



**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. 20/15

Date to Members: 15/05/15

Member's Deadline: 21/05/15 (5:00pm)

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 Environment of Community Services 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. Please note a copy of your referral e mail will appear on the website. **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 May Bank Holidays 2015

Schedule Number	Date to Members 9am on	Members Deadline
18/15	Friday 01 May 2015	Friday 08 May 2015 4.30pm
19/15	Friday 08 May 2015	Thursday 14 May 2015 5pm
20/15	Friday 15 May 2015	Thursday 21 May 2015 5pm
21/15	Friday 22 May 2015	Friday 29 May 2015 4.30pm
22/15	Friday 29 May 2015	Thursday 04 June 2015 5pm

For clarity I have highlighted those schedules in RED which have changed deadlines.

All other dates remain as usual.

CIRCULATED SCHEDULE - 15 MAY 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/0251/F	Approve with Conditions	Athelstan House Oakley Green Westerleigh South Gloucestershire BS37 8QZ	Westerleigh	Westerleigh Parish Council
2	PK15/1287/F	Approve with Conditions	Unit 12 Pucklechurch Trading Estate Pucklechurch South Gloucestershire BS16 9QH	Boyd Valley	Pucklechurch Parish Council
3	PK15/1315/CLP	Approve with Conditions	22 Fountains Drive Barrs Court South Gloucestershire BS30 7XQ	Parkwall	Oldland Parish Council
4	PK15/1559/MIS	No Objection	Quarry Site Chipping Sodbury Quarry Barnhill Road Chipping Sodbury South Gloucestershire BS37 6BN	Chipping	Sodbury Town Council
5	PT15/0492/CLE	Approve with Conditions	Milbury Cottage Whitewall Lane Buckover South Gloucestershire GL12 8DY	Thornbury North	Thornbury Town Council
6	PT15/0517/RVC	Approve with Conditions	2 Nightingale Lane Winterbourne South Gloucestershire BS36 1QX	Winterbourne	Winterbourne Parish Council
7	PT15/0560/F	Approve with Conditions	Newholme Rose Oak Lane Coalpit Heath South Gloucestershire BS36 2QX	Westerleigh	Westerleigh Parish Council
8	PT15/0734/F	Approve with Conditions	450 Church Road Frampton Cotterell South Gloucestershire BS36 2AQ	Frampton Cotterell	Frampton Cotterell Parish Council
9	PT15/0761/F	Approve with Conditions	88 Campion Drive Bradley Stoke South Gloucestershire BS32 0BH	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
10	PT15/0991/F	Approve with Conditions	Kayles House Camp Road Oldbury On Severn South Gloucestershire BS35 1PR	Severn	Oldbury-on-Severn Parish Council
11	PT15/1305/F	Approve with Conditions	46 Oxbarton Stoke Gifford South Gloucestershire BS34 8RP	Stoke Gifford	Stoke Gifford Parish Council
12	PT15/1406/CLP	Approve with Conditions	Thornfield Gloucester Road Thornbury South Gloucestershire BS35 1JQ	Thornbury North	Thornbury Town Council
13	PT15/1529/CLP	Approve with Conditions	34 Cope Park Almondsbury South Gloucestershire	Almondsbury	Almondsbury Parish Council

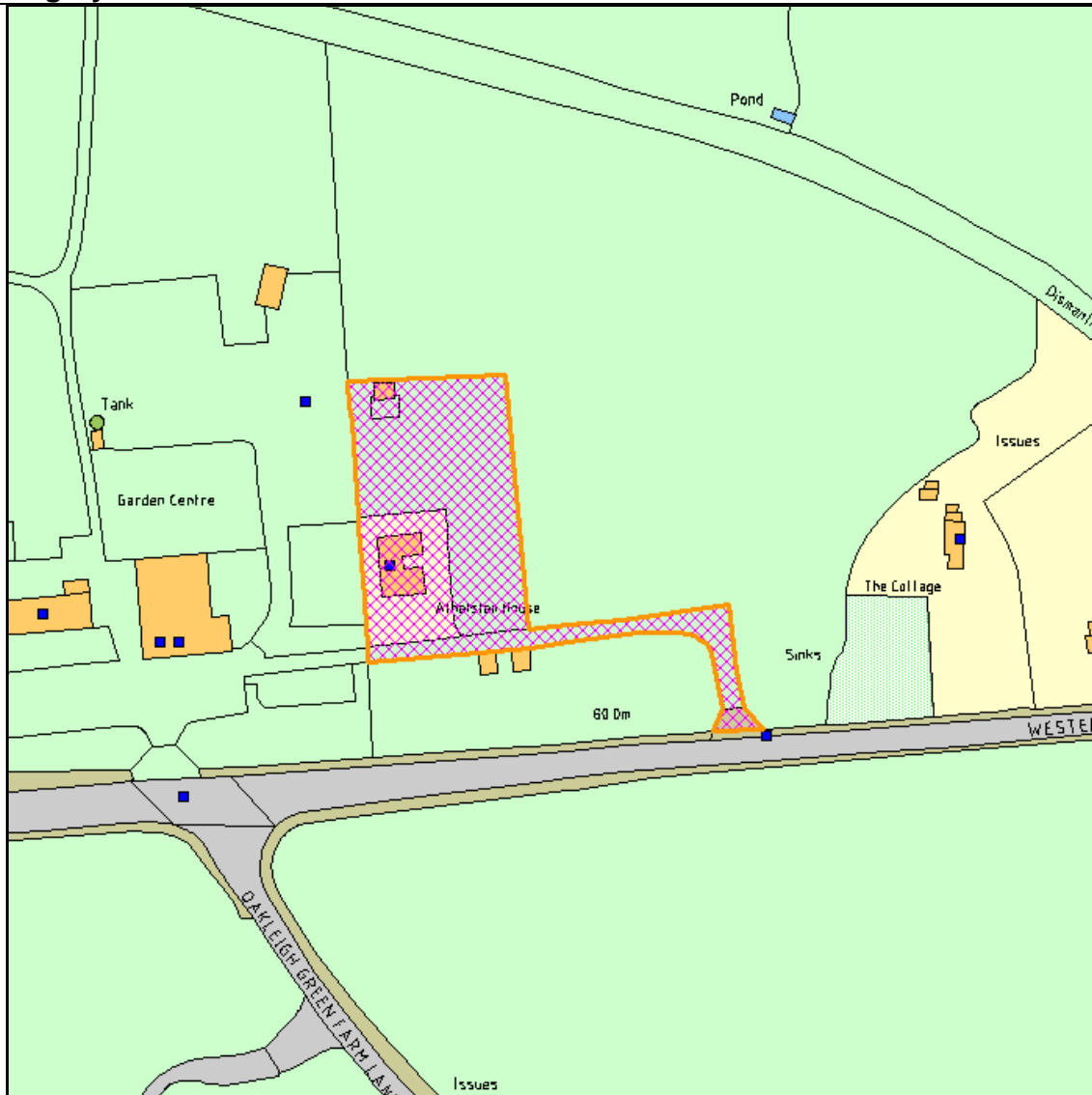
CIRCULATED SCHEDULE NO. 20/15 – 15 MAY 2015

App No.: PK15/0251/F
Site: Athelstan House Oakley Green
Westerleigh South Gloucestershire
BS37 8QZ
Proposal: Erection of single storey extension to
form double garage and retrospective
permission for the change of use of
land to allow existing access to be used
as residential.

Applicant: Mr Mike Hooper
Date Reg: 13th February
2015
Parish: Westerleigh Parish
Council

Map Ref: 368953 179207
Application Category: Minor

Ward: Westerleigh
Target Date: 7th April 2015



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100023410, 2008. **N.T.S.** **PK15/0251/F**

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as it represents a departure from relevant Green Belt Policy within the Development Plan.

The constitution states:

All applications where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making. Such applications not requiring referral to the Secretary of State shall appear on circulated list for member consideration prior to determination.

In this case any resolution to grant planning permission for this development does not need to be referred to the Secretary of the State for Communities and Local Government as the development is not of a large enough scale and it would not have a significant impact on the openness of the Green Belt (referral criteria is set out within by in the Departure Direction 2009).

1. THE PROPOSAL

- 1.1 The submitted proposal seeks planning permission for the erection of a double garage, and also retrospective planning permission for the change of use of land to allow an existing access to be used to access the residential property.
- 1.2 For clarity the proposed garage is situated within the residential curtilage of the dwellinghouse (as defined planning ref. PT12/4037/CLE). Whereas, the access route which has been constructed and utilised for residential access rather than agricultural has been situated outside of this recognised residential curtilage. Therefore a material change of use has occurred without planning permission. The majority of the associated track to the access was constructed by the summer of 2005, however, at this time there was no access from Westerleigh Road, so accordingly, there was no material change of use until access was gained from Westerleigh Road. As stated this application seeks to regularise this, and also erect a garage.
- 1.3 The proposal sits within a large piece of land with a garden centre to the west and a number of smaller residential properties to the east. To the south of the property is Westerleigh Road, a busy highway, and to the north and south are mainly open fields.
- 1.4 When the dwelling was permitted under planning ref. PT01/0505/F, the access was from the former poultry farm/garden centre which was then in the ownership of the applicant, subsequent to this the applicant has sold the garden centre, meaning this access has been lost. Accordingly, the only feasible access from the site is gained from Westerleigh Road.
- 1.5 The application site is located outside of recognised settlement boundary within an area 'washed over' by the Bristol/Bath Green Belt.

- 1.6 For clarity the land in which the existing dwelling and garden centre is situated was formerly a poultry farm.

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

L1 Landscape Protection and Enhancement

T12 Transportation Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013

South Gloucestershire Design Checklist SPD (Adopted) August 2007

Development in the Green Belt (Adopted) June 2007

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|--|-------------------------|------------|
| 3.1 | PT14/3219/F | Withdrawn | 10/10/2014 |
| | Erection of detached garage with above store. | | |
| 3.2 | PT12/4037/CLE | Approve | 16/01/2014 |
| | Certificate of lawfulness for the existing use of land as residential curtilage. | | |
| 3.3 | PT12/2020/F | Withdrawn | 26/07/2014 |
| | Erection of agricultural building for the storage off fodder and machinery. | | |
| 3.4 | PT01/0505/F | Approve with Conditions | 26/04/2001 |
| | Erection of dwelling to replace existing mobile home. | | |
| 3.5 | PT00/2006/F | Approve with Conditions | 06/11/2000 |
| | Creation of new vehicular access on to Westerleigh Road (B4465). | | |

3.6 *Relevant History of the Access*

The case officer finds it pertinent for the assessment of this application to set out the relevant planning history associated with accessing the site before the analysis section of this report. The dwelling was permitted under planning ref. PT01/0505/F and was accessed from Westerleigh Road through the then poultry farm and nursery to the west. Prior to this application being approved, there was also a new vehicular access in connection with the then poultry farm approved in July 2000 under planning ref. PT00/2006/F. This access from Westerleigh Road involved a track which stretched through the application site, set out within the blue line of the site Location Plan, to the poultry farm. This permitted access was not in connection with a residential use and was conditioned so that it would 'be used solely and all times for the exiting of vehicles in connection with that associated nursery and poultry farm and not as an entrance to the site'. Accordingly, this access was not constructed in accordance with the proposed plans, as the existing access is in a different position, and also the existing access is being used in association with a residential use. Further to this, in 2012 under planning ref. PT12/4037/CLE, the extent of the residential curtilage of the site was determined, this determination excluded the majority of the existing access track.

4. **CONSULTATION RESPONSES**

4.1 Westerleigh Parish Council

No objection

4.2 Other Consultees

Sustainable Transport

No objection.

Archaeological Officer

No objection, subject a condition regarding a programme of archaeological works (watching brief).

Lead Local Flood Authority

No objection, subject to a condition regarding SUDS.

Other Representations

4.3 Local Residents

None received.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application proposes to establish a material change of use from an agricultural use to a residential use for an access from Westerleigh Road serving the host dwelling.

In addition to this the proposal also includes a proposed double garage. The application site is within an area 'washed over' by the Bristol/Bath Green Belt.

- 5.2 Located in the Green Belt, the proposal must comply with Section 9 of the NPPF. Specifically, paragraph 87 sets out that inappropriate development is by definition, harmful to the Green Belt and should not be approved except for in very special circumstances. Paragraph 89 and 90 of the NPPF then goes onto state a number of exception categories. Any development in the Green Belt is by definition inappropriate, the change of use from an agricultural use to a residential access is considered to be development. The proposed change of use of land to allow an existing residential access does not fall within the exceptions categories provided by paragraphs 89 and 90 of the NPPF, and is therefore considered to be inappropriate development. Accordingly, the applicant/agent must provide very special circumstances which overcome the associated harm to the Green Belt that the change of use incurs.
- 5.3 The erection of a garage, extending from an existing dwelling is considered to be one of those exceptions under paragraph 89 of the NPPF, so long as the extension does not result in a disproportionate addition over and above the size of the original building.
- 5.4 Policy CS5 of the South Gloucestershire Local Plan Core Strategy (adopted December 2013) is supportive of the NPPF and relevant local plan policies in the protection of the Green Belt.
- 5.5 Green Belt – Change of Use
The proposal includes a change of use to allow the existing residential access from Westerleigh Road to be lawful. As stated within the Principle of Development, the change of use of land within the Green Belt is in principle inappropriate development and does not fall within any of the stated exceptions in this regard as set out in paragraphs 89 and 90 of the NPPF. The NPPF states that this is by definition harmful to the Green Belt and that substantial weight should be given to such harm. Accordingly, development of this kind should only be permitted where 'very special circumstances' are provided that outweigh the development's potential harm to the Green Belt.
- 5.6 *The Access*
The existing access from Westerleigh Road is composed of a track of approximately 100 metres and a two iron railing gates. The track has an average width of approximately 6 metres and is complimented by appropriate landscaping. In addition this, the access has a suitable off-road waiting area and appropriate visibility splays – the Council's transport officer has no objection to this access.
- 5.7 *Associated Harm to the Green Belt*
The proposal has limited harm to the openness of the Green Belt, especially when considering the context of the site, which includes a garden centre to the west which involves a number of buildings which presents a cluttered landscape. However, by reason of its limited harm and the change of use in the Green Belt being considered as inappropriate development, the case

officer considers this proposed change of use to amount to harm to the Green Belt which attracts substantial weight.

5.8 *Very Special Circumstances*

Paragraph 88 of the NPPF states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other circumstances. Accordingly, the very special circumstances which the agent has submitted must outweigh the harm to the Green Belt which is expressed above. The submitted very special circumstances are as follows:

- The original entrance was permitted in 2000 (planning ref. PT00/2006/F), and was for vehicles exiting the nursery only. The agent makes the case that this access represents a larger degree of disruption to both the Green Belt and also highway users in terms of safety. He goes on to state that if the access was used as permitted, larger vehicles would utilise the track, and the track would see a higher frequency of vehicle movement, further increasing the harm to the Green Belt and also having highway safety ramifications;
- In addition to this, the agent makes the case that if this entrance is refused, the existing dwelling will have no means of lawful access, effectively rendering the existing dwelling unlawful.

5.9 The case officer does not find the comparison between the previously approved access to be very special. The reason for this being that the access permitted under planning ref. PT00/2006/F was never implemented in accordance with the approved plans, meaning there is no likely fall-back position related to this access, which would mean that if this application was refused the previously permitted access could be implemented. Accordingly, the harm of this proposed change of use to the Green Belt is not outweighed by the previously approved access, as this access cannot be implemented.

5.10 If this application was refused, there would be no means of lawful access to the existing dwelling, as the means of access approved when the dwelling was permitted is now under different ownership. Accordingly, should this application be refused the dwelling would have no means of lawful access rendering the dwelling inaccessible, and therefore it would not be able to support a residential use. This loss of a residential dwelling constitutes very special circumstances, as this consideration outweighs the limited harm to the Green Belt which this proposed change of use pertains to.

5.11 Accordingly, very special circumstances have been provided, meaning that according to paragraph 87 of the NPPF the change of use should be approved.

5.12 *Permitted Development*

The original planning permission for the dwelling removed the permitted development rights for both householder works and minor operations. The existing track associated with the access route from Westerleigh Road has a limited impact on the openness of the Green Belt; this is because it has no associated fences or other paraphernalia.

If planning permission is granted for the proposal, the permitted development rights for minor operations will be removed through condition in order to ensure that the existing relative openness related to the existing access is maintained. This is in order to keep the Green Belt as open as possible, which is a fundamental aim of Green Belt policy.

5.13 Green Belt – Proposed Double Garage

As stated within the principle of development section, development which is disproportionate over and above the size of the original dwellinghouse will not be permitted. Accordingly, only limited additions will be permitted. The Development in the Green Belt SPD sets the disproportionate test which has three components, the volume increase of the original dwelling, the appearance of the proposal and the existing extensions and outbuildings within the curtilage.

- 5.14 The first component involving a volume calculation and concludes: an addition resulting in a volume increase less than 30% or more of the original dwelling would be likely to be acceptable, and a volume increase of 50% or more of the original dwelling would be likely to be considered in excess of a reasonable definition of limited extension.
- 5.15 The volume increase is also taken to include the volume of the existing outbuildings (a shed and summerhouse) and also an existing conservatory which is shown on the submitted plans, and have all been built since the dwelling was originally built. The proposed extension together with the shed, summerhouse and conservatory will result in a cumulative volume increase of 40% above the original dwelling.
- 5.16 The Council's Green Belt SPD states additions which result in over 30%, but less than 50% will be carefully considered with particular regard to the second test which regards the appearance of the proposal: *'it should not be out of proportion with the scale and character of the original dwelling'*.
- 5.17 The proposal has suitable design which remains subordinate to the main dwelling, retaining the character of the existing dwelling. In addition to this, the proposed garage is well related to the existing dwelling, reducing the sprawl of the existing dwelling.
- 5.18 The third component of the disproportionate test relates to the existing extensions and outbuildings within the curtilage. The existing extensions to the property have been taken account of within the volume calculations and when analysing the scale and character of the area.
- 5.19 Accordingly, the proposed extension constituting a double garage is considered to be a proportionate addition, satisfying the disproportionate test set out within the Council's Green Belt SPD and also according with paragraph 89 of the NPPF. Therefore, the proposed garage is considered to accord with relevant Green Belt policy.

5.20 Design, Visual Amenity and Landscape

As stated the proposed garage is well related to the existing two-storey dwelling, and although large, the garage is considered to be subordinate to the existing dwelling. As well as this, the materials utilised in the proposed garage would match those used in the existing dwelling, involving architectural features such as stone quoins which further add the proposal in keeping with the existing dwelling. The garage does protrude forward of the principal elevation of the host dwelling which is not usually encouraged for such development, however, this is considered to be acceptable as the dwelling is set back from the highway by considerable distance meaning such an arrangement has an acceptable impact on visual amenity and is considered to accord with policy CS1 of the adopted Core Strategy.

5.21 The existing access is also subject to this application. The impact the track has on the landscape is acceptable, with appropriate landscaping being provided on the submitted plans, and visible from a site visit. For clarity the planting within the blue line (outside of the residential curtilage and access) shown on the Existing and Proposed Block Plans is existing. In addition to this, it should be clear that these existing trees are not within the red line which demarcates where the change of use for the access route is positioned, should this application be approved, these trees would still be located on agricultural land, outside of the residential curtilage of the dwelling.

5.22 Residential Amenity

Due to the location of the proposed garage there would be no materially detrimental impact on the residential amenity of the surrounding neighbours. In addition to this the proposed change of use is not considered to have significantly prejudicial impact on the neighbouring residents.

5.23 Existing Stores

There are a number of stores to the south east of the existing dwelling, these have not got planning permission and are considered to be unlawful. For the avoidance of doubt, this application is in no way approving these stores, and the issue will be referred to the Council's planning enforcement team.

5.24 Drainage

The Council's drainage officer has suggested a condition be attached any permission granted ensuring the proposed garage has sufficient surface water drainage in the form of SUDS. The case officer does not find this condition to satisfy the Paragraph 206 of the NPPF which sets out the tests which conditions must adhere to as the associated works the condition would require would not be proportionate to the proposed garage.

5.25 Archaeology

The Council's archaeological officer has requested a condition for a programme of archaeological works be applied should planning permission be granted. The case officer does not find such a condition to be reasonable or needed as it relates to the proposed access, which has already been constructed.

5.26 Highway Safety

The Council's transport officer stated no objection to this proposal. The proposed garage does not constitute an extra bedroom at the property, and is large enough to constitute a double garage under the adopted residential parking standard. There are highway safety objections to this proposal.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application is **APPROVED** with conditions.

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

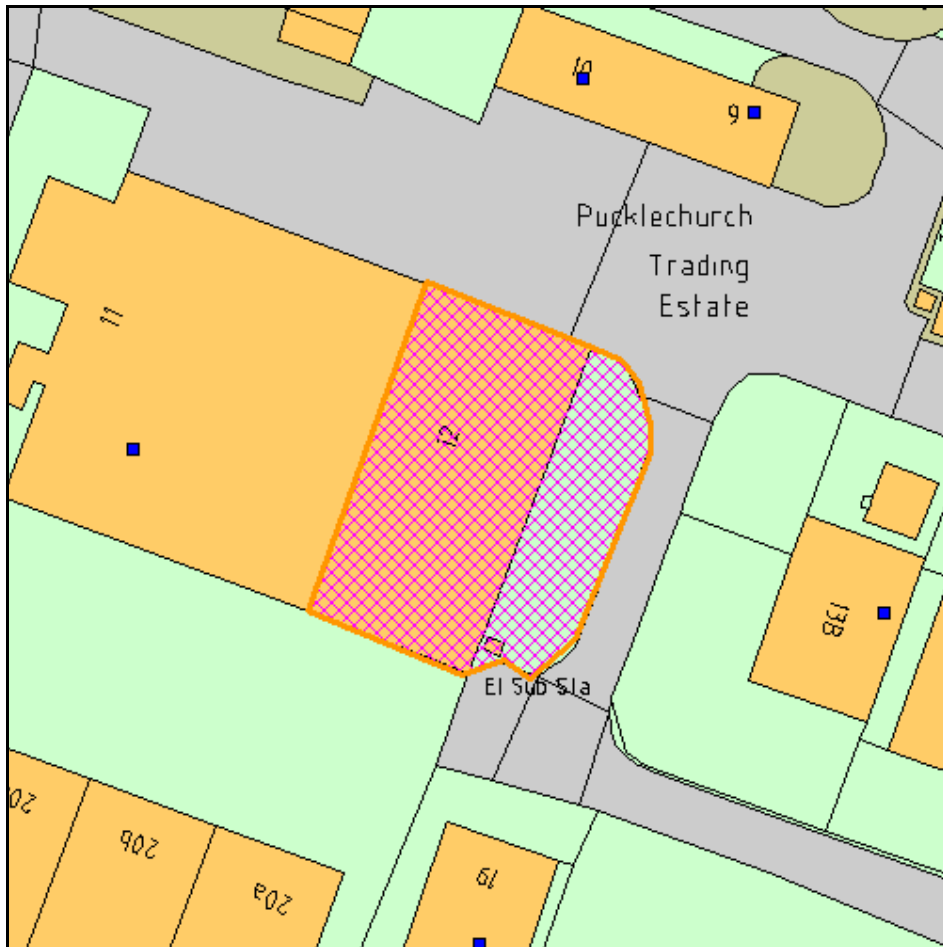
2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 2 (Class A and B), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

In the interests of visual amenity and the openness of the Green Belt, in accordance with Policy CS1 of the Core Strategy (adopted) December 2013; saved Policy L1 of the South Gloucestershire Local Plan (adopted) January 2006; the Development in the Green Belt SPD (Adopted) June 2007; and the relevant Green Belt policy within the NPPF.

CIRCULATED SCHEDULE NO. 2015 – 15 MAY 2015

App No.:	PK15/1287/F	Applicant:	Mr Tony Mills, Space Engineering Services
Site:	Unit 12 Pucklechurch Trading Estate Pucklechurch South Gloucestershire BS16 9QH	Date Reg:	8th April 2015
Proposal:	Erection of modular building for office use (Class B1) for a temporary period of 2 year (Consent to extend time limit implementation for PK14/0723/F)	Parish:	Pucklechurch Parish Council
Map Ref:	369717 175922	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	27th May 2015



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100023410, 2008. **N.T.S.** **PK15/1287/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of concerns from the Pucklechurch Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to retain an existing modular office building for a period of two years. The proposed building is approximately 9.6 metres by 18.2 metres and 3 metres high. The building is finished with goosewing grey metal cladding and white UPVC roof sheeting.
- 1.2 The applicant's reason for the erection of this temporary office was due to the expansion of the business. The applicant had to move all their manufacturing work to Pucklechurch, therefore additional office space was required for administration staff.
- 1.3. During the course of the applicant, a concern was raised regarding the lack of supporting statement. To address the issue, the applicant submitted a supporting statement and officers summarise the statement as follows:
 - Space Engineering is a local company for manufacturing refrigeration equipment for the retail industry. The company had a facility in Bristol and also has a facility in Pucklechurch.
 - As the facility in Temple Mead did not suit the company requirement, therefore it was decided to look for a new larger building in the Bristol area and temporarily moved all staff to Pucklechurch. As a result, a temporary office building is required to accommodate the design staff until a larger facility is available in 2014.
 - Following the recent down turn in development in the retail sector, the company decide that to defer to move to a new building until there are more certainties on workload in the future.
 - This planning application to seek a time extension for another 2 years to allow the company to be more confidence in making further investment and to remain competitive in the market during this difficult time. The company long term plan is to move to a larger building and take on more work and employ more staff.
 - The temporary building is a new modular construction situated within a fenced storage compound and is in keeping with the buildings on the estate
 - Additional parking facilities and cycle storage are provided and approximately 20% of staff gets to work on bike.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (March 2012)
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan: Core Strategy (Adopted December 20-13)

CS1 High Quality Design

CS4A Presumption in favour of sustainable development

CS12 Safeguarded Areas of Economic Development

CS29 Communities of the East Fringe of Bristol Urban Area

3. **RELEVANT PLANNING HISTORY**

- 3.1 N59/3 Resiting of existing diesel oil fuel tank. Approved 03.02.77
- 3.2 N59/5 Erection of extension to office. Approved 26.03.81
- 3.3 P92/1129 Recladding of walls and roof of warehouse building. Approved 19.02.92
- 3.4 P98/4034 Erection of two storey extension for use as office. Approved 17.02.98
- 3.5 P98/4698 Installation of lorry wash and water reclamation plant. Approved 20.11.98
- 3.6 PK14/0723/F Erection of modular building for office use for a temporary period of 1 year. Approved 02.05.2014, and the temporary consent expired on 2 May 2015.

4. **CONSULTATION RESPONSES**

4.1 Parish/Town Council

The previous application was granted as the result of the demonstration of special circumstances which resulted in temporary permission for a period of one year. The request that has been made to extend this for a further two years has not been supported by any special circumstances. Since the applicant hasn't articulated why an extension is required it is the Parish Council's concern that they will continue to ask for renewal of temporary status rather than request full planning permission year after year. The form and appearance of this temporary building was acknowledged as being out of character with the surrounding area. Councillors would like to know at what point in time a full planning application would be required since they believe that a permanent solution should be found to replace a building considered to be of an unacceptable design as soon as possible.

4.2 Other Consultees

Highway Drainage:	No comments.
Highway Officer:	No objection.
Highway Structure:	No comments.

Other Representations

4.3 Local Residents

No comments received.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The proposal is to retain a temporary office for a period of two years. There would not be any changes to the use of the existing building and the temporary building would be used as ancillary building to the host building, therefore there is no objection to the principle of the proposal.

5.2 Design and Visual Amenity

The existing temporary office building is a single storey structure. It is clad in Goosewing grey Plastisol steel and completed with upvc windows.

Officers considered that this temporary building would not be in keeping with the character of the existing building. However, it was acknowledged that there was a business need and it was a temporary solution to allow the applicant to find a suitable building for accommodating additional staff.

Since the grant of previous temporary permission, the applicant indicated that the Company has been affected by the recent down turn in retail sector and there is uncertainty of the company including the potential re-structure of the business.

NPPF and the adopted Core Strategy and Local Plan have strong policies to support local economic growth. It is understandably that the company will need more time to consider to make further investment on extending the existing building, particularly, there is an uncertainty on the business. Officers therefore have no objection to extend the temporary planning permission for a period of two years.

Officers acknowledge Parish Council's concerns regarding the repeat applying temporary permission without any definite long term plan on seeking a permanent solution to accommodate the staff given that the existing building is considered to be out of keeping with the character of area. Nevertheless, it should be noted that the development would be unlawful once this temporary permission expired. It would be the applicant's responsibility to submit an application for a further extension with reasons at that time and such application will be assessed on its own merits.

5.3 Effect on Residential Amenity

The proposed building and the existing building are located within an employment area and there are no residential properties nearby. Therefore there is no adverse amenity issue.

5.4 Highway Issues

The temporary building is sited in an existing open storage concrete yard to the side elevation of the property, and would not affect the existing parking

arrangement of the site. Therefore there is no highway objection to the proposal.

5.5 Environmental issues

Highway Drainage Engineer has no objection to the proposal. Furthermore, the proposed building would be constructed on the existing hardstanding. As the building would be located within an employment site, therefore there is no adverse impact upon the landscaping character of the locality.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 That planning permission is approved for a period of two years.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

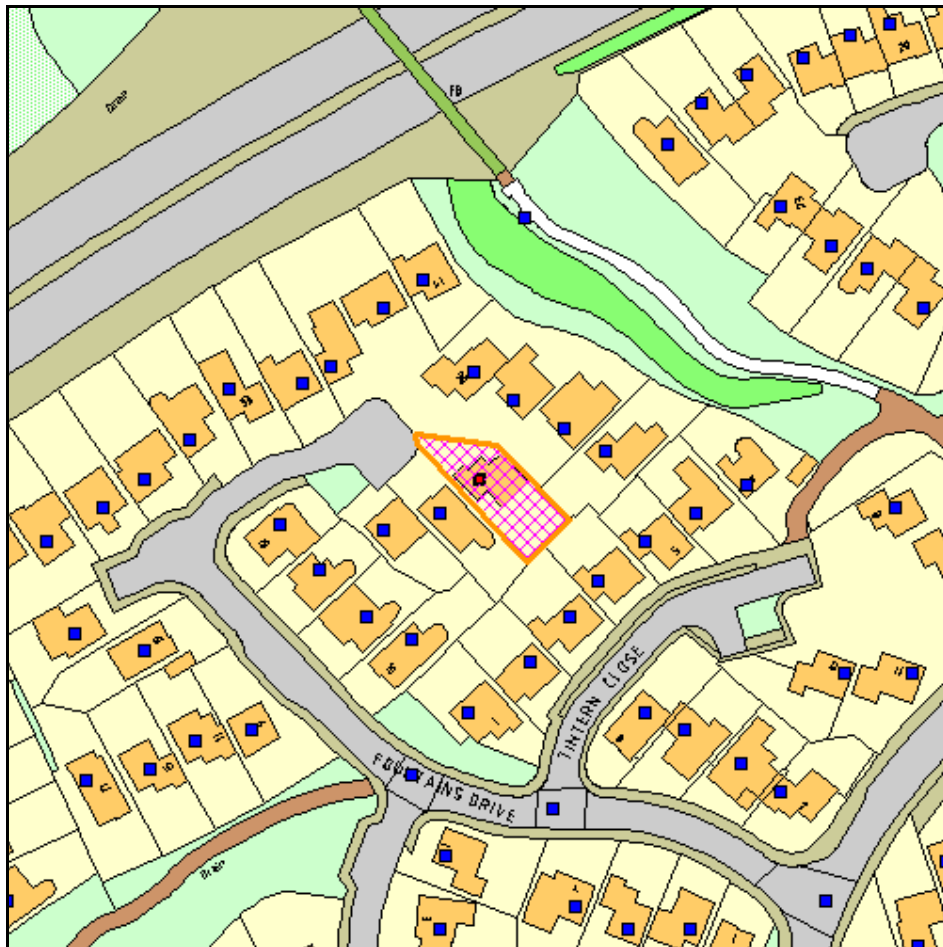
1. The building hereby permitted shall be removed and the land restored to its former condition on or before 22 May 2017 in accordance with the scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

The form and appearance of the building is out of character with the surrounding area and is permitted for a limited period only because of the special circumstances of the case and in accordance with the Policies CS1 and CS12 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

CIRCULATED SCHEDULE NO. 20/15 – 15 MAY 2015

App No.:	PK15/1315/CLP	Applicant:	Mr Sampson
Site:	22 Fountains Drive Barrs Court Bristol South Gloucestershire BS30 7XQ	Date Reg:	17th April 2015
Proposal:	Application for a certificate of lawfulness for the proposed conversion of garage to bedroom and wet room.	Parish:	Oldland Parish Council
Map Ref:	365857 172573	Ward:	Parkwall
Application Category:		Target Date:	5th June 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The applicant is seeking a formal decision as to whether the proposed conversion of an existing integral garage to form additional living accommodation to 22 Fountains Drive, Barrs Court, Bristol would be lawful.

1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990 section 192 Country Planning (General Permitted Development) Order 1995 (GPDO) (As Amended) Schedule 2, Part 1, Class A.

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

3. RELEVANT PLANNING HISTORY

3.1 K1124/35AP24 Approved 26.01.1988
34 no. houses with associated garages, road works and site works. (Previous ID: k1124/35ap24)

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council
No Comments Received

4.2 Councillor
No Comments Received

4.3 Highway Drainage
No Comment

Other Representations

4.4 Local Residents
No Comments Received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Combined Plans 15018_PL1 showing Existing and Proposed Plans and Elevations all of which were received on 23rd March 2015.

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 in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) (As Amended).

- 6.3 The proposed development consists of conversion of part of the garage to form additional living accommodation. This includes infilling part of the garage door and installing a door and windows. The converted part of the garage is proposed to be used as a dining room and utility, which would remain within the same use class as the existing (Use Class C3 – Residential dwellings). The proposed use of the garage alone therefore would not constitute development as defined by The Town and Country Planning Act 1990. There are no conditions attached to any of the historic planning applications on the site restricting the use of the attached garage and permitted development rights are intact.

- 6.4 The proposed development stands to be assessed against the criteria of *Schedule 2, Part 1, Class A*, of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995. This allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

A1 Development is NOT permitted by Class A if –

- (za) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);**

The dwellinghouse was not granted permission by virtue of Class IA or MB of Part 3 of this schedule.

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

The proposal would not alter the total area of ground covered by buildings (other than the original dwellinghouse) within the residential 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 proposal would not exceed the highest part of the roof.

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

The proposal would not exceed the height of the eaves.

- (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 would not extend beyond any wall.

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

The proposal will not extend beyond any wall.

- (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**

Not Applicable

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

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, OR**
- (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;**

The proposal will not extend beyond any wall.

- (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 will not extend beyond any wall.

- (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 will not extend beyond any wall.

- (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 the walls and windows of the existing dwelling.

- (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

Not applicable

- (b) 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.

Not Applicable

7. RECOMMENDATION

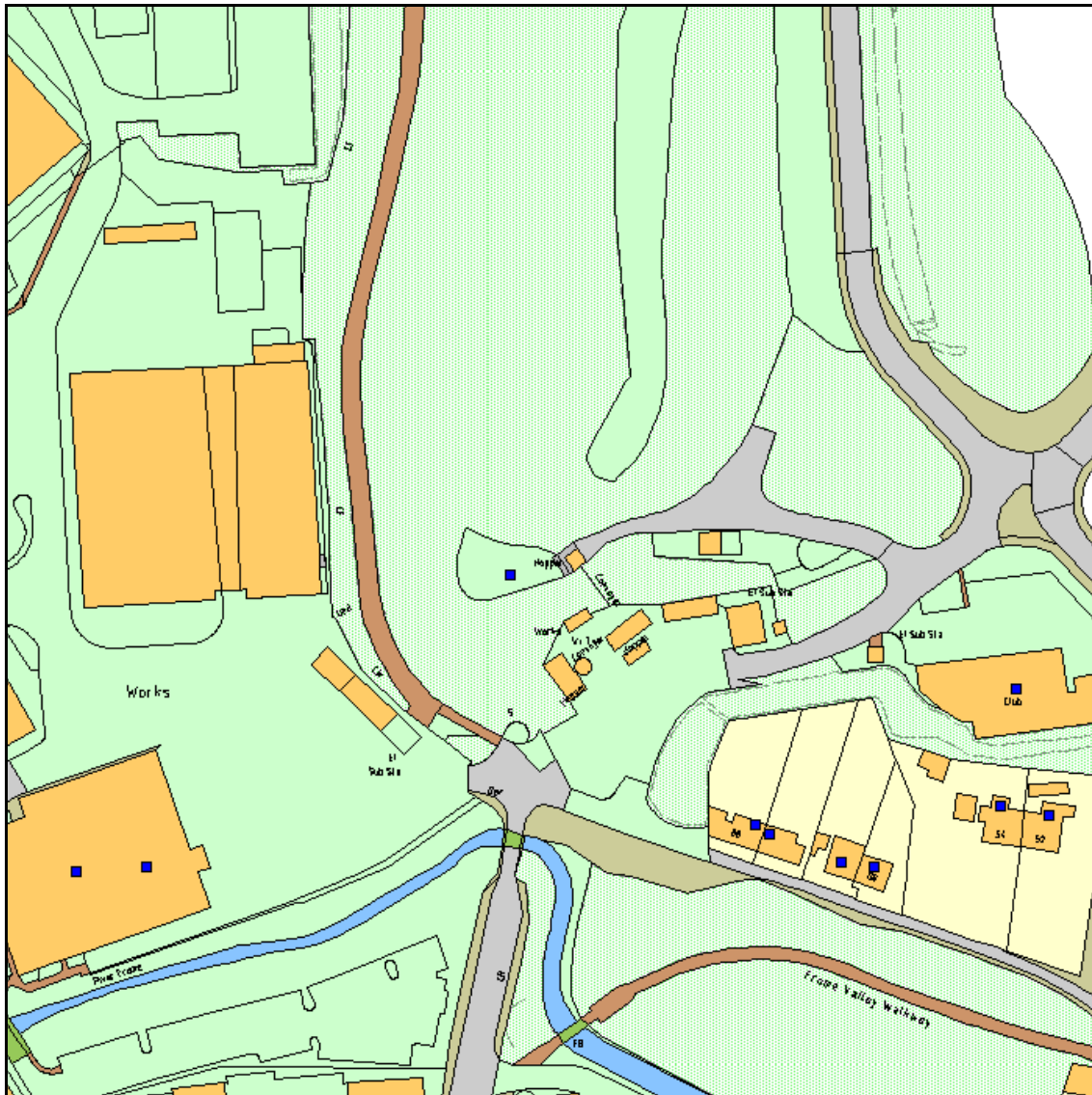
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that the proposed use of the garage would remain ancillary to the residential unit and as such would not constitute a change of use. The internal arrangements and use of the garage therefore would not constitute development as defined by the Town and Country Planning Act 1990. The infilling of the garage door is considered to fall within the permitted rights afforded to householders under Part 1, Class A of the Town and Country Planning (General Permitted Development) Order.

Contact Officer: Jessica Robinson
Tel. No. 01454 868388

CIRCULATED SCHEDULE NO. 20/15 – 15 MAY 2015

<p>App No.: PK15/1559/MIS Site: Quarry Site Chipping Sodbury Quarry Barnhill Road Chipping Sodbury South Gloucestershire BS37 6BN</p> <p>Proposal: Town and Country Planning (General Permitted Development) Order 1995, Schedule 2 Part 19, Class B for the erection of concrete batching plant</p> <p>Map Ref: 372332 182458 Application Category:</p>	<p>Applicant: Mr G Jenkins Date Reg: 16th April 2015</p> <p>Parish: Sodbury Town Council</p> <p>Ward: Chipping Sodbury Target Date: 21st May 2015</p>
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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application consists of a prior notification to the Local Planning Authority for the erection of concrete batching plant. When submitted this fell to be considered within the scope of Part 19 Class B of the Second Schedule of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Following the introduction of the of the Town and Country Planning (General Permitted Development) (England) Order 2015, it now should now be considered with Part 17, Class B of the Order.
- 1.2 This is not a planning application. The proposed change of use is deemed acceptable in principle under the provisions of the Order. The Local Planning Authority is required to make an assessment of the impacts of the proposed development under the specific criteria listed in the Order.
- 1.3 The application site relates to the existing plant area of an existing and working quarry, known as Southfields, within the Chipping Sodbury Quarry complex. The new batching plants designed to replace an existing batching plant which lies at the southern end of the Barnhill area of the quarry, which is intended to be closed as part of the commercial and residential redevelopment of the southern area of Barnhill. The new site of the proposed batching plant would be on the site of the existing asphalt plant which is to be demolished to make way.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
The Town and Country Planning (General Permitted Development) Order (England) 2015.

3. RELEVANT PLANNING HISTORY

- 3.1 PK11/0612/MW and PK11/0613/MW – Applications for determination of new conditions under the Planning and Compensation Act 1991 and under the Environment Act 1995. Approve and issued 11th March 2015.
- 3.2 Numerous other historic applications for various aspects of the sites use as a quarry.

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No comments received

Yate Town Council

Our concern is to ensure there is no increase in either site boundary noise or atmospheric pollution. As there is no environmental data supplied with this application we therefore object until data is provided and proposed conditions offered.

4.2 Environmental Protection

No objection. The proposals will also require an environmental permit.

Other Representations

4.3 Local Residents

One letter of objections has been received, as follows:

This application contains no evidence of the potential effects of either noise or dust emissions that might be associated with the operation of this plant or of any measures that might need to be taken to control the same. The potential harm that might be caused to the local amenity cannot therefore be determined, and the application should be rejected.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

By virtue of the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the development is acceptable subject to a prior notification as set out in Part 17, Class B of the above Order. Therefore, the development is acceptable in principle and the prior approval of the Local Planning Authority must be determined against the criteria as set out below and furthermore, if the proposal is deemed to accord with the criteria the Local Planning Authority can attach a series of conditions to any approval.

5.2 Permitted Development Criteria

For the change of use to be permitted development it must comply with the regulations set out in Part 17, Class B of the Order –

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

- (a) in relation to land at an underground mine–**
 - (i) on land which is not an approved site; or**
 - (ii) on land to which the description in para N.2(1)(b) of this Part applies, unless a plan of that land was deposited with the mineral planning authority before 5th June 1989; or**
- (b) if the principal purpose of the development would be any purpose other than –**
 - (i) purposes in connection with the operation of the mine;**
 - (ii) the treatment, preparation for sale, consumption or utilization of minerals won or brought to the surface at that mine; or**
 - (iii) the storage or removal from the mine of such minerals, their products or waste materials derived from them**

The proposal is for an existing quarry site that benefits from new and historic consents for mineral extraction and ancillary uses. The proposals would replace an existing plant located elsewhere within the existing quarry complex for the production of concrete from materials deriving from the quarry. The proposed concrete batching plant is therefore considered to meet the criteria of the Order.

B.2 (1) Subject to sub-paragraph (2), development is permitted by Class B subject to the prior approval of the mineral planning authority of detailed proposals for the siting, design and external appearance of the building, plant or machinery proposed to be erected, installed, extended or altered.

(2) The prior approval referred to in sub-paragraph (1) may not be refused or granted subject to conditions unless the authority are satisfied that it is expedient to do so because –

- (a) the proposed development would injure the amenity of the neighbourhood and modifications can reasonably be made or conditions reasonably imposed in order to reduce that injury; or**
- (b) the proposed development ought to be, and could reasonably be, sited elsewhere.**

Whilst the issues raised with regards to the proposals are noted, the proposals must be viewed in context with the existing situation, proposed nature of the location, existing controls in place and the scope of the Permitted Development requirements. The proposal would replace an existing concrete plant located in an area near to the quarry complex under commercial and residential redevelopment into a site that is within the current Southfields site, an area that contains the majority of other plant, facilities and associated activity. The proposals would also be on the site of an existing asphalt plant, which it would replace but would occupy a smaller surface area and footprint. The proposed location would ensure and retain the functional relationship within the quarry with direct feed from the drystone plant to the concrete plant, via part of the existing conveyor link that would be retained. The concrete plant is of a conventional design and located its associated quarry environment and it is located significantly further away from residential properties than the existing concrete batching plant which it will replace.

The plant itself will require an Environmental Permit, which will regulate emissions and impose detailed controls and monitoring requirements, similar to other operations within the quarry. As referred to in the relevant section above, the site also benefits from recent minerals reviews consents, these include noise limits and a requirement for noise monitoring on the nearest receptors beyond the site boundary, as well as additional dust minimisation measures. No changes to these conditions are to be made under the current submission. The potential for views of the plant would be limited, mainly to views from the access point to the site, as they are now, however the new plant is smaller and designed to integrate better with the remainder of the site, replacing quite an old asphalt plant.

It is not therefore considered that the development would injure the amenity of the neighbourhood in which it is located nor should it reasonably be sited elsewhere and the proposals are acceptable in these respects.

5.4 Conditions in Respect of Permitted Development

Paragraph B.3 stipulates a number of conditions to which the proposed development must adhere as part of its permitted development consideration:

B.3 Development is permitted by Class B subject to the condition that before the end of the period of 24months from the date when the mining operations have permanently ceased, or any longer period which the mineral planning authority agree in writing -

- (a) all buildings, plant, machinery, structure and erections permitted by Class B is removed from the land unless the mineral planning authority have otherwise agreed in writing; and
- (b) the land is restored, so far as is practicable, to its condition before the development took place or restored to such condition as may have been agreed in writing between the mineral planning authority and the developer.

Officer Note: Restoration requirements are also contained in the extant permissions (PK11/0612/MW and PK11/0613/MW), referred to above.

6. SUMMARY

6.1 The proposed development meets the criteria outlined under paragraph **B.1** and is considered to be permitted development.

6.2 An assessment of the impact of the proposed development, in accordance with the criteria stipulated in paragraph **B.2**, has been undertaken and there are no objections under the specified criteria and the prior approval of the Local Planning Authority is given in this respect.

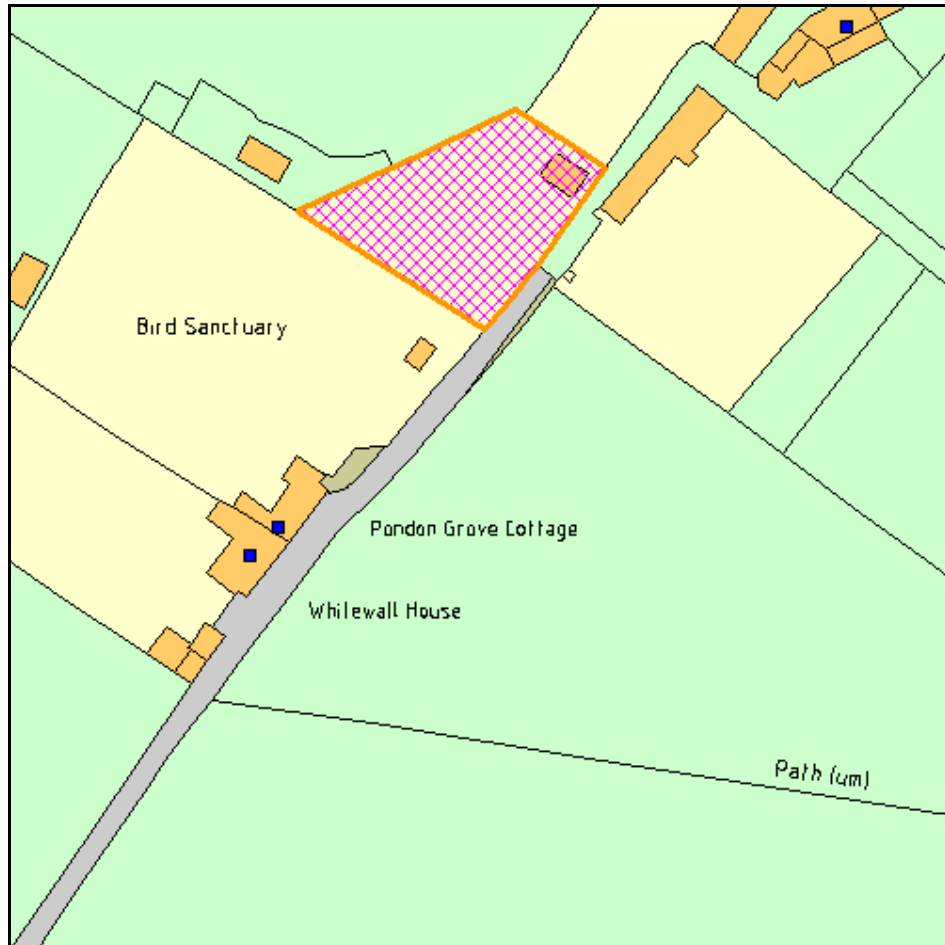
7. RECOMMENDATION

7.1 It is recommended that the prior approval is **GRANTED**.

Contact Officer: **Simon Ford**
Tel. No. **01454 863714**

CIRCULATED SCHEDULE NO. 20/15 – 15 MAY 2015

App No.:	PT15/0492/CLE	Applicant:	Mr Roy Vickers
Site:	Milbury Cottage Whitewall Lane Buckover South Gloucestershire GL12 8DY	Date Reg:	11th February 2015
Proposal:	Certificate of lawfulness for the existing residential use (Class C3) of Milbury Cottage	Parish:	Thornbury Town Council
Map Ref:	366226 190460	Ward:	Thornbury North
Application Category:		Target Date:	7th April 2015



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REASON FOR REFERRAL TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for a certificate of lawfulness for a residential use relating to a property known as Milbury Cottage.
- 1.2 The application site consists of a parcel of land locating to the north western side of Whitewall Lane. The site currently comprises a 'L' shaped and a rectangular shaped buildings foundation. A group of mature hedges and stone wall along the site boundary.

2. POLICY CONTEXT

2.1 National Guidance

- I. The Town and Country Planning Act 1990
 - II. The Town and Country Planning (Development Management Procedure) (England) Order 2015
 - III. Town and Country Planning (General Procedures) Order 1995
 - IV. National Planning Practice Guidance 2014
- *(This was the legislation in force at the relevant date)

3. RELEVANT PLANNING HISTORY

- 3.1 N5062/3 Erection of single storey extension to form sitting room and garage. Approved 03.12.81
- 3.2 P84/1546 Erection of single storey extension to form lounge / diner. Approved 04.06.84
- 3.3 P84/1862 Erection of double garage. Withdrawn 11.07.84
- 3.4 P85/1978 Alterations and erection of a two storey extension to form an entrance hall, lounge and dining room with two bedrooms and a bathroom over. Approved 31.07.85
- 3.5 PT12/2827/NMA Non material amendment to approved planning permission P85/1978 to reduce the footprint of the proposed dwelling and the increase the size of a window in the single storey element. Objection. 11.09.12 as the proposed amendment would significantly reduce the size of the building.
- 3.6 PT13/2671/F Erection of 1 no. detached dwelling and detached garage with associated. Withdrawn 20.09.13

4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF APPLICATION

- 4.1 A block plan showing the location of the concrete foundations and site boundary
- 4.2 Covering letter by the agent: Hunterpage Planning.
- 4.3 A statutory declaration with appendices provided by the applicant, Mr Roy Vickers that outlines his intentions for the property and evidence that despite a slow rate of build works to the property have been on-going and the cottage has not be abandoned. The appendices includes a summary sheet of utilities bills, a letter from a building company to confirm the various works being carried out at Milbury Cottage

5. SUMMARY OF CONTRARY EVIDENCE RECEIVED

- 5.1 None received.

6. CONSULTATION RESPONSES

- 6.1 Thornbury Town Council
No comments.
- 6.2 Public Rights of Way Officer
No comment

Other Representations

- 6.3 Local Residents
No comments received.

7. EVALUATION

- 7.1 The site has been subject to a number of planning applications in the past. The applicant has lived at and owned Milbury house since 1979, which includes the associated land and Milbury Cottage. The Cottage was in situ when the applicant purchased Milbury House and the surrounding land. Planning permission was firstly granted in 1981 for an erection of single storey extension to form a sitting room and garage. Subsequently, planning permission in 1985 was granted for a larger two storey extension. The curtilage of 1985 planning permission was a rectangular shaped whilst the curtilage of this application is of triangular shaped larger in area. The approved plan also shows the garage would be situated to the south east of the approved extension, and the current application shows the footprint of the garage lies to the west of the building.

The Council's own aerial photograph of 1991 shows the curtilage of the Cottage was clearly formed as a row of hedges was planted along the north western boundary. This landscaped boundary has been retained and maintained, and were shown in aerial photographs of 1999, 2005, 2006 and recent years.

Based on the planning history of the site and Council's aerial photographs, officers are satisfied that there was a cottage on this particular site, the residential curtilage was established to its current form since 1991, and a

number of building works were carried out since the grant of planning permission.

7.2 This application is to establish if the residential use has been discontinued or abandoned during the last ten years. The application of certificate of lawfulness is purely an evidential test irrespective of planning merit. The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the site has been in residential use for a consistent period of not less than ten years and the existing foundations has been in situ for more than four years, whether or not the use is in contravention of any enforcement notice which is in force.

7.3 The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probabilities”. Guidance contained within the National Planning Practice Guidance 2014 states:

‘the applicant is responsible for providing sufficient information to support an application...’

‘If a local planning authority has no evidence itself, nor any 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 to justify the grant of a certificate on the balance of probability.’

7.3 Assessment of Evidence

The applicant seeks to prove that the land outlined red has been in residential ‘Class C3’ use for a continuous period of not less than ten years forming part of the residential curtilage of Milbury Cottage. Case law has established that in deciding whether a use had been abandoned, it is necessary to consider four tests: (a) physical condition of the building, (b) the period of non-use; (c) whether there had been any other intervening use; and (d) evidence regarding the owner’s intention. Each of these factors is discussed as follows:

7.4 (a) Physical condition of the building

The site comprises 2 no. concrete building foundations with a mix of mature hedges and stone wall along the site boundary. Evidence is submitted to demonstrate construction work has been continuously carried out since planning permission was granted for extensions and alterations to the original building in 1984. The works include the construction of the foundations and the connection of utilities to the site, although no actual house that is inhabited.

The applicant’s supporting evidence also indicates that a Senior Building Control officer has visited the site and agreed with taking down part of the cottage wall due to its instability.

Officers acknowledged that the building work has been extremely slowly carried out, however the evidence shows that the site has been continuously maintained to the standards as if the site is being used for residential purposes. It should be noted the site is not untidy or overgrown, rather a site where

construction is underway. Officers accept that the applicant has been continuously carried out building and maintenance work on this site.

7.5 (b) The period of non-use

The applicant submitted a photograph showing the poor condition of the original building before it was removed due to its unstable structure. A letter from a building company was also submitted and it indicates that the company has carried out a number of works on this site in 2001. They also went back in 2004 to carry out trenching works for the water and electricity supplies, and returned again in 2007 and 2008 carrying out walling, landscaping, tarmacking and making good works. Furthermore, a summary sheet of costs in relating to garden maintenance, electricity and water charges are also submitted with the application.

It is clear that the original building has been removed and foundations of the new buildings have been constructed. Although the building works progressed extremely slowly on site, the site is regularly maintained to a good quality of standard.

7.6 (c) Whether there had been any other intervening use

No evidence is received to show there are any other uses on this plot during the last 10 years, also the Council's aerial photograph shows the site has not been used for other purposes

7.7 (d) Evidence regarding the owner's intention

A statutory declaration of Roy Vickers of Milbury House is also submitted clearly indicates that his intentions on this property. He confirmed that Building Regulations application was submitted on 12 January 1990 together with a commencement notice. Building Regulation approval was granted on 22 March 1990.

The statutory declaration also indicated about the personal circumstances of Mr Vickers and his wife, and confirms that it has never been his intention to abandon the building work associated with the Cottage or its residential use, but does to ascertain extent explain why construction works have been so slow.

7.8 Officers visited the site in 2013 and this year. It is noted that the ground is being well maintained to a very good standard despite the fact that only the foundations for a dwelling and a garage has been constructed to a damp proof level, and the construction works have not been completed. The foundation for both dwelling and garage are shown on the Council's aerial photographs of 1991 and 1999. It is however acknowledged that photographs in the year of 2005, 2006 and 2008-2009 show that little works have been carried out.

7.9 In this instance, based on the information and evidence submitted with the applicant and the Council's own aerial photographs, it is considered that sufficient evidence has been submitted, on the balance probability, to show that the land edged in red has been used as a residential purpose (Class C30 for a continuous ten year period preceding the date of the application and the

building foundations have been constructed for more than 4 year period preceding the date of the application.

8. CONCLUSION

8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance probability, the land edged in red has been used as a residential purposes (Class C3) for a continuous ten year period prior to the submission of this application and the two building foundations have been constructed for more than 4 year period prior to the submission of this application.

9. RECOMMENDATION

9.1 The Certificate of Existing Lawful Use be **approved**

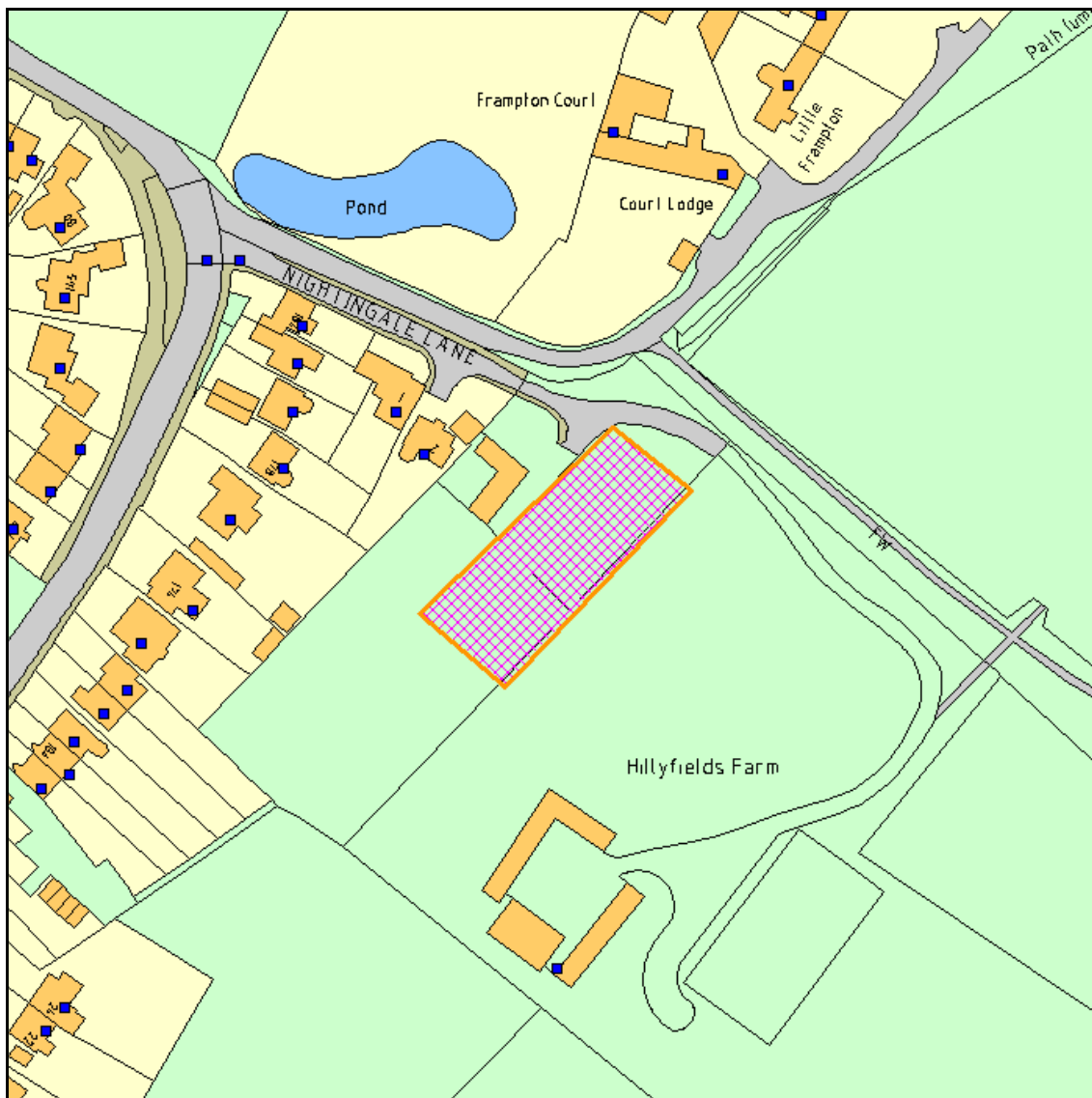
Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. The applicant has demonstrated that on the balance of probability that the land edged in red on the attached plan, received by the Council on 5th May 2015 have been used for residential purposes (Class C3) for a continuous ten year period prior to the submission of this application and the two building foundations within the land have been in situ for a continuous four year period prior to the submission of this application.

CIRCULATED SCHEDULE NO. 20/15 – 15 MAY 2015

App No.:	PT15/0517/RVC	Applicant:	Mrs Susan Humphreys
Site:	2 Nightingale Lane Winterbourne South Gloucestershire BS36 1QX	Date Reg:	10th February 2015
Proposal:	Variation of Condition 4 attached to planning permission PT14/2418/F to remove requirement to replace Leylandii hedge with a native species hedge	Parish:	Winterbourne Parish Council
Map Ref:	366038 181475	Ward:	Winterbourne
Application Category:	Minor	Target Date:	7th April 2015



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1. THE PROPOSAL

- 1.1. The application site is located to the south east of Nightingale Lane, a small residential road in Winterbourne. There is a residential area to the west of the application site, and fields to the east (with Frampton Cotterell visible in the distance). Beyond the application site to the south east lies Hillyfields Farm, which has its own buildings. The site has the appearance of an equestrian yard, with stables and a newly constructed ménage with timber fencing. At the south east of the site, next to the ménage, there are a number of tall leylandii hedges.
- 1.2. The planning application seeks to vary condition 4 to planning permission PT14/2418/F. Condition 4 states that:

“Prior to the commencement of development a scheme of landscaping, which shall include details of proposed planting (and times of planting); and a five year management plan shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. (For the avoidance of doubt a native hedge should be planted to replace the leylandii and some native shrubs and trees also planted to the north east; the shrubs should be planted as 1+1 transplants and include at least five native hedge species).

Reason

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

- 1.3. The applicant has applied to delete the requirement to plant a native hedge to replace the leylandii. The applicant states that they have done so on the basis that this part of the condition was imposed because it was believed the leylandii would be damaged by the construction works, but it has not been the case and provides a valuable visual screen and wind break.
- 1.4. Following Officer advice (after having received input from the Landscaping Officer), the applicant amended the Arboricultural Implications Report to show the height of the leylandii being reduced from 7 metres in height (their current approximate height) to 5 metres in height.

2. POLICY CONTEXT

2.1. National Guidance

National Planning Policy Framework March 2012

2.2. Development Plans

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

L1 Landscape Protection and Enhancement

L9 Species Protection

T12 Transportation Development Control Policy for New Development

E10 Horse Related Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
CS9 Managing the Environment and Heritage
CS34 Rural Areas

2.3. Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

The South Gloucestershire Development in the Green Belt SPD (adopted)

3. RELEVANT PLANNING HISTORY

3.1. PT01/1811/F - Change of use of land for keeping of horses and erection of stable block. Approved on 20th August 2001.

3.2. PT14/2418/F – Construction of a manege. Approved on 29th August 2014.

4. CONSULTATION RESPONSES

4.1. Winterbourne Parish Council

No objection.

4.2. Frampton Cotterell Parish Council

The PC objects to the variation of Condition 4 and maintains that a native species hedge should be planted in place of the Leylandii hedge.

Other Consultees

4.3. Tree Officer

Assessment of Proposals

The applicant has submitted an Arboricultural Impact assessment report which includes a five year management plan for the establishment of native trees alongside the existing Leylandii hedge. The applicant proposes to remove the Leylandii hedge following at least five years establishment of the native trees.

Any trees that fail will be replaced during the management period.

I can confirm that the choice of native trees to be planted is acceptable. Provided that all works are in accordance with the submitted plan I am happy for the condition 4 to be varied in accordance with this application.

On reconsultation, the Tree Officer commented as follows:

The applicant has submitted a revised management strategy where by the proposal is to reduce the height of the existing hedge from the previously proposed 7m to a height of 5m. There are no arboricultural objections to this proposal so I defer to my landscape colleague for comment.

4.4. Landscaping

The revised arboricultural report demonstrates that the leylandii hedge would not have been irreparably damaged by the construction of the ménage. It is therefore acceptable to retain the hedge. It is proposed to maintain the hedge at a height of 5m and to plant native trees offset by 1.5m to the south east of the hedge as shown on dwg no SK2. It is proposed to remove the leylandii hedge once these trees have established and are providing both a screen and windbreak to the ménage. It is considered that in the longer term this will result in an enhancement of the landscape character of the area and is in accordance with Policy L1 and the revision to the approved scheme PT14/2418/F to change the landscape condition is acceptable.

4.5. Highway Drainage

No comment.

4.6. Transportation

There is no transportation comment on this application

Other Representations

4.7. Local Residents

The following comments have been received from local residents:

- We have no objection to this change, removing the existing trees would expose the stable block which we would not want to see. Planting a new hedge would take years to grow and would not hide the stable block for a number of years. However it would be appreciated if the height of the trees was reduced but leaving the stable block hidden, we have requested this previously of the owners but to no avail.
- The leylandii hedge no longer has a purpose for screening since the ménage was built. It has virtually no benefit to the environment. The planting of a deciduous native hedge will be, on the other hand, a great environmental asset especially to the depleted local song bird population. This planting would alleviate any environmental losses caused by recent developments.
- We did not object to the ménage due to the approval being conditional that the trees would be felled and replaced with hedging more in keeping with the surroundings
- What has changed since the application was approved with a condition replace the trees?
- These trees are not in keeping with the native trees/species on this green belt land.
- As far as we are aware these trees have never been trimmed or maintained.
- As far as we are aware planning permission to plant them was not submitted from the outset.

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1. The development authorised under the original planning permission for the construction of the ménage (ref: PT14/2418/F) was granted subject to four conditions, which at the time were considered to be necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects (as required by Government guidance). Condition 4 was imposed in the interests of the visual amenity of the area. This condition enabled planning permission to be granted, otherwise the scheme would not have been acceptable.
- 5.2. Condition 4 sought to secure the submission, approval and implementation of a landscaping scheme, including a five year management plan in order to ameliorate the harm to visual amenity that the ménage would cause. The scheme was required to include the planting of a native hedge to replace the leylandii and some native shrubs and trees planted to the north east. The removal of the leylandii was required on the basis that the construction of the ménage adjacent to the leylandii and the associated excavation would sever the tree roots, which it was thought would most probably result in the trees dying and becoming unstable. As a result, it was considered that, given that leylandii is a non-native species and do not make a positive contribution to the character of the area, they should be replaced with a more appropriate form of landscape planting (i.e. a mixed native hedge) in order to screen and soften the development from the surrounding area.
- 5.3. The landscaping scheme was required to be submitted and approved prior to the commencement of development. However, the ménage has already been constructed and no landscaping scheme was received prior to this application being made. Moreover, the leylandii have not been removed. Therefore, the applicant is in breach of this condition and has been the subject of investigations by the Council's Planning Enforcement Team.
- 5.4. In order to regularise the situation, the applicant has applied to vary condition 4 so that the requirement to remove the leylandii is removed for a period of 5 years, at which point the situation will be re-evaluated in accordance with the five year management plan submitted with this application. The applicant has also submitted a landscaping plan as part of the Arboricultural Implications Report (Revised 16 April 2015) with this application.
- 5.5. The application site is located to the south east of Nightingale Lane, a small residential road in Winterbourne. There is a residential area to the west of the application site, and fields to the east (with Frampton Cotterell visible in the distance). Beyond the application site to the south east lies Hillyfields Farm, which has its own buildings. The site has the appearance of an equestrian yard, with stables and a newly constructed ménage with timber fencing. At the south east of the site, next to the ménage, there are a number of tall leylandii hedges.

5.6. In the determination of this application, I must consider if anything has changed, since the original planning permission was granted, that would now justify the variation of condition 4. The key issue is clearly the implications for the visual amenity of the area.

Justification

5.7. The applicant's justifications for the variation of condition 4 are set out in the Arboricultural Implications Report (Revised 16 April 2015) – which was prepared by a consultant arboriculturalist - and are summarised as follows:

- The hedge has not been irreparably damaged and the requirement to remove and replant the leylandii hedge is unnecessary;
- The Town and Country Planning Act 1990 states that it is the duty of the local planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees. The Act does not empower the local planning authority to remove trees by condition.
- The leylandii provides screening of the housing from the valley viewpoints below. If it were to be removed, then it would be 10 to 15 years before the specified hedge could provide equivalent screening.
- The leylandii serves a valuable function as a windbreak against cold easterly winds that commonly occur in winter.

5.8. Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 states that new development will be permitted only where those attributes and features of the landscape which make a significant contribution to the character of the landscape, and the amenity of the landscape, are conserved/retained and where possible enhanced. Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 also provides that existing features of landscape or amenity value are safeguarded and enhanced through incorporation into development. Moreover, Policy CS9 says that new development will be expected to conserve and enhance the natural environment and the character, quality, distinctiveness and amenity of the landscape; and Policy CS34 also contains similar requirements in respect of rural areas.

Analysis

5.9. In response to this application, the Council's Landscape Officer has commented that the revised arboricultural report demonstrates that the leylandii hedge would not have been irreparably damaged by the construction of the ménage, and that it is therefore acceptable to retain the hedge. As the main reason that the condition was attached to the original planning permission was because it was thought that the leylandii roots would be severed, causing it to die, it would now seem unreasonable to insist upon their removal given that they are unaffected. This is supported by Government guidance which says that conditions must be necessary and reasonable in all other respects.

5.10. The Landscape Officer has also highlighted that the proposal to:

- maintain the hedge at a height of 5m;
- to plant native trees to the south east of the hedge; and
- to remove the leylandii hedge once these trees have established and are providing both a screen and windbreak to the ménage

will result in an enhancement of the landscape character of the area. As a result, the Landscape Officer considers that the revision to the approved scheme is in accordance with Policy L1 and is acceptable. I agree with this analysis, and also consider that the proposed scheme accords with Policies CS1, CS9 and CS34 in this respect.

5.11. Likewise, the Council's Tree Officer has confirmed that the choice of native trees to be planted is acceptable and that, provided that all works are in accordance with the submitted plan, there is no objection to the variation of condition 4. I support this view.

5.12. It is considered that the decrease in the height of the leylandii will improve the appearance of the landscape when viewed from the residential areas to the west of the application site, whilst still providing screening of the buildings of Hillyfields Farm (which is echoed by one of the comments received in respect of this application). Moreover, the planting of a row of native trees to the south west of the ménage will improve the appearance of the landscape when viewed from the opposite (Frampton Cotterell) side of the valley from the application site. Therefore, it is not considered that the proposal will have an adverse effect on the visual amenity of the area.

5.13. The applicant has also submitted a five year management plan which sets out the initial works to take place, which includes the planting of the native trees and the reduction in height of the leylandii, and the maintenance of the leylandii and native trees in the following four years. In year five, it is proposed that the leylandii will be removed as appropriate ensuring that the screen / windbreak function is not impaired. Due to the importance of the native trees becoming established in respect of the acceptability of this proposal in terms of visual amenity, it is considered that a condition requiring the implementation of the five year management plan is required. This condition will replace the previous condition relating to landscaping, as the landscaping plan and five year management plan have already been provided.

5.14. Therefore, it is considered that it would be unreasonable to impose all of the terms of condition 4 on the applicant, and it is considered that the proposal accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013

Other Issues

5.15. It is noted that one objection received from a member of the public states that the leylandii hedge no longer has a purpose for screening since the ménage was built and has virtually no benefit to the environment, while the planting of a deciduous native hedge would be a great environmental asset and alleviate any environmental losses caused by recent developments.

Whilst it is acknowledged that the leylandii hedges are a non-native species which do not make a positive contribution to the character of the area, it is considered that they are well established and do assist in screening the ménage and neighbouring housing developments on the edge of Winterbourne when viewed from the opposite (Frampton Cotterell) side of the valley from the application site.

5.16. Another comment refers to not objecting to the original planning application for the ménage on the basis that the approval was conditional on the removal of the leylandii and replacing them with hedging more in keeping with the surroundings. Objections can only be made prior to the Officer issuing the decision; therefore, there would have been no opportunity to object after the decision had been issued. In any event, the applicant has had to apply to vary condition 4, and this has been subject to the normal consultation process for all applications.

5.17. It should be noted that planning permission is not required to plant shrubs or trees.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1. It is recommended that planning permission be granted subject to conditions.

Contact Officer: Kathryn Leeming
Tel. No. 01454 863117

CONDITIONS

1. At no time shall the ménage hereby permitted be used for riding school or other business purposes whatsoever; or by persons other than the owners/occupiers of the adjacent premises no.2 Nightingale Lane.

Reason 1

To protect the amenities of neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

Reason 2

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

2. No floodlighting shall be erected at the site.

Reason 1

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

Reason 2

To protect the amenities of neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

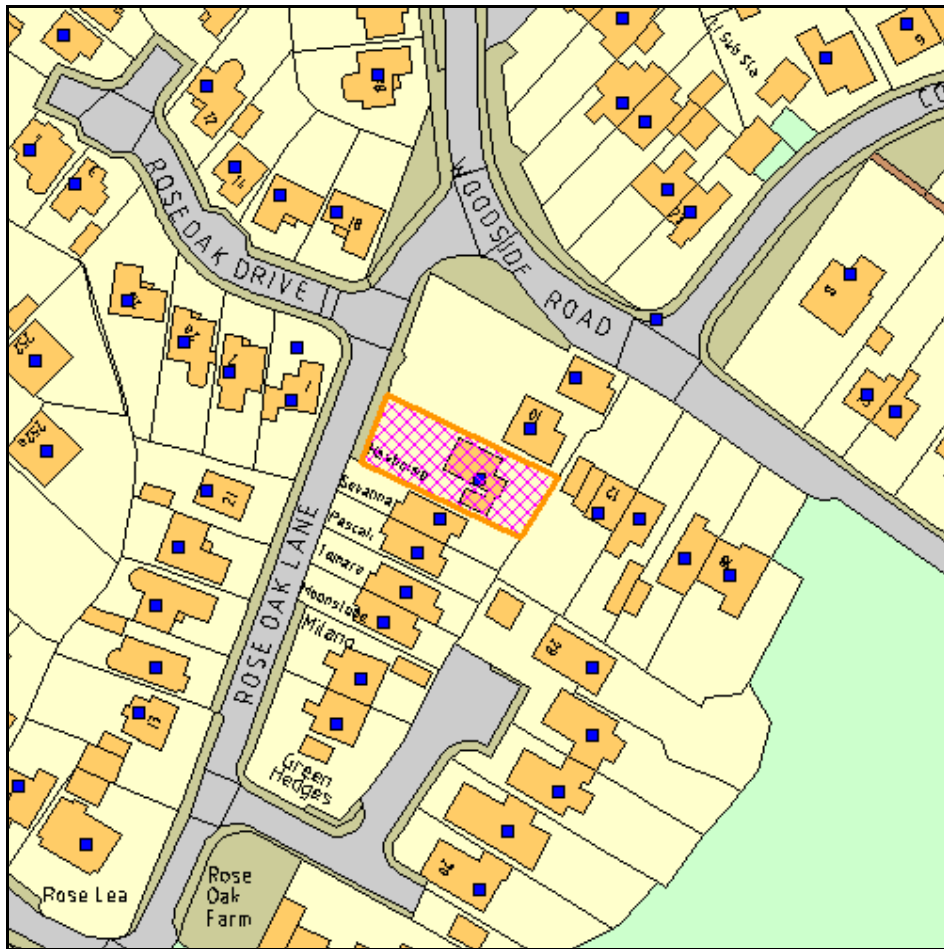
3. Development shall be carried out in accordance with the Arboricultural Implications Report (Revised 16 April 2015) and the Five Year Management Plan and Planting Plan (Dwg No SK2 A) contained therein.

Reason

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

CIRCULATED SCHEDULE NO. 20/15 – 15 MAY 2015

App No.:	PT15/0560/F	Applicant:	Mr Stephen Taylor
Site:	Newholme Rose Oak Lane Coalpit Heath Bristol South Gloucestershire BS36 2QX	Date Reg:	10th March 2015
Proposal:	Erection of two storey side and single storey front and rear extension to form additional living accommodation.	Parish:	Westerleigh Parish Council
Map Ref:	367872 181107	Ward:	Westerleigh
Application Category:	Householder	Target Date:	30th April 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of one letter of objection from the parish Council and objections from neighbours.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a two storey side and single story front and rear extension at this detached house in Coalpit Heath. The purpose of the extension is to provide additional bedrooms at first floor and a garage and extended living space below.
- 1.2 During the course of the application amended plans were received altering the design of the extension and removing the garage from the scheme. A formal round of reconsultation was carried out.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance 2014

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 development control policy for new development

South Gloucestershire Local Plan Core Strategy adopted December 2013.

CS1 High Quality Design

CS5 Location of Development

2.3 Supplementary Planning Guidance

South Gloucestershire Residential Parking Standards adopted December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT15/0561/F Erection of 1 no, attached dwelling with new access and associated works.
Current application yet to be determined
It should be noted that the dwelling proposed takes exactly the same form as the extension subject of this application – it is impossible to erect the extension and a new dwelling.

4. CONSULTATION RESPONSES

4.1 Westerleigh Parish Council

Objects to the application as initially submitted on the grounds of the increase in the height of the roof line – it should be the same as the existing.

The Parish Council did not submit any further comments to the revised scheme.

4.2 Lead Local Flood Authority
No objection to the revised scheme

4.3 Highways Team
No objection.

4.4 Coal Authority
No risk assessment required for an application of this nature.

Other Representations

4.5 Local Residents
3 letters of objection have been received from local residents. All comments were made to the scheme as initially designed and although formal consultation was carried out, no further responses have been received to the amended design:

- Overbearing
- Fearful of being fenced in by the proposal
- A hip would reduce the roof line and minimise the impact on the neighbours lounge window
- Double garage is a concern to privacy
- Assume a coal mining risk assessment is necessary

5. ANALYSIS OF PROPOSAL

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

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

5.2 Design
The application site relates to a detached house in a residential area of Coalpit Heath surrounded by residential properties of greatly varying scale and design. As initially submitted, the ridge height of the two storey side extension was to

rise significantly above the ridge of the existing dwelling. It also incorporated a gable end that increased the visual massing of the side extension. Through negotiation, the gable end has been changed to a hipped end and the ridge height has been reduced so that it now sits flush with the existing roof height. As a result of these amendments, the scale and design of the side extension is considered to be entirely in keeping with the existing dwelling and surrounding street scene.

- 5.3 The proposal also includes single storey front and rear elevations. Both of the single storey elements would have very simple lean too style roofs and would be constructed of materials to match the main house. There are no objections to the single storey elements as proposed.
- 5.4 As initially submitted, the application did include a large detached garage to the front of the property. However, following officer concerns being raised, the detached garage element has now been removed from the proposal and an integral garage included instead. This is considered to be visually acceptable. Cumulatively, the design and scale of the proposed extensions are considered to be entirely acceptable and in keeping with both the street scene and the character of the dwelling.
- 5.5 Residential amenity
The two storey extension would be erected on the southern side of the dwelling closer to the property Savanna. There is a single small window in the side elevation of Savanna facing towards the application site that serves a primary room – the lounge. However, on the basis of the floor plans for Savanna when it was granted planning permission, your officer understands that this is in fact a secondary window with the main light to the lounge coming from the Patio doors in the rear. Furthermore, given that the application site is to the north of Savanna, and that the lounge window in question is already partially obscured by the existing boundary fence, it is not considered that the two storey element would have any significant detrimental impact on Savanna sufficient to warrant refusal of the application.
- 5.6 The single storey rear extension has a depth of only 2 metres and will project no further to the rear than the existing garage. The proposed front extension would have a depth of only 1.3 metres. By virtue of their limited depth, and the existing garage structure the rear extension is to partly to replace, the single storey elements will not have any detrimental impact on the property Savanna.
- 5.7 Other neighbours would not be adversely affected by the proposal by means of overlooking, overbearing, overshadowing or loss of privacy. Overall therefore the proposal is not considered to materially harm the residential amenity of the neighbouring occupiers.
- 5.8 Transportation
The submitted plans show sufficient off street parking to serve the extended property in accordance with the residential parking standards SPD.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

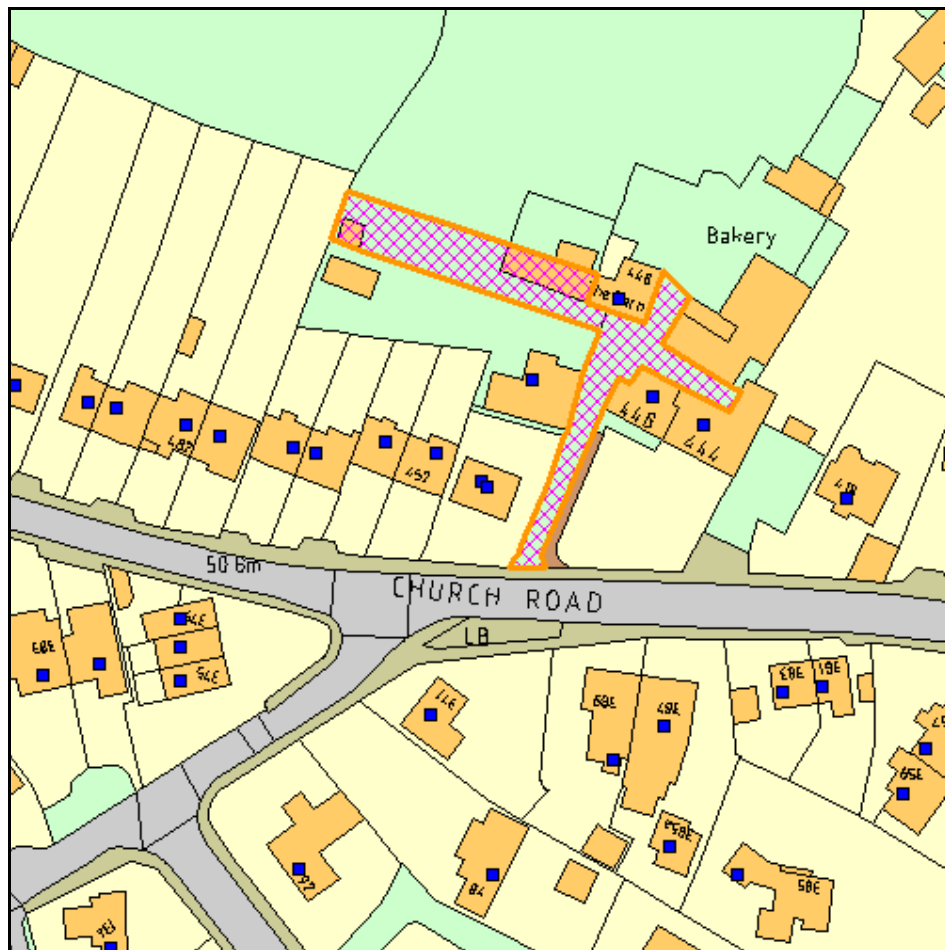
2. Prior to the first occupation of the extension hereby permitted, two off street parking spaces shall be provided to meet the need of the dwelling and thereafter retained at all times.

Reason

To ensure that adequate off street parking is provided in accordance with the requirements of the Residential Parking standards SPD (Adopted).

CIRCULATED SCHEDULE NO. 20/15 – 15 MAY 2015

App No.:	PT15/0734/F	Applicant:	Mr Hopkins
Site:	450 Church Road Frampton Cotterell Bristol South Gloucestershire BS36 2AQ	Date Reg:	26th February 2015
Proposal:	Erection of two storey side extension to existing workshop to facilitate conversion to 1no. dwelling with parking area and associated works.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366338 182067	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	20th April 2015



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 100023410, 2008. **N.T.S.** **PT15/0734/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of a letter of objection from the Parish Council and one letter of objection from Local Residents.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the conversion and extension of an existing workshop to form a single residential property. The resultant dwelling would have three bedrooms and a large open plan living space. The dwelling would be provided with two off street parking spaces and a garden area.
- 1.2 The application relates to an unlisted workshop/outbuilding that may have origins in the 19th century although it is evident that there have been many alterations during the 20th century. It is likely that there was some functional, ancillary relationship to the now grade II listed building but it has been established through other applications that such use ended prior to the listing of 444 Church Road. The building is not therefore listed or curtilage listed but is within the setting of a listed building. The site is adjacent to, but not within, the Bristol/Bath Green Belt.
- 1.3 During the course of the application and amended plan was received altering the design of the proposed extension. The necessary re-consultation was carried out.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

- L1 Landscape Protection and Enhancement
- L13 Listed Buildings
- T7 Cycle Parking
- T12 Transportation Development Control
- H5 Residential Conversions

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4A Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS9 Managing the Environment and Heritage
- CS34 Rural Areas

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

3. RELEVANT PLANNING HISTORY

Two applications relate to the specific application site:

- 3.1 P92/2659 Residential development (outline)
Approved March 1993
- 3.2 P89/2652 Residential development (outline)
Approved March 1990

Other relevant applications that relate to neighbouring buildings are as follows:

- 3.3 PT10/1841/LB Conversion of existing building and erection of one storey/two storey building to provide 4 no. retirement flats.
Approved September 2010
- 3.4 PT08/0039/F Erection of two storey rear extension to facilitate conversion of existing barn into 1 no. dwelling.
Approved January 2008

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
Objects as the proposal is not in keeping with the street scene and the environment
- 4.2 Other Consultees
 - Lead Local Flood Authority
No objection as a soakway is to be provided
 - Highway Structures
No comment
 - Conservation Officer
No objection to the principle of conversion but raises issues regarding the proposed design.
 - Environmental Protection
No Objection

Other Representations

- 4.3 Local Residents
1 letter of objection has been received raising the following concerns:
 - The extension will be overpowering and lead to loss of views
 - The two storey extension will overlook neighbouring properties
 - The style of the extension is not in keeping
 - Overshadowing

- Noise from car parking for neighbouring dwellings

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site lies within the defined settlement boundary of Frampton Cotterell and adjacent to, but not within the Green Belt. The building is also within the setting of the grade II listed property at 444 Church Road but is not itself covered by any listing designation.

- 5.2 Policy H5 of the South Gloucestershire Local Plan (Adopted) is supportive in principle of proposals for the conversions of non-residential buildings to residential use providing a series of criteria relating to the character of the area, residential amenity, adequate off street parking and amenity space. This is built upon by policy CS1 of the South Gloucestershire Local Plan (Core Strategy) which requires proposals to demonstrate a good standard of design. Furthermore, given that the site lies within the setting of a listed, the requirements of Policy L13 must be given due weight and attention.

5.3 Design/Visual Amenity

The building subject of this application is a simple, single storey linear building attached to a two storey stone barn, recently converted to residential use. The building has been altered with two small dormers cutting the eaves, and various panels of historic masonry suggest the building was once open sided and with a lower eaves line. Notwithstanding the changes, the building forms part of a close-knit group of natural stone outbuildings and barns that contribute to the setting of the listed building at 444 Church Road.

- 5.4 The proposal is to convert the building, add a 1.5 storey block at the far end and introduce various new window and door openings. As initially proposed, the first floor extension included an asymmetrical roof but during the course of the application this was amended to a simple gable roof more in keeping with the existing building. The conservation officer has no objection to the principle of residential conversion, but has raised concerns over the location, size, detailing, materials and appearance of the proposed windows and doors. The proposed elevations state white uPVC windows and doors with a very domestic, cottage-style of small pane casements and top-hung vents. These will, appear discordant and incongruous and fail to create a coherent appearance with the adjoining converted barn (as referenced at 3.4). The adjacent barn incorporated traditional, flush-fitting timber casements and screens with painted finish, painted timber barge boards etc. In order to overcome the concern of the conservation officer and ensure successful visual integration, a condition will be attached requiring the submission of details of the windows and doors. Given that the concerns can be adequately addressed through the attachment of a condition, it would be incorrect to refuse the application on this basis.
- 5.5 The proposal is to introduce a 1.5 storey addition at the far end of the building. The conservation officer concludes that the modest extension is unlikely to harm the setting of the listed building. Furthermore, your planning officer is of

the opinion that the modest extension will not have a significant or detrimental impact on either the character of the existing building or the surrounding environment. It is not completely clear on the basis of the plans submitted how much of the extension is to be finished in render and what is to have a natural stone finish. To ensure successful visual integration with the adjacent converted building, external materials will be subject of a condition.

5.6 Subject to the attachment of conditions to ensure the use of appropriate materials, the design and visual impact of the proposal is deemed to be acceptable and in accordance with the requirements of Policy CS1 of the South Gloucestershire Local Plan core Strategy (Adopted) and Policies L13 and H5 of the South Gloucestershire Local Plan (Adopted).

5.7 Residential Amenity

Other than No. 446 to which the building is attached, the proposed dwelling is a notable distance from neighbouring dwellings. The proposal includes no new windows facing directly towards the property or garden of No. 446 that could have an unacceptable impact on existing levels of residential amenity.

5.8 The building and proposed extension are over 30 metres from the main rear walls of no. 454 and 452 Church Road and separated from these properties by the commercial business at 448 Church Road. At this distance, it is not considered that these neighbouring dwellings will suffer any unacceptable impact by means of overbearing overshadowing or loss of privacy.

5.9 It is noted that the residents of No, 454 have expressed concern regarding potential noise from vehicles. However, given that no part of the curtilage of No, 454 abuts the application site, that the two addresses are separated by another property, and that the existing workshop use could generate vehicle movements in its own right, this is not considered to be a concern.

5.10 Furthermore, ample garden space will be provided to serve the new dwelling proposed and the windows will mainly face to the south affording high levels of natural light. A good level of amenity will therefore be provided for the proposed future occupants.

5.11 Highway Safety

The plans show the provision of two off street parking spaces and there is ample space to create additional onsite parking should the future residents prefer. The application fully complies with the requirements of the Residential Parking Standards SPD (Adopted) and the requirements of Policy H5 of the South Gloucestershire Local Plan (Adopted).

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 following conditions:

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

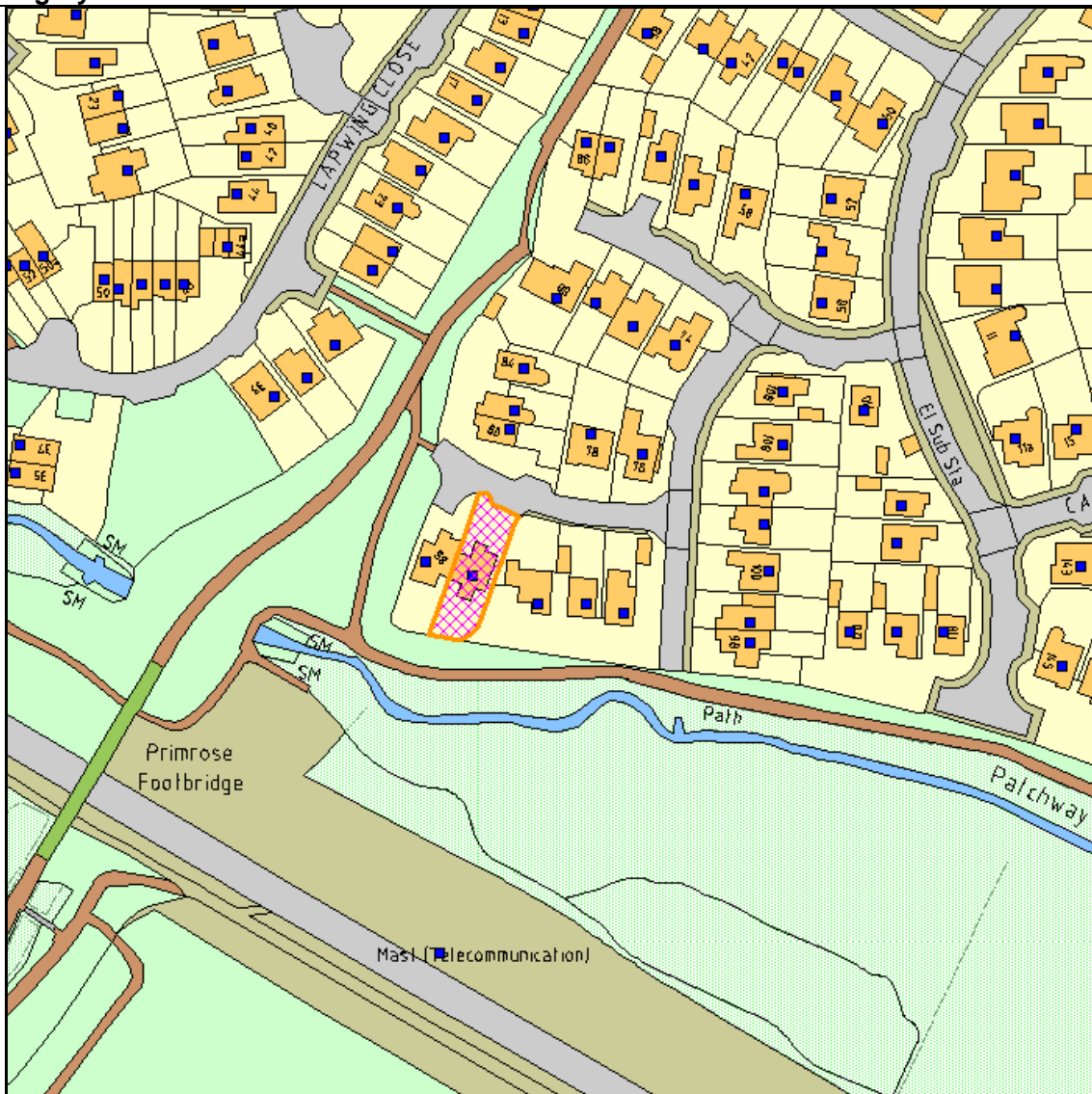
2. Notwithstanding the submitted details and prior to the commencement of development, full details of all external materials including windows, doors, eaves, fascia's, verges, roofing and walling materials shall be submitted to the Council for written approval. All development must take place exactly in accordance with the details agreed.

Reason

On the basis of the submitted plans, there is ambiguity over the external facing materials to be used. The window design as shown on the plans is not acceptable and not in keeping with the traditional character of the area and therefore an amended window design needs to be agreed. It is necessary to secure sympathetic materials in the interests of the visual amenity of the building and the surrounding area and to comply with the requirements of Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted), and Policies L12 and H5 of the South Gloucestershire Local Plan (Adopted). It is necessary for this to be a pre-commencement condition as materials cannot be agreed retrospectively.

CIRCULATED SCHEDULE NO. 20/15 – 15 MAY 2015

App No.:	PT15/0761/F	Applicant:	Mr And Mrs V ImmadiSETTY
Site:	88 Campion Drive Bradley Stoke Bristol South Gloucestershire BS32 0BH	Date Reg:	25th February 2015
Proposal:	Alterations to raise roofline and installation of 2no. front rooflights. Erection of three storey rear extension, single storey front extension and conversion of garage to form additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	361677 182616	Ward:	Bradley Stoke Central & Stoke Lodge
Application Category:	Householder	Target Date:	17th April 2015



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 100023410, 2008. **N.T.S.** **PT15/0761/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of objections from Bradley Stoke Town Council

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for an alteration to raise an existing roofline, installation of rooflights, erection of three storey rear extension and single storey front extension, and a conversion of garage to form additional living accommodation at 88 Champion Drive Bradley Stoke.
- 1.2 The site is located within the existing urban area of Bristol North fringe. It is not covered by any further statutory or non-statutory designations. The application site relates to a modest two-storey detached property in the established settlement of Bradley Stoke.
- 1.3 During the course of the application, the applicant submitted a revised proposal to lower the proposed raised roofline and to replace the original proposed dormers with rooflights.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4A	Presumption In favour of Sustainable Development
CS5	Location of Development
CS16	Housing Density

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 P99/2441 Erection of rear conservatory. Approved 27.10.99

4. CONSULTATION RESPONSES

4.1 Bradley Stoke Town Council

Objection to the original and amended schemes:

- Overdevelopment of the site
- Out of keeping with the street scene
- Detrimental to the residential amenity of surrounding properties

4.2 Other Consultees

Highway Engineer

No objection subject to a condition seeking adequate off-street parking spaces.

Other Representations

4.3 Local Residents

One letter of objection has been received and the resident raises the following concerns:

- Loss of privacy and overlooking
- Overshadowing and loss of light
- Inadequate parking and access
- Inadequate plot size

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Development within existing residential curtilages is supported, in principle, by the saved Policy H4 of the Local Plan, subject to an assessment of design, amenity and transport. Further design considerations should be made using Policy CS1 of the adopted Core Strategy. Therefore, the proposed development is acceptable subject to the considerations set out below.

5.2 Design and Visual Amenity

The proposal comprises four main elements:

- i. raise the ridge height by approximately one metre and eave height by approximately 0.4 metres with 2 no. rooflights
- ii. a three-storey rear extension
- iii. a single storey rear extension to an existing garage to replace the existing conservatory, and
- iv. a single storey extension to extend the existing lounge and a front porch.

5.3 Raise ridgeline and eave heights with rooflights

The application site is a two-storey detached dwelling situating within an established residential area of Bradley Stoke and the area is characterised by a group of two-storey dwellings. The proposal would raise the ridgeline by approximately one metres with 2 no. rooflights on the front elevation.

The proposed raised in height would not be significant in scale, as a result, it would be slightly higher than the adjacent property. It is not considered that the proposed height would create a dominant feature in the locality. In addition, the eaves height would also be slightly raised to allow the proposal. This would not create an imbalance appearance on the host dwelling. The proposed rooflights are also appropriate in size and have been designed to respect the character of the host dwelling.

5.4 Three-storey rear extension

To support the application, the applicant has indicated a number of properties have extensions in the area, it includes 33 Lapwing Close, 106 Winsbury Way, 3 Kites Close and 11 Somerby Close. Officers also noted that the adjacent property also had a two-storey rear extension, which would be smaller than the applicant's proposed extension.

It is acknowledged that the proposed extension would be large in scale, however, the extension would have a pitched roof and the scale would be in proportion to the size of the host dwelling with a raised roof. In addition, the external materials would match those of the existing dwelling. It is considered that the extension has been designed to respect the character of the host dwelling and would not cause adverse impact upon the character of the area.

5.5 Single storey rear extension

Part of the proposal is to erect a flat roof single storey extension to the rear of the existing garage. Given that the extension would be single storey structure, and it would be located at the rear elevation, it is considered that the proposed extension would not be harmful to the character and appearance of the host dwelling and the locality. Therefore there is no objection to this proposed extension.

5.6 Single storey front extension

The proposed front extension would be a single storey structure incorporating an extended lounge and a front porch. The proposed projection beyond the main front elevation would be approximately 1.4 metres to 2.5 metres. Although the front extension would not be small in scale, it would be a single storey building and the design would reflect the character of the host dwelling. In addition, the external materials would match those of the existing dwelling. Therefore it is considered that the proposed front extension would be acceptable in terms of design and visual amenity.

In conclusion, it is considered that the design of the proposal is acceptable and would have no significant detrimental impact upon the character and appearance of the locality, and would accord to Policy CS1 and the NPPF.

5.7 Residential Amenity

The nearest neighbouring properties are No. 86, which lies to the west of the site and No. 90 lies to the east. Officers acknowledge that residents at No. 90 raise objections to the proposal.

The proposed single storey rear extension would be immediately adjacent to the shared boundary with No. 86. Given that the height of the proposed extension would be approximately 3 metres in height, it is considered that this proposed extension would not cause significant overbearing impact upon the neighbouring occupiers. In addition, no window is proposed on the side elevation, therefore there is no issue of overlooking or loss of privacy.

The proposed three storey rear extension would be 4 metres in depth, the eaves and ridge height would be approximately 5.4 and 8.1 metres respectively. The proposed extension would be approximately 2.5 metres away from the shared boundary of No. 86, which has a two-storey rear extension. Given that the proposed extension would not be immediately adjacent to the side boundary, it would be situated to the south east of No. 86, and it would not significantly project beyond the neighbour's two-storey rear extension, it is considered that the proposal would not cause significant overbearing impact or unreasonable impact in terms of the loss of light upon this neighbouring property.

No. 90 lies to the east of the site, and the proposed three storey extension would be adjacent to the front elevation of No. 90. Whilst the extension is large in scale, it would be situated at an angle to the front elevation of No.90. As such, it is considered that the proposed extension would not cause significant overbearing impact upon this neighbouring property to warrant a refusal of this application.

The proposal also includes a number of secondary windows on either side elevation at the first and second floor level. It is considered that they would not cause significant overlooking upon the neighbouring properties given that they are not primary windows. Nevertheless, officers consider that it would be necessary to impose a condition to restrict any new window on either side elevation given the length and the location of the proposed three storey rear extension.

It is acknowledged that the proposed extensions are large in scale, nevertheless, the proposal would still retain a reasonable sized private amenity space. Therefore, it is not considered that the proposal would result in over-development on this site to be detrimental to the living conditions of the occupiers and the neighbouring residents.

5.8 Transportation Issues

The proposal is to seek planning permission to extend the existing dwelling to provide additional living accommodation. After development the number of bedrooms within the dwelling will increase to four. Part of the development will also involve conversion of the existing garage to living accommodation. No detail is provided on proposed vehicular parking for the site.

Nevertheless, the driveway is long enough to provide parking for the dwelling which conforms with the Councils residential parking standards. Officers therefore impose a planning condition to secure a minimum of two parking spaces to be provided and permanently maintained within the site boundary.

Subject to the suggested condition, there is no transportation objection to the proposed development.

6. CONCLUSION

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

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Reason
To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. Prior to the occupation of the proposed extensions hereby approved, a minimum of two parking spaces shall be provided and maintained within the site boundary.

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 (Adopted December 2013).

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy H4 of the South Gloucestershire Local Plan (Adopted January 2006).

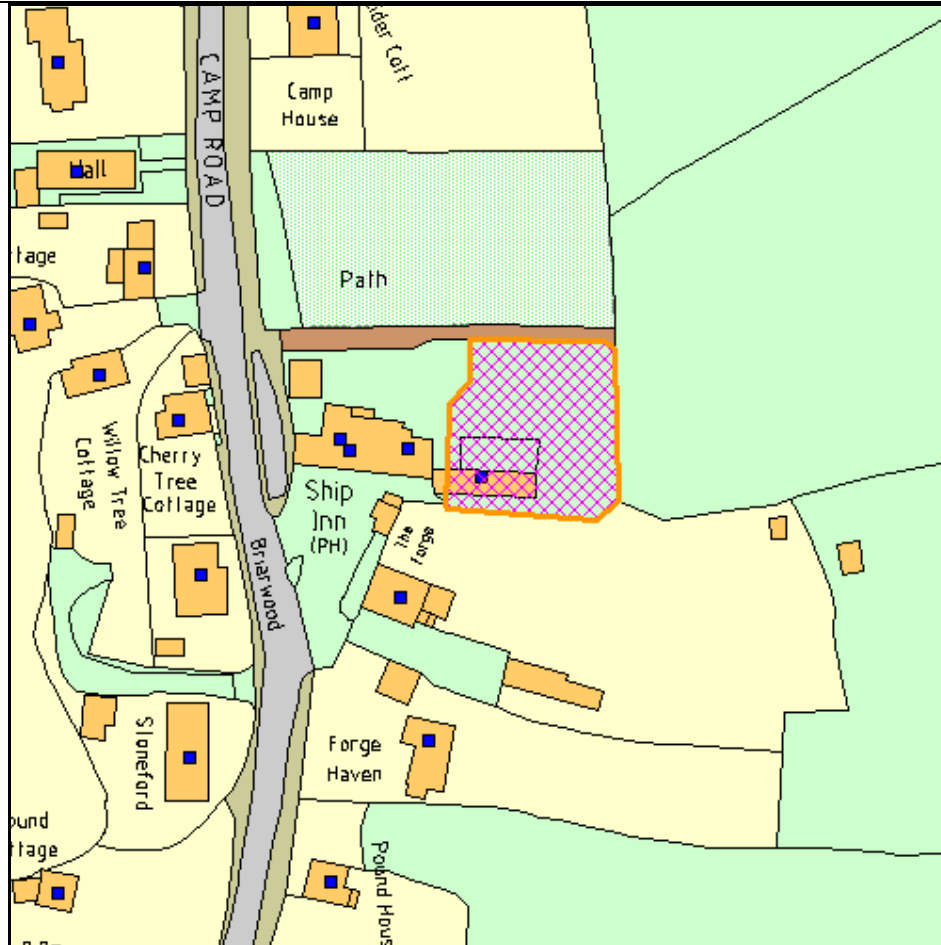
5. No windows other than those shown on the plans hereby approved shall be inserted at any time in either side elevation of the property.

Reason

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

CIRCULATED SCHEDULE NO. 20/15 – 15 MAY 2015

App No.:	PT15/0991/F	Applicant:	Property Development Solutions Ltd
Site:	Kayles House Camp Road Oldbury On Severn South Gloucestershire BS35 1PR	Date Reg:	16th March 2015
Proposal:	Alterations to roofline of skittle alley and erection of sun room to facilitate change of use from Public House (A4) to residential dwelling (C3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) (amendments to two previously approved schemes PT12/4059/F and PT14/1869/PDR) (retrospective).	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	361005 192641	Ward:	Severn
Application Category:	Minor	Target Date:	7th May 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been added to the circulated schedule because the recommendation to approve is contrary to letters of objection from local residents and the Parish Council. This is the second report to be added to the Circulated Schedule after the original report failed to carry over conditions previously imposed on the development.

1. THE PROPOSAL

- 1.1 The application is a revised full application for the change of use of the former skittle alley to a single dwelling. The application has been submitted following an objection by the Council to previous applications seeking approval of revised fenestration and door details as a non-material amendment. The Council concluded that the alterations that had been made to the windows and doors at what is now known as Kayles House were material and required a full application.
- 1.2 As such, the application as submitted is solely seeking approval of the scheme with the window and door amendments and these are the subject of this report.
- 1.3 The principle of the development has been approved by the planning permissions PT12/4059/F and PT14/0258/NMA.

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)
H10 Conversion and re-use of rural buildings for residential purposes

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/4059/F - Erection of first floor rear extension to main building and alterations to roofline of skittle alley to facilitate change of use from Public House (Class A4) to 3no. dwellings (Class C3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) with associated parking, landscaping and works. Erection of detached garage. **Approved with Conditions** – 13 March 2013
- 3.2 PT14/0258/NMA - Non-material amendment to PT12/4059/F to install an additional window in the south elevation at first floor level. **No Objection** – 17 February 2014

- 3.3 PT14/0637/NMA - Non-material amendment to PT12/4059/F to change proposed render to Western Red Cedar to first floor extension of main building. **No Objection** – 21 March 2014
- 3.4 PT14/1869/PDR - Erection of single storey rear sunroom extension to provide additional living accommodation – **Approved with Conditions** – 18 July 2014
- 3.5 PT14/4931/NMA - Non-material amendment to PT12/4059/F to alter windows in north elevation of skittle alley dwelling - **Objection**
- 3.6 PT15/0041/NMA - Non-material amendment to PT14/1869/PDR to alter windows in north elevation - **Objection**

4. **CONSULTATION RESPONSES**

4.1 Oldbury on Severn Parish Council

Object with the following comments;

- The increased size and configuration of the first floor windows is too large and there is a detrimental effect in terms of the privacy of the occupants of the development and the neighbouring property.
- The original scheme was more appropriate and it is regrettable that the scheme has been altered without approval.
- The roofline remains a contentious issue as the Parish Council believe that the original skittle alley ridge height has been significantly exceeded contrary to the consent.
- The proposed House C Roof Plan does throw any further light on this matter.

4.2 Other Consultees

Highway Drainage – No Comment

Sustainable Transport – No objection

English Heritage – No objection – refer to Policy and to Conservation Officer

Other Representations

4.3 Local Residents

There have been two objections received from local residents with the following comments;

- There have been a number of applications to change and enlarge the development
- Likely that the developer had these windows in mind from the outset
- The original window solution was appropriate and some loss of privacy and amenity inevitable however had this been proposed it would have been objected to

- The original window proposal offered some consistency with the other 2 units but an ugly building is now even uglier
- There is an unsightly blue rooflight
- Solar panels are ridiculous
- There is no change in factors which informed the original design
- Much more of the façade facing the garden is now window
- Two balconies will increase intrusion and the handles on the outside appear to indicate opening from the outside
- The garden is overlooked from virtually any position in the rooms
- The garden area has been used as such for 26 years
- The application does not explain 'alterations to the roofline'
- Seemingly unauthorised alterations include; a) entrance reduced, reducing vision on exiting my property, b) siting of Collection Day Bin Area c) querying position of Weekly Storage Area for the 3 properties as no Garage or Car Port is being built as I understand and I raised my concern about storage adjoining my garden at the on site planning meeting d) Raising levels of Car Park instead of lowering as on plans.
- Porch not demolished
- Disagree with drawings submitted for the height of the roofline. Had accurate dimensions been received there would have been objections to the application.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The principle of the works to alter the roofline and convert the former skittle alley to the dwelling are established and were approved with the planning permission PT12/4059/F. This application is to consider the alterations made to first floor fenestration (and doors, Juliet balcony) to the North elevation

5.2 The National Planning Policy Framework declares that good design is a key aspect of sustainable development and authorities should plan positively for the achievement of high quality and inclusive design for all development. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

5.3 Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, adds that development will only be permitted where the highest possible standards of design and site planning are achieved. Development should respect and enhance the character, distinctiveness and amenity of both the site and its context.

5.4 Policy H10 requires that any alterations would not have a harmful effect on the character of the countryside or the amenities of the surrounding area.

5.5 The principal matters for consideration in this application therefore are the quality of the design and the impact on the character and amenity of the site and surrounding area.

Design

- 5.6 Each of the window amendments considered in this application is on the north elevation. This elevation was permitted with full length doors and a Juliet balcony on the left (East side) of the elevation as you face it, then three sets of windows along the remainder of the first floor. The additional exposed glass is predominantly at the lower level. This does alter the appearance and design of the fenestration. Design was an important consideration on the original approval and was actually a reason for the officer recommending refusal of the first application and thereby was fundamental in the Council's objection to the application for the window amendments to be considered 'non-material'.
- 5.7 The previously approved permission included a set of three sliding doors on the first floor at the east end of the north elevation. This is a modern style, flat roof development within which the patio door/Juliet balcony combination has already been considered appropriate. Being some 19.4m in length, the fenestration is important in breaking up the form of the elevation and the proposed fenestration is essentially in the same position as that already approved. The patio doors on the east end are now 4m wide instead of three, one window has been extended to the floor and the end window has been extended to form patio doors with Juliet balcony. There is no proposed change to window materials.
- 5.8 On the ground floor the size of the patio doors at the east end has been reduced from 4m to just under three and a set of double patio doors has been removed and replaced with a window, again in the same positions as previously approved. Given the size and bulk of the building the new fenestration is not considered excessive, is good design and does not have a detrimental impact on the character of the property. There is no fenestration on the South elevation so it would appear that the applicant is trying to maximise natural light of the first floor from the rooflights and from the North elevation.
- 5.9 Kayles House is not visible from the footpath immediately behind the development, however the windows are not out of keeping with those of the other two new build properties. Kayles House only becomes visible from the public realm where the footpath crosses the field to the east of the plot from where the fenestration appears consistent and proportionate across the north elevation of the three properties.
- 5.10 Taking account of the development that has been approved, this design is good quality and is considered in keeping with the site and the setting.

Residential Amenity

- 5.11 The East end of the North elevation offers views across the garden for the new property and these could potentially extend to the garden in the winter period when the trees on the boundary of Camp House will shed their leaves. At the time of the officer's site visit (April), the trees were well vegetated and visibility of any of the garden in Camp House was extremely restricted (photographs have been added to the file). An objection has been received from Camp House which also draws attention to exposure of the property from this garden. Views from the amended windows are even further restricted but the doors on the west end of the elevation do overlook the garden of one of the new properties.

The window that would have been here would have afforded the same overlooking however.

5.12 Views into the new dwelling are afforded from the garden area (again only clearly in winter when garden usage is presumed to be less), rather than any room in the neighbour's property. Likewise any overlooking from the new dwelling, is of the garden, for which the boundary is some 25 metres from the rear elevation. The property itself is some 80 metres from the new dwelling. The original officer's report considered that the development would 'not introduce any new significant adverse privacy issues to the detriment of the residential amenity of neighbouring occupiers' and would 'not have a significantly adversely greater impact on the residential amenity of neighbouring occupiers in terms of loss of natural light or outlook'. It is considered extremely difficult to make any argument that this position is changed by this application. Overlooking from a standing position is not materially different given the window spaces that were already provided and overlooking of a residential garden of this size, some 25 metres from a new development will not result in a privacy harm to amount to a refusal.

5.13 It is accepted that you could see more of the new property through the increased low-level openings but the rooms subject to doors and extended windows are bedrooms. It would be expected that bedrooms would be fitted with curtains/blinds and that use of these rooms during daylight hours would be more limited. When used at night, you would expect occupiers to manage their privacy and the use of the gardens to be limited. The original permission deemed opening double-doors and Juliet balcony to be acceptable for the master bedroom. The increased visibility into the property is not considered to result in an unacceptable amount of overlooking given the considerable distance to the garden, the significant landscape screening, particularly in summer months and it is not considered that there is any overlooking between habitable rooms. It was also noted at the site visit that Leylandii trees have now been planted behind the boundary fence to add further to the landscape screening.

Previous Permission

5.14 No objection was previously raised on the grounds of overlooking from first floor windows and doors. The original permission included a set of double doors with Juliet balcony from the master bedroom overlooking the land to the north.

5.15 The previous planning permission imposed a number of conditions, some of which have been discharged and implemented and some which have longer term implications for the development site. Conditions will be applied to retain the integrity of the original permission. The bin storage condition remains protected by the previous planning permission, as does control over garage provision (previous condition 6). Matters of ecological and archaeological mitigation were addressed with the previous permission and the works implemented upon discharge of the conditions. Materials have also now been implemented.

Other Matters

- 5.16 A number of other matters have been raised in objection comments to the Authority, not least the height of the roofline. This has been subject to a separate investigation by the Planning Enforcement Team which has concluded that the development height as built, is in accordance with the approved plans for the building. That assessment is independent of this planning application which does show the height as per the approved plans and as has been measured on the site by officers from the Enforcement Team. It should also be noted that the solar panels were granted permission on the original scheme.
- 5.17 Objection comments include concern about the manner in which this application has come about and the piecemeal changes that have taken place since the grant of the original planning permission. Whatever the motives for the applications and the redesign of the building however, the applicant is not committing an offence by applying for such changes, or even by applying retrospectively for such changes and the Council can only assess each application on its merits and against the relevant national and local planning policy.
- 5.18 Objections have been received about a blue rooflight over the rear, ground floor extension. The Agent has advised that the blue part is a protective cover which will be removed and indeed it had been removed at the time of the site visit.
- 5.19 A number of other alleged alterations have been referred to but these are not subject to this application and should they be grounds for complaint, these should be directed to the Enforcement Team.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission be granted subject to the following conditions;

Condition

The doors, fenestration and Juliet balconies in the north elevation, hereby approved, shall be finished strictly in accordance with the approved plan P-700 dated February 2015 and retained as such thereafter.

Reason

To protect the character and amenity of the site and the setting and to protect the residential amenity of neighbouring properties.

Condition

The scheme of landscaping previously approved under permission PT12/4059/F shall be carried out in accordance with the details as shown on the plans 2912 / P-3400 Topographical Survey, 2912 / P-3500 External Works Proposal, 4512 / P-4000 Fencing and MP / 13 / LS 01 Tree Protection.

Reason

In the interests of the visual amenity of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006.

In the interests of the archaeological remains at the site, and to accord with policy L11 of the South Gloucestershire Local Plan (adopted) 2006.

In the interests of the residential amenity of neighbouring occupiers and to accord with Policy H5 of the South Gloucestershire Local Plan (adopted) 2006.

Condition

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

There are exceptional circumstances for removing permitted development rights to preserve the character and archaeological interests of the Scheduled Ancient Monument known as The Toot, as well as the undesignated portion of the heritage asset and its setting and to accord with policy L11 of the South Gloucestershire Local Plan (adopted) 2006.

Contact Officer: James Cooke
Tel. No. 01454 863429

CONDITIONS

1. The doors, fenestration and Juliet balconies in the north elevation, hereby approved, shall be finished strictly in accordance with the approved plan P-700 dated February 2015 and retained as such thereafter.

Reason

To protect the character and amenity of the site and the setting and to protect the residential amenity of neighbouring properties.

3. The scheme of landscaping previously approved under permission PT12/4059/F shall be carried out in accordance with the details as shown on the plans 2912 / P-3400 Topographical Survey, 2912 / P-3500 External Works Proposal, 4512 / P-4000 Fencing and MP / 13 / LS 01 Tree Protection.

Reason

In the interests of the visual amenity of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006.

Reason

In the interests of the archaeological remains at the site, and to accord with policy L11 of the South Gloucestershire Local Plan (adopted) 2006.

Reason

In the interests of the residential amenity of neighbouring occupiers and to accord with Policy H5 of the South Gloucestershire Local Plan (adopted) 2006.

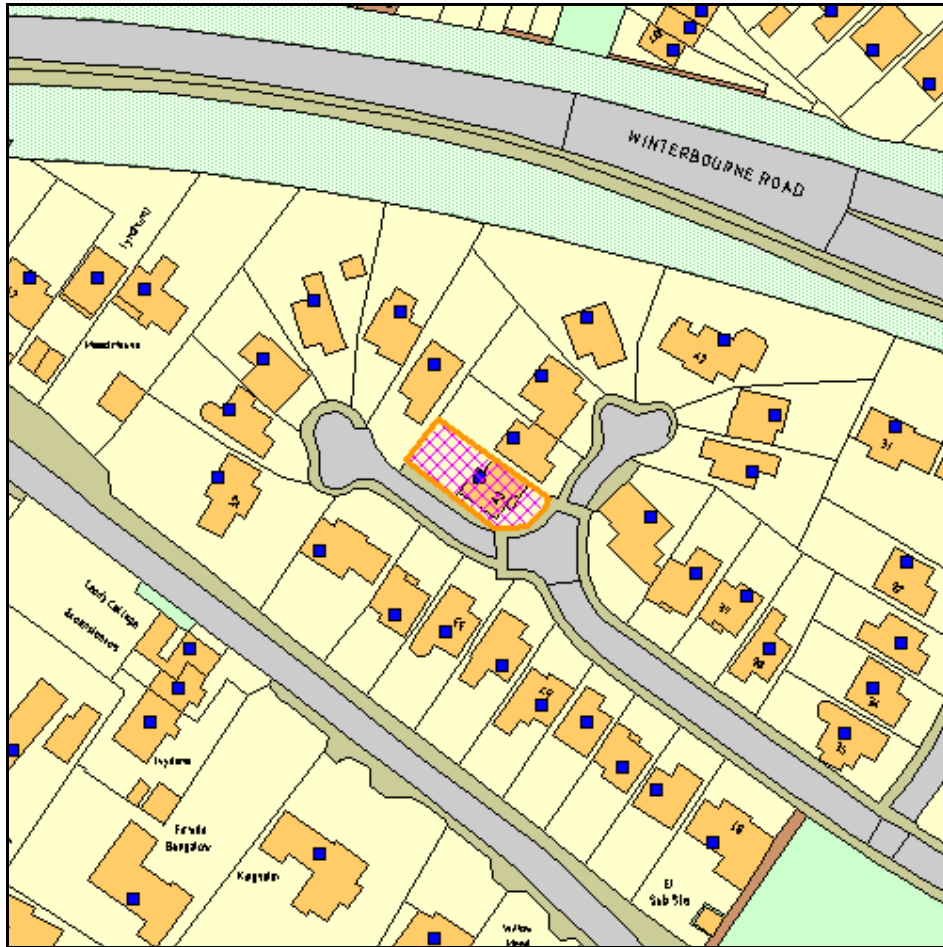
7. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), or any minor operations 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

There are exceptional circumstances for removing permitted development rights to preserve the character and archaeological interests of the Scheduled Ancient Monument known as The Toot, as well as the undesignated portion of the heritage asset and its setting and to accord with policy L11 of the South Gloucestershire Local Plan (adopted) 2006.

CIRCULATED SCHEDULE NO. 20/15 – 15 MAY 2015

App No.:	PT15/1305/F	Applicant:	Mr Chris Clark
Site:	46 Oxbarton Stoke Gifford Bristol South Gloucestershire BS34 8RP	Date Reg:	7th April 2015
Proposal:	Erection of first floor side and front extension to provide additional living accommodation.	Parish:	Stoke Gifford Parish Council
Map Ref:	362607 180528	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	18th May 2015



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 100023410, 2008. **N.T.S.** **PT15/1305/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The applicant seeks full planning permission to erect a first floor side and front extension to 46 Oxbarton, Stoke Gifford.
- 1.2 The application site relates to a two story detached property which sits within a prominent corner plot at the entrance of two cul-de-sacs fronting onto a highway. The property is in rough brick to the exterior with a pitched roof and dark coloured tiles. There is an integrated garage to the side of the property, with parking and a garden to the front of the dwelling and a rear garden.
- 1.3 It should be noted that revised plans were submitted and accepted on 20th April 2015 to amend the residential curtilage to not include an area of amenity space to the side of the property. Amendments to the design of the proposal were also received on the 30th April 2015. It is considered that there was not a need to re-consult as the overall design has not change.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance 2014
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)
CS1 High Quality Design
CS8 Improving Accessibility

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Parking Standards
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 P85/0003/2 Approved 22.12.1985
Erection of 70 detached houses and garages; construction of vehicular accesses and estate roads. (In accordance with the amended plans received by the council on 28TH October 1985.)

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council

No Objections

4.2 Other Consultees

Bradley Stoke Town Council
No Comments Received

Highway Drainage
No Comments

Sustainable Transport – Transportation DC
No Objection subject to a condition.

Other Representations

4.3 Local Residents

Three neighbour objections have been received. All three objections denote that the loss of amenity space would be detrimental to the enjoyment of the locality. The objections that were raised in relation to this amenity space will no longer be considered as the applicant has amended plans to not include the development of this space within the proposal.

One objection relates to the proposed extension to the dwelling house. This resident has concerns regarding the overbearing and dominance of the extension in regards to their property and the area, the impact on visual amenity, the impact upon daylight and sunlight currently enjoyed by their bathroom, cloakroom and front door. The resident is also concerned that the proposed development would impact on the safety and security of their outside amenity space and would result in a loss of privacy to their dwelling.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Visual Amenity

The proposal consists of a first floor side extension to the property above an existing integral single garage. The development will form additional living space, a bedroom and retain a proportion of the garage. The proposal will extend to be in line with the existing first floor building line of the principle

elevation, with an lean-too roof projecting over the existing integral garage and porch.

It is considered that the design and scale of the proposal is in character with the host dwelling and street scene. It is considered that the original area of single storey roof is a key detail in the overall character portrayed by the property. As the proposal seeks to retain an element of the key feature it is considered that the overall design will be in keeping with the host dwelling. The host dwelling sits within a corner plot that is highly visible from many aspects of the street, and as such has been designed to not appear dominate and overbearing within this positioning. It is considered that the proposed side extension would not significantly impact on this careful consideration, and therefore not result in a detrimental impact upon the streetscene.

It is considered that the design, scale and use of materials has been informed and is in keeping with the character of the existing dwelling. Overall, it is considered that the proposed extension would not harm the character or appearance of the area and as such, is considered acceptable in terms of visual amenity.

5.3 Residential Amenity

The dwelling is located on a road with a close neighbouring property to the north elevation. The proposed development would not have any windows to the side elevation and therefore it is not considered to result in a loss of privacy to any neighbouring dwellings.

It is considered that the development could appear overbearing and have a harmful impact to the residents of no. 45 Oxbarton. The large blank gable wall that will abut the boundary could appear overbearing and be an imposing visual addition of built form to a space that was previously softened by only a single storey element of building. Whilst the proposed extension would be imposing, it is not considered to harm the living conditions of the neighbouring occupiers to an unacceptable extent.

Overall, it is considered that the proposal would not harm the residential amenity currently enjoyed by the neighbouring properties, and is therefore considered acceptable.

5.4 Sustainable Transport

The existing site has 3 off street parking spaces, the proposal would reduce the size of the garage limiting the property to only two off street parking spaces. This is considered acceptable and in line with the councils standards, however would be subject to a condition that would permanently require that two off street parking spaces are to be retained.

5.5 Other Matters

Concerns have been raised by a local resident in regards to the loss of light to their cloakroom, bathroom and front door, and the impact upon the safety and

security currently enjoyed along the external side access of the property. It is considered that as the rooms identified by the objector are not considered to be habitable rooms, there is little material consideration in regards to loss of light from a planning perspective. In regards to the impact upon the safety and security of the side access path, this again does not hold significant weight as this is private amenity space within the residential curtilage that is protected by gated access.

It has also been identified by local residents that the proposed enclosure of an area of amenity space to the rear of the applicants' property would have a detrimental impact of the streetscene and openness of the cul-de-sac. This issues has been discussed with the applicant and due to this area of space being detailed within the original landscaping scheme for the overall benefit of the development, plans to enclose it and a new boundary treatment have been removed from the application. This has been reflected upon the plans received on the 20th April 2015.

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** for the reasons listed on the decision notice.

Contact Officer: Jessica Robinson
Tel. No. 01454 868388

CONDITIONS

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

Reason

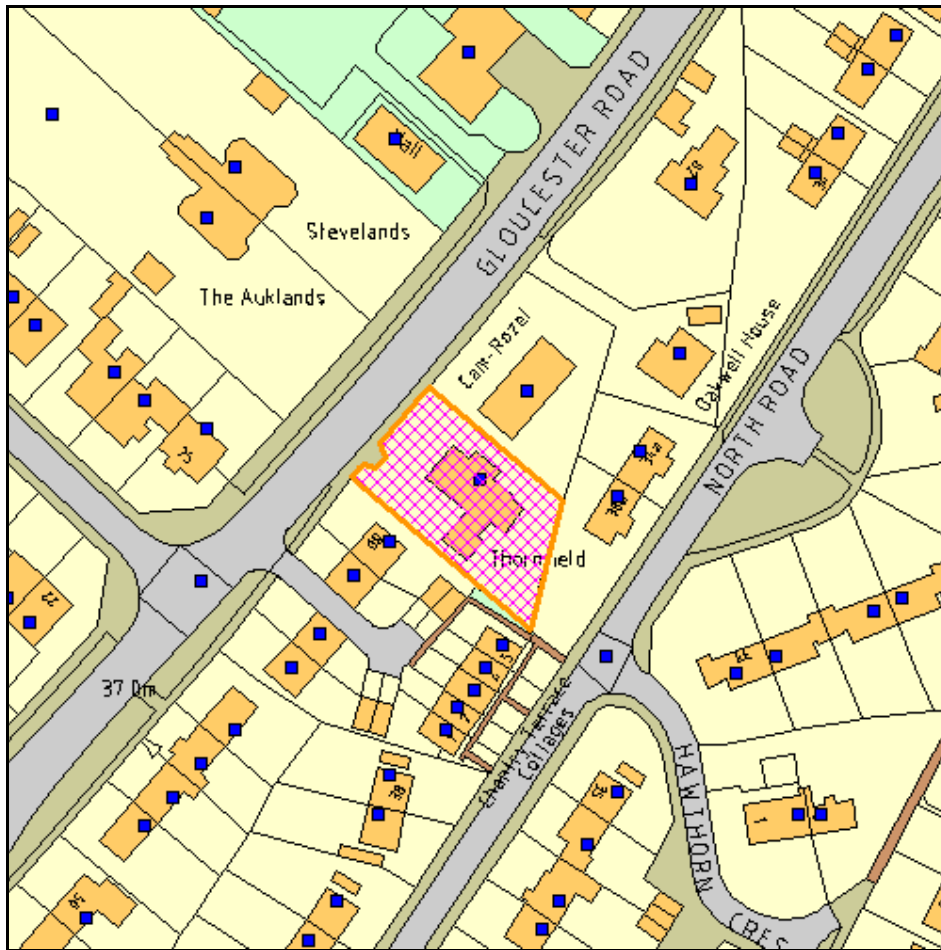
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. A minimum of two off-street parking spaces shall be provided and permanently maintained within the residential curtilage of the 46 Oxbarton.

To accord with policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Residential Parking Standards SPD (Adopted) 2013.

CIRCULATED SCHEDULE NO. 20/15 – 15 MAY 2015

App No.:	PT15/1406/CLP	Applicant:	Mr And Mrs C Viner
Site:	Thornfield Gloucester Road Thornbury Bristol South Gloucestershire BS35 1JQ	Date Reg:	8th April 2015
Proposal:	Application for Certificate of Lawfulness for the proposed demolition of existing conservatory and replacement with single storey rear extension.	Parish:	Thornbury Town Council
Map Ref:	364204 190719	Ward:	Thornbury North
Application Category:		Target Date:	27th May 2015



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 100023410, 2008. N.T.S. PT15/1406/CLP

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 removal of a conservatory and erection of a single storey rear extension at 'Thornfield', Gloucester Road, Thornbury, would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 The proposed plans include some alterations to the fenestration on the side utility however these alterations are not considered to constitute a material change to the appearance of the building and are therefore not considered to fall within the definition of 'development' as described by the Town and Country Planning Act 1990.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990

Town and Country Planning (General Permitted Development) Order 1995 (As Amended) – superseded on 15th April 2015 by:

Town and Country Planning (General Permitted Development) (England) Order 2015

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

No objection

Lead Local Flood Authority

The proximity of a public foul water sewer may affect the layout of the development. Refer the application to Wessex Water for determination.

Other Representations

4.3 Local Residents

No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Received 31st March 2015:

Ex and Proposed Block and Location Plans
Proposed Plan
Ex and Proposed Elevations and Section

Email correspondence received 11th May 2015.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

This 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 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.

6.2 The key issue in this instance 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.

6.3 The dwellinghouse has no planning history and the permitted development rights have not been removed from the property. Some alterations appear to have been made to the original in the form of additions to the side of the property and a rear conservatory but it is unclear when these alterations took place.

6.4 The proposed development consists of the removal of the rear conservatory and its replacement with a rear extension. The removal of the conservatory would not fall within the definition of 'development' however the rear extension would. The proposed extension would fall within the category of development permitted by Schedule 2, Part 1, Class A of the GPDO, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

(a) **Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)**

The dwellinghouse was not granted under classes M, N, P or Q of Part 3.

(b) **As 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 total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.

(c) **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 height of the rear extension would not exceed the height of the highest part of the roof of the existing dwellinghouse.

- (d) 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 rear extension would match the height of the eaves of the existing dwellinghouse but would not exceed it.
- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**
(i) forms the principal elevation of the original dwellinghouse; or
(ii) fronts a highway and forms a side elevation of the original dwellinghouse;
The extension would extend beyond the rear elevation not fronting a highway.
- (f) Subject to paragraph (g), 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 application relates to a detached dwellinghouse. The proposed extension would extend beyond what is considered to be the original rear elevation and would have a depth of 2.5 metres. The height of the extension would be 3.5 metres. The development therefore meets these criteria.
- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) 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;
Not applicable.
- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**
(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
(ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;
The extension would be single storey.
- (i) 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 extension would not be within 2 metres of the boundary of the curtilage.
- (j) 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 a single storey, or
(iii) have a width greater than half the width of the original dwellinghouse; or
The development would not extend beyond the side elevation of the original dwellinghouse.

- (k) It would consist of or include—**
- (i) the construction or provision of a verandah, 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 development would not include any of the above.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, 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 a single storey and extend beyond the rear wall of the original dwellinghouse.**
- The application site does not fall on article 2(3) land.

A.3 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) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**
Correspondence from the Agent confirms that the elevations will be constructed in brick to match those in the construction of the existing dwellinghouse. The plans confirm that the roof would be constructed in tiles to match the existing.
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must 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**

Not applicable.
- (c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**
Not applicable.

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 of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended) (subsequently replaced on 15th April 2015 by the Town and Country Planning (General Permitted Development) (England) Order 2015).

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CIRCULATED SCHEDULE NO. 20/15 – 15 MAY 2015

App No.: PT15/1529/CLP
Site: 34 Cope Park Almondsbury Bristol
 South Gloucestershire BS32 4EZ

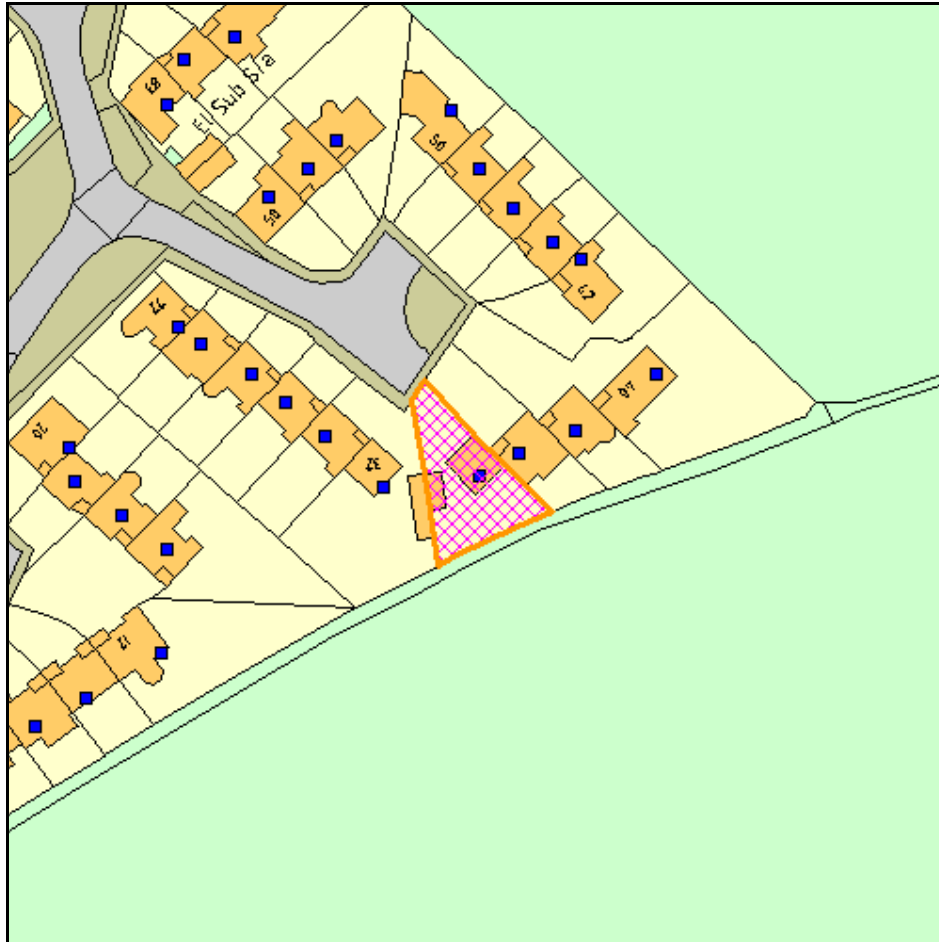
Applicant: Ms Lucy Sheppard
Date Reg: 17th April 2015

Proposal: Application for a certificate of
 lawfulness for the proposed installation
 of a rear dormer to include French
 doors, Juliette balcony and window,
 velux windows to front roof slope and
 erection of a single storey side
 extension.

Parish: Almondsbury
 Parish Council

Map Ref: 361246 184316
**Application
 Category:**

Ward: Almondsbury
**Target
 Date:** 9th June 2015



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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, it 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 proposal at 34 Cope Park, Almondsbury 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. For clarity the assessment is based on the 1995 Order, rather than the 2015 Order as the application was validated before the 15/04/2015, which was the date when the 2015 Order came into force.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 The host dwelling is located within an area 'washed over' by the Bristol/Bath Green Belt. In addition to this, the host dwelling's permitted development rights are intact.
- 1.4 The proposed works include the following:
 - The erection of a rear dormer, including a window, French doors and a Juliette balcony;
 - Three rooflights to the front roof elevation;
 - The erection of a single storey side extension.

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) (England) Order 2015

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No objection
- 4.2 Public Rights of Way
No objection.

- 4.3 Lead Local Flood Authority
No Objection, the officer does state that there proposal is in the proximity of a public foul water sewer and that this may affect the layout of the development. Accordingly, the officer suggests that the applicant must seek determination from Wessex Water. This is not a concern for this application, as all the application must do is accord with the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.

Other Representations

- 4.3 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location and Block Plan; Existing Elevations; Proposed Elevations; Existing Floor Plans; Proposed Floor Plans. All plans received by the Council on the 08/04/2015.

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, B and C of the GPDO (As Amended) 1995.
- 6.3 The proposed development consists of a rear dormer; a single storey side extension and the insertion of a number of rooflights to the front roof elevation. This development would fall under the criteria of *Schedule 2, Part 1, Class A, B, and C* of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.
- 6.4 Class A allows for the enlargement, improvement or other alteration of a dwellinghouse subject to a number of criteria set out within Class A, this class is pertinent to the proposed single storey side extension. Similarly Class B allows for the enlargement of dwellinghouse consisting of an addition or alteration to its roof, the proposed rear dormer and associated works will be assessed against the criteria set out within this class. Class C allows for a number of alterations which are not considered within Class B, accordingly, the

insertion of rooflights to the front roof elevation will be assessed against the criteria within this category.

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 extends from the side elevation of the original dwelling, but does not front a highway.
- (e) The enlarged part of the dwellinghouse would have a single storey and—**
(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;
The proposal would not extend beyond the rear wall of the original dwellinghouse.
- (f) The enlarged part of the dwellinghouse would have more than one storey:**
The proposed side extension is single storey.
- (g) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres:**
The proposal would not be located within two metres of 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 proposed single storey side extension does extend from a wall a wall forming a side elevation, but is less than 4 metres in height, and its width is less than half the width 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 a 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;**

Within the plans and planning statement it is stated that all the materials will match those used in the existing dwelling. Although these materials have not been stated, the case officer is satisfied with the statement that all the materials will match, in addition this, if materials utilised do not match, the proposal will have failed this criterion and the certificate would be considered void, as it is based on the assertions made within the submitted plans.

- (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 proposed side extension does not include any upper-floor windows. The certificate regards two other components which involve upper floor windows, but these are not side elevation 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.

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

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

The proposed dormer would not exceed the highest part of the existing roof.

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

The proposed dormer extends from the rear roof slope, and not the principal elevation. The three roof lights proposed on the forward facing slope are to be considered against Class C of Part 1 of the GPDO.

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

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

(ii) **50 cubic metres in any other case;**

The dormer window has a volume of 30.1 cubic metres.

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

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

The Permitted Development for Householders Technical Guidance (April 2014) defines a balcony as a *'platform with a rail, balustrade or parapet projecting outside an upper storey building'*, the guidance goes on to state *'a "Juliet balcony", where there is no platform and therefore no external access would normally be permitted development'*. The proposal includes a Juliet balcony on the rear elevation of the dormer window, from this balcony there is no external access or associated platform, and therefore it is considered to satisfy this criterion.

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

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

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

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

Conditions

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

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

Within the plans and planning statement it is stated that all the materials will match those used in the existing dwelling. Although these materials have not been stated, the case officer is satisfied with the statement that all the materials will match, in addition this, if materials utilised do not match, the proposal will have failed this criterion and the certificate would be considered void, as it is based on the assertions made within the submitted plans.

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

The rear elevation of the proposed dormer is set back over 20cm from the eaves of the original roof.

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

(i) Obscure glazed; and

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

The proposal does not include a window in the side elevation.

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

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

The submitted plans shows the rooflights to protrude less that 150mm.

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

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

(c) It would consist of or include-

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

The proposal does not include any of the above.

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

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

The proposed rooflights are not to the side elevation.

7. RECOMMENDATION

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

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

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