



**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. 12/13**

**Date to Members: 21/03/13**

**Member's Deadline: 27/03/13 (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](mailto: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](mailto: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 you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

**Dates and Deadlines for Circulated Schedule**  
**During Easter Bank Holiday Period 2013**

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline 5pm on</b>
12/13	Thursday 21 March 2013	Wednesday 27 March 2013
13/13	Wednesday 27 March	Friday 05 April 2013

Above are details of the schedules that will be affected by date changes due to Easter Bank Holiday.

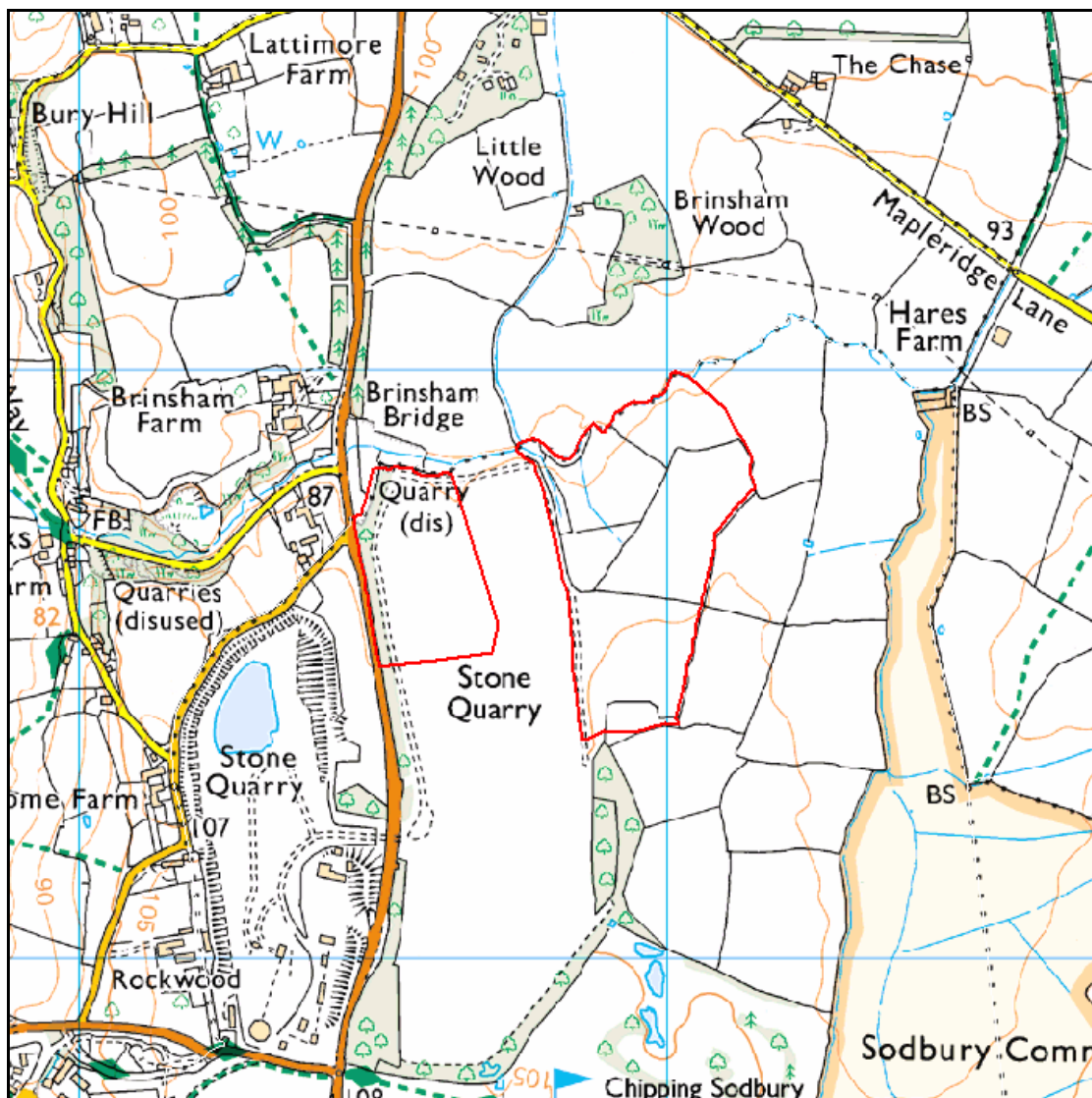
All other schedules during this period will be published as normal on Fridays

# CIRCULATED SCHEDULE – 21 MARCH 2013

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK10/3386/FM</b>	Approve with Conditions	Land At Hampstead Farm Chipping Sodbury Quarry Barnhill Road Chipping Sodbury South Gloucestershire	Chipping	Sodbury Town Council
2	<b>PK13/0336/F</b>	Approve with Conditions	65 Summers Mead Yate South Gloucestershire BS37 7RB	Yate North	Yate Town
3	<b>PK13/0354/F</b>	Approved Subject to	50 High Street Oldland Common South Gloucestershire BS30 9TL	Oldland	Bitton Parish Council
4	<b>PK13/0498/CLP</b>	Approve with Conditions	41 Holbrook Lane Wick South Gloucestershire BS30 5QY	Boyd Valley	Wick And Abson Parish Council
5	<b>PK13/0532/CLP</b>	Approve with Conditions	77 Bickford Close Barrs Court South Gloucestershire BS30 8SG	Parkwall	Oldland Parish Council
6	<b>PT13/0287/CLP</b>	Approve with Conditions	3 Marsh Common Road Easter Compton South Gloucestershire BS35 4JX	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
7	<b>PT13/0303/F</b>	Approve with Conditions	Huntingford Mill Swinhay Lane Charfield Wotton Under Edge South Gloucestershire GL12 8EX	Charfield	Charfield Parish Council
8	<b>PT13/0315/F</b>	Approve with Conditions	12 Travers Walk Stoke Gifford South Gloucestershire BS34 8XW	Stoke Gifford	Stoke Gifford Parish Council
9	<b>PT13/0324/F</b>	Approve with Conditions	9 Kennet Way Thornbury South Gloucestershire BS35 2EY	Thornbury South And	Thornbury Town Council
10	<b>PT13/0331/F</b>	Approve with Conditions	5 The Land Coalpit Heath South Gloucestershire BS36 2LJ	Frampton Cotterell	Frampton Cotterell Parish Council
11	<b>PT13/0369/F</b>	Refusal	Jennys Hairdessers 6 The Causeway Coalpit Heath South Gloucestershire BS36 2PD	Frampton Cotterell	Frampton Cotterell Parish Council
12	<b>PT13/0422/CLE</b>	Approve with Conditions	Woodlands Yard Bristol Road Frampton Cotterell South Gloucestershire BS36 2AW	Frampton Cotterell	Frampton Cotterell Parish Council

## CIRCULATED SCHEDULE NO. 12/13 – 21 MARCH 2013

<b>App No.:</b>	PK10/3386/FMW	<b>Applicant:</b>	Hanson Aggregates
<b>Site:</b>	Land At Hampstead Farm Chipping Sodbury Quarry Barnhill Road Chipping Sodbury	<b>Date Reg:</b>	8th December 2010
<b>Proposal:</b>	Variation of Condition 2 giving an expiry date of 31 December 2010 attached to previously approved planning permission P90/1871 dated 19 October 1994 to allow for the continued use of the site for quarrying and associated activity.	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	372305 182996	<b>Ward:</b>	Chipping Sodbury
<b>Application Category:</b>	Major	<b>Target Date:</b>	7th March 2011



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 100023410, 2008. **N.T.S.** **PK10/3386/FMW**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule as a result of responses received to the consultation process, contrary to officer recommendation

### **1. THE PROPOSAL**

- 1.1 Planning permission reference P90/1871 for the extraction of stone from within a preferred area within the existing quarry complex and the extension of existing environmental screenbanks was issued on 19<sup>th</sup> October 1994. Condition 2 of that consent states that the permission shall expire on the 31<sup>st</sup> December 2010. The reason given for this condition at the time was to comply with the requirements of Section 5 of the Town and Country Planning Act 1990. This application seeks consent for the variation of condition 2 of planning permission P90/1871 in order to extend the timescale for quarrying in line with the remainder of the quarry complex (2042). This application was submitted prior to the expiry of the prescribed date.
- 1.2 It should be noted that in the context of the wider quarry operations, a review of old mineral conditions for the whole of Chipping Sodbury Quarry is underway. This is a statutory requirement under both the Planning and Compensation Act 1991 and the Environment Act 1995, covering all old minerals permissions. This is being undertaken under references PK11/0612/MW and PK11/0613/MW and reports are being prepared. These reports, under the Council's own constitution, will go to committee once complete. These submissions cover the conditions for operations within the quarry as a whole including the area of land the subject of this application however this application is necessary to formalise timescale limits on this particular parcel of land within the wider quarry complex. It is therefore sought to vary the timescale of this particular parcel of land commensurate with the remainder of the quarry. The proposals have been screened under the 2011 Environmental Impact Assessment Regulations and the application is not considered to meet the thresholds or criteria for full EIA in its own right.
- 1.3 The application area itself forms part of the wider operational quarry area known as Hampstead Farm on the eastern side of the B4060. Within the red line boundary previously covered by the P90/1871 consent are two distinct areas. The area furthest to the east is an area previously used for the deposit of quarry waste/overburden and the construction of environmental screen banking covering approximately 14 hectares. The western area is a rectangular shaped area within the actual operational quarry itself covering approximately 6 hectares. The remainder of the Hampstead Farm area is covered by other consents, the largest being NA/IDO/OO4, covering most of the Hampstead Farm area and a further consent formerly N.4997 which covers a small parcel of land on the western edge of Hampstead Farm, the time restriction on which is sought to be regularised under a further application, planning reference PK11/0398/MW.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

## 2.2 Development Plans

South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002  
Policy 22 – Residential Amenity  
Policy 31 – Supply of Crushed Rock

South Gloucestershire Local Plan Core Strategy Incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012  
CS1 High Quality Design  
CS10 Minerals Supply

## 3. RELEVANT PLANNING HISTORY

- 3.1 IDO 542 – Quarrying was originally granted under IDO (Interim Development Order) permission 542 issued on 11<sup>th</sup> October 1947 for all areas, other than Southfields.
- 3.2 SGC646/C – Quarrying of limestone in the Southfields area. Approved 1959. This permission relates to quarrying in the Southfields area.
- 3.3 SG646/H – Extraction of limestone (2 acres approx.) Approved 1<sup>st</sup> December 1965. This permission relates to quarrying in the Southfields area.
- 3.4 Modification Order – In 1977 the former Avon County Council negotiated a modification in respect of the IDO permission. This essentially reduced area of the permission that would be excavated, due to poor quality limestone and provided for increased landscaping requirements utilising site overburden which was to be deposited.
- 3.5 N4997 – Extraction of limestone and provision of landscaping. Approved 11<sup>th</sup> April 1979. This was essentially a small northwards extension to quarrying within Hampstead Farm that had not previously been covered by the other larger consents.
- 3.6 P90/1871 – The extraction of stone from within a preferred area within an existing quarry complex and the extension of existing environmental screenbanks. Approved 19<sup>th</sup> October 1994. The permission for this relatively small area of land was subject to a time limit not consistent with the majority of the quarry and is currently subject of consideration to vary condition and extend the timescale for the site under planning application reference PK10/3386/FMW being considered concurrently with the review.
- 3.7 NA/IDO/OO4 – The planned development of land for quarrying dated 11<sup>th</sup> October 1947. Agreed 28<sup>th</sup> September 1992. This was essentially the registration and up to date recognition of the early IDO permission referred to

above.

- 3.8 It should also be noted that under the terms of a Section 106 Agreement in connection with planning permission reference P93/2645 for the extension of Tytherington Quarry, that quarrying rights for remaining reserves of stone at Southfields, Barnhill and East Hampstead Farm were surrendered.
- 3.9 PK11/0612/MW and PK11/0613/MW – Application for the determination of new conditions under the Planning and Compensation Act 1991 (formerly ref. NA/IDO/004A) and application for determination of conditions under the Environment Act 1995 (formerly ref. P98/2078/MR). Currently under simultaneous considerations with reports to follow to committee.
- 3.10 PK13/002/SCR – Continued use of the site for quarrying. Screening Opinion that this was not EIA development 20<sup>th</sup> February 2013.

#### **4. CONSULTATION RESPONSES**

##### **4.1 Yate Town Council**

A detailed and relatively long response has been received by Yate Town Council. This is summarised below. The full document is available on the Council's website.

Object as follows:

For the past 30 years, since the houses in the 'Counties' development, notably in Wiltshire Avenue in Yate were built, problems of nuisance from dust and noise emanating from activities in the adjacent Barnhill stone stockpile area have been a regular occurrence. Dust has been an issue across the entire Counties development, as far as the other side of Goose Green Way.

As a result of continuing complaints, and the engagement of environmental health a number of palliative measures have been put in place, such as water sprinklers on the stock piles. In addition there have been longstanding complaints about the impact of the stockpiles on the skyline: at times when the quarry has been building up reserves the stockpiles have been an excessively dominant landscape feature particularly in winter.

So, the current position has been the subject of environmental complaint ever since housing was built north of the river. Considerable pressure was exerted by local councillors and residents at the time of the 1990 consent to seek a complete modernisation of any consents, and a timetable for the removal of the stockpiles.

We are deeply saddened to see yet another application to renew the presence of the stockpiles, when quarrying is now only taking place a considerable distance away, at Hampstead Farm, the other side of the Wickwar Road, accessible from the stockpiles only by crossing the main PDR for the town, Peg Hill and then passing through the former Southfields Quarry and under the Wickwar Road through a tunnel.



Although the bulk of Permission P90/1871 deals with extraction of limestone at the northern end of the Hampstead Farm site, condition 19 was also included in an attempt to deal with nuisance created by stockpiling of stone at Barnhill. The detailed management conditions associated with the Barnhill site related to condition 19, has not been included in the documents provided in support of Application PK10/3386/RVC. It is considered that there are also possible breaches of other conditions within P90/1871.

These breaches and their failure to address the stockpile condition in over 20 years demonstrate that effective monitoring and enforcement is not taking place, so that the imposition of any additional controls for the stockpile area cannot be relied upon to resolve the long running problem of dust and noise nuisance which is caused by the unsuitable co-location of the stockpile area and nearby sensitive residential properties. Relocation away from the housing is the only solution which can be policed effectively.

In the Consultation Report (May 2002) related to Planning Documents NA/IDO004/A and P98/2078/MR, there are numerous references to the unsuitability of the current stockpile location at Barnhill and the need to draw up plans to relocate it within a short time scale. 8 years later we are still waiting for this to be achieved. The Planning file P98/2078/MR also contains a letter written in June 1998 giving details of the re-landscaping that will be required after the stone piles have been removed. Why is it that 12 years later, we are still waiting for this to happen? Indeed in the interim tree felling on the slopes has exacerbated the landscaping problem. The agreement reached in 1990 on the IDO application has still not been implemented, 21 years on.

Several Planning Documents related to the quarry complex specifically state that extraction of stone should commence at the southern end and proceed in a northerly direction. The whole of the Hampstead Farm site is currently being worked. If the Quarry operator had complied with this condition, then the southern end of Hampstead Farm should by now have been worked out and would be available for stockpiling stone extracted from the northern end of the site.

Over the past 18 months, residents have been keeping detailed logs of observed dust generation within and around the stockpile area, accumulations of dust deposits and noise nuisance. These peak periodically. Individual Councillors themselves have experience of limestone dust deposits on their properties a mile or more from the site. This is a persistent problem, and has an impact on lung function, chest infection levels and asthma sufferers – even inert dust has that effect.

Since the beginning of 2010, a local resident of the worst affected area, Wiltshire Ave, has been measuring noise levels. Over 500 noise level measurements have been taken. Background noise levels when vehicles are not operating generally have decibel values [db(A)-LA90] in the low 30's. When activities are taking place in the stockpile area, which towers above the houses and is visible from them, there are peak values up to 82db(A). In a wholly residential area, with no employment activities within a considerable distance this has a significant impact on the area. Although the quarry operators claim to

have introduced dust and noise management plans in November 2009, the problems continue unabated. These are unnecessary sources of continual nuisance.

We are aware of a number of continuing breaches of the conditions of working agreed in 1990, for example the spread of the stockpiles has breached condition 2 requiring the stockpiles to be a minimum of 15m from the western boundary fence.

There are a number of documents available that provide guidance related to the operation of quarries which state that activities that have the potential to create dust should be located in a sheltered site. The current location at Barnhill is probably the most exposed location in the local area, being on an elevated plateau approximately 50 metres away from residential property, and towering above them. The operator regularly breaches the conditions associated with dampening.

Back in August 1989 Yate Town Councillor Mike Drew secured agreement with the former Avon and Northavon Councils that a condition should be imposed on the 1990 consent that the stockpiles should be removed before any consent was given for new works. The time is long overdue for this action to be implemented.

The new application omits condition 19 of the original permission P90/1871 which was a significant condition, which needs now to be met, 11 years on. The scheme implementing condition 19 is attached. It provided for temporary continuation of the stockpiles with mitigation, but the last paragraph says:

The current application does not demonstrate it is impractical to use Southfields, and we are now well through the life of Hampstead Farm and therefore it should be possible to relocate into Hampstead Farm. To the extent this is not practicable, that is the result of deliberate decisions by the applicant about how to work Hampstead Farm (and itself contrary to the original scheme which required them to move progressively from one end to the other).

There is concern that conditions of the original consent are not being complied with. For example condition 26 regarding a quarry management plan indicating phased northwards progression. Condition 18 of the 1998 seeks a general direction of working from north to south. Had they been complied with, an area in Hampstead would now be available. The failure to comply with conditions cannot now be relied upon by the operator as an explanation/justification for failing to relocate the stockpiles.

NA/IDO/004/A and the associated Committee Report makes clear that the relocation of the stockpiles was a clear requirement of the IDO authorisation. It makes a mockery of that process to even consider granting a new consent, 11 years later when nothing has been done to implement this clear requirement.

(Officer note: NA/IDO/004/A referred to above was a draft predecessor of the application refs. PK11/0612/MW and PK12/0613/MW for the ongoing review of conditions and was not a formal decision. The review continues to be

undertaken under these new reference numbers, and will be subsequently reported to Committee).

In 1990 Yate Town Council wrote *"The Town Council recognise that the current stockpiles lie outside the IDO application area but nonetheless recommend that two conditions should be imposed relating to the storage of aggregates: (a) the remaining stockpiles should be screened from the residential area. (b) all material extracted from within the IDO zone should be stored within the IDO area, in a site which is well screened from residential areas to avoid noise, dust and visual intrusion. If that is not accepted, then at the very least a condition should be imposed controlling the location and operation of any future stockpiles."* The consent issued, had a condition (19) requiring a scheme of management for the stockpiling of material arising from the extraction site. The resulting approved scheme included interim palliative measures, concluding the stockpiles would be moved to Southfields or Hampstead as soon as possible. We are 21 years on. Surely the time has come to implement this move. Even in 1990 the stockpile location and operation failed to meet the then mandatory environmental requirements, and those standards have increased in the last decade, so to continue them is to compound the problem.

In 1990 Yate Town Council highlighted the sensitive nature and concerns over aggregate stockpiling on land to the west of Barnhill on the basis of visual prominence, noise and dust impacts. They also acknowledged the improvements made through the implementation of the scheme required through condition 19 (see above). However they were only recognised as a short term solution, and it was considered that the quarry operators should come up with an alternative solution/phased relocation.

As part of the consultations for application refe. P98/2078/MR (part of the minerals review ) the Town Council wrote objected, stating there was a need to prohibit storage of any materials on the Barnhill site. A condition of this consent a phased removal over an agreed timescale was recommended in order to address visual amenity and noise and dust issues. Stockpiles are still present 13 years later, and no sign of either removal or restoration

(Officer note: As with the reference to NA/IDO/004/A (above), P98/2078/MR was a draft predecessor of the application ref. for the ongoing review of conditions, and was not a formal decision. The review continues to be undertaken under this new reference number and will be subsequently reported to Committee).

The Quarry operators own vast acres of land to the east of Hampstead Farm that is eminently more suitable for storage of crushed stone. They own the whole of Barnhill Quarry and Southfields Quarry, both of which are worked out. There appears to be no good reason why this land should not be utilised for this purpose. If for any valid reason this is unacceptable, then an alternative site needs to be urgently identified. A claim by the Quarry operators that there is no viable alternative is totally unacceptable and unreasonable. To continue to store stone on the most visible site in Yate, on the highest land this side of the Cotswolds more than 30 years after the last stone was removed from either the adjoining quarry, Barnhill or the one beyond it, Southfields, is unacceptable.

The source of continual nuisance that adversely affects our quality of life and enjoyment of our homes is quite unacceptable and needs to be eliminated without any further delay. Relocation of the stockpiles to a more suitable sheltered site well away from sensitive residential properties is long overdue and is the only satisfactory solution to this long running source of irritation and nuisance that has been patiently endured by local residents for the past 30 years.

Unless stronger conditions are imposed than in the 1990 and 1998 - both of which have been completely ineffective to protect residents – we will move backwards. At present, we have the most polluting activity in our town on the highest point for miles around, visible for considerable distances and as a result of its high point location within yards of houses making maximum adverse impact on several thousand houses.

The current stockpiles are within 100 yards of the North Brimsham Urban Extension proposed in South Gloucestershire Council's Core Strategy. It cannot be sensible to be planning 3000 extra houses this close to a noncompliant site, which the authorities required to be moved 21 years ago for environmental health reasons.

We therefore strongly object to Planning Application PK10/3386/RVC as currently proposed. We would support consent for continued working of the quarries on condition that:

- the stockpiles be relocated to a site at which modern environmental requirements can be fully met; away from housing; within either Southfields, Hampstead or East Brimsham within a short timescale, expressly agreed as a condition of consent;
- restoration of the former stockpile site as amenity land, and reopening of the footpath across the land unlawfully obstructed;
- the imposition of site boundary noise, dust and other environmental conditions with remote monitoring;
- more effective monitoring of compliance with enforcement action;
- all other conditions, particularly those associated with restoration, aftercare and public access to be at least as good as in the 1990 and 1998 consents.

#### Sodbury Town Council

This Council has NO OBJECTION to the application subject to it being considered in context with the wider scheme once submitted in order to provide for a consistent set of conditions that cover the whole quarry complex.

#### 4.2 Other Consultees

##### Environmental Protection

The Environmental Protection Team comment as follows on the variation application with regard to noise and dust.

Hampstead farm is a remote part of the quarry and does not to give rise to

complaints and can meet planning criteria .It is further subject to bi annual inspection by the EPT to ensure compliance with a Permit required under the Environmental Permitting Regulations which details extensive conditions to mitigate dust and emissions to air.

With respect to Noise the observed noise climate will not exceed appropriate noise criteria for day and night noise levels now referenced under the National Policy Planning Framework NPPF. There are no recent plant noise complaints; 2 blast noise complaints in the last 3years were investigated and well within the noise and vibration condition limit specified in the overall consent.

The whole quarry including the Barnhill stockpiles are also subject to the same Permitting controls and the updated, computer controlled water suppression measures and the Dust Management Plan which flow from the on going EPT investigations.

The EPT has been regularly involved in the active Liaison Group set up in 1992 primarily to address concerns around the Barnhill stockpiles and the Town council concerns are noted.

There are no grounds to mount a sustainable formal objection to the Hampstead Farm application for variation, and its continued and extended operation .

Transportation

No objection

Ecology

No Objection

The Environment Agency

No objection

The Coal Authority

No objections

**Other Representations**

4.3 Local Residents

Two letters of objection have been received by local residents. The first one is virtually identical to the comments received by Yate Town Council. Again full details and associated attachments are available on the Council's website. The comments have been referred to in detail under the Yate Town Council comments in the relevant section above. The second letter is summarised below :

I wish to raise objection to the above Planning Application for further development of this quarry site. My objection is based on the abject failure of the quarry operating company to abide by planning authorisations already in situ for the existing operation. In particular has been their failure to control dust from the stockpile site. Very specific requirements are laid out in the current

authorisation and these have never been implemented and in spite of constant complaints, it is clear the operating company have no intention of fulfilling these obligations. Water cannon do not meet the specifications. Wheel washers at the site exits are either non-existent or never in operation. Stockpiling operation does not comply with regulation and nor does blasting schedules. Complaints to South Glos. Council Environmental Health Officer have been made to no avail. I therefore request the Council to reject this Planning Application unless and until such time as the Company fulfil all aspects of their authorisation to operate the current site.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The principle of the area as a whole for the purposes of quarrying and associated works is already in place by virtue of historic planning consents. Unlike most of the quarry complex, the particular parcel of land the subject of this application was granted with an individual time limit of 15 years '*unless an extension of time is approved in writing by the County Planning Authority*'. As the quarry is still very much active and this parcel of land is a small but integral part within the overall working of the quarry the application seeks an extension of time in line with the remainder of the quarry. This would provide an end date of 21<sup>st</sup> February 2042, the date that is provided through Government legislation for the cessation of operations, where existing older permissions do not already have an end date and that which would apply to the remainder of the quarry.

This application seeks to vary a condition under s73 of the Planning Act 1990. The scope of such a decision is more limited than that for a general planning application and is limited to the consideration of the condition. A Local Planning Authority may impose the original condition (in effect refusing the variation sought); or vary the condition; or grant permission without conditions. It is not appropriate for a Local Planning Authority to seek to fundamentally alter the nature of the original consent. The main issue therefore is not the principle of the impact of the whole quarry itself but whether there will be additional material impacts from granting this existing part of the quarry an extension in line with the remainder of the quarry.

- 5.2 The comments of the Town Council and residents are noted, although it is also acknowledged that the P90/1871 consent deals in the main with limestone extraction at the northern end of the Hampstead Farm site, which is located in a relatively remote area on the eastern side of the B4060, within the wider Hampstead quarry void. The comments and concerns relate largely to the ongoing management and operations of particularly the stockpile area located in the Barnhill area. Condition 19 of the P90/1871 consent required a scheme for the stockpiling of processed mineral arising from the extraction site to include the location and maximum height and measures for the control of dust and noise arising from the stockpiling operations. The permission itself however does not grant express consent for the Barnhill stocking area moreover it sought to secure a mechanism by which to control existing stockpiling operations associated with the quarry. The report accompanying the P90/1871 decision acknowledges that the Barnhill area was the existing stockpile area and sought to secure conditions for its management as referred to above. It is

considered that the area in question has been used for the purposes of stockpiling for over 60 years, since around the 1950's, long before the original relevant consent for this area of Hampstead Farm was being considered.

- 5.3 Whilst concerns over stockpiling are therefore clearly noted it is not considered that the granting of permission for the variation of condition 2 of permission reference P90/1871 for the extension of time of the quarrying operations in the relevant area of Hampstead Farm would in its own right be attributable to the subsequent retention of the stockpiles at Barnhill as the scope of the application would not cover this area. Ultimately therefore it is not considered that a refusal of this planning application would address or indeed stop the matter of stockpiling in the Barnhill area.
- 5.4 The scheme of operating conditions for the site as a whole are to be considered under the review of old minerals conditions submissions under references PK11/0612/MW and PK11/0613/MW, currently under preparation. These reviews are necessary under the requirements of the Planning and Compensation Act `1991 and the Environment Act 1995, and the reports being prepared will, under the Council's constitution be considered at Development Control East Committee. The concerns raised are therefore more appropriate and directly relevant to that process.
- 5.5 All that is being sought by this application is the continued use of land for quarrying in part of the Hampstead Farm area through the regularisation of the timescale in line with the deemed timescale of the rest of the complex, i.e. 2042. It is the purpose of the review of conditions process to review operations and propose conditions over the wider quarry. There are a number of additional conditions on the P90/1871 consent and any remaining relevant conditions from that consent would be assessed for their continued relevance within the overall operations of the quarry within the review process. These considerations include measures for the effective management (height, positioning, noise and dust abatement etc) of the stockpiles, and submissions have been made in this regard to which the Council will assess and determine as part of the review process.
- 5.6 For the purposes of clarity it should also be noted that the P98/2078/MR document referred to in the objections is not a consent but was an earlier reference number for the scheme of conditions currently being considered and the report on this application reached an early draft stage. In addition to this any alleged breaches of conditions and enforcement issues would need firstly to be investigated and if necessary addressed under separate enforcement action if it was found expedient to do so.
- 5.7 In this context therefore and given its location on the eastern side of the B4060 within the working quarry, it is not considered that granting permission for the continued use of the area the subject of this application for continued use for quarrying would in its own right give rise to any significant or material impacts. Permission would enable and contribute to the provision of supply of crushed rock from the area. In addition to these considerations the introduction of the National Planning Policy Framework, provides a presumption in favour of sustainable development in the interests of wider economic, environmental and

social provisions, except where it may compromise key sustainable development principles set out in national planning policy or where any adverse impacts would significantly and demonstrably outweigh the benefits.

- 5.8 It is therefore proposed to recommend a timescale that ties in with the wider site. This would provide a uniform time limit across the quarry to a date of 2042. The area would in all other respects be controlled by conditions agreed pursuant to PK11/0612/MW and PK11/0613/MW as the site exists in the areas of review covered by those submissions. This position would thereafter be subject to periodic review requirements every 15 years.

## **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 site consists of a relatively small area of land within the operational quarry area (approximately 6ha of operational quarry land). The site is an existing and operational part of the quarry complex. Its continued use as such would not give rise to any material or additional impacts in its own right. The proposals are therefore in accordance with Policy 22 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002. The continued use of the site would also enable and contribute to the provision of supply of crushed rock in line with the principles of Policy 31 of the South Gloucestershire Minerals and Waste Local Plan and CS10 of the South Gloucestershire Local Plan Core Strategy incorporating Inspectors Preliminary Findings and Draft Main Modifications September 2012, and the National Planning Policy Framework.
- 6.3 The recommendation to grant the variation to the condition has been taken having regard to the policies and proposals in the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That the variation of condition 2 planning permission P90/1871 is approved as set out below.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**



## **CONDITIONS**

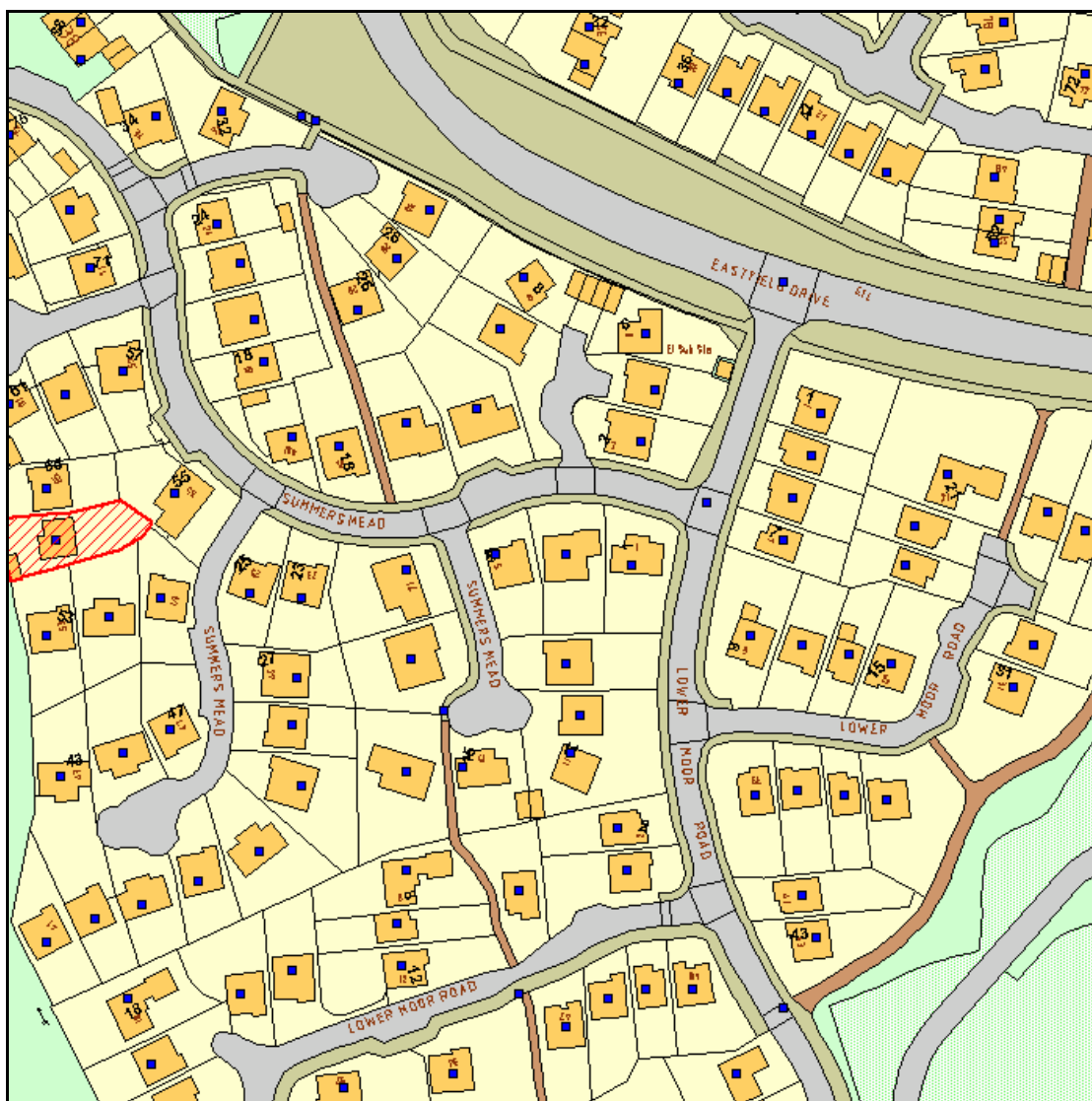
1. The permission hereby granted shall cease no later than 21st February 2042.

Reason:

To minimise the duration of disturbance from the mineral extraction operations, to reflect the overall timescale for operations at the quarry complex and to accord with Policy 22 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002.

**CIRCULATED SCHEDULE NO. 12/13 – 21 MARCH 2013**

<b>App No.:</b>	PK13/0336/F	<b>Applicant:</b>	Mr And Mrs A Mersom
<b>Site:</b>	65 Summers Mead Yate Bristol South Gloucestershire BS37 7RB	<b>Date Reg:</b>	15th February 2013
<b>Proposal:</b>	Erection of two storey rear extension to form additional living accommodation (Resubmission of PK12/4061/F)	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371217 183907	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	9th April 2013



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## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application is referred to the circulated schedule as a representation has been made, which is contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the erection of a double and single storey rear extension to form additional living accommodation. The application is a resubmission of application PK12/4061/F, which was previously withdrawn.
- 1.2 The application relates to a two storey detached residential dwelling within an established residential area of Yate.

### **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

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK12/4061/F - Erection of two-storey rear extension to form additional living accommodation. Withdrawn 17<sup>th</sup> January 2013

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
No objection
- 4.2 Other Consultees [including internal consultees of the Council]  
No other comments received

#### **Other Representations**

- 4.3 Local Residents  
One letter of objection has been received from a local resident. The reasons are as follows:
  - The extension would overlook the back of back of our house – kitchen and utility, and bedrooms at the rear.

- Although the three previous neighbour objections have been taken into account to a minimal extent this planned extension would still block light from the one side of our south facing garden – as well as overlooking it and therefore intruding privacy.
- The plans are not in keeping with the design of houses in Summers Mead – it would be a clear bolt on to the back of the house rather than a tasteful extension as some others have had.
- The extension would be unattractive and not in character with the existing building – it is likely to affect the resale value of properties in the vicinity.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application seeks permission for the erection of a double storey and single storey rear extension. 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 two storey detached residential dwelling within an established residential area of Yate. The nearest neighbouring properties to the north and south (side elevations) are situated 2 metres and 10 metres away respectively. The nearest dwelling to the rear of the site is located at an angle 17.5 metres from the existing rear elevation.

5.3 The proposed double storey section of the proposal would be located centrally against the existing rear elevation with a width of 4 metres and a maximum height of 6.9 metres with a hipped roof. The proposed single storey extensions would be located either side of the double storey extension and would extend to the edge of the dwelling with a maximum height of 3.5 metres. The proposals have a depth of 3 metres.

5.4 It is acknowledged that in this location, despite being detached, dwellings are located in close proximity to each other. Notwithstanding this, the proposed rear extension has been designed in a way to minimise any potential overbearing impact or loss of light on surrounding properties. Therefore, given the characteristics of the site and the scale and location of the double storey section, which is central against the rear elevation, it is considered that the proposal would not have an overbearing impact on the surrounding dwellings or result in a significant loss of light to them. Concern has been raised by residents in the neighbouring dwelling at the rear of the site concerning loss of light. The proposal does not exceed the existing width or height of the existing dwelling and as such it is considered that any loss of light to this property would be minimal.

5.5 The proposal does not have any windows on the side elevations and as such would not directly overlook neighbouring dwellings to the side. This will be retained through the use of a condition. As the depth of the proposal is 3 metres the windows located in the rear elevation of the proposal would not result in a significant loss of privacy to the rear of the site. The distance between the proposal and no.55 (at the rear of the site) would be 14.5 metres,

which is considered adequate given the character of the area. In addition no.55 is located at an angle and as such there is not a direct line of vision between the two dwellings. This is masked further by the existing tree located in the far eastern corner of the rear garden of the site and existing boundary treatments. In light of this it is considered that the proposal would not result in a significant loss of mutual privacy.

5.6 Whilst the proposal would result in some loss of private amenity space it is considered that sufficient garden space would remain to serve the host dwelling. Accordingly the proposal is considered acceptable in terms of policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

5.7 Highways

The proposal is not adjacent to a highway and would not result in the loss of parking provision. Whilst the proposal does result in an increase in bedrooms it is considered that an adequate level of parking would remain to serve the dwelling. Accordingly the proposal does not raise any highway concerns in respect of policy H4 of the adopted Local Plan.

5.8 Design

The scale and proportions of the proposal have been designed in a way to minimise any potential impact on neighbouring dwellings. The height of the proposal is set down from the existing maximum ridge height and the proposal would not exceed the width of the original dwelling. The proposed depth of 3 metres is considered proportionate in this location and the proposal remains subservient to the original dwelling. Proposed windows are of similar design to the original and materials would match the existing. It is considered that the overall design of the proposal has been informed by and respects the character and distinctiveness of the site and the locality and is therefore acceptable in terms of policies D1 and H4 of the adopted Local Plan.

5.9 Other Matters

A local resident raised a number of concerns during the consultation period for this application. Concerns relating to loss of light, loss of privacy and design have been considered within this report. Matters relating to the resale value of neighbouring dwellings are not a material consideration of the planning system and have therefore not carried any weight in this decision.

## 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 its scale, design and location, would not have a detrimental impact on the residential amenity of surrounding dwellings and would not result in a significant loss of privacy. The proposal would not prejudice highway safety, or the retention of adequate private amenity space and parking provision. Accordingly the proposal is considered

acceptable in terms of policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

6.3 The proposal has been designed in order to minimise the impact on neighbouring dwellings. The scale and proportions are considered acceptable in the context of the site and would remain subservient to the host dwelling. The materials and design detailing would match the existing site. Accordingly it is considered that the proposal has been informed by and respects the character and distinctiveness of the site and locality and is therefore 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 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. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the property.

Reason

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

**CIRCULATED SCHEDULE NO. 12/13 – 21 MARCH 2013**

<b>App No.:</b>	PK13/0354/F	<b>Applicant:</b>	Mr B Perry
<b>Site:</b>	50 High Street Oldland Common Bristol South Gloucestershire BS30 9TL	<b>Date Reg:</b>	5th February 2013
<b>Proposal:</b>	Change of use from Residential (Class C3) to mixed use Day Nursery and Residential (Sui Generis) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). Construction of new vehicular access from High Street.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367894 171923	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th March 2013



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## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application is referred to the Circulated Schedule due to objections received from the Parish Council and member of the public and because the decision is subject to a legal agreement.

### **1. THE PROPOSAL**

- 1.1 This application seeks consent for the change of use of a residential property to a mixed use consisting of a day nursery and residential (Sui Generis as defined in the Town and Country Planning (Use Classes) Order 1897 (as amended)).
- 1.2 The site is located on High Street, Oldland Common. The site is located within the existing urban area of the East Bristol Fringe and faces onto the open countryside. The countryside opposite the site forms part of the green belt.
- 1.3 No operational development at the existing building is proposed as part of this development. However, an additional vehicular access is proposed on to High Street.
- 1.4 It is proposed to change the use of only part of the property (the ground floor of the principal building), to a Day Nursery. The nursery will cater for between 19 and 35 children and be operate between 07:00 and 19:00 Monday to Friday with no opening on the weekends or bank holidays.

### **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
- EP1 Environmental Pollution
- GB1 Green Belt
- T7 Cycle Parking
- T8 Parking Standards
- T11 Traffic Management
- T12 Transportation
- E3 Employment Development
- H4 Development within Existing Residential Curtilages
- LC4 Proposals for Education and Community Facilities

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

- CS1 High Quality Design
- CS6 Infrastructure and Developer Contributions
- CS23 Community Infrastructure and Cultural Activity



- 2.3 Supplementary Planning Guidance
- (a) South Gloucestershire Design Checklist (Adopted) August 2007
  - (b) Development in the Green Belt (Adopted) June 2007
  - (c) Residential Parking Standards (adoption imminent)

### 3. RELEVANT PLANNING HISTORY

- 3.1 PK08/2224/F Approve with Conditions 04/09/2008  
Erection of single storey rear extension to form additional living accommodation
- 3.2 PK03/3713/F Approve with Conditions 15/01/2004  
Erection of two-storey rear extension to form residential annexe. Erection of 2m high (maximum height) wall and fence.
- 3.3 P96/4287 Approved 07/08/1996  
Erection of two-storey side extension.
- 3.4 K5910/1 Approved 29/04/1991  
Two-storey side extension. Erection of detached garage with playroom/ store over, conservatory and utility room.

### 4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council  
Objection: Insufficient information available to make an informed decision; no indication provided over the number of children attending which means the impact on traffic levels cannot be ascertained; query the level of parking provided; road suffers from parking issues at peak school hours.
- 4.2 Community Spaces  
No comment
- 4.3 Drainage  
No objection, subject to informative that surface water run-off must not discharge on to the public highway.
- 4.4 Transport  
Development is acceptable subject to securing a Traffic Regulation Order through an s.278 legal agreement, and conditions requiring the provision and retention henceforth of adequate parking.
- 4.5 Early Years and Schools  
Support the proposed development with comments on safeguarding and facilities. These refer to the internal layout of the development and cannot be controlled through the planning process.
- 4.6 Tree Officer  
No objection, however would recommend a replacement lime tree to mitigate the probable loss of the existing specimen.

## **Other Representations**

### 4.3 Local Residents

Redfield Edge Pre-School: Object for the following reasons –

- Proposed nursery would jeopardise the number of attendees at Redfield Edge Pre-School, and therefore the rent paid to the Parish Council;
- Children numbers are unknown. It is also unknown as to whether the proposed nursery would be accepting the Early Years Grant;
- Traffic does not adhere to the speed limit, which reduces near to the proposed development;
- The road is used by a large number of lorries;
- The road is subject to a high volume of traffic;
- There is insufficient parking and the road is already subject to inappropriate parking.

## **5. ANALYSIS OF PROPOSAL**

5.1 This application seeks consent for the change of use of an existing residential property in Oldland Common into a children's day nursery. The nursery will accommodate a maximum of 35 children.

### 5.2 Principle of Development

Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006 (SGLP) is generally supportive of proposals for education and community facilities, such as children's day nurseries. Within the District there is a shortage of early years accommodation, and the proposed development could provide an additional 35 spaces to meet the shortfall. Under policy LC4 an assessment of accessibility, amenity, environment, and transport must be made to determine the acceptability of the scheme. The development of a day nursery would also be supported by policy CS23 of the emerging South Gloucestershire Local Plan Core Strategy (SGCS), which manages community infrastructure and cultural activity.

5.3 The change of use of the site to a day nursery would provide an employment use at the site. The National Planning Policy Framework (NPPF) strongly promotes economic development. Paragraph 19 of the NPPF states that 'the planning system [should do] everything it can to support sustainable economic growth'. This is endorsed by policy E3 of the SGLP. This policy is supportive of employment uses within the existing urban area, including the conversion and re-use of existing buildings, subject to an assessment of the impacts of the development on the environmental, traffic, highways, amenity, and character of the area.

5.4 As existing, the site has a residential use. The proposed development would establish a mixed use on the site with residential retained on the first-floor, within a flat for the caretaker, and nursery accommodation provided on the ground floor. The annexe would remain unaltered, providing ancillary residential accommodation. Policy H4 is used to manage development proposals within existing residential curtilages. This policy is generally supportive of development, including development to facilitate working from

- home. A mixed use, providing residential and nursery accommodation within one planning unit, is commensurate with policy H4.
- 5.5 Therefore, the principle of the development is established by the NPPF, SGLP and SGCS as outlined above. Significant weight should be given to the provision of required nursery places and the economic growth that would result from this development. However, the application will be determined subject to the analysis set out below.
- 5.6 Transport  
For the development to be approved, it must not have an unacceptable transportation effect. If the proposed development is likely to exacerbate an existing transportation issue, it should either be refused or a form of mitigation should be sought.
- 5.7 This section of High Street already experiences parking related issues. There are no parking restrictions directly outside the site. The change of use of the building to a day nursery has the potential to worsen the existing street parking issues. This would be an unacceptable impact.
- 5.8 It is considered that this impact could be mitigated through a Traffic Regulation Order (TRO). Without a TRO, the development would not be acceptable on highways grounds and the Highways Development Control Officer would have raised an objection to the development. A TRO would ensure that street parking is effectively managed outside the nursery, reducing the impact of development on the existing street parking issues.
- 5.9 Financial obligations should only be sought when the tests of paragraph 204 of the NPPF are met. The TRO is necessary to make the development acceptable. A Grampian condition will be attached to ensure that the necessary traffic management is in place prior to the first occupation of the day nursery. A TRO is required in direct relation to the proposed development. A day nursery will generate a number of trips and lead to an intensification of parking within the vicinity of the development. The TRO is required to manage this additional parking. A review of traffic management within the vicinity of the site is already underway by the Council. Therefore it is fair to expect that the required TRO will be implemented in a reasonable timeframe and is commensurate with the scale of the proposed development.
- 5.10 Subject to securing a financial contribution of £5000 from the applicant (towards traffic management measures, including a review of waiting restrictions in the area) through a s.278 legal agreement the development would be acceptable on transportation grounds. In order to ensure that the number of children attending the day nursery does not increase to the detriment of highway safety, a condition will be attached that limits the maximum number of children attending the nursery to 35. This will prevent highway movements being made without providing the Local Planning Authority an opportunity to assess the impact of further additional traffic movements on highway safety.

5.11 Parking

Parking must be provided in accordance with the use of the site. The Local Planning Authority is soon to adopt a residential parking standard SPD. This SPD will set a minimum parking requirement for residential properties. Parking standards for non-residential properties will remain to be set by policy T8 of the SGLP. This policy uses maximum allowances rather than set a minimum parking provision. A total of seven parking spaces are indicated.

5.12 Under policy T8, for the day nursery, one space per two employees is required. It has been indicated that there would be ten employees, thus requiring a maximum of five parking spaces.

5.13 The minimum parking requirement for the residential element would be two spaces (based on there being four bedrooms), as set by the residential parking SPD.

5.14 However, on a mixed-use site these spaces are likely to be occupied by different uses at different times of day and should be considered as a whole rather than for individual elements of the same planning unit. It is not therefore necessary to provide a cumulative total of parking spaces to accord with the standards set by SGLP policy T8 and the residential parking SPD. As such, the proposed parking provision of seven spaces is considered to be commensurate with the proposed use of the site.

5.15 Bicycle parking is also a requirement of policy. No bicycle parking has been included in the development proposal. Bicycle parking requirements are set by policy T7 of the SGLP. For the day nursery, facilities for two bicycles are required. With regard to the residential units a total of two secure and undercover bicycle parking facilities are required.

5.16 Although these have not be shown in the proposal, there is sufficient space on site for them to be provided. Bicycle parking, to the requirement set out above, will be secured by condition.

5.17 Accessibility

The site is highly accessible, located on the A4175 and near to the Bristol to Bath Railway Path. In addition, the location of the development is considered to be highly sustainable as it is in close proximity to Redfield Edge Primary School. As a result, it is likely that a number of trips to the proposed nursery will be joint trips to the nearby school.

5.18 Residential Amenity and Character

No residential properties lie immediately to the north of the site. A farm is located to the east on the opposite side of the road and a residential property is located to the south, between the application site and Redfield Edge Primary School.

5.19 As the site is in close proximity to Redfield Edge Primary School, Redfield Edge Pre-School, and Sir Bernard Lovell School playing fields, the proposed change of use does not have a material impact on the general character or amenity of

- the locality. An intensification of the use on the site will occur as a result of the development. It is proposed that the day nursery will be open between 07:00 and 19:00 Monday to Friday (excluding bank holidays). To protect amenity, these opening times will be enforced by condition.
- 5.20 Parking is confined to the front of the property only. There will be no additional vehicular traffic along the south boundary of the property, to the detriment of the adjacent property's amenity. The TRO will reduce the parking issues immediately outside the residential properties to the betterment of amenity. The day nursery will not operate in the evenings and weekends, and therefore will not affect the amenity of residents.
- 5.21 Therefore it is concluded that the proposed change of use will not have a prejudicial impact on amenity or the character of the area. A condition will be attached restricting the operational hours of the nursery to protect residential amenity of nearby occupiers.
- 5.22 Landscape and Green Belt  
Located next to the green belt boundary, the site is conspicuous from the green belt. However, the sole element of operational development is the formation of an additional vehicular access. Therefore the development does not have an impact on the green belt, the open nature of the land contained within the green belt, or the reasons for and purposes of the green belt. The proposed development complies with SGLP policy GB1.
- 5.23 The very small amount of operational development required to form the new access is de-minimis in terms of the impact on the landscape. However, a mature Lime tree, which offers high levels of visual amenity, is located adjacent to the proposed new access. The works to create the access are likely to have a serious impact on the health and well being of the Lime tree.
- 5.24 Previous works have been undertaken to the Lime tree, including pollarding the tree to obtain a smaller canopy. As a result it would be good practice to re-pollard the tree in the future. The tree therefore does not fulfil the criteria of a Tree Preservation Order.
- 5.25 Although it is not proposed to fell this tree as part of the development, the engineering works to create the new access are likely to have a detrimental impact on the health of the tree. As the tree offers high levels of visual amenity, a landscaping scheme for the front boundary will be sought by condition to mitigate against the loss of the tree.
- 5.26 Environment  
The proposed development will not have an unacceptable impact on the environment as defined by SGLP policy EP1.
- 5.27 Design  
No change to the external appearance of the buildings is proposed. A new access onto High Street is proposed. The access therefore should be assessed against policies D1 and T12 of the Local Plan. A good general layout to the site has been achieved providing means of egress from the site without

reversing onto the public highway. The proposed access is located near to an existing dropped kerb and provides a safe and convenient entrance to the site. The development meets the design standard set by policy D1.

5.28 Internal arrangements are not something of which the planning system has control. Therefore, the specific arrangement of accommodation is not subject to meeting the design standard of policy D1. Should the internal layout have a bearing on the suitability of the site and building for use as a day nursery, this would be dealt with outside the planning system through means such as licences obtained from Ofsted.

5.29 Other Considerations

An objection has been lodged on the grounds that the proposed development may affect the numbers of children attending Redfield Edge Pre-School (jeopardising the rent paid to the Parish Council). Whilst it is accepted that the proposed development would increase the competition between different providers of nursery accommodation in the locality, it is not a material planning consideration. It was also queried as to whether or not the proposed nursery would be accepting the Early Years Grant. Again, this is beyond the remit of the planning system.

## 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 principle of the proposed change of use to a day nursery and residential (Sui Generis) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) has been assessed against policies LC4 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS23 of the South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012. The transportation impact has been assessed through policies T7, T8, T11 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS6 of the South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012. When read with the conditions imposed and the s.278 agreement, the proposed development accords with these policies. Policies L1, EP1 and GB1 have assessed the impact on the environment and landscape. There will be no impact on the landscape or the green belt and the development will not have an unacceptable impact on the environment. The design standard of policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS1 of the South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012 has been met and there will be no prejudicial impact on residential amenity. As such, the proposed development is considered to accord with the abovementioned policies.

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

## **7. RECOMMENDATION**

7.1 It is recommended to GRANT permission subject to a s.278 agreement and Traffic Regulation Order and the conditions listed below.

**Contact Officer: Griffith Bunce**  
**Tel. No. 01454 863438**

### **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 use of the building as a Day Nursery hereby permitted shall not be open to customers outside the following times 07:00 to 19:00 Monday to Friday excluding Bank Holidays.

Reason

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

3. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatments to be erected, and a landscaping plan for the front boundary including details of hard and soft landscaping and tree planting, shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the first use of the Day Nursery hereby permitted. Development shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with Policies D1, L1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The off-street parking facilities shown on the plan DJR/BP/101 hereby approved shall be provided before the Day Nursery hereby permitted is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the first use of the Day Nursery hereby permitted, four bicycle parking spaces must be provided, two of which must be secure and undercover. The bicycle parking facilities must be retained thereafter.

Reason

To ensure the satisfactory provision of bicycle parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the first use of the Day Nursery hereby permitted, a Traffic Regulation Order must be in place restricting parking on the section of the High Street that is directly outside the site.

Reason

In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The Day Nursery hereby permitted shall be limited to a maximum of 35 children attending at any one time.

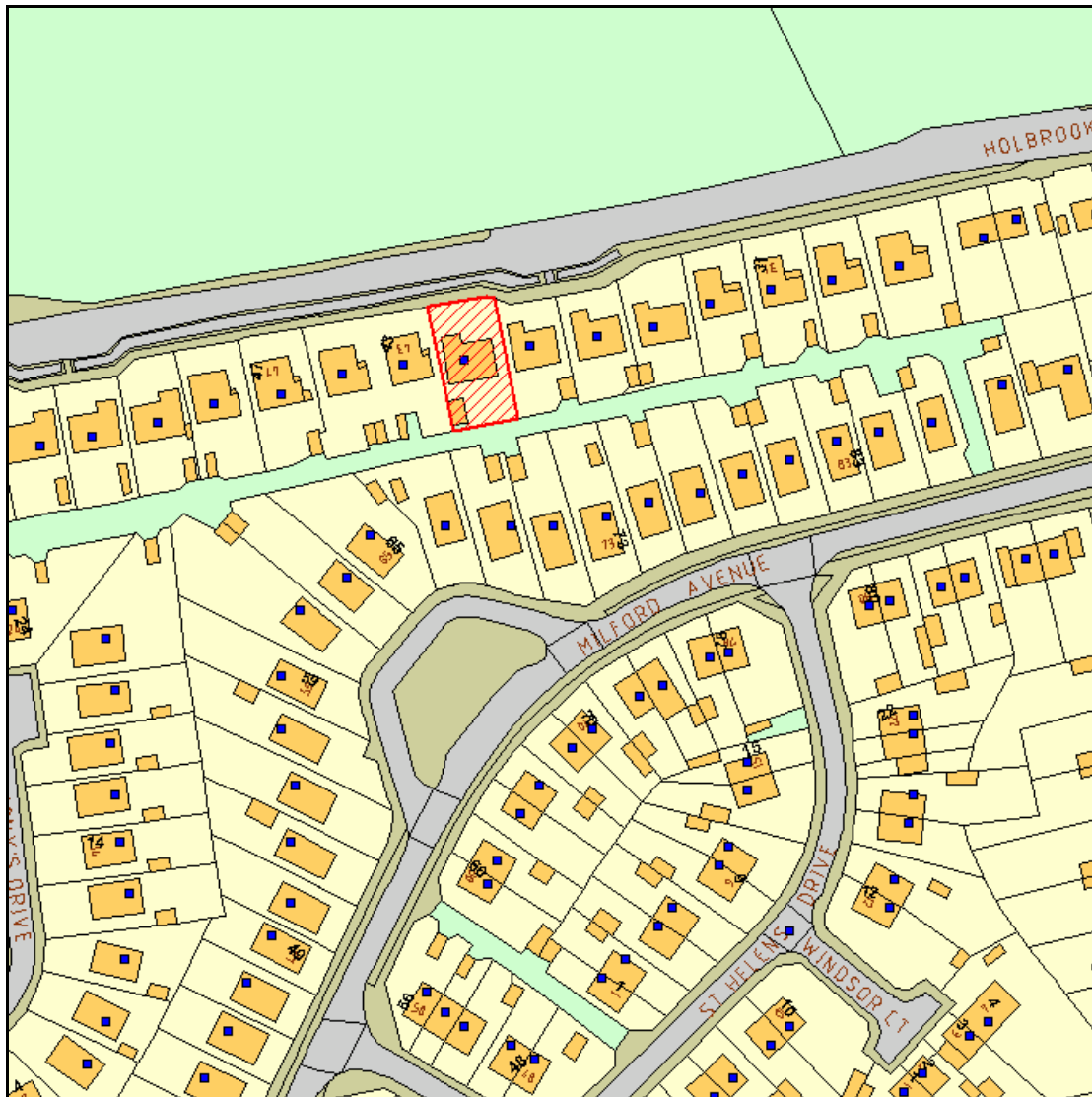
Reason

In the interests of highway safety and to protect the amenity enjoyed by those living in the locality, and to accord with Policy E3, H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.



**CIRCULATED SCHEDULE NO. 12/13 – 21 MARCH 2013**

<b>App No.:</b>	PK13/0498/CLP	<b>Applicant:</b>	Mr Fey
<b>Site:</b>	41 Holbrook Lane Wick Bristol South Gloucestershire BS30 5QY	<b>Date Reg:</b>	15th February 2013
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed erection of a single storey rear extension.	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	370031 173388	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	9th April 2013



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## **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) (No.2) Order 2008. 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 single-storey rear extension to form additional living accommodation.
- 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) (no.2) (England) Order 2008

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 PK11/0935/F: Installation of 2 no. front dormer windows to facilitate loft conversion (Resubmission of PK10/2943/F). Decision date 16.05.2011 – **Approved with conditions**
- 3.2 PK10/2943/F: Installation of 3 no. front dormer windows to facilitate loft conversion. Decision date 20.12.2010 - **Refused**
- 3.3 PK09/0248/F: Erection of replacement front porch. Decision date 10.03.2009 - **Approved with conditions**

- 3.4 PK07/2978/F: Replacement of flat roof with pitched roof over existing single storey front extension. Erection of single storey side extension to existing garage, and installation of pitched roof. Decision date 22.11.2007 - **Approved with conditions**

#### **4. CONSULTATION RESPONSES**

- 4.1 Wick and Abson Parish Council  
No objection.
- 4.2 Community Spaces Officer  
No comment.
- 4.3 Highway Drainage Officer  
No objection
- 4.4 Public Rights of Way Officer  
No objection.
- 4.5 Landscape Officer  
No comment

#### **Other Representations**

- 4.6 Local Residents  
None received
- 4.7 Open Spaces Society  
No response received
- 4.8 Wessex Water  
Proposal includes building over a public sewer. Request that the applicant contacts them for further advice.

#### **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:
- K.R.Arthur, 'Sheet 1 of 2 - Block Plan, Existing Ground Floor Plan and Elevations', drawing no. 2325/13, dated Feb 2013
  - K.R.Arthur, 'Sheet 2 – Proposed Ground Floor Plan and Elevations', dated Feb 2013

The applicant has also supplied additional dimensions of the proposal and site and details of the roof light windows by email to the Council on 13th and 19th March 2013. This correspondence will also be used to determine the application.

## 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 appears to have been extended previously to the rear. This extension has a pitched roof and now forms part of the kitchen. There are no planning records for this extension. It was also noted during a site visit that one of the existing front dormer windows does not appear to have planning permission, however this is not for consideration within this application.
- 6.4 The proposed works consist of the demolition of the majority of the existing extension with only the western side elevation being retained. This will allow for the construction of a replacement extension from the retained side wall to the eastern side elevation of the original house, with a hipped roof covering the whole replacement extension. The proposed scheme will also include the installation of 2no. roof lights on the side roof slopes.

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

The rear extension aspect of the development falls under the criteria of **Schedule 2, Part 1, Class A** of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (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:

- 6.5 *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 submitted drawing 2325/13 includes a block plan. The result of the proposed development combined with other buildings within the property's curtilage, 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;*

A single-storey rear extension with hipped roof is proposed. The existing property is a single storey detached house with a pitched roof. The highest part of the proposed extension will not exceed the highest part of the roof of the existing house, which is the ridge.

- (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 with hipped roof is proposed. The existing property is a single-storey detached house. Submitted drawing Sheet 2 shows the height of the eaves on 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 property's postal address is Holbrook Lane, however the property can also be reached via an access road that runs between Milford Avenue and St. Anne's Drive. It is considered that the principal elevation is that facing Holbrook Lane, and as such the proposed extension is located to the rear of the existing property.

The property appears to have been extended to the rear in the past, with this extension now forming part of the kitchen according to details on plan number 2325/13. However as this is not part of the original dwellinghouse the tests related to side elevations do not need to be applied.

As such the proposal is considered to be in accordance with this criterion.

- (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;*

Submitted plan Sheet 2 shows the rear elevation of the proposal to be 2.98 metres beyond the rear elevation of the original dwellinghouse and therefore meets this criteria. The additional information supplied on 13th March 2013 states the enlarged part of the house would be 3.8 metres in height. The proposed extension 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 elevation is not of more than one storey. This criterion is therefore not applicable.

- (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 east elevation of the extension is 1.25 metres from the boundary with the adjacent property. The height of the eaves of the extension is 2.49 metres. As such the development is within the limits of 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 submitted plan Sheet 2 show the extension will not extend beyond a side elevation of the original dwellinghouse and therefore this criterion is not applicable.

- (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 submitted drawing Sheet 2 shows the proposal will remove the roof of the existing extension and replace it with a new roof for the replacement extension. This will also require alterations to the south face of the original dwellinghouse roof. As such it is considered to be an alteration to the roof and, as such, is not permitted under Class A.

As these alterations will not result in an enlargement of the house above that provided by the extension itself, they will not be tested against criteria set out in Class B. However as they still constitute an alteration to the roof they will be tested against Class C to determine whether the proposal is permitted.

## *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 submitted plans indicate that elevations, roofing, windows and door materials used will match those in the existing dwelling. As the proposed extension is of single storey, A.3(b) and A.3(c) are not relevant.

6.6 The single storey rear extension is therefore considered to comply with Schedule 2 Part 1 Class A of The Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008, and is considered permitted development.

6.7 The proposed development also includes an alteration to the roof of the house in the form of the new valleys to be formed where the original dwellinghouse roof meets the new replacement roof. Additionally there will be an installation of 2no. roof lights in the replacement roof. 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) (No 2) (England) Order 2008 (any other alteration to the roof.) This allows for alterations to the roof of a dwellinghouse providing the development meets the following criteria:

6.8 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;*

Submitted drawing Sheet 2 show the valleys will not protrude from the plane of the slope of the original roof. The proposed roof lights will not protrude beyond the plane of the roof slope. The proposed alterations therefore comply with this criterion.

*(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.*

Neither the proposed alterations to the roof where the extension meets the existing roof, or the roof lights 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, photovoltaics, 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.*

Roof lights are proposed on the side elevation roof slopes, with one roof light on each slope. Located in the roof slope, these windows are over 1.7 metres from the floor level and therefore are not required to be non-opening. The agent has confirmed in the email to the Council dated 19th March 2013 that the glazing of the roof lights will be obscure glazed.

- 6.9 The installation of 2no. roof lights in the side elevations are therefore considered to comply with Schedule 2 Part 1 Class C of The Town and Country Planning (General Permitted Development) (Amendment) (no. 2) (England) Order 2008, and are 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) (no.2) (England) Order 2008.
- 7.2 The single-storey rear extension has been found to comply with the criteria of Schedule 2 Part 1 Class A of the above-mentioned Order. The proposed development is considered permitted development and an application for planning consent is not required.
- 7.3 The alterations to the roof of the existing house to facilitate the rear single storey extension and installation of roof lights have been found to comply with the criteria of Schedule 2 Part 1 Class C of the above-mentioned Order, provided that those roof lights in the side elevation of the roof slope are obscure-glazed. The proposed development is considered permitted development and an application for planning consent is not required.
- 7.4 The Certificate of Lawfulness applies only to the proposed development stated on the Decision Notice and as described in section 6.4 of this report.



## **8. RECOMMENDATION**

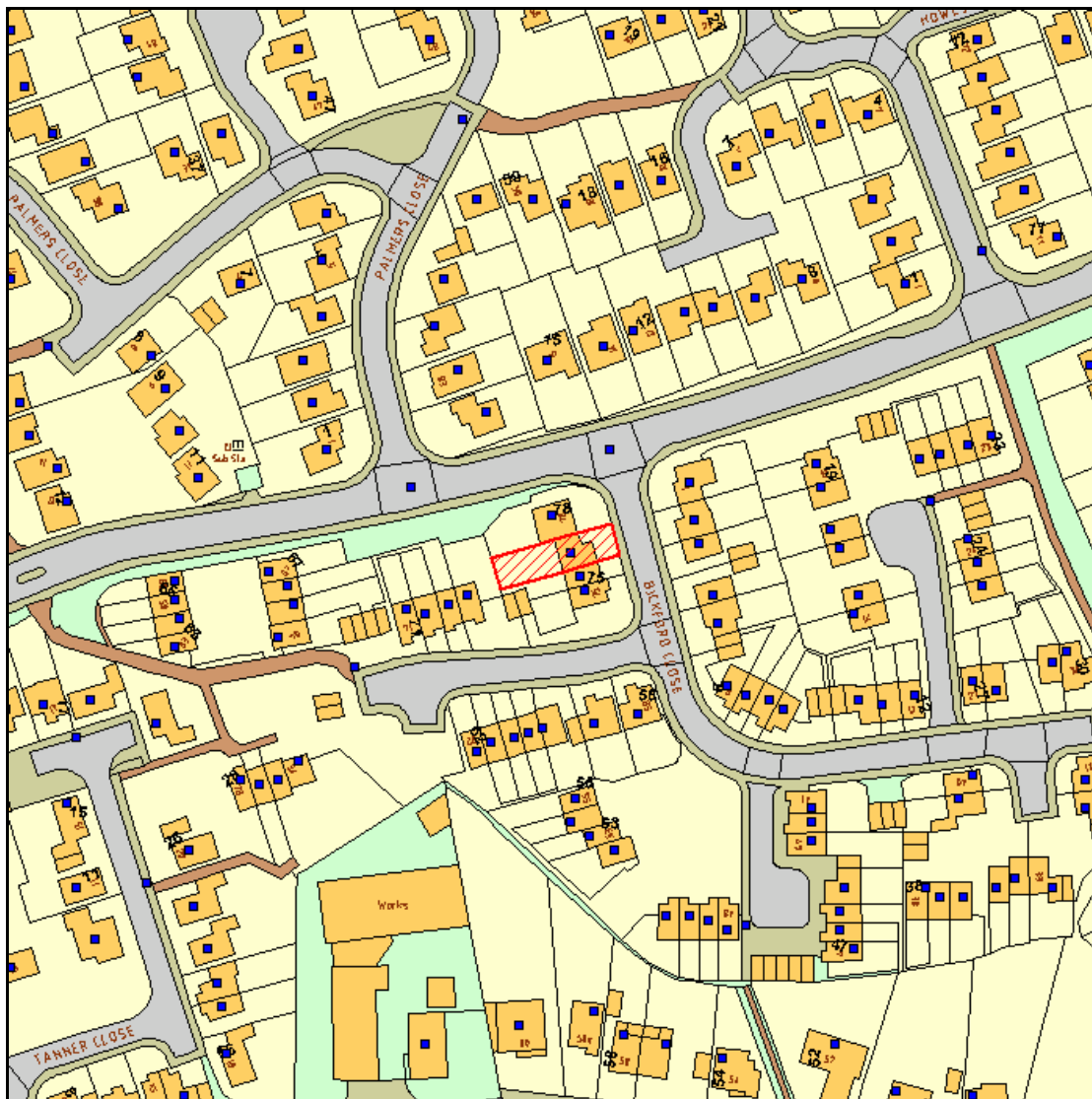
- 8.1 It is recommended that a Certificate of Lawfulness for Proposed development be GRANTED for the following reason:

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) (no.2) (England) Order 2008, and is considered permitted development.

**Contact Officer: Christopher Roe**  
**Tel. No. 01454 863427**

**CIRCULATED SCHEDULE NO. 12/13 – 21 MARCH 2013**

<b>App No.:</b>	PK13/0532/CLP	<b>Applicant:</b>	Mr Rory Mitchinson
<b>Site:</b>	77 Bickford Close Barrs Court South Gloucestershire BS30 8SG	<b>Date Reg:</b>	22nd February 2013
<b>Proposal:</b>	Certificate of lawfulness for the proposed conversion of existing garage to habitable space and insertion of first floor and ground floor side windows	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	366085 172555	<b>Ward:</b>	Parkwall
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th April 2013



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## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed conversion of an existing garage to habitable space and the insertion of first floor and ground floor side windows at No. 77 Bickford Close would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.
- 1.2 The application property is a two-storey semi-detached dwelling and is located within the defined settlement boundary of Barrs Court.

### **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 A

### **3. RELEVANT PLANNING HISTORY**

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
No comments

- 4.2 Drainage Officers  
No comment

#### **Other Representations**

- 4.3 Local Residents  
None received

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

- 5.1 Site location plan, Existing and proposed plans - drawing 001 received on 19<sup>th</sup> February 2013.

## 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 proposed development is lawful.

The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO 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 A of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, provided that it meets the criteria as detailed below:

5.2 **Erection of the conversion of garage to living accommodation and the insertion of two windows**

- B1** 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 proposal would entail internal conversion only and not alter the footprint of the building.
- (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;**  
There will be no alteration to the roofline.
- (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;**  
The proposal would not change the height of the eaves.
- (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 proposal does not result in any part of the dwellinghouse being enlarged.

**(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) exceed 4 metres in height;**

The proposal relates to the conversion of the garage and thus will not result in the dwellinghouse being extended.

**(f) The enlarged part of the dwellinghouse would have more than one storey**

The proposal does not result in any part of the dwellinghouse being enlarged.

**(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 proposal does not result in any part of the dwellinghouse being enlarged.

**(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 dwelling house.**

The proposal does not result in any part of the dwellinghouse being enlarged.

**(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 dwellinghouse.**

The proposal does not include any of the above and consequently meets this criterion.

**Class A.2** restricts the development on article 1(5) land. The application site does not fall within Article 1(5) land, as such the criteria outlined in Class A.2 are not relevant to this application.

### **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;**

The proposed materials would be brickwork and white uPVC windows to match existing.

**(b) 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; and**

The proposal includes the installation of one upper floor window to the north elevation above the existing garage. This will be of obscure glazing with the opening part more than 1.7 metres above the floor of the room in which the window is installed.

**(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 proposal is for the internal conversion of a single storey garage with no alterations to the pitch of the roof.

The insertion of the proposed windows is an alteration or improvement of the dwellinghouse. The works do not fall within any of the exclusions under Class A and therefore are permitted development.

## **6. RECOMMENDATION**

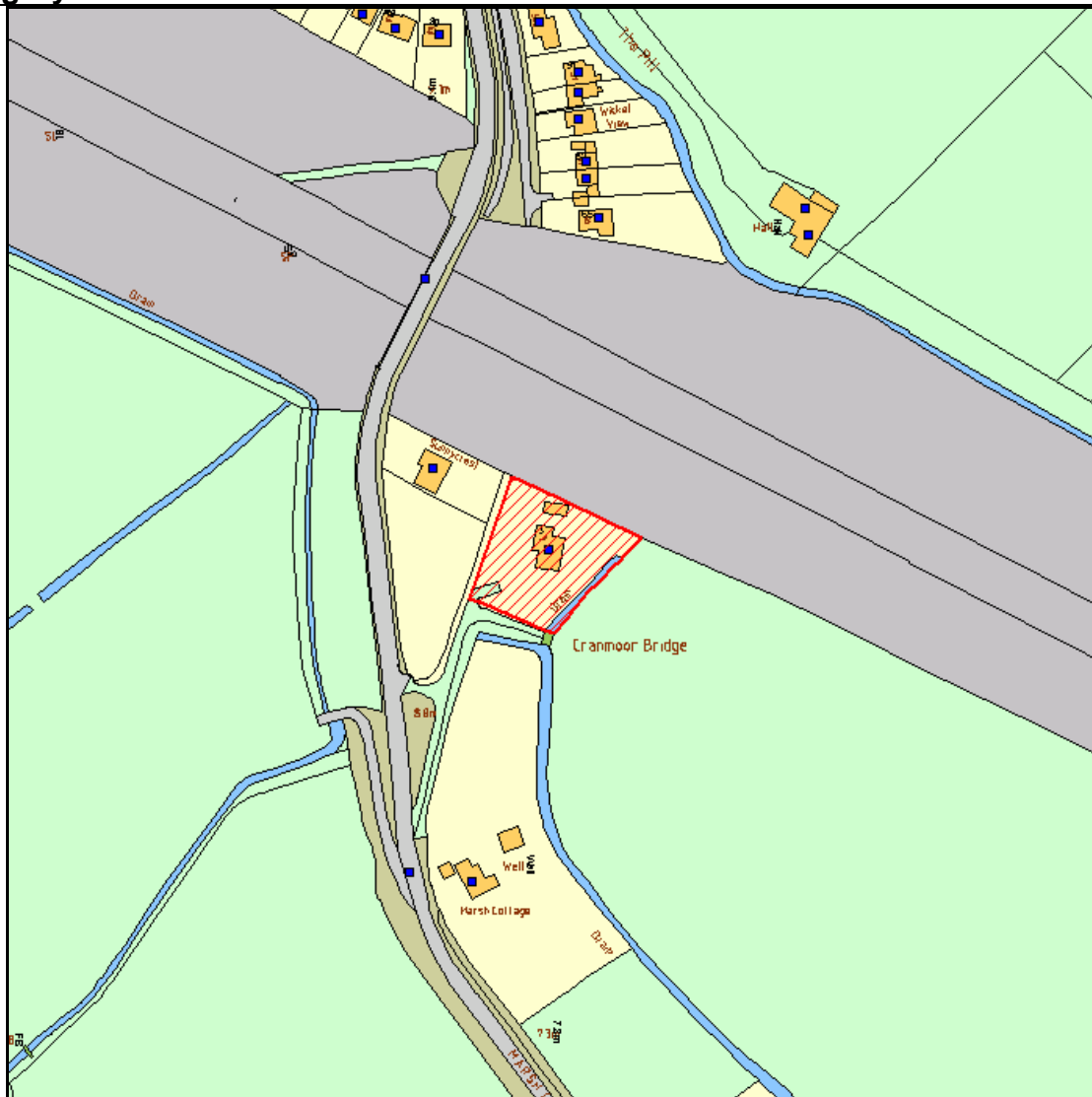
6.1 That a Certificate of Lawfulness for Proposed Development is granted for the following reason:

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

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

**CIRCULATED SCHEDULE NO. 12/13 – 21 MARCH 2013**

<b>App No.:</b>	PT13/0287/CLP	<b>Applicant:</b>	Mr Thomas Watson
<b>Site:</b>	3 Marsh Common Road Easter Compton South Gloucestershire BS35 4JX	<b>Date Reg:</b>	5th February 2013
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed erection of side conservatory and single storey rear extension.	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	355878 184683	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th March 2013



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## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

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

### **2. POLICY CONTEXT**

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

### **3. RELEVANT PLANNING HISTORY**

3.1 None relevant

### **4. CONSULTATION RESPONSES**

4.1 Pilning and Severn Beach Parich Council  
No objection

4.2 Drainage  
No response

#### **Other Representations**

4.3 Local Residents  
No response

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

5.1 Location plan, Existing ground floor plans and elevations, proposed ground floor plans, elevations TW/1 and Block plan TW/2, all received on 28<sup>th</sup> January 2013.

### **6. EVALUATION**

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



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

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

**A1** 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 submitted site location plan shows that the host property benefits from a large curtilage and the proposed development, together with the existing dwelling would not exceed 50% of the total area of the curtilage

- (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 submitted plans demonstrate that the side conservatory and rear extension would not exceed the height of the roof apex of the existing dwellinghouse.

- (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.**

The submitted plan demonstrated that the eaves heights of the proposed side conservatory and rear extension would not exceed that of 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 principle elevation or a side elevation of the original dwellinghouse;**

The proposed conservatory is sited on the southern side elevation, which does not front a highway. The proposed rear extension would not extend beyond a wall, which fronts a highway, forms the principal elevation or a side elevation of the original dwellinghouse.

- (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) **exceed 4 metres in height ;**

The enlarged part of the dwellinghouse would have a single storey. The property is detached and the proposed side conservatory and rear extension will not extend beyond the rear wall by more than 4 metres.

- (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 extension would not have more than one storey.

- (g) **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.**

The submitted plans show the proposed conservatory to the southern side elevation but does not exceed 4metres in height nor have more than one storey or have a width greater than half the width of the original dwellinghouse. The rear extension will not extend beyond the side elevation.

- (h) **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 pipe, or**
  - (iv) **an alteration to any part of the rood of the dwellinghouse.**

The extension would not comprise any of the above

#### **Conditions**

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

(b)

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

## **7. RECOMMENDATION**

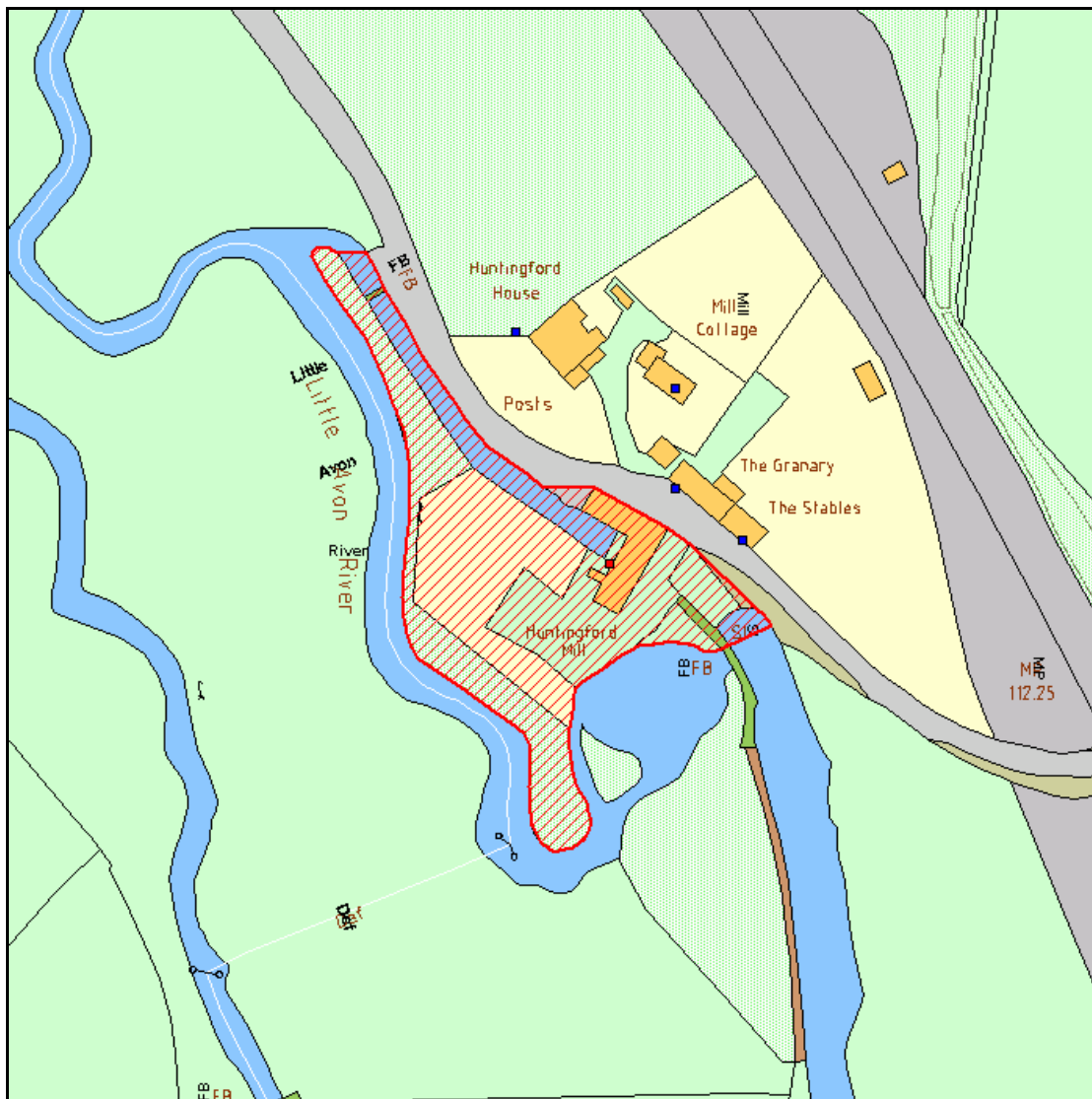
- 7.1 That a Certificate of Lawfulness for Proposed Development is granted for the following reason:

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

**Contact Officer: Melissa Hayesman**  
**Tel. No. 01454 864769**

**CIRCULATED SCHEDULE NO. 12/13 – 21 MARCH 2013**

<b>App No.:</b>	PT13/0303/F	<b>Applicant:</b>	Mr And Mrs M Purkess
<b>Site:</b>	Huntingford Mill Swinhay Lane Charfield Wotton Under Edge South Gloucestershire	<b>Date Reg:</b>	5th February 2013
<b>Proposal:</b>	Erection of single storey 3 no. bay garage with office/studio over to include side balcony and rear greenhouse.	<b>Parish:</b>	Charfield Parish Council
<b>Map Ref:</b>	371674 193556	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Householder	<b>Target Date:</b>	29th March 2013



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## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule because concerns have been raised by the Parish Council contrary to the officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a single storey 3no. bay garage with an office/studio over to include a side balcony and rear greenhouse.
- 1.2 The application site comprises a three-storey grade II listed dwellinghouse located in a prominent corner location on the southern side of Swinhay Lane. The site is located within the open countryside outside of any defined settlement boundary and within Flood Zone 3. A public right of way extends south from the front of the building.
- 1.3 The building is a former mill, which has been converted to a dwelling, however, it still retains its former industrial character. It sits to the north of a bend in the Little Avon River of the northern elevation of the building directly fronts the street. The proposed outbuilding is located to the rear of the dwelling within a Romsey gravel parking area.

### **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  
EP2 Flood Risk and Development  
H4 Residential Development within Existing Residential Curtilages  
L13 Listed Buildings  
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  
CS9 Managing the Environment and Heritage
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PT00/2067/F, change Of Use Of Former Hotel/restaurant To Residential Dwellinghouse, approval, 14/09/2000
- 3.2 PT01/0939/F, conversion of existing hotel into 4 residential apartments. Erection of new garage block, 08/05/2001

- 3.3 PT01/0958/LB, conversion of existing building into 4 residential apartments. Erection of garage block, 08/05/2001
- 3.4 PT01/2968/F, conversion of existing hotel into four residential apartments. Erection of new garage block, 02/12/2001
- 3.5 PT01/2971/LB, conversion of existing hotel into four residential apartments. Erection of new garage block, 02/12/2001
- 3.6 PT02/0902/LB, conversion of existing building into four residential apartments, and erection of garage block, 27/05/2002
- 3.7 PT02/0906/F, conversion of existing building into four residential apartments. Erection of garage block, 27/05/2002
- 3.8 PT03/3678/LB, external and internal alterations for conversion to single dwelling in association with planning application PT00/2067/F dated 14 September 2000. Demolition of existing tower staircase. Removal of external masonry paint to replace with limewash. Strip, 10/02/2004
- 3.9 PT06/2735/LB, demolition of modern projection over tail leat to provide open balcony, 10/11/2006

#### **4. CONSULTATION RESPONSES**

- 4.1 Charfield Parish Council  
No comments received
- 4.2 Tortworth Parish Council  
We have no issues with the design of the proposals but we question the scale of the proposals, as it will have quite an effect on the view from the footpaths at the rear of the property. The property has had various alterations over the years and at some stage there will come a time when further development is inappropriate.
- 4.3 Community Spaces Officer  
No comment
- 4.4 Drainage Officer  
No objection
- 4.5 PROW Officer  
No objection subject to standard advice
- 4.6 Environment Agency  
Objection on the basis that there will be insufficient access to the river for maintenance. Evidence is also required that the flood risk sequential test has been adequately completed to show that there are no reasonably available sites in areas with a lower probability of flooding.

The Environment Agency have indicated that the revised plan submitted is likely to be acceptable for them to removal their initial objection. Officers are awaiting formal clarification of this before a decision is issued. If any further issues are raised by the Environment Agency, the application will be re-circulated to Members.

## **Other Representations**

- 4.7 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

It is noted that part of the application site is located within Flood Zone 3. However, officers are satisfied that the proposed garage/studio is represents minor householder development, for which the National Planning Policy Framework (NPPF) advises are unlikely to raise significant flood risk issues unless they would:

- Have an adverse affect on a watercourse, floodplain or flood defence;
- Would impede access to flood defence and management facilities; or
- Where the cumulative impact of such development would have a significant effect on local flood storage capacity or flood flows.

- 5.2 The NPPF advises that applications for minor development should not be subject to the sequential or exception tests.

- 5.3 Accordingly, it is considered that the principle of the development is acceptable. It is however, noted that the Environment Agency have objected to the development due to the proximity of the proposal to the watercourse, which could bring about access issues if maintenance is required. The applicant has submitted a revised drawing, which clearly indicates a separation distance of approximately 5 metres to the watercourse, which will ensure adequate access if required. The Environment Agency have indicated that the revised plan submitted is likely to be adequate for them to removal their objection, however, Officers are still awaiting for this to be clarified in a formal response. Accordingly, a decision will not be issued until a formal response has been received from the Environment Agency removing their initial objection. If any further issues are raised by the Environment Agency, the application will be re-circulated to Members. The applicant has addressed flood risk issues in the design and access statement. The applicant states that in the event of a flood, flood water would easily flow in and around the garage with no loss of water storage capacity. With ducts in the rear wall, any flood water will flow out of the building easily. It is for this reason that no enclosure of the structure is proposed at ground floor level.

- 5.4 The building was converted to a single dwelling with an associated curtilage by virtue of applications PT00/2067/F and PT03/3678/LB. The proposal is to be

sited within the residential curtilage shown on the approved red line site plan for the applications. The scale of the first floor accommodation and the siting of the building within close proximity to the existing dwelling, as well as its appearance are such that officers are satisfied that it will have an ancillary function. Accordingly, the principle of the development is acceptable by virtue of policies H4 and EP2 of the South Gloucestershire Local Plan (adopted) January 2006. The main issues to consider are the appearance/form of the proposal and the impact on the character of the area and setting of the listed building (policies D1, H4 and L13 of the Local Plan); the impact on the residential amenity of neighbouring occupiers (policy H4 of the Local Plan); and the transportation affects (policies T12 and H4 of the Local Plan).

5.5 Appearance/Form and Impact on Character or Area/Setting of Listed Building

The proposal measures approximately 10 metres in width, 6 metres in length, 5.8 metres at ridge height, falling to 2.4 metres at the eaves. It comprises a simple dual gabled roof form with a steep pitch. The proposal provides for vehicular parking at ground floor level and is open fronted with the roof supported by two iron columns. A greenhouse adjoins the rear elevation of the garage. It comprises a simple pitched gabled form with glazing in the sides and roof supported by a timber framework. A brick plinth is proposed for the base. Access to the greenhouse is via a single pedestrian door in the rear wall of the garage and double pedestrian doors in the western rear elevation of the greenhouse. A studio/office is proposed at first floor level and is accessed via an external staircase on the northern (side) elevation with a bin store under accessed by twin Oak doors. A balcony measuring approximately 3.6 metres in width and 1.6 metres in length is located on the southern (side) elevation and is supported by two cast iron columns. A large central dormer window is proposed in the roof in the front slope with Oak shutters covering the glazing and Oak boarding for the dormer cheeks. Two small box dormer windows with sloped roofs are located in the western roof slope.

5.6 The applicant has specified the materials second hand red brick to match existing laid to English bond in lime mortar for the walls; second hand clay double Roman tiles to match existing for the roof; painted timber casement windows with 14mm double glazed units; and painted timber glazed doors and natural Oak doors.

5.7 Although the proposal is large in scale, officers are satisfied that in relation to the mill, which is a large, industrially scaled three storey building, it will not appear overly dominating. The building is set back from the line of the mill and will not interfere with contextual views of the mill and its riverside setting. Accordingly, with high quality materials proposed, it is considered that the proposal will preserve the setting of the listed building. Amended plans have been received, which have reduced the length of the cill overhang for the dormer windows by almost 30mm. This accords with the Conservation Officer's advice. The Conservation Officer initially raised concern regarding the design of the eaves on the rear elevation and recommended the use of rise and fall brackets instead of a timber fascia; however, the applicant has confirmed that both the main building and later 19<sup>th</sup> century wing have eaves with timber fascias. Accordingly, the eaves design proposed will ensure continuity with the main building.



5.8 The Council has raised concerns regarding the scale of the proposal and the impact on views from the footpaths to the rear of the property. However, from the surrounding landscape the proposal will be viewed in conjunction with the much larger host dwelling. Accordingly, subject to a sympathetic standard of appearance, and weight is given to the Conservation Officers comments here, the proposal will not have a significant adverse affect on the character of the landscape. If permission is granted, conditions are recommended in respect of samples of materials; the proposed finish for joinery and all new vents and flues.

5.9 Residential Amenity

The closest neighbouring properties are located to the north of the application site on the opposite side of Swinhay Lane approximately 40 metres from the proposal. The proposed development will generally be well screened from views from the neighbouring properties by existing built form. Accordingly, it is not considered that the proposal will have a significant adverse affect on the residential amenity of neighbouring occupiers through loss of natural light or privacy.

5.10 Transportation

The proposal is located on an existing parking area on the site and will consolidate the existing parking situation. If permission is granted, a condition is recommended to ensure that the proposal only functions as ancillary to the residential use of the mill given the unsustainable location of the site. Subject to a condition, it is not considered that there will be a significant increase in vehicular traffic over the existing situation.

## 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 proposal will not result in a significant adverse increase in terms of flood risk and accords with policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal is acceptably in-keeping with the character of the existing dwelling in terms of scale, form, siting and materials and will not adversely affect the setting of the listed building. The proposal therefore, accords with policies D1, H4 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not have a significant adverse affect on the residential amenity of neighbouring occupiers through loss of natural light or privacy. The proposal therefore, accords with policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not bring about any significant adverse transportation issues and accords with policies T12 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

## **7. RECOMMENDATION**

- 7.1 Planning permission is GRANTED subject to the conditions in the decision notice.

**Contact Officer: Jonathan Ryan**  
**Tel. No. 01454 863538**

## **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 building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the building known as Huntingford Mill.

Reason

The site is located in an unsustainable location outside of any defined settlement boundary and in an area of high flood risk (Flood Zone 3). The principle of new residential development is therefore, unacceptable and contrary to policies H3 and EP2 of the South Gloucestershire Local Plan (adopted) January 2006.

3. Prior to the commencement of the development a representative sample panel of brick of at least one metre square showing the brick, bonding, pointing and mortar shall be erected on site and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved sample panel.

Reason

To achieve a high quality standard of appearance to preserve the character and setting of the listed building and to accord with policy L13 of the South Gloucestershire Local Plan (adopted) January 2006.

4. Prior to the commencement of the development a representative sample panel of render of at least one metre square showing the texture and finish shall be erected on

site and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved sample panel.

Reason

To achieve a high quality standard of appearance to preserve the character and setting of the listed building and to accord with policy L13 of the South Gloucestershire Local Plan (adopted) January 2006.

5. Prior to the commencement of the development details of the proposed finish for the joinery shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason

To achieve a high quality standard of appearance to preserve the character and setting of the listed building and to accord with policy L13 of the South Gloucestershire Local Plan (adopted) January 2006.

6. Prior to the commencement of the development details of all new vents and flues shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason

To achieve a high quality standard of appearance to preserve the character and setting of the listed building and to accord with policy L13 of the South Gloucestershire Local Plan (adopted) January 2006.

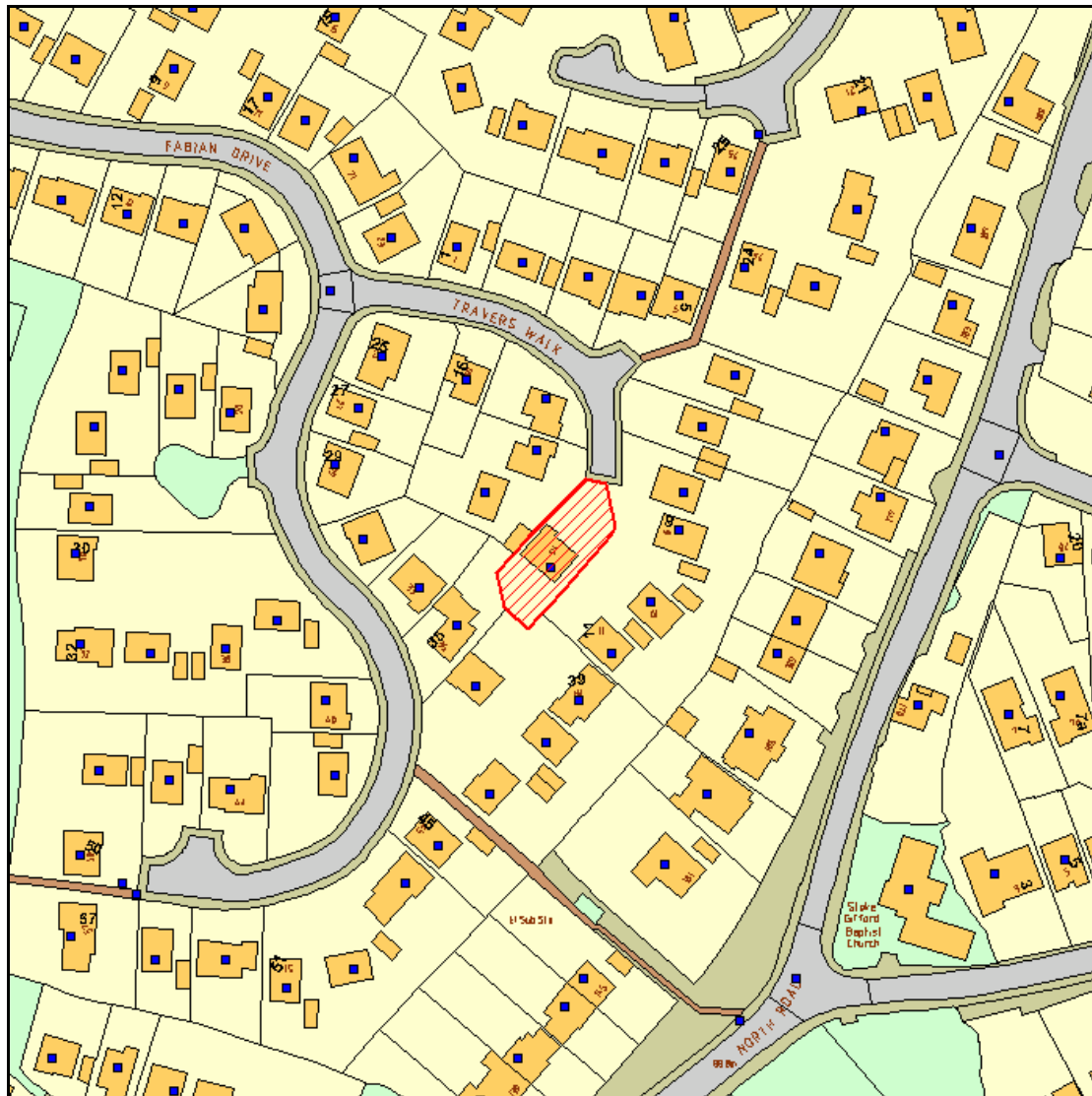
7. Prior to the commencement of development samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To achieve a high quality standard of appearance to preserve the character and setting of the listed building and to accord with policy L13 of the South Gloucestershire Local Plan (adopted) January 2006.

**CIRCULATED SCHEDULE NO. 12/13 – 21 MARCH 2013**

<b>App No.:</b>	PT13/0315/F	<b>Applicant:</b>	Mr S Beck
<b>Site:</b>	12 Travers Walk Stoke Gifford South Gloucestershire BS34 8XW	<b>Date Reg:</b>	1st February 2013
<b>Proposal:</b>	Erection of first floor side and single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362539 180008	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Householder	<b>Target Date:</b>	28th March 2013



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## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

1.1 The application seeks full planning permission for the erection of a first floor side extension and a single storey rear extension to form additional living accommodation.

1.2 The application site is situated within the residential area of Stoke Gifford.

### **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 in New Development  
H4: Development within Existing Residential Curtilage  
T8: Parking Standards

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

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

### **3. RELEVANT PLANNING HISTORY**

3.1 None relevant

### **4. CONSULTATION RESPONSES**

4.1 Stoke Gifford Parish Council  
No objection

4.2 Community Spaces  
No objection

Archaeology  
No objection

Highways Drainage  
No objection

## **Other Representations**

### 4.3 Local Residents

One letter of objection was received

- The proposed first floor extension will be large overbearing, unrelieved red brick wall seen above the garage and some 2.6metres nearer than present
- The extension will block out light due to the length and height.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

### 5.2 Design/ Visual Amenity

The application site is located on Travers Walk in Stoke Gifford the area is characterised by detached dwellings. The proposal is to erect a first floor side extension over an existing garage on the northwest elevation and a single storey rear extension on the southwest elevation.

The first floor extension and single storey rear extension will be constructed of materials to match the existing dwelling. The proposal is of an appropriate standard in design and is in keeping with the character of the main dwelling and surrounding area. The proposal therefore accords with policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

### 5.3 Overbearing and Privacy Analysis

The dwelling is detached with an attached garage. The neighbouring property No. 13 stands at a right angle to No.12. The proposed first floor extension roof level will be the same as the existing dwelling house with the total length measuring 10.8 metres to accommodate the single storey rear extension. The width of the proposed single storey rear extension measures 9.1 metres with an overall height of 3.5 metres. The rear extension will slightly extend out by 0.7metres on the on the south part of the extension.

Given the scale and location of the single storey rear extension in relation to adjoining properties, it is not considered that the proposal would have an adverse impact upon residential amenity. It would not appear overbearing nor given the scale and location of the proposal would there be any material loss of privacy

An objection had been received stating that the proposed first floor side extension will be viewed from the front window of the neighbouring property

(No.13) which will have a view of a large, overbearing, unrelieved red brick wall seen above the garage causing loss of light. The proposed first floor extension is some distance from the neighbouring property with (No.13) garage in between, furthermore there is an adjoining boundary fence. The first floor extension would have a limited impact which would not significantly prejudice residential amenity (which is the criterion set in policy H4). It is therefore considered that the scale and design of the first floor extension accords with policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

#### 5.4 Amenity Space

Whilst the proposed extension does project into the rear garden, sufficient garden space will remain to serve the occupiers of the property.

#### 5.5 Transportation

The proposed first floor extension is situated above the existing garage, with the single storey extension to the rear, therefore the proposal would not affect the existing parking arrangement and would not cause any harm to the highway safety of the area.

### 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 has been assessed that the proposed extension has been designed to respect and maintain the materials and design and character of the dwelling streetscene. The development therefore accords with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

It is not considered that the proposal would cause any significant adverse impact in residential amenity. The development therefore considered to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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

### 7. RECOMMENDATION

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

**Contact Officer: Melissa Hayesman**  
**Tel. No. 01454 864769**

## **CONDITIONS**

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

Reason

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

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

Reason

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



**CIRCULATED SCHEDULE NO. 12/13 – 21 MARCH 2013**

<b>App No.:</b>	PT13/0324/F	<b>Applicant:</b>	Mr J Brooke
<b>Site:</b>	9 Kennet Way Thornbury South Gloucestershire BS35 2EY	<b>Date Reg:</b>	5th February 2013
<b>Proposal:</b>	Erection of single storey front extension to provide garage and new access to the dwelling	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364792 189735	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	1st April 2013



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## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a single storey front extension to provide a garage and new access to the dwelling.
- 1.2 The application site is comprises of a two-storey terraced property within the residential area of Thornbury.

### **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 in New Development  
H4: Development within Existing Residential Curtilages  
T8: Parking Standards  
  
South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)

### **3. RELEVANT PLANNING HISTORY**

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
Objection – The proposals are felt to constitute overdevelopment of the site, which if mirrored by adjoining properties, would lead to a terraced effect detrimental to the existing character of the street scene.
- 4.2 Community Spaces  
No objection  
  
Highway Drainage  
No objection

Sustainable Transport

No objection

**Other Representations**

4.3 Local Residents

No response

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Design/ Visual Amenity

The application seeks planning permission for the erection of a single storey front extension. The single storey extension will measure 3 metres wide by 3.9 metres in depth the height of the eaves will be 2.4 metres and the maximum height of the roof will be 3.4 metres it will have a lean-to roof with a flat-roof section of 0.5 metres in length. The facing materials used in the proposed extension will be brick to match the host dwelling.

The lean-to roof will have 1no. roof light. In respect of the design of the front extension with the chosen construction materials and its location it is considered that it is an appropriate addition to the dwelling and streetscene.

An objection has been received regarding the front extension, which would result in over development of the site and would lead to the property having a terraced effect. However the property is a terraced house and the proposed front garage is in filling the 'L' shape design of the original dwelling, the extension is of a reasonable size.

5.3 Residential Amenity

Given the scale and location of the proposed extension in relation to adjoining properties, it is not considered that the proposal would have any adverse impact upon residential amenity such it would not appear overbearing or result in overshadowing/ loss of outlook. Nor given the scale and location of the proposal would there be any loss of privacy.

5.4 Transportation

Revised plans showing 2no. standard car parking spaces to the front of the property have been requested, as the proposed garage does not meet the required internal measurements.

The proposal would not result in any loss of parking provision at the site, would not impact upon highway safety and as such would be in accordance with policy H4 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

## **6. CONCLUSION**

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

The proposed development will not have a significant adverse impact on the residential amenity of the neighbouring occupiers through appearing oppressive or overbearing or through loss of privacy - policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not have any loss in parking provisions nor will it have any impact on the highway safety and as such would be in accordance with policy H4 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

## **7. RECOMMENDATION**

- 7.1 Planning permission is approved subject to the conditions in the decision notice.

**Contact Officer: Melissa Hayesman**  
**Tel. No. 01454 864769**

## **CONDITIONS**

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

Reason

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

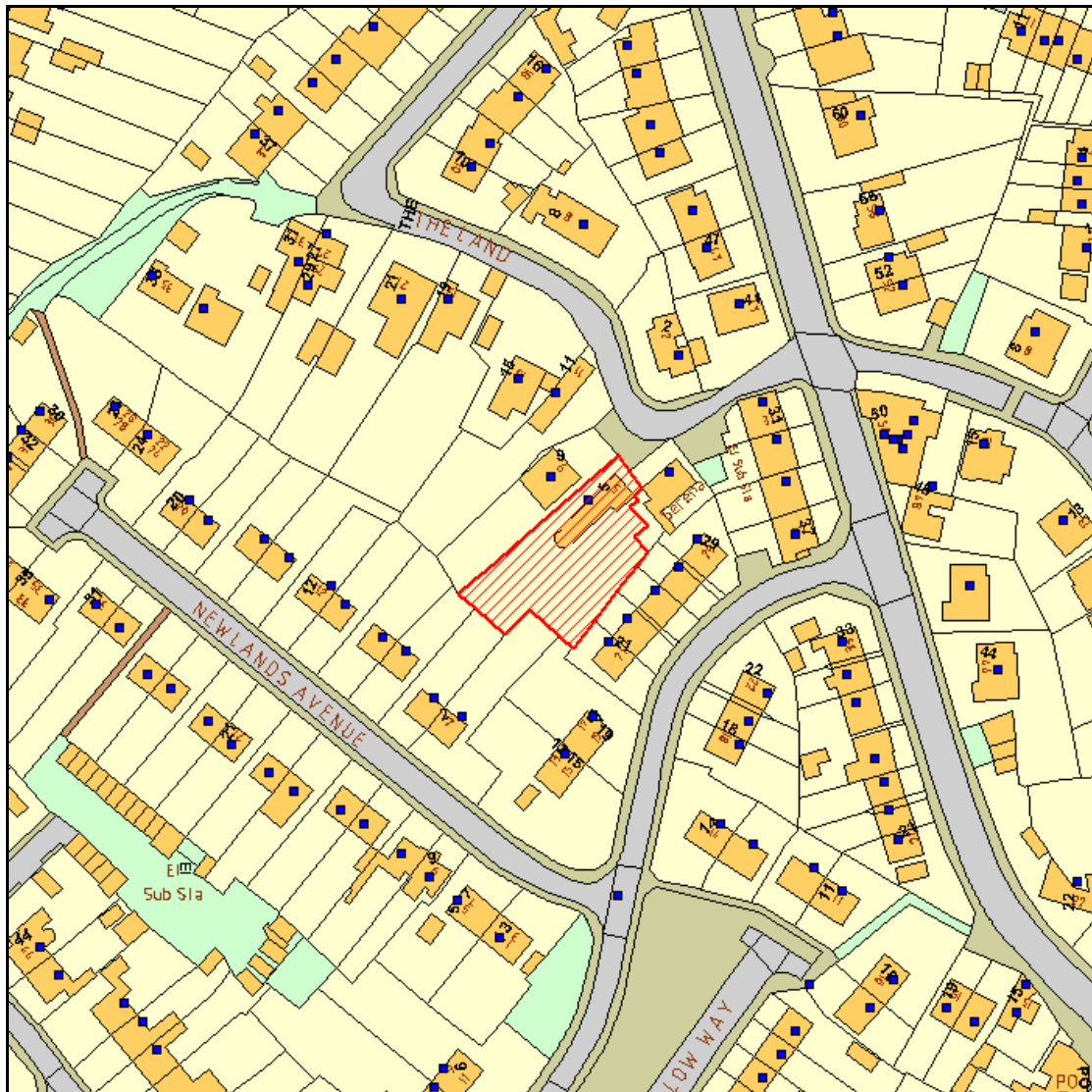
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

## CIRCULATED SCHEDULE NO. 12/13 – 21 MARCH 2013

<b>App No.:</b>	PT13/0331/F	<b>Applicant:</b>	Mr And Mrs D Elson
<b>Site:</b>	5 The Land Coalpit Heath Bristol South Gloucestershire BS36 2LJ	<b>Date Reg:</b>	4th February 2013
<b>Proposal:</b>	Erection of detached garage	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367344 181089	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	28th March 2013



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 100023410, 2008. **N.T.S.** **PT13/0331/F**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule following objections from local residents.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of single detached garage.
- 1.2 The application site relates to a two-storey detached property situated within the established residential area of Coalpit Heath.
- 1.3 During the course of the application revised site plans were requested and received to indicate the correct site boundary. In addition following objection comments the Tree Officer requested sample pits to be dug on the site to investigate the extent of nearby tree roots. This was done and the Tree Officer is satisfied the proposal would not harm nearby trees.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
NPPF National Planning Policy Framework March 2012
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Design in New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T8 Parking Standards  
T12 Transportation Development Control  
South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted 2007)  
Draft SPD Residential Parking Standards - November 2012

### **3. RELEVANT PLANNING HISTORY**

- 3.1 N396  
Withdrawn Demolish old cottage. Erect one dwelling  
9.8.74
- 3.2 N396/1  
Approved Erection of two storey extension to provide lounge and kitchen with two bedrooms and bathroom over  
13.11.75
- 3.2 PT05/2007/F Erection of two storey rear extension to form

Approved kitchen/family room with bedroom and en-suite over  
12.8.05

#### 4. **CONSULTATION RESPONSES**

4.1 Frampton Cotterell Town Council

No objection

4.2 Other Consultees [including internal consultees of the Council]

Sustainable Transport

No objection

Drainage

No objection

Community Spaces

No objection

Tree Officer

No objection

#### **Other Representations**

4.3 Local Residents

Three letters of objection have been received by the Council. The comments are summarised as:

- incorrect site boundary
- footings and drainage of the proposed garage will affect two old oak trees
- applicant should have declared the trees were within falling distance of boundary

#### 5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposal stands to be assessed using the above policies. Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Policy D1 of the Local Plan requires all new development to be well designed and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and locality. Policies T8 and T12 deal with parking standards and transport development control..

The South Gloucestershire Core Strategy Development Plan Document was considered by the Inspector appointed to hold the Core Strategy Examination in Public and a refreshed Core Strategy that incorporates Post-Submission

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

The proposal is therefore considered to accord with the principle of development.

#### 5.2 Design and Visual Amenity

The application site relates to a two-storey detached property situated within an area of mixed style and size housing. The property sits off the highway with an area of gravel to the front and benefits from a long driveway leading from the highway down into the rear garden.

It is considered that the proposed garage would be of an acceptable size and massing appropriate to the host dwellinghouse and area in general. The garage would be approximately 7.2 metres square with a hipped roof. A large double door would give vehicle access in the northeast elevation and a single door would be positioned in the southeast elevation. Good quality materials comprising stone, painted render and red tiles would complement the host dwellinghouse.

Given the above it is considered that the proposal accords with Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.

#### 5.3 Residential Amenity

The proposed garage would be positioned to the southwest of the existing dwellinghouse within the property's large garden. The property sits at a slightly lower level than neighbours to the northwest where it is screened by high fencing and mature planting. Likewise neighbours to the southwest would be separated from the site by fencing and mature planting. Given the above it is considered that the garage would not impact on the residential amenity of neighbouring dwellings and the proposal accords with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

#### 5.4 Sustainable Transport

The application would result in the creation of a large single storey garage sufficient to accommodate two vehicles. Adequate off street parking would remain for additional vehicles alongside the dwellinghouse. The proposal is considered to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and the emerging SPD Residential Parking Standard document.



### 5.5 Tree Officer

Following a site visit to examine some sample trenches, there were no tree roots discovered during or following the excavation exercise. It is therefore fair to assume that there would be no tree roots within the area of the proposed garage. In conclusion it is considered that the proposed development would not impact on the roots or health and longevity of the trees. On this basis there is no objection.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development for the erection of erection of single detached garage has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.
- (a) Consideration has been given to the impact of the proposed development on the character of the surrounding area, which would in this case not be affected, in accordance with Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) 2006.
  - (b) The proposal would not prejudice the amenities of neighbouring properties in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.
  - (c) An acceptable level of off-street parking would be provided in accordance with Policies H4 and T8 and highway safety is unaffected in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.
  - (d) Adequate amenity space would be provided to serve the development in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.
  - (e) The design of the scheme would be in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

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

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

## **CONDITIONS**

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

Reason

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

**CIRCULATED SCHEDULE NO. 12/13 – 21 MARCH 2013**

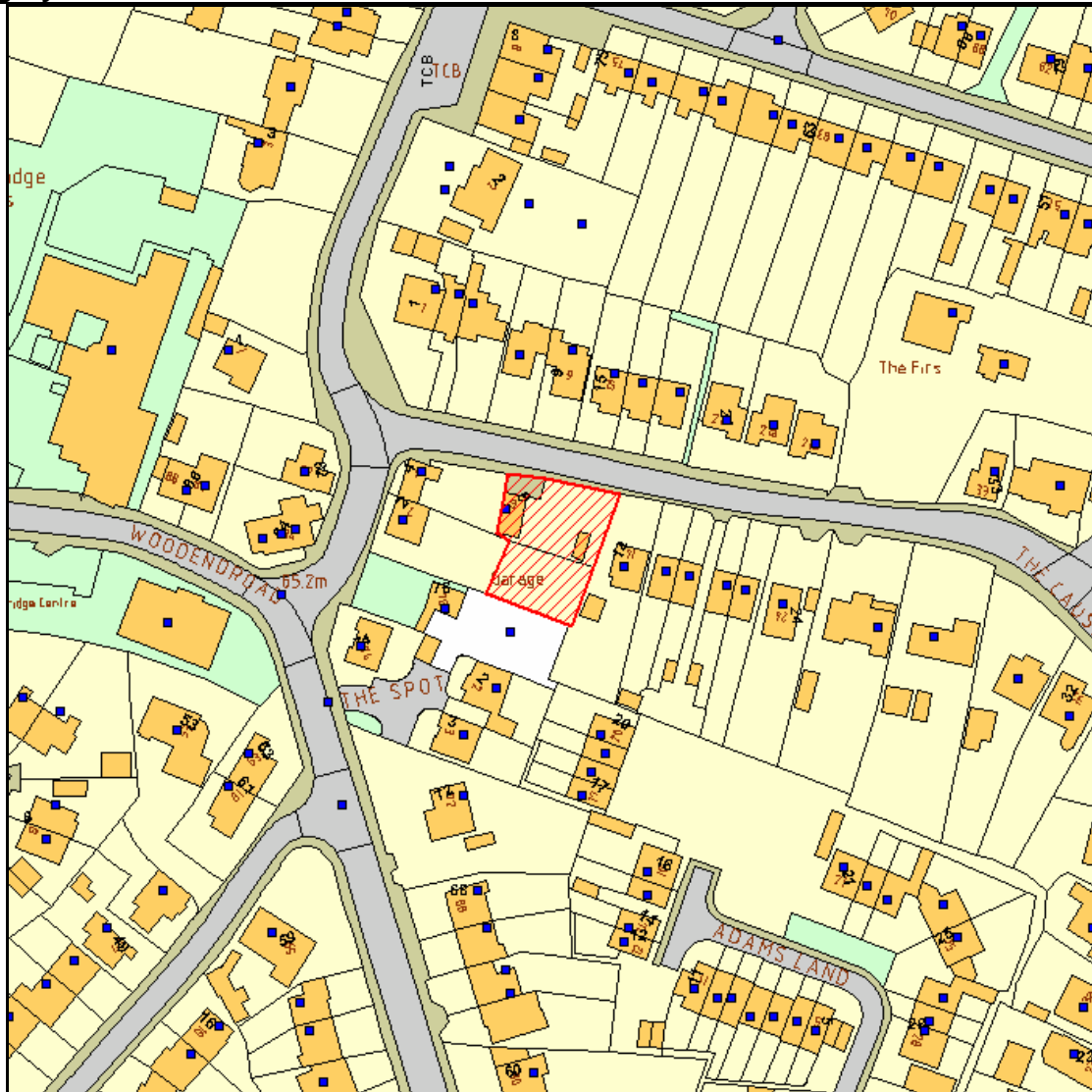
**App No.:** PT13/0369/F  
**Site:** Jennys Hairdressers 6 The Causeway  
 Coalpit Heath South Gloucestershire  
**Proposal:** Demolition of existing single storey  
 hairdressing salon and erection of a two  
 storey building with 2no. retail units (Class  
 A1) at Ground Floor and 2no. residential  
 units (Class C3) at First Floor as defined in  
 Town and Country Planning (Use Classes)  
 Order 1987 (as amended), with access  
 and associated works.

**Applicant:** Mr P Endicott  
**Date Reg:** 12th February 2013

**Parish:** Frampton Cotterell  
 Parish Council

**Map Ref:** 367396 181291  
**Application Category:** Minor

**Ward:** Frampton Cotterell  
**Target Date:** 5th April 2013



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## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule in view of the letters of support that have been received.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a two-storey building that would provide two class A1 retail units at ground floor with two flats above.
- 1.2 The application relates to land on the south side of The Causeway, Frampton Cotterell. The site currently provides for a small single-storey building that comprises a ladies hairdresser with the remainder of the site providing car parking.

### **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 in New Development

H2: Proposals for Residential Development

RT8: Small Scale Retail Uses in the Urban Areas/ Settlement Boundaries

T8: Parking Standards

T12: Transportation Development Control Policy for New Development

L1: Landscape Protection and Enhancement

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

CS1: High Quality Design

CS5: Location of Development

CS17: Housing Diversity

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

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PT11/1312/RM: Erection of 4 dwellings. Permitted: 6 June 2011
- 3.2 PT11/0708/EXT: Erection of 4 dwellings on 0.062 hectares of land with access and layout to be considered all other matters to be reserved (Consent to extend time limit implementation for PT08/1014/O). Withdrawn: 17 March 2011
- 3.3 PT08/1014/O: Erection of 4 dwellings on 0.062 hectares of land with access and layout to be considered all other matters to be reserved. Permitted: 16 May 2008

- 3.4 PT06/0260/O: Demolition of commercial garage and hairdressing salon to facilitate erection of four new dwellings on 0.13 hectares of land; means of access and siting to be considered. Refused: 4 October 2007
- 3.5 PT02/3058/F: Erection of first floor side extension to from bedroom. Permitted: 12 November 2002 (2 The Causeway)
- 3.6 P98/1749: Erection of conservatory. Permitted: 17 June 1998 (2 The Causeway)
- 3.7 P91/1570: Erection of single storey rear extension to provide hall, shower room, W.C. and enlarged dining room. Permitted: 5 May 1991 (2 The Causeway)
- 3.8 P87/1637: Use as ladies hairdressing salon (renewal of consent). Permitted: 20 May 1987
- 3.9 P85/1430: Use of premises as a ladies hairdressing salon. (Renewal of temporary consent.) Permitted: 8 May 1985
- 3.10 N864/4: Use of premises as a ladies hairdressing salon. (Renewal of temporary consent). Permitted: 14 April 1983
- 3.11 N864/3: Renewal of consent for hairdressing salon. Permitted: 26 March 1981
- 3.12 N864/2: Renewal of consent for hairdressing salon. Permitted: 29 March 1979
- 3.13 N864/1: Use of premises as a ladies hairdressing salon (renewal of temporary consent). Permitted: 17 March 1977
- 3.14 N864: Use of premises as a ladies hairdressing salon. (Renewal of temporary consent). Permitted: 12 December 1974
- 3.15 N3456/AP: Erection of two storey extension to side of dwelling to provide kitchen and dining room with two bedrooms over (in accordance with the revised plans received by the Council on 15th September 1977) to be read in conjunction with N.3546. Permitted: 6 October 1977 (4 The Causeway)
- 3.16 N3456/1: Erection of carport. Permitted: 25 January 1979 (4 The Causeway)
- 3.17 N3456: Erection of two-storey extension at side of dwelling to provide kitchen with bedroom and bathroom above; demolition of existing toilet/kitchen outbuilding (outline). Permitted: 26 May 1977

#### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
*'The Parish Council strongly objects to this development. This is over development in an area already suffering with traffic and parking issues. The drainage officers comments are inappropriate and should be reconsidered as*

*the area has recently been graveled for use as a car park for the local garage. This has inevitably led to a loss of wildlife in this area. No planning notice has been posted at the site. If the application were to be approved then the parking spaces should be tied to the new units and prohibited from use by Frampton Garage.'*

#### 4.2 Other Consultees

Environmental Services: no objections in principle

Highways DC: objection

Technical Services: no objection in principle

Community Spaces: no comment

#### **Other Representations**

#### 4.3 Summary of Local Residents Comments:

Seven letters received raising the following concerns:

- Site used as a car park for Frampton Garage with cars moved all day;
- In the past 4 months site has been regenerated;
- Three letters support site regeneration but raise objections to proposal;
- Where will cars from the local garage be parked?
- 2 flats and 2 shops will more than double the amount of cars;
- Additional cars will pose health and safety risk to Watermore school children (including additional pollution);
- Retail units are not in keeping with residential character of the area;
- Retail units will adversely impact residential amenity;
- Retail units might result in problems that a residential use would not;
- The Causeway should remain a residential street;
- One semi and one shop and flat would be more in keeping;
- There is (already) not enough parking;
- At night this area, if unlit, will pose possible problems for residents;
- The narrow road can not provide for additional parking;
- Anti social-behaviour problems will spread here from other shops;
- No site notice has been erected.

#### 4.4 One further letter received advising that the writers have 'no objection' and one further letter with the following supportive comments:

- There are no existing or historic parking problems;
- Extra car parking might help slow speeding motorists down;
- The busiest periods are during the school runs and parents risk accidents by inconsiderate parking and driving;
- It is hoped that the proposal will provide affordable housing;
- The proposal will provide jobs.

#### 4.5 It should be noted that no planning notice was posted at the site given that neighbouring occupiers could be identified.

### **5. ANALYSIS OF PROPOSAL**

#### 5.1 Principle of Development

The National Planning Policy Framework carries a presumption in favour of sustainable development and speaks of the need to 'boost significantly the

supply of housing' (paragraph 47) and to deliver a wide choice of high quality homes and widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50). Further, it is advised that *'Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay'*. These considerations should be attributed significant weight in the assessment of this application.

- 5.2 Given that the application site is located within the settlement boundary, policy H2 applies. This is permissive of proposals for new residential development subject to considerations of design, residential amenity and highway safety. Further, adequate amenity space should be provided for any new separately occupied dwelling.
- 5.3 Planning policy RT8 advises that outside of the town centres, small scale proposals for Class A1, A2 and A3 uses will be permitted provided that:
- The development would not give rise to unacceptable levels of vehicle parking to the detriment of the amenities of the surrounding area and highway safety; and
  - It would not prejudice residential amenity; and
  - The character of the area would not be adversely affected; and
  - Development would improve the range of services to a community and not harm the vitality of viability of an existing centre.
- 5.4 Design/ Visual Amenity  
The application seeks demolition of the existing single-storey hairdressers and replacement with a two-storey building that would resemble the size and design of a pair of semi-detached properties. However, the ground floor of the building would provide two new retail units (with kitchen, toilet and store facilities at the rear of each unit) with two 2-bedroom flats at first floor level. Land to the rear of the building would provide a garden whilst parking for 6 cars would be provided adjacent to the east flank boundary; 2 of these spaces would be allocated to the flats.
- 5.5 The site currently benefits from planning permission for the erection of 4 two-storey semi-detached dwellings. These would be positioned further back on the site (behind 2 The Causeway) with parking directly in front and small areas of rear garden space behind. This planning permission has not been implemented although it is understood that the applicant has recently cleared the site of all overgrown vegetation with it now providing car parking for the nearby garage.
- 5.6 This current proposal would provide a slightly larger two-storey building albeit with the ridge height slightly lower owing to a shallower roof pitch. In contrast to the approved scheme, the build would stand much closer to the road (aligning with 4 The Causeway). In so doing, it would stand well forward of the building line further along this road with the exception of 4 The Causeway that near adjoins the highway. As such, on balance, and with the proposal to be stood apart (given the area of parking proposed) from 14 The Causeway, it is not considered that there could be any sustainable objection to the proposal on

- this basis. In this regard, it is also noted that the existing building that would be demolished also aligns with 4 The Causeway adjoining the road frontage.
- 5.7 For the above reasons, there is no design/ visual amenity based objection to the proposal with the general design of the building also considered to be acceptable.
- 5.8 Proposed Use  
The provision of additional residential units within this residential area has already been established as acceptable by reason of the previous grant of planning permission. However, this new application would also allow a replacement and additional A1 retail unit; it is noted that a number of concerns have been raised regarding the introduction of these retail units into this residential area of The Causeway.
- 5.9 In response, policy RT8 is permissive of proposals for small-scale retail uses subject to a number of considerations; these relate to the impact of the proposal on the character of the area, residential amenity considerations and highway safety issues. Furthermore, in the case of proposals outside of a local centre, permission will be granted where proposals would improve the range of services to a local community and not harm the vitality and viability of an existing local centre.
- 5.10 In this instance, a rank of shops is located within close proximity of the site at Lower Stone Close and it is considered that these, in addition to further non-residential uses within the vicinity (i.e. the garage) would be likely to make any refusal reason based on the impact of the proposal on the character of the area difficult to sustain; particularly given the existing hairdressers on site. It is also noted that a number of these existing retail uses nearby are vacant. However, again, it is considered that any refusal reason based upon the impact of one additional retail unit within this location would again be difficult to substantiate. As such, on balance, there is no objection to the introduction of retail units to this new scheme subject to residential amenity and highway safety concerns as addressed below.
- 5.11 Residential Amenity  
The site is adjoined by 14 The Causeway along its east boundary, the north flank boundary of 1 The Spot behind and the rear gardens of 2 and 4 The Causeway to the west. As noted, the building would stand forward of the front building line of 14 The Causeway (and beyond) but would be set apart from this dwelling by the proposed area of car parking. Two-storey semi-detached dwellings stand opposite the application site.
- 5.12 There is no objection to the position of the building having regard to its relationship with these neighbouring properties with the level of separation considered to be acceptable and with no issues of overlooking introduced than might not be expected within a built up area (i.e. the proposals are orientated towards the road and the new rear garden area behind).
- 5.13 Notwithstanding the above, there is concern regarding the introduction of the car parking area with cars to be positioned the full length of the flank boundary



- of this neighbouring property. It is noted that the drive serving this property also runs the length of this boundary but it is considered this would be used far less intensively. Accordingly, there is an objection to the application on this basis.
- 5.14 Concerning the impact of the retail units, it is considered that subject to restrictions on their use and opening hours (that could be appropriately controlled by condition), there could be no sustainable objection to the proposal on residential amenity grounds (especially given the existing hairdressers).
- 5.15 Highway Safety  
Comments from the Council's Officer advise that the Causeway is an unclassified road but although the proposed level of parking is acceptable, the proposed parking layout is awkward and inconvenient to drivers. This is contrary to planning policy T12 and thus there is an objection to the application on this basis.
- 5.16 Notwithstanding the above, the comments note that this objection might be overcome if the building were set back further from the road. The six spaces could then be located directly in front of the building where vehicles could pull in and reverse out of each space onto the highway. However, it is noted that this would require the repositioning of the new building (given the limited depth of part of the plot) thus it is considered this change (and the associated changes to the existing area of proposed parking) would be more appropriately dealt with as part of a new planning application.
- 5.17 It is further noted that the footpath fronting the development should be 2 metres wide whilst a cycle stand should be provided to the front of the property to serve the retail units whilst a secure undercover cycle storage for residents and staff should also be provided; the latter is mentioned within the Design and Access Statement but no details are provided.
- 5.18 The applicant has advised that the required parking might be provided in lieu of the proposed rear garden area. However, this is not what is shown on the plans, might still result in access problems whilst the impact on the residential amenities of the neighbouring occupiers would also need to be reassessed.
- 5.19 Outstanding Issues  
Having regard to the comments of the Parish Council, it is considered that it would be appropriate to add a drainage condition in the event that planning permission was granted.

## **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 Planning Permission is **REFUSED** for the reason listed below:

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

1. The parking area proposed would be unacceptable by reason of its position (immediately alongside and stretching the full length of the neighbouring property) and layout (that would be awkward for drivers to negotiate) and further, would fail to retain a footpath of adequate width to the front of the development. The proposal is therefore considered to be contrary to Planning Policies D1, H2 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 12/13 – 21 MARCH 2013**

<b>App No.:</b>	PT13/0422/CLE	<b>Applicant:</b>	Mr Frank Williams
<b>Site:</b>	Woodlands Yard Bristol Road Frampton Cotterell South Gloucestershire BS36 2AW	<b>Date Reg:</b>	12th February 2013
<b>Proposal:</b>	Application for Certificate of Lawfulness for existing use of land for storage of motor vehicles and non-agricultural goods Use Class B8 plus ancillary works of laying a hardstanding, erection of fencing, stationing of shipping containers and erection of a storage building.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366186 182522	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	5th April 2013



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 100023410, 2008. **N.T.S.** **PT13/0422/CLE**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The application seeks a Certificate of Lawfulness in respect of the use of land for the storage of motor vehicles and non-agricultural goods (Use Class B8) and for ancillary works including the laying of a hardstanding, the erection of fencing, the stationing of shipping containers and the erection of a storage building.
- 1.2 The application relates to Woodlands Yard on the north west side of Bristol Road, Frampton Cotterell. The application site is located beyond any settlement boundary within the open Green Belt.

### **2. POLICY CONTEXT**

- 2.1 Because the application is for a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration. The applicant need only prove that on the balance of probabilities that this change of use of land for Class B8 purposes has remained the same for a continuous period of 10 years up to and including the date of this application. It must be demonstrated that the storage building has been in situ for a continuous period of 4 years up to and including the date of this application.

### **3. RELEVANT PLANNING HISTORY**

- 3.1 P97/2294: Erection of agricultural storage building. No decision recorded.
- 3.2 P96/2978: Erection of an agricultural storage building. Permitted: 11 March 1997
- 3.3 P96/1071: Use of land for keeping of horses. Erection of building for storage of hay and implements. Refused: 20 March 1996:

### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
*'The Parish Council objects and feels there is insufficient information upon which to form an opinion. No plans or building dimensions have been supplied. Can SGC verify that this has been operational for ten years, what commercial rates have been paid in that time? Strong objection: Green Belt land and Change of Use'*

*'The Parish Council maintain its objection and would like to draw attention to the fact that in early 2010 it reported to SGC a possible planning breach. On investigation it showed that storage had taken place from about 2005. A PCN*

*was served on the landowner. Councilors have noticed vans advertised for sale (as at Feb/March 2013) on Ebay linked to this property. Woodlands Van Centre Ltd.'*

4.2 Other Consultees

Landscape Officer: No comments

Highways DC: No comments

**Other Representations**

4.3 Local Residents Comments

No comments received

**5. ANALYSIS OF PROPOSAL**

5.1 The application relates to land on the north east side of Bristol Road, Frampton Cotterell. The site is rectangular in shape and given over to hardstanding. The site is well contained by boundary planting/ screening and because the access is offset from the site with the access running for a short stretch parallel to the road.

5.2 The issue for consideration is primarily whether the use of this land for Class B8 storage purposes has occurred for a continuous period of 10 years up to the date of this application and whether the storage building has been in situ for 4 years up to and including the date of this application. This application is purely an evidential test irrespective of planning merit, and is judged on the balance of probability.

5.3 Evidence in Support of the Application: letter from agent

The case for the application is set out within a letter from the agent. This advises that in matters relating to a Planning Contravention Notice dated 31 March 2010, that the uses now being applied for were exempt from enforcement action by virtue of the 10 year rule, and in respect of an engineering operation to construct hardstanding, the 4 year rule. In this regard, it is further advised that there was also a portacabin, perimeter fencing and various shipping containers that had existed for in excess of four years. It is advised that *'The use of the site for B8 storage purposes has continued without any material change since 2010 and is being carried out at the present time'*.

5.4 The letter cites one ancillary activity on the site that is unauthorised, this being the sale of light commercial vehicles that are stored in a compound within the rear northwest corner of the site. However, it is advised that the principal activity on this part of the site relates to the storage of these vehicles with the advertising of these vehicles on the Internet.

5.5 The letter explains that site storage concerns lorries, trailers, motor vehicles, cars and light commercial vehicles. However, *'There is some non-agricultural storage within portacabins that were placed on the land at the end of 1999 and assessed by your Authority in 2010'*. However, *'Part of the site is used for the*

*storage of window frames, that activity takes place on land that until 1 ½ years ago was used for the storage of vehicles. No material change of use has therefore taken place.*

*Another part of the site (being the northeast section) is used for the storage of excavators, plant and machinery. This area was previously used for the storage of lorries, trailers and cars. Again, no material change of use has taken place from the acknowledged use by your Authority in 2010.*

*A further area of the site abutting the southern boundary is used for the storage of classic cars, principally Minis. The present tenant took up occupation approximately 18 months ago and prior to that the area was used again for storing lorries and trailers’.*

5.6 A notice dated February 14<sup>th</sup> 2011 comprising a rate demand notice with the land now rated for storage also accompanies the application. The effective date of alteration is set at April 1<sup>st</sup> 2005 with the owner required to back pay rates from that date until 2011. It is advised that this is the maximum possible pay back period. Rates continue to be paid with documentation for the period April 2012 to March 2013 provided.

5.7 Evidence in Support of the Application: affidavit from applicant

A sworn statement from the applicant also supports the application; this is considered to carry significant weight in the assessment of this current application.

5.8 This advises that the site was purchased in 1996 as an open field (plan attached). *‘During 1998 and 1999 I bought onto the land hardcore and scalplings and I constructed a hardstanding. I also erected a perimeter fence (partly of blockwork and partly of wood panels and I formed a proper access into the site. I also put up a shed for purposes of storage and brought onto the land a number of shipping containers.*

*From 1999 until 2010 I used the hardcored yard area for the storage of lorries, trailers and motor vehicles, and I used the shipping containers for storage of general goods not associated with agriculture.’*

5.9 This statutory declaration refers to a further plan comprising a site layout plan marking the position of shipping containers, a shed and a portacabin. Further to the Officer site visit, it is considered that this gives a reasonable representation of how the site appears today.

5.10 This sworn statement then refers to a planning contravention notice that was served by the Council in 2010 that alleged the change of use of land from agriculture to the storage of lorries, trailers, motor vehicles and non-agricultural storage together with the construction of hardstanding. A subsequent letter is then referred to from the Council confirming that the uses referred to are considered to have occurred for a period of more than 10 years and thus were therefore immune from enforcement action. However, this certificate application has now been received further to new concerns that have been

raised by the Councils Enforcement team in respect of the uses now being undertaken. In response, it is advised:

*'I categorically state that in my opinion the uses carried out on the land at the present time (February 2013) are uses of the same nature as those carried out in 2010, being storage activities.'*

*Almost all of the site is still used for storage of vehicles of different types, including vans, lorries, trailers, excavators etc. A small part of the site is used for storing window-frames but no manufacturing takes place in that area. A further small part of the yard is used for the stationing of shipping containers that have been on the land since 1998 and I have marked these on plan 'B' I have also marked on plan 'B' a shed that I put up in 1999 which is used to store cars and also a portacabin that is used as an ancillary site office. This was also placed on the land in 1999.'*

5.11 Conflicting Evidence

The evidence provided is accepted as true unless contradictory evidence indicates otherwise. In this instance, contradictory evidence has been received from the Parish Council.

5.12 Analysis of Evidence

The statutory statement is considered to be ambiguous and vague. In this regard, it does define the extent of the hardstanding that was laid in 1998 and 1999 and it does not provide any numerical details in respect of the vehicles that have been stored on the site. It is not specific in respect of when the different types of vehicles have been stored on the site and also does not detail how many shipping containers have been on the site (that are understood to have been used for non-agricultural storage).

5.13 Aerial photographs held by the Council provide a better understanding of the site use. That dated 1999 shows that the whole site formed part of the larger field with seemingly no activities taking place. As such, there appears a slight discrepancy with the sworn statement.

5.14 The next aerial photograph is dated 2005 and this shows a significant change with the front half of the site covered by hardstanding and with the access road formed. Approximately 15 cars are dotted around the site perimeter of surfaced area with what appears the existing metalled storage building adjacent to the southern boundary. There also appears what might be 3 shipping containers at the front of the site. The rear half of the site is still grassed over with one vehicle or structure adjacent to the southern boundary. There appears a boundary treatment dividing these two parts of the site.

5.15 Moving onto 2006 and little appears to have changed albeit with probably fewer cars and 1 lorry trailer on site.

5.16 The next and last aerial photograph that is available is dated 2008/9. This still shows the rear half of the site to be grassed over but with the vehicle/ structure previously referred to gone. However, a number of vehicles are parked on this grassed area totalling some 10 cars and 2 vans (approx). The front part of the

site appears to contain 5 lorry trailers, 1 crane/ construction vehicle, 1 van and a car. As per the two photos dated 2005 and 2006, there also appears a small amount additional items stored on the site.

5.17 At the time of the Officer site visit, it was not that use of the site accorded largely with the site layout plan that has been submitted. In this regard, the whole site is now covered by hardstanding with 10 shipping containers (as counted) and double-glazing windows, fixtures and fittings contained adjacent to the north flank boundary. With the front corner of the site, 3 touring caravans were stored along with one further shipping container behind the metalled storage building previously referred to. Beyond this, adjoining the southern boundary were 24 cars (largely comprising Mini's and Morris Minor's in varying states of repair) with 3 further cars piled on top of one another and a forklift truck. All areas were generally contained by metal fencing (permanent and temporary) with the central part of this front part of the site empty.

5.18 The rear half of the site (now gravelled) is split into two. The east corner is occupied Woodlands Vehicle Centre with a significant number of vans (approx 20) seemingly arranged for viewing and set behind further fencing and 2 more shipping containers providing office and welfare facilities. There is also a mobile home and further covered structure that appears to provide workshop facilities whilst signage to the front of the Woodlands Van Centre enclosure advises 'Finance Available/ Part Ex Welcome/ Full Dealer Facilities/ Delivery Service Available/ All Major Credit Cards Accepted'. The rear northern corner of the site (again enclosed by metal pallisade fencing) provided 3 further shipping containers and a limited amount of building materials.

5.19 Conclusions

There is evidence to show that, on the balance of probability, a change of use has occurred encompassing the front half of the site that was in excess of 10 years prior to the date of this application. However, the details submitted in respect of the differing uses and intensity of these site uses is limited. The aerial photographs appear to show a relatively low scale use and whilst the statutory deceleration provides no numbers. On this basis, the evidence suggests that there has been a more recent intensification of the site use.

5.20 In respect of the rear part of the application site, evidence in the form of the aerial photographs shows that the use of this land has changed far more recently with the 2008/9 photograph still showing this area to be grassed over (albeit with a limited number of vehicles parked here). Nevertheless, the 2005 and 2006 photographs show no apparent change of use of this land and this is within 10 years of this application. In this regard, the submitted details do no specifically refer to this part of the site.

5.21 Accordingly, it is appropriate for the Council to grant the certificate but in a modified manner to accord with Annex 8 of Circular 10/97:

*'...if, on an application under the section, the LPA are provided with information satisfying them of the lawfulness, at the time of the application, of the use, operations or other matters described in the application, or that description as modified by the LPA or a description substituted by them, they shall issue a*



*certificate to that effect; and, in any other case, they shall refuse the application'. (para 8.14)*

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

5.22 For these reasons it is appropriate to grant the Certificate but with this to include only the front half of the site. Further, it is also appropriate for the Certificate to be specific in respect of the intensity of site use that has been demonstrated over the 10-year period. As such, having regard to the evidence available, it is considered that on the balance of probabilities, it is appropriate to detail 5 lorries, 20 cars and 3 metal shipping containers. The certificate should also relate to the storage building at the front of the site that the evidence suggests has, on the balance of probabilities, been in situ for well in excess of 4 years.

5.23 It would appear that much of the fencing would comprise permitted development although no specific evidence has been submitted to show how long the fencing presently in situ has been up for.

## **6. RECOMMENDATION**

6.1 A Certificate of Lawful Use is **GRANTED** subject to the conditions detailed on the decision notice.

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

### **CONDITIONS**

1. The applicant has demonstrated that on the balance of probability, the land identified on the attached site plan has been used for Class B8 storage to a level of 20 cars, 5 lorries and 3 shipping containers at a height of up to 3m for a continuous period of ten years up to and including the date of this application.
2. The applicant has demonstrated that on the balance of probability, the building identified on the attached plan has been in situ for a continuous period of four years up to and including the date of this application.