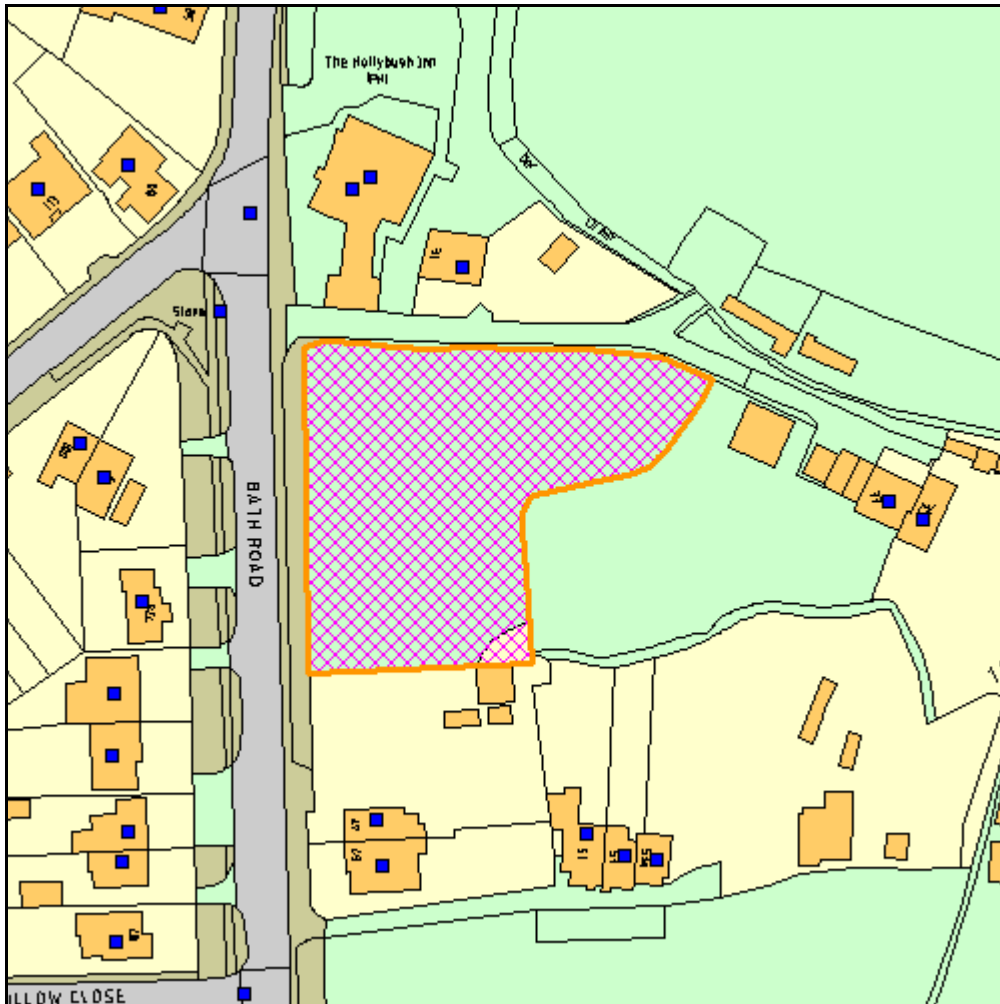
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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 - 22 September 2017

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/2573/CLE	Refusal	Land South Of Hollybush Inn Bath Road Bridgegate South Gloucestershire BS30 5JP	Oldland	Bitton Parish Council
2	PK17/2790/F	Approve with Conditions	12 Back Lane Marshfield Chippenham South Gloucestershire SN14 8NQ	Boyd Valley	Marshfield Parish Council
3	PK17/3270/F	Approve	Camers Barn Badminton Road Old Sodbury South Gloucestershire BS37 6RG	Cotswold Edge	Sodbury Town Council
4	PK17/3459/CLP	Approve with Conditions	37 The Glen Yate South Gloucestershire BS37 5PJ	Yate Central	Yate Town
5	PK17/3472/LB	Approve	Camers Barn Badminton Road Old Sodbury South Gloucestershire BS37 6RG	Cotswold Edge	Sodbury Town Council
6	PK17/3715/CLE	Refusal	Homeapple Cann Lane Oldland Common South Gloucestershire BS30 5NQ	Siston	Siston Parish Council
7	PT17/2269/F	Approve with Conditions	Land Rear Of Units 6010 And 6020 Unit 6030 Plot 6000 Western Approach Distribution Park Severn Beach South Gloucestershire BS35 4GG	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
8	PT17/2974/F	Approve with Conditions	88 Station Road Wickwar Wotton Under Edge South Gloucestershire GL12 8NB	Ladden Brook	Wickwar Parish Council
9	PT17/3043/F	Approve with Conditions	Baytree Cottage Jubilee Lane Cromhall Wotton Under Edge South Gloucestershire GL12 8AU	Charfield	Cromhall Parish Council
10	PT17/3520/CLE	Approve with Conditions	The Hayloft Camp Road Oldbury On Severn South Gloucestershire BS35 1PT	Severn	Oldbury-on-Severn Parish Council
11	PT17/3542/F	Approve with Conditions	42 Park Road Thornbury South Gloucestershire BS35 1HR	Thornbury North	Thornbury Town Council
12	PT17/3543/CLP	Approve with Conditions	75 Kenmore Crescent Filton South Gloucestershire BS7	Filton	Filton Town Council
13	PT17/3840/CLP	Refusal	48 Park Road Thornbury South Gloucestershire BS35 1HR	Thornbury North	Thornbury Town Council
14	PT17/3965/NMA	No Objection	23 South View Frampton Cotterell South Gloucestershire BS36 2HT	Frampton Cotterell	Frampton Cotterell Parish

CIRCULATED SCHEDULE NO. 38/17 - 22 SEPTEMBER 2017

App No.:	PK17/2573/CLE	Applicant:	c/o Agent
Site:	Land South Of Hollybush Inn Bath Road Bridgegate South Gloucestershire BS30 5JP	Date Reg:	6th July 2017
Proposal:	Application for a certificate of lawfulness existing use of land for storage class B8 as described under the town and country planning (use classes) order 1987	Parish:	Bitton Parish Council
Map Ref:	367914 172816	Ward:	Oldland Common
Application Category:		Target Date:	28th July 2017



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REASON FOR REFERRAL TO THE CIRCULATED SCHEDULE

The application has been referred to the circulated schedule in accordance with the scheme of delegation as the application is for a certificate of lawfulness.

1. THE PROPOSAL

- 1.1 This application seeks a certificate of lawfulness for the existing use of land for storage Class B8 as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application claims that the land to the south of the Hollybush Inn has been used for over 10 years for open air storage of construction materials, associated equipment including skips and the storage of vehicles and trailers.
- 1.3 The certificate of lawfulness is sought on the basis that the land has been used for storage purposes (Class B8) for a period in excess of 10 years and is immune from planning enforcement action under 171B(3) of the Town and Country Planning Act 1990 ("the Act") and therefore, in accordance with section 191(2), the use is lawful.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 There are a number of planning applications relating to the site from the 1980s and early 1990s. The most relevant have been listed below:

- 3.2 P93/4506 Retention of Office and Storage Accommodation for Temporary Period of Two Years (Previous ID: K733/10)
Refused 08.11.1993

Refusal reasons:

1. *The site is designated Green Belt within the Kingswood Local Plan. In such areas, it is Council policy to limit development to those forms which are appropriate to a rural area. The proposal is thus in conflict with Policy KLP.36 of the Kingswood Local Plan.*
2. *The existing development by reason of its scale and form, is inappropriate to the character of the area and is detrimental to the visual amenity of the Green Belt. It is also contrary to the spirit of Policy KLP.36 of the Kingswood Local Plan.*

3. *The existing development results in an intensification in the use of the existing access onto Bath Road, which is considered inadequate to accommodate the traffic generated by the development leading to additional stopping and turning movements to the detriment of highway safety. The proposal is also contrary to Policy KLP.90 of the Kingswood Local Plan.*

- 3.3 P90/4418 Erection of Replacement Garage for the Storage of Motor Caravan (Previous ID: K733/9)
Approved 13.08.1990
The Officer's report states that the northern half of the site was covered by chipping and has in the past been used as a temporary car park in association with the Hollybush Inn pub and the south half of the site was overgrown.
- 3.4 P85/4228 Temporary car park (Previous ID: K733/8)
Approved 18.06.1985
- 3.5 P84/4534 Use of Land as a Temporary Car Park (Previous ID: K733/7)
Approved 19.11.1984
The application shows an existing garage on the land.
- 3.6 P84/4247 Use of Land as a Temporary Car Park (Previous ID: K733/6)
Approved 11.06.1984
The application shows an existing garage on the land and note that the application site would be cleared of debris and building materials before the car park being brought into beneficial use.
- 3.7 P83/4059 Erection of Replacement Garage for the Storage of Motor Caravan (Previous ID: K733/4)
Approved 02.06.1983

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Bitton Parish Council is not usually in a position to comment on applications for certificates of lawfulness. However, the Council is aware that there have been a number of complaints made to the Planning Enforcement team over quite a few years about alleged unauthorised uses on this site. Councillors therefore question whether the use claimed now can have been continuous, as is required.
- 4.2 Councillor
No comment received.

4.3 Business Rates

Have checked our records and we have no details of a land assessment adjacent to Hollybush Inn. Can confirm that they have not paid business rates for this land at any time.

4.4 Planning Enforcement Team

Objection.

Comments were received from the a Planning Enforcement Officer who has recently investigated an alleged breach of planning control at the site. they have provided a planning enforcement history of the site also:

- o Ref. COM/09/5384/OD – Land has been cleared hedges and trees removed and possible engineering works taking place. (Dec 2009);
- o Various site visits carried out and photos on file that show land being cleared but no vehicle storage on the land (at the most there is no more than 1 vehicle on site at any of the visits);
- o The first site visit a workman stated that the land was being cleared and it was Mr Peats intention to put down hardstanding and use the land for the storage of motor vehicles. The Council served a PCN on Mr Peat (one of the question was what is the current use of the site). See COM/09/5384/OD/1 on IDOX;
- o Site visit carried out by a Planning Enforcement Officer on 3/03/10. Photograph shows site has been cleared, with a large gap in the hedgerow along Bath Road and compacted rubble/stone all over the ground.
- o Case closed in September 2010 as no breach on site and owner made aware that the use of vehicle storage would need permission (taken from closure notes on IDOX);
- o COM/11/0127/ADV and COM/11/0135/ADV Sign erected on scaffolding in field – closed as sign removed after negotiation. Closed March 2011. Site visits carried out but no mention of any vehicle storage;
- o COM/16/1113/COU & COM/17/0335/COU Ground cleared, gate, fence, driveway and post box installed. Vans parked, possible use as business premises. (complaint logged November 2016);
- o COM/16/1113/COU/1 - Following a site visit and warning letters the land was not cleared of vehicles and an Enforcement Notice was served for change of use to B8 storage. The Enforcement Notice was served on 1st March 2017 and took effect on the 5th April 2017. The Notice was not appealed to the Planning Inspectorate. This application for a Certificate of Lawfulness was registered on 2nd June 2017. The requirements of the Notice are to “Permanently cease the use of the land for a storage use (Class B8)”. Therefore my comment will be that a Certificate of Lawful use for a B8 use cannot be granted as the use applied for is in

contravention of the requirements of an extant Enforcement Notice and therefore cannot become lawful through the passage of time.

Other Representations

4.5 Local Residents

A total of 20no. comments have been received from local residents. There are 13no. in support, 5no. objections and 2no. neutral:

Objections -

- Site is within the Green Belt and will set a precedent for development locally;
- Storage/distribution site has not been in use for more than 10 years;
- Planning permission refused for offices in 1993 and since then site has been used for dumping and burning of rubbish;
- Only in last few months has a fence been built around the site and the storage and working of commercial vehicles began, as well as two large portacabins placed on site;
- Council has received numerous complaints in past few years about unauthorised activities;
- Site entrance major concern due to narrow lane, larger commercial vehicles using the lane and horse riders;
- An increase in vehicles using the site will impact on parking problem on Bath Road and outside the Hollybush Inn pub;
- Lane used for vehicular access for three dwellings and a stable block, is also a public right of way;
- Land to the south has always been a paddock;
- Land entrance has poor visibility;
- Lived on Bath Road since 1978 and there has never been an established use on this land;
- Licensee at the Hollybush Inn between 1977 – 1992 and regularly used the land as an overspill car park;
- Land has been used for the storage of vehicles for no longer than six months;
- Gradually over the course of 2017 more and more vehicles have been left on site;
- Moved into our house in November 2016 and there were no visible vehicles parked on the land;
- Land was a pony paddock and since it was bought there have been several unsuccessful attempts to develop the land;
- Using Google Street View, noted that the fence was not there in 2016 nor was there any sign of building materials at that time;
- Hollybush Lane is inappropriate and does not serve small businesses as stated in the Supporting Statement;
- Business rate demand relates to a different address on a different part of Bath Road;
- Application should be refused as inaccurate;
- Never seen any sign of a builder's yard;
- Rubbish burnt on the land which causes smoke for days.

Support –

- For the past 19 years, the site has been used for building storage and storage of motor vehicles;
- Father worked at the site. There were always trucks and lorries on site, as well as farm machinery, tractors, plant, cars and vans;
- Never any traffic or access problems to this site;
- Local employment;
- Used as a car park;
- In the Winter, you can see the cars and vans being stored;
- The trees around the site means it doesn't impact upon the wider area;
- Doesn't harm the neighbours amenity;
- Always been movement of machinery, storage, and small garage assembled there serving lorries;
- Need more houses;
- Since 1980 this land has had a number of uses from mechanical (farm machinery) and storage of motor vehicles;
- Grandfather used the land and workshop from 1958 – 1972 for his lorry and farm machinery business. Premises were sold to current landowner Mr T Bryan in 1972;
- Used the yard for 10+ years for storage of skips and skip vehicles (Cox Skips) with no objection or complaints;
- As landlord of Hollybush Inn from 2000 – 2005, we were aware the land was used for motor vehicle storage.

Neutral –

- During ownership of the public house (approx. 5 years) witnessed various vehicle movements to and from the site;
- Nature of visits unknown because the site is well-screened by hedges;
- Previously used by public house as an overspill car park and would welcome this opportunity again;
- Common knowledge the land was used for overflow car park and storage.

5. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

5.1 This application is supported by the following evidence, submitted on 2nd June 2017:

- Aerial photograph from 1999 of the application site;
- Statutory Declaration from Philip Cox (dated 31st May 2017);
- Statutory Declaration from Daniel Peat (dated 31st May 2017);
- Statutory Declaration from Terrence Bryan (dated 31st May 2017);
- Aerial photograph from 2004;
- Photographs of the local area and application site from circa 1992/3;
- Supporting Statement by agent, which includes aerial images from 2016, 2013, 2009, 2007 and 1999

6. SUMMARY OF OTHER EVIDENCE

- 6.1 Council's Business Rates Team response – they have checked their records and they have no details of a land assessment for the application site. they can confirm that they have not paid business rates for this land at any time;
- 6.2 Aerial photography taken for South Gloucestershire Council –
- o 1991 – A hardstanding/cleared area can be made out near the entrance. No sign of any vehicles parked on the land, or buildings or building materials;
 - o 1999 – There is a slight clearing of vegetation near the entrance. Application site appears mostly overgrown with thick vegetation. Photograph shows the land to be in a very similar state to 2006;
 - o 2005 – Partial clearing near the entrance, but nothing else visible on site;
 - o 2006 – Only a brown/red truck visible on site and the rest of the site is covered in thick vegetation;
 - o 2008 – There are three white vehicles (two of which appear to be large vans) parked on the site. part of the land near the access has been cleared, there is also some rubbish or materials being stored outside to the west of the access. There are no buildings on site;
 - o 2014 – Nothing appears to be on the site, vegetation appears thick and overgrown.
- 6.3 A total of five local residents have made comments objecting to the application. numerous comments have been made about the use of the land over the years, many of which suggest that the land has not been used for a continuous period of 10+ years for storage and distribution purposes.

7. EVALUATION

- 7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the existing use of the buildings for purposes falling within Class B8 of the Use Classes Order is lawful.
- 7.2 Hierarchy of evidence
When assessing the evidence supplied in support of this Certificate of Lawful Use application, different types of evidence are given different weight. Generally, the weight attached to such evidence is as follows:
1. Verifiable photographic evidence;
 2. Contemporary documentary evidence;
 3. Sworn written statements / appearance under oath at Public Inquiry;
 4. Unsworn letters
- 7.3 The application states that the B8 use has been in place in excess of 10 years. All three Statutory Declarations state that the land was used from 11.06.1984 to 30.09.1987 for ancillary car parking for the Hollybush inn public house.

Two of the Statutory Declarations from Mr Bryan and Mr Cox state that the B8 Storage use commenced in January 1996 to present date, as well as skips being on the land from January 1996 to March 2009. It does appear that the land has been used for various purposes over the past 33 years. But the Officer is cautious as to whether this amounts to a continuous use of 10+ years, particularly given the access has been recently altered and new gates and fencing erected.

- 7.4 It is considered that over the years, the land has been used intermittently (given the planning enforcement history) and that one land use has not been continuous for a period in excess of ten years.
- 7.5 A major consideration in this application is that the site is the subject of an extant Enforcement Notice (Ref. COM/16/1113/COU/1). This Enforcement Notice covers the application site and as such, even if evidence is shown 'on the balance of probability' that the land has been used for B8 Storage purposes for a period in excess of ten years, the Enforcement Notice would prevent the issue of the Certificate. As such s.191(2)(b) of the Town and Country Planning Act 1990 prevents the storage use from being lawful. The proper course for the applicant would have been to have challenged an Enforcement Notice by an appeal to the Planning Inspectorate under ground (d) of the statutory grounds of appeal, perhaps to have applied under s.73A to retain the development as carried out.

8. **CONCLUSION**

- 8.1 Taking into account the above, the extant Enforcement Notice (Ref. COM/16/1113/COU/1) relating to the site which specifically states that the applicant must "permanently cease the use of the land for a storage use (Class B8)" overrides the applicant's ability to apply for a Certificate of Lawfulness which is in direct contravention of the requirements of the notice.

9. **RECOMMENDATION**

- 9.1 That a Certificate of Lawful Existing Use is **REFUSED** because the applicant has failed to prove that the land has been used for 'B8 storage purposes' for a continuous period of over ten years, and because of the existence of an Enforcement Notice (Ref. COM/16/1113/COU/1) which specifically prevents such a use from becoming lawful.

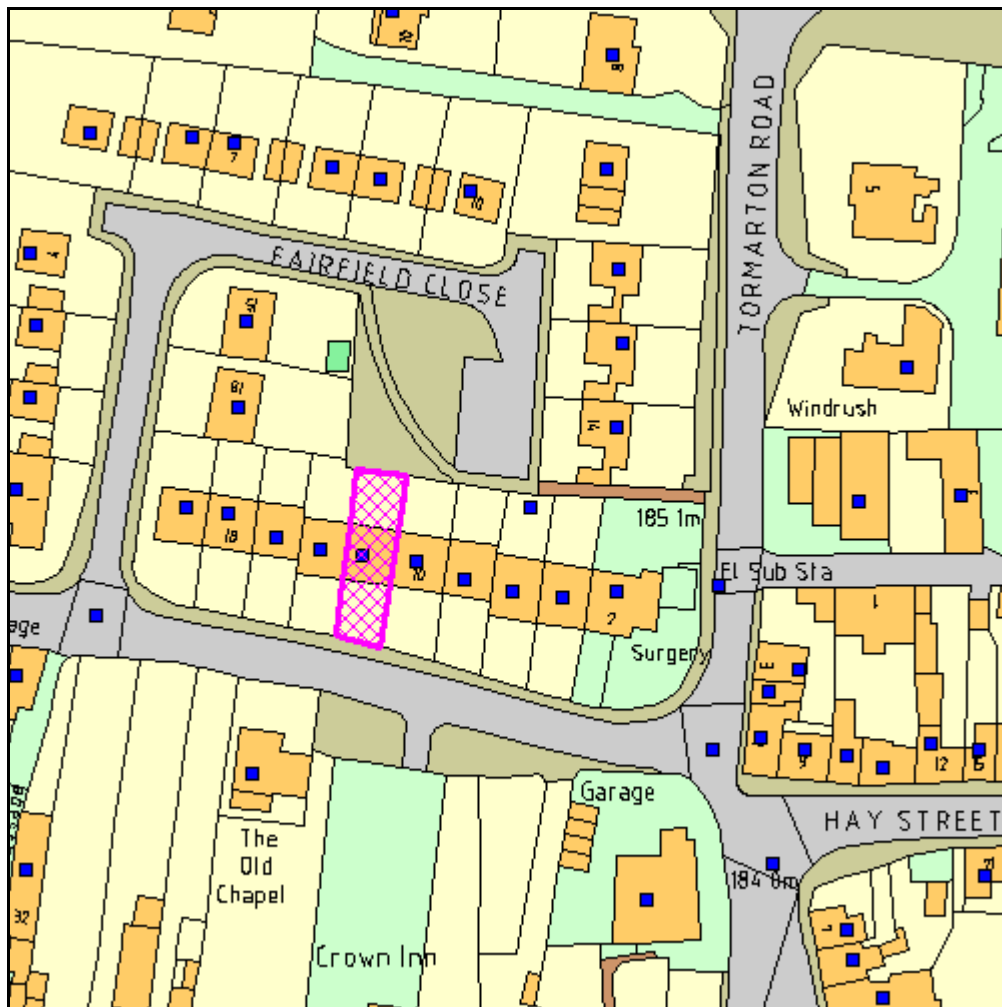
Contact Officer: Katie Warrington
Tel. No. 01454 864712

REASONS FOR REFUSAL

1. It is not possible to issue a Lawful Use Certificate as s.191(2)(b) of the Town and Country Planning Act 1990 prevents the use of the land for storage purposes (Use Class B8) from being lawful as this contravenes the Enforcement Notice issued under reference COM/16/1113/COU/1 .

CIRCULATED SCHEDULE NO. 38/17 – 22 SEPTEMBER 2017

App No.:	PK17/2790/F	Applicant:	Mr Green
Site:	12 Back Lane Marshfield Chippenham South Gloucestershire SN14 8NQ	Date Reg:	7th July 2017
Proposal:	Erection of rear conservatory	Parish:	Marshfield Parish Council
Map Ref:	378032 173837	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	9th August 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for the erection of a rear conservatory. The conservatory would measure approximately 4 metres in length by 3 metres wide.
- 1.2 The property is a mid-terrace dwelling located on a residential road in Marshfield. The site is located within the designated Marshfield Conservation Area, although it forms part of an area that represents a more modern addition to the area.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L12 Conservation Area

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS9 Managing the Environment and Heritage
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Marshfield Parish Council
No comments received

Conservation Officer
No comment

Other Representations

- 4.2 Local Residents

One letter of objection from local resident has been received, as follows:

We understand that a 3m conservatory is allowed under 'permitted development' and obviously respect the legal standpoint. Our objection is over the scale of the conservatory, being of 4m in length, for the following reasons:

1) Loss of light and view from our kitchen/diner.

Our house is designed with two main living spaces, the kitchen/diner room, in which we spend most of our time and is the larger of the two rooms, and is the one directly affected by the proposed conservatory. The second smaller room is a lounge and is at the front of the house. The kitchen/diner is North facing, and hence does not get that much light - the conservatory would diminish this still further. One of the main reasons we bought the house, and one of the advantages of a terrace over many detached houses, is the space in front and behind the house, and that the gardens and house are not overlooked. This large proposed conservatory would block nearly all the view westwards from our kitchen, and especially from our kitchen table where we have all our meals. At present, even though the gardens are small, in a sense we all benefit from each others as the gardens are 'in a row' and are designed to foster a sense of communality (e.g. the deeds specify the party fence should be no more than 5 feet high for this very reason).

2) Loss of light and view from our garden

Relatively speaking, our rear garden is quite small, and hence the 4m conservatory would take up about half of our garden. Being North facing it is in shade for much of the time and in the evening the sun sets in the West, but the proposed conservatory would almost totally block out this welcome light over our patio area when we have evening meals in the summer. The greater shade would also limit the plants which could be grown and lead to a significantly darker garden.

Again, following on from point one, when one is in the garden, there is a sense of space and then to enjoy the 180 degree view. The 3m conservatory would be non-ideal but clearly much better than the 4m one as it would be more in keeping, and take less of the light and the view from both our kitchen/diner and our garden. In such a small garden, the extra metre of conservatory that is proposed would make a significant difference to the impact it would have on us.

3) Conservation Zone

One of the reasons we bought our home was that it is in a conservation zone, aimed at maintaining the historical and architectural integrity of Marshfield. We feel the 3m smaller conservatory would blend in much better to its surroundings than one 33% longer. There is a precedent for 3m conservatories in our row of terrace houses, but not 4m conservatories.

4) Deeds

In the deeds of the house, (under 2a) it states that the purchaser of the house should 'not without the previous consent of the vendor to alter the external plan or elevation of the said dwelling house'.

We are not legal experts but we would ourselves abide by our deeds and would have hoped our neighbours to have done also. We consulted our solicitor and were told we have a good case in private law against the building of any conservatory, but we decided not to pursue this legal route and instead to object to the 4m conservatory through the planning permission process, in the hope that it would be reduced to a more acceptable and less obtrusive 3m.

5) Maintenance of party boundary

Two years ago in 2015, strong winds blew down our communal fence and thus we both bought a new picket fence, splitting the cost equally between us at a cost of several hundred pounds each. Whether the large or small conservatory is built, we would trust that this fence is maintained and that the wall of the conservatory would not interfere with the said fence, or take its place for that section. The plans do not make clear whether our party fence would be protected.

In summary, whilst we would much prefer no conservatory at all, since it would significantly impair the light and views from both our main living room and garden, and potentially affect our house price due to our home and garden being considerably more overlooked and much darker, we understand that our neighbours would benefit from a conservatory. However, we feel the 4m version to be much too large and out of keeping with the area and in proportion to the relatively small gardens. We feel 3m is a reasonable compromise and we are keen for good neighbourly relations to continue; hence this would be a compromise which hopefully would be satisfactory to both parties.'

(Photos and deed details were attached and have been received, these are available on the Council's website)

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

5.2 Residential Amenity

The amenity concerns raised by the neighbouring property, above, are noted. The depth of the extension off the rear wall of the house would be 4 metres. The applicants have confirmed that they consider this to be the optimum minimum depth in order to achieve a satisfactory additional useable space. Therefore it must be considered upon its own merits as to whether the proposed 4 metre conservatory would have a significant and material impact upon the surrounding area. The height of the side wall would be approximately 2.3 metres with the roof sloping away from the shared boundary.

It is considered that the plot can adequately accommodate the proposed conservatory and that sufficient private amenity space would remain. The wider outlook referred to is across neighbouring gardens as opposed to open or public land and there is no right to a view in planning terms, any impact must therefore be judged in terms of whether the proposals would in planning terms be considered overbearing on adjacent properties. It is noted that the existing layout and relationship between some of the attached gardens is relatively open, however there are some with higher levels of vegetation, which can be grown for screening, as well as some with boundary treatments. Of note and material consideration is, in planning consideration, the existence of permitted development rights that could enable construction of boundary treatments of up to 2 metres, without the requirement for planning permission. The purposes of planning consideration is to assess the reasonableness, or otherwise, of a development proposal, in planning terms, the references to the deeds are noted, however this would be a separate legal matter and it would be for the applicant to ensure that they have the relevant rights (ownership, deeds etc) to carry out the development. Planning permission would not override any existing legal rights or restrictions, however it is also not the role of planning to interpret or assess deeds and covenants. Given the above, it is not considered in this instance that the extent of development proposed at 4 metres long, is not an unreasonable addition to the property in its own right and that the scale of extension could not be considered to have a significant or material overbearing impact such as to warrant and sustain an objection and subsequent refusal of the application on this basis.

5.3 Planning permission would not grant rights to carry out works or access land not within the applicants control for the purposes of maintenance or construction. The proposals remain within the curtilage of the application property. Maintenance of shared boundaries is a civil matter.

5.4 Conservation Area/Design / Visual Amenity

The proposals are for a conservatory, other conservatories of varying design, exist within the terraced row of properties. Stonework would match the existing dwelling. It is acknowledged that the site is located within the designated Marshfield Conservation Area. This in its own right does not preclude the addition of conservatories. The area is a more modern addition to Marshfield and whilst Conservation Area considerations still apply and the nature and design of the proposals must be acceptable to the context of the building and the area, there are no Conservation objections to the proposals on this basis. The scale and design of the proposals is considered to adequately integrate with the existing dwelling and surrounding area, and is therefore not considered to give rise to material or significant impact upon the locality such as to warrant and sustain an objection and refusal of the application on this basis.

5.5 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between

people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposals are of an appropriate standard in design and are not out of keeping with the context of the area and surrounding properties. Furthermore the proposal would not materially or significantly harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies H4 and L12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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 recommended.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

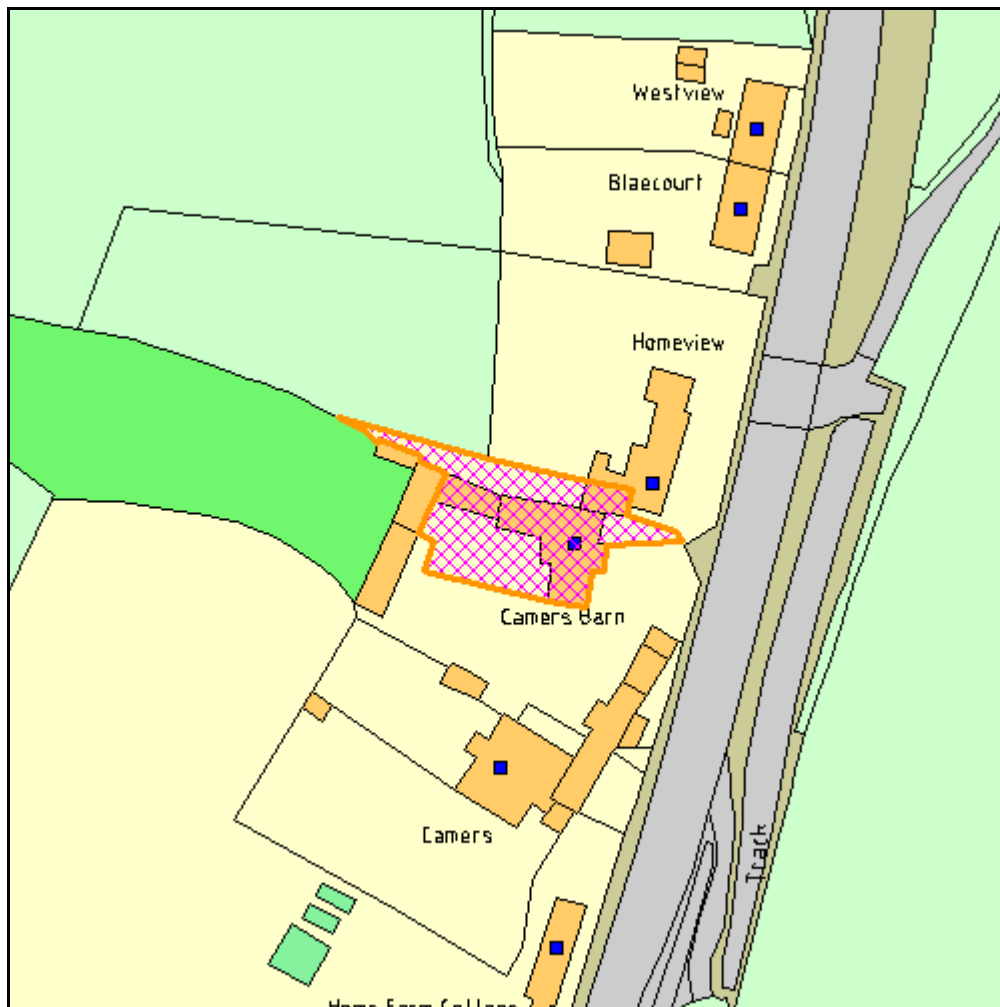
2. The stone work to be used externally in the development hereby permitted shall match that of the existing building in type, colour, texture, size, coursing and jointing.

Reason

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

CIRCULATED SCHEDULE NO. 38/17 – 22 SEPTEMBER 2017

App No.:	PK17/3270/F	Applicant:	Mr A Denman
Site:	Camers Barn Badminton Road Old Sodbury Bristol South Gloucestershire BS37 6RG	Date Reg:	3rd August 2017
Proposal:	Raising of roofline to garden room. (Retrospective)	Parish:	Sodbury Town Council
Map Ref:	375596 181111	Ward:	Cotswold Edge
Application Category:	Householder	Target Date:	7th September 2017



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PK17/3270/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is to appear on Circulated Schedule due to the receipt of an objection from the a local resident, contrary to the Planning Officer's recommendation

1. THE PROPOSAL

- 1.1 Planning permission and Listed Building consent was granted for the erection of a single storey extension to the north elevation to form a garden room at Camers Barn (PK16/0798/LB and PK16/0797/F refers).
- 1.2 During the construction due to the need marry internal floor levels with the existing building the roof level has been raised on the original approved drawings by 60cm requiring a change in the way the building links to the existing development. There are other minor changes to glazing detail, roof lights and materials included within this application. This retrospective application reflects the above changes.
- 1.3 Camers Barn is a former barn converted to a dwelling following the grant of planning permission in 1999. It is located on the main Badminton Road at Old Sodbury. The property is set down slightly from the road and largely screened by hedge and trees. It is a curtilage listed building.
- 1.4 The site is outside of any established settlement boundary and is considered to be in the open countryside, and within the Bristol/Bath Green Belt.
- 1.5 The associated listed building consent (PK17/3472/LB) is currently pending consideration by the Local Planning Authority

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment & Heritage
- CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- L1 Landscape Protection & Enhancement
- L2 Cotswold Area of Outstanding Natural Beauty (AONB)
- L13 Listed Buildings
- H4 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

3. **RELEVANT PLANNING HISTORY**

3.1 PK17/3472/LB retention of roofline to garden room

3.2 PK16/0798/LB and PK16/0797/F Erection of single storey extension to north elevation to form garden room. Approved with conditions.

4. **CONSULTATION RESPONSES**

4.1 Sodbury Town Council

No objection

4.2 Listed Buildings Officer

No objections subject to clarification regarding roof materials. This was clarified by the agent during the application process to the satisfaction of the Councils Listed Buildings Officer.

Other Representations

4.3 Local Resident

Objection to the raising of the roofline

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application seeks retrospective permission for the raising of the roofline and minor changes to glazing detail, roof light design, change of door to timber from glass and a change in the roof specification. The principle of the development has already been established through the granting of permission reference PK16/0797/F and listed building consent PK16/0798/LB, referred to above. The differences for consideration are the small change to the roof height and the other minor alterations to roof lights and rear door.

5.2 Residential Amenity

The small increase in roof height and other minor design changes are considered not to give rise to a significant or material overbearing impact upon neighbouring properties. An objection has been received regarding the raising of the roof line but the small increase in roof height is considered not to have an over bearing effect on the nearest residential properties. It is considered therefore that the proposal would be acceptable in terms of residential amenity and accords with saved Policy H4.

5.3 Design and impact on heritage asset

The Councils Listed Buildings Officer has made detailed comments and has no objection to the raising of the roof height. The proposed 60cm increase in height isn't considered problematic as it would not undermine the original design concept of the extension. Other minor changes are considered acceptable by the officer. The Listed Building officer queried the materials to be used but during the application process appropriate materials have been agreed and reflected in the drawings submitted. It is considered that the changes demonstrate an acceptable design and accord with Policy CS1 and saved Policy H4.

5.4 Area of Natural Beauty

The changes are considered minor and as the development is nestled between the existing built form a small increase in roof height of 60cm is considered to have no impact on the AONB and accords with Policy L1 and L2.

5.5 Consideration of likely impact on Equalities

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

With regard to the above legislation the officer has not been made aware of any equalities issues that would have any material weight on the decision within this application.

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/refuse 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.

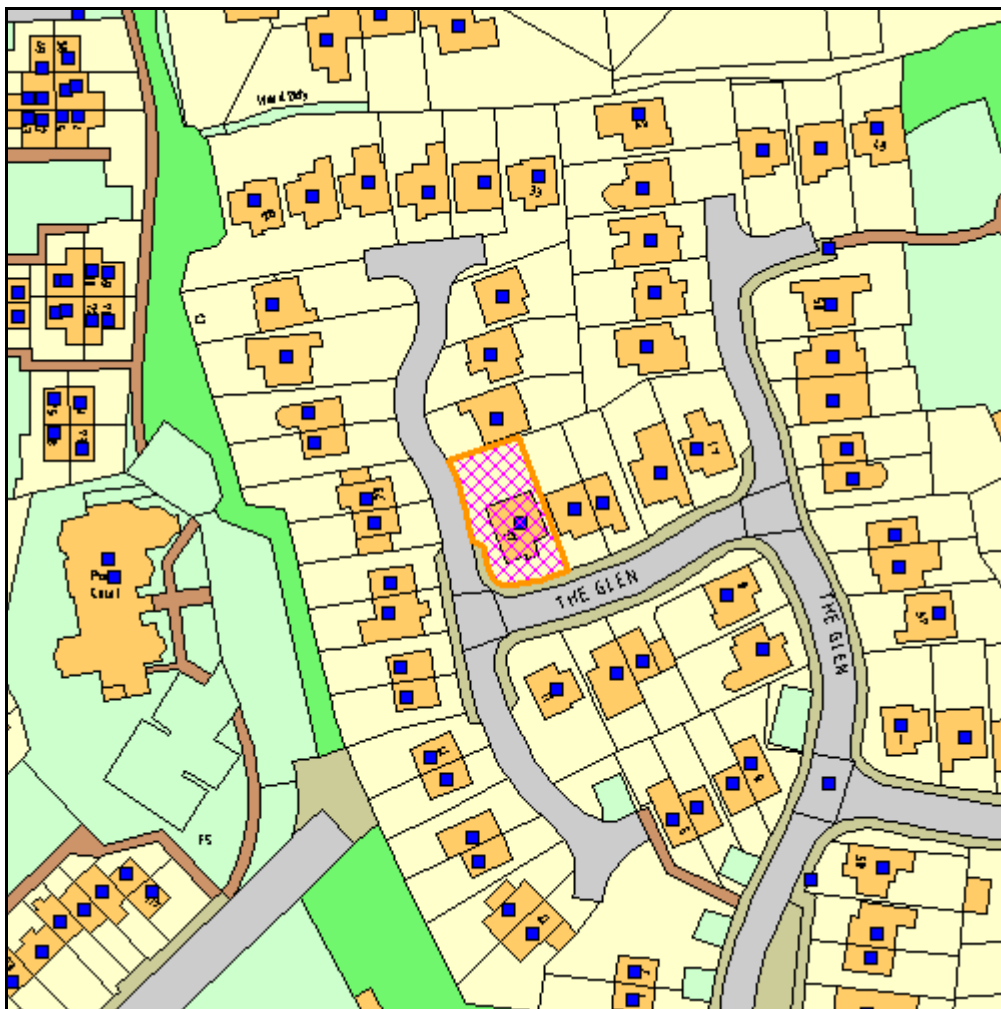
7. RECOMMENDATION

7.1 That planning permission is granted.

Contact Officer: Kevan Hooper
Tel. No. 01454 863585

CIRCULATED SCHEDULE NO. 38/17 – 22 SEPTEMBER 2017

App No.:	PK17/3459/CLP	Applicant:	Mr And Mrs Parry
Site:	37 The Glen Yate Bristol South Gloucestershire BS37 5PJ	Date Reg:	25th August 2017
Proposal:	Application for a certificate of lawfulness for the proposed conversion of existing garage to form additional living accomodation.	Parish:	Yate Town Council
Map Ref:	371174 182779	Ward:	Yate Central
Application Category:	Certificate of Lawfulness	Target Date:	16th October 2017



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PK17/3459/CLP

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the conversion of an existing garage to form additional living accommodation at 37 The Glen, Yate 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 Act 1990 (As Amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) 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 PK05/0151/F

Erection of single storey rear extension to provide additional living accommodation.

Approved: 25th February 2005

3.2 P88/3539

Erection of two storey side extension to provide garage with bedroom and ensuite bathroom above.

Approved: 15th February 1989

3.3 P84/2534

Residential and ancillary development on approximately 9.4 acres.

Approved: 4th July 1985

4. CONSULTATION RESPONSES

4.1 Yate Town Council

No comment received.

4.2 Councillor

No comment received.

Other Representations

- 4.3 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Existing Ground Floor and Front Elevation
Drawing no. HN/0789/02
Received by the Council on 20th July 2017

Proposed Ground Floor and Front Elevation
Drawing no. HN/0789/03
Received by the Council on 20th July 2017

Proposed Section
HN/0789/04
Received by the Council on 20th July 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 is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015. Following a check of the planning history there seems to be no constraint upon permitted development rights at the property.

- 6.3 The proposed development consists of the conversion of an existing garage to form additional living accommodation. The only external alteration proposed is the replacement of an existing garage door with a ground floor window. This development would fall within Schedule 2, Part 1, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement, improvement or other alterations of a dwellinghouse subject to the following:

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

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

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

- (b) As a 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 proposed work will have no impact on the total area of ground covered by buildings.

- (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 converted garage would not change as a result of the proposal.

- (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 converted garage would not change as a result of the proposal.

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

The proposal would not involve the enlargement of the 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,**
(ii) or exceed 4 metres in height;

The proposal would not involve the enlargement of the dwellinghouse.

(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 proposal would not involve the enlargement of the dwellinghouse.

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

The proposal would not involve the enlargement of the dwellinghouse.

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

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

The proposal would not involve the enlargement of the dwellinghouse.

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

The total enlargement does not exceed the limits set out in sub-paragraphs (e) to (j).

(k) It would consist of or include—

- (i) the construction or provision of a verandah, balcony or raised platform,**
- (ii) the installation, alteration or replacement of a microwave antenna,**
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**

(iv) an alteration to any part of the roof of the dwellinghouse.

The proposal does not include any of the above.

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

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 submitted information indicates that the proposed window will be finished in brown PVCu to match existing.

- 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.

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

Not applicable.

6.4 No. 37 The Glen, Yate has no planning history that restricts the conversion of a garage.

7. RECOMMENDATION

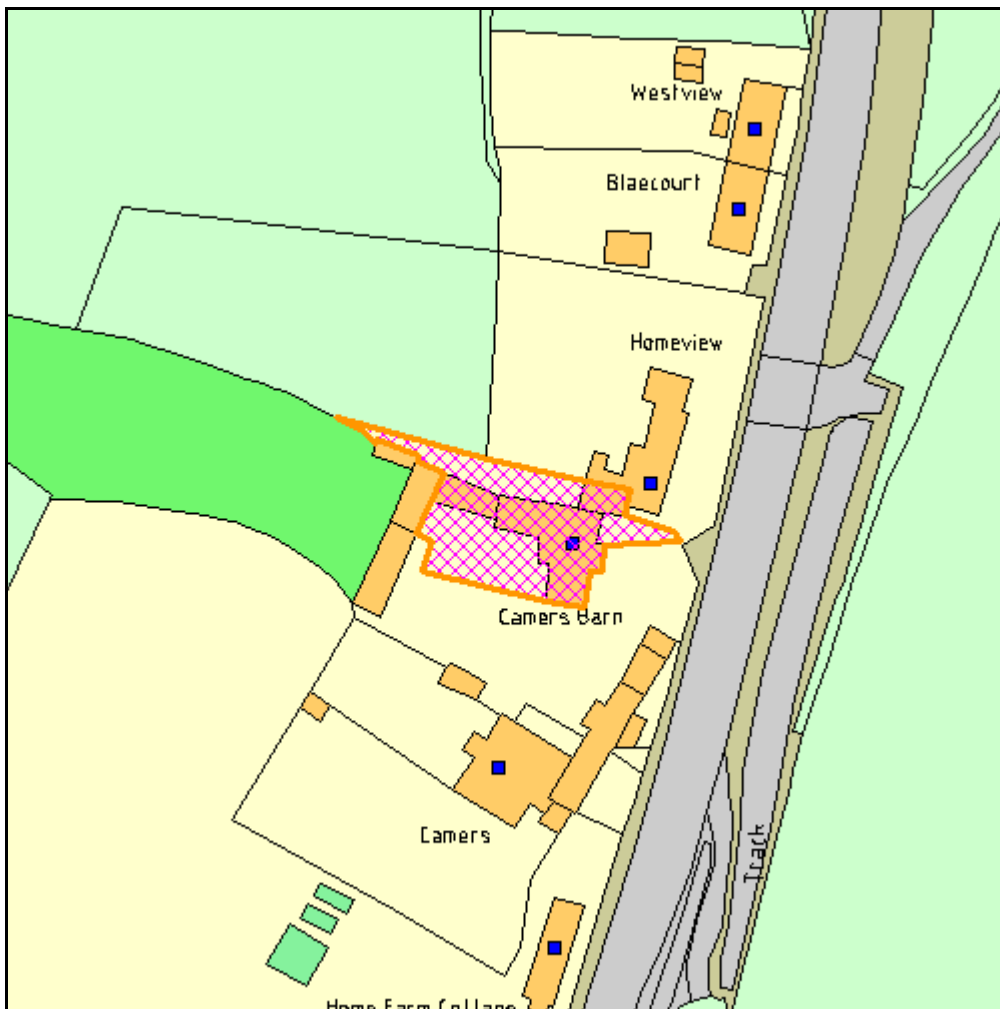
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reasons:

Evidence has been provided to demonstrate, on the balance of probabilities, that the proposed garage conversion would fall within the permitted development rights afforded to householders under Schedule 2; Part 1 of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: James Reynolds
Tel. No. (01454) 864712

CIRCULATED SCHEDULE NO. 38/17 – 22 SEPTEMBER 2017

App No.:	PK17/3472/LB	Applicant:	Mr A Denman
Site:	Camers Barn Badminton Road Old Sodbury Bristol South Gloucestershire BS37 6RG	Date Reg:	3rd August 2017
Proposal:	Retention of raised roofline to garden room	Parish:	Sodbury Town Council
Map Ref:	375596 181111	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	7th September 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is to appear on Circulated Schedule due to the receipt of an objection from the a local resident, contrary to the Planning Officer's recommendation

1. THE PROPOSAL

- 1.1 Planning permission and Listed Building consent was granted for the erection of a single storey extension to the north elevation to form a garden room at Camers Barn (PK16/0798/LB and PK16/0797/F refers).
- 1.2 During the construction due to the need marry internal floor levels with the existing building the roof level has been raised on the original approved drawings by 60cm requiring a change in the way the building links to the existing development. There are other minor changes to glazing detail, roof lights and materials included within this application. This retrospective application reflects the above changes and seeks listed building consent.
- 1.2 Camers Barn is a former barn converted to a dwelling following the grant of planning permission in 1999. It is located on the main Badminton Road at Old Sodbury. The property is set down slightly from the road and largely screened by hedge and trees. It is a curtilage listed building.
- 1.3 The site is outside of any established settlement boundary and is considered to be in the open countryside, and within the Bristol/Bath Green Belt.
- 1.4 The associated application for full planning permission (PK173270/F) is currently pending consideration by the Local Planning Authority.

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

CS9 Managing the Environment Heritage

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L13 Listed Buildings

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK17/3270/F retention of roofline to garden room
- 3.2 PK16/0798/LB and PK16/0797/F Erection of single storey extension to north elevation to form garden room. Approved with conditions

4. CONSULTATION RESPONSES

4.1 Sodbury Town Council

No objection

4.2 Listed Buildings Officer

No objections subject to clarification regarding roof materials. This was clarified by the agent during the application process to the satisfaction of the Councils listed buildings officer.

Other Representations

4.3 Local Resident

Objection to the raising of the roofline

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The only issue to consider in this application is the impact of the changes made to the approved scheme (PK16/0798/LB & PK16/0797/F) on the special architectural and historic significance of the listed building.

5.2 Camers Barn can be regarded as curtilage listed by virtue of its historic association with the grade II* listed Home Farmhouse. Permission was granted and listed building consent obtained for the erection of a single storey extension to form a garden room. During construction changes have been made to raise the roofline by 60cm and change the roofing specification and other minor alterations to roof lights and rear door.

5.3 The listed buildings officer has raised no objections to the changes and commented “that it is understood that the issue of increase in height is due to a surveying error. The proposed 60cm increase in height isn’t considered problematic as it would not undermine the original design concept of the extension clearly reading as a distinct, separate and subordinate structure. The changes to the glazing details also do not result in any loss of the original character and the insertion of the timber door in my view adds a degree of interest”. The only issue raised by the listed buildings officer was concerning the materials used in the roof and during the course of the application the materials have been agreed to the satisfaction of the officer and form part of the plans submitted with this application. It is therefore considered that the historic form, scale and character of the barn is preserved by these changes and the development is acceptable in terms of Policies CS1 and CS9 of the Core Strategy and L13 of the Local Plan.

5.4 Consideration of likely impact on Equalities

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

With regard to the above legislation the officer has not been made aware of any equalities issues that would have any material weight on the decision within this application.

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/refuse 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.

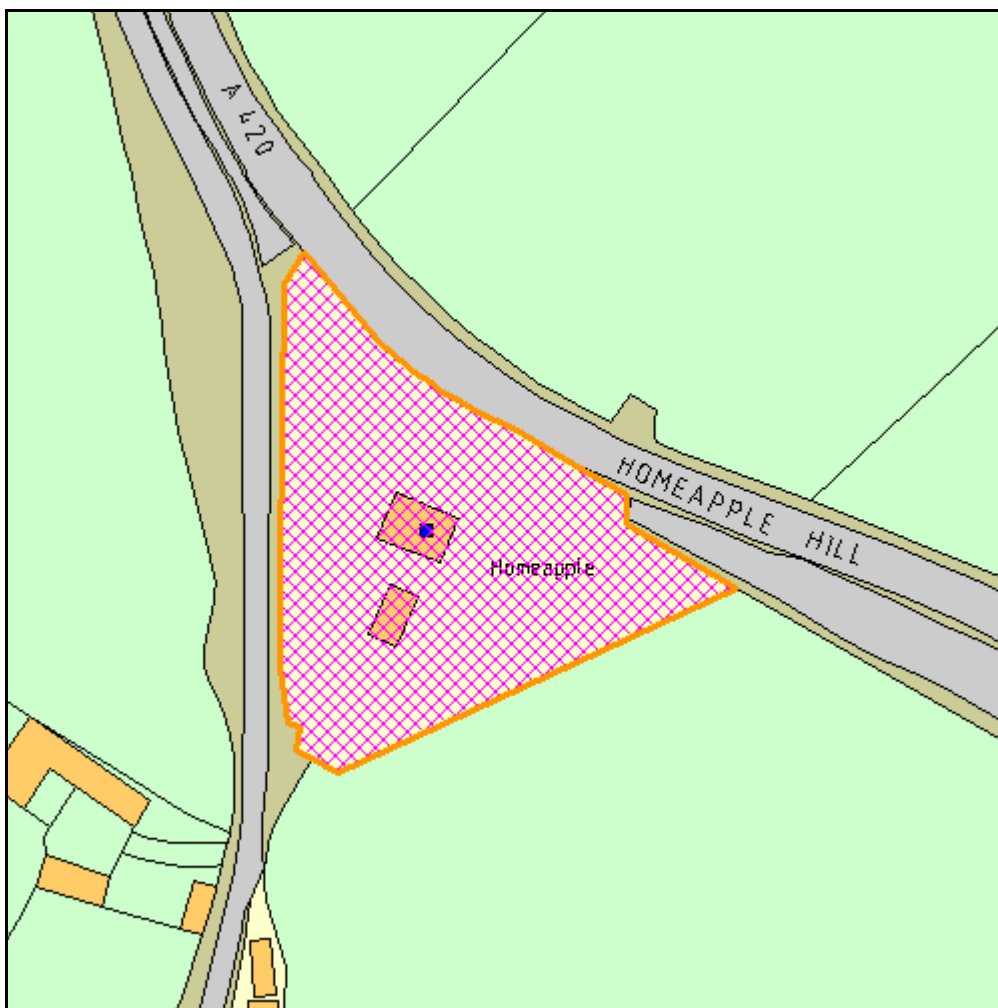
7. RECOMMENDATION

- 7.1 That listed building consent is granted

Contact Officer: Kevan Hooper
Tel. No. 01454 863585

CIRCULATED SCHEDULE NO. 38/17 – 22 SEPTEMBER 2017

App No.:	PK17/3715/CLE	Applicant:	Mr Erminio Porcaro
Site:	Homeapple Cann Lane Oldland Common Bristol South Gloucestershire BS30 5NQ	Date Reg:	22nd August 2017
Proposal:	Application for a certificate of lawfulness for the existing use of external swimming pool and associated changing facilities/plant house and triple bay garage.	Parish:	Siston Parish Council
Map Ref:	368539 172941	Ward:	Siston
Application Category:		Target Date:	2nd October 2017



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4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

4.1 As part of the initial submission on 4 August 2017, the applicant provided:

- application form
- statutory declaration of Erminio Porcaro dated 3 August 2017 and accompanying exhibits
- site location plan
- plan 691/005/A Existing Site Plan

4.2 No further evidence has been sought or submitted.

5. SUMMARY OF CONTRARY OR MIXED EVIDENCE

5.1 No evidence has been submitted to the local planning authority by third parties.

5.2 The local planning authority holds aerial photographs of the site taken in: 1991; 1999; 2005; 2006; 2008; and, 2014.

5.3 The local planning authority draws on evidence from: Google Street View dated June 2014 (accessed 19 August 2017); Bing Streetside dated 29 March 2012 and 03 April 2012 (accessed 19 August 2017).

6. OTHER REPRESENTATIONS RECEIVED

6.1 Siston Parish Council
None received

6.2 Local Residents
None received

7. EVALUATION

7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the existing use of land and buildings is lawful.

7.2 Breach of Planning Control

From a review of the planning history, the submitted plans, and aerial and other photography of the site, the following breaches of planning control has been identified:

- erection of triple garage
- erection of extension to building used as pool changing and plant
- provision of swimming pool
- provision of a raised platform
- change of use of land to residential garden

- 7.3 Evidence has not been provided to make an assessment as to whether the development was carried out as permitted development. In the absence of information such as elevations and the precise dates of construction it is not possible for officers to confirm or deny whether planning permission was required for the garage, extension to outbuilding, or swimming pool. Planning permission would have been required for the raised platform and the change of use of land. The assumption is therefore made in the determination of this certificate that planning permission would be required for the totality of the development subject to this application.
- 7.4 The change of use of land to residential occurred between 2005 and 2008 as evidenced by the aerial photographs. No reference is made to this as part of the applicant's submission. The change of use of land would be subject to an immunity period of 10 years from the date of the breach.
- 7.5 The applicant contends that the other development was started in June 2009 and finished in 2011. The carrying out of building operations would be subject to an immunity period of 4 years from the date of the breach.
- 7.6 Section 171B of the Act introduces statutory time limits in which enforcement action against breaches of planning control should be taken. If the breach has occurred continuously for the period stated in this section and there has been no subsequent breach it would become immune from enforcement action.
- 7.7 Certificates of lawfulness for existing uses are covered in section 191 of the Act. Section 191(2) states:
- For the purposes of this Act uses and operations are lawful at any time if -*
- (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); [...]*
- 7.8 The applicant makes no claims on the date of the change of use of the land. However, in the statutory declaration it is claimed that the garage was refurbished, the changing and plant room built, and the swimming pool installed between June 2009 and 2011 and that this would be lawful under section 171B(1) of the Act.
- 7.9 In order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the use of the land for residential purposes has occurred continuously for a period exceeding ten years and that there has been no subsequent change of use and that the building operations have been complete for a period in excess of 4 years and that no subsequent development has occurred.
- 7.10 Assessment of Lawfulness
The applicant has stated in the statutory declaration that they purchased the property in 2003 but undertook the building operations subject to this certificate between 2009 and 2011. Excluding for a moment the change of use of land, as

the evidence provided is contained within a statutory declaration it should be given substantial weight by the decision taker. The assessment of lawfulness would therefore rely on there being counter evidence which, on the balance of probability, made the applicant's version of events less credible.

Change of Use of Land

- 7.11 This matter has not been addressed by the applicant but forms part and parcel of the development and goes to the heart of whether a certificate can or cannot be granted. The local planning authority holds key aerial photographs of the site from 2005, 2006, and 2008.
- 7.12 In 2005, the house sat close to its southern boundary, which was rounded and formed of trees and shrubs. Beyond the boundary to the south and east was an agricultural field. The photograph in 2006 shows a changing situation. By this date a fence has been erected 'squaring' the far end of the field nearest the house. Most of the trees and shrubs forming the original boundary have also been removed but the line of them is still clearly evident, as is what is assumed to be the change of levels between the two pieces of land. The use of the area between the fence and the residential curtilage at this stage would not exhibit as being significantly different to the field and its agricultural use. It is therefore ambiguous as to whether a change of use had occurred by this time.
- 7.13 The next aerial photograph is dated 2008. By now a clear change of use has occurred. Land in the southwestern corner of the site has been lowered to be levelled and the retaining walls and structures for the swimming pool installed.
- 7.14 For the change of use to be lawful it must be demonstrated that the land has been used for residential purposes since 4 August 2007 (ten years prior to the date this application was made) and that there has been no subsequent change of use.
- 7.15 While it is clear that a change of use had occurred by 2008, the evidence from 2006 is not sufficiently precise or unambiguous enough to determine that the change of use had occurred at this time. The applicant has presented no evidence on this matter and therefore it cannot be robustly demonstrated that the change of use of land is lawful. Until such time as sufficient evidence can be provided a certificate of lawfulness should not be granted.

Operational Development

- 7.16 Turning to the operational development, this would be lawful if it is demonstrated to have occurred before 4 August 2013 (four years prior to the date this application was made). As stated, it is not claimed that the development was permitted development and there is insufficient information contained within this application for officers to check.
- 7.17 The applicant's evidence is that the operational development occurred from June 2009 and was completed by 2011. On face value this would make the operational development lawful as it occurred before 4 August 2013. As this is contained within a statutory declaration, it should be given substantial weight.

- 7.18 The issue is that the dates put forward by the applicant are not corroborated by other evidence. Officers have used Streetscene images from Bing Maps which indicate that the operational development was ongoing on 29 March 2012 and 03 April 2012. While this would automatically render the development unlawful (as to be lawful it should be completed by 4 August 2013) it does reduce the weight that can be attached to the evidence of the applicant as it would appear to introduce inconsistencies.
- 7.19 However, there is also evidence that operational development was still ongoing in the Street View images from Google Maps. These are stated to be from June 2014 and show roofing activity on the pool changing and plant building including scaffold on site. Should the date of these images be accurate it would discredit the applicant's claim that work was completed by 2011.
- 7.20 Evidence from Bing and Google is unbiased and available in the public realm. It should be given weight as an accurate representation of the site at the time it depicts. While it does not wholly outweigh the evidence within the statutory declaration, it does suggest that operational development continued beyond 2011 in some form. As a result, on the balance of probability, the development subject to this certificate may not have been completed by 4 August 2013.
- 7.21 There is also evidence that the use of the garage roof as raised platform and the adjacent sun deck may not have occurred continually. The aerial photographs of 2008 do not show the sun deck nor imply that access is provided to the garage roof to enable its use as a raised platform.
- 7.22 As a result the evidence presented by the applicant is not sufficiently precise or unambiguous enough to determine the date when operational development was completed. Until such time as sufficient evidence can be provided a certificate of lawfulness should not be granted.
- 7.23 Summary
It has been found that the breach of planning control regarding the change of use of land occurred between 2005 and 2008 but the precise date has not been established. It has been found that the breach of planning control consisting of the carrying out of building operations without the benefit of planning permission has occurred but the date on which these were substantially completed remains undefined.
- 7.24 Paragraph 17c-006-20140306 of the National Planning Policy Guidance states:

In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

7.25 The applicant's evidence holds reduced weight given the evidence held by the local planning authority. While the evidence of the local planning authority is by no means unambiguous, the inconsistencies between the various sets of evidence do mean the applicant's version of events does not hold firm when the test of the balance of probability is applied.

7.26 It is therefore considered that the change of use of land to residential (Class C3) and the carrying out of building operations may not be immune from enforcement action under section 171(1) and 171B(3) and a certificate of lawfulness under section 191(2) should not therefore be granted.

8 RECOMMENDATION

8.1 It is recommended that a Certificate of Lawfulness is REFUSED for the reason listed below.

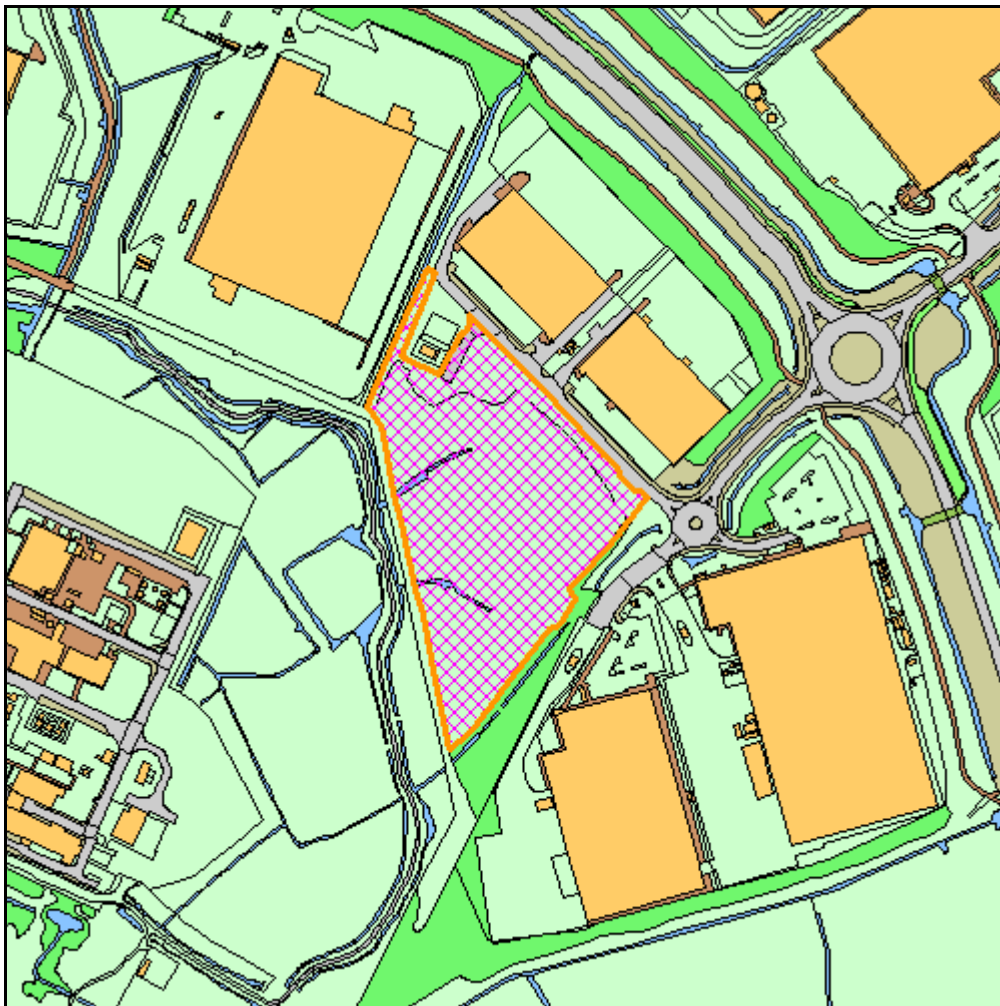
Contact Officer: Griff Bunce
Tel. No. 01454 863438

REASONS FOR REFUSAL

1. The evidence submitted by the applicant is insufficient, when considered against the evidence of the local planning authority, to robustly, precisely, and unambiguously justify the grant of a certificate. In the absence of sufficiently detailed and accurate evidence the local planning authority is not satisfied that the change of use of land to residential garden (Class C3; as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987) or the building operations have been complete for the requisite period to be lawful under Sections 171B(1), 171B(3), and 191(2) of the Town and Country Planning Act 1990 and a certificate of lawfulness should be refused.

CIRCULATED SCHEDULE NO. 38/17 – 22 SEPTEMBER 2017

App No.:	PT17/2269/F	Applicant:	UMC ArchitectsUMC Architects
Site:	Land Rear Of Units 6010 And 6020 Unit 6030 Plot 6000 Western Approach Distribution Park Severn Beach Bristol South Gloucestershire	Date Reg:	19th June 2017
Proposal:	Erection of building for B2/B8 purposes with ancillary offices, service yards, parking areas, new access and landscaping	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	355277 183260	Ward:	Pilning And Severn Beach
Application Category:	Major	Target Date:	18th September 2017



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 100023410, 2008. N.T.S. PT17/2269/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule in accordance with procedure given that objections have been raised that are contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The proposal is for the erection of a single warehouse style unit. The building will have a total area of 9,801sq.m (approx. 107m by 84m). This area will comprise 9,179sq.m of warehousing and 622 sq.m of office space. The building will have a maximum height 13.8m. The structure is largely single storey but will also comprise an element that contains the office space (622sq.m) that will be two storey. The building will have a portal steel frame with pitched roof and profiled metal external cladding. The total site area would be approximately 2.7 hectares.
- 1.2 Access to the site will be from a distributor road. In addition to the building it is proposed to provide a total of 61 car parking spaces, 28 HGV parking spaces and 10 spaces for HGV parking. Cycle storage is also to be provided. A water attenuation rhine is shown close to the western boundary.
- 1.3 The site history and relevant application are set out below (relevant history) however the following is of most relevance. An outline application was approved for the comprehensive development of land at Severnside. Subsequently in June 1995 outline (P94/0400/8) consent was given for a storage and distribution park. In 2001 (PT01/0293/RVC) consent was given to vary the time by which the reserved matters had to be submitted by a further 4 years and then in February 2005 (PT05/3568/RVC) a further extension was given. In addition a Screening Assessment (EIA) was issued (PT17/018/SCR) on 19th June 2017 (given the proximity of the site to the Severn Estuary a site of wildlife importance) in which the assessment was that an Environmental Impact Assessment was not required.
- 1.4 Within context the application site is located within the Western Approach Distribution Park. The site is accessed via Govier Way which is a distributor road off A403. To the west of the site lies a bridleway and a buffer of landscaping that separates the site from the former Astra Zeneca site, to the north lies the Royal Mail industrial unit, the north-east Collins Drive and to the south an area of landscaping that separates the site from further industrial buildings. The site is within the Severnside Enterprise Zone and is surrounded by a number of industrial/commercial units. The site is also located in Flood Zone 3.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (27 March 2012)

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
CS11 Distribution of Economic Development Land
CS12 Safeguarded Areas for Economic Development
CS35 Severnside

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape
L9 Species Protection
L11 Archaeology
EP2 Flood Risk and Development
EP6 Contaminated Land
T6 Cycle Routes and Pedestrian Routes
T7 Cycle Parking
T8 Parking Standards
T12 Transportation
E1 Economic Development
E3 Criteria for Assessing Economic Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 The site and surrounding area have a long history of employment designation associated with the ICI Agreement of the early 1950's.
- 3.2 P94/400/8: Development of 87.9 hectares of land for the layout and construction of a distribution park (Class B8 as Defined in the Town and Country Planning (Use Classes) Order 1987). Permitted: 8 June 1995
- 3.3 P95/0400/16: Construction of rhine. Withdrawn: 24 March 2000
- 3.4 P97/2090: Erection of storage and distribution warehouse with associated car parking and office use. Permitted: 5 November 1998
- 3.5 P98/1845: Application to vary condition 01 of planning permission P94/400/8 dated 8 June 1995 to extend the period for the submission of reserved matters from 3 years to 6 years from the date of the outline permission. Permitted: 5 August 1998
- 3.6 P98/1846: Application to vary condition 01 attached to outline planning permission P94/0400/8 dated 8 June 1995 to extend the period for submission of details for reserved matters. (Duplicate Application). Permitted: 5 August 1998

- 3.7 PT01/0293/RVC: Variation of conditions 1 (b) and 1 (c) 1 and 2 attached to P94/0400/8 as amended by condition 1 attached to P98/1845, to extend the time limits for submission of reserved matters for a further 4 years. Permitted: 16 August 2001
- 3.8 PT01/2873/F: Erection of three light industrial, general industrial, storage and distribution units, with associated landscaping, access road, car parking and service areas. Permitted: 26 February 2002
- 3.9 PT02/1080/F: Erection of two light industrial, general industrial, storage and distribution units with associated landscaping, access road, car parking and service areas. Permitted: 15 May 2002
- 3.10 PT02/3562/F: Erection of 2 no. buildings for light industrial B1(c), general industrial B2 and storage & distribution B8 use. Construction of access road and associated car parking, service areas and landscaping. Permitted: 27 February 2003
- 3.11 PT05/1073/RVC: Variation of condition 2 attached to PT01/0293/RVC to extend the time period for submission of reserved matters. Permitted: 8 August 2005
- 3.12 PT05/3568/RVC: Variation of condition 4(a) attached to planning permission PT01/0293/RVC to permit the gross floor space to exceed 2,350,000 square feet. Permitted: 24 February 2006
- 3.13 PT06/1134/F: Erection of primary sub-station to incorporate 2 no. transformers and 2 no. 11kv reactors and an 11kv switch room. Erection of 2.4 metre steel pallisade security fence. Construction of new vehicular and pedestrian access. Refused: 18 May 2006
- 3.14 PT06/2567/F: Erection of primary sub-station to incorporate 2 no. transformers and 2 no. 11kv reactors and an 11kv switch room. Erection of 2.4 metre steel pallisade security fence. With Landscaping and construction of new vehicular and pedestrian access. Permitted: 2 October 2006
- 3.15 PT09/0751/O: Erection of building for B8 and/or B2 uses (as defined in the Town and Country Planning (Uses Classes) Order 1987 as amended) with ancillary offices, parking and landscaping. Outline application. July 2009
- 3.16 PT12/025/SCR: Classes) Order 1987 as amended) with ancillary offices, parking and landscaping. Outline application. Consent to extend time limit implementation for PT09/0751/O. EIA not required: 1 June 2012
- 3.17 PT17/018/SCR Erection of building for B2/B8 purposes with ancillary offices, service yards, parking areas, new access and landscaping Screening Opinion PT17/018/SCR and PT17/2269/F – Environmental Impact Assessment not required 19th June 2017

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council

Pilning & Severn Beach parish council object to this application as the floor slab is proposed to be above the level of the land and thus it will worsen the flood risk to others.

4.2 Other Consultees

Environment Agency

No objection raised subject to the Local Planning Authority being satisfied that the requirements of the sequential test under NPPF is met. A condition is recommended to ensure that the development takes place in accord with the submitted (and approved) Flood Risk Assessment and specifically that the finished floor levels are set no lower than 7.6m above AOD.

Avon and Somerset Police

Having viewed the information as submitted we find the design to be in order and complies appropriately with the crime prevention through environmental design principles.

Lead Local Flood Authority

Initial Comments

There is no objection subject to approval of the Flood Risk Assessment by the Environment Agency. The LPA will need to apply the sequential test and exception test where required. Flood Emergency Plan will need to be prepared. A condition is recommended to secure a sustainable drainage system and details should be submitted prior to the commencement of development.

Final Comments

Following the submission of additional information that includes a drainage layout and external level plan, drainage calculations and surface water/foulwater manhole schedule a compliance rather than a pre-commencement condition is acceptable.

The drainage team concur with the Environment Agency response in relation to the submitted Flood Risk Assessment and other matters related with flood risk.

Strategic Economic Development (Summary)

On review of the presented proposal, it is the view of the Strategic Economic Development Team at South Gloucestershire Council that we support this application on economic grounds.

The proposed development would result in the creation of up to 9,801m² mixed B2/B8 floorspace within the Avonmouth Severnside Enterprise Area (as designated in the West of England City Region Deal), which is recognised as an area where we expect to see significant employment growth and where specific legislation has been laid down relating to the local retention of business rates. Therefore, the fulfilment of employment opportunities on land designated as Enterprise Area is of key local importance.

The economic development team understands that there is demand for this type of development and it is positive to see investors speculatively developing units to support economic growth and employment activity in the area.

Therefore, in determining this application, please take into consideration the South Gloucestershire Council's Strategic Economic Development team supports this application and the significant positive economic implications it presents.

Highway Structures

No comment

Sustainable Transport

Initial Comments

We have no objection in principle to this application, especially as we understand that it lies within the area covered by ICI's 1957 planning permission. However there are numerous matters of detail which need to be addressed before we can be certain that the proposed access and parking arrangements are adequate. We would wish to see these addressed before we can come to a final conclusion on these matters.

Following the submission of further information the following comment has been received:

We have previously commented on this planning application which seeks to erect a building (Unit 6030) for B2/B8 purposes on land at the rear of Units 6010 and 6020 on Plot 6000 of the Western Approach Distribution Park at Severnside. Consequently, we requested that the applicant provide additional information about a number of issues.

We reviewed this information in June 2017 and considered it broadly satisfactory. However, we remained concerned about the proposed parking provision for this site because we considered that it was in excess of that permitted under Policy T8 of the South Gloucestershire Local Plan.

The applicants have now provided further information about this aspect of their development proposals and we remain somewhat unconvinced that this provides a wholly robust justification for this element of the development. Nevertheless, we believe that provided a Travel Plan is produced and

implemented for this development, we can consider this explanation satisfactory.

To this end, we would wish to see a condition imposed on the planning permission for this site, requiring that a Travel Plan be produced and approved by the Council, so that it can be implemented before this site is occupied.

This is in addition to a condition to ensure that a Construction Management Plan which considers the management of the HGVs associated with this activity produced for this site which we had previously requested.

Conservation/Listed Building Officer

No objection as the proposed development would not impact on any above ground heritage assets.

Environmental Protection (Land Contamination)

No objection subject to conditions to identify and if necessary ensure mitigation for possible contamination

Highways England

No objection

Health and Safety Executive

No response has been received

Ecologist

There are no ecological constraints to granting planning permission.

Conditions should be attached relating to herpetofauna (great crested newt), otter, bats (lighting), hedgehog, badger and a Landscape and Ecological Management Plan.

Landscape Officer

The fencing and landscaping is acceptable. I have checked both plans and conclude that the latest revised plan (as attached) is now acceptable. It is disappointing that we cannot reduce the overall number of HGV parking spaces, but the service area has been reduced and we have secured an additional 200+ m2 of planting as shown in Revision E which is good. My other comments regarding colour clarity on the plan and the requirement for additional species within the native hedgerows, have been incorporated into the revised plan.

A landscape condition should be applied to the permission requiring a detailed 1:200 scale planting plan as a condition of planning; this should also show any mounding proposed and existing and proposed levels. A detailed landscape and ecological management plan should also be provided as a condition.

Other Representations

4.3 **Summary of Local Residents Comments:**

There have been two letters of objection received. The grounds of objection can be summarised as follows:

- The building is too large for the plot
- The building given its scale and location will dominate the street scene
- The proposal will adversely impact upon the landscaping of the area in contravention of the aims and objectives of the original masterplan
- The proposed landscaping is not sufficient
- The proposed unit is too large to allow both HGV movements and the retention and creation of sufficient landscaping
- The proposal fails to address the sequential test and in any case would fail the exception test as the raising of the land would displace water worsening the risk to existing properties

5. ANALYSIS OF PROPOSAL

5.1 **Principle of Development**

The application site is located within Severnside where policy CS5 and CS11 direct economic development. In addition, the site is allocated as a safeguarded employment site under policy CS12(45) and the past planning permissions (listed in sections 1 and 3) indicate that economic development on this site is acceptable in principle. Therefore the development should be assessed against the analysis set out below.

In addition the National Planning Policy Framework advises that planning authorities should adopt a positive and constructive approach towards planning applications for economic development; *'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'* (paragraph 19).

It should be noted that a Screening Assessment (EIA) was issued (PT17/018/SCR) on 19th June 2017 (given the proximity of the site to the Severn Estuary a site of wildlife importance) in which the assessment was that an Environmental Impact Assessment was not required.

Subject to the following material planning considerations the proposed development is considered acceptable in principle.

5.2 Flood Risk/Drainage

In considering this issue there are two material planning considerations. Firstly ensuring that development is located appropriately having regard to flood risk meaning the risk from the sources of flooding and secondly that appropriate drainage solutions are in place to ensure that a development in itself does not create a flood risk elsewhere.

The entire application site is located within Flood Zone 3a as set out in the current flood zone mapping provided to the Local Planning Authority by the Environment Agency. The National Planning Policy Framework sets out in Table 2 that certain development is appropriate and other development is inappropriate having regard to the type of development and the location. In this case the proposed development comprises a “less vulnerable” land use which is defined as an appropriate use within Flood Zone 3a.

Notwithstanding that the form of the development is considered appropriate, the key aim of the NPPF is to direct development towards the areas which have the lowest risk. Only where there are no reasonably available sites in these areas should the suitability of flood zone 3 be considered.

Paragraph 104 of the NPPF advises that “For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test”. This is considered to be broadly the case here as the site lies in an area where the principle of commercial development has been accepted (see planning history). Furthermore an almost identical proposal was approved in 2009. Thus this form of development has been consistently been deemed appropriate in this location and indeed this is in accord with Policy CS35 of the Core Strategy that specifically identifies that the land within which this site sits and is covered by the 1957/58 consents will be safeguarded and developed for distribution. The Policy indicates that site specific flood risk assessments should be produced to take into account the possible cumulative impact of development and such an assessment has been produced in this case. The site is also a safeguarded employment site as set out in Policy CS12. It is also significant that alternative locations for a development of this scale are very limited, indeed Council Policy itself limits the possible siting of such development. Policy PSP27 of the emerging Policies, Sites and Places Plan identifies Severnside as one of the three preferred locations for B8 uses over 3,000 sq.m (this development is over 9,000 sq.m). For the above reasons it is considered that the site while in Flood Zone 3a, is appropriate for this form of development.

A flood risk assessment has been produced for the site which includes a drainage strategy. This is broadly similar to that produced for the previous approval in 2009. Surface water run-off is proposed to be directed to an attenuation pond which involves an expansion of an existing rhine. The proposal will include raising ground levels to a finished floor level of 7.6 AOD across the site with the car park and access set at 7.1m AOD. Foul water is to be directed to a pumping station on site and then on to the public sewer. While the concern raised regarding the raising of levels is noted, the Environment

Agency have viewed this proposal and the FRA and consider it acceptable, recommending that a condition is attached to the decision to ensure that all works take place in accord with the findings of the FRA.

The Lead Local Flood Authority has viewed the details submitted for surface water drainage and consider these acceptable in principle. As well as a condition as set out above to ensure that all works take place in accord with the submitted flood risk assessment, a condition will be attached to the decision notice to ensure that all works take place in accordance with the Sustainable Urban Drainage Scheme. Subject to these conditions the development is considered acceptable in drainage and flood risk terms.

5.3 Contamination

Policy CS9 of the Core Strategy, seeks to promote the re-use of contaminated land with appropriate remediation. It is considered appropriate to attach a condition to the decision notice, (given that the submitted site investigation revealed the potential for contamination), to secure a report identifying the risks and mitigation should contamination be found. The condition shall also require should contamination be found that prior to the first use of the site a report is submitted verifying that necessary works have been done and lastly to ensure that if contamination is unexpectedly found during the construction process that works cease and that measures are taken to deal with it. Subject to this condition the proposed development is considered acceptable in these terms.

5.4 Residential Amenity

Given the position of the site, there are no residential properties within close proximity of the proposal. Further, its relationship with the adjoining land uses (predominantly similar commercial buildings) is also considered to be acceptable.

5.5 Design/ Visual Amenity

The application relates to the erection of a single industrial/ distribution unit. As approved, the building would measure (approx. 107m by 84m). This area will comprise 9,179sq.m of warehousing and 622 sq.m of office space. The building will have a maximum height 13.8m.

The building will be clad with colours of a fairly neutral palette. Darker colours at a lower level with lighter above would replicate the neighbouring units at 5010 and 5020 Govier Way.

External lighting is designed to avoid spillage. Standard fencing for the commercial context is to be provided around the perimeter. The concern raised regarding the scale of the building and its impact upon the street scene is notated however this is not considered inconsistent with existing development at Western Approach. Additional planting is now proposed along the approach road to the site and internally within the access road which will improve the appearance of the development. The concern regarding overdevelopment of the site is also noted however apart from the loss of a small area of landscaping

at the south-east corner this layout is identical to that indicatively shown for the scheme agreed in outline in 2009 (albeit the layout was for future consideration). The design of the proposal is considered acceptable.

5.6 Ecology

The application site consists of a plot of land comprising part of an overgrown remnant agricultural field totalling 2.72ha between the Astra-Zeneca 'buffer zone' to the west and Collins Avenue off Govier Way within the Western Approach G-Park to the south-east of Severn Beach.

Whilst the site itself is not covered by any statutory or non-statutory nature conservation designations, it is located circa 1km from the coast of the Severn Estuary. The Estuary is notified as a Site of Special Scientific Interest (SSSI) under the Wildlife & Countryside Act 1981 (as amended) and designated as a Special Protection Area (SPA) under EC Directive 79/409 on the Conservation of Wild Birds ('the Birds Directive'). The Estuary is also a Ramsar site under the Ramsar Convention on the Conservation of Wetlands of Importance; and is designated as a Special Area of Conservation (SAC) under European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('the Habitats Directive 1992'), implemented in Britain by the Conservation (Natural Habitats & c) Regulations 2010 ('the Habitat Regulations').

Together, SPAs and SACs form a network of internationally recognised sites referred to as European or Natura 2000 (N2K) Sites.

In support of the application a herpetofauna method statement, otter and water vole survey and interim and final bat survey has been provided.

Furthermore a Habitat Regulations Assessment has been carried out in consultation with Natural England and this has concluded that there will be 'no significant effect' on the conservation objectives of the Severn Estuary European Site arising as a result of the development. Conditions are recommended in relation to herpetofauna (great crested newt), otter, bats (lighting), hedgehog, badger and a Landscape and Ecological Management Plan.

5.7 Landscape Impact

Policy CS1 indicates that existing landscape features should be incorporated into new development with Policy CS9 seeking to conserve and enhance the character, quality distinctiveness and amenity of the landscape. The site is situated within the Pilning Levels Landscape Character area.

In terms of the character of the site itself and its immediate surroundings, this consists of a relatively flat area of ground. The site is bounded to the south-west by a 5m wide bridleway and landscape buffer zone to the Astra Zeneca site. The site lies within the Severn Estuary floodplain and consequently the surrounding area is flat, which has accentuated the need for landscape mitigation to the park generally. The site known as the Western Approach was

subject to a masterplan that provided areas of landscape infrastructure which making use of the existing rhines allowing for the integrations of ponds and swales that also provide a drainage function.

The initial proposal raised concerns about the loss of landscaping when compared with the scheme that was approved in outline in 2009. An area of landscaping was lost particularly at the south-eastern corner and this is largely due to an increase in the number of HGV parking places, with an addition of 12 more parking bays compared to that original scheme. There was a concern that the planting proposed comprised smaller growing species such as Birch and there was a desire by officers for a more robust planting scheme. In particular along the access road to the north of the site there was a desire for more planting in order to improve the approach to the building. There was also a wish for additional tree and shrub planting around the car parking and internal access road.

A revised landscape plan has been received along with details of the proposed fencing. An additional 200 sq.m of landscaping has been secured at the south-eastern corner which is an improvement. The submitted details also so significant extra boundary planting along the site frontage and internally along the side of the car park. Also noted by officers is that fencing has been limited to the parking area along the southern side of the site which will improve the visual appearance of the site. It is considered that the proposed landscaping is now acceptable in principle albeit there is still a reduction in the overall provision.

Subject to a condition to secure a detailed planting scheme to ensure appropriate species and planting times (with the scheme to show any mounding proposed as well as levels) and a further condition to secure a detailed landscape and ecological management plan, the proposed development is considered acceptable in landscape terms.

5.8 Archaeology

At the time of the previous application, the potential for the site to be of archaeological significance was noted with an associated condition attached given that the submitted details were considered to leave some issues outstanding. However, the Councils Historic Environment Officer has now advised that all exploratory works have now been satisfactory completed and are satisfied with the revised condition.

5.9 Transportation

The applicant is proposing a T-junction form the main carriage way as the access to the site. Beyond the access, the Strategic road network would be accessed via Govier Way onto A403 which in turn provides a route to M48 to the north and Avonmouth and the M5 to the south. The access to the site is a modification of the existing access that serves the electrical sub-station. The site will provide 61 car parking spaces for staff and visitors. These will be located between the western elevation of the building and the access road. 20 covered cycle shelters are to be provided to the front of the site close to the

access point. In addition 28 parking spaces are to be provided for HGV's predominantly along the south-western side of the site.

The access arrangements and internal circulation within the site is deemed acceptable as are the arrangements for HGV parking.

Concern has been raised (although not an objection) from the Highways Officer regarding the level of car parking being provided on site. It should be noted however that the number of spaces has been reduced from 65 spaces (by negotiation) to 61 spaces. The submitted plan also showed a further 14 spaces that would be made available as an overflow when circumstances required it, these are no longer shown. Following these changes however the parking provision still exceeds the maximum parking spaces set out in Policy T8 of the adopted Local Plan and PSP16 of the Policies Sites and Places Plan by 12 no. spaces.

The concern is noted, albeit it is not an objection. It should be noted that Government guidance does not support rigid maximum parking standards as the rule indicating in para 39 of the NPPF that flexibility should be introduced taking into account the level of public transport accessibility. The applicant has also provided evidence that this standard has been exceeded at some other sites in the District (for example 104 spaces at the DPD Depot in Emersons Green where 32 spaces is the standard. Perhaps of most relevance is that the Inspector in her suggested modifications following the examination in public on the PSP that took place in February has recommended the complete removal of the maximum parking standard in PSP 16 on the grounds that this is in conflict with government policy to secure economic growth. Subject to a condition to secure a detailed Travel Plan (to be implemented in accordance with an agreed timetable set out within it) and subject to a Construction Management Plan there is no objection to the proposal on transportation/highway grounds.

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 attached to the decision notice.

Contact Officer: David Stockdale
Tel. No. 01454 866622

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. Flood Risk

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) [Capita Property and Infrastructure Limited April 2017] and the following mitigation measures detailed within the FRA:

Finished floor levels, as specified on page 10 section 4.3.5 of the FRA, to be set no lower than 7.6m Above Ordnance Datum (AOD)

Reason

To reduce the risk of flooding to the proposed development to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and the provisions of the National Planning Policy Framework.

3. Sustainable Urban Drainage

All works shall take place fully in accordance with the drainage details submitted on

- Drainage Layout and External Level Plan (090996-CA-0-GF-DR-S-001-P02)
- Surface Water and Foul Water Manhole Schedule
- MicroDrainage Calculations

Reason

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

4. Construction Method Statement

All works shall take place in accordance with the Construction Management Plan (UMC Architects) received 24th August 2017.

Reason

In order to protect the amenity of the area during the construction period and in the interests of highway safety and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and the provisions of the National Planning Policy Framework 2012.

5. Travel Plan

Prior to the first use of the development hereby approved, a commuter travel plan shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the commuter plan.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

6. Contamination

1. Ground investigations have identified the potential for ground gas to affect the proposed development. The development shall be implemented in accordance with the gas protection measures set out in the Avonmouth Gas Monitoring Report (Capita 24th August 2017) and Geo-Environmental Submissions received 7th September 2017.

2. Verification Strategy - Prior to the first occupation of the development, a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

3. If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

In order to promote the re-use of contaminated land with appropriate remediation and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013.

7. Planting Scheme Details

Prior to the first occupation of the development a detailed planting plan (1:200 scale) to include any mounding proposed and existing and proposed levels shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out within the first available planting season following the approval of the details. If within a period of 5 years from the date of planting, any tree, bush or shrub, (or any plant in replacement for it), is removed, uprooted, destroyed or dies, another plant of the same species and size as that originally planted shall be planted at the same place unless the local planning authority gives its written consent to any variation.

Reason

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 and the National Planning Policy Framework.

8. Landscape and Ecological Management Plan

Prior to the first occupation of the development, a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the submitted plan should accord with the agreed Landscape Concept Plan and include details of all retained and new semi-natural habitat and its management. It should also include a programme of monitoring of all works for a period of 5 years. All works shall be carried out in accordance with the agreed plan

Reason

In order to protect the landscape and ecological amenity of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013.

9. Archaeology

Prior to first occupation, the results of a programme of archaeological work, as detailed in the agreed archaeological Written Scheme of Investigation, including any post-excavation assessment and/or analysis and details of publication (where appropriate) shall be submitted for approval to the Local Planning Authority.'

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

10. Approved Plans

This decision relates only to the plans identified below:

Received 8th May 2017

P001 Location Plan

P003 Floor Plan Proposed

P004 Proposed Floor Plans

P005 Elevation Plans

P006 Typical Section

P007 Roof Plan

P008 Rev B Cycle Shelter Details

Received 4th August 2017

P002 Rev G Site Layout

P009 Rev C Site Layout/Fence Layout

P010 Rev C Site Layout (External Finishes)

P011 Rev D Site Layout (Tracking)

P012 Rev C Site Layout (Pedestrian and Cycle Routes)

P013 Rev A Site Constraints

P017 01 Rev E Landscape Concept Plan

Reason

For the avoidance of doubt

11. All works shall take place strictly in accordance with the Herpetofauna Method Statement (RT-MME-125163-01) dated May 2017 (Middlemarch Environmental).

Reason

To ensure the works are carried out in an appropriate manner and in the interests of ecology/wildlife health and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

12. All works shall take place strictly in accordance with the recommendations made in Chapter 6 of the Water Vole and Otter Survey (RT-MME-125163-02) dated August 2017 (Middlemarch Environmental).

Reason

To ensure the works are carried out in an appropriate manner and in the interests of ecology/wildlife health and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

13. All works shall take place strictly in accordance with the recommendations made in Chapter 6 of the Bat Activity Surveys (RT- MME-125163-03) dated September 2017 (Middlemarch Environmental)

Reason

To ensure the works are carried out in an appropriate manner and in the interests of ecology/wildlife health and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

14. Prior to the commencement of development a mitigation strategy for hedgehog shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be carried out in strictly accordance with the agreed strategy.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of ecology/wildlife health and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

A pre-commencement condition is needed in order to prevent the need for future remedial action

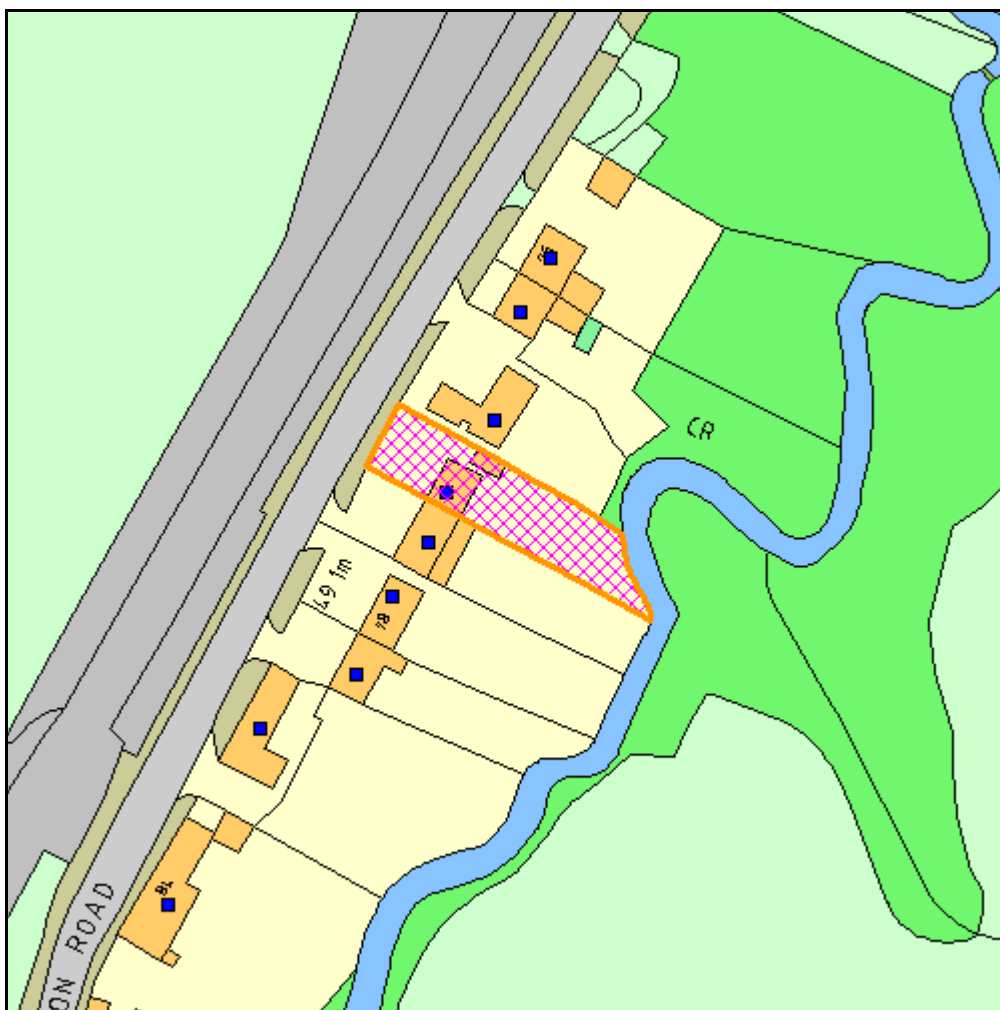
15. If 12 months or more has lapsed since the original field survey, the site should be re-surveyed for badgers immediately ahead of development commencing and a report submitted to the Local Planning Authority. The report should provide details of any work subject to the licensing provisions of the Protection of Badgers Act 1992. All works shall take place in accordance with the agreed details.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of ecology/wildlife health and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 38/17 – 22 SEPTEMBER 2017

App No.:	PT17/2974/F	Applicant:	Mr And Mrs D May
Site:	88 Station Road Wickwar Wotton Under Edge South Gloucestershire GL12 8NB	Date Reg:	27th July 2017
Proposal:	Erection of a two storey side and front extension and a single storey front extension to provide additional living accommodation.	Parish:	Wickwar Parish Council
Map Ref:	372654 189245	Ward:	Ladden Brook
Application Category:	Householder	Target Date:	19th September 2017



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REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report. Consequently under the current scheme of delegation it is required to be taken forward by circulated schedule as a result.

1. THE PROPOSAL

- 1.1 The proposal seeks to erect a two storey side and front extension and a single storey front extension at 88 Station Road, Wickwar.
- 1.2 The subject property is a mid to late 20th century semi-detached property with part tiled and part rendered elevations and a gabled roof. To the side is a garage to be demolished.
- 1.3 The proposal would follow the ridge line of the existing property and create a subservient gable to the front.
- 1.4 The subject property is situated in the built up residential area of Wickwar and within a site of nature conservation interest.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a 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 Development within Existing Residential Curtilages
T12 Transportation

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
PSP43 Private Amenity Space

2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006
Residential Parking Standards SPD (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P88/2642 – Approval – 12/10/1988 – Erection of two storey side extension to provide garage and dining room with two bedrooms above. Insertion of dormer window in roof space. Erection of porch
- 3.2 P87/1778 – Approval – 15/07/1987 - Erection of extension to provide a front entrance hall and W.C
- 3.3 N6465 – Approval – 24/04/1980 - Erection of two-storey side extension to provide domestic garage, dining room and two bedrooms with attic studio (in accordance with the applicants letter received by the Council on 31st March 1980).

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council
Note that the roof should be subservient and that it may result in loss of light at the adjacent property.

- 4.2 Other Consultees

- Transport Officer
No Objection

- Lead Local Flood Authority
No objection but request the flood mitigation measures form is completed.

- Archaeological Officer
No Objection

Other Representations

- 4.3 Local Residents
None Received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development with the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal is subject to the consideration below.

5.2 Design and Visual Amenity

The proposal consists of the erection of a two storey side and front extension and a single storey front extension. All of the other dwellings of the same house type have been subject to a similar two storey side extension with no 84 also having a front extension, properties also tend to have a front porch/extension. Furthermore permission for very similar developments has been given on 2 occasions in the past but this does not appear to have been built out. On this basis the proposal is considered to be in keeping with the general character of the area.

5.3 Comments from the parish council have suggested the proposal should be subservient to the original dwelling. The front projection has a lower ridge line, however the side extension will match the ridge of the original property. Whilst ideally the council would look for subservience, given the other similar extensions nearby are not subservient, it would be better in keeping with the area than a reduced ridge height.

5.4 The single storey extension would not have an unusual style of design and there is no objection to the appearance of this structure.

5.5 The proposal will utilise render for the external faces. It is acknowledged that there are tiles to the panels between windows, however this does not provide any real aesthetic interest. The proposal will replace these existing tiled panels. Other properties have opted for render to the face of the extensions and whilst render would be introduced to the whole façade of the building, it is not considered to result in harm to the character of the area or the host dwelling and is a type of development commonplace across the South Gloucestershire district.

5.6 Overall, it is considered that the proposed alterations would not harm the character or appearance of the area and as such are considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 and H4 and conforms to the criteria in the adopted Local Plan.

5.7 Residential Amenity

Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.

5.8 The host property is semi-detached and in close proximity to its neighbour to the north. This dwelling has a projection to the front at ground floor and there are a number of non-obscured windows facing the host dwelling. Comments from the parish council have queried the impact of development on this property. There is potential for some additional overshadowing of these windows, which appear to serve a utility and office. It should be noted that a similar development has been permitted twice in the past but never built out and these permission was given after the consent for the erection of the dwelling to the north and would have the same material impact on the amenity

of this property. Whilst the policy context has changed since these earlier permissions they are material considerations in the determination of the planning application. Furthermore, the introduction of a 2 metre fence or a single storey side extension could be provided for by permitted development and this would have a similar overbearing/overshadowing impact on this ground floor windows. Lastly the structure will only project to the front by around 2 metres and given the orientation of the properties in relation to the path of the sun will only result in the loss of additional light for a small proportion of the day. Given this, the proposal is not considered to have an unacceptable impact on the amenity of this dwelling nor a harmful impact on the adjoining property.

- 5.9 There are no dwellings directly to the front or rear of the existing dwelling and properties in these directions are not considered to be impacted by the proposal.
- 5.10 The property has a reasonable sized garden and none will be utilised for the extensions. Sufficient private amenity space will remain following development and there is no objection in this regard.
- 5.11 The subject property is located within a built up residential area and given the scale and location of the proposed development, will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.
- 5.12 Sustainable Transport and Parking Provision
The proposal would result in a four bedroom dwelling that would require 2 off street parking spaces according to the SPD standard. The development would also result in the loss of the garage space and a proportion of the hardstanding. Sufficient parking would remain following development for 2 vehicles and the proposal is therefore in accordance with the provisions of the residential parking standards. Therefore the proposal would not have a negative impact on highway safety or the provision of off-street parking facilities, meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006). The council has no objection to the proposal in relation to highway safety or parking provision.
- 5.13 Drainage and Flood Risk
The property is located within Flood Zone 2 and could potentially be at risk of flooding. The submission had not included a flood mitigation measures form originally but one has since been requested and provided. This indicates the floor level will match that of the existing dwelling and would therefore be no more at risk than the existing dwelling. The proposal site is located at the top of a valley with a river/stream running along the bottom and on the basis of the above consideration would not lead to an increase in flood risk at the property or elsewhere and is therefore acceptable with regard to flood risk and drainage.

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 attached to the decision notice.

Contact Officer: Hanni Osman
Tel. No. 01454 863787

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

Monday - Friday.....7:30am - 6:00pm
 Saturday.....8:00am - 1:00pm
 No working shall take place on Sundays or Public Holidays.

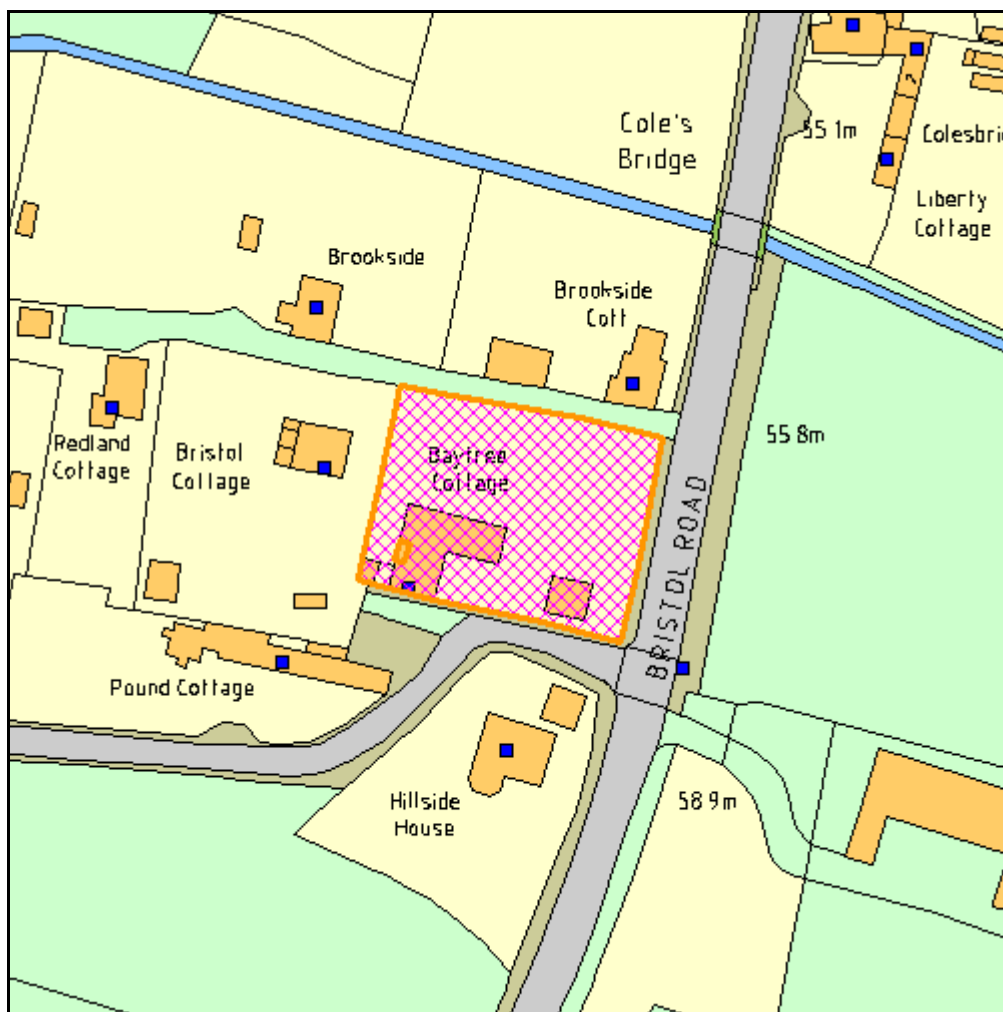
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

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

CIRCULATED SCHEDULE NO. 38/17 – 22 SEPTEMBER 2017

App No.:	PT17/3043/F	Applicant:	Mr Richard Rabjohns
Site:	Baytree Cottage Jubilee Lane Cromhall Wotton Under Edge South Gloucestershire GL12 8AU	Date Reg:	18th July 2017
Proposal:	Raising of roofline to existing detached garage to facilitate loft conversion providing additional living accommodation.	Parish:	Cromhall Parish Council
Map Ref:	369678 189464	Ward:	Charfield
Application Category:	Householder	Target Date:	25th August 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE.

The application has received an objection from the Parish Council which is contrary to the Officer recommendation. As such, the application is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The application relates to the raising of the roofline of an existing detached garage to facilitate a loft conversion at Baytree Cottage Jubilee Lane Cromhall Wotton Under Edge South Gloucestershire GL12 8AU.
- 1.2 The property site relates to a detached dwelling that is set in a cluster of detached properties in Cromhall.
- 1.3 The original application also proposed creating a car port to the northern side of the garage; and extending the loft conversion above. This was deemed unsuitable by the Case Officer due to its scale and prominent location in relation to the site and its surroundings. As such revised plans were submitted which overcome the issues raised.
- 1.4 An updated comment was sought from Cromhall Parish Council following the reduction of the proposal. However, the Council maintained its objection.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 P94/2706
Approve Full Planning (07.02.1995)
Erection of detached double garage.
- 3.2 P93/1743
Approval Full Planning (22.08.1993)
Demolition of existing additions and erection of single and two storey extensions

4. CONSULTATION RESPONSES

- 4.1 Cromhall Parish Council
“Cromhall parish council wishes to object as it believes the proposed materials are not in keeping with the existing building and that the proposed development appears too large. As per Local plan H4 A. Respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area”.

Updated Comment

“Whist the council acknowledged the size of the development had been scaled down, it resolved to object to the application on the grounds that in line with local plan H4A, proposed development is still over-bearing and does not respect the character of the street scene and surrounding area.”

The Archaeology Officer

“There are no objections to this proposal on archaeological grounds”.

Sustainable Transport

“The applicant seeks to create a loft conversion within the existing detached garage, to provide additional living accommodation for Baytree Cottage, along with the creation of a side car port. Adequate off street parking will be available, there are no transportation objections”.

Other Representations

- 4.2 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and the emerging Policy PSP38 of PSP Plan (June 2016) allow the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety.

Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The proposed development involves raising the roofline of an existing detached garage to facilitate a loft conversion. The roofline would be raised from 5m to 7m. It should be noted that the garage sits on a slight incline.

5.3 Officers were concerned at the residential look of the proposal. However, following the reduction in scale; along with the retention of the large garage door and some conditions, Officers are satisfied that this proposal will remain ancillary to the host dwelling and retain its outbuilding design and purpose. The proposal therefore would not be out of keeping with the character; or of an excessive size in relation to, the main dwelling house and surrounding properties.

5.4 The alteration would be constructed from stonework; render; clay roof tiles; and composite windows. The proposal would also include some timber cladding; while the cladding does not match the existing garage; it would complement the stonework and render; which is considered acceptable. These materials would match, or compliment, those present on the original dwellinghouse. The proposal is therefore considered to be of an appropriate standard in design.

5.5 It is considered that the proposed raising of the roofline would not be detrimental to the character of the property or its context. Thus, the proposal is acceptable in terms of design and visual amenity, and would comply with policy CS1 of the Core Strategy.

5.6 Residential Amenity

Policy H4 of the adopted Local Plan (2006) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

5.7 The proposal would be located 16 metres away from the nearest property; Hillside House to the north; the proposed south elevation of the development contains no windows facing this property. The window to the north elevation of the proposal would be located some 25 metres away from the side elevation of the nearest property, Brookside Cottage. As such, the privacy of nearest residents is not impeded.

5.8 A site visit conducted on the 14th August 2017 highlighted the size of the hedges that make up the boundary of the host dwelling that fronts Bristol Road and Jubilee Lane; while these hedges are not considered permanent, they are currently substantial enough to 'hide' most of the current garage from the road. Regardless, excluding the presence of the substantial hedges it is not considered that raising the roofline by 2m would create a detrimental impact on the street scene.

5.9 When considering the existing boundary, combined with the siting and scale of the proposal. The proposal would not appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with saved Policy H4 of the Local Plan (2006).

5.10 Transport

As noted by the Transport Officer, there are no objections due to the access and parking provision available at the property.

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 attached to the decision notice.

Contact Officer: David Ditchett
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

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

Reason

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

3. The ground floor garage shown on the plan hereby approved shall be provided before the building is first occupied, and only used for the parking of motor vehicles and ancillary domestic storage; and thereafter retained for that purpose.

Reason

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

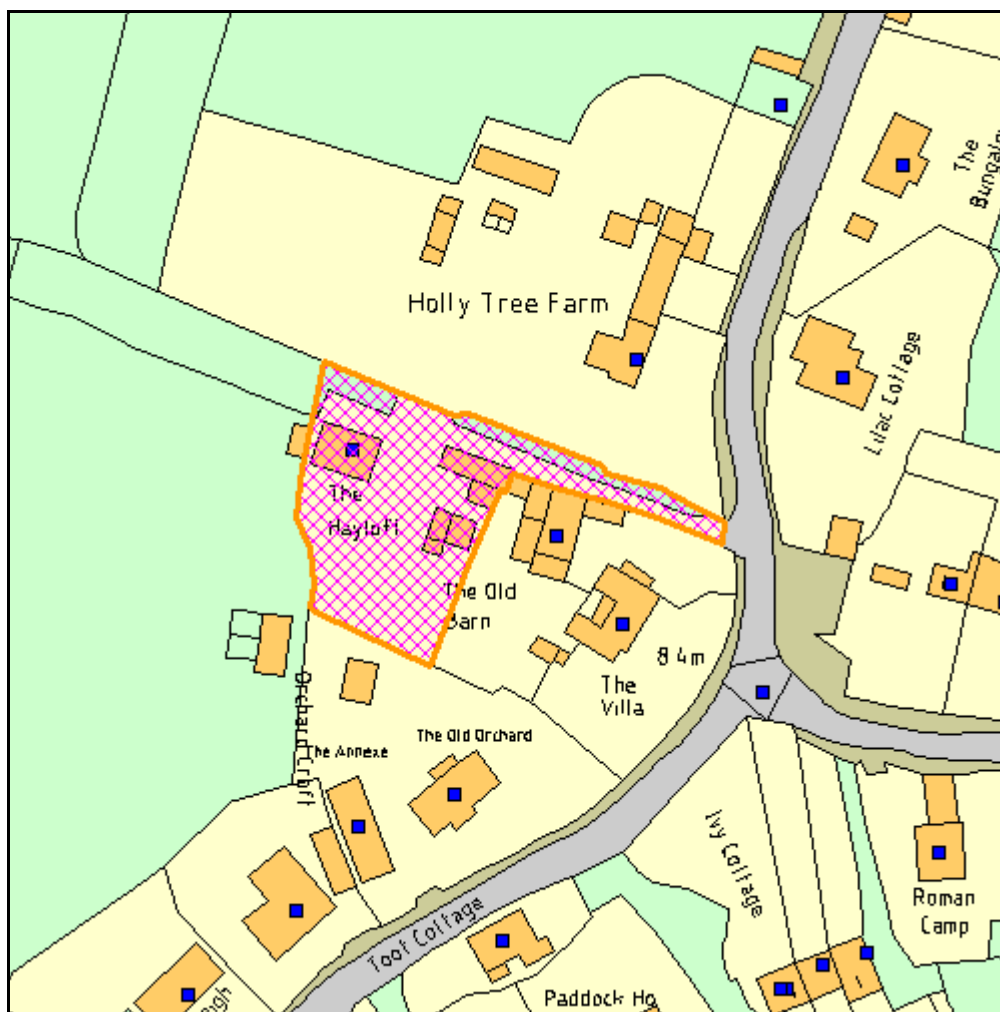
4. The loft conversion hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Baytree Cottage.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 and CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 38/17 – 22 SEPTEMBER 2017

App No.:	PT17/3520/CLE	Applicant:	Mr & Mrs C Johnson
Site:	The Hayloft Camp Road Oldbury On Severn Bristol South Gloucestershire BS35 1PT	Date Reg:	16th August 2017
Proposal:	Application for a certificate of lawfulness for existing alterations to rear windows, erection of rear conservatory and front porch.	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	361018 192913	Ward:	Severn
Application Category:		Target Date:	26th September 2017



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 100023410, 2008. **N.T.S.** **PT17/3520/CLE**

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 alterations to the Hayloft, Camp Road, Oldbury on Severn would be lawful development under Section 191 of the Town and Country Planning Act 1990. This is based on the assertion that the proposal would be lawful due to the passage of time.
- 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.
- 1.3 Various alterations have taken place at the property that did not benefit from a permitted development right or express planning permission.
- 1.4 The proposal site is located outside any defined development boundary in a rural area.

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 provisions of Section 191 to the Town and Country Planning Act.

3. RELEVANT PLANNING HISTORY

PT05/3132/F – Approval – 02/02/2006 – Alterations to existing annexe to form new dwelling.

P99/1914 – Approval – 01/10/1999 – Installation of velux windows to facilitate conversion of roof space above existing stable/garage to ancillary residential accommodation.

P96/1311 – Approval – 03/06/1996 - Erection of detached outbuilding to form garage and stables with storage area over

4. CONSULTATION RESPONSES

- 4.1 Oldbury-on-Severn Council
No Comments

- 4.2 Other Consultees
None Received

Other Representations

- 4.3 Local Residents
None 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 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 existing use and development on site would accord with the provisions of Section 191 of the Town and Country Planning Act 1990. Supporting information has included aerial photographs as well as Statutory Declarations/Affidavits provided by a number of individuals.

- 5.3 The basis of the argument for lawfulness is based on the assertion that after 4 years operational development within the curtilage of a dwellinghouse would benefit from a deemed consent and would be immune from enforcement action. An enforcement complaint has been lodged against the site this year, if however this certificate is granted there is no basis for further action as the development is considered to benefit from the deemed consent. It should also be noted that on the balance of probabilities is accepted that the window alterations would not amount to “development” as so would not in any event require planning permission.

- 5.4 The aerial photographs and Statutory declarations provided indicate that the porch structure was introduced at the point the conversions works under the permission PT05/3132/F were begun and during the summer of 2006. This information is considered to be robust and on this basis this development would appear to be lawful.

- 5.5 In addition to the porch it is noted that a conservatory was erected in June 2009. A photo has also been provided with a time and date stamp stating it was taken on 10th December 2010. Accordingly in excess of 4 years have passed since its introduction and would also benefit from the deemed consent due to the passage of time.

5.6 As previously stated it is assumed that the alterations to the rear opening would not require express planning permission. Nevertheless information provided suggests this was implemented in December 2011 and consequently the changes would accord with Section 191 of the Town and Country Planning Act 1990.

5.7 The changes, on the balance of probabilities are now immune from enforcement action and are lawful as they would accord with the provisions of Section 191 of the Town and Country Planning Act and that at least 4 years have passed since the substantial completion of the works.

6. **RECOMMENDATION**

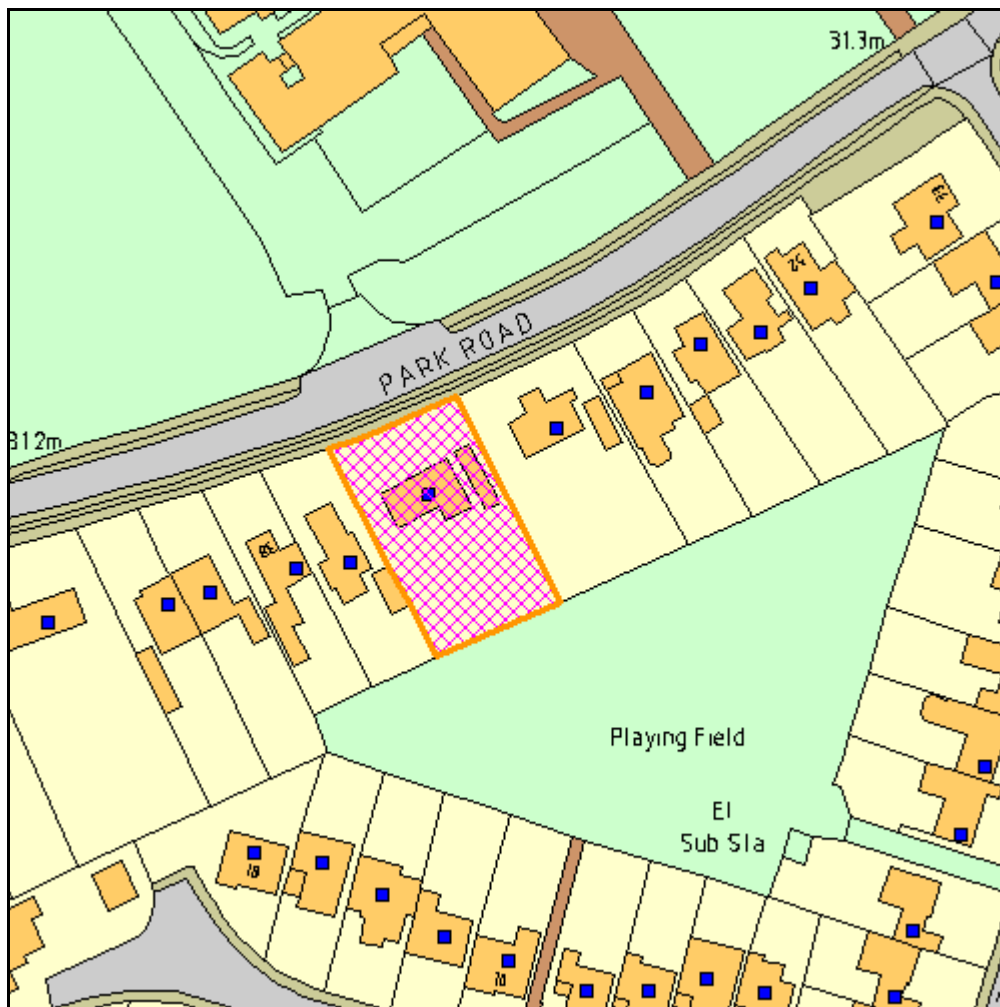
6.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities, the existing alterations would be considered to fall within the provisions of Section 191 of the Town and Country Planning Act 1990 (as amended) and would not require planning permission due to the passage of time.

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 38/17 – 22 SEPTEMBER 2017

App No.:	PT17/3542/F	Applicant:	Mr M Burnell
Site:	42 Park Road Thornbury Bristol South Gloucestershire BS35 1HR	Date Reg:	7th August 2017
Proposal:	Erection of two storey rear and single storey side and rear extensions to form additional living accommodation.	Parish:	Thornbury Town Council
Map Ref:	363734 190732	Ward:	Thornbury North
Application Category:	Householder	Target Date:	21st September 2017



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100023410, 2008. **N.T.S.** **PT17/3542/F**

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for a two storey rear and single storey rear and side extension to form additional living accommodation at 42 Park Road Thornbury.
- 1.2 The property is a detached four bed dwelling that is located within the settlement boundary and built up residential area of Thornbury.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

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

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

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

3. RELEVANT PLANNING HISTORY

- 3.1. None.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
“No objection, subject to protection of neighbour's residential amenities.”

Sustainable Transport

“The applicant seeks to erect a two storey rear and single storey side and rear extension. The proposals would increase the number of bedrooms within the dwelling from 4 to 5. A 5 bed dwelling requires 3 off street parking spaces. The driveway as detailed on submitted plan 3704/P2 meets this requirement. There are no transportation objections.”

Archaeology Officer

“There are no objections to this proposal on archaeological grounds.”

Other Representations

4.2 Local Residents

One objection letter was received which can be summarised below:

- Plans not to scale as states “do not scale” on plans;
- Height of the roof of single storey element will be overbearing and intrusive; and
- Insertion of enlarged window to first floor side elevation invades the neighbour’s privacy and contravenes planning policy.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and the emerging Policy PSP38 of PSP Plan (June 2016) allow the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The proposed development is a two storey rear; and single storey side and rear extension.

Two storey rear

- 5.3 The proposed two storey element would be to the rear of the property; replacing an existing single storey lean to extension. The development would be subservient in scale to the host dwelling and of a similar design. As such this element is acceptable when compared to the existing dwelling and the site and surroundings.

Single storey side and rear

- 5.4 The single storey element would join the eastern side elevation of the host dwelling. It would replace an existing detached garage and store.
- 5.5 The Case Officer was concerned with the scale of the proposal but when considering the detached dwelling and the plot in which it sits, it is considered to be in keeping with the property.
- 5.6 Additionally, the large single storey element is not visible from the public areas along park Road by virtue of its position to the rear of the detached house.

- 5.7 The proposals would be constructed from rendered blockwork; UPVC windows and doors; and interlocking concrete tiles. These materials would match those existing on the host dwelling.
- 5.8 It is considered that the proposed extensions would not be detrimental to the character of the property or its context. Additionally, the proposals are considered to be of an appropriate standard in design. Thus, the proposals are acceptable in terms of design and visual amenity, and would comply with policy CS1 of the Core Strategy.
- 5.9 Residential Amenity
Policy H4 of the adopted Local Plan (2006) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.10 The proposal includes the addition of one window to the east elevation, this was noted by the neighbour comment in point 4.2. However, on a site visit the Case Officer noted that the elevation of No.44 to which the new window would face, contains no windows. As such this new window is not considered to detriment the neighbours privacy.
- 5.11 Although the single storey element would be a substantial projection from the rear of the host dwelling, owing to the proposal being single storey; set back within the plot; and the boundary treatments; is not thought that this element would be overbearing or intrusive as indicated by the neighbour objection.
- 5.12 When considering the existing boundary, combined with the siting and scale of the proposals. The proposals would not appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with saved Policy H4 of the Local Plan (2006) and PSP38 of the emerging PSP Plan (2016).
- 5.13 Transport
Subject to the comment in point 4.1; there are no highways objections.
- 5.14 Other matters
The only element of the neighbour objection not addressed in this report is the comment that the plans are not to scale. The Case Officer understands this confusion, and the “do not scale” written on the plans are intended for the construction of the works which require more detailed architectural drawings. The plans submitted were to scale as indicated in the drawing information included at the bottom of each drawing.

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 on the decision notice.

Contact Officer: David Ditchett
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

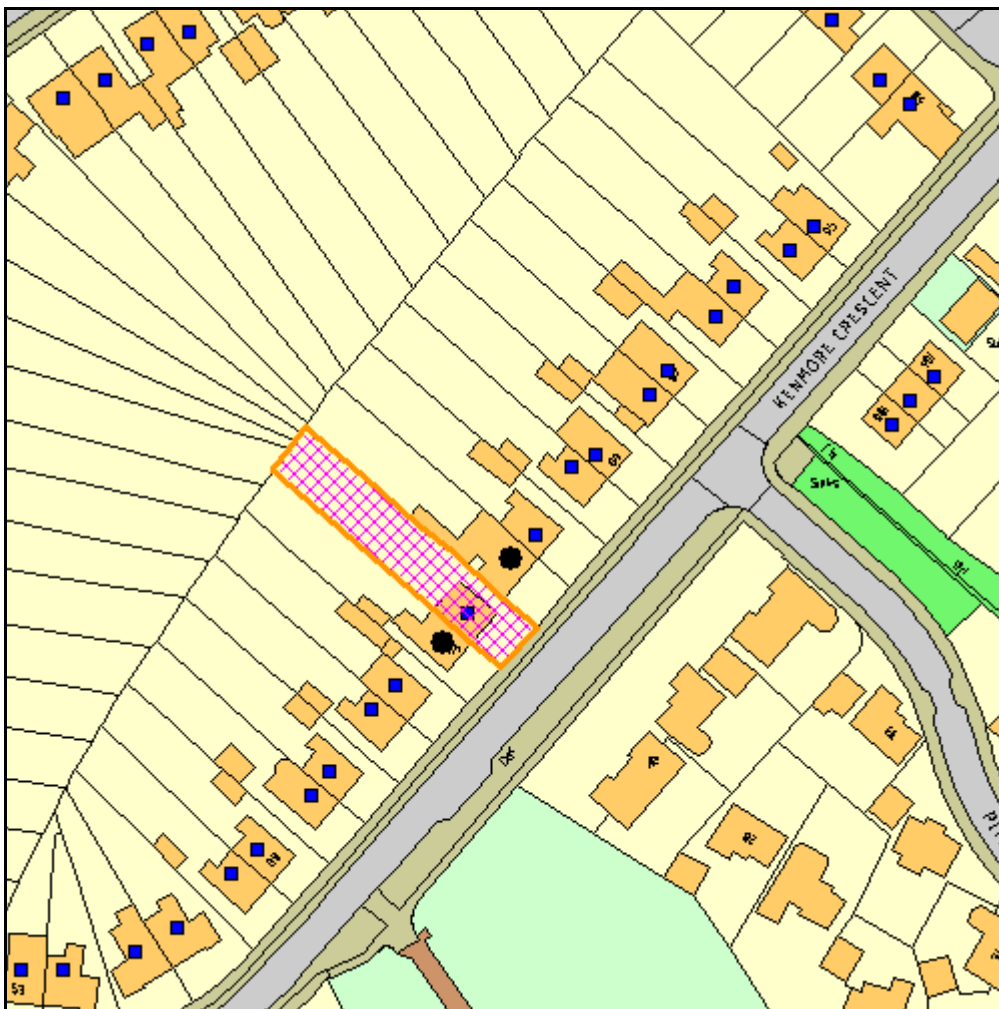
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 38/17 – 22 SEPTEMBER 2017

App No.:	PT17/3543/CLP	Applicant:	Mr And Mrs Walters
Site:	75 Kenmore Crescent Filton Bristol South Gloucestershire BS7 0TP	Date Reg:	23rd August 2017
Proposal:	Certificate of lawfulness for the proposed erection of 1no rear dormer and alterations from hipped to gable roof.	Parish:	Filton Town Council
Map Ref:	359472 178318	Ward:	Filton
Application Category:		Target Date:	9th October 2017



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100023410, 2008. **N.T.S.** **PT17/3543/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 a proposed hip to gable conversion and installation of a rear dormer at No. 75 Kenmore Crescent, Filton.
- 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 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 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 PT12/4024/F Approved 12.02.2013
Erection of single storey rear extension to provide additional living accommodation

4. CONSULTATION RESPONSES

- 4.1 Filton Parish Council
No comments received

Other Representations

- 4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Received 27 July 2017
PROPOSED + EXISTING ELEVATIONS 238/2
EXISTING GROUND & FIRST FLOOR PLANS 372/1

PROPOSED FIRST + SECOND FLOOR PLANS, & SIDE & REAR
ELEVATIONS 372/2
SECTION THRU' + NOTES 372/3

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 principal elevation of the dwellinghouse and fronts a highway;**

No part of the dwellinghouse would extend beyond the plane of an existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway.

- (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 house is semi-detached. The cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 40 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 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 plans indicate 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 over 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 does not involve the insertion of a window to the side elevation of the main dwelling.

RECOMMENDATION

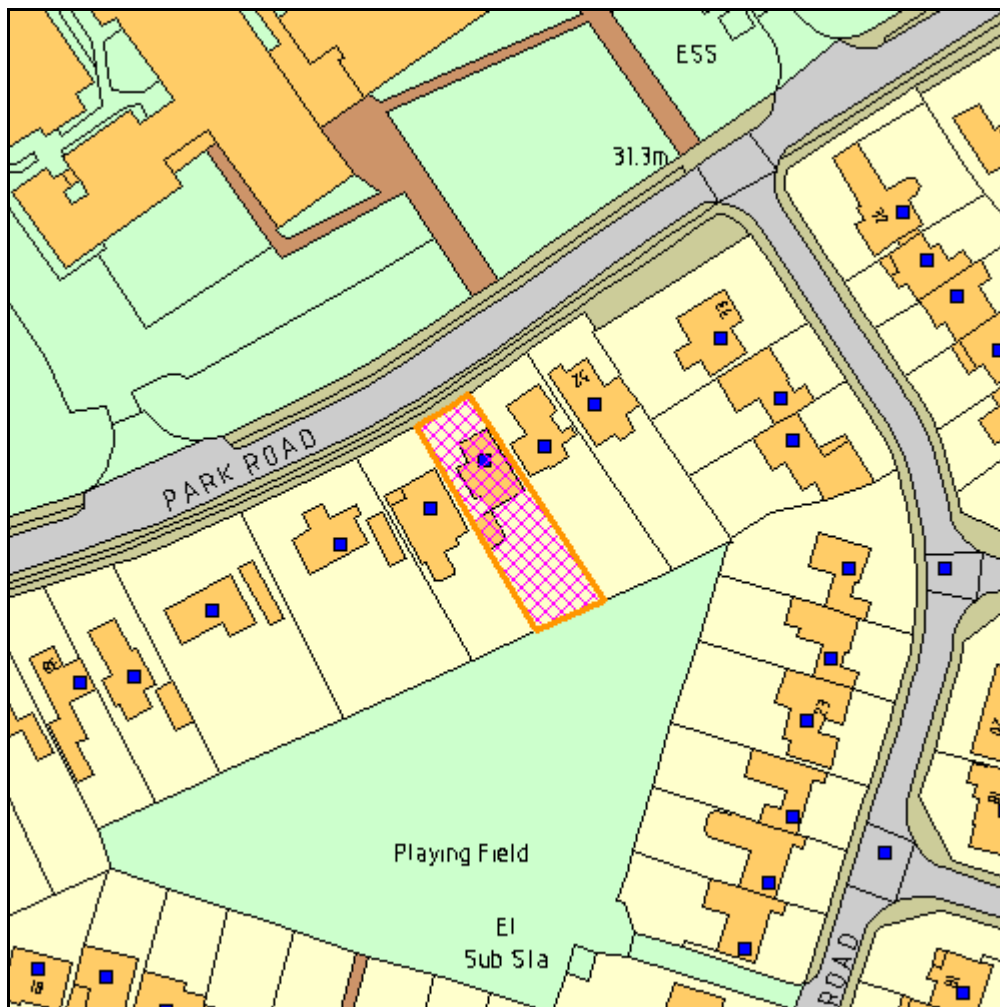
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed installation of a rear dormer and a hip to gable roof to form a loft conversion does fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CIRCULATED SCHEDULE NO. 38/17 – 22 SEPTEMBER 2017

App No.:	PT17/3840/CLP	Applicant:	Mr And Mrs John And Liz Rigby
Site:	48 Park Road Thornbury Bristol South Gloucestershire BS35 1HR	Date Reg:	22nd August 2017
Proposal:	Application for a certificate of lawfulness for the proposed erection of single storey rear extension	Parish:	Thornbury Town Council
Map Ref:	363779 190757	Ward:	Thornbury North
Application Category:	Certificate of Lawfulness	Target Date:	3rd October 2017



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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 erection of a single storey rear extension at 48 Park Road, Thornbury 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 Act 1990 (As Amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) 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 P94/1792
Approve with Conditions (05.07.94)
Erection of two storey rear extension to form enlarged kitchen and lounge with bedroom and shower room over.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection.
- 4.2 Councillor
No comments received.

Other Representations

- 4.3 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Existing Plans and Elevations
Received by the Council on 9th August 2017
- Proposed Plan, Section and Elevations
Received by the Council on 9th August 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 is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015.
- 6.3 The proposed development consists of a single storey rear extension. This development would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement, improvement or other alterations of a dwellinghouse subject to the following:

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

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

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

- (b) As a 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.

- (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 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 would not extend beyond a wall which forms the principal elevation of the original dwellinghouse.
The extension does not front 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,
(ii) or exceed 4 metres in height;

The proposed extension will extend beyond the rear wall of the original dwellinghouse by more than 4 metres.

- (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;

The proposed extension does not extend beyond the rear wall of the original dwellinghouse by more than 8 metres.

- (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 proposed rear extension 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 extension would be within 2 metres of a boundary; however the eaves would not exceed 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; or**

Not applicable.

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

The total enlargement exceeds the limits set out in the following subparagraphs:

(h), the total enlargement would have more than a single storey and extend beyond the rear wall of the original house by more than 3 metres.

(i), the total enlargement would be within 2 metres of the boundary and the eaves exceeds 3 metres in height.

- (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 proposed rear extension does not 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.
- d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c);

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 submitted information indicates that the proposal will be finished in materials to match the existing dwellinghouse.

- 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.

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

Not applicable.

7. RECOMMENDATION

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

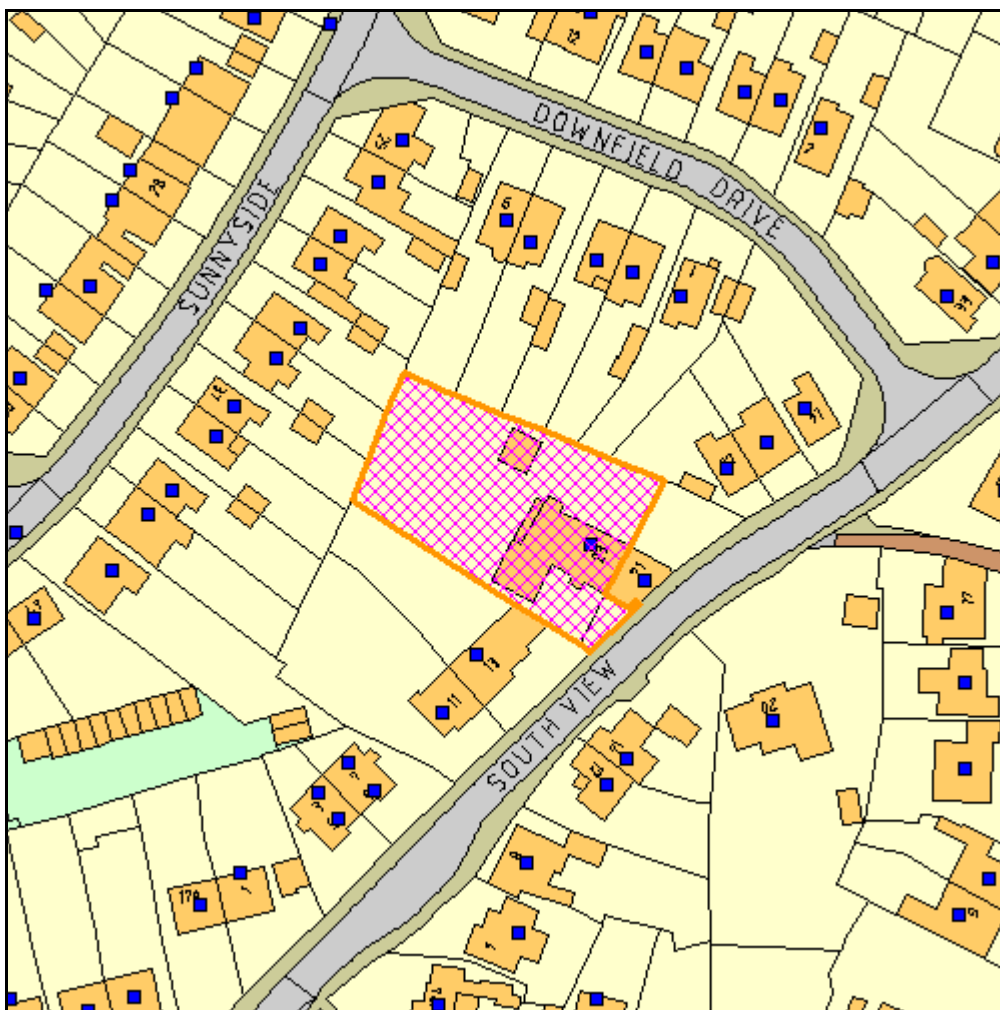
The evidence provided has been insufficient on the balance of probabilities to demonstrate that the proposed single storey rear extension falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. This is because there is evidence to suggest that the proposal is contrary to paragraph (ja) of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The total enlargement of the previously approved two storey rear extension and the

proposed single storey rear extension would be more than a single storey and extend beyond the rear wall of the original property by more than 3 metres; it would also be within 2 metres of the boundary and the eaves height would exceed 3 metres.

Contact Officer: James Reynolds
Tel. No. (01454) 864712

CIRCULATED SCHEDULE NO. 38/17 – 22 SEPTEMBER 2017

App No.:	PT17/3965/NMA	Applicant:	Mr Brendan Sweeney
Site:	23 South View Frampton Cotterell Bristol South Gloucestershire BS36 2HT	Date Reg:	25th August 2017
Proposal:	Non Material Amendment to planning permission PT16/3712/F to change West elevation red cedar cladding to Marley Eternit Cedar board CO2 Beige	Parish:	Frampton Cotterell Parish Council
Map Ref:	366951 181463	Ward:	Frampton Cotterell
Application Category:		Target Date:	19th September 2017



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100023410, 2008.

N.T.S.

PT17/3965/NMA

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following a representation received from the Parish Council.

1. PROPOSED CHANGES TO ORIGINAL PERMISSION

- 1.1 This application seeks the view of the Local Planning Authority as to whether a proposed change to a previously approved planning permission would be material or not. This is not an assessment of planning merit; the sole purpose of this application is to establish whether the proposed change would be materially different from that approved. It is a way of making a formal amendment to the existing approval – but on the basis that it makes no material change to the scheme approved. The Local Planning Authority may allow or reject this. However if it rejects a non-material amendment proposal it simply means the applicant will be required to make a full planning application because what is proposed is considered to be a material difference (it is not a rejection on planning merit).
- 1.2 Planning permission PT16/3712/F was approved on 28.10.2017 for the extension and alteration of a detached single garage to form a residential annexe ancillary to 23 South View, Frampton Cotterell.
- 1.3 Under this non-material amendment the following is proposed:
- to change the red cedar cladding proposed on the west elevation to Marley Eternit Cedar board.

2. PLANNING HISTORY

- 2.1 PT16/3682/F
Construction of raised platform with pump room under and erection of boundary fence (retrospective) – approved with conditions
07.09.2016
- 2.2 PT16/3712/F
Extension and alterations to existing detached garage to form residential annexe. – approved with conditions
18.10.2016
- Consultation Responses –*
- | | |
|-----------------------------------|------------------------|
| Frampton Cotterell Parish Council | None received |
| Sustainable Transport | No objection |
| Local Residents | 3 letters of objection |
- 2.3 P84/1291
Erection of detached house and alteration to vehicular access. (Outline) – refused (appeal dismissed)
- 2.4 N6168/2
Erection of 2 detached houses and detached garage. Alteration of vehicular access. (Outline). – refused
26.01.1984

- 2.5 N6168/1
Erection of a double domestic garage. – approved with conditions
13.05.1982

3. CONSULTATION RESPONSES

- 3.1 Frampton Cotterell Parish Council
Objection:
- unsustainable material proposed

4. ASSESSMENT

- 4.1 Planning permission was granted for the extension, alteration and conversion of a garage in the side garden of 23 South View to an ancillary residential annexe. It is to be used by family members. The site is not visible from the public highway and boundary treatments are high hedges and walls.
- 4.2 The proposal is to change the external finish of the annexe. The approved annexe was to be finished in a mix of render and red cedar cladding. The application proposes to change the cladding to beige Marley Eternit fibre cement Cedral board.
- 4.3 One ground of objection has been raised – the sustainability of the product – but this is not material to the planning issues arising which is whether the proposed alteration will make a material change to the development. As this relates to the material to be used, this primarily must relate to the visual appearance of the building.
- 4.4 A material sample has been provided for inspection. Despite being made from fibre cement, the product maintains the visual appearance of natural timber and could be painted a different colour without permission. That said the beige colour is considered to be an improvement as it would match the main house better. Either way, it is unlikely that any difference would be detected from general public views into the site. Furthermore given the position of the annexe within the large garden, it is considered that the views from neighbouring properties would be limited and on balance, the change can be regarded as being non material to the overall scheme.
- 4.5 Therefore, the proposed development is considered non-material.

5. RECOMMENDATION

- 5.1 It is recommended that NO OBJECTION be raised to this application for the reasons discussed above.

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