



**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. 08/13

Date to Members: 22/02/13

Member's Deadline: 28/02/13 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE – 22 FEBRUARY 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK12/3770/F	Approve with Conditions	Land At Heathfield Farm Siston Lane Siston South Gloucestershire BS30 5LX	Siston	Siston Parish Council
2	PK12/4116/F	Approve with Conditions	4 Bromley Heath Avenue Downend South Gloucestershire BS16 6JS	Downend	Downend And Bromley Heath Parish Council
3	PK12/4245/F	Approve with Conditions	Lower Farm Latteridge Road Iron Acton South Gloucestershire BS37 9TN	Frampton Cotterell	Iron Acton Parish Council
4	PK12/4295/F	Approve with Conditions	8 Riviera Crescent Staple Hill South Gloucestershire	Staple Hill	None
5	PK13/0004/O	Approve with Conditions	Land Rear Of 67 Bath Road Willsbridge South Gloucestershire BS30 6ED	Bitton	Oldland Parish Council
6	PK13/0026/CLE	Approve	The Gables Park Street Iron Acton South Gloucestershire BS37 9UJ	Frampton Cotterell	Iron Acton Parish Council
7	PT12/3471/F	Approve with Conditions	Court Lodge Court Road Frampton Cotterell South Gloucestershire BS36 2DW	Frampton Cotterell	Frampton Cotterell Parish Council
8	PT12/3767/F	Approve with Conditions	13 Knole Close Almondsbury South Gloucestershire	Almondsbury	Almondsbury Parish Council
9	PT12/3915/F	Approve with Conditions	Hollywood Lane Almondsbury South Gloucestershire BS10 7TW	Almondsbury	Almondsbury Parish Council
10	PT13/0025/CLE	Approve with Conditions	Vine House Lower Stone Road Rockhampton Berkeley South Gloucestershire GL13 9DT	Severn	Rockhampton Parish Council
11	PT13/0046/CLP	Refusal	14 Grange Park Frenchay South Gloucestershire BS16 2SZ	Frenchay And Stoke Park	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 08/13 – 22 FEBRUARY 2013

App No.: PK12/3770/F
Site: Land At Heathfield Farm Siston Lane
Siston South Gloucestershire
Proposal: Erection of agricultural building for the
storage of machinery and hay.
Map Ref: 368279 174180
Application Minor
Category:

Applicant: Mr C Richardson
Date Reg: 14th November
2012
Parish: Siston Parish
Council
Ward: Siston
Target 7th January 2013
Date:



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100023410, 2008.

N.T.S.

PK12/3770/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following an objection from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of an agricultural building for the storage of fodder, machinery and equipment. The application site is situated outside a settlement boundary, within the open countryside and also within the Bristol/Bath Green Belt.
- 1.2 The proposed open fronted barn would be located in a field adjacent to the applicant's agricultural machinery repair business. This business has been subject of a recently successful certificate of existing use application.
- 1.3 During the course of the application the length of the proposed open barn was reduced by 6m thereby creating a structure measuring approximately 12.3 metres by 13.8 metres with a height to eaves of 3 metres and height to ridge of 4 metres. In addition more details were received regarding the amount of land and potential hay production.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework 27 March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

GB1 Green Belt

L1 Landscape Protection and Enhancement

L17 and L18 The Water Environment

EP1 Environmental Pollution

EP2 Flood Risk and Development

E9 Agricultural Development

T12 Transportation Development Control Policy for New Development

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

CS1 High Quality Design

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

Green Belt SPD Adopted (2007)

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/0036/F Change of use of land from agricultural to personal

		equestrian use. Erection of 4 no. stables with feed store and tack room
	Refused	22.2.08
3.2	Pk12/2133/CLE	Application for Certificate of Lawfulness for an existing use of land and buildings for storage, repair and maintenance of agricultural machinery (Class Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (amended)
	Approved	10.8.12

4. **CONSULTATION RESPONSES**

4.1 Siston Parish Council

Comments received:

Great concern re erection of large, individual building on site in Green Belt and an area of special natural interest. The proposed construction would seriously affect this local environment – it would be viewed from nearby woodland development.

Other original comments related to the plan erroneously attached to the application. The Parish have been informed and withdraw comments relating to these particular plans.

In addition the Parish stated that no agricultural work has been carried out on the land for 15-20 years plus any access to the site would be via Siston Lane which for large machinery would be a real issue.

4.2 Other Consultees [including internal consultees of the Council]

Landscape Officer

No objection

Ecology

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

Drainage

No objection

Other Representations

4.3 Local Residents

None received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposal stands to be assessed against the policies listed above and of particular relevance are Policy GB1 and Policy E9. The NPPF and Policy GB1 are both supportive of the construction of buildings for agricultural purposes and Policy E9 allows for the erection of agricultural buildings subject to the following criteria being met.

5.2 A: Sited on agricultural land, with no other buildings available

The development site comprises an agricultural field adjacent to a farmyard now used in conjunction with an agricultural machinery repair business. As such the proposed building would be sited on land where there are no other buildings. The applicant has stated that he owns land around the farmyard and rents additional land in the area. In total the applicant has stated he has grass-cutting rights to 49 acres of land (some of which he owns and some he rents) which can on occasion increase to 90 acres of land for his use. The grass is cut once a year and sometimes twice a year. In the past the hay has been sold directly out of the field but with the proposed storage facilities could be kept over winter. It is estimated that approximately in excess of 36 tons or 30 small bales per acre, of hay are produced. The proposed barn would be used to store the hay and associated machinery such as the elevator, the bailer and grass cutter, tractor and sprayer and fertiliser spreader.

It is acknowledged that the barn would be quite a large structure for its stated purpose of accommodating the above listed machinery and hay. However, given its position within the Green Belt and the importance of maintaining the Green Belt it would be prudent and not unreasonable to ensure that its use can only be associated with the activities and purposes identified in this report and not to be used in conjunction with the adjacent existing machinery repair business. A condition placed on the decision notice will therefore reflect this.

5.3 B: Adequate provision for access and manoeuvring

The proposal is adjacent to land within the ownership of the applicant which includes existing access. An existing fence currently separating the field from the area used by the machinery repair business would be removed to allow access into the proposed barn. This area is currently used for the parking of vehicles associated with the business and would provide an appropriate area for access to the site.

5.4 C: Environmental Effects

The proposal would be positioned close to the most southerly border of the field. An informative placed on the decision notice gives advice should any nesting birds be found at the proposed site but no unacceptable environmental effects have been identified for this proposal.

With regard to the impact of machinery on Siston Lane, officers have been informed that the amount of traffic generated would be limited to coincide with the number of times the grass/hay could be cut each year. This is considered acceptable.

5.5 D: Effect on Residential Amenity

The nearest residential dwelling to the proposed building would be situated to the south over 25 metres from the application site. It is therefore considered

that the proposal would not affect the residential amenity of its closest neighbours in terms of loss of privacy or overbearing.

5.6 Design

The proposed structure would measure approximately 13.8 metres in length, 12.3 metres in width and have a height to eaves of approximately 3 metres and a height to ridge of 4 metres. It would be an open fronted barn with the open side closest to Heathfield Farm, a converted barn used as an agricultural repair business. The barn would be constructed of plastic coated steel.

5.7 Landscape

The proposed barn would be positioned close to the buildings serving the business operation at Heathfield Farm. It has been explained to officers that although the proposed structure could be located a little further to the south to abut the edge of the field, the locale has experienced vandalism and so the barn would be less vulnerable in its proposed position. Lights from the existing repair business would also be able to cover the open end after dark and all night thereby protecting the contents.

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 building has been designed to reflect the use of the building and would respect the character of the area. In addition, the proposed building, due to its location and scale, would not cause unacceptable harm, in terms of overlooking or overbearing impact, upon the neighbouring properties. It is also considered that no significant adverse impact upon highway safety of the area and the nature / water environment. The proposal therefore accords with Policy D1, GB1 and E9 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).

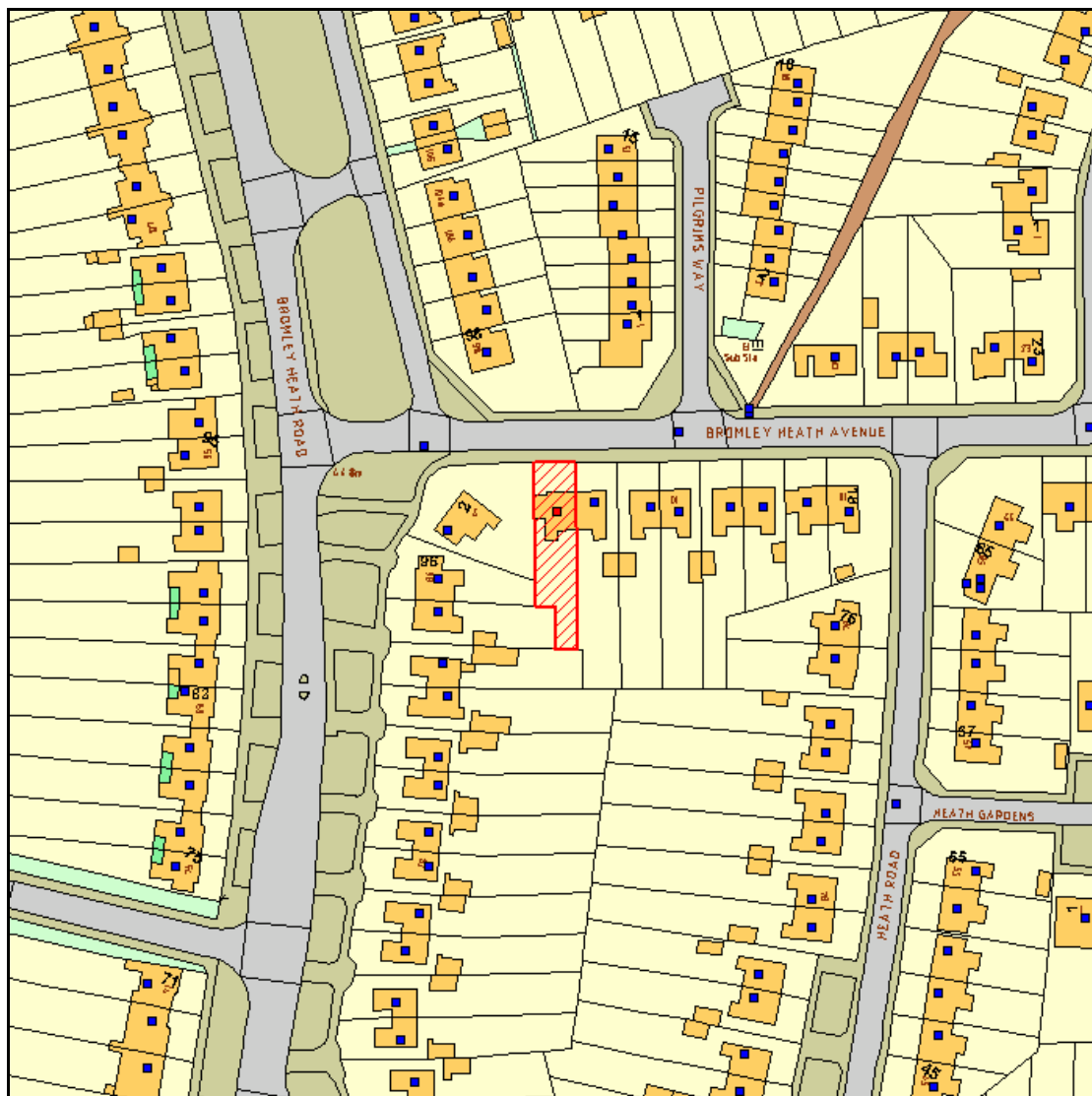
2. The agricultural building hereby permitted shall be used for the storage of agricultural materials and machinery only and at no time shall be used in conjunction with any other use or business use associated with the premises.

Reason

To protect the character and appearance of the area to accord with Policies D1/L1/E9/GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 08/13 – 22 FEBRUARY 2013

App No.:	PK12/4116/F	Applicant:	Mr Adam Taylor
Site:	4 Bromley Heath Avenue Downend South Gloucestershire BS16 6JS	Date Reg:	8th January 2013
Proposal:	Erection of single storey front and rear extension and two storey side extension to form additional living accommodation.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364833 177718	Ward:	Downend
Application Category:	Householder	Target Date:	1st March 2013



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 100023410, 2008. **N.T.S.** **PK12/4116/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule as an objection has been received from the Parish Council, which is contrary to the Officer's recommendation

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a double storey side extension and single storey rear and front extensions to form additional living accommodation.
- 1.2 The application relates to a two storey semi-detached residential dwelling situated within an established residential area of Downend.
- 1.3 For accuracy revised elevations and site plans were received on 6th February 2013 to show the neighbouring dwellings detached garage, which is adjacent to the proposal. A re-consultation period was not undertaken as there were no changes to the proposal.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
H4 Development within Existing Residential Curtilages

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
Objection –the front extension protrudes in front of the building line.
- 4.2 Drainage
No objection, informative recommended.

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a double storey side, and single storey front and rear extensions. Policy H4 of the South Gloucestershire Local Plan 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 semi-detached residential dwelling located within an established residential area of Downend. The site is adjacent to a corner plot, the dwelling on which is located at an angle to the site and remains a significant distance away. The proposal is adjacent to a detached garage.

- 5.3 The proposed side extension is double storey with an integral garage, and would replace an existing attached single garage. The side extension has a width of 2.4 metres, a depth of 7.85 metres, and a maximum height of 7.6 metres. The rear extension has a width of 5.4 metres, a depth of 2.3 metres, and a maximum height of 3.6 metres with a pitched roof. The rear extension would replace an existing single storey rear extension. The front extension has a maximum depth of 1.3 metres, a width of 5 metres, and a maximum height of 3.4 metres. There are no proposed windows on the side (west) elevation of the proposal.

- 5.4 It is considered that the location of the proposal, by virtue of its location in relation to neighbouring dwellings, would not significantly impact the residential amenity of them. The proposal would not result in a significant loss of light to any of the neighbouring properties. The proposed windows on the front and rear elevations would not significantly overlook neighbouring dwellings and as such would not have a detrimental impact on their privacy. In order to preserve privacy a condition will be used to ensure that no windows are inserted in the side (west) elevation of the extension. Whilst some private amenity space would be lost as a result of the proposal this is not considered significant in the context of the site. As such the proposal is considered acceptable in terms of policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

5.5 Highways

The proposal replaces the existing attached single garage with a double storey extension that has an integral single garage. The proposed front extension would not affect the parking provision at the front of the dwelling. The proposal does not affect the parking provision on site and does not raise any concerns for highway safety. Accordingly the proposal is considered acceptable in terms of policy H4 of the adopted Local Plan.

5.6 Design/ Visual Amenity

The application site consists of a two-storey semi-detached dwelling constructed in spar-dash render, white UPVC windows and a hipped tiled roof. The locality is characterised by similar semi-detached residential dwellings. Some side and front extensions are already evident on the street scene.

5.7 The proposed extensions are considered acceptable in terms of scale and proportions. The side extension has been set back and down in order to remain subservient to the original dwelling. The design detailing and roof has been informed by and respects the character of the site and the street scene and the extensions would be constructed in materials to match those of the existing. Some concern has been raised regarding the single storey front extension. It is, however, considered that the front extension remains in keeping with the character of the site and the street scene. Similar front extensions are evident in the locality. Accordingly the proposal is considered acceptable in terms of policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

6. CONCLUSION

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

6.2 It is considered that the proposal, by virtue of its scale, location, and design, would not prejudice residential amenity and would not have a detrimental impact on privacy. The design and scale of the proposal has been informed by and respects the character of the site and the locality. Accordingly the proposal is considered acceptable in terms of policies D1 and 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 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.

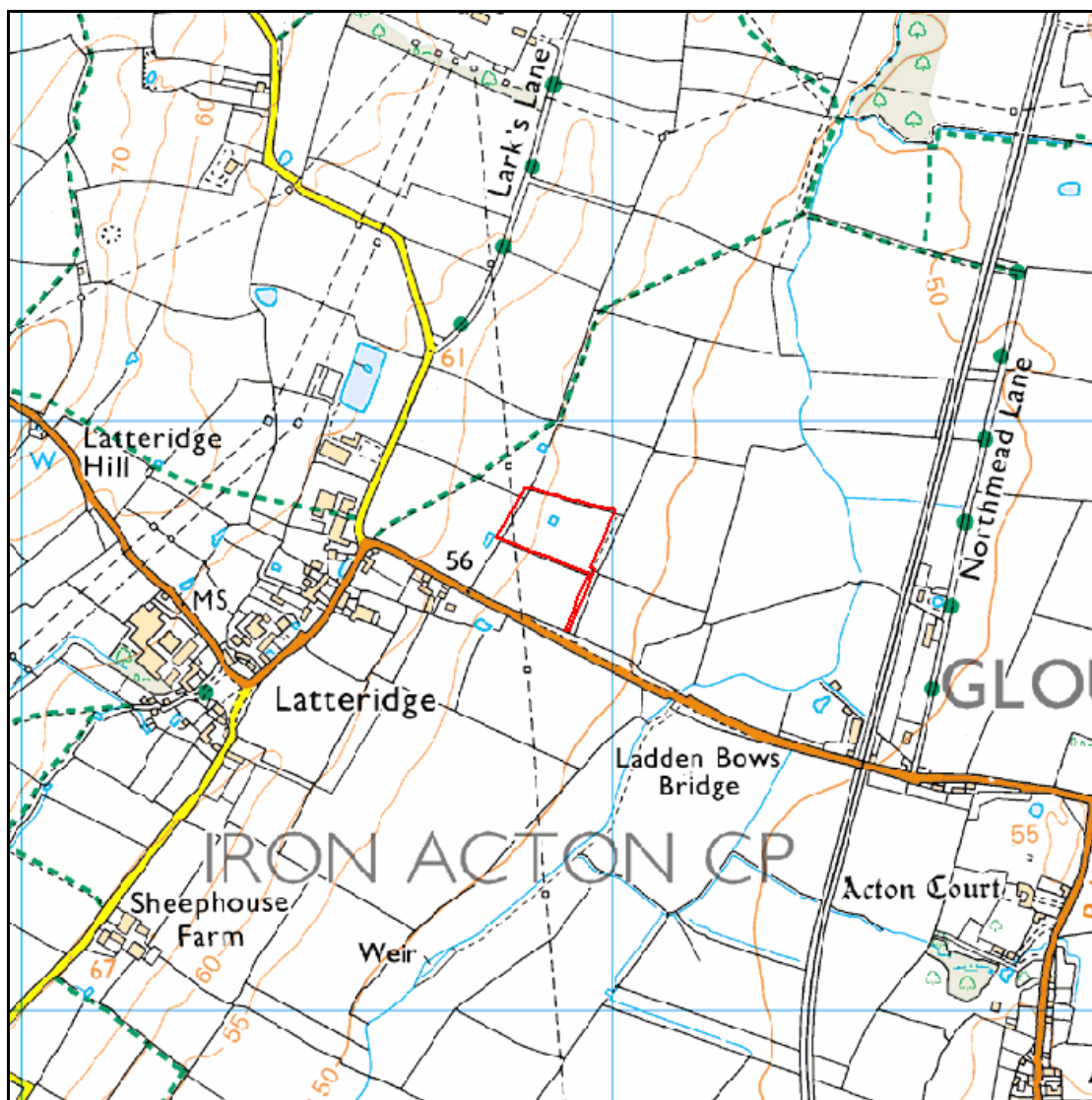
3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the west (side) elevation of the extension hereby permitted.

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. 08/13 – 22 FEBRUARY 2013

App No.:	PK12/4245/F	Applicant:	Mr Brian Taylor
Site:	Lower Farm Latteridge Road Iron Acton South Gloucestershire	Date Reg:	31st December 2012
Proposal:	Change of use of land from agricultural to land for the keeping of horses. (Retrospective). Erection of stable block.	Parish:	Iron Acton Parish Council
Map Ref:	366677 184720	Ward:	Frampton Cotterell
Application Category:	Major	Target Date:	22nd March 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following concerns raised by an adjoining land owner.

1. THE PROPOSAL

1.1 The application seeks a full planning permission to change the use of a 1.9 hectare (4.7 acres) area of agricultural land to an equine use and also to erect an associated stable block housing four stables and a tack room. The stable building would be 'L' shaped being a maximum of 13.396m long on one side and 9.493m on the other. The standard width would be 3.9 m, with eaves at 2.5m and maximum height of 3.55m to the roof ridge. The stable would be constructed of shiplap boarding with black corrugated onduline sheeting on the roof and would be erected in the south-eastern corner of the field, close to the access. The current authorised use of the land is for agriculture and the field is currently laid to pasture with horses grazing in it. It is intended to use the site for personal social use only. Vehicular access would be via an existing long track with gated access off Latteridge Road.

1.2 The site lies to the north of Latteridge Road in open countryside and within the Bristol and Bath Green Belt. The field is large and flat, which is typical for the area. Mature hedgerows enclose the site, which is set well back from Latteridge Road. The area is generally undeveloped although planning permission PK05/1479/F was granted for a similar scheme in the adjoining field to the north and using the same access.

2.1 National Guidance

The National Planning Policy Framework (NPPF) March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) 6th January 2006

D1	-	Design
L1	-	Landscape Protection and Enhancement
L4	-	Forest of Avon
L9	-	Species Protection
L17 & L18	-	The Water Environment
EP1	-	Environmental Pollution
EP2	-	Flood Risk and Development
E10	-	Horse related development
T12	-	Transportation
LC5	-	Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary
LC12	-	Recreational Routes

- 2.3 South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 - High Quality Design
CS34 - Rural Areas
- 2.4 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (SPD) – Adopted August 2007
Development in the Green Belt SPD - Adopted June 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 None
- 3.2 Adjoining site: PK05/1479/F - Change of use of land from agricultural to equestrian use. Erection of stables and enclosed exercise arena.
Approved 5th Sept. 2005

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
Whilst not specifically objecting to the scheme, the Parish Council did raise concerns that horses might be exercised down Latteridge Road.

The Environment Agency

No objection subject to standard informatives relating to drainage and manure storage/disposal.

Sustainable Transport

Following a review of local planning history and precedence, Highway Development Control raises no objections to the proposed developments, subject to conditions restricting any commercial use of the stables and land, and the number of horses stabled on site being restricted to no more than 5.

Landscape

No objection. The proposed stable and change of use will not have a significant impact on the visual amenity of the area and is in accordance with Policy L1 and D1 of the adopted local plan.

Wessex Water

No response

British Horse Society

No response

Other Representations

4.2 Local Residents/ Land Owners

1no. response was received from the owner of the adjacent field to the north, who raised the following concern:

I own the land adjacent to the proposed application on Latteridge Road and have joint access from my land to the main road. The retro planning application is based on my horses, which periodically graze on the proposed land. Although I have no objection to the plan or proposal to erect stables, I do have objection to access of the main gate for horses and vehicles from Latteridge Road. I originally applied for planning (ref. PK05/1479/F) in April 2005 for change of use for the adjacent paddock, which was granted in July 2005. However the clauses requested by Iron Acton Parish Council restricted a maximum of 5 horses and no liveries due to the dangerous road. These restrictions have impacted on me commercially, and also govern my future commercial decisions. Before approval can be given to this application I would require the above restrictions lifted in my favour.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF has recently superseded various PPS's and PPG's, not least PPG2 – Green Belts and PPS7 – Sustainable Development in the Countryside, and carries a general presumption in favour of sustainable development. Para.2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the development plan and this includes the Local Plan. Para 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise. At para. 211 the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

5.2 Para 214 of the NPPF makes it clear that for 12 months from the day of publication, decision takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the NPPF.

5.3 In this case the relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6th 2006. The Council considers that the Local Plan policies referred to in this report provide a robust and adequately up to date basis for the determination of the application.

5.4 The South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept. 2012 has now been through its Examination in Public (EiP) stage; the Inspector has given his preliminary findings and stated that the Core Strategy is sound subject to some modifications relating to overall housing provision. The EiP is to be re-opened in March. The policies therein, although a material consideration, are not yet

adopted and are therefore afforded less weight, nevertheless in this case the Council is satisfied that the relevant policies within the emerging Core Strategy would not significantly differ from those of the existing adopted Local Plan.

- 5.5 Policy LC5 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006, states that proposals for outdoor sports and recreation outside the urban area and defined settlement boundaries will be permitted, subject to a number of criteria being met.
- 5.6 Furthermore Policy E10 of the South Gloucestershire Local Plan reinforces the view that '*proposals for horse related development such as stables .. will be permitted outside the urban boundaries of settlements*', subject to the following criteria being met:
- A. Development would not have unacceptable environmental effects; and
 - B. Development would not prejudice the amenities of neighbouring residential occupiers; and
 - C. Adequate provision is made for vehicular access, parking and manoeuvring and would not give rise to traffic conditions to the detriment of highway safety; and
 - D. Safe and convenient access to bridleways and riding ways is available to riders; and
 - E. There are no existing suitable underused buildings available and capable of conversion; and
 - F. The design of buildings, the size of the site and the number of horses to be accommodated has proper regard to the safety and comfort of horses.

The analysis of the proposal in relation to these criteria is considered below.

- 5.7 Impact on the Openness of The Green Belt and Visual Amenity of the Rural Landscape
Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits 'essential' facilities for outdoor sport and recreation within the Green Belt and the supporting text to this policy lists 'small stables' as such an example. (It should be noted however that for the same criterion in the NPPF the word 'essential' is replaced with the word 'appropriate'). Furthermore changes of use of land are permitted that would not have a materially greater impact than the present authorised use on the openness of the Green Belt. Officers are satisfied that in this case the proposal is not inappropriate in the Green Belt and is therefore by definition not harmful to the openness of the Green Belt or the purposes of including land in it.
- 5.8 The intention is that no more than 4 horses would be kept on the site at any one time and this could be restricted by condition. The general guidelines are that each horse should have between 1-1.5 acres of land; in this case the field is 4.7 acres which accords with this standard. The countryside surrounding the application site comprises a patchwork of fields enclosed by hedgerows and there are equestrian uses in the adjoining field to the north. Whilst it is acknowledged that an over-intensification of such uses can result in harm to the

landscape character, this can be avoided if such developments are tightly controlled by conditions.

- 5.9 Officers consider that it is inevitable that the owners of horses will require fields in the countryside for stabling and grazing purposes. It is officer experience that many such owners live within the urban areas, so fields on the periphery of towns and villages are often where a concentration of equine uses are to be found. This does however have advantages from a sustainability point of view, as trip distance is reduced the closer people live to their sites.
- 5.10 The application site is relatively well enclosed by high hedgerows and trees, all of which would be retained. The stable block would be located in the south-eastern corner of the field where it would be least conspicuous and in close proximity to the existing field entrance. A Hedgerow Management Statement has been submitted which confirms that the hedgerows would all be retained and only trimmed every two years. The field is already used to graze horses. Subject therefore to a comprehensive raft of conditions to control the operation of the site for the stabling and keeping of horses, officers are satisfied that on balance the proposal would not have a significant adverse impact on the character or visual amenity of the Green Belt or landscape in general.
- 5.11 Transportation Issues
The agent has confirmed that the field would be used for the recreational purposes of the applicant and not for livery use; given the sites location however, this use would need to be secured by condition. Horses are currently grazed in the field and some traffic would inevitably be associated with the current authorised use of the field for agricultural uses.
- 5.12 Access to the field is provided by an existing track running from the B4059 Latteridge Road, via an existing gated access set back from the highway. The same track (which is in the applicant's ownership) also serves the equestrian use of the field to the north. There is adequate space for vehicles to turn and exit onto the access track and hence onto the B4059 in forward gear. The access is set back from the highway giving more than adequate visibility in both directions.
- 5.13 Subject to conditions to restrict the number of horses, prevent any commercial use and maintain the visibility splay at the access, Criterion C of Policy E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 is satisfied and there are no highway objections.
- 5.14 Environmental Effects and Drainage Issues
A Flood Risk Assessment has been submitted to the satisfaction of the Environment Agency, which demonstrate that the site is not the subject of flooding. The erection of loose jumps and fences and use of portable buildings or trailers could be strictly controlled by conditions.
- 5.15 The disposal of foul waste should be undertaken in accordance with the MAFF (now DEFRA) Code of Good Agricultural Practice for the Protection of Water and would be the subject of Environment Agency controls. Any burning of

waste manure would be controlled by Environmental Health legislation. Criterion A of Policy E10 is therefore satisfied.

5.16 Impact Upon Residential Amenity

The nearest residential properties lie on the village edge to the south-west, but these would be a satisfactory distance from the proposed stable block. Horses have previously been grazed on the land. There would therefore be no significant adverse impact on residential amenity.

5.17 Ecology

The site consists of improved grassland and hedgerows. The site is not covered by any statutory or non-statutory nature conservation designations. The field has already been used for grazing purposes. A Hedgerow Management Statement has been submitted with the application that confirms that none of the existing vegetation would be removed. It is therefore considered that there would be no adverse impact upon the ecology of the area.

5.18 Welfare of the Horses

The stables are considered to be an appropriate size and design for the keeping of horses; the dimensions conform to the British Horse Society standards. The horses would be exercised within the field and not on Latteridge Road. It is not proposed to erect any permanent jumps or new fencing on the site.

5.19 Other Issues

Regarding the concerns raised by the adjoining land-owner (see para. 4.2 above); in the event of planning permission being granted for this current proposal, officers would impose a similar raft of conditions as those imposed on the earlier consent PK05/1479/F which related to the adjoining field; the circumstances being much the same. In any event the conditions attached to PK05/1479 could not be removed via this current application; the adjoining landowner would have to apply separately and provide clear justification as why the conditions should now be removed.

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 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.

1. Careful consideration has been given to the impact of the proposal on the openness and visual amenity of the Green Belt and rural landscape in accordance with Policies L1 and GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
 2. Adequate access and parking provision would be provided and the use of the site would be restricted to social and recreational use only - Policies E10 and T12 of the SGLP.
 3. Consideration has been given to the impact of the proposal on the Ecology of the area - Policy L9 of the SGLP.
 4. Consideration has been given to the drainage and environmental issues to result from the proposal - Policies E10, L17, L18, EP1 and EP2.
 5. Consideration has been given to the impact of the development on residential amenity in accordance with Policy E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission be GRANTED subject to the conditions listed on the Decision Notice.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

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. At no time shall the land and buildings, the subject of this permission, be used for livery, riding school or other business purposes whatsoever.

Reason 1

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

Reason 2

To protect the character and appearance of the area and the visual amenity of the Green Belt and to accord with Policies L1 and GB1 respectively of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. The number of horses kept on the site edged in red on the approved plans shall not exceed 4.

Reason 1

To protect the character and appearance of the area and the visual amenity of the Green Belt and in the interests of the welfare of the horses, to accord with Policies L1, GB1 and E10 respectively of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason 2

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

4. Other than those hereby approved, no jumps (other than mobile jumps), fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land. Any temporary jumps and other paraphernalia shall be stored away to the side of the stable block immediately after use.

Reason

To protect the character and appearance of the area and to protect the visual amenity of the Green Belt and to accord with Policies L1, GB1 and E10 respectively of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5. No more than one horse box/trailer shall be kept on the site, otherwise at no time shall other horse boxes, trailers, caravans, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses or livestock.

Reason

To protect the character and appearance of the area and to protect the visual amenity of the Green Belt and to accord with Policies L1, GB1 and E10 respectively of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

6. The hedgerows bounding the site the subject of this planning permission, shall at all times be managed in full accordance with the submitted Hedgerow Management Statement.

Reason

To ensure adequate screening of the site and to protect ecological habitat to accord with Policies L1, GB1 and L9 respectively of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

7. Prior to its first use, full details of any external illumination shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the external illumination shall be implemented in accordance with the approved details.

Reason

To protect the character and appearance of the area and to protect the visual amenity of the Green Belt and to accord with Policies L1, GB1 and E10 respectively of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

8. There shall be no discharge of foul or contaminated drainage or effluent from the site into either groundwater or any surface waters, whether direct or from soakaways.

Reason

To prevent pollution of the water environment and to accord with policies L17/L18/EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

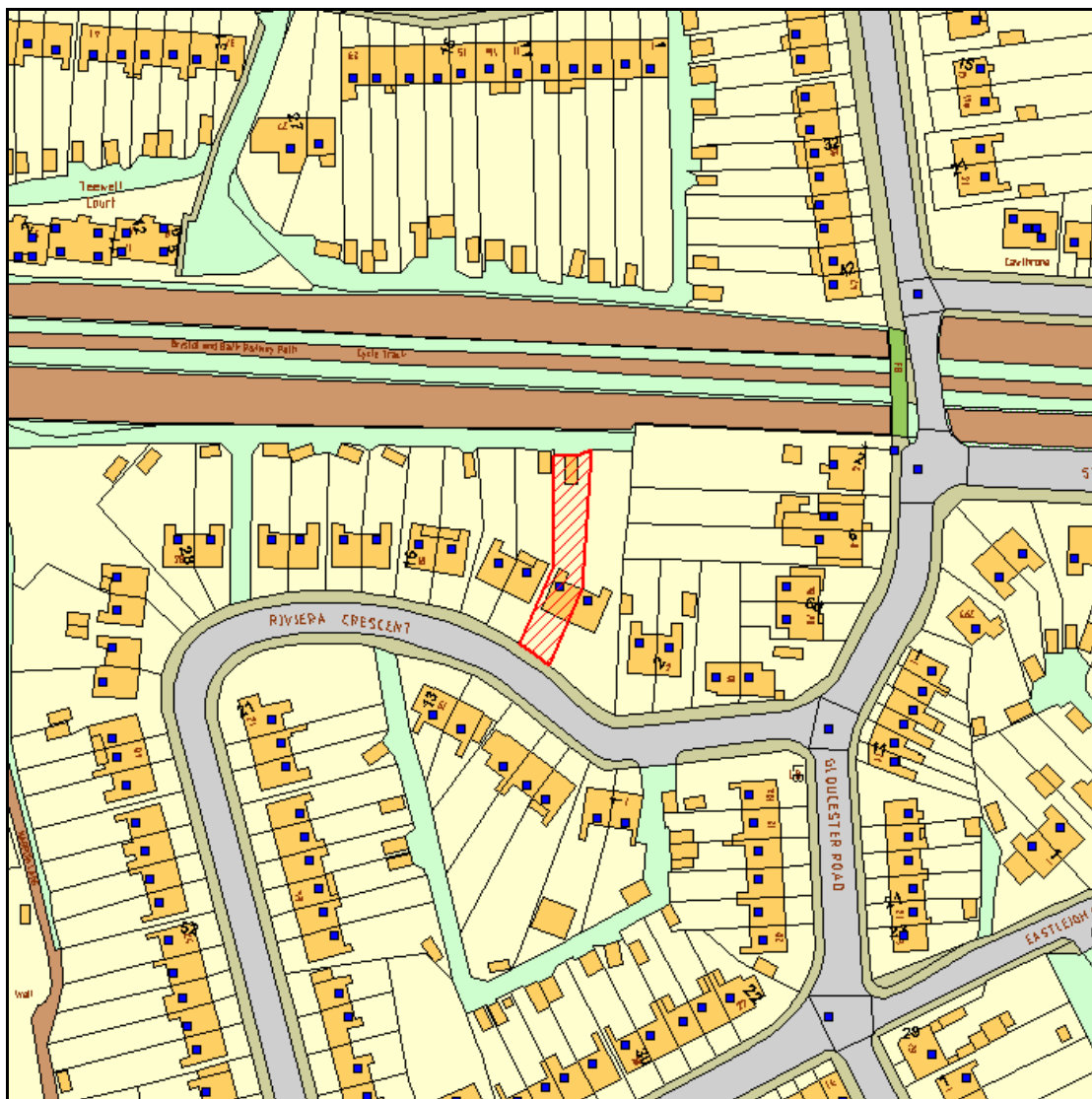
9. At no time shall white tape be used to sub-divide the field (green tape would be acceptable).

Reason

To protect the character and appearance of the area and to protect the visual amenity of the Green Belt and to accord with Policies L1, GB1 and E10 respectively of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 08/13 – 22 FEBRUARY 2013

App No.:	PK12/4295/F	Applicant:	Mr And Mrs Smith
Site:	8 Riviera Crescent Staple Hill Bristol South Gloucestershire BS16 4SE	Date Reg:	21st January 2013
Proposal:	Erection of single storey rear extension to form additional living accommodation. Amendment to previously approved scheme PK12/2149/F	Parish:	None
Map Ref:	365317 175623	Ward:	Staple Hill
Application Category:	Householder	Target Date:	14th March 2013



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 100023410, 2008. N.T.S. PK12/4295/F

REASON FOR REPORTING TO COMMITTEE/CIRCULATED SCHEDULE

This application has been forwarded to the Council's Circulated Schedule of applications as representation has been received from neighbouring resident raising views contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is situated on the south side of Staple Hill, south of Staple Hill High Street. The site is bounded by residential development to the east and west with rear access track to the north with the Bristol/Bath cycle path beyond to the north and fronting onto Riviera Crescent to the south. The site comprises a two storey semi detached dwelling with detached single garage at the rear.

The application site is situated within the urban area as defined in the adopted Local Plan.

- 1.2 The application proposes erection of single storey rear extension to form additional living accommodation.

This application is a revised scheme to previously approved scheme PK12/2149/F and is submitted following advice from Wessex Water due to the applicant's aim to build over an existing sewer.

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

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 – August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/2149/F Erection of single storey rear extension to form additional living accommodation.
Approved 24.08.2012

4. CONSULTATION RESPONSES

4.1 Consultees [including internal consultees of the Council]

Wessex Water – A full survey of the site should be undertaken to establish the precise location of the local drainage arrangements and contact Wessex Water if there is any suspicion that a sewer may be affected.

4.3 Local Residents

One letter received from the occupiers of 10 Riviera Crescent raising the following concerns:

- Overbearing impact
- Loss of natural light to kitchen/dining room
- Building the extension will cause much stress
- The proposal would devalue the adjacent property (No.10)

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework was published in March 2012. The document replaces most PPG/PPS guidance providing a more simplified and up to date advice in determination of planning applications. The NPPF indicates that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

It is considered that the relevant policies of the adopted Development Plan do not materially depart from the NPPF. As such full weight can be afforded to the Development Plan policies in this case.

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.

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.

In determination of this application there are no significant differences between the relevant adopted Development Plan policies and the Core Strategy.

5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling is situated within a suburban residential context. The dwelling the subject of this application is a two storey semi detached dwelling. The proposed extension would be well screened from public vantage points being located to the rear of the site and only visible from the shared service track at the rear. The design of extension PK12/2149/F has been amended following discussions with Wessex Water as the extension would be built over an existing sewer. The revised extension includes a canopied area in the north east corner but otherwise is similar although marginally larger than the approved scheme PK12/2149/F. The design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

5.3 Residential amenity

Adequate rear amenity space to the property would be retained following the erection of the proposed extension. The proposed extension would be built in place of an existing rear single storey extension, which covers half of the width of the existing dwelling. The proposed extension would measure 5.25m max length, 7.35m max width, 2.2m height to eaves and 3.6m to its highest point. This compares to the approved extension, which would measure 4.5m length, 7.75m width, 2.2m height to eaves and 3.65m to its highest point. Due to the angled line of the boundary with no.6 (attached to the east), the proposal would have an angled side elevation (east). The east elevation would be angled away from no.6. No.10 to the west has a single storey rear extension, which is similar in scale to the proposal. The extension at no.10 would provide an adequate screen to the proposed extension. Due to the position and shape of the proposed extension, the similar size and scale to the approved extension under PK12/2149/F and the modest scale, the proposal would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development.

5.4 Other issues

The proposal would be built over an existing sewer, which is controlled by Wessex Water who has legislative controls to ensure development near to or over existing sewers is built to avoid any detrimental impact on the sewer. Additionally, Building Regulations would control the technical construction of buildings and ensure that building on or close to a sewer would not impact on the sewer itself. Therefore the matter of building over a sewer would be most effectively controlled by legislation outside the planning system (Wessex Water controls and Building Regulations). Therefore significant weight has not been attached to this issue as a material planning consideration and this matter is

considered not to outweigh the planning merits of the scheme as explained above in the report. An informative would be attached to the decision notice to bring the matter to the applicant's attention and advise that they contact Wessex Water for approval prior to commencement of any development.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to 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. A summary of reasons for granting planning permission in accordance with Article 31 of the Town and Country Planning (Development Management Procedure) Order 2010 is given below:
- a) Due to its scale and position in relation to the adjacent dwellings, the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - b) It has been assessed that the proposed extension has been designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.

7. RECOMMENDATION

- 7.1 Consent is GRANTED subject to the conditions and informatives as outlined in the attached decision notice:

Contact Officer: Sean Herbert
Tel. No. 01454 863056

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).

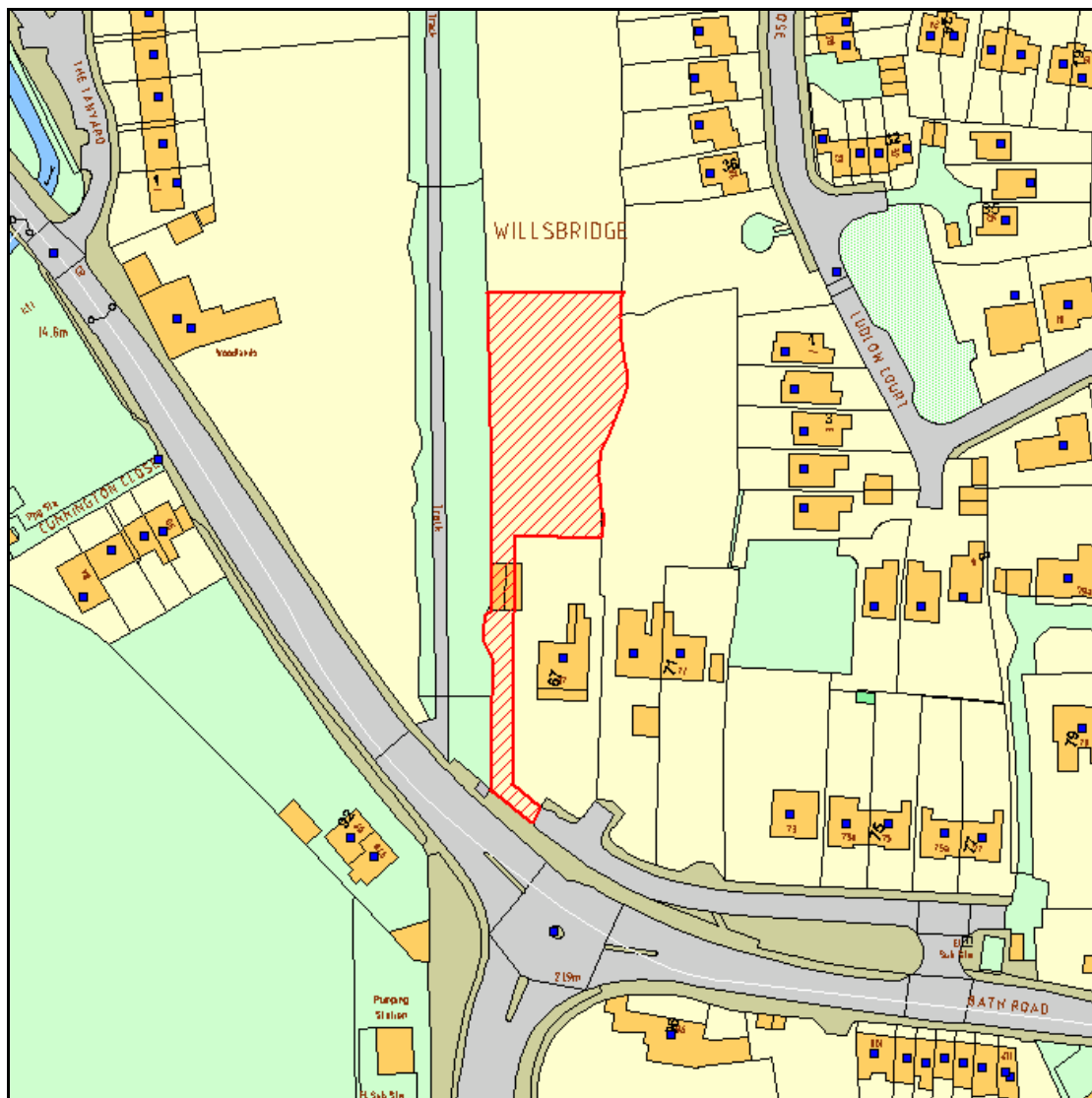
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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. 08/13 – 22 FEBRUARY 2013

App No.:	PK13/0004/O	Applicant:	RE & P Griffin
Site:	Land Rear Of 67 Bath Road Willsbridge South Gloucestershire BS30 6ED	Date Reg:	8th January 2013
Proposal:	Demolition of existing garage. Erection of 1 no. detached bungalow and garage with associated works (Outline) All Matters Reserved.	Parish:	Oldland Parish Council
Map Ref:	366620 170415	Ward:	Bitton
Application Category:	Minor	Target Date:	4th March 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule, as a number of objections to the proposed development have been received.

1. THE PROPOSAL

- 1.1 This application seeks outline consent for the erection of one detached chalet bungalow in the rear garden of 67 Bath Road in Willsbridge.
- 1.2 67 Bath Road has an exceptionally long rear garden. The boundary of the Bristol and Bath Green Belt intersects the garden and the settlement boundary for Willsbridge follows the same line. However, the applicant site is to the south of this boundary and therefore within the settlement and excluded from the green belt.
- 1.3 All matters are reserved. The sole consideration of this application is whether the principal of the development on this site is acceptable. The application must be able to demonstrate that it has overcome the reasons that previous applications on this site have been refused.

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
- L5 Open Areas
- L9 Species Protection
- L18 The Water Environment
- GB1 Development within the Green Belt
- T8 Parking Standards
- T12 Transportation
- H2 Residential Development
- 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
- CS5 Location of Development
- CS9 Managing the Environment and Heritage
- CS17 Housing Diversity

- 2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Landscape Character Assessment (Adopted) August 2005
- (c) Development in the Green Belt (Adopted) June 2007
- (d) Trees on Development Sites (Adopted) November 2005

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/0371/O Refused 02/04/2007
Erection of one dwelling with detached garage and store.

This application was refused for the following reasons:

1. The proposal constitutes an unacceptable form of backland development that does not respect or enhance the character and identity of the area. The new dwelling would be out of keeping with the traditional form of development.
2. The development would have a detrimental impact on the amenities of the existing bungalow by virtue of increased noise from vehicular movements along the entire western boundary.
3. The increased use of the existing access to the highway would add unduly to the existing hazards faced by road users
4. The width of the existing driveway is considered to be insufficient to serve the existing and proposed new dwelling providing insufficient space to manoeuvre large delivery vehicles.

- 3.2 K4333/4 Refused 13/01/1992
Erection of one dwelling. Alteration of existing access to highway.

- 3.3 K4333/3 Refused 28/10/1991
Erection of one dwelling. Alteration of existing access to highway.

- 3.4 K4333/2 Refused 23/04/1990
Erection of five dwellings (outline).

- 3.5 K4333/1 Refused 12/09/1988
Erection of 10no. dwellings (5no. 4-Bed and 5no. 3-Bed) (outline).

- 3.6 K4333 Refused 03/10/1983
Erection of two dwellings with garages.

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No Objection

- 4.2 Sustainable Transport
No Objection to the principal of development; however, a number of amendments would need to be made to the submitted plan to be acceptable in practice. These will need to be secured for the reserved matters and the Officer requests a number of conditions to achieve this.

4.3 Tree Officer

No Objection to the principal of development; however, requests that further details be secured and submitted at the reserved matters stage. This will be secured by condition.

4.4 Landscape Officer

No Objection to the principal of development; however, request specific details to be submitted at the reserved matters stage and would like this to be secured by condition.

4.5 Ecology Officer

No Objection to the principal of development; however, as the site is close to Willsbridge Valley Site of Nature Conservation Interest there maybe associated wildlife within the domestic garden. Conditions should be attached to any permission granted to protect reptiles, hedgehogs, and badgers.

4.6 Drainage

No objection, subject to a SUDS condition.

Other Representations

4.7 Local Residents

Seven objections from local residents have been received. The points raised by the residents can be summarised as follows:

- Garden acts as a buffer between Ludlow Court/ Ludlow Close and the Willsbridge Valley;
- Garden functions as a wildlife route/corridor;
- Development adjacent to Willsbridge Valley is inappropriate;
- Development will have a harmful impact on Willsbridge Mill;
- Development would lead to the loss of a natural habitat;
- Wildlife/natural habitats should be preserved;
- Natural beauty of the area should be preserved;
- Development would result in the loss of mature trees. Mature trees help to reduce greenhouse gasses and should be retained;
- Development might damage the TPD'd tree. Concern that material storage/waste will damage tree;
- Site is home to a variety of wildlife, including –
 - Deer
 - Badgers
 - Hedgehogs
 - Foxes
 - 15 – 30 different species of wild bird
 - Bats
 - Field mice
 - Slowworms
 - Frogs
 - Toads

- The site should be surveyed for ecological interest;
- Development would jeopardise the environment and ecology of the area;
- Development in back gardens does not enhance the area;
- Development may cause/exaggerate flooding/flood risk;
- Land should be left open and natural for drainage;
- Development would have a visual impact on the green belt;
- Access road would need to be widened which would have an impact on the green belt and wildlife;
- Access onto A431 is substandard;
- Traffic created would be a nuisance;
- Development would lead to an increase in traffic;
- Development would create a highway safety issue;
- Development may damage the historical and archaeological interest of the adjacent Dramway;
- Development could lead to other developments at adjacent properties;
- Development will set a precedent and lead to greater infilling;
- Tandem development is inappropriate;
- Development would have a harmful effect on visual amenity, particularly to nearby occupiers in Ludlow Court/ Close;
- Development does not contribute to affordable housing need;
- Site is close to overhead power lines which have been linked to childhood leukaemia;
- Site is close to overhead power lines which may affect the ability to mortgage the property;
- Parish Council has expressed 'no objection' but this has not taken into account local resident's views;
- Application is the same as PK07/0371/O which was refused. There is a history of refusals on this site.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks outline consent for a detached bungalow in the rear garden of a property on Bath Road in Willsbridge.

5.2 Principle of Development

The principal of development can be established from a number of policy sources. What is particularly relevant in this case is any policy changes or updates since a very similar scheme was refused in 2007. The most notable change is the introduction of new central government guidance, the National Planning Policy Framework (NPPF), in March of last year, and the status of the District's emerging Core Strategy. The Core Strategy has been examined in public and been found capable of being made sound by the Inspector.

5.3 At the centre of the NPPF is a presumption in favour of sustainable development. This comprises the efficient use of land and a positive approach to promoting economic growth. Applications for residential development should be considered in context of the presumption in favour of sustainable development. However, paragraph 53 sets out how LPAs should resist the inappropriate development of residential gardens. A development would be

- considered 'inappropriate' if it caused harm to the local area. Therefore, in national guidance, the proposed development is acceptable in principal provided it does not cause harm.
- 5.4 Consideration needs to be given to local planning policy. The current development plan for the district is the South Gloucestershire Local Plan (Adopted) January 2006. From this document, policies H2 and H4 are particularly relevant to establishing the principal of development. These policies support residential development, including new dwellings within residential curtilages and settlement boundaries, providing that the development would not have an unacceptable adverse impact.
- 5.5 The District's emerging Core Strategy also is supportive in principal. Policy CS17 states: '[...] building on gardens will be allowed where this would not adversely affect the character of an area'. Therefore the principal of the proposed development is acceptable – subject to the considerations set out below.
- 5.6 Green Belt and Landscape
Located adjacent to the Bristol and Bath Green Belt boundary, green belt policy is a principal material consideration. Development which is conspicuous from the green belt and which would have an adverse impact on visual amenity will not be permitted.
- 5.7 Due to the high level of tree cover along the site boundaries and the proposed scale and height of the development, the development will be well screened. For this reason, the proposed bungalow will not be conspicuous from the green belt. The development will not have an adverse impact on the visual amenity or openness of the land contained within the green belt and is considered to be permissible.
- 5.8 In addition, the development is also acceptable in terms of landscape. The site is a large residential garden which is capable of accommodating a dwelling of an appropriate scale, form, and layout without an adverse impact on the local landscape or a detrimental effect on visual amenity.
- 5.9 However, there is a significant change in level across the width of the site; the proposed layout does not adequately address this change. Layout is a reserved matter. Unless this is sensitively managed in a subsequent reserved matters application, it could lead to the construction of retaining structures that would be incongruous in the landscape. To overcome this, full details of site levels, cross sections, and terracing or retaining structures, will need to be submitted at a reserved matters stage.
- 5.10 The site is part of a wider open area that makes a positive contribution to the character of the area and subject to policy L5 of the Local Plan. Due to the size of this area, the proposed development would only result in the loss of a very small amount of open land. The development would not adversely affect the

positive characteristics of this area and it is not considered contrary to the objectives of policy L5.

5.11 Efficient Use of Land and Access to Services

Sustainable development relies on the efficient use of land. Residential development is steered towards the existing urban area and defined settlements where there is better access to facilities and less reliance on the private car. Planning policy promotes infilling within settlement boundaries; this is an efficient use of land.

5.12 The site is located within the settlement boundary of Willsbridge, albeit on the edge of the village. It is therefore in close proximity to local shops and services, infrastructure, public transport routes, and community facilities such as schools, recreation space, and health services.

5.13 It is therefore considered that an efficient use of land would be achieved by this development, whilst retaining the mainly open character of the site, and it is adequately served by existing services and infrastructure.

5.14 Character of the Area

Located on the edge of Willsbridge, the site and the surrounding vicinity have a mixed character. To the east lies the Willsbridge Valley, which is rural and open in nature. To the west and north, off Kenilworth Drive, are a number of late twentieth century housing developments with a dense and tight-knit urban form.

5.15 The proposed development consists of a bungalow within an extensive rear garden. Although it will result in an intensification of the use of the site, this is considered to be commensurate with the character of the area. The proposed development is a steppingstone between the relatively dense housing estate to the west and the rural valley to the east.

5.16 The proposed development is not out of character with the wider area in the vicinity of the site. Although the development would have an impact on the character of the existing garden, this is not an adverse or harmful impact and will not have a detrimental impact on the neighbourhood.

5.17 A previous scheme in 2007 was refused as the proposed development was considered to be an unacceptable form of backland development out of character with the area. Since this decision, there is greater emphasis in planning policy on gaining the most efficient use of land (see section above) and the reuse of previously developed land. Today, backland development is no longer considered a sufficient reason for refusal. Notwithstanding the above, the development is also not considered to have a detrimental impact on the character of the area. This previous refusal reason is no longer relevant.

5.18 Environment and Ecology

Many of the objections received to this application centre on the ecology of the site and its environmental importance. An assessment of the site has to be made with reference to planning policy. However, the site is not protected by any specific environmental or ecological designation.

- 5.19 Policy L9 ensures that development must avoid or mitigate against an adverse effect on any protected species or habitat. Under policy H2, development will not be permitted if it has an unacceptable environmental impact. Although the site is a residential garden, its close proximity to Willsbridge Valley SNCI means the area may contain a range of wildlife. In particular, this may include protected species such as slowworms, hedgehogs, and badgers.
- 5.20 No ecological information has been submitted to support this outline application. However, there are no ecological or environmental constraints on the site that could not be overcome through mitigation or avoidance. The proposed development site consists of a very small area of this extensive residential garden. As a result, the development is acceptable in principle on environmental terms subject to a destructive clearance of the site to avoid killing or injuring animals and a survey of the site and surrounding area for the presence of badgers. This can be secured by condition.
- 5.21 Highways and Transport
Highways have played a significant part in the planning history for the site. Development on this site has previously been refused due to inadequate access arrangements and the use of a substandard service road. This refusal reason was upheld on appeal in the early 1990s. However, national guidance was revised in 2007. The previously refused application (PK07/0371/O) was determined using the updated guidance. The Case Officer still considered the access arrangements to be inadequate. This was in part due to the tandem nature of the proposed development as well as vehicular movements and highway safety.
- 5.22 Tandem development is discouraged due to the generally high impact it has on residential amenity, partly caused by an access and associated traffic along the side boundary of a property. Yet under pressure to make the most efficient use of land, tandem development can be acceptable in certain circumstances.
- 5.23 In terms of highway movements, the proposed development will generate one additional peak time vehicular movement. This is considered to be de-minimus on both the amenity of the existing property, the service road leading to the site, and the access to the A431. As such, there is no objection to the development on transportation grounds as outlined in policy T12 of the Local Plan.
- 5.24 As the Council's Highways Officer considers the proposed increase in vehicular movements to be de-minimus, there are insufficient grounds for a refusal based on access or highway safety. Therefore, despite a previous application being refused for these reasons, it is not considered that a refusal on such grounds now would be appropriate.
- 5.25 Two off-street parking spaces are retained for the existing dwelling and two are proposed for the new dwelling. This meets the parking standard set by policy T8 of the Local Plan.

- 5.26 Notwithstanding the above, although the site is considered capable of accommodating the proposed development (and therefore there is no objection on highways grounds), there are a number of issues that need to be addressed at the reserved matters stage for the scheme to be acceptable. A condition will be attached to ensure these issues are addressed in the reserved matters process.
- 5.27 Residential Amenity
Development must not have a prejudicial impact on residential amenity to be considered acceptable through policies H2 and H4 of the Local Plan. This should be assessed in terms of the impact on the existing property, adjacent neighbours and nearby occupiers, and the wider locality.
- 5.28 The site is sizable and can easily accommodate adequate private amenity space for both the existing and proposed dwellings. There is sufficient space at the side of the property so that the access drive does not need to be located immediately adjacent to the existing house. Planting is proposed between the house and driveway to minimise the impact of passing traffic. It is not considered that the development would have a prejudicial impact on the amenity of the existing property and provides a good level of amenity for the proposed dwelling.
- 5.29 As a result of the screening planting, drive alignment, and greater acceptability of tandem development, the previous refusal reason on the impact on residential amenity is no longer considered to stand up.
- 5.30 This is an outline application; no elevation drawings have been submitted. It is therefore not possible to assess the impact individual elements of design would have on amenity. The impact on nearby occupiers needs to be assessed in a general sense with design being specifically dealt with at a subsequent reserved matters stage.
- 5.31 Set back on the plot, the proposed development is a considerable distance from the nearest dwelling. The indicated location of the proposed bungalow is a minimum of 23 metres from the nearest property on Ludlow Court. This is measure from curtilage boundary to curtilage boundary and represents a minimum possible distance. Combined with the site contours, the scale and height of the development, and the existing tree and hedge coverage, the proposed development would not have an overbearing or oppressive impact on any nearby occupier. As a result, it is concluded that there will not be a prejudicial impact on residential amenity and the proposed development complies with policy.
- 5.32 Design
No design details have been submitted as this is an outline application with all matters reserved. However, the design and access statement indicates that the development will be a chalet bungalow with front dormer. This is considered to be similar to the existing property on the site and therefore in keeping with the character and appearance of that property and the site. The detailed design will be submitted at a reserved matters stage.

- 5.33 As outlined above, the site is capable of accommodating the proposed development to a high enough standard of design that satisfies the requirements of policy D1 of the Local Plan. There is no objection to the development on design grounds.
- 5.34 Tree Preservation
A large mature Beech tree is located in the front garden adjacent to the driveway. This tree is protected by a TPO. Initially, inadequate details were submitted for the Tree Officer to be able to assess the impact the development would have on the Beech tree. Further details were sought from the applicant. These are insufficient to meet the requirements as set out in the Trees on Development Sites SPD. However, they show what potential issues there are on the site and how these may be mitigated.
- 5.35 Therefore, there is no objection to the principal of development on this site and development is considered possible without causing harm to the TPO'd Beech tree. However, greater detail will need to be submitted at the reserved matters stage in order to fully assess the quality of the trees on site and which trees should be retained.
- 5.36 Flood Risk and Drainage
The Council's drainage team has assessed the proposed development. No objections to the development have been raised but a condition will be attached to ensure a sustainable drainage system is incorporated. This is to comply with policy L18 of the Local Plan.
- 5.37 It is not considered that this development would exaggerate flooding or flood risk, or remove substantial amounts of land from natural drainage.
- 5.38 Public Consultation
A number of comments received during the consultation process have not been resolved by or covered in the above analysis. A response to these will be provided below.
- 5.39 The development is located adjacent to the Dramway, however, it is at a much higher level and set away from the embankment. The Dramway does not fall within the application site. The proposed development will not have an impact on the historical or archaeological interest of the Dramway.
- 5.40 It is contested that should the proposed development be permitted, it would result in applications for development at nearby locations and set a precedence for greater infilling. Adopted planning policy supports infilling within settlement boundaries when it can be achieved without harm to the surrounding area. However, should any further applications be received by the Planning Authority, each would have to be assessed on its own merit against the planning policy of the time. Permitting this development would not create precedence of approval for other developments nearby.
- 5.41 The proposed development does not contain any affordable housing. Policy H6 of the Local Plan requires a contribution to affordable housing when the proposed development consists of 5 or more dwellings or is on a plot size of

0.2ha (for proposals within settlements in the rural areas). The proposed development falls below both of those thresholds.

- 5.42 A comment has been made that the proposed development is in very close proximity to overhead power lines. There is no requirement in adopted planning policy to consider this in determining an application. It is also mooted that the proximity to the power lines may affect the ability to mortgage the property. Development finance is not a material consideration of the planning system.
- 5.43 Finally, it is noted that the Parish Council raised no objection to the proposed development but that it did not take into account local residents' views. This is considered to be a matter between the Parish Council and local residents. Opportunity is provided during the consultation process for members of the public make representations to the Planning Authority that must be taken into account. Such views or representations are independent and irrespective of those expressed by the Parish or any other member of the public or consultee.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been assessed against policies D1, L1, L5, L9, L17, L18, GB1, T8, T12, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006. The erection of a detached bungalow will not have a material impact on land contained within the green belt or the local landscape. An efficient use of land has been achieved without a detrimental impact on the character, appearance, or amenity of the area. Access to and from the site and the provision for parking are satisfactory. Adequate drainage can be attained. The development will not have an adverse impact on the environment or ecology of the site and immediate vicinity.
- 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 outline planning permission subject to the conditions listed below.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

1. Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

5. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. As part of any Reserved Matters application and prior to the commencement of development, details (such as vehicle auto-tracking) must be submitted in writing to the Local Planning Authority for approval indicating that adequate turning space for a

service vehicle can be provided on site, independent of any parking spaces. Development must be carried out in accordance with the approved details.

Reason

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

7. As part of any Reserved Matters application and prior to the commencement of development, a full tree survey, constraints, protective fencing plan and arboricultural method statement in accordance with BS5837:2012 must be submitted in writing to the Local Planning Authority for approval. Development must be carried out in accordance with the approved details.

Reason

To ensure the development is carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Trees on Development Sites SPD (Adopted) November 2005.

8. Prior to the commencement of development, a method statement to avoid harm to slowworms and hedgehogs and to include any licensing provisions under the Protection of Badgers Act 1992 must be submitted in writing to the Local Planning Authority for approval. All works must be carried out in accordance with the approved details.

Reason

To ensure the works are carried out in an appropriate manner and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Prior to the commencement of development detailed plans showing the provision of (car and cycle parking facilities) in accordance with the standards set out in Policies (T7 and T8) of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; 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.

10. As part of any Reserved Matters application, landscaping proposals should be accompanied by full details of the ground levels on site, including cross sections of any engineering works. This information should be submitted for approval to the Local Planning Authority in writing and carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with Policies H4, D1, and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

To protect the character and appearance of the area to accord with Policies H4, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason

To protect the character and appearance of the area to accord with Policies H4, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. 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 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. 08/13 – 22 FEBRUARY 2013

App No.:	PK13/0026/CLE	Applicant:	Mrs Susan Woodward
Site:	The Gables Park Street Iron Acton South Gloucestershire	Date Reg:	11th January 2013
Proposal:	Application for certificate of lawfulness for existing use of dwelling as 2 no. separate dwellings.	Parish:	Iron Acton Parish Council
Map Ref:	367796 183636	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	6th March 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application for a Certificate of Lawfulness is reported on the Circulated Schedule in accordance with the standard procedure for determining such applications.

1. THE PROPOSAL

- 1.1 This application for a Certificate of Lawful Use has been submitted to the Council by Mrs S. Woodward, on behalf of Mrs E. Parker, the owner of the property in question, a three storey Listed house on Park Street, Iron Acton. The application relates to the vertical subdivision of the dwelling into two dwellings. The photographs submitted show the curtilage of the site and details of the works to subdivide the dwelling.
- 1.2 The site visit in January 2012 did not result in gaining entry to the building, but it was previously visited by the Conservation Officer and this visit revealed that the internal works claimed have taken place. This is confirmed in an e-mail dated 26 November 2012, which has been submitted as part of the evidence, as detailed below. As a result of these works, the house is now subdivided into two dwellings, the Gables having the site's entire garden and parking, with West Gables having the door onto Park Street and no curtilage outside the currently unauthorised dwelling itself.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (Development Management Procedure) Order 2010 Article 35
Circular 10/97 Enforcing Planning Control

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/0027/LB Retrospective Listed Building application for the works to divide the dwelling into two Undetermined

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
No reply received
- 4.2 Other Consultees [including internal consultees of the Council]
Conservation Officer
No comment

Other Representations

- 4.3 Local Residents
No replies received

5. ANALYSIS OF PROPOSAL

- 5.1 The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the use described, the subdivision of the dwelling into two dwellings has or has not been carried out for a period exceeding 4 years and whether or not the use is in contravention of any Enforcement Notice which is in force.

5.2 Dealing with the latter point from above first, there is no Enforcement Notice in force for the site which applies to the use of any part of the land.

5.3 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probabilities”. Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt.” Furthermore, the applicant’s own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues which are involved in determining an application. Any contradictory evidence which makes the applicant’s version of events less than probable should be taken into account.

5.4 Hierarchy of Evidence

The evidence submitted comprises statutory declarations, in some cases referring to further, supplied, documents. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits) which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

5.5 The tests in this case are considered to be whether the land specified in the application has been subdivided into two dwellings for the prescribed 4 year period. If this is the case then the continued use of the site on this basis would be immune from enforcement action and be lawful.

5.6 When was the site capable of the claimed use?

This is considered to be vital in determining whether the site has been used for residential purposes for a continuous four year period. Mrs Woodward’s letter states that her mother sold the dwelling to Mr B Hackland on 28 September

2012. The letter goes on to state that the works to sub-divide the house took place in the early 1970's. The Listing took place in 1952 and describes a 19th Century extension which is claimed to now be called West Gables, as evidenced by the house sign. In 1999 it is claimed that Milbury's estate agents found the first tenants, Hewlett Packard, and it has been let for most of the time since.

It is considered that the site is capable of the claimed use, on the basis of the Conservation Officer's site visit and the evidence supplied with this application.

5.7 Independent Evidence

Checks were carried out with the Council Tax section of the Council to determine the occupation of the Gables and West Gables in the period from 1999 to the present day. These confirmed that the Gables has had Council Tax paid on it since the start of that tax in April 1993, while West Gables was banded in October 1999, since when Council Tax has consistently been paid on that property.

5.8 How long has the site been used for residential purposes?

Mrs Woodward's letter attests to the use of the dwelling subdivided into two units, the residual portion of Gables and the new dwelling, West Gables for a period exceeding the requisite four years. The only additional evidence supplied is the contract referred to at 5.6 above, from Milbury's, a bill dated 6 October 1999 for the commission on collection of rental. This covers rent for West Gables the period 1 October 1999 to 31 October 1999, together with an introduction fee and legal fees. This evidence is considered to be consistent, corroborated by the Council Tax evidence and not contradicted from the month of October 1999 which covers the requisite four year period. The Council Tax evidence does not point to the properties being returned at any subsequent point to a single dwelling and therefore there is considered to be no evidence that that the Gables and West Gables have been the same dwelling since October 1999. On the balance of probability, all the evidence is considered to point to the red edged land being subdivided into two dwellings, the Gables and West Gables, since 1999 and that evidence is considered to be clear and unambiguous.

5.9 Contradictory Evidence

No contradictory evidence has been received.

6. CONCLUSION

6.1 Officers conclude, objectively and on the balance of probability, that, according to the submitted evidence, West Gables and the Gables have been occupied as two separate properties for a period exceeding four years. On the balance of probability it is accepted that that the claimed use has occurred for a continuous period in excess of four years.

7. RECOMMENDATION

7.1 That the Certificate of is granted.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 08/13 – 22 FEBRUARY 2013

App No.:	PT12/3471/F	Applicant:	Ms Emma Maggs
Site:	Court Lodge Court Road Frampton Cotterell South Gloucestershire	Date Reg:	5th November 2012
Proposal:	Partial demolition of existing single garage to incorporate re building of boundary wall (to 2.4m maximum height) Erection of detached double garage	Parish:	Frampton Cotterell Parish Council
Map Ref:	366101 181534	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	12th December 2012



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the partial demolition of existing single garage to incorporate the rebuilding of the existing stone boundary wall (to 2.4m maximum height) and the erection of a detached double garage. The works are proposed in the front garden of Court Lodge, a Grade II Listed Building in the open countryside outside Frampton Cotterell and within the Green Belt.
- 1.2 The front garden is enclosed by a stone wall, which divides it from the access lane which serves it and three further dwellings. There is a single garage next to the site entrance which uses the boundary wall as one side wall of it. There is open parking elsewhere within the curtilage at the front. The proposal would demolish the existing garage, rebuild the boundary wall to a maximum height of 2.4 metres above ground level and also involves the erection of a replacement double garage. Due to the impact on the host Listed Building, amended plans were requested and requested, adapting the design of the proposed garage.

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
GB1 Green Belt
H4 Development within Residential Curtilages
L13 Listed Buildings
L17 and 18 The Water Environment
EP2 Flood risk
- South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
CS9 Heritage Assets
- 2.3 Supplementary Planning Guidance
Development in the Green Belt (adopted 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 P89/3038 Erection of double garage Approved

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
No objection, subject to the Listed Buildings Officer being satisfied with the proposal.
- 4.2 Other Consultees [including internal consultees of the Council]

Conservation Officer

The revised plans have addressed the concerns over scale, size and design and approval is recommended, subject to conditions controlling materials, rainwater goods, verge and stone wall details.

Technical Services

No objection, subject to a condition requiring a SUDS compliant drainage plan.

Public Rights of Way

The proposal is unlikely to affect the public right of way which passes the front of the site.

Other Representations

4.3 Local Residents

One letter of objection was received, citing the following concerns:

- The statement of significance states that no archaeological remains have ever been found on site, but the previous owners found items of interest
- It also states that no significant events or famous personalities are associated with this property, but this is not the case
- The proposed site for the garage appears to be over an underground watercourse, which could have backed up to cause flooding in Watley's End Road at the end of 2012: Would the footings for the garage affect the watercourse, delaying discharge of water into the Frome?
- Pipistrelle bats have been roosting in the adjoining garden, although maybe not on the site, the adjoining sites offer a range of biodiversity factors which are mutually supportive
- The trees and hedges box on the application form has been ticked no, but there are poplar trees of over 200 years old
- The garage would be out of proportion with the house and would dwarf the old privy

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above in the light of all material considerations. Since the site lies in the Green Belt and the main issue in this regard is the impact of the proposal on the openness of the Green Belt, in terms of policy GB1. Being a curtilage listed building, the demolition and replacement of the garage will have an impact on the setting of the Listed Building which also requires analysis under policy L13 and by extension policy D1. Beyond this are issues with drainage and residential amenity under policy H4. The proposal is considered to be acceptable in principle, subject to the following analysis.

5.2 Openness of the Green Belt

The proposed double garage would replace an existing single garage and allowing for the garaging of a vehicle which would otherwise stand in the open, necessarily at the front of the Listed Building. In visual terms, it is considered beneficial to ensure that the setting of the Listed Building and the visual amenity of the Green Belt is protected through the internalisation of parking.

The harm to the openness of the Green Belt is considered to be limited to the garage being doubled in size and set against the open parking of a vehicle, there is considered to be a marginal impact on openness through this proposal. This impact is not considered to be harmful to openness due to the increase in size of the garage and the new location of the building making use of the existing screening. The current garage is considered to be in a more prominent position within the site.

5.3 Listed Building

This application relates to the south range of Frampton Court, a grade II Listed Building with 15th century origins which was reworked and extended in the 16th and 17th centuries. The south range, now known as Court Lodge, contains much of the earliest fragments of the building although it was extensively and comprehensively modified in the 1980's refurbishment. The application proposes the demolition of the existing garage building located at the entrance to the site and to replace it with a single storey, 2 bay garage in the gardens to the south west of the listed building. The garage is proposed to be built in an area previously used for a small outbuilding and greenhouse and is immediately to the south of a former privy associated with the listed building. Given the age of this structure, the historical and functional association with the main house and its physical connection with the boundary wall, this structure will be deemed curtilage listed. The visual relationship between the house, the privy and the new garage needs to be carefully considered to ensure that new structure does not appear unduly intrusive.

The proposed garage is roughly square on plan with a 5.5m wide opening on the garden side. The elevations are proposed to be stone clad, under a clay tile roof. The revised plans show an asymmetrical roof form, with the ridge off centre and a catslide arrangement to the rear, reducing the perceived bulk of the building, with lower rear eaves and reduced visual impact when viewed from the neighbouring garden with a more traditional appearance which better relates to the proportions of the main buildings, especially when the building is viewed from the access drive to the south. A central post is now shown supporting the centre of the beam. In terms of its positioning, it has been pulled off the wall line which brings it further into the garden than is desirable, but this degree of intrusion has been reduced almost as much as is possible and the gravel area has been reduced overall on the revised plans.

In terms of the landscaping, the amount of planting is now shown as increased and overall the proposal has a more subtle form and appearance and is considered to have an acceptable impact on the host Listed Building and nearby privy, subject to the materials and sample panels of walling conditions recommended below.

5.4 Drainage

Although it is not known whether a culvert exists which allows overflow drainage from the pond in Frampton Court across the site and if it exists, its condition is also unknown. However, details have been submitted of extensive excavations which have been undertaken on this site and have revealed no such drainage arrangements. It is considered that the excavations for the garage would in fact provide an opportunity to thoroughly investigate the

possibility that there may be a culvert crossing this part of the site. As the floor area of the garage would exceed 30 square metres, supervision of Building Control would be required during the construction process. This would be the normal method of ensuring that such drainage problems are overcome and the applicants are aware of the possibility that remedial works may be required as a result of this scrutiny, which falls outside the planning system. No objection has been received from Technical Services, subject to the inclusion of a condition requiring the submission of a SUDS compliant drainage plan and compliance with the approved plan. As such, it is considered that the proposal accords with policies L17, L18 and EP2 of the adopted Local Plan.

5.5 Residential Amenity

It is considered that in this location in the front garden of the site, with the dwelling on site standing between the garage and the neighbouring property, that there would be no resulting impact on existing levels of residential amenity enjoyed by neighbouring occupiers. The proposal is therefore considered to accord with policy H4 of the adopted Local Plan.

5.6 Other Issues

A number of further issues have been raised through the consultation process. The claims that the statement of significance states that no archaeological remains have ever been found on site and that no significant events or famous personalities are associated with the site are not considered to be of particular relevance as it does not relate to this proposal. Similarly, the issue raised that Pipistrelle bats have been roosting in the adjoining garden, is not of particular relevance to the erection of a garage in the adjoining garden, where that garage is proposed to be built on land that would not form a bat habitat. The issue that the trees and hedges box on the application form has been ticked no, again has no direct relevance to this application as no trees stand on the site of the proposed garage and its erection would leave the nearest tree roots unaffected.

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 is not considered to not harm existing standards of residential amenity, the setting of the host Listed Building and the water environment. The proposal accords with policies H4, L13, L17, L18 and EP2 of the adopted South Gloucestershire Local Plan.
- 6.3 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is **approved**, subject to the conditions shown below.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17, L8 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development shall commence until samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To safeguard the special architectural and historic character of the listed building and its setting, and to accord with Policy L13 of the adopted South Gloucestershire Local Plan.

4. A sample panel of stonework, demonstrating the colour, texture and pointing is to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To safeguard the special architectural and historic character of the listed building and its setting, and to accord with Policy L13 of the adopted South Gloucestershire Local Plan.

5. All new external rainwater goods shall be formed in cast metal and painted black.

Reason

To safeguard the special architectural and historic character of the listed building and its setting, and to accord with Policy L13 of the adopted South Gloucestershire Local Plan.

6. No development shall commence until details of the verge construction have been submitted to and approved in writing by the local planning authority. The development shall accord with the details so approved.

Reason

To safeguard the special architectural and historic character of the listed building and its setting, and to accord with Policy L13 of the adopted South Gloucestershire Local Plan.

7. The external natural stone walling shall be taken down to ground level and there shall be no exposed engineering brick visible on the external elevations of the building.

Reason

To safeguard the special architectural and historic character of the listed building and its setting, and to accord with Policy L13 of the adopted South Gloucestershire Local Plan.

CIRCULATED SCHEDULE NO. 08/13 – 22 FEBRUARY 2013

App No.:	PT12/3767/F	Applicant:	Dr P Beech
Site:	13 Knole Close Almondsbury Bristol South Gloucestershire BS32 4EJ	Date Reg:	19th November 2012
Proposal:	Demolition of existing garage and erection of replacement detached garage.	Parish:	Almondsbury Parish Council
Map Ref:	359804 183818	Ward:	Almondsbury
Application Category:	Householder	Target Date:	10th January 2013



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 100023410, 2008. **N.T.S.** **PT12/3767/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for the demolition of the existing garage and erection of a replacement detached garage. The existing garage is a very shallow pitched building with an unusual small, short pitch design on the front. Original plans showed the replacement gable style garage to a height of around 4.5 metres at the highest point of the pitch of the roof. Further to the original submission revised plans have since been received. These show a revision to the original plans, in particular, with a lower maximum pitch height of the roof, to approximately 3.6 metres. These revised plans have been reconsulted and form the basis for consideration of this application. The garage would be located between the host property and the boundary with the adjacent property to a length of approximately 5 metres and 3.1 metres wide, with a pitched roof, a relatively small gable would come off the main garage inwards towards the house to a length of approximately 2.2 metres.
- 1.2 The application property is detached chalet style dwelling and associated curtilage, situated on a cul-de-sac containing other detached properties and is located within the residential area of Almondsbury. Almondsbury itself is located within the Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
GB1 Green Belt
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Parking Standards
T12 Transportation Development Control Policy for New Development
- South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/0246/F – Pitched roof to front dormer window. Two storey side and single storey rear extension, pitched roof to existing side extension and 2 no. garden

sheds. Approved 25th March 2008.

- 3.2 PT08/1886/F – Removal of existing garage to facilitate erection of two storey side extension to form additional bedrooms and wet room. Replace flat roof to pitched roof of existing dormer on front elevation. Pitch roof to existing side extension and erection of 1no. shed. (Amendment to previously approved scheme PT08/0246/F). Approved 11th August 2008.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No objection

Other Representations

4.2 Local Residents

Objection letters from two properties have been received. Objections letters were received in respect of the original submissions. Two further objection letters were also received upon reconsultation of the revised plans. The continued objections to the plans are summarised as follows:

- the application would prejudice the amenities of nearby occupiers
- overbearing impact upon the amenity space of the adjacent property
- loss of daylight/sunlight to the amenity space of the adjacent dwelling
- parking concerns if the building is not used as a garage but as habitable space
- the proposals would constitute overdevelopment of the plot which will prejudice the character of the surrounding area
- the revisions only appear to show removal of two velux windows and a slight reduction in height and make no difference to the original objections, on the basis of the overbearing impact that the proposals would have on the property to the rear
- concerns that the proposal is more about providing further accommodation above the garage
- the proposed garage would have an impact on the lounge window of the property to the rear
- concerns over a window in the existing gable end which were not in the original previously approved plans for the house leads to conjecture as to what may happen next

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. Policies T12 and T8 seek to ensure satisfactory parking provision. It is also of note that a two-storey side extension has previously been approved for this

property, although this permission has since expired and was in a different plan period, the principle of development was considered acceptable.

5.2 Green Belt

The property is located within the settlement boundary of Almondsbury, and the village itself is washed over by the Green Belt. The proposal is to replace an existing single detached garage with another, albeit slightly bigger one, in the existing residential curtilage. The proposals are considered to fall within the scope of what can be appropriate development in the Green Belt.

5.3 Design / Visual Amenity

The proposed garage would replace an existing single detached garage in a very similar location. It would replace a shallow sloping roof with a pitched roof and add a gable to the side, facing inwards towards the house. Given the location, size and design of the garage it is not considered that there would be a material impact upon the streetscene. It is considered therefore that the proposal is of an appropriate standard in design and is not out of keeping with the character of the main dwelling house and surrounding properties or the streetscene. The extension would be set back slightly when compared to the existing dwelling. The extension is therefore considered to be of an acceptable size and design in comparison to the existing dwelling and the site and surroundings. Materials used will match those of the existing dwelling.

5.4 Residential Amenity

To the side elevation the existing garage runs to a height of between 1.8 and 2.2 metres, with a brief peak of around 3.1 metres at the apex of the small pitch at the front. Under the revised proposals the side elevation would consist of a side wall to approximately 2 metres with a pitched roof, sloping away from the neighbouring boundary a further 1.6 metres in total height. The main difference in existing and proposed elevations on this side is therefore the roof which is sloping away from the neighbouring property towards an additional maximum 1.6 metres above the side wall. The garage would be located approximately 80cm away from the shared boundary, which consists of close board fencing to around 1.8 metres from the applicants ground level. The application site is slightly raised from the neighbouring property in this elevation. The apex of the pitch would be approximately 2.3 metres off the shared boundary. Taking these details into account and given the overall design, scale, context and location of the proposed garage it is not considered that it could be construed as having an overbearing impact of significant or material nature such as to sustain a refusal of the application.

5.5 To the rear of the application site is a further dwelling. The neighbouring boundary in this direction is located around 1 metre away at the nearest point. To this side exists a side wall of similar height to the top of apex of the proposed pitched roof which extends part way along the elevation, beyond this the boundary consists of tall leylandii type tree to around 10 metres in height. This property is located at a higher level than the application property. The existing and proposed garage would be built in a similar location, the main difference between the current garage and the proposed garage would be the gable end to pitched roof facing the rear and the side gable facing inwards towards the application dwelling towards the house. It is not considered that the

rear end facing gable could be considered to give rise to significant amenity impacts, similarly the side gable, given the backdrop of the existing application dwelling and the nature and total height of the garage with pitched roof sloping away from the rear boundary it is not considered that this would contribute to a significant impact. Given the situation therefore, the relative size and location of the proposed garage in terms of the rear gable and the side gable and its relationship and orientation with the property to the rear, it is not considered that there could be demonstrated a material overbearing impact such as to warrant a refusal of the application.

5.6 Highways/Parking

Concern has been raised in respect of the potential conversion of the garage into habitable accommodation as part of the dwelling and the effect that this would have upon parking provision for the property, given the increase in accommodation and the loss of the garage as an off-street space. Under this scenario, the off-street parking provision on the driveway would remain to the front of the property and this area is considered to provide sufficient capacity at this location, in accordance with the maximum standards required.

5.7 Other issues raised

Reference has been made to the addition of a window in elevations of the property previously subject to planning approvals. These were subject to separate enforcement investigations. The matter was considered to be permitted development and no further action was taken as a result of the investigations. This is in any case not a material consideration or relevant to the proposals for a detached garage the subject of this planning application.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed garage is of an acceptable size and standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposals would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. The proposals would provide the same parking provision as existing. As such the proposals accord with Policies D1, H4, T8 and T12 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.

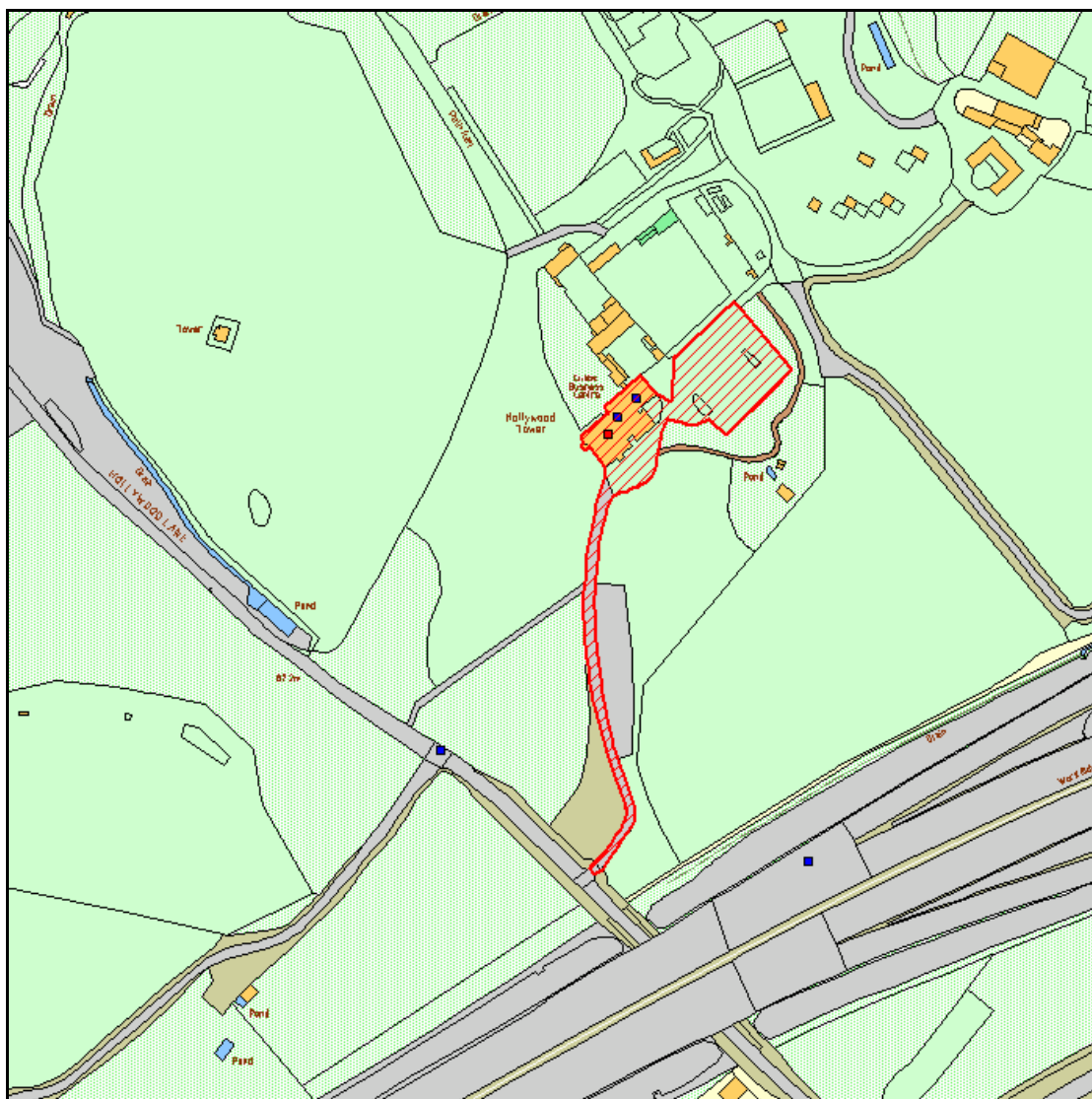
7. RECOMMENDATION

7.1 That planning permission is granted.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CIRCULATED SCHEDULE NO. 08/13 – 22 FEBRUARY 2013

App No.:	PT12/3915/F	Applicant:	National Wildlife Conservation Park
Site:	Hollywood Lane Almondsbury South Gloucestershire BS10 7TW	Date Reg:	26th November 2012
Proposal:	Change of use from office and conference facilities to office and conference facilities and wedding venue (sui generis)	Parish:	Almondsbury Parish Council
Map Ref:	357445 181351	Ward:	Almondsbury
Application Category:	Minor	Target Date:	5th March 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because an objection has been received from the Parish Council contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use from office and conference facilities (Use Class sui generis) to office and conference facilities and wedding venue (Use Class sui generis).
- 1.2 The application site comprises a large 2-storey grade II listed former mansion house set within very large grounds to the north of Hollywood Lane. The building forms part of the Hollywood Tower Estate. Although the site is located within the open Green Belt outside of any defined settlement boundary it is not isolated. The M5 motorway and Cribbs Causeway ring road are located approximately 188 metres and 350 metres to the south of the building respectively.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
GB1 Development in the Green Belt
E11 Tourism
L13 Listed Buildings
T12 Transportation Development Control Policy for New Development
T8 Parking Standards

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Development in the Green Belt SPD (adopted)

3. RELEVANT PLANNING HISTORY

The following applications are the most relevant to the proposal:

- 3.1 PT11/1381/CLE, application for Certificate of Lawfulness for an existing mixed use as office and Conference facilities (Sui Generis), approval, 24/06/11.
- 3.2 PT12/2093/CLP, application for Certificate of Lawfulness for the proposed use of the site as a marriage venue, refusal, 31/08/12

The following applications relating to the site are also listed for clarity:

- 3.3 PT09/0874/F, erection of biomass boiler in walled garden, approval, 03/07/09.
- 3.4 PT09/0875/LB, external works to facilitate erection of Biomass boiler in walled gardens, approval, 03/07/09
- 3.5 PT00/2782/LB, conversion of store room into disabled WC, approval, 06/12/00.
- 3.6 P92/1236, construction of extension to car park to provide 10 no. Additional spaces, approval, 29/04/92.
- 3.7 P90/2820, change of use of building from residential to offices (class B1 as defined in the town and country planning (use classes) order 1987), approval, 18/12/90.
- 3.8 N3171/2, change of use of building from residential to offices (renewal of temporary consent), approval, 04/03/82.
- 3.9 N366/LBC, incidental demolition to facilitate erection of covered passageway between existing offices, approval, 24/12/81.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
Objection on traffic grounds
- 4.2 English Heritage
We do not consider that it is necessary for this application to be notified to English Heritage
- 4.3 Transportation DC Officer
Subject to a condition to ensure that weddings can only take place at weekends to avoid any potential conflict with the office use and conference use then there is no transportation objection to this proposal.
- 4.4 Environmental Protection Officer
No adverse comments
- 4.5 Landscape Officer

No objection

Other Representations

- 4.6 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

It is noted that a Certificate of Lawful Use application for a proposed marriage use has been refused at the site. Certificate of Lawful Use applications are assessed on a purely evidential basis and planning merit is not considered. Accordingly, the previously refused application for marriage use at the site should not be given weight when considering the proposal.

- 5.2 The overarching aim of the National Planning Policy Framework is to encourage sustainable economic growth. It states that in rural areas planning policies should support economic growth in order to create jobs and prosperity by taking a positive approach to sustainable new development. It states that Local Planning Authorities should support sustainable tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

- 5.3 Planning policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006 only allows for the change of use of land or existing buildings where:

It would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purpose of including land in it;

When considering the impacts on the openness of the Green Belt, weight is given to the fact that the building already benefits from a lawful office and conference facility use; the red line plan indicates that the proposed marriage use will not encompass the significant area of open ground associated with the estate; and no external alterations are proposed to the building. Accordingly, it is considered that the proposal will not have a materially greater impact on the openness of the Green Belt than the present authorised use.

The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction;

No external or internal alterations are proposed to the building. Accordingly, it is considered that the change of use proposed will not necessitate major or complete re-construction.

The form, bulk and general design of the buildings are in-keeping with their surroundings.

The application building is grade II listed and constructed around 1820 with later 19th and 20th Century additions and alterations. The appearance of the building is in-keeping with the character of the surrounding area.

5.4 The principle of the development is acceptable by virtue of policies GB1 and E11 (Tourism) of the South Gloucestershire Local Plan (adopted) January 2006. The main issues to consider are the environmental impacts (policies L1, L9 and E11 of the Local Plan; the effect on the residential amenity of neighbouring occupiers (policy E11 of the Local Plan); the transportation effects in terms of the increase in traffic, highway safety and access and parking provision (policies T12, T8 and E11 of the Local Plan); design considerations and the impact on the setting of the listed building (policies D1 and L13 of the Local Plan).

5.5 Environmental Considerations

Given that no alterations are proposed to the interior or exterior of the building, it is considered that the proposal will not bring about any significant adverse environmental issues.

5.6 Residential Amenity

It is noted that the nature of the proposed use has the potential to have a materially greater effect on residential amenity by virtue of discos, hot food, and later finishing times associated with weddings. However, the impacts on members of the public should be balanced against the fact that the building benefits from an unfettered office and conference use, which has no restrictions in terms of times of operation. Accordingly, and given that there are no neighbouring residential occupiers within close proximity to the site, it is considered that the proposal will not have a significantly adversely greater impact on the residential amenity of neighbouring occupiers than the existing situation.

5.7 Design and Impact on the Setting of Listed Building

No alterations are proposed to the exterior of the building; therefore, it is considered that there will not be a significant adverse effect on the character or visual amenity of the building.

5.8 Transportation

According to the applicant the building will be used for marriage purposes at the weekends when it is not used for office and conference purposes. Accordingly, the worst-case scenario is that the building could be used as a wedding venue for approximately 104 days a year. The applicant states however, that in reality, it is expected that there would be approximately 50 weddings per year. Weight is also given to the fact that the building already benefits from an unfettered office and conference use (Use Class sui generis), which currently operates during weekdays but could potentially operate during weekends as well. Accordingly, provided that the use of the building is restricted to ensure that traffic generated from the office/conference use and the marriage venue use does not conflict with each other, it is considered that there will not be a material increase in vehicular traffic over the existing situation. In addition, provided that the use is restricted accordingly it is considered that the existing access and parking provision is sufficient to serve the proposal. Officers originally considered a condition to restrict the marriage

use to weekends as a suitable means of ensuring that there will be no adverse transportation conflict. However, the applicants considered such a condition to be unreasonable due to its inflexibility. On this basis, a condition is recommended to ensure that the office/conference use cannot function at the same time as the wedding venue use. Such a condition is reconsidered to be necessary, reasonable and enforceable and accords with the six tests for applying a condition contained in Circular 11/95.

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 proposed change of use of the building will not have a materially greater impact on the openness of the Green Belt than the present authorised use. The proposal, therefore, accords with policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006; and the South Gloucestershire Development in the Green Belt SPD (adopted).

The principle of the development is acceptable by virtue of policies GB1 and E11 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal achieves an acceptable standard of design and will not adversely affect the setting of the listed building. The proposal therefore, accords with policies D1 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not bring about any significant adverse environmental issues and accords with policy E11 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not have a significantly adversely greater impact on the residential amenity of neighbouring occupiers than the existing situation in terms of noise or disruption. The proposal therefore, accords with policy E11 of the South Gloucestershire Local Plan (adopted) January 2006.

It is concluded that the proposal will not have a significant adverse affect on local highway conditions. The proposal therefore, accords with policies T12, T8 and E11 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

1. 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).

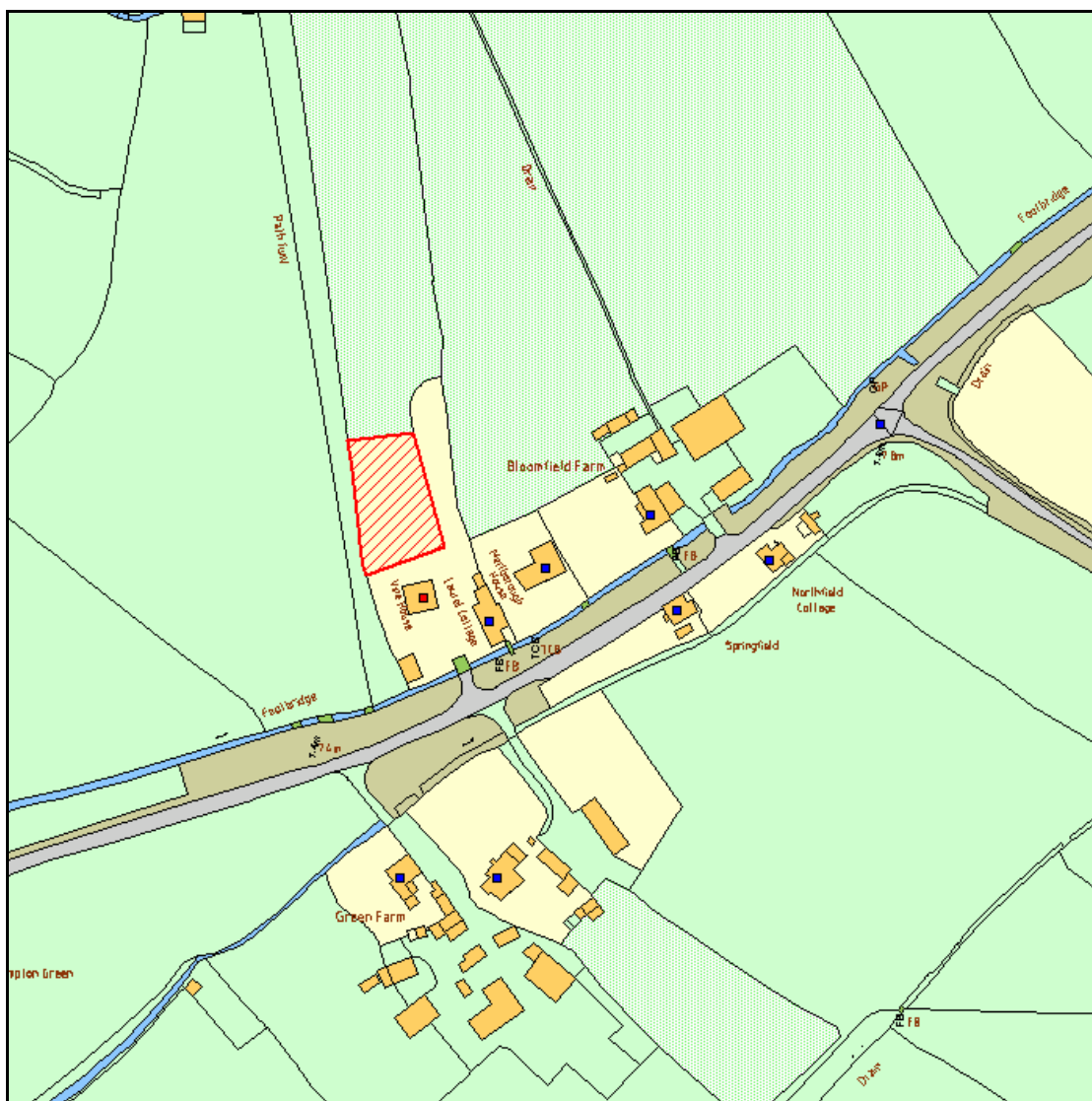
2. The office/conference and wedding venue uses shall not take place at the building at the same time.

Reason

To ensure that the vehicular traffic associated with office/conference use does not conflict with the wedding use in the interests of highway safety and the amenities of the area and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 08/13 – 22 FEBRUARY 2013

App No.:	PT13/0025/CLE	Applicant:	Mr Mark Woodall
Site:	Vine House Lower Stone Road Rockhampton Berkeley South Gloucestershire	Date Reg:	9th January 2013
Proposal:	Application for Certificate of Lawfulness for the existing use of land as residential curtilage (Class C3)	Parish:	Rockhampton Parish Council
Map Ref:	365502 193720	Ward:	Severn
Application Category:	Minor	Target Date:	6th March 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks a certificate of lawfulness in respect of the use of land as residential curtilage.
- 1.2 The application relates to Vine House on the north side of Lower Stone Road, Rockhampton. The site is located beyond any settlement boundary within the open countryside.
- 1.3 This area of land was the subject of the recent application (PT11/2974/F) that sought permission for its change of use. This was refused for the following reason:

The proposed change of use would detract from the rural character of the site and the surrounding area introducing a residential use (with its associated paraphernalia) to the detriment of visual amenity and to the protection of the open countryside. The proposal is therefore considered to be contrary to Planning Policies D1, L1 and H3 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

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 the use of the land as part of the residential curtilage to this property has taken place for a continuous period of 10 years up to and including the date of this application.

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/2974/F: Change of use from agricultural land to residential curtilage (Retrospective). Refused: 12 January 2012
- 3.2 PT10/3457/F: Alterations to raise roofline to increase headroom at first floor level; erection of 1800mm balustrade to first floor to form veranda, with installation of external spiral staircase, erection of replacement front porch: Resubmission of PT10/1530/F. Permitted: 22 February 2011
- 3.3 PT10/1530/F: Alterations to raise roofline to increase headroom at first floor level; erection of 1800mm high screen wall and handrail to first floor to form patio, with installation of external spiral staircase. Refused: 12 August 2010

- 3.4 PT05/0534/F: Retrospective change of use from office/ light industry use (Class B1) to use as a single dwelling House (Class C3) (As defined in the Town & Country Planning (Use Classes) Order 1987). Permitted: 19 July 2005
- 3.5 P98/2614: Use of site for general class B1 (office/light industry) uses; erection of extension and storage tanks. Permitted: 2 September 1999
- 3.6 P97/1678: Retention of use of site for mixing of colourants and additives with water based paint. Permitted: 13 November 1997
- 3.8 P96/2344: Retention of 4 no outbuildings and canopy. Permitted: 13 November 1997
- 3.9 P96/2074/CL: Use of building for mixing paint pigments (certificate of lawfulness). No decision recorded
- 3.10 P94/2095: Retention of existing building, alterations and extensions (Retrospective application). Approved: 13 November 1997

4. RELEVANT ENFORCEMENT HISTORY

- 4.1 COW/03/0103: Unauthorised Change of use of land. Case Closed.
- 4.2 P94/1479/E: Enforcement from planning application.
- 4.3 COM/11/0381/COU: Unauthorised change of use of land. Pending Outcome of current application

5. CONSULTATION RESPONSES

- 5.1 Rockhampton Parish Council
No comments received
- 5.2 Other Consultees
Highways DC: no comment
Environment Agency: no comment

Other Representations

- 5.3 Local Residents
No comments received

6. ANALYSIS OF PROPOSAL

- 6.1 The application relates to land behind Vine House on the north side of Lower Stone Road, Rockhampton. The issue for consideration is whether this land as identified has been used for residential purposes as part of the residential curtilage associated with Vine House for a continuous period of 10 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.

6.2 Evidence in Support of the Application

A Planning Statement prepared on behalf of the applicant by his agent supports the application. This statement is supported by a copy of an old affidavit relating to P94/2095 (unsigned), letters from the applicant, the previous occupier and an employee of the previous occupier and neighbours of the site. Aerial photographs, copies of the Officer reports in respect of PT05/0534/F & PT10/3457/F and a small number of additional documents are also included.

6.3 The Planning Statement advises that the area of land that is the subject of this application measures approximately 40m in depth and 25m in width and is located to the rear of the host dwelling beyond the associated patio area.

6.4 It is advised that until 2006, Vine House stood in the curtilage of, and was in the same single ownership as the neighbouring Laurel Cottage. Vine House was formed as a separate dwelling through the conversion and change of use of a former industrial building (also known as Vine House).

6.5 Upon the cessation of the business use in 2002, the owner's extended family moved into the building occupying it for residential purposes. This arrangement was regularised by PT05/0534/F. An affidavit by the then owner has been forwarded and this was included with P94/2095. This document is not signed and is noted to focus on the industrial operations that previously took place.

6.6 A further document entitled 'Historic Facts and Information' (that appears to have originally been submitted in support of PT05/0534/F) advises that *'The land on the north side of the site is grassed, with an orchard beyond, and forms domestic curtilage for the (old post office) dwelling. The site is bounded to the west and north by open fields (agricultural) and to the east side by a private residence.'* Moreover, paragraph 5.5 of the Officer report in respect of PT05/0534/F is also highlighted. This states:

'The issue of residential curtilage is specifically highlighted by policy H9 in terms of the impact upon the character of the countryside. The unit has been closely associated with the adjacent Laurel Cottage. This is a residential unit (and former Post Office) with its own residential curtilage. Indeed, vehicular access is shared with this residence. This application would sub-divide what appears to have been the residential curtilage of Laurel Cottage. Accordingly, it is not considered that the character of the countryside will be affected materially.'

6.7 In respect of the previous occupiers, a further letter has been forwarded that is dated September 6th 2012 and which is addressed to the applicant. This advises that the property was purchased in 1986 and that they lived here until 2006. Most significantly, the letter states:

'This area was used continually as a garden prior to 2002 and between 2002 and when the property was sold to you. By "this land", I mean the area of land to the rear of Laurel Cottage and the area of land you now own to the rear of Vine House to the extent shown outlined in red on the plan submitted to the

Council in November 2011 with your planning application PT11/2974/F which is still available on the Council's website.'

- 6.8 A letter from G.A.P. Supplies Ltd of Thornbury to the applicant also supports the application. This advises:

'...The Wells asked on more than one occasion for us to be careful of the lawned area, so as not to cause any damage. The mowed area extended some distance from the rear of the property to a wooden fence.'

- 6.9 A further letter from a Mr Clarke, a next door but one neighbour, has also been included with the application. This writes:

'The area of land from the rear of the house to the large ash tree (approximately 100 metre in length) had been converted to a lawned area by the previous tenants Mr and Mrs Wells at that time. I had in fact on numerous occasions... cut the lawned area with a ride on mower on behalf of Mr and Mrs Wells.

...I can say that in my opinion since Mr & Mrs Woodall bought the property in 2006 they have spent a lot of time and money improving its appearance both in the house and the garden including planting of shrubs & flowers and hedge laying with a view to encouraging wildlife into the garden.'

- 6.10 The sales particulars for the application site and the neighbouring dwelling are included. In respect of the application site, a photograph of a large expanse of lawned area is shown with the caption advising: *'To the rear: Large lawned, gravelled and patio area leading to the orchard with a multitude of mature trees, children's play area, approximately 600 sq ft external buildings comprising workshops and barbeque area. Views over the adjoining countryside.'*

- 6.11 Moving on to 2011, planning permission was granted for works to the host dwelling as part of which, as highlighted by the Planning Statement, the application site included the land that is the subject of this application.

- 6.12 The Planning Statement then refers to a letter from the applicant sent to the Council further to refusal of PT11/2974/F; the agent considers that this previous application should have formed a Certificate of Lawfulness rather than an application for retrospective planning permission. This letter (from the applicant) refers to two letters from immediate neighbours, one of these letters comprises that from Mr & Mrs Hackett who write:

'My husband and I moved into our property located directly opposite Vine House in December 2003 when it was owned by Ann and Peter Wells. Having walked the footpath which runs alongside the Woodall's garden most days since moving here to Rockhampton we can confirm that the majority of the extensive plot was mown and gardened to ornamental standards by the Wells'.

Bar the addition of some beds created by Mr and Mrs Woodall we can see little difference in the garden layout today compared to when the Wells owned the property....'

- 6.13 Finally, the Planning Statement refers to aerial photography by way of an aerial photograph owned by the applicant's dated 1998 and the Council's own aerial photographs dated 1999, 2005, 2006 and 2008. These photos are considered to show the following:
- 1999: shows land serving Laurel Cottage with no physical boundary between buildings and the land which is the subject of this application and with this land appearing to have been maintained;
 - 2005: less of a distinction but with the land which is the subject of this application providing for a pool and trampoline;
 - 2006: the land is shown as mown with a patio area in lieu of the pool and trampoline;
 - 2008: the land is shown as similarly well maintained with the return of the pool or trampoline to the area of hard standing/ patio/ barbecue area.
- 6.14 Conflicting Evidence
The evidence provided is accepted as true unless contradictory evidence indicates otherwise. In this instance, no contradictory evidence has been received.
- 6.15 Analysis of Evidence
There has been a question as to the extent of the residential curtilage in respect of this property and it would appear that over time, there has been some encroachment into the open countryside. As demonstrated by the submission of the previous application, the Council would generally resist this form of change of use when subject to a full planning application.
- 6.16 Notwithstanding the above, this current application comprises a Certificate of Lawfulness and thus the planning merits of the case are not under consideration. In this regard, the evidence forwarded does suggest that this land has been used as part of the residential curtilage and this was also shown by the submitted details in respect of PT10/3457/F: this can not be considered as a formal determination on this matter however.
- 6.17 The aerial photographs provide a good indication as to the use of the land and these do appear to show that the grass has been mown with various domestic paraphernalia (i.e. paddling pool and trampoline) sited here. In this regard, it is also noted that this area of land appears in the past to have been well contained by trees/ hedgerow screening separating it from both the field beyond and to the side.
- 6.18 In view of the above, it is considered that the evidence available does indicate that on the balance of probabilities, this land has been utilised as part of the residential curtilage to Vine House for a continuous period of 10 years up to and including the date of this application.

7. RECOMMENDATION

7.1 A Certificate of Lawful Use is **GRANTED**.

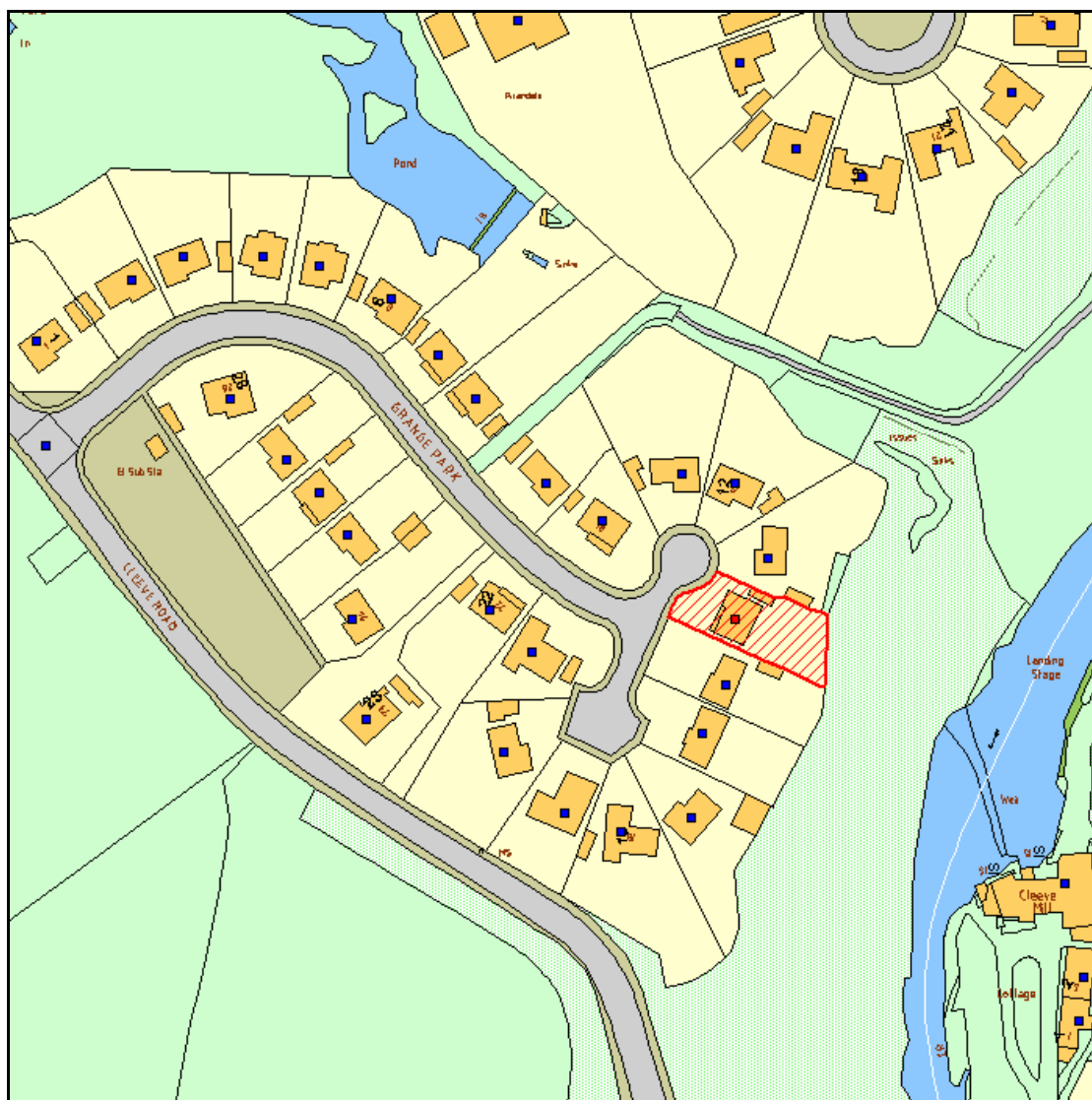
Contact Officer: Peter Burridge
Tel. No. 01454 865262

Reason

1. The applicant has demonstrated that on the balance of probability, the land edged in red on the site location plan submitted as part of this application and dated January 9th 2013 has been utilised as residential curtilage for a continuous period of 10 years up to and including the date of this application.

CIRCULATED SCHEDULE NO. 08/13 – 22 FEBRUARY 2013

App No.:	PT13/0046/CLP	Applicant:	Mr Bill Beaumont
Site:	14 Grange Park Frenchay South Gloucestershire BS16 2SZ	Date Reg:	10th January 2013
Proposal:	Application for certificate of lawfulness proposed for erection of single storey rear extension	Parish:	Winterbourne Parish Council
Map Ref:	364378 177851	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	5th March 2013



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 100023410, 2008. **N.T.S.** **PT13/0046/CLP**

REASON FOR REPORTING TO COMMITTEE/CIRCULATED SCHEDULE

This application appears on the Circulated Schedule in accordance with the standard procedure for the determination of such applications.

1. THE PROPOSAL

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the erection of a rear extension at 14 Grange Park, Frenchay. The application property is a two-storey detached dwelling.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit; the decision is based on the facts presented
- 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. It is noted that two additions (double storey rear, and single storey side and rear conservatory) have already been made to the dwellinghouse. There are no available records for these extensions.

2. POLICY CONTEXT

- 2.1 Schedule 2, Part 1, Class A, of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008

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

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection
- 4.2 Landscape Officer
No objection

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for planning consent. This is not a planning application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance.

It stands to be ascertained whether the proposed development falls within the limits set out in Part 1, Class A of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

The proposed development consists of a rear extension. This development would fall 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).

5.2 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 of a dwellinghouse provided certain criteria are met and developments which fail any of the following criteria would not be permitted:

Class A.1

(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 property has a moderate sized rear garden consequently the proposed extension would not exceed 50% of the 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 maximum height of the proposed rear extension would be 3.6 metres, which would not exceed the height of the highest part of roof of the existing dwellinghouse. As such the proposal meets this criterion.

(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 proposed extension would have a height to eaves of 2.6 metres, significantly lower than the eaves of the main house.

(d) **The enlarged part of the dwellinghouse would extend beyond a wall which—**

(i) **fronts a highway, and**

(ii) **forms either the principal elevation or a side elevation of the original dwellinghouse;**

The proposed extension would not front a highway.

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

The host dwelling is a detached property and the proposed extension would measure 2.4 metres in depth and would have a maximum height to ridge of 3.6 metres, 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 extension is single storey.

- (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 proposed rear extension would be located within 2 metres of a boundary of the property and the height to eaves is 2.6 metres. As such the proposal meets 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 dwelling house**

The proposed rear extension is located at the rear of the dwelling, however, it is attached to an additional two-storey rear extension, which is attached to an additional single storey side and rear conservatory. **The Department for Communities and Local Government Permitted Development Technical Guidance (January 2013)** page 26 states that in some situations it may be that permitted development is undertaken in separate stages. If this is the case measurements must be taken for the total width of all extensions including both the side and the rear extensions. The total width must not have a width greater than half the width of the original dwellinghouse.

For example in this case, a double storey rear extension and a single storey side and rear conservatory have already been added **(A and B)** and are attached. If an additional rear extension is attached to these extensions **(C)** (as proposed in this application) the measurement is taken across the **total width** of all extensions **(A+B+C)**. The width of the existing conservatory plus the width of the existing two-storey extension **(A+B)** is 7.4 metres. The width of the proposal **(C)** is 5.1 metres. The total width of **A+B+C** equate to 12.5 metres. The width of the original dwellinghouse is 9.35 metres. The total width of all additions would therefore be more than half the width of the original

dwellinghouse. **The rear extension would therefore require an application for planning permission.**

- 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 materials used in the proposal will be of similar appearance to those used on the host dwelling.
- (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 does not include the installation of any upper floor windows.
- (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 single storey

6. CONCLUSION

It is considered that the proposal **does not** comply with Schedule 2, Part 1 **Class A (h)** of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and therefore **requires full planning permission.**

7. RECOMMENDATION

7.1 That a certificate of Lawfulness for Proposed Development is REFUSED.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

REASONS FOR REFUSAL

1. The proposal does not comply with Schedule 2, Part 1 Class A (h) of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and therefore requires full planning permission.