



**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. 21/14

Date to Members: 22/05/14

Member's Deadline: 29/05/14 (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.

Dates and Deadlines for Circulated Schedule
During Whitsun Bank Holiday Period 2014

Schedule Number	Date to Members 9am on	Members Deadline 5pm on
No.21	Thursday 22 May	Thursday 29 May

Above are details of the schedules that will be affected by date changes due to Whitsun (end of May) Bank Holiday.

CIRCULATED SCHEDULE 21/14 – 22 MAY 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK14/0528/F	Approve with Conditions	3A Britannia Road Kingswood South Gloucestershire BS15 8BG	Woodstock	None
2	PK14/1158/FDI	Approve	Bath Road Longwell Green South Gloucestershire	Longwell Green	Hanham Abbots Parish Council
3	PK14/1234/CLP	Approve with Conditions	28 Ross Close Chipping Sodbury South Gloucestershire BS37 6RS	Chipping	Sodbury Town Council
4	PK14/1375/F	Approve with Conditions	15 Hounds Close Chipping Sodbury South Gloucestershire BS37 6EG	Chipping	Sodbury Town Council
5	PT13/4282/CLE	Approve with Conditions	Church Leaze Farm Henfield Road Coalpit Heath South Gloucestershire BS36 2UY	Westerleigh	Westerleigh Parish Council
6	PT14/0794/ADV	Approve with Conditions	Lift House Gloucester Road Almondsbury South Gloucestershire BS32 4HY	Severn	Olveston Parish Council
7	PT14/0900/F	Approve with Conditions	Land Adjoining 1 And 2 Green Lane Milbury Heath Wotton Under Edge South	Thornbury North	Thornbury Town Council
8	PT14/0939/F	Approve with Conditions	38 Ashgrove Thornbury South Gloucestershire BS35 2LJ	Thornbury North	Thornbury Town Council
9	PT14/1231/CLP	Refusal	Vellow Thornbury Road Rockhampton Berkeley South Gloucestershire GL13 9DY	Severn	Rockhampton Parish Council
10	PT14/1387/F	Approve with Conditions	19 Church Lane Coalpit Heath South Gloucestershire BS36 2SR	Frampton Cotterell	Frampton Cotterell Parish

ITEM 1

CIRCULATED SCHEDULE NO. 21/14 – 22 MAY 2014

App No.:	PK14/0528/F	Applicant:	Mr D Dando
Site:	3A Britannia Road Kingswood Bristol South Gloucestershire BS15 8BG	Date Reg:	24th February 2014
Proposal:	Erection of first floor extension over existing garage to facilitate conversion to 1no. detached dwelling with associated works. Re-submission of PK13/3367/F.	Parish:	None
Map Ref:	364474 173527	Ward:	Woodstock
Application Category:	Minor	Target Date:	16th April 2014



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REASON FOR SUBMITTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as a local resident has objected to the proposed development.

1. THE PROPOSAL

- 1.1 This resubmission application seeks planning permission for the erection of a two storey extension with single internal parking space to replace the existing double garage. Two open parking spaces are shown as provided for No. 3A off-street in tandem configuration. To the west of the site lies a two storey Victorian / Edwardian terrace.
- 1.2 Previous planning permission PT13/3367/F was refused for the erection of two storey extension over existing garage to form 1 no. detached dwelling for the following reasons:
 - (i) The design of the proposed dwelling has not taken sufficient account of the site's immediate context and surrounding street scene, resulting in an inappropriate compressed storey height, an eaves height inappropriately taller than that of the host dwelling, an asymmetrical frontage design and an inappropriately high solid to void ratio. The design therefore is contrary to Policy D1 and H4A of the adopted South Gloucestershire Local Plan and the provisions of the National Planning Policy Framework.
 - (ii) Although the relative rear amenity space for either the residual or the proposed dwellings has not been disclosed, however it is allocated it would result in either an adverse impact for existing or future occupiers through inadequate provision and/or the overlooking of the retained garden for nos. 3 and 3A from the new dwelling, to the detriment of residential amenity, contrary to policy H4B and D of the adopted South Gloucestershire Local Plan.
 - (iii) The proposed new dwelling does not provide adequate vehicular parking to serve its size and the resulting parking provision for the flats is also unsatisfactory. Without adequate vehicular parking this development would lead to additional on-street congestion thereby increasing the hazards faced by all road users. This is detrimental to highway safety and contrary to Policy T12 of the adopted Local Plan and the South Gloucestershire Residential Parking Standards.
- 1.3 The main differences of the current proposal are that (i) the proposed dwelling would be two storey only. (ii) private amenity spaces are allocated for the existing properties and the proposed dwelling. It is also proposed to replace all existing windows on the side elevation of the host dwelling with obscured glazed glass.
- 1.4 The proposed two storey dwelling would have a similar eaves and ridge height to the existing two-storey dwelling and would slightly set back from the host dwelling's front building line and would have windows facing front and rear.

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)

H4 Houses within residential cartilages

T12 Highway Safety

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

CS1 High Quality Design

CS5 Location of Development

2.3 Supplementary Planning Guidance

Residential Parking Standards (adopted for DC purposes April 2013)

Design Checklist

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|-------------|--|-----------|
| 3.1 | K3978 | Erection of detached garage | Withdrawn |
| 3.2 | K3978/1 | Rear extension | Refused |
| 3.3 | K3978/2 | Single storey rear extension | Approved |
| 3.4 | K3978/3 | Replacement of single garage with double | Approved |
| 3.5 | PK13/3367/F | Erection of two storey extension over existing garage to form 1no. detached dwelling with associated works. Refused 14.11.2013 | |

4. CONSULTATION RESPONSES

4.1 Parish/Town Council

Unparished area

4.2 Other Consultees

Transportation

No objection subject to the inclusion of a condition ensuring that the garage is kept for the storage of motor vehicles.

Coal Authority

It is considered that the risk assessment is not required and no objection is raised to the proposal subject to the inclusion of an informative.

Highway Drainage

No comment.

Environmental Protection

No objection in principle

Other Representations

4.3 Local Residents

One letter of objection was received, citing the following concerns:

- No off-street parking for the development site

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The site lies within the urban area as defined on the Proposals Map with the adopted Local Plan and the proposed development is considered to be acceptable in principle, subject to the following analysis on the detailed issues.

5.2 Residential Amenity

The proposed dwelling would not project beyond either the neighbours' front and rear building lines and the eaves and ridges height of the proposal would be very similar with those of the existing dwellings. Therefore the overbearing impact would not be significant. A bathroom window is proposed on the side elevation, therefore there is no overlooking issue upon the neighbouring properties.

With regard to the garden sizes for the existing properties and new dwellings, the applicant submitted a revised drawing showing the designated for both existing and new properties. Although the amenity space is not large in size, it is noted that the site is located within an urban area, and the proposed dwelling would be small in scale. Therefore it is considered that the proposed size of the amenity space would be acceptable.

In addition, the revised drawings also show the existing windows on the side elevation of the host dwelling would be replaced within obscured glazed windows. There is an existing first floor window on the side elevation of the existing dwelling, however it is obscured glazed. It is therefore considered the proposal has addressed the previous officer's concern and provided reasonable sized amenity space for the existing and future occupiers.

Whilst officers consider that the proposal would not cause significant harm to the neighbouring properties, it is considered that it would be reasonable and necessary to impose a planning condition to remove some of the permitted development rights, namely, extensions (including roof extensions), outbuildings, and means of enclosure due to its proximity of the neighbouring properties and their restricted size of plots.

5.3 Design/ Street Scene/ Visual Amenity

The proposal is to erect a two-storey dwelling, which is considered to be in keeping with the character of the adjacent properties in scale.

The roof material would match that of the existing dwelling and the wall materials would be masonry block in Cotswold with stone faced block surrounds to windows and doors to the front elevation, and all other elevation in block and render.

Although the proposed dwelling has not reflect some architectural features from the adjacent properties, it is considered that the design has achieved reasonably good standards, as such it would not result in harm to the character and appearance of the locality.

5.4 Transportation

Planning permission has previously been sought to extend the existing garage to facilitate its conversion to a new dwelling (PK13/3367/F). Transportation objection was raised to this proposal.

There were some confusion over this current submission which states in the proposal description that the existing garage will again be extended. However, the design and access statement stated that the existing garage will be demolished and a new two storey building will be erected to provide a two-bed dwelling with integral garage. The applicant has confirmed that the proposal is to erect first floor extension above the existing double garage. In addition, the applicant also confirmed that No.3 and No.3A are used as one dwelling.

The proposal would include two parking spaces for the existing dwelling. Although it is not ideal to have a garage as the only parking for a dwelling, it is considered acceptable on this occasion as the internal dimensions meet the Council's requirements.

Subject to a condition that the garage for the new dwelling is kept for the storage of motor vehicles associated with the dwelling, there is no transportation objection to the proposed development.

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 planning permission be granted subject to the following conditions

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

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

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

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

Reason

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

CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

6. The existing ground floor windows on the side west elevation of the existing dwelling, No.3A Britannia Road, shall be replaced with restricted opening obscured glazed windows to a level 3 standard or above prior to the first occupation of the proposed dwelling hereby approved.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

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

Reason

To protect the amenity of neighbouring occupiers, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted December 2013).

8. The garage for the new dwelling hereby approved shall be kept for the storage of motor vehicles associated with the new dwelling at all time and shall not be used for other purposes.

Reason

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

ITEM 2

CIRCULATED SCHEDULE NO. 21/14 – 22 MAY 2014

App No.:	PK14/1158/FDI	Applicant:	LG Developments Ltd
Site:	Bath Road Longwell Green Bristol South Gloucestershire BS30 9DG	Date Reg:	31st March 2014
Proposal:	Alterations to footpath PHA42/10.	Parish:	Hanham Abbots Parish Council
Map Ref:	365410 171465	Ward:	Longwell Green
Application Category:	Minor	Target Date:	20th May 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

Under the current scheme of delegation all footpath diversion orders are required to be determined by the circulated schedule process.

1. THE PROPOSAL

- 1.1 The application is made under Section 257 of the Town and Country Planning Act 1990 (as amended) for alterations to footpath PHA42/10.
- 1.2 The application is made under Section 257 of the Town and Country Planning Act 1990 (as amended) and would reduce the width of footpath PHA42/10 to facilitate the development of 8no. dwellings on the adjacent site.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

Town and Country Planning Act 1990 section 257: stopping up or diversion of footpaths and bridleways

Circular 01/2009

2.2 Development Plans

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

LC12 Recreational routes

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS9 Environmental Resources and Built Heritage

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|--------------|--|
| 3.1 | PK13/1351/F | Erection of 8no. dwellings with associated garages with access and associated works. |
| | Approved | 22.10.13 |
| 3.2 | PK12/2965/F | Erection of 6no. detached dwellings with garages, car parking, access and associated works Resubmission of PK12/0797/F. |
| | Approved | 12.12.12 |
| 3.3 | PK11/0384/RM | Erection of 9no. dwellings. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK10/2315/O). |
| | Approved | 12.4.11 |
| 3.4 | PK10/2315/O | Erection of 9 no. dwellings (Outline) with layout and access to be determined. All other matters reserved.(Resubmission of PK10/0806/O). |
| | Approved | 7.1.11 |

4. CONSULTATION RESPONSES

4.1 Hanham Abbots Parish Council
No objection

4.2 Other Consultees

Public Rights of Way Officers
No objection

The Ramblers Association
No response

Open Spaces Society
No response

Other Representations

4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The diversion of a Public Right of Way is not development as defined in the Town and Country Planning Act. As such a diversion order can only be considered within planning legislation when the diversion of the footpath is required in order to implementation of a planning permission. The nature of the assessment should consider the proposed route and its suitability in terms of the amenity of the public right of way and whether or not the diversion is reasonably necessary in respect of the planning permission it relates to.

5.2 The footpath in question leads from the end of a field in Longwell Green and provides a link to Bath Road. The footpath measures approximately 270 metres in length. It is proposed to reduce the width of the footpath for a length of approximately 77 metres between points X and B as indicated on the submitted plan A. The purpose of the alteration is to enable the implementation of planning permission PK13/1351/F for the erection of 8no. dwellings.

5.3 The Council's public right of way team has no objection to the reduction in the width of the footpath to 3.3 metres.

5.4 Given the above, it is considered that the reduction in the footpath is suitable in terms of amenity and necessary in the light of existing planning permissions and development of the site.

6. CONCLUSION

- 6.1 The recommendation to raise **no objection** 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 material considerations set out in the report.
- 6.2 The proposal is considered to satisfactorily comply with Circular 01/09 and saved Policy LC12 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 as the utility and amenity of the route would be retained.

7. RECOMMENDATION

- 7.1 That no objection be raised to the proposed diversion of footpath PHA42/10 and that the Head of Legal and Democratic Services be instructed and authorised to make an Order under Section 257 of the Town and Country Planning Act 1990 for the diversion of footpath PHA42/10 as illustrated on plan A received by the Council on 25th March 214.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CIRCULATED SCHEDULE NO. 21/14 – 22 MAY 2014

App No.:	PK14/1234/CLP	Applicant:	Mr And Mrs Kelly
Site:	28 Ross Close Chipping Sodbury Bristol South Gloucestershire BS37 6RS	Date Reg:	9th April 2014
Proposal:	Certificate of lawfulness for the proposed erection of single storey rear extension	Parish:	Sodbury Town Council
Map Ref:	372796 182392	Ward:	Chipping Sodbury
Application Category:	Minor	Target Date:	30th May 2014



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REASON FOR SUBMITTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the erection of a single storey rear extension at 28 Ross Close, Chipping Sodbury would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 The proposed materials were changed via email confirmation from the agent on 15th May 2014.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 P97/1382 – Revision of plots 253-273
Approved - 13/01/1997
- 3.2 NA/IDO/004 - The planned development of land for quarrying dated 11 October 1947. Interim development Order permitted 28 September 1992.
Approved with conditions – 28/09/1992

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No comment received.

- 4.2 Other Consultees

Councillor
No comment received.

Highway Drainage
No objection subject to a Flood Mitigation Form being submitted; however this application is only to be determined against the permitted development rights as stated in the Town and Country Planning (General Permitted Development)

Order 1995 (as amended), and therefore information regarding flooding is not required.

Other Representations

- 4.3 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Location Plan; Existing and Proposed Ground & Partial First Floor Plans, Elevations and Site Plans (drawing no. P01). All received 31st March 2014.
- 5.2 Email detailing amendments to materials received on 15th May 2014

6. ANALYSIS OF PROPOSAL

- 6.1 Principle of Development
The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not a application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.
- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (As Amended) 1995.
- 6.3 The proposed development consists of a rear extension to replace an existing conservatory. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995. (The enlargement, improvement or other alteration of a dwellinghouse). This allows for the erection or construction of a rear extension subject to the following:
- A.1 Development is not permitted by Class A if –**
- (a) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**
The extension does not exceed 50% of the total area of the curtilage.
- (b) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**

The maximum height of the proposal does not exceed the maximum height of the existing dwellinghouse.

- (c) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**
The height of the eaves of the proposal would not exceed the eaves of the existing dwellinghouse.
- (d) **The enlarged part of the dwellinghouse would extend beyond a wall which—**
(i) **fronts a highway, and**
(ii) **forms either the principal elevation or a side elevation of the original dwellinghouse;**
The extension extends beyond the rear elevation of the dwellinghouse, and this elevation does not front a highway. The proposal therefore meets this criterion.
- (e) **The enlarged part of the dwellinghouse would have a single storey and—**
(i) **extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
(ii) **exceed 4 metres in height;**
The dwellinghouse is a detached property. The proposal is to extend beyond the rear wall by 3.49 metres and therefore meets this criterion.
- (f) **The enlarged part of the dwellinghouse would have more than one storey:**
The proposal is single storey.
- (g) **The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres:**
The proposal would be located within two metres of a boundary and the height to the eaves is 2.52 metres. The proposal meets this criterion.
- (h) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would:**
(i) **exceed 4 metres in height**
(ii) **have more than one storey, or**
(iii) **have a width greater than half the width of the original dwellinghouse; or**
The proposal does not extend beyond a wall forming the side elevation of the dwellinghouse.

(i) **It would consist of or include—**
(i) **The construction or provision of a veranda, balcony or raised platform,**

- (ii) The installation, alteration or replacement of a microwave antenna,
- (iii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (iv) An alteration to any part of the roof of the dwellinghouse.

The proposal does not include any of the above.

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

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

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

Conditions

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

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

The original plans received showed differences between the materials to be used, however this was raised with the agent who confirmed via email on 15th May 2014 that the materials will match the existing dwellinghouse or be of similar appearance. Therefore, following amendments, the proposal meets this criterion.

- (b) **Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—**
 - (i) **obscure-glazed, and**
 - (ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**

The proposal is single storey.

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

The proposal is single storey.

7. RECOMMENDATION

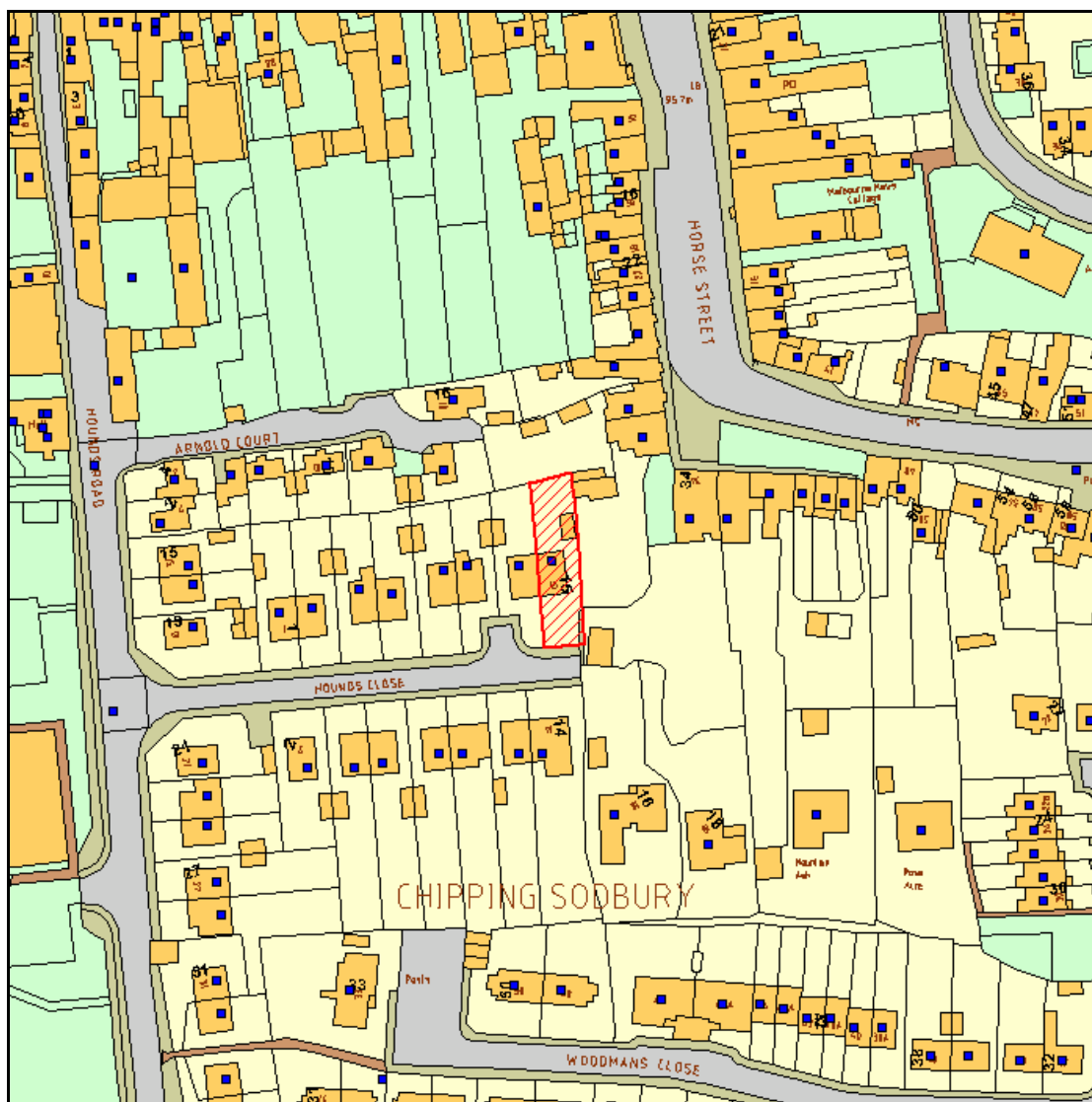
- 7.1 That a Certificate of Lawfulness for Proposed Development is granted for the following reason;

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CIRCULATED SCHEDULE NO. 21/14 – 22 MAY 2014

App No.:	PK14/1375/F	Applicant:	Mr And Mrs Williams
Site:	15 Hounds Close Chipping Sodbury Bristol South Gloucestershire BS37 6EG	Date Reg:	15th April 2014
Proposal:	Erection of single storey rear extension to form additional living accommodation.	Parish:	Sodbury Town Council
Map Ref:	372913 182079	Ward:	Chipping Sodbury
Application Category:	Householder	Target Date:	5th June 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as objections have been received from local residents.

1. THE PROPOSAL

- 1.1 The site consists of a semi-detached dwelling with access onto Hounds Close.
- 1.2 The proposed development consists of the erection of a single storey extension to the rear of the dwelling. The extension takes up the majority of the rear elevation of the dwelling and measures 7.4 metres by 3.8 metres.
- 1.3 The submitted plans also show alterations to the internal layout of the existing dwelling (excluding the proposed extension) that include the conversion of the loft space to provide a further bedroom and bathroom. This requires the introduction of a small dormer window in the rear elevation of the roof of the dwelling and a roof light window in the front elevation of the roof. In this instance, the dormer window falls within the permitted development rights associated with this dwelling; whilst the conversion of the loft space itself is not defined as development. On this basis, these elements are not for consideration under this planning application.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Development in Residential Curtilages
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

4.1 Sodbury Town Council

No Objection

4.2 Drainage Engineer

No objection in principle. The development is close to an existing sewer and the applicant should discuss this proposal with Wessex Water.

Other Representations

4.3 Local Residents

Two letters of objection have been received. The comments can be summarised as follows;

It is alleged that the property will be let once renovated and concern is raised that there is potential for up to three couples to live at the house. This would compound the existing parking problems on Hounds Close.

5. ANALYSIS OF PROPOSAL

5.1 The proposed development consists of the extension of an existing dwelling. The site is located within the Chipping Sodbury Urban Area.

5.2 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is relevant to this application. The policy indicates that the proposed development is acceptable in principle subject to the following considerations.

5.3 Design and Residential Amenity

The proposed development consists of a rear extension at ground floor level. The development would provide additional living space in the form of a kitchen and sitting area. The extension is 3.8 metres deep and formed by a lean-to roof. The extension includes large bi-fold opening doors and roof lights. It is considered that the appearance of the extension is in keeping with the nature of the existing dwelling and the surrounding locality and as such is acceptable in design terms.

5.4 The extension will abut the boundary with the neighbouring dwelling to the West. The neighbouring dwelling includes a conservatory extension to the rear which would sit along side the proposed development. The proposed development would extend beyond the conservatory by approximately ½ metre, whilst the conservatory itself includes a brick wall and transom lights along its elevation with the subject property. It is considered that scale and position of the extension is such that no material impact would occur in respect of the amenity of the occupants of the neighbouring dwelling. There would be no material impact upon residential amenity of dwellings further beyond the extent of this site. On this basis, the proposed development is acceptable in residential amenity terms.

5.5 Transportation, Highway Safety and Amenity

Concern has been raised by local residents that the proposed development will compound existing parking problems associated with Hounds Close. This concern is underlined by allegations that the dwelling is to be let out to individuals so increasing the amount of private cars using the site with limited off street parking available.

5.6 Whether or not the dwelling is let following its renovation and extension is a matter that carries no weight in determining a planning application. This is a private matter for the owners of the dwelling. It is not appropriate to consider how the dwelling would be occupied and there is no evidence that the dwelling

would be used as a 'house in multiple occupation' (HMO). Indeed the submitted plans present a layout typical of a family home and there is no reason to assume that the dwelling would not be occupied as such, either on a letting basis or private ownership. On this basis, the assessment of the issues raised is based upon a residential dwelling containing 3 bedrooms (and an additional room marked as an office). In this instance, there is sufficient space to access and to park at least two private vehicles within the curtilage of the dwelling. It is noted that the existing garage would also be retained. On this basis, it is considered that the proposed development is acceptable in transportation terms and would not lead to unsafe or unacceptable on street parking to the detriment of safety or amenity.

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/refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That Planning Permission is granted subject to the following conditions

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

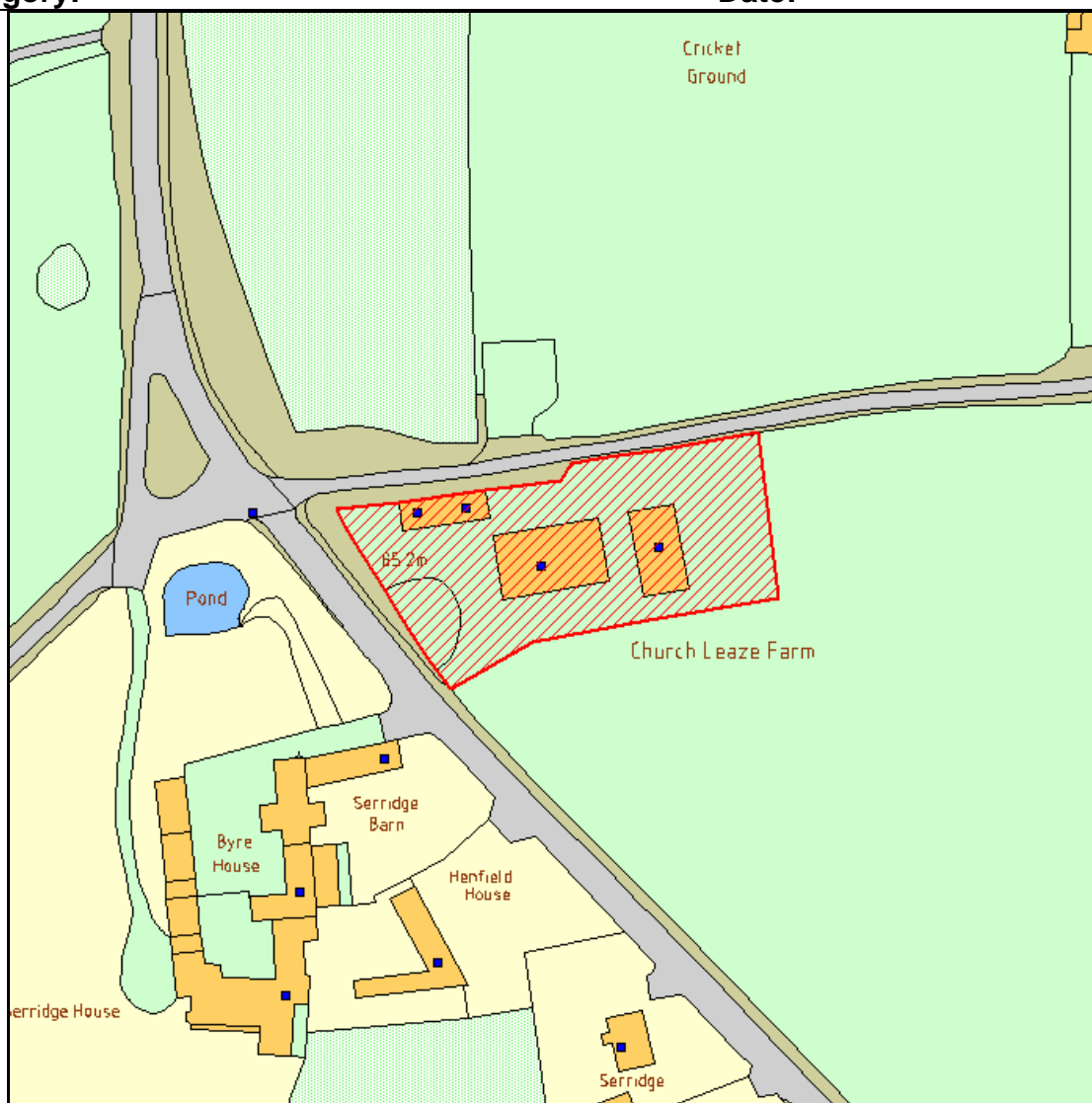
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

In the interests of the privacy and residential amenity of the occupants of nearby dwellings and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (Adopted) December 2013 and saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006

CIRCULATED SCHEDULE NO. 21/14 – 22 MAY 2014

App No.:	PT13/4282/CLE	Applicant:	Mr J Bracey
Site:	Church Leaze Farm Henfield Road Coalpit Heath South Gloucestershire BS36 2UY	Date Reg:	28th November 2013
Proposal:	Certificate of Lawfulness for the existing change of use of agricultural buildings to mixed Class B1, Equestrian and Class B8	Parish:	Westerleigh Parish Council
Map Ref:	367437 179778	Ward:	Westerleigh
Application Category:	Minor	Target Date:	20th January 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks a Certificate of Lawfulness in respect of the existing buildings and yard as a mix of Class B1, Equestrian and Class B8 at Church Leaze Farm, Henfield Coalpit Heath. During the course of the application, the applicant submitted further details to support the application.
- 1.2 The application relates to a group of buildings near the junction of Henfield Road and Serridge Lane, Coalpit Heath. The application site is located beyond any settlement boundary within the Bristol / Bath Green Belt.

2. POLICY CONTEXT

- 2.1 Because the application is for a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration. The applicant need only prove that on the balance of probabilities that this change of use of land for Class B1, Equestrian and Class B8 purposes has remained the same for a continuous period of 10 years up to and including the date of this application.

3. RELEVANT PLANNING HISTORY

- 3.1 P88/3176 Construction of golf driving range.
- 3.2 P88/3221 Construction of a 18 no. hole golf course
- 3.3 P88/3196 Provision of golf driving range. Refused
- 3.4 P86/1002 Mobile home. Refused
- 3.5 P86/2070 Agricultural dwelling (outline)
- 3.6 PT08/0389/F Henfield House / Serridge Barn

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No comment.
- 4.2 Other Consultees
Ecologist: There are no ecological constraints.

The application is for a Certificate of Lawfulness for a change of use which has already occurred and will not therefore have any ecological implications.

GPSS: We can confirm that our client's apparatus, the Government Pipelines and Storage System (GPSS), may be affected by your proposals as indicated on the attached plan(s). Esso Petroleum Co Ltd: Have apparatus situated near

the proposed works. The Company have no objections to the proposals so long as the enclosed 'Special Requirements for Safe Working' booklet and the covenants contained in the Deed of Grant area adhered to.

Environmental Health Officer: No adverse comments.

Other Representations

4.3 Local Residents Comments

Two letters from local residents have been received.

One supporting resident states 'I live quite near the premises and pass by on a regular basis. I see no problem with the premises continuing as they are.'

Another resident states that no objection with an equestrian centre at this location, but indicates that Church Leaze Farm is already and has been for a number of years been used not only for a builders yard, but also for other trades in this location with no planning what so ever. In addition, the resident queries about the quiet lane scheme inclusive of Henfield Road, Ruffet Road, the Hollows and Coalsack Lane.

5. **EVIDENCE SUBMITTED IN SUPPORT OF THE APPLCIATION**

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

1. Evidence in Support of the Application: letter from agent

The case for the application is set out within a letter from the agent. This advises that in matters relating to a Planning Contravention Notice dated 10 June 2008 that the uses now being applied for were exempt from enforcement action by virtue of the 10 year rule.

2. A Statutory Declaration from the applicant is submitted with the application; this is considered to carry significant weight in the assessment of this current application. The applicant declares the followings:

- The applicant acquires the site on 20 November 1987.
- The site was previously in business use as a waste transfer station occupied by Bitton Waste Disposal, which had operated commercial activities form the site since September 1982. The activities included the storage and repair of commercial machinery used in the adjacent landfill site and the operating of heavy goods vehicles from the premises.
- There are 4 buildings on the site and an open storage area adjacent to the buildings
- Building A is used for stone masonry and joinery and it was occupied as a joinery workshop by John Senior continually since at least 2001. There has been no agricultural use of the building since 1990.
- Building B is used for storage with ancillary office and has been occupied by Home Orchard Developments Limited. There has been no agricultural use of the building since 1985.

- Building C is currently in mixed use for diy livery equestrianism and storage with ancillary office. The building is for personally for storage of items used within the applicant's business. The storage area was used by Equipe Automotive since 1991. There has been no agricultural use of the building since 1991.
- Building D has been used for as storage and a workshop since at least 2002. The building is occupied by KDH. There has been no agricultural use of the building since the mid 1980's.
- Yard E is used for open air storage in association with Building B. Initially the area was used in associated with the adjacent landfill site. The area has been used continually by the applicant since purchase in November 1987 and there has been no agricultural use of the area since that date.

Furthermore, the applicant also submitted a copy of electricity bills and phone bills to support the proposal.

Further to the officer's site visit, a revised site layout plan is submitted and this gives a reasonable representation of how the site appears today.

In addition, the agent has responded to some of these concerns raised by the officers and submitted the following comments.

- The applicant presented a substantial amount of paper evidence of the commercial use of the site for a period in excess of 10 years and this has been reinforced by Statutory Declaration by the applicant.
- Officer has personally inspected the site.
- Appropriate weight should be given on the provision of the Statutory Declaration.

6. SUMMARY OF CONTRARY EVIDENCE

- 6.1 The evidence provided is accepted as true unless contradictory evidence indicates otherwise. In this instance, the Council historic aerial photos show the changes of the use of the land, i.e. Yard E, and the Council business rates records.

7. ANALYSIS OF EVIDENCE

- 7.1 The issues, which are relevant to the determination of an application for a Certificate of Lawfulness are whether or not, in this case, the use described has been carried out for a continuous period exceeding 10 years and whether or not the use is in contravention of any Enforcement Notice, which is in force.
- 7.2 Although the site has been subject to a number of enforcement investigations in the past and a planning contravention notice was issued in 2006 to establish what has taken place on the land. During the course of this application, the Council Enforcement Team has confirmed that no enforcement notice issued relating to this property.

In addition, the local resident has indicated the site has been significantly changed recently and become an industrial trading yard, however there are no

evidence to prove that the existing uses have been occurred less than 10 years.

7.3 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probability”. Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt.” Furthermore, the applicant’s own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant’s version of events less than probable, should be taken into account.

7.4 Hierarchy of Evidence

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

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits), which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

7.5 Examination of evidence

The Statutory Declaration and the supporting information are considered to be some kind of ambiguous and vague. The applicant submitted a copy of rent credits, current tenancy agreement and utility bills, however the information do not show precisely the continuous use of the building and how these rent credits were related to the use of the buildings as the billing addresses do not clearly related to the individual buildings and most of them are related Churchleaze.

Furthermore, although the applicant attached evidence of the non-domestic rating of the Buildings A1, A2 and B, they do not show the continuing existing use of the buildings.

Aerial photographs held by the Council provide a better understanding of the site use. That dated 1999 shows that the site has much less activities taking place. Approximately 4 cars and 1 lorry are dotted around the site perimeter of surfaced area. Yard E is still grassed over without any boundary treatment and formed part of field. As such, there appears a discrepancy with the statutory declaration.

The next aerial photograph is dated 2005 and this shows there were more activities on site and there were more vehicles. Also, it appears that Yard E had been used. Approximately 6 cars and 3 lorries are dotted around the site perimeter of surfaced area. Part of Yard E is still grassed over without any boundary treatment.

Moving onto 2006, it appears that more vehicular movement encroaching upon the adjacent field and more materials to be placed on the field. No boundary treatment around Yard E. Approximately 3 cars and 2 lorries are dotted around the site perimeter of surfaced area.

The next and last aerial photograph that is available is dated 2008/9. It shows boundary has been formalised around Yard E, and the number of vehicles is approximately 5 cars and 3 lorries on site.

During the course of the application, the Council Business Rates Team has been contacted and the following information are provided:

Unit 1 Churchleaze Farm, Henfield Road, Coalpit Heath, Bristol, BS36 2UY - Start 1 April 2004 was originally called "Unit 1 Serridge Barn" until Feb 2009 when we updated our records. This property was then taken out of rating from 31 March 2013 as it has been split for multiple occupiers.

Unit 1 (Left) Churchleaze Farm, Henfield Road, Coalpit Heath, Bristol, BS36 2UY

Unit 1 (Right) Churchleaze Farm, Henfield Road, Coalpit Heath, Bristol, BS36 2UY. Both of these start 01 April 2013 due to multiple occupiers of Unit 1.

Unit 2 Churchleaze Farm, Henfield Road, Coalpit Heath, Bristol, BS36 2UY - Start 01 January 2009 following inspection confirming company in occupation.

7.6 Assessment of the proposal

There is evidence to show that, on the balance of probability, a change of use of the existing buildings has occurred that was in excess of 10 years prior to the

date of this application. However, the details submitted in respect of the different uses and intensity of these site uses is limited. The aerial photographs appear to show a relatively low scale use around 1999 whilst the Statutory Declaration provides different details of the use of the yard. On this basis, the evidence suggests that there has been a more recent intensification of the site use.

The Statutory Declaration has stated that the site was previously in business use as a waste transfer station occupied by Bitton Waste Disposal and the applicant understand that they had operated commercial activity from the site since approximately September 1982. A copy of the controlled waste transfer note is submitted to support the claim.

The individual buildings and land have been assessed as follows:

Building A1: The agent confirmed that it is a single storey building with random stone elevations under a pan tile roof. The Statutory Declaration confirmed that the building (Building A, which includes Building A1) was used as a joinery workshop by John Senior continually since at least 2001. The building is currently used by Darren Phillips and a copy of tenancy agreement dated the first of April 2010. Having regard to all of the evidence received, it is considered that the applicant has submitted sufficient evidence to prove that, on the balance of probability, Building A1 has been used for joinery workshop purposes falling with the B1c use class for a continuous period of 10 years prior to the date of the application.

However, it is considered that the evidence presented by the applicant fails to prove that, on the balance probability, Building A1 has been used for stone masonry purposes falling with the B2 use class for a continuous period of 10 years prior to the date of the application.

Building A2: The agent confirmed that it is a single storey building with random stone elevations under a pan tile roof, adjacent to Building A1. The Statutory Declaration confirmed that Building A (including Building A2) was used as joinery workshop by John Senior continually since at 2001. Officers visited the site and noted that the building is being used as a storage for keeping vehicles. The applicant has indicated that there is a change over of tenant due imminently. The building is also subject to business rate since 2004 in accordance with the Council's records. Having regard to all of the evidence received, it is considered that the applicant has submitted sufficient evidence to prove that, on the balance of probability, Building A2 has been used for joinery workshop purposes falling with the B1c use class for a continuous period of 10 years prior to the date of the application.

Building B: The agent confirmed that it is a detached steel frame building with concrete walling to lower part under fibre cement side elevations and roof sheeting. There is an internal mezzanine floor providing first floor facilities and office ancillary to main use as B8 storage of building equipment. The Statutory Declaration states that the building is used for a storage with ancillary office by a building company and prior to that was occupied by Atkinson Bracey. The building is subject to business rate since 2009 in accordance with the Councils'

records. Having regard to all of the evidence received, it is considered that the applicant has submitted sufficient evidence to prove that, on the balance of probability, Building B has been used for storage purposes falling with the B8-storage use class for a continuous period of 10 years prior to the date of the application.

Building C2: The agent confirmed that it is a steel frame lean-to building with rendered block walling to base under fibre cement side cladding and roof. There are 5 stables for DIY livery use. Whilst there is no contrary evidence to demonstrate that this is not the case, the Declaration Statement has not indicated that how many years that the building has been used as stables. Having regard to all of the evidence received, it is considered that the applicant fails to submit sufficient evidence to prove that, on the balance of probability, Building C2 has been used for equestrian stables purposes for a continuous period of 10 years prior to the date of the application.

Building C1: The agent confirmed that it is a steel frame central building with rendered block walling to base under fibre cement cladding and roof with an Internal mezzanine floor providing office and facilities ancillary to main use as paper machine repair workshop and storage. The Declaration Statutory stated that building is occupied personally for storage of items used within the applicants business. Prior to the applicant's occupation was used by Equipe Automotive since 1991. Having regard to all of the evidence received, it is considered that the applicant has submitted sufficient evidence to prove that, on the balance of probability, Building C1 has been used for storage purposes falling with the B8 use class for a continuous period of 10 years prior to the date of the application.

Building D1: The agent confirmed that it is a steel frame lean-to to main building (C1) with rendered block walling to base under fibre cement side cladding and roof. It is currently used as a fabrication workshop including storage of metal used within the fabrication. The Statutory Declaration states that the building has been used for storage and as a workshop since at least 2002. The building is active daily use. There is no contrary evidence to demonstrate that this is not the case, however the Council have no business rate records for the business. Having regard to all of the evidence received, it is considered that the applicant has submitted sufficient evidence to proof that, on the balance of probability, Building D1 has been used for as a workshop and storage purposes falling with the B2 and B8 storage use class respectively for a continuous period of 10 years prior to the date of the application.

Yard E: The agent has confirmed that it is an open yard area used for storage of builders materials and machinery used within the building business. However the Council's aerial records show that the area was not used as an open storage area in 2005. Having regard to all of the evidence received, it is considered that the applicant fails to submit sufficient evidence to prove that, on the balance of probability, Yard E has used for open air storage for a continuous period of 10 years prior to the date of the application.

Accordingly, it is appropriate for the Council to grant the certificate but in a modified manner to accord with Annex 8 of Circular 10/97:

'...if, on an application under the section, the LPA are provided with information satisfying them of the lawfulness, at the time of the application, of the use, operations or other matters described in the application, or that description as modified by the LPA or a description substituted by them, they shall issue a certificate to that effect; and, in any other case, they shall refuse the application'. (para 8.14)

'...This is intended, along with the LPA's power under section 191(4) to issue a certificate of a different description from that applied for, to give the LPA a reasonable degree of flexibility in cases where it would be helpful to the applicant to receive a certificate in terms which may differ slightly from the terms of his application, as an alternative to refusing a certificate altogether. For example, a lesser area of land may be included... Alternatively, the description in the LDC might be more detailed than in the application.' (para 8.35)

For these reasons it is appropriate to grant the Certificate but with this to include only the existing buildings. Further, it is also appropriate for the Certificate to be specific in respect of the intensity of site use that has been demonstrated over the 10-year period. As such, having regard to the evidence available, it is considered that on the balance of probabilities, it is appropriate to detail 5 cars and 3 lorries.

In respect of the use of the land, Yard E, evidence in the form of the aerial photographs shows that the use of this land has changed far more recently with the 2008/9 photograph. Nevertheless, the 2005 and 2006 photographs show that this area was still grassed over.

8. CONCLUSION

The submitted evidence covers the relevant 10 years period prior to the receipt of the application.

Although the evidence submitted by the applicant is not considered to be precise and unambiguous, there is insufficient contradictory evidence from third parties and from the Council's own aerial photographs and business rates records to make part of the applicant's version of events less than probable. It is considered that on the balance of probability the applicants have provided the evidence to support part of the claim and a certificate should be issued for the existing uses as follows:

PART APPROVAL

1. Having regard to all of the evidence received, it is considered that the applicant has submitted sufficient evidence to prove that, on the balance of probability, Building A1 has been used for joinery workshop purposes falling with the B1c use class for a continuous period of 10 years prior to the date of the application.
2. Having regard to all of the evidence received, it is considered that the applicant has submitted sufficient evidence to prove that, on the balance of probability, Building A2

has been used for joinery workshop purposes falling with the B1c use class for a continuous period of 10 years prior to the date of the application.

- 3 Having regard to all of the evidence received, it is considered that the applicant has submitted sufficient evidence to prove that, on the balance of probability, Building B has been used for storage purposes falling with the B8-storage use class for a continuous period of 10 years prior to the date of the application.
- 4 Having regard to all of the evidence received, it is considered that the applicant has submitted sufficient evidence to prove that, on the balance of probability, Building C1 has been used for storage purposes falling with the B8-storage use class for a continuous period of 10 years prior to the date of the application.
- 5 Having regard to all of the evidence received, it is considered that the applicant has submitted sufficient evidence to prove that, on the balance of probability, Building D1 has been used for as a workshop and storage purposes falling with the B2 and B8-storage use class respectively for a continuous period of 10 years prior to the date of the application.
- 6 Having regard to all of the evidence received, it is considered that, on the balance of probability, there are not more 5 cars and 3 lorries on site for a continuous period of 10 years prior to the date of the application.

PART REFUSAL

- 1 Having regard to all the evidence received, it is considered that the evidence presented by the applicant fails to prove that, on the balance probability, Building A1 has been used for stone masonry purposes falling with the B2 use class for a continuous period of 10 years prior to the date of the application.
- 2 Having regard to all of the evidence received, it is considered that the evidence presented by the applicant fails to prove that, on the balance of probability, Building C2 has been used for equestrian stables purposes for a continuous period of 10 years prior to the date of the application.
3. Having regard to all of the evidence received, it is considered that the evidence presented by the applicant fails to prove that, on the balance of probability, Yard E has used for open air storage for a continuous period of 10 years prior to the date of the application.

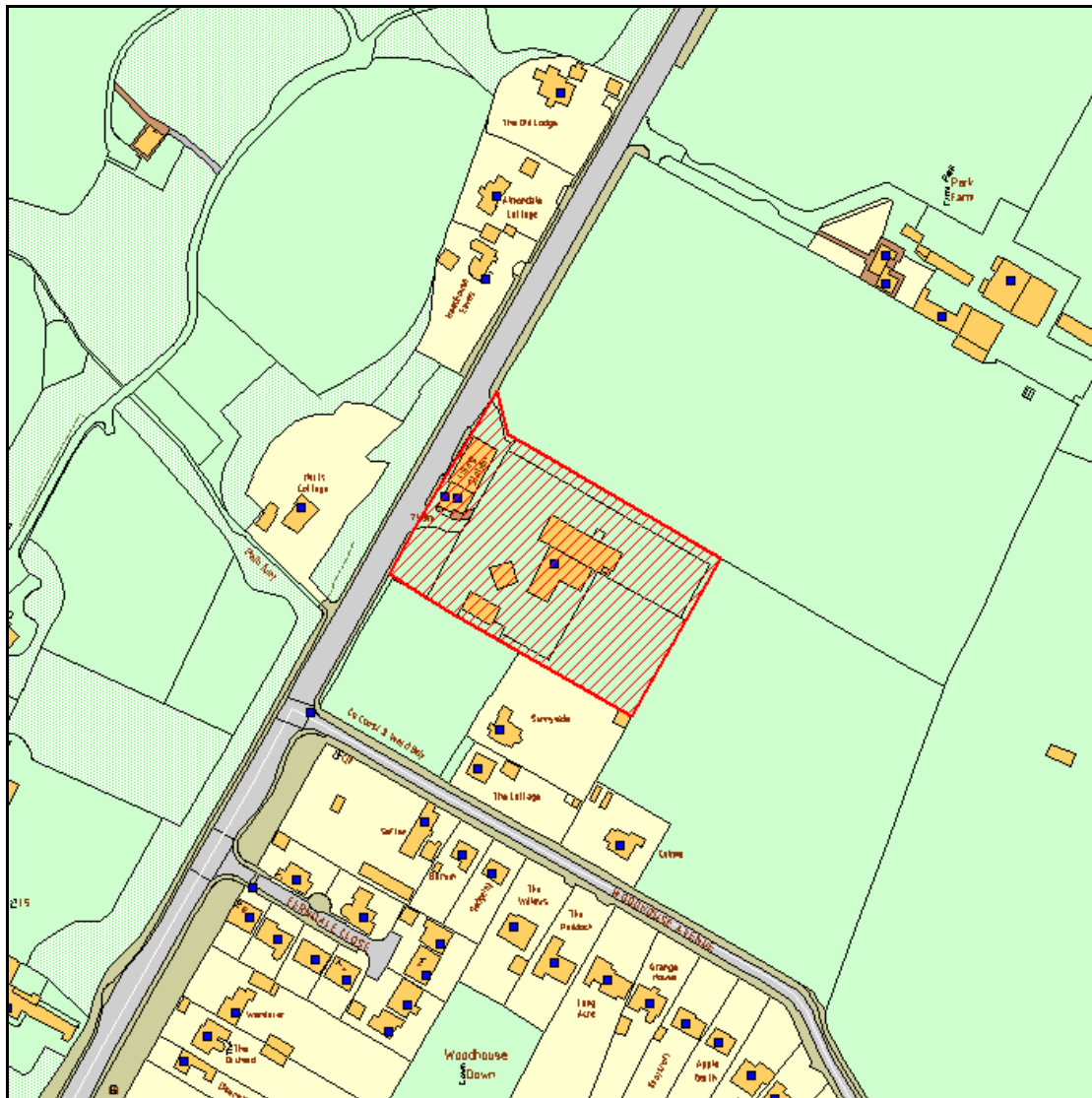
9. RECOMMENDATION

9.1 That a split decision be issued as above recommended.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CIRCULATED SCHEDULE NO. 21/14 – 22 MAY 2014

App No.:	PT14/0794/ADV	Applicant:	Mr Jeff Bateman
Site:	Lift House Gloucester Road Almondsbury Bristol South Gloucestershire BS32 4HY	Date Reg:	18th March 2014
Proposal:	Consent to display 1 no. free standing non illuminated dual faced sign and 2 no. non illuminated fascia signs.(Retrospective)	Parish:	Olveston Parish Council
Map Ref:	361793 185302	Ward:	Severn
Application	Minor	Target	8th May 2014
Category:		Date:	



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as objections have been received from a local resident.

1. THE PROPOSAL

- 1.1 This application seeks retrospective advertisement consent for the display of 1 no. free standing non-illuminated dual faced sign and 2 no. non-illuminated fascia signs at Life House, Gloucester Road, Almondsbury.
- 1.2 The application site is located to the southeast of A38 near a petrol filling station. The site comprises a number of buildings, which are set back from A38.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
The Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design

South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies
T12 Transportation
- 2.3 Supplementary Planning Guidance
Shopfronts and Advertisements (Adopted) April 2012

3. RELEVANT PLANNING HISTORY

The site has been subject to a number of planning history in the past and the following are the most relevant to the determination of this application.

- 3.1 PT05/0686/ADV Retention of existing 1 no. non-illuminated directional sign. Approved 11.05.05
- 3.2 P98/2765/A Display of 1 non-illuminated sign on front elevation of building measuring 5.2 metres in length and 1.2 metres in depth. Approved 05.02.99
- 3.3 P98/1588/A Display of two signs, one illuminated, on front elevation of building and one non-illuminated sign on front boundary fence. Refused 09.06.98
- 3.4 N327/2/ADV Display of a non-illuminated sign 1.83m. x 1.38m. (4ft. x 4ft. 6ins.) to read Toyota Forklift and motif in red and black on a white background. Refused 20.10.83

- 3.5 N327/ADV Display of internally illuminated sign approximately 1.4m. x 1.2m. (4ft. 6ins. x 4ft.) with the top of the sign 6.1m. (20ft.) above ground level to read TOYOTA FORKLIFT and motif in red and black on a white background. Refused 10.02.83

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
No objection
- 4.2 Sustainable Transport
No objection

Other Representations

- 4.3 Local Residents
One letter from a local resident has been received and the following comments are raised:

The previous tenant applied for a sign back in 2005 which was granted with a specific size and distance from the ground. The current tenants new of this application, the sign they have erected is bigger than the one in the planning application.

I have no objection to a sign indicating the business site but cannot understand the logic of allowing someone to obtain retrospective planning when rules have already been established.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks advertisement consent for the display of a number of non-illuminated signs on an existing building, closed board boundary fence and near the entrance of the site.
- 5.2 Principle of Development
Guidance within the National Planning Policy Framework states that advertisements should only be controlled in the interests of amenity, public safety and cumulative impact. Design and design quality is assessed in terms of visual amenity and cumulative impact using policy CS1 of the Core Strategy. Public safety is assessed using policy T12 of the Local Plan to ensure that the signage is not detrimental to highway safety or presents a traffic hazard.
- 5.3 Design and Amenity
The proposed signs are very simple in design, white text on blue background. They are all non-illuminated. The free-standing would be approximately 1.2 metres by 2.44 metres each face and would be installed at 1.4 metres above the ground level. The sign on the boundary fence would be approximately 1.9 metres by 1.5 metres and the sign on the building would be approximately 5.5 metres by 0.5 metres.

It is considered that the materials, size and general appearance of the signs are acceptable would not cause significant harm to the character and appearance of the area.

5.4 Public Safety

The Highway Officer has considered the proposed signs with respect to the highway public safety. There are no objections to the proposed signs on the boundary fence and the existing building.

The block plan indicates an approximate location for the sign near the entrance and the submitted photographs are unclear to show how far back the sign is. In order to safeguard the public highway safety, a planning condition is imposed to ensure the sign near the entrance will be relocated to a location a minimum 2.4 metres from the carriageway edge.

5.5 Cumulative Impact

Although it is proposed to display 3 no. non-illuminated signs within the site, given that the proposed signs are considered to be of a reasonable scale, acceptable within its setting, it is considered that the proposal would not result in a harmful cumulative impact of signage in that location.

6. RECOMMENDATION

6.1 That advertisement consent is GRANTED subject to the following condition.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. The proposed free-standing sign shall be relocated and displayed at a location where a minimum of 2.4 metres distance back from the edge of the nearby carriageway A38 within seven days of the grant of this planning permission.

Reason

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

CIRCULATED SCHEDULE NO. 21/14 – 22 MAY 2014

App No.: PT14/0900/F
Site: Land Adjoining 1 And 2 Green Lane
 Milbury Heath Wotton Under Edge
 South Gloucestershire GL12 8QW

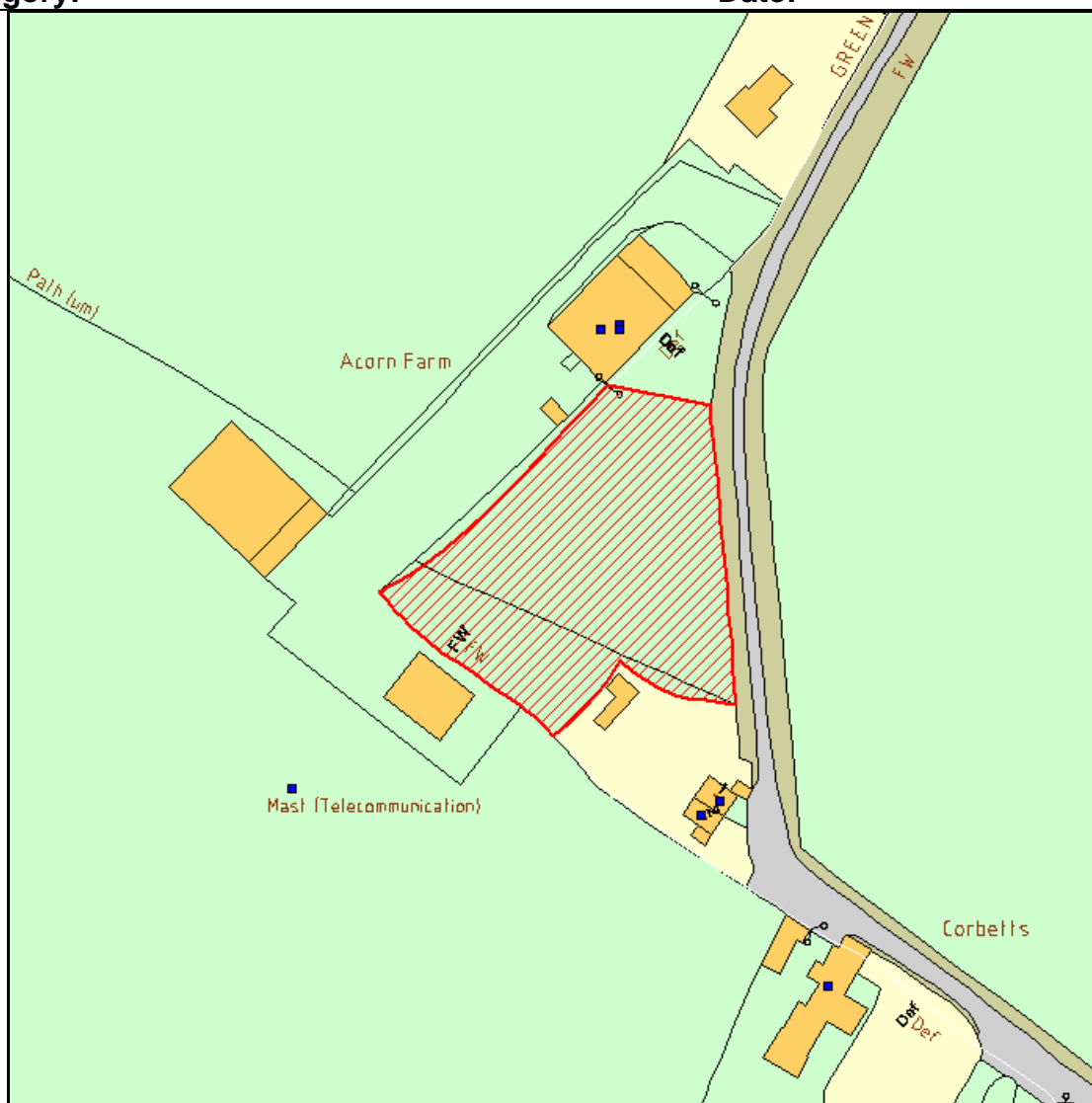
Applicant: Mr K Berkely
Date Reg: 24th March 2014

Proposal: Construction of earth bund
 (Retrospective) with associated
 landscaping.

Parish: Thornbury Town
 Council

Map Ref: 366697 189600
Application Category: Minor

Ward: Thornbury North
Target Date: 14th May 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is appearing on circulated schedule because the Council have received a comment contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application is for retrospective permission to retain an engineering operation comprising an earth bund up to 2.5m in height, with associated landscaping.
- 1.2 The bund is located in the open countryside on the boundary of an agricultural field, and screens the adjacent industrial buildings and fencing. A Public Right of Way runs to the side and rear of the bund.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

L1 Landscape Protection and Enhancement
LC12 Recreational Routes

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS9 Managing the Environment and Heritage

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council

No objection

- 4.2 Other Consultees

Environment Agency: no objection; also confirmed that waste exemption has been granted.

Environmental Protection: no objection; no evidence that the material analysed is from the bund. Material should be inert topsoil/subsoil

Public Rights of Way: no objection

Highways/Transportation: no objection

Highway drainage: no objection; request informative regarding drainage

Other Representations

4.3 Local Residents

None

4.4 Tytherington Parish Council (adjacent Parish)

Objection: not credible that the material is topsoil. Bund appears to constitute unauthorised and illegal waste tipping, and should be removed and the land reinstated if so.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The main relevant development plan policies relate to design (policy CS1) and the protection of the landscape and environment (policies L1, CS9). So long as the development is in accordance with these development plan policies then permission should be granted, unless material considerations indicate otherwise.

5.2 Landscape/Visual Amenity

Policy L1 requires that the character, distinctiveness, quality and amenity of the landscape should be conserved and where possible enhanced. Policy CS1 requires that the general design and form of development respects and enhances the character, distinctiveness and amenity of the site and its context.

The Council's Landscape Architect has assessed the development and considers that the bund is fairly well graded, is not highly visible within the surrounding landscape and as an enhancement helps to screen the industrial/commercial site and buildings beyond.

It was noted by the Landscape Architect that the present planting on the bund is ornamental and inappropriate, and should be replaced. The applicant has subsequently provided a revised landscaping scheme with a five year management schedule, which is considered acceptable and will further enhance the landscape.

Consequently, subject to the implementation of the revised landscape planting (which will be required by condition), the development is considered to respect the site and its context in both design and landscape terms, and therefore to comply with policies L1 and CS1.

5.3 The material and the Environment

Policy CS9 relates to the management of the environment and heritage, and requires that new development conserves and enhances the natural environment.

Concern has been raised by a neighbouring Parish over the nature of the material from which the bund has been constructed. Soil analysis data was provided with the application which was examined by an Environmental Health officer and found to be acceptable in principle as inert top soil, but there was nothing linking this material to the bund itself.

However, the Environment Agency has confirmed that they have no objection to the development as built, and that a waste exemption was granted for the imported inert material. Consequently the importation of the material does not constitute unauthorised or illegal waste tipping. The applicant has further provided the delivery dockets - all of which were topsoil - for all the lorry loads of material delivered to the site. The Council therefore has no reason to believe that the bund is constructed from anything other than inert material.

It is therefore considered that the construction of the bund does not lead to any pollution or harm to the environment, and therefore accords with policy CS9.

5.4 The Public Right of Way (PROW)

The bund has been modified from its initially built form to take account of the adjacent PROW. The bund no longer obstructs or unacceptably impacts the use of the PROW, and the Council's PROW team have no further objection to it. The development is therefore considered to accord with policy LC12.

5.5 Other considerations

No other relevant considerations have been raised, and the relevant development plan policies are considered to be in accordance with national planning policy as set out in the National Planning Policy Framework (NPPF).

6. **CONCLUSION**

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission be **granted** subject to the following conditions:

Contact Officer: Neil Howat
Tel. No. 01454 863548

CONDITIONS

1. All hard and soft landscape works shall be carried out in accordance with the approved plan GL 0-01. The works shall be carried out in full during the first planting season following the grant of permission.

The landscaping shall be maintained for the first five years after implementation in accordance with the 5 Year Management Schedule as set out on the approved plan GL 0-01.

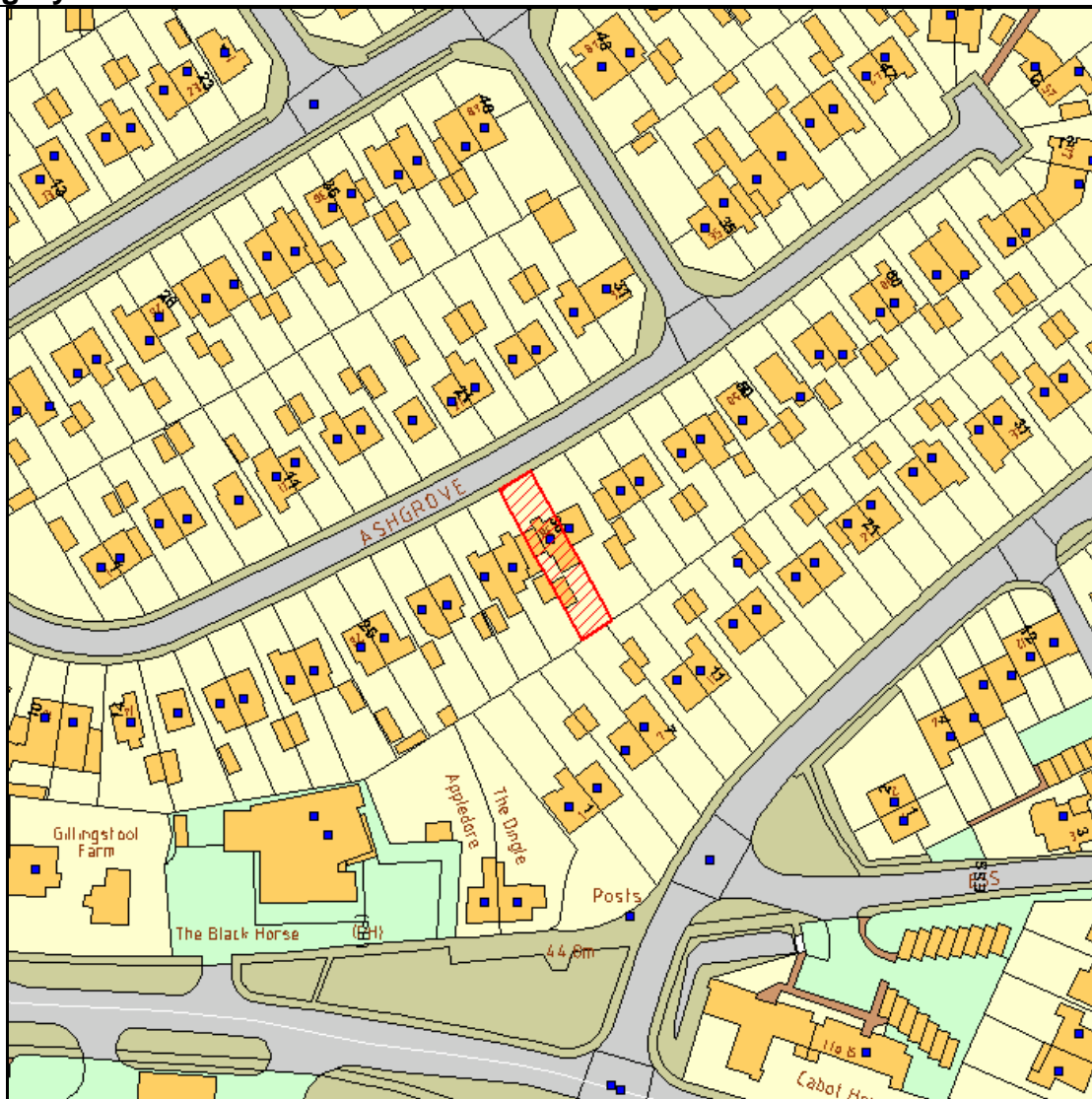
Reason

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

CIRCULATED SCHEDULE NO. 21/14 – 22 MAY 2014

App No.: PT14/0939/F
Site: 38 Ashgrove Thornbury Bristol South Gloucestershire BS35 2LJ
Proposal: Demolition of existing carport and erection of two storey side and single storey side and rear extension to provide additional living accommodation
Map Ref: 364376 190034
Application Category: Householder

Applicant: Mrs Jill Sewley
Date Reg: 20th March 2014
Parish: Thornbury Town Council
Ward: Thornbury North
Target Date: 14th May 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is reported on Circulated Schedule as a result of comments from a neighbour.

1. THE PROPOSAL

1.1 This application seeks consent to erect a two storey side extension to this dormer bungalow property. Added to the rear would also be a single storey extension to match in depth one already in place. The proposal would create a fourth bedroom and a shower room upstairs, a garage space and additional living accommodation.

1.2 The property is located in the urban area of Thornbury.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

H4 Development within Existing Residential Curtilages, including extensions and new dwellings

South Gloucestershire Local Plan Core Strategy adopted December 2013.

CS1 High Quality Design
CS5 Location of Development
CS32 Thornbury

Supplementary Planning Guidance

South Gloucestershire Council Residential Parking Standards SPD adopted December 2013.

3. RELEVANT PLANNING HISTORY

3.1 PT07/2725/F Erection of pitched roof over existing flat roofed rear extension
APPROVED 26.10.2007

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council
No objection

4.2 Highway Drainage
No objection

Other Representations

4.3 Local Residents

One comment was received from 36 Ashgrove, the non adjoined neighbour stating that “it is noticed from the plans that the existing car port will be demolished. I would point out that this car port and my car port have a communal wall and fencing sharing a communal guttering. In addition what is the position re the erecting of scaffolding on my property? Will it be for a specific length of time? Hopefully these matters will be resolved amicably with the applicant.”

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. There is therefore a presumption in favour of development subject to further consideration in relation to the policies of the development plan.

In assessing applications for residential extensions, planning policy H4 of the adopted Local Plan and CS1 of the Core Strategy are particularly relevant. Policy H4 specifically relates to residential development, including extensions, and considers issues such as design, residential amenity and highway safety. CS1 seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.

5.2 Design

This proposal extends the house sideways at two storey level, adding an appropriately sized second window to the front and rear elevations. The proposal is to be finished in matching materials which is appropriate. The extension would be approximately 10cm off the boundary at the front but as the plot appears to widen toward the rear of the house the rear of the single storey would be approximately 40cm of the drawn party boundary. This does not affect the streetscene. The proposal makes negligible impact on the private rear garden area and does not affect the required parking at the site as no additional parking is required for a four bedroomed house. The design is considered acceptable subject to a matching material condition.

5.3 Residential amenity

The proposed extension is close to the non-adjoined neighbouring house and requires the applicants own carport to be removed. This carport shares common party walling/guttering with the neighbours carport. That neighbour does not object but raises queries about his own car port as it has this communal wall, fencing and guttering with the carport being taken down. The plans show that the proposal is located marginally off the boundary, wholly within the applicants site, potentially leaving the existing carport standing. He also asks what the position is in relation to the erection of scaffolding on his

property and whether there is asset length of time for this. These matters are civil matters for agreement or otherwise between the writer and the owner of the site. It is not appropriate for these issues to influence the decision of a planning application but informatives advising that this permission shall not be construed as granting rights to carry out works on, or over, land not within the ownership, or control, of the applicant and that the developer must obtain the prior written consent of the owner and occupier of any land upon which it is necessary for the developer to enter in order to construct, externally finish, decorate or in any other way carry out any works in connection with this development including future repairs/maintenance, or to obtain support from adjoining property. This permission would not authorise the developer to take such action without first obtaining this consent. The developer's attention is also drawn to the Access of Neighbouring Land Act 1992 and Party Wall Act 1996. The agent has advised "that the design has been considered to allow the retention of the neighbours car port". The details of this and any access which may or may not be agreed are for discussion between the neighbours.

Aside from these civil matters the proposed extension to this dormer bungalow is not considered to be overbearing on the neighbour, given that the side of their property is already enclosed by a car port and a garage is located at the rear of the house. Further there are no side facing windows and as such there is no direct overlooking into neighbouring houses. Overall therefore the proposal is not considered to materially harm the residential amenity of the neighbouring occupiers.

Given the close proximity of the neighbour a working hours condition would be necessary in addition to the two informatives detailed above.

5.4 Transportation

There is no impact on transportation or parking requirements as two parking spaces are already provided at the site and no increase is required by the Residential Parking Standards as a result of the new bedroom.

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 and the Core Strategy set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is granted subject to the conditions set out below and the informatives detailed above.

Contact Officer: Karen Hayes

Tel. No.

01454 863472

CONDITIONS

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

Reason

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

2. The bricks and tiles to be used in the external surfaces of the extension hereby permitted shall match those used on the existing building.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS1 of the South Gloucestershire Local Plan:Core Strategy (Adopted) December 2013.

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted 2013.

CIRCULATED SCHEDULE NO. 21/14 – 22 MAY 2014

App No.:	PT14/1231/CLP	Applicant:	Mr G Williams
Site:	Vellow Thornbury Road Rockhampton Berkeley South Gloucestershire GL13 9DY	Date Reg:	9th April 2014
Proposal:	Certificate of lawfulness for the proposed installation of rear dormer window and enlargement of existing side window to ancillary building	Parish:	Rockhampton Parish Council
Map Ref:	364931 193271	Ward:	Severn
Application Category:	Minor	Target Date:	30th May 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the installation of a rear dormer window and the enlargement of an existing side window to an ancillary building within the curtilage of Vellow on Thornbury Road would be lawful.
- 1.2 This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 1.3 Additional detail regarding materials and a clearer floor plan was provided by means of an email from the agent received on 14th May 2014. A re-consultation was deemed unnecessary due to the fact that the proposal did not change.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 P98/2553 - Conversion of outbuilding to ancillary living accommodation.
Erection of single storey link extension to main dwelling.
Approved – 21/12/1998

4. CONSULTATION RESPONSES

- 4.1 Rockhampton Parish Council
No comments received.
- 4.2 Other Consultees

Highway Drainage
No comment.

Councillor
No comments received.

Other Representations

- 4.3 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Existing and Proposed Ground Floor Plan (drawing no. 14-03-01); Existing and Proposed First Floor Plan (drawing no. 14-03-02); Existing Elevations (drawing no 14-03-03); Proposed Elevations (drawing no 14-03-04). All received on 31st March 2014.
- 5.2 Email from the agent clarifying details received on 14th May 2014.

6. ANALYSIS OF PROPOSAL

- 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 permission. 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. If the evidence submitted demonstrates that the proposed development is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming this.
- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B for the dormer window (the enlargement of a dwellinghouse consisting of an addition or alteration to it's roof) and Class A for the window on the side elevation (the enlargement, improvement or other alteration of a dwellinghouse).
- 6.3 Class B allows for dormer windows, subject to the following criteria:

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

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

The highest part of the proposed dormer window would, at it's highest point, be the same height as the existing roofline. Therefore, the development meets this criterion.

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

For the purpose of this application, it is considered that the principle elevation of the property to which this ancillary building is joined to is the elevation facing onto Rockhampton Hill. This is not only because the principle elevation usually faces onto a highway, but also because the door on that elevation has the appearance of a front door, with a pitched roof porch over it. Accordingly, the same elevation of the ancillary building to be altered by this proposal will be considered the principle elevation. The principle elevation is left unaltered by either of the proposals indicated on this application and therefore the proposal meets this criterion.

- (c) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-**
(i) 40 cubic metres in the case of a terrace house, or
(ii) 50 cubic metres in any other case;

The house is a detached property, and the volume of the dormer window does not exceed 50 cubic metres.

- (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 proposal does not include any of the above.

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

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

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

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

The agent has confirmed by email that the materials will be of similar appearance to the existing dwellinghouse, and therefore the proposal meets this criterion.

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

The eaves of the original roof of the ancillary building are 1m from the edge of the enlargement which is closest. The proposal therefore meets this criterion.

- (c) Any upper-floor window inserted on a wall or roof slope forming the side elevation of a dwellinghouse shall be-**

- (i) Obscure glazed; and**

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

Following a request from the officer for further information, the agent advised that the large window on the side elevation did not serve the upper floor because the mezzanine upper floor area, from which you would be able to see out of the upper part of the window, is set back 3.3 metres from the elevation the window is to be installed in. However, because of the wording of the condition above, it has been considered that whilst it does not serve an upper floor room directly, the window itself spans both the ground floor and upper floor, and is therefore a ground floor and upper floor window. The agent did not wish to change the upper part of the window, to

obscure glazed, and therefore the window does not meet criterion (c)(i). Insufficient information was provided to determine whether the window on the side elevation is non opening.

6.4 Class A allows for alterations to dwellinghouses subject to the following criteria:

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

- (a) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**
The proposal does not reduce the amount of curtilage of the dwellinghouse, and therefore does not exceed 50% of it.
- (b) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**
The dormer window is, at it's highest part, the same height as the highest part of the existing roof.
- (c) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**
The proposal does not include an extension with eaves, and therefore they do not exceed the height of the eaves of the existing dwellinghouse.
- (d) The enlarged part of the dwellinghouse would extend beyond a wall which—**
 - (i) fronts a highway, and**
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;**
The dormer window does not extend beyond the rear wall.
- (e) The enlarged part of the dwellinghouse would have a single storey and—**
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**
The enlarged part of the dwellinghouse does not extend beyond the rear wall or exceed 4 metres in height. The proposal therefore meets this criterion.
- (f) The enlarged part of the dwellinghouse would have more than one storey:**
The enlarged part of the dwellinghouse does not have more than one storey.

- (g) **The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**
The enlarged part of the dwellinghouse is not within 2 metres of the boundary.
- (h) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would-**
(i) exceed four metres in height
(ii) have more than one storey, or
(iii) have a width greater than half the width of the original dwellinghouse
None of the above apply, and the proposal therefore meets this criterion.
- (i) **It would consist of or include-**
(i) the construction or provision of a veranda, balcony or raised platform
(ii) the installation, alteration or replacement of a microwave antenna
(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
(iv) an alteration to any part of the roof of the dwellinghouse
The proposal does not include any of the above, except for an alteration to the roof to form a dormer window, which is allowed under Class B.

Development is permitted by Class A subject to the following conditions –

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

The agent has confirmed by email that the materials will be of similar appearance to the existing dwellinghouse, and therefore the proposal meets this criterion.

- (b) Any upper-floor window inserted on a wall or roof slope forming the side elevation of a dwellinghouse shall be-**

- (i) Obscure glazed; and**
(ii) Non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Following a request from the officer for further information, the agent advised that the large window on the side elevation did not serve the upper floor because the mezzanine upper floor area, from which you would be able to see out of the upper part of the window, is set back 3.3 metres from the elevation the window is to be installed in. However, because of the wording of the condition above, it has been considered that whilst it does not serve an upper floor room directly, the window itself spans both the ground floor and upper floor, and is therefore a ground floor and upper floor window. The agent did not wish to change the upper part of the window, to

obscure glazed, and therefore the window does not meet criterion (c)(i). Insufficient information was provided to determine whether the window on the side elevation is non opening.

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

The enlarged part does not have more than one storey, and the proposal therefore meets this criterion.

7. RECOMMENDATION

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

The enlarged window on the side elevation of the dwelling spans both the upper and ground floor, and the upper part is not obscure glazed, and therefore fails to meet A.3(b)(i) of Part 1 (Class A) and B.2(c)(i) of Part 1 (Class B) of the GPDO (As Amended) 1995. Additionally, insufficient evidence has been provided to demonstrate that the development meets criterion A.3.(b)(ii) or B.2(c)(ii) of Part 1 of the GPDO (As Amended) 1995.

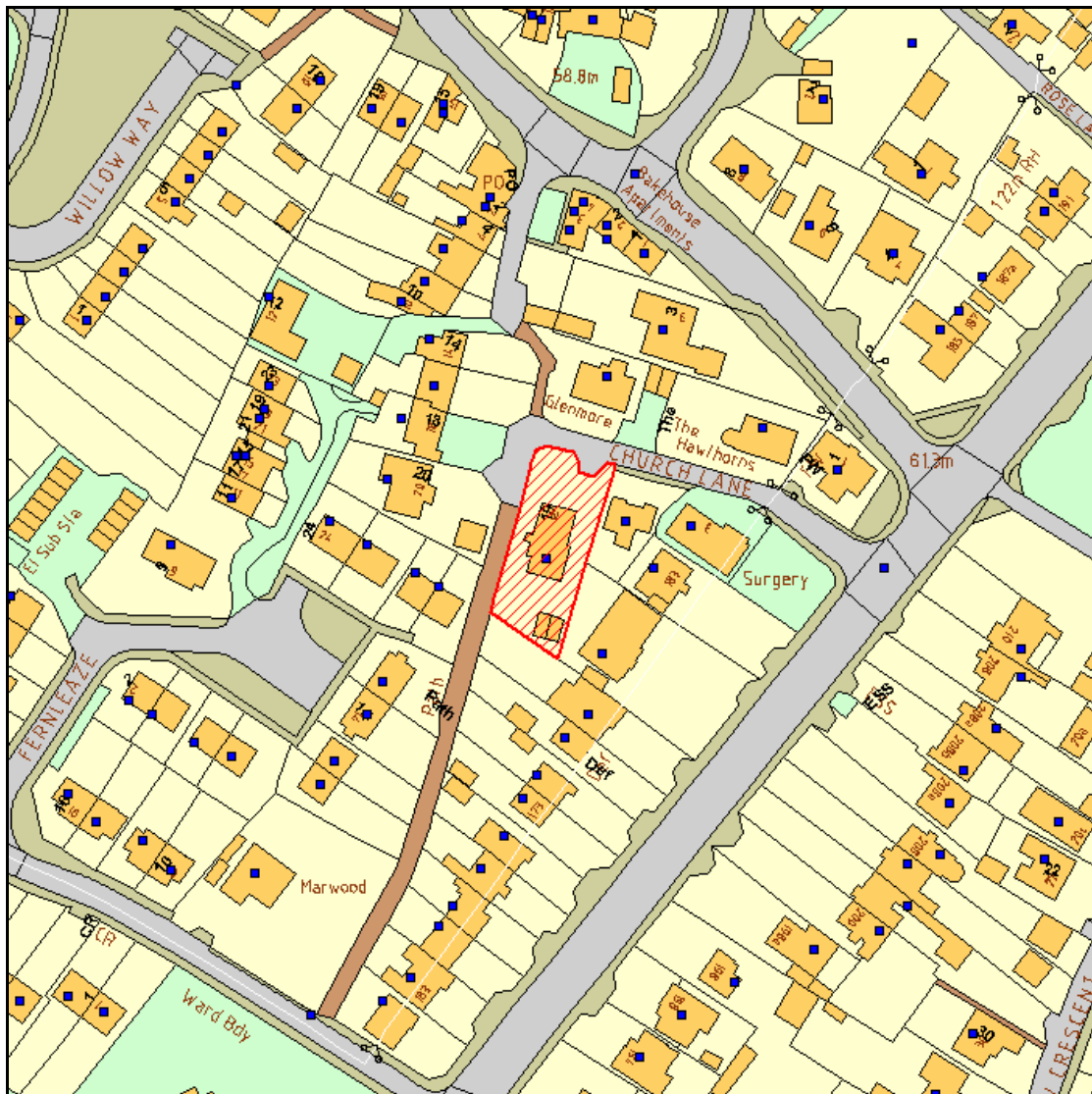
Contact Officer: Trudy Gallagher
Tel. No.

REASONS FOR REFUSAL

1. The enlarged window on the side elevation of the dwelling spans both the upper and ground floor, and the upper part is not obscure glazed, and therefore fails to meet A.3(b)(i) of Part 1 (Class A) and B.2(c)(i) of Part 1 (Class B) of the GPDO (As Amended) 1995. Additionally, insufficient evidence has been provided to demonstrate that the development meets criterion A.3.(b)(ii) or B.2(c)(ii) of Part 1 of the GPDO (As Amended) 1995.

CIRCULATED SCHEDULE NO. 21/14 – 22 MAY 2014

App No.:	PT14/1387/F	Applicant:	Mr Adam Rowland
Site:	19 Church Lane Coalpit Heath Bristol South Gloucestershire BS36 2SR	Date Reg:	17th April 2014
Proposal:	Raising of roofline to facilitate the erection of a first floor level to create additional living accommodation	Parish:	Frampton Cotterell Parish Council
Map Ref:	367457 180885	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	5th June 2014



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 100023410, 2008. **N.T.S.** **PT14/1387/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as the Parish Council and two neighbours have objected to the proposed development.

Revised plans have been provided by the applicant in response to the concerns of the case officer. The revised plans are considered likely to overcome one of the objections from a neighbour; however, the revision does not address the objection from the Parish Council or other neighbour. Therefore, the application is referred to the circulated schedule for determination without re-consultation in the interests of customer service and providing a timely decision as it is unlikely that the objections would be withdrawn.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to raise the roofline on an existing detached bungalow to facilitate the erection of a first floor. The site is a detached c.1970s bungalow on Church Lane in Coalpit Heath. The building is orientated with the gable end towards the street with the structure running lengthways down the plot.
- 1.2 As originally proposed, bedroom 4 was positioned so that the windows were on the east elevation. This elevation is closest to the adjacent property and it was considered that these windows would lead to a loss in privacy. Amended plans have been received that swap bedroom 4 with the bathroom so that the bedroom now faces out the west elevation, over Church Lane. The east elevation now contains the bathroom.
- 1.3 The proposed extension has been designed to keep the mass of the enlarged dwelling as low as possible. The eaves height would increase from 2.9 metres to 4.5 metres and the ridge height would increase from 4.8 metres to 7.5 metres. As a result, the extension would create a 1½ storey dwelling.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

- T12 Transportation
- H4 Development within Existing Residential Curtilages
- LC12 Recreational Routes

- 2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Residential Parking Standard (Adopted) December 2013
- (c) Frampton Cotterell and Coalpit Heath Village Design Statement

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: Request the site be inspected to assess the impact on visual amenity and overshadowing of neighbours.

4.2 Drainage

No comment

4.3 Public Rights of Way

No objection

Other Representations

4.4 Local Residents

Two letters has been received from nearby occupiers. These comments can be summarised as follows –

- Affects light
- Affects outlook
- Height of building should not be increased
- Lead to a loss of privacy
- Windows of bedroom 4 overlook garden

The issue relating to overlooking from the position of bedroom 4 is address through the revised plans submitted. It is on these revised plans that the application will be determined.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for development to create a first floor at an existing dwelling in Coalpit Heath.

5.2 Principle of Development

Extensions and alterations to existing dwellings are broadly supported by policy H4 of the Local Plan subject to an assessment of design, amenity and transport. Therefore the proposed development is acceptable in principle but subject to the analysis set out below.

Design

Design is an important consideration in determining this application. To accord with policy H4, the design must respect the massing, scale, proportions,

- materials and overall design and character of the existing property and the character of the street scene and surrounding area.
- 5.3 The existing property is a detached c.1970s bungalow. This area of Coalpit Heath has a mix of architectural styles and house types. To the east of the application site is a c.1980s chalet style bungalow with front dormer windows and which is two-stories to the rear; to the west is the hammer head of Church Lane beyond which run a terrace of stone built c.19th century cottages and a large modern detached brick built house. Opposite the application site sits a detached c.1970s bungalow which, opposed to the application site, sits parallel to the street. The street scene is therefore eclectic with different housing types, styles, heights, ages and materials. It is not considered that there is a definitive character to the street scene to which development must abide.
- 5.4 Within a varied street scene there are buildings of different mass and proportions. The proposed extensions would not depart away from the mass and proportions of existing buildings in the locality and would be acceptable within the context of the site.
- 5.5 The design of the extension has taken into account the existing massing and proportions of the building and has, where possible, kept eaves heights and ridge heights low. The materials proposed would match those materials used in the existing dwelling whilst adding elements of architectural detailing such as the ashlar stone quoins.
- 5.6 Overall it is considered that the proposed alterations are not damaging to visual amenity and that an acceptable standard of design which respects the overall design and character of the locality has been reached.
- 5.7 Amenity
Residential amenity should not be prejudicially affected as a result of development. The case officer raised concerns regarding the impact of the first floor windows in the east elevation on the adjacent property with the agent. Revised floor plans have been received that relocate the proposed fourth bedroom to the west elevation, switching it with the bathroom. The bathroom would have obscure glazed windows and would not count as 'principal' living accommodation. The revised plans are not considered to lead to a prejudicial impact on the residential amenity of the property to the east.
- 5.8 Concerns have been raised by the neighbour to the southeast of the application site (no.181 Badminton Road) about the impact on outlook, light and privacy. Between the application site and the neighbouring property stands between 12 and 16 metres and the properties are set at a 70° angle to one another.
- 5.9 Taking a 45° angle from the corner of no.19 and projecting this to the rear wall of no.181, only approximately the end 6 metres of the latter would be visible from the rear elevation of the extended bungalow. This is only a basic measurement; it does not take into account the window positions on the rear elevation of the proposed extension. Should these be taken into account, the distance subject to any overlooking would be lessened even further as the measurement would be taken from the centre of the proposed window (not the

corner of the building as done here). It is therefore not considered that there would be a prejudicial loss of privacy to the occupier of no.181.

5.10 With regard to light and outlook, the application site is located to the northwest of no.181. It is not considered that the extension would lead to a prejudicial loss of light as the orientation of the development would have little impact on the path of the sun during the day. Furthermore it is considered that the relationship between the two dwellings would not be out of the ordinary within a village and therefore the development would not prejudice outlook.

5.11 It is not considered that the development would have a prejudicial impact on the amenity of any nearby occupier.

5.12 Transport

For householder extensions, considerations regarding transport relate to the provision of adequate off-street parking. The resulting property would benefit from four bedrooms. Under the Residential Parking Standard, a four bedroom property must provide two off-street parking spaces.

5.13 The property currently benefits from a long side driveway leading to a detached garage. The driveway is capable of providing off-street parking in excess of the required two minimum spaces. It is therefore considered that adequate parking is provided and the development accords with the relevant transport considerations.

6. CONCLUSION

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

6.2 The proposed extension has been assessed against the policies listed above. The design is considered to be appropriate and would not have a prejudicial impact on residential amenity; adequate parking is provided to meet the needs arising from the development.

6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 It is recommended that planning permission be GRANTED 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).