



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF PLANNING, TRANSPORTATION AND STRATEGIC
ENVIRONMENT**

CIRCULATED SCHEDULE NO. 21/10

Date to Members: 04/06/10

Member's Deadline: 10/06/10 (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 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:

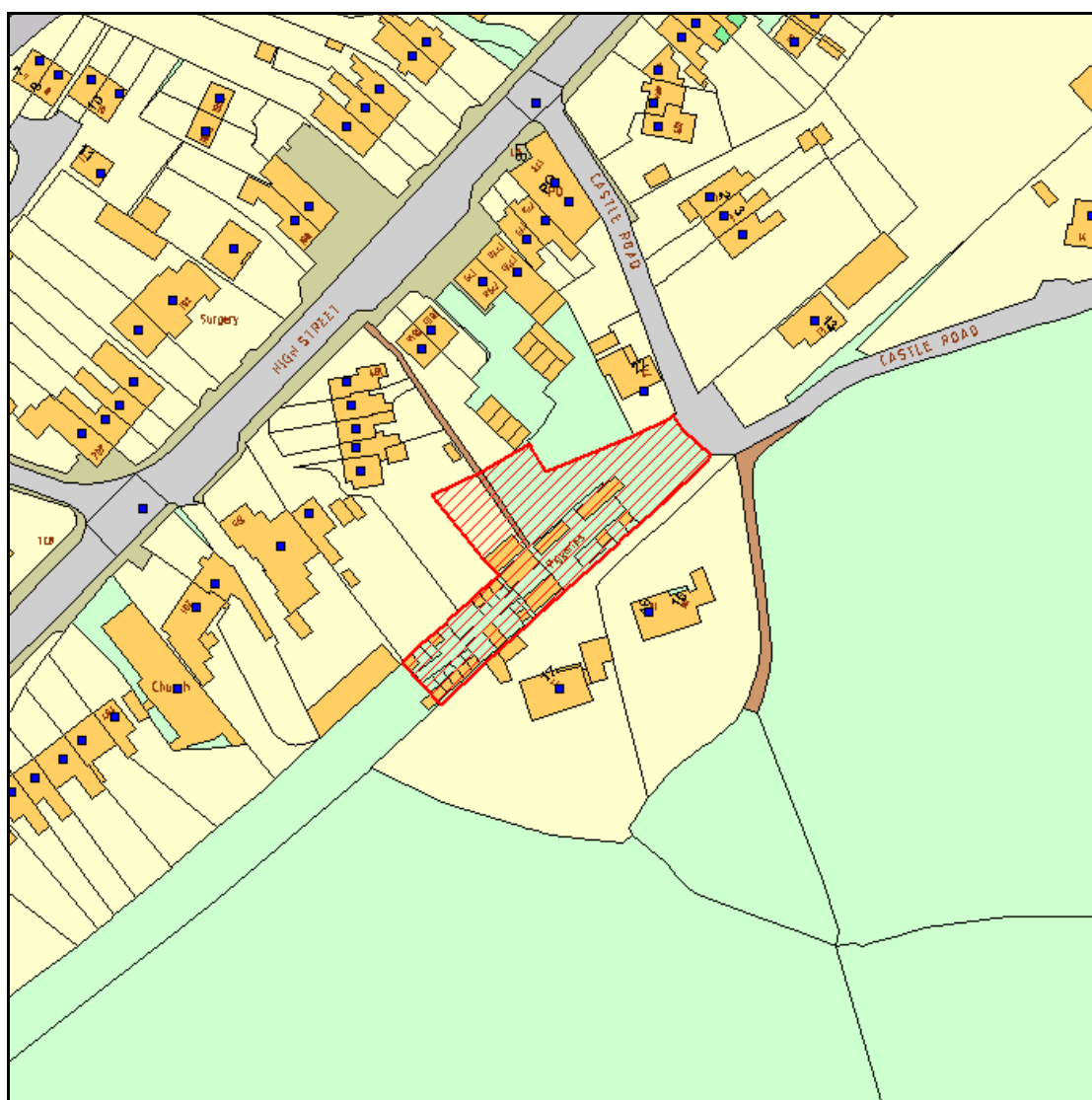
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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 Services Support Team. If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863518, 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 - 4 JUNE 2010

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/0708/RM	Approve with Conditions	17 Castle Road Oldland Common South Gloucestershire BS30 9SZ	Oldland	Bitton Parish Council
2	PK10/0822/CLE	Approve with Conditions	Highfield House 112 Riding Barn Hill Wick South Gloucestershire BS30 5QZ	Boyd Valley	Wick And Abson Parish Council
3	PK10/0912/F	Approve with Conditions	2B Rockland Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
4	PK10/0915/F	Approve with Conditions	280 Badminton Road Downend South Gloucestershire BS16 6NT	Emersons	Mangotsfield Rural Parish Council
5	PK10/0941/F	Approve with Conditions	26 The Buthay Wickwar Wotton Under Edge South Gloucestershire GL12 8NW	Ladden Brook	Wickwar Parish Council
6	PK10/0962/F	Approve with Conditions	10 Highfield Avenue Hanham South Gloucestershire	Hanham	Hanham Parish Council
7	PT10/0897/F	Approve with Conditions	9 Bakers Ground Stoke Gifford South Gloucestershire BS34 8GD	Stoke Gifford	Stoke Gifford Parish Council
8	PT10/0929/CLE	Approve with Conditions	Windmill House Alveston Road Old Down South Gloucestershire BS32 4PH	Severn	Olveston Parish Council
9	PT10/0934/F	Approve with Conditions	511 Filton Avenue Horfield South Gloucestershire Council BS7 0LR	Filton	Filton Town Council
10	PT10/0957/F	Approve with Conditions	12 Westmarsh Lane Oldbury On Severn South Gloucestershire BS35 1QD	Severn	Oldbury-on-Severn Parish Council
11	PT10/0970/F	Approve with Conditions	4A Hazelgrove Winterbourne South Gloucestershire	Winterbourne	Winterbourne Parish Council
12	PT10/0989/CLP	Approve with Conditions	28 Pursey Drive Bradley Stoke South Gloucestershire BS32 8DJ	Stoke Gifford	Bradley Stoke Town Council

CIRCULATED SCHEDULE NO. 21/10 – 4 JUNE 2010

App No.:	PK10/0708/RM	Applicant:	Concentrete Contractors Ltd
Site:	17 Castle Road Oldland Common Bristol South Gloucestershire BS30 9SZ	Date Reg:	21st April 2010
Proposal:	Erection of three detached dwellings (Approval of Reserved Matters - landscaping, scale and appearance) (To be read in conjunction with PK07/1503/O)	Parish:	Bitton Parish Council
Map Ref:	367477 171284	Ward:	Oldland Common
Application Category:	Minor	Target Date:	14th June 2010



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 100023410, 2008. **N.T.S.** **PK10/0708/RM**

INTRODUCTION

This planning application has been referred to the Councils' Circulated Schedule as objections have been received from Bitton Parish Council and a local resident regarding the proposed development.

1. THE PROPOSAL

- 1.1 This application seeks Reserved Matters approval for landscaping, appearance and scale in conjunction with outline planning permission PK07/1503/O. Outline approval has been granted for the erection of three detached dwellings with means of access and siting approved.
- 1.2 The site stands within the built up area of South Gloucestershire, up to the edge of the Green Belt, along the eastern site boundary. The site is now clear but had originally housed some redundant pig buildings with an existing agricultural access onto Castle Road.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS3	Housing
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H2	Residential Development
GB1	Green Belt
L1	Landscape and Trees
L9	Wildlife Conservation
L11	Archaeology
L17	Water Environment
L18	Water Environment
EP1	Environmental Pollution
T7	Cycle Parking
T8	Parking standards
T12	Transportation development control policy

2.3 South Gloucestershire Core Strategy Pre-Submission Draft March 2010

CS1	High Quality Design
CS29	Communities of the East Fringe of Bristol Urban Area

2.4 Supplementary Planning Guidance

	Green Belt SPD adopted 2007
	Design Checklist

2. RELEVANT PLANNING HISTORY

- 3.1 PK04/2536/CLE Certificate of Lawfulness for existing use of land for rearing pigs involving deliveries to and from the site
Granted
- 3.2 PK06/1728/O Erection of four dwellings (outline)
Refused October 2006
- 3.3 PK07/1503/O Erection of three dwellings (Outline)
Approved July 2008

3. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Councillors objected to this application on the following grounds:
- 1) they felt that the houses as designed were too large for the site, resulting in over-intensification of use of the land;
 - 2) there were too many trees planned for the site which would be planted close to buildings, possibly leading to problems in the future, and suggested that the landscaping be redesigned;
 - 3) the board fence on the SW boundary would be clearly visible from the Green Belt and would form an ugly barrier out of keeping with the locality;
 - 4) the size of the houses would mean that they would dominate other nearby properties and appear insensitive to the Green Belt location; and
 - 5) Inadequate parking is provided for 4-bedroom houses, particularly bearing in mind that there is no street parking available in Castle Road.
 - 6) Also, the plans showing the proposed elevations of the dwellings were poorly presented in that they followed no logical order, making comprehension difficult and confusing.

Other Representations

- 4.2 Local Residents
One letter has been received on behalf of a local resident raising the following planning objection which has been summarised as follows by the Planning Officer:
- Proposed bedroom window in side elevation of plot 3 will allow for overlooking into neighbouring bedroom
 - Would ask that this window and bottom glass be constructed of frosted glass.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
As the principle of residential development has already been established on this site with an extant outline planning permission with matters of siting and means of access determined, Members are advised to consider that these matters cannot be revisited and the only issues for consideration relate to the

- approval of those reserved matters applied for i.e. landscaping, appearance and scale.
- 5.2 The site lies within the built up area, where policy H2 applies to proposals for residential development. The criteria listed in that policy form the basis for the analysis under the headings below. The site is on the edge of the Green Belt and the potential impact on this also needs to be considered.
- 5.3 Appearance and Scale Reserved matters.
Both reserved matters will be considered in terms of their impact on the visual amenities of the area and impact on existing residential amenities in terms of overbearing impact and loss of privacy.
- 5.4 Visual Amenity
Objections have been received from the Parish Council on the grounds the dwellings are too large for the site which would result in over-intensification of the land, the board fence on the SW boundary would be clearly visible from the Green Belt and would form an ugly barrier out of keeping with the locality and the size of the houses would mean that they would dominate other nearby properties and appear insensitive to the Green Belt location.
- 5.5 In terms of the proposed footprint of the proposed development i.e. dwellings and detached garages, this has already been approved at outline stage i.e. siting, and therefore cannot be re-visited. Only those issues relating to the appearance and scale of the proposed development can be considered. The surrounding area is characterised predominantly by two storey dwellings along the High Street and Castle Road which leads to the site and most of which are of a traditional cottage style. Two single storey dwellings are sited south of the application site. The proposed dwellings are two storey in height. The proportions of the scheme are considered to relate appropriately and successfully to the established housing to the north and south of the site. The proportions of the proposed dwellings on site are between the two, exhibiting low eaves lines, placing the upstairs accommodation largely in the roof space. The roof pitches are shown as being steep and each dwelling has a feature gable element either to the front or the rear elevation. The proposed dwellings are therefore substantial without appearing to be overbearing or dominating the established housing on either side of the site.
- 5.6 Double garages are proposed for each dwelling. These are on a lower scale to the houses themselves, although the roof slopes are considered to be complementary. The overall appearance is considered to successfully mimic the once existing group of disparate farm buildings on site. This is considered to enhance the edge of the rural setting of the site. This 'jumble' of buildings is considered to be reinforced by the quirky approach of placing the garage for one of the dwellings in front of the house, semi-obscuring the ground floor of that house. This is considered to add to the somewhat haphazard appearance of the provision of buildings which can take place in rural areas and is again considered to define the characteristics of both the site and its setting.
- 5.7 In terms of external appearance the proposed materials i.e. stone plinth, rendered walls and tiled roofs for the dwellings and use of reconstructed stone

- for the garages are considered to be appropriate to the locality. A rough cast render would be expected to be used for the dwellings and samples of materials have been conditioned on the outline permission. It is therefore considered that the proposed external appearance would enhance the appearance of the site as required by PPS1, recognising local distinctiveness as required by policy D1 and the adopted Design Guidance.
- 5.8 The site lies outside the Green Belt, but views of it can be obtained from within the Green Belt. An assessment needs to be made on whether the proposed development would harm the openness of the Green Belt, even though it does not lie within it. It is considered that the scale of the proposed dwellings is appropriate to its location and that, from the Green Belt; the site would be read against a backdrop of houses of a slightly larger scale. It is therefore considered that the proposal would not compromise the openness of the Green Belt at this location. It is also considered that the introduction of 2.0m high close boarded panel fencing along the western and northern boundaries of the application site by reason of its scale i.e height would not have a harmful impact on the visual amenities or openness of the Green Belt.
- 5.9 Residential Amenity
At present, there is considered to be a low degree of overlooking of the site. To the south there are two bungalows which face the site at approximately 45 degrees and do not have substantial views in. To the north is a house fronting Castle Road which has windows overlooking the front of the site, but under this proposal, this would amount to a view of the turning area alone. It is therefore considered that the proposal needs to be assessed solely in terms of the effect of the proposed houses on the residential amenity of surrounding houses and gardens.
- 5.10 In this regard, it is noted that the proposed house i.e. plot 3 to stand at the end of the proposed cul-de-sac would have views to the front and rear only. The side elevation adjacent the garden and blank side wall of the adjoining bungalow no.17 is not considered to compromise residential amenity. Objections have been received on behalf of the occupier of no. 193 High Street sited north of plot 3, on the grounds of overlooking by reason of the proposed bedroom window. The side elevation of plot 3 does not propose a bedroom window on the side elevation but that of a ground floor and first floor window both of which will serve non habitable rooms i.e. WC and ensuite. The agent has confirmed that both windows will have obscure glazing and is in the process of submitting a plan to indicate this, and this will form the basis of the decision notice should permission be granted. A condition is attached to the outline permission restricting any new window openings.
- 5.11 The proposed centrally located dwelling i.e. plot 2 would be over 22 metres from the nearest surrounding dwellings and in the case of those houses accessed off the High Street would not cause undue overlooking of gardens over and above the present level of overlooking to which they are subject.
- 5.12 The proposed house i.e. plot 1 nearest to the access with Castle Road would face the nearest bungalow obliquely at a distance of 20 metres to the nearest point. Since there would be no head on views at this distance between

habitable room windows, it is considered that no harm to existing levels of residential amenity would arise. In addition to this there are some trees to block sightlines, when in leaf.

5.13 It is also considered that the proposed dwellings by reason of their appearance and scale in relation to one another would not have an unacceptable impact on the future occupiers of the development in terms of overbearing impact, loss or privacy or unsatisfactory outlook.

5.14 Landscaping Reserved matters

The Parish Council have raised an objection on the grounds that too many trees are planned for the site and too close to buildings which could possibly lead to problems in the future, and has suggested that the landscaping be redesigned.

5.15 The submitted landscaping plan proposes a mix of grassed areas, hard landscaped areas, shrub planting and trees. Six trees are proposed, 5 of which are ornamental garden trees i.e. silver birch and Cherry all of which are considered appropriate in this setting as confirmed by the Council's Landscape Officer. The largest tree proposed is that of a maple, which will be planted at the entrance of the site, which given its location in relation to neighbouring properties would not have any future impact on adjacent buildings. The planting of a large tree at the entrance of the site will provide an interesting focal point. The submitted landscaping details as submitted are therefore considered acceptable.

5.16 At the time of the outline planning application no objection was raised by the Council's Tree Officer to the proposed development as it was considered there were no significant trees or landscaping on site. A sycamore was identified within the existing building complex, however it was considered to be of poor form and contribute little to the visual amenity of the setting either in short or long views. The remainder of the site has a number of scrubby hedgerow specimens, predominantly blackthorn.

5.17 A condition was imposed on the outline application with regards submission of details relating to construction access into the site and movement of plant and machinery. This was imposed to safeguard the nearby tree that is covered with a Tree Protection Order and is on land outside of the application site. Prior commencement of development on site this condition must be discharged.

5.18 Other Issues

A number of issues have been raised by the Parish Council.

Inadequate parking is provided for 4-bedroom houses, particularly bearing in mind that there is no street parking available in Castle Road.

Matters of siting were determined at the outline planning stage. It should be noted however that four car parking spaces are allocated for each dwelling i.e. double garage and two unenclosed parking spaces in front of the garages. It is therefore considered that satisfactory; level of parking in line with the Council's car parking standards are being provided.

The plans showing the proposed elevations of the dwellings were poorly presented in that they followed no logical order, making comprehension difficult and confusing.

The Planning officer is of the opinion that although the Parish deem the submitted plans difficult to follow and confusing, all the information required in order for the Officer to fully consider the scheme and make an informed recommendation has been submitted.

5.19 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.20 Use of Energy and Sustainability

No specific measures proposed above Building Exultations requirements

5.21 Improvements Achieved to the Scheme

None required

5.22 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary

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) The proposed dwellings and garages have been designed to positively enhance the character and appearance of the area taking account of materials, design, siting, height and scale of the development-Policies D1 and H2.

b) The proposed dwellings have taken account of neighbouring residential amenities and through careful design, the proposal will not materially harm the amenities of neighbouring properties or the future occupiers of the development by reason of loss of privacy or overbearing impact-Policy H2

- c) The proposed dwellings have been designed to have regard for the visual amenities and openness of the adjacent Green Belt taking account of design and scale of the development-Policy GB1.

7. RECOMMENDATION

That the Reserved matters submitted in accordance with Condition 01 associated with Outline Planning Permission dated the 08th July 2008 be APPROVED, subject no additional consultation replies are received.

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 08:00-18:00 Monday to Fridays and 08:00-13:00 Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. 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 D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 21/10 – 4 JUNE 2010

App No.:	PK10/0822/CLE	Applicant:	Mr C Stone
Site:	Highfield House 112 Riding Barn Hill Wick Bristol South Gloucestershire	Date Reg:	14th April 2010
Proposal:	Application for Certificate of Lawfulness for existing use of land and buildings as Class B1(Business) , B2 (General Industrial) and B8 (Storage or Distribution) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Wick And Abson Parish Council
Map Ref:	368914 172827	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	3rd June 2010



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 100023410, 2008. **N.T.S.** **PK10/0822/CLE**

INTRODUCTION

This application has been forwarded to the Council's Circulated Schedule for Member consideration in accordance with the adopted scheme of delegation as the application is for a Certificate of Lawfulness.

1. THE PROPOSAL

- 1.1 This is an application for a Certificate of Lawfulness to ascertain whether the land and buildings within the site edged in red on the submitted plan have been used as Class B1(Business) , B2 (General Industrial) and B8 (Storage or Distribution) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) for a continuous period of ten years to date.
- 1.2 The site is situated on the north side of Riding Barn Hill (A420) between Wick and Bridgegate. The site is accessed via a single track extending 90m from the highway to the site. A large detached dwelling with gated entrance is situated abutting the south boundary of the site with shared use of the access track. The site is bounded by open fields to the north and west with a lake to the east. The site a cluster of agricultural buildings and a central turning area. The buildings have been subdivided into 10 single units and the application relates to 7 of the 10 units namely 1, 2, 3, 5, 8, 9 and 10 which are described as follows:

Unit 1

Single storey mono-pitched roof rendered blockwork walls and concrete tiled roof, occupying the southern end of a linear building on the east boundary of the site. The unit is currently occupied by Ding and Dent (Office and training) which falls within Use Class B1.

Unit 2

Occupying the same building as unit 1 attached directly to the north. The unit is currently occupied by Beast Motor Company (Landover repairs) which falls within Use Class B2.

Unit 3

Occupying the same building as units 1 and 2 attached directly to the north of unit 2. The unit is currently occupied by Everything Off Road(repair and maintenance of 4x4 vehicles) which falls within Use Class B2.

Unit 5

A detached single storey building with pitched roof constructed from blockwork with concrete tiled roof and situated on the north boundary of the site. The unit is currently occupied by Roland Nicholls (Farm equipment restoration under Use Class B2.

Units 8 and 9

Single storey blockwork building with pitched roof and concrete tiled roof occupying a position on the southern boundary of the site. Unit 8 on the west side of the building is occupied by Beast Motor Company which falls within Use Class B2. Unit 9 on the east side of the building is occupied by Barrett Plant (Equipment storage) falling within Use Class B8.

Unit 10

Single storey blockwork building with pitched roof and concrete tiled roof occupying a position on the southern boundary of the site attached to the east elevation of units 8 and 9. The unit is currently occupied by Mr Osmond as storage under Use Class B8.

Three further units form part of the cluster of buildings, units 4, 6 and 7. The applicant has not provided sufficient evidence to prove a continuous breach for 10 years in the case of these three units and as such has chosen not to include them as part of this application. For information the other units are described below:

Unit 4

Single storey mono-pitched roof rendered blockwork walls and concrete tiled roof occupying the north west corner. The unit is currently vacant but has in the past been used as storage.

Units 6 and 7

Single storey building of pitched roof and blockwork construction with lean to element on the front occupying a position adjacent to the east boundary of the site. Unit 6 is currently occupied by Acorn Surfacing Ltd under Class B8 and Unit 7 is vacant.

- 1.3 For information, Members should be aware that 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.
- 1.4 The evidence submitted comprises a mix of statutory declarations and letters. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-
- 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.
 - Other personal appearance under oath or affirmation.
 - Verifiable photographic evidence.

- Contemporary documentary evidence, especially if prepared for some other purpose.
- 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.
- Unsworn letters as above.
- Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

2. POLICY CONTEXT

- 2.1 Town and Country Planning (General Procedures) Order 1995 Article 24
 2.2 Circular 10/97 – Enforcing Planning Control

3. RELEVANT PLANNING HISTORY

- 3.1 The Council has no record of any planning applications related to the application site.
- 3.2 An enforcement notice was issued on 16.11.2009 following change of use of the land from agricultural to a mix of use for B1, B2 and B8 industrial uses without planning permission. The reasons for issuing the enforcement notice were:

- 1) It appears to the Council that the breach of planning control has occurred in the last 10 years.
- 2) The development gives rise to additional vehicular turning movements onto and off the principal classified road A432 at a point where visibility is restricted, which will interrupt the safe and free flow of traffic to the detriment of highway safety.
- 3) The development has a materially greater impact on the openness of the Green Belt than the lawful use of the land and there is no evidence of any special circumstances such that the presumption against development should be overridden.

An appeal was subsequently lodged against the Enforcement Notice which is ongoing.

4. CONSULTATION RESPONSES

- 4.1 Wick And Abson Parish Council
 No response received
- 4.2 Other Consultees
 None

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 In support of the application, the following information has been submitted:-

Statutory declaration from Christopher Stone – In which he states that he first visited the site in late 2000/early 2001. The buildings were being occupied by various small companies. The stable and field were being rented by Mr P Adams. The static caravan was being rented by Mr M Maule, who is still residing there. He is the owner of the property.

Statutory declaration from Roger Jones of Bath Ales Ltd – Declares that his company started renting units 9 and 10 in early 1999, in 2002 he rented unit 5 also. All units were vacated in 2004

Statutory declaration from Royston Harvey – Who states he purchased the units in November/December 1998 in partnership with Mr Feher. He rented the units to small companies as workshops. The units were sold to Mr Stone in late 2001. He listed occupancy and timescales as follows,

Unit 1	Classic car storage 1997-1998, Steven Roberts memorials 1998-2002
Unit 2	Classic cars storage 1997-1998, Beast off road motor company late 1998 to date
Unit 3	Doors fitted and made secure 2000, Reeds landscape gardeners 2000-2006
Unit 4	Doors fitted and made secure 2001
Unit 5	Premier Conservatories early 1999-2002
Unit 6	Used as storage
Unit 7	Storage
Units 8, 9 and 10	Building works completed 1998/99
Unit 8	Mr K Pillinger (Bristol Paramedics)

Statutory declaration from John Lawrence – stating he purchased both Highfield House and the units in late 1997, sold the units in late 1998 to Mr Harvey and Mr Feher. At the time the units were being rented as follows,

Mr P Adams, stable and fields
A Blacksmith from Wick
Mr K Pillinger Ambulance storage
Mr S Roberts, memorial headstones
Premier windows

Sold Highfield House to Mr Nambjou in late 2000 which was then sold on to Mr Stone in late 2001.

Statutory declaration from Mr I Jenkins (Beast Motor Company) – who declares he has been renting unit 2 for repair and maintenance of 4x4 vehicles since Oct 1998, also renting unit 8 since 2002. All units were occupied at the time and this has nearly always been the case since.

Statutory declaration from Mr D Collier (Premier Conservatories) – stated he started renting unit 5 in Aug 1999, which required 4-5 months to prepare the unit for use. Also rented unit 3 for storage for 15 months from Aug 1999. At the time the other units were being occupied.

Statutory declaration from Mr M Maule – Who declares he has lived in the mobile home at Highfield House for approximately 25 years. He worked with Mr Adams to build the units in 1986-1998. Since then the units have been in continuous use listed as follows,

Unit 1 Classic car storage 1997-1998, Steven Roberts Memorials 1998-2002, Gaming machine repairs and sales 2002-2006, Ding and Dents office and training 2006 to date.
Unit 2 Classic cars storage 1997-1998, Beast off road motor company 1998 to date
Unit 3 Made secure 1999, Reed Landscape Gardeners 2000-2006
Unit 4 Made secure 2001, Acorn tarmacing from 2003, then moved to Unit 6 in 2008
Unit 5 Premier conservatories early 1999-2002, Bath Ales 2002-2004, Network southwest systems 2004-2007, a haulage contractors 2007 to date
Unit 6 Storage, Acorn tarmacing from 2008
Unit 7 Converted to small lock up in 2007
Unit 8, 9, 10 Building work completed 1998/99
Unit 8 Mr K Pillinger (Bristol Paramedics)

Statutory declaration from Mr K Pillinger – Stated that he rented unit 8 from mid 1999 to late 2001, at the time units 9 and 10 were occupied by Bath Ales and various other businesses occupied other units.

Statutory declaration from Mr S Osmond (Albion KTM UK) – Stated that he has been renting unit 10 since 2004.

Statutory declaration from Mr M Barrett (Plant Hire) - Stated that he has been renting unit 9 since 2004.

Report by Weather all Green and Smith Ltd (dated 21.08.2001) which provides a detailed valuation of the site including a detailed description of each unit and occupancy following inspection of the site on 06.08.2001.

6.0 **SUMMARY OF CONTRARY EVIDENCE**

No opposing evidence has been received and the Council could find no evidence in opposition to the applicant's claim.

7.0 **EVALUATION**

The application for a Certificate of Lawfulness is purely an evidential test. The test of evidence to be applied is whether the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence.

Each unit has been considered in turn as follows:

Unit 1

The evidence submitted indicates that the units has been used for Classic car storage from 1997-1998, Memorial headstones 1998-2002, Gaming machine repairs 2002-2006 and Ding and Dents office and training 2006 to date. The

evidence therefore is considered to prove on the balance of probabilities that the unit has been used as Class B1 for a continuous period of 10 years to date. However, insufficient evidence has been provided to prove a continuous use of the unit under Classes B2.

Unit 2

The evidence submitted indicated that the unit has been in continuous occupation by Beast Motor Company from October 1998 to date. The evidence therefore is considered to prove on the balance of probabilities that the unit has been used as Class B2 for a continuous period of 10 years to date.

Unit 3

The evidence submitted indicates that the unit was used by premier Conservatories from 1999 for 15 months, Reed Landscaping to 2000-2006, various short term rents and currently occupies by Everything Off Road. The evidence therefore is considered to prove on the balance of probabilities that the unit has been used as Class B1 for a continuous period of 10 years to date. However, insufficient evidence has been provided to prove a continuous use of the unit under Classes B2.

Unit 5

The evidence submitted indicates the unit was occupied from late 1997-2002 by Premier Conservatories, Bath Ales from 2002-2004/5, Network Southwest Systems 2004-2007 and a Farm Equipment Restoration 2007 to date. The evidence therefore is considered to prove on the balance of probabilities that the unit has been used as Class B1 for a continuous period of 10 years to date. However, insufficient evidence has been provided to prove a continuous use of the unit under Classes B2.

Unit 8

The evidence submitted indicates the unit was occupied by Wick Blacksmiths late 1997-1998, Paramedic Services 1999-2001 and Beast Motor Company 2002 to date. Although there appear to be two gaps in occupancy, the evidence is considered to prove on the balance of probabilities that the unit has been used as Class B1 for a continuous period of 10 years to date. However, insufficient evidence has been provided to prove a continuous use of the unit under Classes B2.

Unit 9

The evidence submitted indicates the unit was occupied by Bath Ales 1999-2004 and Mike Barrett (Plant Hire) 2004 to date. The evidence therefore is considered to prove on the balance of probabilities that the unit has been used as Class B1 for a continuous period of 10 years to date. However, insufficient evidence has been provided to prove a continuous use of the unit under Classes B2.

Unit 10

The evidence submitted indicates the unit was also occupied by Bath Ales 1999-2004 and Albion KTM (Off road motorcycles) 2004 to date. The evidence therefore is considered to prove on the balance of probabilities that the unit has been used as Class B1 for a continuous period of 10 years to date. However,

insufficient evidence has been provided to prove a continuous use of the unit under Classes B2.

8. RECOMMENDATION

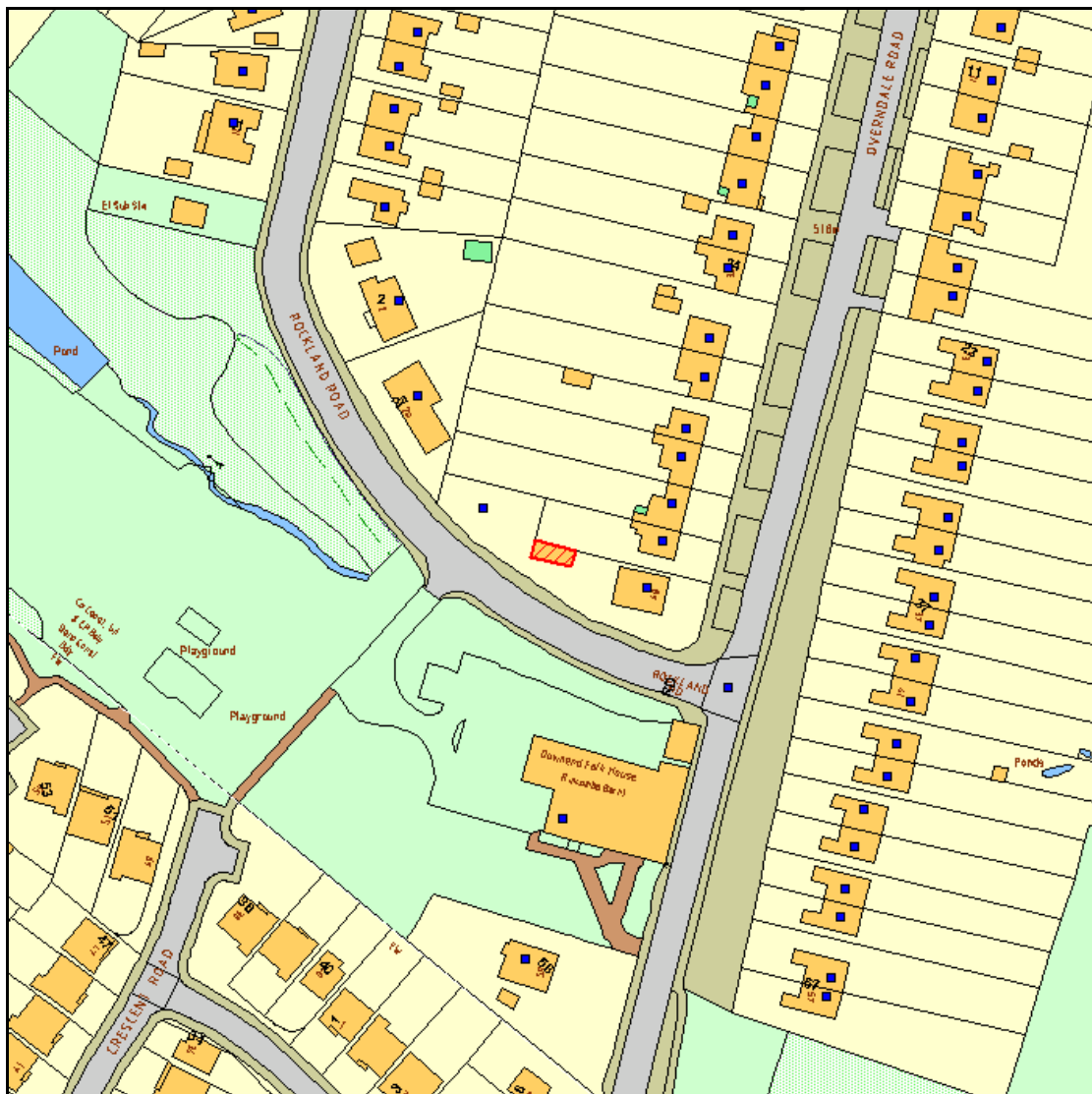
- 8.1 That a Certificate of Lawfulness be issued for Class B1 for units 1, 3, 5, 8 9 and 10 and Class B2 for unit 2.

Contact Officer: Sean Herbert
Tel. No. 01454 863056

ITEM 3

CIRCULATED SCHEDULE NO. 21/10 – 4 JUNE 2010

App No.:	PK10/0912/F	Applicant:	Mr Hendy
Site:	2B Rockland Road Downend Bristol South Gloucestershire BS16 2SP	Date Reg:	26th April 2010
Proposal:	Erection of detached garage	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364593 177034	Ward:	Downend
Application Category:	Householder	Target Date:	15th June 2010



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100023410, 2008. **N.T.S.** **PK10/0912/F**

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of one letter of objection from a neighbouring resident.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a replacement detached garage to the rear of 2B Rockland Road, Downend. The proposed garage would measure 4.2 metres wide by 8.7 metres in depth and would have an overall height to ridge of 4.6 metres.
- 1.2 The property is a modern three storey detached dwelling and is located within a residential area of Downend. The property has been recently built, the existing garage, subject to this application was previously the garage of No. 48 Overdale Road.
- 1.3 During the course of the application amended plans were received to show an additional obscurely glazed rear window.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Parking Standards

South Gloucestershire Core Strategy, Pre-submission Publication Draft March 2010
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objections.

Other Representations

4.2 Local Residents

One letter of objection has been received from a local resident raising the following concerns.

- Commented on the lack of respect for the planning process as the garage is almost complete
- No objection in principle but any further increase in height would be unacceptable as would turn their garden into a prison yard
- It is not clear from the work already done that the structure will be no more than 1.5m above ground level
- There is a window that is not shown on the plans

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design / Visual Amenity

Whilst the plans show the existing garage is located to the front and eastern side of the property, work on the proposed garage had already begun when the site was visited. There was a walkway to the side of the garage and adjacent to this, the retaining boundary wall of No. 48 Overndale Road. The applicant proposes to replace the existing garage increasing the footprint to include the walkway area.

The proposed garage is unusual in design, however given that the application property is of different design to the surrounding properties, in combination with the fact that the proposed garage would incorporate materials to match those of the main dwelling, it is considered that the proposed garage is of an appropriate standard in design and reflects the character of the main dwelling house. The proposed garage would be partially screened from the road due to the topography of the site and the existing boundary treatments. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.3 Residential Amenity

The proposed garage is located to the rear of No. 48 Overndale Road. Whilst the proposed garage has a wider footprint than the existing garage the height to ridge is similar. As such, given the location of the proposal, it is not considered that the replacement garage would have any overshadowing or overbearing effect on the neighbouring dwellings.

Further to concern raised by a local resident, amended plans were received showing the addition of a rear obscurely glazed window. A condition would be

attached to the proposal to ensure that this window remains obscurely glazed at all times to ensure there are no issues of inter-visibility or loss of privacy. With regard to the concern raised in relation to the height of the proposal. The proposed garage would have a ridge height similar to that of the previous garage. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 Parking and Highway Safety

The application proposes the replacement of the existing garage on site. Therefore the parking provision would remain in compliance and within the Councils required parking standards. Further, with no objections from the Councils Transportation Officer the proposal is considered acceptable.

5.5 Design and Access Statement

None submitted.

5.6 Use of Energy and Sustainability

No additional measures proposed.

5.7 Improvements Achieved to the Scheme

None required.

5.8 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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 appropriate standard in design and reflects the character of the main dwelling house. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with 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 be approved subject to the following conditions

Contact Officer: Kirstie Banks
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 glazing on the eastern elevation shall at all times be of obscured glass to a level 3 standard or above.

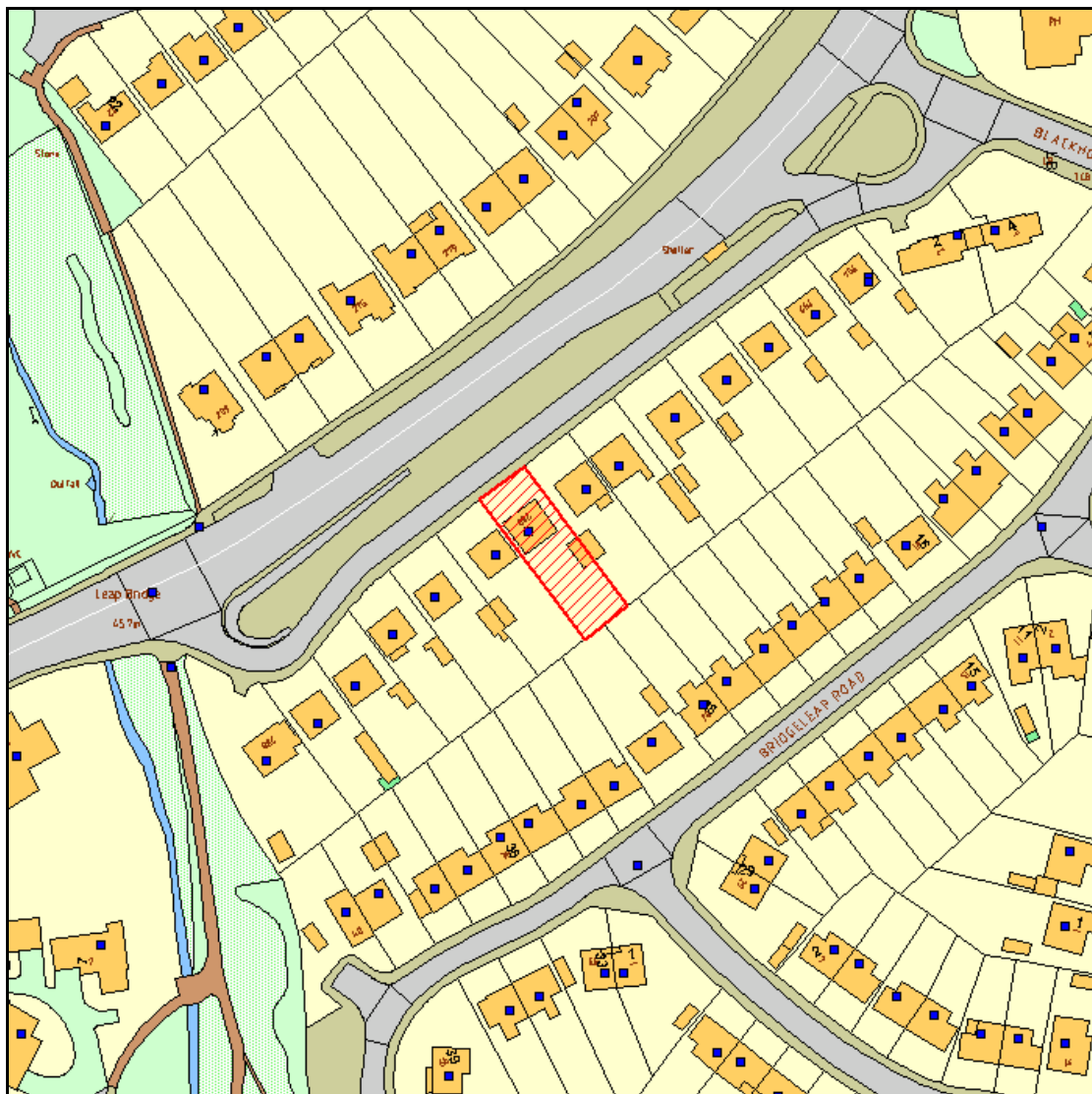
Reason

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

ITEM 4

CIRCULATED SCHEDULE NO. 21/10 – 4 JUNE 2010

App No.:	PK10/0915/F	Applicant:	Mr N Ahmed
Site:	280 Badminton Road Downend Bristol South Gloucestershire BS16 6NT	Date Reg:	26th April 2010
Proposal:	Erection of single storey side and rear extension to provide garage and additional living accommodation	Parish:	Mangotsfield Rural Parish Council
Map Ref:	365829 177948	Ward:	Emersons Green
Application Category:	Householder	Target Date:	14th June 2010



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100023410, 2008. **N.T.S.** **PK10/0915/F**

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of one letter from a local resident raising concerns.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single storey side and rear extension to form a garage and additional living accommodation at 280 Badminton Road. The proposed extension would extend along the side of the property and to the rear, infilling the area between the existing detached garage and rear extension.
- 1.2 The property is a two storey detached dwelling and is located within a residential area of Downend.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Parking Standards

South Gloucestershire Core Strategy, Pre-submission Publication Draft March 2010
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant.

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objection.

Other Representations

- 4.2 Local Residents
One letter has been received from a local resident raising the following concerns:
 - Confirmation that the gap of 285mm as shown is from the external wall to the boundary line.

- 400mm is the minimum requirement to enable maintenance
- Will the gap be sufficient to stop the detached houses having a terraced effect which is out of context with the rest of the street.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design / Visual Amenity

The proposed extensions are of an appropriate standard in design and reflect the character of the main dwelling house and surrounding properties. The extensions proposed are of modest size in comparison to the bulk of the main dwelling, and is suitably subservient to it, this is especially the case given the fact that the extensions are all single storey. Whilst cumulatively the resultant extension is quite large, it is considered that the appearance of the resultant building is well proportioned and would remain in keeping with the scale of the surrounding dwellings within Badminton Road. Furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling. In addition, the proposed front porch would match that of the neighbouring dwelling, No. 282 Badminton Road.

Concern has been raised that the proposal may result in terraced effect. The neighbouring property, No. 282 Badminton Road has a two storey side extension which has brought this property closer to the application site, given that there is a gap of approximately 300mm between the proposed extension and the boundary with the neighbouring property in combination with the fact that the proposal is single storey and the bulk of the application property is set away from, No. 282 Badminton Road, it is not considered that the proposal would result in the properties appearing terraced. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.3 Residential Amenity

The rear of the property is bound on all sides by neighbouring residential properties and is enclosed and screened 1.8 metre high closed board fencing. The single storey rear extension would replace the existing rear extension, furthermore the side extension would be adjacent to the blank side elevation of No. 282 Badminton Road. Given the existing boundary treatments in place, combined with the depth and height of the proposal, it is not considered that the extension would have any overshadowing or overbearing effect on the neighbouring dwellings.

It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 Parking and Highway Safety

The application proposes the conversion of the existing garage and the erection of a new integral garage. The proposed garage is only 2 metres in width, as such it is not considered that this is of adequate size to accommodate a vehicle, as such the driveway would be the only off road parking for the dwelling. It is considered that there is space for several cars to park on the driveway. Therefore the parking provision would remain in compliance and within the Councils required parking standards. Further, with no objections from the Councils Transportation Officer the proposal is considered acceptable.

5.5 Design and Access Statement

None submitted

5.6 Use of Energy and Sustainability

No additional measures proposed

5.7 Improvements Achieved to the Scheme

None required

5.8 Other Issues

The proposed extension would be located approximately 300mm away from the boundary with the neighbouring property, as such, given the small gap to the other side of the boundary a small space for maintenance is retained if necessary.

5.9 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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 extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Furthermore the extension would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords

with 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 be approved subject to the following conditions

Contact Officer: Kirstie Banks
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.

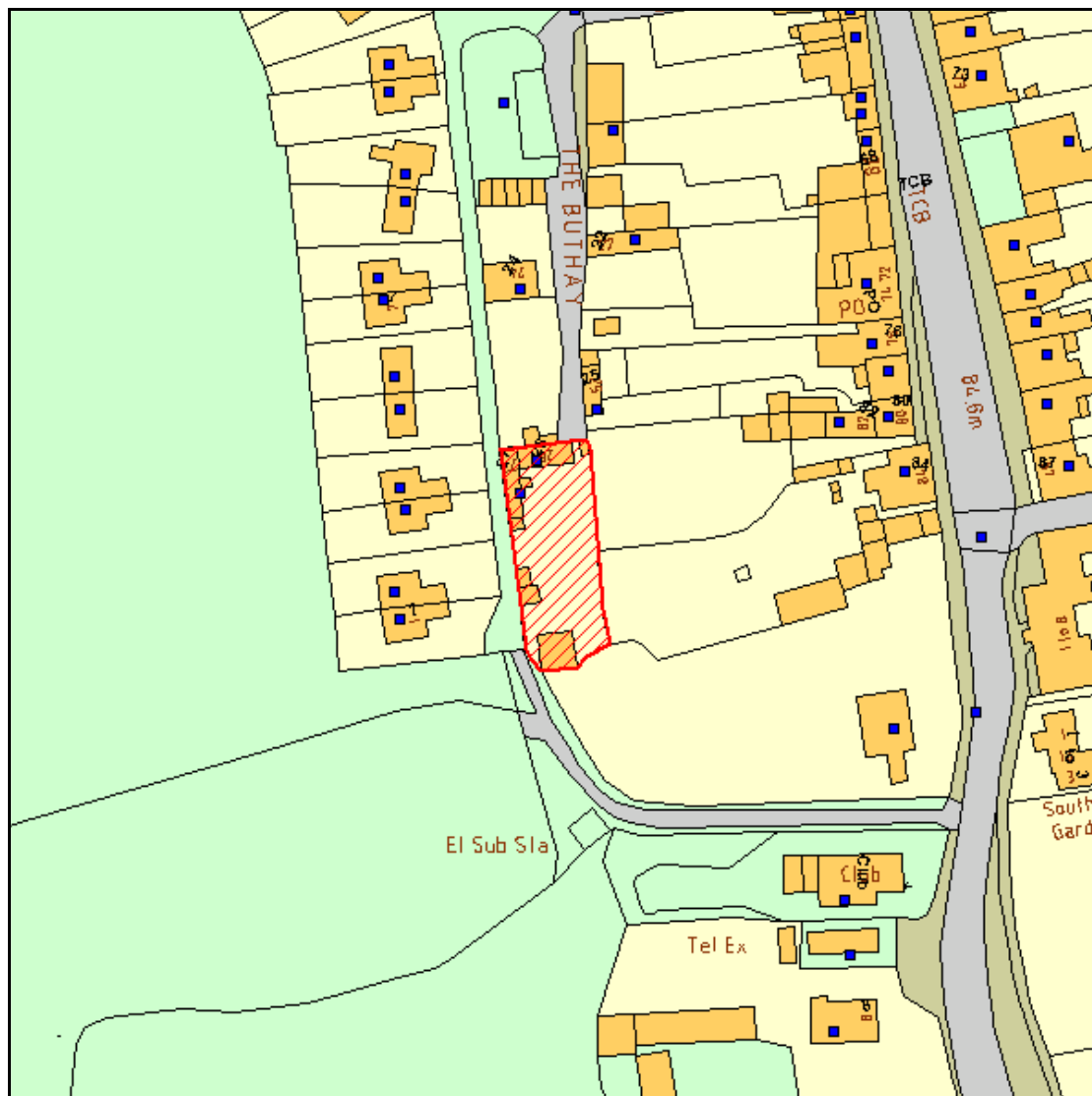
Reason

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

ITEM 5

CIRCULATED SCHEDULE NO. 21/10 – 4 JUNE 2010

App No.:	PK10/0941/F	Applicant:	Mr M Hutchinson
Site:	26 The Buthay Wickwar Wotton Under Edge South Gloucestershire GL12 8NW	Date Reg:	30th April 2010
Proposal:	Erection of first floor side extension to provide additional living accommodation	Parish:	Wickwar Parish Council
Map Ref:	372364 188305	Ward:	Ladden Brook
Application Category:	Householder	Target Date:	17th June 2010



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100023410, 2008. **N.T.S.** **PK10/0941/F**

INTRODUCTION

This application has been forwarded to the Council's circulated schedule of applications for Member consideration as a representation has been received raising a view, which is contrary to the Officer recommendation.

1. THE PROPOSAL

1.1 The application site is situated on the west edge of Wickwar at the southern end of The Buthay. The site is bounded by the rear gardens of houses on High Street to the east and south, The Buthay to the north and a footpath with dwellings beyond to the west. The site comprises a traditional detached two storey cottage occupying the north west corner and a detached garage to the south with vehicular access onto High Street via a track to the south.

The application site is situated within Wickwar Conservation Area and 26 The Buthay is recognised as a locally listed building. The application site is situated within the settlement boundary of Wickwar village.

1.2 The application proposes erection of first floor side extension to provide additional living accommodation.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belts
PPS5 Planning and the Historic Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

H4 Development within Existing Residential Curtilages

L12 Conservation Areas

L15 Locally Listed Buildings

South Gloucestershire Core Strategy Pre Submission Publication Draft – March 2010

CS1 High Quality Design

CS9 Environmental Resources and Built Heritage.

2.3 Supplementary Planning Guidance
Wickwar Conservation Area Statement
The Local List – Feb 2008
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

3.1 P95/1119/C Demolition of part of first floor to facilitate erection of replacement.
Consent 21.03.1995

- 3.2 P95/1087 Demolition of part of first floor and erection of replacement accommodation. Erection of single storey extension to provide utility room. Erection of extension to existing garage to provide double garage. Approved 21.03.1995

4. CONSULTATION RESPONSES

4.1 Wickwar Parish Council

No objection

4.2 Other Consultees

Views incorporated into this report

Other Representations

4.3 Local Residents

One objection received from the occupiers of 3 The Buthay raising the following concerns:

Loss of outlook; loss of morning sunlight; loss of light and darkening especially in winter; reduced property value.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for development within the curtilage of dwellings, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. The site is situated within a Conservation Area and policy L12 requires development proposals therein to preserve or enhance the character and appearance of the Conservation Area.

The dwelling is also recognised on as having a local importance by inclusion on the Council's Local List. Policy L13 seeks to protect Locally Listed Buildings from demolition. As the proposal does not relate to demolition of this building policy L13 will not be considered.

5.2 Visual impact and Conservation Area

The application site is situated within a residential context. On the east side of the site the character of the buildings are predominantly traditional forming the rear elevations of buildings fronting the High Street within the Conservation Area. On the west side of the application site the buildings are two storey post war semi detached units of less historic and architectural interest. The dwelling the subject of this application is a traditional two storey cottage constructed from a traditional lime based roughcast render with predominantly traditional pantiled roof and some double Roman tiles. All windows and doors are of

traditional brown stained timber. The existing dwelling is substantial in volume and is L shaped with two linear wings extending south and east. The proposal would result in only a modest increase in volume and scale terms to the existing building. The proposal would build a first floor extension over an existing lean to element at the southern end of the building. The resultant eaves and ridge would be of the same height as the existing building. Often extensions to traditional buildings are designed to be subservient to the existing building. However, in this case as the building is already extensive in size and has a linear form, and considering the modest volume increase proposed, it is considered that a subservient addition would not be appropriate. The Conservation Officer has raised no objection to the scheme. The proposal is therefore considered to be acceptable and would preserve the character and appearance of the Conservation Area and the street scene in general.

5.3 Residential amenity

The proposal would provide a first floor addition on an existing lean to at the southern end of the building. The existing single storey element measures 2.6m long, 3.5m wide 2.3m to eaves and 3.3m maximum height. The proposal would extend the building at the same length and width to a new height of 4.1m to eaves and 6.1m to ridge. The neighbouring occupiers at no.3 to the west raised concern in relation to loss of outlook, daylight and sunlight. No.3 has an L shaped footprint and at its nearest point it would be situated 10m from the proposal. This distance coupled with the relatively modest volume increase to the existing building would ensure no prejudice to the amenity of the adjacent occupiers including no.3

5.4 Other issues

The proposal would extend an existing bedroom only. Therefore as no additional bedroom numbers are proposed no additional off street parking will be required.

5.5 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.6 Use of Energy and Sustainability

The proposal would use materials similar to those existing. The extension would be of good quality construction. The proposal is considered to represent a sustainable form of development which maintains the existing level of energy efficiency.

5.7 Improvements Achieved to the Scheme

None required

5.8 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular

05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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 22 of the town and country planning (general development procedure) order 1995 (as amended) is given below.
- a) Due to its scale and distance 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, traditional materials and overall design and character of the street scene and Conservation Area. The development therefore accords to Policy D1, H4 and L12 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 following conditions:

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.

ITEM 6

CIRCULATED SCHEDULE NO. 21/10 – 4 JUNE 2010

App No.:	PK10/0962/F	Applicant:	Mr J Harvey
Site:	10 Highfield Avenue Hanham Bristol South Gloucestershire BS15 3RA	Date Reg:	30th April 2010
Proposal:	Erection of two storey side extension and single storey rear extension to provide additional living accommodation. (Resubmission of PK09/6118/F)	Parish:	Hanham Parish Council
Map Ref:	364782 172171	Ward:	Hanham
Application Category:	Householder	Target Date:	16th June 2010



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100023410, 2008. **N.T.S.** **PK10/0962/F**

INTRODUCTION

This planning application has been referred to the Council's Circulated Schedule procedure as objections have been received from the Parish Council regarding the proposed development.

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the erection of a two storey side and single storey rear extension.
- 1.2 The application site relates to a two storey semi detached dwelling with single storey side and rear extension within the established residential area of Hanham.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Extensions

South Gloucestershire Core Strategy Pre-submission Draft March 2010
CS1 High Quality Design

- 2.3 Supplementary Planning Guidance
Design

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/0962/F Erection of two storey side and rear extension
 Refused March 2010

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
Objection. Scale of the bedroom windows would result in a loss of privacy on the neighbouring property. Overall scale appears to be out of keeping with the character of the existing dwelling.

Other Representations

- 4.2 Local Residents
No response received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for extensions to existing dwellings subject there being no adverse impact on existing visual and residential amenities.

5.2 This planning application is re-submission of a recently refused planning application (PK09/6118/F) that sought permission for a two storey side and two storey rear extension and was refused on design and residential amenity grounds. The key planning consideration with regards the determination of this application is whether or not this revised application has addressed the previous planning objection and is acceptable in all other respects.

5.3 Visual amenity

The application site relates to a post war style two storey semi detached dwelling and is considered prominent within the street scene by reason of its siting along Highfield Road. This application proposes a two storey side and single storey rear extension.

5.4 The previous application which sought planning permission for a two storey side and rear extension was refused on the grounds that by reason of its overall scale i.e. width, length and appearance if allowed would result in disproportionate addition out of keeping with the scale and character of the existing dwelling and would have an adverse impact on the visual amenities of the character of the dwelling and immediate surrounding area.

5.5 The Parish Council has raised a planning objection regarding the scale of the proposed extension. This revised scheme has sought to address the previous objection by reducing the overall scale of the extension by omitting the two storey rear element and replacing this with a single storey rear extension and by reducing the width. It should be noted that the adjoining property has a two-storey side extension measuring 4.0m in width as well as a number of other properties within the street. The dwelling is set with a large corner garden. It is considered that the proposed two storey side extension by reason of its scale, siting and design respects the scale and character of the existing dwelling and the immediate surrounding area.

5.6 Residential Amenity

The previous application was refused on the grounds that the proposed two storey rear element by reason of its scale, siting and design if allowed would have an adverse impact on the existing amenities of no. 12 sited east of the application site in terms of overbearing impact and loss of privacy to their private amenity space.

5.7 This application has sought to address this by omitting the two storey rear element and has replaced this with a single storey rear extension and the main two storey side extension will fall in line with the rear building line. The proposed first floor window on the rear elevation will have an obscure bathroom window. It is therefore considered that the revised scheme has addressed the previous planning objection.

- 5.8 A planning objection has been raised by the Parish Council with regards the scale of the bedroom window and its impact on neighbouring properties in terms of loss of privacy. This property is set back at an overall distance of 25.0m from those properties on the other side of the road. Despite the size of the window it is considered that a habitable room window in this location would not have an adverse impact on the existing amenities of neighbouring occupiers in terms of loss of privacy.
- 5.9 As the proposed single storey rear extension will be set back from the adjoining property of no. 8 by 3.50m it is considered it would not have an adverse impact.
- 5.10 Transportation Issues
As satisfactory levels of on site car parking are provided in line with the Council's car parking standards, no objection is raised on highway grounds
- 5.11 Design and Access Statement
Not required with this particular type of householder
- 5.12 Use of Energy and Sustainability
No measures proposed above Building Regulations.
- 5.13 Improvements Achieved to the Scheme
Improvements were sought during pre-application discussions.
- 5.14 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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) The proposed extensions have been designed to positively enhance the character and appearance of the dwelling and area taking account of materials, design, siting, height and scale of the development-Policies D1 and H4.
- b) The proposed extensions have taken account of neighbouring residential amenities and through careful design, the proposal will not materially harm the amenities of neighbouring properties by reason of loss of privacy or overbearing impact-Policy H4
- c) The development proposes satisfactory levels of onsite car parking to meet highway car parking standards-Policy T12

7. RECOMMENDATION

7.1 Planning permission be granted subject to the following planning conditions.

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason
To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevation of the property.

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

ITEM 7

CIRCULATED SCHEDULE NO. 21/10 – 4 JUNE 2010

App No.:	PT10/0897/F	Applicant:	Mr D Baker
Site:	9 Bakers Ground Stoke Gifford Bristol South Gloucestershire BS34 8GD	Date Reg:	20th April 2010
Proposal:	Erection of two storey rear extension to provide additional living accommodation	Parish:	Stoke Gifford Parish Council
Map Ref:	362976 180188	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	10th June 2010



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100023410, 2008. N.T.S. PT10/0897/F

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of an objection from a local resident that was contrary to the Case Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a two-storey rear extension. The proposal comprise of a rear gable projection that would be 4.4m in width, 3.8m in depth, and 6.4m in height.
- 1.2 The application site relates to a detached dwelling and its associated residential curtilage. The site lies within a well-established residential area which is situated within the Bristol north fringe urban area.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design In New Development
H4: Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) January 2006

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No response received.
- 4.2 Sustainable Transportation
No objection.
- 4.3 Local Residents
One letter of objection has been received from a local resident. The main points are summarised below: -
 - a) the loss of light as result of the extension;
 - b) the visual appearance of the extension; and
 - c) disturbance during the construction period.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the extensions to residential dwellings. This is subject to the proposal:

- respecting the character and appearance of the existing dwelling and the surrounding area;
- not prejudicing the amenities of nearby occupiers,
- maintaining highway safety; and
- providing adequate amenity space.

5.2 Policy D1 of the Local Plan applies to all types of development. It considers general design principles to ensure new development respects, conserves and enhances the character and quality of the surrounding local environment.

5.3 Residential Amenity

The proposed two-storey extension would be situated on the existing dwelling's rear elevation and would replace the existing conservatory. The extension would be 3.8m in depth and would be separated from side boundary with No. 7 Bakers Ground by 5.2m. It is considered that this relationship would not give rise to a material overbearing or overshadowing effect. The rear elevation of the extension would be separated from the side elevation of No. 11 Bakers Ground by 7m. As this adjacent dwelling does not include any windows on their side elevation it is considered that this relationship would be acceptable in terms of any overbearing or overshadowing effect.

5.4. With regard to privacy, the proposed extension would include new windows in the rear elevation. It is considered that the views from these would not be materially different than the existing rear windows. Furthermore they would be akin to the views expected in well-established residential area.

5.5 All development will generate some temporary disturbance during the construction period. This is acknowledged but given the scale of this proposal this is not sufficient to prevent or restrict the proposal. Nevertheless it is recommended that an informative be attached advising the applicant of best practices to be undertaken during the construction period and appropriate hours of working.

5.6 In view of the above, it is concluded that the proposed development would not materially harm residential amenity.

5.7 Visual Amenity

The proposed extension would involve erecting a two-storey extension on the rear elevation. The extension would be subservient to the host dwelling and would appear proportionate. On this basis, it is concluded that the proposed development would respect the massing, scale, proportions, overall design of the existing dwelling and character and appearance of the surrounding residential area.

5.8 Use of Energy and Sustainability
To be built to Building Regulations standards.

5.9 Improvements Achieved to the Scheme
None.

5.10 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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.

a) The proposal would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

b) The proposal would respect the overall design and character of the existing dwelling and the 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.

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

7. RECOMMENDATION

7.1 Planning permission to be **GRANTED** subject to the following condition(s): -

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

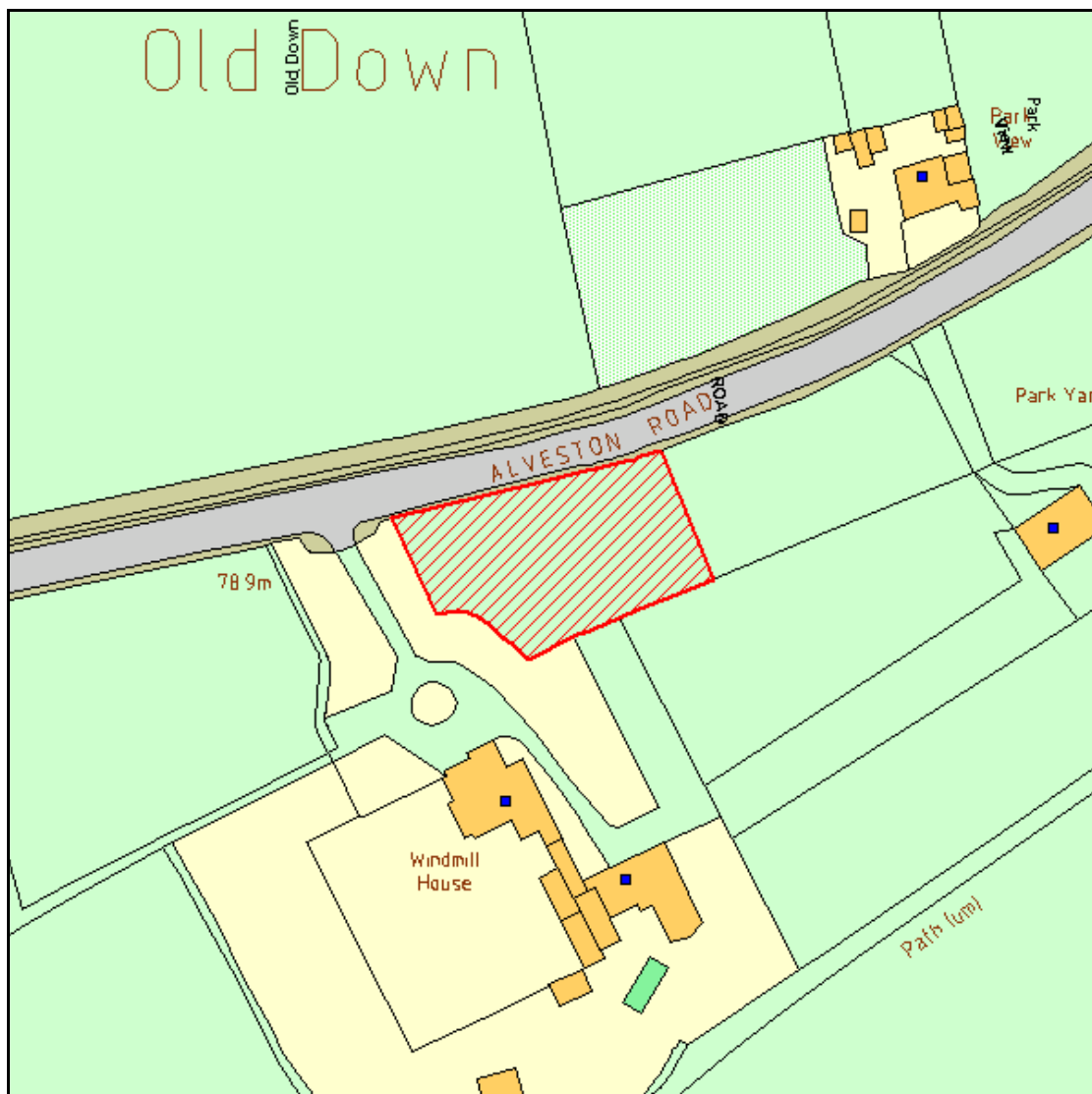
Reason

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

ITEM 8

CIRCULATED SCHEDULE NO. 21/10 – 4 JUNE 2010

App No.:	PT10/0929/CLE	Applicant:	Windmill Care Ltd
Site:	Windmill House Alveston Road Old Down Bristol South Gloucestershire	Date Reg:	26th April 2010
Proposal:	Certificate of Lawfulness for the existing use of land (outlined in red on plan) as garden.	Parish:	Olveston Parish Council
Map Ref:	361429 187282	Ward:	Severn
Application Category:	Minor	Target Date:	15th June 2010



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100023410, 2008. **N.T.S.** **PT10/0929/CLE**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application is for a Certificate of Lawfulness for the existing use of land (outlined in red on plan) as a garden.
- 1.2 The site consists of Windmill House Nursing Home. Access to the site is directly from Alveston Road. The site is in the Green Belt and outside of any settlement boundary.
- 1.3 This Certificate of Lawfulness application seeks to authorise the use of a parcel of land to the north east of the existing site as a garden associated with Windmill House.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning (General Procedures) Order 1995 Article 24
Circular 10/97 Enforcing Planning Control

3. RELEVANT PLANNING HISTORY

- 3.1 N558/3 Change of use of existing dwelling, outbuilding and grounds from residential to use as a nursing home.
Approved October 1982
- 3.2 N558/6 Conversion of existing games area to residential accommodation and erection of covered way, lobby and vegetable store.
Approved January 1984
- 3.3 P86/1179 Alterations to existing enclosure to form front entrance porch; construction of tennis court.
Approved 23rd April 1986
- 3.4 P86/1181 Erection of two storey side extension to elderly persons home to form garage, hall, bedroom and bathroom with two bedrooms, dining room, kitchen, lounge and bathroom over. (outline)
Approved 20th October 1986
- 3.5 P86/1985 Erection of two storey side extension to elderly persons home to form garage, hall, dining room and kitchen, with three bedrooms, bathroom and living room above (details following outline) (to be read in conjunction with P86/1181).
Approved 20th October 1986

- 3.6 P88/1604 Erection of single storey rear extension to provide sun lounge.
Approved 11th May 1988
- 3.7 P88/1605 Erection of single storey front extension to elderly persons home to provide W.C. and shower room. Provision of external access to basement.
Approved 11th May 1988
- 3.8 P88/2466 Erection of extension at first floor level to provide enlarged bedroom.
Approved 24th August 1988
- 3.9 P94/2263 Erection of extension to existing garages to facilitate conversion to three bed/sitting rooms and W.Cs. conversion of cover walkway to sun lounge.
Approved 17th October 1994
- 3.10 PT02/1185/O Erection of single storey extension to residential care home. (Outline)
Refused 13th May 2002
- 3.11 PT02/1838/O Erection of single storey extension to residential care home. (Outline)
Approved 4th November 2002
- 3.12 PT02/3273/RM Erection of single storey extension (Approval of Reserved Matters) (To be read in conjunction with Outline planning permission PT02/1838/O).
Approved 4th December 2002
- 3.13 PT07/3344/F Erection of two storey, first floor and infill rear extensions to provide 13 no. additional bedrooms with associated works.
Refused 3rd July 2008
- 3.14 PT08/2872/F Change of use of land from agricultural land to car park. (Retrospective)
Withdrawn by applicant
- 3.15 PT08/3184/F Change of use of land from agricultural land to car park (Retrospective). Erection of two storey, ground and first floor infill rear extensions to provide 13 no. additional bedrooms.
Refused 13th February 2009

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 4.1 The applicant has submitted a statutory declaration in respect of the use of land as a garden in association with Windmill House. The declaration is dated 12th of April 2010 and is signed by Katherine Rachel Collacott with Kirby Simcox Solicitor's of 36 High Street, Thornbury present. The declaration has 3 plans attached to it.

5. SUMMARY OF CONTRARY EVIDENCE

5.1 'Red edge' site plan from planning applications PT07/3344/F and PT08/3184/F showing land subject to this Certificate application not included within the sites 'red edge'.

6. OTHER REPRESENTATION RECEIVED

Olveston Parish Council

No objection.

7. EVALUATION

The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence.

In this instance the applicant needs to demonstrate that the parcel of land to the north east of Windmill House has been in use as a garden use for a continuous period of at least ten years immediately prior to the submission of this application.

Mrs Collacott states in her statutory declaration that her and husband Len Collacott are the freehold owners of Windmill House, Alveston Road. This includes the land subject to this Certificate application. Mrs Collacott says that she recalls the land being used as a garden prior to 1980 when she was growing up as a young person. Between 1980 – 1982 Mrs Collacott continued to visit the property until her parents sold the property in 1982.

In 1998 Mrs Collacott and her husband formed a company (Windmill Care Ltd) to buy Windmill House from the previous owners Mr and Mrs Barnett. This purchase did not include the land subject to this Certificate application but Mrs Collacott states that Mr and Mrs Barnett agreed to allow Mrs Collacott and her husband to continue using the land as part of the garden to the nursing home. In 2003 Mrs and Mr Collacott's care business purchased the land to the north east of Windmill House.

It is considered that none of the information given up until this point provides a clear case that the land has been in use as a garden since approximately 1980, mainly due to Mrs Collacott's absence from the property between 1982 and 1998. In paragraph 10 of the declaration however, clear unambiguous information is provided where Mrs Collacott states that 'I confirm that ever since my husband and I purchased Windmill House in November 1998 we have used the orchard as part of the garden to the nursing home and continue to do so at the present time'. This therefore qualifies the requirement of 10 years of use for a Certificate of Lawfulness to be granted.

In addition to the declaration, aerial photographs on the Council's database have been viewed and confirm that the appearance of the land in photos taken in 1999 and 2005 appear to show that the land is maintained as the grass appears shorter and not overgrown with scrub as is the case in neighbouring parcels of land. Following the

Officer's site visit on 25th May 2010 it was noted that access can be gained to the land via the south west corner, from Windmill House. The grass and shrubbery appeared maintained and a bench and table were situated in the west side of the land.

In terms of evidence to the contrary of Mrs Collacott's statutory declaration, in planning applications PT07/3344/F and PT08/3184/F (submitted by Mr Len Collacott) the 'red edge' does not include the land subject to this Certificate application. In this case however, it is not considered that the omission of including the land within previous planning applications would outweigh the statutory declaration from Mrs Collacott.

Given this evidence and considering the appearance of the land to the north east of Windmill House, the claim that the land has been in continuous use as a garden for in excess of 10 years has been demonstrated on the balance of probability. It is demonstrated that the land has been in use as a garden for the requisite period.

8. RECOMMENDATION

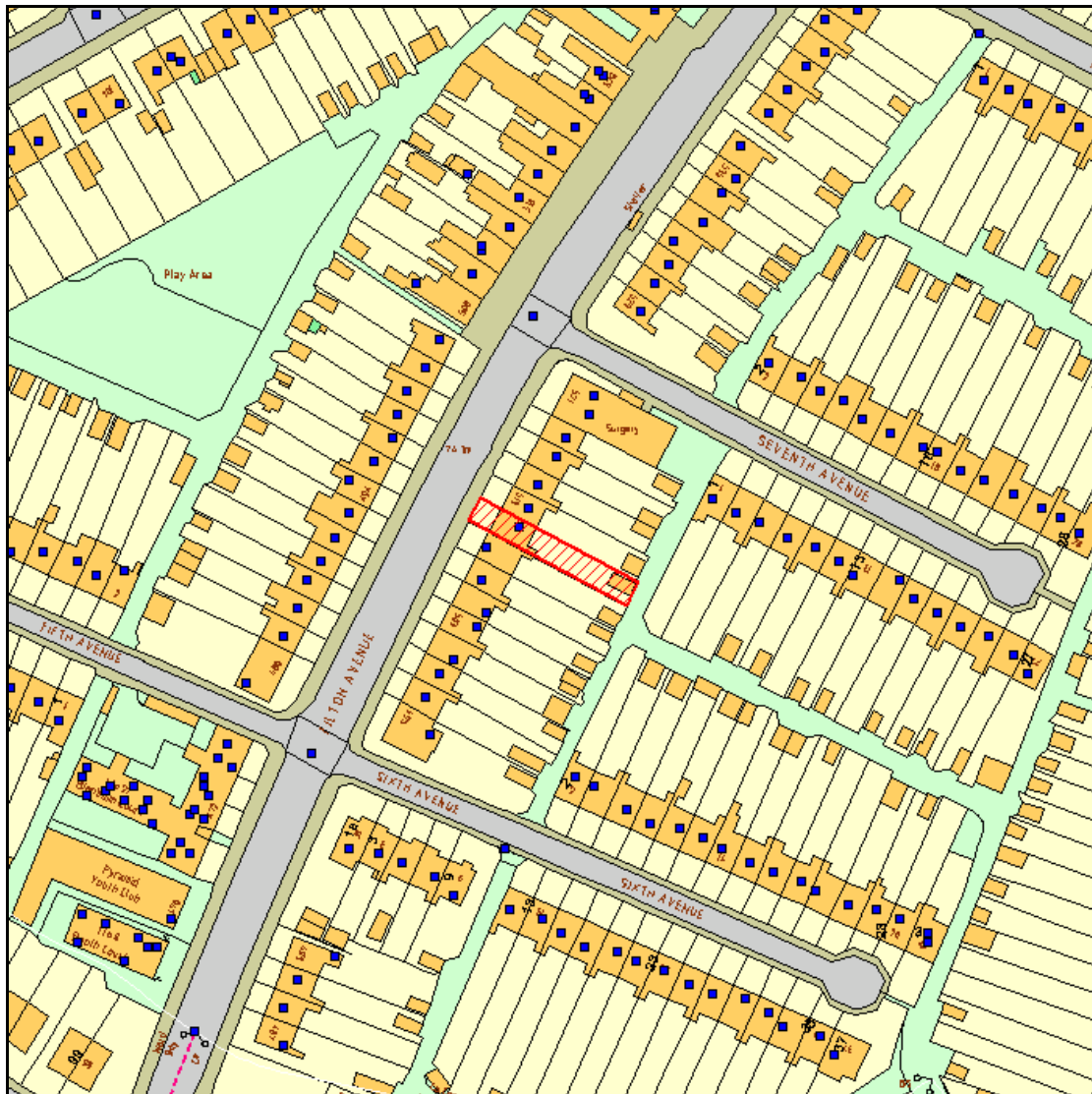
8.1 A Certificate of Lawfulness for the continued use of land (outlined in red on plan) for garden purposes is **GRANTED**.

Contact Officer: William Collins
Tel. No. 01454 863819

ITEM 9

CIRCULATED SCHEDULE NO. 21/10 – 4 JUNE 2010

App No.:	PT10/0934/F	Applicant:	Mr C Coleman
Site:	511 Filton Avenue Horfield Bristol South Gloucestershire Council BS7 0LR	Date Reg:	10th May 2010
Proposal:	Change of use of existing dwelling from residential (class C3) to house in multiple occupation (class C4) as described in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Filton Town Council
Map Ref:	360506 178116	Ward:	Filton
Application Category:	Minor	Target Date:	25th June 2010



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INTRODUCTION

This application appears on the Circulated Schedule following the receipt of representations from Filton Town Council that were contrary to the Case Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the change of use of an existing dwelling from residential (Class C3) to a house in multiple occupation (Class C4). The proposed development does not include any external alterations.
- 1.2 The application site relates to a mid-terrace dwelling and its associated curtilage. The site is situated within a well established residential area and lies within the Bristol North fringe urban area.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1: Delivering Sustainable Development
- PPS3: Housing
- PPG13: Transport

2.2 Development Plans

Joint Replacement Structure Plan (Adopted) September 2002: Saved Policies

- Policy 1: Sustainable Development Objectives
- Policy 2: Location of Development
- Policy 33: Housing Provision and Distribution

South Gloucestershire Local Plan (Adopted) January 2006

- D1: Achieving Good Quality Design in Development
- T12: Transportation Development Control
- H2: Proposals for Residential Development within Defined Settlement Boundaries
- H5: Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes

2.3 Emerging Development Plans

South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010

- CS15: Distribution of Housing
- CS16: Housing Density
- CS17: Housing Diversity
- CS25: Communities of the North Fringe of Bristol Urban Area

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

3.1 None.

4. CONSULTATION RESPONSES

4.1 Filton Town Council

Object. Filton Town Council reiterates its policy of objecting to the number of family homes being converted for multiple occupancy use

4.2 Sustainable Transportation

No objection.

4.3 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 The applicant seeks planning permission to change the use of the existing dwelling (Class C3) into a house in multiple occupation (HMO) (Class C4) for four people. This type of development has required planning permission since the 6th April 2010 after changes were implemented to The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, which created Class C4 for HMOs.

5.2 This application is not seeking planning permission for the sub-division of the property into self-contained units of accommodation. Conversely, this application is seeking consent to change the use of the existing dwellinghouse to a HMO. A HMO is a small shared dwelling house, occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. The main issues to consider in the assessment of this application are: -

- a) Is principle of the proposed development acceptable?
- b) Would the proposed development respect the character and appearance of the existing dwelling?
- c) Would the proposed development prejudice the amenities of nearby occupiers?
- d) Would the proposed development provide adequate amenity space?
- e) Does the proposed development have acceptable transportation effects?

5.3 Principle of Development

Policy H5 of the South Gloucestershire Local Plan allows for the conversion of existing residential properties into smaller units of self contained residential accommodation; providing that they: -

- A. Would not prejudice the character of the surrounding area; and
 - B. Would not prejudice the amenities of the nearby occupiers; and
 - C. Would identify an acceptable level of off-street parking; and
 - D. Would provide adequate amenity space; and
 - E. (In the case of building not previously used for residential purposes) the property is located with the existing urban area and the boundaries of settlements, as defined on the proposal maps.
- 5.4 As the proposed development would relate to an existing dwelling within the Bristol north fringe urban area, it is considered that the principle of the proposed conversion and the extension would be acceptable.
- 5.5 Design
The proposed development would not include any external alterations. As such the proposed development would maintain the character and appearance of the site and locality.
- 5.6 Residential Amenity
The occupation of the proposed HMO would not be materially different than that of the existing dwellinghouse. On this basis it is considered that the proposed would not materially prejudice the amenities of nearby occupiers.
- 5.7 Amenity Space
The existing dwelling has a large rear garden. It is considered that this would provide adequate amenity space for the occupiers of the proposed HMO.
- 5.8 Transportation
The Council's Transportation Engineer has assessed the proposed development. The Officer concluded that the area was relatively sustainable in terms of accessibility to public transport, shops and services. Moreover there is a garage is available and on-street parking is permitted along Filton Avenue. Therefore, any increase in parking demand is unlikely to occur at a level that will compromise highway safety.
- 5.9 Housing Mix
It is acknowledged that Filton Town Council has raised concerns with regard to the loss of a family home. The mix of units and house types is a relevant consideration, and this is reiterated through PPS3, Policy H2 of the adopted Local Plan, and Policy CS17 of the emerging Core Strategy. Notwithstanding the Town Councils views, it is considered that the proposed development would not result in a over concentration of HMO's in this location and would contribute towards the local housing mix.
- 5.10 Use of Energy and Sustainability
None.

5.11 Improvements Achieved to the Scheme

None.

5.12 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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.

- a) The proposed residential conversion would take place within an existing dwelling and within the Bristol north fringe urban area. It is considered that this is an appropriate area for such a residential development. It is therefore considered that the principle of the proposed development would accord with PPS3 and policies H2, H4, and H5 of the South Gloucestershire Local Plan (adopted) January 2006.
- b) The design of the proposed development has been fully assessed. It is considered that the development respects the character and appearance of the existing dwelling. The proposed development would therefore accord with policies D1, H2, H4, and H5 of the South Gloucestershire Local Plan (adopted) January 2006.
- c) The impact of the proposed development on nearby properties has been fully assessed. It is considered that the proposal would not result in a material loss of privacy or an overbearing effect. The proposed development would therefore accord with Policy H2, H4, and H5 of the South Gloucestershire Local Plan (adopted) January 2006.
- d) The impact of the proposed development in terms of transportation has been fully assessed. It is considered that proposal would have satisfactory access and parking arrangements. The proposed development would therefore accord with Policy T8 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.

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

7. RECOMMENDATION

7.1 Planning permission to be **GRANTED** subject to the following condition(s): -

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

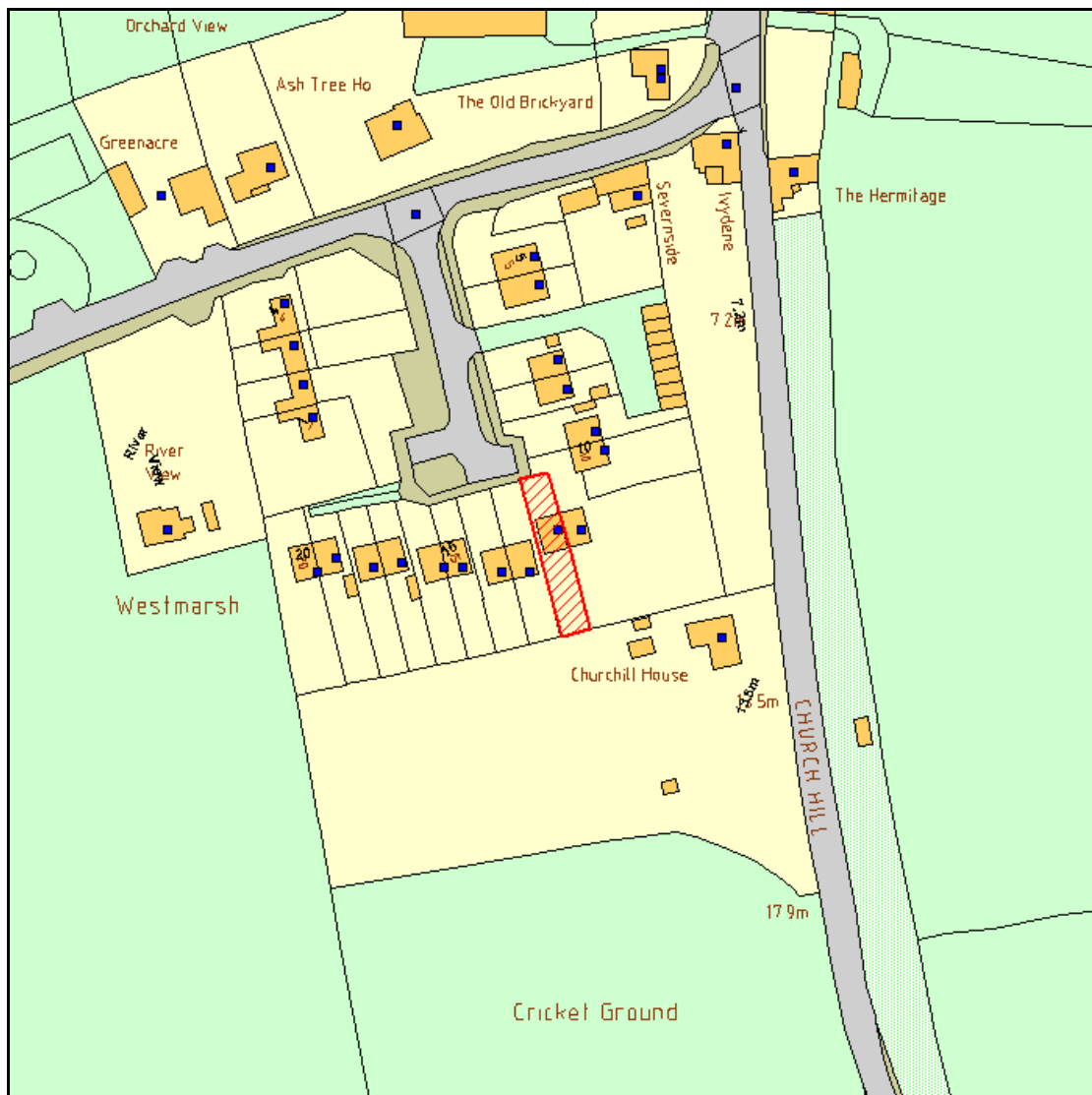
Reason

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

ITEM 10

CIRCULATED SCHEDULE NO. 21/10 – 4 JUNE 2010

App No.:	PT10/0957/F	Applicant:	Mr And Mrs K Young
Site:	12 Westmarsh Lane Oldbury On Severn Bristol South Gloucestershire BS35 1QD	Date Reg:	30th April 2010
Proposal:	Erection of two storey rear extension and front porch.	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	360826 192220	Ward:	Severn
Application Category:	Householder	Target Date:	16th June 2010



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100023410, 2008. **N.T.S.** **PT10/0957/F**

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of a representation from a local resident that was contrary to the Case Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a two storey rear extension and a front porch.
- 1.2 The application site relates to a semi-detached dwelling and its associated residential curtilage. The site lies within the Oldbury-on-Severn settlement boundary and is "washed-over" by Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development
PPG2: Green Belts

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
H4: Development within Existing Residential Curtilage
GB1: Development within the Green Belt
L17&L18: Water Environment

2.3 Emerging Development Plans

South Gloucestershire Core Strategy (Pre-Submission Draft) March 2010

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2008
South Gloucestershire Development within the Green Belt SPD (Adopted) 2008

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

4.1 Oldbury-on-Severn Parish Council

No response received.

4.2 Local Residents

One letter has been received from a local resident. The main concerns related to adequacy of the existing drainage systems and that any dust should be kept to a minimum.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extension to residential dwellings. This is subject to the proposal:

- respecting the character and appearance of the existing dwelling and the surrounding area;
- not prejudicing the amenities of nearby occupiers,
- maintaining highway safety; and
- providing adequate amenity space.

5.2 Policy D1 of the Local Plan applies to all types of development. It considers general design principles to ensure new development respects, conserves and enhances the character and quality of the surrounding local environment.

5.3 Policy GB1 of the Local Plan allow for the limited extension and alteration of existing dwelling provided that it does not result in a disproportionate addition over and above the size of the original dwelling.

5.4 Visual Amenity

The proposed extension would be situated on the dwellings rear elevation. The scale and massing of the proposal would appear subservient and proportionate to the existing dwelling, and the materials would match. On this basis it is considered that the proposed development would respect the character and appearance of the existing dwelling and the surrounding area. It is also acknowledged that the proposal would be almost identical to an extension approved on the adjacent dwelling No. 13 Westmarsh Lane (PT08/2032/F).

5.5 Residential Amenity

The proposed two-storey extension would exceed the existing dwelling's rear building line by approximately 2.9 metres. The dwelling to the west of the application site (No. 13) is set beyond the host dwelling, and thus the proposal would not have a material overbearing effect on this property. It is acknowledged that the proposed extension would extend along the boundary with the dwelling to the east (No. 11). Notwithstanding this it is considered that the limited depth of the proposal would mitigate any material overbearing effect. With regard to privacy the proposed extension would not include any windows that would direct overlook the adjacent properties. On this basis it is concluded that the proposed development would not material prejudice the amenities of nearby occupiers.

5.6 It is noted that the local resident has raised concern with regard to dust arising from the construction period. Notwithstanding this, all development will generate some temporary disturbance (dust and noise) during the construction period. This is acknowledged but given the scale of this proposal this is not sufficient to prevent or restrict the proposal. Nevertheless it is recommended that an informative be attached advising the applicant of best practices to be undertaken during the construction period and appropriate hours of working.

5.7 Green Belt

The proposed development would comprise of a modest extension to the host dwelling and would not exceed a 50% addition in terms of volume. It is considered that this proposal would not result in a disproportionate addition over and above the size of the original dwelling, and would maintain openness. On this basis the proposal would accord to policy GB1 of the adopted local plan.

5.8 Drainage

It is acknowledged that the local resident has raised concerns with regard to the adequacy of the drainage system. This matter has been raised within the Council's Drainage Engineer. They have raised no objection to the proposed arrangements, and have confirmed that these issues would be dealt in detail when the applicant applies for a Building Regulations approval. On this basis, Officers are satisfied that the proposed development would not have an unacceptable effect on the water environment.

5.9 Use of Energy and Sustainability

To be built to Building Regulation standards.

5.10 Improvements Achieved to the Scheme

None.

5.11 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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.

- a) The proposal would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to policies H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposal would respect the overall design and character of the existing dwelling and the surrounding area. The development therefore accords to policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.

- c) The proposal would not result in a disproportionate addition over and above the size of the original dwelling and would not prejudice the openness of the Green Belt. The development therefore accords to policies H4 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Development in the Green Belt SPD (Adopted) 2007.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 Planning permission to be **GRANTED** subject to the following condition(s): -

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

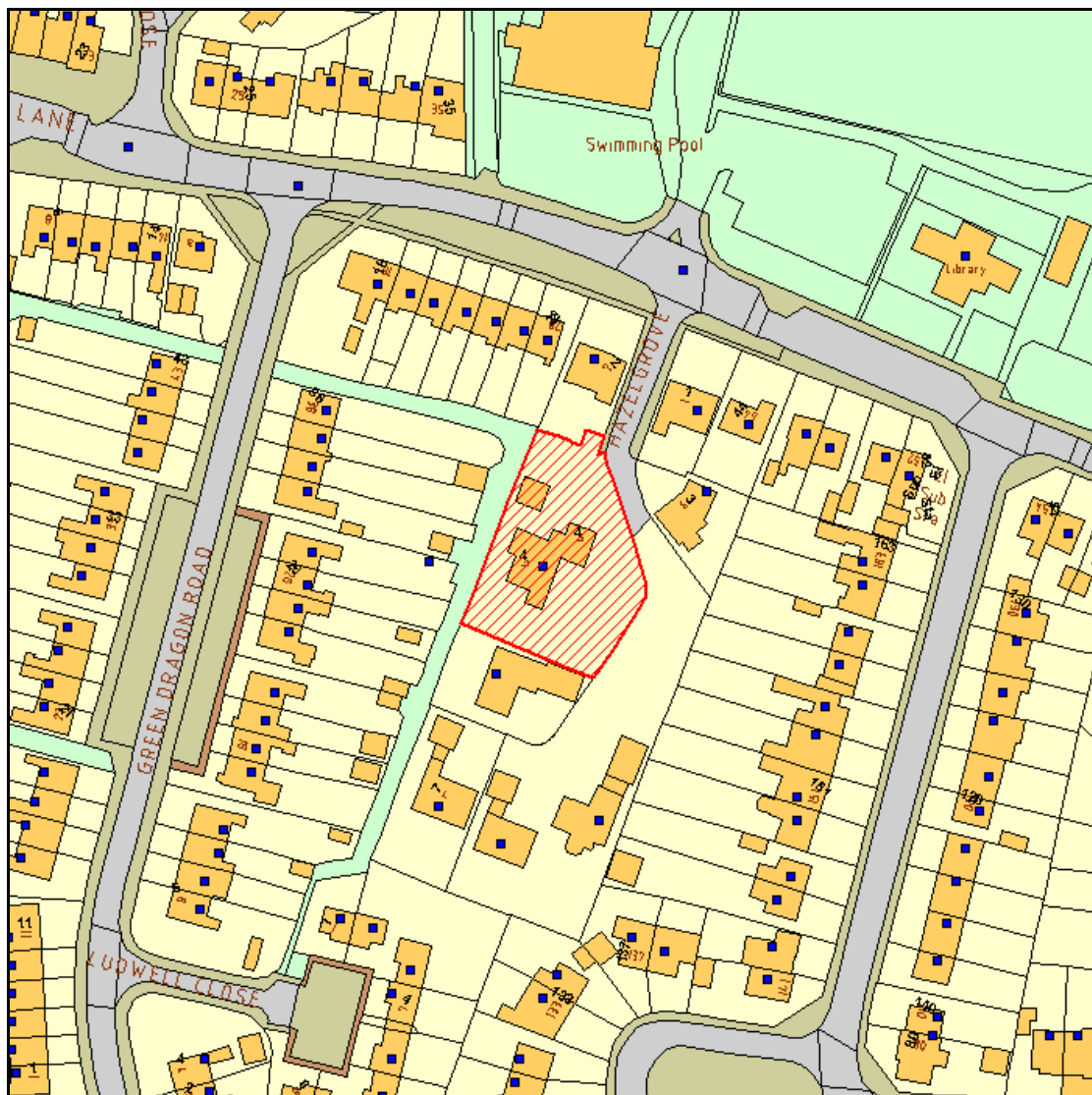
Reason

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

ITEM 11

CIRCULATED SCHEDULE NO. 21/10 – 4 JUNE 2010

App No.:	PT10/0970/F	Applicant:	Messrs Oakley Construction
Site:	4A Hazelgrove Winterbourne Bristol South Gloucestershire BS36 1SH	Date Reg:	4th May 2010
Proposal:	Erection of 3 no. detached houses with associated garages and works. (Resubmission of PT09/0674/F).	Parish:	Winterbourne Parish Council
Map Ref:	364970 180448	Ward:	Winterbourne
Application Category:	Minor	Target Date:	17th June 2010



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100023410, 2008. **N.T.S.** **PT10/0970/F**

INTRODUCTION

This application appears on the Circulated Schedule as representations were made contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of 3 no. detached houses with associated garages and works. (Resubmission of PT09/0674/F).
- 1.2 The application site relates to an existing bungalow set within a large plot currently used as the property's private garden space. The site lies off Hazelgrove which connects to the wider highway network via Flaxpits Lane. The site is within the defined settlement boundary of Winterbourne.
- 1.3 The proposal consists of the demolition of the existing bungalow on site and its replacement with three 4 bedroom detached dwellings each with their own detached garage.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
EP1	Environmental Pollution
H2	Residential Development within Existing Urban Areas
H4	Development within Existing Residential Curtilage
T8	Parking Standards
T12	Transportation Development Control Policy for new Development

Emerging Development Plan

Core Strategy Pre-Submission Publication Draft (March 2010)

CS1	High Quality Design
CS5	Location of Development
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 P90/2302 – Erection of three detached dwellings; construction of access road. Approved 28/04/1991.
- 3.2 P95/2702 – Erection of 6 detached dwellings. Withdrawn 18/03/1996.
- 3.3 P96/1413 – Erection of three detached dwellings. Approval 05/06/1996.
- 3.4 P96/1967 – Erection of three detached dwellings. Construction of private access drive. Approval 25/09/1996.
- 3.5 PT04/3526/F – Erection of a detached dwelling and detached double garage. Alterations to existing access. Approved 01/02/2005.
- 3.6 PT09/0674/F – Construction of 2 no. detached houses and 1 no. detached bungalow with associated garages and works. Withdrawn 01/06/2009.

4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council

Objection, the Planning Committee believe that this is over development for the size of the plot.

4.2 Other Consultees

Highways

No objection subject to condition.

Other Representations

4.3 Local Residents

One letter of objection was received raising concern about loss of privacy as a result of the proposal.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Advice contained within PPS3 encourages the provision of additional housing on previously developed land within existing towns and cities to promote more sustainable patterns of development. This policy stance is reflected in policies contained within the South Gloucestershire Local Plan.

Policy H2 of the South Gloucestershire Local Plan January 2006 incorporates current planning advice contained within PPS3 and allows for new residential development within the boundaries of settlements. This is subject to compliance with a number of criteria as expressed through policy H2 and H4, which are assessed below.

5.2 Design and Visual Amenity

The application seeks full planning permission for the erection of 3 no. four bedroom dwellings on approximately 0.14 hectares of land. The site is currently home to 1 large detached bungalow with its associated large private garden space. It is proposed to demolish the existing bungalow and replace it with 3 no. dwellings that would face onto the road that branches off Hazelgrove, serving 4 existing dwellings. All 3 dwellings would benefit from having front garden space, private rear garden space, parking areas and detached garages.

The 3 detached properties would be stepped back slightly from one another and the two most southerly properties would have detached garages adjacent to the existing private access drive. The third dwelling at the north of the site would have a detached garage set back in the far north west corner of the site so as to leave an area to be used as a turning head. Currently there is a 2 m high brick wall on the eastern boundary of the application site and so the addition of a frontage onto this road is considered of benefit to the visual amenity.

The property's themselves will be large detached dwellings, each with a hip roof, flat roof porch, and gable end to front. The fenestration will also be identical. Materials are considered to be of a good quality with reconstructed bath stone being used for the plinth courses, quoin blocks, lintels and dentil courses. All roofs will be covered in smooth face black/blue reconstituted slate tiles. The render finish will be of a cream colour, which matches the other dwellings in the close vicinity, approved under applications P96/1967 and PT04/3526/F.

Overall, it is considered that these dwellings would closely match the design of the other dwellings in the close vicinity in terms of size, detailing and appearance. The development would therefore be in keeping with the surrounding area and cause no harm to visual amenity.

5.3 Density

Planning policy H2 cites that the maximum density compatible with the site, its location, its accessibility and surroundings should be achieved. To this extent, the expectation is that all development will achieve a minimum density of 30 dwellings per hectare and that higher densities (upwards of 50 dwellings per hectare) will be achieved where local circumstances permit. Policy CS16 of the emerging Core Strategy cites an average density of 40 dwellings per hectare being achieved across all new housing in South Gloucestershire.

In this instance, the total site area equates to 0.14ha providing for a density of some 21.4 dwellings per hectare. This does not meet the Council's minimum density requirement however circumstances mean that it is considered a higher density could not be achieved on the site.

The existing access drive that provides access to the dwellinghouses approved under planning applications P96/1967 and PT04/3526/F is not an adopted highway. The Local Planning Authority cannot insist upon the adoption of a highway (which in this case lies outside of the application site) and this application is therefore assessed on its own individual merits. In this instance, the Highways Officer would only allow a maximum of 6 dwellings to be accessed off the road due to its overall standard. The approval of this planning application would result in a total of 6 dwellings being accessed off the unadopted road, as the dwelling proposed to the north of the site is accessed off the adopted part of Hazelgrove. With a condition requiring a turning head be provided at the sites entrance prior to occupation the scheme is considered acceptable. The density proposed would therefore be compatible with the site, its location, its accessibility and surroundings.

5.4 Residential Amenity

Overbearing Analysis

To the west of the site lie rows of terrace dwellings beyond a rear access lane. All of these properties benefit from having rear gardens approximately 30 m in length, therefore there would be no overbearing impact upon the occupiers of these dwellings. To the south there is a large detached property in situ and the closest new dwelling to the north of it would abut its side elevation wall and therefore cause no undue overbearing or loss of light. To the east of the site, the situation is similar to the west with all properties having deep gardens. To the north the nearest building to the rear of no. 2 Hazelgrove would be a single storey detached garage and it is not considered this would be of a size to cause an overbearing impact or loss of light.

Privacy Analysis

To the east and west, properties on Green Dragon Road and Bradley Avenue all benefit from having long rear gardens. Loss of privacy should be measured on distances between habitable rooms in neighbouring properties. In this instance, these properties would all have distances in excess of 30 m between habitable rooms. It is considered this is a sufficient distance for there to be no loss of privacy or undue overlooking. The side elevation windows of all three properties are obscure glazed and so this would prevent any loss of privacy to the north and south of the site.

Amenity Space

Sufficient garden space is provided to the front and rear to serve occupiers of all three properties.

5.5 Transportation

A previous planning application, PT04/3526/F, to construct a dwelling to the rear of Hazelgrove was approved on the understanding that the road would be upgraded. These works, including the provision of a turning head and footways, were never carried out though the proposed dwelling was constructed and occupied.

This planning application now seeks to introduce a further 3 dwellings and again includes a plan showing the same highway work outlined above. Whilst there is no objection to the principle of this development, it is imperative that the highway works be carried out.

There is no transportation objection subject to a condition requiring the highway improvements shown on drawing 95.429-10 are carried out.

5.6 Use of Energy and Sustainability

No details provided.

5.7 Improvements Achieved to the Scheme

None deemed necessary.

5.8 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.9 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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.

- a) The proposal would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore

accords to Policy D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- b) The proposed development has been designed to respect and maintain the massing scale, proportions, density, materials and overall design and character of the site and the surrounding area. The development therefore accords to Policy D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.
- c) The proposed development makes provision for adequate off street parking and subject to highway improvements would provide space for servicing vehicles. The development would not prejudice highway safety. The development therefore accords to Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

7.1 That planning permission is **GRANTED** subject to the following conditions.

Contact Officer: William Collins
Tel. No. 01454 863819

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 development hereby permitted shall not be occupied nor the use commence until the highway works shown on the approved plan 95.429-10 have been provided. The turning area provided shall thereafter be kept clear for the manoeuvring of vehicles at all times.

Reason

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

3. 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.

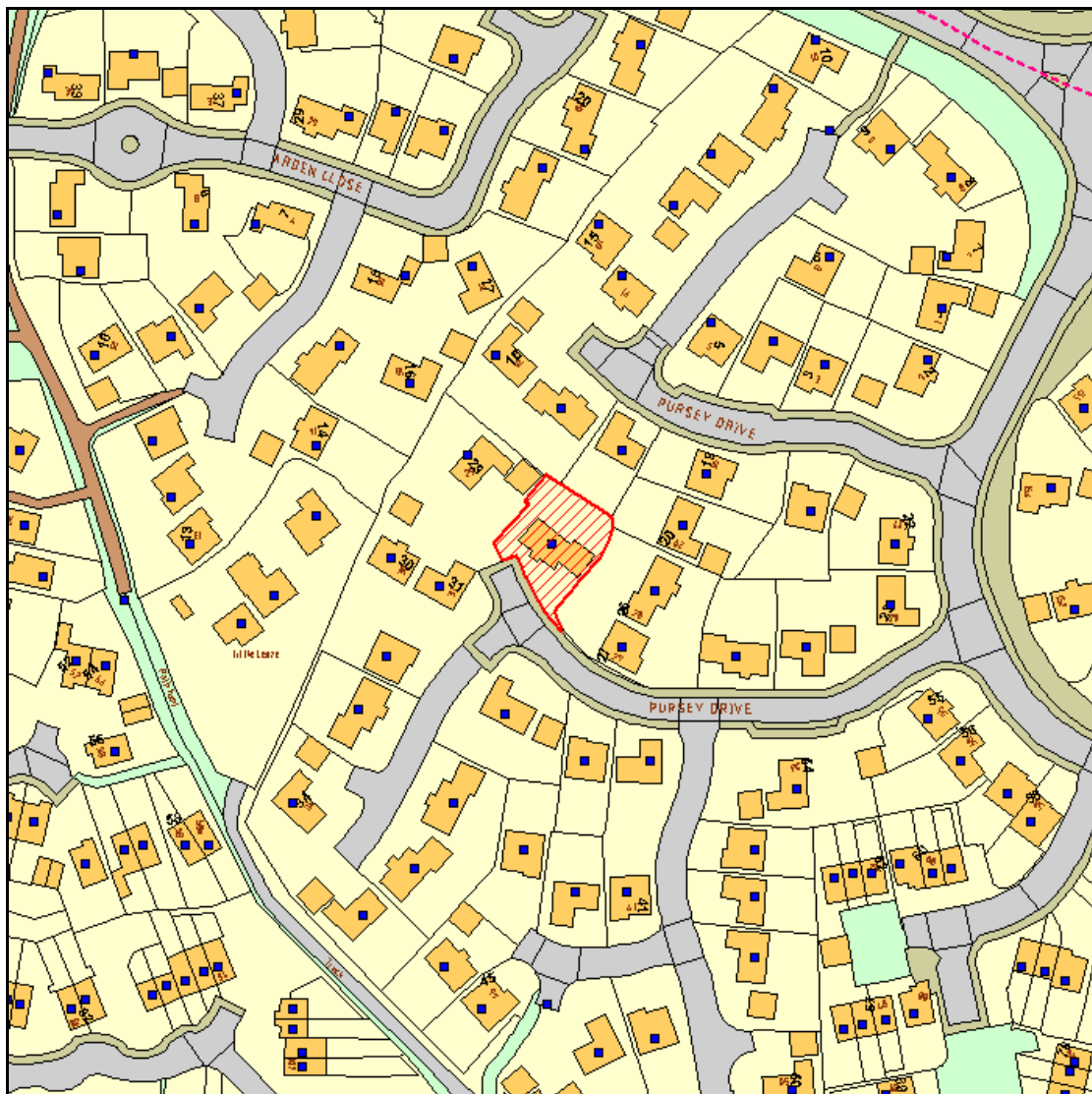
Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 12

CIRCULATED SCHEDULE NO. 21/10 – 4 JUNE 2010

App No.:	PT10/0989/CLP	Applicant:	Mr Simon Murray
Site:	28 Pursey Drive Bradley Stoke Bristol South Gloucestershire BS32 8DJ	Date Reg:	10th May 2010
Proposal:	Application for Certificate of Lawfulness for the proposed erection of a rear conservatory.	Parish:	Bradley Stoke Town Council
Map Ref:	362424 180747	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	21st June 2010



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100023410, 2008.

N.T.S.

PT10/0989/CLP

INTRODUCTION

This application appears on the Circulated Schedule because it comprises a certificate of lawfulness submission.

1. THE PROPOSAL

- 1.1 This application seeks a certificate of lawfulness for a proposed rear conservatory.
- 1.2 The application site comprises a large two-storey detached dwellinghouse situated within the established residential area of Bradley Stoke. The property is situated on the northern side of Pursey Drive.

2. POLICY CONTEXT

- 2.1 The Town and Country Planning (General Permitted Development) Order 2008

3. RELEVANT PLANNING HISTORY

- 3.1 PT01/0579/F, erection of single storey side extension. Erection of rear conservatory. Erection of extension to existing garage with first floor side extension over, approval, 08/05/01.
- 3.2 PT01/2645/F, erection of single storey side extension. Erection of rear conservatory. Erection of extension to existing garage with first floor side extension over (revised), approval, 26/11/01.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
This application is seeking a Certificate to state that the proposed development is lawful. It is not a planning application where the relative merits of the scheme are assessed against policy; it is an evidential test of whether it would be lawful to proceed with the proposal. The key evidential test in this case is whether the proposal falls within the permitted development rights afforded to householders. Given that the proposal is for a rear conservatory, then the main test is whether the proposal falls within the criteria of Part 1, Class A of the General Permitted Development Order 2008 in terms of size and positioning. The host dwelling has its permitted development rights in tact.

- 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, improvement or other alteration of a dwellinghouse. Development is not permitted by Class A if:

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 block plan submitted demonstrates that the proposed building and existing buildings would not exceed 50% of the total area of the curtilage.

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;

Being single storey, the proposed conservatory would not exceed the height of the highest point of the existing two-storey dwellinghouse.

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;

Being single storey, the proposed conservatory would not exceed the height of the eaves of the existing two-storey dwellinghouse.

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 height of the eaves would not exceed 3 metres in height.

The enlarged part of the dwellinghouse would have a single storey and-

- 1) 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
- 2) exceed 4 metres in height;

The proposed would extend approximately 3.3 metres from the rear wall of the original dwellinghouse and would have an apex of approximately 3.7 metres at ridge height.

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 would not consist of any of the above.

- 5.3 In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if—

- it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

- the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.

The host dwelling is not located within a Conservation Area

- 5.4 Development is permitted by Class A subject to the following conditions-
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 applicant has specified that the materials to be used would match those used in the existing dwellinghouse.

Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be-

(i) obscure-glazed, and

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

The proposed extension would be single storey.

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 proposed extensions would be single storey.

7. RECOMMENDATION

- 7.1 That a Certificate of Proposed Lawful Development is GRANTED for the following reason:

Evidence has been submitted to demonstrate that the development falls within permitted development within the curtilage of a dwellinghouse under Part 1 Class A of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538