

**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. 14/13

Date to Members: 05/04/13

Member's Deadline: 11/04/13 (5pm)

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 Planning, Transportation and Strategic Environment 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. If in exceptional circumstances, you are unable to e-mail your 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 – 5 APRIL 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/0258/F	Approve with Conditions	Computer Sciences Ltd Station Road Kingswood South Gloucestershire BS15 4NR	Rodway	None
2	PK13/0496/F	Approve	The White House 77 Cloverlea Road Oldland Common South Gloucestershire BS30 8TX	Oldland	Bitton Parish Council
3	PK13/0531/F	Approve with Conditions	8 Lutyens Close Stoke Gifford South Gloucestershire BS16 1WL	Frenchay And Stoke Park	Stoke Gifford Parish Council
4	PK13/0575/F	Approve with Conditions	60 Westons Brake Emersons Green South Gloucestershire BS16 7BP	Emersons	Mangotsfield Rural Parish Council
5	PK13/0682/F	Approve with Conditions	Unit 11 Martor Industrial Estate Tormarton Road Marshfield South Gloucestershire SN14 8LJ	Boyd Valley	Marshfield Parish Council
6	PK13/0699/CLP	Approve	41 Charnhill Drive Mangotsfield South Gloucestershire BS16 9JR	Rodway	None
7	PT12/4131/CLE	Approve with Conditions	Ingst Hill Farm Ingst Hill Olveston South Gloucestershire BS35 4AP	Severn	Olveston Parish Council
8	PT13/0326/F	Approve with Conditions	26 Vicarage Road Pilning South Gloucestershire BS35 4LN	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
9	PT13/0500/CLE	Approve with Conditions	Caravan Near Aust Services Sandy Lane Severn Bridge Aust South Gloucestershire BS35 4BH	Severn	Aust Parish Council

CIRCULATED SCHEDULE NO. 14/13 – 5 APRIL 2013

App No.:	PK13/0258/F	Applicant:	CSCC/O JLL
Site:	Computer Sciences Ltd Station Road Kingswood South Gloucestershire BS15 4NR	Date Reg:	31st January 2013
Proposal:	Change of use to Offices (Class B1) and Warehouse (Class B8) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) with associated external alterations.	Parish:	None
Map Ref:	366076 175068	Ward:	Rodway
Application Category:	Major	Target Date:	1st May 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is reported on the Circulated Schedule because objections have been received, contrary to the officer recommendation.

1. THE PROPOSAL

1.1 This application seeks planning permission for the change of use of a data centre (Use Class B1) to a mixed use of B1 (a) and (b) and B8, B1 (a) being offices, B1 (b) being research and development and light industry appropriate to a residential area and B8 being storage and distribution. The site is Solar House, a two storey building with car parking on all four sides, fronting Station Road. It lies within the safeguarded employment area of Station Road which is intended to continue to be safeguarded for this purpose under the Core Strategy. The proposal has been revised to ensure that 1000 square metres of the site will be used for B8 and the balance for B1. Revised tracking diagrams were also submitted in order to demonstrate that the site was suitable for lorry movements.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
L8 Sites of Nature Conservation Interest
E4 Safeguarded employment sites
E3 Proposals for employment uses
T8 Parking standards
T12 Highway Safety

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
CS9 Managing the environment
CS12 Safeguarded areas for economic development

3. RELEVANT PLANNING HISTORY

- 3.1 K2164/2 Erection of robotic assembly building, relocation of canteen building, car parking and alteration to access Approved 1984
- 3.2 K2164/3 Erection of robotic assembly building, car parking and creation of new access Approved 1985
- 3.3 K2164/5 Use of premises for data processing, printing, mailing, storage and administration Approved 1987

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
Unparished area

Siston Parish Council

Object to the proposal for the following reasons:

Increase in traffic to/from the site via housing area and passed a large junior school would pose a risk to juveniles.

Most traffic to/from this site would seriously increase congestion on A4174 Link Road through Siston Ward.

It is considered that recent changes to this area should rule against any reversion of B1 through to B8 industrial use of this site.

4.2 Other Consultees [including internal consultees of the Council]
Technical Services

No comments.

Archaeology

No comments.

Environmental Protection

No objection in principle.

Ecologist

Whilst there are no ecological constraints to granting planning permission, the landscaping for the scheme could include a belt of planted native shrub species along the eastern site boundary in order to strengthen the vegetation of the adjoining Warmley Brook Site of Nature Conservation Interest corridor.

Transportation

No objection, subject to a condition requiring that the outbuildings are demolished to allow adequate space on site for parking.

Other Representations

4.3 Local Residents

Three letters of objection were received, citing the following concerns:

- Increase in already heavy levels of traffic
- Highway safety issues, including for nearby school
- Damage to the environment in close proximity to the Green Belt and Common Land
- Vibration in homes due to increasing lorry weights on an unsuitable road

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The application has been amended to specify the storage and distribution (B8) element on site to 1000 square metres, with the balance to be in office use (B1). This specification brings the proposal in line with policy E3, which states that large scale (over the 1000 square metre threshold) B8 uses should be located in Severnside, Cribbs Causeway and Emersons Green Area B. Policy E3 also sets criteria to be met with regard to environmental effects, highways, residential amenity, the

character of the settlement, achieving high density and ensuring that B1 sites are well accessed by public transport. All of these issues are examined below. Policy E4 secures the use of the site for employment and this is reinforced in the Core Strategy policy CS12, which defines the area as reserved for economic development. Policy L8 also applies to this site, due to the neighbouring SNCI. Subject to the following detailed analysis, the proposal accords with policy in principle.

5.2 Transportation

The site is considered to be easily accessed by foot, cycle and bus. Station Road has a bus service and the Bristol, to Bath cycle track is not far away. Traffic generated by the site has good access to the ring road, via Station Road and it is noted that the current use would be likely to generate traffic of a similar size if change of use were not applied for. The site lies within a safeguarded employment area and the neighbourhood's road network reflects this. The site's 7 metre wide access is considered to be adequate to accommodate the projected traffic movements and highway safety at the junction with Station Road is considered to be safeguarded. With regard to the impact on the nearby school, it is considered that in terms of traffic levels on Station Road, an additional 1000 square metres of B8 will not result in a significant increase in heavy goods traffic. The traffic generation from the B1 element of this proposal accords with an typical industrial building within an employment area.

With regard to on-site car and lorry parking and manoeuvring, the application has been revised to ensure that no more than 1000 square metres of floorspace will be used for storage and distribution purposes. This is required to remain so by the relevant condition shown below. This will reduce the amount of B8 traffic in comparison with the original proposal and accords with policy E3. A series of single storey outbuildings have been erected on the southern and eastern boundaries and it is proposed for these to be removed. It is considered that this step would aid the manoeuvring ability of vehicles on site as well as enhancing the current level of parking, therefore a condition is recommended below to achieve this. Subject to compliance with the condition, there is not considered to be any harm arising to highway safety and the proposal accords with policies E3 and T12 in this regard. In addition, the parking provision would accord with policy T8 of the adopted Local Plan.

5.3 Ecology

The site borders a Site of Nature Conservation Interest, in the corridor of Warmley Brook, which is protected through policy L8 of the adopted Local Plan. This is divided from the site by a tall chain-link fence along the eastern boundary. While it would be desirable to thicken the vegetation along this wildlife corridor, the presence of the fence notwithstanding, to achieve this would compromise the on site parking and manoeuvring areas. As the proposal is acceptable in principle it is considered to be of greater importance to achieve adequate on site parking than to widen the wildlife corridor, particularly given that this widening would be compromised by the use of the adjacent yard by cars and lorries and given the presence of the fence. The consultation process also led to a claim that there would be damage to the environment in close proximity to the Green Belt and common land. There is no reason to believe that this proposed change of use would damage the environment and even if it

did, common land, the nearest of which is Siston Common on the other side of Warmley Brook to the east of the site, enjoys no statutory protection above other land. The site is located nearly half a mile from the Green Belt boundary, where again there is no special level of protection for the environment.

5.4 Residential Amenity

The proposal is for re-use of the existing building. Two factors which could affect residential amenity are considered to be the change of use of the building and the external effects of the change of use. The latter is considered to be limited to traffic movements and parking. The site's capacity for this has been examined above, but its likely impact on residential amenity has not. In terms of the current use of Station Road, the increase arising from this proposal is not considered to be significant. Its impact on existing levels of residential amenity therefore would be of the same scale. Parking on site would echo the existing situation, although it is anticipated to be at a greater intensity, but the site is separated from the nearest residential properties by Station Road itself. The issue of vibration in homes due to increasing lorry weights on an unsuitable road, is not one which would be significantly exacerbated by this proposal. The standard of the road is a factor for all road users and the Core Strategy, as previously stated, retains this site and its environs for employment uses. Furthermore, no objection to the proposal has been raised by Environmental Protection.

5.5 Other Issues

Policy E3 requires that development takes into account the character of settlement. In that regard, it is noted that the site stands on an industrial estate, within a safeguarded employment area. The proposal is to re-use an existing building which is in character with its immediate surroundings, functionally. The proposal is therefore considered to accord with policy E6 in this respect. Further to this the development should achieve maximum density. In terms of employment generation, it is considered that this would be achieved. The site is currently used as a data centre and, while not disclosed, it is considered that the employment opportunities arising from the proposal change of use would be significantly greater than retaining the present use.

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 proposal would enhance employment opportunities at this site, with adequate on site parking provision without harming existing levels of residential amenity, highway safety, the character of the settlement or having adverse environmental impacts. The proposal would make appropriate use of an existing building within a safeguarded employment area and accords with policies E3, E4, L8, T8 and T12 of the adopted South Gloucestershire Local Plan.
- 6.3 The recommendation to approve 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 approved, subject to the conditions shown below.

Contact Officer: Chris Gosling
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. Prior to the first use of the site under this planning permission, all outbuildings on the site, other than those shown to be retained on the approved plans, shall be demolished and their constituent parts permanently removed from the land and the parking shown on the approved plans shall be provided.

Reason

To ensure the satisfactory provision of parking and manoeuvring facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No more than 1000 square metres of the site shall be used for storage and distribution (Use Class B8) other than for purposes ancillary to the B1 office use on site.

Reason

In order to accord with the terms of policy E3 of the adopted South Gloucestershire Local Plan.

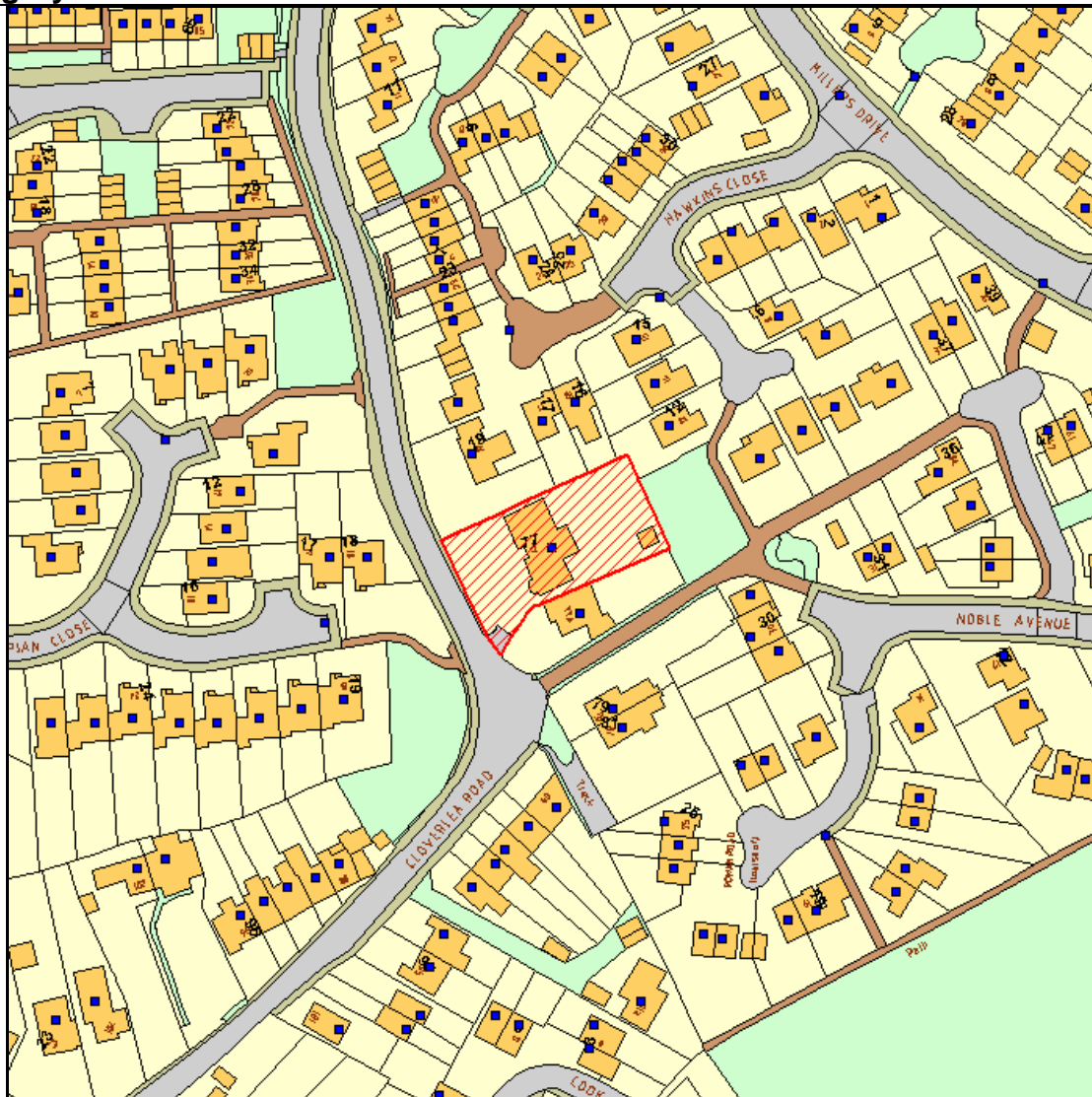
4. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0600 to 2200 Mondays to Fridays; 0800 to 1800 on Saturdays and 0800 to 1600 on Sundays or Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 14/13 – 5 APRIL 2013

App No.:	PK13/0496/F	Applicant:	Mr & Mrs L Baker
Site:	The White House 77 Cloverlea Road Oldland Common South Gloucestershire	Date Reg:	15th February 2013
Proposal:	Erection of single storey rear extension and conservatory to provide additional living accommodation. (Amendment to previously approved scheme PK12/1967/F). (Retrospective).	Parish:	Bitton Parish Council
Map Ref:	367349 171934	Ward:	Oldland Common
Application Category:	Householder	Target Date:	10th April 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule due to public comments received contrary to the Officer's recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks consent to amend a previously approved planning permission (PK12/1967/F). The extension has not been built according to the approved plans; this application is retrospective to authorise the development as built.
- 1.2 Consent is sought for a single-storey rear extension and conservatory to provide additional living accommodation. The site is a large, detached, c.1930s 'villa' within the existing urban area of Oldland Common. An existing, sizable, side extension is located to the north and to the south a separate dwelling was constructed within the property's curtilage in the late 1990s. The property retains a good-sized rear garden and adequate off-street parking facilities to the front.
- 1.3 Application PK12/1967/F granted planning permission for a rear extension measuring 10m in width, 3.7m in depth, with a maximum ridge height of 3.4m; and a conservatory measuring 5.1m in width, 6m in depth, with a maximum ridge height of 3.4m.
- 1.4 This application seeks permission for a rear extension that would create a uniformed rear elevation, extending in some places 3.7m (to align with existing protruding single-storey kitchen/diner). Designed with a flat roof, the maximum height of the parapet is 3.4m. The conservatory has a width of 5.8m, a depth of 5.3m and the maximum ridge height of 4.5m.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

T12 Transportation

H4 Development within Existing Residential Curtilages

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012

CS1 High Quality Design

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/1967/F Approve with Conditions 08/08/2012
Erection of single storey rear extension and conservatory to provide additional living accommodation
- 3.2 P99/4112 Approval Full Planning 30/03/1999
Erection of 1no. 4 bedroom detached dwelling with garage
- 3.3 P96/4419 Approval Full Planning 20/09/1996
Erection of 1no. dwelling. Erection of double garage to No.77
- 3.4 K3995/2 Approval of Outline Consent 07/02/1992
Erection of detached two-storey dwelling. Alteration of existing access to highway (Outline)
- 3.5 K3995 Approval 06/10/1982
Two-storey and single storey extension comprising granny flat, games room and new kitchen area

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
No objection
- 4.2 Archaeology
No objection
- 4.3 Community Spaces
No comment
- 4.4 Drainage
No comment

Other Representations

- 4.5 Local Residents
Two letters of objection (from the same address) have been received. They object to the development because the size has increased over what was originally permitted, the development is too large and bulky, the development is an eyesore, and the development is not in keeping with the residential character of the area.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks retrospective planning consent for an amendment to a previously approved planning application for a single storey rear extension and conservatory.

- 5.2 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 manages development within existing residential curtilages. This policy is generally supportive of extensions and alterations subject to an assessment of design, amenity and transport.
- 5.3 Further to this, the principle of the development has already been established by PK12/1967/F. This application needs to consider the impact of the alterations to the approved scheme in line with the criteria set out above.
- 5.4 Design
The two separate elements need to be considered on their own merit. The single storey rear extension is appropriate in design and size. It differs from what was previously approved by using a flat roof and parapet construction. However, this is not inconsistent with the overall design of the property or the general purpose of the extension. The design is in keeping with both the character of the existing house and the surrounding area in terms of the scale, proportions and materials.
- 5.5 The conservatory was subject to a design amendment during the course of the previous application. The Case Officer for that application negotiated a reduction in the depth of the conservatory from 7.5m to 6m. The conservatory has been built to a depth of 5.3m (beyond the rear extension, 7.7m beyond the existing rear elevation).
- 5.6 Whilst it is noted that this is a significant departure from what was previously agreed it is felt that the conservatory should be measured from its intersection with the rear extension. This is because the rear extension has been design to create a consistent rear elevation. The conservatory is a separate component to the overall composition of the building. As such the conservatory extends by 5.3m, which is not considered to be out of scale with the existing property.
- 5.7 A major increase in the ridge height has occurred. To reduce the height of the ridge would require a shallower pitch to the roof. A shallow pitch would appear squat and out of proportion with the rest of the conservatory to the detriment of the appearance of the development.
- 5.8 The conservatory is located to the rear of an existing side extension (K3995). This extension is single storey yet has a ridge height in excess of that of the conservatory. As a result, the conservatory nestles into the existing built form and does not have a dominating effect on the existing property due to the increased ridge height.
- 5.9 Although different from what was previously approved, the development as built still meets an acceptable design standard. Located within a good-sized plot, the site can comfortably accommodate the development. It is not considered that the development is contrary to policy D1 or H4 of the Local Plan.

5.10 Amenity

Development should not have a prejudicial impact on residential amenity. The rear garden is fairly open, bounded by low stone walls with a chain-link fence above offering little privacy.

5.11 There will be no impact on the properties to the rear or south. To the north, the conservatory is set away from the boundary by a walkway of approximately 1m. It does not exceed half the width of the adjacent neighbour's garden. There are no windows or openings on the side elevation, which will be rendered to match the existing house. The development will not result in the loss of privacy or any significant overbearing or overshadowing effect.

5.12 It is therefore concluded that there will be no prejudicial impact on residential amenity as a result of this development and the development complies with policy H4 and is acceptable.

5.13 Transport

The proposed development does not create any requirement for extra parking as it does not provide additional bedrooms. There are no transportation considerations to be made.

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 development has been assessed against policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006. The design has been found to comply with the criteria of these policies as it is in keeping with the character and appearance of the existing house and locality. There will not be a prejudicial impact on residential amenity.

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.

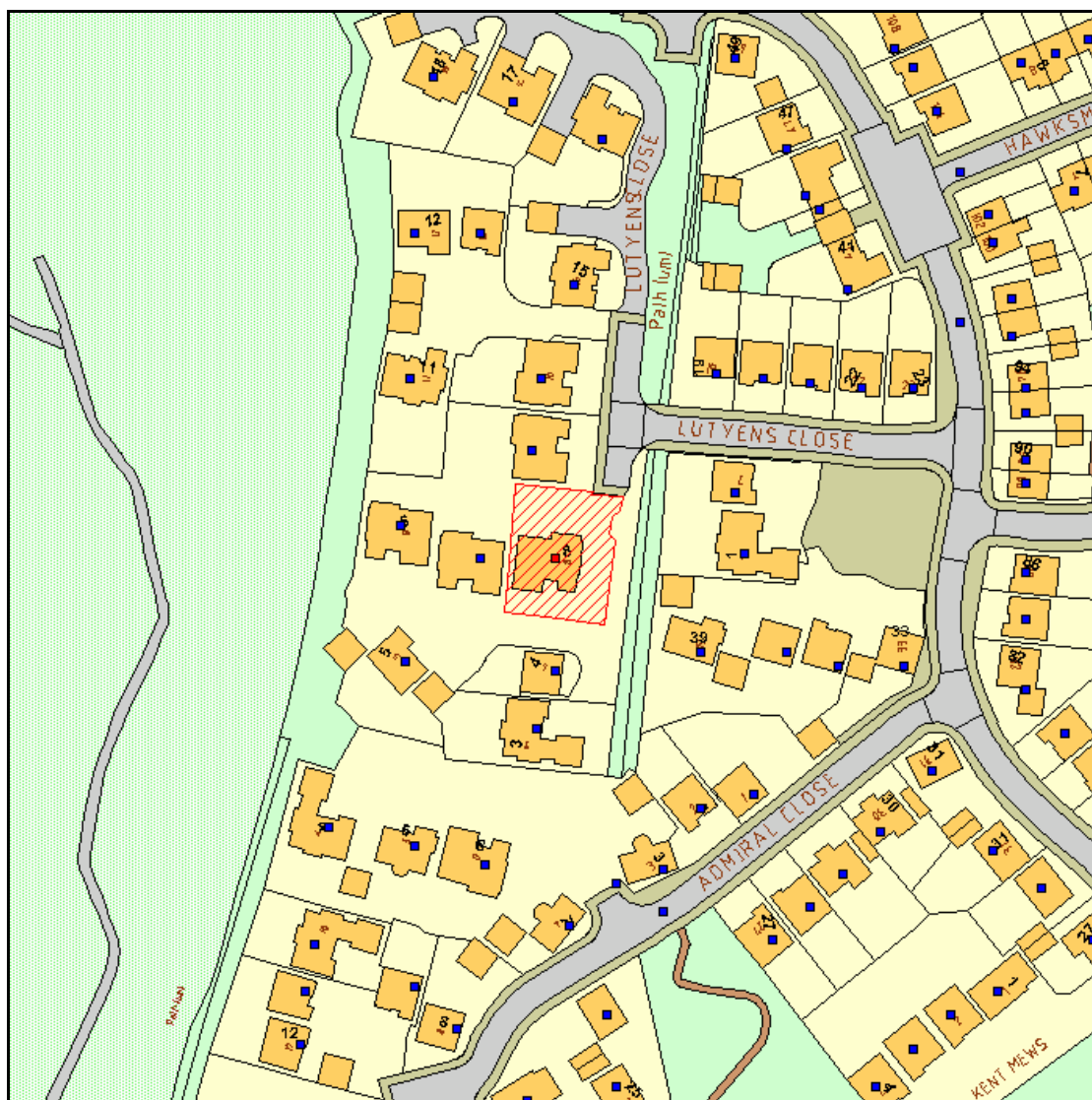
7. RECOMMENDATION

7.1 It is recommended to GRANT retrospective planning permission.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CIRCULATED SCHEDULE NO. 14/13 – 5 APRIL 2013

App No.:	PK13/0531/F	Applicant:	Mr B Brown
Site:	8 Lutyens Close Stoke Gifford Bristol South Gloucestershire BS16 1WL	Date Reg:	21st February 2013
Proposal:	Erection of rear single storey sun room to provide additional living accommodation	Parish:	Stoke Gifford Parish Council
Map Ref:	361991 177532	Ward:	Frenchay And Stoke Park
Application Category:	Householder	Target Date:	17th April 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from a local resident; concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single storey sunroom to the rear of the property.
- 1.2 The application site comprises of a two-storey detached property, the site is located on the western side of Lutyens Close.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving a Good Standard of Design in New Developments

H4: Residential Development within Existing Residential Curtilages

T8: Parking Standards

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.

CS1 High Quality Design

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No objection

- 4.2 Wessex Waters
No objection – but will require permission to build over a public sewer.

Community Spaces
No objection

Public Rights of Way

No objection - advisory note that no building materials to be stored on the right of way.

Drainage

No objection

Archaeology Officer

No objection

Tree Officer

No objection

Other Representations

4.3 Local Residents

One letter of support has been received.

- Support for the application provided that the height and position of the adjoining wall is not changed.

One letter of objection has been received raising the following concerns:

- The proposed extension would produce an overbearing outlook and loss of privacy for No1.
- The extension would produce windows with a direct line of sight into three of the bedrooms.
- Should planning be granted then a condition should be put on that the brick wall surrounding part of the garden of No.8 should be raised sufficient to cut out the direct line of sight to the bedrooms.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Development at existing residential curtilages is managed through policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. This policy is generally supportive of extensions to dwellings, subject to an assessment of amenity and design.

5.2 Design/ Visual Amenity

The application site is located on the western side of Lutyens Close in Stoke Gifford the area is characterised of detached properties. The application seeks permission for a sunroom to the northern side of No.8 Lutyens close, this would be modest in size measuring 2.8m in depth and 5.4m in width and would be located to the rear of the property. There is a boundary wall measuring approximately 1.8m in height, the overall height of the proposed sunroom will measure 3m. The sunroom will be constructed from matching materials as the existing property. The proposal is of an appropriate standard in design and is in keeping with the character of the main dwelling and surrounding area. The proposal therefore accords with Policy D1 and H4.

5.3 Residential Amenity

Neighbours have objected that the sunroom would produce an overbearing outlook. No 1 Lutyens Close looks to the eastern side of the application site and is set some distance from the proposal, No.1 benefits from large trees to the rear of their garden, which will provide a natural screen from the proposal, No. 8 Lutyens Close boundary wall measures 1.8m in height which will also screen part of the proposed sunroom. On balance, it is considered that the proposal would not cause significant overbearing impact or overlooking upon the neighbouring property to warrant a refusal of this application

There are also concerns that there would be a loss of privacy. The sunroom is only single storey with a 1.8m high wall around the boundary therefore it is not considered that there will be a loss of privacy for No.1 and it is unlikely that the occupiers of No.8 will be able to view into the upstairs bedrooms of No.1.

5.4 Transportation

The proposal would not result in any material change to the parking provision at the site nor would have any impact upon highway safety and as such would be in accordance with policy H4 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

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.

The development has achieved an acceptable standard of design through use of appropriate materials, good massing and general layout. It would be in keeping with the locality and is of a size and style that suits the host dwelling. The proposal does not raise any highway issues. The proposal would not give rise to a detrimental impact on the residential amenity of neighbouring or future occupiers. Accordingly it meets criteria contained in policies D1, H4 and T8 of the South Gloucestershire Local Plan (Adopted) 2006.

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

7. RECOMMENDATION

7.1 That planning permission is approved subject to the conditions on the decision notice.

Contact Officer: Melissa Hayesman
Tel. No. 01454 864769

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).

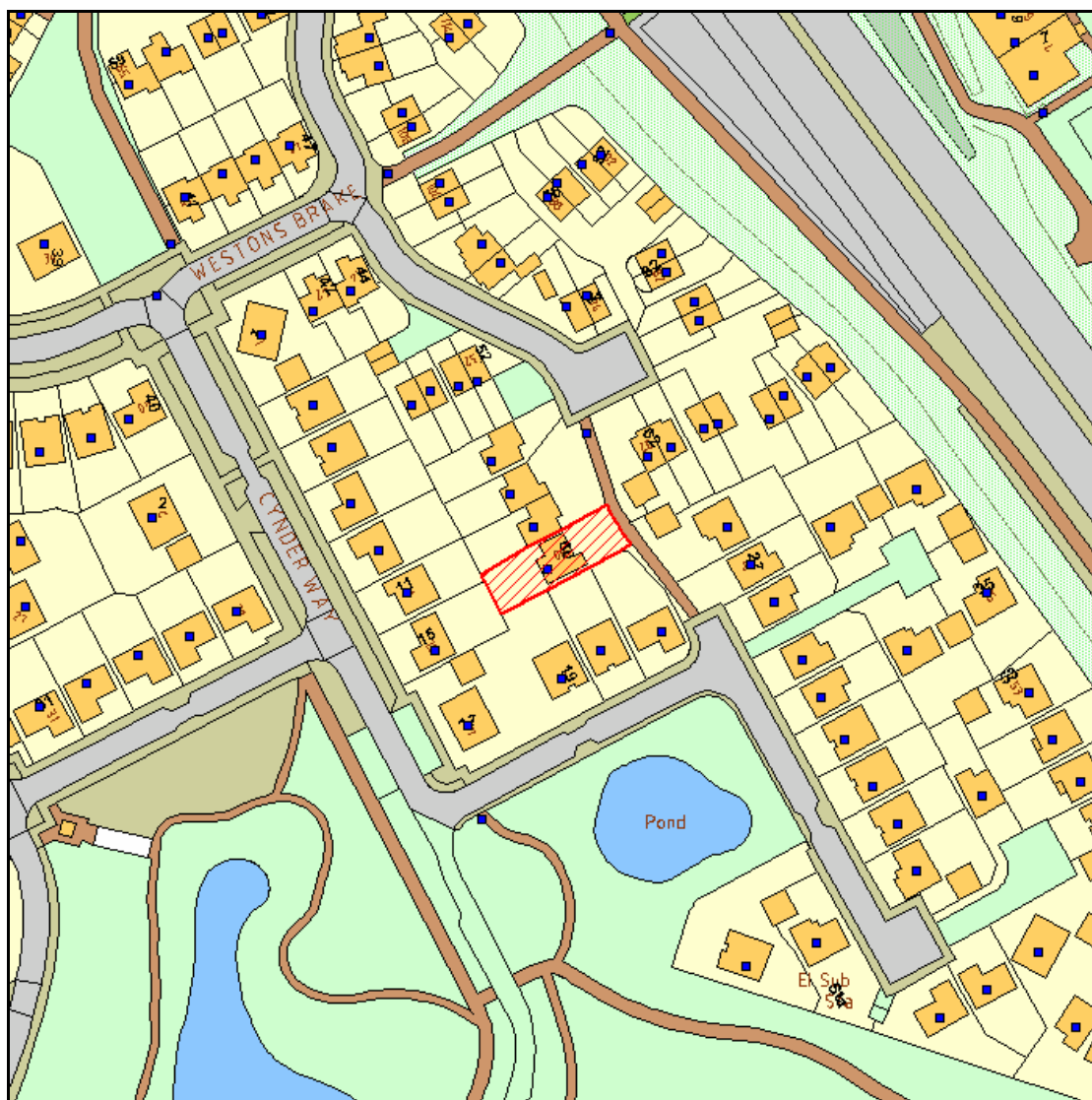
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 14/13 – 5 APRIL 2013

App No.:	PK13/0575/F	Applicant:	Mr D Bridge
Site:	60 Westons Brake Emersons Green South Gloucestershire BS16 7BP	Date Reg:	22nd February 2013
Proposal:	Erection of two storey side extension to incorporate existing garage and single storey rear extension to provide additional living accommodation.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366390 178219	Ward:	Emersons Green
Application Category:	Householder	Target Date:	16th April 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a two-storey side extension to incorporate an existing garage and a single storey rear extension to provide additional living accommodation.
- 1.2 The application site relates to a two-storey detached modern property situated within the established residential area of Emersons Green.
- 1.3 During the course of the application revised plans were received which slightly changed the design of the proposed scheme.

2. POLICY CONTEXT

2.1 National Guidance

NPPF National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Design in New Development

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

T8 Parking Standards

T12 Transport Development Control

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012

CS1 High Quality Design

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

SPD: Residential Parking Standards (Draft November 2012)

3. RELEVANT PLANNING HISTORY

- 3.1 PK02/1204/PDR Rear conservatory
Approved 5.6.02

4. CONSULTATION RESPONSES

4.1 Mangotsfield Parish Council

No objection

4.2 Other Consultees [including internal consultees of the Council]

Sustainable Transport

No objection

Drainage Engineers

No objection subject to an informative being attached to the decision notice

Other Representations

4.3 Local Residents

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

- concerns regarding proposed side window
- a tall tree is within falling distance

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal stands to be assessed against the above listed policies. Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Policy D1 of the Local Plan requires all new development to be well designed and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and locality.

In addition, the South Gloucestershire Core Strategy Development Plan Document was considered by the Inspector appointed to hold the Core Strategy Examination in Public and a refreshed Core Strategy that incorporates Post-Submission Changes was considered by the Council in mid December. Following this decision, the South Gloucestershire Core Strategy (incorporating Post-Submission Changes) December 2011 was taken forward to Examination in Public. The Inspector concluded that the Submission Core Strategy is capable of being made sound provided a number of modifications are made. Following a further period of consultation on the Inspector led changes and passed back to the Inspector. The Inspector issued an interim report in September 2012 of draft modifications and a further day of Examination is scheduled for March 2013. At this stage the Core Strategy therefore remains unadopted. This document is therefore a material consideration in the determination of planning applications, and the Core Strategy policies, which are not subject to Inspector modification, will now carry considerable weight at this stage.

Given the above the proposal is deemed to accord with the principle of development and this is discussed in more detail below.

5.2 Design and Visual Amenity

The application site is part of a row of four dwellinghouses accessed via a private and shared driveway. The site is situated at the end of this driveway. The site benefits from a garage attached to its north elevation. The proposal would be to create a bedroom above the garage, convert part of the existing

garage into living accommodation and also to erect a rear extension across the entire width of the property to increase the internal living space.

The proposal is considered to be acceptable in terms of its design, scale and massing and appropriate to the main dwellinghouse and area in general. Good quality materials would be used in its construction.

5.3 Residential Amenity

The rear of the existing dwellinghouse is enclosed and thereby screened from neighbours by fencing of approximately 1.8 metres in height. The property is located at the end of a cul-de-sac which is both side onto and backs onto properties along Cynder Way.

The rear of the existing property is approximately 21 metres from the rear of neighbours to the west. Given this distance the issue of overlooking, in particular from the proposed first floor bedroom window, has been considered as part of the assessment of this application, and the relationship between the two properties is regarded as being acceptable.

Comments have been received from a neighbour regarding a tree in the applicant's garden and a proposed window in the side elevation. The window has been removed from the scheme and likewise it is understood that the tree will also be removed from the garden.

To the front the application site is side-on to neighbours at No. 62 Westons Brake and furthermore, screened from that dwellinghouse by its own garage and separated by a public footpath.

Given the above, the impact on the residential amenity of closest neighbours is deemed acceptable and sufficient garden space would remain to serve the property.

5.4 Sustainable Transport

The proposed side extension will shorten the existing garage which will make it unusable for a standard size vehicle. From the aerial picture there appears to be a parking space on the driveway to the front of the dwelling but no plans have been submitted showing what parking is actually available. There needs to be at least two vehicular parking spaces available within the site boundary which each measure 2.4m wide by 4.8m deep. Officers requested a revised plan showing the required level of parking as requested above. This was received and consequently, there is no transportation objection to this proposal.

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 proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not

- in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.
- (a) Consideration has been given to the impact of the proposed development on the character of the surrounding area, which would in this case not be affected, in accordance with Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) 2006.
 - (b) The proposal would not prejudice the amenities of neighbouring properties in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.
 - (c) An acceptable level of off-street parking would be provided in accordance with Policies H4 and T8 and highway safety is unaffected in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.
 - (d) Adequate amenity space would be provided to serve the development in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.
 - (e) The design of the scheme would be in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.
- 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 the application be **APPROVED** subject to the conditions below.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

CIRCULATED SCHEDULE NO. 14/13 – 5 APRIL 2013

App No.:	PK13/0682/F	Applicant:	Mr A McAnirah
Site:	Unit 11 Martor Industrial Estate Tormarton Road Marshfield South Gloucestershire	Date Reg:	6th March 2013
Proposal:	Erection of single storey front extension to form offices, toilets and kitchen. (Resubmission of PK12/3815/F)	Parish:	Marshfield Parish Council
Map Ref:	378304 174736	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	30th April 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

An objection has been received, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for an extension to a single storey building on an industrial estate to the north of Marshfield village. The building houses a firm that carries out servicing and repairs to tooling equipment. The site lies in the open countryside and Cotswolds Area of Outstanding Natural Beauty. The building to be extended marks the northern boundary of the group and the extension would create an L-shape extending into an informal car parking area in front of it, close to the estates access from Tormarton Road.
- 1.2 The proposed extension would also be single storey, with a slight set down at apex level. It would add 88 square metres, plus a small entrance porch to the host building, together adding approximately 50% to the existing available floorspace of the unit. This application follows a similar scheme submitted last year which was withdrawn on officer advice: As it was a two storey extension to a single storey building.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
L2 Cotswolds AONB
E6 Employment Development in the Countryside
- South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
Development in the Green Belt (adopted 2006)

3. RELEVANT PLANNING HISTORY

- 3.1 PK02/2232/F Single storey extension with associated parking and access ramp
Approved
- 3.2 PK12/3815/F Two storey extension
Withdrawn

4. CONSULTATION RESPONSES

- 4.1 Marshfield Parish Council
No objection
- 4.2 Technical Services
No comment.
- 4.3 Transportation
No objection

- 4.4 Landscape
No objection

Other Representations

4.5 Local Residents

Two letters were received, citing the following concerns:

- The site is already overcrowded and lorries and delivery vans will be denied space to turn safely
- The trip switch is located within the units in the estate and when there are problems with the electricity supply on the neighbouring poultry farm this needs to be accessed. This development would limit access to via Tormarton Road and this could damage the business
- It will be physically impossible for the building being constructed so close to the neighbour's land
- Trees will be felled and grass lost for the additional car parking which is a habitat for birds including a tawny owl, hedgehogs, toads and newts
- Upheaval from building works
- The proposal would introduce built form into a rural, largely agricultural landscape and the new car parking area would be obtrusive

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This proposal, as described in the introduction would increase the footprint and would not be visible from outside the industrial estate. The previous issue with the design has been addressed with this scaled down design. The principle of development is acceptable, subject to the following analysis in relation to policies E6, L2 and Transportation policies

- 5.2 Policy E6 allows for the intensification of existing employment on established employment sites. This proposal is considered to accord with that policy.

5.3 Transportation

Planning permission has previously been sought to erect an extension to the existing building on site. No transportation objection was raised to that proposal. The extension will involve the loss of one parking space on site but three additional spaces will be provided within the site boundary. The level of parking provided is within the standards set out in Policy T8 of the Local Plan. On that basis, the proposed parking provision would be appropriate to cater for the enlarged building. In terms of highway safety, it is considered that there would be adequate manoeuvring space within the site for all vehicles, including delivery vans. The increased use of the access onto Tormarton Road is considered to be minimal and not significant and the scheme as a whole is considered to accord with Local Plan policy T12 with regard to highway safety.

5.4 Other Issues

The consultation process has raised a number of issues which will be addressed in turn. Firstly, the issue of impact of the proposal on the landscape is not considered to be significant. The proposal is for the extension of a single storey building at the edge of the industrial estate with a lower extension which is entirely within the estate. The design of the proposal is considered to be

acceptable and accords with policy D1 of the adopted Local Plan. The scale of the proposed extension will mean that it cannot be seen from outside the estate, maintaining the natural beauty of the area in accordance with policy L2. The additional car parking spaces would also not extend the estate. They would be located under the canopy of an existing tree screen and may in practice entail the removal of a small strip of verge, although the plans show this not to be the case. The impact on the landscape would be insignificant as the trees would be retained and their ability to screen the site uncompromised. In addition, there are no ecological impediments to completing these works, which are only at ground level and would not involve any felling of trees.

The issue raised about access to the electricity trip switch is not a planning matter, but a civil one between the landowner and the neighbour. The extension may block a short cut onto the site, however it is noted that access via Tormarton Road would be unaffected.

One wall, the shortest proposed, would be close to the boundary with the neighbouring farm. An informative makes clear that the developers will need permission to enter land that they do not own or control and without that they would be trespassing, which would be a civil issue between the two parties and not a planning matter.

Lastly, it is acknowledged that upheaval is often a result of the implementation of development, but would not constitute a reason for refusal. Given that the land next to the site is agricultural, it is considered that there would be little point in restricting times of construction to the normal working day to benefit residential amenity. It would be expected that a build of this scale would not take very long to complete.

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 proposed development would respect the scale of the host building, replace the lost parking and provide additional parking for the increase in employment that the extension could potentially facilitate, with no detrimental impact on the landscape, visual amenity or residential amenity. The proposal accords with policies E6, T8, T12, D1, L1 and L2 of the adopted South Gloucestershire Local Plan.
- 6.3 The recommendation to approve 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 approved.

Contact Officer: Chris Gosling
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).

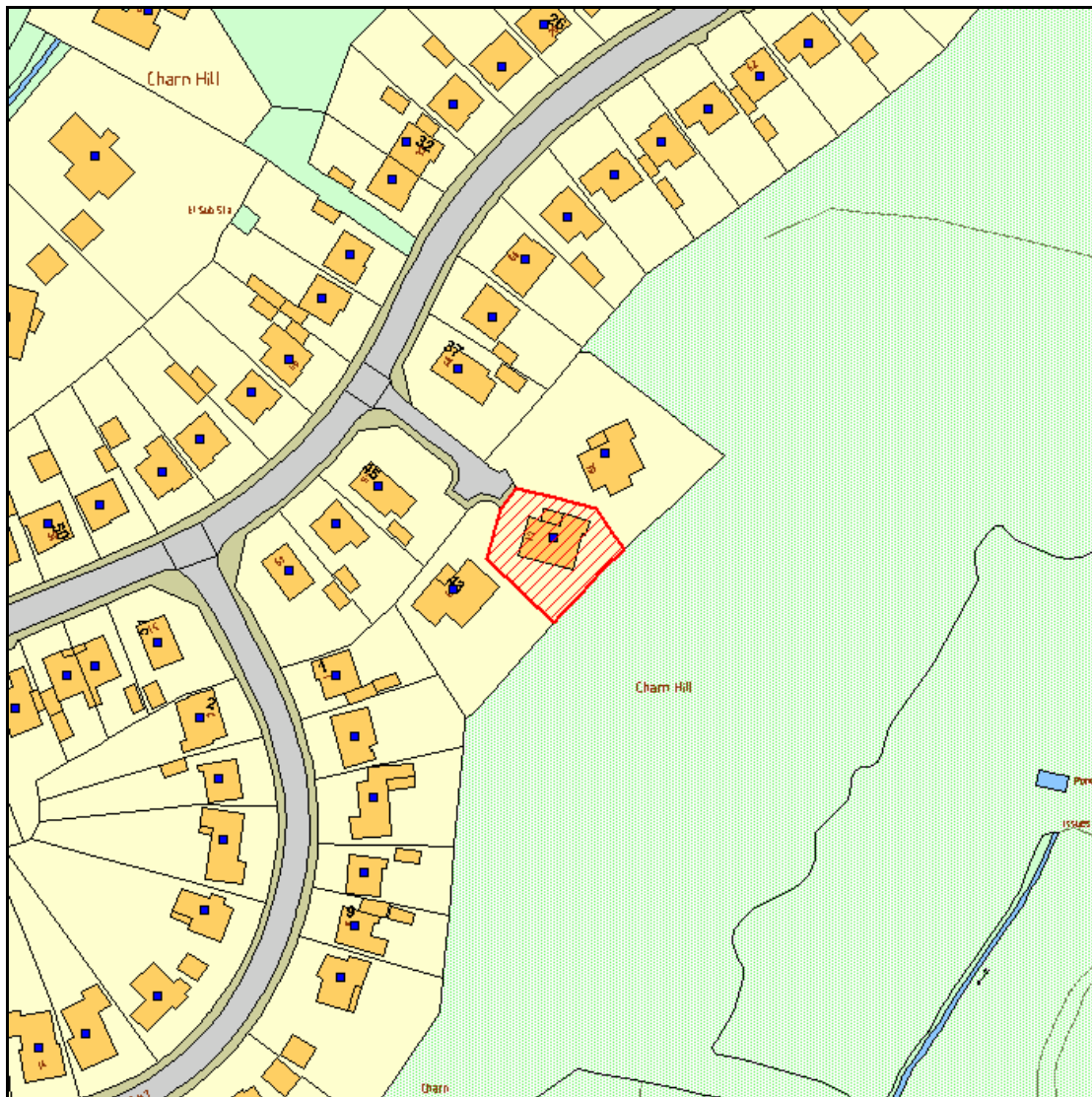
2. The off-street parking facilities shown on the plan hereby approved shall be provided before the extension is first occupied, and thereafter retained for that purpose.

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 Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 14/13 – 05 APRIL 2013

App No.:	PK13/0699/CLP	Applicant:	Mr S Johnson
Site:	41 Charnhill Drive Mangotsfield Bristol South Gloucestershire BS16 9JR	Date Reg:	4th March 2013
Proposal:	Application for Certificate of Lawfulness Proposed to instal front and rear dormer windows to form additional living accommodation.	Parish:	None
Map Ref:	366017 175713	Ward:	Rodway
Application Category:	Minor	Target Date:	24th April 2013



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REASON FOR REPORTING TO COMMITTEE/CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The application is seeking a formal decision as to whether the insertion of a front and rear dormer window to provide additional living accommodation would be lawful. The is based on the assertion that the proposal falls within permitted development rights normally offered to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

2. POLICY CONTEXT

2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class B.

3. RELEVANT PLANNING HISTORY

3.1 None

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
No response

4.2 Community Spaces
No objection

Highways Drainage
No objection

4.3 Local Residents
No response

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Location plan, Floor Plan, Section and Elevations, all received on 27th February 2013.

6. Evaluation

The application for Certificate of Lawfulness is purely an evidential test and is a formal way to establishing whether or not the proposed development can be implemented lawfully without the need for planning consent. Accordingly there is no consideration of planning merit, the decision is based on the facts

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

The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B of the General Permitted Development Order 2008. The site is in use as a dwellinghouse, and there is no evidence to indicate that the permitted development rights have been removed. Schedule 2, Part 1, Class B, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows for the enlargement, improvement or other alterations of a dwellinghouse

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

(a) 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 front and rear dormer will not exceed the height of the highest part of the existing roof.

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

The proposed dormer extension will be on the front and rear elevation but will not front a highway.

(c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than –

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

(ii) 50 cubic metres in any other case;

The dwelling is a detached property and the total cubic content will not exceed 50 cubic metres.

(d) it would consist of or include –

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

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

The proposed development will not consist of any of the above.

(e) the dwellinghouse is on article 1 (5) land.

The application site is not located on article 1 (5) land.

Conditions

(a) the materials used in any exterior works shall be a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The materials to be used in the development will match those of the existing dwellinghouse.

- (b) other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and**

The edge of the rear dormer is shown to be more than 20cm from the lowest part of the eaves of the original roof.

- (c) any windows inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be –**

(i) obscure-glazed, and

(ii) non-opening unless the part of the window which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed

There will be no new windows inserted in the roof slope forming a side elevation of the dwellinghouse.

7. RECOMMENDATION

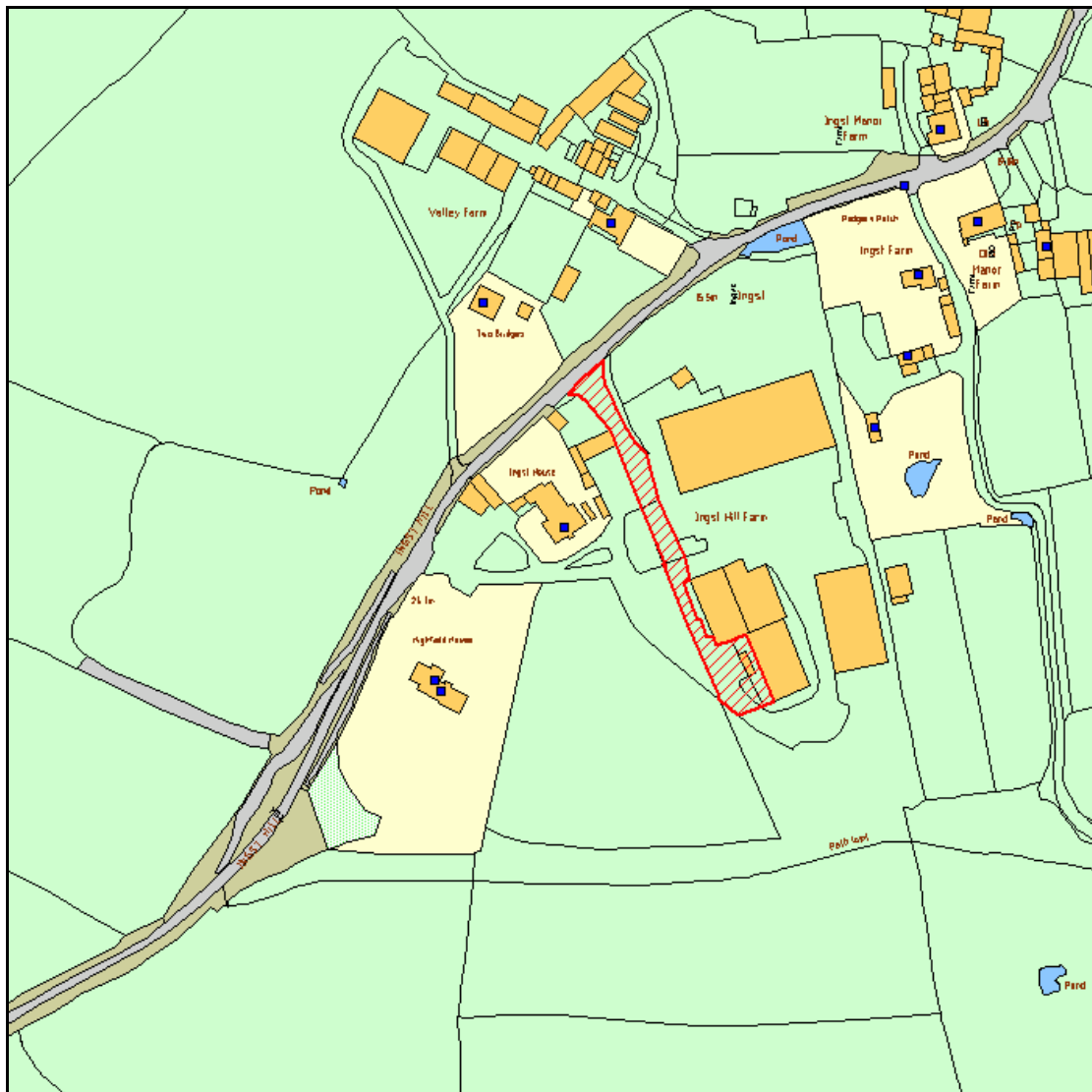
- 7.1 That a Certificate of Lawfulness for Proposed Development is granted for the following reason:

Evidence has been provided to demonstrate that on the balance of probability the development meets the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and is therefore permitted development

Contact Officer: Melissa Hayesman
Tel. No. 01454 864769

CIRCULATED SCHEDULE NO. 14/13 – 5 APRIL 2013

App No.:	PT12/4131/CLE	Applicant:	Mr J Harding
Site:	Ingst Hill Farm Ingst Hill Olveston South Gloucestershire BS35 4AP	Date Reg:	13th December 2012
Proposal:	Certificate of Lawfulness for existing use of land and buildings for Class C3 (Residential) (Re submission of PT12/3317/CLE)	Parish:	Olveston Parish Council
Map Ref:	358243 187794	Ward:	Severn
Application Category:	Minor	Target Date:	4th February 2013



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100023410, 2008.

N.T.S.

PT12/4131/CLE

INTRODUCTION

This application has been referred to the Circulated Schedule because it forms a Certificate of Lawfulness application.

1. THE PROPOSAL

- 1.1 The application submitted forms a Certificate of Lawfulness in respect the existing use of land and buildings for Class C3 (residential).
- 1.2 The application relates to land on the south side of Ingst Hill, Olveston. The site is beyond any settlement boundary and within the open Green Belt.
- 1.3 The application forms a resubmission of PT12/3317/CLE that was withdrawn; the principal reason for its withdrawal was because the Council considered the caravan to comprise a temporary structure and thus applied the 10-year rule in respect of the change of use of land. In contrast, the agent considered that the 4-year rule should apply given that the caravan was considered to operational development. As such, it was considered appropriate to submit a second application with further evidence in support of this stance.

2. POLICY CONTEXT

- 2.1 Because the application is a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration. Instead, if the caravan is considered to comprise a temporary structure then the applicant need only prove that on the balance of probabilities the use has taken place for a continuous period of 10 years up to the date of this application. If the caravan is considered to comprise operational development, then the applicant need only prove the existence of this building for a continuous period of 4 years up to and including the date of the application.

3. RELEVANT PLANNING HISTORY

- 3.1 N1234: Installation of slurry store for agricultural purposes. Permitted: 11 September 1975
- 3.2 P93/1268: Erection of cattle building to replace existing. Permitted: 1 April 1992
- 3.3 PT11/4050/F: Change of use of land and buildings from agricultural to mixed use of agricultural and land for the keeping of horses. Use of farm building as stables; construction of manege. Permitted: 10 February 2012
- 3.4 PT12/3318: Application for Certificate of Lawfulness for existing use of land and buildings for Class B8 (storage and distribution). Decision Pending
- 3.5 PT12/3317/CLE: Certificate of lawfulness for existing use of land and buildings for Class C3 (residential). Withdrawn: 28 November 2012.
- 3.6

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
No objection
- 4.2 Other Consultees
Landscape Officer: no comment
Highways DC: no objection

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application seeks a Certificate of Lawfulness in respect of the use of land and buildings for a Class C3 (residential) use.
- 5.2 The issue for consideration is firstly whether the caravan is considered to comprise operational development and if so, whether, on the balance of probability it has been in situ for a continuous period of 4 years up to and including the date of the application. If it is not considered to comprise operational development, then the 10-year rule applies given that this would amount to a change of use of the land.
- 5.3 Evidence in Support of Application
The supporting planning statement advises that the applicant has owned the site for a period of 64 years during which time it has principally been used for agriculture. The building forming the subject of this application, was erected in April 2005 and since July 2007 has been used as a separate residential dwelling. The building benefits from a small-enclosed area of land to the rear that forms the associated garden area. It is also understood to benefit from its own parking area.
- 5.4 Evidence in support of the application includes aerial photographs dated 2005, 2006 and 2008 showing that the building has been in situ for a period in excess of 4 years. Five statutory declarations have also been provided from various people who lived in the building from July 2007 to June 2012. The planning statement confirms that the building has been in continual residential use for a period in excess of 4 years. It is also cited that the building has all the day-to-day facilities expected for a separate residential dwelling comprising a kitchen, bathroom, bedroom and living room.
- 5.5 The planning statement cites that *'The LPA will be aware that the statutory test is 4 years from the date of the CLUED application (there has been no enforcement action to consider), which means the relevant period is from October 2008 to October 2012 inclusive'*.

- 5.6 At the time of the previous application, the Local Planning Authority took the view that with the 'building' comprising a mobile home, the 10-year rule applied given that a change of use of use of land had occurred. The agent disagreed reasoning that the mobile home should be considered to comprise a building with operational development having occurred. This application therefore includes additional information to support this view.
- 5.7 In view of the above, information submitted in support of the application advises that in order to constitute operation development, three guiding factors have been established through case law. These are size, permanence and degree of physical attachment. In this instance, the unit has a size of 54 square metres, has been built on footings and concreted into the ground with services supplied to the building and represents an immovable structure. *'... it is clear that the building is physically attached to the ground and represents an immovable structure.'*
- 5.8 Further, the statement refers to a recent case (Save Woolley Valley Action Ltd vs. Bath & North East Somerset Council 2012) where a judgment was given in the High Court. This case related to a number of chicken sheds, or mobile poultry units where the Council considered they were not development; they were not fixed to the ground. The Judge concluded that the Council erred in law in taking a too narrow approach to the meaning of development in Section 55 given that the term 'building' in Section 336 (1) of the 1990 Act has a wide definition that includes 'any structure or erection'. It is advised that this definition has been interpreted by the courts to include structures that would not ordinarily be described as buildings. For example, in Skerrits an Inspector held that a 40m x 70m x 5m high marquee in situ for an 8-month period did constitute the erection of a building whilst in Hall Hunt vs. First Secretary of State (2007) the erection of polytunnels was considered to comprise the erection of a building.
- 5.9 In the view of the above, the Planning Statement details that the case for whether or not the building represents operational development is clear and the 4-year rule applies.
- 5.10 Notwithstanding all of the above, the applicant has also advised that a 'dwelling' has actually been in this position for a period in excess of 10 years and this is also referred to within the supporting planning statement. Nonetheless, for those reasons outlined above, the agent considers the 4-year rule to be relevant to this case.
- 5.11 Conflicting Evidence
The evidence submitted is accepted as true unless any contrary evidence is received. In this instance, no conflicting information has been received.
- 5.12 Analysis
As noted at the time of the previous application, the building that forms the subject of this application appears a mobile home on a blockwork base albeit with an attached single-storey lean-to adjoining the agricultural building alongside (this agricultural building falls outside of the application site whilst it is noted that the external wall of the mobile home remains). On this basis, in

respect of the previous application, it was considered that the applicant was required to show a period of 10 years given that this application relates to the change of use land to allow the stationing of a mobile home and the associated change of use of land to residential curtilage in lieu of the former agricultural use. Accordingly, there was an objection to this application for a certificate of lawfulness.

- 5.13 Having regard to the additional information forwarded, Section 336 (1) of the Town and Country Planning Act is noted which cites that a *“building” includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.* In this regard, it would be reasonable to include the mobile home under this definition given that it relates to *‘any structure or erection’*. Further, it would seem that it would also be reasonable to include this mobile home under the definition of ‘building operations’ given the wide-ranging *‘other operations normally undertaken by a person carrying on business as a builder’* caveat that it includes. This is having regard to the examples of case law that have been cited. Notwithstanding this, it is also noted that a reasonable case might be formulated to argue differently and that case law is likely to exist to support such a view. However, noting the case put forward, it is considered that a continued objection to the application on this basis would be more difficult to substantiate. On this basis, it would seem reasonable to except the 4-year rule in respect of the ‘erection’ of this ‘building’.
- 5.14 Having regard to the above, the three tests of size, permanence and degree of physical attachment are also noted with in this case, the home comprising a standard mobile home structure now fully enclosed beneath by a concrete base and with this building understood to have been in situ since 2005.
- 5.15 Notwithstanding the above, an anomaly is considered to exist in that the use of this building and the change of use of the associated land as part of the residential curtilage would still be subject to the 10-year rule. As noted however, the applicant has advised that a building has occupied this position for residential purposes for in excess of 10 years and the aerial photographs would appear to support this case (albeit with a slightly different building seemingly in position prior to 2005). On this basis, on the balance of probability, it is considered that the change of use of this land for the occupation of the building and the change of use of land to allow the residential curtilage is also likely to have occurred in excess of 10 years prior to the date of this application.

6. **RECOMMENDATION**

- 6.1 A Certificate of Lawfulness is **GRANTED** for the following reasons:

Contact Officer: Peter Burridge
Tel. No. 01454 865262

REASONS

1. The applicant has proved, on the balance of probability, that the mobile home structure has been in situ for a continuous period of 4 years up to and including the date of this application.
2. The applicant has proved, on the balance of probability, that the use of this land for residential purposes has occurred for a continuous period of 10 years up to and including the date of this application.

CIRCULATED SCHEDULE NO. 14/13 – 5 APRIL 2013

App No.:	PT13/0326/F	Applicant:	Mr Chaibi
Site:	26 Vicarage Road Pilning Bristol South Gloucestershire BS35 4LN	Date Reg:	13th February 2013
Proposal:	Erection of rear conservatory	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	355399 185330	Ward:	Pilning And Severn Beach
Application Category:	Householder	Target Date:	9th April 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from a local resident; concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a rear conservatory.
- 1.2 The application site comprises a two-storey semi detached property, the site is located within Flood Zone 3 and a Flood Risk Assessment accompanies the application.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving a Good Standard of Design in New Developments

H4: Residential Development within Existing Residential Curtilages

T8: Parking Standards

EP: Flood Risk and Development

L17/ L18: The Water Environment

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
No objection
- 4.2 Drainage
No objection

Community Spaces

No objection

Wessex Waters

No objection – will need permission to build over a public sewer

Other Representations

4.3 Local Residents

One letter of objection has been received raising the following concerns:

- Loss of light to conservatory at No.28
- Concerns over drainage as a large foot print is taken up in concrete, No.28 garden has flooded twice over the last month.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Development at existing residential curtilages is managed through policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. This policy is generally supportive of extensions to dwellings, subject to an assessment of amenity and design.

5.2 Design/ Visual Amenity

The application site is located on the east side of Vicarage road in Pilning the area is characterised of semi-detached dwellinghouses. The application seeks permission for conservatory, this would be small in size measuring 3.6m in depth and 4.5m in width and would be located at the rear of the property due to the location it would not be visible from the main public viewpoint. The conservatory will be constructed from white finished upvc. The proposal is of an appropriate standard in design and is in keeping with the character of the main dwelling and surrounding area. The proposal therefore accords with Policy D1 and H4.

5.3 Residential Amenity

The proposed conservatory will be an extension onto an existing single storey rear extension which is being used as the kitchen area, the site benefits from a long garden space.

The neighbour has raised concerns that the conservatory would cause loss of light. There is a current boundary wall measuring approximately 1.8m in height the proposed height of the conservatory to the eaves will be 2.3m this difference will not make a significant material change. The overall height will measure 3.1m with a glass roof.

5.4 Transportation

The proposal would not result in any material change to the parking provision at the site nor would have any impact upon highway safety and as such would be in accordance with policy H4 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.5 Flood Risk and Drainage

The proposed development is located in Flood Zone 3 which indicates that the site is at a higher risk of flooding. In general standard householder development would not increase the risk of flooding to the site and would not compromise the safety of the property. Notwithstanding this the Environment Agency requires a checklist to confirm that floor levels will be set no lower than existing levels and flood proofing of the development will be incorporated where appropriate. Accordingly the proposal is acceptable in this regard. The proposal meets policies EP2, L17&L18 of the South Gloucestershire Local Plan (Adopted) 2006.

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.

The development has achieved an acceptable standard of design through the use of appropriate materials, good massing and general layout. It would not be out of keeping with the locality and is of a size and style that suits the host dwelling. The proposal does not raise any highway issues. The proposal would not give rise to a detrimental impact on the residential amenity of neighbouring or future occupiers. Accordingly it meets criteria contained in policies D1, H4, T12, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 2006.

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

7. RECOMMENDATION

7.1 That planning permission is approved subject to the conditions on the decision notice.

Contact Officer: Melissa Hayesman
Tel. No. 01454 864769

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 D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

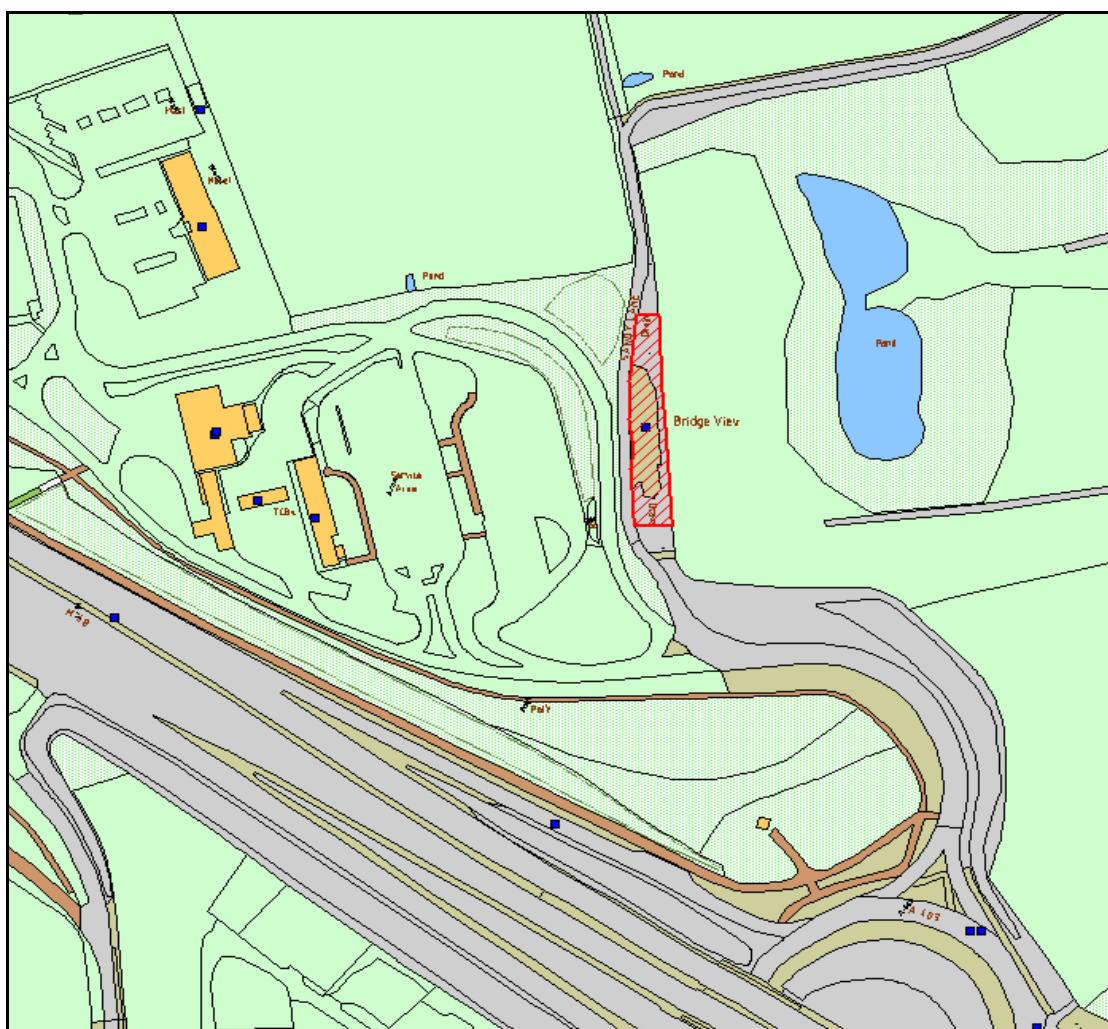
3. Development will be in accordance with 'Improving the flood performance of new buildings' CLG (2207)

Reason

To minimise the effect of any flooding which may occur and to comply with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO.14/13 - 05 APRIL 2013

App No.:	PT13/0500/CLE	Applicant:	Mrs Marlyene Butler
Site:	Caravan Near Aust Services Sandy Lane Severn Bridge Aust South Gloucestershire	Date Reg:	25th February 2013
Proposal:	Certificate of lawfulness for the existing use of land as residential Gypsy site including 2 no. caravans, 2 no. tourers and associated outbuildings.(Re submission of PT12/1916/CLE)	Parish:	Aust Parish Council
Map Ref:	357071 189626	Ward:	Severn
Application Category:	Minor	Target Date:	17th April 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule because it forms a Certificate of Lawfulness application.

1. THE PROPOSAL

- 1.1 As submitted, the application seeks a Certificate of Lawfulness in respect of the use of land as a residential Gypsy site including 4 caravans, 2 tourers and associated outbuildings.
- 1.2 The application relates to a parcel of land on the east side of Sandy Lane, Aust in front of the Severn View motorway service area. The application site is located outside of any settlement boundary and within the open Green Belt.
- 1.3 The application forms a resubmission of PT12/1916/CLE that was recently withdrawn. This was primarily in view of the lack of information that had been submitted in support of the application.

2. POLICY CONTEXT

- 2.1 Because the application is for a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration. The applicant need only prove that on the balance of probabilities that the current use of the land for the stationing of 4 caravans and 2 tourers has occurred for a continuous period of 10 years up to and including the date of this application. In respect of the outbuildings, the application should demonstrate that these have been in situ for a continuous period of 4 years up to and including the date of the application.

3. RELEVANT PLANNING HISTORY

- 3.1 N6275: Maintenance hut and compound on land at Sandy Lane. No objection: 12 December 1984
- 3.2 P94/1064/A: Display of illuminated 'GRANADA' letters on parapet above main entrance, and two illuminated pole signs. Advert Approval: 30 September 1996

(This above application appears to include the application site within the same ownership.)
- 3.3 PT12/1916/CLE: Certificate of lawfulness for the existing use of land as residential Gypsy site including 4 caravans, 2 tourers and associated outbuildings. Withdrawn: 11 February 2013

4. CONSULTATION RESPONSES

- 4.1 Aust Parish Council
No objection:
 - Residents have largely been 'acceptable neighbours';
 - Is hoped that this can be made a personal consent;

- Condition requested to stop trespassing onto adjoining land;
- The application does not relate to land on the west side of Sandy Lane that appears to be used for storage of vehicles, scrap and other items. Perhaps steps might be taken to get that part tidied up or its use regularised as being on a temporary basis only?

4.2 Other Consultees

Office for Nuclear Regulation: no comments

Landscape Officer: no comment

PROW Officer:

'Sandy Lane is a public bridleway which, at present, is a dead end and it is also the service road to the electricity compound. Currently it is virtually impassable to horses due to the amount of fly tipping that takes place past the site and we are considering the installation of a barrier across the bridleway to prevent this. Should the certificate of lawfulness be issued would you please remind the applicant that the bridleway should not be obstructed in any way and that there is no interference to the use of it by the public.'

Highways Agency:

'As you may be aware the Highways Agency is the landowner for the site in question and the highway authority for the M48.

The Secretary of State for Transport acting through the Highways Agency, as landowner, has reviewed the application for a certificate of lawfulness at Sandy Lane, Aust. We are aware of the continuing trespass on our land by the applicants and we do not consent to the applicants' use of the land. The current unauthorised occupation continues to be under review.

As highway authority we have no observations to make on the application.'

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 The application relates to land on the east side of Sandy Lane in front of the Severn View motorway service area. The application site is long and narrow and screened from the road by boundary fencing; there are two vehicle entrances at either end of the site.
- 5.2 The issue for consideration is whether the use of this land as a gypsy caravan site to include 4 caravans and 2 tourers has occurred for a continuous period of 10 years up to the date of this application. The application should also demonstrate that the associated outbuildings have been in situ for a period of 4 years up to and including the date of this application. This application is purely an evidential test irrespective of planning merit, and is judged on the balance of probability.

5.3 Evidence in Support of the Application

The application is supported by a red edged site plan identifying the application site and a site block plan. This block plan identifies 2 static caravans, 2 touring caravans, 2 storage cabins, 3 toilet blocks and 2 work areas.

- 5.4 The application is supported by evidence submitted from the Councils Traveller Liaison Officer on behalf of the applicant. This evidence also includes a covering letter from the Traveller Liaison Officer advising that the family have occupied the site continuously since 1999 with the years where there has been only 4 caravans on site (see count figures below) it being highly likely that a member of the family had been travelling. The letter also provides a brief explanation as to the further two pieces of evidence submitted as outline below:

South Gloucestershire Council Bi-Annual Gypsy Count:

The records show the number of caravans on site in July of each year from 1999 through to 2012. The details also show the number of families on the site, with the number of adults and number of children shown. The caravan (and family numbers) is as follows:

- 1999- 2001: 4 (3/ 2/ 1 families)
- 2002: 5 (2 families)
- 2003- 2004: 4 (2/ 1 families)
- 2005-2011: 5 (1/ 1/ 1/ 2/ 2/ 2/ 2 families)
- 2012: 4 (3 families)

Copy of letter from The Avon Consortium Traveller Education Service:

This letter is dated January 24th 2000 and confirms that there are 3 school aged children 'in this family' on the roll of schools local to the Aust area.

Letter to John Malone of South Gloucestershire Council dated November 23rd 2012:

Letter from Alistair Deighton of Smiths Gore acting on behalf of the Highways Agency confirming that an unauthorised occupation of land belonging to the Highways Agency has been taking place since 2002. The letter requests information on the Council's current policy regarding the purchase and creation of traveller sites and whether the Council would be interested in taking over this site. This information is requested to aid the Highway Agency's deliberations on what to do with the site.

5.5 Conflicting Evidence

The evidence provided is accepted as true unless contradictory evidence indicates otherwise. In this instance, the further information received is detailed above.

5.6 Analysis of Evidence

The previous application was withdrawn because the supportive evidence was considered to be very limited, providing no details in respect of the number of caravans, tourers and buildings on the site over the requisite period and no information concerning who had occupied the site (with the exception of the applicant's details). Moreover, the description of development was considered to be vague relating to caravans and tourers (that might be assumed as the same) although it was noted that the application form detailed 'static caravans'

- and 'tourers'. The application form did however confirm that the applicant and her family have lived on the site for 'approx 15 years'.
- 5.7 In this instance further information has been submitted. In this regard, the Bi-Annual Gypsy count is considered to carry significant weight and this confirms that there have been between 4 and 5 caravans on the site. The third piece of evidence, although not in the form of a sworn affidavit is also considered to carry considerable weight in confirming that this site has been occupied for a continuous period of 10 years up to and including the date of this application although it provides no details in respect of who has been on the site and the number of caravans. The second piece of evidence is considered to carry very limited weight in the assessment of this application; primarily given that it is dated January 24th 2000: more than 10 years before the date of this application.
- 5.8 As before, the number of caravans and tourers shown on the block plan does not accord with the numbers detailed on the application form (4 static caravans and 2 tourers detailed) and included in the original description of this application. In general terms, the block plan does however appear to reflect what was on site at the time of the Officer site visit whilst it is also noted that given the nature of site use; caravan numbers might fluctuate.
- 5.9 Having regard to aerial photographs of the site, the Council has access to photographs dated 1991, 1999, 2005, 2006 and 2008/9. The first of these appears to show a completely empty site whilst by 1999; there appears a small building in the middle of the site with what might be 2 touring caravans behind. Nonetheless, both of these images are in excess of 10 years prior to the date of this application.
- 5.10 The 2005 image shows what appears 3 large caravans at the rear of the site with what appears 2 touring caravans along the front. The storage cabins and toilet blocks are not readily apparent. The 2006 image shows a mix of 6 static caravans and tourers with the storage building also apparent at the far north end of the site. The 2008/9 image shows 2 static caravans in a similar position to that shown on the block plan and 2 touring caravans with 1 in the same position. The storage cabin at the far north of the site appears to remain with what appear 3 toilet cubicles in varying positions.
- 5.11 By way of conclusion, the additional information submitted is considered to demonstrate that, on the balance of probability, this site has been used as a gypsy caravan site with between 4 and 5 caravans on the site (there are no details related to the buildings). The aerial photographs appear to support these details but overall, it is noted that both the details submitted and the aerial photographs point towards a slightly lower number of caravans than that identified with the application description. In an attempt to help clarify this, an explanation has been sought regarding the caravan count figures and whether this relates only to static caravans (i.e. not tourers). However, it is understood that this figure includes any caravan that falls within the legal definition, i.e. it covers any structure designed or adapted for people to live in which is capable of being moved from one place to another (whether towed or transported) provided it does not exceed 20m in length, 6.8m in width and 3.05m in height.

This does not really assist in differentiating between static caravans and tourers.

- 5.12 Notwithstanding the above, it is considered appropriate for the Council to grant the certificate because, on the balance of probability, the evidence available demonstrates that the land has been occupied as a gypsy caravan site for the 10 years immediately prior and including the date of this application. However, the certificate should be in a modified manner to reflect that to which the evidence relates and to accord with Annex 8 of Circular 10/97:

'...if, on an application under the section, the LPA are provided with information satisfying them of the lawfulness, at the time of the application, of the use, operations or other matters described in the application, or that description as modified by the LPA or a description substituted by them, they shall issue a certificate to that effect; and, in any other case, they shall refuse the application'. (para 8.14)

'...This is intended, along with the LPA's power under section 191(4) to issue a certificate of a different description from that applied for, to give the LPA a reasonable degree of flexibility in cases where it would be helpful to the applicant to receive a certificate in terms which may differ slightly from the terms of his application, as an alternative to refusing a certificate altogether. For example, a lesser area of land may be included... Alternatively, the description in the LDC might be more detailed than in the application.' (para 8.35)

- 5.13 In this instance, despite the ambiguity regarding static caravan/ touring caravan numbers, it is considered that on the balance of probability, the evidence does show that 2 touring caravans and 2 static caravans have been on site for a continuous period of 10 years up to and including the date of this application. Further, on the balance of probability, it is also considered that the evidence shows that 3-toilet cubicles and 1 storage building have been on site for a continuous period of 4 years up to and including the date of this application.

5.14 Outstanding Matters

Having regards to the concerns/ issues that have been raised, given the nature of this application, it is not possible to add planning conditions.

6. RECOMMENDATION

- 6.1 A Certificate of Lawful Use is **GRANTED**.

Contact Officer: **Peter Burridge**
Tel. No. **01454 865262**

REASONS

1. The applicant has demonstrated that on the balance of probability, that the site has been used as a gypsy caravan site to include two static caravans and two touring

caravans for a continuous period of 10 years up to and including the date of this application.

2. The applicant has demonstrated that on the balance of probability, the storage building (identified on the attached plan) and 3 toilet cubicles have been in situ for a continuous period of four years up to and including the date of this application.