



**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. 17/14

Date to Members: 25/04/14

Member's Deadline: 01/05/14 (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 Easter and Early May Bank Holiday Period 2014**

Schedule Number	Date to Members 9am on	Members Deadline 5pm on
15/14	Thursday 10 April 2014	Wednesday 16 April 2014
16/14	Wednesday 16 April 2014	Thursday 24 April 2014
17/14	Friday 25 April 2014	Thursday 01 May 2014
18/14	Friday 02 May 2014	Friday 09 May 2014

Above are details of the schedules that will be affected by date changes due to Easter and Early May Bank Holiday.

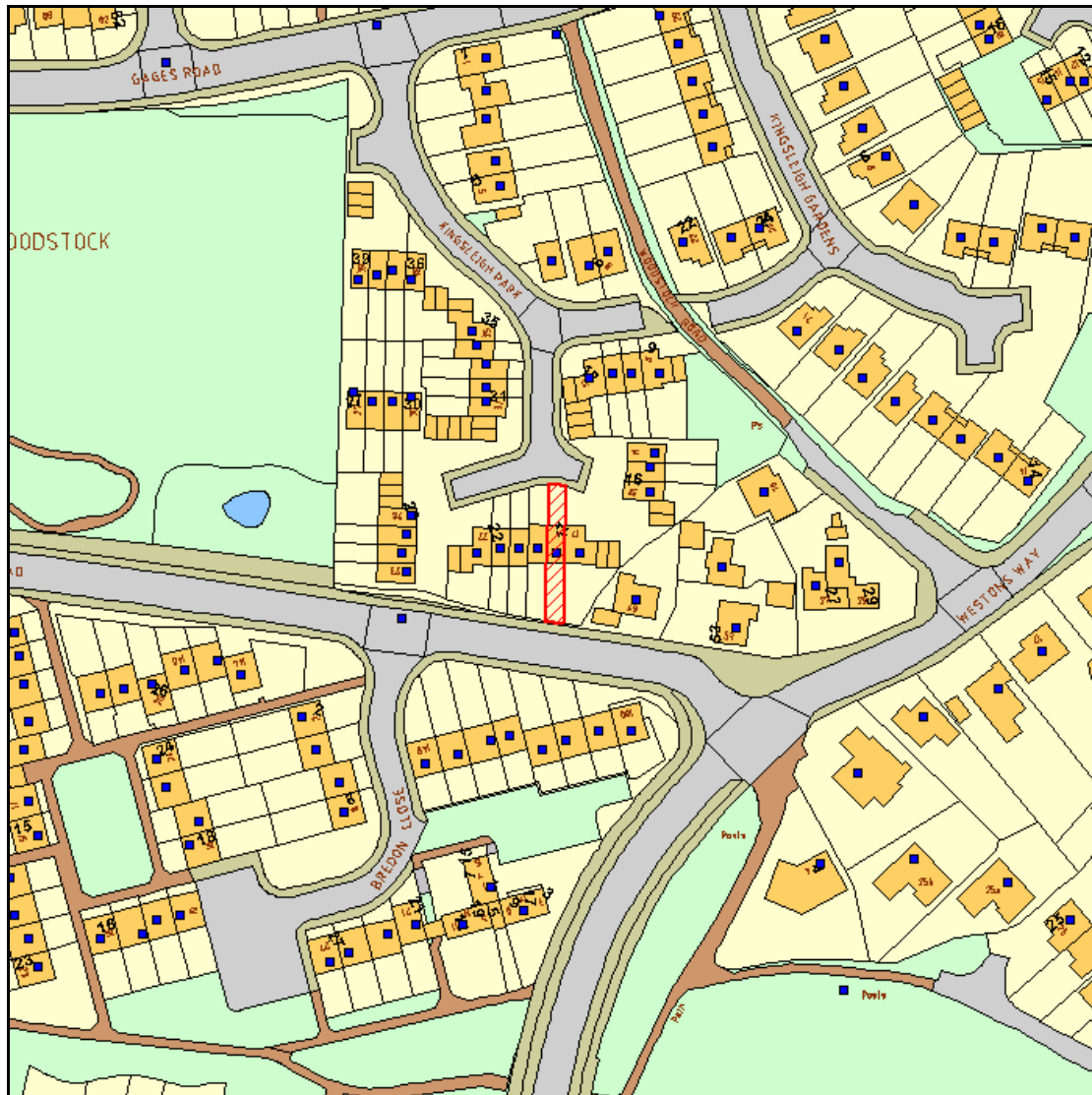
Although Schedule No: 17 will be published as usual on a Friday I have included it here for clarity as Easter is so close to May Bank Holiday

CIRCULATED SCHEDULE – 25 APRIL 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK14/0803/F	Approve with Conditions	18 Kingsleigh Park Kingswood South Gloucestershire BS15 9PJ	Woodstock	None
2	PK14/0842/F	Approve with Conditions	24B Honey Hill Road Kingswood South Gloucestershire BS15 4HJ	Kings Chase	None
3	PK14/0932/TRE	Approve with Conditions	10 Ludlow Court Willsbridge Bristol South Gloucestershire	Bitton	Oldland Parish Council
4	PK14/1023/CLP	Approve with Conditions	9 Portland Place Staple Hill South Gloucestershire	Staple Hill	None
5	PK14/1034/CLP	Approve with Conditions	10 Forest Walk Kingswood South Gloucestershire BS15 8DF	Woodstock	None
6	PK14/1042/CLP	Approve with Conditions	14 Balmoral Court Mangotsfield South Gloucestershire BS16 9DA	Rodway	None
7	PT12/2800/CLE	Refusal	Hambrook Business Park The Stream Hambrook South Gloucestershire BS16 1RQ	Winterbourne	Winterbourne Parish Council
8	PT13/0956/F	Approve with Conditions	Land At Manor Farm Awkley Lane Tockington South Gloucestershire BS32 4LP	Severn	Olveston Parish Council
9	PT14/0392/CLP	Approve with Conditions	660 Southmead Road Filton South Gloucestershire	Filton	Filton Town Council
10	PT14/0582/F	Approve with Conditions	1 Avon Road Charfield Wotton Under Edge South Gloucestershire GL12 8TT	Charfield	Charfield Parish Council
11	PT14/0870/F	Approve with Conditions	15 Florence Park Almondsbury South Gloucestershire BS32 4HE	Almondsbury	Almondsbury Parish Council

CIRCULATED SCHEDULE NO. 17/14 – 25 APRIL 2014

App No.:	PK14/0803/F	Applicant:	Miss Kylie Dodge
Site:	18 Kingsleigh Park Kingswood Bristol South Gloucestershire BS15 9PJ	Date Reg:	14th March 2014
Proposal:	Installation of rear dormer window to facilitate loft conversion	Parish:	None
Map Ref:	365792 173174	Ward:	Woodstock
Application Category:	Householder	Target Date:	6th May 2014



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N.T.S.

PK14/0803/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application is for the installation of a rear dormer window to facilitate a loft conversion. The dormer would measure approximately 3.8 metres in width, 2.5 metres in height to a maximum depth of 3 metres from the apex of the roof.
- 1.2 The property is a mid terraced dwelling. The site is located within the residential area of Kingswood.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Parking Standards
T12 Transportation Development Control Policy for New Development
- South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
Residential Parking Standards SPD (December 2013)

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Parish Council
Un-parished area

Drainage
No comments

Other Representations

- 4.2 Local Residents
Two letters of objection have been received. These are summarised below:
- The property in question is a mid terrace and the proposals to change the second floor rear elevation windows will be out of keeping with the character of the neighbouring properties.
 - The proposed dormer window extension into the loft space will have an overbearing impact on the adjoining properties not to mention additional noise and nuisance to the adjoining properties.

- The proposed new windows to the second floor of the building along with the loft conversion will have an adverse affect on loss of privacy to properties on either side.
- it would appear that the property has already installed an additional window in the front elevation without reference to neighbouring properties and it is not known whether planning permission was sought and it clearly changes the design and appearance of the rank of properties
- not in keeping with the rest of the local properties
- this large build would clearly overlook and dominate surrounding properties and be a invasion of privacy.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals for residential extensions should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. Policies T12 and T8 seek to ensure satisfactory parking provision.

- 5.2 Under Class B of the General Permitted Development Order (as amended) the dormer is likely to have been considered permitted development, however, condition B.2 of that class, states that in order to benefit from permitted development rights, the materials used in any exterior work should be of similar appearance to those of the existing dwellinghouse. The materials proposed are considered to be of a different nature and subsequently a planning application was therefore required for consideration.

Design / Visual Amenity

- 5.3 The application property consists of a relatively modern terraced dwelling. There are no existing rear dormers in the terrace, however this in its own right does not make the proposals unacceptable, as each application should be judged on its own individual merits. Dormers facilitating loft conversions are a common form of development to increase living accommodation, particularly on terraced dwellings where other forms of first or second floor development cannot often otherwise be reasonably accommodated. As suggested above the reason that the dormer is not permitted development, not requiring planning permission, is as a result of part B2 (a) of the GDPO on the basis that different materials are being used. This again in its own right does not make the proposals unacceptable. The main issue here therefore is whether the materials proposed in the development are acceptable. The dwelling itself is constructed in red brick and double roman pantiles The proposed rear dormer would be constructed out of natural wood cladding boards, white UPVC framed windows and felt covering. It is not considered that the proposals would have a significant or overriding bearing upon the existing site or the streetscene such to warrant a refusal of the application. It is therefore considered in this instance that the proposals are of an acceptable standard in design and would not significantly or materially detract from the existing streetscene.

5.4 Residential Amenity

The windows of the proposed dormer would be rear facing towards the rear curtilage of the property, as are all the windows along the terrace at ground and first floor level. It is not considered that the addition of rear facing windows in the dormer at roof level, would give rise to significant additional overlooking issues over and above the existing situation. Further to this it is not considered that such a dormer at roof level would have

a significant or overbearing impact upon the amenities of adjacent properties.

5.5 The changes to the first windows, essentially reducing the width of the single window and creating two smaller adjacent windows does not require planning permission and is not therefore the subject of consideration of this application. Similarly any referenced changes in windows to the front elevation are not the subject or consideration of this application.

5.6 Highways/Parking

It is not considered that the proposals would impact upon the parking provision for the dwelling.

6. CONCLUSION

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

6.2 The proposed development is of an acceptable size and standard in design and is acceptable within the context of the main dwelling house and surrounding properties. Furthermore the proposals would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Sufficient parking provisions would exist. As such the proposals accord with Policies H4, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

7. RECOMMENDATION

7.1 That planning permission is granted.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 08.00 - 18.00 on Mondays to Fridays and 08.00 - 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

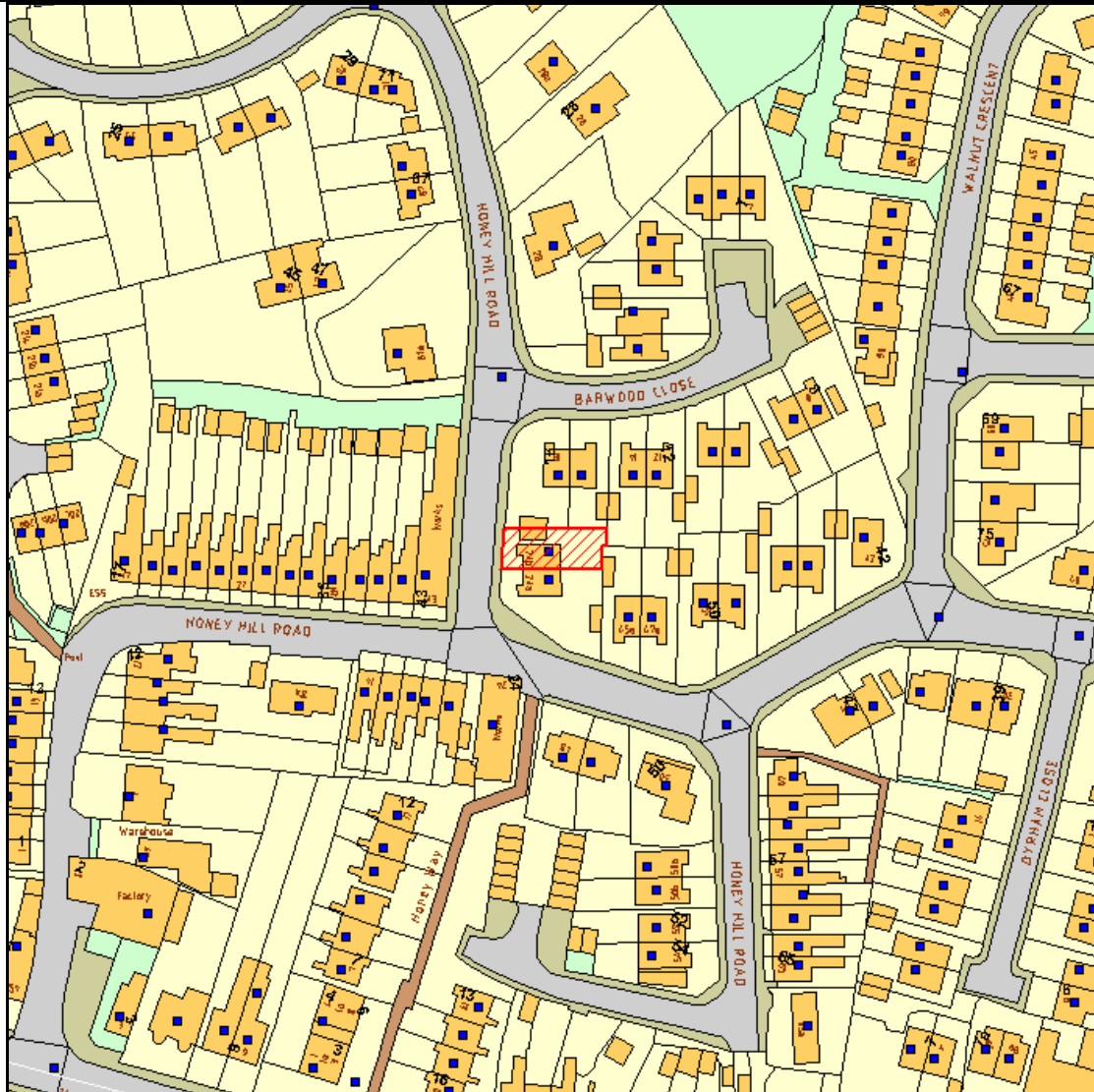
To minimise disturbance to occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 2

CIRCULATED SCHEDULE NO. 17/14 – 25 APRIL 2014

App No.: PK14/0842/F
Site: 24B Honey Hill Road Kingswood Bristol
South Gloucestershire BS15 4HJ
Proposal: Erection of single storey side extension to
provide additional living accommodation.
Erection of raised platform at rear.
Map Ref: 365779 173854
Application Category: Householder

Applicant: Mr And Mrs De Gay
Date Reg: 10th March 2014
Parish: None
Ward: Kings Chase
Target Date: 30th April 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been referred to the circulated schedule due to the receipt of a letter of objection from a local resident.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single storey side extension to provide additional living accommodation at 24B Honey Hill Road, Kingswood. The erection of a raised platform with associated hand railing and steps, is also proposed to the rear of the property and the installation of a ramped access with associated steps and hand railing to the front of the property. The proposed single storey extension would measure 3.3 metres wide by 7.7 metres deep. The proposed roof is of a lean-to nature and would measure 3.5 metres, at its heights point. The proposed deck to the rear of the property will measure 5.4 metres wide by 3.2 metres and is approximately 400mm above ground level. The proposed access ramp is approximately 4.9 metres in length from the pavement to dwelling entrance, with a rise of 200mm.
- 1.2 The property is a two storey semi-detached property and is located within the established residential area of Kingswood.

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 Development within Existing Residential Curtilages, including Extensions and New Dwellings
T12 Transportation Policy for New Development
- South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location and Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007
South Gloucestershire Residential Parking Standards (approved for Development Management Purposes March 2013)

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

4.1 Highways Drainage

No comment

4.2 Sustainable Transport

No objection. The applicants have amended the scheme to demonstrate that 1 No. off-street parking space can be provided and that an on-road, marked disabled bay is located directly in front of the dwelling, the subject of this application.

Other Representations

4.3 Local Residents

One objection has been received. The local resident questioned whether there was a gap between the proposed extension and their garage (which is adjacent to the proposal site), the width of any gap and the height of the proposed extension. A letter, answering these points, was sent by the Planning Officer, dated 22 April 2014.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted 2006), advises that extensions should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking or prejudice the retention of adequate amenity space. Design standards are set by Policy CS1 of the Core Strategy.

5.2 Design/ Visual Amenity

The proposed single storey extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The extension would replace the existing garage and would be approximately 3.3 metres wide by 7.7 metres deep and would have a lean-to style roof, measuring 3.5 metres at its highest point. It is considered that the proposal would not be large in size, in comparison to the bulk of the main dwelling and is suitably subservient to it.

Concerns were expressed, by the Officer, in relation to the positioning of the proposed window on the front elevation, in that it was too close to the proposed roofline. Accordingly, revised drawings were submitted, amending the positioning slightly. This amendment aides in the symmetry of the proposal, reflecting that of the ground floor windows of the existing dwelling house.

The materials of the walls and roof will match those of the main dwelling, therefore assisting in the successful integration of the structure with the host dwelling. In addition, the extension is proposed to replace an existing garage and is only slightly larger than this existing structure's footprint. This further aides in reducing any impact on visual amenity.

In relation to the proposed deck to the rear of the property, this will measure 5.4 metres wide by 3.2 metres deep and is raised approximately 400 mm above ground level. There is a posted balustrade with hand rail to enclose the decked area and steps leading down. Overall, the design, is appropriate for the use of the structure. The use of timber, as a material, makes the structure seem lightweight and the small scale of the decking, does not have a detrimental impact on the composition of the dwelling. As such, the design of this element of the scheme is considered appropriate.

Turning now to the proposed access ramp to the front of the property, this will be approximately 4.9m in length and will rise by approximately 200mm. Hand railing to enclose the ramp and steps are also proposed. Again, owing to the small scale nature of the proposal, this is not considered to have any noticeable impact on the area or street scene and is therefore acceptable in visual amenity terms.

5.3 Residential Amenity

The proposed single storey extension would be located on the site of the existing garage. It is adjacent to the boundary of the adjoining garage of No. 16 Barwood Close.

Two new windows are proposed as part of the extension, one to the front elevation and one in the back. Given the siting of these windows, it is not considered that the proposal would result in any increase in overlooking or loss of privacy over and above the existing situation. The proposed extension would not prejudice the amenity of the neighbouring occupiers in terms of loss of light, or overshadowing. Furthermore, it is not considered that the extension would have any overbearing impact.

Turning to the proposed decking to the rear, raised deck areas have the potential to cause harm to residential amenity, particularly a loss of privacy. The proposed deck will be located adjacent to the boundary of No. 24A Honey Hill Road. There is an existing fenced boundary treatment between these properties of approximately 1.8 metres. The proposed deck is to be set at a height of approximately 400mm, thus, owing to the existing boundary treatment, will not materially increase any overlooking and that levels of privacy will not have been altered by the proposed decked area.

Finally, in considering the proposed access ramp to the front elevation of the property, this will be accessed via the southern end of the front boundary of the property. The ramp will then turn 90 degrees to adjoin the existing porch of the dwelling house. The rise in level will be 200mm. As such, the impact on the residential amenity of the neighbouring property, No 24A Honey Hill Road, owing to the ramp's positioning and minimal rise, will not be materially increased from the current situation.

Accordingly, the impact on residential amenity of all elements of this proposal, are considered to be acceptable.

5.4 Parking and Highway Safety

The proposal would increase the dwelling from a three bedroomed dwelling to a four bedroomed dwelling. The parking requirements, as set out in the South Gloucestershire residential parking require a minimum of 2 off-street parking spaces, measuring 2.4 metres by 4.8 metres.

Concerns were raised by the Planning Officer that insufficient parking would be available, owing to the loss of the existing garage and the proposed siting of the extension, which would encroach on the existing driveway arrangements, to the front of the property. The Council's parking standards would therefore be unable to be met.

Revised drawings were subsequently submitted, which amended the positioning of the front elevation of the proposed extension, thus retaining sufficient driveway to accommodate one standard off-street parking space. In addition, the applicant's agent has confirmed that there is an associated on-road marked disabled bay directly outside the dwelling, which is used by the applicant, who is understood to be registered as disabled. Finally, it is noted that Honey Hill Road is not subject to any parking restrictions and as such, there is further scope for parking on this road.

As such, taking into account the above, it is considered that the parking provision as outlined, is sufficient to overcome any parking concerns previously expressed and as such, there is no objection in relation to parking and highway safety.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the application be approved subject to the conditions outlined on the decision notice.

Contact Officer: Sharon Waring
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. A parking space, in the location shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with the Council's Residential Parking Standards.

CIRCULATED SCHEDULE NO. 17/14 – 25 APRIL 2014

App No.:	PK14/0932/TRE	Applicant:	Mr Aaron Wilshire Top Tree Services
Site:	10 Ludlow Court Willsbridge Bristol South Gloucestershire BS30 6HB	Date Reg:	17th March 2014
Proposal:	Works to fell 2no. Ash trees and works to 1no. field maple to crown reduce by 30%, crown thin by 10% and crown lift to 2.5 metres covered by Tree Preservation Order KTPO 08/85 dated 20 January 1986.	Parish:	Oldland Parish Council
Map Ref:	366727 170490	Ward:	Bitton
Application Category:		Target Date:	6th May 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule due to a letter of objection received from a member of the public which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks consent for works to fell 2no. Ash trees and works to 1no. field maple, reducing the crown by 30%, crown lift by 2.5 metres and crown thin by 10%.
- 1.2 One of the ash trees (rear garden) and the field maple tree are covered by Tree Preservation Order KTPO 08/85 dated 20th January 1986.
- 1.3 The trees are located within the curtilage of 10 Ludlow Court and are also visible from Kenilworth Drive.

2. POLICY CONTEXT

- 2.1 National Guidance
The Town and Country Planning Act 1990
The Town and Country Planning (Tree Preservation) (England) Regulations 2012

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history at this site.

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No objection.

- 4.2 Other Consultees

Tree Officer

No objection, subject to the condition that the Ash tree to be felled in the rear garden is replaced by a tree of appropriate size and species, to be agreed with the Council's Tree Officer.

Other Representations

- 4.3 Local Residents

Two letters have been received, one in support of the application and one objecting to it. The objection was received from a member of the public and the main points were as follows:

- Objects to any work being carried out during bird nesting season as per the Wildlife & Countryside Act 1981.
- The Council should ensure that a condition is attached to every application that involves trees and hedges during the bird nesting season.

The letter of support was from a local neighbour and stated that:

- In response to the objection, there are not and there has never been any nests in these trees
- Remove the ash trees as they deposit hundreds of seeds in the garden every year

As requested by the objector, the following informative will be included on the decision notice:

'The Wildlife and Countryside Act 1981 makes it a criminal offence to damage or destroy the nest of any wild bird whilst that nest is in use or being built. Established working practice avoids works to any hedgerow, tree or other vegetation where birds may reasonably be expected to make their nest between 1 March and 31 August in any year. Care should be taken outside of this exclusion period as variations in climate may extend the nesting season. '

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The only issue to consider in this application is whether the proposed works will adversely affect the health and appearance of a tree, which makes a significant contribution to the character and visual amenity of the area.

5.2 Consideration of Proposal

The Ash tree in the front garden and the Cypress Hedge is not covered by a Tree Preservation Order and therefore does not require an application, so the tree officer has no objection to the maintenance work on the hedge and the felling of the Ash tree as described. The Field Maple and the Ash tree in the rear garden are covered by Tree Preservation Order KTPO 08/85 dated 20th January 1986, and will be considered below.

- 5.3 The works to the Field Maple in the rear garden are acceptable given the tree's proximity to the property, as long as the applicant adheres to the recommendations in BS3998:2010 for tree work. A condition is to be issued on the decision notice in order to refer the applicant to these recommendations. The Ash tree in the rear garden has been poorly pruned in the recent past and competes with the Field Maple for light and nutrients, and therefore the Tree Officer does not have any objection subject to a replacement tree of suitable size and species is planted in a location to be agreed with the Council's Tree Officer.

6. CONCLUSION

- 6.1 The proposed works are in accordance with good arboricultural practice and should not impact on the health or visual amenity of the trees. There are therefore no objections to this application in terms of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

6.2

7. RECOMMENDATION

7.1 That consent is **GRANTED** subject to the conditions on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No.

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

3. A replacement tree, the species, size and location of which is to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason

To protect the character and visual amenity of the area.

CIRCULATED SCHEDULE NO. 17/14 – 25 APRIL 2014

App No.:	PK14/1023/CLP	Applicant:	Mrs Moss
Site:	9 Portland Place Staple Hill Bristol South Gloucestershire BS16 4PX	Date Reg:	19th March 2014
Proposal:	Application for certificate of lawfulness for the alteration to existing roof and erection of rear dormer to facilitate loft conversion	Parish:	None
Map Ref:	364603 175515	Ward:	Staple Hill
Application Category:	Minor	Target Date:	9th May 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to a proposed installation of a rear dormer window and alterations to the roof to facilitate a loft conversion. The application property is a two-storey semi-detached dwelling and is located within the defined settlement boundary of Staple Hill.
- 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.

2. POLICY CONTEXT

- 2.1 Town and Country Planning (General Procedures) Order 1995 Article 24 Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class B.

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|-------------------------|--|
| 3.1 | K2586
Approved | Erection of a front porch
31.1.79 |
| 3.2 | PK06/1993/F
Approved | Erection of replacement single storey rear extension to provide additional living accommodation
10.8.06 |

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
The area is unparished

Other Representations

- 4.2 Local Residents
None received
- 4.3 Highway Drainage
No comment

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 PLANS

Site location plan; Plans, Section and Elevations as Proposed – 01

6. EVALUATION

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

The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B of the GDPO 2008.

- 6.2 The proposed installation of a rear dormer window and alterations to the roof to facilitate a loft conversion is assessed under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

6.3 Installation of rear dormer and alterations to the roof .

Schedule 2, Part 1, Class B of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, provided that it meets the following criteria.

B1 Development is not permitted by Class B if—

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

The proposed rear dormer will not exceed the height of the highest part of the existing roof. Regarding the alterations to the roof, the development would follow on from the existing roof line and therefore not exceed the height of the existing roof.

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

The proposed dormer extension will be on the rear elevation, which is not the principle elevation, and does not front a highway. The roof enlargement is on the side elevation of the dwelling and also will not extend beyond the plane of any existing roof slope which forms the principle elevation of the dwellinghouse and fronts a highway.

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

The dwelling is a semi-detached post war property and the total cubic content of the proposed rear dormer and the roof enlargement, when combined, would not exceed the 50 m³.

- (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; or

The proposed development will not consist of any of the above.

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

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

Conditions

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

The materials to be used in the development will match those of the existing dwellinghouse.

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

The proposal would be 50cm from the eaves.

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

The proposed window in the side elevation will be non-opening and of obscure glazing.

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CIRCULATED SCHEDULE NO. 17/14 – 25 APRIL 2014

App No.: PK14/1034/CLP
Site: 10 Forest Walk Kingswood Bristol
 South Gloucestershire BS15 8DF

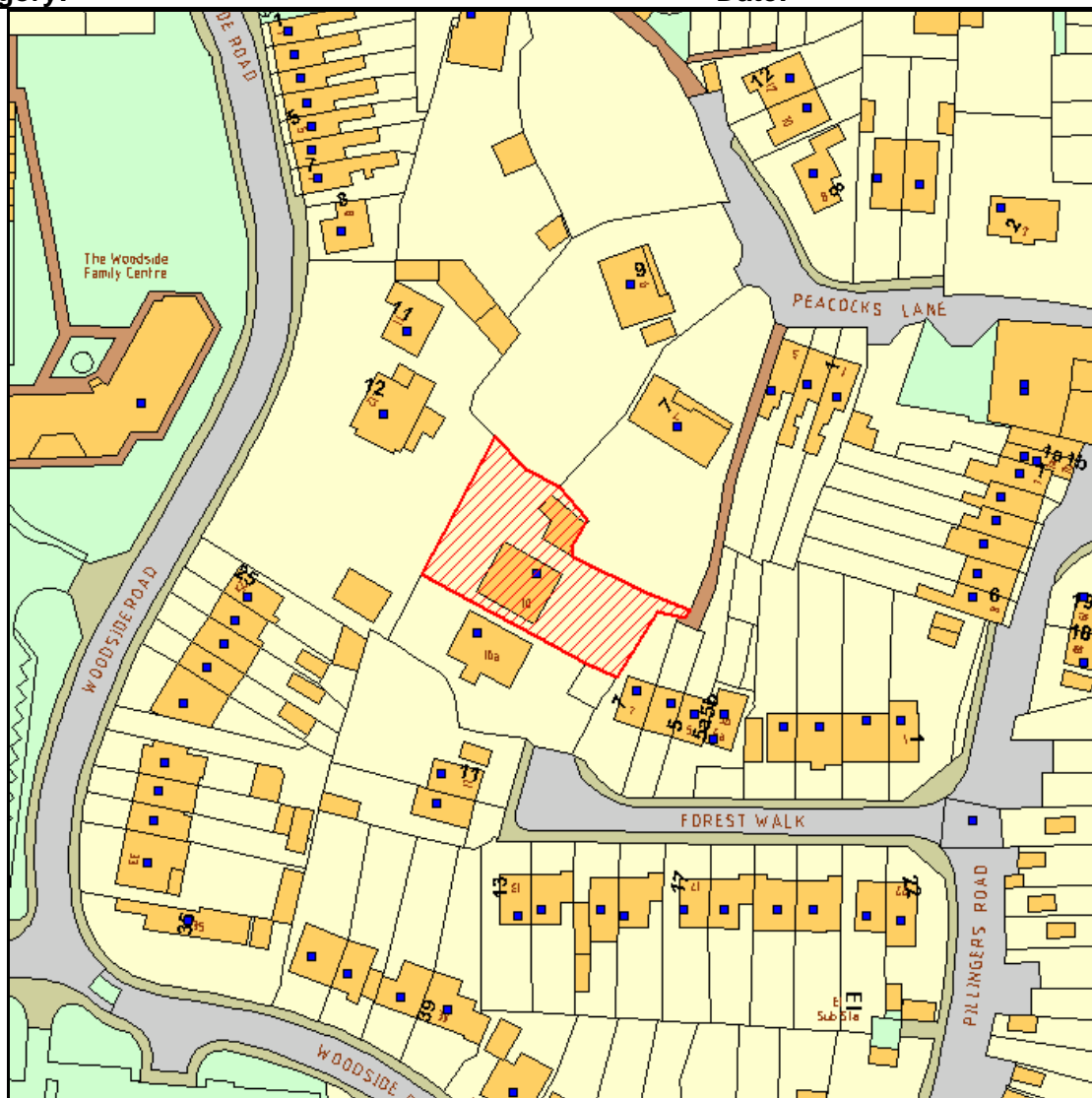
Applicant: Mr And Mrs Collins
Date Reg: 19th March 2014

Proposal: Application for certificate of lawfulness for proposed installation of rear dormer to facilitate loft conversion to include Juliet Balcony.

Parish: None

Map Ref: 364406 173430
Application Category: Minor

Ward: Woodstock
Target Date: 9th May 2014



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PK14/1034/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as a matter of process under the Council's scheme of delegation; this is an application for a certificate of lawfulness for a proposed development.

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed development would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) Order 1995 (as amended). This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations
- 1.2 The proposed development consists of the erection of a rear dormer, the installation of a Juliet balcony and the installation of six roof lights.
- 1.3 Having reviewed the planning history on this site, it would appear that permitted development rights have not been restricted on this property and are therefore exercisable.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 K7217/AP Approval of Reserved Matters 20/04/1993
Erection of 1 no.3 bedroom detached dormer bungalow with integral garage.
Alteration of existing vehicular access to adjacent existing bungalow. (Approval of details).
- 3.2 K7217 Approval of Outline Permission 07/09/1992
Erection of 1 no. 3 bedroom detached dormer bungalow with integral garage.
(Outline).

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
This area is unparished
- 4.2 Drainage
No comment

- 4.3 Transport
No comment

Other Representations

- 4.4 Local Residents
None received

5. SUMMARY OF EVIDENCE

- 5.1 The following evidence was submitted to the Local Planning Authority on 14 March 2014 –
- Site location plan
 - Existing plans
 - Proposed plans
 - Specification

6. ANALYSIS

- 6.1 This application is seeking a certificate of lawfulness for a proposed dormer, balcony, and additional roof lights at bungalow in Kingswood.

6.2 Principle of Development

An application for a certificate of lawfulness must be determined solely on an assessment of evidence submitted to establish whether the proposed development would be implemented lawfully without the need to apply for planning consent. The decision is based on a test of the evidence presented. Should the evidence submitted demonstrate, that on a balance of probabilities, the proposed use is lawful then a certificate must be issued confirming the proposed development can be lawfully implemented.

- 6.3 To ascertain if the development is lawful, it must be assessed against Schedule 2 Part 1 Class B (for the dormer) and Schedule 2 Part 1 Class C (for the roof lights) of The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

6.4 Assessment of Evidence: Dormer

Schedule 2 Part 1 Class B allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to meeting 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 plans submitted indicate that the proposed dormer window would sit at the same height as the existing ridge height of the house..

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

The only alteration to the plane of the roof slope that forms the principal elevation and fronts a highway is the insertion of one roof light. This need to be considered under Part 1 Class C.

- (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;**

A calculation of the cubic content increase has been undertaken by the Case Officer. It has been calculated that the dormer would result in a 21m³ volume increase.

However, notwithstanding the above, as the property is a detached dwelling the limit of permitted development stands at 50m³. Therefore, the proposed development remains under the threshold and complies with the above criteria.

- (d) it would consist of or include –**
- (i) the construction or provision of a veranda, balcony, or raised platform, or**
 - (ii) the installation, alteration, or replacement of a chimney, flue or soil and vent pipe;**

The proposed development includes a Juliet balcony. A Juliet balcony does not provide a platform and therefore does not enable external access. When no external access is provided, this would be permitted development.

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

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

6.5 Development is only permitted by Class B subject to the following conditions:

B.2

Development is permitted by Class B subject to the following conditions

–

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

The applicant has indicated on the proposed plans that the exterior work shall be finished in a tile to have a similar appearance to those used in the construction of the exterior of the existing house. Therefore this condition is satisfied.

- (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 practical, be not less than 20 centimetres from the eaves of the original roof;**

The edge of the enlargement to the roof is 50 centimetres from the eaves of the original roof and therefore this condition is satisfied.

- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be -**
- (i) obscure glazed, and**
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

The submitted plan indicates that the windows on the side elevation will be obscure glazed and fixed shut. On that basis, this condition has been satisfied.

6.6 The proposed rear dormer window is considered to comply with Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and is therefore permitted development.

6.7 Assessment of Evidence: Roof lights
Schedule 2 Part 1 Class C allows for any other alteration (than that permitted by Class B) to the roof of a dwellinghouse, subject to meeting the following criteria:

C.1

Development is not permitted by Class C if –

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

The proposed roof lights do not protrude more than 150 millimetres beyond the plane of the slope of the original roof.

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

The proposed roof lights sit in the central section of the roof; they are not higher than the highest part of the original roof.

- (c) it would consist of or include –**

- (i) the installation, alteration or replacement of a chimney, flue or soil vent pipe, or**
- (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

The proposed development does not consist of or include any of the items listed above in (c)(i) or (c)(ii).

6.8 Development is permitted by Class C subject to the following conditions:

C.2

Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be –

- (a) obscure glazed; and**
- (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

The windows proposed in the roof slope forming the side elevation of the dwellinghouse will be obscure glazed and non-opening and therefore this condition is satisfied.

6.9 The proposed roof lights are considered to comply with Schedule 2 Part 1 Class C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and are therefore permitted development.

7. CONCLUSION

7.1 The evidence submitted has been assessed against the regulations set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

7.2 The erection of a rear dormer has been found to comply with the criteria of Schedule 2 Part 1 Class B of the abovementioned Order. The proposed development is considered to be permitted development.

7.3 The installation of a number of roof lights in the roof slopes of the property has been found to comply with the criteria of Schedule 2 Part 1 Class C of the abovementioned Order. The proposed development is considered to be permitted development

8. RECOMMENDATION

8.1 It is recommended that a Certificate of Lawfulness for Proposed Development be GRANTED for the following reason:

Evidence has been provided that demonstrates, that on the balance of probability, the development meets the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), and is considered permitted development.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CIRCULATED SCHEDULE NO. 17/14 – 25 APRIL 2014

App No.:	PK14/1042/CLP	Applicant:	Mr Ben Gifford
Site:	14 Balmoral Court Mangotsfield Bristol South Gloucestershire BS16 9DA	Date Reg:	20th March 2014
Proposal:	Application for a certificate of lawfulness for the proposed erection of a single storey rear extension.	Parish:	None
Map Ref:	366354 176454	Ward:	Rodway
Application Category:	Minor	Target Date:	12th 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 proposed erection of a single storey rear extension at 14 Balmoral Court, Mangotsfield 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 a proposal requires planning permission or not. Accordingly, there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 During the course of the application, further information regarding materials was sought from the applicant. A re-consultation period was not deemed necessary as there was no change in the proposal itself.

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 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objection.
- 4.2 Other Consultees

Councillor
None received.

Highway Drainage
None received.

Archaeology Officer
No objection.

Other Representations

- 4.3 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Existing Elevations (523-E2); Existing Ground Floor Plan (523-E1); Existing First Floor Plan (523-E2); Block Plan and Site Location Plan (523-P4); Proposed Elevations (523-P3); Proposed First Floor Plan (523-P1); Proposed First Floor Plan (523-P2); Email from Simon of 'Thomas Building Plans Ltd' regarding materials, received 16:53 on 25th March 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 an 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. 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 of a dwellinghouse subject to the following:

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

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

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

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

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

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

(i) **fronts a highway, and**

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

The proposal is an extension to the rear of the dwellinghouse, It does not extend beyond a wall fronting a highway or a wall forming either the principal or side elevation of the original dwelling house.

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

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

(ii) **exceed 4 metres in height;**

The proposal extends less than 3 metres to the rear of a terraced house, and does not exceed 4 metres in height. Therefore, the proposal 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 but have a height to eaves of less than 3 metres and therefore 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 proposed extension would not extend beyond a wall forming a side elevation of the original dwellinghouse.

- (i) **It would consist of or include—**

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

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

The proposal does not include any of the above.

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

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

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

Conditions

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

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

The original plans submitted did not state the existing or proposed materials. This information was requested from the agent, who advised the materials for the extension are to match that of the existing dwellinghouse.

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

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

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

The proposal is single storey.

7. **RECOMMENDATION**

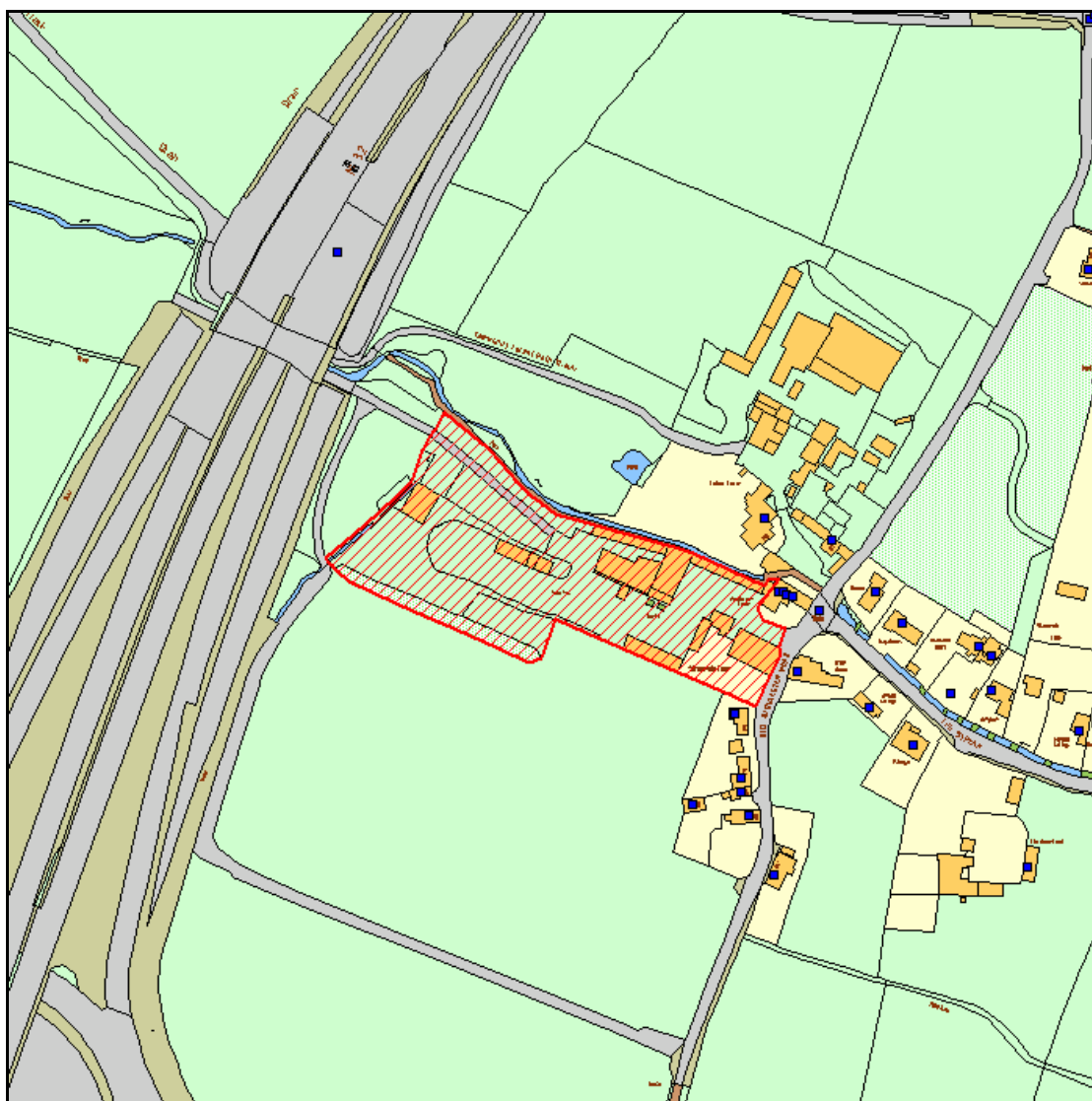
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Contact Officer: Trudy Gallagher
Tel. No. 01454 86

CIRCULATED SCHEDULE NO. 17/14 – 25 APRIL 2014

App No.:	PT12/2800/CLE	Applicant:	Mr M Savory
Site:	Hambrook Business Park The Stream Hambrook South Gloucestershire BS16 1RQ	Date Reg:	20th August 2012
Proposal:	Certificate of Lawfulness for existing use of land for Class B8 (Storage and Distribution)	Parish:	Winterbourne Parish Council
Map Ref:	363841 178826	Ward:	Winterbourne
Application Category:	Minor	Target Date:	11th October 2012



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use, is that the applicant has to prove on the **balance of probability**, that the use of the site as described, has occurred for a period of 10 years consecutively, prior to the receipt of the application on the 15th August 2012. The relevant period for consideration is therefore between 15th August 2002 to 15th August 2012.

1. THE PROPOSAL

- 1.1 The application comprises a Certificate of Lawfulness submitted under Section 191 (1) of the Town and Country Planning Act 1990 as amended by S.10 of the Planning and Compensation Act 1991 in respect of the use of land at Hambrook Business Park, The Stream, Hambrook.
- 1.2 The application relates to an area of land at the north-western end of Hambrook Business Park. The business park was formerly the site of an old farm. The lawful use of buildings and land to the south-east of the application site was established by Certificate of Lawfulness under application PT11/4015/CLE. At that time it was considered that there was insufficient evidence to grant a certificate for the land the subject of this current application PT12/2800/CLE.
- 1.4 The applicant seeks a Certificate of Lawfulness to confirm the continued use of the land, defined on the submitted red edged site plan, for Class B8 (Storage and Distribution).

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990: Section 191
Town and Country Planning (Development Management Procedure) (England) Order 2010: Article 35
Town and Country Planning (Use Classes) Order 1987 (as amended).
The Planning Practice Guidance March 2014
- 2.2 Development Plans
As the application is for a Certificate of Lawfulness, the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only demonstrate that on the balance of probability, the use has taken place for an uninterrupted period of at least 10 years prior to the receipt of the application on the 15th August 2012.

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/4015/CLE - Application for Certificate of Existing Use for buildings A,B,C,D,E,F,G,H,I and J for Class B1 (Business), Class B2 (General Industrial) and Class B8 (Storage or Distribution).

Consent 12 June 2012 in that a Certificate of Lawful Existing Use was granted denoting the buildings and areas used by Automotive Accident Solutions and in relation to the use of part of Buildings F, B and C for separate independent planning units in office use, because on balance only those parts of the site have been proven in those uses for a continuous period of over ten years.

It was concluded as such that on the balance of probability the buildings and areas of land which have been used in association with the alleged main use of the site for a continuous period in excess of ten years prior to the submission of the application are as follows:

Building A -	General repair garage associated with Automotive Accident Solutions use of the site.
Building D -	Storage/parking of cars ancillary to the Automotive Accident Solutions use of the site.
Building E -	Office associated with Automotive Accident Solutions use of the site.
Building F -	Ground floor use for storage ancillary to the Automotive Accident Solutions use of the site.
Building G -	Ground floor use for storage ancillary to the Automotive Accident Solutions use of the site.
Building H -	Ground floor use for storage ancillary to the Automotive Accident Solutions use of the site.
Building I -	General Storage associated with the site.
Building J -	Contrary to the evidence submitted no use but agricultural is found to have been in use for over ten years.

Land enclosed by red outline as set out on the Councils plan attached to the decision notice - land used as outside storage in association with the Automotive Accident Solutions use of the site and as ancillary parking for the three separate planning units.

The areas proven to have been used as separate independent planning units, on the balance of probability, are as follows and these are shown hatched on the plan:

Building B -	Ground floor office
Building C -	Office
Building F -	First floor for office in part of building

For the avoidance of doubt the above buildings have the same annotation on the currently submitted site plan.

4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION

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

1. Statutory Declaration (dated 13 August 2012) of Miles Savory of 3 Cleeve Park Road, Downend, Bristol; who says he has worked on the site for 16 years in various roles for ACH Limited but provides no dates of when he worked there. Mr Savory states that the land the subject of this application has been used as

overspill parking for vehicles and is typically more heavily used in the Autumn, Winter and Spring Months – there have always been vehicles stored within this area associated with the business (ACH) for at least the last 16 years.

2. Statutory Declaration (dated 5th April 2013) of Michael Savory of Langley House, Whitehill, Hambrook who has owned various businesses operating from the site and can confirm that the land has always been used as overspill storage associated with the business. Over the last 30 years various uses have taken place including tyre storage and scaffolding storage but since 1997 it has been used for car storage associated with his business. The land is regularly cut back and cleared as grass and weeds regularly grow through the area. LA Clarke Civil Engineering Ltd. are employed to tarmac and put hardcore down in the area identified.
3. Statutory Declaration (dated 8th April 2013) of Mark Tilling of 12 Talbot Avenue, Kingswood who has worked on the site for 23 years and repaired and delivered vehicles over this time. Mr Tilling confirms that he has occasionally stored vehicles in the area indicated on the submitted plan and it has always been used for overflow parking associated with the business.
4. Statutory Declaration (dated 5th April 2013) of Steven Lathall of 160 Westerleigh Road, Pucklechurch who has worked on the site for a combined period of 10 years and has visited the site on numerous occasions over the last 20 years. Mr Lathall confirms that the area indicated on the submitted plan has been used for storage associated with ACH Limited for over 10 years.
5. Statutory Declaration (dated 8th April 2013) of Elaine Spence of Langley House, Whiteshill, Hambrook who has worked on the site for 30 years. Ms. Spence confirms that the area indicated on the submitted plan has been used as a storage facility for the business on the site.
6. Statutory Declaration (dated 5th April 2013) of Miles Savory of 3 Cleeve Park Road, Downend, Bristol, who has worked on the site for 16 years in various roles for ACH Limited. Mr Savory states that the land the subject of this application has been used as overspill parking for vehicles and is typically more heavily used in the Autumn, Winter and Spring months. However Mr. Savory also states that vehicles have always been stored within the area for at least the last 16 years.
7. Statutory Declaration (dated 26th October 2012) of Mr. Lee Clark of 3 Adderly Gate, Emersons Green, Bristol, BS16 7DR, who states that he has personal knowledge of the site for a period of 20 years having made regular visits and undertaken work on behalf of ACH Limited. The relevant area has been used for storage of vehicles associated with the business for the last ten years. Mr Clark states that his company has maintained the areas around the dutch barn with hardcore and tarmac to facilitate the storage use for a period of fifteen years.
8. A Topographical Survey Plan Drawing No. 020754 which was produced by Chew Valley Land Surveys in 2002 in association with Hydrock Consultants. The applicant's agent submits that the plan clearly illustrates the area around the Dutch Barn (building I) as concrete and gravel to support the applicant's claim that it has been used for outside storage for a period in excess of ten years.

Local Resident letters and e-mails

6 No. letters were received from local residents **supporting** the application. (the relevant evidence only is referred to) :

Letter from Mr. S Low of S.L. Construction (received 25 Oct 2012) of The Loft, Bristol Road, Hambrook BS16 1RY

Mr Low states that he has carried out maintenance and routine repair work within Hambrook Business Park for the last 10-12 years, and the upper areas have been in regular use for the storage of cars and containers.

Letter from Vincent Clutterbuck (dated 17 Oct 2012) of 22 Hambrook Lane, Bristol BS34 8QB

Mr Clutterbuck states that he knows the site extremely well having walked his dog close to the site for numerous years and confirms that business/industrial uses have always existed on the site. The application site has been regularly used for vehicle and container storage.

Letter from Andrew Anstey (dated 16 Oct. 2012) of Jasmine Cottage, Mill Lane, Hambrook BS16 1SA

Mr Anstey has resided in Hambrook for 50 years. Mr Anstey states that the area subject to this application has been used as open storage for vehicles for as long as he can remember.

Letter from Neil Barnes (received 29 Oct 2012) of 'Future TV', Hambrook Business Park.

Mr Barnes states that his own business has been situated in Simmonds Buildings for a number of years. Bayliss Yard has been used for B8 for tens of years.

Letter from Maxine and Les Brooker (received 29 Oct 2012) of The White Horse, Hambrook

Mr & Mrs Brooker state that they have been the publicans at The White Horse public house for the last 20 years and that local businesses have brought custom to the pub. They also state that the land concerned has always been regularly used for storage of vehicles and containers for at least the last 10 years.

Letter from Paul Hodson, (dated 18 Oct. 2012) of The Lilacs, Bristol Road, Hambrook, BS16 1RY

Mr Hodson submits that he has been a resident for 15 years and has visited the site on a number of occasions. The area outlined in red has been in constant use for storage/distribution for at least the last 10 years. Mr Hodson states that he has stored his own van there and has done so for a minimum of 10 years.

5. SUMMARY OF CONTRARY EVIDENCE

1. Statutory Declaration of Steven Tucker (dated 5 Sept 2012) of Hillside Cottage, The Stream, Hambrook who has resided at The Stream since August 2000. Mr Tucker submits that he regularly uses exit 1 of the M32 from which the site can be seen, particularly in the winter when there is less foliage. Mr Tucker states that the land in question has occasionally been used for tyre storage in the past but mostly

for agricultural use. Mr Tucker has submitted 3 aerial photographs taken from the Council's archives; these photos are dated 2005, 2006 and 2008/9. Mr Tucker states that on country walks in the area it appeared that the land had been abandoned with grass and weeds growing in the area as seen on the photos for 2005/2006. Photo 2008/2009 reveals that hardcore had more recently been laid. Mr Tucker states that to the best of his understanding vehicles have not been parked on the land.

2. Statutory Declaration of Linda Tucker (dated 5 Sept 2012) of Hillside Cottage, The Stream, Hambrook who has resided at The Stream since August 2000. (*This Statutory Declaration is not accompanied by a red edged site plan defining the land in question*). Ms Tucker states that she occasionally takes country walks in the local vicinity and that during this time there has been no evidence of storage or other workings 'in this area as far as I am aware'. Ms Tucker refers to the same aerial photographs submitted by Mr Tucker and states that the land has been a 'green space' as shown in the photos for 2005/2006. Hardcore has been laid and 'this has probably been in place since 2008 and is clearly visible on the aerial photo dated 2008. Ms Tucker states that traffic has increased significantly particularly 30 tonne trucks.
3. Statutory Declaration of Beryl Morris (dated 5th Sept 2012) of Hollybank, The Stream, Hambrook who has resided at this address since 1970. Ms Morris states that Bayliss Transport, Haulage and Repair Centre moved out to Pucklechurch prior to 1973. Prior to Mr Savory purchasing the land Mr Bayliss placed restrictions on the amount of cars allowed to park on the site and where they could be parked. Mr Savory trading as ACH purchased the land in 2010 and these restrictions were in place 'until this time'. Ms Morris states that this contradicts Mr Savory's claim that the site outlined in red was used as an overflow for the business.

Ms. Morris states that 'over the years' she has walked along the footpath abutting the site and frequently driven along the M4/M32 to the Hambrook slip road and confirms that 'until recently' the area has been overgrown with grass, trees and brambles. Ms. Morris has submitted a Google Earth photo. for 14th April 2004 in which she states that this claim is corroborated.

Ms. Morris also disputes that the traffic flow to the site is variable over the year, as stated by Mr Savory. Ms. Morris states that she has never been aware of any difference in the volume of traffic between seasons, until 2011 when the traffic 'greatly increased.

4. Statutory Declaration of Catherine Sheeley (dated 6th Sept. 2012) of Streamside Farm, The Stream, Hambrook who has resided at this address since 1994. Ms Sheeley states that whilst walking the footpath that runs behind the land subject of this application she has observed the area to be overgrown and to not contain parked vehicles. In the last two years however Ms Sheeley has not had clear view of the site since a large mound of earth has been built up next to building J. Ms. Sheeley also states that there has never been a seasonal change in the amount of traffic using The Stream, apart from that associated with an agricultural use.

5. Statutory Declaration of Colin Sheeley (dated 6th Sept. 2012) of Streamside Farm, The Stream, Hambrook who has resided at this address since 1994. Ms Sheeley states that whilst walking on land that borders the land subject of this application he has observed the area to be overgrown and to not contain parked vehicles. . Mr Sheeley also states that there has never been a seasonal change in the amount of traffic using The Stream, apart from that associated with an agricultural use.
6. Statutory Declaration of David Leslie Hill (dated 4th Sept 2012) of no.3 The Stream, Hambrook who has resided at the address for the last 40 years. (*This Statutory Declaration is not accompanied by a red edged site plan defining the land in question*). For at least the last 8 years, Mr Hill has walked his dog on land directly adjoining the site. Mr Hill submits that the land adjoining the land to which this application relates has been used for the last 20 years for light industrial/storage but during the last 12 months the application site has been used for the storage and parking of large commercial vehicles and that these vehicles are mainly 8 wheel tipper lorries loaded with construction material and aggregates. Mr Hill states that the land the subject of this application has not been used for parking except during the last 12 months.
7. Statutory Declaration of Pamela Willis (dated 5th Sept. 2012) of Daroca, The Stream, Hambrook who has resided at this address for 29 years. Ms Willis disputes the declaration that traffic flow is variable, stating that there has been no difference in traffic volume due to the seasons although traffic volume increased greatly in November 2011 due to lorries using Hambrook Business Park and this has continued to the present day.

Ms Willis also states that as a car driver and coach user frequently travelling from the M4 onto the M32, she has observed that the site has not been in sustained use and that in winter months the site has been clearly shown as overgrown with only the occasional agricultural item visible.
8. Statutory Declaration of Mary Morgan (dated 6th Sept. 2012) of Melanie Cottage, The Stream, Hambrook who has resided at this address since 13th March 1987. Ms Morgan states that on many occasions whilst walking the footpath she observed the area the subject of the application, as being overgrown and never used for the parking of vehicles.
9. Statutory Declaration of Philip John Dyer (dated 5th Sept. 2012) of Brooklands, 181 Old Gloucester Road, Hambrook. Mr Dyer states that his family have lived at and worked the farm next door to the land the subject of the application since 1939. Mr Dyer has done various jobs and land maintenance for the previous owners of the site, the Bayliss Family for 25 years. Mr Dyer submits that the land can be seen from his family's farm all year round and that the land has been left abandoned since 1999 and was overgrown with trees and brambles; building J has always been used for agriculture.
10. Statutory Declaration of Carol Pamela Dyer (dated 5th Sept. 2013) of Brooklands, 181 Old Gloucester Road, Hambrook. Mrs Dyer has been married to Philip Dyer for 22 years. (*This Statutory Declaration is not accompanied by a red edged site plan defining the land in question*). Mrs Dyer states that since she married Mr Dyer

she has been a regular visitor to her in-laws farm, which is next door to the land the subject of this application. Mrs Dyer has lived next door to Hambrook Business Park since 2003. Mr Dyer submits that since 1999 she has seen no usage of the land the subject of this application, which is easily seen from Faber Farm.

- 11 Statutory Declaration of Michael Holt (dated 10th Sept. 2012) of Redstone House, The Stream, Hambrook, BS16 1RG. Mr. Holt states that up until June 2000 ACH (Mr Savory) was a tenant of the previous owner, the Bayliss family and was subject to a tenants agreement, part of which limited the area of the yard in which ACH could store cars. This agreement excluded the area east of the building I up to and including building J (Green hatched area) shown on an accompanying plan. This area was not in use and was not cleared of undergrowth for many years.

Mr Holt considers that photo 3 submitted as evidence by Pegasus has the date wrong and should be April 2008. The earthworks seen at left side and bottom of photo were created by Bristol Water between Nov. 2007 and April 2008. The original photo can be seen by Googling BS16 1RQ and this photo shows no cars.

The photograph referred to has since been withdrawn as evidence. – no additional photographic evidence has been provided.

Local Residents letters and e.mails

16no. responses were received in all from the following local residents, all offering evidence **against**; (the relevant evidence only is referred to):

Letter from Mr Stephen Townsend (received 14th Sept. 2012) of 138 Old Gloucester Rd, Hambrook

Mr Townsend has lived at his current address since May 1999. Mr Townsend has regularly walked the local footpaths and regularly driven up the M32 that overlooks the site. Mr Townsend states that throughout this time the land, the subject of the application, has appeared abandoned and overgrown. It has certainly not been used for the sustained conduct of commercial or storage activity. There has not been a marked seasonal variation in the traffic flows in and out of what is now called Hambrook Business Park. The introduction of HGV's to Hambrook Business Park has only occurred in the last year.

Letter from Michael Holt (dated 20 Nov. 2012) long time resident of The Stream

Mr Holt has lived in 'The Stream' since 1968 at Hambrook House, Watercress House and latterly Redstone House. Mr Holt submits that the area of land the subject of the application was overgrown for many years and has only been cleared in the last two years and subsequently used for storing heavy plant, equipment and lorries. The area up to 2 years ago was totally overgrown.

Mr Holt states that the present owner of the land was a lessee of the premises up to 2003, when he signed a tenant's agreement. As both a lessee and a tenant there were territorial boundaries in the documents, which excluded the use of the land for the purposes claimed.

Letter from Mr Raymond Jones (dated 01 Sept. 2012) of Greystones, The Stream, Hambrook

Mr Jones has resided at the above address since June 1990. Mr Jones submits that since June 1990 he has seen no evidence to suggest that the land around building J has been used for anything other than agricultural use. The building and land has looked derelict. Mr Jones makes reference to an aerial photograph taken in 2007 but does not provide a copy or clarify which photograph it is.

Mr Jones also states that he has not been aware of any seasonal variation in traffic volumes. A scaffolding business has not operated from the yard in the last 10 years. The 30-ton lorries have only been using the site since Nov. 2011.

Letter from Mrs Ruth Jones (dated 01 Sept. 2012) of Greystones, The Stream, Hambrook

Mrs Jones has resided at the above address since June 1990. Mrs Jones submits that since June 1990 he has seen no evidence to suggest that the land around building J has been used for anything other than agricultural use. The building and land has looked derelict. Mrs Jones makes reference to an aerial photograph taken in 2007.

Mr Jones also states that large lorries started using the site in Nov 2011. Mrs Jones regularly goes on coach trips involving traveling along the M32 from where the site can be seen – the land has not been in sustained use and looks abandoned and undeveloped.

Letter from Mrs C L Sheeley (dated 7 Sept. 2012) of Streamside Farm, The Stream, Hambrook

Mr Sheeley submits that the 2008 Google Aerial Photograph clearly shows the land around building J to be unused and overgrown. There has been no use of HGV's, a scaffolding business or tyre storage anywhere in the yard for a 'number of years'.

Letter from Mrs Pamela Willis (dated 1 Sept. 2012) of Daroca, The Stream, Hambrook

Mrs Willis has lived at the above address since 1983 during which time Mrs Willis states that the land in front of building J has not been used for anything other than agricultural purposes. Mrs Willis also states that as a car driver and coach user travelling from the M4 onto the M32, she has observed that the site has not been in sustained use and looks abandoned and undeveloped.

Mrs Willis also states that an aerial photograph taken in 2007 (Copy of Google earth picture of 14 April 2007 attached) shows the area around building J covered in trees and undergrowth and around building I covered in undergrowth.

Ms Willis disputes the declaration that traffic flow is variable, stating that there has been no difference in traffic volume due to the seasons. There has not been a scaffolding business operating from Hambrook Business Park during the last 10 years. Heavy lorries started using the site in November 2011 due to

lorries using Hambrook Business Park and this has continued to the present day.

Prior to the sale of the land in 2010, the area was regularly examined by the owners who have assured Mrs Willis that there was no approved commercial activity within the area of land the subject of this application, not until that is, that it was discovered that L A Clarke Civil Engineering Ltd. had come onto the site and concreted part of the land outlined in red.

Letter from Mrs Gill Chainey (dated 5th Sept. 2012) of Burrow Cottage, Kilgwrrwg, Chepstow NP16 6PN

Mrs Chainey states that she lived in Brook House, The Stream, Hambrook opposite the application site, from 1971 to May 2005. Mrs Chainey parked her horse trailer, with Mr Baylis's permission in barn 'I' until June 2005 when she moved out of the area. The horse trailer was the only vehicle stored in the barn until this date. Cars were never stored in the barn or near it. The area around barn 'I' was always kept totally clear of vehicles.

E.mail from Mr Benn Chainey (received 10 Sept. 2012) of Brook House, The Stream, Bristol

Mr Chainey states that he lived at Brook House until 1998 and that his parents stored their horse trailer in building 'I' until 2005. The area outlined on Exhibit MS2 remained over grown with just an access road through the middle used only for turning vehicles. Mr Chainey does not recall seeing cars parked in this area. HGV's stopped using the yard when Baylis Transport moved to Pucklechurch.

E.mail from Ms Lucy Lucy (received 10 Sept 2012) of Brook House, The Stream, Bristol

The land has remained overgrown until Mr Savory took ownership of the land in 2010. The removal of shrubbery and the introduction of HGV's to the site has only taken place since Mr Savory bought the land in 2010 not 10 years ago.

E.mail from Mrs Linda Tucker (received 10 Sept 2012) of Hillside Cottage, The Stream, Bristol

Mrs Tucker states that she is a resident of 12 years and that large vehicles (32 tonne trucks) have been regularly using The Stream for the past 6-8 months. Hardcore has only been on the land in the last couple of years.

E.mail from Lucy & Benn (dated 20 Oct 2012) of Brook House, The Stream, Hambrook, Bristol

Regarding the submitted Topographical Survey, the area identified as 'gravel' was used by Bayliss Transport until the business relocated to Pucklechurch. The previous owner abandoned this area, as demonstrated by the aerial photos, but since 2010, has been used for storage by the current owner.

E.mail from Catherine and Colin Sheeley (dated 21 October 2012)

Regarding the submitted Topographical Survey, certain areas within the farm are marked for their usage e.g. car park. The area around the barn is not marked as vehicle storage.

E.mail from Nigel Bayliss (dated 25 Oct. 2012) – previous part owner of the site
Mr Bayliss states that Michael Savory was his Lessee and Tenant, the land in question was not part of the lease. Mr Bayliss became part owner of 177 Old Gloucester Road BS16 1QR when his father Geoffrey died. Michael Savory had a lease on the land to 2002 thereupon a tenancy to the time he bought the land in 2010.

Letter from B Morris (dated 12 June 2013) of Hollybank, The Stream, Hambrook, BS16 IRG

Mr Savory was not given any rights for usage of the land.

Letter from Mr. Michael Holt (dated 13th June 2013) of Redstone House, The Stream, Hambrook, Bristol BS16 IRG

Prior to 2010 the site could be readily seen from the next field. The firm 'Rosco' (based in Newport Gwent) are parking lorries overnight on the land.

E.mail correspondence from Mr. Nigel Bayliss (dated 7 April 2013 to 11 April 2013) – (previous part owner of the site) together with a part copy of a Lease relating to part of Hambrook Business Park.

Mr Bayliss confirms that he was formerly a part owner of all of the land at 177 Old Gloucester Road (i.e. Hambrook Business Park) and was part signatory to a Lease with Mr Savory (ACH Rentals Ltd), a part copy of which has been provided. The lease does not relate to the land the subject of this application.

Mr Bayliss states that ACH never had use of the land the subject of this application and that it was never anything other than agricultural land that was not let to anybody. Mr Bayliss does however confirm that ACH illegally allowed 'Clarks' to clear the land but were subsequently evicted from it – ACH only had use of the land area designated under the lease.

6. OTHER CONSULTATIONS

- 6.1 Local Councillor
No response

7. ASSESSMENT

- 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 from the date of the submission of application and whether or not the use is in contravention of any Enforcement Notice, which is in force.
- 7.2 Dealing with the latter point, there are no enforcement notices relating to this property.
- 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". For a certificate to be issued, the land within the red edged application site-plan, must have been

continuously used for B8 storage purposes for 10 years consecutively, prior to the receipt of the application on the 15th August 2012. The relevant period for consideration is therefore between 15th August 2002 to 15th August 2012. 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 only issue, which needs to be resolved in the determination of this application, is whether or not the land within the red edged application site plan has been continuously used for B8 storage purposes for 10 years consecutively, prior to the receipt of the application on the 15th August 2012. The relevant period for consideration is therefore 15th August 2002 to 15th August 2012.

- 7.6 The use of this land was previously assessed in application PT11/4015/CLE where the officer in her Circulated Schedule Report (section 6) commented as follows:

'Land to the rear of the site is split by a wall into two uneven segments. That to the north of building I and J has in photographs 1991/1999/2005 and 2006 been clearly grassed and if any storage was undertaken prior to 1991 it has clearly reverted to agricultural field and storage is no longer its lawful use.

The land to the south and in between Buildings I and J is more akin to a turning circle and access to the west end of building I than storage but it does appear to have remained an integral part of the site with its turning head seemingly in regular use as the area of the turning head has not become overgrown on any of the Councils photographs. The area around the turning head is less clear. Contrary to the letters and Statutory declarations much of the rear of the site was not in active storage use after 1999 given the amount of growth of foliage in, the Councils 2005 and 2006 photographs. By the Councils 2008/9 photograph some of the southern area had been cleared or relayed with hard surface but this does not extend up to building J nor to the very south or west of the site. This period of growth indicates that the rear area of the site was not used for storage related or otherwise to the main user of the site and can not be included as storage area, proven on the balance of probability. A map showing the area proven as being in use for ancillary storage is attached to the recommendation and the rest of the land is simply considered to be ancillary land associated with the site but not where open storage occurred.'

- 7.7 From the submitted Planning Statement, the applicant Mr. Michael Savory, considers that the land the subject of this application (hereafter referred to as 'the site') as defined on the submitted red edged plan, has been used for B8 storage and distribution since 1997 and that the storage has been in association with Mr Savory's company ACH Ltd. which operates from Building E within Hambrook Business Centre (see submitted site location plan). ACH restore cars that have been involved in accidents and as such it is claimed that the 'site' is used for the storage of cars associated with the business. The applicant has however stated that the amount of vehicles stored on the site fluctuates and is typically busier during the Autumn/Winter period than the Summer months (there being more accidents in the Winter). The applicant states that the site has been maintained on a regular basis since 1999 by LA Clarke Civil Engineering Ltd. Paragraph 6.4 of the Planning Statement states that *"...the entire site outlined in red has been used in association with the business for overflow storage'*
- 7.8 This statement suggests that the 'site' is not the primary area used for the storage of cars associated with ACH but merely an ancillary area, the primary area presumably being the areas to the east, in and around the buildings granted CLU under the previous application PT11/4015/CLE.
- 7.9 From the submitted evidence, it is apparent that Mr. Savory acquired the freehold of the site in June 2010 having previously had a tenancy agreement with the previous owners made 8th April 2003. Prior to that date it appears that Mr. Savory had a lease on the land.

- 7.10 The applicant relies mainly on the statements of several long term employees of ACH or people who have been associated with the site through work related visits. A topographical survey of the site, dated 3rd Feb. 2002 has also been submitted.
- 7.11 This evidence is countered by a series of sworn statements and letters, mostly from long term residents of the properties which lie adjacent to or very close to Hambrook Business Park. Reference is made to aerial photographs held in South Gloucestershire Council's archive; these photographs are dated 1991, 1999, 2005, 2006, 2008/09.
- 7.12 The Aerial Photographs and Topographical Survey
The Topographical Survey is dated 3 Feb. 2002 i.e. just before the start of the 10 year period (15 Aug. 2002) relevant to the determination of this application. A supporting letter (dated 10 Oct. 2012) from the applicant's agent states:
- "This survey was produced by Chew Valley Land Surveys in 2002 in association with Hydrock Consultants. The plan clearly illustrates the area around the Dutch Barn as concrete and gravel to support our claim it has been used for outside storage for a period in excess of ten years."*
- An inspection of the plan however reveals that whilst areas of hard-standing i.e. gravel and concrete are indicated, an area of grass is shown between buildings I and J. Furthermore the car parking areas are annotated on the plan, nearly all of which are situated within the main part of the Business Park, to the east of the application site. Only one small area of car park is shown to the south of building I, which lies within the application site. The survey shows scrap cars in building I, tyres/wheels on an area to the south of building J and 5 containers shown located either side of the concrete path running through the northern part of the site.
- 7.13 This does not accord with the applicant's submission that the entire site was being used for overflow storage. Given that this survey was taken in Feb. i.e. a winter month when apparently ACH are busier, officers would have expected to see greater reference to the parking of cars.
- 7.14 Officers also note the letter from Mrs. Gill Chainey who states that she parked her horse trailer in Barn I until 2005 and that was the only vehicle stored in the barn. Mrs. Chainey also states that cars were never stored in the barn or near it and this is confirmed in the letter from Mr. Ben Chainey.
- 7.15 Moving to the Aerial photographs; whilst it is acknowledged that these only represent a snapshot of the site at any one time, they are considered to be a valuable source of evidence. Going by the vegetation within the photographs, they all appear to have been taken in the summer months. The two earliest photographs taken in 1991 and 1999 fall outside the relevant 10 year period but do give an indication of the site before the topographical survey was taken. It is evident from these photos that at the time they were taken there appears to be very little in the way of parking or storage on the site. The northern part of the site is given over to vegetation, although the track is clearly visible running through it.

The green area is visible between buildings I and J whilst what appears to be a turning area is already established to the south and west of Barn I. Little seems to have changed between 1991 and 1999 except that in 1999 the area to the south of Barn J now appears to have been cleared of vegetation, suggesting some activity there, although it is unclear from the photograph what that activity is. It is noted that in the 1999 photograph all parking save for a couple of vehicles is within the main part of the Business Park to the east of Building I. This does not support the assertion at para. 5.2 of the Planning Statement that the site has been used since 1997 as an area to store and distribute cars.

- 7.16 It is of course entirely possible that between the taking of the 1999 photograph and the Topographical Survey in Feb. 2002 that gravel was laid on the northern and southern areas of the site.
- 7.17 Moving to the 2005 aerial photograph, little appears to have changed on the site since 1999 although vegetation appears to have re-established itself on the area to the south of Barn J. From the number of cars parked in the main area of the Business Park it would appear that use of this area has intensified. Officers note that many of the vehicles are cars parked in a tandem fashion thus suggesting that they are cars associated with ACH that are awaiting repair.
- 7.18 The 2006 photograph is much the same as the 2005 photo except that the vegetation on the northern and southern areas of the site appears to be thicker still, suggesting that these areas have not been disturbed or worn by storage in the interim period. Only one stray car is seen parked within the site, to the south of Barn I.
- 7.19 The 2008/9 photograph reveals that by then, most of the northern and southern parts of the site had been laid to hard-standing. The central wall can be seen retained and the area to the south of Barn J remains overgrown. Despite this new hard-standing there appears to be only two vehicles parked within the site, the majority still being located within the main Business Park to the east. This work is likely to have been carried out by 'Clarks' (see Statutory Declaration of Mr. Lee Clark). The e.mail correspondence from Mr. Nigel Bayliss (former part owner of the site) confirms that ACH illegally allowed 'Clarks' to clear the land but were subsequently evicted from it – ACH under the terms of their Tenancy Agreement only had use of the land to the east of Barn I. This would explain the apparent lack of use of the hard-standing area in the 2008/9 photograph.

The Tenancy Agreement

- 7.20 Prior to the purchase of the site by the applicant in June 2010, ACH occupied Hambrook Business Park under a tenancy agreement with the former owners, one of which was Mr. Nigel Bayliss. It has been stated by Mr Bayliss that, under the terms of the tenancy ACH did not have use of the site (the subject of this application) and that the use of the land was never anything other than agricultural. This has been confirmed by Mr Michael Holt in his Statutory Declaration and subsequent letter.

- 7.21 In order to confirm this situation the applicant was invited to submit a copy of this Tenancy Agreement but nothing was forthcoming. A copy of the Tenancy Agreement has however subsequently been provided by Mr Nigel Bayliss himself who was one of the signatories to the agreement dated 8th April 2003. The agreement is made with Mr. M Savory trading as Aces Car Rentals/ACH Associates. The agreement is for 10 years from the 1st April 2003.
- 7.22 The Tenancy Agreement relates to buildings and land defined by a red edged plan attached as Schedule 5 to the agreement. It is evident that the application site does **not** lie within that red edge. Whilst Schedule 1 of the agreement gives the tenant the right to park motor vehicles within the demised area on the attached plan, it does not give any rights to use the land the subject of this application.
- 7.23 On this basis if any storage of cars by ACH took place on the site during the period of the tenancy i.e. between 1st April 2003 and June 2010 (when the applicant bought the freehold), this would have been in breach of the terms of the Tenancy Agreement.

The Statutory Declarations and Letters

- 7.24 The Statutory Declarations and letters submitted as evidence against, virtually all come from local residents. Many are long term residents who would be very familiar with the site and its location. The lanes around the site are narrow, as is 'The Stream' which forms the main vehicular approach into the site. Anybody living here would be well placed to see the daily and seasonal comings and goings to-from the site, which has only one vehicular access. Whilst it is acknowledged that the site is very well enclosed to views from Old Gloucester Road and from the footpath to the north, there are views from the open farmland to the south. Prior to the works by Bristol Water in 2007/2008, views from the footpath to the north-east of the site would have been clearer. It is also possible to gain views into the site from the M32 slip road.
- 7.25 Most of the Statutory Declarations and letters submitted in support are from people who either work at the site, have worked there or who visit the site in connection with their work. It is accepted that they are also well placed to have seen the use of the site over the years.
- 7.26 Officers visited the site on the 29th August 2012 i.e. a summer month when allegedly ACH are less busy. Nevertheless officers observed a large number of cars stored on the northern area of the site, a compound within which were various pipes, also to the north and various small piles of soil, highway signs and various plant stored around the periphery of the southern part of the site. There were no HGV's on the site at the time of the officer site visit.
- 7.27 The submitted Statutory Declarations and letters in support nearly all make reference to the site being used at some time for either overspill parking or storage, but are not clear as to how much of the site was used. Neither is there a consensus as to the site being continuously used for storage; only the letter from Paul Hobson states that the area has been in constant use.

- 7.28 This brings into question whether or not there have been breaks in the use applied for which would be significant enough to prevent a certificate being issued.
- 7.29 Moving to the submissions against, there appears to be a consensus that the site has not been used for the storage of cars until recently. Many state that there has not been a seasonal use of the site which for most part has been overgrown or in agricultural use. Several of the submissions (Beryl Morris, Pamela Willis, Raymond Jones, Ruth Jones, Linda Tucker) refer to an increase in traffic movements since 2010 when Mr Savory bought the site. This also ties in with the first complaints about the site received by the Council's Enforcement Team. Large vehicles bringing cars into the site have caused damage to nearby properties.
- 7.30 Officers consider that this information suggests that there has been an intensification of use of the site by ACH since 2010 when Mr Savory bought the site and it is since then that the site has been used regularly for overspill parking. If the level of use by ACH had been the same in the past, local residents would surely have noticed and the same issues with HGV's in the lanes would have arisen.

8.0. CONCLUSION

- 8.1 The submitted evidence covers the relevant 10- year period prior to receipt of the application.
- 8.2 The test of the evidence is on the balance of probability i.e. is it more likely than not that the activities referred to in the application have taken place during the requisite 10 year period.

The evidence submitted by the applicant is not considered to be sufficiently precise and unambiguous. There is sufficient contradictory evidence from third parties and from the Council's own aerial photographs to make the applicant's version of events less than probable. Furthermore there is sufficient evidence to suggest that even if the application site has been used for B8 uses, this has not been continuous over the relevant 10 year period.

- 8.3 It is the considered view therefore that on the balance of probability the applicants have not provided the evidence to support the claim and a certificate should not be issued.

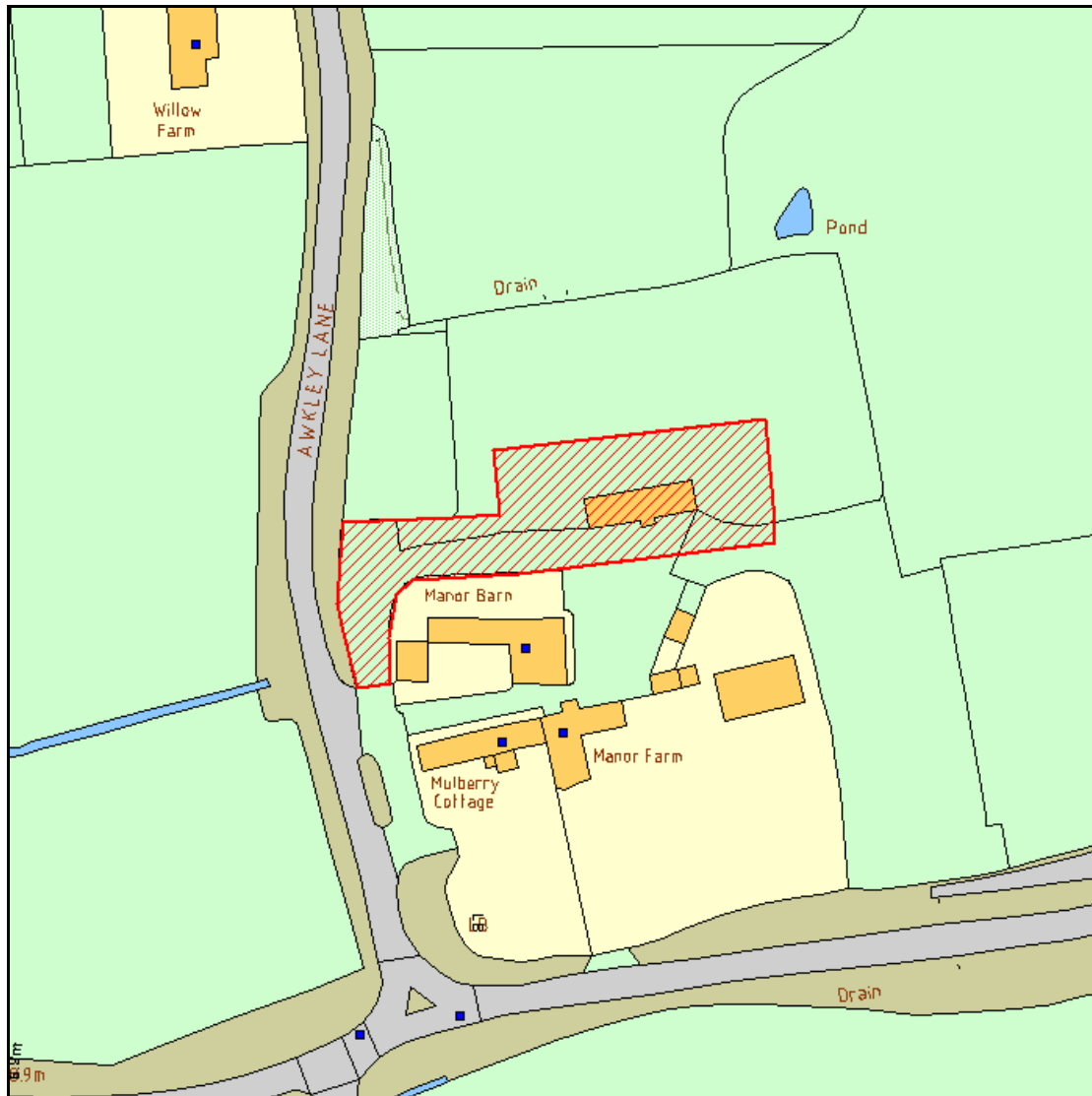
9. RECOMMENDATION

- 8.1 That a Certificate of Existing Lawful Use should NOT BE GRANTED for the continued use of the site for residential (B8) storage and distribution purposes as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CIRCULATED SCHEDULE NO. 17/14 – 25 APRIL 2014

App No.:	PT13/0956/F	Applicant:	Mr P Scandrett
Site:	Land At Manor Farm Awkley Lane Tockington South Gloucestershire BS32 4LP	Date Reg:	23rd May 2013
Proposal:	Conversion of agricultural building to provide detached dwelling with access and associated works (Retrospective)	Parish:	Olveston Parish Council
Map Ref:	359466 185844	Ward:	Severn
Application Category:	Minor	Target Date:	15th July 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application circulated because the officers recommendation conflicts with the consultation responses.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the use of this converted barn and an area of curtilage for a single dwelling. The external works have been carried out for over four years and as such are immune from enforcement action. Internal works have also been undertaken and a kitchen was being fitted at the time of the officer site visit. The use however remains that of agriculture at present and as such this application seeks only to establish if a change of use is acceptable at the site.
- 1.3 The site is located in the green belt and outside of any settlement area but is located alongside a small group of other dwellings.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

- Section 1 Building a strong, competitive economy
Section 3 Supporting a prosperous rural economy
Section 6 Delivering a wide choice of high quality homes
Section 7 Requiring good design
Section 9 Protecting Green Belt Land
Section 11 Conserving and enhancing the natural environment.

Planning Practice Guidance 2014 – Floodrisk and coastal change

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- L1 Landscape protection and enhancement.
EP2 Flood Risk and Development
H10 Conversion and Re-use of Rural Buildings for Residential Purposes
L1 Landscape protection and enhancement
T7 Cycle Parking
T12 Transportation Development Control Policy for new Development

South Gloucestershire Local Plan:Core Strategy adopted December 2013.

- CS1 High Quality Design
CS5 Location of Development
CS9 Managing the Environment and heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity

- 2.3 Supplementary Planning Guidance
Development in the Green Belt SPD adopted May 2007
South Gloucestershire Design Checklist (Adopted) 2007
South Gloucestershire Residential Parking Standards December 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT00/1232/F Conversion of agricultural buildings to provide detached dwelling and garaging. Approved 23.06.2000
- 3.2 PT03/1919/F Conversion of agricultural buildings to provide detached dwelling and garaging. Amendments to previously approved scheme to include increase in height, provision of first floor accommodation, porch and elevational changes. Refused 11.08.2003
- 3.3 PT04/1044/F Conversion of agricultural buildings to provide detached dwelling and garaging. Amendments to previously approved scheme to include increase in height, provision of first floor accommodation, and elevational changes, (resubmission of application PT03/1919/F). refused 27.04.2004

4. **CONSULTATION RESPONSES**

- 4.1 Olveston Parish Council
No objection.
- 4.2 Other Consultees
- 4.3 Highways
No objection
- 4.4 Drainage
No objection but the development lies within a flood zone as defined on the Environment Agency Section 105 flood maps and Environment Agency Standing Advice Developments and Flood Risk Matrix (January 2009). The use is assessed as Development category 'More Vulnerable' Red Cell (High Risk) within Flood Zone 2. The Flood Risk Assessment provided with the application must be forwarded to the Environment Agency with a request that they confirm their approval.
- 4.5 Environment Agency
This site is located within Flood Zone 1, which is a low flood risk area defined for mapping purposes by the Agency's Flood Zone Maps. This is land where the indicative annual probability of flooding over 1 in 1000 years from river sources (i.e. between 1% and 0.1% chance in any given year). The equivalent probability figure for tidal/coastal sources is between 1 in 200 and 1 in 1000 years (i.e. between 0.5% and 0.1% chance in any given year).

However, the access falls within Flood Zones 2 and 3 which are areas with a medium to high probability of flooding, where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater

chance of flooding in any given year) or 1 in 200 years or less from tidal/coastal sources (i.e. a 0.5% or greater chance in any given year).

Therefore, providing the Local Planning Authority (LPA) are satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met the Environment Agency would have no objection, in principle, to the proposed development, subject to the inclusion of informatives.

The Environment Agency were advised of localised flooding in 2012 and as a result looked into the case further, requesting information regarding:

- Clear legible surface water drainage plan, showing pipe network, soakaways and other attenuation.
- Surface water drainage calculations demonstrating that the drainage system will maintain (or lower) previous runoff rates. The calculations should show that any additional new hardstanding area is restricted to Greenfield runoff rates. It should be clarified what attenuation/flow control has been included to achieve this.
- Explanation of what ditches and hedges have been removed as part of the development
- Confirmation of what flood resilience measures referred to on the last page of the submitted Flood Risk Assessment have actually been incorporated within the construction of the dwelling.

In addition, the applicant proposes the use of non-mains drainage facilities. However, if the site is located within an area served by a public sewer, connection should be made to this sewer in preference to private drainage options, unless the applicant can provide good reason why this is unfeasible.

A later response confirms that the submitted calculations are acceptable in showing that there is sufficient capacity within the drainage system, up to the 1:100 year plus climate change storm event. They also clarify that the impermeable area that has been reduced.

Flood resilience measures received on 26/11/13 have also been accepted.

4.6 Environmental Protection

No objection subject to a condition requiring a land contamination survey be carried out.

4.7 Landscape Architect

There is no landscape objection to this development with regards to Policy L1 of the adopted local plan. However in order to preserve the rural character of the area permitted development rights should be removed.

Other Representations

4.8 Local Residents

Two responses from or on behalf of neighbouring properties were received in relation to the following concerns:

- The FRA rightly points out that there has been flooding of the public highway in the vicinity of the site, which also affected neighbouring properties.
- The National Planning Policy Framework highlights in Clause 103 that Local Authorities should ensure that flood risk is not increased elsewhere as a result of development.
- We therefore welcome the Applicants intention to attenuate run-off to reduce the speed of runoff to adjacent watercourses.
- We presume that the Council will ensure that the surface water drainage design and receiving system will ensure that flooding is not worsened, and that foul drainage is managed in accordance with the appropriate Regulations to minimise risk of pollution.
- Last year Manor Farm had flood water up to the front door of the property no less than three times. And on those occasions was within 2 inches of going into the house. The area immediately outside on the South side of the house was covered with 12 to 18" of flood water. The lack of any surface water drainage design or calculations was evident last year when on five occasions Manor Barn was flooded. The addition of hard landscaped areas adjacent the house in the last 18 months and the removal of hedges and ditches has only added to the water run off. All this water finds its way in to an inadequate, under designed 50 year old surface water system. Every time the area floods raw sewage finds it way in to the flood water as septic tanks are overwhelmed with flood water.

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. This site is located in the open countryside and within the Green Belt. The NPPF seeks to be proactive in relation to development and this barn would appear to have no merit in relation to the farm use. The barn conversion is read as part of the existing cluster of farm buildings. As such there is a presumption in favour of development which stands to be tested further in relation to the policies of the local plan and further input on specific uses from the NPPF.

The NPPF at paragraph 17 states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- 5.2 The site is also located in the green belt where section nine of the NPPF seeks to prevent urban sprawl and preserve the openness of the Green Belt. The

NPPF suggests that the re-use of buildings are not inappropriate in the Green Belt provided that the buildings are of permanent and substantial construction.

Section 6 of the NPPF seeks to deliver a 'wide choice of high quality homes'. *Paragraph 51 identifies that the Local planning authorities should normally approve planning applications for change of use of commercial buildings where there is an identified need to additional housing in the area, provided that there are not strong economic reasons why such development would be inappropriate.*

- 5.12 Policy H10 deals with the conversion and re-use of existing buildings for residential purposes outside of the existing urban areas and boundaries of settlements and states that conversion will not be permitted unless:
- A all reasonable attempts have been made to secure a business re-use or the conversion is part of a scheme for business re-use; and
 - B the buildings are of permanent construction and structurally sound and capable of conversion with out major or complete reconstruction, and
 - C the buildings are in keeping with their surroundings in terms of character, form, bulk ad overall design, and
 - D development, including any alterations, extensions or the creation of a residential curtilage would not have a harmful effect on the character of eth countryside or the amenities of the surrounding area ; and
 - E the building is well related to an existing settlement or other group of buildings.
- 5.13 The tests of policy H10 part A have been weakened by the emergence of the NPPF as the NPPF seeks only that such development would 're-use redundant or disused buildings and lead to an enhancement to the immediate area'. It appears that the agricultural use of this building has ceased, because the conversion works were substantially completed over four years ago and the building is considered to be redundant.
- 5.14 The building is of traditional form although it appears to have been enlarged by raising the roof and by the insertion of new fenestration. These alterations have to be considered as existing given the length of time they have been present prior to the application. The site is relatively tightly drawn around the buildings and as such the curtilage is not oversized but development undertaken under householder permitted development could erode the visual amenity of the locality by further buildings works or the design of those building works and as such permitted development rights would need to be withdrawn if permission were granted for the change of use. Overall therefore there would be a negligible impact on the green belt. As such the proposal meets policy H10.
- 5.15 Drainage
The detail of foul drainage is that a package treatment plant has been installed for foul water and that surface water is proposed to be disposed of to soakaways. The councils drainage team raise no objection to this proposal but it is recognised from the comments of a neighbour and an agent working for an undisclosed neighbour that the adjacent properties have come close to flooding and the proposal should not lead to more flooding. The change of use of this

barn itself is no more likely to cause flooding to nearby properties than the existing barn in its previous agricultural use would have done but care needs to be taken with regards to the type of landscaping likely to accompany the conversion and any additional hard surfacing such that it does not speed the flow of water towards other properties.

The Councils drainage team and the Environment Agency have both considered the drainage facilities at this site, both in relation to foul and surface water drainage. Further to comments from neighbours regarding localised flooding issues the Environment Agency requested to see further details, which were provided by the applicant and the Environment Agency have since clarified that the details are acceptable. A condition is necessary to ensure that the scheme is now carried out in accordance with the details so agreed by the Environment Agency.

A vulnerability test carried out in accordance with table 3 of the Technical Guidance to NPPF for the site finds that 'More vulnerable' (use a a dwelling) development is acceptable within flood zones 1 and 2. The barn is located in flood zone 1 and only the access is located in flood zone 2 and 3. The revised guidance in the Planning Practice Guidance issued 2014 advises that 'The sequential and exception tests do not need to be applied to minor developments and changes of use, except for change of use to a caravan, camping or chalet site, or to a mobile home or park home site'. As such subject to the above condition the application is acceptable in respect of its floodrisk matters.

5.16 Landscape

The site is set down from the fields around it and it is clear that some hedgerow has been taken out prior to the application. Notwithstanding this the new use would not affect the countryside around the barn but the removal of householder permitted development rights as suggested above is necessary to protect amenity. There is no indication of soft landscaping with this scheme at this stage but there is adequate potential to create a soft edge to the units with native hedgerows and other native planting which will offer a broad species mix to accord with policy L1 and L9. As such a landscape condition is appropriate and recommended. Given the location of the building away from nearby roads, the conversion will have little impact from outside of the site.

5.15 Transportation and Highway Safety

The proposed dwelling would be reliant on the private car given the sites rural proximity and the road environment. A farm building is expected to be located in the countryside where as a new dwelling is better located where the occupiers have the option of using more sustainable modes of travel including walking, cycling and public transport. Whilst it is worth noting that the location of the site is remote and new housing development would not be appropriate here, it is noted that the development plan encourages the reuse of existing redundant buildings and as such no sustainability objection is sustained.

The proposal incorporates sufficient land to facilitate the four parking spaces listed in the application form.

5.17 Land Contamination

Barns have often been used to store chemicals and may have harmful implications for future inhabitants. Investigations into such potential contamination is usually carried out prior to the commencement of works to convert a building but in this case this is not possible given that the unauthorised works have occurred already. Notwithstanding this and given the concerns for the future inhabitants a condition is proposed which still requests that an evaluation and mediation measures, if necessary are carried out.

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 is GRANTED for the reasons below.

Proposed informatives:
Environment Agency regarding flood risk
Non mains drainage
Plan numbers
Land not within ownership
Land ownership consent required

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 scheme shall be carried out in accordance with the drainage scheme, calculations and plan 'Site Area' 1134414 -01 number submitted to the Environment Agency on 5th September 2013.

Reason

To prevent an increase in the likelihood of flooding of neighbouring properties and the development itself and to accord with Policies CS1, CS5 and CS9 of the South Gloucestershire Local Plan: Core Strategy Adopted December 2013.

3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H) , 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 a satisfactory standard of external appearance and to accord with Policies CS1, CS5 and CS9 of the South Gloucestershire Local Plan: Core Strategy Adopted December 2013.

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

Reason

In the interests of the visual amenity and biodiversity of the site (s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the South Gloucestershire Local Plan: Core Strategy adopted December 2013.

5. A) Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

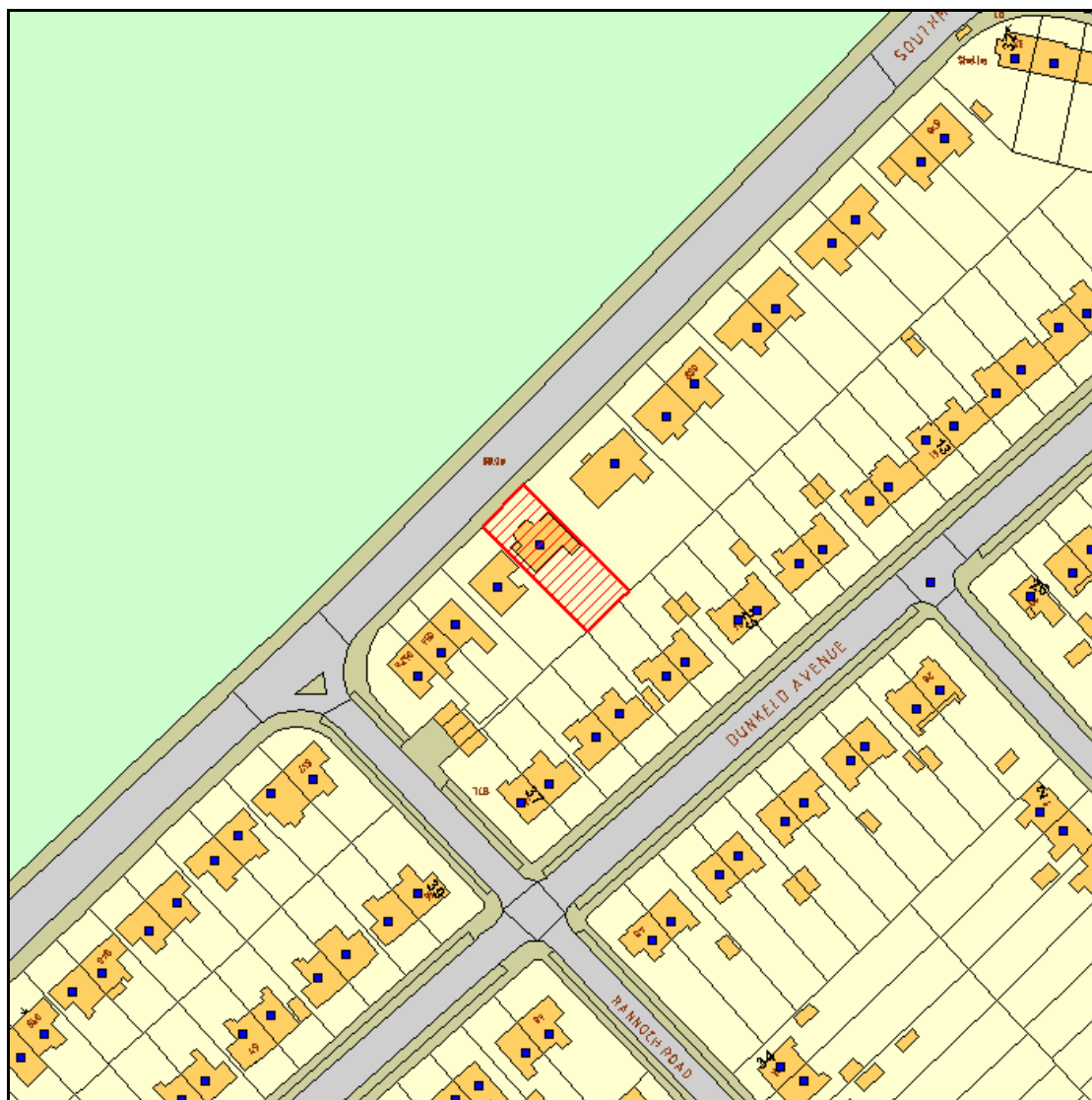
- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

To ensure that adequate measures have been taken to mitigate against contamination to accord with Policies CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 17/14 – 25 APRIL 2014

App No.:	PT14/0392/CLP	Applicant:	Mrs Jaine Foster
Site:	660 Southmead Road Filton Bristol South Gloucestershire BS34 7RD	Date Reg:	20th March 2014
Proposal:	Application for certificate of lawfulness for the proposed erection of a single storey rear extension.	Parish:	Filton Town Council
Map Ref:	359597 178657	Ward:	Filton
Application Category:	Minor	Target Date:	12th 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 proposed erection of a single storey rear extension at 660 Southmead Road Filton 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) (Amendment) (No. 2) (England) Order 2008. .

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.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning (General Procedures) Order 1995 Article 24 Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class A.

3. RELEVANT PLANNING HISTORY

3.1 No planning history

4. CONSULTATION RESPONSES

4.1 Filton Town Council
No objection

Other Representations

4.2 Local Residents
No response received

Other representatives of the Council

Highway Drainage

No objection in principle, however, the proximity of a public sewer may affect the layout of the development. Contact Wessex Water for details.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 PLANS
Site location plan and block plan;
Existing elevations;

Proposed elevations;
Existing floor plans;
Proposed floor plans

6. EVALUATION

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

The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GDPO 2008.

- 6.2 The proposed development consists of a rear extension. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The enlargement, improvement or other alteration of a dwellinghouse). This allows for the enlargement, improvement or other alteration of a house, provided it meets the criteria as detailed below:

Erection of a single storey rear extension

A1 Development is not permitted by Class A if –

- (a) **As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**
The proposed rear extension would not exceed 50% of the total area of the curtilage.
- (b) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**
The maximum height of the proposal would sit beneath the existing eaves height of the main dwelling house. As such the proposal meets this criterion.
- (c) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

The entire proposal would sit lower than the eaves height of the main dwelling. The height to eaves of the proposed extension would reach 3.9 metres, in comparison, the height to eaves of the main dwelling measure 5.4 metres.

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

The proposed extension would be to the rear of the dwelling not on a principle or side elevation and not fronting a highway, as such the proposal accords with 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 host dwelling is a detached property. The proposed extension would be single storey and would extend a maximum of 4.0 metres in depth. Furthermore the proposed extension would have a maximum height of 3.9 metres.

- (ea) Until 30th May 2016, for a dwellinghouse not on article 1(5) land nor on a site of special scientific interest, 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 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse or**
- (ii) exceed 4 metres in height**

The proposed single storey rear extension would extend 4.0 metres from the rear of the dwellinghouse.

- (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 two metres from a 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 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 would extend off the rear elevation of the dwelling only.

- (i) **It would consist of or include—**

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

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

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

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

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

- 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 within article 1(5) land and as such the proposal meets this criterion.

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 proposal would be finished in materials to match those of the existing dwellinghouse.

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

- (i) **obscure-glazed, and**

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

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

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

The proposal is single storey.

- A4 Conditions apply to development falling under A1 (ea). These include:**
Development shall be completed on or before 30th May 2016 and the developer shall notify the local planning authority of the completion of the development.

7. RECOMMENDATION

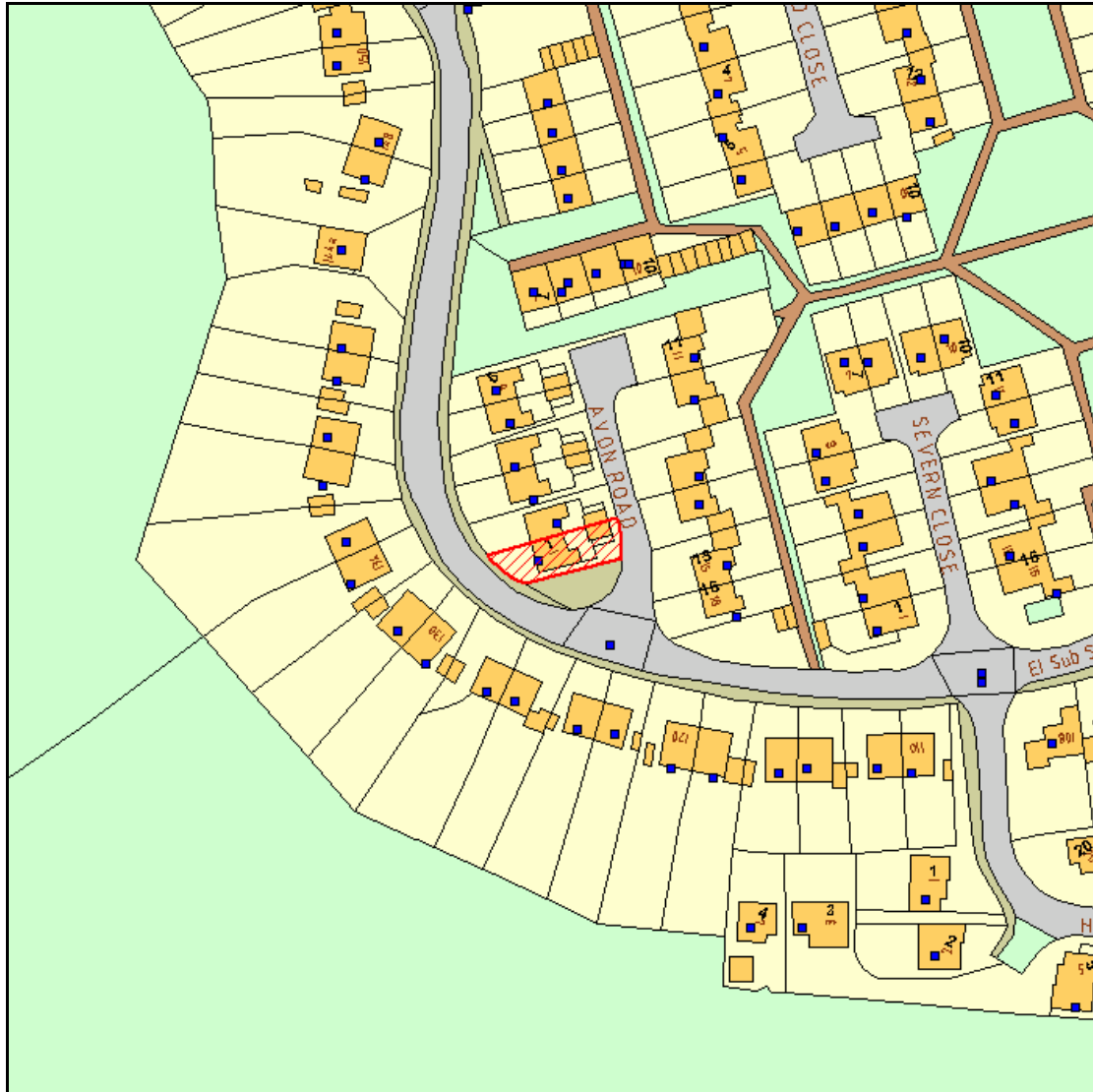
- 7.1 That a certificate of Lawfulness for Proposed Development is granted for the following reason:

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) (Amendment) (No.2) (England) Order 2008.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CIRCULATED SCHEDULE NO. 17/14 – 25 APRIL 2014

App No.:	PT14/0582/F	Applicant:	Mr Ben Vale
Site:	1 Avon Road Charfield Wotton Under Edge South Gloucestershire GL12 8TT	Date Reg:	11th March 2014
Proposal:	Erection of two storey extension to form additional living accommodation.	Parish:	Charfield Parish Council
Map Ref:	372026 191907	Ward:	Charfield
Application Category:	Householder	Target Date:	1st May 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following objections received from the Parish Council and from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a two-storey rear extension to form additional living accommodation.
- 1.2 The application site relates to a two-storey end of terrace property situated within the established settlement boundary of Charfield.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS5 Location of Development
CS24 Open Space Standards

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

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
Objection: the proposals are overbearing and not in-keeping with the neighbouring properties. If allowed to go ahead will have a detrimental effect on the street scene and adjoining house.

- 4.2 Other Consultees

Sustainable Transport
No objection

Highway Drainage

No objection

Community Open Space

No objection subject to an informative attached to the decision notice.

Other Representations

4.3 Local Residents

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

- The proposed plans do not show the true ground relation to No. 2
- A two-storey extension would severely affect light and sunshine entering the existing single storey extension at my property. The bedroom above would also be affected by a reduction in light and sunshine. Light would be reduced to the garage window and sitting area/garden which the proposed extension would overlook.
- Would be overbearing and affect my family's privacy
- Would be out of keeping with rest of houses in the road as there are no two-storey extensions
- Would have no objection to a single storey extension

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal stands to be assessed against the policies listed above.

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives.

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

In addition saved Policy T12 seeks to ensure that development will have no adverse impact on highway safety and residential parking standards have been revised under supplementary planning guidance adopted 2013.

The proposal is in accordance with the principle of development.

5.2 Design and Visual Amenity

The application site relates to a modest semi-detached property within Charfield. It is of a Radburn type design whereby the main entrance is from the rear, off Avon Road. Garages associated with the properties are located within the boundary of the small rear gardens and are semi-detached to that of their neighbour.

- 5.3 The application site benefits from a small single storey rear extension which appears typically on all of the dwellinghouses along this road. The proposal would infill this section to create a flush rear building line. The extension proposed is two-storey with a gable facing the rear garden. When measured off plan, the extension would be approximately 2.2 metres deep and be set away from the single storey rear extension of the neighbouring property by 0.4 metres. It would be approximately 6.2 metres wide and would create an additional bedroom upstairs and a larger kitchen downstairs. Plans indicate that additional internal work would also take place to, for example, re-position the staircase and bathroom and introduce a new side door.
- 5.4 The proposed plans show the ridge height of the rear extension to be slightly lower than that of the main dwelling and materials used would be red brick for the exterior, double Roman tiles and white uPVC windows and doors. Materials would thereby match those of the existing dwellinghouse.
- 5.5 The proposed two-storey structure would only be approximately 2.2 metres deep with the gable roof feature across the rear elevation. This is considered acceptable in terms of both the bulk and massing of the proposal. The depth is not considered to be excessive and would follow the rear building line created by the existing single storey rear extensions of the neighbouring property No. 2 and indeed the existing single storey of the application site. In this respect the proposal uses good design principles and there can be no justifiable objection in terms of its scale, overbearing or the proposed materials.
- 5.6 It is acknowledged that there are no other two-storey rear extensions to the properties within this cul-de-sac. This fact, however, would not be sufficient reason to refuse an application. All schemes are assessed on an individual basis with regard to appropriate and relevant policy and provided they accord with the principle of development, can be supported.
- 5.7 Residential Amenity
Comments have been received from a concerned neighbour with regard to the impact the two-storey structure would have on the residential amenity of this property. The neighbour is positioned to the north of the application site and currently benefits from a single storey extension running across the entire width of this property. As mentioned previously the proposed two-storey rear extension would follow this existing building line. A useful tool when calculating the impact an extension would have on a neighbouring property is the 45 degree rule. Calculations show that the proposed extension of 2.2 metres in depth falls approximately on this line and is therefore an acceptable addition. Anything over this depth would have a negative impact on the amount of light entering the adjacent property and would therefore be unacceptable. It is acknowledged that the proposed two-storey extension would change the existing situation, and in particular would change the amount of light currently entering through the roof lights of the neighbour's extension. However, given the presence of other windows within this structure, it is considered that the proposal would not result in an unacceptable change in the amount of light entering that property.

5.8 Issues relating to the impact on the privacy of the neighbouring property have been raised. Currently these properties have very modest rear gardens with the respective garages being approximately 2.6 metres from the single storey rear extensions. It is not considered that the extension by a further 2.2 metres into the rear garden of the application site would significantly change the existing level of overlooking currently experienced from first floor bedrooms of either properties. The proposal is therefore considered acceptable.

5.9 Sustainable Transport

The proposed development would increase the number of bedrooms from 3no. to 4no. Adopted policy dictates that for this number of bedrooms 2no. off street parking space must be provided to serve the property. It is considered that the proposal complies with this.

5.10 Other Matters

The property is adjacent to land classified as public open space. Permission in the form of a licence should be sought from the Property Services Section if the developer wished to use this open space to erect scaffolding or gain access to the property across this land. An informative will be attached to the decision notice to this effect.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

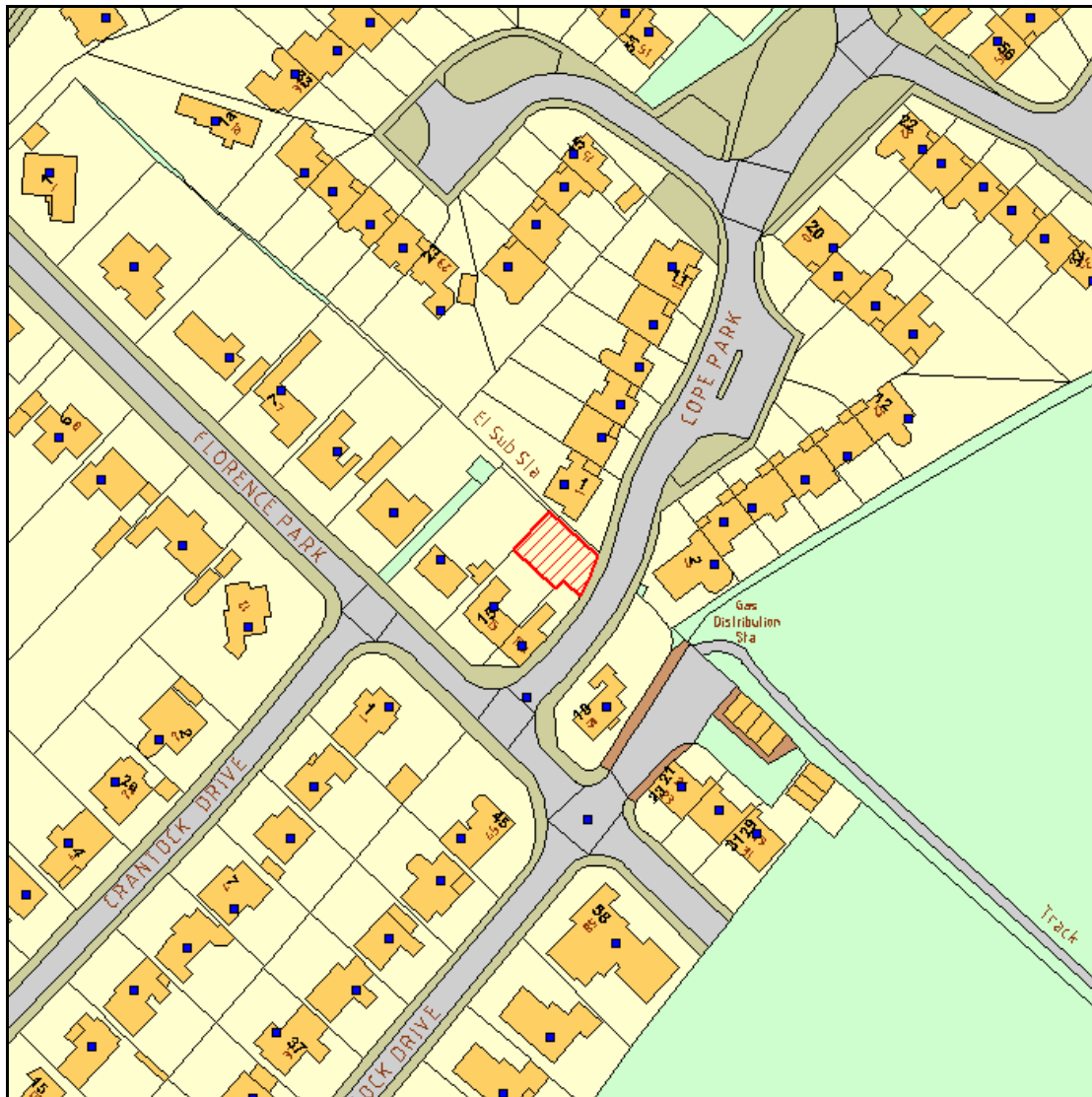
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 17/14 – 25 APRIL 2014

App No.:	PT14/0870/F	Applicant:	Mr George Simpson
Site:	15 Florence Park Almondsbury Bristol South Gloucestershire BS32 4HE	Date Reg:	17th March 2014
Proposal:	Erection of 1No. new dwelling with new access and associated works, resubmission of PT14/0075/F	Parish:	Almondsbury Parish Council
Map Ref:	361102 184245	Ward:	Almondsbury
Application Category:	Minor	Target Date:	7th May 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following comments received from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of 1no new dwelling with new access and associated works. The application is a resubmission of PT14/0075/F which was withdrawn due to Officer concerns with the scale and size of the proposal which included a two-storey element to the 3 bed dwellinghouse. This application has reduced the size of the proposal to a 2no. bed dwellinghouse of single storey construction.
- 1.2 The application is situated within the settlement boundary of Almondsbury and washed over by the Bristol/Bath Green Belt. The application site relates to the rear garden of No. 15 Florence Park, Almondsbury. This property occupies a corner position with the cul-de-sac of Cote Park running along its southern boundary. The main house has benefited from a side extension in the past which is now a separate residence. The garden of the main house is therefore 'L' shaped and dog-leg's around No. 15a. It must be noted that the small residence of No. 15a has off-street parking provision but little garden amenity space other than the hardstanding around the garage and a modest front garden.
- 1.3 During the course of the application additional plans were received showing the proposed landscaping details.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS5 Location of Development

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies
H4 Development within Existing Residential Curtilages, Including
Extensions and New Dwellings
T12 Transportation Development Control
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire Supplementary Planning Document: Green Belt (Adopted) 2007
South Gloucestershire SPD: Residential Parking Standards (adopted) 2013.

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|--------------------------|--|
| 3.1 | PT14/0075/F
Withdrawn | Erection of 1 no. detached dwelling with new access and associated works.
14.2.14 |
| 3.2 | PT11/0411/F
Approved | Conversion of existing annexe to form 1no. dwelling.
24.3.11 |
| 3.3 | P93/1139
Approved | Erection of two storey side extension to form ground floor lounge, kitchen and utility room with two bedrooms and shower room over
7.3.93 |
| 3.4 | N4841
Approved | Erection of single storey rear extension (in accordance with the amended plans received by the Council on 10th August 1978).
5.10.78 |

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No comment

- 4.2 Other Consultees

Highway Drainage

No objection subject to conditions and informatives attached to the decision notice

Sustainable Transport

No objection

Landscape Architect

No objection subject to a condition

Other Representations

- 4.3 Local Residents

Comments have been received from two local residents:

- The proposed dwelling projects beyond the building line in Cope Park. There would be insufficient space on the plot to set the building back to the building line Cope Park
- The plot is too small to accommodate three separate dwellings. The footprint of the bungalow is larger than on a previous application PT14/0075/F. A third dwelling would cut down drastically the amenity space for all three dwellings on the plot
- The design of the east elevation is basic and not in-keeping with the area
- The parking space is inadequate for an access ramp for a wheelchair and manoeuvring in an out of adapted vehicles

- The dwelling would overlook the back garden of No. 13 Florence Park
- Due to its proximity it would cut down the sunlight falling on the garden of No. 13 and in particular the area used to grow soft fruit and vegetables and for recreation and would result in a loss of garden amenity for No. 13
- No scale is indicated on the drawings
- The tiny space between the west side of the proposed dwelling and the boundary with No. 13 constitutes a gross infringement of privacy of No. 13
- Construction of the proposed dwelling would result in around two-thirds of plot being covered with buildings, an unacceptably high and oppressive housing density
- Soil here is heavy clay and back garden of No. 13 already subject to waterlogging and lying surface water in wet winters- covering over a substantial area of nearby grassland will exacerbate this problem
- Would be reckless to allow any permeable soakage areas close to adjacent properties
- Construction would likely kill adjacent trees along the east border within back garden of No. 13 – a rowan and mature lilac. Also a tall evergreen in No. 15 and the loss of these trees would increase the waterlogging problem in both gardens
- Loss of mature trees
- Design of east elevation is basic and not in-keeping with area, boxlike dwelling and minimal, cramped exterior space are basic and not in-keeping with area
- Revised proposal gets rid of off-road parking for No. 15 necessitating on-road parking on a difficult bend
- Height has been reduced to one-storey and despite the 1.8 metres fence the dwelling would still overlook the garden of No. 13

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives.

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

In addition saved Policy T12 seeks to ensure that development will have no adverse impact on highway safety and residential parking standards have been revised under supplementary planning guidance adopted 2013.

National Green Belt policy under the NPPF has five aims which help to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Inappropriate development is by definition harmful and should be avoided except in very special circumstances.

The proposed development is considered to accord with the principle of development.

5.2 Green Belt

Regard must be had to the purposes of the Green Belt and the NPPF (2012) states one of the main aims to be: *'to assist in safeguarding the countryside from encroachment'* (NPPF, 2012, Para 80). It goes on to say that *'inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances'* (NPPF, 2012, Para 87) and that *'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt'* (NPPF, 2012, Para 88).

- 5.3 Paragraph 89 of the NPPF discusses inappropriate development in the Green Belt and lists where exceptions can be considered. Thus, regard must be given to the section which allows:

'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'.

- 5.4 The proposed dwelling is considered to accord with the definition of 'limited infilling' and being within the established residential area would not additionally impact on the openness of the Green Belt over and above that already existing. The proposal therefore meets the criteria of Green Belt policy.

5.5 Design and Visual Amenity

The proposed single storey dwellinghouse would be positioned in the rear garden of No. 15 Florence Park and therefore be part of the street scene of Cote Park, a cul-de-sac adjacent to the east side of the application site. Properties 1 – 11 are to the north of the site and create a strong building line. The proposed dwellinghouse would be positioned at an angle to complement these dwellings but would be stepped slightly forward of the building line of No. 1 Cote Park. The building line of No 15a is forward again of the proposed dwelling and as such it is considered that the new build would harmonise with the exciting street scene pattern, being positioned in between these two dwellings.

- 5.6 Properties along Florence Park vary greatly in their design, size and external appearance. They tend to be individual detached properties where a mix of gable fronts, dormer and bay windows exist with painted render, red brick and hanging tiles being some of the external finishes present. It is likely that these properties were built around the 1950s. By contrast properties along Cote Park

are more modern in age and design. They have simple flat frontages with many exhibiting a Bradstone exterior and hanging tile features. The rear of Nos. 15 and 15a are of a painted render which matches the side elevation of No. 19 Florence Park and the side and front elevations of No, 2 Cote Park. These properties are the closest dwellings opposite the proposed new dwelling. On this basis the proposal by having reconstituted stone to the front and rear elevations and painted render to the sides, matches materials already present in the area.

- 5.7 The scaled drawings show the proposed dwelling would have a ridge height of approximately 4.3 metres, an eaves height of 2.4, measure between 6.8 and 5.6 metres deep and 8.1 metres wide. It would have a gable feature to the rear. As mentioned above, the proposal has been significantly reduced in size from an initially proposed two-storey dwelling to a single storey one. To accommodate the reduction in the height, the footprint has been increased very slightly, for example, the 0.6 metre deep projection to the rear to accommodate the gable. The size of the proposed dwelling and the amount of outside space is not uncommon for a 2 no. bed dwelling and overall is it is considered that the design, scale and massing of the proposed dwelling is acceptable.

5.8 Residential Amenity

Nos. 1 to 15a run in a north west to a south easterly direction with No. 15a being the end of the row and occupying a corner position. The neighbouring dwelling of No. 13 is to the north west of the application site, separated from it by a 1.8 metre high fence. No. 13 benefits from a substantial garden with the rear garden measuring approximately 22 metres. It is considered that given the single storey nature of the development along with the orientation and the existing boundary treatment there would be no unacceptable impact on the residential amenity of these neighbours. It has been suggested that the proposed new dwelling would compromise the sunlight entering the garden of No. 13 and the development would kill some existing trees. Although it is acknowledged that the proposal would result in changes, it is considered that the single storey nature of the development along with its orientation would not severely affect the large garden of No. 13 nor lead to a loss of garden amenity for this property. The existing trees are not specimens worthy of a tree protection order and as such would not be sufficient reason to refuse the application.

- 5.9 It has been suggested that the proposal would result in a high housing density level. Currently there are no government or local density levels to be complied with and as such each application is considered on its own individual merits under the policy listed above. The scheme as presented is considered to accord with policy requirements and is therefore deemed acceptable.

5.10 Highway Drainage

Following extensive discussions with the agent, the Council's Drainage Engineers has assessed the scheme and it is considered acceptable in this location subject to appropriate conditions and informatives being attached to the decision notice.

5.11 Landscape Architect

Following initial comments from the Landscape Architect, revised plans were received showing some planting to the front garden of the proposed new dwelling. The suggestion by the Officer that a Magnolia Tree to match that in the garden next door be planted was taken up by the applicant. In addition other shrubs will be included in a landscape scheme to be secured by condition. The Officer requested that 2no. car parking spaces be justified and as the proposed development is to cater for an occupier and a carer, the space for parking is considered reasonable.

5.12 Sustainable Transport

The proposal is for a 2no. bed dwelling with off-street parking provision for two vehicles. The recently adopted SPD: Residential Parking Standards (2013) states that for this size property 1 parking space would be required. The proposal would supply two parking spaces and as such the proposal complies with policy. Comments received state that the proposal would remove the parking provision for No. 15 Florence Park. The proposed dwelling would be located on an area of ground currently used as garden space and separated from the highway by a wall. No. 15 Florence Park does not have any off-street parking provision and this proposal would not change that situation.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

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

Reason

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

3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H) 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 saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan : Core Strategy (Adopted) 2013

4. During the period of construction the hours of working on site shall be restricted to and no deliveries shall be taken or received outside the hours of 08:00 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy CS5 of the South Gloucestershire Local Plan (Adopted) December 2013

5. Prior to the commencement of development a scheme of landscaping, which shall include details of proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with saved Policies H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.