



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF ENVIRONMENT AND COMMUNITY SERVICES**

CIRCULATED SCHEDULE NO. 31/14

Date to Members: 01/08/14

Member's Deadline: 07/08/14 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

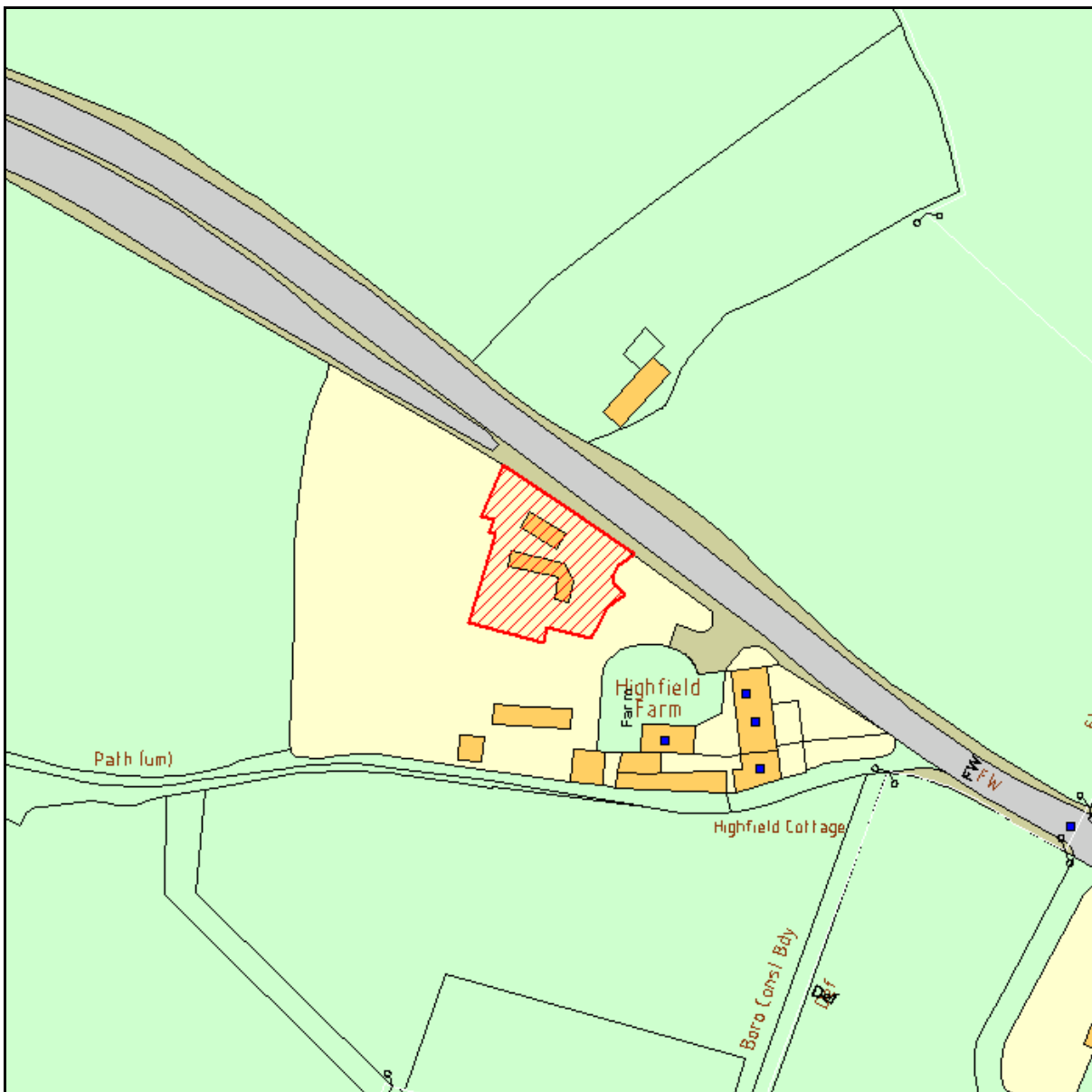
CIRCULATED SCHEDULE 31/14 – 01 AUGUST 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK14/1519/CLE	Approve	Bramley Cottage Homeapple Hill Warmley South Gloucestershire BS30 5QF	Siston	Siston Parish Council
2	PK14/1792/R3F	Deemed Consent	Christchurch C Of E Primary School Memorial Road Hanham Bristol South Gloucestershire	Hanham	Hanham Abbots Parish Council
3	PK14/2109/F	Refusal	Bramble Cottage High Street Hawkesbury Upton Badminton South Gloucestershire GL9 1AU	Cotswold Edge	Hawkesbury Parish Council
4	PK14/2155/F	Approve with Conditions	Land To Rear Of 70 Downend Road/fronting Onto Dial Lane Downend South Gloucestershire BS16 5UE	Downend	Downend And Bromley Heath Parish Council
5	PK14/2370/F	Approve with Conditions	68 Ellacombe Road Longwell Green South Gloucestershire BS30 9BW	Longwell Green	Hanham Abbots Parish Council
6	PK14/2382/CLP	Approve with Conditions	156 Hanham Road Kingswood South Gloucestershire BS15 8NR	Woodstock	None
7	PK14/2445/F	Approve with Conditions	7 Barry Close Bitton South Gloucestershire BS30 6JB	Bitton	Bitton Parish Council
8	PT13/0510/F	Approve with Conditions	Land At The Burltons Cromhall Wotton Under Edge South Gloucestershire GL12 8BH	Charfield	Cromhall Parish Council
9	PT14/0337/RVC	Approve with Conditions	Land Adj. To Morton Street Thornbury South Gloucestershire BS35 1LB	Thornbury North	Thornbury Town Council
10	PT14/0736/F	Approve with Conditions	Meadow View Farm Devil's Lane Charfield South Gloucestershire	Charfield	Charfield Parish Council
11	PT14/1489/F	Approve with Conditions	33 Bell Road Coalpit Heath South Gloucestershire	Frampton Cotterell	Frampton Cotterell Parish Council
12	PT14/1955/CLE	Approve with Conditions	Esso 184 Gloucester Road Patchway South Gloucestershire BS34 5BB	Patchway	Patchway Town Council
13	PT14/2153/F	Approve with Conditions	Churchend Lane Charfield Wotton Under Edge South Gloucestershire GL12 8LJ	Charfield	Charfield Parish Council
14	PT14/2221/F	Approve with Conditions	Tracey Cottage Perrinpit Road Frampton Cotterell South Gloucestershire BS36 2AR	Frampton Cotterell	Frampton Cotterell Parish Council
15	PT14/2250/F	Approve with Conditions	9 Linden Close Winterbourne South Gloucestershire	Winterbourne	Winterbourne Parish Council
16	PT14/2399/CLP	Approve with Conditions	61 Stone Lane Winterbourne Down South Gloucestershire BS36 1DH	Winterbourne	Winterbourne Parish Council

ITEM 1

CIRCULATED SCHEDULE NO. 31/14 – 1 AUGUST 2014

App No.:	PK14/1519/CLE	Applicant:	Mr Bryan Britton
Site:	Bramley Cottage Homeapple Hill Warmley South Gloucestershire BS30 5QF	Date Reg:	2nd May 2014
Proposal:	Application for certificate of lawfulness for the existing dwelling and outbuildings (Class C3).	Parish:	Siston Parish Council
Map Ref:	368774 172802	Ward:	Siston
Application Category:	Minor	Target Date:	12th June 2014



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N.T.S.

PK14/1519/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawful Existing Use or Development (CLEUD) and therefore under the Council's current scheme of delegation must appear on the Circulated Schedule.

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Development, is that the applicant has to prove on the **balance of probability**, that the building as described, was substantially completed 4 years prior to the receipt of the application on the 14th April 2014. The relevant period for consideration is therefore between 14th April 2010 to 14th April 2014.

1. THE PROPOSAL

- 1.1 The application comprises a Certificate of Lawfulness submitted under Section 191 (1) of the Town and Country Planning Act 1990 as amended by S.10 of the Planning and Compensation Act 1991 in respect of Bramley Cottage, Homeapple Hill, Warmley, South Gloucestershire BS30 5QF.
- 1.2 The application relates to a single-storey, 'L' shaped, one-bedroom dwelling and associated swimming pool and outbuildings. The property is known as Bramley Cottage and is located to the north-west of Highfield Farm and north of the associated barn conversion known as Bramley Barn. Bramley Cottage was erected without planning permission.
- 1.4 In order to regularise the breach of planning control, the applicant seeks a Certificate of Lawful Development for Bramley Cottage and outbuildings, as defined on the submitted red edged site plan.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990: Section 191
Town and Country Planning (Development Management Procedure) (England) Order 2010: Article 35
Town and Country Planning (Use Classes) Order 1987 (as amended).
The Planning Practice Guidance March 2014
- 2.2 Development Plans
As the application is for a Certificate of Lawfulness, the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only demonstrate that on the balance of probability, the dwelling, as applied for, was substantially complete 4 years prior to the receipt of the application on the 14th April 2014.

3. RELEVANT PLANNING HISTORY

- 3.1 None relating to Bramley Cottage i.e. the application site.
- 3.2 Relating to Bramley Barn

PK99/0496 - Conversion of Barn to residential unit and alterations to access.
Approved 25 Feb. 2000

PK99/0514/LB - Conversion of Barn to residential unit. Internal and External alterations and alteration to existing access.
Approved 25 Feb. 2000

3.3 Enforcement

COM/13/0574/OD - New buildings on site without planning permission.
Pending consideration.

4. **SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION**

The applicant has submitted the following appendices as evidence in support of the application:

1. Statutory Declaration of Bryan Britton of Bramley Cottage, Homeapple Hill, Wick dated 11th April 2014

Mr Britton states that he bought Highfield Farm and its associated barn in Jan. 2007. The barn had planning permission PK99/4096/F for conversion into a separate dwelling.

Mr Britton's son, daughter-in-law and granddaughter have lived in the barn conversion from Feb. 2009; having previously lived in the farm house from 31st Jan 2007 to Feb 2009.

Mr & Mrs B. Britton lived in a static caravan on the site from 31st Jan 2007 to Oct. 2007 when it was removed from the site. Thereafter Mr & Mrs Britton spent daytime on the site of Bramley Cottage (which was by then under construction) and night-time in the old farmhouse. The works to construct Bramley Cottage were commenced in May 2007.

The separate gateway to Bramley Cottage was formed on 14th August 2007 with associated gate posts, and the timber gates were installed on 6th October 2007.

The swimming pool within the garden of Bramley Cottage was commenced in January 2008 and was finished for use on 4th April 2008.

During 2008 the building works continued in respect of Bramley Cottage and by the end of 2008 the dwelling was substantially completed comprising the following: kitchen/lounge, shower room/wc, plant room, wc, shower room, bathroom and bedroom. These facilities are shown on submitted Plan 2. Mr & Mrs Britton have lived at Bramley Cottage as their sole residence from the end of 2008 until the current time.

In late 2008 the construction of a BBQ kitchen/recreation room (now a kitchen & changing room/wc) was commenced. This part of the dwelling was completed in early 2009 (see Plan 2). A photograph taken in August 2009, showing the dwelling at that time, is appended to the declaration.

Works to improve the dwelling took place during 2013 and these comprised a conservatory/dining room area and store room/wc. These are shown on Plan 2.

Associated outbuildings were also installed and these comprised a summerhouse in early 2009, a workshop/store in early 2009 and a gymnasium/store in 2007. These are shown on the attached Block Plan.

2. Statutory Declaration of Angela Shute of 37 Grace Park Road, Brislington dated 3rd June 2014.

Mrs Shute states that she has been a regular visitor to Bramley Cottage since April 2008, especially to use the swimming pool. Mrs Shute has visited on average 30-40 times a year and confirms that Mr & Mrs Britton have lived in the house since 2008.

3. Statutory Declaration of Helen Coles of 1 Lower Down Road, Portishead dated 11 May 2014.

Ms Coles states that she has been a regular visitor to Bramley Cottage since April 2008, especially to birthday parties every April and August. Ms Coles confirms that Mr & Mrs Britton have lived in the house since 2008.

4. Statutory Declaration of John Harding of 32 Richmond Road, Mangotsfield dated 21st May 2014.

Mr Harding states that since 2008 he has regularly visited Bramley Cottage to attend Mr & Mrs Britton's birthday parties. Mr Harding confirms that Mr & Mrs Britton have lived at Bramley Cottage since April 2008.

5. Statutory Declaration of Mary Thatcher of Elmtree Cottage, Church Road, Bitton dated 20 May 2014.

Ms Thatcher states that since 2008 she has regularly visited Bramley Cottage to attend Mr & Mrs Britton's birthday parties. Ms Thatcher confirms that Mr & Mrs Britton have lived at Bramley Cottage since April 2008.

6. Statutory Declaration of John Hodges of 24 Parker Avenue, Wick dated 22 May 2014.

Mr Hodges states that he helped with the construction of Bramley Cottage during 2007 to 2009, helping with the swimming pool, house, driveway, fence and services. Mr Hodges also visited the property on numerous occasions since 2007 until the present day for social visits and confirms that Mr & Mrs Britton have resided there since 2008.

7. Statutory Declaration of Jane McCormick of 49 Quarry Road Kingswood dated 28 May 2014.

Ms McCormick states that since 2008 she has regularly visited Bramley Cottage to attend Mr & Mrs Britton's birthday parties. Ms Thatcher confirms that Mr & Mrs Britton have lived at Bramley Cottage since April 2008.

8. Statutory Declaration of Maurice Coles of Brookside Cottage, Polly Barnes Hill, Hanham.

Mr Coles states that since 2007 he has regularly visited Mr & Mrs Britton at Bramley Cottage and in particular he attended Sue Britton's birthday parties in April 2008, 2009, 2010, 2011, 2012 and 2013 together with Bryan Britton's birthday parties in August 2007, 2008, 2009, 2010, 2011 and 2013.

9. Statutory Declaration of Claire Cross of 90 Bath Road, Longwell Green dated 3rd June 2014.

Ms Cross states that from April 2008 to the present day she has regularly attended Bramley Cottage to use the swimming pool. This has been on a twice weekly basis with Sue Britton and once a week with Angela Shute as well as Sue Britton, using the house to have breakfast after swimming every time. Ms Cross has also visited the property on numerous occasions since 2008 for birthday events and social gatherings. Ms Cross confirms that Mr & Mrs Britton have resided at Bramley Cottage since April 2008.

10. Statutory Declaration of John Blake of Greystones, Homefield Road Saltford dated 10 June 2014.

Mr Blake has known Mr Britton since Jan. 2008. Mr Blake has made social visits since 2009 to the present. Mr Blake has regularly visited Bramley Cottage and confirms that throughout this time Mr & Mrs Britton have resided at Bramley Cottage.

11. A large bundle of receipts dating from Dec. 2006 to March 2009 for materials used in construction works relating to Bramley Cottage and associated swimming pool, access and driveway.

12. A legal opinion in support of the application by Karen Howe of Clarke Wilmott LLP has also been submitted but this does not represent evidence as such but more of a legal opinion of the evidence and related issues.

5. SUMMARY OF CONTRARY EVIDENCE

Other than the comment from Wick & Abson Parish Council, which is not supported by any evidence, there is no contrary evidence at all.

6. OTHER CONSULTATIONS

Local Councillor
No response

Siston Parish Council

Due to the land and works having taken place not being visible to public view, we regret that we are unable to make any observations or offer any opinion on the issues raised.

Wick and Abson Parish Council

Object- Development within the green belt and insufficient evidence to support statutory declaration.

Historic Environment

No objection

Landscape Officer

No comment

Sustainable Transport

No comment

Revenues Officer

The property was first listed for Council Tax on 2nd Feb. 2009.

7. ASSESSMENT

7.1 S191(1) of the Town and Country Planning Act 1990 (TCPA) provides that a person may make an application to ascertain whether:

2.1.1 Any existing use of buildings or other land is lawful.

2.1.2 Any operations which have been carried out in, on over or under land are lawful.

2.1.3 Any failure to comply with any condition or other limitation subject to which planning permission was granted is lawful.

7.2 As there was no planning permission for the erection of Bramley Cottage or existing buildings on the site the relevant question is 2.1.2 as set out above. S191(2) TCPA sets out the grounds on which the operations to be considered would be deemed lawful, including that no enforcement action could be taken either because the operation did not involve development or require planning permission or because the time for taking enforcement action had expired.

7.3 The time limits for taking enforcement action are set out in s171B TCPA for building operations. The relevant period is 4 years beginning with the date on which the operations were substantially completed (s171B(1)). The period for change of use of a building to use as a dwelling house is also 4 years (s171B(2)). There is an exception to this, set out in s171BA-BC. This applies where the breach of planning control has been concealed such that the LPA could not have been aware of the breach and taken enforcement action within the prescribed period. In such cases the LPA has six months, beginning on the

date when it had sufficient evidence to apply to the Magistrates' Court for a planning enforcement order enabling it to take enforcement action against the breach.

7.4 The issues to be considered in this case are therefore:

a. Were the works to construct Bramley Cottage substantially completed 4 years or more before 14th April 2014 i.e. receipt of the application?

b. Were the works to construct the swimming pool and ancillary buildings substantially completed 4 years or more before 14th April 2014?

c. If any of the building works were not substantially completed 4 years or more before 14th April 2014, could the works nevertheless be regarded as permitted development and therefore lawful?

d. Was there any attempt to conceal any aspect of the works in this case such that the LPA could apply for a planning enforcement notice?

Dealing with the latter point, there are no enforcement notices relating to this property.

7.5 The relevant test of the submitted evidence

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

7.6 Hierarchy of Evidence

The evidence submitted comprises a mix of affidavits or statutory declarations, a photograph and a bundle of invoices. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.

4. Contemporary documentary evidence, especially if prepared for some other purpose.
 5. Sworn written statements (witness statements or affidavits), which are clear as to the precise nature and extent of the use or activity at a particular time.
 6. Unsworn letters as 5 above.
 7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.
- 7.7 Construction of Bramley Cottage
Mr Britton states at para. 7 of his Statutory Declaration that Bramley Cottage was '*substantially completed by the end of 2008*'. At that time Mr Britton states that the building comprised a kitchen/lounge, shower room/wc, plant room, wc, shower room, bathroom and bedroom as shown on Plan 2.
- 7.8 Officers are satisfied that such a building would represent a residential dwelling. Having visited the site officers can confirm that the layout described above and shown on Plan 2 is still in-situ to this day. The statement is corroborated by the numerous Statutory Declarations submitted in support of the application. Furthermore the submitted photograph, purported to have been taken in 2009 also supports the claim as does the fact that the building was listed for Council Tax purposes in 2nd Feb. 2009.
- 7.9 Officers have an aerial photograph (taken from the Council Archive) of the site, taken in what appears to be the Summer months (leaves on the trees) of 2008/2009. The L shaped Bramley Cottage is clearly present as is the Swimming Pool, separate access and gate posts. There appear to be 2/3 builders vehicles parked adjacent to Bramley Cottage which suggests that building works were still on-going, as suggested by Mr Britton at para, 8 of his Statutory Declaration, but officers are satisfied that at this time the building was substantially complete i.e. comfortably 4 years before 14th April 2014. These works are therefore considered lawful. Furthermore the building was intended for residential use and from the submitted evidence has been occupied by Mr & Mrs Britton for more than 4 years for that purpose.
- 7.10 Furthermore, according to Mr Britton's evidence, construction of the BBQ kitchen/recreation room, which commenced in 2008, was completed in early 2009. This is corroborated by the receipts for various building materials and also the photograph from August 2009. Whilst this building is not present in the Council's 2008/2009 aerial photograph, it would explain the continued presence of builder's vehicles in the photograph. Accordingly therefore it too is now lawful because more than 4 years have lapsed since its construction.
- 7.11 The BBQ kitchen/recreation room was incorporated into the main part of Bramley Cottage in 2013 when a dining area/conservatory and store room/wc were constructed. As construction of these only took place in 2013, they do not benefit from the 4 year rule but are considered to be permitted development not requiring planning permission, Bramley Cottage by then being lawful under the 4 year rule. (see below).

7.12 Other Buildings and Structures

Mr Britton at para. 5 of his Statutory Declaration states that the separate gateway to Bramley Cottage was formed on 14th August 2007, with the gateposts and gates being installed on 6 Oct 2007. Again, the receipts for building materials corroborate these dates as does the Council's aerial photograph from 2008/2009. The construction of the new entrance and gates separated Bramley Cottage from Highfield Farm and defined a curtilage for Bramley Cottage. Since these works were carried out more than 4 years ago they are lawful. In any event the works fall under permitted development rights, being no greater than 2 metres in height and not being adjacent to the highway.

7.13 The swimming pool according to Mr Britton's Statutory Declaration para. 6, was constructed between Jan. and April 2008. Again, the receipts for builders' materials, the submitted 2009 photo and the Council's own 2008/2009 photo confirm this. As the pool is more than 4 years old it too is now lawful.

7.14 The gymnasium/store was apparently erected during 2007. This cannot be corroborated from the submitted evidence. The building is not visible in the council's 2008/2009 photograph but this may be due to the trees growing on the front boundary of the site, the building being located here. Given the absence of any contrary evidence, officers are however satisfied that this building, being more than 4 years old is also lawful.

7.15 Similarly the summerhouse and workshop are lawful since they were erected in early 2009. In any event these structures could have been erected under permitted development rights as Bramley Cottage was by then substantially constructed.

7.16 The 2013 Structures

In 2013 a conservatory/dining room area was constructed adjacent to the original BBQ kitchen/recreation room and lounge/kitchen, and a store room and WC adjacent to the BBQ kitchen and original shower room/WC. These works integrated the original BBQ kitchen with the remainder of Bramley Cottage. Having considered these structures against Part 1 Class A of Schedule 2 of the General Permitted Development Order (GPDO) 1995 officers are satisfied that they fall under permitted development. However it was not established at that time that the main dwelling was lawful; and as such on the balance of probability the permitted development rights normally afforded to lawful dwellings would not have applied. Article 3 (section 5) of the GPDO 1995 indicates that Schedule 2 does not apply to building operations where the existing building was unlawful. Furthermore, the extension has not been in situ for more than 4 years.

Should a certificate be issued for the main dwelling (in line with the recommendation) permitted development rights under Schedule 2 will be applicable for future alterations. As such, whilst this part of the proposal is not found to be lawful on balance, it would not be expedient to take action against it in the event a Certificate for the house is issued; but it should nevertheless be excluded from the certificate at this stage.

7.17 Was there Deliberate Concealment?

Although the site is reasonably concealed from view by the boundary vegetation along the A420, as noted by Siston Parish Council, there is nothing to suggest that there was any attempt to deliberately conceal the development. The submitted evidence confirms that Mr Britton regularly invited friends to the property. Furthermore the works to convert the adjacent barn were carried out in 2008 and 2009 when building works were being carried out as part of Bramley Cottage. Council officers would no doubt have been inspecting the works to the barn at this time. Officers are therefore satisfied that issue d. in para.7.4 above is therefore satisfactorily addressed.

8.0. CONCLUSION

- 8.1 The submitted evidence covers the relevant 4- year period prior to receipt of the application and beyond.
- 8.2 The evidence submitted by the applicant is considered to be sufficiently precise and unambiguous. There is no contradictory evidence from third parties or from the Council's own aerial photograph to make the applicant's version of events less than probable. Furthermore there is sufficient evidence to suggest that Bramley Cottage was substantially completed more than 4 years prior to the receipt of this application and has been continuously occupied as a residential dwelling during that time and to the present by Mr & Mrs Bryan Britton. However the 2013 structures should be omitted from the certificate description and red line plan as on balance it is not considered that the permitted development rights under Schedule 2 of the GPDO 1995 applied at the time they were built.
- 8.3 It is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim and a certificate should be issued.

9. RECOMMENDATION

- 9.1 That a Certificate of Lawful Development should be GRANTED for a residential dwelling and outbuildings, but excluding the structures built in 2013 for the following reason:

Sufficient information has been submitted to demonstrate that, on the balance of probability, the building and associated structures shown enclosed in red on the submitted plan has been present and occupied as a separate residential dwelling house (Use Class C3) for a continuous period of 4 years or more immediately prior to the submission of the application.

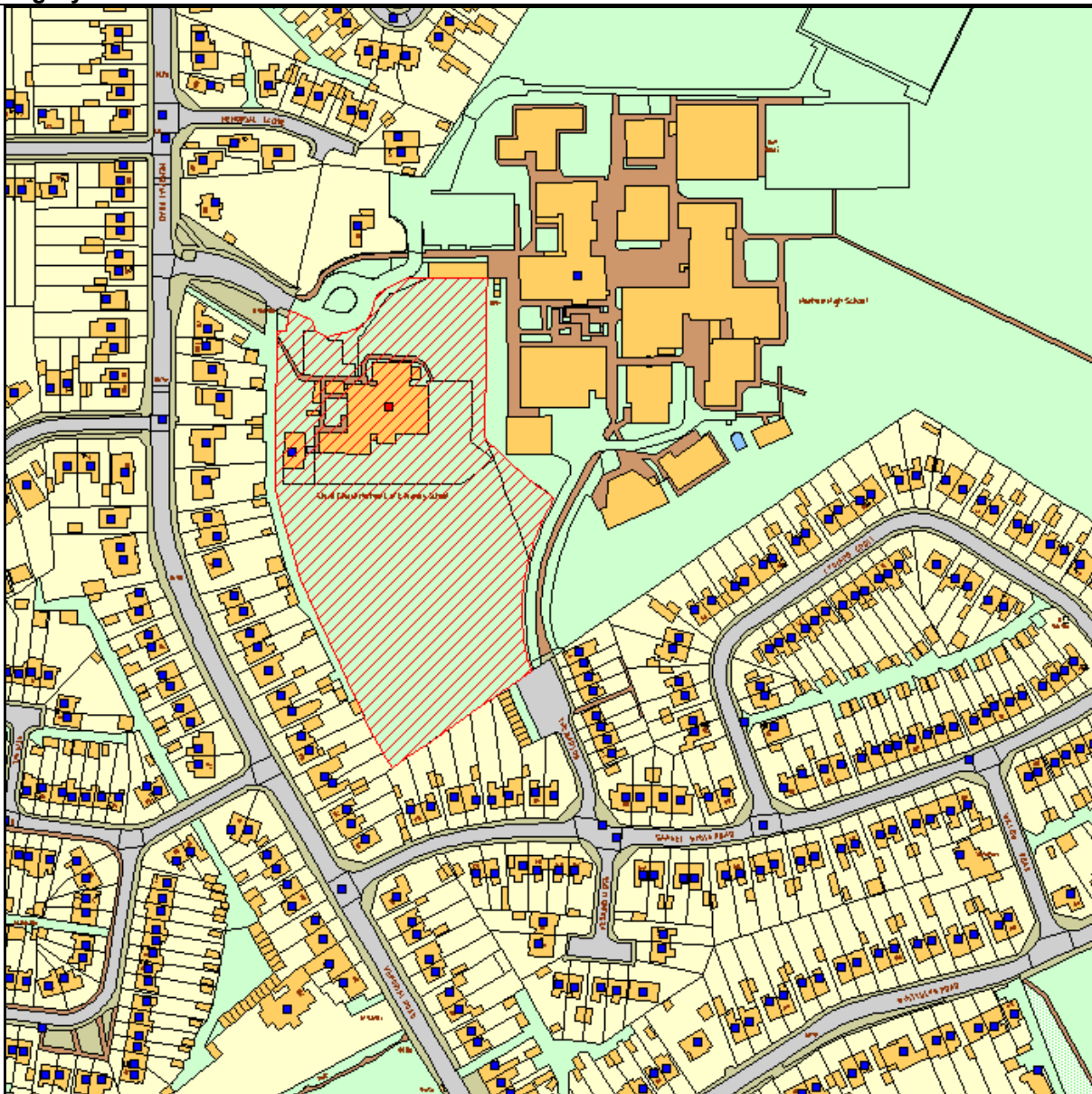
This is with the exception of the conservatory/dining room structure constructed in 2013 which shall be omitted from the red line plan issued with the Certificate.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

ITEM 2

CIRCULATED SCHEDULE NO. 31/14 – 1 AUGUST 2014

App No.:	PK14/1792/R3F	Applicant:	South Glos Council
Site:	Christchurch C Of E Primary School Memorial Road Hanham Bristol South Gloucestershire BS15 3LA	Date Reg:	22nd May 2014
Proposal:	Erection of extensions to provide a new secure entrance and main hall extension, and a 4no. classroom block including group rooms, staffroom and ancillary facilities, associated landscaping and works.	Parish:	Hanham Abbots Parish Council
Map Ref:	363932 171661	Ward:	Hanham
Application Category:	Major	Target Date:	8th August 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following objections from local residents and also because of the nature of the application as it has been submitted by South Gloucestershire Council itself.

1. THE PROPOSAL

- 1.1 The application site relates to Christchurch C of E Primary School situated on Memorial Road and within a residential area of Hanham. The site is bounded by residential development on all sides with vehicular access onto Memorial Road and a rear pedestrian entrance onto The Barton. The site comprises a two storey primary school building and shares access points with the secondary school next door.
- 1.2 The application proposes two elements: a one and a half storey main hall extension and a two-storey classroom extension. The proposed two-storey extension would be to the rear of the school to the south west corner. An existing area of hardstanding around the buildings would be extended out over a grassed area to accommodate the development but would not interfere with the existing area designated as sports pitches. A number of trees can be seen within the site. The proposal initially included a single storey reception lobby but this is considered to fall under the permitted development rights associated with the school and will not be covered under this application. In addition other works to the school would include re-roofing, re-cladding, internal refurbishment, alterations to the car park, highway and landscaping.
- 1.3 The proposal is to erect a two storey extension to provide 4 no. additional classrooms. The application states that demand for pupil places in the primary phase continues to rise in South Gloucestershire with numbers of admission applications for reception school places in 2012 reaching a 10-year high. The Council's Commissioning of Places Strategy sets out plans to increase the supply of school places and in the short term this will be achieved by increasing admission numbers at existing schools. In respect of Christchurch Primary there is a requirement for an additional 210 no. of places by 2018. The increase will be phased over 7 years with 30no. new places each year. The increase began in 2012 and this last part of the phase of growth involves the construction of an extension to the existing building. The proposed two-storey extension would incorporate four classrooms, four group rooms, a facilities manager's room, a lift, a staff room and a resource room.
- 1.4 Details submitted with the application acknowledge the potential for increased traffic movements to the site related to parents dropping off and picking up children. The applicant ran a 'drop in' session where staff, local residents and parents were able to raise concerns. The application has taken these points into consideration and the proposal has attempted to mitigate these concerns with regard to increasing the number of staff car parking places, relocating bin storage area, investigating waiting restrictions/yellow/white lines, rails/bollards to prevent inconsiderate parking, continuing to encourage travelling to school by other means than a car.

1.5 In addition, the applicant submitted the following documents to support the proposal:

- Design and Access Statement
- Ecological Survey
- Educational Justification
- Arboricultural Appraisal
- Travel Plan
- Flood Risk

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS2	Green Infrastructure
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS23	Community Infrastructure & Cultural Activity
CS29	Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan (Adopted) January 2006

L1	Landscape Protection and Enhancement
L9	Species Protection
L15	Locally listed buildings and structures
LC4	Expansion of Educational Facilities within the urban area
LC9	Protection of Open Space and Playing Fields
T7	Cycle Parking
T8	Parking Standards
T12	Transportation for New Development

2.3 Supplementary Planning Guidance/Documents

South Gloucestershire Design Checklist – August 2007
Biodiversity Action Plan SPD

3. RELEVANT PLANNING HISTORY

3.1 PK09/0779/R3F Replacement of existing single glazed curtain walling with double glazed curtain walling to the external elevations.

Deemed consent 5.6.09

3.2 P99/4601 Erection of extension to school.
Approved 16.11.99

4. CONSULTATION RESPONSES

4.1 Hanham Abbots Parish Council
No objections

4.2 Consultees responses:

Environment Agency: No objection subject to a planning condition imposed seeking details of surface water drainage.

Wessex Water: No objection subject to and informative. It is advised that Waste water connections will be required from Wessex Water to serve the proposed development. Also, it is advised that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Sustainable Transport: No objection subject to conditions seeking detailed site specific Construction Environmental Management Plan; a Travel Pan; off-street parking; zebra crossing road markings

Ecology Officer: Objection.
Updated comments following additional information received:: There are no ecological constraints to granting planning permission subject to Conditions relating to a landscape and ecological management plan and a precautionary method of working statement and informatives

Landscape Officer: No objection subject to conditions attached to the decision notice to ensure the proposed planting plan/schedule of works is followed.

Tree Officer: No objection subject to conditions that the submitted Arboricultural report is followed

Environmental Protection: No adverse comments and it is advised of the precautionary measures during the construction period.

Drainage Engineer: No objection subject to informatives

Urban Designer: The quality of the extension could however be wholly undermined if delivered with poor quality materials and detailing. I would advise that windows should be provided with a reveal (approx 100mm at least), as opposed to a flush finish with the surrounding render / panel finish. Dark frames should also be provided. This will give the extension a more 'robust / substantive' appearance.

Archaeology Officer: No objection.

Conservation Officer: No comment.

Other Representations

4.3 Local Residents

6 letters of concerns or objection have been received.

- Whilst I have no objection to the proposed building work, I am concerned about the increased traffic which is likely to result from the expansion of the school. In particular, I am concerned about the likely increase in parking on Memorial Road, especially immediately outside my house and hope that more children and parents can be encouraged to walk
- I live opposite the school and attended the open meeting about extending Christchurch School. While I do not object to the expansion of the school, I am very concerned about the lack of information as to what the Council are proposing to do about the extra traffic that will be generated. We already have a problem at school start & finish times and I can only see this getting worse without a provision plan. I did suggest to one of the officials at the meeting that perhaps a dropping off and picking up area could be built into the plans or even a one way perimeter track around the edge of the school field to take the traffic off the main road, but was told that this would not be possible. Parents dropping off and picking up children seem to have no regard to residents who live near to the school and our drive is sometimes blocked. I understand that the private road next to the school is also frequently blocked. If nothing is done about this problem then I am very concerned that someone is going to be seriously injured or killed. I would object to more yellow lines in the area because this problem only happens at school start/finish times.
- I am strongly against allowing the school to be made any larger as our close now is used for car parking all day and at pick up and drop of times I am sometimes unable to get of my drive or even get on it when some parents thinks its a parking space and I have suffered some verbal abuse and have been threatened as you know its older people living in the bungalows and we should not have to put up with this
- The area is already highly congested with cars at school opening and closing times and by increasing the pupil numbers in this way an intolerable burden will be placed on an already suffering neighbourhood.
- Residing in The Barton I have over a number of years been hampered by the increasing use of the road from a Service entrance to a main access. I appreciate the efforts made by the school to try an tackle the traffic issues, which I feel Hanham High school should also attempt to follow. My main concerns are as follows
 - 1. Drainage of rain water sometimes causing flooding to The Barton garages as the soakaway in the school are rarely drained and parking by teachers results in blocked drains.
 - 2, Can you confirm if all transport access for Christchurch is to be via Memorial Road and whether an addition of 8 car spaces will be sufficient to accommodate the existing 50 staff plus additional teachers, considering at

- present 80% of Christchurch staff use cars and 55% of pupils travel to school by car. The existing infrastructure is not currently coping.
- 3. The proposal to use The Barton for contractors plus existing parking for teachers is not realistic. The size of the plant and the narrow access to The Barton will cause many problems to the residents, school, pupils and visitors. Cannot access be made via the main entrance on Memorial Road?
 - 4. Christchurch survey outlines ways of reducing car journeys by parents. Unfortunately, this has not happened as the number of car users has only reduced by 2-3%. I appreciate that the proposal is that yellow lined boxes and bollards could be used but parents will continue to access the school as they currently do.
 - 5. The Design & Access statement advises that access to the school via The Barton is managed by school staff and the gates are locked shut. I am afraid that statement is very rarely true. The school gates are not managed and access to the site is open to anyone who has a key to the gates and are normally found to be left opened.
 - 6. One of the reports mentions in point 3f that The Barton will be used at weekends for access for various clubs, As we already suffer constant use virtually all days of the week can nothing be put in place to use Memorial Road as access at weekends as well as evenings?
 - 7. I would like to know on what basis it was decided to increase the size of Christchurch school when it would seem more sensible to increase the size of Hanham Abbots Junior school as the infrastructure is already failing to cope with two schools accessing two entrances.
 - 8. My final point concerns the health and safety of both residents and pupils with the increase in traffic as a result of increasing the size of the school.
 - I appreciate that many of my concerns relate to access issues and not the actual proposed building but by increasing the size of the school it will cause many more issues to the residents of The Barton.
 - Expansion of the school will increase traffic on Memorial Rd both during construction and afterwards. This doesn't seem to be taken into account in the travel plan at all, even though Memorial Rd is not coping with the amount of school traffic even now. When the expansion of the school first started a couple of years ago (i.e. one classroom was added) the increase in traffic on Memorial Rd at pick-up and drop-off times was noticeable straight away: cars now park on both sides on the road and there are long traffic jams as people struggle to get through.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

The National Planning Policy Framework was published in March 2012. It is considered that the relevant policies of the adopted Local Plan and Core Strategy do not materially depart from the NPPF. As such full weight can be afforded to the Development Plan policies in this case.

Paragraph 72 of NPPF states that the Government attached great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. The Local Planning Authority should give great weight to the need to create, expand or alter schools.

In addition, it is also particularly important to provide high quality open spaces, sport and recreation facilities that make a contribution to the health and well-being of communities in accordance with Paragraph 73 of NPPF.

In this instance, officers acknowledge that there are significant and immediate demands for providing required primary school places for the school. Any delay in delivering the required school places would cause significant impact upon other schools in the area and the well-being for families with children who are living in the catchment of school.

Policy LC4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing schools within the urban area, providing there would be no detrimental impact in terms of residential amenity, environmental or transportation effects, the site is highly accessible on foot or by bike and the proposal would not give rise to an unacceptable level of on street parking. Policies T8 related to parking standards and T12 related to highway safety are also a material consideration.

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

5.2 Design

The original school building is a modular, prefabricated, building with steel framed curtain walling panels over a brick plinth and with a mainly flat roof construction. It is predominately single storey; with a storey and a half main hall in its centre and a two storey classroom block to the south eastern corner of the main building. The proposal has sought to minimise its impact on the surrounding buildings and environment and it is useful to consider each of the proposed extensions in turn:

5.3 Hall Extension

The new hall extension has been designed to accommodate the increase in pupil numbers for dining, assemblies, physical education and teaching space. The new hall will include a folding screen that can sub-divide the new, enlarged, space into two separate rooms, if required. The existing hall is to be refurbished providing a seamless transition to the new extension. Additional storage space is being provided as part of the new build extension along with internal refurbishment of adjacent spaces to complement the existing storage facilities.

5.4 The form of the proposed hall extension is simply an extrusion of the existing main hall. To maintain a cohesive aesthetic between the existing and proposed hall the existing clear storey windows and cladding panels over the current hall are to be replaced with new windows with render over. The extension is to be faced in a buff brick matching the brick on the existing school to 825mm above floor level (matching the level on the classroom block extension). A rendered finish will be extended from this level to the parapet enclosing the new flat roof over this extension. Set within the render is to be a thermally broken aluminium framed curtain walling system with two double doors and a large area of glazing to maximise physical and visual continuity between the hall and the external environment beyond. The roof will house two large roof lights to

compliment the levels of natural light and ventilation achieved with the clear storey windows and curtain walling to the new end elevation.

5.5 Classroom Block:

The new two storey classroom block would be located to the south east of the existing school buildings. . It is proposed to face the new teaching block in a render finish (a white base with areas of red, green and blue framed in grey) above ground floor sill level with a buff brick, matching the existing brickwork on site, below sill level (for robustness). Thermally broken, double glazed windows and doors punctuate the proposed fenestration, breaking up the façade to the classrooms. The windows and roof lights have been designed with achieving maximum levels of natural ventilation and daylight within the associated classrooms and accommodation. The windows, doors, roof and rainwater goods are to all be a matching grey, providing a neutral backdrop to the vibrant rendered wall colours.

5.6 A single ply membrane flat roof is proposed, concealed behind a parapet up stand to the buildings perimeter. The roof will accommodate four roof lights to the two classrooms on the first floor, with a permanent roof access point. Free standing transparent canopies are proposed to all entrance points around the new two storey extension along with the sheltered classroom break-out space to the ground floor. These will provide shelter against the points of entry around the building protecting both the occupant and building fabric alike. The building will look to utilise sustainable material in its construction; high levels of insulation and double glazing are all intended to provide a comfortable and usable space all year round.

5.7 The design and materials would be of good quality in keeping with the character of the existing school building and would respect the character distinctiveness and amenity of the surrounding area. Although the proposed development would be visible from neighbouring residential properties, it is considered that it would not cause significant adverse impact upon the character of the area. As such it is considered that the design of the proposal accords with the criteria of Policy CS1.

5.8 The proposed extension to the staff car park would be situated to the front of the school. The car park is accessed by the main entrance into the school off Memorial Road. The proposed two-storey extension would not impact on the outdoor facilities of the school as the marked pitch would be unaffected and sufficient grassed and areas of hardstanding remain within the grounds.

5.9 Landscape Issues

The application proposes that 7 no. trees are to be removed to facilitate the proposed works with 7 no. new trees provided. 4 trees are to be removed for construction site access. These are to be replaced following completion of the works

5.10 In addition, the existing hard play area is to be extended by 10m across the southern boundary between hard play and playing field. The small area of grass to the northern boundary of the hard play area enclosed by a tarmac footpath is to be resurfaced to hard play. The increase in hard play area is to

- off-set the area lost to the proposed new two storey extension, and to provide additional facilities for the increase in pupil numbers.
- 5.11 Officers consider that the proposed landscape scheme is provided that a planning condition is imposed to ensure the details will be implemented accordingly.
- 5.12 Tree Officer
The proposed extension to the school will require the removal of 4no class C trees and 1 class U tree. The loss of these trees is being alleviated by the planting of 2no Sorbus aucuparia, 3no Sorbus aria lutescens and 2no Fraxinus oxycarpa 'Raywood'. This would represent good mitigation for the removed trees. However the 2no Fraxinus oxycarpa 'Raywood' should be replaced with an alternative large tree such as Oak – Quercus robur. This is because *Fraxinus oxycarpa* 'Raywood' has a tendency to fall to pieces in maturity and does not respond well to pruning. It is also susceptible to *Chalara Fraxinea* – ash dieback.
- 5.13 Following this advice, the applicant has submitted an update to the proposed planting and has exchanged the original Fraxinus oxycarpa 'raywood' for Quercus rober which is considered acceptable.
- 5.14 The proposal is therefore considered acceptable subject to all works being in accordance with the submitted Arboricultural report containing: Arboricultural constraints, Arboricultural impact assessment, Tree protection plan and Arboricultural method statement dated May 2014
- 5.15 Ecology
Following initial concerns expressed by the Council's Ecologist an additional report was submitted by the applicant which included clarification with regard to a search by the local environmental records centre (BRERC), bats, reptiles, amphibians and nesting birds.
- 5.16 This additional information has clarified the issues previously raised and the working methodology to be employed on the site. As such there are now no ecological constraints to the proposal subject to conditions relating to a landscape and ecological management plan and precautionary method of working statement and informatives regarding nesting birds and bats in trees.
- 5.17 Residential Amenity
The school is enclosed on 3 sides by residential properties and with Hanham High School on the other remaining side. Playing fields for the school are located to the south of the site and the proposed two-storey extension would be situated in this area. The site is bound by a mixture of fencing styles including palisade fencing, concrete post and wire mesh and timber fencing panels separating the site from neighbouring residential gardens. The site benefits from a large number of trees and shrubs around the perimeter with a large open area comprising a habitat, play area and games pitches.
- 5.18 The proposed two-storey rear extension would be approximately 78 and 87 metres respectively from the closest neighbours along Memorial Road and The

- Barton. As such it is considered that the proposed extension would not cause an adverse impact in terms of overlooking, overbearing, loss of sunlight / daylight to be detriment to the living conditions of the neighbouring occupiers.
- 5.19 As the proposed extension is surrounded by residential properties, it is considered that it would be necessary to impose a planning condition to restrict the construction hours to minimise impacts upon the neighbouring residents.
- 5.20 Highway matters
Policy LC4 of the South Gloucestershire Local Plan (Adopted) relates to the expansion of education and community facilities within the existing urban area. Policy LC4 states that proposals for education facilities within the urban area will be permitted provided that criteria are satisfied and in respect of transportation, it states the following,
- 5.21 **D. Development would not give rise to unacceptable levels of on street parking to the detriment of the amenities of the surrounding area and highway safety.**
- The proposed extensions to the school will accommodate up to an additional 150 children and 18 staff. This will of course result in an increase in travel demand and parking at the school. The Application is supported by a School Travel Plan.
- 5.22 Parking
The additional 7 standard and 1 disabled car space for staff parking at the school is consistent with overall South Gloucestershire Council maximum parking standards. There are opportunities for staff to park on the school access road and on the surrounding roads. The impact of parking on the surrounding roads by staff and the pupil drop off and pick up would need to be minimised by the implementation of the School Travel Plan which will require updating to include the new extension and the introduction of targets for modal shift away from cars to sustainable means of travel for both staff and pupils drop off and pick up.
- 5.23 There are existing parking restrictions in place on the surrounding highway network to ensure that parking only occurs at safe locations. As with most schools there is always room for additional parking controls, however Highway Officers do not consider the Traffic Regulation Order measures proposed in the submitted Travel Plan to be necessary to make the development acceptable and therefore it is suggested that the School contacts the Street Care Manager directly to discuss the implementation of additional traffic regulation orders and the repainting of existing road markings.
- 5.24 The existing 20no. covered cycle parking spaces are consistent with South Gloucestershire Council parking standards for the increased size of the school. They are currently underused and this is an area which should be reviewed in the Travel Plan to see if it is practical for more children and staff to cycle to school. The possibility of providing separate cycle stands for staff should also be investigated.

5.25 Access

Access for vehicles is via the school access road, off Memorial Road. With the exception of disabled access, this access is not used to drop off children. There is no proposal to change this access which is suitable for the proposed development.

5.26 There are two pedestrian accesses. One is alongside of the school's access road off Memorial Road, on a separate footpath which crosses a private backway just outside the main school entrance gates. There are worn out zebra crossing type markings at this point which should be repainted to highlight the crossing point. Although it is acknowledged that the zebra crossing is on land outside the control of the applicant the Highway Authority have indicated that the work would be appropriate given the association with this application.

5.27 The second pedestrian access is at the end of The Barton where there is a footpath alongside the vehicular access to the High School.

5.28 Impact on the surrounding highway.

The additional staff and children will of course result in more traffic on the surrounding roads which are of a residential nature where vehicle speeds are relatively low. Traffic calming humps are located along Memorial Road.

5.29 It is the Officer opinion that although the surrounding roads will be busier at the start and end of the school day the impact of the additional traffic would not cause a highway safety problem in itself. However to mitigate the impact and in the interest of sustainability the School Travel Plan must be implemented. The implementation and update of the School Travel Plan would be a condition attached to the decision notice.

5.30 Comments have been received in relation to the management of the gates, weekend access, the use of The Barton by contractors and teachers and the encouragement of sustainable transport. Some of these matters are included within the travel plan and these and others are issues to be dealt with directly by the school and local interested parties as they are outside the remit of a planning report. A condition would be attached to the decision notice to limit the hours of working on site and to minimise disturbance to local residents.

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.

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 08.30am to 18.00pm Mondays to Fridays, and 08.30am to 13.00pm Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to occupiers of neighbouring residents and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to development commencing, a landscape and ecological management plan be drawn up and agreed with the Council in writing. The plan should include details of the existing habitat to be safeguarded; and any new habitat to be created (mixed native scrub and trees). It should also include a programme of monitoring of all works for a period of 5 years. All works are to be carried out in accordance with said plan (L9);

Reason

In the interests of wildlife habitat and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Biodiversity Action Plan Supplementary Planning Document.

4. Prior to development commencing, a precautionary method of working to safeguard the pond/semi-natural habitat and any wildlife associated with it be drawn up and agreed with the Council in writing. All works are to be carried out in accordance with said statement (L9);

Reason

In the interests of wildlife habitat and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Biodiversity Action Plan Supplementary Planning Document.

5. Prior to development commencing, details of a scheme of bird nest boxes (including house sparrows) shall be provided to the Council and agreed in writing. All works are to be carried out in accordance with said scheme (L9);

Reason

In the interests of wildlife habitat and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Biodiversity Action Plan Supplementary Planning Document.

6. A site specific Construction Environmental Management Plan (CEMP), shall be agreed in writing with the Local Planning Authority prior to commencement of work. The CEMP as approved by the Council shall be fully complied with at all times. The CEMP shall address the following matters:
- (i) Procedures for maintaining good public relations including complaint management and public consultation
 - (ii) Mitigation measures as defined in the British Standard BS 5228: Parts 1 and 2 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance.
Piling will not be undertaken and Best Practice alongside the application of BS 5228 shall be agreed with the LPA.
 - (iv) The use of a 'Considerate Contractors' or similar regime for the site induction of the workforce highlighting pollution prevention and awareness.
 - (v) Measures to control the tracking of mud off-site from vehicles.
 - (vi) Measures to control dust from the demolition and construction works approved.
 - (vi) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
 - (vii) Adequate provision for the delivery and storage of materials.
 - (viii) Adequate provision for contractor parking.
 - (ix) A lorry routing plan.

Reason

In the interests of residential amenity and to accord with Policy CS9 of the adopted South Gloucestershire Local Plan : Core Strategy 2013

7. The development shall not be occupied until the on-site car parking is completed in accordance with the submitted drawing 3752/263 Rev A and shall be retained as such thereafter.

Reason

To ensure the provision of adequate on-site car parking in the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.

8. An updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied. The updated Travel Plan shall as a minimum include the following.
Contact details for the Travel Plan Coordinator.
Annual Travel Mode surveys.
Modal shift targets for the next 5 years.
A timetable for implementation.

Measures to encourage and promote walking, cycling, use of public transport and car sharing.

Annual review of the cycle parking arrangements with the provision of additional cycle spaces if required to help meet travel plan targets.

Monitoring and reporting back to South Gloucestershire Council timetable.

A management plan to control vehicle drop off and pick up of children at the start and end of the school day.

The approved Travel Plan shall be implemented in accordance with the timetable therein.

Reason

In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling and to accord with NPPF (2012)

9. The extension shall not be occupied until the zebra crossing type road markings at the pedestrian access into the school from the main school access have been repainted.

Reason

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

10. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

A detailed development layout showing surface water and SUDS proposals is required as part of this submission and shall be implemented and maintained thereafter

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

11. All hard and soft landscape works shall be carried out in accordance with the approved details on plan 3752/263 Rev A. The works shall be carried out prior to the occupation of the extension or in accordance with a programme agreed with the Local Planning Authority prior to occupation.

Reason

To protect the character and appearance of the area to accord with Policies L1of the South Gloucestershire Local Plan (Adopted) January 2006.

12. All works to trees on site shall be carried out in accordance with the approved plan 3752/263 Rev A. The works shall be carried out prior to the occupation of the extension or in accordance with a programme agreed with the Local Planning Authority prior to occupation.

Reason

To protect the character and appearance of the area and to protect the long term health of the trees to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 3

CIRCULATED SCHEDULE NO. 31/14 – 1 AUGUST 2014

App No.: PK14/2109/F
Site: Bramble Cottage High Street Hawkesbury
Upton Badminton South Gloucestershire
GL9 1AU

Applicant: Mr T Watts
Date Reg: 5th June 2014

Proposal: Demolition of existing double detached garage and erection of 1no. detached dwelling with access and associated works.

Parish: Hawkesbury Parish Council

Map Ref: 377600 187176
Application Category: Minor

Ward: Cotswold Edge
Target Date: 28th July 2014



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100023410, 2008. **N.T.S.** **PK14/2109/F**

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This report has been submitted to the Council's Circulated Schedule process following a representation which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The proposal seeks planning permission for the demolition of an existing detached double garage to facilitate the erection of 1 no. detached dwelling with access and associated works. This application has been submitted alongside an application on the adjacent site for the erection of a replacement garage to serve Bramble Cottage.
- 1.2 A number of important designations cover the site. It is located within the defined settlement boundary of the village of Hawkesbury Upton, and is within Hawkesbury Upton Conservation Area. It also lies within the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.3 Amendments were submitted on 2nd July 2014 at the Officer's request, with changes to the design. A period of re-consultation was not necessary as the changes were not significant.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

- L1 Landscape Protection & Enhancement
- L2 Cotswold Area of Outstanding Natural Beauty (AONB)
- L5 Open Areas with Defined Settlements
- L11 Archaeology
- L12 Conservation Areas
- T7 Cycle Parking
- T12 Transportation
- H4 Development within Existing Residential Curtilages

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment & Heritage
- CS16 Housing Density
- CS17 Housing Diversity
- CS34 Rural Areas

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK14/2125/F Pending Consideration
Erection of a detached garage
- 3.2 PK04/4023/F Approve with Conditions 24/01/2005
Erection of two storey and single storey rear extensions and single storey side extension to form porch and additional living accommodation.
- 3.3 PK01/2737/F Approve with Conditions 23/10/2001
Erection of detached outbuilding for use as a summer house and log store.
- 3.4 P95/1599/C Conservation Area Consent 23/06/1995
Minor works of demolition to facilitate erection of two storey side extension. Demolition of shed and garden wall.
- 3.5 P95/1598 Approval of Full Planning 10/07/1995
Erection of two storey side extension to provide kitchen and utility room with bedroom above. Erection of detached double garage. Construction of vehicular access.
- 3.6 P85/2000/L Conservation Area Consent 21/08/1985
Re-Roof using existing slates. Installation of rooflight. Re-Build two chimneys.
- 3.7 P85/1999 Approval of Full Planning 21/08/1985
Rebuild two chimneys

4. **CONSULTATION RESPONSES**

4.1 Hawkesbury Upton Parish Council

Objection:

- The Parish Council are concerned with the vehicle access being at the narrowest part of the High Street and see an opportunity to enhance the width of it and improve the visibility for pedestrians
- Size and scale should be in relation to Bramble Cottage
- Confused by the orientation under the Design and Access Statement (Natural Environment and Biodiversity) Section
- Request that the 850mm high stone wall is made of Local Cotswold Natural Stone by means of a condition

4.2 Other Consultees

Highway Drainage

No objection subject to SUDS and permeable surface conditions on the decision notice.

Sustainable Transport

No objection subject to conditions.

Listed Building and Conservation

Objection:

- Whilst the removal of the large, modern garage and replacement with a small dwelling, of appropriate scale and design, removal of overhead wires, and appropriate landscaping could be considered on balance to have a positive impact, the loss of garden, increased areas of hard surfacing and current design, is considered detrimental.

Archaeology Officer

No objection.

Landscape Officer

No objection subject to planting plan being submitted.

Highway Structures

No comment.

Tree Officer

No objection.

Ecology Officer

No objection subject to conditions.

Other Representations

4.3 Local Residents

Three letters of objection have been received, and one letter of support. The objections raised the following concerns:

- There are traffic jams every morning and afternoon on the road by the proposed entrance, and vehicles often mount the pavement which is well below standard width
- There is a matter of land ownership which requires looking into
- The proposed upper floor windows will overlook the garden opposite, which is already overlooked on one side. It would mean the garden feels enclosed and claustrophobic, and the house should be moved in a north westerly direction
- This build could affect the value or ease of sale of our property in the future
- The ash and fruit trees to be removed provide a semi natural outlook
- The conservation area should not have three very similar new build houses in such close proximity; this would give the impression of an 'estate' of new builds
- Adding another access on this narrow stretch of road would be hazardous, and it is already difficult navigating the pavement with children and a pushchair

The letter of support was received after the consultation period had closed, however the points raised have been taken into account:

- The lack of properties for sale in Hawkesbury suitable for families is a real issue, meaning that families are unable to settle and contribute to the community

- The existing new builds in the area are different in design and can only be seen when leaving the village towards Hillesley, and the house which is set back can barely be seen at all. The existing house next to the road is at a different angle and would not give the impression of an estate of new builds
- A well presented property would benefit the environment and support the growth of the Hawkesbury community

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives. Saved 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. In addition saved Policy T12 seeks to ensure that development will have no adverse impact on highway safety and residential parking standards have been revised under supplementary planning guidance adopted 2013.

- 5.2 Policy CS9 seeks to protect and manage South Gloucestershire's environment and its resources in a sustainable way and new development will be expected to, among others, ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance; conserve and enhance the natural environment and conserve and enhance the character, quality, distinctiveness and amenity of the landscape. As the proposal is within the Cotswold AONB, policy L2 of the Local Plan is also relevant, and it recognises that appropriate small scale development essential to meet the social and economic needs of the communities within the AONB may be required, subject to careful consideration. Policy CS5 of the Core Strategy recognises that small scale rural development may be permitted within the existing settlement boundaries of villages, and the application site is within the settlement boundary of Hawkesbury Upton. The proposal is deemed to accord with the principle of development subject to the analysis detailed below.

5.3 Impact on Area of Outstanding Natural Beauty

The primary objective of the Area of Outstanding Natural Beauty (AONB) designation in the Cotswolds is to conserve the natural beauty of the landscape, and it is addressed specifically under saved Local Plan policy L2 (Adopted) January 2006. As the development site is within the settlement boundary of Hawkesbury Upton, it is consisted to be small-scale infilling development and does not affect the character of the wider landscape in a negative manner. Notwithstanding this, steps need to be taken to accord with policy L2, in particular the enhancement and management of trees and hedgerows which are recognised as contributing to the landscape character of the AONB. The Council's Tree Officer recommended a tree survey and

arboricultural method statement was undertaken prior to determination as all of the existing vegetation was to be removed as part of the proposal. This tree survey was received by the Local Planning Authority on 8th July 2014, which demonstrates that each of the trees on the site is of low quality and would not be worthy of inclusion in a Tree Preservation Order. The plans indicate the applicant's intention to replant along the south-east boundary with three British native trees, which is an acceptable mitigation for the removal of the existing ash and fruit trees.

- 5.4 Additional planting is recommended by the Council's Landscape Officer to further mitigate the development of the site, and in the event that the proposal is approved a condition will be attached to the decision notice requiring that prior to development commencing, a 1:200 scale planting plan is provided with plant schedules detailing the size, type and specification of all proposed tree and shrub planting. This would include additional trees surrounding the site of the garage to be demolished to mitigate the impact of the proposed hardstanding paving area, and provide some enhancement of the street scene. Such enhancement should not be used to justify a development which would otherwise be unacceptable, and policy L2 also highlights the importance of design and respecting the character of the area, which will be discussed below.

5.5 Environment and Ecology

Whilst the application site is not covered by any statutory or non-statutory nature conservation designations, the Council's Ecology Officer has concerns that slowworms and hedgehogs may be affected due to the amount of vegetation which is to be cleared. In order to provide protection and for the proposal to be in accordance with policy L9 of the Local Plan, a condition is to be put on the decision notice if approved, requiring that prior to development commencing a mitigation strategy for slowworms and hedgehogs is drawn up and agreed with the Council. Subject to this condition, there are no environmental concerns to the erection of the proposed garage.

5.6 Design and Impact on Conservation Area

It is critical to define the character of the existing site before making an assessment of how that character would be affected by development. Development within Hawkesbury Upton is concentrated along the High Street, Back Street and Park Street, with open countryside beyond. Along the High Street development is more concentrated at the centre, with a more open and rural character to the north due to a less dense building grain and more open spaces. The gardens and open spaces contribute to the character of the settlement. The Hawkesbury Upton Conservation Area Advice Note points out that recent development in the village has resulted in the dilution of historic character, and it is important that this is not escalated further. The advice note recommends that any new development is small scale and sympathetic to the character and the appearance of the Conservation Area along the High Street, which is considered to be a mix of traditional buildings with buildings set parallel or at right angles to the road within long narrow property boundaries giving a feeling of enclosure. Towards the northern end of the High Street this sense of enclosure is less apparent, and the character is defined by a scattering of dwellings or groups of dwellings each with a unique form, scale, mass and design, giving a varied roofline along the ribbon development. It is

this diversity which is important to maintain, so in addition to ensuring new development is respectful of the historic fabric by means of traditional materials, detailing and design, it must also have an individual design so that the 'informal historic character' discussed in the Hawkesbury Upton Conservation Area advice note is not lost to a uniform group of dwellings; the consequences of which can be seen on the drive into the village along France Lane from the south-east.

- 5.7 The site is in a prominent position within the Hawkesbury Upton Conservation Area. It includes garden, driveway and garage to Bramble Cottage, which is a low two storey nineteenth century cottage built facing the High Street. The cottage has been extended but generally retains a well preserved traditional appearance and form, with low eaves, render and stone elevations and timber casement windows. To the south of this is a lawned garden area set above the road, retained by a modern bradstone wall. A gravel parking area has been created and a very large garage with a gable roofline built around 15m from the house, which is the garage proposed to be demolished under this application. The garage is proposed to be replaced by a new garage closer to Bramble Cottage, which is being considered by the Local Planning Authority under application ref. PK14/2125/F.
- 5.8 The removal of the garage is considered acceptable in itself as it is of no architectural or historic merit and in fact appears overly large and bulky in comparison with Bramble Cottage, which it currently serves. The application also proposes the undergrounding of the electricity cables which would offer enhancement to the conservation area. The proposed new dwelling is situated fairly centrally in the plot, which reflects the layout of other houses in the area, including the two new properties on the opposite side of the High Street. The topography of the plot is to be partially lowered in order to reduce the impact of the dwelling and the parking area, and to enable it to be at the same level as the road and the pavement. Access to the dwelling will be from the High Street, with a vehicle access in front of the existing garage and a pedestrian access to the south. The existing bradstone wall will be replaced with a 850mm dry stone wall which, whilst it is less desirable than Cotswold stone, is preferable to the existing. The plans show the dwelling to have double roman clay tiles on the roof, a Cotswold stone frontage and render to the sides and rear. If approved, a condition will be added to the decision notice stating that slate tiles shall be used as it is more traditional and widely used in Hawkesbury Upton.
- 5.9 Following the original submission of plans, it was recommended by the Council's Listed Building and Conservation Officer to seek section drawings to show the potential impact on the surrounding dwellings, along with design amendments such as steps in eaves height, substitution of part of the two storey block with a single storey element to break up the two storey mass of the building, the omission of the chimney stack and carrying the choice of Cotswold stone used on the principle elevation through to the gables, as opposed to render. The reason behind the amendments being sought is to reduce the overbearing scale and mass compared to Bramble Cottage, and due to the design of the house appearing very similar to the new dwellings on the opposite side of the high street, most notably Pershore Cottage. There is a risk that the repetition of this design could dilute the historic character of the Conservation

Area. It had also been considered that the dwelling should be moved to the north-west into the position of the existing garage, however this would compromise the proposed parking and turning arrangements which would then have to be moved to the south, further reducing the amount of garden space. Instead, the applicant was advised to move the proposal as far north-west in the plot as possible whilst still allowing for sufficient parking.

- 5.10 Sections and amendments were received by the Local Planning Authority on July 2nd 2014, with the slightly amended layout, and omitted chimney stack. The north-west part of the dwelling was slightly reduced in height by approximately 0.7 metres, but the main bulk of the structure remains at the same ridge and eaves height, and is remarkably similar in design to the cottages on the opposite side of the High Street, particularly Pershore Cottage which appears to have the same proportions, identical dormer windows and a pitched roof porch. Although the principle of a new two-storey dwelling at this location is in keeping with the linear settlement pattern of Hawkesbury Upton and is acceptable, particularly considering the letter of support received highlighting the housing need, it is thought that a new dwelling which is rather comparable by design to a nearby dwelling will dilute the historic, distinctive and individual character of the dwellings in this part of the Conservation Area, which is contrary to policies CS9 of the Core Strategy and L12 of the Local Plan. Additionally, the Hawkesbury Upton Conservation Area Advice Note (Adopted) 1999 specifically states that modern development must be in character, and it is the mix of roof lines and architecture which gives this part of the village it's informal rural feel. In the interest of clarity, had a fresh design with a reduced ridge height been submitted which had not already been replicated in the immediate surroundings, the proposal would have likely been deemed acceptable, as an individual design would have been in keeping with the informal historic character of the northern part of the High Street.
- 5.11 Additionally, the sections submitted on 2nd July 2014 confirm Officers' concerns that the proposal will appear visually overbearing in scale and bulk on Bramble Cottage, which has very low eaves and no raised dormer style windows, and is also situated on lower ground. It is worth noting that the two cottages of similar size and design opposite the application site are adjacent to a two storey dwelling with a much taller ridge height, and are also at a right angle to the highway, so their impact on Bramble Cottage would have been unlikely to be a planning consideration at the time of their approval. A reduced eaves and/or ridge height was sought from the applicant to address this concern however it was not received, and it is therefore considered that whilst the demolition of the existing garage is acceptable, the current design and scale of the proposed new dwelling is considered detrimental to the character and appearance of Hawkesbury Upton Conservation Area, and is not in accordance with policy L12 of the Local Plan (Adopted) January 2006 and policies CS1 and CS9 of the Core Strategy (Adopted) December 2013.
- 5.12 Residential Amenity
Residential amenity should not be harmed as a result of development. Amenity should be considered in terms of the application site and all nearby occupiers, and future occupiers of the proposed dwelling. The application site, if approved, will be removed from the residential curtilage of Bramble Cottage, so the

private amenity provisions for Bramble Cottage must be considered. The cottage sits within a substantial plot, which extends as much to the north-west of the property as it does to the south-east, which forms the plot for the new dwelling. It appears that the principal private amenity space for Bramble Cottage is the unaffected garden to the north-west of the cottage, as the plot to the south-east is rather overgrown, and therefore the proposed development does not alter the availability or quality of private amenity space available to the dwelling.

- 5.13 Following an objection from a local resident with regards to overlooking, the privacy of neighbouring occupiers has been carefully assessed. A small first floor window on the north-west elevation of the proposed dwelling is proposed, facing towards habitable windows at Bramble Cottage. Whilst the window serves an en suite bathroom and can reasonably be expected to be obscure glazed, the plans do not specify. Should the application be approved, a condition will be issued on the decision notice ensuring that obscured glass only is installed in the opening.
- 5.14 The only other first floor windows proposed are two dormer windows and a mini dormer window on the rear elevation, and two dormer windows and a roof light on the principle elevation. The rear outlook overlooks a large green space under ownership by The Paddocks, which does not appear to be used as part of their residential curtilage. Even if it is in use as a private garden, the plot is so substantial that the limited overlooking caused by the proposal would be minimal in comparison to the amount of space available. The first floor windows on the principle elevation face across towards two dwellings of which one of the occupants has objected to the proposal; St Agnes and Stonecott. Whilst it cannot be denied there will be an element of overlooking into both of the gardens of St Agnes and Stonecott, their location with gardens adjacent to the High Street, and particularly Stonecott's position in the centre of the plot, mean that the amenity space will always have an exposed feel. This could be mitigated in the future with careful planting.
- 5.15 The proposed dwelling will be in a similar position with its primary amenity space adjacent to the High Street, with some limited private garden space to the rear. The garden space is modest for a three-bedroom dwelling, however it is considered to be sufficient and the size and quality of the proposed garden is typical of the area. The proposal is therefore considered to be acceptable in terms of policy H4 of the Local Plan (Adopted) January 2006.
- 5.16 Transport
Two neighbour objections have been received alongside concerns raised by the Parish Council regarding the new vehicle access being at the narrowest part of the High Street, which is reported as already being dangerous for pedestrians. In response to these concerns being brought to the Local Planning Authority's attention, amendments were sought to increase the footpath to 1.5 metres across the front of the site. If the application is approved, this will be conditioned so that the wider footpath is in place prior to occupation of the dwelling. In addition to this, the Council's Transport Officer does not have any objection subject to conditions on the decision notice ensuring further details are submitted securing 2 metre by 43 metre visibility splays from the point of

access, two on-site car parking spaces and two covered and secure cycle parking spaces, and the access is surfaced in a bound material with surface water drainage.

5.17 Other Matters

One of the objections received from a local resident spoke of a land ownership issue. This is not a planning concern, and the decision notice will have informatives reminding the applicant that they can only carry out works on land under their ownership unless they have consent from the owner.

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 Whilst the removal of the large, modern garage and replacement with a small dwelling, of appropriate scale and design, removal of overhead wires, and appropriate landscaping could be considered on balance to have a positive impact, the current design is considered detrimental to the character and appearance of the conservation area, and is considered visually overbearing on the adjacent Bramble Cottage.
- 6.3 The recommendation to **refuse** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the application is **REFUSED** due to the reasons on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

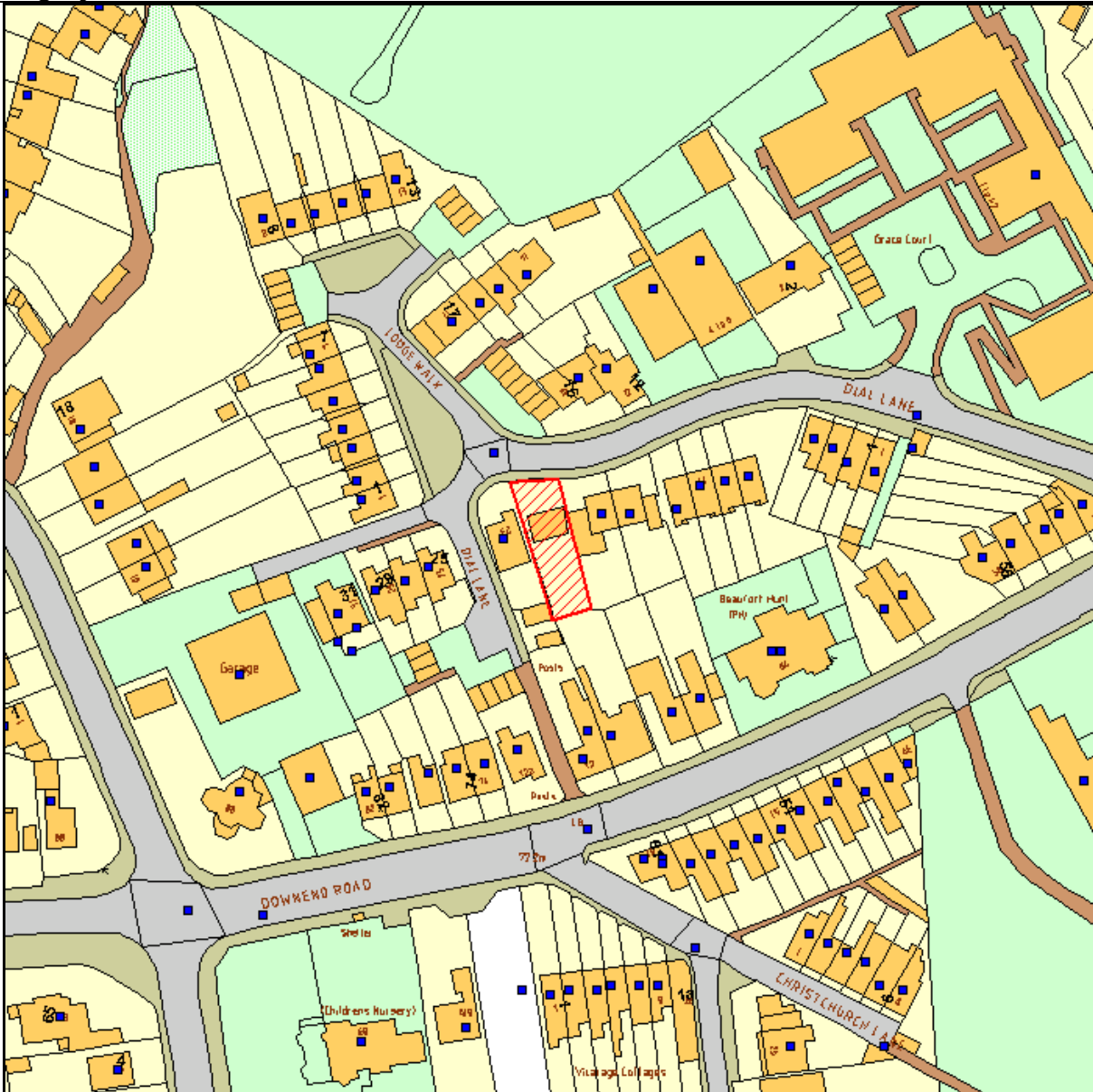
REASONS FOR REFUSAL

1. The application site is located within Hawkesbury Upton conservation area, the character and appearance of which it is desirable to preserve and enhance. The proposed development, by virtue of its design, would fail to maintain the special character and appearance of the conservation area. Furthermore, the scale and bulk of the new building in relation to Bramble Cottage, is considered inappropriate and would be visually overbearing. The development is thereby contrary to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, guidance set out in the National Planning Policy Framework and Historic Environment Planning Practice Guide, policy L12 of the Adopted South Gloucestershire Local Plan, policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the Hawkesbury Upton Conservation Area Advice Note (Adopted) 1999.

ITEM 4

CIRCULATED SCHEDULE NO. 31/14 – 1 AUGUST 2014

App No.:	PK14/2155/F	Applicant:	Mr S Hendy
Site:	Land To Rear Of 70 Downend Road/fronting Onto Dial Lane Downend South Gloucestershire BS16 5UE	Date Reg:	10th June 2014
Proposal:	Demolition of existing garages to facilitate the erection of 2no. semi-detached dwellings with access and associated works. (Resubmission of PK13/4545/F)	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364835 176549	Ward:	Downend
Application Category:	Minor	Target Date:	29th July 2014



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100023410, 2008. N.T.S. PK14/2155/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule as representations have been received which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a pair of semi-detached dwelling situated to the rear of no.70 Downend Road accessed from Dial Lane.
- 1.2 The application site consists of a former rear garden area currently occupied by a double garage situated within the defined urban area in the Bristol East Fringe.
- 1.3 The application is a re-submission of a previously approved application ref. PK13/4545/F to include an amendment to the approved plans. The amendment consists of the installation of rear dormers to both dwellings.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Fringe

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

H4 Development within Existing Residential Curtilages
T8 Parking Standards
T12 Transportation Development Control Policy

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/4545/F - Erection of 2no. semi-detached dwellings with access and associated works. Approved 21st March 2014

- 3.2 PK13/0143/O - Erection of 1no. dwelling (Outline) all matters reserved. Approved 1st March 2013
- 3.3 K2158/1 - Erection of detached dwellinghouse (Previous ID: K2158/1). Approved 13th February 1985
- 3.4 K2158/AP - Erection of detached dwellinghouse with integral garage (Previous ID: K2158/AP). Approved 31st October 1978
- 3.5 K2158 - Erection of a detached house and garage (outline) (Previous ID: K2158). Approved 25th April 1978

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection provided velux-type roof windows are used. This will prevent the rear of the property 70 Downend Road and its garden being overlooked.
- 4.2 Transportation DC
No objection subject to conditions
- 4.3 Drainage Officer
No objection subject to condition.

Other Representations

- 4.3 Local Residents
Four letters of objection have been received from local residents. The comments are summarised as follows:
- No consultation letter for PK13/4545/F.
 - Change from single four bed detached house to two semi-detached houses.
 - Overlooking.
 - Increased density.
 - Parking difficulties.
 - Visitor parking an issue.
 - Change from two storey to three storey.
 - More vehicles per property.
 - Covenant restrictions.
 - Services (water, gas, electricity etc.) not to be affected during or after construction.
 - Responsibility of rear boundary.
 - Developer being greedy.
 - Highway used as parking for nearby businesses and visitors.
 - Loss of light to no.19 Dial Lane.
 - Human rights.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

The principle of the proposed development for 2no. semi-detached dwellings has been deemed acceptable within the approved application ref. PK13/4545/F, which was granted permission on 21st March 2014. The current application is a re-submission of this previously approved application to include an amendment to the proposed plans. The amendment consists of the installation of rear dormers to both dwellings. The assessment below addresses the proposed amendment to the previously approved application, the pertinent issues for which are the impact of the development on residential amenity, highway safety, and design.

5.2 Residential Amenity

The impact of the proposed development of 2no. dwelling has been fully assessed within application PK13/4545/F and considered acceptable. The proposed amendment to this application would not alter the footprint or maximum height of the dwelling but would include the installation of a rear dormer to both properties with rear view bedroom windows. The proposed rear dormer would have a maximum depth of three metres when viewed from the side elevation but would remain one metre from its eaves. The dormers would not extend the width of the building being inset from the side elevations by 0.9 metres.

5.3 In terms of overbearing impact and loss of light it is considered that the proposed amendment would not result in a significant difference to the amenity of neighbouring occupiers when compared to the extant permission.

5.4 Concern has been raised in relation to the impact of the proposed development on the privacy of the occupiers of no.70. This relates both to the increase in the number of dwellings on the site from one to two, and the increase in living accommodation from two storeys to three storeys as a result of the rear dormers. The increase in the number of dwellings from one to two has already been deemed acceptable within the previously approved application however the following assessment is again relevant.

5.5 It is acknowledged that the development would result in some overlooking of the garden of no.70 when compared to the existing use of the site. It is not however considered that the impact would be detrimental to mutual privacy such that a refusal could be warranted. The distance between the rear elevation of the proposed development and the mutual boundary with no.70 is approximately 11 metres, with a distance of at least 30 metres between the rear elevation of no.70 and the rear elevation of the proposed dwelling. It is considered that the distance between the mutual windows is adequate to ensure that the level of inter-visibility would not result in a significant loss of privacy to either party. It is noted that the current view of the garden of no.70 from neighbouring properties is at a slight angle. There is however still some degree of overlooking of mutual gardens and this is not considered unusual for an established residential area. Whilst it is acknowledged that the proposed dwellings would have a view of the rear garden of no.70 it is considered that sufficient space would remain between the rear elevation of the proposed dwellings (including dormers) and the mutual garden boundary of the properties to ensure that privacy is not unsatisfactorily invaded to the extent that a refusal could be warranted.

5.6 In addition, it is further noted that the current application seeks an amendment to a previously approved application. The permitted development rights have not been removed from the approved dwellings and as such rear dormers could have been installed at a later date post completion under Part 1, Class B of the General Permitted Development Order (As Amended 1995).

5.7 Design

The overall design of the proposed pair of semi-detached dwelling was considered within the previously approved application and considered acceptable in the context of the site and the locality. The proposed amendment to the approved design includes the installation of a flat roof rear dormer to both dwellings.

5.8 It is considered that the proposed rear dormers are appropriate scaled and positioned in the pair of dwellings and would not appear unacceptably intrusive or overbearing in the street scene. They are simple in form and appearance and should not detract from the design of the building. Being sited on the rear of the dwellings the dormers would not significantly apparent when viewing the dwellings from the public realm. It is nevertheless noted that the dormers of a similar style can be found within the immediate street scene and as such their installation would not appear adversely out of keeping with the area, which has a mixed residential character.

5.9 Highway Safety

The proposed amendment to the previously approved application would increase the number of bedrooms in each dwelling from two to three. The site plan shows the same parking layout as previously approved with 2no. 2.4 x 4.8 spaces serving each dwelling and cycle storage at the rear. This level of parking is in accordance with the Council's minimum standards for a three to four bedrooms dwelling and as such is considered acceptable.

5.10 It is acknowledged that concern has been raised in relation to the layout of the parking provision and the amount of parking proposed however this layout has been considered by the Council's Highway Officer who has raised no objection. In terms of visitor parking there is no requirement within the Residential parking Standards SPD to provide additional visitor parking for the development of 2no. dwellings. The use of on street parking in the locality for alternative purposes is not within the control of this application.

5.11 Other Matters

Additional concerns have been raised at the consultation stage that have not been addressed in the paragraphs above. These are addressed as follows:

5.12 Concerns relating to the increase in the number of dwelling from one (approved by application PK13/0143/O) to two were considered within the previously approved application ref. PK13/4545/F. Whilst the number of planning units on the site would increase, it was considered that the scale and layout of the 2no.dwellings, which were within the scale parameters of the dwelling approved within outline application PK13/0143/O, would not have a detrimental impact on residential amenity, visual amenity or highway safety and, would not have any

unacceptable environmental impacts. Accordingly permission was granted and the site now has an extant permission for a pair of semi-detached dwellings.

- 5.13 Matters relating to covenants attached to the property are not controlled by planning law and as such do not hold material weight when determining this application. Similarly, matters relating to ownership/responsibility of the rear boundary treatment is a civil matter which should be dealt with by relevant parties involved.
- 5.14 Further concern has been raised in relation to the reasoning behind the developer's request for two dwellings and increased bedrooms as opposed to the one previously approved. Whilst it is noted that the increase in planning units on the site may change the revenue achieved this is not a matter which should stand in the way of granting planning permission.
- 5.15 Matters relating to services would be dealt with separately within any forthcoming building regulations application. The onus is on the applicant to take all precautionary measures during the construction of the development in correspondence with relevant statutory bodies.
- 5.16 Planning Conditions
The previously approved application was granted permission subject to conditions relating to sustainable drainage, parking implementation, material details, and construction hours. These conditions remain applicable to the current application and as such will be re-applied. There is no requirement for any further planning conditions as a result of the proposed amendment.

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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the application is APPROVED subject to the following conditions:

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the National Planning Policy Framework 2012.

4. The access and off-street parking facilities (for all vehicles, including cycles) shown on the plan (3232-SB rev.B) hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose. The hardstanding area shall be constructed in a permeable and consolidated material and thereafter maintained as such.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the Residential Parking Standards SPD (Adopted) 2013.

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

Reason

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

6. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Monday to Friday (inclusive), 08:00 to 13:00 Saturday, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the

purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

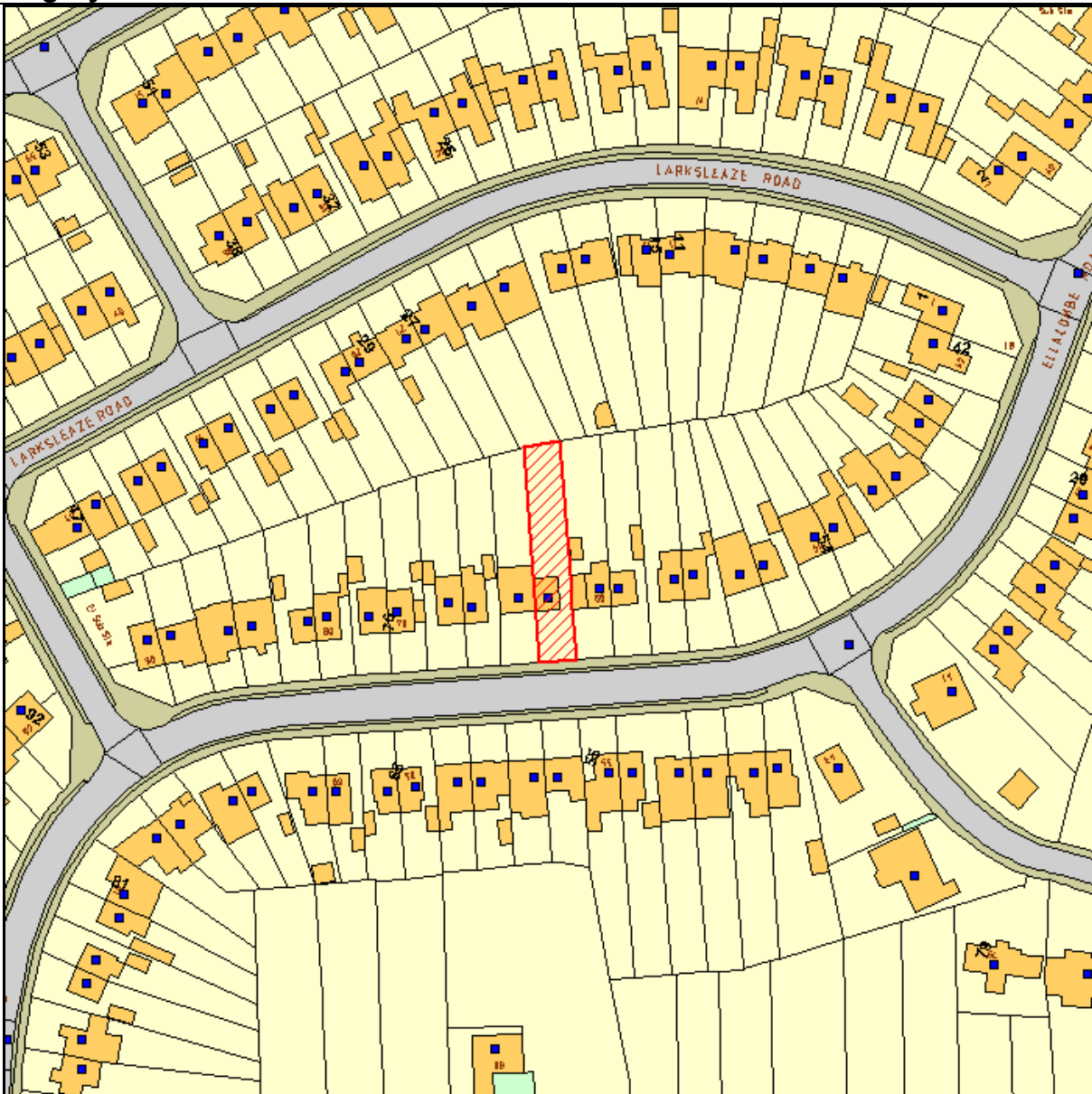
Reason

To protect the residential amenity of the neighbouring occupiers during construction and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 5

CIRCULATED SCHEDULE NO. 31/14 – 1 AUGUST 2014

App No.:	PK14/2370/F	Applicant:	Mr & Miss J & J Payne And Austin
Site:	68 Ellacombe Road Longwell Green Bristol South Gloucestershire BS30 9BW	Date Reg:	30th June 2014
Proposal:	Erection of two storey side extension to form additional living accommodation.	Parish:	Hanham Abbots Parish Council
Map Ref:	365536 170792	Ward:	Longwell Green
Application Category:	Householder	Target Date:	12th August 2014



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REASON FOR SUBMITTING TO THE CIRCULATED SCHEDULE

The application has been submitted to the Council's Circulated Schedule process following concerns raised by a neighbour which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a two storey side extension at a property in Longwell Green.
- 1.2 The two storey side extension will provide an additional bedroom with an en suite bathroom and an integral garage.
- 1.3 A flat roof single storey rear extension has been included in the plans, forming a larger kitchen area, however this has not been assessed within this report as it appears to fall within the applicant's permitted development rights.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation

H4 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

(a) South Gloucestershire Design Checklist (Adopted) August 2007

(b) Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history for this property.

4. CONSULTATION RESPONSES

4.1 Hanham Abbots Parish Council

No objection.

4.2 Other Consultees

Highway Drainage

No comment received.

Other Representations

4.3 Local Residents

One letter raising concerns was received from a neighbour. They stated that they did not object to the principle of the extension, but they had the following concerns:

- The previous owners of no. 68 wanted to build the same extension but were advised by a surveyor that a 3 foot minimum gap had to exist between the properties to protect the foundations/footings
- The applicant has told the neighbour that only a 150mm gap has to exist; however they confirmed that this information was not supplied by a surveyor
- If the extension was built and either property required maintenance work which involved gaining access to the outside of the building, it would not be possible with a 150mm gap

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives. Saved 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, and also that there is safe and adequate parking provision and no negative effects on transportation.

Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Design

The existing site consists of a semi detached brick bungalow with a dormer window creating a first floor, a style which is consistent with the rest of Ellacombe Street. The property is predominantly red brick but with a pale brick frontage, a tiled gable roof with a brick chimney shared with the attached semi, and white UPVC windows and doors.

- 5.3 The proposed two storey addition will extend beyond the east elevation by approximately 2.4 metres, and will span the entire depth of the existing dwellinghouse. Both the front and rear dormers are to be extended also, to create a larger first floor as well as an integral garage. The extension will bring the side elevation close to a similar extension on the adjacent property (no. 66) with just 150 mm between them. A neighbour has raised concerns that this design is too close to the adjacent property and will compromise the foundations of both properties, however this is not a planning issue and any structural concerns will be dealt with under the Building Regulations process.

- 5.4 Externally, the walls and roof will be finished in materials that match those used in the existing dwelling, including white UPVC windows, brickwork, double roman tiles and hanging tiles and a felted flat roof for the dormer windows. Overall the proposed design is considered to be in keeping with the existing character of the dwelling and the locality, and is in accordance with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.
- 5.5 Residential Amenity
Residential amenity should not be harmed as a result of development. Amenity should be considered in terms of the application site and all nearby occupiers. There are no windows proposed on the side elevation facing number 66 Ellacombe Road, and neither are there windows on the facing wall of no 66, so overlooking or loss of light to habitable rooms is not a concern. The openings which are proposed are on the front and rear elevations, which provide an outlook not vastly different from the existing windows and doors on the same elevations.
- 5.6 The private amenity space used by occupiers of no. 68 Ellacombe Road is to the rear of the property, and the proposed development therefore does not alter the availability or quality of private amenity space available to the dwelling. It is therefore considered to be in accordance with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.7 Transport
Assessment of transportation impacts with regard to extensions to existing houses relates to the provision of adequate off-street parking. Under the Residential Parking Standard, a three-bedroom dwelling should have two off-street parking spaces. The driveway to the front of the property is to remain unaffected, and it provides adequate parking for at least two cars. On that basis, there is no transportation objection to the proposal.

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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended to **GRANT** planning permission subject to the conditions listed on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No.

CONDITIONS

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

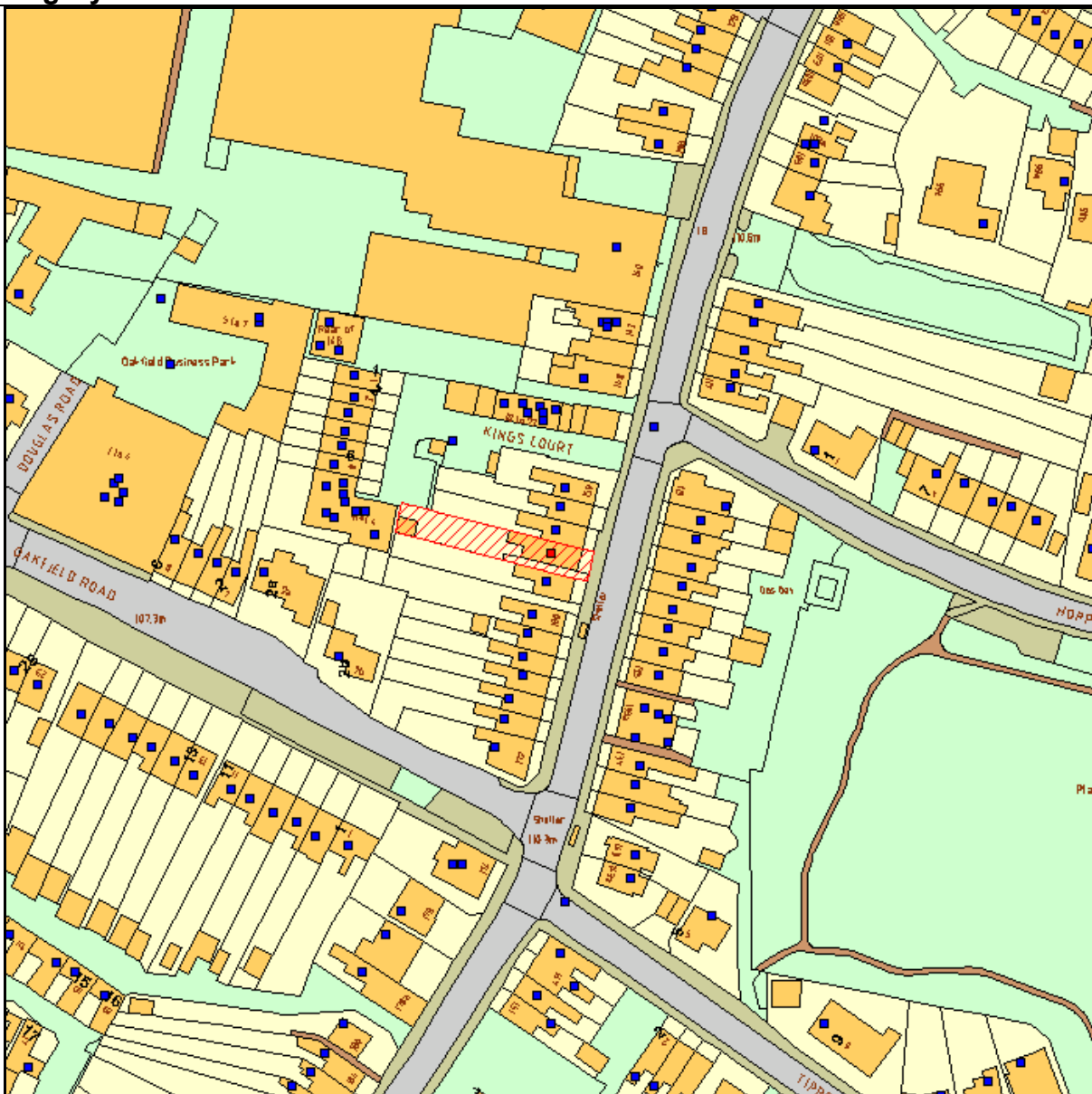
Reason

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

ITEM 6

CIRCULATED SCHEDULE NO. 31/14 – 1 AUGUST 2014

App No.: PK14/2382/CLP	Applicant: Miss K Pike
Site: 156 Hanham Road Kingswood Bristol South Gloucestershire BS15 8NR	Date Reg: 30th June 2014
Proposal: Application for Certificate of Lawfulness for the proposed installation of a rear dormer and front roof light	Parish: None
Map Ref: 364730 173086	Ward: Woodstock
Application Category: Minor	Target Date: 11th August 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer window and a front velux window at 156 Hanham Road, Kingswood would be lawful.
- 1.2 The 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 solely on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192
Country Planning (General Permitted Development) Order (GPDO) (As Amended) 1995

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history at this site.

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
This area is not within a parish boundary.

- 4.2 Other Consultees

Councillor
No comment received.

Highway Drainage
No comment received.

Other Representations

- 4.3 Local Residents
One letter was received from a local resident stating that they had no objection to the proposal.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Plan; Plans, Section & Elevations as Proposed (Drawing no. 01); Statement (ref 22-10-12), all received 16th June 2014.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not a application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, of the GPDO (As Amended) 1995.

- 6.3 The proposed development consists of a loft conversion facilitated by a dormer window in the rear roof slope of the property and a velux window in the principle roof slope. This development would fall under the criteria of *Schedule 2, Part 1, Class B and Class C* of the Town and Country Planning (General Permitted Development) Order (as amended) 1995, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows for dormer windows and roof lights subject to the following:

B.1 Development is not permitted by Class B if –

- (a) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The proposed dormer would, at it's highest point, be 0.6 metres below the highest part of the existing roofline, and therefore meets this criterion.

- (b) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;**

For the purpose of this application, it is considered that the principal elevation of the property is the elevation facing onto Hanham Road. The alterations to the roofline do not extend forward of the existing front elevation roof slope. The roof light proposed on the forward facing slope are to be considered against Class C of Part 1 of the GPDO, which is detailed later in this report.

- (c) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-**

- (i) 40 cubic metres in the case of a terrace house, or**

(ii) 50 cubic metres in any other case;

The dormer window has a volume of approximately 13.2 metres, and is therefore well below the maximum resulting roof space and meets this criterion.

(d) It would consist of or include-

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

The proposal does not include the construction of any of the above.

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

The proposal does not include any alterations to the chimney, or the installation of a flue or soil and vent pipe.

(e) The dwellinghouse is on article 1 (5) land.

The dwellinghouse is not on article 1 (5) land.

Conditions

B.2 Development is permitted by Class B subject to the following conditions

–

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

The statement submitted alongside the application details that the materials used in the exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The plans indicate this to be accurate, and the proposal therefore complies with this condition.

(b) Other than in the case of a hip to gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20cm from the eaves of the original roof; and

The part of the dormer window which is closest to the eaves of the original roof is approximately 1.2 metres away. The proposal therefore meets this condition.

(c) Any window inserted on a wall or roof slope forming the side elevation of a 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.

No side windows are proposed, and therefore this condition is not relevant to this application.

Class C relates to any other alteration to the roof of the dwellinghouse such as the proposed rooflight, and is considered below.

C.1 Development is not permitted by Class C if-

- (a) The alteration would protrude more than 150mm beyond the plane of the slope of the original roof when measure from the perpendicular with the external surface of the original roof**

The rooflight protrudes no more than 100mm from the plans of the front roof slope, and therefore meets this criterion.

- (b) It would result in the highest part of the alteration being higher than the highest part of the roof; or**

The proposal does not exceed the highest part of the original roofline at any point, and therefore meets this criterion.

- (c) It would consist of or include-**

- (i) The installation, alteration or replacement of a chimney, flue or soil and vent pipe;**

- (ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

The proposal does not include any of the above.

C.2 Development is permitted by Class C subject to the condition that any windows on the roof slope forming the side elevation of the dwellinghouse shall be –

- (a) obscure glazed; and**

- (b) non opening, unless the parts of the window which can be opened is more than 1.7 metres above the floor of the room in which it is installed.**

The proposal does not include any side elevation openings, and therefore this condition does not apply.

7. RECOMMENDATION

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

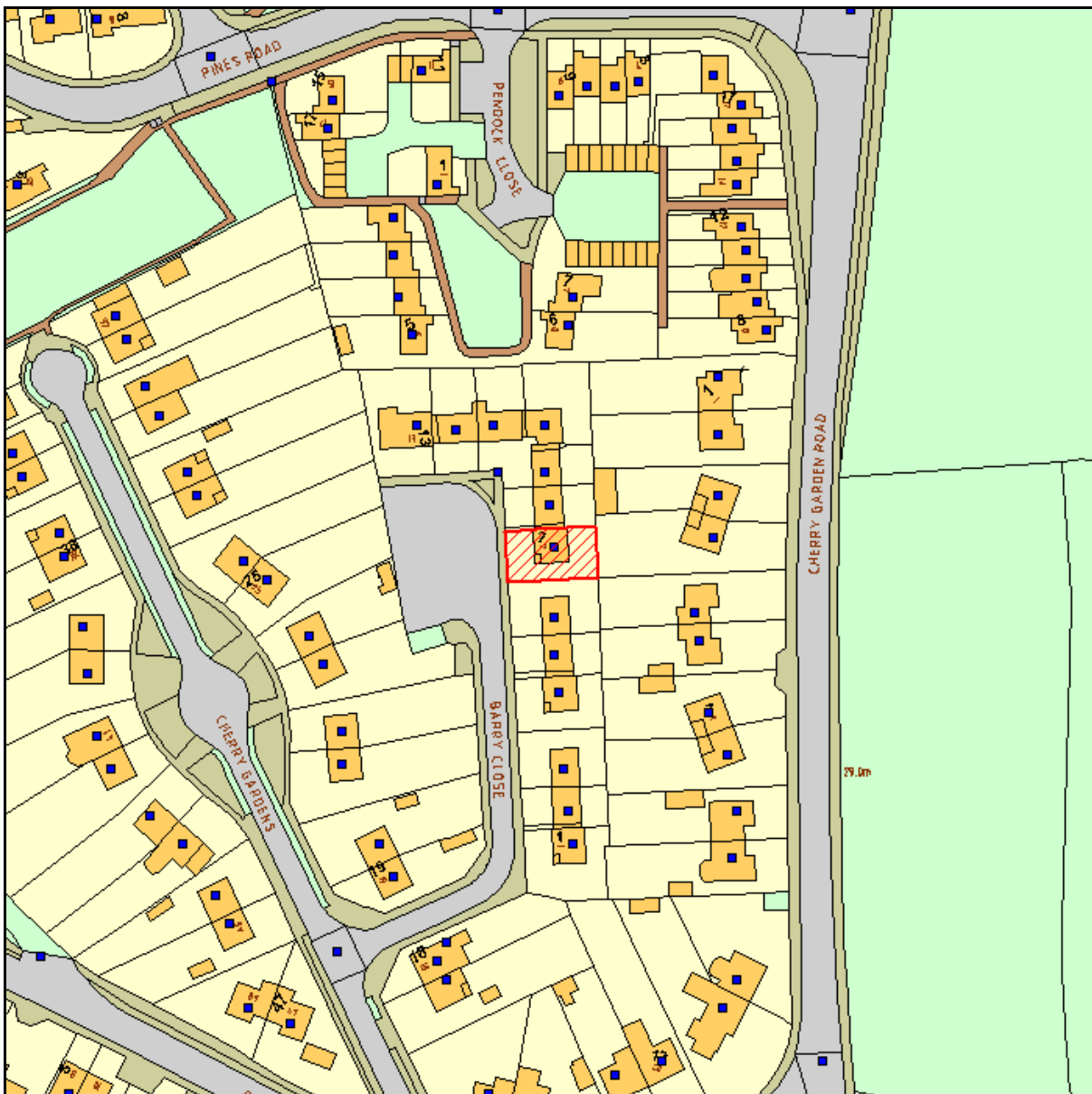
Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

ITEM 7

CIRCULATED SCHEDULE NO. 31/14 – 1 AUGUST 2014

App No.:	PK14/2445/F	Applicant:	Mr And Mrs White
Site:	7 Barry Close Bitton Bristol South Gloucestershire BS30 6JB	Date Reg:	26th June 2014
Proposal:	Erection of a single storey side extension to provide additional living accommodation	Parish:	Bitton Parish Council
Map Ref:	367192 170308	Ward:	Bitton
Application Category:	Householder	Target Date:	18th August 2014



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PK14/2445/F

CIRCULATED SCHEDULE

The following report appears on the Circulated Schedule following an objection from a local resident and from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a single storey side extension to provide additional living accommodation. The application site relates to a semi-detached property situated within the established settlement boundary of Bitton and is washed over by the Green Belt. The application site is a two-storey property but is at the end of a terrace of single storey dwellinghouses. The proposed extension would provide additional ground floor space to this 2no. bedroom dwelling in the form of a utility room.
- 1.2 During the course of the application Officers expressed concerns regarding the scale of the proposed development. As a result the width and height of the proposed extension was reduced and revised plans were received to reflect these changes.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design

CS5 Location of Development

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

T12 Transportation Development Control

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

South Gloucestershire SPD: Green Belt (Adopted) 2006

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

Councillors objected to this application. There is a significant difference in ground levels between the properties at 6 and 7 Barry Close. The erection of

the proposed extension, right up to the boundary, would lead to a very dominant feature for the occupants of the adjacent property and also adversely affect the street scene

4.2 Other Consultees

Highway drainage
No comment

Other Representations

4.3 Local Residents

One letter of objection has been received from a local resident:

- I am already overlooked and not at all willing to be encroached upon any further
- I need my privacy and peace without feeling dominated by a raised property extension
- Unwilling to accept more raised property so near my living space

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application stands to be assessed under the above listed policies and all other material considerations. Of particular relevance would be the overall design, scale, massing and impact on the character of the area (CS1) and the impact on the residential amenity of future occupiers and neighbouring dwellings (H4). Proposals for extensions to existing dwellings are supported in principle providing they respect the character of the area and do not have an unacceptable impact on residential and visual amenity.

The proposal is considered to accord with policy and this is discussed in detail below.

5.2 Design and Visual Amenity

The application site is located within a small cul-de-sac in Bitton. The road is made up of short terraces of single storey properties with the end property being two-storey. The application site is one such two-storey dwelling, situated on the east side of the cul-de-sac directly opposite a very large parking/turning area serving the properties here.

5.3 The ground slopes up to the north and as such the application site is at a higher level than its closest neighbour to the south. The proposed side extension would be to the southern elevation and would measure approximately 3 metres from the side of the house, representing a reduction of 0.4 metres from that originally proposed. It would have a gable roof to the south with a ridge height of between 4.2 metres at its highest point and 3.5 metres closest to the host dwelling. This would be a reduction in overall height of 0.2 metres following the submission of revised plans. Openings would be located in the east and west elevations only comprising single windows facing the highway and rear garden respectively. The proposed extension would be finished in materials to match the existing dwelling.

- 5.4 A comment has been received stating the proposal would adversely affect the street scene. Officers note that No. 13 Barry Close benefits from a very similar side extension to that proposed under this application. While it is acknowledged that each application is assessed on its own individual merits, Officers consider that the proposed single storey extension would not have a negative impact on the street scene and the use of complementary materials would assist in its successful integration to the area. In terms of its overall size, scale and massing the proposal is considered appropriate to the host dwelling and the area in general and is therefore acceptable.
- 5.5 Residential Amenity
As mentioned previously the application site sits on a slope and is therefore slightly above its closest neighbours to the south. This neighbour at No. 6 Barry Close is a single storey dwellinghouse. Being the end of terrace properties both this neighbour and the application site benefit from side gardens and paths leading to their respective rear gardens. As such following an extension, sufficient residential amenity space would remain to serve the application site.
- 5.6 Comments have been received from a neighbour expressing concern regarding issues of impact on privacy and living space. The neighbouring property at No. 6 Barry Close has a very small obscure glazed window in its north elevation while the application site has two windows in its southern elevation. Although Officers have no specific details it is assumed that the neighbour's window serves a bathroom/WC and as such is not regarded as being primary habitable living space. In addition, the neighbour acknowledges the existing overlooking situation. The proposed side extension, however, would have no windows at all in the opposing elevation closest to No. 6 and as such, would improve rather than worsen the existing situation.
- 5.7 The proposed side extension would be approximately 3.3 metres away from the neighbouring property to the south. It is acknowledged that the presence of a structure where there currently is none, would change the current position. However, Officers consider that the erection of a single storey side extension which has already been reduced in size through negotiation, would not dominate the neighbouring dwelling and a refusal for this reason could not be substantiated.
- 5.8 On balance it is considered that the extension would not have a significantly adverse impact on the residential amenity of this neighbour in terms of overlooking, inter-visibility or overshadowing. The proposal is therefore recommended for approval. A condition would be attached to the decision notice to limit the hours of construction in order to minimise the impact on the neighbouring properties.

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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the application be **APPROVED** subject to the conditions below.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 8:00 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS9 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013.

ITEM 8

CIRCULATED SCHEDULE NO. 31/14 – 1 AUGUST 2014

App No.:	PT13/0510/F	Applicant:	Pye Homes Group
Site:	Land At The Burltons Cromhall Wotton Under Edge South Gloucestershire GL12 8BH	Date Reg:	20th February 2013
Proposal:	Erection of 11no. dwellings and garages with landscaping including village green, access and associated works.	Parish:	Cromhall Parish Council
Map Ref:	369721 190666	Ward:	Charfield
Application	Major	Target	20th May 2013



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PT13/0510/F

INTRODUCTION

This application first appeared on the Circulated Schedule on 17th January 2014 (No. 03/14) due to the receipt of letters of objection and the requirement for a Section 106 Agreement. The Case Officer's recommendation was for approval, with the caveat (below) attached.

If the S106 Agreement is not signed and sealed within 6 months of this determination then, in view of the length of time, the application should either:

a) Be returned to the Circulated Schedule for reconsideration;

Or

b) The application should be refused due to the failure to secure the Heads of Terms listed above under a Section 106 Agreement, for the reason listed.

The six month period positive resolution therefore expired on 23rd July 2014. Through negotiation with the applicants' solicitor, it has been agreed to continue with the application and grant one further month to ensure all parties are happy for the decision to be issued in full accordance with the circulated schedule report previously circulated to members.

Since the original report was prepared, there have been no changes to Planning policy affecting the site that need to be addressed.

1. THE PROPOSAL

- 1.1 The application sought full planning permission for the erection of 11 no dwellings with access, landscaping and external works.
- 1.2 This application is now referred back to Circulated Schedule as the time scale granted (6 months) as part of the resolution to complete the S106 agreement has lapsed – it lapsed on 23rd July 2012. The request of for one month extension only.
- 1.3 The lapse of the 6 months time limit from January 2014 is understood to be due to private issues between the land owner and purchasers. Importantly, the heads of terms have not changed from those originally agreed and the scheme is policy compliant in all respects.

3. ASSESSMENT OF MATERIAL CHANGES SINCE JANUARY 2014

- 3.1 There are no material changes – in in policy of site circumstances.

4. RECOMMENDATION

- 4.1 That authority be delegated to the Director of Environment and Community Services to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
 - (i) A contribution of £49,551 towards the provision of additional secondary provision plus £6,435 toward transport to this secondary school provision to

cater for the increased demand on education facilities as a result of the development.

- (ii) The provision of three on site affordable housing units (2x2 bed and 1x3 bed) to meet the identified local need.
- (iii) A contribution of £21,207.82 for off-street enhancements to existing Category 1 Public Open Space Provision plus £6,418.96 towards the future maintenance of the enhancements.
- (iv) If the on site public open space is to be adopted by the Council, an additional contribution of £17.5920 per sq.m. is required. Maintenance of the required 66 sq.m of on site Cat 2 POS will be at a higher rate of £166.425 sq.m.
- (v) A contribution of £2,832.98 towards the library service to cater for the increased demand on the service as a result of the development.
- (vi) A contribution of £8,000 towards improving public transport facilities in the area to improve sustainable alternatives to the motor car
- (vii) The provision of on site Public Open Space as shown on plan 100N received by the Council on 9th August 2013

The reasons for this Agreement are:

- (i) To ensure adequate provision of education facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- (ii) To meet the identified local need as meet the requirements to provide on site affordable housing in accordance with the NPPF and Policy CS18 of the South Gloucestershire Core Strategy.
- (iii) There is no category 1 provision (pitches, courts and greens) within the recommended 1.2km straight line distance. The contributions are therefore required to enhance and maintain existing category 1 provision having regard to the increased population generated by the development, in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006
- (iv) To ensure that appropriate category 2 and 3 on site public open space is provided and maintained at no public expense having regard to the increased population generated by the development, in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- (v) To ensure adequate library facilities are available within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- (vi) In order to promote the use of more sustainable modes of transport in accordance with the NPPF and Policy T12 of the South Gloucestershire Local Plan (Adopted).
- (vii) To ensure that appropriate category 3 on site public open space is provided having regard to the increased population generated by the development, in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

- (2) That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.
- (3) If the S106 Agreement is not signed and sealed within 1 month of this determination then, in view of the length of time, the application should either:
 - a) Be returned to the Circulated Schedule for reconsideration;
 - Or
 - b) The application should be refused due to the failure to secure the Heads of Terms listed above under a Section 106 Agreement, for the reason listed.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Core Strategy (Adopted December 2013).

3. Prior to the first occupation of any of the dwellings hereby permitted, the access and off street parking provision for that specific dwelling and as shown on plan 100N received by the Council on 9th August 2013 shall be provided and remained as such at all times thereafter.

Reason

To ensure a satisfactory amount of off street parking is provided to meet the needs arising from the development in accordance with the requirements of Policy T12 of the Adopted Local Plan and the Residential Parking standards SPD.

4. No windows other than those shown on the plans hereby approved shall be inserted at any time in side (north) or rear (east) elevation of plot 11, the side (west) elevation of plot 5 or the side (east) elevation of plot 4.

Reason

In the interests of the amenity of the neighbouring occupiers to prevent unacceptable levels of overlooking and to accord with Policy CS1 of the South Gloucestershire Core Strategy (Adopted December 2013).

5. At no time shall any new vehicular or pedestrian access be created directly from the site onto the B4058.

Reason

In the interests of highway safety due to the visibility on the highway in accordance with the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of development, a ecological and landscape management plan shall be drawn up and agreed with the Council in writing prior to development commencing. The plan should include measures to protect hedgerows during construction and their future management. All works are to be carried out in accordance with the written agreement.

Reason

To mitigate against the impact of the development in accordance with the requirements of Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The hours of working on site during the period of construction shall be restricted to 07.30am to 18.00pm Monday to Friday; 08.00am to 13.00pm on Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy CS1 of the South Gloucestershire Core Strategy (Adopted December 2013).

8. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with PolicyL1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

ITEM 9

CIRCULATED SCHEDULE NO. 31/14 – 1 AUGUST 2014

App No.: PT14/0337/RVC
Site: Land Adj. To Morton Street Thornbury
Bristol South Gloucestershire BS35
1LB

Applicant: Mr James Nelmes
Date Reg: 12th February
2014

Proposal: Variation of condition 11 attached to
PT12/2068/F to alter proposed access.
(Retrospective).

Parish: Thornbury Town
Council

Map Ref: 364171 191692

Ward: Thornbury North
Target
Date: 4th April 2014

Application Minor
Category:



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PT14/0337/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because an objection has been received from a neighbouring occupier contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the variation of condition 11 attached to a scheme previously approved under application PT12/2068/F to alter the proposed access. The development has already been carried out therefore; the application will be assessed retrospectively.

Condition 11 states:

Prior to the commencement of development, full details in respect of the site access and the provision of a kissing gate where the access meets the PROW shall be submitted to and approved in writing by the Local Planning Authority. Development shall strictly accord with these approved details and shall be completed prior to the first occupation of the development hereby approved.

Reason

To ensure the continued use of the PROW and in the interests of pedestrian/vehicular safety, all to accord with Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 1.2 The application site comprises an agricultural building, which has extant planning permission to be converted to a two bedroom dwelling, situated on the eastern side of Morton Street, Thornbury. The site is located in the open countryside outside of any defined settlement boundary.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
T12 Transportation Development Control Policy for New Development
L1 Landscape Protection and Enhancement
L9 Species Protection
H10 Conversion and Re-Use of Rural Buildings for Residential Purposes

South Gloucestershire Local Plan Core Strategy Adopted December 2013
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)

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/3327/F, Change of use of a redundant agricultural barn to create a single dwelling. (Resubmission of PT11/1640/F), withdrawn, 16/01/12
- 3.2 PT11/1640/F, Change of use of existing agricultural building (Class sui generis) to 1 no. dwellinghouse (Class C3) as defined in the Town and Country Planning Act 1987 (as amended), withdrawn, 13/07/11.
- 3.3 PT12/2068/F, Conversion of a redundant agricultural barn to create a single dwelling with access and associated works. (Resubmission of PT11/3327/F), approval, 10/09/12.

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council
No objection

4.2 Public Rights of Way Officer
No objections

4.3 Drainage Officer
No comment

4.4 Transportation DC Officer
It may be possible to achieve visibility. To enable this access to be considered acceptable I would require that a post and rail fence adjacent to the hedge (once it is trimmed back) is put up along the line of the visibility splay to the left (when exiting the site). This way it would be easy for both the applicant and the authority to monitor and ensure that the visibility splay is maintained.

Other Representations

4.5 Local Residents
One letter of objection has been received from a member of the public. The following is a summary of the reasons given for objecting:

- Morton Street and the surrounding network of lanes are classified as sub-standard and are subject to relatively high traffic flows;
- The proposed access would have a detrimental effect on highway safety and will increase the risk of road traffic incidents.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Section no.73 of the Town and Country Planning Act 1990 states that for the determination of applications to develop land without compliance with conditions previously attached the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted. If the Local Planning Authority decide that planning permission should

- be granted subject to conditions differing from those subject to which the previous permission was granted, or that they should be granted unconditionally, they shall grant planning permission accordingly, and if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.
- 5.2 In the originally approved scheme the access point was approximately 110 metres to the northeast of the barn adjacent to Silverhill Barn, which necessitated the construction of a lengthy driveway. The access was taken from this position as this would provide adequate visibility along Morton Street in the interests of highway safety. Full details of the construction of the access were subject to condition 11. The applicant seeks planning permission to vary the condition to allow for an alternative access closer to the barn. The main issue to consider therefore is whether the proposed alternative location of the access is acceptable on the basis of highway safety and visual amenity.
- 5.3 Consideration of Proposal
The Council's Transportation Officer initially objected to the application on the basis that insufficient information had submitted to determine whether the required visibility splays could be achieved.
- 5.4 Additional information has been submitted by the applicant to address the concerns raised by the Council's Transportation Officer.
- 5.5 Based on the additional information submitted, and from inspecting the site, the Council's Transportation Officer considers that it is possible to achieve adequate visibility from the access created. However, it is considered that it will not take much growth from the hedge, which is currently obscuring visibility, for the visibility to deteriorate further. Accordingly, to enable the access to be considered acceptable, a post and rail fence adjacent to the hedge, once it has been trimmed back, is required to be erected along the line of the visibility splay to the southeast (left when exiting the site). This will help ensure that it is easier for both the applicant and the Local Planning Authority to monitor and ensure that the visibility splay is maintained. Therefore, whilst the concerns of a member of the public regarding the effect of the access on highway safety are noted, material weight is given to the fact that the Highway Authority do not object to the proposal subject to a suitably worded condition.
- 5.6 Only a relatively small amount of hedge will be required to be trimmed back in order to provide the required visibility splays. As such, it is not considered that the proposal will have a significant adverse effect on the character or visual amenity of the area.
- 5.7 Accordingly, subject to an appropriately worded condition, there are no objections to the proposed development. The position of the new access is such that it will not cross any PROW. Accordingly, this part of the original condition is no longer relevant. If permission is granted, it is recommended that condition 11 be varied to the following:

“Within 3 months of the date of this permission a plan demonstrating the erection of post and rail fencing adjacent to the hedge in line with the visibility splays shown on plan no. 51204/01/101 E received by the Council on 2nd April 2014 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 within 3 months of the details having been agreed and retained thereafter”.

5.8 Analysis of Conditions

There were 11no. conditions attached to the original consent (PT12/2068/F).

- 5.9 Conditions 2 (removal of PD rights), 3 (matching materials), and 8 (works to be undertaken in line with bat survey) do not need to be discharged but are still relevant. Therefore, they will be copied over to the new consent if permission is granted.
- 5.10 According to Council records, condition 5, which required details of any floodlighting and external illuminations to be submitted and agreed with the Local Planning Authority (LPA), has been discharged; condition 7, which required a drainage scheme to be submitted and agreed by the LPA, has also been discharged. Conditions are required to ensure that development is carried out in accordance with the agreed details.
- 5.11 Condition 10 required details to be submitted showing the permanent closure of a field gate facing the road closest to the barn. Information has been submitted to discharge this condition, and officers are satisfied that the former opening has been closed. Accordingly, this condition is no longer relevant.
- 5.12 Conditions 4, 6 and 9 are still outstanding.
- 5.13 Condition 4 required revised details showing a simpler glazing design with the front windows set back behind timber supporting pillars of the existing building to be submitted and approved by the LPA.
- 5.14 Condition 6 required a scheme of landscaping to be submitted and agreed with the LPA.
- 5.15 Condition 9 required a scheme in respect of the installation of artificial nest boxes suitable for swallows to be submitted and agreed with the LPA.
- 5.16 Having visited the site, it is considered that development has started, but is not yet complete. Accordingly, if permission is granted, it is recommended that the conditions specify a maximum of 3 months in which to provide the information and that the development is carried out in accordance with the agreed details.

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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

To ensure the satisfactory external appearance of the development and in the interests of the visual amenity of the area all to accord with Planning Policies L1 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies); and policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

2. The tile and stone work to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason

To ensure a satisfactory standard of external appearance and to accord with Planning Policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policy); and policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

3. The development hereby approved is subject to the recommendations for new bat roosting locations outlined in Section 6 of the Bat Emergence and Activity Survey dated May 2012, submitted under application PT12/2068/F, and received by the Council on 21st June 2012. All work shall be undertaken in accordance with these recommendations.

Reason

In the interests of species protection and to accord with Planning Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policy); and policy

CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

4. The development shall be carried out in accordance with the drainage details discharged by the Council on 23rd January 2014.

Reason

To ensure an adequate means of drainage is provided and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

5. The development shall be carried out in accordance with the lighting details received by the Council on 7th May 2013 and discharged on 6th August 2013.

Reason

In the interests of the visual amenities of the area and to accord with Planning Policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006; and policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

6. Notwithstanding the details submitted, within 3 months of the date of this permission, revised plans showing a simpler glazing design with the front windows set back behind the timber supporting pillars of the existing building shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To ensure a sensitive conversion and in the interests of visual amenity, and to accord with Planning Policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006; and policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

7. Within 3 months of the date of this permission a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing (including surface materials) shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

In the interests of the character and appearance of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

8. Within 3 months of the date of this permission, a scheme in respect of the installation of artificial nest boxes suitable for swallows 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

In the interests of species protection and to accord with Planning Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policy).

9. Within 3 months of the date of this permission a plan demonstrating the erection of post and rail fencing adjacent to the hedge in line with the visibility splay to the southeast (left when exiting the site) shown on plan no. 51204/01/101 E received by the Council on 2nd April 2014 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 within 3 months of the details having been agreed and retained thereafter.

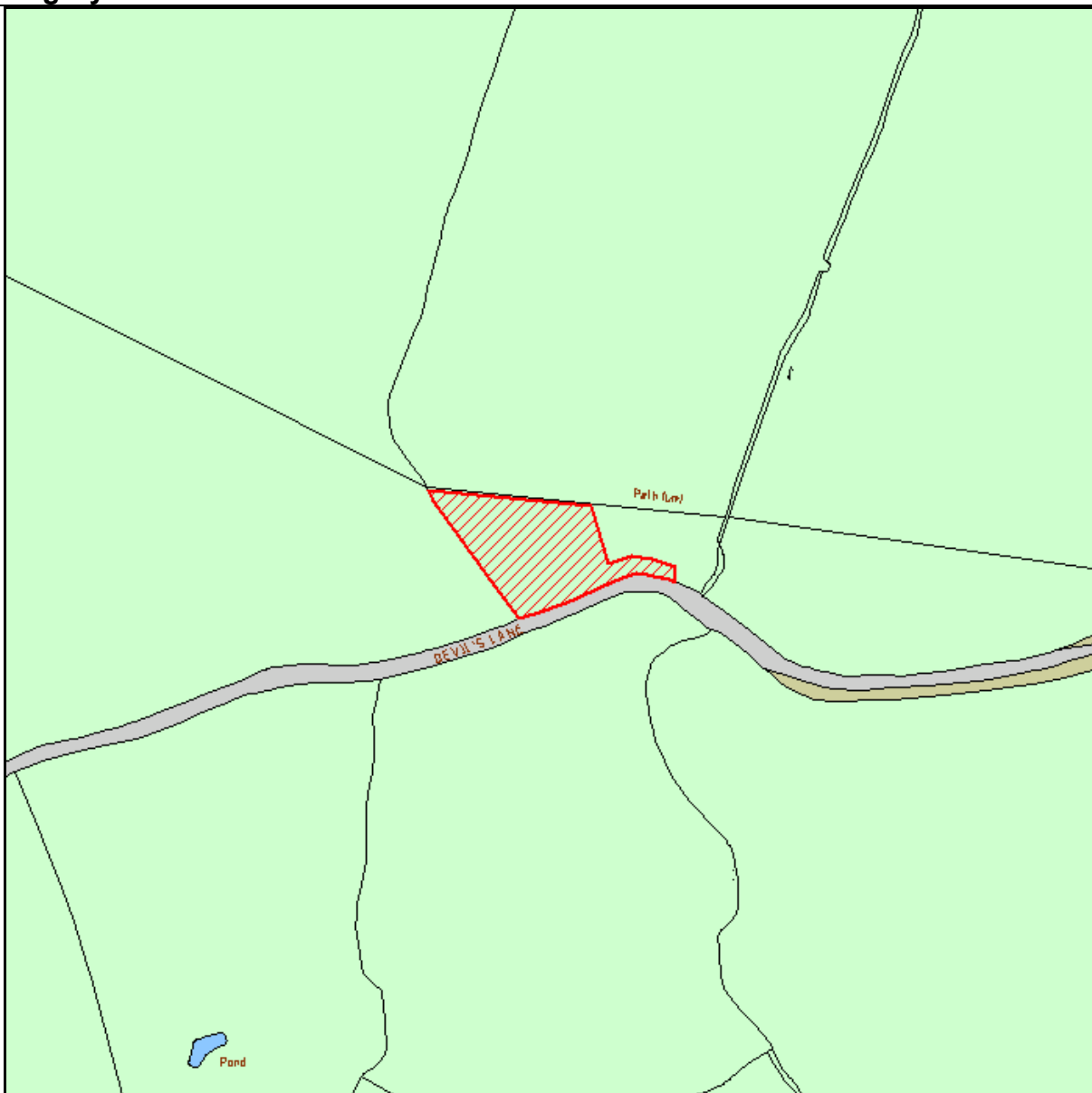
Reason

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

ITEM 10

CIRCULATED SCHEDULE NO. 31/14 – 1 AUGUST 2014

App No.:	PT14/0736/F	Applicant:	Mr And Mrs S Ball
Site:	Meadow View Farm Devil's Lane Charfield South Gloucestershire	Date Reg:	10th March 2014
Proposal:	Change of use of land from agricultural to land for the temporary stationing of mobile home as an agricultural workers dwelling for a period of 3 years.	Parish:	Charfield Parish Council
Map Ref:	371869 190956	Ward:	Charfield
Application Category:	Minor	Target Date:	30th April 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been referred to the circulated schedule as representations have been received which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks consent for the stationing of 1no. mobile home for use as an agricultural worker's dwelling for a temporary period of three years. The supporting statement indicates that the temporary building will have maximum dimensions of 20m by 6m with an internal ceiling height of 2.5m.
- 1.2 The application site consists of an agricultural field located to the south of Charfield within a field containing two recently erected agricultural sheds. The site is situated within the open countryside, outside of any defined settlement boundary. The proposed access is from an existing gateway off Devil's Lane, which currently serves the agricultural buildings.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas

South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies)

L1 Landscape Protection and Enhancement
L9 Species Protection
L16 Protecting the Best Agricultural Land
EP2 Flood Risk and Development
T8 Parking Standards
T12 Transportation DC Policy
H3 Residential Development in the Countryside

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/0930/F Erection of agricultural building for the rearing of calves. Approved 10.05.2012
- 3.2 PT13/1799/F Erection of agricultural building for the rearing of calves. Approved 17.07.2013

4. CONSULTATION RESPONSES

4.1 Chatfield Parish Council

No objection to these plans however the Parish Council would like the following comments noted:- recognise the importance of agriculture both to the country and to our own locality. Nevertheless, it is worried about the possibility of extending the built environment into the surrounding green areas. It appears to the council that the three year permission is likely to be extended, since the new business that has been created is not of a temporary nature, and potentially a permanent build could be anticipated in time. If this permission is granted, the Council would like the temporary nature accentuated in Conditions, as well as a landscaping condition that protects and increases the hedgerow that conceals the structure from Devils Lane. It would seek a condition that formalises the maximum dimensions in the proposed elevations document.

Finally, it notes in regard to the price guide document that at least one property is currently on sale in Little Bristol Lane, the development closest to the land in question, for £189,950.

4.2 Acorus Rural Property Services – The Councils Agricultural advisor

On balance, my opinion is that on agricultural grounds the application for a temporary worker's dwelling can be supported.

4.3 Highway Drainage

No objection. Information requested.

4.4 Transportation DC

No objection as it is for agricultural dwelling, however further access details are required by condition

Other Representations

4.7 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside – ref. paragraph 55. This advice is broadly reflected by planning policy H3 of the South

Gloucestershire Local Plan (adopted) January 2006, which states that proposals for new residential development will not be permitted outside of the boundaries of settlements subject to three exceptions. Housing for agricultural or forestry workers is one of the exceptions

- 5.2 When considering the application, given the location of the proposal in the open countryside, it is essential to carefully consider whether there is an essential need for residential accommodation with the farming business at Meadow View Farm and whether the need is permanent/sustainable. The NPPF does not include any more specific guidance on assessing need; however Annex A (Agricultural, Forestry and Other Occupation Dwellings) of the old PPS7 was a recognised method of assessing agricultural dwellings and as it has not been replaced by another means of determining whether a dwelling is essential and sustainable it is proposed to use this method in this application. The guidance contained within Annex A states that dwellings need to be justified on grounds of functional need and the financial test and this is still considered relevant and in accordance with the provisions of NPPF.
- 5.3 Annex A states that if a new dwelling is essential to support a new farming activity, whether on a newly created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:
- Clear evidence of a firm intention and ability to develop the enterprise concerned;
 - Functional need;
 - Clear evidence that the proposed enterprise has been planned on a sound financial basis;
 - The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;
 - Other normal planning requirements, e.g. on siting and access are satisfied.
- 5.4 Functional Need
The proposal for a temporary agricultural workers dwelling has been assessed by an independent agricultural agent who responded to consultation in his report of 28th April 2014. The outcome of this report is that there is a well established farming business and clear intent to develop the calf rearing unit at Meadow View Farm, given the perchance of land and the erection of two calf rearing buildings very recently. Based on the planned livestock numbers there also appears to be an identified functional need and full time employment for the resident on the holding.
- 5.5 There are few other houses in the immediate locality of the calf units and none available within sight nor sound of the calf units. As such the siting of the temporary dwelling does meet the functional need.

5.6 Financial Viability

The Meadow View Farm is part of a wider farm enterprise with the parent company New House Farm. During the course of the application separate trading figures were requested for Meadow View Farm rather than having the two farms accounts merged together. These figures have been assessed by the Councils independent agricultural agent who advises that the return at year three would be £15,993

- 5.7 It allows for the full time input of Martin Ball at £14,400 which is approximately minimum wage (and possibly low for the primary employee and one responsible for the unit). The labour calculation in the agent's report refers to 1.82 labour units, however it appears that the only labour cost accounted for in the cashflow is the 1 full time unit. This additional labour cost (whether part time, casual, or via contractors) needs to be accounted for and using £14,400 as the cost of a full time worker, amounts to £11,520. The net profit is now reduced to £4,393. Given the need to assess whether the holding's profit can be sustained for a reasonable period of time, there would in three years be the cost of the dwelling to account for. Assuming say a build cost of £150,000 and an interest rate of say 5%, the cost of borrowing is around £13,500 per annum. The effect of this is that the business is then trading at a loss of £9,107 per annum. As a stand alone farming business, Meadow View Farm there it is questioned as to whether the business has been planned on a sound financial basis; the potential lack of profit in the future would suggest that the financial test fails.
- 5.8 This is an application for a temporary dwelling to allow the applicant three years to develop the enterprise. The case is marginal, however should the Council be minded to approve the application the Councils consultant advises that with regard to a subsequent application for a permanent dwelling, the applicant would need to show a stronger set of financial figures in order to meet the financial test.
- 5.9 It is considered that the siting of a temporary dwelling will allow the applicant to demonstrate that the business is financially viable.
- 5.10 There is a clear agricultural need to be on site which is undisputed given the existing and intended operation of the unit at Meadow View Farm. With respect to the sustainability of the unit, separate from New House Farm, the intent to carry on the business is evident but the long term financial situation is marginal. The purpose of a temporary consent for a temporary dwelling is to allow a period of time for a business to develop. The scenario at Meadow View Farm needs this time and as such it is recommended to facilitate the improvement of the business by granting a temporary consent for the dwelling. In terms of time scale a three year temporary consent is requested but it is felt that a five year consent would facilitate the business to fully develop independently of the parent business at New House Farm. This is acceptable to the applicants who also recognise that they can, if the businesses financial situation allows, apply for a permanent agricultural home sooner than implied by a five year consent.

- 5.11 Firm Intention
The investment in land and buildings is considered sufficient evidence of intent to develop the business.
- 5.12 Other planning requirements
The proposed siting of the temporary dwelling is approximately 40m from the calf rearing units where most interaction with the calves will take place. This is therefore acceptable from practical agricultural perspective. Further analysis of planning matters is considered in the paragraphs below.
- 5.13 Transport
There is no transportation objection in principle for this proposal although the site is out of the village development boundary, and therefore by definition unsustainable. The nature of the agricultural use means that this proposal if permitted would remove some vehicle trips from the highway network. Devil's Lane is not used as a direct route for anyone other than residents who live on it, as a consequence is very lightly traffic'd, however; no details of the access or its visibility have been submitted with this application so their suitability cannot be assessed. Whilst there is no transportation objection in principle to this proposal the applicant is required to submit further details in relation to the proposed access and its visibility.
- 5.14 Residential Amenity
The application site is situated in a hollow in a very rural area where the closest neighbour is just visible over two hundred metres away to the south-west of the farm. In light of this significant distance it is considered that the proposed would have no adverse impact on the amenity of nearby occupiers. The block plan indicates some private amenity space around the mobile home which is ample for the occupants' needs.
- 5.15 Design/ Landscape Character
The plans demonstrate that the proposed mobile home would measure approximately 15 metres in width and 6 metres in depth, with a maximum height of 2.5metres. Notwithstanding this the supporting statement indicates that the actual length may be up to 20m long, rather than 15m. It is useful to note that the site plan indicates the siting of a 20m long temporary dwelling and that as a result a smaller unit would be within this same area. The flexibility built in to the application is acceptable and facilitates purchase of a range of sizes within maximum parameters. The applicant has specified that the mobile home will be assembled on site in two parts. It will comprise a felt tiled roof or similar with rendered or timber effect cladding. Clarification of the final outer layer needs to be submitted and this can adequately be conditioned.
- 5.16 The location of the mobile home is set back some 13m from the lane behind an established hedge. The temporary home would also run parallel with another hedge and ditch to the southwest of the siting. This is not considered to be affected by the proposal. The siting keeps the proposal away from sight from the local church at the top of the hill and re-siting the temporary dwelling closer to the access would increase the dwelling's visual presence in the countryside. It would be beneficial to increase the quality of the road side hedge with additional planting, which should include some trees to aid screening of the

building. As such a landscape condition is recommended. Additionally, in the interests of visual amenity, a condition is recommended ensure that there is no external floodlighting.

5.17 Foul Sewerage

The planning application includes the installation of a new sewage Package Treatment Plant, which does not require an initial DETR assessment. It is noted that no public foul sewers are readily available. A Package Treatment plant is specified but its location has not been indicated on the plans. The method of irrigation for the effluent overflow will also need to be indicated and a percolation test for discharge to a soakaway is necessary. Assessment details satisfying the Planning Practice Guidance Suite of 2014 are also required. There is no in principle objection to the proposal on these grounds however this information will be secured by a pre-commencement condition in order to ensure satisfactory foul sewerage infrastructure. The applicant will also be advised by informative that they must consult the Environment Agency for the need to obtain a 'Discharge Consent' and produce a copy if required as part of the condition.

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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That the application is APPROVED subject to the following conditions.

.....
Contact Officer: Karen Hayes
Tel. No. 01454 863472

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 occupation of the mobile home hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason

The site is not in an area intended for development and the development has been permitted solely because it is required to accommodate a person working in agriculture or forestry, to accord with the provisions of the National Planning Policy Framework 2012 and Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The use hereby permitted shall be discontinued and the temporary mobile home removed from the site and the land restored to its former condition on or before 30 July 2019 in accordance with a scheme of work previously submitted to and approved in writing by the Local Planning Authority.

Reason:

The functional need for a worker to live permanently on site, and the financial viability of the holding is yet to be fully established. Permission for a limited period will allow the Local Planning Authority to re-assess the development in the light of experience of the use, the provisions of the Local Plan, and any other material considerations on expiration of the temporary permission and to accord with Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), CS5 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and the provisions of the National Planning Policy Framework.

4. There shall be no external floodlighting on the site at any time.

Reason

In the interests of the character and appearance of the area and to accord with saved policy L1 of the South Gloucestershire Local Plan (adopted) January 2006, policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the provisions of the National Planning Policy Framework 2012

5. Prior to the commencement of development full details of the new sewage package treatment plant shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt details will include the location of the treatment plant, a percolation test for discharge to a soakaway, and assessment details satisfying the Planning Practice Guidance Suite. Development shall be implemented strictly in accordance with the approved details.

Reason:

To ensure a satisfactory means of pollution control in order to comply with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the Planning Practice Guidance Suite of 2014 .

6. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed additional roadside planting (and times of planting); boundary

treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

7. Prior to the commencement of development detailed plans showing the provision of residential vehicular access together with two car parking spaces and storage facilities for two cycles shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

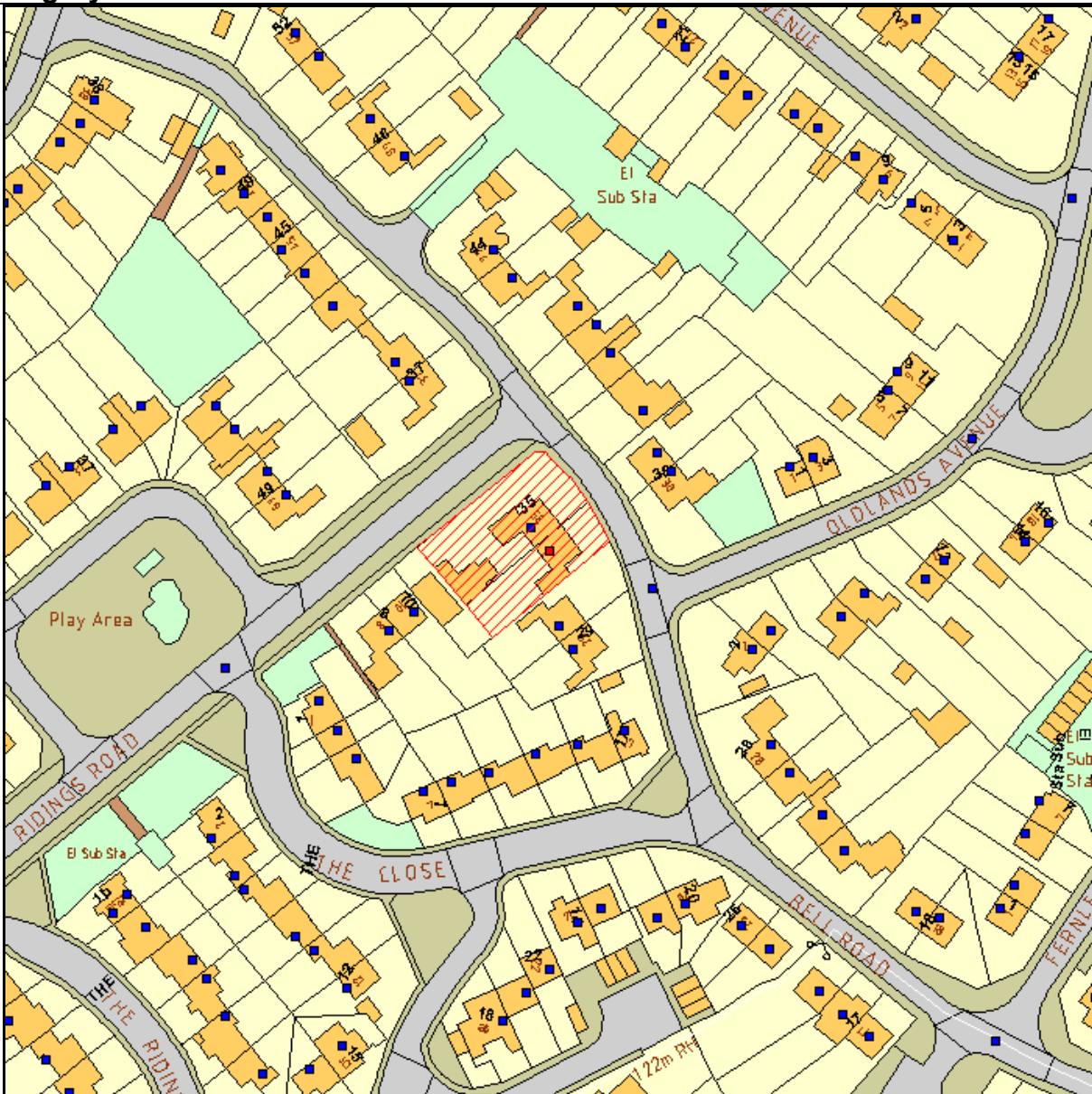
Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Residential Parking Standards SPD (Adopted) 2013.

ITEM 11

CIRCULATED SCHEDULE NO. 31/14 – 1 AUGUST 2014

App No.:	PT14/1489/F	Applicant:	Merlin Housing Society
Site:	33 Bell Road Coalpit Heath Bristol South Gloucestershire BS36 2SD	Date Reg:	29th April 2014
Proposal:	Erection of 4no. dwellings and associated works	Parish:	Frampton Cotterell Parish Council
Map Ref:	367239 180930	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	19th June 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated scheduled due to the receipt of letters of objection contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the demolition of two existing dwellings on site and the erection of four replacement properties in their place. The site would also be divided to provide each of the dwellings with off street parking and garden space. On this site, one no. 4 bedroomed property and 3 no. two bedroomed properties are proposed.
- 1.2 This application forms one of a cluster of applications in Coalpit Heath to re-develop existing residential sites owned by a housing association. The purpose of the application is to not only improve the living standards of the residents, but also to provide additional affordable housing.
- 1.3 The proposal is for all four of the new units to come forward as affordable housing.
- 1.4 The application site relates to a residential site at the corner of Bell Road with Ridings Road. The site currently accommodates two dwellings with large gardens. The site stands in an area that is residential in character. During the course of the application amended plans have been received to slightly alter the design of the proposed dwellings.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (March 2012)

National Planning Policy Framework Technical Guidance (2012)

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages

T12 Transportation Development Control Policy for New Development

L1 Landscape Protection and Enhancement

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS9 Managing the Environment and Heritage

CS17 Housing Diversity

2.3 Supplementary Planning Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 None directly relevant on this site. This application is one of six applications all within very close proximity to one another – all applications have been submitted by the same applicant. The five other planning reference numbers are – PT14/1490/F, PT14/1518/F, PT14/1492/F, PT14/1496/F and PT14/1517/F.

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
No Objection

- 4.2 Other Consultees

Highway Structures
No Objection

Highway Drainage
No Objection

Highway Officer
No Objection

Ecology Officer
Recommends informatives

Affordable Housing
No contribution required

Other Representations

- 4.3 Summary of Local Residents Comments
Two letters of objection have been received from neighbouring residents. A summary of the point of concern raised is as follows:
- Will not be in keeping with the neighbouring properties
 - It looks very squashed in
 - Should family housing be provided next to three dwellings
 - Concerns over the consultation process
 - Concerns over the proximity to plot 4 to the boundary with 12 Ridings Road
 - Loss of light

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

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

- 5.2 Notwithstanding the above, given that the application site is located within the built up area, planning policy H4 of the adopted local plan, and policies CS1, CS5 and CS9 of the adopted core strategy all apply. Whilst these are permissive of proposals for new residential development, this is subject to considerations of design, residential amenity and highway safety whilst adequate amenity space should be provided for any new separately occupied dwelling.
- 5.3 Although the site falls below the affordable housing threshold, all four units are being bought forward as units of affordable housing. There is a shortage of affordable housing in the authority and the benefit of gaining additional affordable housing stock is a key consideration that stands in favour of this application.
- 5.4 Design/ Visual Amenity
The site is on the corner of Bell Road and Ridings Road, and is located within a residential housing estate. The housing surrounding the site is predominantly two storey and the proposed new dwellings are also two storey to reflect this. The existing units are Precast Reinforced Concrete (PRC) construction that falls below the acceptable standard of living.
- 5.5 The housing on site forms part of a street scene which faces both onto Bell Road and Ridings Road. At present, the houses are set back from the highway, creating front garden areas – similarly, the new dwellings would also have front garden areas. The layout has been designed to respond to both the existing street frontage along Bell Road and Ridings Road, and to create continuity with neighbouring street scenes of the Coalpit Heath redevelopment. As has been raised by the neighbours in their letters, it is indeed true that the proposed new dwellings do not simply 'copy' existing neighbouring housing stock. Instead, they take their general design cues from them in terms of scale and massing, and then incorporate a new bespoke design. The design is carried through to all six redevelopment sites (as set out in paragraph 3.1 of this report). Therefore, although in isolation the design may appear unusual, upon completion of the whole re-development scheme, dwellings of this style will not be unusual in the immediate vicinity.
- 5.6 In line with the precedent set by the existing housing, the new housing has been away from the edge of the footpath and wherever possible we allocated parking has been located to the front of the relevant property. Where possible existing trees have been retained and new landscaping has been incorporated into the scheme that will contribute to the existing suburban residential setting.

Appropriate garden sizes have been provided for each property and every property has a direct route to their garden without having to go through their property (as is a requirement for all affordable units).

5.7 In summary, the design has been carefully considered to take account of the existing street scape and is considered to be entirely acceptable.

5.8 Residential Amenity

The plans show the provision of adequate private and useable garden space to meet the needs of the proposed new dwellings. Although there will be some overlooking of the proposed gardens from first floor bedroom windows, the level of overlooking will not be unusual for a standard residential estate. The level of amenity provided to the residents of the proposed new dwellings is therefore considered to be entirely acceptable.

5.9 The two neighbouring dwellings that stand to be most affected by the proposal are 12 Ridings Road to the side of proposed plot No 4, and No 31 to the side of proposed plot 1. No primary room windows are proposed in either side elevations of the proposed new units facing towards the neighbouring dwellings that could result in any direct intervisibility.

5.10 Although the occupant of No 12 Ridings road has raised concern about proximity to their boundary and loss of light, given that the proposed new dwelling will stand to the east of No 12, any loss of light will be at an acceptable level. It is true that the side elevation of proposed plot 4 is in close proximity to the boundary with No 12, but this is a similar relationship between No 12 and No 10 Ridings Road. The impact on the amenity afforded to this neighbour is considered to be acceptable.

5.11 Proposed plot 1 will stand forward of existing dwelling No. 31 Bell Road – in a similar way to the existing situation. However, the separation gap between the properties will actually be increase resulting in a lessened effect of overbearing. Impact on this neighbour is therefore also deemed to be acceptable.

5.12 Finally, with regards to the surrounding dwellings, an assessment has been made that the impact of the proposed new dwellings will be similar to the impact from the existing two dwellings in terms of intervisibility. The impact on residential amenity is therefore deemed to be acceptable.

5.13 Highway Safety

The plans show the provision of off street parking in accordance with the adopted Residential Parking Standards SPD. There are no concerns that the proposed development would cause any issues 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 planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 7.30 to 18.00 Monday to Friday; 8.00 to 13.00 on Saturday; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenity enjoyed by those living in the locality to accord with Policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013

3. The off-street parking facilities shown on the plan hereby approved shall be provided before the dwellings are first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with the requirements of the Residential Parking Standards SPD (Adopted)

ITEM 12

CIRCULATED SCHEDULE NO. 31/14 – 1 AUGUST 2014

App No.:	PT14/1955/CLE	Applicant:	Rontec Watford Ltd
Site:	Esso 184 Gloucester Road Patchway South Gloucestershire BS34 5BB	Date Reg:	30th May 2014
Proposal:	Certificate of lawfulness for the proposed use as a petrol filling station and ancillary shop, forecourt and car wash without restriction on hours of operation, opening or trading.	Parish:	Patchway Town Council
Map Ref:	360649 181579	Ward:	Patchway
Application Category:	Minor	Target Date:	15th July 2014



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PT14/1955/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as the application is for a Certificate of Lawful Proposed Use.

1. THE PROPOSAL

- 1.1 The site consists of a petrol filling station.
- 1.2 The applicant claims that no conditions exists to limit the trading hours at the site; and wishes to submit this certificate application to ratify that position.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (Development Management) Order 2010
Town and Country Planning Act 1990 s.171

3. RELEVANT PLANNING HISTORY

- 3.1 N.3961/1 Demolition of Existing Building and Canopy and Erection of New Building and Canopy Over Modified Pump Layout.
Installation of Car Wash
Approved November 1977
- 3.2 P88/3590 Erection of Single Storey Extension to Existing Garage Shop
Totalling 86 Square Metres to Provide New Store. (In Accordance with the Amended Plans Received by the Council on 22nd March 1989)
Approved April 1989

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 4.1 The applicant submits a copy of the Planning Permission P88/3590 (as detailed above) and maintains that there is no condition relating to trading hours and as such no restriction in that regard.

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 None

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Patchway Town Council
No comment has been received
- 6.2 Highways Authority
No Comment

- 6.3 Local Residents
No comments have been received

7. EVALUATION

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence.
- 7.2 The applicant seeks to ratify that there are no conditions placed upon Planning Permission P88/3590 that would have the effect of restricting the operating (opening hours) of the Petrol Filling Station forecourt or Shop. The applicant has submitted a copy of the Decision Notice for Planning Permission (P88/3590). There are three conditions included on the Decision Notice which relate to the period of time allowed to implement the development (five year period), materials and a restriction of the use to a petrol station shop. There is no condition relating to the times of operation or the opening times of the shop.
- 7.3 The Local Planning Authority has also considered the initial planning permission for the Petrol Station (N.3961/1). The Decision notice also contains three conditions and these relate to the period of time allowed to implement the development (five year period), the provision of a fence on the Southern Boundary and a restriction of the use of the development for the sale of motoring requisites and accessories (i.e. as a petrol station and ancillary shop). Again there is no condition relating to the times of operation or the opening times of the shop.
- 7.4 Having regards to the above, officers conclude that there are no conditions in place relating to the existing petrol filling station on this site that have the effect of restricting the operating or opening hours. On this basis, and on the balance of probability, the applicant has shown that the petrol filling station and ancillary shop, forecourt and car wash can be opening for trade over any 24 hour period.

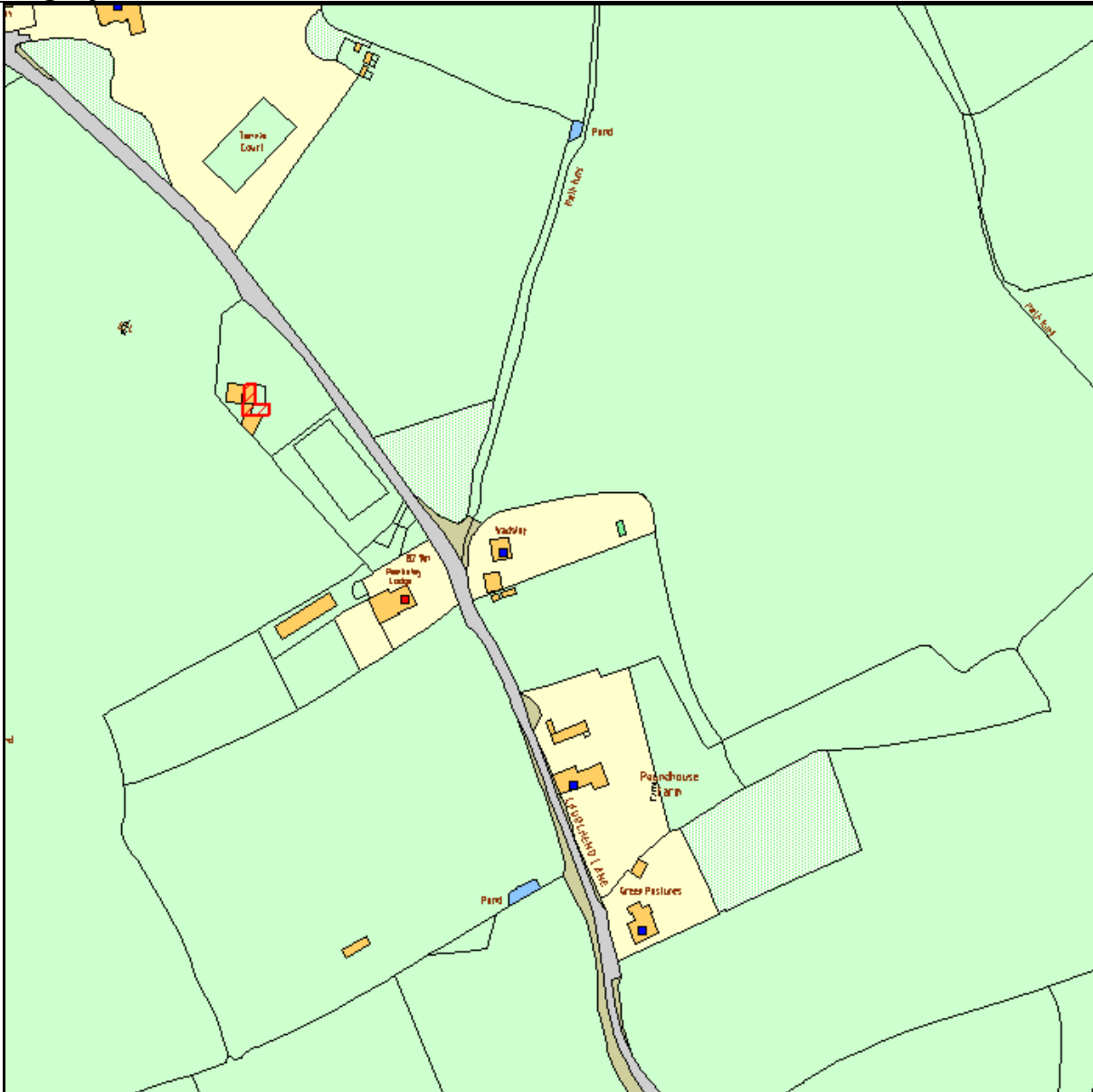
8. RECOMMENDATION

- 8.1 That a Certificate of Lawful Development is Granted that shows that there are no restrictions for operating or opening hours for the existing petrol filling station and ancillary shop, forecourt and car wash can be opening for trade over any 24 hour period.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

ITEM 13
CIRCULATED SCHEDULE NO. 31/14 – 1 AUGUST 2014

App No.:	PT14/2153/F	Applicant:	C/o Bateman North LLP
Site:	Churchend Lane Charfield Wotton Under Edge South Gloucestershire GL12 8LJ	Date Reg:	10th June 2014
Proposal:	Conversion of agricultural buildings to residential use with associated works. (Resubmission of PT13/4473/F)	Parish:	Charfield Parish Council
Map Ref:	371641 191637	Ward:	Charfield
Application Category:	Minor	Target Date:	29th July 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated scheduled due to the receipt of letters of objection contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the extension and conversion of an existing disused agricultural building into one residential dwelling. There are a number of buildings currently on the site, several of which are to be demolished as part if the proposal.
- 1.2 The application site is outside of any defined settlement boundary (as shown on the proposals maps) and is therefore considered to be within the open countryside. The site is not subject to any statutory or non-statutory designations. The site is not located within the green belt.
- 1.3 This application is the resubmission of the previously withdrawn application reference PT13/4473/F. This previous application was withdrawn due to officer advice that the recommendation would be for refusal. This current application has been re-submitted following the changes made to the General Permitted Development Order that came into force on 6th April 2014. The implications of this will be explained later in the main body of the report.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies)

L1 Landscape

L9 Species Protection

T7 Cycle Parking

T12 Transportation

H3 Residential Development in the Countryside

H10 Conversion and Re-use of Rural Buildings for Residential Purposes

South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS34 Rural Areas

CS8 Improving Accessibility

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

Residential Parking Standard (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/4473/F Conversion of agricultural buildings to residential use with associated works.
Withdrawn January 2014.
- 3.2 PT07/1789/F Erection of single storey extensions to existing barn to facilitate change of use from agricultural to commercial (B1)
Withdrawn to avoid receipt of refusal
- 3.3 P89/1973 Erection of detached dwelling
Refused 1989 and Appeal Dismissed
- 3.4 P89/2889 Conversion of stable block and erection of extension to form residential accommodation
Refused September 1989 and Appeal Dismissed

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
Object to the proposal because the site is outside of the development boundary for Charfield - it is situated along a narrow lane and access to site is poor. If planning were to be granted then it would make the lane even busier /more dangerous than it is currently.
Councillors were also concerned about the overhead powercables that would run directly over the amenity area / garden of site and also fact that adjacent fields are farmed and there is often heavy machinery going in and out of field
- 4.2 Environmental Protection
No objection subject to the attachment of conditions
- 4.3 Transport
In light of the recent changes in PD rights make no objection

Other Representations

- 4.4 Local Residents
2 letters of objection have been received to the application (although both letters are from the same objector). A summary of the main points raised is as follows:
- The small field is being partly divided to curtilage and agricultural
 - Concerns that agricultural equipment could be stored on the agricultural land.
 - The whole site should be residential curtilage
 - Concerns about the 'threat' of three houses on the site
 - Issues over the use of part MB
 - Concerns over the accuracy of the planning statement

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the conversion of an agricultural barn to a residential dwelling.

5.2 Principle of Development

The conversion of rural buildings for residential purposes is managed through policy H10 of the Local Plan. This policy allows for the re-use of buildings for residential purposes subject to a detailed specific assessment. However, in April 2014, new permitted development rights came into force under part MB of the General Permitted Development Order. Although there are many clauses to part MB, it effectively allows the conversion of modern agricultural buildings to residential dwellings as permitted development (although there is a formal process that needs to be followed). Therefore, the government have made it clear their intention to facilitate the re-use of buildings such as this for residential purposes. There are some contradictions between the requirements of Policy H10 and the recent changes to the GPDO.

5.3 This application does not fall to be assessed under part MB as extensions are proposed (part MB does not allow for any extension). However, on the basis of telephone conversations, your officer believes that if this application were to be refused, a prior approval application under part MB would be forthcoming. This is a likely fall back position to which your officer attaches significant weight. Given the contents of part MB of the GPDO, the principle of allowing a residential use on the site in place of the existing agricultural barns is considered to be acceptable.

5.4 Explanation of Part MB

Subject to various criteria, Part MB allows for the change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouse). In very simple terms, it also allows for external alterations to such buildings to facilitate the conversion including new windows, doors, roofs or exterior walls. Subject to floor area restrictions, it also allows for the creation of up to three dwelling houses on an agricultural unit.

5.5 Part MB does not require the applicant to first demonstrate a business re-use and does not expressly require the agricultural buildings to be of permanent or substantial construction. It does not require consideration of ecological impacts. It is true that the existing buildings on the site could potentially be converted for residential use under the new permitted development rights.

5.6 Although this application is not to be assessed against part MB of the GPDO (because of the extensions it entails), it certainly shows the governments commitment to facilitating small scale rural housing on agricultural sites. This is a material consideration that needs to be taken into consideration when determining this planning application. Although Policy H10 remains the extant policy against which the application stands to be assessed, given the government's clear intentions, this changes the weight that should be applied to the criteria in Policy H10. Although the application will be assessed against Policy H10 of the Adopted Local Plan, weight will also be given to the permitted

development rights afforded through part MB as this is the likely fall back position.

5.7 Business Re-use

In accordance with the requirements of Policy H10, whilst the residential re-use of rural buildings is acceptable in principle, a business use of the site is preferred. Therefore it is necessary to show that all reasonable attempts have been made to secure a business use for the site prior to considering a residential use. It is noted that part MB of the GPDO does not contain such a requirement.

5.8 Although no marketing information has been submitted with this application, because of the location of the building off of a narrow single carriageway lane, it would not be appropriate for any use that generates high levels of traffic movement or includes the movement of large vehicles. These two points limit the possible business uses that the Council would consider acceptable in this location. A material consideration in the determination of this application is that part MB of the GPDO does not include any requirement to consider a business re-use – it accepts the principle of converting agricultural buildings to residential use.

5.9 Structural Condition

For the conversion of the building be permitted, Policy H10 requires that it must be proven that the buildings are of permanent construction and capable of conversion without major or complete reconstruction. It is noted that this is significantly different from the requirements as set out in part MB of the GPDO.

5.10 Being mindful of the fact that the existing buildings can be converted for residential purposes under permitted development rights, it would be unreasonable to insist on a structural report. Nonetheless, the structural integrity of the buildings has been investigated through the previous applications. The stone part of the barn that will form the living room and kitchen have been proven to be largely structurally sound with the rest of the resultant dwelling being new build.

5.11 Surroundings and Character/ Design

To accord with policy H10, the buildings to be converted should be in keeping with its surroundings. Your officer does not dispute that the existing buildings are largely modern, and with the exception of the main stone built barn, are not worthy of retention in their current form.

5.12 In assessing this application, your officer has had to weigh up the possible visual impact of this dwelling currently proposed against the possible dwelling that could result should part MB be implemented. If this current application was refused and the applicants chose to progress the fall back position under part MB, they could carry out significant building operations all existing barns on the site (including replacement windows, doors, roofs or exterior walls) providing there were no extensions. Although the Council would be able to control the external appearance of the dwelling, the bulk and footprint would be dictated by the existing buildings on site. There are 3 existing buildings – two pole barns and a longer narrow building constructed of stone and block work. Although

the stone part of the building is attractive, all other elements form a rather 'ramshackle' appearance and layout.

5.13 By means of comparison, the dwelling proposed under this planning application, is considered to be a visual improvement over and above the likely fall back position. To facilitate the erection of the dwelling, the two existing pole barns will be removed from the site. The two pole barns are currently of very low visual amenity actually detracting from the visual amenity of the area. The proposed dwelling is of a very simple appearance having an 'L' shaped footprint facing over a courtyard. As weight is being given to the benefit of removing the two pole barns, a condition will be attached to ensure they are removed. In addition, a condition will be attached to remove householder permitted development rights. Although permitted development rights should only be removed in exceptional circumstances, it is necessary in this instance as it will ensure that the design of the barn remains acceptable and a visual improvement over what could possibly be implemented as the fall back position (under part MB of the GPDO).

5.14 In light of the assessment above, the proposed conversion and extension is considered to be visually acceptable.

5.15 Transportation

Located in the open countryside beyond any defined settlement boundary, the site is not considered to be located in a sustainable location. It is also understood that the previous inspector refusing permission for the erection of a dwelling in the land in 1989 raised concerns over the siting of the barn. The proposed dwelling would rely on the private motor car as the primary means of transport, which is generally discouraged. However, there have been several changes to policy since the refusal of the application in 1989 – namely the introduction of the manual for streets and the recent changes to the GPDO made in 2014. The manual for street has reduced the required visibility splays and the conversion of rural buildings to residential uses is now permitted development (subject to a formal process) by part MB of the GPDO. In light of these changes, it is not considered that the unsustainable location (in terms of transportation) is of such a concern sufficient to warrant the refusal of the planning application. Notwithstanding this, the development must still provide a safe access, adequate parking, and should not be detrimental to highway safety.

5.16 The plans show that access to the new dwelling will be via the existing field gate serving the land. The plans also show the provision of three parking spaces to serve the property and ample room to turn a car to both enter and leave the site in a forward gear. The Councils highway officer has raised no objection to the proposed works. It is accepted that vehicle movements associated with the proposed new dwelling will be in addition to any agricultural movements. However, given that the proposed dwelling has two bedrooms only, the additional likely number of additional movements is not likely to be severe. Again, being mindful of the fall back position where a similar or possibly greater level of vehicle movements could be generated, the impact on highway safety is deemed to be acceptable.

5.17 Amenity

Consideration should be given to the impact that the proposed development would have on the existing level of residential amenity afforded to neighbouring dwellings and also what level of amenity would be offered to the resulting dwelling.

5.18 The nearest neighbouring dwellings are Pembeley Lodge some 90 metres to the southeast and The Old Rectory over 150 metres to the north. Due to the distances involved and the degree of separation by other agricultural land, it is not considered that either neighbour will be adversely affected by means of increased noise and disturbance, or loss of privacy and overlooking. Because of the location of the access to serve the proposed dwelling, neither of the neighbours is likely to notice any significant additional vehicle movements as a result of the proposed development. .

5.19 Adequate amenity space is provided for the proposed dwelling and the dwelling would not suffer from a lack of space, poor layout or any other factor impinging the amenity of the site.

5.20 A condition will be attached restricting the hours of construction in order to protect the amenity of neighbours furthermore.

5.21 Use of Remaining Agricultural Land

A neighbour has raised concerns that agricultural storage could take place on the agricultural land not within the red line of the application site. This is correct – all land outside of the red line but within the ownership of the applicant can be used for agricultural purposes (including storage) without the need for further planning permission. This application has no effect on the way the remaining land can be utilised.

5.22 Other Issues

It is noted that the parish Council have raised concern regarding the power cables that would extend across the residential curtilage. There are indeed a pair of power cables that run west to east across part of the site. Rather than crossing the main garden area for the proposed new dwelling, they cross slightly to the north of the proposed parking spaces. There is no policy reason against which this application could be refused because of the existence of the cables. Should the cables be of concern to the applicant, he can in due course, enquire to the power company about having them moved to below ground. Again, given the fall back position of a dwelling under part MB, the power cables are not a reason to warrant the refusal of this planning application.

6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted)

January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 It is recommended to GRANT permission subject to the conditions listed below.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. Prior to the first occupation of the dwelling hereby permitted, the two existing buildings shown to be removed on drawing1rev3 received by the Council on 3rd June 2014 shall be demolished and removed from the site.

Reason

The erection of the new dwelling has been permitted because of the circumstances that exist with regards to what could possibly be erected under part MB of the GPDO (as amended). It is necessary that the two existing barns are demolished to ensure that the proposed development represents a visual improvement of the site in accordance with the requirements of Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

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

Reason

The erection of the new dwelling has been permitted because of the circumstances that exist with regards to what could possibly be erected under part MB of the GPDO (as amended). It is necessary that permitted development rights are removed to ensure that the resultant dwelling remains small and therefore represents a visual improvement of the site in accordance with the requirements of Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

4. The hours of working on site during the period of construction shall be restricted to 7.30 to 18.00 Monday to Friday; 8.00 to 13.00 on Saturday; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of

clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

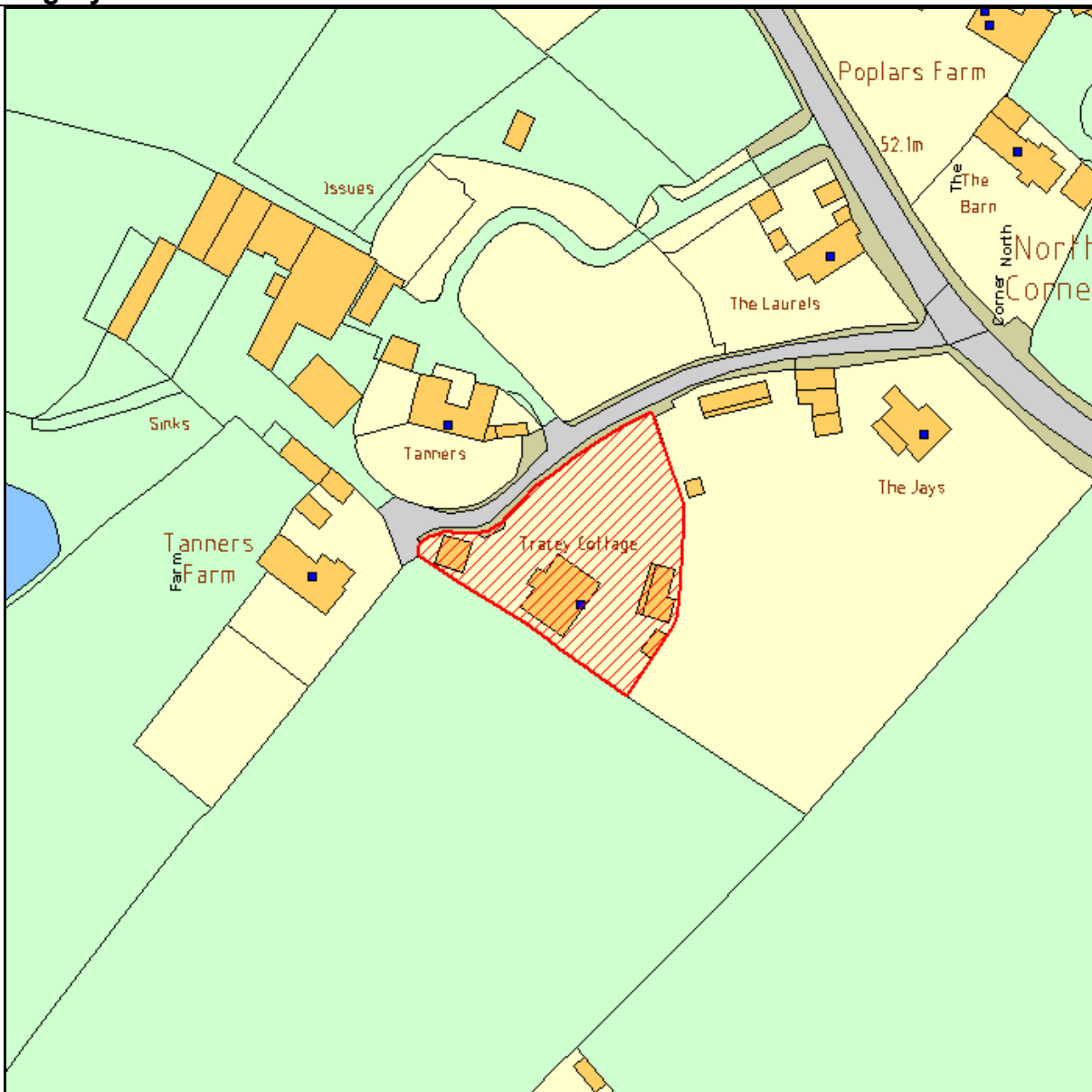
Reason

To protect the amenity enjoyed by those living in the locality to accord with Policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

ITEM 14

CIRCULATED SCHEDULE NO. 31/14 – 1 AUGUST 2014

App No.:	PT14/2221/F	Applicant:	Mr Ian Hardy
Site:	Tracey Cottage Perrinpit Road Frampton Cotterell South Gloucestershire BS36 2AR	Date Reg:	19th June 2014
Proposal:	Erection of extensions to existing detached garage to facilitate conversion to residential annexe.	Parish:	Frampton Cotterell Parish Council
Map Ref:	365818 182214	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	5th August 2014



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PT14/2221/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission to convert the existing detached garage into a residential annexe.
- 1.2 The application site consists of a detached property and existing detached double garage, which is to be converted. The
- 1.3 The property is located outside of the Frampton Cotterell settlement boundary and within the designated Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS5 Location of Development

CS17 Housing Diversity

South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies

H4 Development within Existing Residential Curtilages

T8 Parking Standards

T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

Residential Parking Standard (Adopted) December 2013

South Gloucestershire Design Checklist (Adopted) August 2007

Green Belt SPD

3. RELEVANT PLANNING HISTORY

- 3.1 N1650 – Erection of two storey extension to provide dining and living area with two bedrooms above. Approved 15th August 1975
- 3.2 N1650/1 – Erection of two storey extension to provide dining and living area with two bedrooms above (in accordance with revised plans). Approved 11th December 1975.
- 3.3 N1650/2 – Erection of private stable for 3 horses. Approved 27th March 1980.
- 3.4 PT02/1882/F – Erection of two, two storey extensions. Erection of front porch and detached double garage. Approved 16th September 2002

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council
Objection: 'The Parish Council objects as this is development in the green belt.'

4.2 Highway Drainage
No comment

Archaeological Officer
No objection

Transport Officer
No objection in principle to the proposals

Other Representations

4.5 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 This application seeks permission to convert the existing garage into a residential annexe.

5.2 Principle of Development
Development within existing residential curtilages is supported, in principle, by policy H4 of the Local Plan subject to design, residential amenity and transportation assessment, which is provided below. The site is also located within the Green Belt, so its acceptability in this respect will also need to be assessed. The use of the garage as a residential annexe to the dwelling is not considered to give rise to any specific issues and is considered acceptable in this instance. A condition will be attached that prevents the annexe being used not in conjunction with the main dwelling.

5.2 Green Belt
Development within residential curtilages is appropriate development within the Green Belt provided it is not disproportionate and does not impact upon the openness of the Green Belt. The planning history of the site does show previous development at the site. With regards to the most recent proposal (ref. PT02/1882/F) for two, two storey extensions, erection of a front porch and detached double garage, the minutes of the Council's Development Control meeting indicate that, upon revision, officers considered the proposal was not considered to be disproportionate and would be in keeping with the existing dwelling. The proposals the subject of this application would involve modest extension to the detached double garage and include an entrance lobby measuring 2metres by 1.25 metres and a utility/bathroom extension measuring 2.5 by 3.5 metres to 1.5 storey. It is not considered that these elements could in their own right be considered significant in their own right such as to be

considered disproportionate development to the remainder of the existing dwelling house and curtilage. The use of the garage as an annexe in its own right would not affect the openness of the Green Belt. The level of extension is modest and would not be considered disproportionate and as such would be an acceptable addition in the Green Belt. Its use as an annexe would have no greater impact upon the openness of the Green Belt

5.3 Use as an Annexe

For the development to be an annexe, rather than a separate dwelling, it should have a functional and physical dependency on the main dwelling. Should the proposal lack these then it would be to all intents and purposes a new dwelling. Internally, the existing garage will be converted to provide one bedroom, a bathroom a utility room, and a living area. The accommodation provided is of an ancillary nature, being limited in scope and size. Although the development would provide the majority of principal accommodation uses (i.e. a bedroom, bathroom, and living area) it does not specify a kitchen and does not propose to subdivide the site to provide separate garden, parking or access which would be shared with the host dwelling. Use as an annexe would require a further separate planning application.

5.4 The use of the garage as a residential annexe to the dwelling is not considered to give rise to any specific issues and is considered acceptable in this instance. A condition will be attached that prevents the annexe being used not in conjunction with the main dwelling.

5.5 Design

The extents of extensions of the garage are minimal and limited to two small elements and would have limited impact to the external appearance of the building or the property. The garage doors will be replaced by a windows. The proposals would not materially affect the appearance of the building and are considered acceptable in design terms. Materials used would be acceptable

5.6 Amenity

Development should not have a prejudicial impact on residential amenity. The application relates to an existing building within the existing residential curtilage of the dwelling. The conversion to a residential annexe is not considered to affect the amenity of any nearby occupier.

5.7 Due to the modest nature of the proposals the development will not prejudice the retention of adequate amenity space for the property or the annexe.

5.8 The proposed development is not considered to have a detrimental impact on residential amenity, for either the application site or the locality.

5.9 Transport

Sufficient off-street parking provision, in the form of gravel/hardstanding area to the front of the house and garage will be available to serve the property, including the annex, sufficient to meet with the Council's current requirements for parking.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed extensions and conversion have been assessed against the policies and documents listed above. The proposals are considered to accord with Green Belt policy, the design is acceptable; and the proposals would not give rise to any significant amenity impact, adequate parking is provided and the existing access to the property will remain.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended to GRANT permission subject to the conditions listed on the decision notice.

Contact Officer: Simon Ford
Tel. No. 01454 863714

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 tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The hours of working on site during the period of construction shall be restricted to 08.00 to 18.00 on Mondays to Fridays and 08.00 to 13.00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for

the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E4 of the South Gloucestershire Local Plan (Adopted) January 2006. (* delete as appropriate)

4. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Tracey Cottage.

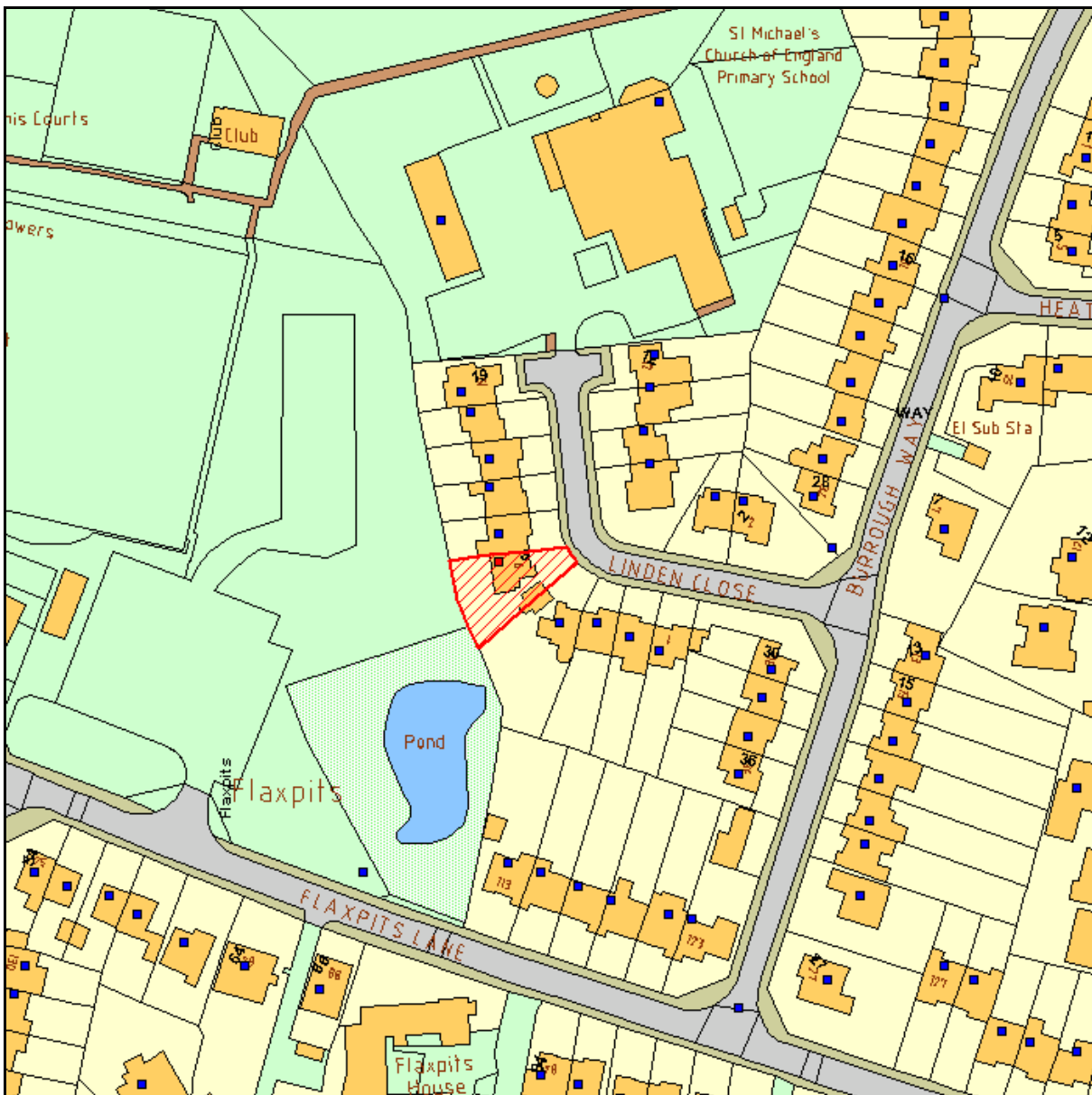
Reason:

The development has been permitted on the particular circumstances of the case and the development would be unsuitable for use as a separate residential dwelling because further consideration would need to be given to the impact on design, residential amenity and transportation in accordance with Policies H4, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

ITEM 15

CIRCULATED SCHEDULE NO. 31/14 – 1 AUGUST 2014

App No.:	PT14/2250/F	Applicant:	Mr And Mrs Britton
Site:	9 Linden Close Winterbourne Bristol South Gloucestershire BS36 1LG	Date Reg:	19th June 2014
Proposal:	Erection of two storey side extension to form additional living accommodation.	Parish:	Winterbourne Parish Council
Map Ref:	365198 180523	Ward:	Winterbourne
Application Category:	Householder	Target Date:	5th August 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule following an objection from a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a two storey side extension to form additional living accommodation.
- 1.2 The application site relates to a two-storey semi-detached property situated within the established residential area of Winterbourne.
- 1.3 During the course of the application revised plans were requested to reduce the size of the single storey front projection to allow additional space for off-street parking. As these changes did not alter the principle of the application the plans were not put out for re-consultation.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS5 Location of Development

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies

H4 Development within Existing Residential Curtilages, Including
Extensions and New Dwellings
T12 Transportation Development Control

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 N3178 Erection of two storey side extension to provide kitchen and
W.C. with bedroom over.
Approved 1976

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council

The comment of the Parish Council is No Objection although Members were concerned that the semi detached garage was being demolished which would result in more parking on the road.

4.2 Other Consultees

Highway Drainage

No objections subject to an informative regarding the proximity of a public sewer

Trading Standards

No objections subject to an informative regarding weight restrictions of a nearby bridge

Sustainable Transport

Adequate off street parking would remain, therefore there are no transportation objections

Other Representations

4.3 Local Residents

One letter of objection has been received. The points raised are as follows:

- plans not available on the website until 25.6.14
- received a document relating to potential impact on semi-detached garage
- the applicant needs to comply with the Party Wall Act 1996
- proposal in excess of the floor space of the original house: should an extension be smaller than the main part of the house, the proposed extension will dominate the house in appearance
- angle of proposed front wall brings 50% of the front wall forward of the main front building line
- applicant has ticked 'not applicable' on application form regarding boundary treatments when in fact the demolition of the existing semi-detached garage would require 'treatment of the party wall' – we are concerned about damage to our building
- unclear as to placement of scaffolding
- plans imply new extension would be built over an existing drain cover may raise questions as to both access to the drains, need to re-direct drains and impact on the drainage of adjacent properties
- proposal will break visual continuity of the Close, be visually prominent and have negative impact

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed under the above listed policies and all other material considerations. Of particular importance is the overall design of the proposal and its impact on the character of the area (CS1), the impact of the proposal on the residential amenities of neighbouring dwellings and future occupiers (H4) and the impact on highway safety and residential parking (T12 and SPD: Residential Parking Standards).

The proposal is considered to accord with the principle of development within the curtilage of an existing dwelling and this is discussed in more detail below.

5.2 Design and Visual Amenity

The application site is a two-storey semi-detached dwellinghouse situated within a small cul-de-sac in Winterbourne which dog-leg's around to the north. The house is located on the western side of this cul-de-sac right on the bend of the road. It benefits from a two-storey side extension to which this proposal would be attached. It has a single garage semi-detached to that of the neighbouring property No. 7 Linden Close.

5.3 To facilitate the proposal the existing garage would be demolished. Communication has been received from the neighbour with regard to him having received a letter from the agent informing him of the proposal, the resulting correspondence between neighbour and agent and finally an objection regarding the application. The agent has followed correct procedure by informing the neighbour that given the attached nature of the respective garages the Party Wall Act 1996 would be activated. The agent has stated that any works will respect the requirements set out in this Act. However, as this is a civil matter it cannot be covered under the remit of a planning report; any issues must be discussed by the individual parties. Similarly with regard to positioning of scaffolding, an informative will be attached to the decision notice stipulating that permission must be obtained for access over land not within the applicant's ownership.

5.4 Concern has been expressed regarding the size of the proposal. Each application is assessed on its own merits and there are no standard sizes or styles to which extensions must adhere. It is acknowledged that the development would result in a large extension to the property but it is considered that the proposal has attempted to blend in with the host property in term of following a subservient roof line and revised plans show that the ground floor element would be stepped back from the front building line (although the single storey roof would remain as an overhang). These are good design principles which are encouraged. Good quality materials to match those of the existing dwellinghouse would be used in the construction and in this way the proposal would complement the existing street scene. The dwelling would be a large property within this cul-de-sac of otherwise modest homes, but Officers consider that a refusal for this reason could not be supported or defended in an appeal situation. On balance the design is deemed to be appropriate to the host dwelling and the area in general and therefore to accord with adopted policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

5.5 Residential Amenity

The application site benefits from being a corner plot and as such the rear garden splays out to the south east. The site is separated from its neighbour at No. 7 Linden Close by their respective semi-detached garages. Given the shape of the site the proposed two-storey side extension to the south elevation would measure between 4.2 and 10 metres in width. The neighbouring dwelling of No. 7 is almost at right angles to the application site because of they

positions on the bend in the road. This property benefits from a flat roof two storey side extension which has a first floor window and a ground floor opening in the elevation facing the application site. An obscure first floor en-suite window and a ground floor door to the proposed utility room would be positioned in its southern elevation with all other openings being located in the west and east, facing either the rear garden or the highway respectively. As such it is considered there would be no adverse issues of inter-visibility or overlooking resulting from the proposed development. The single garage of No. 7 Linden Close would further screen the two properties. The existing single garage of the application site would be demolished and an access path to the rear garden would form a further separation between the two properties. It is acknowledged that there would be changes resulting from the development but it is considered that these would not have an impact sufficient to warrant the refusal of the application. The proposal is considered to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

5.6 Sustainable Transport

The application site benefits from a single garage and off street parking to the front of the property. The proposal would result in the demolition of this single garage. A garage space is proposed but this is considered not to accord with the parking standards currently adopted and cannot be counted as a parking space. It was therefore suggested that the front projection of the proposed extension be reduced to permit 2no. full parking spaces to be accommodated to the front of the property. Revised plans were submitted to this effect and were considered acceptable. The proposal would result in the property becoming a 4no. bed property whereby 2no. off-street parking spaces are required. The proposed development is considered to meet this requirement and is therefore acceptable.

5.7 Other matters

The neighbour has stated that there was a delay in being able to view the plans on the Council's website. It has been explained to the neighbour that this was due to the fact that the plans were submitted by hand and not electronically. A revised date for the consultation response was offered to and agreed with the neighbour and comments were received within this new timeframe.

Concern has been raised that the proposed extension would be built over an existing drain cover. An informative would be attached to the decision notice advising the applicant of the proximity of a drain and the need to contact Wessex Water for advice.

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 and the South Gloucestershire Local Plan Core Strategy

(Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 8:00 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013

3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved as Proposed 2 storey side extension: 3291-01 Rev B shall be provided before the extension is first occupied, and thereafter retained for that purpose.

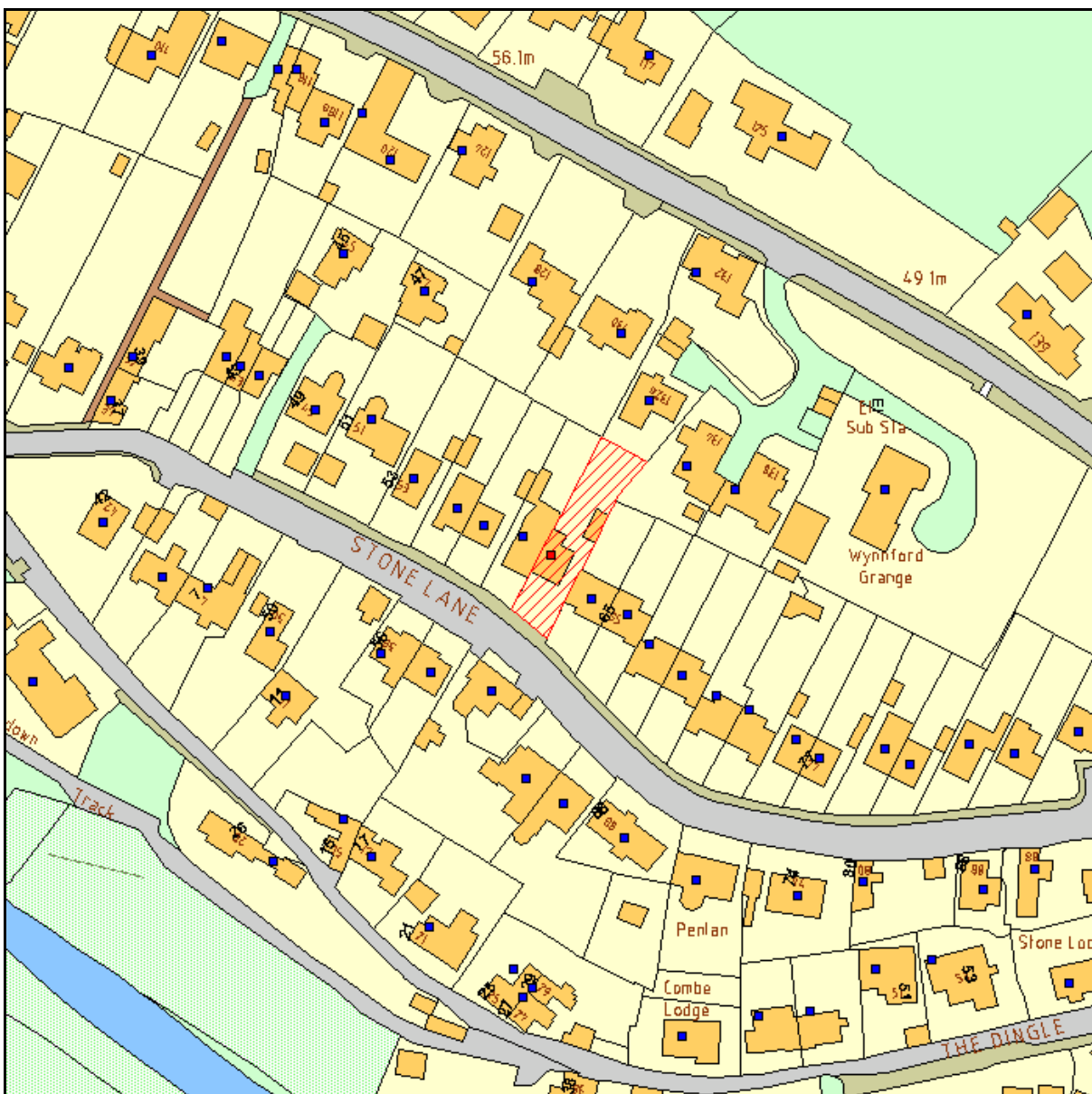
Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the SPD: Residential Parking Standards (Adopted) 2013

ITEM 16

CIRCULATED SCHEDULE NO. 31/14 – 1 AUGUST 2014

App No.:	PT14/2399/CLP	Applicant:	Mr Simon Griffin
Site:	61 Stone Lane Winterbourne Down South Gloucestershire BS36 1DH	Date Reg:	4th July 2014
Proposal:	Application for certificate of lawfulness for the proposed erection of a single storey rear extension.	Parish:	Winterbourne Parish Council
Map Ref:	365566 179490	Ward:	Winterbourne
Application Category:	Minor	Target Date:	14th August 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at 61 Stone Lane, Winterbourne Down would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.
- 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 During the course of the agent provided further information to support the application regarding the materials to be used. A re-consultation period was not deemed necessary as there was no change in the proposal.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192
Town and Country Planning (General Procedures) Order 1995 Article 24 Town and Country Planning (General Permitted Development) Order (GPDO) (As Amended) 1995

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history for the site.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection.
- 4.2 Other Consultees
Highway Drainage
No comments received.

Other Representations

- 4.3 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Combined Plans (drawing number 1403- 01) received on 19th June 2014. Email from agent regarding materials received on 7th July 2014.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not a application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (As Amended) 1995.

- 6.3 The proposed development consists of a single storey rear extension. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995. (The enlargement, improvement or other alteration of a dwellinghouse). This allows for the erection or construction of a rear extension to a dwellinghouse subject to the following:

A.1 Development is not permitted by Class A if –

- (a) **As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**
The 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 proposal would not exceed the maximum height of the existing dwellinghouse.
- (c) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

The height of the eaves of the proposal would not exceed the eaves of the existing dwellinghouse.

- (d) **The enlarged part of the dwellinghouse would extend beyond a wall which—**
(i) **fronts a highway, and**
(ii) **forms either the principal elevation or a side elevation of the original dwellinghouse;**

The extension is beyond the rear wall of the dwellinghouse and does not front onto a highway. Therefore the proposal meets this criterion.

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

The proposal extends beyond the rear wall of the dwellinghouse by 2.85 metres, and will be 3.813 metres in height. The proposal therefore meets this criterion.

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

The proposal is single storey.

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

The proposal is within 2 metres of the boundary of the dwellinghouse, but the height to the eaves is less than 3 metres and so the proposal meets this criterion.

- (h) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would:**
(i) **exceed 4 metres in height**
(ii) **have more than one storey, or**
(iii) **have a width greater than half the width of the original dwellinghouse; or**

The proposal does not extend beyond a wall forming a side elevation of the original dwellinghouse.

- (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.

A2 In the case of a dwellinghouse on article 1(5) land, development is not permitted if:

- (a) It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles :**
- (b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.**

The site is not located on article 1(5) land.

Conditions

A3 Development is permitted by Class A subject to the following conditions:

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

Whilst the plans did not specify materials to be used, the agent provided the information by email on 7th July 2014. All of the external materials used are to match the existing dwellinghouse, and therefore the proposal meets the requirements of this condition.

- (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.

7. RECOMMENDATION

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

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of

The Town and Country Planning (General Permitted Development) Order 1995
(as amended).

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217