



**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. 16/11

Date to Members: 19/04/11

Member's Deadline: 27/04/11 (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.

**Dates and Deadlines for Circulated Schedule
Over the Easter and May Bank Holiday Period 2011**

Schedule Number	Date to Members 9am on	Members Deadline 5pm on
15/11	Thurs 14 April 2011	Weds 20 April 2011
16/11	Tue 19 April 2011	Weds 27 April 2011
17/11	Weds 27 April 2011	Thurs 05 May 2011
20/11	Fri 26 May 2011	Thurs 02 June 2011

Above are details of the schedules that will be affected by date changes due to Bank Holidays during April and May.

Please note there will be no Circulated Schedule published on Friday 06 May 2011

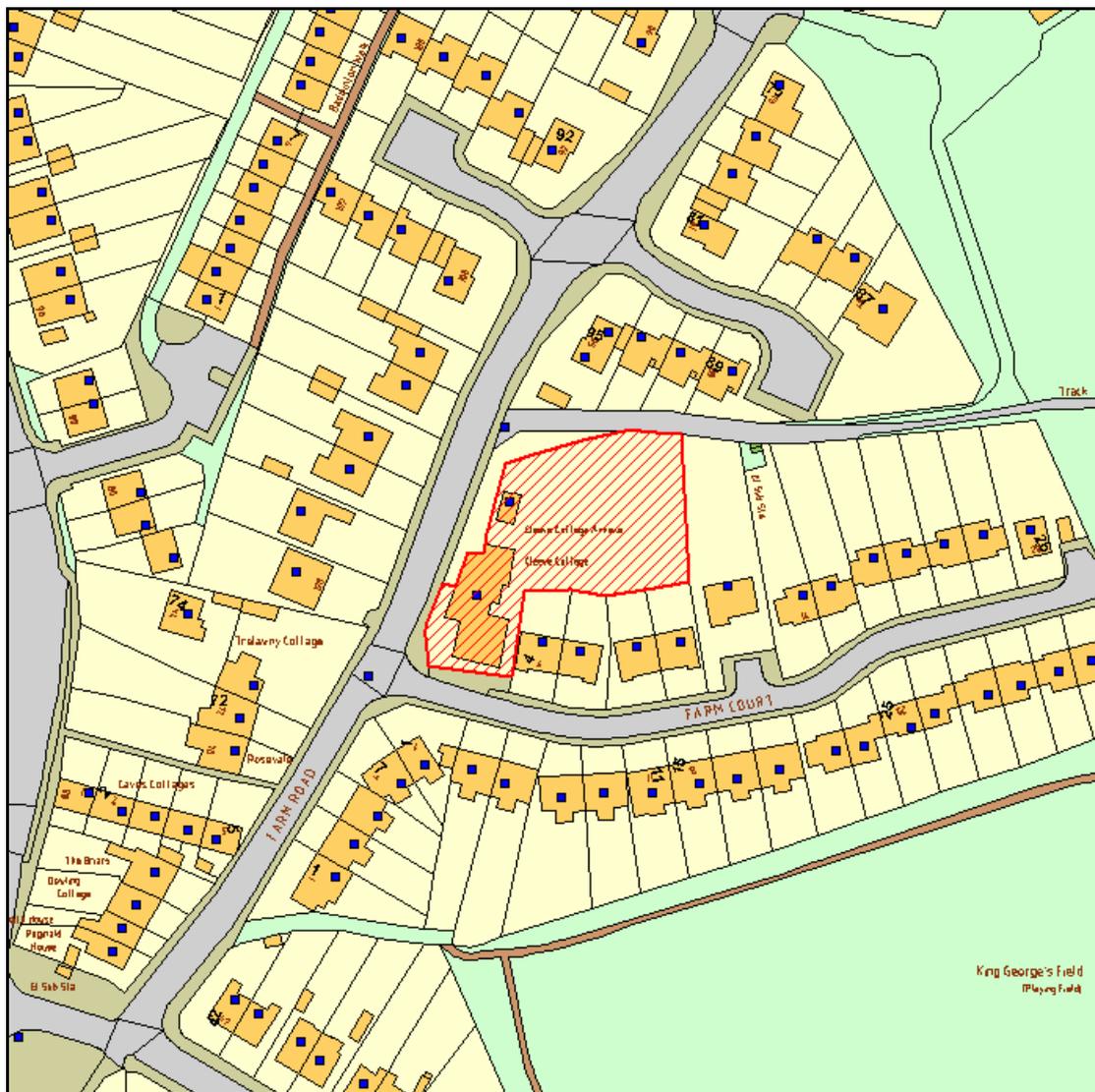
All other schedules during this period will be published as normal on Fridays

CIRCULATED SCHEDULE – 19 APRIL 2011

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK11/0156/F	Approve with Conditions	Cleve Cottage Farm Road Downend South Gloucestershire BS16 6DD	Downend	Downend And Bromley Heath Parish Council
2	PK11/0245/LB	Refusal	2 St Martin's Lane Marshfield Chippenham South Gloucestershire SN14 8LZ	Boyd Valley	Marshfield Parish Council
3	PK11/0636/F	Approve with Conditions	The Post Office 22 Cossham Street Mangotsfield South Gloucestershire BS16 9EN	Rodway	Mangotsfield Rural Parish Council
4	PK11/0655/F	Approve with Conditions	43 Seymour Road Staple Hill South Gloucestershire	Staple Hill	None
5	PK11/0661/R3F	Deemed Consent	Made Forever Youth Centre Fisher Road Kingswood South Gloucestershire BS15 4LE	Kings Chase	None
6	PK11/0701/F	Approve with Conditions	7 Exley Close North Common South Gloucestershire BS30 8YD	Oldland	Bitton Parish Council
7	PK11/0723/TRE	Approve with Conditions	12 Cedar Close Oldland Common South Gloucestershire BS30 9PY	Oldland	Bitton Parish Council
8	PK11/0792/F	Approve with Conditions	18 Lawrence Close Kingswood South Gloucestershire BS15 4AH	Siston	Siston Parish Council
9	PK11/0836/CLE	Approve with Conditions	1 Hurstwood Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council

CIRCULATED SCHEDULE NO. 16/11 – 19 APRIL 2011

App No.:	PK11/0156/F	Applicant:	Strongvox
Site:	Cleve Cottage Farm Road Downend Bristol South Gloucestershire	Date Reg:	25th January 2011
Proposal:	Demolition of existing dwelling to facilitate the erection of 8no. detached dwellings with access and associated works.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365298 177117	Ward:	Downend
Application Category:	Minor	Target Date:	22nd March 2011



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100023410, 2008.

N.T.S.

PK11/0156/F

REASON FOR REPORTING TO COMMITTEE/CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from a local resident, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks revisions to a previously approved scheme PK06/1092/F for the demolition of an existing dwelling (Cleeve Cottage) to facilitate the erection of 8 no. dwellings with access and associated works (Resubmission of PK05/3548/F). An extension in time application PK10/0905/EXT, was also recently approved.
- 1.2 The site consists of a Victorian house, accessed off Farm Road, with a large garden, within the urban area of Downend, close to the junction with Farm Court. Cleeve Cottage is not listed or locally listed but the natural stone boundary wall to the north is locally listed.
- 1.3 As previously approved, the proposal involves the erection of 7 three bedroom houses, and one two-bed bungalow with off-street parking with access from Farm Road.
- 1.4 The proposed revisions to the previously approved scheme relate to:
 - Adjustment to plot footprints/site layout.
 - All plots detached units.
 - Inclusion of covered parking areas/garages.
 - Amended house design.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing as revised June 2010
PPS5 Planning for the Historic Environment
PPG13 Transport
Ministerial Statement 9 June 2010 – Rt. Hon Greg Clark

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
L1 Landscape Protection and Enhancement
L5 Open Areas within the Existing Urban Areas and Defined Settlements
L9 Species Protection
L15 Buildings and Structures which make a Significant Contribution to the Character and Distinctiveness of the Locality.
L17 & L18 The Water Environment

EP1	Environmental Pollution
EP2	Flood Risk and Development
T8	Parking Standards
T12	Transportation Development Control Policy
H2	Proposals for Residential Development within the Existing Urban Area
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
H6	Affordable Housing
LC1	Provision for Built Sport, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2	Provision for Educational Facilities (Site Allocations and Developer Contributions)

South Gloucestershire 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
- CS18 - Affordable Housing

Supplementary Planning Guidance

- South Gloucestershire Design Check List (SPD) adopted 23rd August 2007.
- Trees on Development Sites (SPG) Adopted Nov 2005.
- The Local List SPD Adopted Feb 2008.

3. RELEVANT PLANNING HISTORY

- 3.1 K1936 - Erection of 3 no. detached houses with garages. Construction of new vehicular and pedestrian access (outline).
Refused 1977
- 3.2 K1936/2 - Erection to two detached dwellinghouses with garages. Construction of new vehicular and pedestrian access (outline)
Approved 1978
- 3.3 K1936/3 - Alteration and extension to existing dwellinghouse to provide additional living accommodation and a double garage.
Approved 1978
- 3.4 PK05/3548/F - Demolition of existing dwelling to facilitate the erection of 8no. dwellings with access and associated works.
Withdrawn 24 Jan 2006
- 3.5 PK06/1092/F - Demolition of existing dwelling to facilitate the erection of 8no. dwellings with access and associated works. (Resubmission of PK05/3548/F) S106 signed. Approved 4 May 2007

- 3.6 PK10/0905/EXT - Demolition of existing dwelling to facilitate the erection of 8no. dwellings with access and associated works. Extension in time of previously approved PK06/1092/F.
Approved 12 Aug 2010

4. **CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council
No objection
- 4.2 The Coal Authority
The site lies within the coalfield area. The Coal Authority has no specific comments. The Interim Standing Advice should be included on the Decision Notice.
- 4.3 Public Rights of Way - PROW
The proposal may affect PROW MA 11. Standard informatives should be included on the Decision Notice.
- 4.4 Environmental Protection
No objection subject to standard informatives relating to construction sites.
- 4.5 Conservation Officer
No objection subject to conditions to secure appropriate materials, and protection and repair of the locally listed stone boundary wall.
- 4.6 Tree Officer
No objections subject to the retention of the three Sycamore Trees and submission of a Tree Constraints Plan and Arboricultural Method Statement.
- 4.7 Technical Support – Street Care
There are no mains drains available within the area; a SUDS drainage scheme should be secured by condition. A mining report should also be submitted.
- 4.8 Sustainable Transport
Following concerns raised by the Highway Officer about access and turning arrangements, revised plans were submitted showing a 5m wide access road and turning head. Auto-tracking information has also been submitted to demonstrate that a fixed 7.9m fixed axle service vehicle can be accommodated within the site.
- 4.9 Approval of the earlier planning application no. PK06/1092/F on the same site was conditional on the completion of a Legal Agreement in order to secure financial contributions of £12,000 towards highway works and a contribution of £8,000 towards improvements to public transport facilities in the area. The decision which, lead to the need for a financial contribution for traffic management mitigating measures, was partly influenced by the issue of visibility standards. However, the visibility standard has been changed since March 2007 (by the introduction of a new design guidance published by the Department for Transport). Having regards to the new visibility standards, it was officer's judgement that the requirement for the financial contribution

should also be reviewed. The only highway works now identified (and previously for PK10/0905/EXT) by the traffic management department are improvements to pedestrian facilities and alteration to existing advisory 'Keep Clear' markings and replacement of them with yellow lines at the junction with Badminton Road. The estimated cost of these works is £3,500. The requirements for a contribution to a public transportation facility remain unchanged at £8,000.

4.10 On the basis of all the above mentioned, the recommended requirement for financial contributions for the development was reviewed downwards under PK10/0905/EXT, to a total of £11,500 (i.e. a sum of £3,500 towards a traffic management scheme in the area plus a sum of £8,000 towards public transport improvements) and remains as such for the current proposal.

4.11 In view of all the above therefore, there are no highway objections to the application subject to the applicant first entering into an appropriate legal agreement to provide a financial contribution of £11,500. Such contribution shall be used towards traffic management/road safety plus improvement and access to public transport facilities in the area.

Other Representations

4.12 Local Residents

2no. e-mails/letters of objection have been received from the occupier of no. 12 Farm Court. The concerns raised are summarised as follows:

- Inclusion of walkway from the back lane through to the front of the site would be a security risk.
- Loss of privacy to no.12 Farm Court from windows in Plot 6, which has been moved forward of Plot 4. Furthermore a previously proposed tree to the front of Plot 6 has also been deleted from the scheme.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The acceptance in principle of the residential development of this site along the lines proposed, has previously been established with the approval of applications PK06/1092/F and PK10/0905/EXT. Since the approval of application PK06/1092/F in May 2007, there have been a number of changes to the policy framework affecting this proposal. The South Gloucestershire Design Check List was adopted in Aug 2007 and this is now a relevant Supplementary Planning Document. More recently The South Gloucestershire Core Strategy Submission Draft was issued Dec 2010. Whilst this document is a material consideration in the determination of planning applications, it can only be afforded limited weight given the very early stage that the document has reached on its journey towards adoption. In addition, the Draft Regional Spatial Strategy was recently scrapped by the new Government.

5.2 A revised version of PPS3 was issued on 9th June 2010 to take account of concerns regarding the redevelopment of neighbourhoods, loss of Green Space and the impact upon local character. The changes involve the exclusion of private residential gardens from the definition of previously developed land

and the removal of the national indicative density target of 30 dwellings per hectare. Officers are satisfied however that existing policies within the Local Plan i.e. policies D1, H2, H4 and L5 already provide a robust policy framework that require the proposals to be assessed for their impact upon the character of the area and that proposals make efficient use of land. The original application and the extension in time application PK10/0905/EXT has therefore already been assessed against these policies.

5.3 Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for residential development within the existing urban areas, subject to the following criteria:

- Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity
- The maximum density compatible with the site, its location, accessibility and its surroundings is achieved, with the expectation of a minimum density of 30 dwellings per hectare
- The site is not subject to unacceptable levels noise and pollution
- Provision of education, leisure, recreation and other community facilities within the vicinity are adequate to meet the needs arising from the proposals

5.4 The proposed density of the site is 48 dwellings per hectare, which is appropriate for this urban location, close to bus stops, and walkable distance to local shops and other facilities. Following the revisions to PPS3 there is no longer a minimum density requirement, nevertheless there is still a government objective to make efficient use of land within the Urban Areas for sustainable residential development. The issue of overdevelopment therefore cannot be argued, as the density proposed makes an efficient use of the site. The principle of development is therefore acceptable, subject to the following detailed assessment.

5.5 Visual Amenity

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 states that development will only be permitted where good standards of site planning and design are achieved.

5.6 The area is a predominately residential one, with a variety of house types, from a few Victorian cottages to semi-detached inter-war properties and late 20th century terraces. There is no one overwhelming vernacular within the vicinity of the site, and a variety of materials have been used. Properties immediately adjacent to the site have very little architectural merit. In this context the design of the proposed houses and bungalow is considered acceptable, and whilst they would be different to existing properties in the area, they are entirely appropriate for the local context, and would not detract from the visual amenity or character of the area. The proposed dwellings use a variety of materials on the front and rear elevations and the revised designs are considered superior to those previously approved. Conditions requiring samples of materials will be recommended, to ensure quality of development.

- 5.7 The site is partially enclosed by a stone wall, approx. 2m in height, which is a feature of the area. It is proposed to retain this wall, and create a stone lined opening within it. This is considered acceptable in visual terms, and a condition will be recommended requiring details of the proposed opening.
- 5.8 Cleeve Cottage is not listed or locally listed, and therefore affords no protection. It is not considered that Cleeve Cottage has any particular visual or historic merit worthy of retention, and has been particularly degraded by a number of extensions.
- 5.9 Plot 1 would be close to the corner of the pavement, however, Cleeve Cottage itself is close to the corner of the junction, and therefore the proposed layout, to this extent, mirrors that of the existing layout.
- 5.10 The proposal is considered acceptable in visual terms, and will not harm the visual amenity of the area.
- 5.11 Residential Amenity
Criterion A of Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 states that acceptable development would not significantly prejudice residential amenity.
- 5.12 Plots 4-6 face the rear of 89-95 (odd) Farm Road, from a distance of between 16m to 24m. These plots would also be screened by existing trees and proposed tree planting, which will include substantial trees, which will be conditioned as part of a landscaping scheme. PPS3 states that local authorities should avoid inflexible planning standards and should think imaginatively about layouts, which make more efficient use of the land. Given this national policy context, and the fact that the site is within a fairly densely built up urban area, the distances between properties are considered acceptable in residential amenity terms.
- 5.13 The rear elevations of Plots 7 and 8 face the rear of properties 4-8 (even) Farm Court; Plot 7 is a bungalow and Plot 8 has a blank side elevation. A condition will be recommended to restrict the installation of any further windows for all plots. Nos 4 and 6 Farm Court have gardens approx. 10m deep, and given this, it is not considered that plot 8 would be overbearing on the residential amenity of the occupiers of nos 4 and 6. Similarly, plot 7 being a bungalow, is not overbearing on the garden of no. 8 Farm Court. Plot 6 has no windows on the end elevation, so there would be no overlooking onto the garden of no. 8 Farm Court. No. 8 has a garden of 30m depth, and it is not considered that plot 6 would be overbearing in this context. Concerns were raised by the occupier of no.12 Farm Court about loss of privacy due to overlooking from the front windows in Plot 6 but this concern has been overcome by setting plot 6 back and re-introducing a tree to the front of the Plot, as was previously proposed and agreed between the developer and the occupier of no.12 Farm Court.
- 5.14 Subject to a condition restricting permitted development rights to all plots and a further condition restricting the insertion of new windows, it is considered that the proposal does not harm the residential amenity of the area and therefore

accords with Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.15 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 states that new development will be permitted provided that in terms of transportation, the proposal:

- Provides adequate safe, convenient, attractive and secure access and facilities for pedestrians, cyclists and people with disabilities
- Provides safe access capable of accommodation the motorised traffic generated by the proposal,
- Would not create or unacceptably exacerbate traffic congestion, or unacceptably effect road safety
- Would not generate traffic which would unacceptably affect residential amenity
- Incorporates traffic management/calming measures where improved safety and environmental enhancement are required as a result of the development
- Provides for or contributes to public transport and pedestrian and cycle links- determined by the need arising from the development

5.16 As with the previously approved scheme the access would be located further away from the junction with Farm Road and the existing access closed off. Visibility from the new access onto Farm Road is 50m to the right and over 90m to the left. The visibility distance to the right of the access now falls within the latest guidance; Farm Road is basically a residential road (unclassified road). The developer is also expected to make some financial contribution towards traffic management and road safety in the area.

5.17 Parking for the development would comply with the South Gloucestershire maximum parking standards. The access road would be constructed as a shared access road and satisfactory turning area is provided on the site to accommodate manoeuvring space for service vehicles. The officer's recommendation is that the access remains as a private access and an appropriate condition is attached for the applicant to set up a management company.

5.18 Following concerns raised by the Highway Officer about the originally proposed access and turning arrangements for this scheme, revised plans were submitted showing a 5m wide access road and turning head. Auto-tracking information has also been submitted to demonstrate that a fixed 7.9m fixed axle service vehicle can be accommodated within the site.

5.19 In consideration of all the above therefore, there are no highway objections subject to a S106 legal agreement to secure a financial contribution of a) £3,500 towards a traffic management scheme in the area and b) a contribution of £1,000 per dwelling towards improvement of the public transport system. The contribution for public transport could include improvement to bus stops (i.e. raised pavement as access for disabled and or bus shelter) or contribution towards subsidised services in the area.

Proposed conditions

1. New site access at its junction with Farm Road shall be constructed to adoptable standards and to full satisfaction of the Council's street-care manager.
2. Access road shall be constructed with surfaced with bound surfacing material and it shall then be maintained satisfactorily thereafter.
3. The developer shall provide the Council with full details of a management company to be set up in order to maintain access road satisfactory.
4. Provide off street parking for each dwelling and maintain them satisfactory thereafter.
5. Turning area shall be provided in accordance with details of scheme as submitted and approved and it shall then be maintained satisfactory thereafter.

5.20 Concerns have previously been raised about illegal/anti-social parking by traffic associated with the recently re-opened Green Dragon Pub/Restaurant. Officers consider that illegal or anti-social parking is a matter for the appropriate authorities to resolve and is not a material consideration in the determination of this application; especially given that the scheme provides adequate off-street parking provision for the dwellings. Since the last approval of planning permission (PK10/0905/EXT) was granted, the restaurant licence has been revised to reduce the hours of opening.

5.21 Trees, Landscaping and Ecology

The proposal includes the retention of the Sycamore Trees on the north-western boundary and the Ash Tree on the western boundary and proposes the planting of new native broadleaf trees, which will be conditioned as part of the landscaping scheme. The proposal does involve the loss of a large number of trees, but the Tree Officer has stated that the majority are poor specimens or small ornamental trees of no particular amenity value. A condition to secure a Tree Constraints Plan and Arboricultural Method Statement for the retained trees on site is recommended. Adequate wildlife habitat would be retained on the site.

5.22 With the regard to the revisions to PPS3, the value of the site as an open space was previously considered under the earlier applications in relation to Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. The garden is for most part enclosed by high walls and is not in the public domain. Officers do not therefore consider that the site is an important open space that makes a significant contribution to the visual amenity of the street scene. The proposal therefore accords with Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.23 Community Services

The Community Services Officer has stated that the development is below the threshold (10 dwellings) for community services contribution requests.

5.24 Education Services

The School & Early Years Organisation Officer has confirmed that there is still a projected deficit of primary school places in the local area. The proposed development of eight houses would generate three additional primary school pupils based on the pupil number calculator. A contribution of £32,241.00p is still required for additional primary provision. There is however a projected surplus of places at secondary school provision.

5.25 Affordable Housing

The proposal for 8no. dwellings falls below the threshold (15) for an affordable housing provision.

5.26 Other matters

The Technical Services Team have no objections to the scheme on drainage grounds, although they do state that the site is served by a private foul sewer serving 4-10 (even) Farm Court. Concerns have previously been raised by local residents regarding the private sewers on site, however, this is a civil issue, not a planning one, and cannot be taken into account in the assessment of this application.

5.27 It would be difficult to argue that the proposal would create noise and disturbance for neighbouring residents, since the area is a residential one anyway, with a certain level of pre-existing background noise. It is not considered that the security of the surrounding properties would be harmed, since the proposed scheme would afford more natural surveillance than existing of the general area. Concerns about reduced security from free access through the site, via the proposed pathway through the high boundary wall, can be adequately addressed by a condition requiring the prior submission and approval of details of a security gate to be installed at the access point in the wall; the access would therefore only be used by future residents of the proposed scheme.

6. CONCLUSION

6.1 This application is a slightly revised version of a previously approved scheme. The proposal has been considered in the light of changes to the policy framework that have taken place since the original application was approved. Officers conclude that the Policies within the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 adequately cover the issues of impact on character and loss of open space, against which the scheme was previously considered and found to be acceptable. Officers also consider that any perceived loss of character would in this case be overridden by the acknowledged shortfall of housing provision within the Local Plan area and the need to make efficient use of land within the Urban Area. The S106 requirements reflect current requirements and the applicant previously accepted these figures. A unilateral undertaking has already been submitted.

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

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

1. Consideration has been given to the impact of the proposed development on the character of the surrounding area, which would in this case not be affected, in accordance with Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
2. The proposal would not prejudice the amenities of neighbouring property, in accordance with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
3. An acceptable level of off-street parking would be provided in accordance with Policies H2, H4 and T8 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
4. Adequate amenity space would be provided to serve the development, in accordance with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
5. The design of the scheme would be in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Submission Draft Dec 2010.
6. There would be no adverse landscape implications to result from the scheme, in accordance with Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
7. An appropriate scheme of drainage to include SUDS would be secured by condition in accordance with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
8. The ecology of the area would not be adversely affected in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
9. The scheme would not adversely affect the setting of the Locally Listed boundary wall in accordance with PPS5 and the adopted Local List SPD.
10. Consideration has been given to the need for an affordable housing contribution in accordance with Policy H6 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
11. Consideration has been given to the need for an education contribution in accordance with Policy LC2 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
12. Consideration has been given to the need for a community services contribution in accordance with Policy LC1 of The South Gloucestershire Local Plan (Adopted) 6th Jan 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

- 1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
 - i. A contribution of £11,500 towards highway and public transport improvements within the area; broken down as £3,500 towards improvements to pedestrian facilities and alteration to existing advisory 'Keep Clear' marking and replacement of them with yellow lines at the junction with Badminton Road; and £8000 towards public transport improvements to include improvements to bus stops (i.e. raised pavement as access for disabled and or bus shelter) or contribution towards subsidised services in the area.
 - ii. A contribution of £32,241.00 to the Education Service towards the provision of three additional primary school pupil places.
 - iii. A contribution of £107.20p towards the Council's costs of monitoring the implementation of this Agreement.

The reasons for the agreement are:

- i. In the interests of highway safety, having regard to the increased traffic generation in Farm Road to result from the development and to promote alternative modes of transport other than the use of private motor cars, to accord with Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
 - ii. To provide adequate primary school provision, having regard to the increased population generated by the proposal, in accordance with Policy LC2 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
 - iii. To allow the Council to fully monitor the progress of the S106 Agreement.
- 2) That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no development as specified in Part 1 (Classes A, B, C, D, E, G), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

In view of the size of the plot any extension/alteration to the dwellings would require further detailed consideration in order to safeguard the amenities of the area and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Samples of all external materials shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The development shall be implemented in accordance with the approved samples and maintained thereafter as such.

Reason

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

4. All hard and soft landscape works shall be carried out in accordance with the details shown on the approved Landscape Proposals Plan no. 809/PA/01D received 24 March 2011. 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, L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Details of all boundary treatments (walls, railings or fences) to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the development shall only be carried out in accordance with the details so approved and maintained thereafter as such. The approved boundary treatments shall be completed before any of the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason

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

6. Details of the opening in the retained wall shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall accord with the approved details and maintained thereafter as such.

Reason

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

7. The off-street parking facilities and turning areas shown on the Proposed Site Plan no. 355 005 J received 24 March 2011, hereby approved shall be provided before any of the buildings are first occupied, and thereafter retained for that purpose.

Reason

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

8. The new site access to Farm Road hereby approved shall be constructed to adoptable standards using bound surfacing and to the full satisfaction of the Council's Streetcare Manager, and maintained thereafter as such.

Reason

To prevent stone scatter and in the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Prior to the commencement of development, full details of a management company to be set up in order to maintain the access road in a satisfactory condition shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
 - (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
 - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
 - (c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.

(d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.

(e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

The approved works shall subsequently be carried out in accordance with the agreed details.

Reason

To accord with the Council's adopted Waste Management Strategy, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. The hours for deliveries and of construction work on site shall be restricted to 0730 to 1800 Monday to Friday, 0800 to 1300 on Saturdays and no working shall take place on Sundays or Public Holidays, unless with the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. Prior to the commencement of development, a detailed scheme of protection for the locally listed boundary wall shall be submitted to and approved in writing by the local planning authority. The protection measures shall be carried out strictly in accordance with the agreed details and retained in-situ until the completion of the works.

Reason

The boundary wall to Cleeve Cottage is a locally listed structure that contributes to the character and significance of the locality. The proposed development, by virtue of its proximity to the boundary wall has the potential to result in damage to the historic fabric. A scheme of protection will ensure that the development preserves the historic interest of the locally listed wall, and protects the character and appearance of the area to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. Prior to the commencement of the relevant phase of the works, a schedule and specification of repairs to the locally listed stone boundary wall and a sample panel of stonework demonstrating the colour, texture, coursing and pointing, shall be approved in writing by the local planning authority. The approved sample panel shall be kept on site for reference until the repairs are complete.

Reason

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

15. The hours of working on the site for the period of construction of the development hereby approved, shall be restricted to 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday 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. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies H4 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. Prior to the commencement of the development hereby approved a Coal Mining Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development can be safely implemented having regard to past coal mining in the area and to identify the possible presence of shafts, adits, drainage levels and culverts, in accordance with Policies EP2 and EP7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

17. No windows (including dormers or velux windows), other than those shown on the plans hereby approved shall be inserted at any time in the dwellings hereby approved.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

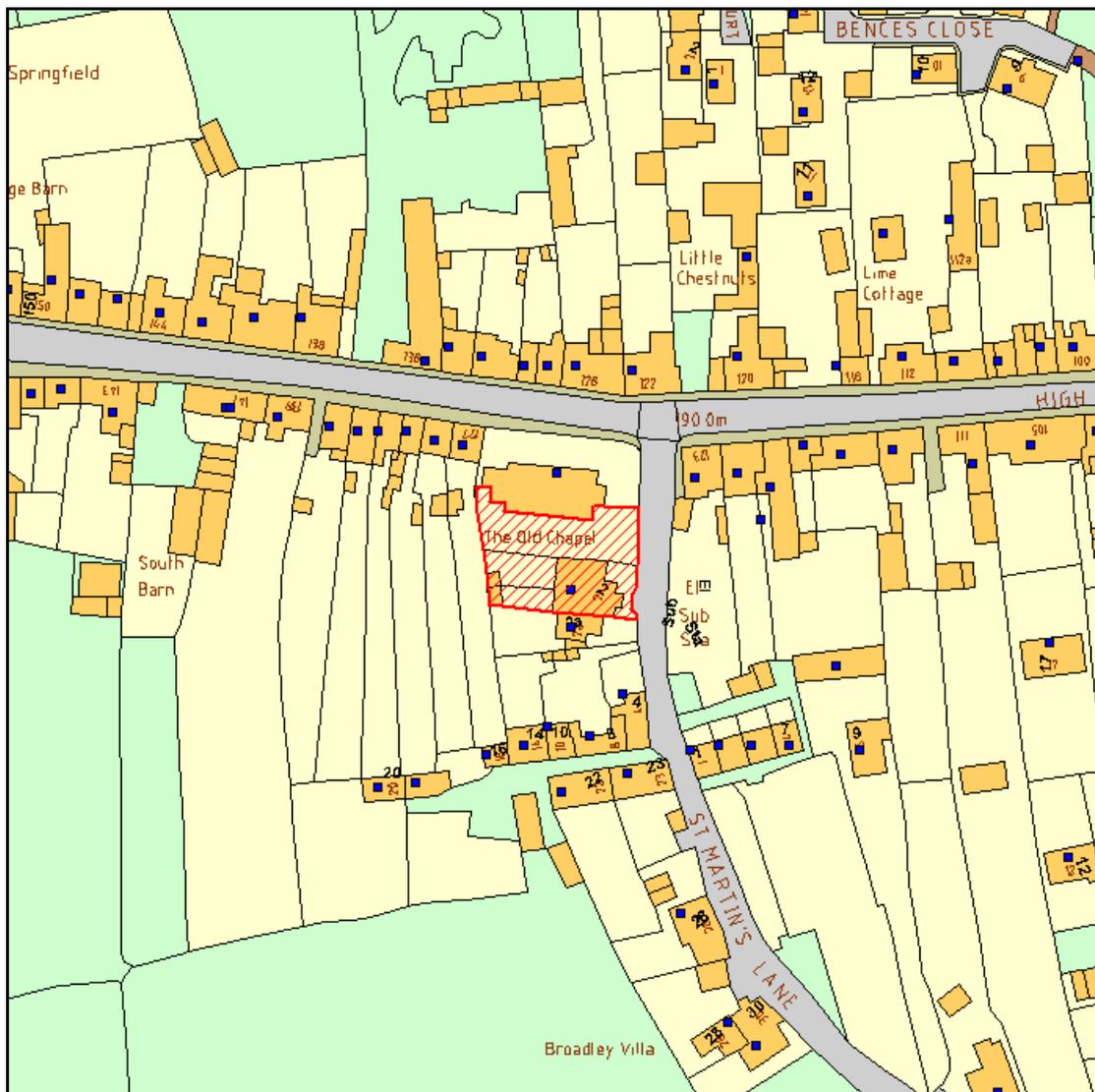
18. Prior to the commencement of the development hereby approved, details of a security gate to be inserted in the opening within the locally listed wall shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the security gate shall be implemented in full accordance with the details so approved and prior to the first occupation of any of the dwellings hereby approved.

Reason

In the interests of the security of the site and neighbouring dwellings in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 16/11 – 19 APRIL 2011

App No.:	PK11/0245/LB	Applicant:	Mr P Smith
Site:	2 St Martin's Lane Marshfield Chippenham South Gloucestershire SN14 8LZ	Date Reg:	9th March 2011
Proposal:	Installation of photo-voltaic solar panels to rear south facing roof elevation.	Parish:	Marshfield Parish Council
Map Ref:	377553 173702	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	2nd May 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of one letter of support from a local resident.

1. THE PROPOSAL

1.1 The applicant seeks listed building consent for insertion of photo-voltaic panels of the rear (south facing) roof slope of the dwelling. The plans show a total of four panels would be required.

1.2 2 St Martins Lane is a grade II listed building and lies in the Marshfield Conservation Area.

1.3 This application is the resubmission of a previously refused application reference PK10/0179/LB. This application also sought consent for the installation of solar panels on the same roof slope and was refused for the following reason:

The proposal would be a discordant feature and have an adverse impact on the special architectural and historic character and appearance of this listed building and it would be contrary to guidance set out in the Planning (Listed Buildings and Conservation Areas) Act 1990; PPG 15 and Policy L13 of the SG Local Plan.

Since the refusal of the previous application, a site meeting was held where the possibility of installing sensitive solar slates as an alternative to PV panels was discussed.

2. POLICY CONTEXT

2.1 National Guidance
PPS5 Planning for the Historic Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
L13 Listed Buildings
L12 Conservation Areas

3. RELEVANT PLANNING HISTORY

3.1 PK10/0179/LB Installation of solar panels to rear south facing roof slope.
Refused March 2010

4. CONSULTATION RESPONSES

4.1 Marshfield Parish Council
No objections

4.2 Councils Conservation Officer Objects to the application

Other Representations

4.3 Local Residents

Two letters have been received from neighbouring properties – one in support of the scheme and one objection. A summary of the points raised in each of the letters is as follows:

Letter of Support

- seems sensible to use the large expanse of black roof for solar panels
- The roof in question is hard to see except from a couple of places and is therefore quite discreet
- It seems odd to live in a conservation area but not to contribute to the conservation of natural resources

Letter of Objection

- The property is in a conservation area
- The panels would constitute an eyesore that would be seen up close by the neighbour – they would not be visible from the application property
- Access for installation or maintenance would need to be over neighbours land which would be unacceptable
- Questions over whether the panels could not be installed on the ground
- It would set a precedent and make a nonsense of the listing system.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy L13 of the South Gloucestershire Local Plan (Adopted) and PPS5 allow for alterations/additions to a listed building, provided the development is compatible with and would not detract from the special character or features of the building and its setting. Section 16(2) of the Planning (Listed building and conservation area) act 1990 states that when determining a listed building application the local planning authority shall have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses.

5.2 Impact on the Listed Building.

The property comprises a former school dating from the 1853 built in Victorian Gothic style. It has coursed squared rubble walls with freestone dressings and a natural slate roof. The form of the building with its intersecting and steeply pitched roofs, its decorative cross windows with pointed arch heads and quatrefoil windows and buttresses and embattled parapet to the porch all contribute to its gothic character making it distinctive from the simple vernacular cottages more typical of the village. The property is now in residential use and has been split into two dwellings.

5.3 This application is virtually identical to the previously refused application for solar panels on the rear of this grade II listed building as references in

paragraph 1.3 above. The difference amounts to the omission of 2 panels, leaving a block of 8 panels on the south facing roof slope of the rear gable. The applicant has investigated the potential for using less obtrusive solar slates on this elevation but has been advised that they are far more expensive and less efficient than the solar panels.

- 5.4 Policy HE1 of PPS5 advises local planning authorities to *identify opportunities to mitigate, and adapt to, the effects of climate change when devising policies and making decisions relating to heritage assets by seeking the reuse and, where appropriate, the modification of heritage assets so as to reduce carbon emissions and secure sustainable development.*

Under HE2.1, *“where proposals that are promoted for their contribution to mitigating climate change have a potentially negative effect on heritage assets, local planning authorities should, prior to determination, and ideally during pre-application discussions, help the applicant to identify feasible solutions that deliver similar climate change mitigation but with less or no harm to the significance of the heritage asset and its setting.”*

In instances such as this where *“conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change should be weighed against any harm to the significance of heritage assets in accordance with the development management principles in this PPS and national planning policy on climate change.”*

Paragraph 25 of PPS5 states that;

‘Where the ongoing energy performance of a building is unsatisfactory, there will almost always be some scope for suitable adaptations to be made without harm to the asset’s significance. This will involve careful consideration of the most appropriate options for insulation, power use and power generation. Intrusive interventions, such as the external mounting of microgeneration technology, can harm the significance of a heritage asset. Where such interventions are proposed, a temporary, reversible installation will generally be preferable to one that causes irrevocable harm to an asset’s significance. Local planning authorities are encouraged to support home owners and developers to find solutions that minimise or avoid harm to an asset’s significance while delivering improved energy performance or generation’.

English Heritage Policy states that microgeneration equipment attached to listed buildings will generally be acceptable if **all** of the following criteria are met:

- 1 the change will not result in loss of special interest*
- 2 the visual impact of the equipment is minor or can be accommodated without loss of special interest*
- 3 in fixing the equipment to the building there is no damage to significant historic fabric and installation is reversible without significant long-term impact on historic fabric*

4 the cabling, pipework, fuse boxes or other related equipment can be accommodated

without loss of, or damage to, significant historic fabric

5 that as part of the justification, the applicant can demonstrate that other energy-saving measures or other locations with less impact on the historic fabric and the special interest have been considered and are not viable

6 the applicant can demonstrate that the proposal has net environmental benefit

7 the local authority imposes a condition requiring removal of the equipment, including

cabling and boxes, and making good of the historic fabric as soon as it falls out of use.

5.5 The panels in this instance will be prominent in views of the rear of the building and, whilst this elevation is not seen from key public areas in the conservation area, paragraph 117 of PPS5 notes that the contribution that setting (the surroundings in which an asset is experienced) makes to the significance does not depend on there being public rights or an ability to access or experience that setting. Thus the lack of public access to the rear of the building does not justify approving an alteration that in itself is harmful to the significance or character of a listed building. It will, for instance, be seen from properties in the locality where the panels would be seen in the context of the large west facing tracery window.

5.6 In terms of the criteria above, the introduction of panels on this roof slope has been previously found to be detrimental to the building's character and significance and this view has been consistently held by Officers. The works would have a substantial visual impact and introduce a large area of panels over the existing roof covering and the Council's Conservation Officer remains of the opinion that the works would be detrimental and contrary to local and national policies and guidance. The works may not damage significant historic fabric and could be reversed at the end of their life but this may be in excess of 25 years. Other less intrusive options and locations for energy generation are available and 'energy-saving' measures may still be achievable. The wider public benefits are difficult to quantify given the small scale of the proposal. As per the guidance contained in PPS5, the local authority should try to identify opportunities to mitigate and adapt to the effects of climate change but it is acknowledged by Government that conflicts can and do arise when seeking to preserve the significance of listed buildings.

6. CONCLUSION

6.1 The recommendation to refuse Listed Building Consent has been taken having regard to the section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained in PPS 5 (Planning for the Historic Environment).

7. RECOMMENDATION

7.1 Listed Building consent be refused for the reason found on the decision notice.

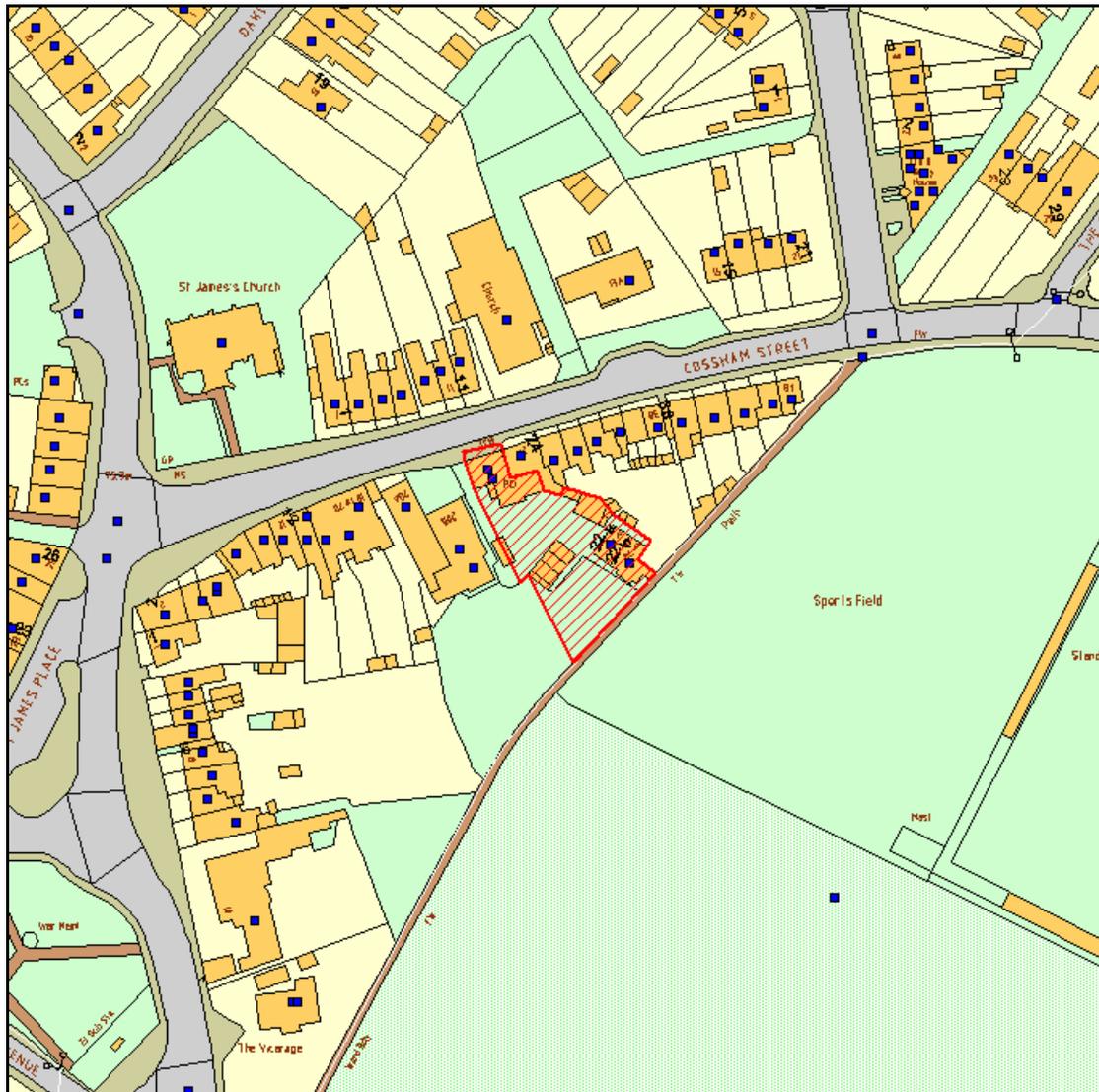
Contact Officer: Marie Bath
Tel. No. 01454 864769

REASONS FOR REFUSAL

1. The proposed development, by reason of its design, form, position and appearance would result in a discordant and intrusive addition to the grade II listed building that would be detrimental to its special architectural or historic interest and significance. The proposal is therefore considered to be contrary to the provisions of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and National Guidance set out in PPS5 and the PPS5 Practice Guide.

CIRCULATED SCHEDULE NO. 16/11 – 19 APRIL 2011

App No.:	PK11/0636/F	Applicant:	Mr P Shah
Site:	The Post Office 22 Cossham Street Mangotsfield South Gloucestershire	Date Reg:	9th March 2011
Proposal:	Erection of single storey building to form replacement sorting office with associated works.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366505 176149	Ward:	Rodway
Application Category:	Minor	Target Date:	3rd May 2011



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REASON FOR REPORTING TO COMMITTEE/CIRCULATED SCHEDULE

The application has been forwarded to the Council's Circulated Schedule of applications for Member consideration as representations have been received raising views contrary to the Officer recommendation.

1. THE PROPOSAL

1.1 The application site is situated towards the eastern edge of Mangotsfield and the Bristol conurbation on the south side of the B4465 Cossham Street. The site is bounded by residential development to the east, a former chapel to the west currently unoccupied. The site is bounded by a footpath to the south with recreation ground beyond and with vehicular access onto Cossham Street to the north. The site comprises a local post office fronting onto Cossham Street with garage building towards the rear and a further building beyond currently used for ancillary storage and as a sorting office in connection with the post office. The site is accessed via Cossham Street on the south side of the post office. A grassed area is situated towards the rear of the site between the existing sorting office and the southern boundary.

The site is situated within the urban area as defined in the adopted Local Plan. The site is situated adjacent to the Bristol/Bath Green Belt which abuts the south boundary. The adjacent building (The Old Chapel) is designated within the Development Plan as a Locally Listed Building.

1.2 The application proposes erection of single storey building to form replacement sorting office with associated works.

The garage building at the rear of the post office is currently used as a sorting office. The postal delivery staff (2-4 staff) arrive at the site, collect the mail for their area and sort it in the sorting office and then take the mail out on delivery. The postal delivery staff then return to the sorting office at the end of the delivery and then leave. The staff arrive from 7am and leave at 6pm Mon-Fri and 8am to 1pm on Saturdays. The post office and associated sorting office are not open on Sundays or Public Holidays.

2. POLICY CONTEXT

2.1 National Guidance

PPG1	General Policy and Principles
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement

Policy E3 of the adopted Local Plan accepts alterations to existing buildings which provide employment uses subject to acceptability in terms of environmental effects, highway safety and traffic, residential and visual amenity, density. Policy GB1 seeks to protect the visual amenity of the Green Belt including development proposed outside the Green Belt in positions conspicuous from within the Green Belt. Policies T8 and T12 are also relevant relating to parking standards and highway safety respectively.

Policy L15 seeks to protect Locally Listed Buildings from demolition. As the proposal relates to a site adjacent to a Locally Listed Building and does not include any development related to the Locally Listed Building, this policy is considered not to be relevant in consideration of this application.

5.2 Visual impact

Policy D1 of the Local Plan requires all new development to be well-designed. The building would be situated within a suburban residential context. The building the subject of this application would be a single storey pitched roofed construction with rendered walls and double Roman roof tiles common in the area. The proposed building would be barely visible from public vantage points from Cossham Street with only a glimpse afforded at the access on the west side of the post office.

The building would be clearly visible from a Public Right of Way (RoW) PMR/26 which runs in a north east to south west direction adjacent to the south east boundary of the site. The building would be partially screened from the RoW by a stone boundary wall.

The simple design and materials would be of good quality in keeping with the character of the locality and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

5.3 Residential amenity

The building would be situated 9m from the nearest dwellings (22a and 22b) to the north. The building would be screened from 22a and 22b by a 1.8m high boarded fence. The proposal would measure 2.4m to eaves 3.85m to ridge with 5.5m width and 10.1m length. The proposed building is therefore considered to be modest in scale. The building would be situated some distance from any other dwellings in the locality. As such the proposed building would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development.

A condition is recommended to control vehicle movements in and out of the site in connection to the sorting office. The condition would restrict vehicle movements to within 7am and 6pm Mon-Fri and 8am-1pm Sat with none on Sundays or Public Holidays. This will ensure no undue noise and associated activity related to the sorting office at unsociable hours.

5.4 Highway safety

The proposal would replace an existing sorting office facility. The staff using the sorting office would number 2-4. It is considered that this would not generate significant traffic movements into or out of the site and certainly no material increase over the existing situation. The types of vehicles using the sorting office would not be greater in size than a small van which is no change from the existing situation. On the basis that the existing situation in terms of traffic movements and associated activity would be unlikely to materially change, it is considered that the proposal is acceptable in highway safety terms. The proposal would also remove an existing garage building at the rear and provide a formal access track and turning head within the site. This would be an improvement in terms of manoeuvrability within the site to the benefit of highway safety.

A condition is recommended to ensure the building remains as sorting office only. This is to retain control over changes of use in future to uses which may be more transportation intensive or could impact on the residential amenity of the adjacent occupiers.

5.5 Green Belt

The proposal is situated outside but adjacent to the edge of the Bristol/Bath Green Belt to the south/south east. Policy GB1 indicates that proposals for development which would be conspicuous from the Green Belt should not injure the visual amenities of the Green Belt, by reason of siting, materials or design. As indicated in par 5.2 above, the proposal is considered to be acceptable in design terms and is modest in scale (par 5.3). As such it is considered that the proposal would not result in a detrimental impact on the visual amenity of the Green Belt.

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 position in relation to the adjacent dwellings, the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy E3 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- b) The proposal would not result in undue noise or other activities outside of sociable hours and as such 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 E3 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- c) It has been assessed that the proposed building has been designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
- d) The proposed sorting office would be unlikely to result in a significant increase in traffic movements over and above the existing situation. The proposal would not result in material harm in relation to highway safety. The development therefore accords to Policy E3 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- e) Although the proposal would be conspicuous from within the adjacent Green Belt it is considered that the massing, modest scale, proportions, materials and overall design are acceptable and as such the proposal is considered not to result in a detrimental impact on the visual amenities of the Green Belt. The development therefore accords to Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

7.1 Consent is GRANTED subject to the conditions below.

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

Reason

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

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 L17/L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The building hereby permitted shall be used as a sorting office or other ancillary use in connection to the adjacent Cossham Street Post Office only and for no other purposes whatsoever.

Reason

In the interests of highway safety and to protect the residential amenity of local residents, and to accord with Policy T12 and Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No vehicle movements shall take place in connection with the sorting office hereby permitted outside the hours of 0700 and 1800 Monday to Friday, 0800 and 1200 on Saturdays and at no time on Sundays, Bank or Public Holidays.

Reason

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

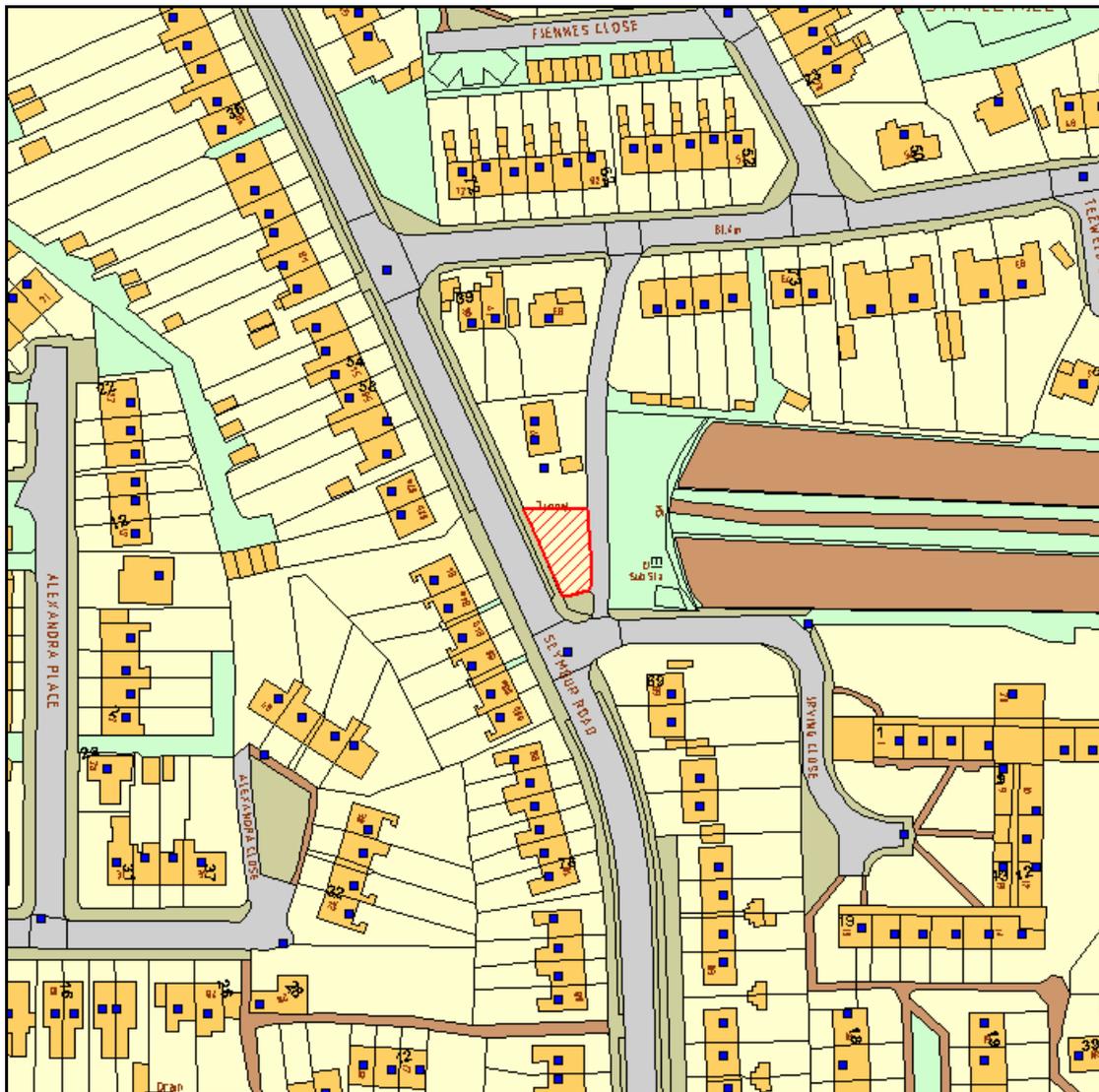
6. The red edge application site shall be used for indicative purposes to show land within the applicant's control only and shall not represent the extent of any change of use of the land other than for the purposes as clearly indicated on the approved block plan - proposed (Drawing no. TPO/CS/M/02/P).

Reason:

For the avoidance of doubt and to protect the locality from development which would be harmful in relation to residential amenity or highway safety and to accord with Policies E3 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 16/11 – 19 APRIL 2011

App No.:	PK11/0655/F	Applicant:	G And S Builders
Site:	43 Seymour Road Staple Hill Bristol South Gloucestershire BS16 4TF	Date Reg:	9th March 2011
Proposal:	Erection of 2 no semi-detached dwellings with parking, access and associated works. (Re-submission of PK10/2261/F).	Parish:	None
Map Ref:	365034 175697	Ward:	Staple Hill
Application Category:	Minor	Target Date:	3rd May 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

Objections were received to the proposal, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a pair of 1no bedroom semi-detached dwellings in Seymour Avenue, Staple Hill. The site is a prominent corner position on the corner of Irving Close and has an open aspect when viewed in a northerly direction. The street rises slowly from south to north. The plot was once the garden of the previous dwelling that stood directly to the north of the site, which has now been replaced by 3no. terraced dwellings. The site is bounded by a footpath at the rear and has vehicular access to the south of the site. A former railway tunnel now used as the Bristol/Bath Cycle Path runs under the north of the site. Opposite the site lie rows of 1950's terraced dwellings, and to the south, on the south side of Irving Close, lie 1950's pairs of semi detached dwellings. This application is a resubmission of a scheme submitted last year, which was withdrawn.
- 1.2 The proposed pair of semi-detached dwellings would be sited in the centre of the site with two off-street parking spaces at the south of the site that would utilise the existing access. The dwellings have been designed to sympathetically match the finishing materials of the new terraced dwellings directly to the north.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG3 Housing as revised June 9th 2010
PPG13 Transport
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H2 Residential Development within the urban area and defined settlement boundaries
T7 Cycle Parking
T8 Parking Standards
T12 Highway Safety
EP1 Environmental Protection
L17 & L18 The Water Environment
- South Gloucestershire Council Core Strategy (Submission Draft) (December 2010)
CS1 To be filled in
CS17 Housing Diversity
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007

This application stands to be assessed against the policies listed above, in the light of all material considerations.

5.2 Design/ Visual Amenity

Policy H2 of the South Gloucestershire Local Plan is supportive in principle of proposed new dwellings within urban areas, providing that the design is acceptable, highway safety would not be compromised, adequate parking and amenity space is provided and that there is no unacceptable impact on residential and visual amenity. Policies H2 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006 require that proposals are assessed for their impact upon the character of the area and that proposals make efficient use of land.

5.3 The proposed materials, of render with larch cladding, have been chosen to be in-keeping with the style of the new development of 3no. dwellings to the north of the site that are currently under construction. The proportions of the proposed dwellings are considered to be appropriate to the local context. Although the development is for two dwellings, the development has been designed to have an appearance of one detached dwelling, with a 'front door' to the road, creating the legibility of the building. The 'side door' acts as the front door for the north dwelling. The south dwelling has been designed with a large balcony, which has an obscure glazed balustrade. This is considered a significant design feature of the dwellings and will help create the dwelling become a minor 'landmark building' within the street. The dwellings will have modern powder coated windows, and will have interlocking tiles to match the adjacent dwellings to the north. The proposal is considered to accord with policy D1 and H2 in this respect.

5.4 Residential Amenity

The main issue under this heading is the impact of the new dwellings on the occupiers of the surrounding dwellings. The one bedroom dwellings have been designed with living rooms at first floor level with bedrooms below. With regard to the relationship between the proposed dwellings and the dwellings on the west side of Seymour Road, there is a minimum of 19 metres distance between the windows of the proposed dwellings and the dwellings on the opposite side of Seymour Road. It is therefore considered that the proposed windows in the west elevation will not lead to a significant loss of privacy or intervisibility or light to these dwellings. The north elevation will have 1no. small landing window at first floor level. The east elevation will have a small balcony with views over the Bristol/Bath cycle path. This elevation will also have 2no. windows overlooking the public footpath immediately adjacent the rear of the dwelling. With regard to the relationship between the proposed dwellings and the closest dwelling to the south (No. 69 Seymour Avenue), great care has been taken over the design to minimise impact on residential amenity. The amenity space for the south dwelling is a large balcony, attached to the first floor lounge area. Balconies can, if poorly designed, lead to issues of intervisibility and overlooking. To counter this, a large obscure glazed balustrade has been incorporated into the design, raising to a height of 2.0 metres on the south east corner, closest to No. 69 Seymour Avenue. The installation of and the material used in the construction of the balcony will be secured by condition. Additionally, the French windows at first floor level have

- been kept to north half of the southern gable end, with a blank wall on the south half. It is therefore considered that the proposed dwellings would not have any detrimental impact upon the residential amenity of the surrounding dwellings.
- 5.6 Concern has also been raised that the development is a cramped over development of the site. It is considered that the proposed 2no. single bedroom dwellings sit comfortably within the plot, aided by the design appearing to be one large dwelling. Seymour Road is a dense residential road, and it is considered that the proposed dwellings mimic this. Adequate amenity space and parking space has been provided within the site. It is therefore considered that the development makes an efficient use of land in accordance with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006. Additionally, permitted development rights will be removed from the property, thereby protecting the design of the dwellings and amenity space.
- 5.7 The internal layout has been significantly altered in the pre-application process. Due to officer concern over lack of light to the bedroom of the north dwelling, being sited very close to the rear 2 metre high fence, this bedroom has been specifically designed to be double aspect, allowing light to penetrate from both the east and west elevations. It is therefore considered that the design ameliorates any light issues.
- 5.8 Amenity space has been carefully designed for the 2no one bedroom dwellings. The north dwelling will have a garden which is afforded privacy from the 2 metre rear fence. The south dwelling will benefit from the proposed large balcony, which has been given privacy by the proposed obscure glazed balustrade. Concern has been raised over the size of the amenity space, however, for one-bedroom dwellings the amenity space provided is considered adequate.
- 5.9 Adequate bins storage and cycle storage has been provided. Concern has been raised over bin storage for the north dwelling, however, it is considered that if necessary the occupiers could chose to store one of their bins within their own garden. It is therefore considered that the bin and cycle storage is adequate for the proposed dwellings. This will be secured by condition.
- 5.10 Transportation
The consultation process has raised the issue of inadequate parking. Both dwellings will have 1no. bedroom. The proposal of one parking space per dwelling accords with the maximum parking standards as set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006. No new access is proposed; instead the dwellings will utilise the existing access. With regard to the effect on highway safety, it is not considered that this proposal would be likely to lead to additional on-street parking, at least to a degree which would have any impact on the safety of road users. The Council's Highway's Officer has no objection, subject to the addition of a condition regarding the maximum height of the fence or vegetation around the parking area. It is therefore considered that the proposals accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.11 Other Issues

Consultation responses were also received from Technical Services. No objection was raised to the proposal and the drainage concerns are dealt with by way of conditions shown below.

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 a) The proposal has been sensitively designed to respect the character of the streetscene and the surrounding area the use of materials to match the existing dwelling; as such it is considered that the proposal would respect the character and appearance of the street scene in accordance with Policy D1.
- b) The proposed development has fully taken account of neighbouring residential amenities and thorough careful design and siting, the proposals will not materially harm the amenities of neighbouring properties by reason of overbearing impact or loss of privacy-Policy H2.
- c) The proposal offers on site car and cycle parking provision and will not have a detrimental affect on highway safety- Policies T7, T8 and T12.
- d) Drainage details are to be submitted to and approved by the Local Planning Authority to ensure satisfactory surface water drainage of the site and minimise the risk of flooding-Policies EP1, L17 and L18.
- 6.3 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Elizabeth Dowse
Tel. No. 01454 862217

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. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights [other than those expressly authorised by this permission] shall be constructed.

Reason

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

3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, G and H) , other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure a satisfactory standard of external appearance and to protect the amenity space for the occupants of the dwellings to accord with Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Notwithstanding the approved plans, any boundary treatment including vegetation around the parking area shall not exceed a maximum height above ground level of 0.9 metre at all times. This is any boundary treatment or vegetation south of the southern gable end wall.

To aid visibility for all road users in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.

5. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

6. Prior to the commencement of development samples of the external facing materials (to include cladding, render and materials used in the construction of the balconies) and detailed drawings of the southern balcony at a scale of not less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

7. The screening on the southern balcony shall be implemented before the first occupancy of the dwellings and shall remain in place at all times.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.
Full planning application. A detailed development layout showing surface water and SUDS proposals is required as part of this submission.

Reason

To comply with Policies L17, L18, EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPS25.

9. The parking area is to be constructed of an appropriate permeable design or rainfall to be directed to a permeable soakage area (provided it does not cause flooding of adjacent property) within the curtilage of the dwelling to ensure surface water run-off is retained at source.

Reason

To ensure a satisfactory means of drainage and pollution control in order to comply with South Gloucestershire Local Plan (Adopted) January 2006 Policy L17, L18, EP2 and Town and Country Planning Order 2008 (No 2362) Class F.

CIRCULATED SCHEDULE NO. 16/11 – 19 APRIL 2011

App No.:	PK11/0661/R3F	Applicant:	South Gloucestershire Council
Site:	Made Forever Youth Centre Fisher Road Kingswood South Gloucestershire	Date Reg:	21st March 2011
Proposal:	Erection of 2.4 metre high security fence and single and double gates.	Parish:	None
Map Ref:	366199 174187	Ward:	Kings Chase
Application Category:	Minor	Target Date:	11th May 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as it has been submitted by the Council itself.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to erect a boundary treatment, comprising of fences and gates to a maximum height above ground level of 2.44 metres, to enclose a youth centre. The fence is proposed to be metal mesh panels between uprights and the gates would match.
- 1.2 Made for Ever youth centre stands to the rear of the two storey housing of Tenniscourt Road and Fisher Avenue. It has a vehicular access off Fisher Road, but the pedestrian access is between houses on Tenniscourt Road. To the east of the two storey building are sports courts and to the south open playing fields. The boundaries are currently marked by low wire mesh fences and landscaping within the site, which includes mature trees.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
L1 Trees and landscape

South Gloucestershire Core Strategy -Submission Draft (December 2010)
CS1 High Quality Design
CS2 Green Infrastructure

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Unparished area
- 4.2 Other Consultees [including internal consultees of the Council]
Tree Officer
No other trees or vegetation in the area will need to be affected by the fence and its installation. The fencing contractor will need to be careful when digging out for posts so that significant roots are not damaged. They will need to excavate by hand beneath the canopies of trees and some flexibility may need to be exercised when siting the posts in order to avoid major roots.

Sustainable Transportation
No objection.

Other Representations

- 4.3 Local Residents
No replies received.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

This application stands to be assessed against the policies listed above, in the light of all material considerations. The gates and fence are proposed to be erected for security purposes. However the main planning issue with this proposal, as covered by policy D1, is the impact of the proposal on visual amenity. Also analysed is the impact of the proposal on the trees surrounding the building.

5.2 **Visual Amenity**

The site at present has a number of boundary treatments of differing heights, materials and state of maintenance. It is considered that the proposed gates and fencing would mark the site's boundary in a unified manner. The boundary treatment would be taller than normal for a rear garden, but due to its degree of separation from and differing materials from the rear gardens on Tenniscourt Road and Fisher Avenue, it is considered that the fencing will be read as part of the youth centre site. It is therefore not considered that any harm to visual amenity would arise from this proposal, which is appropriate to its setting and accords with policy D1 of the adopted Local Plan.

5.3 **Tree Issues**

The Tree Officer's comments appear at 4.2 above. No specific harm to the trees surrounding the building has been identified, subject to the inclusion of a condition requiring manual digging out for the foundations of the fenceposts. An appropriate condition to this effect appears below.

6. **CONCLUSION**

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

6.2 The proposed development would afford the youth centre a greater degree of security compared to the present situation, without compromising visual amenity or the health of existing trees required in order to maintain existing levels of visual amenity for the site. The proposal therefore is considered to accord with policies D1 and L1 of the adopted South Gloucestershire Local Plan.

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

7. **RECOMMENDATION**

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

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

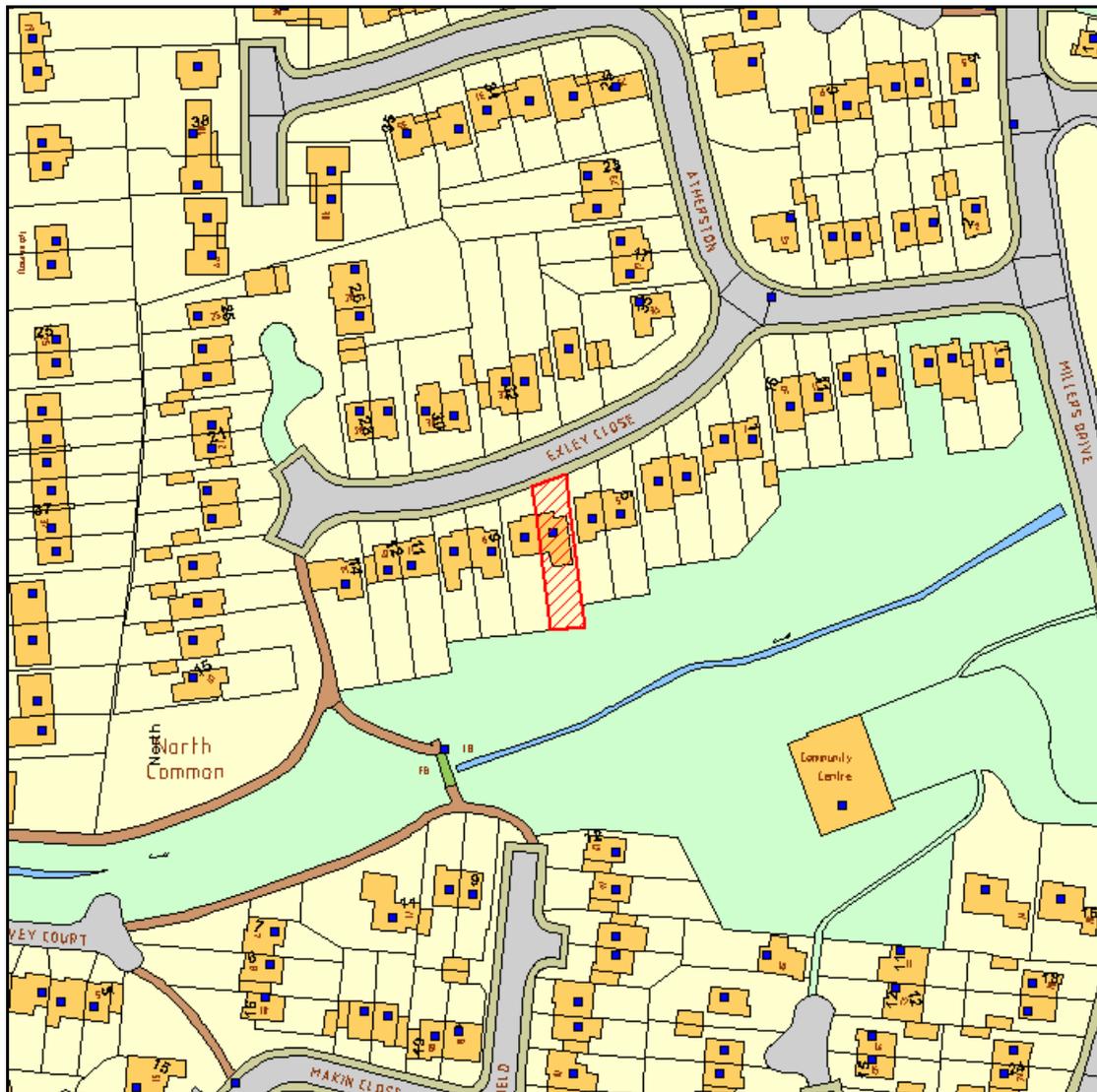
2. The holes for the fence posts located beneath the canopies of trees shall be hand dug and located in practicable positions where damage to tree roots overall is minimised.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the trees, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 16/11 – 19 APRIL 2011

App No.:	PK11/0701/F	Applicant:	Mr P Mckenny
Site:	7 Exley Close North Common Bristol South Gloucestershire BS30 8YD	Date Reg:	8th March 2011
Proposal:	Erection of single storey rear extension to form additional living accommodation.	Parish:	Bitton Parish Council
Map Ref:	367523 172194	Ward:	Oldland Common
Application Category:	Householder	Target Date:	28th April 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The following report has been recommended for submission to the Circulated Schedule following an objection being received from Bitton Parish Council

1. THE PROPOSAL

- 1.1 The application relates to a brick built semi-detached dwelling situated on the south side of Exley Close, Longwell Green. The site lies within the defined settlement boundary.
- 1.2 Planning permission is sought for the erection for a single storey rear extension. The property has rear conservatory that will be demolished to make way for the extension.

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

South Gloucestershire Council Core Strategy (Submission Draft) December 2010
CS1 Good Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 No history.

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Councillors feel that the proposed extension may be overbearing on the adjacent property at 8 Exley Close and would object if this is so.

Other Representations

- 4.2 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety. The principle of development is therefore acceptable subject to the following detailed assessment.

5.2 Design/Visual Amenity

This application seeks planning permission for the erection of a single storey rear extension. The proposed extension will measure 6.1 metres in width by 3.7 metres in depth. The height to eaves will be 1.2 metres and the apex height of the lean to roof will be 1.9 metres. The materials used in the proposed extension will match the host dwelling.

5.3 In respect of the design of the rear extension, with the chosen construction materials and its location at the rear of the property, it is considered that it is an appropriate addition to the dwelling and the streetscene.

5.4 Overbearing analysis

The extension will have a depth of 3.7 metres. Concern has been raised that the extension may be overbearing to the attached dwelling, No. 8 Exley Close. However, this dwelling has an existing rear single storey extension with a depth of 2.7 metres, therefore the proposed extension will only project beyond this extension by 1.0 metre. The dwelling to the other side is stepped back from the application dwelling and it is considered that the existing boundary treatment of a 1.8 metre high close boarded fence will help screen the proposed extension. Accordingly, it is considered that the proposed extension will not have an overbearing effect on the neighbouring properties. The scale and design of the rear extension is therefore considered to be acceptable.

5.5 Privacy Analysis

No windows are proposed in either side elevation of the proposed extension. Additionally the existing boundary treatment will help screen the extension. To the rear of the dwelling lies public open space. It is therefore considered that occupiers of the neighbouring properties will not experience a loss of privacy by the proposed extension.

5.6 Amenity Space

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

5.7 Highway Safety Analysis

The property benefits from off street parking. This is situated to the front of the property and consequently the development will not impact upon highway safety or impact upon the property's parking arrangements.

6. CONCLUSION

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

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

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

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

7. RECOMMENDATION

7.1 That planning permission be **GRANTED** subject to the conditions shown on the decision notice.

Contact Officer: Elizabeth Dowse
Tel. No. 01454 862217

CONDITIONS

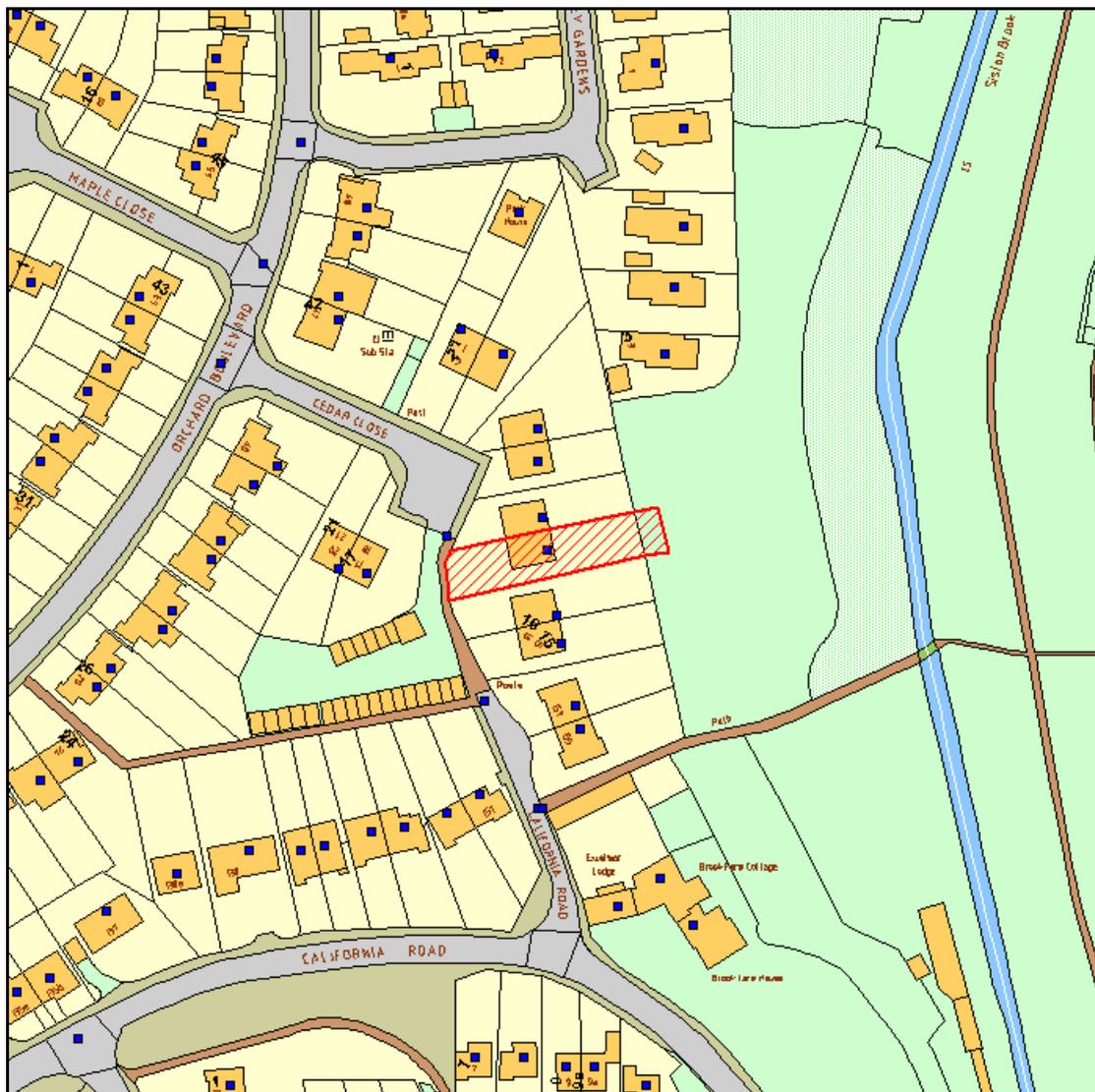
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 16/11 – 19 APRIL 2011

App No.:	PK11/0723/TRE	Applicant:	Mr A Nicholas
Site:	12 Cedar Close Oldland Common South Gloucestershire BS30 9PY	Date Reg:	10th March 2011
Proposal:	Works to fell 1no. Beech tree and 1no. Ash tree covered by Tree Preservation Order KTPO 2/79 dated 29 October 1979.	Parish:	Bitton Parish Council
Map Ref:	366720 171606	Ward:	Oldland Common
Application Category:		Target Date:	3rd May 2011



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REASON FOR REPORTING TO COMMITTEE/CIRCULATED SCHEDULE

This application has been forwarded to the Council's Circulated Schedule of applications for Member consideration as a representation has been received raising views contrary to the Officer recommendation.

1. THE PROPOSAL

1.1 The application proposes works to fell 1no. Beech tree and 1no. Ash tree covered by Tree Preservation Order KTPO 2/79 dated 29 October 1979.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
L1 Landscape Protection and Enhancement

South Gloucestershire Core Strategy – Submission Draft December 2010
CS9 Environmental Resources and Built Heritage

3. RELEVANT PLANNING HISTORY

3.1 None

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council
No objection

4.2 Other Consultees [including internal consultees of the Council]
Tree Officer – No objection, replacement planting not recommended

Other Representations

4.3 Local Residents

One letter of objection received from the occupiers of 16 Pines Road, Bitton, raising the following concerns:

I object to these works being carried out at this time of year due to Nesting Birds. As per the Council's own advice it is illegal under the Wildlife and Countryside Act of 1981 to remove or cut back hedges, trees or vegetation if there are nesting birds found. They nest between March-August depending on weather conditions. If the work HAS to be done then a breeding bird survey should be conducted by a suitably qualified person. The work should really be carried out AFTER the nesting season.

The applicant has provided the following response to the above representation:
I write with regard to the objection raised by Mr. Freeman. I can confirm that all tree works will be undertaken outside the bird nesting season to comply with

the Wildlife and Countryside Act 1981. If any ecological issues arise during the works, all works will be immediately stopped and advice will be sought from Natural England. I hope this addresses the concern raised.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The trees are located adjacent to the end of the rear garden of no.12 and form part of an area Tree Preservation order. The trees are screened from views from Cedar Close by the existing dwellings with only glimpses afforded between houses. The trees overhang the garden small patio area of the property causing excessive shading.

- 5.2 The trees have poor form and remedial pruning would not be viable due to the position of the trees and the amount of canopy that would need to be removed to resolve the situation.
- 5.3 In addition to their poor form the trees offer low visual amenity to the area, they are protected within an area Tree Preservation Order but would not be worthy of protection as individuals.
- 5.4 Due to the position of the trees and the property there will not be a requirement for replacement planting on this occasion.
- 5.5 As the trees are growing on land not owned by the applicant permission from the owner of the land will be required before any works are undertaken on the trees.
- 5.6 Concern has been raised that removal of the trees would have an ecological implication for nesting birds. It is a criminal offence under the Wildlife and Countryside Act of 1981 to remove or cut back hedges, trees or vegetation if there are nesting birds found. The applicant is aware of this and a note will be attached to the decision notice to further draw the applicant's attention to this. The objector has requested that a breeding bird survey be carried out before work is undertaken. As the issues related to nesting birds are controlled through other legislation and as the applicant is aware of their legal obligation in relation to nesting birds it is not considered necessary to require a breeding bird survey as part of this submission.

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 consent 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 Consent is GRANTED subject to the conditions below.

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted (or other appropriate timescale).

Reason

In the interests of the long term health of the tree(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The works hereby authorised shall comply with British Standard 3998: 1989 – Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 16/11 – 19 APRIL 2011

App No.:	PK11/0792/F	Applicant:	Mr And Mrs Smith
Site:	18 Lawrence Close Kingswood Bristol South Gloucestershire BS15 4AH	Date Reg:	16th March 2011
Proposal:	Erection of two storey and single storey rear extension to provide additional living accommodation.	Parish:	Siston Parish Council
Map Ref:	366362 175020	Ward:	Siston
Application Category:	Householder	Target Date:	9th May 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on 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 two-storey and single storey rear extension at 18 Lawrence Close, Kingswood.
- 1.2 The bulk of the main two-storey element of the extension would have a depth out from the main rear wall of the dwelling of 3.5 metres and the single storey element would have the same depth. A smaller two storey rear extension is also proposed with a depth of 1.4 metres.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Core Strategy – Submission Draft December 2010
CS1 High Quality Design

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

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 None Relevant

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
No response received

Other Representations

- 4.2 Local Residents
One letter of objection has been received from a neighbouring resident. A summary of the key points of concern raised is as follows:
 - The objection is based on the size of the extension
 - The extension is out of proportion and out of character compared to the existing building

- The extension at 3.5 metres depth would have an overshadowing and overbearing impact on the neighbour property
- The extension is planned to come out 3.5 metres – that is 1.37 metres further than the existing kitchen protrusion
- The neighbours lounge will be come darker – loss of sunlight and daylight
- The patio (which is currently a sun trap) will loose light and become overshadowed
- The decking platform will not have the amount of sun it currently enjoys and will be overlooked with a loss of privacy
- Loss of privacy when using the hot tub
- The plans show a ground floor window facing the neighbour property which will take away privacy to the lounge and bedroom.
- Smoke from someone smoking would be directed towards the neighbours patio and bedroom
- The satellite dish would be interfered with
- Clips the 45 degree rule
- The letter is accompanied by a series of annotated photographs

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 existing dwelling is constructed of Bradstone and it has an existing rear gable projection. The proposal is to increase the depth of this existing rear gable by 1.4 metres, to erect a new rear gable with a depth of 3.5 metres next to the existing gable and then to attach a lean-to single storey extension to the side of this new gable.

5.3 Whilst it is not disputed that the proposed additional rear gable will significantly alter the design of the rear elevation of the dwelling, through the use of appropriate materials, it will integrate successfully with the existing building. The proposed extensions are all contained to the rear of the dwelling where they will not be readily visible from the highway or the public realm.

5.4 The extensions are of suitable size in comparison to the bulk of the main dwelling and are suitably subservient to it. 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. It is considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.5 Residential Amenity

- It is noted that the resident of the attached property is very concerned about the impact of the proposed extensions on their existing level of residential amenity – particularly by means of loss of privacy, overshadowing and overbearing.
- 5.6 The attached dwelling (No. 20) is set at a slightly higher ground level than the application property. The floor level of No. 20 is approximately 1 metre higher than the floor level in the application property. The garden dividing the two properties is separated by a garden fence, which has a height of approximately 2 metres adjacent to the dwelling. The height of the fence then reduces to approximately 1.5 metres along the length of the garden with trellis and vegetation above.
- 5.7 The proposed two-storey extension would have a maximum depth out from the main rear wall of the existing dwelling of 3.5 metres. The two-storey element of the proposal would be 2.6 metres away from the boundary with the attached dwelling. The proposed 2 storey extension would project 1.37 metres further into the garden than the existing rear gable. Given that the two storey extension would be set well away from the boundary with the neighbours property, given that it would project only 1.37 metres further than the existing rear gable, and given that the neighbours dwelling is at a slightly higher level, it is not considered that the two storey element of the proposal would result in any greater level of overshadowing, loss of light or overbearing on the neighbouring properties sufficient to warrant the refusal of the application.
- 5.8 The single storey extension would have a depth of 3.5 metres and would be just over 1 metre away from the boundary with the attached dwelling. The eaves height of the proposed single storey dwelling would not be visible from the ground floor windows in the rear of the attached dwelling due to the existing boundary treatment and ground levels changes in place. Only a very small section of the roof of the single storey element would be visible from the ground floor windows in the attached dwelling. Given that the neighbours dwelling is at a slightly higher level, it is not considered that the single storey element of the proposal would result in any greater level of overshadowing, loss of light or overbearing on the neighbouring properties sufficient to warrant the refusal of the application.
- 5.9 No new windows are proposed in the side elevations of the extensions that would result in any direct overlooking of the neighbours gardens. A condition will be attached to any consent granted to ensure that no new windows are inserted in the future. Whilst the single storey extension does include a roof light, as the roof light will be in the ceiling, occupants of the extension will not get any direct views out of this window into the neighbours garden or windows that could be obtained from standing in the garden.
- 5.10 Whilst of course the windows in the rear elevation of the extension will face out over the applicants and the neighbours gardens, this is the same situation as already exists. Moving the windows 3.5 metres out further into the garden will not allow for any significantly increased levels of overlooking or loss of privacy than currently exist.

5.11 Due the degree of separation between the application site and the detached neighbour No. 16, and given that the rear of No. 16 is angled away from the application site, it is not considered that the proposal will have any detrimental impact upon the amenities of No. 16.

5.12 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.

5.13 Other Issues

The neighbours letter makes reference to the 45 degree rule. This is not a rule that is adopted by South Gloucestershire Council.

Any issues over impact on satellite dish reception are separate civil issues that would need to be addressed outside of the planning system

6. CONCLUSION

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

6.2 The proposed extensions are 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, overshadowing or overbearing impact.

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: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the first floor of the side elevations of the property.

Reason

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

CIRCULATED SCHEDULE NO. 16/11 – 19 APRIL 2011

App No.:	PK11/0836/CLE	Applicant:	Ms Clare Perriton, Addiction Recovery Agency
Site:	1 Hurstwood Road Downend South Gloucestershire BS16 5EG	Date Reg:	22nd March 2011
Proposal:	Application for Certificate of Lawfulness for an existing use of property as dwelling house (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364567 176469	Ward:	Downend
Application Category:	Minor	Target Date:	12th May 2011



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 100023410, 2008. **N.T.S.** **PK11/0836/CLE**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawfulness and is therefore reported on the Circulated Schedule in line with standard procedure.

1. THE PROPOSAL

- 1.1 The application seeks to prove that No. 1 Hurstwood Road has been in C3 residential use for the last four years and that this is therefore the lawful use of the dwelling and its garden.
- 1.2 The planning history shows that planning permission was approved in 2002 for the change of use of this dwellinghouse (Class C3) to a residential care home (C2), together with the erection of a two storey side extension. It is contended that this planning permission was not implemented and that from 2003 the building has been in use by the Addiction Recovery Agency, but in its capacity as a single dwellinghouse. A commentary on the application states that from 1991 to November 2002 Mr Oograh used the property to provide accommodation for older people and that since 2003 ARA have provided treatment services to the occupants. The shared property is for 5 people.
- 1.3 The evidence submitted in support of this claim is summarised below:
 1. Letter from Mr Oograh, who claims to be the owner of the property and leased it to South Gloucestershire Council from 3 March 2003 to 3 March 2008. A management agreement was set up over this period to use the property with the Addiction Recovery Agency (ARA). Since 3 March 2008, Mr Oograh has been leasing the property directly to the ARA. Prior to this (2003) the property has been used to accommodate older people. Planning permission ref. no. PK02/2892/F was not implemented. There has been no break in the use of the property as a dwellinghouse.
 2. Bristol City Council's Supporting People Review Officer wrote a letter to explain that ARA are currently contracted by Supporting People to provide housing related support services to vulnerable people with drug and/or alcohol problems at this site since April 2008 and the property is a shared supported housing scheme.
 3. SGC Community Care and Housing Department sent a letter to explain that it has contracted for a housing related support service since the start of the Supporting People programme in April 2003 until March 2008. Each client occupied their own bedroom, but shared the dwelling and were charged rent and service charges by ARA. At that time they understood that this site was classified as a House in Multiple Occupation and due to the number of occupants, planning permission was not required as the use was within Use Class C3.

2. POLICY CONTEXT

- 2.1 Because the application is for a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration. The applicant need only prove that on the balance of

probabilities the use has subsisted for at least 4 years prior to the date of this application.

3. RELEVANT PLANNING HISTORY

- 3.1 PK01/1723/F Change of use from dwellinghouse (C3) to residential care home (C2) and erection of two storey side extension Refused
- 3.2 PK02/2982/F Change of use from dwellinghouse (C3) to residential care home (C2) and erection of two storey side extension Approved

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection.
- 4.2 Other Consultees [including internal consultees of the Council]
Council Tax confirmed that the property has paid domestic council tax (rather than business rates) since 17 March 2003, i.e. including the last four years.

Electoral roll confirmed that over the last 3 years, for the most part nobody at this property has been included on the electoral roll, but currently there is one person listed at this address.

Other Representations

- 4.3 Local Residents
No replies received.

5. ANALYSIS OF PROPOSAL

- 5.1 Circular 10/97 makes it clear that the onus of proof is on the applicant, but that in determining applications for a Certificate of Lawfulness, the relevant test of the evidence is “the balance of probability” and not the more onerous criminal burden of proof, namely “beyond reasonable doubt”. Thus, the Council must decide whether it is more probable than not that the submitted evidence shows that the use has continued for the 4 year period in question. The main issues in the determination of this application are as set out under the headings below.
- 5.2 Use prior to 2003
The available evidence is considered to point to the site being used before 2003 to accommodate older people, since there is no evidence to contradict Mr Oograh’s statement at 1.3.1 above. However there is no detail as to how the older people were accommodated. This is not considered to amount to conclusive proof of the use of the building and site as a whole prior to 2003. The test still remains to be proved under the four year rule beyond that date, however. On 28 November 2002 planning permission was approved for an extension and the change of use to a residential care home. The site visit provided the evidence that, if the extension was built, there is no trace of it now. This however is not proof of the change of use having taken place or not.
- 5.3 Use from 2003 to 2008
The evidence between 2003 and 2008 is considered to point towards the site being used for the supported living for an unspecified number of people, but

each having his/ her own bedroom and sharing communal facilities as detailed at 1.3.3 above. From this evidence, with nothing submitted to contradict it, it would appear that the house was used as a 'family' dwelling (albeit without related residents) for a five year period and that after four years, in March 2007, if a change of use had occurred which is unknown, the use of the site as a single dwelling became lawful. In corroboration with this, at 4.2 above, it shows that Council Tax and not business rates have been paid for the property.

5.4 Any change since 2008

If any change of use from what is considered in the previous paragraph to be the lawful position occurred since 2007 it would not become lawful until it had subsisted for 10 years (the 4 year rule only applies to a residential use) and there has not been adequate time for such a change of use to become lawful. Therefore, as a matter of fact, the last lawful use, either by dint of no change or through the expiration of four years of that use, is considered to be residential. The remaining issue is whether it was a house in multiple occupation or not.

5.5 Use Class: C3 or House in Multiple Occupation?

In this case, the issue is the number of occupants. The relevant period has been determined above to be March 2003 to March 2007, for if there was a change of use, the applicants have succeeded in proving that period of lawful use as a single dwelling. Available electoral roll records only date from 2008 and therefore are not considered to assist in answering the question. In the absence of the necessary specific detail, or any corroborative evidence which can be gleaned from the Council's records, the plans submitted with the previous planning application, at 3.2 above have to be relied on. These show one bedroom on the ground floor and four on the first floor, giving a total of five bedrooms. The evidence at 3.3 above makes clear that each bedroom had single occupancy and therefore the maximum number of people living, as a family, in the dwelling is considered to be, more probably than not, 5 people. Over the time period from March 2003 to March 2007, 5 people living together as a family would not have constituted a House in Multiple Occupation and therefore it is considered that over the period in question, the use of the site was as a single dwelling.

6. **CONCLUSION**

6.1 The Council must decide whether it is more probable than not that the submitted evidence shows that the use has continued for the 4 year period in question. In this instance, taking account of the analysis above, it is considered to be more probable than not that the lawful use of the site is as a dwelling house. Furthermore the available evidence of the occupancy of the bedrooms and the number of them leads to the conclusion that it is more probable than not that the house was in use as a single dwelling, rather than a House in Multiple Occupation.

7. **RECOMMENDATION**

7.1 That a Certificate of Lawfulness is granted to the effect that the lawful use of the site is accepted to be a single dwellinghouse (Class C3).

Contact Officer: Chris Gosling
Tel. No. 01454 863787

The applicant has shown that it is more probable than not that the residential use of this site within Class C3 has continued for more than 4 years up to the submission of this application.