



**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. 01/14

Date to Members: 03/01/14

Member's Deadline: 09/01/14 (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 01/14 – 03 JANUARY 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/3916/F	Refer to Committee	Alec Jarrett Ltd High Street Oldland Common South Gloucestershire BS30 9TN	Oldland	Bitton Parish Council
2	PT13/0404/O	Approve with Conditions	Kennels Cedar Lodge Charlton Common Brentry South Gloucestershire BS10 6LB	Patchway	Almondsbury Parish Council
3	PT13/3364/F	Approve with Conditions	18 Homefield Thornbury South Gloucestershire BS35 2EW	Thornbury North	Thornbury Town Council
4	PT13/4169/CLP	Approve with Conditions	61 Bury Hill Winterbourne Down South Gloucestershire BS36 1AD	Winterbourne	Winterbourne Parish Council
5	PT13/4211/F	Approve with Conditions	126 School Road Frampton Cotterell South Gloucestershire BS36 2BX	Frampton Cotterell	Frampton Cotterell Parish Council
6	PT13/4290/CLP	Approve with Conditions	6 Green Court Olveston South Gloucestershire BS35 4DL	Severn	Olveston Parish Council
7	PT13/4527/CLP	Approve with Conditions	14 Knole Close Almondsbury South Gloucestershire	Almondsbury	Almondsbury Parish Council

CIRCULATED SCHEDULE NO. 01/14 – 03 JANUARY 2014

App No.:	PK13/3916/F	Applicant:	Alec Jarrett Ltd
Site:	Alec Jarrett Ltd High Street Oldland Common Bristol South Gloucestershire BS30 9TN	Date Reg:	28th October 2013
Proposal:	Erection of gatehouse (Resubmission of PK12/4113/F)	Parish:	Bitton Parish Council
Map Ref:	368096 172169	Ward:	Oldland Common
Application Category:	Minor	Target Date:	18th December 2013



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 100023410, 2008. **N.T.S.** **PK13/3916/F**

REASON FOR REFERRING THE APPLICATION TO CIRCULATED SCHEDULE

The recommendation for approval represents a departure from the Development Plan and has been advertised as such.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a gatehouse to replace the existing one, to accommodate a security guard at the entrance to the abattoir. The entrance is the only vehicular means of access to the site, set back across open grassland from Barry Road. The site lies within the Green Belt.
- 1.2 The gatehouse is proposed to measure 3.2 metres by 1.8 metres, with a height to ridge of 2.3 metres. It is proposed that the building is flat-roofed. All measurements are external. It would replace the existing flat-roofed structure, which measures 2 metres by 1.5 metres, with a similar height as that now proposed. The comparative floor areas are 5.76 square metres and 3 square metres. Recognising that extending the building more than 50% would amount to a disproportionate addition and would be contrary to policy, the applicant has submitted very special circumstances to be weighed against the policy presumption against inappropriate development in the Green Belt. This application follows the refusal of an earlier scheme for a replacement guardhouse.

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)
None
- South Gloucestershire Local Plan Core Strategy adopted December 2013.
CS1 High Quality Design
CS5 Location of Development
- 2.3 Supplementary Planning Guidance
Development in the Green Belt (adopted 2006)

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/4113/F Replacement gatehouse Refused 2013

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
No objection, but the Parish wished to see landscaping conditions complied with in regard to previous applications.
- 4.2 Other Consultees
Landscape
No objection, following receipt of revised planting details.

Technical Services

No comment

Transportation

No objection

Coal Authority

No objection. Recommend informative.

Archaeology

No objection

Other Representations

4.3 Local Residents

No replies received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal falls outside the categories of development, set out at paragraph 89 of the National Planning Policy Framework, which are not inappropriate in the Green Belt. As such it represents development which is harmful to the Green Belt and contrary to the provisions of the NPPF. This harm to the Green Belt can potentially be outweighed by very special circumstances. It is considered that the scale of the development in relation to the building it would replace is such that the harm to the Green Belt is limited enough to warrant a recommendation against policy.

The agent has submitted the following case for very special circumstances, recognising that the development is inappropriate in the Green Belt:

The site entrance is guarded by a gatehouse that was built when the business started. At that time the purpose was to provide shelter for a man with a clipboard to make a note of the vehicles coming and going. It was large enough only to provide shelter for that man and his minimal needs. The volume is 7.2 m cu ; the area 3 m sq. The gateman still performs that task but many more in addition. Security is an issue in the light of animal rights activists' activities on other sites. The gatehouse is now manned 24 hours a day and has a screen linked to CCTV. The camera screen can be mounted on an end wall and have its remote operating pad beside the computer. The gateman now requires a computer and screen which require desk space 900mm long in addition to the original counter top and it will need to be 800mm from front to back to comply with the Health and Safety dimensions for a computer workspace.

Smoking is now strictly forbidden on the site. Anyone entering the site must therefore hand in any cigarettes to be recoded and held safely until he or she leaves, which requires a storage rack 400mm long. Mobile phones are now universal. For security reasons these are not allowed into the site and are therefore recorded and held securely by the gateman. The 400mm long storage rack for these can be fixed over the cigarette rack.

These additions cause the need for a building that will now be 3300 long and that will need suitable working space for the gateman. The original space was 1500 front to back with a 400 wide “worktop/counter” but this worktop/counter now needs to be 800 wide to allow for working at a computer.

This will give us a required room size of 3300 x 1900 x 2400 high.(15m cu). This compares with the present building at 2000 x 1500 x 2400 high.(7.2m cu). The 50% increase in volume (for extensions in the Green Belt) would allow a gatehouse that is 11m cu. The percentage increase in volume that we are asking for is just over 100% which is justified by the exceptional changes that have taken place since the original building was erected. The increase is only 4 m cu and will allow the safety of the site to be better monitored.

5.2 Green Belt

In assessment of the harm caused to the Green Belt by this proposal it is considered that this is inherently limited due to the size and proposed location of the building. The very special circumstances that have been advanced point out that there are changing work practices now in place that cannot be provided within the existing building and some of these are required due to either security concerns or Health and Safety legislation. Due to the function of the building, it is considered that providing for these functions in an extension to the existing building would not be feasible, as it would compromise necessary security measures. The very special circumstances advanced are not reasons that would be able to be repeated on sites with different characteristics. It is considered that set against the limited harm to the Green Belt that has been identified above and in the following paragraph, the very special circumstances outweigh the policy presumption against inappropriate development in the Green Belt. The proposal therefore is considered to accord with policy GB1 of the adopted South Gloucestershire Local Plan, subject to the following detailed analysis.

5.3 Openness of the Green Belt and Landscape

The existing building is located to the West of the abattoir building and from most angles from the public realm is read against the larger building behind it. Views are easily obtained,, with the site being enclosed by a low wire fence and open grassland running up to the buildings. The proposed replacement building would be in the same location and, given the distance from public view, it is considered that the impact of the larger, replacement, building would not be significantly different from the existing situation, particularly as neither the existing or replacement can be considered large. Although freestanding, therefore, the proposal is not considered to result in a building that would have a detrimental impact on the openness of the Green Belt at this location.

With regard to the landscape impact of the proposal, no specific harm has been identified. A landscaping scheme has been proposed which would provide some screening along the front of the site. As a regular row of native trees, this is considered to represent an appropriate means of landscaping the site as a whole. A condition recommended below requires planting within the current planting season.

5.4 Transportation

Given its modest size, it is considered that the proposal would be unlikely to represent an impact that would exacerbate highway safety or transportation issues at this location. The proposal does not include any change to the existing site access and there is currently an acceptable level of parking on this site. In view of this therefore, no highway objection has been raised to this application, which accords with policy T12.

5.5 Design

Few details of the appearance of the replacement gatehouse are available. It would be a functional building, which dictates its form, with a matt grey fibreglass finish and this is considered to aid its integration into the site and the landscape, according with policy CS1.

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

7. RECOMMENDATION

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

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the end of the current planting season, or in accordance with the programme agreed with the Local Planning Authority.

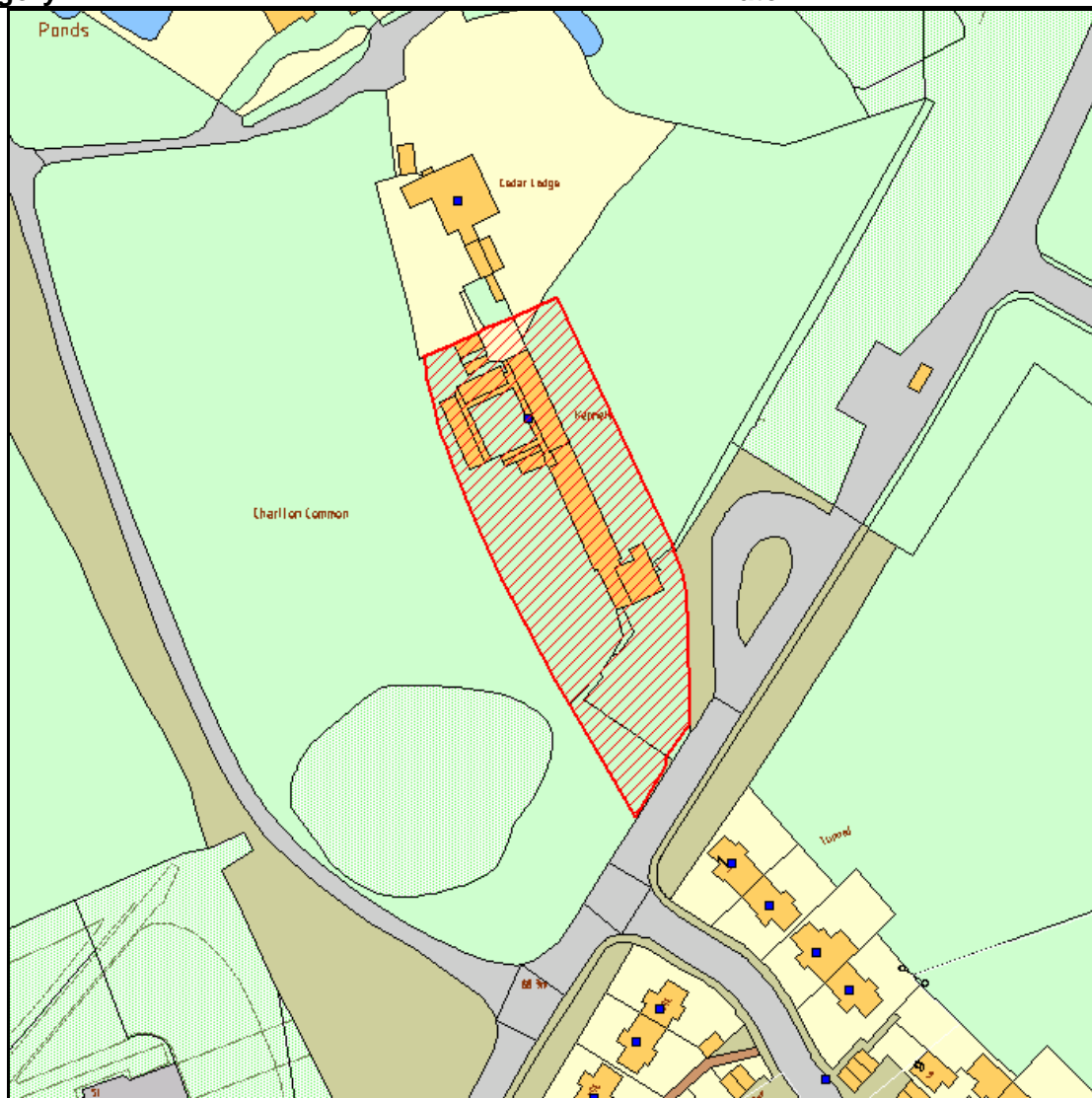
Reason

To ensure a satisfactory standard of external appearance and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 2

CIRCULATED SCHEDULE NO. 01/14 – 03 JANUARY 2014

App No.:	PT13/0404/O	Applicant:	Mr Tim and Ann Wood
Site:	Kennels Cedar Lodge Charlton Common Brenty Bristol South Gloucestershire BS10 6LB	Date Reg:	11th February 2013
Proposal:	Erection of 13 no. dwellings (Outline) with access to be determined. All other matters reserved (Resubmission of PT11/1805/O).	Parish:	Almondsbury Parish Council
Map Ref:	358779 179941	Ward:	Patchway
Application Category:	Major	Target Date:	9th May 2013



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N.T.S.

PT13/0404/O

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The resolution to approve the below application was made on 21.5.13. Delay associated with the s106 and negotiations have meant a six month period has now passed. Consequently, the report is being submitted to the Circulated Schedule process for a fresh resolution.

Since the first resolution to approve the application was made there have been several policy changes and these are detailed below. There has, however, been no material change to the original proposal::

1. South Gloucestershire Core Strategy was adopted on 11.12.13. As a result several policies listed in the original report have been replaced, these include:
 - D1 Achieving Good Quality Design in New Development
 - EP1 Environmental Pollution
 - H2 Proposals for Residential Development in the Existing Urban Areas and Settlement Boundaries
 - H6 Affordable Housing
 - LC8 Open Space and Children's Play in Conjunction with New Residential Development.
 - L18 Sustainable Drainage Methods
2. Confirmation of the adoption of Residential Parking Standards SPD along with the Core Strategy (2013)

1. THE PROPOSAL

- 1.1 The site consists of 0.32 hectares of land consisting of a dog boarding kennels. Part of the site is also used for the storage of caravans. The site is associated with Cedar Lodge which lies to the north of the application site and other than a strip of garden of 8 metres in depth, is excluded from the development site. Access to the site is directly from Carlton Road.
- 1.2 The application details the proposed development of 13 dwellings. The planning application is submitted in outline. All matters are reserved except for access. The applicant has submitted a Design and Access Statement, supported by indicative plans which are intended to indicate the broad parameters of the development and ultimately inform any further applications to consider the matters reserved at this stage. However, at this stage, the design and layout of the proposed development cannot formerly be considered.
- 1.3 The application site is situated within the urban area as defined in the adopted Local Plan.
- 1.4 This application is a re-submission of PT11/1805/O which was refused and subsequently dismissed at appeal.

The original refusal reasons were:

1. *The outline application is not supported by an agreed section 106 legal agreement which would secure a financial contribution in respect of the provision of transport to the nearest primary and secondary school that*

would offset the impact of the proposed development in that respect. The proposed development is therefore contrary to Policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The outline application is not supported by an agreed section 106 legal agreement which would secure a financial contribution in respect of the off site provision of improvements to existing public open space that would offset the impact of the proposed development in that respect. The proposed development is therefore contrary to Policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The outline application is not supported by an agreed section 106 legal agreement which would secure a financial contribution in respect of the off site provision of improved library services that would offset the impact of the proposed development in that respect. The proposed development is therefore contrary to Policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The proposed development would not provide adequate turning facilities such that would allow large service vehicles to turn within the site and access and egress the site in a forward gear. It is likely that large service vehicles would be forced to reverse the full length of the proposed access road and as such would have a detrimental impact upon highway safety. The proposed access is therefore unacceptable and would result in a detrimental impact upon highway safety and is contrary to Policy D1 and Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

1.5 With reference to the resulting appeal, in his concluding statement the Inspector stated:

'...the amount of the financial contribution sought for school transport is not justified and no financial contributions for public open space or improvement to library services are warranted. However, in the absence of a planning obligation to provide for a shortfall in school places, the proposed development is in unacceptable conflict with Policy LC2 of the adopted SGLP, which is itself essentially consistent with the National Planning Policy Framework. The appeal accordingly fails.'

1.6 Both in this submitted application and following discussions resulting from Officer comments, the applicant has made changes to the design of the scheme regarding the parking and manoeuvrability of vehicles on site. The Inspector's decision stated that a shortfall of school places in the area warranted a financial contribution and this has been agreed with the applicant. In addition the applicant has agreed to the affordable housing provision arising from the site. Details of the affordable housing and the financial contributions for school places will be secured by a s.106 agreement.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

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

CS1	High Quality Design
CS2	Green Infrastructure
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Infrastructure and Cultural Activity
CS24	Open Space Standards
CS26	Cribbs/Patchway New Neighbourhood

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

L1	Landscape Protection and Enhancement
L9	Species Protection
EP4	Noise Sensitive Development
H4	Development within Existing Residential Curtilages
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
LC1	Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2	Provision for Education Facilities (Site Allocations and Developer Contributions)
L18	Sustainable Drainage Methods

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (Adopted) 2007
Cribbs/Patchway New Neighbourhood Development Framework SPD (Adopted) 2013
Residential Parking Standards SPD (Adopted) 2013
The South Gloucestershire SPD: Affordable Housing (Adopted) 2008

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/1805/O Erection of 13no. dwellings (Outline) with access to be determined. All other matters reserved.
Refused 14th August 2012

Appeal dismissed 22nd January 2013

The refusal reasons and appeal summary are detailed in section 1.4.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No comment

4.2 Other Consultees [including internal consultees of the Council]

Highways Engineers

No objection following updated details

Community Services

No comment

Department of Children and Young People

Contribution required

Housing Enabling Team

Allocation required

Environmental Protection

No objection subject to an informative

Urban Design Officer

No objection following updated parking scheme

Landscape Officer

No objection in principle

Ecologist

No objection subject to an informative

Highway Drainage

No objection in principle subject to a condition and informatives

Wessex Water

No objection in principle subject to an informative

Other Representations

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The applicant has specified that all matters except access are reserved for future consideration. Accordingly, the principle of the development is to be considered in this application.

5.2 Design and Layout Considerations

Matters regarding scale, layout, appearance and landscaping are reserved for future consideration. However, it is necessary for any outline submission to demonstrate that the proposal has been properly considered having regard to the relevant policies, site constraints and opportunities. A proposal should therefore, include details relating to the amount (scale); the approximate

location of buildings (i.e. indicative layout) and fix principles with regards to architectural appearance and landscaping. The details submitted should demonstrate how the applicant has considered the proposal and understand what is feasible for the site in its context. The only supporting information submitted by the applicant is indicative layout, floor and site section plans. The application includes a Design and Access Statement (D&A) and indicative layout. The application also includes indicative designs in respect of the proposed dwellings. In this instance, the D&A provides two designs (house type A and B) and sets out the principle differences between the options. Both designs are of a contemporary style and have a modern appearance. The indicative layout shows a development of semi-detached dwellings with the exception of a single detached dwelling. The design principles would apply successfully to a detached dwelling.

- 5.3 Given the rectangular shape and north-south orientation of the site, the simple juxtaposition of the access road along the eastern boundary and fronting of dwellings onto it, is a logical response. No information is specifically provided to set appearance principles other than the streetscene and Option A diagram. The near context is characterised by '1980-90's' development of brick and render and as such is not defined by any strong historic vernacular. As such, the apparent indication of gable fronted dwellings (to ensure south facing roof pitches), narrow fronts with vertical emphasis expressed through large vertically orientated windows, a projecting porch with flat roof and minimal detailing, giving a 'contemporary' appearance is not inappropriate, however with the full application these details will be specified and remove any potential for ambiguity. The dwelling forms with pitched roofs facing south to allow for fixing of solar technology, if not now, then in the future, is welcome. The energy statement appears to aspire to high sustainability standards but like much of the rest of the document is a little ambiguous.

It is considered that the general juxtaposition of dwellings and access road, apparent scale and appearance of dwellings and landscaping is acceptable. Initially, the Urban Design Officer raised concern as to the amount of parking and the practicality of the turning head proposed. Similar concern was also raised by the Highway Engineer and this is addressed in more detail below.

5.4 Landscape

The site consists of a linear area of land approx. 0.32 ha in total, currently Cedar Lodge Kennels. The site contains a number of low buildings, comprising the kennel blocks and reception building; there is little existing vegetation on the site, but the site backs onto Charlton Common, which contains dense mature vegetation around the perimeter. The Common has suffered from lack of maintenance during recent years, resulting in scrub/Bramble encroachment covering the majority of the area. As part of the CPNN development it is intended that the Common will be included within the overall ecological management plan for the whole area, and will be actively managed to provide a good useable informal space for the nearby residents.

The proposed scheme needs to be judged against Policy CS1 of the adopted Core Strategy (2013) and saved Policy L1 of the Adopted Local Plan; in terms of L1 Landscape Officers consider it unfortunate that the proposed layout turns

its back on the Common, the boundary being closeboard fencing to provide private rear garden space. It would be preferable to 'hand' the layout, providing the access road alongside the edge of the Common and allowing a secure rear garden boundary along the eastern side of the site. Once the management work to the Common to remove the scrub and Bramble has been completed, the Common will be much more open and there would be open views across the Common from these properties, if they fronted on to it. It is appreciated that this would be a fundamental design change, but it is considered that the proposed layout should take advantage of the setting overlooking Charlton Common.

5.5 In conclusion there is no 'in principle' landscape objection to the development of this site. It is noted, however, that the landscape officer suggests that under a full application the layout should be revised to achieve an arrangement that takes full advantage of the setting of the site overlooking Charlton Common. Notwithstanding this suggestion the layout is not an intrinsic element of this current application and does not undermine the principle of development and access under consideration here. All other matters would be discussed at a later stage should a full application be submitted in the future.

5.6 Assessment

Planning Policy CS5 of the South Gloucestershire Core Strategy (Adopted) 2013 allows for the principle of future development subject to considerations regarding Core Strategy objectives including: taking advantage of existing services and facilities; locating the development where it will minimise need to travel; recognising and protecting existing communities; supporting local housing needs and services; protecting the Green Belt and providing a range of infrastructure.

5.7 Environmental Effects

The application site consists of an area currently used for kennels and storing of caravans. The site is not covered by any statutory or non-statutory nature conservation designations. The Council's Ecological Officer has assessed the proposal and states no objection subject to standard informatives attached to the decision notice.

5.8 Transportation

In this instance, the application seeks to secure 'access' with all other matters reserved. The site is proposed to be access directly from Charlton Road and would utilise the existing access to the site. Access to Cedar Lodge would become a continuation of the proposed access road serving the proposed development.

It is considered that the access onto Charlton Road is acceptable in its own right, and is capable of serving the proposed development and the existing dwelling at Cedar Lodge. It is also considered that the proposed access serving Cedar Lodge would also be acceptable. Initially, Highways Engineer raised specific concern in relation to the size and functional practicality of the proposed turning facility. This was specifically in relation to large vehicles such as refuse collection lorries being able to turn. Without this functionality such vehicles (which have restricted visibility) would be forced to reverse along the

full length of the access road which contains a bend. This was considered to have a detrimental impact on highway safety. Changes to the original scheme have addressed these issues and created a new turning head which would allow a larger vehicle to turn here. This is now considered acceptable.

5.9 Residential Amenity

Although all matters are reserved indicative plans have been submitted showing the likely layout of the site, as well as the scale and appearance of the dwelling.

The context of this site is such that the proposed development would take place in relative isolation. The relationship with nearby dwellings is such that the development would not result in any material impact in respect of overlooking or overbearing impact. As set out above, the application seeks to secure the access, with all other matters reserved. In this instance it is considered that the characteristics of the site is such that there would be sufficient room for the proposed amount of dwellings whilst providing sufficient private amenity space; and without compromising the residential amenity of the occupants of the development.

5.10 Minimum density targets have been removed through the introduction of the National Planning Policy Framework (NPPF). However, the NPPF does promote good standards of design that responds to local character, and sustainable development. Accordingly, it is considered that development should make the most efficient use of land that is compatible with the site and the character of the surrounding area.

5.11 The site is constrained by its shape and siting, accordingly, a higher density than that proposed is unacceptable.

5.12 The site is located within an established residential area and is surrounded by existing properties. Given that the site appears to have historically formed the garden of no.1 Oldlands Avenue, it is considered that the proposal will not bring about any significant issues in terms of pollution or contamination.

5.13 As discussed above the site would attract education contributions to be secured through a s.106 agreement. This is detailed in the below section.

5.14 Children's and Young People

Policy CS23 of the Adopted Core Strategy 92013) and saved Policy LC2 of the South Gloucestershire Local Plan (adopted) 2006 indicate that where local education provision is inadequate to meet the projected need for places arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision in scale and kind, (to accord with the tests set out in the NPPF (2012) and the Community Infrastructure Levy Regulations (2010)), to meet these needs via an appropriate agreement.

5.15 Having regard to this policy, the Department for Children and Young People have indicated that according to the pupil number calculator four additional primary pupils and two additional secondary pupils would be generated by this

development. There is projected surplus capacity at the nearest secondary school to the proposed development. For this reason the Council would not currently request an education contribution for additional secondary school places. However, a contribution towards creation of four additional primary school places of $4 \times \text{£}12,829 = \text{£}51,316$ at Quarter 4 2011 prices would be required.

- 5.16 This advice is valid for a period of three months from the date that it is issued by the Department for Children and Young People. Should the mix of dwelling change, or should the development not proceed in the near future, the contribution would need to be reassessed. Additionally, the final amount of contribution should be calculated using DfE cost calculators current at the time of signing a Section 106 agreement, increased in accordance with any increases in the Royal Institute of Chartered Surveyors Building Cost All-In Tender Price Index.

The financial contribution has been agreed and on this basis Officers have no objection to the proposal subject to the satisfactory completion of a s.106 agreement.

5.17 Community Services

Policies CS1, CS2 and CS24 of the South Gloucestershire Local Plan: Core Strategy (Adopted 2013) considers provision towards open space and Children's Play Space in relation to new residential development. The Policies indicate that where local provision is inadequate to meet the projected needs arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision to meet these needs. In addition saved Policy LC1 indicates that where local provision for leisure, recreation and other community facilities is inadequate to meet the projected needs arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision in scale and kind, to meet these needs. This may include contributions towards the enhancement of existing provision within the vicinity where on-site provision is not possible.

In this case there is no contribution requirement

5.18 Affordable Housing

The adopted Core Strategy (2013) details a affordable housing policy with a threshold of 10 dwellings or 0.33 ha in urban areas and a requirement for 35% affordable housing.

- 5.19 Based on this scheme of 13 units, a total of **4** affordable units will be required. A tenure split of 80% social rent and 20% intermediate housing is identified in the West of England Strategic Housing Market Assessment (SHMA) 2009. Of those 13 units, 3 of those shall be social rented and 1 shared ownership.

The Council in accordance with policy seeks a range of affordable unit types to meet housing need based upon the findings from the SHMA 2009 shown below:

Under the heading “Form” paragraph 2.2.1 of the submitted Planning Statement reference is made to the provision of 13 x 3 bed houses. As part of any reserved matters application the Council will seek a range of affordable unit types based on the findings of the SHMA 2009, set out below:

Enabling would seek a mix of 2 & 3 bed homes in this instance.

Social Rent

Percentage	Type	Min Size m2
23%	1 bed flats	46
7%	2 bed flats	67
38%	2 bed houses	75
22%	3 bed houses	85
10%	4 bed houses	106

Intermediate

Percentage	Type	Min Size m2
44%	1 bed flats	46
17%	2 bed flats	67
19%	2 bed houses	75
19%	3 bed houses	85
1%	4 bed houses	106

The Council will seek 5% of the affordable housing to meet the wheelchair accommodation standards as set out at Appendix 4 of the Council’s Affordable Housing Supplementary Planning Document.

Based on 4 affordable units the Council will not be seeking any wheelchair units.

- 5.20 This is an outline application with means of access to be determined, and all matters reserved and therefore Housing Enabling is unable to comment on the specific details of the scheme e.g location of units, as the layout is not fixed and could change. It is therefore, recommended that prior to the submission of a reserved matters application, pre-application discussions are entered into with the Housing Enabling Team to ensure the affordable housing units meet the requirements as this will clearly influence the schemes layout, unit types etc.

The developer has committed to delivery of the above affordable housing provision and financial contribution in accordance with Policy CS18 of the Adopted Core Strategy (2013) and this would accord with advice contained in The NPPF (2012) and the Community Infrastructure Levy Regulations (2010).

- 5.21 Planning Obligations
The NPPF (2012) and the Community Infrastructure Levy Regulations (2010) set out the limitations of the use of Planning Obligations (CIL).

The regulations (122) provide 3 statutory tests to be applied to planning obligations and sets out that a planning obligation must be:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

5.22 It is considered that planning obligations required to meet the needs of the residents of the new development and to off-set the additional burden upon existing services in respect of:

- a) shortage of spaces in schools
- b) affordable housing provision

are consistent with the CIL Regulations (Regulation 122)

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 authority be delegated to the Director of Planning, Transportation and the Strategic Environment to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- a) 4 dwellings shall be identified and reserved and set aside as Affordable Housing. There shall be a tenure split of 80% social rent and 20% intermediate housing - of those 13 units, 3 of those shall be social rented and 1 shared ownership; all to accord with the standards for Affordable Housing as set out in the Affordable Housing SPD (adopted) 2008. Reason – To accord with Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.
- b) The payment of £51,316 as a contribution towards the cost of providing four additional primary pupil places. Reason – To accord with Policies CS1, CS2 and CS24 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

- 7.3 Should the agreement not be completed within 6 months of the date of the Committee resolution that delegated authority be given to the Director of Planning, Transport and Strategic Environment to refuse the application.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

5. Applications for the approval of the reserved matters shall be in accordance with the principles and parameters described and illustrated in the submitted Design and Access Statement (dated 5 February 2013) and with the approved drawings (Block Plan) unless otherwise agreed in writing by the Local Planning Authority. A statement

shall be submitted with each reserved matters application that demonstrates that the application proposals comply with the Design and Access Statement

Reason

To ensure that the scale parameters of the reserved matters application accord to those approved at outline stage to accord with Planning Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

6. 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 Planning Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

7. Prior to commencement of development, the full design and construction details for the proposed vehicular access onto the public highway shall be submitted to and agreed in writing with the Local Planning Authority. The access shall thereafter be completed in all respects in accordance with the approved plans prior to the first occupation of the development.

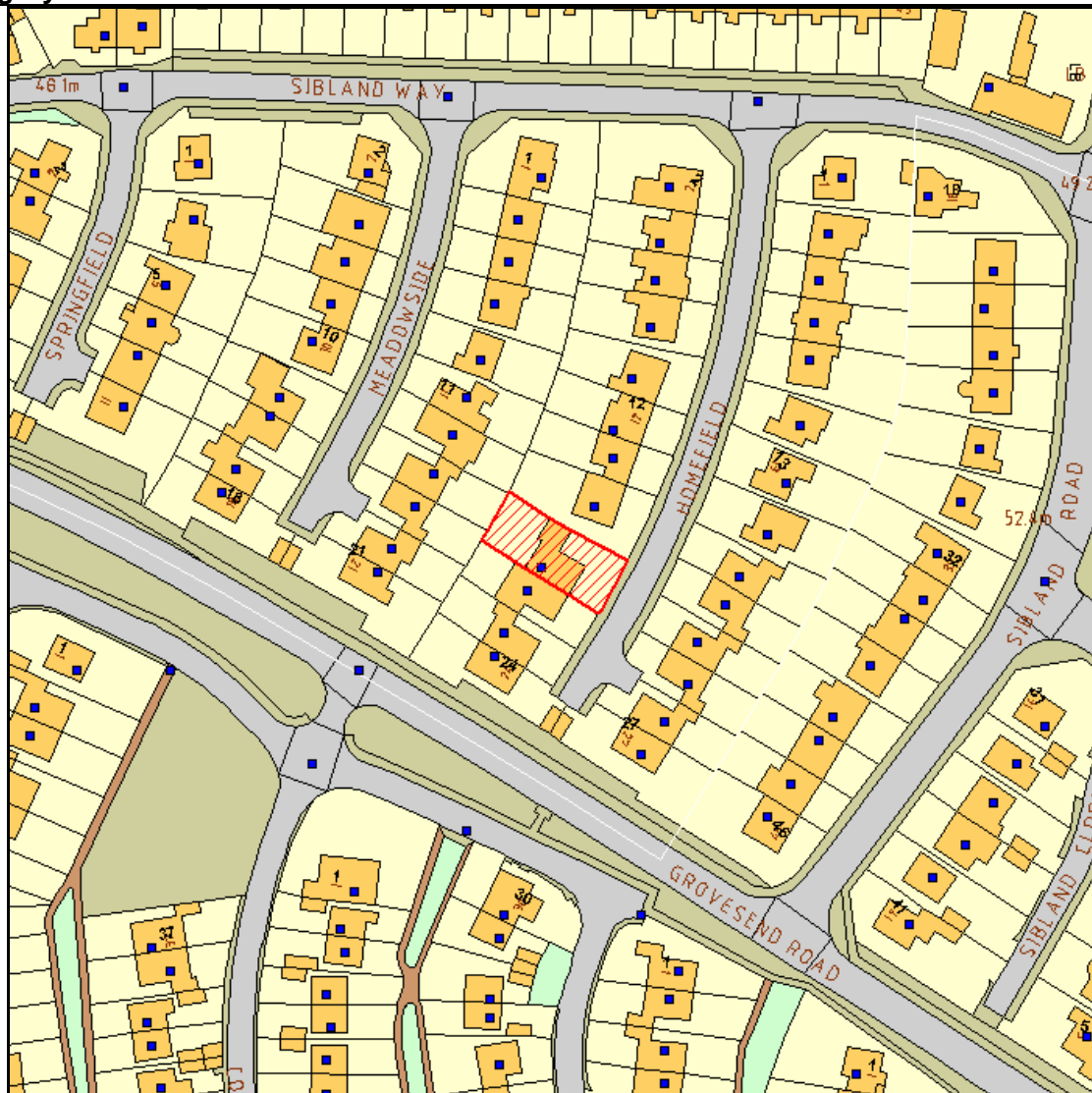
Reason:

To ensure satisfactory vehicular access is provided to avoid propagation of on-street parking to the detriment of highway safety and to ensure that the use of the Village Green is not impaired for its prime purpose all to accord with saved Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 3

CIRCULATED SCHEDULE NO. 01/14 – 03 JANUARY 2014

App No.:	PT13/3364/F	Applicant:	Mr S Harding
Site:	18 Homefield Thornbury South Gloucestershire BS35 2EW	Date Reg:	13th September 2013
Proposal:	Erection of two storey and single storey side extension to provide additional living accommodation . Erection of single storey front extension to form porch canopy area. (Resubmission)	Parish:	Thornbury Town Council
Map Ref:	364603 189863	Ward:	Thornbury North
Application Category:	Householder	Target Date:	5th November 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because letters of objection have been received from neighbouring occupiers contrary to the officer's recommendation.

1. THE PROPOSAL

1.1 This application seeks planning permission for the erection of a two-storey and single storey side extension to provide additional living accommodation. Permission is also sought for the erection of a single storey front extension to form a porch canopy area. The application forms a resubmission of application no. PT12/1229/F, which was refused for the following reasons:

- The proposed balcony will allow for a permanent level of overlooking into the rear gardens of neighbouring properties which is exacerbated by the topography of the site. The proposal will have a detrimental impact on the privacy of the neighbouring occupiers and is contrary to policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.
- The proposal is adversely out of keeping with the character of the host dwelling and surrounding properties in terms of scale, form and overall appearance and is contrary to policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

1.2 The application site comprises a two-storey chalet style semi-detached dwellinghouse, which is located on the western side of the cul-de-sac Homefield. The site is located within the established residential area of Thornbury.

1.3 The proposal is located to the side of the dwelling and replaces an existing single storey garage. The proposal is approximately 4.5 metres in width and comprises a porch, garage and living room at ground floor level and a bedroom with ensuite at first floor level. The proposal is set back by approximately 2.7 metres behind the front elevation at ground floor level and 4.3 metres at first floor level. The proposal is encompassed by a pitched roof with a gabled end replicating the form of the existing property; box dormer windows with sloped roofs are proposed in the front and rear elevations.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 South Gloucestershire Local Plan (Adopted) January 2006

* H4 Residential Development within Existing Residential Curtilages

* T12 Transportation Development Control Policy for New Development

* Saved policies

South Gloucestershire Local Plan Core Strategy (adopted) December 2013

CS1 High Quality Design

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Residential Parking Standards SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P94/1316, erection of rear dormer extension. Erection of extension to existing garage to form workshop, approval, 27/04/94.
- 3.2 PT12/1229/F, erection of two storey side and rear extension to include rear balcony . Erection of single storey front extension to form porch canopy area, refusal, 23/05/12.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection subject to neighbours' amenities not being affected.
- 4.2 Transportation DC Officer
Revised parking plan required
- 4.3 Drainage Officer
No comment

Other Representations

- 4.3 Local Residents
Eight letters of objection have been received from neighbouring occupiers. The following is a summary of the reasons given for objecting:

- Out of keeping with the existing property and surrounding dwellings;
- Overbearing effect on properties to the rear;
- Loss of natural light;
- Loss of privacy;
- Doesn't overcome previous refusal reasons;
- Loss of parking will lead to more congestion;
- Loss of outlook;
- Adversely affect the proportion of the semi detached pair of dwellings.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The Council's Local Plan Core Strategy has now been adopted. However, a number of policies in the South Gloucestershire Local Plan (adopted) January 2006 have been saved. The saved policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 allows for the principle of the proposed development. The main issues to consider are the appearance/form of the proposal and the impact on the character of the surrounding area (policy CS1 of the Core Strategy and policy H4 of the Local Plan), the impact on the residential amenities of the neighbouring occupiers (policy H4 of the Local Plan and transportation effects (policies T12 and H4 of the Local Plan).

5.2 Appearance/Form

There is a general mix of dwelling styles in Homefield, however, the host and neighbouring properties are chalet style and characterised by gabled front and rear elevations and long roof slopes.

5.3 The proposed amended gabled form of the extension is considered to be an improvement over the previously refused proposal and more in keeping with the character of the host dwelling and surrounding properties. The appearance, scale and form of the sloped box style dormer windows is considered to be sufficiently in-keeping with the character of the existing dwelling, as are the scale and proportions of the windows in the principal elevation.

5.4 The proposal extends to a distance of approximately 1 metre from the flank boundary. The applicant was requested to reduce the width of the extension to increase the distance to the boundary and to ensure that it appears more sympathetic to the scale and proportions of the existing dwelling. The applicant has not acceded to this request; however, weight is given to the fact that the extension is set well back from the front elevation of the dwelling, such that it will appear relatively subservient and will not adversely affect the balance of the semi-detached pair of dwelling or the appearance of the streetscene. Moreover, the proposal is a significant improvement over the previously refused scheme, and on balance, it is not adversely out of keeping with the character of the host dwelling or surrounding properties. It is considered that the proposal overcomes refusal reason no.2.

5.5 The applicant has specified the materials render/tile for the walls; brown pantiles for the roof; and PVC windows and doors. If permission is granted a condition is recommended that they match the appearance of the existing dwelling.

5.6 Residential Amenity

The host dwelling is adjoined to a neighbouring property on the southwestern elevation; however, the majority of the proposal will be screened from adjoining occupiers by existing built form. Accordingly, it is not considered that there will be a significant adverse effect on the residential amenity of adjoining occupiers through loss of natural light or privacy.

5.7 The neighbouring property to the northeast is set forward of the host dwelling; it is situated on a slightly lower level due to the topography of the site. The proposed extension extends approximately 1.2 metres beyond the existing rear elevation at ground floor level and will present a relatively large gable to the neighbouring property approximately 1 metre from the flank boundary. Although the neighbouring property is north of the application site weight is given to the detached nature of the dwellings and the fact that the proposal will be 1 metre from the boundary. The proposal will also not extend significantly beyond the rear elevation of the neighbouring property. Accordingly, whilst there will be an impact on neighbouring occupiers through loss of natural light and outlook, on balance, it is not considered that it will be materially harmful to the residential amenity of occupiers. No new windows are proposed in the northeastern side

elevation directly facing the neighbouring property. It is not therefore, considered that any significant adverse privacy issues will be introduced.

5.8 The previously refused scheme proposed a first floor balcony on the rear elevation of the extension. Officers considered, taking into account the level of separation to the rear boundary and topography of the site, that the balcony would introduce an unacceptable degree of overlooking into neighbouring properties. The balcony has been removed from the proposed scheme. Although first floor windows are proposed in the rear elevation, which directly face properties to the rear, it is not considered that this introduce any new privacy issues. This is because first floor windows in the rear elevation already face neighbouring properties; the proposal will not have a materially greater impact on the privacy of occupiers than the existing situation. The proposal overcomes refusal reason no.1.

5.9 Whilst the extension may be visible to neighbouring properties to the rear, the level of separation between the extension and neighbouring properties (approximately 10 metres) is considered to be sufficient to ensure that neighbouring occupiers to the rear (northwest) will not be significantly adversely affected through loss of natural light or outlook.

5.10 Transportation

Planning permission has previously been refused on this site to demolish the existing single storey attached garage to facilitate the erection of a two storey side extension (PT12/1229/F). This current proposal again seeks to demolish the existing garage to facilitate the erection of a two storey side extension. No internal dimensions of the garage have been provided with this proposal. The minimum internal dimensions of a garage should measure 3m wide by 6m deep. No detail of additional available vehicular parking has been submitted. However, from aerial photographs it would appear that there is an existing driveway which can accommodate at least two vehicles. Subject to a revised plan showing the available parking on the driveway, there is no transportation objection to this proposed development. The applicant has submitted a revised plan showing a level of parking which meets the provisions set out in the Residential Parking Standards SPD (adopted) and therefore, there is no 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 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. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

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

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 and saved policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

3. No new first floor windows shall be inserted at any time into the northeastern side elevation of the extension hereby approved.

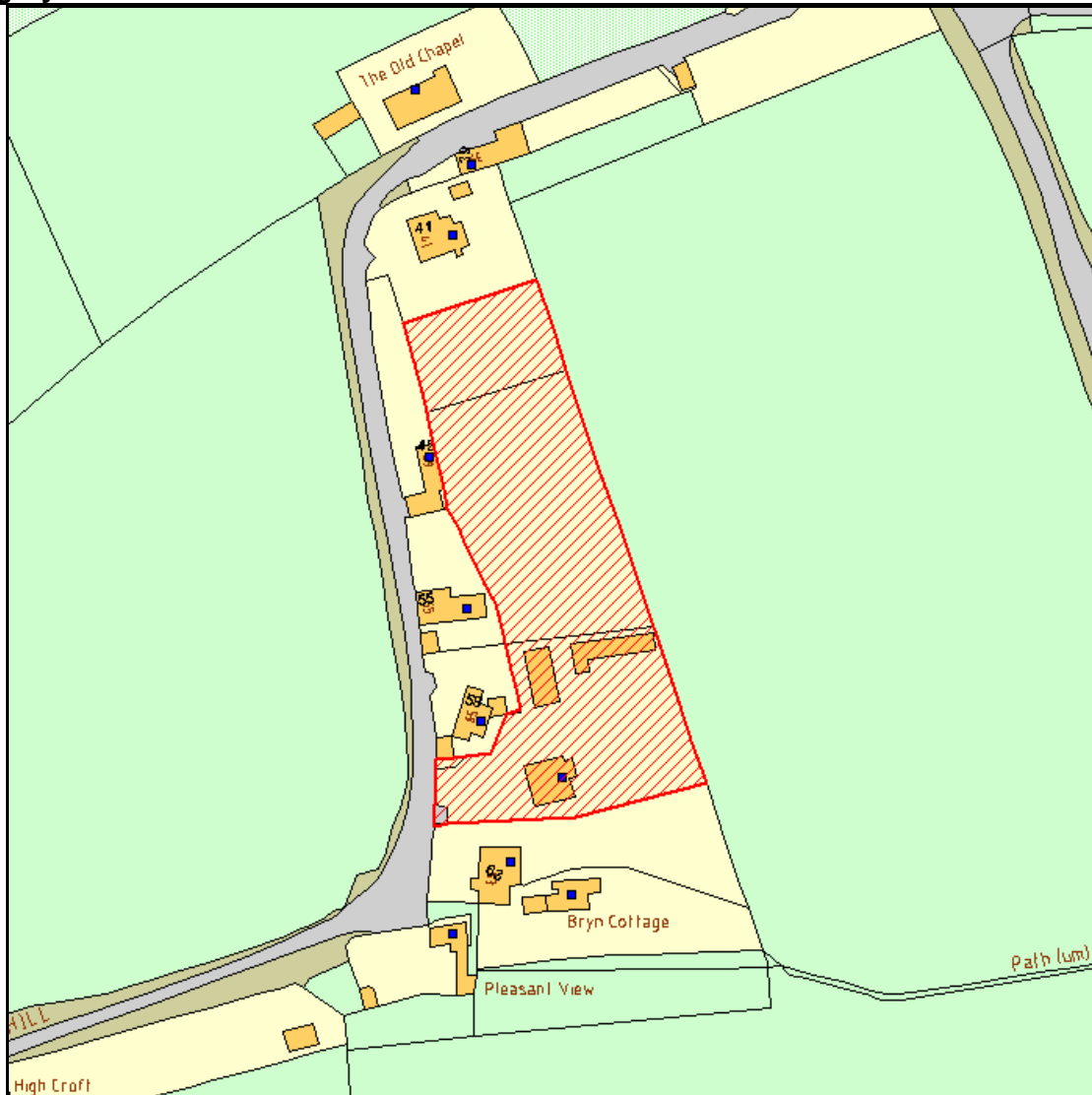
Reason

To preserve the privacy of neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 and saved policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

ITEM 4

CIRCULATED SCHEDULE NO. 01/14 – 03 JANUARY 2014

App No.:	PT13/4169/CLP	Applicant:	Mr T Gibbs
Site:	61 Bury Hill Winterbourne Down South Gloucestershire BS36 1AD	Date Reg:	19th November 2013
Proposal:	Application for Certificate of Lawfulness for the proposed conversion of existing garages to an ancillary residential annex for occupation by a dependant relative.	Parish:	Winterbourne Parish Council
Map Ref:	365732 179142	Ward:	Winterbourne
Application Category:	Minor	Target Date:	9th January 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because it comprises a Certificate of Lawfulness. In addition, objections have been received from the Parish Council and members of the public.

1. THE PROPOSAL

- 1.1 This application seeks a Certificate of Lawfulness for the proposed conversion of existing garages to a residential annex for occupation by a dependant relative.
- 1.2 The application site comprises a large detached two-storey dwellinghouse situated within very large grounds on the eastern side of Bury Hill. The site is located within the open Green Belt outside of any defined settlement boundary.
- 1.3 The application garage to be converted is located to the north of the dwellinghouse and abuts the rear boundary of the neighbouring property no.59.

2. POLICY CONTEXT

- 2.1 National Guidance
The Town and Country Planning (Development Management Procedure) Order 2010
Town and Country Planning (General Permitted Development) Order 1995 (as amended)

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/2376/F, conversion of existing detached garage to form residential annexe ancillary to main dwelling, approval, 21/09/12.
- 3.2 PT12/1541/F, conversion of existing detached garage to form residential annexe ancillary to main dwelling to include 2 no front dormer windows, refusal, 15/06/12.
- 3.3 PT11/1116/CLE, certificate of lawfulness for existing use of land outlined in red and associated buildings as a single residential unit (Class C3) (excluding detached garage), approval, 04/11/11.
- 3.4 PT06/0043/F, erection of side conservatory and replacement detached garage, approval, 14/02/06.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection. This application should be for full planning permission and not an Application for a Certificate of Lawfulness. The property is within the Green Belt and therefore, should not be developed for residential purposes. Members question where vehicles will park if all of the garages are developed. If planning

permission is granted, a condition should stipulate that the whole site must be used by one family and not sold on.

- 4.2 Drainage Officer
No comment

Other Representations

- 4.3 Local Residents
Two letters of objection have been received from members of the public. The following is a summary of the reasons given for objecting:

Development is inappropriate for a green belt area;
Proposal aims to circumvent restrictive conditions applied to the previously approved application PT12/2376/F;
Increase in traffic;
Harmful effect on the residential amenity of neighbouring residents;
Harmful to the character of the area;
Loss of privacy;
Loss of light from boundary treatments;
Plans submitted are incorrect.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The applicant is seeking a Certificate to state that the proposed development is lawful. It is not a planning application where the relative merits of the scheme are assessed against policy; it is an evidential test of whether it would be lawful to proceed with the proposal. The onus is on the applicant to provide sufficiently clear and unambiguous information to justify the proposal on the balance of probability. The key evidential test in this case is whether it would be lawful for the development to be carried out as described in the application form and on the plans submitted without planning permission.
- 5.2 Summary of Evidence Submitted in Support of Proposal
The applicant has submitted details of the High Court case Uttlesford District Council v Secretary of State for the Environment and another. In this legal case it was held, in summary, that any living accommodation used in connection with the main house does not amount to development as defined in the Act because it involves no material change of use. This was on the basis that it was an ancillary residential building sharing the same planning Use Class as the main dwelling. In the high court case the residential accommodation was used independently and comprised all the necessary facilities for day to day living.
- 5.3 In considering whether the proposed works materially affect the external appearance of the building the applicant refers to case law set out in Burroughs Day v Bristol City Council (1996) where it was held that it was not sufficient merely that works should affect the exterior of the building. The test was that they should materially affect the "external appearance" and this implied that the change must be visible from a number of vantage points. In addition, the change in external appearance had to be judged for its materiality in relation to

- the building as a whole and not by reference to a part of the building taken in isolation. The applicant states that the works to the building are confined to the southern elevation of the garage which faces the garden of the property and this elevation of the building is not readily visible from any vantage points outside the site.
- 5.4 The applicant also refers to the Encyclopaedia of Planning Law and Practice (page 39074), which advises that the provision of additional residential accommodation constitutes an integral part of the main use of the planning unit as a single dwellinghouse and provided that the planning unit remains in a single family occupation does not therefore involve any material change of use of the land.
- 5.5 Summary of Contrary Evidence
The objections raised by members of the public and the Parish Council are noted. However, they are planning related in nature and cannot be given any weight when considering the proposal, which is required to be determined on the balance of probability rather than on planning merit.
- 5.6 Analysis of Evidence Submitted
When considering the proposal the main issue is whether it constitutes “development”. The Town and Country Planning Act 1990 provides a definition of the meaning of development, which is....*the making of any material change in the use of any buildings or other land...and the...alteration of any building or works which...materially affect the external appearance of the building.* Accordingly, it is necessary to consider whether the proposed intensification of the residential use of the building represents a material change of use and whether it materially affects the external appearance of the building.
- 5.7 In terms of determining whether the proposal represents a material change of use, which constitutes development, Circular 03/2005 sets out that the judgement is a matter of fact and degree to be determined in each case. However, the guidance contained in Circular 03/2005, also sets out that a premises can be considered as being used as a single dwellinghouse where it meets the following criteria: it is regarded as a separate planning unit; it contains normal facilities for cooking, eating and sleeping associated with a dwelling; and is occupied as a single household.
- 5.8 Weight is also given to the evidence submitted by the applicant (Uttlesford District Council v Secretary of State for the Environment and another). In this court case the judgement was that a building that was separate from the main dwelling and contained facilities to allow self contained living did not decisively indicate that the accommodation was a separate planning unit. This question is required to be determined on fact and degree. The judge gave significantly more weight to the fact that the accommodation was to be occupied by a family member and was aptly described as a “granny annexe”, which indicated that there would be no severance of the planning unit.
- 5.9 In this instance the building is a large detached garage with 4no. bays. It was erected under planning permission PT06/0043/F and is considered to be lawful. There are no outstanding conditions on the original permission fettering the use

or appearance of the building. The garage is located to the north of the main dwelling at a distance of approximately 6 metres. Whilst the proposed accommodation is of a scale that would permit self contained living separate from the main dwelling, the evidence submitted by the applicant indicates that this does not hold a decisive amount of weight when considering if the accommodation would function as a separate dwelling.

- 5.10 In this instance greater weight is given to the fact that the accommodation is to be occupied by a dependent relative. The applicant has confirmed this in writing and the description of the application has been amended to reflect this. This is considered to hold significant weight in determining whether there will be a subdivision of the planning unit and whether the building will be occupied as a separate household.
- 5.11 Weight is also given to the circumstances at the site. Firstly, the building is not significantly separate from the main dwelling and is reasonably close. Secondly, the information submitted does not indicate that there will be any separating boundaries between the application building and the main dwelling. Thirdly, the building and main dwelling will share the same access, which will ensure that a close relationship between the application building and main dwelling will remain.
- 5.12 Accordingly, on the balance of probability, it is considered that the proposed occupation of the building by a dependent relative does not represent a material change of use of the building to a separate dwellinghouse.
- 5.13 In terms of whether the alterations to the appearance of the building represent development, consideration is required as to whether they materially affected the external appearance of the building. There is no statutory definition of "material effect". The evidence submitted by the applicant is *Burroughs Day v Bristol City Council* [1996]. In this case the court held that changes in external appearance had to be judged in relation to the building as a whole in order to determine the materiality of their effect. Here it was also held that any change to external appearance must be visible from a number of normal vantage points and that visibility from the air or a single building would not suffice. Thus part of the test for "material effect" must depend on the degree of visibility.
- 5.14 In this instance the glazing will fit within the existing garage door openings. There will be no alteration to the scale of the openings or the height of the eaves. Although the site is located in a rural area, the application building is clearly modern, and domestic in character. The alterations proposed, which include the replacement of 3no. garage doors with glazing, will not be adversely out of keeping with the character of the building such that they would materially harm its appearance. A public right of way extends to the south of the building; however, this is at a distance of approximately 70 metres; therefore, it is not considered that the alterations will be significantly prominent from views from the public realm. The application building is single storey in scale and the alterations are confined to the eastern elevation of the building; it is considered therefore, that the alterations will primarily only be visible from within the context of the application site.

5.15 Given the above, whilst it is noted that the appearance of the exterior of the eastern elevation of the building will be affected, weight is given to the principles set out in the *Burroughs Day v Bristol City Council* [1996]. Accordingly, given that the lack of visibility of the alterations, the fact that only a small part of the building will be affected and the overall scale, bulk and form of the building will not change, it is considered that the external appearance of the building will not be materially affected. As such, on the balance of probability it is not considered that the alterations proposed will materially affect the external appearance of the building. Weight is also given to the fact that the building in its current state functions as incidental to the enjoyment of the main dwelling. Accordingly, on the balance of probability, the alterations proposed to the exterior of the building, in isolation, could be undertaken lawfully under Part E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Accordingly, provided that the alterations to the exterior of the building were carried out before the building were occupied as an annex, they could be undertaken under permitted development.

7. RECOMMENDATION

7.1 That a Certificate of Lawful Development is GRANTED for the following reasons:

It has been demonstrated that, on the balance of probability, the proposed alterations to the building will not materially affect its external appearance. In addition, on the balance of probability, the alterations to the external appearance of the building, when considered in isolation, could lawfully be undertaken under Part E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

It has been demonstrated on the balance of probability that the occupation of the building as an ancillary annexe for a dependant relative will not result in a material change of use of the building and does not constitute "development" as specified in the Town and Country Planning Act 1990. This is because the accommodation is to be occupied by a dependent relative; there will be no separating boundaries between the application building and the main dwelling; and the building and main dwelling will share the same access.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

ITEM 5

CIRCULATED SCHEDULE NO. 01/14 – 03 JANUARY 2014

App No.: PT13/4211/F
Site: 126 School Road Frampton Cotterell
South Gloucestershire BS36 2BX

Applicant: Mr S Haynes
Date Reg: 22nd November
2013

Proposal: Erection of single storey rear and side
extensions to provide a garage and
additional living accommodation.

Parish: Frampton Cotterell
Parish Council

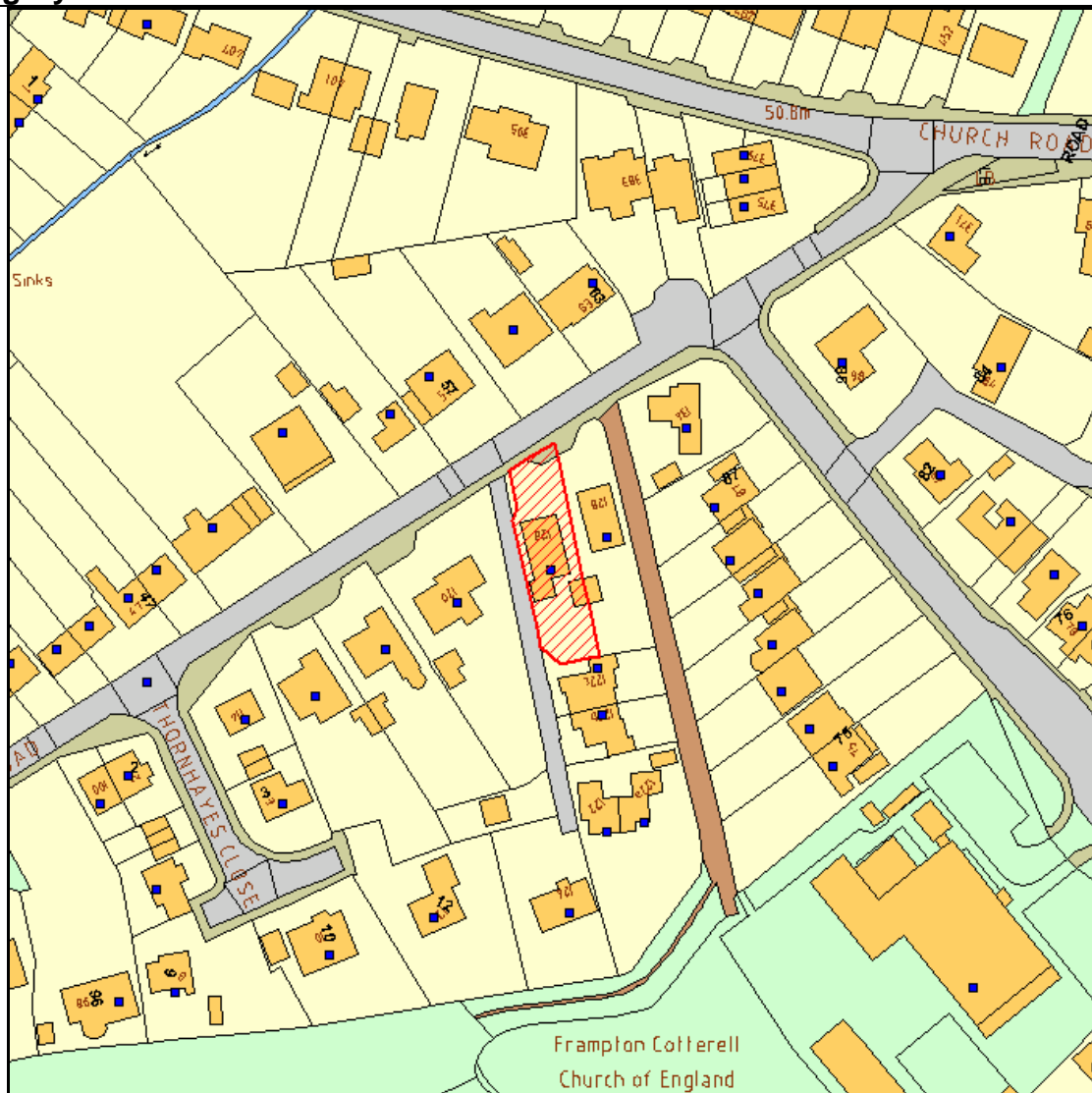
Map Ref: 366244 181955

Ward: Frampton Cotterell
Target 14th January 2014

Application Householder

Category:

Date:



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100023410, 2008.

N.T.S.

PT13/4211/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule to take account of the comments made by the Parish Council 5 December 2013 when an objection was lodged. Since this time design amendments have been received. The application was sent back out for reconsultation; no response from the Parish has been received. Therefore the objection still stands and the application must be determined through the circulated schedule.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey rear and side extension at a bungalow in Frampton Cotterell. It is also proposed to render the bungalow.
- 1.2 The development consists of bringing the existing garage forward and constructing a rear extension on the garage to provide a bedroom and infilling the area between existing rear extension and the proposed garage and side extension.
- 1.3 Plans as originally submitted included a mono-pitched roof on the side extension directly on the boundary. This has subsequently been reduced to a dual pitched roof with parapet wall.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 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 relevant planning history on this site.

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
Objection: The development is over-intensive and has an overbearing impact on the neighbouring property.

- 4.2 Drainage
No comment

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for a rear and side extension at a detached bungalow in Frampton Cotterell.

- 5.2 Principle of Development
Development within existing residential curtilages is supported by policy H4 of the Local Plan subject to an assessment of design, amenity and transport. Design standard is set by policy CS1 and transportation assessed against policies T12 and CS8. The proposed development is acceptable in principle and subject to the following assessment.

- 5.3 Design
The existing bungalow is part of a pair of bungalows and was built in the c.1970s and is finished with a mix of brick and vertical tile hanging. The bungalows have a fairly low eaves height and an elongated appearance as the gable ends face the road.

- 5.4 From the front, the proposed development changes the appearance of the property very little. The garage is brought forward, the chimney stack set into the house further, and a rendered finish applied.

- 5.5 Significant changes occur at the rear where the rear extension in-fills the section between the existing extension and the existing garage. This removes the two gables from the rear elevation and produces a more simple appearance. A side extension is then proposed. This has a low pitched roof and is relatively narrow at about 3.2 metres wide. A small parapet wall is proposed along the boundary which has a height of 2.9 metres. A large window is proposed in the rear elevation with bi-folding doors to provide light into the sitting room.

- 5.6 Overall, the design is considered to respect the proportions, scale, massing and character of the bungalow. The elongated nature is retained and the strong influence of a gable end returned to the rear elevation. The layout makes good use of the space available on site and as such an acceptable standard of design has been reached.

- 5.7 Amenity
Concern has been raised by the Parish Council that the proposal would be overbearing on the neighbouring property. When the application was originally submitted it proposed a mono-pitched roof that resulted in a 3.5 metre high blank wall along the boundary. Design amendments have been submitted that

reduce the height of this wall and introduce a dual pitched roof. The amended design is not considered to be overbearing on the adjacent neighbour, especially as only around 3.5 metres of this wall would extend beyond the rear of the neighbour's garage.

- 5.8 The orientation of the site means that the rear extension is located on the southern elevation. The development will therefore have minimal effect on the neighbouring properties in terms of light.
- 5.9 Adequate amenity space is retained at the property to serve the needs arising from the development. Notwithstanding this, Crossbow is located extremely close to this site which provides public open space as well as childrens' play equipment.
- 5.10 Transport
The development will result in a four-bedroom house. The site must be able to meet the needs arising from the development. In terms of transportation, this means that adequate off-street parking must be provided.
- 5.11 To accord with the Residential Parking Standard, two parking spaces should be provided. The development includes a garage, however this garage does not meet the minimal size standard and therefore cannot contribute to parking provision. The driveway, however, provides sufficient space for a least two vehicles to park. On the basis that the existing driveway can provide sufficient parking spaces there is no objection to the proposal on transport grounds.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been assessed against the policies listed above. An acceptable standard of design is proposed and the development respects the character, appearance, scale, massing and proportions of the original house; the development is not considered to have a prejudicial impact on residential amenity; and, adequate off-street parking is provided.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

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

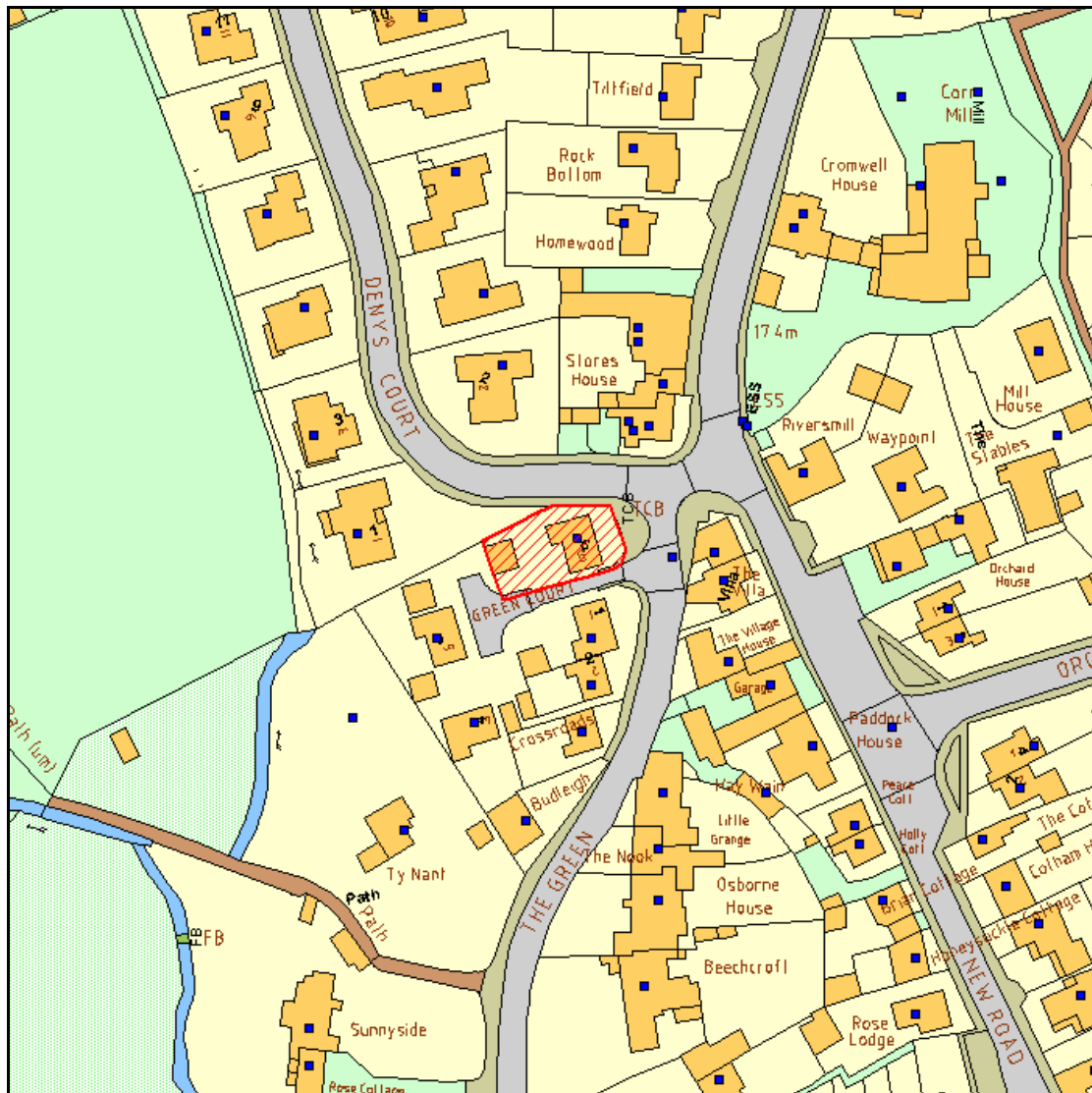
Reason

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

ITEM 6

CIRCULATED SCHEDULE NO. 01/14 – 03 JANUARY 2014

App No.:	PT13/4290/CLP	Applicant:	Mr David Jeckells
Site:	6 Green Court Olveston South Gloucestershire BS35 4DL	Date Reg:	22nd November 2013
Proposal:	Application for certificate of lawfulness for the proposed installation of 16no. solar panels to south west facing roof slope.	Parish:	Olveston Parish Council
Map Ref:	360061 186996	Ward:	Severn
Application Category:	Minor	Target Date:	14th January 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 A certificate of Lawfulness for a proposed development has been applied for in relation to the installation of 16no. solar panel at 6 Green Court, Olveston.
- 1.2 The property is a two storey detached dwelling and is located within the settlement boundary of Olveston.
- 1.3 This application is a formal way of establishing whether or not the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24 Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class A.
- 2.2 Statutory Instrument 2013 No.1101 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P98/1289 Erection of rear conservatory
Approved March 1998
- 3.2 PT13/4231/F Demolition of existing rear extension and
conservatory to facilitate erection of single storey side and
rear extensions to form additional living accommodation.
Pending consideration

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
No objections
- 4.2 Conservation Officer
No response received

Other Representations

4.3 Local Residents

No response received at the time of writing.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

It stands to be ascertained whether the proposed development falls within the limits set out in Part 40 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2013.

- 5.2 The proposed development consists of the installation of 16no. solar panels. This development would fall under the criteria of *Schedule 2, Part 40, Class A*, of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2013 (The installation, alteration or replacement of solar PV or solar thermal equipment on a dwellinghouse). Developments which fail any of the following criteria would not be permitted:

A1 Development is not permitted by Class A, in the case of solar PV or solar thermal equipment installed on an existing wall or roof of a dwellinghouse or building within its curtilage if –

- (a) The solar PV or solar thermal equipment would protrude more than 200mm beyond the plane of the wall or roof slope when measured from the perpendicular with the external surface of the wall or roof slope:**

Whilst elevation plans have been submitted these are hand drawn and are not considered to be drawn to scale. However, bracket fixing detail has been submitted to demonstrate that the proposed solar panels would protrude a maximum of 100-130mm from the roof slope, as such the proposal meets this criterion.

- (b) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney)**

The proposed panels would be located on the roof slope and would not be higher than the existing ridge height

- (c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed –**

- (i) on a wall forming the principal or side elevation of the dwellinghouse and would be visible from a highway, or**

- (ii) **on a wall of a building within the curtilage of the dwellinghouse and would be visible from a highway**

The site is located within the Olveston Conservation Area, however the solar panels would be not be located on a principle elevation or side elevation.

- (d) **the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse if the dwellinghouse is a listed building.**

The proposed panels would be attached to the main dwelling house which is not a listed building or within the grounds of a listed building.

Conditions

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

- (a) **Solar PV or solar thermal equipment installed on a building shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;**

The equipment is located to the rear of the dwelling and located centrally on the roof slope which is considered to be the most appropriate place to site the panels. The panels are modest in scale and an appropriate number of panels are proposed to ensure that the roof slope is not over dominated by them.

- (b) **Solar PV or solar thermal equipment shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and**

The equipment is located to the rear of the dwelling and located centrally on the roof slope which is considered to be the most appropriate place to site the panels. The panels are modest in scale and an appropriate number of panels are proposed to ensure that the roof slope is not over dominated by them.

- (c) **Solar PV or solar thermal equipment no longer needed for microgeneration shall be removed as soon as reasonable practicable.**

The applicant will be made aware of this condition.

6. RECOMMENDATION

- 6.1 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 the criteria of Schedule 2, Part 40, Class A, of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2013 (The installation, alteration or replacement of solar PV or solar thermal equipment on a dwellinghouse).

Contact Officer: Kirstie Henshaw
Tel. No. 01454 865428

ITEM 7

CIRCULATED SCHEDULE NO. 01/14 – 03 JANUARY 2014

App No.:	PT13/4527/CLP	Applicant:	Mr A Walters
Site:	14 Knole Close Almondsbury South Gloucestershire BS32 4EJ	Date Reg:	10th December 2013
Proposal:	Application for certificate of lawfulness for the proposed alteration and extension of existing rear dormer.	Parish:	Almondsbury Parish Council
Map Ref:	359789 183830	Ward:	Almondsbury
Application Category:	Minor	Target Date:	30th January 2014



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INTRODUCTION

This report appears on the Circulated Schedule as the application is for a Certificate of Lawful Proposed Development.

1. THE PROPOSAL

- 1.1 The proposal relates to a modest dormer bungalow dating from the mid 20th Century. The site is located within the settlement boundary of Almondsbury. Almondsbury (and the site) is washed over by the Green Belt. The existing dwelling is a modest dormer bungalow standing in substantial grounds. The site is accessed directly from Knole Close.
- 1.2 The application seeks confirmation that the alteration and enlargement of the existing rear dormer window is permitted under house holder permitted development rights.

2. POLICY CONTEXT

- 2.1 This is not an application for planning permission. It cannot therefore be determined through the consideration of policies contained within the Development Plan; determining this application must be undertaken as an evidential test of the submitted details against the regulations listed below:
(a) The Town and Country Planning (General Permitted Development) Order 1995 (as amended)

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/4522/F Erection of two storey side extension to provide additional living accommodation.
Under consideration at the time of compiling this report

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No Objection
- 4.2 Highway Authority
No Objection

Other Representations

- 4.3 Local Residents
No comments have been received

5. SUMMARY OF EVIDENCED IN SUPPORT OF APPLICATION

- 5.1 Site location plan, block plan as existing and proposed, Proposed first floor plan and roof plan drawing, Proposed elevations

6. EVALUATION

- 6.1 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 Consent. Accordingly there is no consideration of planning merit, the decision is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B of the GDPO 2008. The site is in use as a dwellinghouse and there is no evidence to indicate that the permitted development rights have been removed. Schedule 2, Part 1 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 allows for an addition or alteration to its roof, provided that it meets the criteria as detailed below:

6.2 Installation of rear dormer window.

B1 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 rear dormer will not exceed the height of the highest part of the existing roof.
- (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;**
The proposed dormer extension will be on the rear elevation, which is not the principal elevation, and does not front a highway.
- (c) **the cubic content of the resulting roof space would exceed the cubic content of the original roof spaced by more than –**
(i) **40 cubic metres in the case of a terrace house, or**
(ii) **50 cubic metres in any other case;**
The dwelling is a detached property and the total cubic content of the proposed rear dormers is approximately 6.5 m³ and therefore complies with this criteria.
- (d) **it would consist of or include –**
(i) **the construction or provision of a veranda, balcony or raised platform or**
(ii) **the installation, alteration or replacement of a chimney flue or soil and vent pipe**
The proposed development would not consist of any of the above.

- (e) **the dwellinghouse is on article 1(5) land**
The application site is not located on article 1(5) land

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 materials used in the construction of the proposed development will complement those of the existing dwellinghouse.
- (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 20 cm from the eaves of the original roof.**
The edge of the rear dormer is shown to be more than 20cm from the lowest part of the eaves of the original roof.
- (c) **Any upper floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be –**
(i) **obscure-glazed and**
(ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;**
The proposal does not include any of the above and therefore meets this criterion.

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 on the balance of probability the development meets the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and is therefore 'permitted development'.

Contact Officer: Simon Penketh
Tel. No. 01454 863433