



**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. 04/11

Date to Members: 28/01/11

Member's Deadline: 03/02/11 (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 your request, please contact 01454 863518, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

CIRCULATED SCHEDULE – 28 JANUARY 2011

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/2682/F	Approve with Conditions	Unit 3 Bridge Road Industrial Estate Bridge Road Kingswood I South Gloucestershire BS15 4TA	Rodway	None
2	PK10/3224/CLP	Refusal	50 Oakdale Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
3	PK10/3428/CLE	Approve with Conditions	Tog Hill House Farm Freezing Hill Lane Cold Ashton South Gloucestershire BS30 5RT	Boyd Valley	Doynton Parish Council
4	PK10/3495/F	Approve with Conditions	16 Isleys Court Longwell Green South Gloucestershire BS30 7DR	Longwell Green	Oldland Parish Council
5	PT10/3094/F	Approve with Conditions	Fuchsia Cottage Bristol Road Hambrook South Gloucestershire BS16 1SE	Winterbourne	Winterbourne Parish Council
6	PT10/3277/ADV	Approve with Conditions	Plot 1000 Severnside Distribution Park Severn Beach I South Gloucestershire BS35 4GG	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
7	PT10/3285/CLP	Approve with Conditions	Plot 1000 Severnside Distribution Park Severn Beach South Gloucestershire BS35 4GG	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
8	PT10/3387/F	Approve with Conditions	Stanley Cottages 7 The Down Alveston South Gloucestershire BS35 3PH	Thornbury South And	Alveston Parish Council
9	PT10/3432/R3F	Deemed Consent	Hambrook Cp School Moored Road Hambrook South Gloucestershire BS16 1SJ	Winterbourne	Winterbourne Parish Council
10	PT10/3433/LB	Approve with Conditions	Hambrook Cp School Moored Road Hambrook South Gloucestershire BS16 1SJ	Winterbourne	Winterbourne Parish Council
11	PT10/3465/CLP	Approve with Conditions	36 Boundary Road Coalpit Heath South Gloucestershire BS36 2PU	Frampton Cotterell	Frampton Cotterell Parish Council

CIRCULATED SCHEDULE NO. 04/11 – 28 JANUARY 2011

App No.:	PK10/2682/F	Applicant:	Vans 2 Go
Site:	Unit 3 Bridge Road Industrial Estate Bridge Road Kingswood South Gloucestershire	Date Reg:	14th October 2010
Proposal:	Change of use from Storage (Class B8) to Van Hire Garage (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Retrospective)	Parish:	None
Map Ref:	366091 175277	Ward:	Rodway
Application Category:	Minor	Target Date:	7th December 2010



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N.T.S.

PK10/2682/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The consultation process has resulted in both support for and objection to the proposal.

SUMMARY

The proposal involves the retention of a van hire business in part of a building within an industrial estate. Government guidance in PPS4 re-defines employment as economic activity. The recommendation turns on whether the pattern of development would be more sustainable or less sustainable with the van hire business in situ. It is considered that, on balance, the proposal accords with policy E4 in the adopted Local Plan and policy CS12 of the draft Core Strategy.

1. THE PROPOSAL

1.1 This application seeks retrospective planning permission for the change of use of part of a B8 storage building within a safeguarded employment area to a van hire depot. The building is single storey, but tall and divided into a number of units. The site forms the northwestern corner of the building and an area of car parking space adjacent to it. The whole building is currently surrounded by a large parking area. The site also includes the vehicular access from the site access on Bridge Road.

1.2 The surrounding units appear to be in various industrial uses. Across Bridge Road from the site are further industrial units. To the west of the site, however, lies a two storey children's nursery building and grounds.

1.3 The applicants have put forward the following statement in support of their case:

The application relates to a change of use from B8 to Van Hire Garage (*sui generis*). The Applicants had previously occupied a rural unit and this being deemed unsuitable, actively sought alternative premises.

The decision to relocate to Kingswood enabled the business to locate close to many of their existing business users, some of whom trade on the same Industrial Estate.

Whilst being dependent on motor vehicles, the success of the business proves that it fulfills an economic need within the community. In accepting this need, it is necessary to demonstrate how this location enables the business to be more sustainable than other locations.

In general the actual business aides sustainability by individuals and industry as it :

- Allows sharing of a single vehicle between multiple end users
- Provides an opportunity to hire a larger vehicle to minimise the no. of vehicle movements otherwise required (*private users would otherwise have access to a motor car and may use this for multiple journeys as an alternative*)

Provides business the opportunity to hire a smaller vehicle rather than unnecessarily use their owned larger vehicle (*some business users own HGV's although use for small loads would be unviable by this method and / or may otherwise acquire additional vehicles to cope with the just in case scenario*).

Owing to the hiring cost, discourages unnecessary use of the vehicle (*it is a less convenient method of use*)

The nature of the business is that vehicles will be dispatched and be returned to a central site. In strategically selecting a site that is central to a population, adjacent to business users, close to a main trunk road and accessible by public transport, provides opportunities for users to walk, car share or use public transport, to access the services. In the event that clients, elect to use a private car to attend, the business is situated adjacent to a main transport route ensuring that access is quick and free moving, avoiding issues arising from traffic congestion which would arise from sites situated on lower classification highways or within built up areas.

The business does not generate substantial amounts of waste which could usually arise from a B8 storage and distribution operation, such as packaging, pallets etc. This is therefore considered preferable to the existing planning consent.

The building that is being rented has been unoccupied. There are other vacant units on the site and substantial, increasing amounts of unlet commercial premises. Long term vacancy can lead to building dilapidation, dereliction, vandalism and security issues making the site visually less attractive and creating safety and crime issues, all to the detriment of the surrounding residential population. It is preferable to ensure that a building is occupied to avoid these issues. The business is not displacing a B8 use.

The occupation of a building will be subject to a business rate liability, providing income to the local economy.

The business has grown to provide income for two full time staff at the premises for the majority of the working day and with the prospects of additional employment, arising with regard to administration and cleaning requirements. This may include part time or weekend jobs for the young. It is considered that this is a higher employment ratio per occupied space than would be created with a voluminous B8 use where the only requirement may be a store keeper and if a remote user, only then on an infrequent basis. The employment opportunities are therefore considered to be higher and therefore preferable, to the existing authorised use.

The business enjoys a symbiotic relationship with neighbouring occupiers, providing services to them to ensure the viability of their own enterprise, which in turn supports employment prospects offered by them.

The business further consumes other services, particularly with regard to fuel and repairs and this helps to sustain other local businesses and employment opportunity. It additionally has the potential to bring non-locals to the site, expanding the market for other services and provision within the immediate environment.

Being a young business developed during the recession, the business has invested heavily in vehicles and advertising, the two sectors having been some of the worst hit by the economic downturn.

There are no physical changes required to make the building suitable for the proposed use. This avoids the unnecessary consumption of building materials that may otherwise be required to facilitate this use elsewhere or adapt these premises for an alternative user. The absence of any alteration ensures that the impact on the surrounding environment is minimal and is more sustainable than other solutions requiring construction work.

The business operates to primarily office hours which is considered preferable to distribution enterprises that may be more unsociable. The use could therefore be considered preferable than the existing authorised use.

The business has an active vehicle replacement programme to ensure that the fleet is reliable. As technology develops, there will be continued improvement in sustainability with more fuel efficient vehicles. The business has the potential to improve its carbon footprint much quicker than other businesses where fixed equipment is replaced much less regularly.

It is therefore considered that as the proposed use will occupy an otherwise vacant building and has preferable employment opportunity to the existing consented use in addition to providing a service to neighbouring businesses within the site, there is no detriment to the proposal affecting the protected site.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS4 Sustainable Economic Development – EC11
PPG13 Transportation

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
E4 Safeguarded Employment Land
T7 Cycle parking
T8 Parking Standards
T12 Highway Safety

South Gloucestershire Core Strategy (draft)

CS12 Areas Safeguarded for Economic Development

3. **RELEVANT PLANNING HISTORY**

- 3.1 K287/1 Extension to existing works and construction of new access from Bridge Road Approved 1975
- 3.2 K287/9 Extension to existing works Approved 1982

4. **CONSULTATION RESPONSES**

- 4.1 Parish/Town Council
Unparished area

- 4.2 Other Consultees (including internal consultees of the Council)
Sustainable Transportation

The application site sits in the middle of an existing industrial estate. The existing access would be used in association with the new development and this access is considered acceptable. In traffic terms, the proposed change of use would not alter significantly the level or the nature of traffic movements to and from the site compared to the extant use on the site and hence, this would not increase road safety at this location.

In view of the above therefore, there are no highway objections to this proposal.

Other Representations

- 4.3 Local Residents

Six letters were received in response to consultation. Three were in support of the proposal and three against it.

The supporting comments are as follows:

- The location is good for a car hire business, close to the ring road, bus routes and local amenities
- The business is of economic benefit to existing businesses on the estate
- The change of use has not led to any increase in traffic

The objections are as follows:

- The applicants should have known to apply for permission prior to the change of use and the application has been submitted late
- A condition should be added if permission is approved to ensure that dirt and grease from cleaning vehicles is not washed down into the drainage system
- Concerns over traffic generation and its impact upon highway safety at the main site access in an area with HGV traffic turning on Bridge Road
- No hours of operation stated on the planning application – residential properties close by, including a day nursery
- If the company expands, more traffic movements will occur
- A main route to school runs past the site
- Tree removed to make space for a container to stand
- There is space for 5 vans, but the applicants have 20

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 policy which sets the context for this proposal, on a safeguarded employment site (No. 34 in the schedule to the policy) sets five criteria to be met for the proposal to be acceptable. These form the following five headings. The latest government guidance in this regard is Planning Policy statement 4. At EC11, this also sets matters to be analysed in the determination of planning applications. As stated in policy E4, the proposal must satisfy criterion A and B as well as one of C, D or E. Although van hire is sui generis, it is considered to be an employment generating use of land, although it is acknowledged that there are two employees working on site. The Core Strategy also sets four criteria to be met for development on Safeguarded Employment Areas. While the Core Strategy is at an early stage, it is informed by PPS4, whereas the Local Plan is not and it is a material consideration in the determination of planning applications.

5.2 E4 A: The Proposal would support and not prejudice the creation or retention of employment uses elsewhere within the defined employment area; and

This policy aim is echoed in policy CS12(1) of the draft Core Strategy. It is considered that the site is relatively small within the building and the safeguarded employment area. For this reason, the proposal is not considered to have a detrimental impact on the remainder of the site for employment/economic development purposes and therefore is considered to be in accordance with the adopted and emerging policy.

5.3 E4 B: No suitable provision has been made for the proposal elsewhere in the plan; and

Given that there are no specific policies which govern the location of van hire premises in the adopted Local Plan, it is considered that this criterion of the policy has been met. The proposal is therefore considered to be in accordance with the adopted policy. Since this policy aim is echoed in policy CS12(4) of the draft Core Strategy, the proposal is also considered to meet the emerging policy requirement.

Having met the policy criteria which have to be satisfied, the proposal, in terms of policy E4 also needs to satisfy one of the following three criteria:

5.4 E4 C: The site can no longer offer accommodation for employment purposes; or

No such claim has been made with this application and it is considered that the site, as with the other units within the building is capable of providing accommodation for employment purposes. Therefore it is considered that this criterion has not been satisfied.

5.5 E4 D: The proposal would lead to a more sustainable pattern of development; or

This policy aim is echoed in policy CS12(2) of the draft Core Strategy and therefore the analysis considers these policies at the same time. No details have been submitted by the applicants in regard to this issue. The consultation process has revealed that one local firm has used the services of the van hire company. It is acknowledged that having some limited uses in this employment area which can complement the existing uses would enhance the sustainability of the area as a whole, through reducing the need to travel to access the services. Whether this leads to a 'more sustainable pattern of development' is considered to be hard to prove when considering one small land use, in the absence of more information. On balance, taking into account the case that the appellants have made at 1.3 above, it is considered that on balance the proposed retention of this use would lead to a more sustainable pattern of development, particularly due to the relationship between the site and the surrounding land uses, which is considered to be fairly complementary.

5.6 E4 E: The proposal would provide a significant improvement to the amenities of neighbouring residential occupiers

This proposal is not considered to lead to any substantial benefit to residential amenity on the basis that the site lies within and not at the edge of an industrial area. The nearest dwellings to the site are considered to be too far away (particularly in the context of the surroundings of the site) for any one to be a better 'neighbour' than another within the authorised possible uses for the site. The impact upon the nearby day nursery is considered to be minimal, in comparison with the classes of use which would be possible under the B use classes which would be expected to be found on an industrial estate. It is not considered that the proposal would lead to any improvement in the amenity of neighbouring residential occupiers and this criterion of the policy has therefore not been met.

5.7 CS12: Safeguarded Areas for Economic Development

This policy appears in the draft Core Strategy and defines the site as part of an economic development area. As covered above, the proposal is considered to represent economic development and therefore stands to be assessed against the following four criteria of the policy:

1. The proposal would not prejudice the regeneration and retention of B Use Classes elsewhere within the defined employment area; and

This proposal would clearly involve the loss of land to be used for B use classes as it would result in the change of use of some of that land to a sui generis use. No additional land is being offered within the defined employment area to compensate for this loss of B class land. In the supporting statement at 1.3 above, it is noted that there are other units within the building which are empty. The change of use has already occurred, and involved 6% of the floorspace of the building as a whole. The change of use is not considered to have resulted in any changes to the building which would preclude a return to a B use class. The agent reports that there are no other businesses under a B use class within the building with an unmet requirement to expand. There is some vacant space within the building at present. The agent points out that the availability of the van hire business locally may attract further B class uses to the building and that higher occupation of the site as a whole would be more

attractive to businesses interested in relocating there, which would result in regeneration of the employment area. The applicants also offer a condition to secure a future B class use on their eventual departure from this site. It is considered that this would be best achieved through a temporary permission and a condition is suggested below which would limit the use of the site to a van hire (sui generis) use for a period of three years. The situation could thereafter be reassessed.

5.8 2. It can be demonstrated that it would contribute to a more sustainable pattern of development in the area as a consequence of the proposed use to the location; and

The supporting statement reproduced at 1.3 above states that moving the business to this site was in order to take it closer to its client base, from their previous rural location. Furthermore, it claims that the site performs a symbiotic relationship with the rest of the industrial estate. It is considered that this is a reasonable claim, given the breadth of uses within the building, let alone the wider estate. The site is also within the built up area, meaning that it is accessible to customers on foot and cycle and close to a bus route, the no. 7 which connects Station Road with Bristol city centre. The site itself is therefore considered to be sustainable and the contribution it makes to a more sustainable pattern of development is essentially through it providing a greater diversity of services locally. This diversity is considered to represent a finer grain of development which has shared benefits for the business in question and others locally.

5.9 3. The proposal would improve the number or range of jobs in the local area; and

In the applicants' statement at 1.3 above, it states that the two current jobs on site could be expanded and that the proposed use is more employment-intensive than the previous, approved, B8 use. Since the B8 Use Class covers storage and distribution, it is considered that for a storage use the employment level required is generally low, but in terms of distribution (with the necessary drivers) the employment generation can be higher. The size of the site also needs to be taken into account and since this it is not particularly large, it is considered that the proposal would not necessarily be likely to improve the number of jobs unless further employment were to be generated. With regard to the range of jobs in the local area it is considered that, as the local area consists of an industrial estate, which doesn't otherwise include van hire, the range of jobs would be enhanced by the proposal. It is therefore considered, on balance, that that proposal would satisfy this policy requirement.

5.10 4. No suitable provision for the proposal has been made elsewhere in the Local Development Framework

The land use applied for is sui generis. On the face of it, under the adopted Local Plan, it is not an employment generating use and no particular areas have been earmarked for sui generis uses. The draft Core Strategy also has not allocated land for sui generis uses and therefore it is considered that this criterion of the policy has been met.

5.11 PPS4 Economic Development

At EC10, PPS4 sets 5 criteria to be met for all economic development:

a) whether the development has been planned over its lifetime to limit carbon dioxide emissions and avoid vulnerability to climate change.

This development would be a change of use and no information is available on its impact on CO2 emissions.

b) accessibility of the site by a choice of methods.

The site is located on the fringe of the urban area, within walking and cycling distance of many dwellings and close to a bus route.

c) High quality inclusive design to the benefit of the locality

This proposal is for a change of use and the design of the building plays only a small part. It would have to be accessible to disabled users under part M of the Building Regulations.

d) The impact on the economic and physical regeneration of the area

No details are available on this issue.

e) Impact on local employment

The application form states that two full time jobs are sustained under the current use. It is not known whether these jobs are of benefit locally, but it is considered likely that there would be a small benefit to the local economy generally as a result.

5.12 Other Issues

Issues raised through the consultation process which have not been covered above include the retrospective nature of the application. It has been assessed in terms of policy in the same way that prospective applications are and the fact that the business is already running makes no difference to the way that the application should be assessed. The issue of dealing with dirt and grease from cleaning vehicles is a matter for site management and is not considered to be a matter for the planning legislation to appropriately address. The hours of operation have been addressed in the relevant condition shown below and match those of the local area. The proximity to the day nursery is not considered to be particularly at issue as it is open during normal working hours, which would also be expected to be the core operating hours for the neighbouring industrial estate. The highways comments appear at 4.2 above. The overall traffic impact of the proposed change of use is considered to be similar to the impact if the authorised use were to be continued. There are footways on both sides of Bridge Road for use as a route to school and this proposal is not considered to compromise this.

With regard to the issue raised over the number of vans kept at the site and the potential growth of the company, the existing outdoor storage space is limited by the size of the site. It is possible that the company would outgrow the site, in which case any expansion on this site would require planning permission or the possibility of having to relocate elsewhere. The other issue raised was the loss of a tree within the site. No details are known about this, but given the nature of the change of use and the limited impact it is considered to have on visual amenity, it is not considered to be necessary to impose a condition requiring landscaping of the site.

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 proposal would retain a use which is considered to complement the uses of premises on the rest of the industrial estate which is located in a sustainable area. The proposal, taken alongside the provisions of PPS4 promoting economic activity is considered to accord with policy E4 of the adopted Local Plan, policy CS12 of the draft Core Strategy and the provisions of PPS4.
- 6.3 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

1. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 28 February 2014 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

The site is situated within land allocated in the Development Plan for safeguarded employment purposes and permission for a longer period would prejudice the implementation of the Plan.

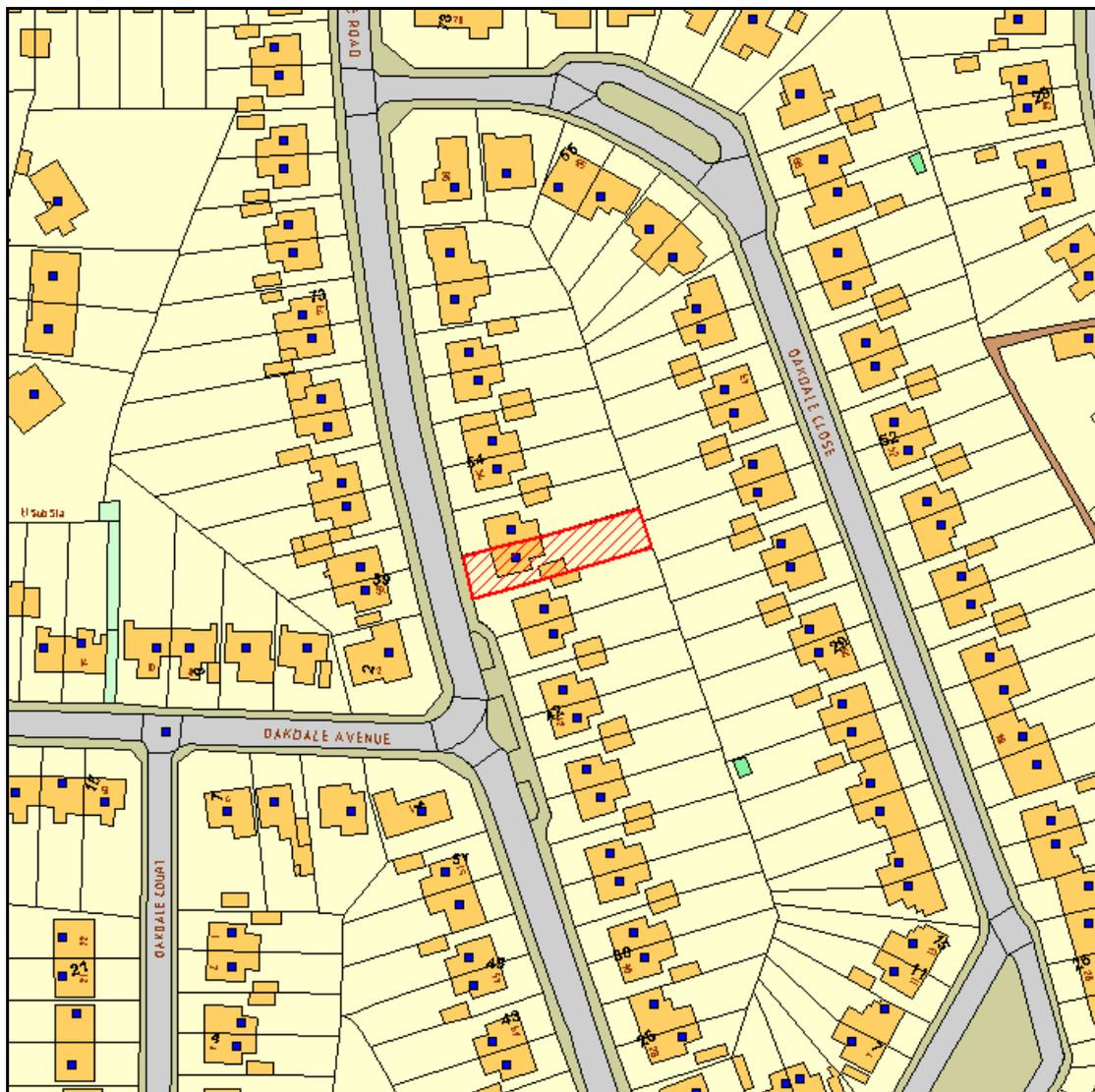
2. The site shall not be open to the public and no deliveries taken at or despatched from the site outside the following times 0700 to 1800 Mondays to Fridays and 0800 to 1400 on Saturdays nor at any time on Sunday or Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E4 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS12 of the draft Core Strategy.

CIRCULATED SCHEDULE NO. 04/11 – 28 JANUARY 2011

App No.:	PK10/3224/CLP	Applicant:	Mr S Dowding
Site:	50 Oakdale Road Downend South Gloucestershire BS16 6EA	Date Reg:	22nd December 2010
Proposal:	Application for a certificate of lawfulness for the proposed erection of a single storey rear extension to include the demolition and rebuilding of a garage	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365074 177598	Ward:	Downend
Application Category:	Minor	Target Date:	16th February 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the erection of a single storey side and rear extension to include the demolition and rebuilding of a garage at 50 Oakdale Road, Downend. The property is a two storey semi-detached dwelling and is located within the residential area of Downend.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 The applicant has confirmed that the garage would need to be demolished and rebuilt.

2. POLICY CONTEXT

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Parish Council
No objection.

Other Representations

- 4.2 Local Residents
One resident has objected to the size of the proposed extension and expressed concerns regarding its proximity and its potential affect on the amount of light entering their property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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

5.2 Single storey side and rear extension

This development would fall under the criteria of Schedule 2, Part 1, Class A of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The enlargement, improvement or other alteration of a dwelling-house). Developments which fail any of the following criteria would not be permitted:

Class A.1

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

The property has a substantial rear garden, consequently the proposed extension would not exceed 50% of the total area of the curtilage.

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

The maximum height of the proposed extension would be 3.7 metres, in comparison the main dwelling has a height to ridge of 7.6 metres. As such the proposal meets this criterion.

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

The entire proposal would sit lower than the eaves height of the main dwelling. The height to eaves of the proposed extension would reach 2.2 metres, and in comparison, the height to eaves of the main dwelling measures 5.2 metres.

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

(i) fronts a highway, and

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

The proposed extension would not extend beyond a wall which fronts a highway.

(e) The enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

The host dwelling is a semi-detached property. The proposed extension would be single storey and would extend a maximum of 6.4 metres in depth. Therefore, it does **not** accord with this criterion.

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

The proposed extension is single storey.

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

Whilst the proposed extension would be located within 2 metres of the boundary of the property, the extension would have a height to eaves of 2.2 metres.

(h) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would:

(i) Exceed 4 metres in height,

(ii) Have more than one storey, or

(iii) Have a width greater than half the width of the original dwelling house.

The proposed extension would be single storey and would have a maximum height of 3.7 metres. The proposal would extend 2.5 metres beyond the side elevation of the dwelling, in comparison the main dwelling measures 6 metres in width. As such the proposal meet this criterion.

(i) It would consist of or include—

(i) The construction or provision of a veranda, balcony or raised platform,

(ii) The installation, alteration or replacement of a microwave antenna,

(iii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(iv) An alteration to any part of the roof of the dwellinghouse.

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

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

Conditions

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

The proposed materials are sand and cement render which do not match the spar rendered exterior of the host dwellinghouse.

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

(i) obscure-glazed, and

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

The proposal does not include the installation of any upper floor windows.

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

The proposal is single storey.

5.3 Other matters

Although a letter of objection has been received, only objections regarding the validity of the application in relation to the legislation (Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England Order 2008) can be taken into account for this type of application.

6. CONCLUSION

6.1 It is considered that the proposal fails to comply with one of the categories of permitted development and also fails to comply with one of the conditions within the permitted development order.

7. RECOMMENDATION

7.1 That a certificate of Lawfulness for Proposed Development is **refused** for the following reasons:

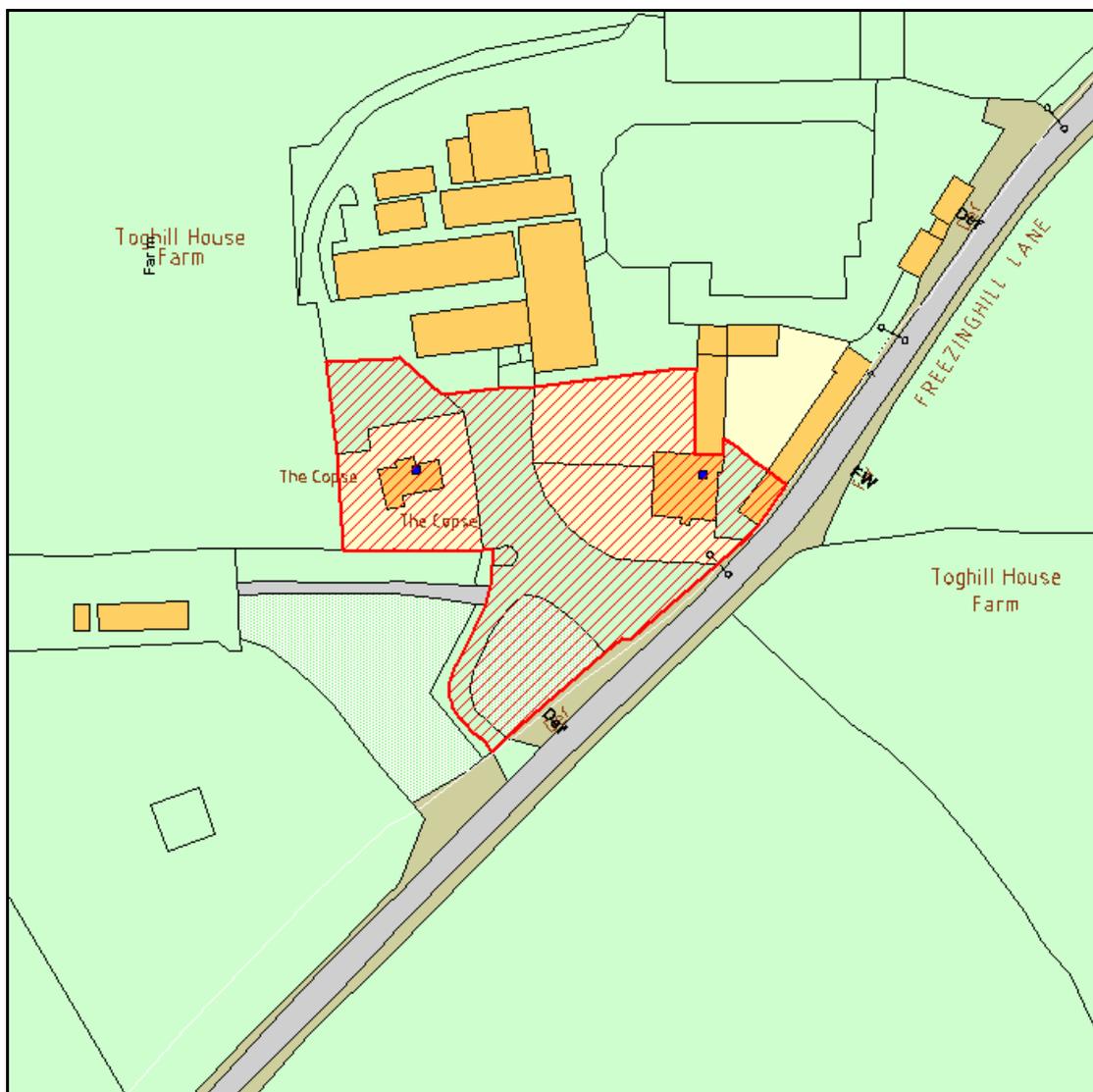
(a) The proposed extension would extend beyond the rear wall of the original dwellinghouse by more than 3 metres and as such the proposal does not comply with Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

(b) The proposal would not use materials to match those of the existing dwellinghouse and as such does not comply with the conditions within Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CIRCULATED SCHEDULE NO. 04/11 – 28 JANUARY 2011

App No.:	PK10/3428/CLE	Applicant:	Mr D Bishop
Site:	Tog Hill House Farm Freezing Hill Lane Cold Ashton South Gloucestershire	Date Reg:	17th December 2010
Proposal:	Application for Certificate of Lawfulness for existing use as residential without compliance with agricultural occupancy conditions 2 and 3 attached to planning permission P88/1480.	Parish:	Doynton Parish Council
Map Ref:	373066 172504	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	9th February 2011



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 100023410, 2008. **N.T.S.** **PK10/3428/CLE**

REASON FOR REPORTING TO COMMITTEE/CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This is an application for a Certificate of Lawfulness to ascertain whether The Copse and Toghill Farmhouse have both been occupied by persons not solely or mainly employed or last employed in agriculture or forestry including any dependants of such a person residing with him or her or widow or widower of such a person in non compliance with conditions 2 and 3 of planning permission P88/1480 for more than 10 years from the date of this application.
- 1.2 The application site is situated on the edge of Tog Hill just south of the A420 between Wick and Cold Ashton. The site is bounded by open fields leading to the Tog Hill escarpment to the west, open fields to the south, fields leading to the A420 to the north and vehicular access onto Freezing Hill Lane to the east. The site comprises a large farm unit with a cluster of agricultural buildings to the north, the main farmhouse which is Grade II Listed on the east side and The copse a modern detached dwelling with agricultural tie towards the south west and access onto the highway at the southern edge.

2. POLICY CONTEXT

- 2.1 Circular 10/97: Enforcing Planning Control: Legislative Provisions and Procedural Requirements.

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|----------|--|
| 3.1 | P87/1829 | Erection of agricultural workers dwelling (Outline)
Approved in outline 26.08.1987 |
| 3.2 | P88/1480 | Erection of agricultural workers dwelling
Full permission 01.06.1988 |
| 3.3 | P89/1145 | Conversion of existing redundant barn to provide 4 tourist accommodation units; construction of new vehicular access.
Approved 26.07.1990 |
| 3.4 | P98/4078 | Conversion of part of barn to self-contained unit for holiday purposes and/or by staff employed at Toghill House Farm
Approved 06.04.1996 |
| 3.5 | P98/4080 | Erection of 13 self-catering holiday units (Outline) |

4. CONSULTATION RESPONSES

4.1 Doynton Parish Council

The Parish Council appreciate that the main farming enterprise at this farm has ceased, but wish to object to this application as they feel that the removal of any agricultural tie sets a precedent which could lead to sequential construction of a dwelling under a tie, the removal of said tie and the disposal of the house followed by further development.

4.2 Other Consultees [including internal consultees of the Council]

Landscape Officer – No objection
Public RoW Officer - No objection
Conservation Officer – No objection

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

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

Statutory declaration from David Bishop (Owner of Toghill House Farm) - in which he states the following:

- He has owned the dwellings, buildings and land known as Toghill Farm House since 1975.
- Submitted application P87/1829 which was approved in May 1987
- Full application P88/1480 was submitted and approved in March 1988
- The agricultural dwelling was erected in 1988/89 and was available for occupation in Summer of 1989
- In 1989 the farmhouse was being used mainly as a hotel
- A further 4 self contained accommodation units were provided in 1990 by conversion of an outbuilding
- The blockwork and steel framed buildings were let as do it yourself commercial units, pottery, storage, offices, stabling.
- In Dec 2000 agricultural uses related to sheep rearing and grazing for family horses, buildings not used for tourist accommodation, stabling or storage were let as commercial premises.
- From, the implementation of the planning permission (Summer 1989) to the present day Tog Hill Farmhouse has not been occupied in accordance with condition 3 of P88/1480, the house has been used in the main as a hotel and the main income to Mr Bishop has not been from agriculture.
- Since 1998 no member of Mr Bishop's family have derived income from agriculture.
- Since 1998 Mr Bishop has been employed in livery, commercial lettings ands tourist accommodation

- Between 1990 and 2000 The Copse was let to persons who to the best of his knowledge had no association with agriculture.
- Mr and Mrs Matheson became tenants of The Copse on 02.09.2000 and resided until 01.12.2009.
- Karina Pearce took up tenancy of The Copse on 02.12.2009 to present
- For a period of in excess of 10 years from the date of this submission The Copse and the Farmhouse have not been occupied in accordance with conditions 2 and 3 of P88/1480.

Copy of planning permission P88/1480

Plans - showing the ground, first and second floor of the Farmhouse and self-contained accommodation

Copy of accounts - for the period between Dec 2000 and March 2003 and letter from accountants Person May covering income from April 2003 to present.

Copy Of tenancy agreement – for Mr and Mrs Matheson dated 02.09.00

Letter from James Matheson – stating the he and his wife were not employed in agriculture during their occupation of The Copse to 01.12.2009

Copy Of tenancy agreement – form Mrs Karina Pearce dated 02.12.09

Letter from Karina Pearce – stating she is not currently, nor has she last been employed in agriculture.

5.2 The Relevant Test of the Submitted Evidence

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 10 year period in question.

6. SUMMARY OF CONTRARY EVIDENCE

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

7. EVALUATION

7.1 The evidence submitted shows that The Copse has been occupied for a continuous period of 10 years to the date of this application by persons who claim not be have been employed in agriculture or forestry.

7.2 The evidence submitted shows that the Farmhouse has been occupied by Mr Bishop for a continuous period of 10 years to the date of this application and that he has been mainly employed and derived income for this period from means other than agriculture.

8. CONCLUSION

8.1 There is considered to be significant and compelling evidence weighing in favour of the applicant's claim and no contradictory evidence has been received. Having assessed the evidence provided, it is considered that the applicant has shown that it is more probable than not that The Copse and Toghill Farmhouse have both been occupied by persons not solely or mainly employed or last employed in agriculture or forestry including any dependants of such a person residing with him or her or widow or widower of such a person in non compliance with conditions 2 and 3 of planning permission P88/1480 for more than 10 years from the date of this application. Therefore it is considered that the Certificate should be issued.

9. RECOMMENDATION

9.1 That the Council issue the Certificate of Lawfulness with a description as stated above.

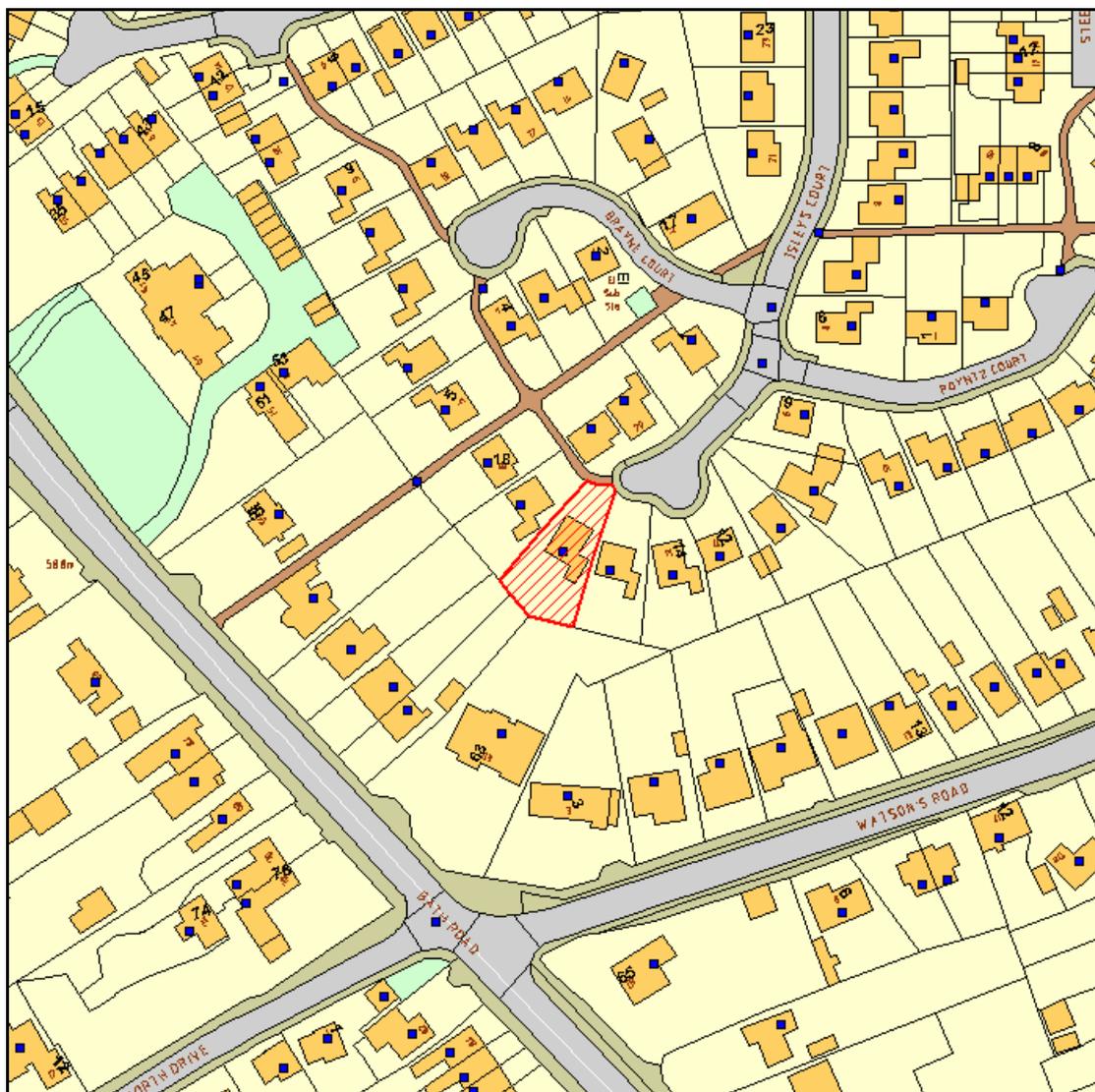
Contact Officer: Sean Herbert
Tel. No. 01454 863056

REASON(S)

1. The applicant has shown that it is more probable than not that the dwelling named as The Copse on the submitted block plan received 10.12.2010 and Toghill Farmhouse have both been occupied by persons not solely or mainly employed or last employed in agriculture or forestry including any dependants of such a person residing with him or her or widow or widower of such a person in non compliance with conditions 2 and 3 of planning permission P88/1480 for more than 10 years from the date of this application.

CIRCULATED SCHEDULE NO. 04/11 – 28 JANUARY 2011

App No.:	PK10/3495/F	Applicant:	Mr And Mrs Doyle
Site:	16 Isleys Court Longwell Green South Gloucestershire BS30 7DR	Date Reg:	20th December 2010
Proposal:	Erection of first floor rear extension to provide additional living accommodation.	Parish:	Oldland Parish Council
Map Ref:	365674 171327	Ward:	Longwell Green
Application Category:	Householder	Target Date:	15th February 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The application site is situated towards the east side of Longwell Green west of Bath Road. The site is bounded by residential development fronting Isleys Court to the north and south and residential development fronting Bath Road to the west with vehicular access onto Isleys Court to the east. The site comprises a modern detached two storey dwelling with single garage attached to the side and single storey rear extension.

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

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

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

H4 Development within Existing Residential Curtilages

South Gloucestershire Core Strategy – Submission Draft December 2010

CS1 High Quality Design

2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

3.1 P92/4349 Single storey rear extension (Previous ID: K7228)
Approved 10.07.1992

3.2 P93/4037 Retention of pitched roof over previous flat roofed garage/utility room (Previous ID: K7228/1)
Approved 19.02.1993

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

No objection.

4.2 Other Consultees [including internal consultees of the Council]

None.

Other Representations

4.3 Local Residents

One letter of objection received from a local resident raising the following concerns:

Additional surface water will cause damage to Palm trees at the rear of 61 Bath Road which cannot cope with excess water, as the soakaway is very near to the trees; extension would result in a massive and disproportionately sized house inconsistent with other houses in the locality; loss of privacy to the rear windows of houses fronting Bath Road from first floor windows of the extension.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.

The South Gloucestershire Core Strategy Pre-Submission Publication Draft was issued March 2010 and the consultation period expired on 06.08.2010. The Council's response to the representations received was considered at the Council's Cabinet meeting on 13 December 2010 and at the Full Council meeting on 15 December 2010 and the proposed changes to the Core Strategy agreed by Full Council have now been published. The South Gloucestershire Core Strategy Submission Draft was published December 2010. Whilst this document is a material consideration in the determination of planning applications, it cannot be afforded significant weight at this stage.

5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling is situated within a modern suburban residential context. The dwelling the subject of this application is a two storey detached dwelling. The proposed extension at the rear of the dwelling would be barely visible from public vantage points. The extension would be at first floor only with subservient appearance, reduced ridge height to that of the original dwelling. The design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

5.3 Residential Amenity

Adequate rear amenity space to the property would be retained following the erection of the proposed extension. With regard to neighbouring properties, the neighbour to the north (no.17) would be situated 8m from the extension and screened by their existing garage, no.17 is also situated at a higher ground level than the proposal. The extension would be situated 6m from no.15 and screened by the garage of no.16 at the side of the dwelling. As such the proposed extension would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development.

A neighbour raised concern that the proposal would result in a loss of privacy to the rear windows of the dwellings fronting Bath Road. The extension would be some 40m from the rear elevation of the nearest dwelling fronting Bath Road (no.59). This significant distance would ensure no material loss of privacy to these residents.

5.4 Other issues

A neighbour raised concern that the proposal could result in damage to Palm trees at the rear of 61 Bath Road through excess water from the soakaways within the application site. The proposal is for a first floor extension only covering a no greater roof area than that existing. As such the proposal would result in no more surface water being disposed of than the existing situation. Therefore the proposal would create no additional issues in this respect.

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 H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

b) It has been assessed that the proposed extension has been designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.

7. RECOMMENDATION

7.1 Consent is GRANTED subject to the conditions 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. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 04/11 – 28 JANUARY 2011

App No.:	PT10/3094/F	Applicant:	Miss Sarah Segesdy
Site:	Fuchsia Cottage Bristol Road Hambrook South Gloucestershire	Date Reg:	25th November 2010
Proposal:	Erection of single storey rear extension to form additional living accommodation.	Parish:	Winterbourne Parish Council
Map Ref:	364558 179440	Ward:	Winterbourne
Application Category:	Householder	Target Date:	15th February 2011



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 100023410, 2008. **N.T.S.** **PT10/3094/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because objections have been received from neighbouring occupiers and the Parish Council contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey rear extension.
- 1.2 The application site comprises a two-storey semi detached cottage situated on the eastern side of Bristol Road within the open Green Belt and outside the defined settlement boundary. The host and neighbouring properties are set down from Bristol Road; pedestrian access is from Bristol Road, whilst vehicular access is via Moorend Lane to the rear of the property.
- 1.3 The site location plan implies identifies an unusual curtilage, which covers land directly to the rear of the adjoining property. An existing rear extension would be extended onto this area of ground to provide a downstairs bathroom.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belts
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
H4 Residential Development within Existing Residential Curtilages
GB1 Development within the Green Belt
- 2.3 The South Gloucestershire Core Strategy Submission Draft Proposed Changes (December 2010)
CS1 High Quality Design
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The Development in the Green Belt SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/3277/F, erection of two-storey side extension to provide additional living accommodation with bedroom over (Re-submission of application no. PT05/3408/F), 12/12/06, approval.
- 3.2 PT05/3408/F, erection of two-storey side extension to provide additional living accommodation with bedroom and bathroom over, 10/01/06, refusal.

4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council

Objection - This extension will block off light to the neighbouring cottage, named Hope Cottage, this is an over development of the site and therefore a site visit is required.

Other Representations

4.2 Local Residents

Three letters of objection have been received from neighbouring occupiers. The reasons for objecting given are as follows:

- Loss of view from windows in property;
- Loss of light;
- Affect the look of the neighbouring property from the main road;
- Residents have endured 8 years of constant building work by the applicant;
- Detrimental to the look of the area;
- Encroach the parking area and upstairs window of the neighbouring property;
- Under the impression that he had already reached the maximum amount of space that he would be allowed to extend the property.

The plans submitted demonstrate that the extension would not interfere with the existing first floor windows in the neighbouring property.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Planning Policy GB1 of the South Gloucestershire Local Plan allows for 'limited extension' to properties situated in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original dwelling. The host dwelling has benefited from a 2-storey side extension, which according to Council records, amounted to a 32% floor space volume increase over the volume of the existing dwelling. The objections on the basis that the property has already been extended are noted. However, given the small scale of the extension proposed, approximately 1.5 metres by 3.7 metres, provided that it achieves an acceptable standard of appearance, it is considered that it would fall within the definition of 'limited extension' contained in policy GB1 and the Development in the Green Belt SPD.

Planning Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 allows for the principle of the proposed development. The main issues to consider are the design and appearance of the extension (policies D1 and H4 of the Local Plan), the impact on residential amenity (policy H4 of the Local Plan), the impact on parking provision and highway safety (policies T12 and H4

of the Local Plan), and the impact on the Green Belt (policies GB1 and H4 of the Local Plan).

5.2 Appearance/Form

The proposal would extend the existing mono pitch roof across for approximately 1.5 metres to form the asymmetric pitched roof addition. The extension would be approximately 3.7 metres in depth so that it would extend flush with the existing eastern elevation of the dwelling, which is parallel to the eastern boundary. No fenestration is proposed in the northern elevation; the southern elevation comprises the pedestrian access and 2no. windows. The plans demonstrate that the proposal would extend to close proximity to the rear elevation of the neighbouring property but would not be adjoined to the rear of the neighbouring building.

5.3 Concerns have been raised with regards to the design of the extension and the impact on the appearance of the area. Amended plans have been received, which have moved the extension further away from the eastern flank boundary wall so that it would continue the existing elevation for approximately 1.5 metres and increased the pitch of the roof. The existing mono pitch extension is clearly visible from Moorend Road to the rear and presents an unattractive blank wall and timber fencing to the streetscene. It is considered that the proposal, which would introduce a pitched roof would help improve the existing situation in terms of visual amenity. It is likely that fenestration in this elevation would introduce overlooking issues, however, subject to a suitable external finish, which can be conditioned if permission is granted, it is considered that the scale, form and siting of the extension would not bring about any significant adverse issues to the character of the area or surrounding Green Belt.

5.4 Residential Amenity

The host dwelling shares a close relationship with the adjoining Pye Cottage, as well as Hope Cottage to the east and the occupiers of Pye Cottage have objected to the development proposed. Amended plans have been received, which have moved the extension slightly further away from the single pane ground floor window in the rear of Pye Cottage. Moreover, the window is located adjacent to a pedestrian door and serves a porch area, whilst another larger window is located in the rear of Pye Cottage further away from the proposed extension. On this basis, on balance, it is considered that it would not significantly adversely affect the living conditions of the neighbouring occupiers through loss of natural light or outlook. Whilst the extension would move the building line closer to a neighbouring parking area, the scale of the extension and low eaves height of approximately 1.7 metres is such that it is considered that it would not be significantly adversely overbearing.

5.5 The occupiers of Hope Cottage have objected to the development proposed on the basis that it would adversely affect the outlook and amount of daylight received from the windows in the side of their property and enclose their property. However, there is no objection in terms of residential amenity. The proposal has been moved slightly further away from the side of Hope Cottage so that there would be a gap of approximately 0.30 metres to the eastern boundary. The extension would be located to the northwest of the neighbouring property and would not extend past the windows located in the principal front or

rear elevations of the neighbouring property. On this basis, it is considered that the proposal would not have a significant adverse impact in terms of loss of light or outlook. The distance to the neighbouring property of approximately 3 metres as well as the small scale of the extension proposed, as well as the orientation of the neighbouring dwelling combine are such that it is considered that the proposal would adversely affect the residential amenity of the occupiers of Hope Cottage.

5.6 The Concerns of the neighbouring occupiers with regards to the constant building work over the past 8 years are noted. Whilst it is considered that a refusal reason on this basis would not prove sustainable at appeal, it is not considered unreasonable to condition the hours of working on the site to try to limit any disturbance to the neighbouring properties.

5.6 Transportation

An objection has been received on the basis that the extension would encroach into a parking area of the neighbouring property. However, the applicant has indicated that the extension would be contained within their residential curtilage and an adequate amount of parking space would remain following the development. Therefore, it is considered that the proposal would not have a material impact in terms of the level of parking provision. No alterations are proposed to the existing access; therefore, it is considered that there will be no significant adverse impacts in terms of highway safety.

6. CONCLUSION

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

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

The proposal is small in scale and with an acceptable finish it is considered that it would improve the appearance of the existing monopitch projection – Policies D1, H4 and GB1 of the South Gloucestershire Local Plan (adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted).

The objections of the Parish Council and neighbouring occupiers are noted, however, it is considered that the proposal would not have a significant adverse impact on the residential amenity of the neighbouring occupiers through loss of privacy or natural light – Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal would not adversely prejudice the retention of an adequate level of parking provision or have an adverse impact in terms of highway safety –

Policies T12 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

2. 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 achieve an acceptable standard of appearance and to accord with policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

3. No new windows shall be inserted at any time in the northern elevation the extension hereby approved.

Reason

In the interests of residential amenity and to accord with policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

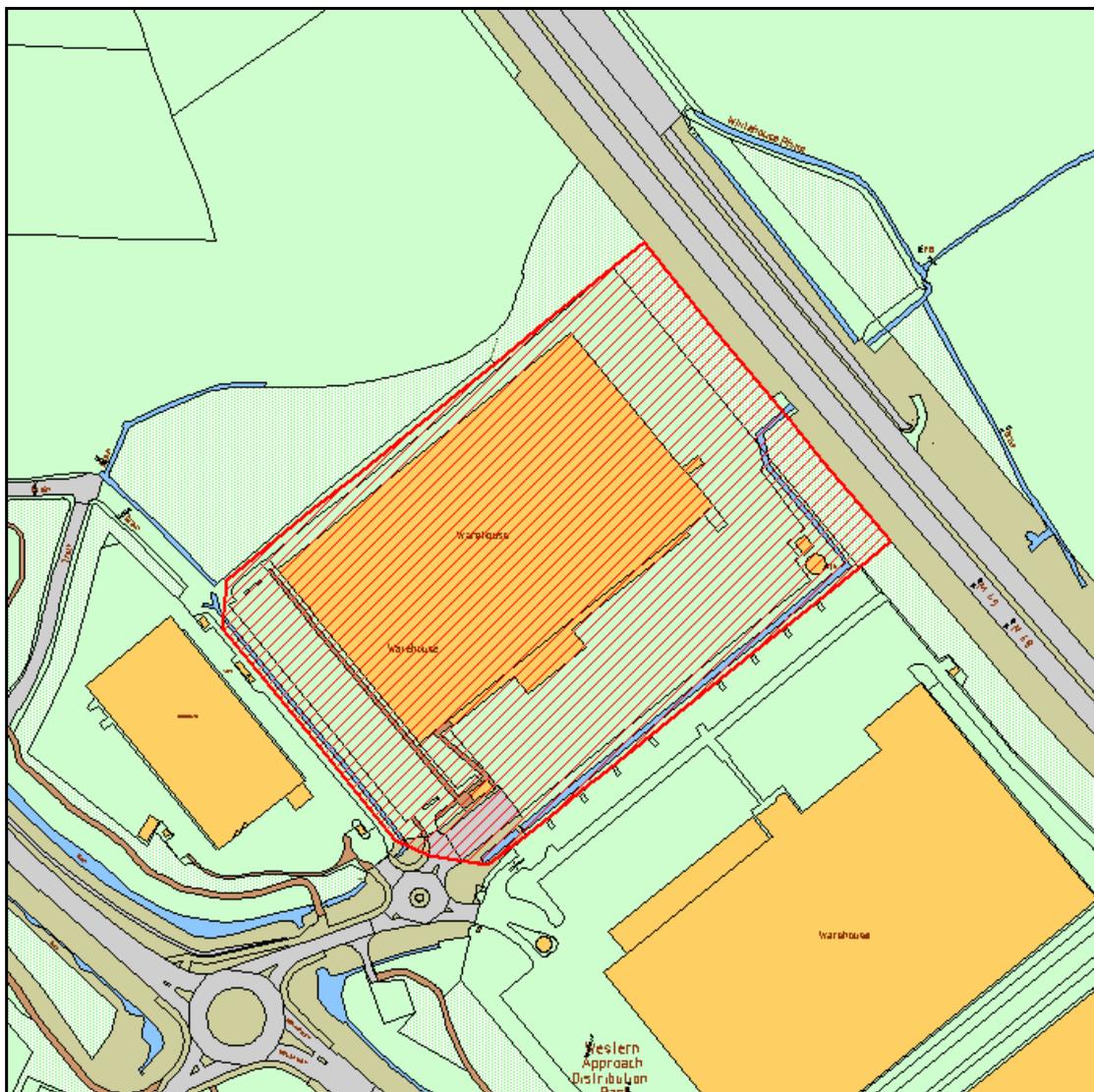
4. The hours of working on site during the period of construction shall be restricted to the hours of 8:30 am to 6:00 pm; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To preserve the amenities of the neighbouring occupiers and to accord with policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 04/11 – 28 JANUARY 2011

App No.:	PT10/3277/ADV	Applicant:	WH Malcolm Ltd
Site:	Plot 1000 Severnside Distribution Park Severn Beach South Gloucestershire BS35 4GG	Date Reg:	20th December 2010
Proposal:	Display of 2 no. non -illuminated fascia signs and 1 no. non-illuminated free standing sign.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	355334 183667	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	11th February 2011



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 100023410, 2008. **N.T.S.** **PT10/3277/ADV**

This application is being circulated to Members because a written representation from the Parish Council is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks advertisement consent to display two non-illuminated fascia signs and one non-illuminated freestanding sign. The 2 fascia signs would be approximately 3 metres in height, 16.3 meters in width and circa 0.5 metres in depth. The freestanding sign would be approximately 3.6 metres high 2 metres in width and 0.5 metres in depth. They would be located on the end elevations of the warehouse replacing existing signs.
- 1.2 The application site relates to an existing warehouse on the Severnside Industrial Estate.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG19 Outdoor Advertisement Control
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Design
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (Adopted) January 2006
- 2.4 Emerging Policy
South Gloucestershire Council Core Strategy Proposed Changes Publication
Draft December 2010:
CS1: High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 The site and surrounding area has numerous detailed planning history relating primarily to development involving warehouses and adverts.

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
Objection on grounds of highway safety.
- 4.2 Highways
No objection

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning Policy Guidance 19 states that advertisements can only be controlled on the basis of visual amenity and public safety. It states that when assessing amenity, the Local Planning Authority should have regard to the impact of the sign on the building or on the immediate neighbourhood where it is to be displayed as well as the cumulative impact on the surroundings. With regard to public safety, Local Planning Authorities are expected to assess the impact on any traffic or transport on land (including pedestrians), water or air.

5.2 Design/Visual Amenity

The proposal consists of 2 fascia signs that would be approximately 3 metres in height, 16.3 meters in width and circa 0.5 metres in depth. They would be located on the end elevations of the warehouse. The freestanding sign would be approximately 3.6 metres high 2 metres in width and 0.5 metres in depth. The signage would show the logo 'Malcolm Logistics' in white text on a black background. The signage would be made of powder coated aluminium with vinyl graphics. Given the location of this signage on a warehouse in an industrial park, it is considered that the design is acceptable and appropriate for the site and locality. As such it accords with policy D1 of the South Gloucestershire Local Plan (Adopted) 2006 and the South Gloucestershire Design Checklist (Adopted) January 2006.

5.3 Public Safety and Transportation

The Parish Council raised a concern that should the signage be visible from the motorway they would be a distraction to drivers. The Council's Highways Engineer has inspected the site and the proposed signage and has raised no transportation objection. Given the location of the signage and it is non-illuminated it is not considered to result in a distraction to road users. As such it is not considered to prejudice either public or highway safety.

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.

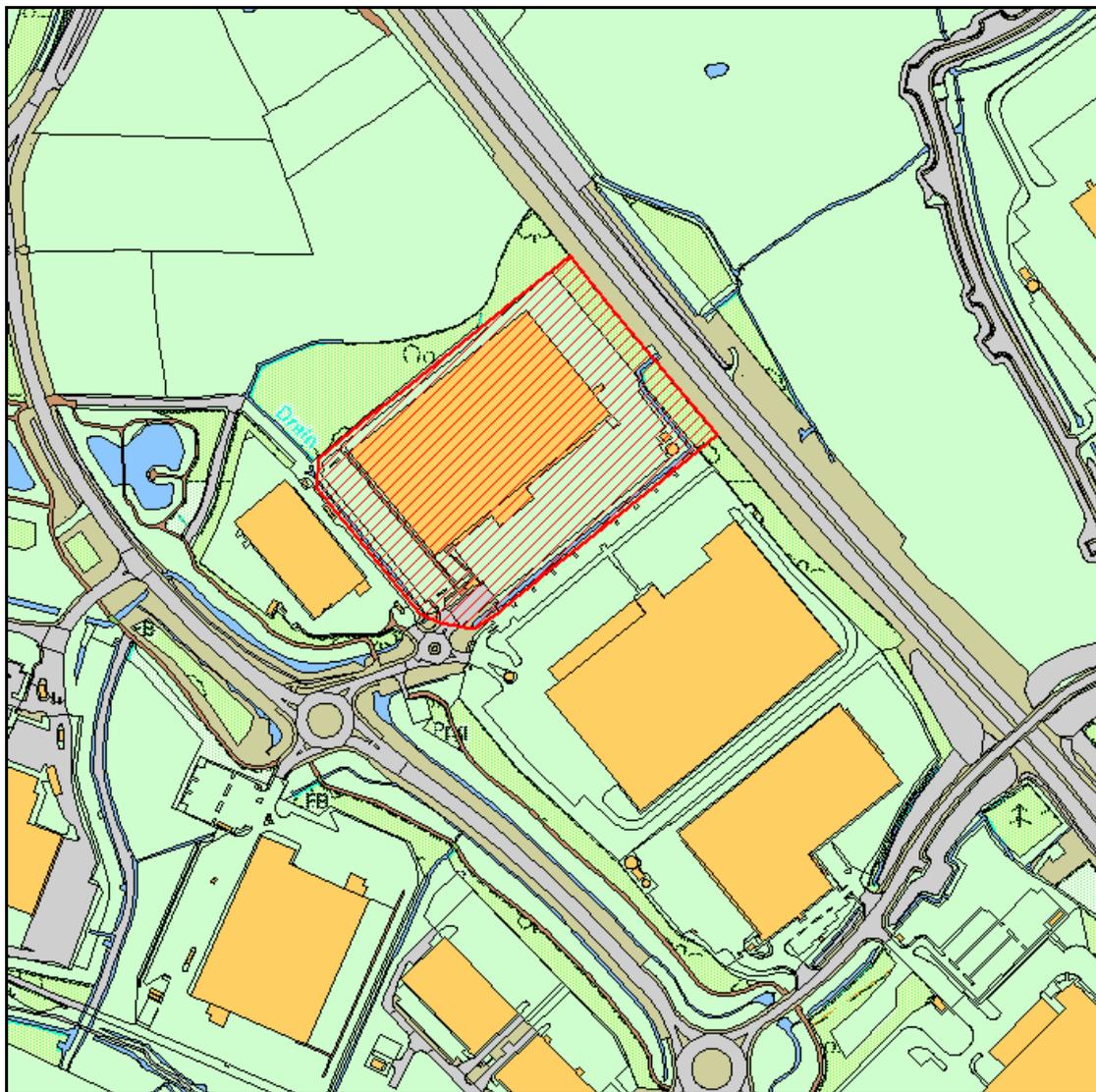
7. RECOMMENDATION

7.1 That Advertisement Consent is **Granted**.

Contact Officer: Genevieve Tuffnell
Tel. No. 01454 863438

CIRCULATED SCHEDULE NO. 04/11 – 28 JANUARY 2011

App No.:	PT10/3285/CLP	Applicant:	WH Malcolm Ltd
Site:	Plot 1000 Severnside Distribution Park Severn Beach South Gloucestershire	Date Reg:	30th November 2010
Proposal:	Application for Certificate of Lawfulness for the proposed retention of 2 no. buildings for ancillary staff facilities in association with storage/distribution (B8 Use Class).	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	355116 183203	Ward:	Pilning And Severn Beach
Application Category:		Target Date:	24th January 2011



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 100023410, 2008. **N.T.S.** **PT10/3285/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears before members, as it is an application for a Certificate of Lawfulness for a Proposed Development.

1. THE PROPOSAL

1.1 The applicant is seeking a formal decision as to whether the proposed retention of 2no. buildings for ancillary staff facilities in association with the use of Plot 1000, Severnside Distribution Park as B8 (storage and distribution) is lawful. This is based on the assertion that the proposal falls within the permitted development rights afforded to industrial and warehouse development under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

1.2 The 2no. buildings are in situ and are portable in appearance but fixed to the ground. The proposed mess room measures 5.7 m in length, 2.7 m in width and 2.6 m in height, whilst the 'ancillary facilities' building measures the same.

The site lies within a designated Safeguarded Employment Area.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning (General Procedures) Order 1995 Article 24
Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 8, Class A. (referred to in this report as GPDO 2008)

3. RELEVANT PLANNING HISTORY

3.1 No relevant history.

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council

No objection raised.

Other Representations

4.2 Local Residents

No response.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Site plan, block plan, existing plans and elevation drawings.

6. EVALUATION

- 6.1 The application for a Certificate of Lawfulness is purely an evidential test. The test of evidence to be applied is whether the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence. As has been set out already the case made here is that the 2no. buildings that have been erected falls within the permitted development rights enjoyed by industrial/warehouse developments under the GPDO 2008. That is to say that the buildings are in ancillary use with the main B8 use of the site and they fall within the provisions of Part 8, Class A of the GPDO 2008. Accordingly, if this case is made successfully there is no consideration of planning merit nor an opportunity for planning conditions. The development is simply lawful or not lawful according to the evidence.
- 6.2 The key issue here is the operation of the permitted development rights, namely Part 8, Class A which allows “The erection, extension or alteration of an industrial building or a warehouse”. There is no evidence that permitted development rights have been removed in this instance. Accordingly, it is accepted that the permitted development rights apply to this site and the buildings that are in situ are in use as ancillary mess room/office facilities used in conjunction with the main B8 Use of Plot 1000 of the Severnside Distribution Park. The remaining issues are whether the proposed development falls within the remit. The limitations on the operation of Class A in respect of the erection of industrial/warehouse buildings are as follows:
- The buildings do not exceed 5 metres in height. The submitted plans demonstrate this.
 - The buildings are not within 5 metres of the site boundary. The submitted plans demonstrate this.
 - The gross floor space of the two buildings does not exceed 100 square metres. The submitted plans demonstrate this.
 - The gross floor space of the original building is not exceeded by more than 25% or 1,000 square metres. The submitted plans demonstrate this.
 - The siting of the buildings will not lead to a reduction in the space available for the parking or turning of vehicles. The submitted plans demonstrate this.
 - The development is not within the curtilage of a listed building. The submitted plans demonstrate this.
 - The development is within the curtilage of a warehouse (B8 Use Class) building. The submitted plans demonstrate this.
 - The buildings will be used purely for employee facilities ancillary to the warehouse undertaking at the site. The submitted plans demonstrate this.

Accordingly, on the balance of probability the evidence points to the proposed development falling within Schedule 2, Part 8, Class A, of the GPDO 2008.

7. RECOMMENDATION

- 7.1 That a Certificate of Lawfulness of Proposed Use be granted as it has been shown on the balance of probability that the proposed retention of two buildings would fall within Class A, Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. Therefore the proposal does not require planning permission.

Contact Officer: William Collins
Tel. No. 01454 863425

REASON(S)

1. The proposal would fall within Class A, Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

CIRCULATED SCHEDULE NO. 04/11 – 28 JANUARY 2011

App No.:	PT10/3387/F	Applicant:	Mr Colin Thorne
Site:	Stanley Cottages 7 The Down Alveston Bristol South Gloucestershire	Date Reg:	14th December 2010
Proposal:	Erection of single storey detached annexe ancillary to main residence.	Parish:	Alveston Parish Council
Map Ref:	362905 188085	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	8th February 2011



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 100023410, 2008. **N.T.S.** **PT10/3387/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following the receipt of representations from Alveston Parish Council and local residents that are contrary to the Case Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a single storey detached annexe ancillary to the main residence.
- 1.2 The proposed building would be single storey and would be approximately 9.5m in width, 8m in length, and 4.5m in height. The building would provide limited living accommodation and a garage.
- 1.3 The application site is situated within a well-established residential area within the Alveston settlement boundary. The site also lies within Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1: Delivering Sustainable Development
PPG2: Green Belts

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

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

2.3 Emerging Development Plans

South Gloucestershire Core Strategy (Submission Publication Draft) 2010

- CS1: High Quality Design
CS5: Location of Development
CS9: Environmental Resources and Built Heritage
CS34: Rural Areas

2.4 Supplementary Planning Guidance

- South Gloucestershire Design Checklist SPD (adopted) 2007
South Gloucestershire Development within the Green Belt (adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT10/1198/O Erection of 1no. dwelling (Outline) with all matters reserved.
Withdrawn 09.07.2010.

- 3.2 P84/1254 Erection of a two storey rear extension to provide a utility room with a bedroom over.
Approved 11.04.1984.
- 3.3 N5508/1 Alterations and extensions to cottage to provide kitchen, living room, porch and hall, with bathroom and two additional bedrooms over (in accordance with amended plans received by the Council on 1st August 1979).
Approved 23.08.1979.
- 3.4 N5508 Erection of detached dwelling (outline).
Refused 17.05.1979.

4. **CONSULTATION RESPONSES**

4.1 Alveston Parish Council

The Parish Council objects to the applications listed below on the grounds of over development. We recommend a site visit by the Development Control Sites Inspection Sub-committee.

The Parish Council was reconsulted on the amended plans. They stated:

The Parish Council objects to the applications on the grounds of over development. We do not accept that the amendment changes our previous recommendation that a site visit is made by the Development Control Sites Inspection Sub-committee.

4.2 Highways Authority

No objection, subject to submission of a plan to agree the parking and turning areas.

4.3 Drainage Comments

No objection, subject to a condition ensure a scheme of Sustainable Drainage Systems is agreed with the Local Planning Authority.

4.4 Local Residents

In response to this planning application eight letters have been received from seven households. The main issues have been summarised below.

Residential Amenity

- a. Loss of light/overshadowing to utility room and kitchen of No. 20 Rosewood Avenue.

Transportation

- b. Increase parking on Wolfridge Ride and restrict visibility.
- c. Lack of parking within the site.
- d. Poor access to the site, especially for service vehicles.
- e. Concern that the property could be sold leading to the driveway being shared by three sets of residents.

Design

- f. A single storey building would be out of character with the surrounding area.
- g. In 1979 planning permission was refused for an additional dwelling house on the site (N5508)
- h. Over development would increase density of the area and would harm character of the Green Belt.
- i. Example of tandem development.

Green Belt

- j. The existing dwelling has been extended through a large side extension.

Drainage

- k. Concern that the new development would lead to increased drainage problems for Rose Cottage.

Other Matters

- l. The proposed development is contrary to Building Regulation regarding bin storage.
- m. Potential damage to the stone wall between the development and No. 20.
- n. Inaccuracies on drawings.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The applicant has applied for planning permission for the erection of a single storey residential annexe that would be ancillary to the main residence. The proposal would include a bedroom, kitchen, living area and bathroom. As such, there is some concern from local residents that the proposal would constitute a new self-contained dwelling on the site, similar to the previously refused and withdrawn applications (N5508 and PT10/1198/O). Due to the restricted nature of the access lane it is likely that a new self-contained dwelling in this location would be refused due to unacceptable transportation effects. Accordingly, it is important that Officers scrutinise this application to ensure that the proposal is indeed an annexe and would not give rise to an independent residence in this location.

- 5.2 It is acknowledged that the proposed building would include the facilities of a self-contained residence. Nevertheless, the size of the living accommodation would be limited, the building would have a close relationship with the main residence, it would share an access, and the building would not have space to form its own curtilage. In view of these specific characteristics, it is considered the building would constitute an annexe and would be ancillary to the main residence. It is therefore considered that a condition to ensure that the building remains ancillary to main dwelling would be a reasonable control in this instance and would accord with the six tests of conditions set out under Circular 11/95.

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

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

5.4 Residential Amenity

The proposed building would be sited in the northwest corner of the application site and would replace an existing single storey garage. Amended plans have been received from the applicant that has moved the building away from the stone boundary wall shared within No. 20 Rosewood Avenue. As such, the rear elevation of the proposed building would be sited approximately 6m from No. 20 and its side elevation would be situated 4m from the No. 18.

5.5 The occupiers of No. 20 have raised some concerns with regard to a potential loss of light/overbearing effect to their utility room and kitchen. It is noted that the proposed building would be situated above this adjacent dwelling due to a change in land height. Nevertheless, the proposed development would be situated approximately 8m from this window at an oblique angle. It is therefore considered that there would not be a material loss of light/overbearing effect in this instance.

5.6 The proposed building would be sited alongside the single storey garage of No. 18. In view of this relationship, it is considered that the proposed development would not give rise to a material overbearing effect or loss of light.

5.7 With regard to privacy, the proposed building would not include any windows that would afford direct views into the surrounding properties. Accordingly there would not be any material harm to privacy of nearby occupiers.

5.8 Transportation

It is acknowledged that local residents have raised concerns regarding the transportation effects of the proposed development, particularly parking and access. To address these matters the Highways Authority were consulted as part of the application. They have concluded that the proposed annex would be ancillary to the main dwelling and thus there would not be a significant increase in traffic generation, parking demand or servicing of the site. With this in mind, it is difficult to demonstrate that any existing problems with the access relating to its width or junction with Wolfridge Ride would be exacerbated by the development.

5.9 It is noted the proposed building may displace an area currently designated for parking and turning. The submitted plans have not indicated the parking and turning area. It is therefore recommended that prior to the commencement of any development, the parking and turning areas shall be submitted and approved by the Local Planning Authority.

5.10 Design

It is noted that the Parish Council and local residents have raised concern with regard to the design of the proposal and stated that the development would constitute over development. Notwithstanding these concerns, the proposed development would replace an existing single storey garage and would be well screened from the public realm. Furthermore the extension would be single storey with dual pitch roof and would be finished in render and double roman tiles. It is considered that this design solution would be fairly unassuming and would be read as a subservient domestic outbuilding to the main dwelling. On this basis, it is considered that the development would not harm the character and appearance of the site or the surrounding area.

5.11 Green Belt

The application site is situated within the Alveston settlement boundary, but is “washed over” by Green Belt. Policy GB1 of the local plan allows for limited extension of existing dwellings providing that it does not result in a disproportionate addition over and above the size of the original dwelling. Moreover, the same policy also allows for limited infilling within the boundaries of settlements providing it does not harm the openness of the Green Belt.

5.12 The application site is closely surrounded by residential development. As such it is considered that the proposed extension would not materially harm the openness of the Green Belt in this location. Furthermore, the proposed remodelling is not considered to be a disproportionate addition over and above the size of the original dwelling.

5.13 Drainage

It is noted that the occupiers of Rose Cottage are concerned that a new soakaway for the proposed development could exacerbate their existing drainage problems. Notwithstanding this the Council Drainage Engineer has assessed the application and has confirmed that the proposed surface water drainage would be acceptable in principle, subject to a condition being attached to agree a suitable drainage scheme incorporating Sustainable Drainage Systems.

5.14 Other Matters

Building Regulations

It is acknowledged that a local resident has objected to the development on the grounds that it would fail the Building Regulations regarding bin storage and fire safety. Notwithstanding this it should be noted that these regulations only relate to new dwellinghouses and therefore would not be applied to a proposal for a residential outbuilding.

Damage to the Stone Wall

It is noted that the occupier of No. 20 Rosewood Avenue is concerned that the proposed development would destabilise the existing boundary wall. To overcome this issue the applicant moved the building away from the wall. Furthermore, this issue would be considered during Building Regulations.

Inaccuracies on the drawings

It is noted that some concerns have been made regarding the accuracies of the plans. Notwithstanding this, Officers are satisfied that the level and quality of information submitted is sufficient to make a decision in this instance.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- a) The proposal would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to policies H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - b) The proposal would respect the overall design and character of the existing dwelling and the surrounding area. The development therefore accords to policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.
 - c) The proposed would be a limited extension to the existing dwelling and therefore would constitute an appropriate form of development within the Green Belt. The development would accord with policies GB1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Development within the Green Belt SPD (Adopted) 2007.
 - d) The proposed development would have acceptable access and parking arrangements and would not harm highway safety. The proposed development therefore accords with Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.
 - e) The proposed development would have an acceptable effect on the water environment in terms surface water drainage. The proposed development therefore accords with Policy L17 and L18 of the South Gloucestershire Local Plan (adopted) January 2006.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. The residential annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 'Stanley Cottages, 7 The Down'.

Reason

To ensure that the annexe does not give rise to a self contained dwellinghouse in a location that would be harmful to highway safety, and to accord with policies H4 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.

3. No development shall take place until a detailed plan showing the parking area and turning facilities has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure the development has suitable parking and turning provision, and to accord with policies H4 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.

4. No development shall commence until drainage details have been submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. For the avoidance of any doubt the drainage proposals should incorporate Sustainable Drainage System (SuDs) for the disposal of surface waters. If this is not practicable it must be demonstrated that an acceptable alternative means of surface water disposal is incorporated.

Reason

To ensure the development would not have a unacceptable effect on the water environment, and to accord to Policy L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 04/11 – 28 JANUARY 2011

App No.:	PT10/3432/R3F	Applicant:	Mrs J Dent
Site:	Hambrook Cp School Moored Road Hambrook South Gloucestershire	Date Reg:	13th December 2010
Proposal:	Erection of replacement 1.8 metre high metal boundary gates and railings.	Parish:	Winterbourne Parish Council
Map Ref:	364678 179270	Ward:	Winterbourne
Application Category:	Minor	Target Date:	7th February 2011



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100023410, 2008.

N.T.S.

PT10/3432/R3F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule because it comprises an internal submission.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 1.8 metre high railings and gates.
- 1.2 The application site comprises the Grade II listed Hambrook Primary School, which is situated on the eastern side of Moorend Road. The site is situated within the open Green Belt and outside the defined settlement boundary.
- 1.3 Historical photographs of the school reveal that metal railings and gates once stood on the boundary. The original railings and gates were apparently removed to assist with the war effort but have been replaced by unattractive and now dilapidated chain link fencing. The original low stone dwarf wall and gate piers survive and the proposal is to replace an approximate 56.6 metre section of the existing fence and gates with galvanised metal powder coated black gates and railings.
- 1.4 A listed building application no. PT10/3433/LB has been submitted in conjunction with this application.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belts
PPS5 Planning for the Historic Environment
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
GB1 Development within the Green Belt
L13 Listed Buildings
LC4 Proposals for Education and Community Facilities within the Existing Urban Area and Boundaries of Settlements

South Gloucestershire Core Strategy Submission Statement Proposed Changes (December 2010)
CS1 High Quality Design
CS9 Managing the Environment and Heritage
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The Development in the Green Belt SPD (adopted)

3. RECENT PLANNING HISTORY

- 3.1 PT10/2700/R3F, erection of 1no. sail canopy to provide shaded area, approval, 04/01/11.
- 3.2 PT10/3433/LB, erection of 1.8 metre high railings and gates, undecided.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection
- 4.2 Conservation
No objection subject to condition
- 4.3 Coal Authority
No objection

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The proposal would replace an existing fence and gates of similar scale, therefore, it is considered that there would be no material change in terms of the impact on the openness of the Green Belt. Moreover, given traditional appearance of the gates and fence and the materials proposed, it is considered that the proposal would help improve the visual amenity of the Green Belt (policy GB1 of the Local Plan).
Since the site is situated outside the defined settlement boundary, no specific policy in the Local Plan is directly applicable to the development proposed. However, it is considered that the main emphasis of Policy LC4 can be applied to the proposal. Given the nature of the proposal, the main issues to consider are the impact on residential amenity (policy LC4 of the Local Plan) and highway safety (policies T12 and LC4 of the Local Plan). The impact on the character and setting of the listed building (policy L13 of the Local Plan) is also a relevant issue to consider.
- 5.2 Residential Amenity
The fence would be located along the front of the site only and would adjoin an existing stone wall along the southern boundary shared with the property Apple Tree House. The plans demonstrate that the stone wall would be unchanged in the development, therefore, it is considered that the proposal would not be significantly more harmful than the existing situation in terms of residential amenity. It is considered that all other neighbouring properties are situated at a sufficient distance from the site to not be significantly adversely affected.

5.3 Highway Safety

The fence would be positioned where it would not adversely impede pedestrian or vehicular movements around the site. The plans demonstrate that the gates would be hinged to swing into the site, whilst the height and design of the gates would ensure an adequate degree of through visibility for vehicular access and egress. In addition, no objection has been received from the Council's Transportation Officer.

5.4 Appearance and Impact on the Listed Building and Surrounding Area

The existing chain link fence is in a dilapidated condition and is not considered to be sympathetic to the character and setting of the listed building and surrounding area. The principle of replacing the fence with a more traditional boundary is therefore, supported. The applicant proposes to reinstate metal railings and gates in a design that replicates the original railings as closely as possible, although health and safety and security requirements necessitate the railings to be slightly higher with narrower rail spacing. The plans submitted demonstrate slender, approximately 16mm, railings with decorative blunted tops spaced 10mm apart and supported by 40mm wide supporting post and rails. The fence would be situated on top of a historic stone dwarf wall and be supported by metal back stays. The Conservation Officer has stated that a reduction in width of the vertical and horizontal rail posts to 30 mm would be more in-keeping with the rest of the railings and therefore, make the whole elevation appear more uniform and lighter. However, the applicant has stated that this might impact on the spacing and number of the supporting posts and backstays required. The Council's Conservation Officer considers that the proposal will positively enhance the setting and significance of the Grade II listed building and does not object to 40mm wide post and rails, but has requested that further details are submitted to clarify details such as the exact spacing of the posts, the fixing to the stone wall, the number of back stays and the sizes of the horizontal and vertical support bars. These details can be ensured by condition if permission is granted.

6. CONCLUSION

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

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

The proposal would not have a materially greater impact on the openness of the Green Belt than the existing situation and would not conflict with the main aims of PPG2 or policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006.

The main emphasis of policy LC4 is applicable to the proposed development. The nature of the development is such that it would not materially increase the

number of vehicular trips generated and would not conflict with the main aims of policy LC4 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal would improve the character and setting of the listed building and surrounding area and is not in conflict with PPS5 or policies L13 or GB1 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal would not be significantly more harmful to the residential amenity of the neighbouring occupiers than the existing situation – policy LC4 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

2. Prior to the commencement of the development a plan showing the exact spacing of the posts, the fixings into the stone walls and the number and location of the metal back stays required to adequately support the railings shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason

In order that the development serves to preserve the character and setting of the listed building and to accord with guidance in PPS5 and policy L13 of the South Gloucestershire Local Plan (adopted) January 2006.

3. Prior to the commencement of the development confirmation of the section sizes for the upright posts and horizontal rails shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason

In order that the development serves to preserve the character and setting of the listed building and to accord with guidance in PPS5 and policy L13 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 4/11 – 28 JANUARY 2011

App No.:	PT10/3433/LB	Applicant:	Mrs J Dent
Site:	Hambrook Cp School Moorend Road Hambrook South Gloucestershire	Date Reg:	13th December 2010
Proposal:	Erection of replacement 1.8 metre high metal boundary gates and railings.	Parish:	Winterbourne Parish Council
Map Ref:	364678 179270	Ward:	Winterbourne
Application Category:	Minor	Target Date:	7th February 2011



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100023410, 2008.

N.T.S.

PT10/3433/LB

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule list because it comprises an internal submission.

1. THE PROPOSAL

- 1.1 This application seeks listed building consent for the erection of 1.8 metre high railings and gates.
- 1.2 The application site comprises the Grade II listed Hambrook Primary School, which is situated on the eastern side of Moorend Road. An unsympathetic and dilapidated chainlink fence and gates currently stand on the western boundary adjacent to Moorend Road, however, historical photographs reveal that metal railings and gates once formed the boundary. The application is to replace an approximate 56.6 metre section of the existing fence and gates with galvanised metal powder coated black gates and railings. The existing historic stone dwarf wall and gate piers would be retained in the proposal.
- 1.3 A planning application no. PT10/3432/R3F has been submitted in conjunction with this application.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS5 Planning for the Historic Environment

3. RELEVANT PLANNING HISTORY

- 3.1 PT10/3432/R3F, erection of replacement 1.8 metre high metal boundary gates and railings, recommended approval.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection
- 4.2 Conservation
No objection subject to conditions

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The only issue to consider in this application is the impact on the character, setting and architectural significance of the listed building.

5.2 Consideration of Proposal

The present fencing detracts from the significance and setting of the listed building and the proposal to replace it with a traditional form of metal railing and gates is supported by the Conservation Officer in principle. The application proposes the reinstatement of the former metal railings and gates in a design that endeavours to replicate the original railings as closely as possible. The railings are supported by a series of posts set into the stone copings using lead, onto which are welded the horizontal rails that contain the individual railings. These are then given lateral support by a series of backstays which are to be connected either to the piers or into the ground.

- 5.3 The Conservation Officer considers that a reduction in width of the vertical and horizontal rail posts to 30mm would be more in-keeping with the rest of the railings and therefore, make the whole elevation appear more uniform and lighter. However, the applicant has stated that this might impact on the spacing and number of the supporting posts and backstays required. The Council's Conservation Officer considers that the proposal will positively enhance the setting and significance of the Grade II listed building and does not object to 40mm wide post and rails, but has requested that further details are submitted to clarify details such as the exact spacing of the posts, the fixing to the stone wall, the number of back stays and the sizes of the horizontal and vertical support bars. The details can be ensured by condition if consent is granted.

6. CONCLUSION

- 6.1 The recommendation to approve listed building consent has been made having regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government Advice contained in PPS5 (Planning for the Historic Environment).

7. RECOMMENDATION

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

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Prior to the commencement of the works a plan showing the exact spacing of the posts, the fixings into the stone walls and the number and location of the metal back

stays required to adequately support the railings shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

Reason

To preserve the character and setting of the listed building and to accord with advice contained in PPS5.

3. Prior to the commencement of the works, confirmation of the section sizes for the upright posts and horizontal rails shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

Reason

To preserve the character and setting of the listed building and to accord with advice contained in PPS5.

CIRCULATED SCHEDULE NO. 04/11 – 28 JANUARY 2011

App No.:	PT10/3465/CLP	Applicant:	Mr S Osborne
Site:	36 Boundary Road Coalpit Heath Bristol South Gloucestershire BS36 2PU	Date Reg:	17th December 2010
Proposal:	Application for Certificate of Lawfulness to erect single storey side extension, front porch and the construction of rear dormer.	Parish:	Frampton Cotterell Parish Council
Map Ref:	367611 181166	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	9th February 2011



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 100023410, 2008. **N.T.S.** **PT10/3465/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because the Council's scheme of delegation requires all Certificate of Lawfulness applications to be circulated to Members. It is also acknowledged that consultation responses have been received from local residents that are contrary to the Case Officer's recommendation.

1. THE PROPOSAL

1.1 The applicant seeks a Certificate of Lawfulness for:

- a. The erection of a single storey side extension.
- b. A front porch.
- c. The construction of a rear dormer.

1.2 The application site relates to detached dwelling and its associated curtilage. The site is situated in the countryside and is situated outside of the Coalpit Heath settlement boundary. The site lies within the Green Belt.

2. POLICY CONTEXT

2.1 Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (GPDO).

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|-------------|---|
| 3.1 | PT10/2931/F | Erection of two storey side extension, alterations to existing roof. Erection of front porch. (Resubmission of PT10/1778/F)
Split Decision – Two storey extension refused and front porch approved 24.11.2010. |
| 3.2 | PT10/1778/F | Erection of two storey side extension, alterations to existing roof. Erection of front porch.
Refused 08.09.2010. |

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

The Planning Committee met last night to discuss 36 Boundary Road, but felt unable to comment on the Certificate of Lawfulness as they felt that they did not have the technical knowledge to understand this.

4.2 Local Residents

One letter of objection has been received in response to this application. The main points are summarised below: -

- a) the width & height of the dormer window would result in loss of light.

- b) the bedroom window would overlook the garden and would give views into the property.

5. **ANALYSIS OF PROPOSAL**

5.1 This application is seeking a Certificate to state that the proposed development is lawful. It is not a planning application where the relative merits of the scheme are assessed against policy rather it is an evidential test of whether it would be lawful to proceed with the proposal. Accordingly, the key evidential test in this case is whether proposals fall within the permitted development rights afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) Order 2008.

5.2 A. Single storey side extension

The proposed rear conservatory would be permitted development and would not require planning permission. The assessment of this proposal against each of the criteria of Part 1, Class A of the GPDO is summarised below:

- (a) The proposed side extension would not exceed 50% of the total area of the curtilage.
- (b) The proposed side extension would not exceed the height part of the roof of the existing dwellinghouse.
- (c) The eaves of the proposed side extension would not exceed the eaves of the existing dwellinghouse.
- (d) The proposed side extension would be on the rear elevation and would not front a highway or form the principle elevation.
- (e) The proposed side extension would not extend past the rear elevation and it would not exceed 4 metres in height.
- (f) The proposed side extension would not have more than one storey.
- (g) The proposed side extension would be further than 2 metres from the boundary.
- (h) The proposed side extension would not have a width greater than half the width of the original dwelling.
- (i) The proposed conservatory would not consist or include; a veranda, balcony, raised platform, a microwave antenna, a chimney, flue or soil and vent pipe.

The proposed development would also accord with the conditions that are set out under Part 1, Class A, A.3 of the GDPO.

5.3 B. Front porch

The proposed porch would be permitted development and would not require planning permission. The assessment of this proposal against each of the criteria of Part 1, Class D of the GPDO is summarised below:

- (a) The ground area (measured externally) of structural (2.1m²) would not exceed 3 square metres.
- (b) No part of the structure would be more than 3m above ground level.
- (c) No part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

5.4 C. Construction of a rear dormer

The proposed rear dormer would be permitted development and would not require planning permission. The assessment of this proposal against each of the criteria of Part 1, Class B of the GPDO is summarised below:

- (a) No part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the roof.
- (b) No part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principle elevation of the dwellinghouse and fronts a highway.
- (c) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres (41.4m³).
- (d) The proposed conservatory would not consist or include; a veranda, balcony, raised platform, a chimney, flue or soil and vent pipe.

The proposed development would also accord with the conditions that are set out under Part 1, Class B, B.2 of the GDPO.

5.5 Residential Amenity

It is acknowledged that the adjacent occupiers are concerned that the proposed dormer window would give rise to a loss of light and privacy. Furthermore, it is noted that the Local Planning Authority has refused planning permission for two previous planning applications for two storey rear extension at this property due to their impact on the adjacent property.

5.6 Notwithstanding these facts, the applicant has applied for a Certificate of Lawfulness to establish whether the proposal is permitted development under the Town and Country Planning (General Permitted Development) (Amendment) Order 2008. This type of application solely considers whether the development would accord with the criteria permitted development and be lawful. Thus the Local Planning Authority cannot consider the merits of the development, such as its design or its effect upon residential amenity.

6. **RECOMMENDATION**

- 6.1 That a Certificate of Lawfulness of Proposed Use be approved as it has been shown on the balance of probability that the proposed developments would fall within Schedule 2, Part 1, Classes A, B, and D of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. Therefore the proposal does require planning permission.

Contact Officer: Peter Rowe
Tel. No. 01454 863131