



**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. 23/13

Date to Members: 07/06/13

Member's Deadline: 13/06/13 (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 – 7 JUNE 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/1113/TRE	Approve with Conditions	Koala Publishing Ltd 112 North Street Downend South Gloucestershire BS16 5SE	Downend	Downend And Bromley Heath Parish Council
2	PK13/1246/F	Approve with Conditions	90 Memorial Road Hanham South Gloucestershire	Hanham	Hanham Abbots Parish Council
3	PK13/1337/F	Approve with Conditions	10 Kilnhurst Close Longwell Green South Gloucestershire BS30 9AB	Longwell Green	Hanham Abbots Parish Council
4	PK13/1361/LB	Approve with Conditions	Catchpot Lane Old Sodbury South Gloucestershire	Cotswold Edge	Sodbury Town Council
5	PK13/1362/F	Approve with Conditions	Catchpot Lane Old Sodbury South Gloucestershire	Cotswold Edge	Sodbury Town Council
6	PT13/0737/O	Refusal	Catbrain Hill Easter Compton South Gloucestershire	Patchway	Almondsbury Parish Council
7	PT13/0758/CLE	Approve with Conditions	Lyde House Berwick Lane Easter Compton South Gloucestershire BS35 5RU	Almondsbury	Almondsbury Parish Council
8	PT13/1272/F	Approve with Conditions	Land Adjacent The Pound Church Road Oldbury On Severn South Gloucestershire BS35 1QA	Severn	Oldbury-on-Severn Parish Council
9	PT13/1285/CLP	Approve with Conditions	Wisteria Cottage 80 Redwick Road Pilning South Gloucestershire BS35 4LU	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
10	PT13/1426/CLE	Approve	10 Pine Grove Filton South Gloucestershire BS7 0SL	Filton	Filton Town Council
11	PT13/1449/TRE	Approve with Conditions	Vernridge 6 The Scop Almondsbury South Gloucestershire BS32 4DU	Almondsbury	Almondsbury Parish Council

CIRCULATED SCHEDULE NO. 23/13 – 31 MAY 2013

App No.:	PK13/1113/TRE	Applicant:	Koala Publishing
Site:	Koala Publishing Ltd 112 North Street Downend South Gloucestershire BS16 5SE	Date Reg:	24th April 2013
Proposal:	Works to 1no. Yew tree and 1no. Larch tree to raise canopy over road to 5m covered by Tree preservation Order KTPO02/75 dated 9 July 1975.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365111 176607	Ward:	Downend
Application Category:		Target Date:	17th June 2013



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PK13/1113/TRE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as a response has been received from a consultee, objecting to the application, which is contrary to officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks consent to carry out works to 1no. Yew tree and 1no. Larch tree to raise canopy over road to 5m, covered by Tree Preservation Order KTPO-02/75, dated 9th July 1975.
- 1.2 The tree is located within the grounds of a commercial property at 112 North Street, Downend, BS16 5SE.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990
Town and Country Planning (Tree Preservation) (England) Regulations 2012
- 2.2 Local Plan
South Gloucestershire Local Plan (Adopted January 2006) – Policy L1

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
Object on the grounds the proposal raises the canopy too much
- 4.2 Tree Officer
No objection

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The issue to consider in this application is whether the proposed works will adversely affect the health and appearance of the tree, which makes a significant contribution to the character and visual amenity of the area.

5.2 Consideration of Proposal

The two mature trees are located on the southern boundary of the site, close to the junction of North Street and Salisbury Road, Downend, and are a predominant feature in the area.

- 5.3 Currently lower branches of the trees are overhanging the road, creating an obstruction for high vehicles. The Council Tree Officer has viewed the site and he considers there is evidence that these branches are being hit by buses and other high vehicles using the road. He considers that the proposed works will provide 5m clearance under the tree canopies. This will allow unimpeded access along the road for buses and other high vehicles.

6. **CONCLUSION**

- 6.1 The proposed works are in accordance with good arboricultural management, and will reduce the likelihood of vehicle impacts affecting the health of the tree, and safety of highway users. There are no objections to the proposal.

7. **RECOMMENDATION**

- 7.1 It is recommended that permission for these works be GRANTED subject to the conditions on the decision notice.

Contact Officer: Christopher Roe
Tel. No. 01454 863427

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

CIRCULATED SCHEDULE NO. 23/13 – 7 JUNE 2013

App No.: PK13/1246/F
Site: 90 Memorial Road Hanham Bristol
 South Gloucestershire BS15 3LB

Proposal: Erection of detached garage.

Map Ref: 363814 171613

Application Category: Householder

Applicant: Mr Andrew Rose
Date Reg: 22nd April 2013

Parish: Hanham Abbots
 Parish Council

Ward: Hanham
Target Date: 12th June 2013



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PK13/1246/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule as a representation has been made by a local resident, which is contrary to the Officer's recommendation

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of an outbuilding at the rear of number 90 Memorial Road, Hanham, to form a detached garage.
- 1.2 The application site consists of a detached residential dwelling situated within an established residential area.
- 1.3 Revised plans were received 31st May 2013, which incorporate a hipped roof on the rear elevation of the proposal. A re-consultation period was not undertaken as there is no fundamental change in the proposal.

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 Good Quality Design
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 SPD (Adopted) 2007
South Gloucestershire Residential Parking Standards SPD (Adopted for Development Management Purposes) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history

4. CONSULTATION RESPONSES

- 4.1 Parish Council
No objection
- 4.2 Highway Drainage

The proximity of a public sewer may affect the layout of the development. Refer the application Wessex Water for determination.

4.3 Wessex Water

It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter.

Other Representations

4.4 Local Residents

One letter of objection has been received from a local resident. The comments are outlined as follows:

- It is a large outbuilding measuring over 46 sq. metres. Larger than a double garage and significantly bigger in height.
- Will be used to house a boat and car.
- The previous garage was a single garage sited further up the driveway, which was unobtrusive on my rear garden. The new garage is 0.7 metres from the boundary fence. It is massively visible from my kitchen, living and dining area – which has large patio doors directly overlooking the proposed garage/outbuilding.
- The location of the new garage is not shown on the current site application plans.
- The boundary fence is a lattice fence so the garage will not be hidden.
- Land was cleared and foundations were laid about 2 months ago.
- Planning regulations only permit outbuildings with a maximum height of 2.5 metres if within 2m of boundary.
- Unsightly and block light.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a detached garage/outbuilding in the rear garden of number 90 Memorial Road, Hanham. Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highways, and design.

5.2 Residential Amenity

The application site consists of a detached residential dwelling situated within an established residential area. The site shares a direct boundary with five residential dwellings. The proposed garage, which has a depth of 7.5 metres, a width of 6.25 metres, and a maximum height of 4 metres, would be situated at the rear of the site, adjacent to the boundary of numbers 92 Memorial Road and 8 Heath Road. The revised plans, received 31st May 2013 include a hipped roof on the rear elevation of the proposal. The proposal has an eaves height of 2.5 metres. The existing detached garage has been removed from the site and new foundations have been laid.

- 5.3 The rear elevation of the proposal would be located approximately 0.7 metres from the rear boundary wall, 9 metres from the rear elevation of number 8 Heath Road, which is a detached bungalow situated at an angle facing the application site and has French doors on the rear elevation. The boundary treatment at the rear of the application site includes a low level 'lattice' style fence, which does not provide any screening between the sites. In order to alleviate the impact of the proposal on number 8 Heath Road the applicant has revised the drawings to include a hip on the rear elevation of the proposal. This creates an eaves height of 2.5 metres on the boundary leading to a maximum ridge height of 4 metres. The front elevation would maintain a half hip roof. Whilst it is acknowledged that the proposal will have some impact on number 8 Heath Road, it is considered that the design and scale of the proposal would not appear significantly oppressive or overbearing to the detriment of residential amenity. The rear garden of the application site faces west and as such is not considered to significantly impact sunlight to the windows of number 8 Heath Road. The proposal is situated 5 metres from the boundary of number 6 Heath Road and as such is not considered to result in a significant loss of light to it. Similarly the proposal would not affect sunlight entering number 92 Memorial Road.
- 5.4 The proposal does not raise any concerns in terms of mutual privacy and adequate private amenity space would remain to serve the host dwelling.
- 5.5 Highways
The proposal does not reduce the provision of off-street parking on the site and does not result in an increase in bedroom space. As such the proposal does not raise any concerns in relation to parking provision or highway safety.
- 5.6 Design
The proposed garage is considered to be proportionate in terms of height and scale in the context of the site and the locality. The proposal would be constructed with a timber frame and cedar cladding. The design and materials of the proposal is considered appropriate in the context of the site and would not appear visually obtrusive on the site or the street scene. As such the proposal is considered acceptable in terms of policies D1 and H4 of the adopted Local Plan.
- 5.7 Other Matters
Concerns raised by a local resident refer to the absence of the proposed garage on the current application plans. The location of the garage is outlined on red on the block plan, which is available publicly on the Council's website. No further action has therefore been taken in regard to this issue. In terms of the foundation already being laid it is noted here that this does not impact the determination of this application. No structure has been erected on the foundations.
- 5.8 In terms of the reference to a maximum height of 2.5 metres, it is highlighted here that these dimensions refer to permitted development, which would not require full planning permission. This application has been determined as a full application and accordingly consideration has been given to the relevant adopted local and national policy.

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 It is considered that the proposal, by virtue of design, would not have a significant overbearing or oppressive impact on the neighbouring dwellings and would not significantly affect daylight entering neighbouring, site to the detriment of residential amenity. Adequate private amenity space would remain to serve the host dwelling and the proposal does not raise any concerns in terms of highway safety. The proposal is therefore considered acceptable in terms of policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The design of the proposal is considered acceptable in terms of scale and proportions, and materials used would not appear obtrusive or detract from the character of the site or the locality. Accordingly the proposal is considered acceptable in terms of policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.4 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 is **APPROVED** subject to the conditions on the decision notice.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

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 outbuilding hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 90 Memorial Road.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 23/13 – 7 JUNE 2013

App No.:	PK13/1337/F	Applicant:	Mr And Mrs J Genge
Site:	10 Kilnhurst Close Longwell Green Bristol South Gloucestershire BS30 9AB	Date Reg:	25th April 2013
Proposal:	Demolition of existing garage and side annexe and erection of new single storey extension to the side/rear.	Parish:	Hanham Abbots Parish Council
Map Ref:	365956 170564	Ward:	Longwell Green
Application Category:	Householder	Target Date:	17th June 2013



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PK13/1337/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule as representations have been made by the Parish Council and local residents, which are contrary to the Officer's recommendations.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a single storey rear and side extension to form additional living accommodation.
- 1.2 The application site consists of a detached bungalow situated within an established residential area of Longwell Green.
- 1.3 During the course of the application further plans and correspondence were received in relation to comments made by local residents and the Parish Council. The additional plan shows the proposed extension in context to the neighbouring dwelling.

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 Good Quality Design
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 SPD (Adopted) 2007
South Gloucestershire Residential Parking Standards (Adopted for Development Management Purposes) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history

4. CONSULTATION RESPONSES

- 4.1 Parish Council
Objection on the grounds that the extension is in such close proximity to the boundary that it will have an overbearing effect on the neighbouring property.
- 4.2 Environmental Protection

No objection in principle, condition recommended relating to contaminated land.

4.3 Highway Drainage
No comment

Other Representations

4.4 Local Residents

Four letters of objection have been received from local residents. The comments are summarised as follows:

- Use of front garden as parking will destroy the unified appearance of the properties in the close.
- No necessity for a third car parking space.
- Detract from the uniformity of the 1960s dwellings.
- Compromise structural integrity of neighbouring garage.
- Noise and disruption.
- Access to neighbouring driveway.
- Loss of privacy from rooflights.
- Use of room for playing instruments would be intrusive on rear garden.
- Asbestos roofing.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a single storey side and rear extension to form additional living accommodation. Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highways, and design.

5.2 Residential Amenity

The application relates to a detached bungalow situated within an established residential area. The application seeks permission for a side and rear extension on the west side of the dwelling. The proposal has a width of 2.2 metres, a depth of 5.5 metres, and a maximum height of 4.3 metres. The proposal would be situated adjacent to the boundary of number 12 Kilnhurst Close. The proposal replaces an existing detached garage, which adjoins the garage of the number 12.

5.3 In terms of overbearing impact and loss of light the proposal would result in an additional massing adjacent to the boundary between numbers 10 and 12 Kilnhurst Close. Number 12 does not have any habitable windows on the east elevation and as such would not appear oppressive or overbearing on the side elevation of this neighbour. At the rear, 1.1 metres of the proposal would be adjacent to the neighbour's garage. This leaves a gap of approximately 2 metres that would be adjacent to the driveway of number 12 Kilnhurst Close, 2.5 metres from the rear garden. As the proposal has a maximum height of 4.2 metres with a pitched roof this is not considered to have an overbearing impact on the neighbour to the detriment of residential amenity. As the rear garden

- faces north it is considered that the proposal would not significantly affect sunlight to either neighbouring dwellings.
- 5.4 In terms of privacy, the proposal does not include any additional habitable windows on the side elevation. On the rear elevation the proposal includes double doors and rooflights. The neighbouring dwelling at the rear is situated in excess of 50 metres from the rear elevation of the proposal and as such the proposed extension would not overlook neighbouring dwellings to the detriment of mutual privacy. The proposal would result in some loss of private amenity space. Although this loss is undesirable, adequate private amenity space would remain to serve a two-bedroom dwelling.
- 5.5 Highways
The application site consists of a two-bedroom dwelling and the application does not propose to increase this. The proposal would result in the loss of the existing garage; however, parking provision will remain within the residential curtilage on the existing driveway. The plans also indicate an additional parking space to the front of the dwelling, which does not require planning permission. The parking on site is in accordance with the Council's Residential Parking Standards SPD (2013) and as such does not raise any concerns in relation to highway safety.
- 5.6 Design
The application relates to a detached bungalow with a gable end constructed in a mix of render, timber boarding and reconstituted stone. The site is characteristic of the dwellings in the locality. Some additions have taken place in the form of side extensions, however, the distinct character of the street scene remains in tact.
- 5.7 The proposed side and rear extension is set back from the front elevation of the dwelling by 7.5 metres, matching it in terms of maximum ridge height. The proposal is considered to remain subservient to the original dwelling and would not prejudice the character or distinctiveness of the street scene. Materials would match the existing dwelling. The proposal is therefore considered acceptable in terms of policies D1 and H4 of the adopted Local Plan.
- 5.8 Contaminated Land
The historic use of the site and land adjacent to the site as a quarry/filled ground may have caused contamination which could give rise to unacceptable risks to the proposed development. In light of this a condition relating to contaminated land will be attached to the decision notice.
- 5.9 Other Matters
A number of additional concerns have been raised in relation to the proposal. Matters relating to privacy, design and contamination have been discussed within this report.
- 5.10 Matters relating to access, boundary lines, and party walls are a civil matter and as such have not carried any weight when determining this application. In terms of noise and disturbance from building work, whilst some disturbance is

inevitable this is not considered to prejudice residential amenity. An informative relating to construction sites will be attached to the decision notice.

- 5.11 Concern has been raised in relation to the use of the proposed rooms as a music room causing disturbance. The internal use of rooms is beyond the control of this planning application. It would be unreasonable and unenforceable to control this.
- 5.12 The parking indicated on the plans at the front of the dwelling would not require planning permission and as such has not been considered as part of this proposal. The applicant would require consent from the Council's Street Care department to drop the kerb.

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 It is considered that the proposal, by virtue of scale and location, would not prejudice the residential amenity of neighbouring dwellings and would not affect mutual privacy. The proposal does not raise any concerns in relation to highway safety. As such the proposal is considered acceptable in terms of policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The proposal is considered to remain subservient to the original dwelling and is acceptable in terms of scale and proportions. The proposal would not detract from the character or distinctiveness of the site or the locality. As such the proposal is considered acceptable in terms of policies D1 and H4 of the adopted Local Plan.
- 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 the application is **APPROVED** subject to the conditions on the decision notice.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

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. A) Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.

- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policies EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 23/13 – 7 JUNE 2013

App No.:	PK13/1361/LB	Applicant:	Dodington Park Estate
Site:	Catchpot Lane Old Sodbury Bristol South Gloucestershire BS37 6SQ	Date Reg:	26th April 2013
Proposal:	Erection of replacement stone boundary wall to a maximum height of approximately 1.2 metres (part retrospective).	Parish:	Sodbury Town Council
Map Ref:	375436 180694	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	18th June 2013



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PK13/1361/LB

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because objections have been received contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks listed building consent for the erection of a stone boundary wall with a maximum height of 1.2 metres. The application is partly retrospective as part of the wall has been already constructed, albeit at a higher height.
- 1.2 The application site comprises a dilapidated stone wall which is overgrown by vegetation which is set back behind a grass bank on the southeastern side of Catchpot Lane. The application wall forms the boundary to Doddington Park, which is grade II* listed and forms the extensive grounds of the Doddington Park House, which is a grade I listed building.
- 1.3 A planning application (PT13/1362/F) has been submitted in conjunction with this application.

2. POLICY CONTEXT

- 2.1 National Guidance
The Planning (Listed Buildings and Conservation Areas) Act 1990
National Planning Policy Framework March 2012

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Doddington Parish Council
Doddington Parish Council supports both planning applications but requests that South Gloucestershire Council recognises that there has been some local concern regarding the scale of the new boundary wall.
- 4.2 Sodbury Town Council
Objection as the development is not in keeping with the scale of the original boundary wall and the effect it has on the local area.
- 4.3 Listed Building Officer
No objection
- 4.4 English Heritage
The applications should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice

Other Representations

4.5 Local Residents

Five letters of objection have been received from members of the public. The following is a summary of the reasons given for objecting:

- Existing wall is lower than height claimed in application;
- Environmental issues;
- Wall is too high;
- Narrows and encloses Catchpot Lane;
- Adversely affect views local residents enjoy;
- Loss of light to neighbouring occupiers;
- Will adversely affect the openness of the area and character of the AONB;
- Highway safety issues.

Two letters of support have been received from members of the public. The following is a summary of the reasons given in support of the application:

- Area has thousands of yards of historical walling in desperate disrepair;
- Refreshing that someone is willing to spend the money to restore and preserve the area and its surroundings;
- The wall is a vast improvement to the existing dilapidated wall and looks stunning;
- The wall will benefit the surrounding area;

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The only issue to consider in this application is the impact of the works proposed on the character and significance of the grade II* listed park.

5.2 Consideration of Proposal

Amended plans have been received, which have reduced the height of the wall to 1.2 metres. Given the height of the wall and the mature trees located directly to the rear, it is not considered that the proposed will be prominent from views from within the park. Moreover, the proposal achieves a high quality standard of appearance, which respects the character and visual amenity of the area. The existing stone wall is largely dilapidated and overgrown with vegetation. Accordingly, it is not considered that the replacement wall will adversely affect the character or significance of the grade II* listed park.

5.3 Further Matters

The issues raised by members of the public are addressed in the associated planning application (PK13/1362/F).

6. CONCLUSION

- 6.1 The recommendation to approve Listed Building Consent has been made having regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained in the National Planning Policy Framework (NPPF).

7. RECOMMENDATION

- 7.1 Listed Building Consent is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

1. The wall that has been erected on site as shown on plan no. 3274 CWE 01 shall be reduced in accordance with the approved drawing "Existing and Proposed Plans and Elevations" no. 3274 CW 01B received by the Council on 4th June 2013 within 3 months of the date of this consent.

Reason

In the interests of the character and significance of the grade II* listed park and to accord with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 23/13 – 07 JUNE 2013

App No.:	PK13/1362/F	Applicant:	Doddington Park Estate Doddington Park Estate
Site:	Catchpot Lane Old Sodbury Bristol South Gloucestershire BS37 6SQ	Date Reg:	26th April 2013
Proposal:	Erection of replacement stone boundary wall to a maximum height of approximately 1.2 metres (part retrospective).	Parish:	Sodbury Town Council
Map Ref:	375436 180694	Ward:	Cotswold Edge
Application Category:	Householder	Target Date:	18th June 2013



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because objections have been received contrary to the officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a replacement stone boundary wall with a maximum height of 1.2 metres. The application is partly retrospective as part of the wall has already been constructed, albeit higher than the height proposed.
- 1.2 The application site comprises a dilapidated stone wall which is overgrown by vegetation and is set back behind a grass bank on the southeastern side of Catchpot Lane. The site is located within the open Green Belt outside of any defined settlement boundary and within the Cotswolds Area of Outstanding Natural Beauty (AONB). The application wall forms the boundary to Doddington Park, which is grade II* listed and forms the extensive grounds of the Doddington Park House, which is a grade I listed building. Woodland trees protected by a TPO are located immediately to the rear of the application site. A public right of way extends to the northwest of the site. The estate includes a farm complex (Home Farm) alongside Catchpot Lane, which is engaged in the rearing of ewe lambs, the breeding of pedigree rare breed sheep, the production of hay for winter forage and woodland management.
- 1.3 The proposed wall extends for a distance of approximately 209 metres along Catchpot Lane. Amended plans have been received, which have reduced the height of the wall from the original proposed height of 2 metres to 1.2 metres.
- 1.4 An application for listed building consent (PK13/1361/LB) has been submitted in conjunction with this application.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
GB1 Development in the Green Belt
E9 Agricultural Development
L1 Landscape Protection and Enhancement
L2 Cotswolds Area of Outstanding Natural Beauty (AONB)
L10 Historic Parks and Gardens and Battlefields
T12 Transportation Development Control Policy for New Development

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)
The South Gloucestershire Development in the Green Belt SPD (adopted)

3. **RELEVANT PLANNING HISTORY**

- 3.1 No relevant planning history.

4. **CONSULTATION RESPONSES**

- 4.1 Dodington Parish Council
Dodington Parish Council supports both planning applications but request that South Gloucestershire Council recognises that there has been some local concern regarding the scale of the new boundary wall.
- 4.2 Sodbury Town Council
Objection as the development is not in keeping with the scale of the original boundary wall and the effect it has on the local area.
- 4.3 Drainage Officer
No comment
- 4.4 Transportation DC Officer
No comment
- 4.5 Public Rights of Way (PROW) Officer
Development may affect nearest PROW therefore, standard limitations must be adhered to
- 4.6 Tree Officer
No objection
- 4.7 English Heritage
The applications should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice
- 4.8 Conservation Officer
No objections to the proposal and as the work has commenced the quality of the stonework is evident and therefore, doesn't require conditioning

Other Representations

- 4.9 Local Residents
Five letters of objection have been received from members of the public. The following is a summary of the reasons given for objecting:

- Existing wall is lower than height claimed in application;
- Environmental issues;
- Wall is too high;
- Narrows and encloses Catchpot Lane;
- Adversely affect views local residents enjoy;
- Loss of light to neighbouring occupiers;
- Will adversely affect the openness of the area and character of the AONB;
- Highway safety issues.

Two letters of support have been received from members of the public. The following is a summary of the reasons given in support of the application:

- Area has thousands of yards of historical walling in desperate disrepair;
- Refreshing that someone is willing to spend the money to restore and preserve the area and its surroundings;
- The wall is a vast improvement to the existing dilapidated wall and looks stunning;
- The wall will benefit the surrounding area;

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The South Gloucestershire Local Plan (adopted) January 2006 sets out limited categories of development that are appropriate in the Green Belt. It states that planning permission will only be granted in the Green Belt for the construction of new buildings for agriculture/forestry; essential facilities for outdoor sport and recreation; cemeteries; limited extension, alteration and replacement of existing dwellings that are proportionate to the size of the original building; and limited infilling within the boundaries of settlements. Whilst the development is not a new building, it still represents built form, which will impact on the openness of the countryside. Accordingly, careful consideration is required as to whether the development proposed is appropriate in the Green Belt.

5.2 The applicant has specified that the proposed wall is required for agricultural purposes in order to form an enclosure for sheep. According to the applicant, the estate has 1500 sheep (including pedigree rare breed sheep) and is in the process of the permanent removal of miles of post and wire fencing in order to tidy up the Estate and restore the original Capability Brown vision of an open landscape. Accordingly the proposed wall is considered to be appropriate development in the Green Belt and accords with policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006.

5.3 The principle of the development is acceptable by virtue of policies GB1 and E9 of the South Gloucestershire Local Plan (adopted) January 2006. Given the nature of the proposal the main issues to consider are the appearance of the proposal and the affect on the character, openness and visual amenity of the area (policies D1, L2, GB1 and E9 of the Local Plan); the environmental affects (policies L1 and L9 of the Local Plan); the transportation impacts (policies T12

and E9 of the Local Plan); and the affects on the residential amenity of neighbouring occupiers (policy E9 of the Local Plan).

5.4 Appearance/Form and Impact on the Character/Openness of Area

The proposed wall is constructed from Cotswold stone to match the character of the existing wall and the surrounding built form. The wall comprises horizontal coursed stones with random coping at the apex. As the work has commenced the quality of the stonework is evident and therefore, a condition is not required on this basis. The proposed wall is set back from the street behind a grass verge, and in combination with the reduced height proposed, it is not considered that it will have an adversely overbearing impact on the surrounding area or a significant adverse impact on the openness of the countryside. The design and appearance of the proposed wall is such that it will appear sufficiently in keeping with the character of the surrounding built form. As such, and given the mature trees and vegetation located immediately to the rear of the wall, it is not considered that the proposal will adversely affect the character or visual amenity of the Cotswold Area of Outstanding Natural Beauty (AONB) or the significance of the grade II* listed park. The existing wall is largely dilapidated and overgrown with vegetation. It is not considered that the replacement of the existing boundary wall will adversely affect the significance of the park.

5.5 Environmental Impacts

Given the nature of the proposal it is not considered that the proposal will bring about any significant adverse ecological issues. The wall will however, extend adjacent to a number of trees, which form part of a woodland covered by an area Tree Preservation Order (TPO). The impact of the development on tree roots is therefore, pertinent when considering the impact on trees which make a significant contribution to the character of the area. It is noted that a section of footings and wall have already been laid. Work has however, stopped on site. Therefore, if permission is granted, a condition is recommended for a methodology statement for the construction of foundations to be agreed in writing with the Local Planning Authority in the interests of the health and visual amenity of the trees.

5.6 Residential Amenity

Residential properties are located within close proximity to the application site and the concerns raised regarding the impact on occupiers are noted. However, given the scale of the boundary wall, the fact that it is located on the opposite side of Catchpot Lane to the neighbouring properties, and the nature of the proposal, it is not considered that the living conditions of neighbouring occupiers will be significantly adversely affected through loss of outlook, natural light or privacy.

5.7 Transportation

Given the height and siting of the proposed wall, it is not considered that any significant adverse high safety issues will be introduced. Weight is also given to the fact that the Highways Authority has raised no objections to the 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 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 for the following reasons:

The wall is required for purposes relating to agriculture. The principle of the development proposed is therefore, acceptable by virtue of policies GB1 and E9 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposed wall achieves a high quality standard of appearance in keeping with the character of the surrounding built form. Accordingly, it is concluded that the proposal will not have a significant adverse effect on the character, visual amenity or openness of the Cotswold Area of Outstanding Natural Beauty (AONB) or the significance of the grade II* listed Doddington Park Estate. The proposal therefore, accords with policies D1, GB1, L2, L10 and E9 of the South Gloucestershire Local Plan (adopted) January 2006.

Subject to a condition to ensure that construction methods relating to the laying of foundations are agreed with the Local Planning Authority, to ensure that tree roots are not adversely impacted it is concluded that the development proposed will not have significant adverse environmental effects. The proposal therefore, accords with policies L1, L9 and E9 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not bring about any significant adverse highway safety issues and therefore, accords with policies T12 and E9 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not have a significant adverse effect on the residential amenity of neighbouring occupiers through loss of natural light, outlook or privacy. The proposal therefore, accords with policy E9 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

- 7.1 Planning permission is GRANTED subject to the following conditions:

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

1. Within 3 months of the date of the consent an arboricultural method statement for the construction of foundations within the Root Protection Area (RPA) of trees shall be

submitted to an agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason

In the interests of the health and visual amenity of trees in the interests of the character and visual amenity of the surrounding area and to accord with policies L1 and L2 of the South Gloucestershire Local Plan (adopted) January 2006.

2. The wall that has been erected on site as shown on plan no. 3274 CWE 01 shall be reduced in accordance with the approved drawing "Existing and Proposed Plans and Elevations" no. 3274 CW 01B received by the Council on 4th June 2013 within 3 months of the date of this permission.

Reason

In the interests of the openness and character and visual amenity of the area and to accord with policies D1, GB1, L2 and L10 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 23/13 – 7 JUNE 2013

App No.:	PT13/0737/O	Applicant:	Mr Ruman Mohammed
Site:	Catbrain Hill Easter Compton Bristol South Gloucestershire BS10 7TH	Date Reg:	4th March 2013
Proposal:	Erection of 1no. dwelling (Outline) with access to be determined. All other matters reserved. (Resubmission of PT12/1516/O).	Parish:	Almondsbury Parish Council
Map Ref:	357580 180530	Ward:	Patchway
Application Category:	Minor	Target Date:	26th April 2013



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT13/0737/O

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because responses have been received from neighbouring occupiers contrary to the officers recommendation.

1. THE PROPOSAL

1.1 This application seeks outline planning permission for the erection of 1no dwellinghouse with access to be determined and all other matters reserved. The application forms a resubmission of application PT12/1516/O, which was refused for the following reasons:

- *The proposed development is located within close proximity to a number of protected trees which make a significant contribution to the character and visual amenity of the area. The trees will have an overpowering effect on the proposed development and will lead to pressure to reduce or remove the protected trees, which will have a significant adverse impact on the character and visual amenity of the area. The proposal is therefore, contrary to policies L1 and H2 of the South Gloucestershire Local Plan (adopted) January 2006.*
- *The constraints plan showing the Root Protection Areas of the existing trees does not take into account the proximity of the trees to the stream on the north side of the application site, which will have influenced root growth. Insufficient information has therefore, been submitted to assess the impact of the proposed development on the health of the trees, which make a significant contribution to the character of the area. The proposal is therefore, contrary to policies L1 and H2 of the South Gloucestershire Local Plan (adopted) January 2006.*
- *The proposed development is located within in an area with a high probability of flooding (Flood Zone 3) and the development proposed is classified as being 'more vulnerable' to flooding within the National Planning Policy Framework. No information has been submitted to demonstrate that there are no alternative sites available for the development in Flood Zones 1 and 2, which are at less risk of flooding and no exceptional circumstances have been provided which outweigh the risks from flooding. The proposal is therefore contrary to guidance contained in the National Planning Policy Framework and policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006.*
- *The application site is a semi-natural habitat immediately adjacent to the Henbury Trym. The ecological report submitted does not sufficiently demonstrate that protected species such as bats, reptiles, water voles, great crested newts, birds, and hedgehogs will not be adversely effected by the proposed development. The proposal is therefore, contrary to policies L9 and H2 of the South Gloucestershire Local Plan (adopted) January 2006.*

- 1.2 The application site comprises an irregular shaped plot of land approximately 0.07 hectares located on the eastern side of Catbrain Hill. The site is located within the defined Patchway settlement boundary; since the previous application was refused (PT12/1516/O) the applicants have carried out a flood map challenge and the Environment Agency have confirmed the site is located in Flood Zone 1. A stream extends adjacent to the north boundary of the site and a public footpath abuts the southern boundary.
- 1.3 The applicant states that the dwelling will be used as a family home and it will be a self build project making use of local tradesmen and services boosting the local economy.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
H2 Proposals for New Residential Development within Existing Urban Areas and Boundaries of Settlements
H4 Residential Development within Existing Residential Curtilages
EP2 Flood Risk and Development
T12 Transportation Development Control Policy for New Development
L1 Landscape Protection and Enhancement
L5 Open Areas within Existing Urban Areas and Defined Settlements
L9 Species Protection
- South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS26 Cribbs/Patchway New Neighbourhood
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/1516/O, erection of 1no. dwelling (Outline)with access to be determined. All other matters reserved, refusal, 14/06/12 for the following reasons:

The proposed development is located within close proximity to a number of protected trees which make a significant contribution to the character and visual amenity of the area. The trees will have an overpowering effect on the proposed development and will lead to pressure to reduce or remove the protected trees, which will have a significant adverse impact on the character

and visual amenity of the area. The proposal is therefore, contrary to policies L1 and H2 of the South Gloucestershire Local Plan (adopted) January 2006.

The constraints plan showing the Root Protection Areas of the existing trees does not take into account the proximity of the trees to the stream on the north side of the application site, which will have influenced root growth. Insufficient information has therefore, been submitted to assess the impact of the proposed development on the health of the trees, which make a significant contribution to the character of the area. The proposal is therefore, contrary to policies L1 and H2 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposed development is located within in an area with a high probability of flooding (Flood Zone 3) and the development proposed is classified as being 'more vulnerable' to flooding within the National Planning Policy Framework. No information has been submitted to demonstrate that there are no alternative sites available for the development in Flood Zones 1 and 2, which are at less risk of flooding and no exceptional circumstances have been provided which outweigh the risks from flooding. The proposal is therefore contrary to guidance contained in the National Planning Policy Framework and policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006.

The application site is a semi-natural habitat immediately adjacent to the Henbury Trym. The ecological report submitted does not sufficiently demonstrate that protected species such as bats, reptiles, water voles, great crested newts, birds, and hedgehogs will not be adversely effected by the proposed development. The proposal is therefore, contrary to policies L9 and H2 of the South Gloucestershire Local Plan (adopted) January 2006.

- 3.2 PT08/2244/O, erection of 1no.dwelling (outline) with access and layout to be determined and all other matters reserved, refusal, 25/09/08 – Appeal Dismissed.

Refused for the following reasons:

The application site has a number of trees covered by Tree Preservation Orders. No tree survey has been submitted to demonstrate how the proposed development will safeguard the long terms health of these trees, which contribute significantly to the visual amenities of the locality. The proposal therefore falls contrary to advice contained within PPS1 and PPS3, Policies D1, L1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Adopted South Gloucestershire Design Checklist Supplementary Planning Document.

The application site is a semi-natural habitat immediately adjacent to the Henbury Trym. No ecological survey has been submitted to demonstrate whether the proposal will have any adverse impact upon the on-site habitat including hedgerows, badgers, water voles, slow-worms and nesting/breeding birds. The application therefore falls contrary to advice contained within PPS9 and Policies D1, L9 and H2 of the South Gloucestershire Local Plan (Adopted) 2006.

The proposed development due to its location directly adjacent to Filton Airfield may be adversely affected by aircraft noise. No acoustic report has been submitted to assess this issue and as such it has not been demonstrated that the proposal would not suffer an unacceptable degree of noise disturbance. The proposal is therefore contrary to advice contained within PPG24 and Policies D1, EP1, EP4 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

The application site lies within Flood Zone 3. The proposal does not pass the Sequential Test or Exception Test set out in PPS25 and as such the proposal falls contrary to advice contained within PPS25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 as it represents an unacceptable flood risk.

In the absence of a legal agreement there is inadequate provision of mitigation measures to offset the impact upon the Bristol North Fringe Transportation network, contrary to policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

- 3.3 PT10/0406/F, demolition of existing dwelling to allow for a re-development of 55 no. dwellings with parking, access, open space and landscaping, withdrawn, 02/07/10.
- 3.4 PT10/3060/F, demolition of existing dwelling to allow for a redevelopment comprising 51no. dwellings with parking, access, open space and landscaping, the proposal has been recommended for approval, however, the section 106 agreement is still in the process of being signed.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No objection
- 4.2 Community Spaces Officer
No comment
- 4.3 Drainage Engineer
No objection
- 4.4 Transportation DC Officer
No transportation objection
- 4.5 Public Rights of Way Officer
Development may affect the nearest recorded public right of way reference OAY88, which runs adjacent to the site
- 4.6 Tree Officer
Recommend refusal

4.7 Ecological Officer
Recommend refusal

4.8 Landscape Officer
The application is contrary to policy L1 and D1 of the Adopted Local Plan and emerging Core Strategy policy CS26 and the application should be refused

4.9 Environment Agency
No objection subject to conditions

Other Representations

4.10 Local Residents
Five letters of objection have been received from members of the public. The following is a summary of the reasons given for objecting:

- Permission is absolutely refused for any access to be made from the private lane that runs adjacent to the proposed dwellings;
- Any further vehicular traffic on this lane is unsustainable and unwelcome;
- Development will adversely affect privacy of neighbours;
- No window should face towards neighbouring properties;
- Issues relating to noise and traffic impacts from construction;
- Potential impacts on landscape, ecology and vegetation;
- Proposal will impact on traffic flow and congestion due to the removal of lay by;
- There have been no signs of fly tipping in the area;

4.11 In addition, seven letters of support have been received from members of the public. The reasons given for supporting the application are that the proposal will enhance the natural beauty of the area; prevent fly tipping; stop the potential risk of an illegal caravan site emerging; will help plug the shortfall in housing.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Flood Risk

The previous application (PT12/1516/O) was refused on the basis of flood risk:

The proposed development is located within in an area with a high probability of flooding (Flood Zone 3) and the development proposed is classified as being 'more vulnerable' to flooding within the National Planning Policy Framework. No information has been submitted to demonstrate that there are no alternative sites available for the development in Flood Zones 1 and 2, which are at less risk of flooding and no exceptional circumstances have been provided which outweigh the risks from flooding. The proposal is therefore contrary to guidance contained in the National Planning Policy Framework and policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006.

- 5.2 Since the previous application was decided the Environment Agency have received a flood map challenge and the Environment Agency now confirmed that the site is located within Flood Zone 1, which according to the National Planning Policy Framework (NPPF) Technical Guidance, is an area that has a low probability of flooding. Given that the overall aim of the NPPF is to direct new development to low flood risk areas (Flood Zone 1), the principle of residential development in this location is acceptable. The applicant has submitted an amended block plan, which demonstrates that a 5-metre wide access strip from the development to the top of the stream bank could be achieved. The Environment Agency have removed their initial objection and have no objections to the development proposed subject to conditions.
- 5.3 The Environment Agency state that the site lies within the inundation zone for the Cribbs Causeway delaying reservoir and that the siting of the proposed dwelling will need to be agreed with the Council's Emergency Planning Team. However, the Council's Emergency Planning Team is a non-statutory consultee and weight is given to the fact that the Environment Agency have not objected to the development on the basis of flood risk and have confirmed that the site is located in Flood Zone 1. Weight is also given to the fact that 51 dwellings have been recently granted planning permission to the north of the site, which are also within the inundation zone. Accordingly, it is not considered that the proposed single residential unit will result in a significantly adversely greater risk of flooding and a refusal reason on this basis will not be sustainable at appeal. Accordingly, if permission is granted, a condition is recommended for an emergency evacuation plan to be submitted and agreed with the Local Planning Authority.
- 5.4 Impact on Proposed Green Infrastructure Corridor
Although no objections were raised in the previous application in relation to design and visual amenity it is necessary for officers to consider whether there are any new material issues regarding the design of the proposal. The Henbury Trym is a notable landscape feature locally and will form an integral part of the green infrastructure within the wider new neighbourhood development at Cribbs Causeway/Patchway emerging within the South Gloucestershire Core Strategy. Paragraph 216 of the National Planning Policy Framework sets out that the more advanced the preparation of the Core Strategy, the greater weight that may be given to it. Since the previous application was decided, the Core Strategy has been through an examination in public and the Inspector has issued Draft Main Modifications and Further Main Modifications. Therefore, it is considered that significant weight can now be attached to the Core Strategy. The Henbury Trym green infrastructure corridor is also identified in the emerging New Neighbourhood SPD. This SPD is consistent with the Core Strategy and was subject to public consultation between November 2012 and February 2013, therefore, it can also be given weight. Policy CS26 of the Core Strategy relates to the Cribbs/Patchway new neighbourhood and one of its overarching principles as stated in paragraph 12.16 is to *'provide a significant amount of multi-functional green infrastructure across the area to ensure landscape features are protected and sustainable access opportunities are realised. This includes, but is not limited to: the protection and enhancement of*

Haw Wood and ridgeline adjacent to the M5 motorway, and the creation of a recreational route along the Henbury Trym'.

- 5.5 Whilst detailed design for Cribbs Causeway/Patchway is yet to be finalised within an adopted supplementary planning document and agreed master plan, the proposal is located immediately alongside the Trym, and therefore, potentially jeopardising its efficacy as a 'corridor' for wildlife, amenity and recreation. The wider scheme will need to ensure that the Trym and its associated bank side vegetation is augmented by new semi natural habitat either side as part of an area of public open space. In order to fully realise its value for local biodiversity, as well as its function as a corridor to allow wildlife to move and disperse through Cribbs/Patchay, it is critical that development does not intrude into this linear Green Space alongside the watercourse. In addition, the existing Public Right of Way (PROW) which currently runs along the southern boundary of the site, is due to be enhanced to form part of an integrated footpath/cycleway, which is site-wide, providing links towards the Mall and Patchway to the north and Blaise and the wider Bristol footpath network to the south and west. Although views into the site are contained and limited by the boundary vegetation, the site contributes to the setting of the stream corridor and the wider rural landscape setting. It is therefore, considered that the proposal will adversely affect the integrity of the green infrastructure corridor ahead of an agreed master plan for the Cribbs/Patchway scheme and fails to preserve or enhance the setting of the Henbury Trym stream corridor. Whilst the application site only forms a small part of the proposed Green Infrastructure Corridor and the proposed development is relatively small scale, allowing development in this location and therefore, setting a precedent for similar small scale developments will have a cumulatively detrimental affect on the proposed Green Infrastructure Corridor. The proposal is therefore, contrary to the aims policy CS26 of the Core Strategy. Given that significant weight can now be attached to the Core Strategy, this will form a new refusal reason.
- 5.6 The application site is located within the Bristol Urban Fringe where new residential development is acceptable in principle by virtue of policy H2 of the South Gloucestershire Local Plan (adopted) January 2006.
- A. Development would not have unacceptable environmental or transportation effects and would not significantly prejudice residential amenity;**

5.7 Trees

The previous application PT12/1516/O was refused for the following reason:

The constraints plan showing the Root Protection Areas of the existing trees does not take into account the proximity of the trees to the stream on the north side of the application site, which will have influenced root growth. Insufficient information has therefore, been submitted to assess the impact of the proposed development on the health of the trees, which make a significant contribution to the character of the area. The proposal is therefore, contrary to policies L1 and H2 of the South Gloucestershire Local Plan (adopted) January 2006.

- 5.8 An updated Arboricultural Report has been submitted, as well as a response to the Tree Officer comments made in the original application, to try to overcome the reasons for refusal. The submitted details agree that the trees within the application site are currently a significant part of the landscape offering a high visual amenity to the area, which will only increase once the development to the north of the site is completed and occupied.
- 5.9 A number of existing trees are covered by South Gloucestershire Council Tree Preservation Orders, namely T4 Horse Chestnut, T7, T9, T10 Oak trees, and T12, T13 and T14, which are covered by a group order. The submitted details are in agreement with this. The constraints plan submitted with the application indicates the Root Protection Area of the existing trees on the northern boundary as a radius originating from the centre of the tree in accordance with BS5837. Officers consider however, that as the stream runs close to the north side of the trees this will have influenced root growth and probably lead to the majority of roots growing on the east, south and western sides of the tree.
- 5.10 BS5837 2005 paragraph 5.2.4 states that *....the root protection area should take into full account factors, which can be assessed by arboriculturalists, which may change its shape but not its area whilst providing adequate protection for the root system.*
It is therefore considered appropriate to increase the area of root protection on these sides. BS5837 allows for a 20% off setting of the Root Protection Area on open grown trees. It is proposed that the Root Protection Area on the southern side is increased by 20% to allow for the influence of the stream on root establishment. The increased Root Protection Area on the southern side of the trees has been indicated on the new drawing. Officers consider this to be acceptable and should be adopted as the Root Protection Area with regards to protective fencing and exclusion zones.
- 5.11 There are however, concerns regarding the overpowering effect that the existing trees on the northern boundary will have on the proposed dwelling. At present the height of the Horse Chestnut (T4) is 18m potential future growth could result to the tree becoming 20-28m tall, (the tallest recorded Horse chestnut reached 37m). The existing Oak tree T7 is 15 m tall potential future growth could result in the tree becoming 20-22m tall (tallest recorded Oak reached 42m). It is considered that the potential mature height of the trees would have an overpowering effect on the dwelling leading to pressure to reduce the size or fell the trees. Accordingly, the previous application was refused for the following reason:

The proposed development is located within close proximity to a number of protected trees which make a significant contribution to the character and visual amenity of the area. The trees will have an overpowering effect on the proposed development and will lead to pressure to reduce or remove the protected trees, which will have a significant adverse impact on the character and visual amenity of the area. The proposal is therefore, contrary to policies L1 and H2 of the South Gloucestershire Local Plan (adopted) January 2006.
- 5.12 The submitted details accepts that the site contains large protected trees that will be located within close proximity to the dwelling but it argues that advice

found in *'Tree Preservation Orders A Guide to the Law and Good Practice'* which at paragraph 6.45 *'...the higher the amenity value of the tree or woodland the greater the impact of the application on the amenity of the area, the stronger the reasons needed before consent is granted.'* Therefore, the supporting details state that any appeal to the Planning Inspectorate (PINS) would be dealt with by "a PINS Arboricultural Inspector and in my experience an application to fell or harshly prune the trees based on the above would be highly unlikely to succeed". Whilst this might be the case, prior to any appeal being reached the application will have gone through the Council's application procedure requiring both time and money. It is therefore, considered to be in the public interest to avoid applications, which will be refused and need to go to appeal.

- 5.13 The supporting details submitted states that with a view to the perceived potential problems a reasonable and sympathetic tree surgery programme could be drawn up which would significantly improve conditions regarding shade, leaf litter etc to the garden and dwelling. The proposals could involve crown lifting and crown thinning, which does not involve the reduction of the heights of any of the trees and therefore not adversely affect their amenity and because of their maturity, and anticipated relatively slow growth rate, there would be a correspondingly a slow return period for any future pruning, which would be at the discretion and agreement with the Council.
- 5.14 However, officers consider that the trees do not currently require any works and the only reason the trees would require any form of work would be, as stated by the supporting details, to improve conditions regarding shading and leaf litter to the garden and new dwelling. Any works to the trees would create wounds, which could potentially be exploited by pathogens to gain entry into the tree. In addition, any remedial crown lifting or thinning will need to be repeated at regular intervals.
- 5.15 The trees on the southern boundary T12, T13, T14 are growing as a group will have a major shading affect on the rear garden and eastern elevation of the property. At present the Oak trees are 14 m tall potential future growth could result in the tree becoming 20-22m tall (tallest recorded Oak reached 42m). It is considered that the potential mature height of the trees would have a major shading effect on the garden and dwelling leading to pressure to reduce the size or fell the trees. The existing trees on the northern boundary would also shade the garden resulting in very little natural daylight reaching the rear garden of the property. Lack of sunlight would prevent any plants such as a lawn, vegetable plot or flower borders growing and again could lead to unacceptable pressure to undertake tree works.
- 5.16 As stated previously, officers consider that it is not in the public interest to place the Council in a position where it is likely to receive ongoing applications to undertake works to protected trees, which are liable to be refused and result in ongoing appeals. Accordingly, it is considered that the proposal will have a detrimental affect on trees, which make a significant contribution to the character and visual amenity of the area contrary to policies H2 and L1 of the South Gloucestershire Local Plan (adopted) January 2006. The proposal does not overcome the previous refusal reason.

5.17 Ecology

The previous application (PT12/1516/O) was refused on the basis of ecology for the following reason:

The application site is a semi-natural habitat immediately adjacent to the Henbury Trym. The ecological report submitted does not sufficiently demonstrate that protected species such as bats, reptiles, water voles, great crested newts, birds, and hedgehogs will not be adversely affected by the proposed development. The proposal is therefore, contrary to policies L9 and H2 of the South Gloucestershire Local Plan (adopted) January 2006.

- 5.18 The application includes a protected species survey report by JPC Ecology dated June 2012 and revising that dated February 2012 forming part of PT12/1516/O). The survey consists of a Phase 1 habitat survey and a walkover assessment of any potential issues relating to protected species. The site comprises a mixture of rank species-poor (semi-improved) grassland, scattered scrub (which has been cleared to ground level), nettle and bramble. A series of mature trees along a watercourse – the Henbury Trym - define the northern boundary of the site. To the east there is a small area of dense scrub/woodland and to the south there is a hedgerow and footpath.

5.19 Reptiles

A survey for reptiles (slowworms) was carried out in April/May 2012 under favourable weather conditions. No reptiles were recorded during any of the seven visits and accordingly slowworms and/or grass snakes are not considered an issue on site.

5.20 Bats

A dusk emergence survey of the mature trees along the Trym was carried out, along with five days of static monitoring, using a detector fixed on site along the watercourse corridor. Low levels of commuting and/or foraging activity by common and soprano pipistrelle bats were recorded over the 5 days of surveying.

5.21 Birds

The report included sightings of birds during the site visits. Twelve species were recorded, mostly associated with the trees on the northern and eastern site boundaries. Of these, house sparrow is included on the RSPB Red List of species of conservation concern; and dunnock included on the Amber list.

5.22 Otter/Water Vole

The survey found no signs of use by water vole or otter along the Trym watercourse adjoining the site.

5.23 Badger

No signs of the presence of Badgers were noted during the survey.

5.24 Great Crested Newt

Whilst a desktop study found a record of great crested newts some 800m from the application site, a subsequent analysis of water bodies within 500m found

one small garden pond in a domestic garden north-west of the site. Given that the site is isolated from this with no further ponds within 500m to the south the site is considered unlikely to comprise terrestrial habitat for the species.

5.25 Hedgehog

No field signs denoting the presence of hedgehog were noted during the survey. The report considered the habitat on site to have low to moderate potential for the species and recommended that care should be taken when clearing the site to avoid killing or injuring animals.

5.26 Design

The indicative design of the dwelling in the current application has changed from that of PT12/1516/O and in re-configuring it has shifted the proposed location of the building back from the top of the bank of the stream corridor. The Masterplan for the housing scheme to the north on the far side of the watercourse (PT10/0406/F) included a 'buffer zone' between the development and the Trym to safeguard its ecological integrity. The proposal demonstrates a 5 metre gap from the corner of the dwelling to the top of the bank of the stream corridor. It is considered that this buffer zone is comparable to the development that has been approved to the north. Although the driveway is closer to the stream corridor, it is considered that it could be moved further away to form a greater buffer zone and permitted development rights could be removed if permission is granted, to ensure that new built form does not encroach into the buffer zone.

5.27 Transportation

No highway objections were raised in the previous application (PT12/1516/O) and weight is given to the fact that the Highway Authority has raised no objections to the current application. It is not envisaged that the proposed single residential unit will generate a significant amount of vehicular trips such that there will be a detrimental affect on the local highway network or the amenities of the area. An existing vehicular access into the site will serve the proposed development. In addition, an indicative site plan has been submitted, which demonstrates that an adequate parking and turning provision could be accommodated within the site.

5.28 Residential Amenity

No objections were raised to the previous application (PT12/1516/O) on the basis of residential amenity. It was considered that the indicative scale (two-storey with accommodation in the roof) and the proximity and location of the site in relation to neighbouring properties is such that the proposal would not have a significant adverse affect on the occupiers of neighbouring properties through loss of natural light or privacy. Neighbouring occupiers have objected on the basis of loss of privacy and state that no windows should face towards neighbouring properties. Whilst the appearance of the dwelling cannot be considered in this outline application, it is considered that there is sufficient distance between the application site and neighbouring properties on the opposite side of Catbrain Hill to ensure that no significant adverse privacy issues will be introduced. Whilst the proposal will face the front of neighbouring properties, this is considered to be a typical relationship between properties in urban areas. Accordingly, it is considered that a single residential property

could be accommodated on the site without adversely affecting the residential amenity of neighbouring occupiers. Issues raised regarding noise and traffic impacts during construction are noted, however, given the relatively small scale of the development proposed, this is not considered to be a sustainable reason for refusal. If permission is granted, a condition is recommended to control hours of working on site during construction.

5.29 Residential development has been approved on land to the north of the application site on the opposite side of the watercourse for the erection of 55 dwellings (PT10/3060/F); development has now started. Given the topography and separation distance it is not considered that the proposal will have a significant adverse effect on the residential amenity of future occupiers of the development to the north.

5.30 A number of protected trees are located around the application site to be retained and they will be located within close proximity to the proposed dwelling and amenity space. Whilst it is noted that the trees will cause shading to the proposed dwelling and amenity space, on balance, it is not considered that it will adversely harm the amenities of the occupiers such that the dwelling proposed could not fulfil its role as a dwellinghouse. The situation will be apparent to any future occupiers of the dwelling. In addition, it is not considered that future occupiers of the dwellinghouse would be adversely affected by surrounding development in terms of loss of natural light or privacy. It is considered however, that the proposal will lead to pressure to reduce or remove the trees from potential occupiers and whilst there is no objection in terms of residential amenity, there is an objection on the basis of the impact on protected trees.

B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved

5.31 The area of the site is approximately 0.07 hectares, which results in a density of approximately 14 dwellings per hectare. Although minimum density targets have been removed from policy, guidance within the National Planning Policy Framework advocates the efficient use of land for development. The site is constrained by the number of trees growing within the site and due to ecological issues such that the proposed single dwelling is unacceptable. Accordingly, a higher density will not be practical.

C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination

The site is located within close proximity to Filton Airfield and the previous application for a dwelling on the site (PT08/2244/O) was refused as an acoustic report was not submitted, therefore, the impact of noise and vibration on the development could not be accurately assessed. Whilst an acoustic report has not been submitted for the current application as requested by the Council's Environmental Protection Officer, weight is given to the fact that in the previous appeal the Inspector considered that the impact of noise pollution would not be so great that it means the principle of a dwelling on the site is unacceptable and that a condition is adequate to ensure that adequate measures are adopted. A refusal on this basis will therefore, be unlikely to prove sustainable at appeal.

D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the development.

The proposal is for a single dwelling, therefore, it is considered that it will not impinge significantly on the levels of service provision within the locality.

5.32 Other Issues

Design/Visual Amenity

Matters regarding scale, layout, landscaping and appearance are reserved for future consideration. However, it is necessary for any outline submission to demonstrate that the proposal has been properly considered having regard to the relevant policies, site constraints and opportunities. A proposal should therefore, include details related to amount (scale); the approximate location of buildings (i.e. indicative layout) and fix principles with regard to architectural appearance and landscaping. As such, the design and access statement should demonstrate how the applicant has considered the proposal and understand what is feasible for the site in its context.

- 5.33 A Design and Access Statement has been submitted along with an indicative block plan. The Design and Access Statement indicates that the proposal will be two storeys with habitable rooms in the roofspace. An indicative block plan submitted shows the dwelling being set back from the street and adjacent to the southern boundary of the site. The indicative site layout plan submitted demonstrates that due to the constraints of the site the proposed dwelling will comprise a relatively narrow contrived form, however, it is considered on balance that the site could accommodate a dwellinghouse that is reasonably in keeping with the character of the surrounding built form.

5.34 Further Matters

The issues raised regarding the fact that the proposal will prevent fly tipping and stop the potential risk of illegal caravan sites emerging are noted. However, it is not considered that these issues hold significant weight in this instance.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to refuse permission has been taken having regard to the policies and proposals in the 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 Outline Planning Permission is REFUSED for the following reasons:

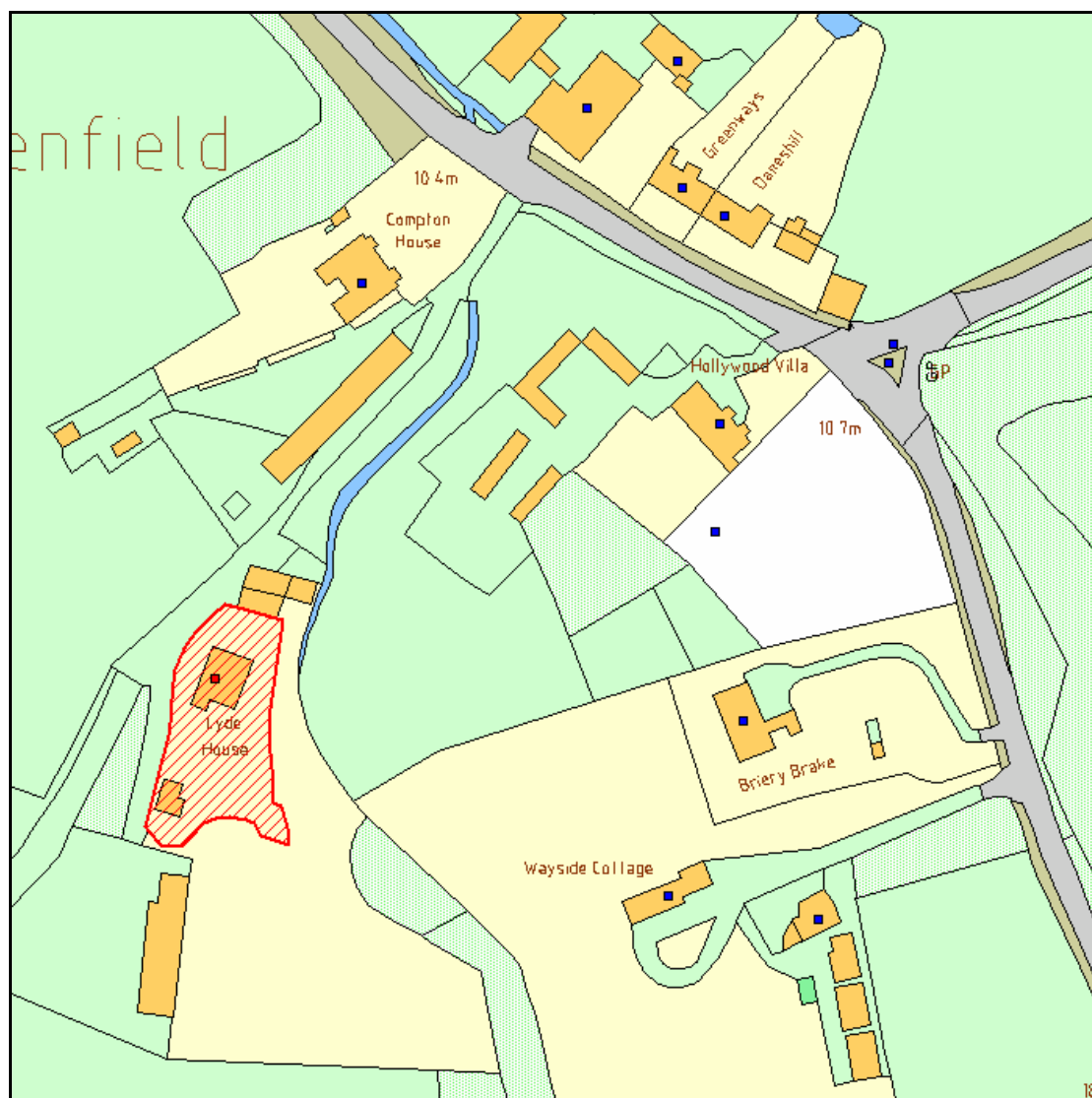
Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

REASONS FOR REFUSAL

1. The proposed development is located within close proximity to a number of protected trees which make a significant contribution to the character and visual amenity of the area. The trees will have an overpowering affect on the proposed development and will lead to pressure to reduce or remove the protected trees, which will have a significant adverse impact on the character and visual amenity of the area. The proposal is therefore, contrary to policies L1 and H2 of the South Gloucestershire Local Plan (adopted) January 2006.
2. The proposed development will encroach into an area where green infrastructure is planned alongside the Henbury Trym before a masterplan has been produced. The proposed development if allowed would set a precedent for similar development within the planned Green Infrastructure Corridor, which would adversely affect its efficacy as a corridor for wildlife, amenity and recreational use. The proposed development is therefore, contrary to the aims of policy CS26 of the South Gloucestershire Core Strategy.

CIRCULATED SCHEDULE NO. 23/13 – 7 JUNE 2013

App No.:	PT13/0758/CLE	Applicant:	Mr Sam Cook
Site:	Lyde House Berwick Lane Easter Compton Bristol South Gloucestershire	Date Reg:	8th March 2013
Proposal:	Application for Certificate of Lawfulness for the existing use of land as residential curtilage (Class C3)	Parish:	Almondsbury Parish Council
Map Ref:	356823 181728	Ward:	Almondsbury
Application Category:	Minor	Target Date:	2nd May 2013



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT13/0758/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule because it comprises a Certificate of Lawfulness.

1. THE PROPOSAL

- 1.1 This application seeks a Certificate of Lawfulness for the existing use of land as residential curtilage (Use Class C3).
- 1.2 The application site comprises a two-storey detached property located to the southwest of Berwick Lane. The site is located within the open Green Belt outside the defined settlement boundary. The dwelling is access of Berwick Lane via a long private access driveway, which extends to the west of the dwellinghouse.

2. POLICY CONTEXT

- 2.1 National Guidance
The Town and Country Planning (Development Management Procedure) (England) Order 2010
Circular 10/97: Enforcing Planning Control

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/0518/F, erection of two storey and single storey rear extension to form additional living accommodation, approval, 04/04/12.
- 3.2 PT12/1708/PNA, prior notification of the intention to erect a building for the storage of agricultural vehicles and machinery, approval, 15/06/12.
- 3.3 PT11/2962/CLP, application for Certificate of Lawfulness for the proposed erection of two storey rear extension, front porch, detached garage and detached games room, refusal, 11/11/11.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No comments received

Other Representations

- 4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The applicant has submitted four aerial photographs of the site taken from Google Earth. The first photograph has a stated imagery date of 1st January 1999; the second photograph has a stated imagery date of 7th June 2005; the third photograph has a stated imagery date of 14th April 2007; the fourth photograph has a stated imagery date of 1st January 2009.
- 5.2 The applicant has submitted a site plan no. 1377-25 with the area of land to which the application relates outlined in red. The red line covers approximately 1227 square metres and encompasses the dwellinghouse, a raised front garden; rear garden; and rear gravel-parking area including garages and a carport.
- 5.3 The applicant has also submitted a statement in support of the application. The statement declares that the applicant is the owner and current occupier of the land, and purchased the property and adjoining land about 3 years ago. It was purchased as a private residence and it was believed to have been similarly used by the previous owner for many years before. The application land has been used as a residential curtilage associated with the private dwelling known as Lyde House, without planning permission, for a continuous period of 10 years.
- 5.4 The applicant has also submitted further details of sales information relating to when the property was marketed in 2009 and 2010. Both the 2009 and 2010 documents refer to garages and a carport.

6. EVIDENCE OF CONFLICTING EVIDENCE SUBMITTED

- 6.1 No conflicting evidence has been received.

7. ANALYSIS OF PROPOSAL

- 7.1 The application for a Certificate of Lawfulness is not a planning application where the relevant merits of the proposal are assessed against planning policy; it is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. The onus is on the applicant to provide precise and unambiguous information. In this instance, the main test of evidence is whether the land outlined in red has been used as residential curtilage for a continuous period of 10 or more years.
- 7.2 Annex 8 of Circular10/97 "Enforcing Planning Control" states that *"if the LPA have no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate "on the balance of probability"."*

- 7.3 The red line plan submitted encompasses the dwellinghouse, land immediately to the front and rear and land adjoined to the rear garden used for parking, which contains garages and a car port. The Council's historic maps show that the dwellinghouse existed prior to 1st July 1948, therefore, it is considered that the dwellinghouse and the land to the front and rear immediately associated with the dwelling and used as a front and rear garden are lawful. Land further to the east and west, is not considered to be intimately associated with the dwelling and has rightly been excluded from the red line. The applicants have included land immediately to the south of the rear garden used as a parking area within the red line and are seeking to demonstrate that this land is lawfully residential. The definition of curtilage is land immediately surrounding a dwelling. It is considered that the original use of the land is ambiguous given the proximity from the dwelling. Accordingly, the applicants are required to demonstrate on the balance of probability that this area of land has been used for residential purposes for a continuous period of 10 years or more. The photographs submitted cover a period from 1999 to 2009. The photographs dated 1st January 1999, 7th June 2005 and 14th April 2007 show a hard standing area immediately to the rear of the garden of the dwelling. A garage block building can be seen on the 1999 and 2007 photographs and various cars are shown parked on the hard standing area. The 2009 photograph shows the parking area as having been covered with gravel. The photographs show the parking area as being clearly separate from the agricultural land and orchard further south by a boundary hedge; the photographs also show that there is no other area used for parking at the site. Accordingly, given that no conflicting evidence has been received, on the balance of probability, it is considered that this area of land has functioned as a residential parking area for a continuous period of 10 years or more.
- 7.4 A garage and carport are located within the parking area. There is no planning history relating to these structures. Accordingly, the applicant needs to demonstrate that they have been in situ for a continuous period of 4 years or more. The applicant has provided details of when the property was marketed in 2009 and 2010. The sales details for the property dated 2009 makes reference to a gravel parking area, with garages and an additional car port on the east side. This is also reflected in the sales details dated 2010. The garage block can be seen on the photographs dating from 1999 and 2007; although the car port is not visible on the photographs due to trees and vegetation, tyre tracks leading to the car port are present in the 2007 photographs. Accordingly, on the balance of probability, it is considered that these structures have been in situ for a continuous period of 4 years or more.

8.1 RECOMMENDATION

- 8.1 A Certificate of Lawfulness of existing use is GRANTED for the following reasons:

It is concluded that on the balance of probability that the existing dwelling and immediately associated garden areas hatched red on the attached plan has existing prior to 1st July 1948 and are therefore, lawful.

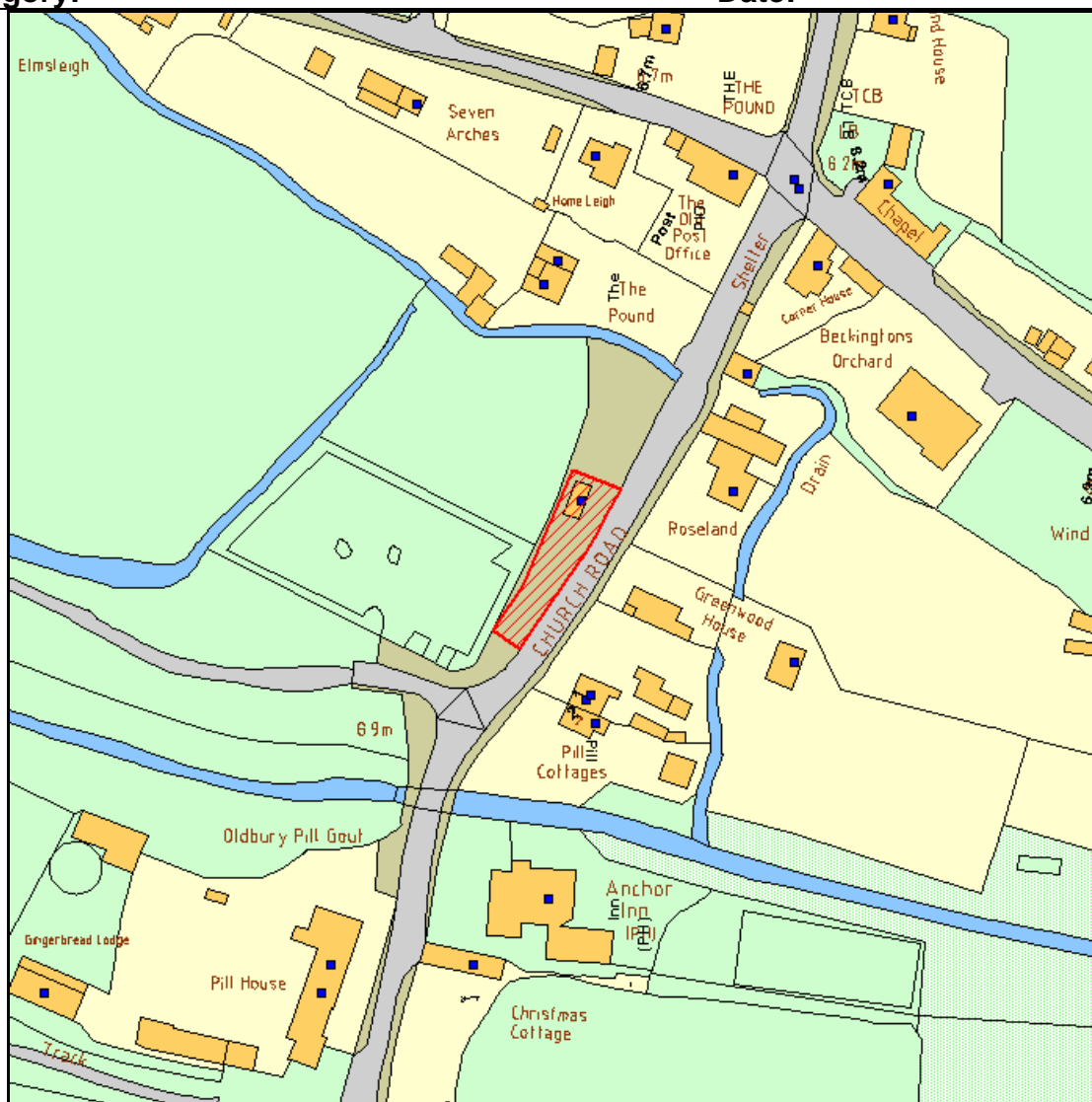
Sufficient information has been submitted to demonstrate that, on the balance of probability, the land immediately to the south of the rear garden and hatched red on the attached plan has been used as a residential parking area (Use Class C3) for a continuous period of 10 years or more immediately prior to the submission of the application.

Sufficient information has been submitted to demonstrate that, on the balance of probability, the garage and car port structures located within the land used for residential parking have been in situ for a continuous period of 4 years or more immediately prior to the submission of the application.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CIRCULATED SCHEDULE NO. 23/13 – 7 JUNE 2013

App No.:	PT13/1272/F	Applicant:	Oldbury-on-Severn Parish Council
Site:	Land Adjacent The Pound Church Road Oldbury On Severn South Gloucestershire BS35 1QA	Date Reg:	23rd April 2013
Proposal:	Demolition of timber shed and change of use of land for stationing of single storey cabin for a temporary period of three years for use as a Community Shop (Class A1) as defined in Town and Country (Use Classes) Order 1987 (as amended) with access, parking and associated works.	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	360905 192514	Ward:	Severn
Application Category:	Minor	Target Date:	14th June 2013



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT13/1272/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of objections from local residents.

1. THE PROPOSAL

- 1.1 The application is submitted by Oldbury-on-Severn Parish Council. The proposal is to demolish an existing timber shed and change the use of land for stationing of single storey timber cabin, which would be used as a community shop (Class A1) for a temporary period of 3 years. The proposed cabin would measure 9 metres long by 4.8 metres deep and 3.5 metres to its ridge. The proposed building will be located in the same position as the existing shed. The applicant also submitted a Flood Risk Assessment, Arboricultural Report, and a Supporting Statement prepared by DLP Planning Consultants.
- 1.2 The existing building and the land is situated within the settlement boundary of Oldbury-on-Severn. The application site is not situated within the Green Belt or a Conservation Area.

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
L1	Landscape Protection and Enhancement
L3	Coastal Zone
L9	Species Protection
L17& L18	The Water Environment
EP1	Environmental Pollution
EP2	Flood Risk and Development
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
RT8	Small Scale Retail Uses within the Urban Areas and the Boundaries of Small Settlements
LC12	Recreational Routes

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

CS1	High Quality Design
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources
CS34	Rural Areas

2.3 Supplementary Planning Guidance
Design Checklist

3. **RELEVANT PLANNING HISTORY**

3.1 None.

4. **CONSULTATION RESPONSES**

4.1 Oldbury-on-Severn Parish Council
No objection

4.2 Other Consultees

Health, Safety and Food:	No objection
Environmental Protection:	No objection
Environment Agency:	No objection subject to the finished floor levels are set no lower than 6.0m above Ordnance Datum.
Landscape Officer:	No objection
Highway Drainage:	No objection
Ecologist:	No objection
Horizon Nuclear Power:	No comment

Other Representations

4.3 Local Residents

11 supporting letters and 2 objection letters have been received and the local residents raise the following concerns:

Supporting comments:

- It's just what the village needs to bring back life into the community something we know the Govt is very supportive.
- Increase sense of community
- Reduce travel
- Possibility to buy locally sourced and fresh produce and supporting local farmers and producers
- Opportunity for volunteering
- centre location
- attractive unit
- convenient and sustainable
- gathering place / social hub for meeting other villagers
- Oldbury-on-Severn did have a village shop until a few years ago and so this does not represent a new development for the village
- Create a central point and improve the visual amenity of the site

Objections:

- Choice of site in Church Road (siting) is not acceptable
- Church Road is very narrow. The road has been resurfaced in 2011, however vehicles driving over the verges. The current situation is both dangerous and unattractive.

- Parking facilities is totally inadequate that causing congestion and increasing risk of accidents and further damaging the verges
- Some shoppers may require disabled access
- There is no footpath between the Pound and the Sailing Club Track, and that would cause danger to pedestrians that already exists in the village
- The building is not attractive and will spoil the green village of the village
- The proposal will have considerably impact on the neighbours' serenity, tranquillity and privacy due to the increased traffic to the Anchor and those walking on the Severn Way.
- The Flood Risk Assessment stated that the site is considered to be at a higher risk from tidal rather than fluvial flooding. The last tidal flood in Oldbury was in 1981 remedial work was undertaken following that incident and no tidal flood has occurred since. There have been at least 3 incidents of fluvial flooding. The statement is clearly not substantiated.
- There are at least 2 alternative sites in the village that would provide the same benefits including good safe pedestrian and vehicular access, no further from the centre.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

National Planning Policy Framework published in March 2012 and highlights the social role of the planning system. It states '*A social role- supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present of future generations, and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.*'

Paragraph 28 of NPPF states that local plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sport venues, cultural buildings, public houses and places of worship.

The application site is situated within the settlement boundary of Oldbury-on-Severn, and Policy RT8 of the adopted South Gloucestershire Local Plan allows small scale proposals falling within Class A1 (shops) within the existing urban areas and the boundaries of settlements provided that it would not prejudice visual and residential amenity of the area, and public highway safety. Therefore there is no objection to the principle of the proposed development.

It should also be noted that the applicant currently seeks 3 years temporary planning permission. The supporting statement indicated that the choice of a temporary building is driven by the need to establish whether or not a Community Shop, staffed by volunteers, would be a viable proposition. This proposal is a direct response to the Oldbury-on-Severn Parish Plan, which reported that 72% of households who responded to a Parish Survey said they wanted a Village Shop selling local produce. Oldbury Parish Plan has also been recently published which puts forward the proposal.

5.2 Design, Visual Impact and Landscape Character

The existing timber shed is dilapidated and the proposed replacement timber cabin is considered to be modest in scale. It is considered that the proposal would reflect the rural character of the area, and the replacement building would improve the appearance of the locality.

The Council Landscape Officer has considered the proposal and raises no landscape objection. The applicant submitted an arboricultural report with the proposal, officers consider that the proposed replacement 2 native English Oaks are considered to be acceptable and appropriate to this rural village location as these new trees would have a long life expectancy and in time provide a considerable benefit to the visual amenity of the village. Therefore a planning condition is imposed to ensure that the new replacement trees would be planted prior to the proposed use of the site.

5.3 Residential Amenity

Officers acknowledge that local residents raise objections to the proposal. The nearest residential properties to the proposed new building are: Roseland, Greenwood House, and the Pound.

The proposed building will be located in the same position as the existing shed. The new building would be situated opposite Roseland and Greenwood House. The Pound would be approximately 30 metres to north of the application site.

It is acknowledged that the proposed use would generate traffic to the locality. However, the proposed development would be modest in scale. The proposed building would be located at the centre of this small rural village and most of residential properties are located within a walking distance of the application site. The proposed shop therefore would be very likely used by the villagers. Given the scale and location of the building, it is considered that the proposal would not generate significant traffic, noise and disturbance to the detriment of the residential amenity of the neighbouring properties to warrant a refusal of this application.

Regarding the opening hours of the shop, it is currently planned to open the shop: Mondays to Wednesdays and Fridays, 8.00-18.00, Thursdays 8.00-19.00, Saturdays 8.30-14.00, and Sundays and Bank Holidays 9.00-12.00. The applicant highlights that these are indicative times and likely to change in response to customer demand and availability of volunteers. Officers consider that these planned opening hours are generally acceptable, and it would be reasonable to impose a planning condition to restrict the opening hours from 8.00am to 19.00pm Mondays to Fridays, 8.00am to 16.00pm Saturdays and 09.00am to 13.00pm Sundays and Bank Holidays, in order to protect the residential amenity of the neighbouring properties.

5.4 Transportation and Highway Safety

Having regard to the objection raised, Highway Officers can confirm that the measured width of the 'carriageway', as defined by the tarmac'd area, is deemed appropriate for two way car traffic to pass (Source: Manual For Streets) at a speed of up to 20-25MPH and for a HGV to pass a cyclist at

20MPH (Source: Manual for Streets 2). In this regard, whilst Highway Officers do not contest that verges may also be over-run, the street can accommodate two-way flows of traffic conducive to this rural village setting. Upon the lack of footways, this is a feature of streets in Oldbury On Severn and whilst officers acknowledge that pedestrians are not afforded priority through this provision, the village nature is conducive to the expectation of activity in narrow lanes and results in lower traffic speeds and greater driver awareness; this opinion is further borne out by the lack of any recorded accidents in a 500m radii around the development site.

With respect to parking, officers welcome any provision made, but recognise that occasional misuse may partially block the highway. However, this is not recognised to be a material consideration in this village location where carriageways may be observed as having variable width and that on-street parking will be prevalent. However, officers consider that the parking needs to be surfaced in a hard material to prevent loose material being washed onto the highway. In conclusion, there are no highway objections subject to a planning condition being imposed to ensure that the above requirement to be implemented.

5.5 Ecological Issues

The application site consists of a corrugated iron shed and area of grassed verge alongside Church Road immediately north of a public house car park in the centre of the village of Oldbury-on-Severn.

The site is not covered by any statutory or non-statutory nature conservation designation. Part of the Severn Estuary Oldbury Pill Site of Nature Conservation Interest (SNCI) lies to the south but will not be affected by the development.

The building is in a dilapidated condition and constructed from timber and corrugated iron roofing sheets and would not therefore offer suitable roosting opportunities to bats.

Therefore officers have no ecological objections to the proposal.

5.6 Flood Risk

The development is situated in Flood Zone 3, which is at high risk of flooding and the applicant submitted the Flood Risk Assessment with the proposal.

The Environment Agency and the Council Drainage Engineer have considered the proposal and raised no objection to the proposal provided that a planning condition is imposed to ensure that the finished floor levels of the new building are set no lower than 6.0 above Ordnance Datum to ensure the risk of flooding is at minimum. A planning condition is therefore imposed to ensure that this will be the case.

5.7 Environment Issues

The Council Health, Safety and Food Services considered the proposal and raised no objection. The Environment Services raised no objection and suggested a number of precautionary measures to be taken place during the construction period.

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 It is considered that the principle of the development is acceptable and is consistent with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

It is considered that the proposed timber cabin, which would replace the existing dilapidated timber shed, would not have material adverse impact upon the character and visual amenity of the site and the surrounding locality. The development is therefore consistent with Policies D1, L1 and RT8 of the South Gloucestershire Local Plan (adopted) January 2006

It is considered that the proposed development would not result in significant material impact upon the residential amenity and privacy of the occupants of nearby dwellings. The proposed development is consistent with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

It is considered that the proposed development would not cause unacceptable impact upon public highway safety and capacity. The proposed development is consistent with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

It is considered that the raise finished floor level of the proposed development would minimise the risk of flooding. The proposed development is consistent with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 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 planning permission be granted subject to the following conditions.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. The use hereby permitted shall be discontinued, the building hereby permitted shall be removed and the land restored to its former condition on or before 14 June 2016; in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

To allow the applicant to assess the viability of the proposed community use and permission for a limited period will also allow the Local Planning Authority to re-assess the development in the light of experience of the use, the provisions of the Local Plan, and any other material considerations.

2. Notwithstanding the submitted details, the finished floor levels of the development hereby permitted shall be set no lower than 6.0m above Ordnance Datum (AOD). The scheme shall be fully implemented and subsequently maintained.

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.

3. Prior to the commencement of development a scheme of landscaping, which shall include the removal of the existing Locust tree and the replacement with 2 native English Oaks (*Quercus robur*), shall be submitted to the Local Planning Authority for approval. The replacement trees shall be planted in the first planting season following the felling of the existing Locust tree. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Notwithstanding the submitted details and prior to the commencement of the development, the proposed parking facilities shall be surfaced in bound materials and details of hard-standing construction for the car parking area shall be submitted to and approved in writing by South Gloucestershire Council. Prior to the first use of the proposed development, the car parking area shall be constructed in full accordance with the approved details and retained thereafter to serve the development.

Reason

To ensure that the parking facilities are constructed to a suitable standard and shall not result in trip hazards and loose material being washed onto the highway in the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan Adopted January 2006.

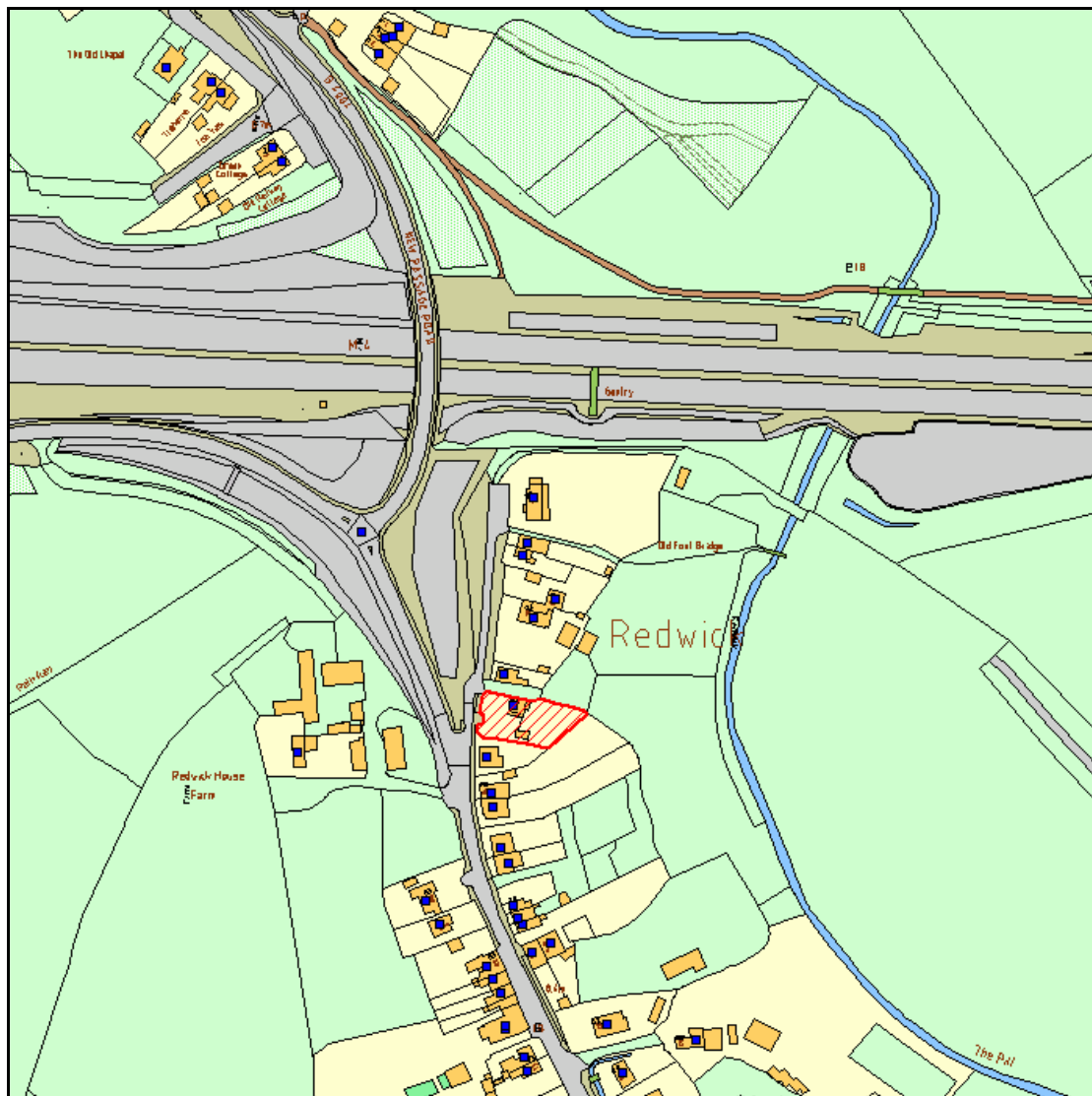
5. The use hereby permitted shall not be open to customers outside the following times: 08.00am to 19.00pm Mondays to Fridays, 08.00am to 16.00pm Saturdays, and 09.00am to 13.00pm Sundays and Bank Holidays.

Reason

To protect the amenities of the neighbouring occupiers, and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 23/13 – 7 JUNE 2013

App No.:	PT13/1285/CLP	Applicant:	Ms L England
Site:	Wisteria Cottage 80 Redwick Road Pilning Bristol South Gloucestershire	Date Reg:	23rd April 2013
Proposal:	Application for certificate of lawfulness for the proposed erection of a two storey rear extension and single storey side extension to form additional living accommodation. Alteration to roofline of existing porch.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	355080 185646	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	13th June 2013



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT13/1285/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule, as it is an application for a Certificate of Lawfulness for a proposed development, in accordance with the established practice for determining applications of this kind.

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed development would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013. This application establishes if it is necessary to submit a full planning application for the proposed works. Therefore, this application is not an analysis on planning merits, but an assessment of the development proposed against the above regulations.
- 1.2 The proposed development consists of a two-storey extension to rear, a single storey extension to the side of the property, and alterations to the roof line of the front porch.
- 1.3 Having reviewed the planning history for this property, the Council's records do not indicate that permitted development rights have been removed or restricted. It is therefore considered the property's permitted development rights are intact and exercisable.

2. POLICY CONTEXT

- 2.1 This is not an application for planning permission. It cannot therefore be determined through the consideration of policies contained within the Development Plan; determining this application must be undertaken as an evidential test of the submitted details against the regulations contained in the sources listed below.

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/1861/F: Erection of two storey side and single storey rear extension to form additional living accommodation. Alteration to roof of existing porch area. Decision date 08.08.2012. **Refused.**
- 3.2 P92/2325: Erection of pitched roof over existing flat roofed dwelling. Decision date 25.10.1992. **Approved with conditions.**

- 3.3 P91/1379: Erection of eight additional cat boarding kennels and exercise runs; resiting of existing isolation chalet. Decision date 24.04.1991. **Approved with conditions.**
- 3.4 P88/2836: Erection of detached house construction of new vehicular and pedestrian access (in accordance with the revised plans received by the council on the 11th November 1988). Decision date 24.11.1988. **Approval of reserved matters.**
- 3.5 P88/1389: Erection of detached dwelling. Construction of new vehicular and pedestrian access (in accordance with the amended plan received by the council on 25th March 1988). Decision date 20.04.1988. **Approval of Outline Permission.**

4. CONSULTATION RESPONSES

- 4.1 Pilning And Severn Beach Parish Council
No response
- 4.2 Highway Drainage
No objection subject to completion of flood mitigation measure details. These details would be required to satisfy national planning policy. However as applications of this type are not an assessment of a scheme against planning policy, these details have not been requested from the applicant.

Other Representations

- 4.3 Local Residents
One comment in support of the application, stating the works will improve the appearance of the house and be more in keeping with other properties in the area.

5. SUMMARY OF EVIDENCE SUBMITTED

- 5.1 The following documentation has been submitted to the Council on 12th February 2013 in support of this application, and on which the application shall be determined:
- drawing by Lewis Foster Lewis, 'Existing Site Plan and Existing Block Location Plan' reference 13-1614-101, date 12-04-13
 - drawing by Lewis Foster Lewis, 'Proposed Floor Plans' reference 13-1614-100 Rev A, date 04-04-13
 - document by Lewis Foster Lewis, 'Certificate of Lawfulness – Wisteria Cottage', dated April 2013
 - email from Hannah Panes at Lewis Foster Lewis, dated 4th June 2013, confirming the appearance of the extension will match the existing building.

6. ANALYSIS OF PROPOSAL

- 6.1 An application for a Certificate of Lawfulness must be determined solely on an assessment of evidence submitted to establish whether the proposed development would be implemented lawfully without the need to apply for planning consent. Therefore, there is no consideration of the planning merits of the proposed scheme or policies contained within the South Gloucestershire Local Plan (Adopted) January 2006, as neither are material considerations.
- 6.2 The decision is based on a test of the evidence presented. Should the evidence submitted demonstrate, that on a balance of probabilities, the proposed use is lawful then a Certificate must be issued confirming the proposed development can be lawfully implemented.
- 6.3 The property has previously been extended several times. A green house and small brick-built lean-to structure have been erected on the south side of the building, and a small porch structure on the front elevation. In addition the roof has been altered from a flat roof to a pitched form by the 1992 permission.

The proposal for which this Certificate is being sought consists of the following works:

- remove the green house structure and extend the side lean-to extension along the full length of the property, and erect a two-storey extension to the rear of the property
- alter the roof line of the front porch.

The two aspects fall under different Classes of the regulations and will therefore be assessed separately in this report.

6.4 **Side and rear extensions**

The extensions aspect of the development falls under the criteria of **Schedule 2, Part 1, Class A** of Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 (the enlargement, improvement or other alteration of a dwellinghouse). This type of development allows for the enlargement of a dwellinghouse provided certain criteria are met. Developments that fail any of the following criteria would not be permitted:

A.1 Development is not permitted by Class A if:-

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

The Certificate of Lawfulness document includes a block plan. This shows the result of the proposed development would not exceed 50% of the curtilage being covered by buildings.

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

The existing property is a two-storey detached house. The side extension is single storey only and the highest part of the proposed rear extension will not exceed the highest part of the existing house roof.

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

A single-storey rear extension is proposed. The existing property is a two-storey detached house. The height of the eaves of the proposed extension would not exceed the height of the eaves on the existing dwellinghouse.

- (d) *the enlarged part of the dwellinghouse would extend beyond a wall which:*
i) fronts a highway, and
ii) forms either the principal elevation or a side elevation of the original dwellinghouse;

The proposed extensions are located to the side and rear of the existing property. The proposed side extension will finish flush with, and therefore not extend beyond, the existing front (west-facing) elevation. The proposal will, therefore, not extend beyond a wall which forms a principal or side elevation, and fronts a highway.

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

The rear extension is two storey therefore this criterion does not apply to this extension. The top of the roof pitch of the side extension is shown to be 3.5 metres in height in the Certificate of Lawfulness document, and is therefore in accordance with this criterion.

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

The proposed side elevation is single storey only and this criterion is therefore not applicable. The drawing 'Proposed Ground Floor Plan' shows the rear extension to extend 3 metres beyond the rear elevation of the property. The Certificate of Lawfulness document shows the rear wall of the rear extension to

be 19 metres from the opposite, east boundary of the curtilage of the dwellinghouse. It is therefore in accordance with this criterion.

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

The Existing Site Plan (drawing 13-1614-001) show the existing building and proposed rear extension to be located on the northern boundary of the plot. The eaves height of the rear extension is shown to be 3 metres within the Certificate of Lawfulness document. The eaves height of the side extension is shown to be less than 3 metres within the Certificate of Lawfulness document.

As both extensions are within the permitted development threshold, the proposed development is in accordance with this criterion.

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

The rear extension does not extend beyond any side elevations. The side extension is single storey and is 3.5 metres in height and thus does not exceed the parameters in bullets i) or ii). The side extension is 2.8 metres in width, and the existing dwelling house is 5.6 metres wide, and therefore does not exceed the half-width of the house criteria. Therefore the proposals are in compliance with this criterion.

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

The Certificate of Lawfulness document shows there will not be a veranda or balcony, antenna or soil vent pipe as part of the development. The roof of the existing dwelling will be altered to cater for the roof of the rear extension and, as such, is not permitted under Class A. These alterations will be tested against the criteria set out in Class C.

A.2 Tests for development on Article 1(5) land

The application site is not on Article 1(5) land; therefore this section is not applicable.

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

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

(b) any upper-floor windows located in a wall or roof slope forming a side elevation of the dwellinghouse shall be -

i. obscure-glazed, and

ii. non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

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

The email from Lewis Foster Lewis to the Council indicates that the roof, windows and wall materials used will match those in the existing dwelling. The rear extension includes a side, west-facing dormer; the document indicates that this will be obscured glazed and non-opening.

The rear extension is two storeys and therefore A.3(c) should be assessed. The roof of the existing dwellinghouse is of different pitches with the ridgeline running closer to the front elevation of the property than to the rear. As such there is no prevailing pitch on the existing building. The roof pitch of the rear extension is steeper than either pitch on the existing roof, however this is necessary to achieve the design proposed. It is therefore concluded that these conditions of Part 1 Class A have been met.

6.5 The single storey rear extension does not fully comply with Schedule 2 Part 1 Class A of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, as the proposal includes amendments to the roof of the dwellinghouse.

6.6 It is considered that the side extension is considered to be a new extension assessed under Class A, and not an alteration to the existing roof of the glasshouse. As such this will not be assessed against Class C.

The proposed development includes an alteration to the roof of the house to facilitate the rear extension. This aspect of the development would fall under the criteria of **Schedule 2, Part 1, Class C** of Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 (other alterations to the roof of a dwellinghouse.) This allows for alterations to the roof of a dwellinghouse providing the development meets the following criteria:

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

(a) the alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

The Certificate of Lawfulness document shows the existing roof will not protrude further than the plane of the slope of the original roof. In addition, guidance from DCLG states alterations to an existing roof arising from an extension to a house under Class A should not be considered as protruding beyond the roof plane of the original roof.

(b) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

(c) it would consist of or include -
i. the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
ii. the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

The Certificate of Lawfulness document shows that the proposed alterations to the roof where the extension meets the existing roof would be higher than the highest part of the roof. It is not proposed that this development would include a chimney, flue, soil and vent pipe, photo-voltaics, or solar thermal equipment. As such the development passes this criterion.

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

(a) obscure-glazed; and
(b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

There are no windows proposed on the roof slopes of the existing building.

6.9 The amendments to the existing roof to facilitate the rear extension is therefore considered to comply with Schedule 2 Part 1 Class C of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, and is considered permitted development.

6.10 **Porch roof alterations**

The proposal seeks to carry out alterations to the porch structure attached to the front, west-facing elevation. The entrance door will be moved from the side, south-facing elevation of the porch, to the front west-facing elevation. These works fall within the criteria of **Schedule 2, Part 1, Class A** of Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 (the enlargement, improvement or other alteration of a dwellinghouse.)

The proposal also entails altering the porch roof, from a single-pitch, lean-to roof, to a dual-pitch with a ridge running front-to-back. As the roof of this structure is not considered to be part of the roof of the dwellinghouse it will not be assessed against the criteria of **Class B** or **Class C**.

Although the porch is not being erected as part of the proposal, it is considered that only the features being altered should be assessed against permitted development legislation under the criteria of **Schedule 2, Part 1, Class D** of Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 (erection of a porch outside the external door of a dwellinghouse).

- (a) *the ground area (measured externally) of the structure would exceed three square metres*

As the ground area of the porch is not being altered it is considered this test is not applicable to the proposal.

- (b) *any part of the structure would be more than three metres above ground level*

The Certificate of Lawfulness document shows that the proposed alterations to the porch roof, result in the roof ridge being 3 metres above ground level.

- (c) *any part of the structure would be within two metres of any boundary of the curtilage of the dwellinghouse with a highway.*

The Existing Site Plan (drawing 13-1614-001) shows the building to be in excess of 2 metres from the highway. The amended roof structure will not encroach within the 2 metre buffer area.

- 6.11 The amendments to the existing porch roof is therefore considered to comply with Schedule 2 Part 1 Class D of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, and is considered permitted development.

7. CONCLUSION

- 7.1 The evidence submitted to support the proposed development has been assessed against the regulations set out in The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.
- 7.2 The single-storey side extension and two-storey rear extension has been found to comply with the criteria of Schedule 2 Part 1 Class A of the above-mentioned Order, and alterations to the existing roof to facilitate the rear extension has been found to comply with the criteria of Schedule 2 Part 1 Class C of the above-mentioned Order.
- 7.3 The alterations to the existing porch and its roof line have been found to comply with the criteria of Schedule 2 Part 1 Class A and Class D of the above-mentioned Order.
- 7.4 The proposed development is considered permitted development and an application for planning consent is not required.

8. RECOMMENDATION

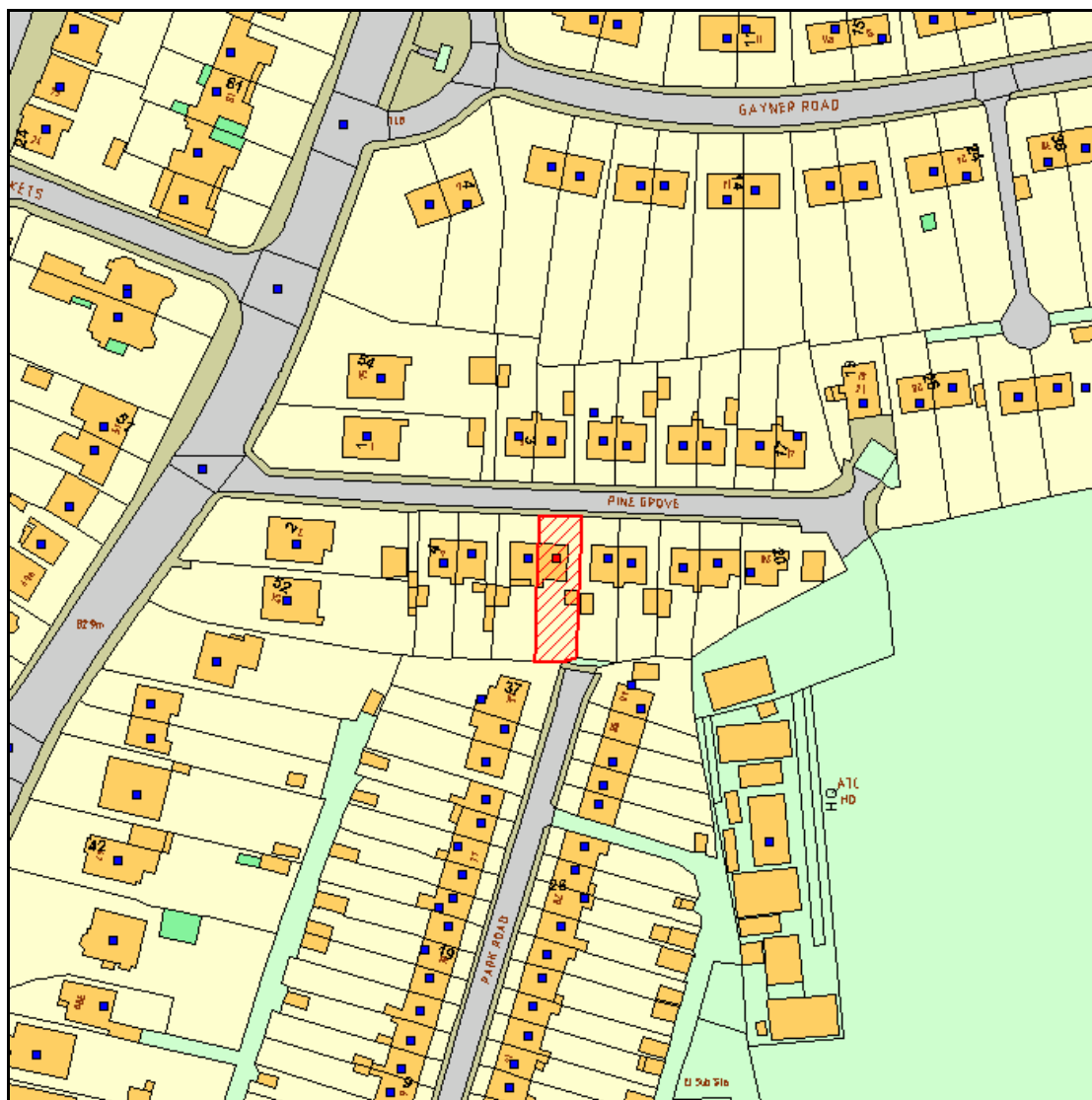
- 8.1 It is recommended that a Certificate of Lawfulness for Proposed development be GRANTED for the following reason:

Evidence has been provide 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) (England) Order 2013, and is considered permitted development.

Contact Officer: Christopher Roe
Tel. No. 01454 863427

CIRCULATED SCHEDULE NO. 23/13 – 7 JUNE 2013

App No.:	PT13/1426/CLE	Applicant:	Mr M Fowler
Site:	10 Pine Grove Filton Bristol South Gloucestershire BS7 0SL	Date Reg:	30th April 2013
Proposal:	Application for Certificate of Lawfulness for existing loft conversion and installation of side and rear dormers	Parish:	Filton Town Council
Map Ref:	360030 178398	Ward:	Filton
Application Category:	Minor	Target Date:	20th June 2013



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT13/1426/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the existing side and rear dormer window at 10 Pine Grove Filton would be lawful.
- 1.2 This is based on the assertion that the existing dormers fall within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Additionally, the applicant indicated that the existing dormers have been substantially completed for a little over ten years. Therefore the proposal can be considered based on the evidence submitted with the application. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. The onus is on the applicant to provide precise and unambiguous information. In this instance, it must be demonstrated that the existing dormers have been in situ for a continuous period of four or more years. Annex 8 of Circular 10/97 "Enforcing Planning Control" states that *"if the LPA have no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate "on the balance of probability"."*

- 1.3 The application property is a two-storey semi-detached dwelling and is located within the established settlement boundary of Filton.

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.

The Government has recently published the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, which only affect Part 1 Class A and Part 2 Class A. Therefore the changes of GPDO do not have any impact upon the assessment of this application.

- 2.2 The Town and Country Planning (Development Management Procedure) (England) Order 2010
Circular 10/97: Enforcing Planning Control

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history relating to the application site, however a building regulation application, BT01/0441/EP for the existing dormers are being considered. The application was submitted in 2001 and a final completion certificate was issued in June 2001.

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objection

Other Representations

- 4.2 Local Residents
None received

5. SUMMARY OF EVIDENCED IN SUPPORT OF APPLICATION

- 5.1 Site location plan; Block Plan, Existing and Proposed elevations, and a supporting statement.

6. EVALUATION

- 6.1 The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for Planning 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 existing development is lawful.

There are two parts of assessment with this application. I. To determine whether the existing rear dormer falls within the permitted development rights afforded to householders. II. To determine whether existing side dormer has been in situ for a continuous period of four or more years.

- 6.2 Installation of rear dormer
The key issue is to determine whether the existing rear dormer falls within the permitted development rights afforded to householders Schedule 2, Part 1 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) 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 an addition or alteration to its roof, provided that it meets the criteria as detailed below:

B1 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 existing rear dormer does not exceed the height of the highest part of the main roof of the dwelling.

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

The dormer is stalled on the rear elevation, which is not the principal elevation of the dwellinghouse, and do not directly front a highway.

- (c) **the cubic content of the resulting roof space would exceed the cubic content of the original roof spaced 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 semi-detached property and the total cubic content of the proposed rear dormer is approximately 20m³ and therefore complies with this criteria.

- (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**

The existing rear dormer would 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 work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse**

The materials used in the construction of the existing rear dormer match the roof tiles 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 cm from the eaves of the original roof.**

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

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

The existing rear dormer meets this criterion due to its location.

6.3 Installation of side dormer

The applicant indicated that the existing side dormer has been built more than ten years ago. Officers therefore assess this part of the application based on the submitted evidence in support of application.

The Council's own records with building regulations, BT01/0441/FP, indicated that the existing dormers were completed in June 2001. Although further information are required for the internal works, the works are relating to building regulations and not planning issues, and these works will not affect the appearance of the existing dormers.

Additionally, The Council's own satellite images dating from 2005, 2006 and 2008/2009 do not conflict with the information shown on the applicant's supporting statement. The dormer shown on the satellite images consistent with the scale and design of the dormer shown on the submitted drawings.

As such, and given that no contrary evidence has been submitted, it is considered that on the balance of probability, the existing side and rear dormers have been in situ for a continuous period of 4 years or more.

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 existing rear dormer 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.

Additionally, sufficient evidence has been submitted to demonstrate, that on the balance of probability, the existing side dormer hatched in red on the attached plan has been in situ for a continuous period of four years or more.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CIRCULATED SCHEDULE NO. 23/13 – 07 JUNE 2013

App No.:	PT13/1449/TRE	Applicant:	Mr Montague Truscott
Site:	Vernridge 6 The Scop Almondsbury Bristol South Gloucestershire	Date Reg:	3rd May 2013
Proposal:	Works to crown lift 1 no. Yew Tree by 2.5 metres covered by Tree Preservation Order No. 45 dated 18th June 1973	Parish:	Almondsbury Parish Council
Map Ref:	360701 184182	Ward:	Almondsbury
Application Category:		Target Date:	27th June 2013



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT13/1449/TRE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule as representations have been made by the Parish Council and a local resident, which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks consent for works to 1no. Yew Tree covered by Tree Preservation Order no.45 dated 18th June 1973, to lift the crown of the tree by 2.5 metres.
- 1.2 The tree is located within the residential curtilage of 'Vernridge', Almondsbury, on northern boundary adjacent to the highway (The Scop).

2. POLICY CONTEXT

- 2.1 National Guidance
The Town and Country Planning Act 1990
The Town and Country Planning (Tree Preservation) (England) Regulations 2012

3. RELEVANT PLANNING HISTORY

- 3.1 P93/2192/T - Remove major deadwood, reduce canopy, reduce sides and reshape one yew tree . Approved 13th October 1993

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
This seems excessive. Please refer to the Tree Officer
- 4.2 Tree Officer
No objection
- 4.3 Local Residents
One letter of objection has been received from a local resident. The comments are outlined as follows:
 - I object to any work on trees and hedges during the nesting season of birds. It is an offence under the Wildlife and Conservation Act to disturb any nesting birds during the nesting season (March - August) depending. Therefore, this works should be carried out after the nesting season. The Council should add a condition to that effect to any application of this nature.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The only issue to consider in this application is whether the proposed works will adversely affect the health and appearance of a tree, which makes a significant contribution to the character and visual amenity of the area.

5.2 Consideration of proposal

The 1no. Yew tree is situated within the residential curtilage of 'Vernridge', Almondsbury, adjacent to the boundary of the site and visible from the highway. The branches of the tree overhang the driveway to the dwelling. The application seeks consent for works to lift the crown of the tree by 2.5 metres following previous maintenance works.

5.3 The tree has previously been crown raised in accordance with the proposed works. As the branches of the tree overhang the driveway it is necessary to raise the lower branches to allow unimpeded access along the drive. As the works have previously been undertaken the application should be viewed as ongoing management. The proposed works are not considered to prejudice the health or visual amenity of the tree, and are therefore in accordance with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

5.4 The Wildlife and Countryside Act 1981 makes it a criminal offence to damage or destroy the nest of any wild bird whilst that nest is in use or being built. Established working practice avoids works to any hedgerow, tree or other vegetation where birds may reasonably be expected to make their nest (such as scrub) between 1 March and 31 August in any year. Care should be taken outside of this exclusion period as variations in climate may extend the nesting season. In light of this Act it is not necessary to condition this, however an informative is attached to the decision notice to notify the applicant of these restrictions.

6. CONCLUSION

6.1 The proposed works are in accordance with good arboricultural management and should not impact on the health of the tree. There are therefore no objections to this application in terms of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

7. RECOMMENDATION

7.1 That consent is **GRANTED** subject to the conditions on the decision notice.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012