

**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.44/15

Date to Members: 30/10/15 Member's

Deadline: 05/11/15 (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:

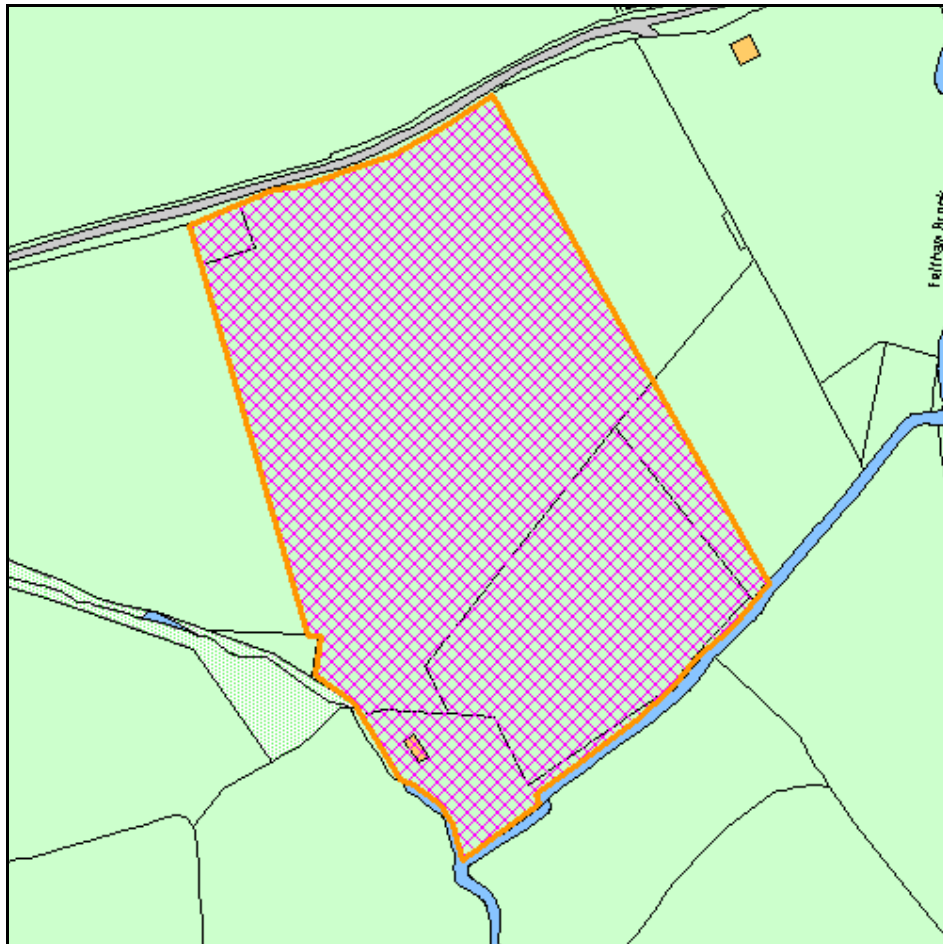
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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.

CIRCULATED SCHEDULE - 30 OCTOBER 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/2421/F	Approve with Conditions	Land At Daves Meadow Abson Road Wick South Gloucestershire BS30 5TT	Boyd Valley	Wick And Abson Parish Council
2	PK15/3503/CLP	Approve	Sunnymead Bath Road Wick South Gloucestershire	Boyd Valley	Wick And Abson Parish Council
3	PK15/3709/F	Approve with Conditions	3 Stanshawe Crescent Yate South Gloucestershire	Yate Central	Yate Town
4	PK15/3861/F	Approve with Conditions	18 Northfield Avenue Hanham South Gloucestershire BS15 3RB	Hanham	Hanham Parish Council
5	PK15/3901/F	Approve with Conditions	3 Broad Lane Yate South Gloucestershire BS37 7LD	Ladden Brook	Iron Acton Parish Council
6	PK15/3928/F	Approve with Conditions	46 Fouracre Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
7	PK15/3931/F	Approve with Conditions	3 Withymead Road Marshfield Chippenham South Gloucestershire SN14 8PA	Boyd Valley	Marshfield Parish Council
8	PK15/3969/CLP	Approve with Conditions	Cotswell House Dyrham Road Dyrham South Gloucestershire SN14 8HE	Boyd Valley	Dyrham And Hinton Parish Council
9	PK15/4128/CLP	Approve with Conditions	46 Cherry Gardens Bitton South Gloucestershire BS30 6JA	Bitton	Bitton Parish Council
10	PK15/4139/F	Approve with Conditions	12 Lancaster Road Yate South Gloucestershire BS37 5SU	Yate North	Yate Town
11	PK15/4193/F	Approve with Conditions	Aitchison Memorial Playing Fields And Pavillion Castle Road Oldland Common South Gloucestershire BS30 9SZ	Oldland	Bitton Parish Council
12	PT15/2592/FDI	Approve	Bristol Memorial Woodlands Earthcott Green Alveston South Gloucestershire BS35 3TA	Thornbury South And	Alveston Parish Council
13	PT15/2646/F	Approve with Conditions	Land Adj To Bradley Stoke Leisure Centre Fiddlers Wood Lane Bradley Stoke South Gloucestershire BS32 9BS	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
14	PT15/3600/CLP	Approve	Corbetts Green Lane Cutts Heath Wotton Under Edge South Gloucestershire GL12 8QW	Ladden Brook	Tytherington Parish Council
15	PT15/3672/F	Approve with Conditions	480 - 482 Filton Avenue Horfield South Gloucestershire BS7 0LW	Filton	Filton Town Council
16	PT15/3677/F	Approve with Conditions	13 Charborough Road Filton South Gloucestershire	Filton	Filton Town Council
17	PT15/3925/CLP	Approve with Conditions	20U Golf Course Lane Filton South Gloucestershire BS34 7QS	Filton	Filton Town Council
18	PT15/3951/F	Approve with Conditions	56 Jordan Walk Bradley Stoke South Gloucestershire BS32 8JW	Bradley Stoke South	Bradley Stoke Town Council

CIRCULATED SCHEDULE NO. 44/15 – 30 OCTOBER 2015

App No.:	PK15/2421/F	Applicant:	Mrs L A Arnold
Site:	Land At Daves Meadow Abson Road Wick Bristol South Gloucestershire BS30 5TT	Date Reg:	19th June 2015
Proposal:	Change of use of land from agricultural to land for the keeping of horses. Erection of stable block and storage barn with associated works	Parish:	Wick And Abson Parish Council
Map Ref:	370523 174889	Ward:	Boyd Valley
Application Category:	Major	Target Date:	15th September 2015



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100023410, 2008. **N.T.S.** **PK15/2421/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The proposal is circulated as the officer recommendation conflicts with consultation responses.

1. THE PROPOSAL

- 1.1 This application seeks a retrospective planning permission for the change of use of land from agricultural use to land for keeping of horses. Also proposed is a six bay stable block and a timber clad hay barn/storage building. The location of the hay barn has been altered slightly during the course of the application in order to position it closer to the hedge and acknowledge the site of the existing vehicular access to the field which is not proposed to be changed by the application.
- 1.2 The application relates to a parcel of land of approximately 2.4 ha in area, which is laid to grazing but with an unauthorised equestrian use of the land and existing buildings at the site. The site is located just north of Abson with vehicular access shown via a bridle way off Abson Road.
- 1.3 The site lies in open countryside and is within the designated Bristol/Bath Green Belt.

2. POLICY

2.1 National Guidance

The National Planning Policy Framework (NPPF) March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted)

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment & Heritage
CS29	Communities of the East Fringe of Bristol Area

South Gloucestershire Local Plan (Adopted) 6th January 2006 (saved policies)

L1	Landscape Protection and Enhancement
EP2	Flood Risk and Development
E10	Horse related development
T12	Transportation
LC5	Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary
LC12	Recreational Routes

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (SPD) – Adopted August 2007
Development in the Green Belt SPD – Adopted June 2007
Landscape character assessment revised 2014 – area 6

3. **RELEVANT PLANNING HISTORY**

3.1 None

4. **CONSULTATION RESPONSES**

4.1 Wick and Abson Parish Council

Objection.

Inappropriate development of land within the green belt

Out of proportion and not compliant with British Horse Society regulations.

4.2 Other Consultees

Highway structures - no comment

Lead Local Flood Officer – No objection

Doynton Parish (adjoining) – no comment

Highways DC: no objection subject to conditions relating to use, number of horses and parking

PROW Officer: further to conversations no objection but team have sought that the PROW is upgraded by filling potholes independently.

Arts and development – no comment

Police and community safety – no comment

Open spaces society ; No response

Wessex water- no response

Other Representations

4.3 Local Residents

Two letters of objection in relation to the following matters

- Car parking at Abson road is causing a hazard to road users and horse riders.
- Insufficient land to accommodate 6 horses
- Unauthorised caravan is at site
- Field has been divided by tape and is detrimental to the visual amenity of the area, affecting views from Abson, and the Bridleway /PROW
- Size of stable block and storage shed together with hard standing for parking will be visually intrusive on the Green belt.

One letter of support received in support because the current owners have cleared the dumped cars, builders rubble and other junk from the site since they bought it in 2014. The rubble has been moved, rubbish has been cleared, fences have been fixed and the ancient hedgerow that runs along the

boundaries has clearly been taken care of. The writer therefor supports this small request for stabling; that will fit into the rural scenery and not cause any major disruption to any local residents, wildlife or users of the bridle way.

The writer goes on to say that she found parking in the access layby to Daves Meadow on times difficult and the bridle way inaccessible. This request for stabling seems to be the best resolution to this problem, allowing the current occupiers to drive onto and park in their land leaving the layby clear and bridle way accessible to all.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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 considerations.

5.3 The application seeks to formally change the use of the land equine. The Gelding judgement of March 2014 noted that change of use of land in Green Belt to an equestrian use is not listed as one of the other appropriate uses. As such the agent has provided a statement of very special circumstances as follows:

- this is an application for a small stable block and storage barn on an existing field used for the grazing of horses.
- The development is entirely appropriate to the use of the land, proportionate to the size of the plot and will be well screened by existing mature vegetation.
- It is also significantly smaller than other equestrian development that has already been approved in the locality.
- The scale of the proposed development is also in no way comparable to that contested in Gelding.
- We also maintain that the proposed development falls wholly within Par. 89 of the NPPF as it will provide for outdoor recreation that would preserve the openness of the Green Belt in this location and would not conflict with any of the purposes of including land within the Green Belt.

5.4 Overall officers take the view, in respect of the very special circumstances, that each site is considered on its own merits and what occurs on other sites is not relevant to this site, paragraph 89 refers to buildings not uses but that the use of the land for equine use is similar to the grazing of other animals and would

preserve the openness only if it did not bring about inappropriate buildings which cause harm to the green belt. This matter is considered further below as other buildings are already on site in addition to those sought as new build.

- 5.5 Paragraph 89 of the NPPF advises that a planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are the provision of appropriate facilities for outdoor sport and outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. As such stabling is appropriate development provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 5.6 Having established that the use of the land is acceptable in the Green Belt consideration needs to be given to the scale of the buildings proposed and whether these would preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In this regard the stables and barn are modest buildings to support a small scale leisure use, appropriate to the scale of the land holding and to the use proposed. The proposed buildings are tucked in close to the existing hedging and would not impact on the openness of the Green Belt. Neither would their existence conflict with the purposes of the Green Belt.
- 5.7 The presumption in favour of development stands to be tested further in relation to the policies of the local plan.
- 5.8 Planning policy E10 advises that proposals for horse related development will be permitted outside of the defined settlement boundaries and urban areas provided that:
- It would not have an unacceptable environmental effect, and;
 - It would be acceptable having regard to issues of residential amenity; and
 - The proposal would be acceptable having regard to issues of highway safety; and
 - Safe and convenient access to bridleways and riding ways is available to users; and
 - There are no existing suitable buildings that could be converted; and
 - The design of the buildings, size of the site and the number of horses to be accommodated has proper regard to horse welfare.

5.9 Design/ Visual Amenity

The application seeks full planning permission for the change of use of 2.4 hectares of agricultural land to be used for the keeping of horses and for the erection of 6 bay stable building and a small barn close to the hedge at the top of the sloping ground. The existing vehicular access from the PROW would remain as existing but the yard is proposed to be hard surfaced with concrete and hard core. It is proposed that three parking spaces would be accommodated within the site. The stable would measure 22.2m by 4.6m and would have a ridge height of 3m. The building would be located close to the established hedge alongside the PROW. The application also indicates the erection of a 7.2m by 3.6m hay barn which is, following an amendment, also to

be located close to the hedgeline. The buildings would be finished in timber with black onduline roofing material.

- 5.10 The design of the stable and hay barn are considered broadly acceptable and would stand against the tall hedge-lined boundary to the north, having negligible impact on the wider countryside. There would be limited view of the building to users of the PROW from the gate but this would not affect users of the PROW as it does not enter the field.
- 5.11 Part of policy E10 seeks to ensure that there are no other buildings which could be used for stabling. There are other structures (labelled on a supporting plan) which conceivably could be adapted to stable horses in the lower end of the field. It is claimed that two of these are already used to offer four bays worth of field shelter at certain times and another is used as storage (a lorry body). The structures have been on site for an undisclosed period of time but, notwithstanding that they may be immune from enforcement action, these buildings conflict with policy E10 and their retention affects the openness of the Green Belt and particularly in the case of the lorry body are harmful to visual amenity. At the top of the field very close to the site of the stable is a small shed and an enclosure for the manure pile (labelled 1 and 2). These are not considered to be harmful alongside the proposed stables. Any harm in the Green Belt must be given substantial weight against the application as set out by the NPPF so the removal of the buildings at the lower end of the field (labelled 3, 4 and 5) would facilitate a more evenly balanced scheme in visual terms. It is noted that a caravan is currently stored on the site and used for additional personal shelter but this too is considered harmful to the visual amenity of the green belt and needs to be removed from the land. For these reasons, there is no objection to the design of the proposed buildings on visual amenity grounds but the harm caused to the openness of the green belt and the additional mass of ancillary buildings to the stables is considered to weigh significantly against the application.
- 5.12 As such, in considering the planning balance, in order to make the proposed scheme acceptable, the older existing structures at the bottom of the field need to be removed within three months of the stables being occupied. In the event that planning permission is granted, it is considered that sufficient detail of the materials has been submitted and no materials condition is necessary although a condition to limit lighting of the building to a level appropriate to its rural location is considered necessary. In addition a condition to secure details of the surfacing materials and area of the hardstanding would be required.
- 5.13 Residential Amenity
The proposed stable building would stand well away from any residential use and as such would not impact directly on residential uses.
- 5.14 Highway Safety
The site is accessed from a PROW Bridleway and as such consideration needs to be given to the impact of traffic generated by the proposal on the bridleway to ensure that a safe and suitable access is provided and there is no detriment to existing users of the bridleway. The bridleway is single vehicle width and is currently suffering from pot holes. Adequate width and visibility is available at

the junction of the bridleway and Abson Road. Restricting the use to private non-commercial activities, i.e. not DIY livery or riding school would limit the amount of vehicular traffic to the owner, the owners family and whoever looks after the horses, the delivery of hay and the occasional visit by the vet. The width of the bridleway would not need to be widened to accommodate these movements, however the surface would benefit from repairs to potholing. The upgrading of an existing problem would not meet the six tests in the Planning Policy Guidance regarding the appropriateness of conditions but the PROW team have negotiated that this will be carried out separately to the application as vehicular users of the PROW.

5.15 As such there is no transportation objection to the proposal subject to conditions restricting any commercial use of the development and that the number of horses on-site is appropriately restricted. The Highway officer also sought to establish three parking spaces in a defined manner but it is considered that the general area set out as yard (already defined as such on site) provides ample space to remove three cars from the PROW. As such a condition is not considered necessary as an informal finish is better suited to the area.

5.16 Horse Welfare

Guidelines laid down by the British Horse Society advise that a stable building should be large enough for a horse to comfortably stand up in and turn around. Therefore, depending on the size of the horse, a stable should measure between 3 x 3.7 and 3.7m x 3.7m. In this instance, the stables are considered of adequate size. There is no objection to the proposal on this basis.

5.17 Further, the British Horse Society 'recommends a ratio of two horses per hectare on permanent grazing (1-1.5 acres per horse). However, this recommendation can only ever be a guide as it is subject to numerous factors, such as:

- Size and type of horse/pony
- Fat score of horse/pony
- Length of time spent stabled or exercised off the pasture
- Time of year
- Quality of the pasture and type of soil
- Number of animals on the pasture
- How well the pasture is managed and cared for

5.18 In this instance, the applicant owns 6 acres (2.4 Ha) and has included just sufficient land to accommodate the grazing of six horses. It is noted that the field also accommodates three structures within the paddock area which the applicant would like to keep for field shelters and additional storage but the conclusion above requires these to be removed if the stables are built and as such it is anticipated that the land would return to grass. As such the site is just suitable for accommodating six horses.

5.19 Drainage

The drainage team raise no objection to the proposal and no further information is required by condition.

6. CONCLUSION

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

Reading the application and site as a whole the use of land and appropriate stabling for no more than six horses is on balance acceptable under the criteria set out in policy E10 and the NPPF.

The site has been advertised as a departure and this advertisement expires 23 October 2015.

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

7. RECOMMENDATION

- 7.1 Planning Permission is GRANTED subject to those conditions listed below.
- 7.2 That planning enforcement be asked to monitor the caravan and other buildings at the site.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

2. At no time shall the stables and the associated land be used for livery, riding school or other business purposes whatsoever.

Reason

To limit the vehicular use of the bridleway in the interest of highway safety and to accord with saved policies T12 and E10 of the South Gloucestershire Local Plan adopted January 2006.

3. Prior to the erection of any lighting details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with policy E10 and L1 of the South Gloucestershire Local Plan adopted 2006, Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. Within three months of the first use of the stable or haybarn hereby approved the building/structures labelled 3, 4 and 5 on the plan received 12/10/2015 shall be permanently removed from the red lined site area.

Reason

To protect the character and appearance of the area to accord with policy E10 and L1 of the South Gloucestershire Local Plan adopted 2006, Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

5. The number of horses kept on the site edged in red shall not exceed six.

Reason

In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and saved Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

Reason

To protect the character and appearance of the area to accord with policy E10 and L1 of the South Gloucestershire Local Plan adopted 2006, Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

7. Prior to the setting out of any new area of hard surfacing details shall be submitted to the Local Planning Authority and agreed in writing. Development shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with policy E10 and L1 of the South Gloucestershire Local Plan adopted 2006, Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 44/15 – 30 OCTOBER 2015

App No.: PK15/3503/CLE
Site: Sunnymead Bath Road Wick Bristol
South Gloucestershire BS30 5RL

Applicant: Mr Nigel Amos
Date Reg: 13th August 2015

Proposal: Application for a certificate of
lawfulness for the existing use of a
former outbuilding as a residential
dwelling.

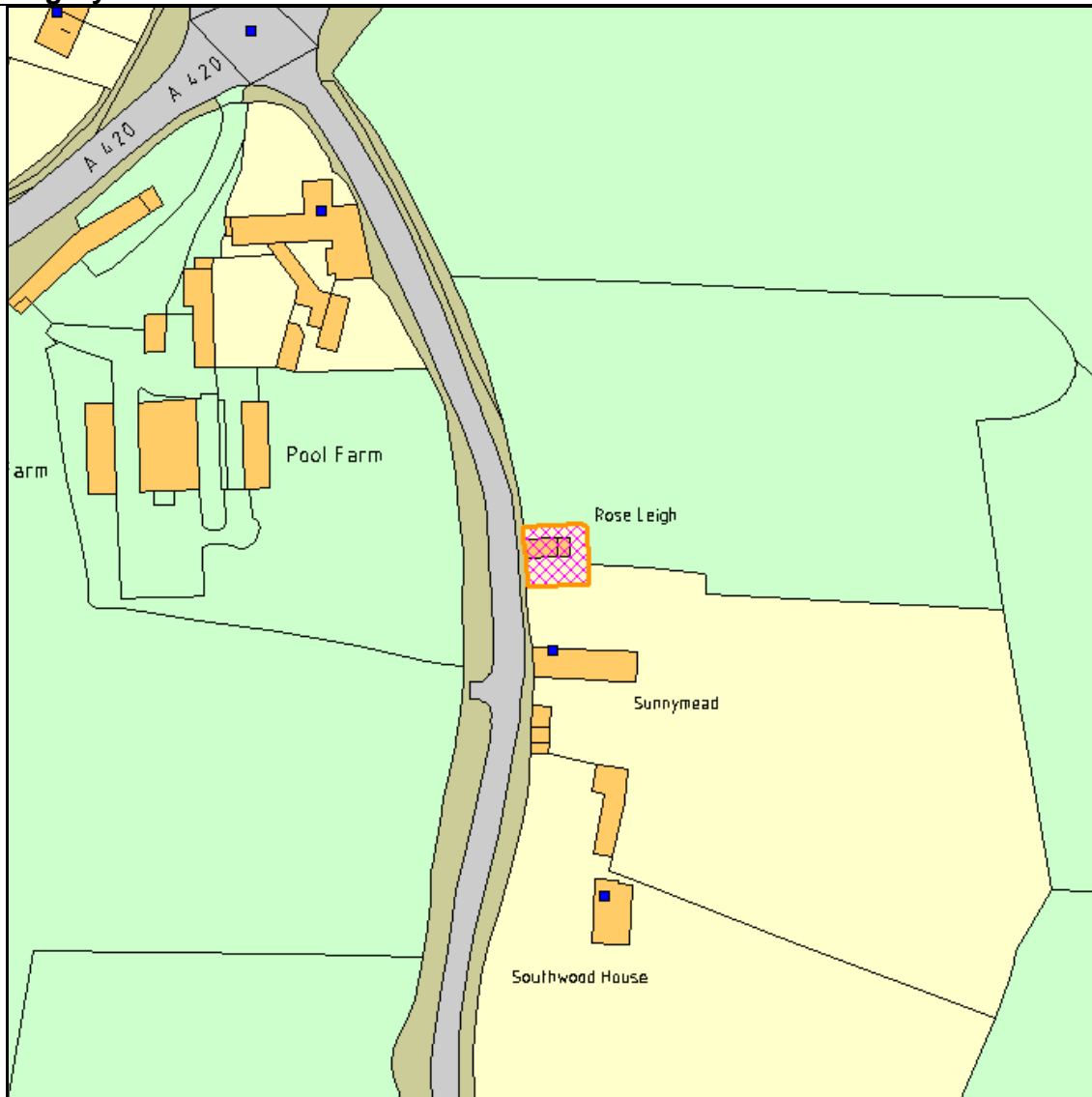
Parish: Wick And Abson
Parish Council

Map Ref: 371085 172538

Ward: Boyd Valley
Target 5th October 2015

Application
Category:

Date:



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100023410, 2008.

N.T.S.

PK15/3503/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application comprises a Certificate of Lawfulness submitted under Section 191 (1) of the Town and Country Planning Act 1990 as amended by S.10 of the Planning and Compensation Act 1991 in respect of an outbuilding at 'Sunnymead', Bath Road, Wick, South Gloucestershire.
- 1.2 The application relates to a single-storey, one-bedroom residential annexe lying within the curtilage of 'Sunnymede', which is a substantial residential dwelling lying to the east of Bath Road, Wick. The annexe lies to the north of 'Sunnymede' and is known as 'Rose Leigh'.
- 1.3 The applicant submits that the annexe has in fact been occupied as a separate residential dwelling, in breach of planning control, for a continuous period in excess of 4 years. In order to regularise the breach of planning control, the applicant seeks a Certificate of Lawful Existing Use for the annexe as a separate dwelling. The submitted red edge plan also shows the curtilage associated with the dwelling.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990: Section 191
Town and Country Planning (Development Management Procedure) (England) Order 2010: Article 35
Town and Country Planning (Use Classes) Order 1987 (as amended).
The Planning Practice Guidance March 2014

2.2 Development Plans

The application is for a Certificate of Lawfulness for the existing use of an annex as a separately occupied and independent unit of residential accommodation. The application therefore seeks to demonstrate that the building has been used as a separately occupied dwelling for a period in excess of four years prior to the date of submission (i.e. since 10th August 2011).

3. RELEVANT PLANNING HISTORY

- 3.1 PK02/3103/F - Conversion of outbuilding to one dwelling.
Withdrawn 4 December 2002

The above application was withdrawn following advice from the then case officer, that because the outbuilding lay within the residential curtilage of 'Sunnymede', planning permission was not required for the use of the building as a residential annexe.

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

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

1. Statutory Declaration of Nigel William John Amos of Sunnymede, Bath Road, Wick, Bristol BS30 5RL dated 28th July 2015.

Mr Amos confirms that in 2002 he submitted a planning application PK02/3103/F for the conversion of the outbuilding, the subject of this current application PK15/3503/CLE, into a residential annexe showing a kitchen area.

The intention at the time was that, the building would be used as ancillary accommodation to 'Sunnymede', to be occupied by a family member.

The Council confirmed by letter dated 3 Dec. 2002 (*copy provided at appendix B*) that planning consent was not necessary for conversion of the building to a residential annexe. This followed submission of an amended plan omitting the kitchen (*without the kitchen the building would not be self-contained and as such not classed as a separate dwelling*).

The following year the works of conversion to an annexe were carried out. When completed it transpired that the annexe was no longer required for a family member. Mr Amos understood at the time that the installation of a kitchen was internal work which did not require planning consent, so proceeded to install the kitchen.

Rather than leave the building empty and unoccupied, Mr Amos than let it to individuals, not members of his family.

A schedule of tenants that have occupied the building is provided at Appendix C.

Also provided at Appendix D is a floor plan of the building showing the accommodation provided and at Appendix E the area of land immediately around the building that is used as a garden area and parking for two cars.

2. Appendix C states that the Building Regs. Completion Inspection for 'Rose Leigh' was carried out 20 July 2004 with the Completion Certificate being signed on 21 July 2004 – ref no. BK03/3160/BN.

Once the Completion Certificate was signed the property was decorated and the kitchen fitted. After the property was furnished, Alder King of Bath was chosen as the letting agent and the first tenant took up residency in January 2005.

The chronology of tenants is indicated as follows:

Jan. 2005 to Jan. 2008 - Dr Daniel Murphy - Agents Alder King of Bath (later becoming Countrywide Lettings).

Feb. 2008 to March 2008 - Significant repairs to bathroom as a result of escapement of water. Work included re tiling and replacement of floor and floor covering. The work was fully covered by the insurer, NFU Mutual.

From this point on Agents were engaged to find a tenant only, not to manage the property.

March 2008 to Feb 2012 - Mr Andrew Jay - Agents Cluttons of Bath

March 2012 to March 2014 - Mr Paul Finch - Agents Crisp Cowley of Bath

April 2014 to September 2015 - Mr Alistair McCheesney - Crisp Cowley

Sept. 2015 to March 2016 - Mr Alistair McCheesney - The tenant intends to renew.

Mr Amos states that during the above period the property has been insured as a separate property for letting by the NFU Mutual Insurance Company.

Tax returns from the tax year 2004-2005 until present have included the income derived from letting 'Rose Leigh'.

'Rose Leigh' has its own and separately installed metered water, gas and electricity supplies all completely independent of 'Sunnymede'.

3. Six photographs have also been submitted purported to show the outside (2) and inside (4) of the building.

5. **SUMMARY OF CONTRARY EVIDENCE**

- 5.1 There is no contrary evidence at all.

6. **OTHER CONSULTATIONS**

- 6.1 Local Councillor
No response
- 6.2 Wick and Abson Parish Council
No objections
- 6.3 Open Spaces Society
No response
- 6.4 Landscape Officer
No comment
- 6.5 PROW
No objection
- 6.6 Transportation Officer
No comment

Other Representations

- 6.7 Local Residents
No responses

7. ASSESSMENT

- 7.1 S191(1) of the Town and Country Planning Act 1990 (TCPA) provides that a person may make an application to ascertain whether:
- 2.1.1 Any existing use of buildings or other land is lawful.
 - 2.1.2 Any operations which have been carried out in, on over or under land are lawful.
 - 2.1.3 Any failure to comply with any condition or other limitation subject to which planning permission was granted is lawful.
- 7.2 As there was no planning permission for the use of the building 'Rose Leigh' as a separate dwelling the relevant question is 2.1.1 as set out above. S191(2) TCPA sets out the grounds on which the use to be considered would be deemed lawful, including that no enforcement action could be taken either because the operation did not involve development or require planning permission or because the time for taking enforcement action had expired.
- 7.3 The time limits for taking enforcement action are set out in s171B TCPA. The period for change of use of a building to use as a dwelling house is 4 years (s171B(2)). There is an exception to this, set out in s171BA-BC. This applies where the breach of planning control has been concealed such that the LPA could not have been aware of the breach and taken enforcement action within the prescribed period. In such cases the LPA has six months, beginning on the date when it had sufficient evidence to apply to the Magistrates' Court for a planning enforcement order enabling it to take enforcement action against the breach.
- 7.4 Dealing with the latter point, there are no enforcement notices relating to this property.
- 7.5 The issues to be considered in this case are therefore:
- a. Were the works to 'Rose Leigh' to render it a self-contained separate unit of accommodation completed 4 years or more before 10th August 2015 i.e. receipt of the application?
 - b. Has the building been occupied continuously as a separate dwelling house since that time to the present?
 - c. Was there any attempt to conceal any aspect of the use in this case such that the LPA could apply for a planning enforcement notice?

7.6 The relevant test of the submitted evidence

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

7.7 Hierarchy of Evidence

The evidence submitted comprises an affidavit or statutory declaration and a series of photographs. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

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

7.8 When were the works to convert the building ‘Rose Leigh’ to a separate dwelling completed?

- 7.9 Officers can confirm that the letter dated 3 Dec. 2002 submitted at appendix B of Mr Amos’s Statutory Declaration is an accurate copy. The letter from the then case officer Chris Gosling confirms the existence of the building and that it was at that time considered to be within the residential curtilage of ‘Sunnymede’. The letter confirms the intention to use the building as a residential annexe and that the works required to convert the building do not require planning permission. The letter also confirms that if the building were to include a kitchen, it would then be considered capable of use as a separate, self-contained dwelling, which would require planning permission.

- 7.10 The submitted Statutory Declaration at para. 5 states that the works of conversion were carried out in 2003. Appendix C states that the Completion Certificate for these works was signed on the 21st July 2004 – ref no. BK03/3160/BN. Although a copy of the certificate has not been submitted, the Council's Building Regs. Officers have confirmed that this information is correct
- 7.11 The applicant also states in Appendix C that subsequent to the Completion Certificate being signed, the property was decorated and the kitchen fitted. Rather than leave the property empty, Mr Amos let it to persons other than family members. The first tenant took up residency in 2005. If this is true, and there is no evidence to the contrary, then the property first became a separate dwelling in 2005 i.e. well before the 10th August 2011.
- 7.12 A series of photographs of 'Rose Leigh' have been submitted and one of them shows the kitchen. Having visited the site and looked around the property, officers can confirm that the photographs are of 'Rose Leigh' but as the photographs are not dated, they are of limited value.
- 7.13 Information within Appendix C suggests that the property has been insured as a separate dwelling and that income from the letting has been declared on tax returns but again there is no documentary evidence submitted to support these statements.
- 7.14 Appendix C also states that 'Rose Leigh' has its own separately metered water, gas and electricity supplies but again there is no documentary evidence such as past bills to support this statement. Officers can however confirm that they did observe the meters during their site visit.
- 7.15 From an internal enquiry of the Council Tax records it transpires that 'Rose Leigh' is not separately registered for Council Tax purposes. This does not necessarily mean however that the building has not been occupied as a private residence for the requisite 4 year period.
- 7.16 On the ground, the area of curtilage associated with 'Rose Leigh' is as shown on the plan attached to the statutory declaration (see Appendix E). At the time of the officer site visit this was well delineated by fencing and boundary treatments and contained domestic accoutrements. Furthermore, from the Council's archives, an aerial photograph of the site, taken in 2009 clearly shows the building and its curtilage as indicated in Appendix E.
- 7.17 Period of occupation.
Appendix C gives a comprehensive list of tenants who have allegedly occupied 'Rose Leigh' and the dates when they occupied the building and who the letting agents were. The list covers the period from January 2005 to the present. The list indicates that occupation has been continuous during this period with only a minor break in Feb-March 2008 for building repairs.
- 7.18 Whilst officers would accept such occupancy as being continuous for the purposes of issuing a Certificate, again no documentary evidence has been submitted to support the statement. It would however seem unlikely that

anybody would occupy the building as a separate dwelling if it did not have a kitchen and utilities that make it suitable for separate occupation.

7.19 Was there Deliberate Concealment?

Although the site is reasonably concealed from view by the boundary treatments along Bath Road, there is nothing to suggest that there was any attempt to deliberately conceal the use of the building as a separate dwelling, even if it is not separately registered for Council Tax. The building appears to have been openly marketed as a separate dwelling since 2005.

8.0. CONCLUSION

8.1 The submitted evidence covers the relevant 4- year period prior to receipt of the application and beyond.

8.2 Although the submitted evidence is not conclusive, it is in the form of a sworn Statutory Declaration, which carries significant weight. There is no contradictory evidence from third parties or from the Council's own aerial photographs to make the applicant's version of events less than probable. Furthermore there is sufficient evidence to suggest that the building known as 'Rose Leigh' has been used as a separate dwelling for more than 4 years prior to the receipt of this application and has been continuously occupied as a residential dwelling during that time and to the present.

8.3 In the absence of any contrary evidence, it is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim.

9. RECOMMENDATION

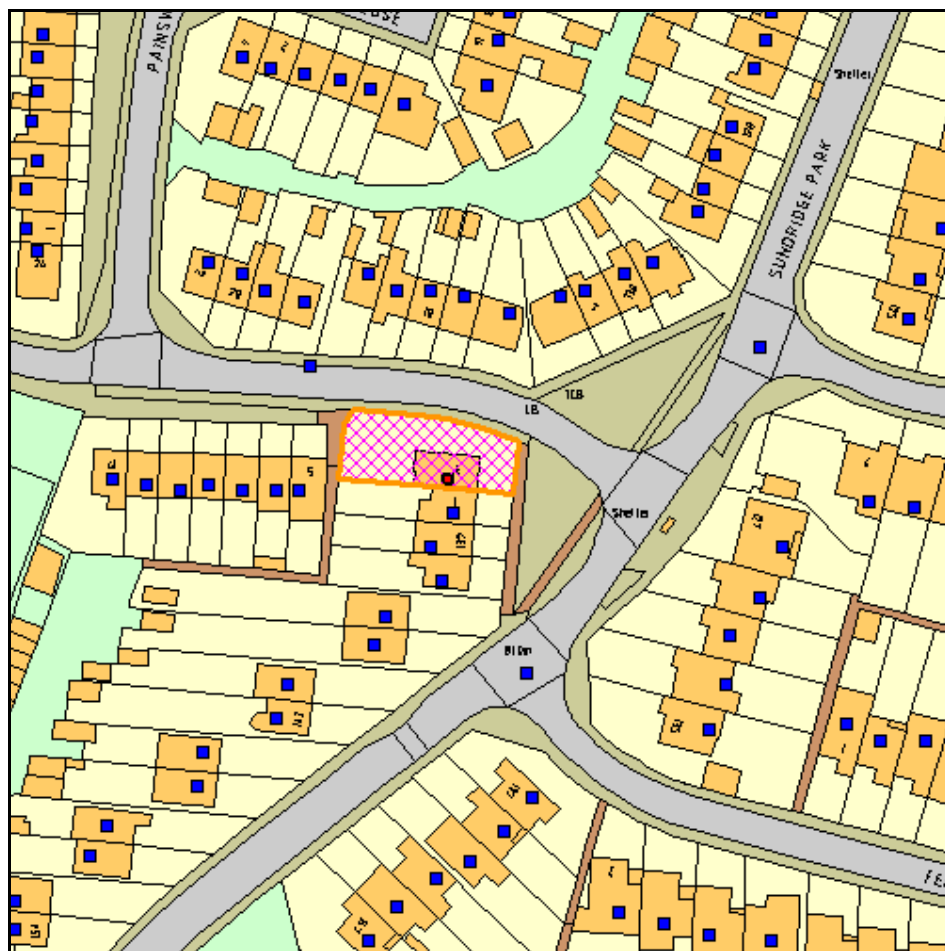
9.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of the building for residential (C3) purposes as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) for the following reason:

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CIRCULATED SCHEDULE NO. 44/15 – 30 OCTOBER 2015

App No.:	PK15/3709/F	Applicant:	Mr David Haines
Site:	3 Stanshawe Crescent Yate Bristol South Gloucestershire BS37 4EB	Date Reg:	27th August 2015
Proposal:	Erection of attached house with new access and associated works.	Parish:	Yate Town Council
Map Ref:	371318 182110	Ward:	Yate Central
Application Category:	Minor	Target Date:	19th October 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 a neighbouring resident.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of an end of terrace, two bedroomed dwelling on land to the side of No 3 Stanshawe Crescent, Yate. Access to the new dwelling would be from Stanshawe Crescent with the front elevation of the property facing out towards Sundridge Park. The proposed new dwelling would be two storeys in height and have a design similar to the existing dwelling. Off street parking and garden space would be provided.

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
T12 Highway safety
- South Gloucestershire Local Plan Core Strategy (Adopted) December 2013
CS1 Design
CS4a Presumption in favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
- 2.3 Supplementary Planning Guidance
Residential Parking Standards SPD (Adopted)
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 N417 Erection of two storey side extension to form dining room with bedroom above.
Approved October 1974

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No Objection
- Other Consultees
- 4.2 Highway Structures
No Objection

4.3 Lead Local Flood Authority
No Objection

4.4 Transportation Development Control
No objection but comment that if the spaces are to be between fences, they need to be widened to 3m for ease of access. Suggested conditions

Other Representations

4.5 Local Residents

1 letter of objection has been received from a neighbouring resident raising the following points of concern:

- The new vehicular entrance would require removal of a disabled parking bay on the road. The bay is used daily and its loss would be unacceptable
- Existing the proposed access would be dangerous because of parked cars causing visual obstruction
- The proposed access will eliminate two on street parking spaces

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is located within the established urban area and is within the defined settlement boundary. The principle of residential development on the site is therefore acceptable. This application stands to be assessed against the policies listed in paragraph 2 above, and in the light of all material considerations. In principle, the proposed development is considered to be acceptable as the site lies within the defined urban area. All issues relating to the design, impact on residential amenity, highway safety, drainage and the setting of the neighbouring locally listed buildings are discussed below.

5.2 The Council is currently unable to demonstrate a deliverable five years available housing land supply and therefore paragraph 14 of the NPPF must therefore come into effect. Paragraph 14 states that in this situation planning permission should be granted unless the adverse impacts of doing so would *significantly* and *demonstrably* outweigh the benefits. This is a very strong material consideration that weighs positively in favour of the development.

5.3 Residential Amenity

Although it is accepted that this is a residential area of the authority, careful consideration still needs to be given to the impact of the proposal both on existing neighbouring occupiers and also the intended future residents.

5.4 The proposed new dwelling will be attached to the side of the existing dwelling with windows looking directly to the front and rear. The windows in the front elevation will face out over Sundridge Park with the windows in the rear elevation facing along Stanshawe Crescent. The existing level of overlooking for neighbouring dwellings will not be exacerbated by the proposed new dwelling. The windows in the rear elevation of the proposed new dwelling will

be no closer to the neighbouring dwellings along Stanshawe Crescent than the windows in the rear of the existing dwelling.

- 5.5 The proposed new dwelling would stand some 16 metres away from the dwellings on the opposite side of Stanshawe Crescent. At this distance, and considering that there are only secondary room windows proposed in this elevation, there is no concern of overbearing or intervisibility.
- 5.6 PSP44 of the Emerging Policies Sites and Places DPD sets out private amenity space standards. This DPD is reaching an early stage and so therefore, only limited weight can be given to its contents. PSP44 requires a three bedroomed house to have access to 60sq.m of private and useable amenity space and two bedroom house to have access to 40 sq.m of private and useable amenity space. The policy also states that this amenity space should be orientated to maximise sunlight. Both existing and proposed dwellings would be provided with adequate private and useable amenity space to meet the needs of the dwellings
- 5.7 As the site lies in a residential area, a condition restricting the hours of work during construction is considered relevant and necessary. Subject to the attachment of such a condition, the impact on existing and proposed levels of residential amenity is deemed to be entirely appropriate and in accordance with the requirements of the Local Plan, Core strategy and NPPF.
- 5.8 Design and Visual Amenity
The area characterised mainly by two-storey pairs of semi detached or terraced dwellings. The proposal is to add one further dwelling onto the end of a row of four existing properties. The materials, design, shape and style of the dwelling has been designed to match that of the neighbouring dwellings encouraging successful visual integration. The design and site layout is therefore deemed to be acceptable.
- 5.9 It is noted by your officer that the proposed dwelling will project somewhat beyond the existing building line but it is not considered that this on its own is sufficient to warrant refusal of the application. Sufficient space will remain between the side of the dwelling and the highway to retain the open character of the area. The application therefore respects the character and distinctiveness of the locality and the application is in accordance with the requirements of Policy CS1 of the South Gloucestershire Local Plan Core Strategy) Adopted and the requirements of the NPPF.
- 5.10 Transportation
Although the local concern regarding parking is noted, this application is considered to be acceptable in transportation terms. In accordance with the Residential Parking Standards SPD (Adopted), there is a requirement to provide two off street parking space to serve each of the existing and proposed dwellings. Adequate space is shown and the proposal is therefore in compliance with the requirements of the Residential Parking Standards SPD.
- 5.11 The neighbours concerns relates to the fact that the proposed new access point will necessitate removal of an existing disabled parking bay. Although

your officer has sympathy with the local resident who uses this bay, because a disabled bay is advisory only and not established through the TRO process, it cannot be taken into consideration as part of this planning application. Furthermore, the disabled bay is not personal and could in fact be occupied by anyone displaying a disabled badge – the bay could theoretically therefore never be available for use by local neighbouring local resident concerned. Notwithstanding this, the Councils Streetcare department will investigate reinstating a disabled bay elsewhere if contacted separately by the concerned neighbour.

5.12 In order to ensure that parking is provided and maintained, a condition will be attached to ensure provision and retention of the parking. There is ample opportunity for future residents to provide cycle parking in their rear gardens and is not considered that a condition requiring details of a cycle store is necessary.

5.13 Sustainability

In accordance with the NPPF, consideration has been given to the sustainable location of the site and the need to significantly boost housing supply. In this instance, the benefits of approving the scheme significantly and demonstrably outweigh the disadvantages. The recommendation to approve the application is therefore in line with the requirements of the NPPF.

5.14 Other Issues

Although sensitive to neighbours concerns, the individual health of neighbouring occupiers cannot be reason to refuse an application. Instead, the application should be assessed against potential impact on all neighbouring residents. Furthermore, the devaluation of neighbouring dwellings cannot be taken into consideration as part of the planning process.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is approved subject to the conditions below:

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the dwelling 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 the National Planning Policy Framework.

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

Reason

To protect the amenity enjoyed by those living in the locality to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of the National Planning Policy Framework.

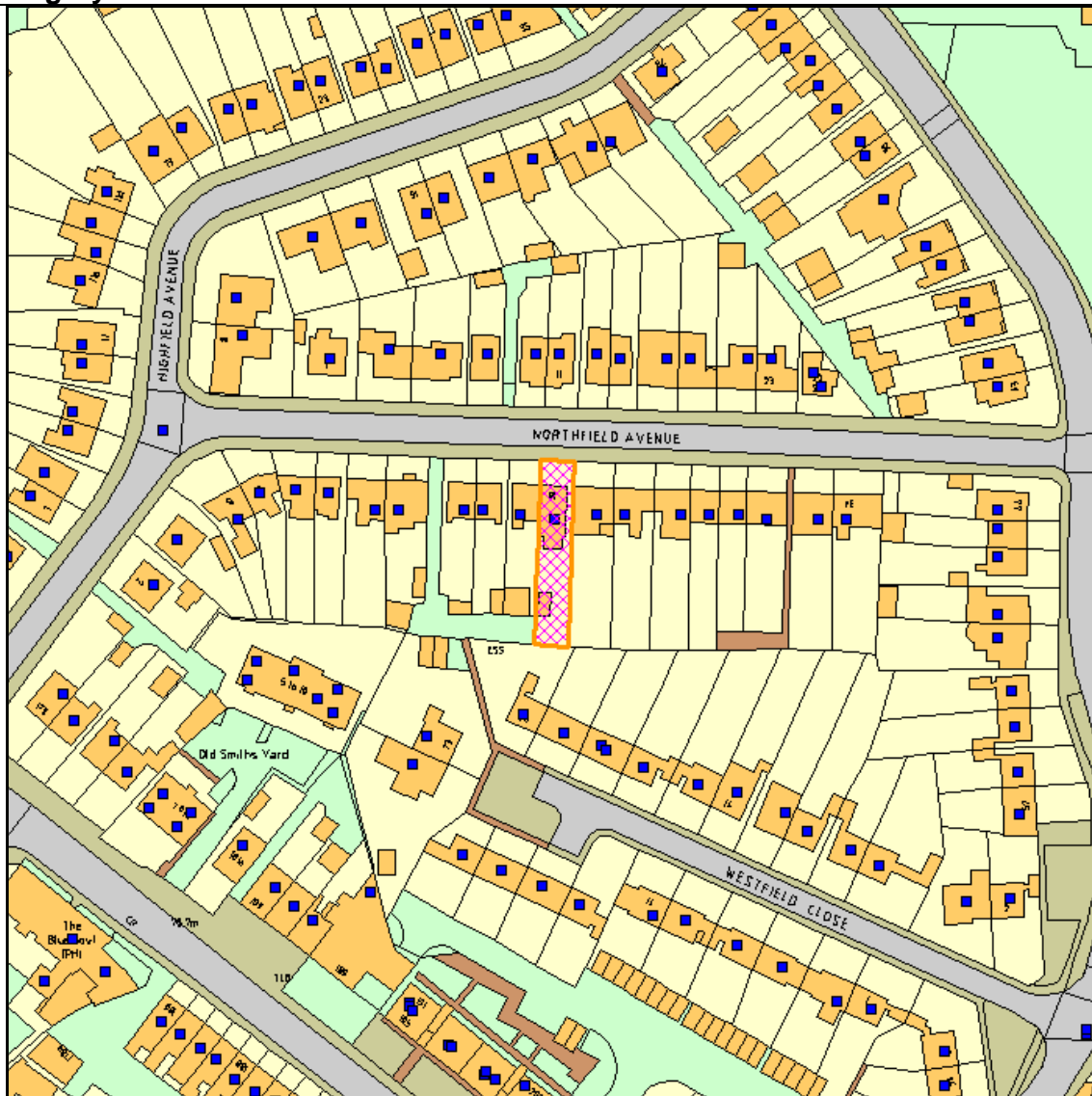
4. Notwithstanding the approved plans, the two parking spaces marked 'Parking Unit 1' shall be increased in width to three metres. All parking spaces shall be available before first occupation of the new dwelling and retained as such at all times thereafter.

Reason

The two spaces are enclosed along their length by a 2 metre high fence. The spaces therefore need to be 3 metres wide to improve their usability. Also to comply with the requirements of Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted), the Residential Parking Standards SPD (Adopted) and the NPPF.

CIRCULATED SCHEDULE NO. 44/15 – 30 OCTOBER 2015

App No.:	PK15/3861/F	Applicant:	Mr Simon Wallace
Site:	18 Northfield Avenue Hanham Bristol South Gloucestershire BS15 3RB	Date Reg:	8th September 2015
Proposal:	Demolition of conservatory and erection of single storey rear extension to form additional living accommodation.	Parish:	Hanham Parish Council
Map Ref:	364847 172128	Ward:	Hanham
Application Category:	Householder	Target Date:	30th October 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following comments from the Parish.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of a conservatory and the erection of a single storey rear extension to form additional living accommodation. The application site is located within the settlement boundary of Hanham.
- 1.2 During the course of the application concerns were expressed by Officers regarding potential for overlooking of neighbouring dwellings over and above the existing level and revised plans were therefore requested and received to address this issue. As the revisions did not alter the principle of the proposal the plans were not sent out for re-consultation.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development

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

H4	Development within Existing Residential Curtilages, Extensions and New Dwellings	Including
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 K3649 Erection of two and three storey rear extension
Approved 17.6.81

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No objections in principle, however concern was expressed that if they do as proposed and use the roof of the extension as a sundeck would this not infringe the neighbours' privacy due to its relevant height?

Other Representations

- 4.2 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all relevant material considerations. Of particular importance is the overall design and appearance of the proposal and its impact on the character of the host property and that of the area in general. In addition, the impact on the amenity of the current and future occupants and that of immediate neighbours must also be taken into consideration.

The proposal is considered to accord with the principle of development and this is discussed further below.

5.2 Design and Visual Amenity

The application site is a semi-detached property located to the southern side of Northfield Avenue, Hanham. To the front the property appears two-storey but given the acute slope of the land to the south, it has three storeys to the rear. The site benefits from a full-height narrow rear extension and a single storey extension that together extend across the whole of the rear elevation. Plans indicate a single storey conservatory off this rear elevation but during the Officer's site visit it was apparent that this conservatory had already been demolished.

- 5.3 The proposed development puts forward the demolition at basement level of the conservatory and its replacement by a single storey structure that would stretch across the entire rear elevation and also extend out into the garden by a further 3.9 metres. It would measure approximately 5.3 metres wide and its flat roof would achieve a height of 3.5 metres. Plans also show the intention to alter the fenestration pattern of the level above (i.e. first floor when viewed from the rear) to include full-height openings at this level.

- 5.4 Given the slope of the land the roof of the single storey structure would match up with the internal ground floor level and the proposed fenestration indicates that it would be possible to walk out onto the new roof/platform. Revised plans now also include a balustrade around the perimeter of this roof. Materials used in the construction would be of render to match the existing dwelling.

- 5.5 It is considered that the proposed design, scale and massing of the single storey rear extension are appropriate to the host property and character of the area in general and the development can therefore be recommended for approval.

5.6 Residential Amenity

The application site is part of a row of dwellings where other full-height or two-storey rear additions extend out to roughly the same degree. Single storey rear

extensions extending out even further into the rear gardens are also present, with the property to the east having a single storey rear conservatory off its two-storey rear extension (although this does not appear to benefit from planning permission). The creation of a balcony on top of these single storey elements, however, is not a common feature and its potential impact on residential amenity due to overlooking must therefore be closely assessed. The Parish acknowledged this potential and questioned the possibility of an adverse impact on neighbours if the roof were to be used as a sun-deck. Officers had already requested revised plans to address this issue. Revisions indicate that the proposed balustrade of this roof terrace would have obscure glazing at a height of 1.8 metres to both sides while the remaining end to the south would be of clear glazing and achieve a height of 1.1 metres.

- 5.7 As mentioned above neighbours to the east have a single storey conservatory which would be alongside the proposed single storey rear extension. It is acknowledged that the proposed roof terrace would be closer to and above the conservatory and garden of this neighbour. However, a certain degree of overlooking already occurs due to the windows in the existing full-height rear extension. The roof and sides of this neighbouring existing conservatory are of obscure glazing and this along with the obscure glazed side panels to the proposed roof terrace/balcony are considered to not impact on these neighbours to such a degree sufficient to warrant the refusal of the application.
- 5.8 Similarly, the potential impact on neighbours to the west from overlooking and inter-visibility is considered to be adequately off-set by the provision of high, obscure glazed sides to the balcony. A condition would be attached to the decision notice to ensure this barrier treatment was adhered to. Neighbours to the rear are approximately 25+ metres away which is considered an appropriate distance to not be adversely affected by the creation of the roof terrace..
- 5.9 Given the length of the garden, sufficient residential amenity space will remain to serve the property following the development. The proposal is therefore considered acceptable in amenity terms and can be recommended for approval.

6. **CONCLUSION**

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:30 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

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

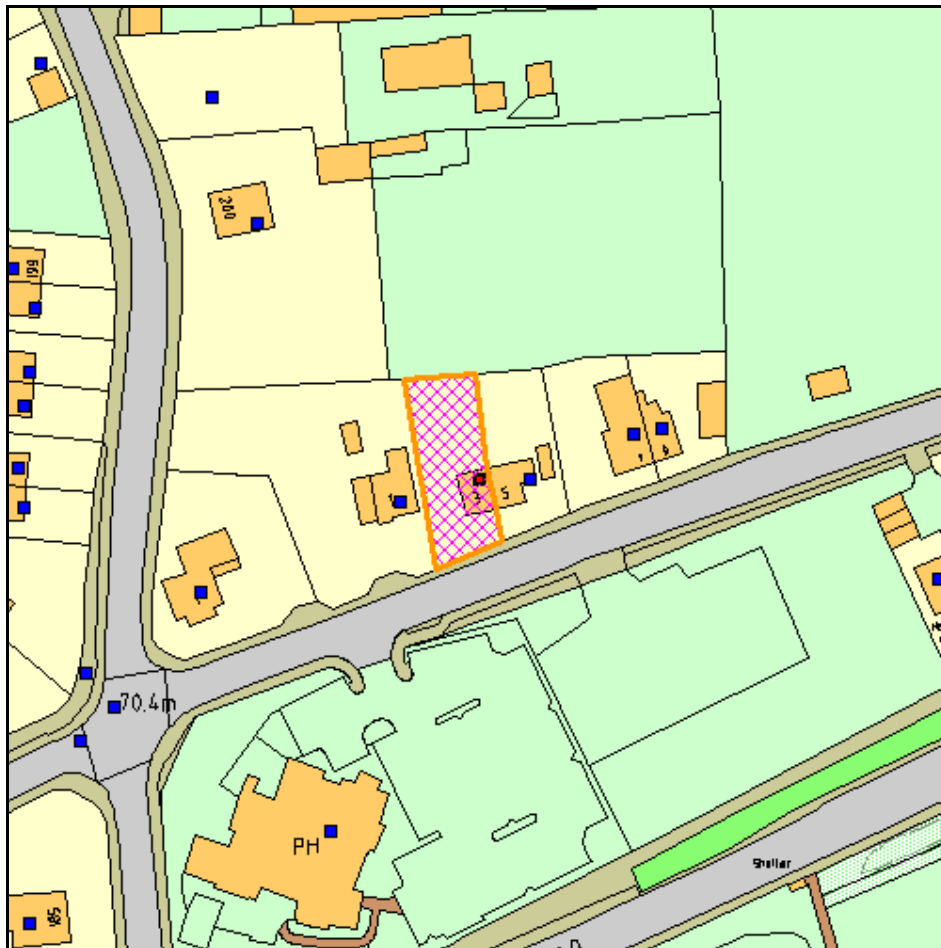
3. Prior to the use of the extension hereby permitted, and at all times thereafter, the proposed east and west elevations of the balustrade on top of the single storey rear extension shall be of obscure glazing.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS1 and CS9 of the South Gloucestershire Local Plan : Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 44/15 – 30 OCTOBER 2015

App No.:	PK15/3901/F	Applicant:	Mr Martin Ricketts
Site:	3 Broad Lane Yate Bristol South Gloucestershire BS37 7LD	Date Reg:	16th September 2015
Proposal:	Erection of single storey front and rear extensions and two storey side extension to form garage and additional living accommodation.	Parish:	Iron Acton Parish Council
Map Ref:	369981 183558	Ward:	Ladden Brook
Application Category:	Householder	Target Date:	9th November 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following a comment from a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of single storey front and rear extensions and a two-storey side extension to form a garage and additional living accommodation. The application site relates to a two-storey semi-detached dwelling situated on Broad Lane, within the settlement boundary of Yate.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility

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

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
No objection

- 4.2 Other Consultees

Sustainable Transport

The proposed extensions will increase the number of bedrooms within the dwelling to four. Part of the ground floor side extension will provide a garage. One additional parking space is shown on the driveway to the front of the

garage. This level of parking complies with the Council's residential parking standards. On that basis, there is no transportation objection to the proposed development.

Other Representations

4.3 Local Residents

One letter has been received from a local resident making the following points:

- The scale of the proposed extensions appear to be out of proportion to the original building which is a modest 3 bedroom semi
- Concerned about the rear extension blocking light from our property.
- If planning permission is granted a condition to be applied limiting the hours of construction work to normal working hours

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposal stands to be assessed against the above listed policies and all material considerations. Development within existing residential curtilages is encouraged and supported with attention being paid to the overall design and its impact on the character of the existing dwelling and the area in general (CS1); the impact on the residential amenity of existing and future occupants and that of closest neighbours must also be assessed (H4); any impact on parking and highway safety is also considered (CS8; T12).

It is considered that the proposal accords with the principle of development and this is discussed in more detail below.

5.2 Design and Visual Amenity

The application site is a modest semi-detached property situated along Broad Lane in Yate. The area is characterised by different style dwellings of different ages. The public house The Fox is on the opposite site of the road to the application site, along with a new development of two-storey properties.

5.3 The proposed scheme comprises several elements which for the sake of clarity will be covered separately:

Two-storey side extension

Plans indicate that the two-storey side extension would have a lower ridge height than the host property and would also be set back from the front building line. This is considered good design practice which allows an extension to be read as being such and to be seen as subservient to the original building. In this instance the side extension would extend almost the whole length of the dwelling for approximately 7.1 metres, having a width of 3.8 metres. At ground floor this extension would accommodate a garage and utility room whilst at first floor it would provide an additional bedroom and en-suite. Materials would be to match the host property. Alterations to the design of the existing fenestration are also proposed to update and modernise the property – this does not need planning permission. Openings would be in the front and rear elevations of this new structure and a single ground floor window would be in the west elevation to serve the utility room.

5.4 Single storey front extension

A mono-pitched roof is proposed for an approximate length of 6.1 metres across the front of the proposed two-storey extension and part of the main house to create a small addition to the integral garage and to create a porch area. This extension would achieve a width of 1.8 metres, a height to eaves of 2.4 metres and an overall height of 3.1 metres. Again materials to match the existing dwelling would be used in its construction. In terms of openings these would comprise the garage door and main entrance door.

5.5 Single storey rear extension

This proposed addition would stretch across the main house and the proposed two-storey extension achieving a length of approximately 8.8 metres for a depth of 4 metres. The flat roof structure would be about 3.1 metres in height with a large lantern rooflight and a large expanse of doors to the north, facing the garden. Materials used in this rear addition would be horizontal Cedar boarding. The structure would serve as a kitchen/living area.

5.6 It is acknowledged that the proposal in its entirety would result in a large addition to the existing property and comments have been received from a local resident expressing concern regarding it being out of proportion to the original house. However, development within existing residential curtilages is encouraged. When taken singularly or as a whole, in terms of the design, scale and massing the proposed two-storey side, single storey front and single storey rear are considered appropriate to the host property and not inappropriate to the character of the area in general. It is recognised that with regards to materials the front and side extension would match the host property while the rear structure would be different. Cedar boarding is not an uncommon material often, for example, used to emphasise an elevation or a particular design feature. In this instance, the proposed rear addition is modern in design and it is considered that the Cedar boarding reflects this contemporary style. There are therefore no objections to the proposed materials.

5.7 Residential Amenity

Closest neighbours to the west are set back slightly to the north away from the application site and at an approximate distance of 7 metres. This property has no openings in the opposing elevation and it is therefore considered that the proposal would not negatively impact on the residential amenity of occupants. Comments have been received from the neighbours to the east with regard to potential adverse impact of the rear extension blocking their light. However, the proposal would be single storey only and would extend out into the rear garden by 4 metres. It must be noted that recent changes to national planning laws allow in some instances, single storey rear extensions of up to 6 metres in length without the need for a full planning application, if permitted development rights for the property are intact (as would be the case here). Given the orientation of the properties, it is possible that the amount of light entering the neighbouring dwelling from the west would change, but an existing rear conservatory of neighbours on the other side of the application site further to the west, is considered to already act as somewhat of a barrier to receiving the full setting sun. The proposal is therefore unlikely to impact on these neighbours to such a degree sufficient to warrant a refusal of the application.

Both the application site and its attached neighbour benefit from good size gardens and so enough amenity space would remain to serve the property following the proposal.

5.8 Sustainable Transport

The proposal would include an integral garage that would measure internally 3.5 metres by 6 metres. The proposal would result in a four bedroom property and given that the garage complies with adopted standards and another vehicles can be parked on the drive to the front of the property, it is considered to provide the required amount of off-street parking and can be recommended for approval.

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 The proposal is to be **APPROVED** subject to the conditions written on the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:30 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework. (* delete as appropriate)

CIRCULATED SCHEDULE NO. 44/15 – 30 OCTOBER 2015

App No.:	PK15/3928/F	Applicant:	Mr And Mrs Cottle
Site:	46 Fouracre Road Downend Bristol South Gloucestershire BS16 6PH	Date Reg:	11th September 2015
Proposal:	Erection of 1no. attached dwelling with access, parking and associated works. (Resubmission of PK15/1836/F).	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365363 178051	Ward:	Downend
Application Category:	Minor	Target Date:	3rd November 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

- 1.1 This application seeks full planning permission for the erection of an end of terrace, three bedroomed dwelling on land to the side of No 46 Fouracre Road, Downend. Access to the new dwelling would be from Fouracre Road. The proposed new dwelling would be two storeys in height and have a design similar to the existing dwelling. Off street parking and garden space would be provided.
- 1.2 The application site comprises the existing side garden of No. 46 Fouracre Road. This application is the resubmission of the previously withdrawn application ref PK15/1836/F. Since the withdrawal of the previous application the siting and layout of the site have been amended in attempt to overcome officer concern – the proposal is now for an attached terrace property rather than a detached dwelling.
- 1.3 During the course of the application a further amended plan was submitted at your officer's request to clarify the parking situation and make minor alterations to the layout of the dwelling.

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
T12 Highway safety

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013
CS1 Design
CS4a Presumption in favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
- 2.3 Supplementary Planning Guidance
Residential Parking Standards SPD (Adopted)
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/1836/F Erection of 1 no. detached dwelling with access, parking and associated works.
Withdrawn June 2015

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council

No Objection

Other Consultees

4.2 Highway Structures

No Objection

4.3 Lead Local Flood Authority

No Objection

4.4 Transportation Development Control

No objection but comment that if the spaces are to be between fences, they need to be widened to 3m for ease of access. Suggested conditions

Other Representations

4.5 Local Residents

17 letters of objection have been received from neighbouring residents (two of which were accompanied by photographs). A summary of the points raised is as follows:

- Parking is already ridiculous
- Residents won't use the parking spaces thus parking on the road
- Fourcare Road is a bus route
- Overlooking of neighbouring gardens
- Local schools and amenities are already oversubscribed
- Additional congestion
- Risk to pedestrian safety
- Loss of green space and shrubs/vegetation
- Not in accordance with CS1, CS8, PSP44, PSP9 and PSP39
- The proposal will create a small terrace which is not characteristic of the area
- The magnolia tree will be lost
- Vehicles parked in the spaces will oversail the pavement
- Will cause unacceptable living conditions
- Lack of soundproofing – noise will transfer to neighbours
- The medical conditions of neighbours
- 2 metre high fence will block visibility
- Parking may occur on the pavement
- Block light into neighbours gardens
- In close proximity to a school and nursery – parents park in this location
- Loss of on street parking
- No visitor parking
- Concerns that the parking spaces are tandem
- Overshadowing and blocking neighbours window
- Concerns with comments in the design and access statement
- Devaluation of neighbouring dwelling
- Disruption during the construction period
- The site is not an infill – the dwelling is not filling in a gap

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is located within the established urban area and is within the defined settlement boundary. The principle of residential development on the site is therefore acceptable. This application stands to be assessed against the policies listed in paragraph 2 above, and in the light of all material considerations. In principle, the proposed development is considered to be acceptable as the site lies within the defined urban area. All issues relating to the design, impact on residential amenity, highway safety, drainage and the setting of the neighbouring locally listed buildings are discussed below.

5.2 The Policies Sites and Places DPD is at an early stage in the adoption process and therefore only little weight can be attributed to it. However, as the letters of objection from neighbours have quoted PSP policies, this report will discuss them also.

5.3 Residential Amenity

Although it is accepted that this is a residential area of the authority, careful consideration still needs to be given to the impact of the proposal both on existing neighbouring occupiers and also the intended future residents.

5.4 The proposed new dwelling will be attached to the side of the existing dwelling with windows looking directly to the front and rear. The windows in the front elevation will face out over Fouracre Road and the dwellings on the opposite side of the road. The level of overlooking over Fouracre Road will not be dissimilar to other overlooking elsewhere along the road and is considered to be acceptable.

5.5 A similar assessment is made regarding the level of overlooking from the windows in the rear elevation. Being a sub-urban location characterised by two storey dwellings, a certain degree of overlooking of neighbouring gardens from first floor windows is inevitable. It is not considered however that the proposed new dwelling would cause any demonstrably greater levels of overlooking or loss of privacy from neighbouring occupants than the existing situation.

5.6 The neighbouring dwelling that stands to be mostly affected by the proposed development is No. 48 Fouracre Road that stands immediately to the north of the application site. There is a primary bedroom/therapy room window in the first floor side elevation of this dwelling that faces the application site. The two storey element of the proposed dwelling will stand 11 metres away from this neighbouring window. At this distance, and given the angular relationship between the proposed dwelling and this window, it is not considered that there would be any overbearing, overshadowing or loss of privacy concerns sufficient to warrant refusal of the application. It is noted that the single storey element of the proposal will stand within 9 metres of this neighbouring window but the single storey element will not obstruct this window.

5.7 PSP44 of the Emerging Policies Sites and Places DPD sets out private amenity space standards. This DPD is reaching an early stage and so therefore, only

limited weight can be given to its contents. PSP44 requires a three bedroomed house to have access to 60sq.m of private and useable amenity space. The policy also states that this amenity space should be orientated to maximise sunlight. Both existing and proposed dwellings would be provided with at least 60sq.m. of amenity space.

5.8 It is noted that neighbours are concerned about potential noise and smell transmission once the new house is occupied. Any new dwelling would need to meet the latest building control standards which would ensure a suitable build quality. No objection is therefore raised to the proposal on the grounds of noise or smell transmission for neighbouring dwellings once the property is occupied. Nonetheless, as the site lies in a residential area, a condition restricting the hours of work during construction is considered relevant and necessary. The application is therefore also considered to comply with the requirements of Policy PSP 9 of the Emerging Policies Sites and Places DPD.

5.9 The impact on existing and proposed levels of residential amenity is deemed to be entirely appropriate and in accordance with the requirements of the Local Plan, Core strategy and NPPF.

5.10 Design and Visual Amenity

As noted in the letters of objection, Fouracre Road is characterised mainly by two-storey pairs of semi detached dwellings and the proposal would create a terrace of three. Terraced properties are found however in the immediate vicinity just at the end of Bough Road and the dwellings on the opposite side of Fouracre Road are all terraced by virtue of existing extensions. It is difficult to argue therefore that terraced dwellings are not commonly found in the locality or that the proposed dwelling would cause any identifiable visual harm to the street scene and character of the area. The materials, design, shape and style of the dwelling has been designed to match that of the neighbouring dwellings encouraging successful visual integration. The design and site layout is therefore deemed to be acceptable.

5.11 It is noted that the letters of objection raise concern about the loss of the green open space and the existing vegetation that stands in the garden. It is important to stress however that none of this vegetation is protected (and it is not worthy of protection) and so can be removed at any time irrespective of the outcome of this planning application. It is also the case that the entire area of the existing garden could be covered with porous hard surface. The application therefore respects the character and distinctiveness of the locality and the application is in accordance with the requirements of Policy CS1 of the South Gloucestershire Local Plan Core Strategy) Adopted and the requirements of the NPPF.

5.12 Transportation

Although the local concern regarding parking is noted, this application is considered to be acceptable in transportation terms. In accordance with the Residential Parking Standards SPD (Adopted), there is a requirement to provide two off street parking space to serve each of the existing and proposed dwellings. Adequate space is shown and the proposal is therefore in compliance with the requirements of the Residential Parking Standards SPD.

- 5.13 The neighbours concerns regarding congestion is noted and your officer accepts the location of a nearby day nursery and schools. Furthermore, it is also agreed that Fouracre Road is a bus route. There is no dispute that Fouracre Road is well used and can be congested – particularly at school drop off and pick up times. However, the parking spaces satisfy the minimum dimensions as set out in the Residential Parking Standards SPD and the boundary fences have been moved slightly away from the edges of the spaces to make manoeuvring into them more easy.
- 5.14 The neighbours have also commented on the suitability of having a 2 metre high fence enclosing the parking spaces and butting right up to the pavement edge – there is concern that this could obstruct driver views and pose a risk to pedestrian safety. You officer agrees with this concern and a condition will be attached to ensure that notwithstanding the submitted plan, no fence exceeding one metre in height may be erected within 2 metres of the pavement edge. This will alleviate the concern and ensure visibility is maintained.
- 5.15 It is true that no visitor parking is being provided and that visitors or additional cars would need to park on the street. However, the potential for additional on street parking from one single dwelling is not of sufficient concern to warrant the refusal of the application. The NPPF makes it clear that applications should only be refused on transportation grounds where the implications are severe. It cannot be argued that the possible additional on street parking of one (or even two) more vehicles would have anything more than a local impact and certainly not meeting the high threshold of severe. The proposed development is therefore fully in accordance with the NPPF, the Councils Residential Parking Standard SPD (Adopted) and the requirements of CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted).
- 5.16 In order to ensure that parking is provided and maintained, a condition will be attached to ensure provision and retention of the parking. There is ample opportunity for future residents to provide cycle parking in their rear gardens and is not considered that a condition requiring details of a cycle store is necessary.
- 5.17 Sustainability
In accordance with the NPPF, consideration has been given to the sustainable location of the site and the need to significantly boost housing supply. In this instance, the benefits of approving the scheme significantly and demonstrably outweigh the disadvantages. The recommendation to refuse the application is therefore in line with the requirements of the NPPF.
- 5.18 Other Issues
Although sensitive to neighbours concerns, the individual health of neighbouring occupiers cannot be reason to refuse an application. Instead, the application should be assessed against potential impact on all neighbouring residents. Furthermore, the devaluation of neighbouring dwellings cannot be taken into consideration as part of the planning process.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission is approved subject to the conditions below:

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework.

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

Reason

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

4. Notwithstanding the submitted plan, no fence, wall gate or other means of enclosure exceeding one metre in height may be erected within 2 metres of the pavement edge.

Reason

To ensure adequate visibility to maintained for the proposed parking spaces in the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 44/15 – 30 OCTOBER 2015

App No.:	PK15/3931/F	Applicant:	Mr Ewan Johnston
Site:	3 Withymead Road Marshfield Chippenham South Gloucestershire SN14 8PA	Date Reg:	17th September 2015
Proposal:	Erection of single storey rear extension and installation of rear dormer to provide additional living accommodation.	Parish:	Marshfield Parish Council
Map Ref:	378548 173771	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	12th November 2015



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REASONS FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following a comment from the local Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a single storey rear extension and the installation of a rear dormer to provide additional living accommodation.
- 1.2 The application site relates to a two-storey semi-detached property in Withymean Road, Marshfield. The application site is within the Cotswold Area of Outstanding Natural Beauty, within Marshfield Conservation area, and within an area of similarly styled properties typical of post-war ex Council house builds. To the rear a public right of way abuts the rear boundary of the site, with Marshfield Primary School on the far side, both of which are in the Green Belt.
- 1.3 During the course of the application, concern was expressed regarding the overall size of the proposed rear dormer. Revised plans were received and given that these revisions reduced the scale of this feature the plans were not sent out for re-consultation.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS34	Rural Areas

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

H4	Development within Existing Residential Curtilages, Extensions and New Dwellings	Including
T12	Transportation Development Control	
L2	AONB	
L12	Conservation Areas	

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

3. RELEVANT PLANNING HISTORY

- 3.1 P88/1484 Erection of two storey side extension to provide
garage with bedroom and en-suite shower above
Approved 27.4.88

4. CONSULTATION RESPONSES

- 4.1 Marshfield Parish Council
Objects to this application based on the size.

- 4.2 Other Consultees

Conservation Officer
No objections

Transportation

The proposed extension and alterations to roof will increase the bedrooms within the dwelling to five. Vehicular parking for a dwelling is assessed on the number of bedrooms available within a dwelling. A five bed dwelling would require a minimum of three parking spaces (each measuring 2.4m by 4.8m). No detail has been submitted showing the existing and proposed vehicular parking within the site boundary.

Subject to a revised plan being submitted showing the minimum vehicular parking, there is no transportation objection to the proposed development.

Update

Following the above comments a parking plans was submitted showing the required amount of parking could be achieved on the site. There are therefore no objections to the scheme.

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Saved policy H4 supports development within existing residential curtilages providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Policy CS1 aims to

safeguard the character of areas by encouraging good quality design and in this case Policies L2 and L12 would also seek to ensure there was no adverse impact on the AONB and conservation area. Saved policy T12 and policy CS8 deal with highway safety matters and ensure parking meets adopted standards. Although the site is outside the Green Belt the proposal could be viewed from this special area and it is therefore important that the development would not adversely impact on the Green Belt.

It is considered that the proposal accords with the principle of development and this is discussed in more detail below.

Design and Visual Amenity

- 5.2 The application site already benefits from a two-storey side extension and this proposal would be a further large addition to this property and comments from the Parish are noted. Nevertheless, both the single storey rear extension and the rear dormer are considered acceptable forms of development within existing residential curtilages. The single storey rear extension would measure approximately 8 metres in length, 2.5 metres in depth and its flat roof would achieve a height of about 2.8 metres. Openings would be in all three sides with those to the north and east being full height doors/windows and those to the south being high level windows. It would be of rendered concrete blocks. In terms of its design, scale, massing and materials the extension is considered appropriate to the host dwelling and the area in general. Turning now to the dormer, this would measure about 8.5 metres long, 2.3 metres high and 2 metres deep. It would be of hanging tiles to match the colour of the existing roof. Again it is acknowledged that the dormer is a large example of such a structure but not so unusual in its overall appearance to warrant a refusal of the application. On balance the dormer is considered acceptable and approval can be recommended.

Green Belt, Conservation Area and AONB

- 5.3 As mentioned above the application site lies outside the Green Belt but can be seen from views across fields that lie within the Green Belt. Regard must therefore be given to the impact the proposal would have on this special area. Regard must also be given to the fact that rear dormers can be built under permitted development rights and are therefore not unusual additions to properties. In addition, and given that the overall size of the dormer proposed under this application has been reduced the proposal is considered an acceptable form of development that would not adversely effect views from the Green Belt. In a similar way, given that other examples of rear dormers can be found in Marshfield and the surrounding areas, the proposal would not impact negatively on the conservation area or the Cotswolds Area of Outstanding Natural Beauty and can be recommended for approval.

Residential Amenity

- 5.4 The application site benefits from a good size garden which backs onto a public footpath with a local school beyond. The proposed rear dormer and the proposed full height bank of windows/doors across the rear elevation of the single storey extension would therefore not impact on the amenity of neighbours. With regard to the single storey rear extension, openings in the elevation closest to neighbours at No. 5 Withymead Road will be at high level

and therefore would not result in any inter-visibility or overlooking for this property. It is acknowledged that a bank of full-height windows/doors would be in the north side elevation of the single storey rear extension but the property to the north, No. 1, is separated by fencing of approximately 1.8 metres in height and by a distance of over 10 metres. Again, given the single storey nature of the extension, the degree of separation and the boundary treatment it is considered there would be no issues of overlooking or inter-visibility and the proposal can be recommended for approval.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

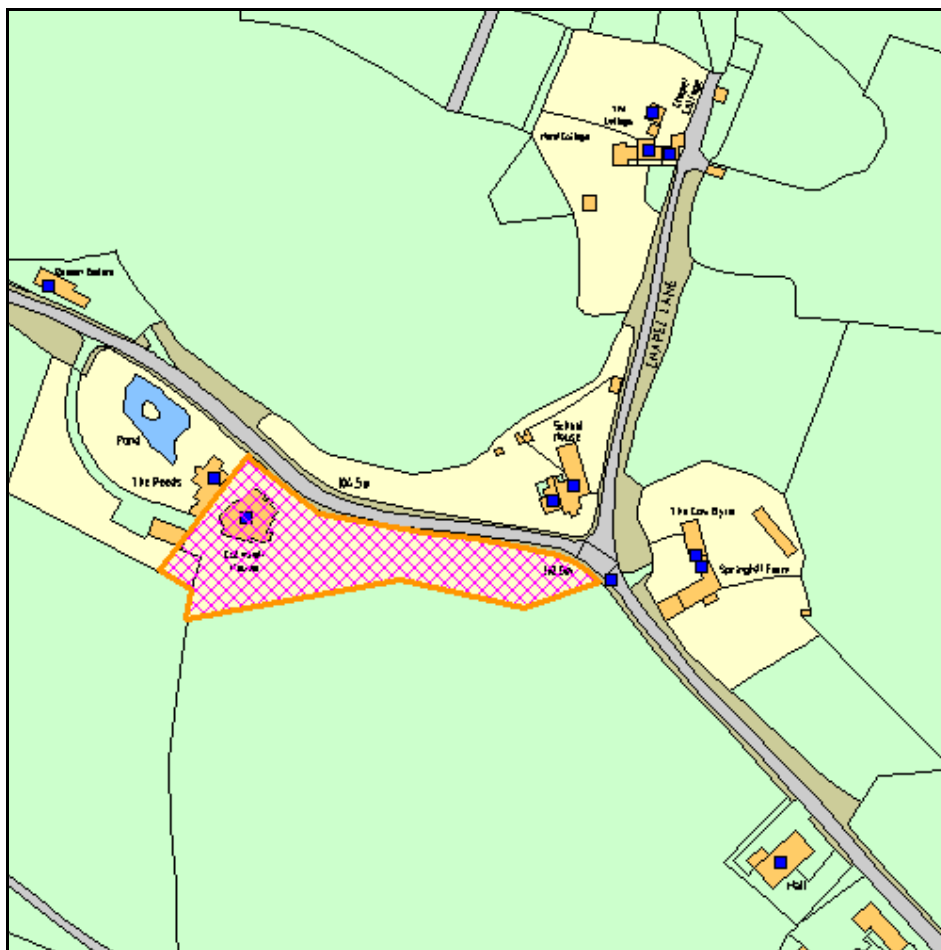
2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:30 Monday to Friday and 8:00 to 13:00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

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

CIRCULATED SCHEDULE NO. 44/15 – 30 OCTOBER 2015

App No.:	PK15/3969/CLP	Applicant:	Mr Brendan Patterson
Site:	Cotswell House Dyrham Road Dyrham South Gloucestershire SN14 8HE	Date Reg:	21st September 2015
Proposal:	Application for a certificate of lawfulness for the proposed erection of 2no. single storey side extensions and installation of rear dormer window.	Parish:	Dyrham And Hinton Parish Council
Map Ref:	373133 176379	Ward:	Boyd Valley
Application Category:		Target Date:	13th November 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 following proposed development would be lawful at Cotswell House in Dyrham:
 - 2no. single storey side extensions, one to the north western elevation (known hereafter as extension A), and one to the south eastern elevation (known hereafter as extension B);
 - 1no. rear box dormer.
- 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.
- 1.3 The application site is Cotswell House, Dyrham Road, Dyrham, a two storey detached dwelling with a mansard roof, located outside of a designated settlement boundary within the Bristol/Bath Green Belt. Additionally, the eastern and south eastern section of the site is within the listed building curtilage of Talbot Farmhouse, a grade II listed building. However, the host dwelling, as well as the proposed works, do not fall within this listed curtilage.
- 1.4 The host dwelling has had a number of additions and alterations since it was originally built, the most striking being a large sprawling single storey side and rear extension.
- 1.5 For clarity, the proposed site plan does show rooflights that are not shown on any other plans, and are not existing. The submitted details within the application forms and the cover letter both do not contain any information to suggest that these rooflights should be assessed under this application, therefore, the rooflights shown on the proposed site plan are not considered to be part of this application for a certificate for proposed development.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A and B.

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 PK13/2351/F Approve with Conditions 17/09/2013
Change of use of agricultural land to the keeping of horses. Erection of stable block.
Construction of manege. Formation of new vehicular access.
- 3.2 PK12/3516/CLP Approve 19/12/2012
Application for Certificate of Lawfulness for the proposed installation of 4 no. dormer
windows to the South West elevation and erection of a single storey extension to the
South East elevation to form additional living accommodation.
- 3.3 PK00/0789/F Approve with Conditions 16/05/2000
Erection of detached garage and store and formation of vehicular access.
- 3.4 P95/2801 Approval Full Planning 15/01/1996
Erection of a single storey extension to provide conservatory.
- 3.5 P91/2845 Approval Full Planning 02/02/1992
Erection of two storey side extension to provide enlarged lounge with additional
bedroom with en-suite facilities above.
- 3.6 P88/2395 Approval Full Planning 24/08/1998
Change of use of approximately 0.4 acres of land from agricultural to residential and
erection of conservatory (in accordance with the plans received by the council on 7TH
July 1988 and the additional plan received on the 15TH august 1988).
- 3.7 N8102 Approved 01/07/1982
Erection of extension at rear to provide kitchen and utility room.

4. CONSULTATION RESPONSES

- 4.1 Dyrham and Hinton Parish Council
Support the application.
- 4.2 Councillor
No Comment Received.

Other Representations

- 4.3 Local Residents
No Comments Received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Existing Ground Floor (003A); Existing First Floor (004A); Existing Attic Plan
(005A); Existing Roof Plan (006A); Existing Elevations (008A);
Existing Section AA (009A) Proposed Site Plan (049A) (notwithstanding the
rooflights shown within this plan); Proposed Ground Floor (050A); Proposed
first Floor (051A); Proposed Second Floor (052B);

Proposed Roof Plan (053A); Proposed SE and SW Elevations (055B); Proposed NE and NW Elevations (056B) – all plans received on the 14/09/2015. Additionally, a revised Site Location Plan (001F) was received on the 05/10/2015.

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, and B of the GPDO (2015).

6.3 The proposed side extensions will be considered under Class A; and the proposed dormer window will be considered under Class B. Each of these proposals will be considered as such throughout the remaining report.

A. The enlargement, improvement or other alteration of a dwellinghouse (proposed side extensions).

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 proposed side extensions would not exceed the height 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 proposed side extensions would not exceed the height of the roof of the existing dwellinghouse.

- (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 proposed side extensions would not extend beyond a wall which fronts a highway or the principal elevation of the original dwelling house.

- (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 proposed side extensions do not extend beyond the rear wall of the original dwellinghouse by more than 3 metres.

- (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 extensions 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 extensions would not be within 2 metres of the boundary.

- (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 height of the proposed side extensions would not exceed 4 metres in height or have more than one storey. A previous planning application has been approved for a two-storey side extension (P91/2845). Having reviewed the plans approved for that extension and the plans submitted with this application it would appear that the two-storey side extension was not implemented. The proposed side extensions should be viewed individually, both of which have widths that are less than half the width of the original dwellinghouse. Accordingly, this criterion is met.

- (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;**

The proposed plans indicate that the proposal will be finished with materials that match those used in the existing dwelling.

- (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.

B. Additions etc to the roof of a dwellinghouse (proposed box dormer).

B.1 Development is not permitted by Class B 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 (change of uses);**

The use of the building as a dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule.

- (b) **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 works do not exceed the maximum height of the existing roof.

- (c) **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 would not extend beyond the plane of the existing roof slope which forms the principal elevation and fronts a highway.

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

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

(ii) 50 cubic metres in any other case;

The house is detached and the cubic content of the resulting roof space would not exceed 50 cubic metres. The cubic content of the proposed dormer window would be 25.7 cubic metres.

(e) It would consist of or include-

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

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

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

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

(f) The dwellinghouse is on article 2(3) land.

The dwellinghouse is not on article 2(3) land.

Conditions

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

–

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

The plans demonstrate that the materials used to construct the extension will match the existing dwellinghouse.

(b) The enlargement must be constructed so that –

i. Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension-

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measures along the roof slope from outside the edge of the eaves; and

The proposed dormer would leave the original eaves of the dwellinghouse unaffected. The edge of the proposed dormer closest to the eaves is set back by approximately 0.5 metres from the existing eaves.

- ii. **Other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The proposal does not extend beyond the outside face of any external wall of the original dwellinghouse.

(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.**

There are no windows proposed for a wall or roof slope forming a side elevation.

7. RECOMMENDATION

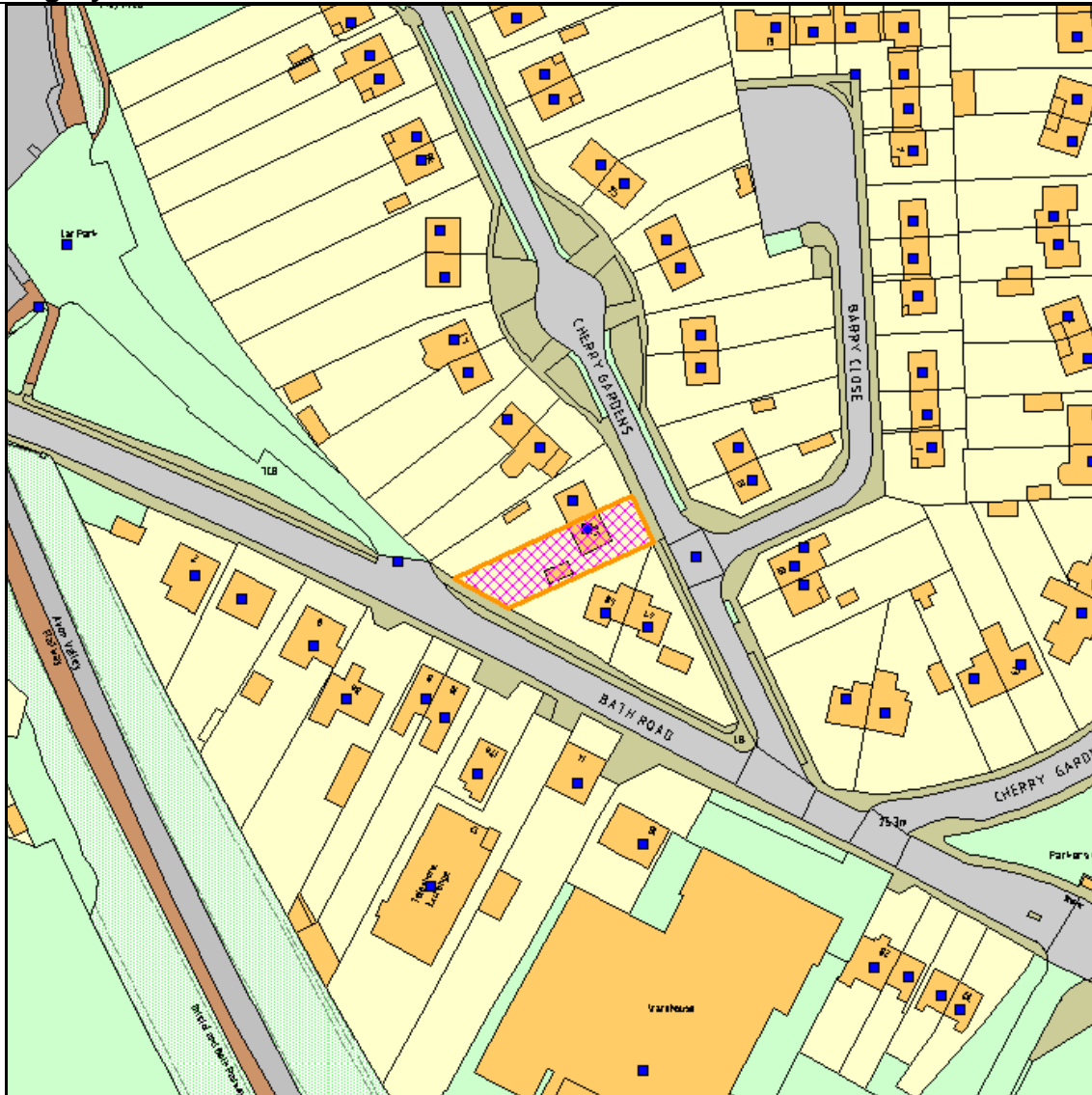
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that the proposed extension would be allowed as it is considered to fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class A and B of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 44/15 – 30 OCTOBER 2015

App No.:	PK15/4128/CLP	Applicant:	Mr Head
Site:	46 Cherry Gardens Bitton South Gloucestershire BS30 6JA	Date Reg:	25th September 2015
Proposal:	Application for a certificate of lawfulness for the proposed installation of velux roof lights and alteration to roofline to facilitate loft conversion	Parish:	Bitton Parish Council
Map Ref:	367123 170228	Ward:	Bitton
Application Category:		Target Date:	17th November 2015



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 100023410, 2008. **N.T.S.** **PK15/4128/CLP**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as a matter of process. The application is for a certificate of lawfulness for a proposed development.

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed development of an alteration to the roofline to facilitate the loft conversion and the installation of no.3 velux roof lights at 46 Cherry Gardens Bitton, would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations. There is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

- 2.1 This is not an application for planning permission. Thus it cannot be determined through the consideration of policies contained within the Development Plan; the determination of this application must be undertaken as an evidential test against the regulations listed below.
- 2.2 National Guidance
The Town and Country Planning (General Permitted Development) (England) Order 2015.

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/3387/F Approved with Conditions 07/09/2015
Erection of single storey side and rear extension to form additional living accommodation (re-submission of PK15/2420/F).
- 3.2 PK15/2420/F Refusal 27/07/2015
Erection of single storey side and rear extension to form additional living accommodation.

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
No comment

Other Representations

- 4.3 Local Residents
None received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The following evidence was submitted to the Local Planning Authority on 22 September 2015 –
- Site Location Plan
 - Existing and proposed elevation plans
 - Existing and proposed floor plans

6. ANALYSIS OF PROPOSAL

- 6.1 This application seeks a Certificate of Lawfulness for rooflights and an alteration to the roofline at a property in Bitton.

6.2 Principle of Development

An application for a Certificate of Lawfulness is purely an evidential test and is a formal way to establish whether or not the proposed development can be implemented lawfully without the need for planning permission. Thus there is no consideration of planning merit, the application is based on facts presented. The submission is not a planning application and therefore the Development Plan is not of relevance to the determination of this application.

- 6.3 The key issues in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B (for the alteration of the roofline) and Class C (for the roof lights) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

6.4 Assessment of Evidence: Loft Conversion

Schedule 2 Part 1 Class B allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to meeting the following criteria:

B.1

Development is not permitted by Class B if –

- (a) 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 permission for use as a dwelling under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

The plans submitted indicate that the proposed works do not exceed the maximum height of the existing roof.

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

The only alteration to the plane of the roof slope which forms the principal elevation and fronts a highway is the insertion of two roof lights, these are to be considered against Class C of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

(d) The cubic content of the resulting roof space would, as a result of the works, 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 volume increase of the alteration to the roofline will be circa 11.81 cubic metres. Therefore the resulting roof space will not exceed the cubic content raised in either d (i) or d (ii).

(e) It would consist of or include –

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

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

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

(f) The dwellinghouse is on article 2(3) land

The dwellinghouse is not located on article 2(3) land

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

B.2

Development is permitted by Class B subject to the following conditions

–

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

The applicant has indicated on the plans that the alteration to the roofline will be externally finished with roof tiles to match the existing. This condition is therefore satisfied.

(b) the enlargement must be constructed so that –

(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or site extension –

(aa) the eaves of the original roof are maintained or reinstated' and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge or the eaves; and

(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

The proposed development is a hip-to-gable enlargement and joins the original roof, thus the development does not affect (b) (i) or (b) (ii).

- (c) any window inserted on 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.

The submitted plan indicates that there are no windows being installed in the side elevation of the property. Therefore this condition is satisfied.

- 6.6 The proposed loft extension is **considered to comply** with Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 **and is therefore permitted development**

6.7 Assessment of Evidence: Roof Lights

Schedule 2 Part 1 Class C allows for any other alteration to the roof of a dwellinghouse subject to meeting the following criteria:

C.1

Development is not permitted by Class C 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 permission for use as a dwelling under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

- (b) The alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;**

The proposed roof lights do not protrude more than 0.15 metres from the roofline.

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

The proposal does not exceed the highest part of the original roofline.

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

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

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

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

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

C.2

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

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

The proposal does not include any side elevation windows.

7. RECOMMENDATION

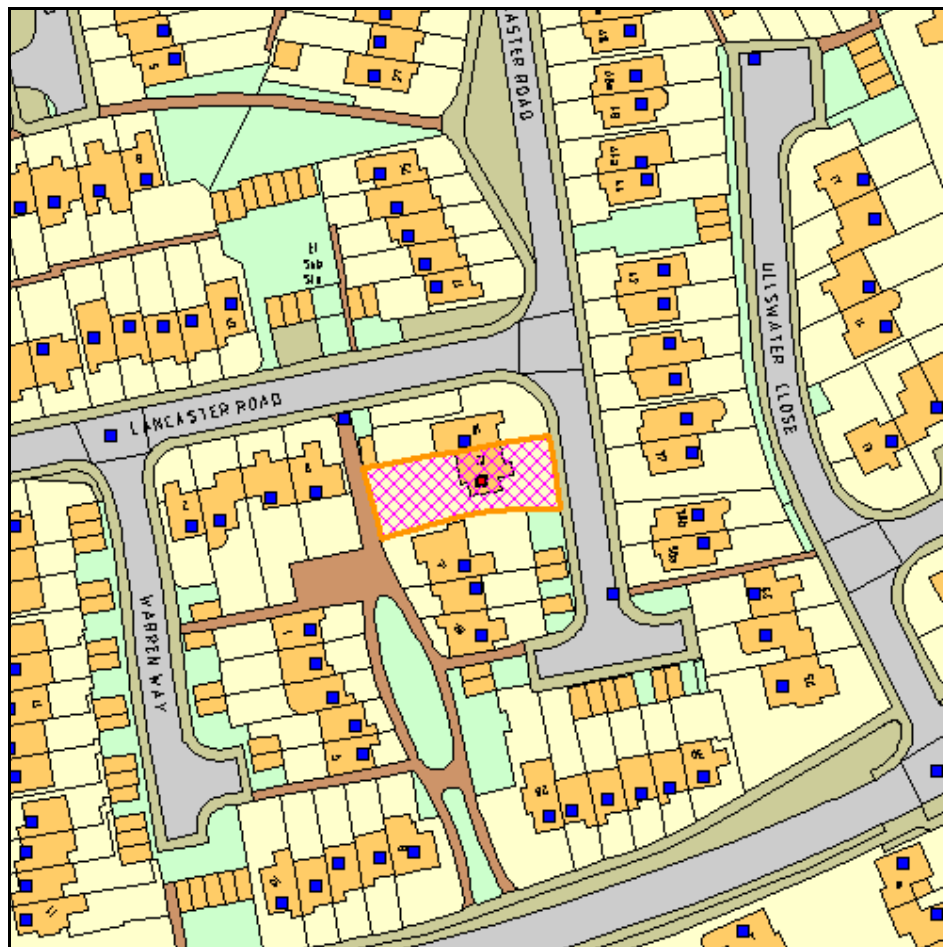
- 7.1 That a Certificate of Lawfulness for Proposed Development is **granted** for the following reason:

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) (England) Order 2015.

Contact Officer: Fiona Martin
Tel. No. 01454 865119

CIRCULATED SCHEDULE NO. 44/15 – 30 OCTOBER 2015

App No.:	PK15/4139/F	Applicant:	Mr Tom Worrall
Site:	12 Lancaster Road Yate Bristol South Gloucestershire BS37 5SU	Date Reg:	24th September 2015
Proposal:	Conversion of existing dwelling to form 2no. separate dwellings with parking and associated works.	Parish:	Yate Town Council
Map Ref:	371324 183209	Ward:	Yate North
Application Category:	Minor	Target Date:	17th November 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The application seeks permission for the conversion of an existing dwelling to form 2 no. separate dwellings to include parking and associated works. Significant internal works have taken place albeit these do not fall within the remit of planning controls. It is also proposed to remove the existing large garage door on the front elevation and replace this with a casement window. The proposal would create 2 no. two bed properties each with two parking spaces to be situated to the front and each with amenity space to the rear formed through the subdivision of the existing rear garden.

1.2 The application site comprises a 4 bedroom property situated on the western side of Lancaster Road, which is a cul-de-sac. The property is situated within a residential area of Yate.

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 Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing Environment and Heritage

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

CS30 Yate and Chipping Sodbury

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

H4 Development within Existing Residential Curtilages

H5 Proposals for Conversion of Existing Residential Properties into Small Units

EP2 Flood Risk and Development

T12 Transportation Development Control Policy

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/4244/F Erection of two storey side extension and single storey front and rear extension to provide additional living accommodation (approved with conditions)

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Objection – layout and density

- 4.2 Transportation DC
Planning permission is sought to convert the existing four bed dwelling into two separate dwellings. No extension is proposed as part of this development. Two vehicular parking spaces (per dwelling) are proposed to the frontage of the site. This level of parking complies with the Councils residential parking standards. On that basis, there is no transportation objection to the proposed development.

- 4.3 Highway Drainage
No comment

- 4.4 Highway Structures
No comment

Other Representations

- 4.5 Local Residents

There have been six letters of objection received (Four of the objections are from one address). The grounds of objection can be summarised as follows:

- Works have commenced inside the property and this has caused significant discomfort and disturbance to neighbouring occupiers over a significant period of time. This has been in the form of noise, anti-social behaviour and parking of commercial vehicles
- The proposal will lead to noise and disturbance to neighbouring occupiers given that the extension area previously approved is going to be used as a kitchen and living room
- The existing window facing towards No.14 shall remain frosted and shall be non-opening
- There will be parking issues including additional on-street parking impacting upon neighbouring occupiers and the ability of emergency services to access the street
- Work has commenced on this development prior to the submission of a planning application indicating that the Council is “in collusion with the applicant”
- The proposal would create an end terrace property resulting in a loss of property value for an adjoining occupier.

- A covenant is in place to prevent sheds being put up
- The proposal will result in an unacceptable increase in population density

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application proposes the conversion of an existing dwelling to form 2 no. (two bed) separate dwellings with parking and associated works.

Policy CS17 of the Core Strategy states that the sub-division of existing dwellings will be allowed where this would not lead to an adverse effect on the character of the area, would not cumulatively lead to unacceptable localised traffic congestion and pressure on parking, and where each home has adequate private/ semi-private or communal outdoor space.

It should be noted that consideration also must be given to the fact that the Local Authority is unable to demonstrate a five years supply of housing land and this proposal, (albeit only providing one additional residential unit), will contribute positively to the identified housing need.

The principle of the proposed development to convert an existing dwelling into two smaller units is also considered acceptable under saved policies H4 and H5 of the SGLP (Adopted 2006), and policy CS5 of the Core Strategy (Adopted 2013), subject to detailed consideration of residential amenity, highway safety, design and other environmental considerations.

5.2 Residential Amenity

Residential amenity is assessed in terms of whether a development will result in loss of outlook or appear oppressive/overbearing or whether it will result in loss of privacy through overlooking.

There is only one significant external alteration to the building and that will be the provision of a new window on the front elevation. It is not considered that the proposal by reason of any external physical alterations will adversely affect the amenity of neighbouring occupiers in relation to the terms set out in the paragraph above.

Amenity is also assessed in terms of whether there will be acceptable amenity for the future occupiers. In this regard, the development offers a good internal layout with adequate natural lighting. The development also offers future occupiers the provision of adequate external amenity space

The proposal is considered to be acceptable in terms of both the impact upon neighbouring occupiers and future occupiers.

5.3 Design/Visual Amenity

The physical changes to the building are limited to an additional window to replace a garage door this is considered acceptable in visual terms.

The area to the front of the property will be used for the parking of up to four cars (two per unit), however the parking of four cars can take place at the moment (this area has been created previously as permitted development). Refuse storage is to be provided to the side of No.12a and to the front of No.12 which is considered appropriate. A condition will be added to the decision notice to secure this.

5.4 Transportation

Concern has been raised that the development will result in an increase in on-street parking to the detriment of Lancaster Close. It is also considered that this will affect the ability of emergency vehicles to access the street.

The material planning consideration is therefore whether the development meets/addresses its parking need.

It has long been recognised that many residential areas suffer from inadequate and uncontrolled parking which can hinder emergency vehicles and undermine traffic and pedestrian safety, lead to neighbour disputes and generally reduce the quality of life.

South Gloucestershire Council has adopted Residential Parking Standards that provide minimum parking standards to address the above concern and have set a parking requirement based upon the number of bedrooms within the development. The provision of two parking spaces per property as provided with this development meets the minimum parking space standard.

While the concerns raised are noted, the parking that is provided as part as part of the development meets the Council parking standards. For the avoidance of doubt a condition will be attached to the decision notice to require these space to be provided prior the first occupation of the development and retained for that purpose thereafter.

5.5 Other issues

Concern has been raised that conversion works have been ongoing for a considerable period of time prior to the submission of the planning application. It has been stated by more than one neighbouring occupier that the work has been undertaken without consideration for the wellbeing of neighbours.

The site has been the subject of visits from the Council Enforcement Officers. All aspects of the work undertaken by the applicant prior to the submission of the application has been the subject of review by those officers. While it has been noted that a large amount of internal work has been undertaken in order to facilitate the conversion of the property into two separate units and a parking area created to the front of the building, all the physical alterations that have taken place have not in themselves required a planning permission.

Concern has been raised that the proposal will result in a change in the internal layout of the building such that a sun lounge will be changing to a kitchen however as indicated above the use of individual rooms and their change of use does not fall within the definition of development. Such a change could take place at any time therefore without the need for a planning permission.

With respect to the issue of Sound Insulation, the Case Officer has sought the advice of the Building Regulations Team. It has been confirmed that suitable sound insulation to the current standards of Part E of the Building Regulations will be needed between the two new units (No.12 and No.12a).. It has also been confirmed that the development provides the opportunity to determine whether the sound insulation between No.12 and No.10 Lancaster Road is to a modern standard and to seek an appropriate improvement if this is not the case.

Reference has been made by a neighbouring occupier to the presence of a covenant in place that may prevent certain works taking place. It is important to note that covenants are a separate legal matter usually made between the owner of a property and the developer of the land. They are not material to the determination of a planning application.

An objection has been raised that the creation of a terrace will result in the loss of the value of a property. It must be noted that a negative effect on the value of properties is not a material planning consideration (this is set out on the South Gloucestershire Website "Commenting on Planning Applications") .

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: David Stockdale
Tel. No. 01454 866622

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 parking spaces (2 spaces per dwelling) as shown on the Block/Roof Plan hereby approved shall be provided prior to the first occupation of the development and retained as such thereafter.

Reason

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

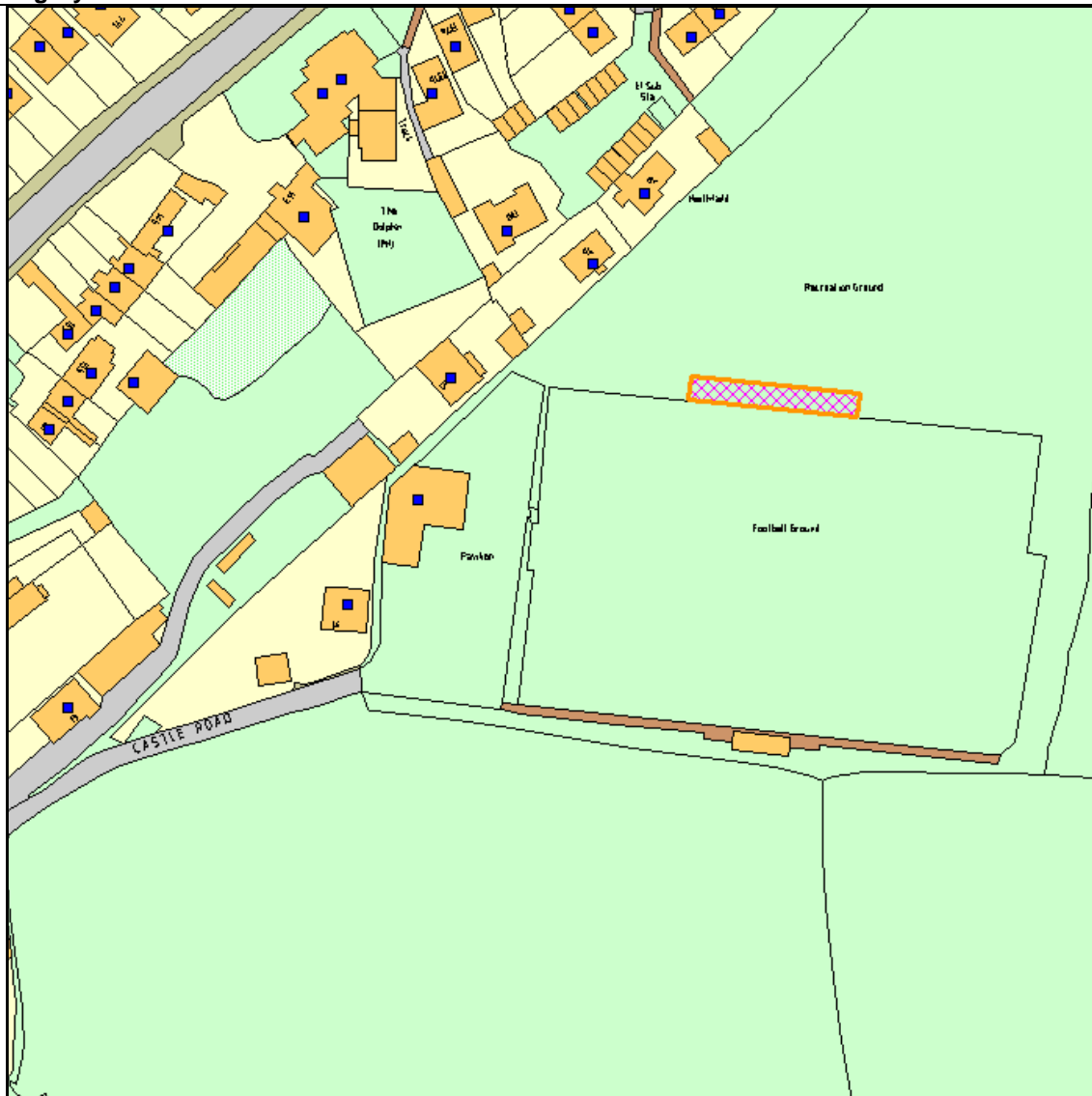
3. The refuse storage facility shall be provided as shown on the Block/Roof Plan hereby approved and retained as such thereafter.

Reason

In the interest of the amenities of the area and to accord with Policy H5 of the South Gloucestershire Local Plan 2006 (saved policy) and Policy CS1 and CS17 of the South Gloucestershire Local Plan Core Strategy 2013

CIRCULATED SCHEDULE NO. 44/15 – 30 OCTOBER 2015

App No.:	PK15/4193/F	Applicant:	Oldland Abbotonians FC
Site:	Aitchison Memorial Playing Fields And Pavilion Castle Road Oldland Common Bristol South Gloucestershire BS30 9SZ	Date Reg:	30th September 2015
Proposal:	Erection of 50 person spectator stand and 2 no. dugouts for football ground and associated works	Parish:	Bitton Parish Council
Map Ref:	367509 171388	Ward:	Oldland Common
Application Category:	Minor	Target Date:	20th November 2015



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a 50 person spectator stand, and 2no. dugouts at Aitchison Memorial Playing Fields and Pavilion in Oldland Common. The proposed spectator stand and dugouts will serve an existing football pitch.
- 1.2 The application site is accessed from Castle Road and is within the Bristol/Bath Green Belt. The memorial ground is located outside of any recognised settlement boundaries, and is therefore considered to be within the open countryside.
- 1.3 The proposed structures will be positioned within the northern boundary associated with the football ground area, the proposal will replace two existing dugouts. The structures would be set out in linear formation parallel with the northern touch line of the football pitch, they would be positioned in the centre of this touchline, with the spectator stand closest to the pavilion end.
- 1.4 There are two public rights of the way on the site, one that runs west to east on the southern boundary of the site, and one which runs in a north easterly direction to the north of the football pitch. Overall, the proposal will not impact upon these public rights of way, due to the position of the proposed structures.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS24 Green Infrastructure, Sport and Recreation Standards
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

L1 Landscape
T12 Transportation
LC3 Sports and Leisure Facilities within Existing Urban Areas and Defined Settlement Boundaries.

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/4298/RVC Approve with Conditions 25/02/2014
Variation of Condition 02 attached to PK09/5475/F to allow floodlights to be used for the sole use of Oldland Abbotonians Football Club 1st Team and Senior Youth Team, league and cup matches only.
- 3.2 PK09/5475/F Approve with Conditions 18/11/2009
Erection of 4 no. floodlights to senior football pitch. (Resubmission of PK08/2346/F).

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
No objections.
- 4.2 Lead Local Flood Authority
No objection, subject to an informative regarding the location of the public sewer.
- 4.3 Sustainable Transport
No objection, the proposal will not significantly increase traffic generation at the site.
- 4.4 Police Community Safety
No comment received.
- 4.5 Sport England
No objection.
- 4.6 Fields in Trust
No comment received.
- 4.7 Landscape Officer
No objection.
- 4.8 Highway Structures
No comment.

Other Representations

- 4.9 Local Residents
Three letters have been received from members of the public. These received comments have both been in objection to the proposal, these comments are summarised below:

- The proposed material would not be any less vandal proof than the existing structures – steel cladding will also cause a noise nuisance;
- Metal cladding will produce noise;
- Treated vertical wooden planks would be more appropriate for the semi-rural setting;
- It is alleged that the people congregate within the ground and drink alcohol and take drugs, the member of the public suggested that the proposed structure would encourage this;
- If a new stand is built then the security of the area should be enhanced;
- There is no need for a spectator stand.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Development in the Green Belt is by definition inappropriate development, however certain types of development which are acceptable in the Green Belt are set out under paragraphs 89 and 90. Paragraph 89 of the NPPF states that one of these exceptions can be for the 'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as preserves the openness of the Green Belt and does not conflict with the purposes of the including land within it'.

5.2 Saved Policy LC5 of the adopted Local Plan regards proposals for sports and leisure facilities outside of urban areas and defined settlement boundaries. Policy LC5 states proposals involving sport and leisure facilities in locations such as in this application must not unacceptably prejudice residential amenities; or have unacceptable impacts on the character or landscape of the environment; or have unacceptable environmental or transportation effects; or give rise to unacceptable levels of street parking to the detriment of the amenities of the surrounding area and highway safety.

5.3 Accordingly, the proposal is acceptable in principle, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within Green Belt.

5.4 Green Belt

The Green Belt serves five purposes, these purposes are set out within paragraph 80 of the NPPF, these are set out below:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.5 The application site is a football ground, it is composed of a football pitch, a training pitch, a small outdoor playground, a car parking area and a pavilion. The site is relatively well contained through mature trees to the south and east; a chain-link fence and trees to the north and north west; and a car parking and pavilion area to the west. Overall, the site does not form part of the open

sprawling countryside, rather it represents a sporting facility on the edge of the East Fringe of Bristol.

- 5.6 By nature of the well-contained site and the relatively modest nature of the proposed structures, the openness of the Green Belt will not be detrimentally harmed, and the purposes contained within paragraph 80 of the NPPF will not be conflicted with.
- 5.7 Overall, the proposal conforms to requirements of paragraph 89 of the NPPF, meaning there are not Green Belt objections to this proposal.
- 5.8 Design, Character and Landscape
The proposal has an acceptable scale, the proposed structures have a scale and size that would be expected at such a football ground. The spectator stand has a maximum height of 3 metres, and the dugouts both have a height of 2.5 metres.
- 5.9 The proposed spectator stand will be finished in a dark green steel sheet material, a material often associated and used in such spectator stands. In keeping with the stand's design. The dugouts will be finished in a dark green masonry paint. Such a material is considered to be more appropriate in terms of longevity that a timber cladding would be.
- 5.10 Although it is accepted that the finishes of the proposed structures are not overly attractive, the context and use of the site must be taken into consideration, as must the limited architectural potential of the proposed structures. With this in mind the design of the proposed structures are considered to be acceptable.
- 5.11 As stated the host site is located on the outskirts of the East Fringe of Bristol, a well-established urban area. To the south, south east and east of the application site are open fields, but as a result of the boundary features of the site, the football ground is relatively well contained, not forming part of what would be considered the open countryside. Accordingly, the relatively modest sized structures are not considered result in a harmful impact to the surrounding landscape or the character of the area.
- 5.12 Overall, the proposal has an acceptable scale and design, which is congruent with the surrounding area and respects the landscape of wider context of the site.
- 5.13 Residential Amenity
There are a number of residential dwellings approximately 48 metres to the west and north west of the proposed structures. The physical presence of the structures are not considered to detrimentally impact on these nearby occupiers. Objections have been raised with regard to noise resulting from the use of these structures, specifically to the fact the proposed spectator stand will utilise steel cladding. The stand is only likely to be used during match days, this is what is reflected within the submitted details. Football fans using the stand are expected to cause noise, as is expected at football ground. Overall, the proposal utilising metal cladding is not expected to result in a material increase

in noise when compared to the existing use of the site. No external lighting is expected to result from the proposed structures.

5.14 Concerns have been raised with regard to vandalism and people frequenting the site allegedly consuming drugs and alcohol. The management of the site is not considered to be a planning consideration, rather the management of the site is the responsibility of the operator of the site, vandalism; drug and alcohol-use; and general public disturbance are all covered under different legislation, rather than planning legislation.

5.15 Overall, the proposal is considered to have acceptable impacts on the residential amenity of nearby occupiers.

5.16 Environmental Impacts

The proposal is not expected to result in a materially harmful impact on the surrounding environment, especially when the proposal is positioned where there are currently two dugouts.

5.17 Highway Safety and Accessibility

The proposal is not expected to materially increase the amount of traffic entering and exiting the site, likewise, it does not impact upon the amount of car parking required at the site. The site is an established football ground, being on the edge of an extensive urban area, the site is considered to be largely accessible through modes of transport other than the car. Overall, there are no transport 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 It is recommended that planning permission is **GRANTED** subject to the conditions listed on the decision notice.

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

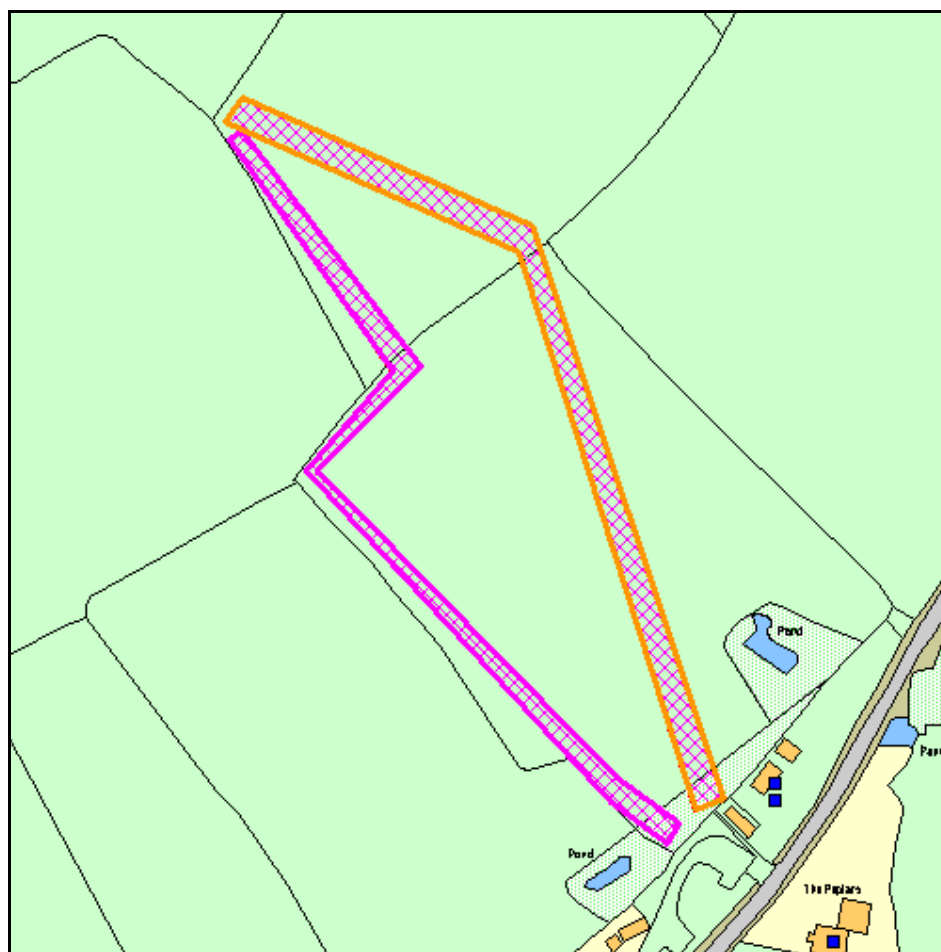
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 44/15 – 30 OCTOBER 2015

App No.:	PT15/2592/FDI	Applicant:	Bristol Memorial Woodlands Ltd
Site:	Bristol Memorial Woodlands Earthcott Green Alveston Bristol South Gloucestershire BS35 3TA	Date Reg:	19th June 2015
Proposal:	Diversion of footpaths OAN/63/60, OAN/64/20 and OAN/64/10	Parish:	Alveston Parish Council
Map Ref:	365356 186407	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	6th August 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is made under Section 257 of the Town and Country Planning Act 1990 (as amended) for the diversion of footpaths OAN/63/60, OAN/64/20 and OAN64/10.
- 1.2 The application seeks consent for the diverting of the footpaths so that routes OAN/63/60 and OAN/64/20 follow the South Eastern Boundary of the Bristol Memorial Woodlands (Cemetery) and that footpath OAN/64/10 re-joins these routes at a new intersection approximately 20 metres Southeast of the existing intersection.
- 1.3 The proposed diversion of the footpaths relates to the development of the Bristol Memorial Woodlands approved under PT13/1010/F.

2. POLICY CONTEXT

- 2.1 National Guidance
Circular 01/2009
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
LC12 Recreational Routes
- 2.3 South Gloucestershire Core Strategy (Adopted) December 2013
Policy CS9 Environmental Resources and Built Heritage

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/1010/F Change of use of agricultural land to cemetery (Sui Generis) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).

Approved

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No Objection. However the Parish Council express concern that this does not set a precedent for other footpaths to be diverted.

Other Representations

- 4.2 Public Rights of Way Officer
No objections to the diverted route. The proposed routes reflect the well established informal routes used by the public in preference to the definitive route.

5. ANALYSIS OF PROPOSAL

5.1 Principle Matters

The diversion of a Public Right of Way is not development as defined in the Town and Country Planning Act. As such a diversion order can only be considered within planning legislation when the diversion of the footpath is required in order to allow the implementation of a planning permission (in this case PT13/1010/F). The nature of the assessment should consider the proposed route and its suitability in terms of the amenity of the public right of way and whether or not the diversion is reasonably necessary in respect of the planning permission it relates to.

5.2 The Proposal

The Councils public right of way team has no objection to the diversion of the footpaths. Indeed, the proposed diversion is consistent with existing informal routes used in preference to the definitive routes subject of this application. The proposed route has become well established and well used. It is considered that the existing informal route is suitable in terms of amenity of its users and is reasonably required in order to facilitate the planning permission it relates to (PT13/1010/F). The Public Rights of Way team have indicated that some new structures (such as gates) will be required as part of the formal completion and adoption of the route. Such measures will be secured under the relevant Highways Act legislation required to adopt the route certify the route as completed.

6. CONCLUSION

6.1 The recommendation to raise no objection has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all material considerations set out in the report.

6.2 The proposal is considered to satisfactorily comply with Circular 01/09 and Policy LC12 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 as the utility and amenity of the route would be retained.

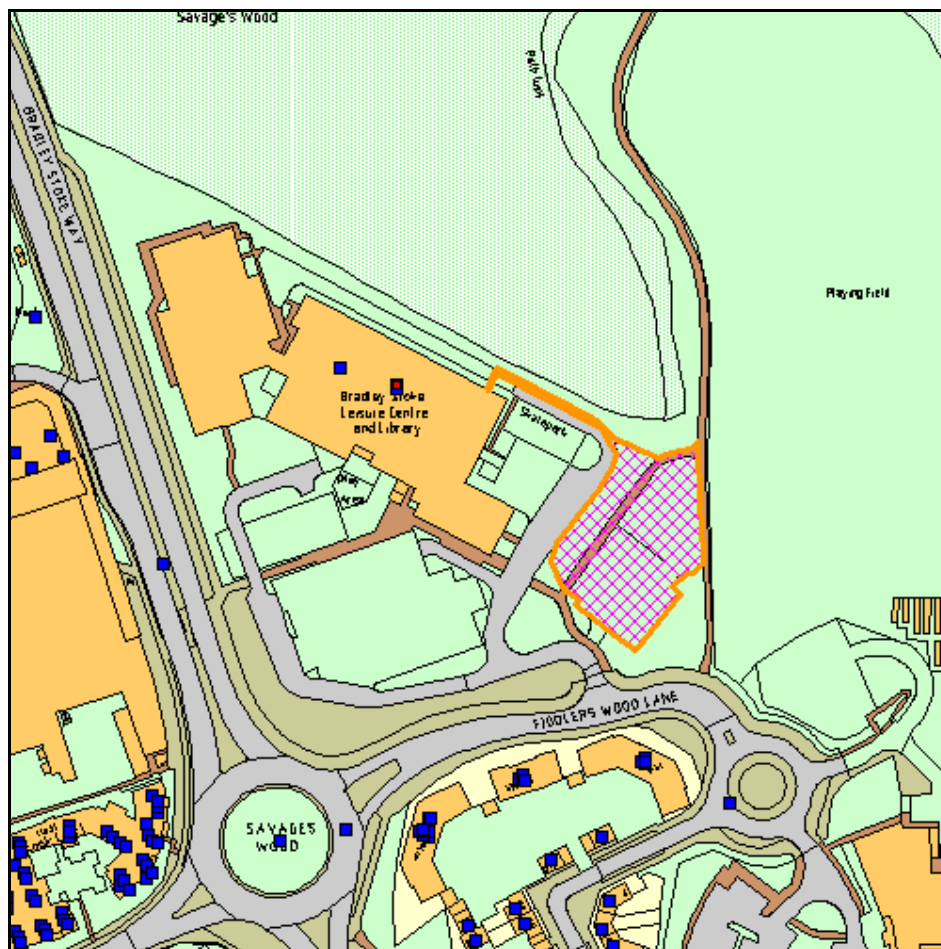
7. RECOMMENDATION

7.1 That no objection be raised to the proposed diversion of footpaths OAN/63/60, OAN/64/20 and OAN64/10 and that the Head of Legal and Democratic Services be instructed and authorised to make an Order under Section 257 of the Town and Country Planning Act 1990 for the diversion of footpaths OAN/63/60, OAN/64/20 and OAN64/10 as illustrated on plan titled 'PLAN: Bristol Memorial Woodland as received by the Council on 15th June 2015.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CIRCULATED SCHEDULE NO. 44/15 – 30 OCTOBER 2015

App No.:	PT15/2646/F	Applicant:	Bradley Stoke Town Council
Site:	Land Adj To Bradley Stoke Leisure Centre Fiddlers Wood Lane Bradley Stoke Bristol South Gloucestershire BS32 9BS	Date Reg:	26th June 2015
Proposal:	Construction of a concrete skatepark with associated works.	Parish:	Bradley Stoke Town Council
Map Ref:	362247 182063	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Minor	Target Date:	20th August 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of letters of objections from residents.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the construction of an outdoor skate park on the existing green space and overflow car park, which is adjacent to Bradley Stoke Leisure Centre. The site is situated within the urban boundary of Bradley Stoke.
- 1.2 The proposal would comprise an outdoor skate park, a converted container, which provide a kitchenette and storage, and an outdoor picnic area.
- 1.3 There is a mature oak tree (namely T1 in the submitted Arboricultural Report) to the north of the boundary and a Norway Maple (namely T3) lies to the south western of the site. There is a fixed species hedgerow (namely G2) along the eastern boundary of the site. A footpath runs between the said hedgerow and the school play field.
- 1.4 To support the proposal, the applicant has submitted the following reports:
 - Design and Access Statement
 - An Extended Phase I Habitat Survey
 - Arboricultural and Ecology Statement
 - Parking Facilities Statement
 - Acoustic Assessment Report
 - Arboricultural Impact Assessment including Tree Protection Plan and Method Statement

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
CS8 Improving Accessibility
CS9 Managing the environment and heritage
CS23 Community Infrastructure and Cultural Activity
CS24 Green Infrastructure, Sport and Recreation Standards

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

- L1 Landscape Protection and Enhancement
- L5 Opens Areas within the Existing Urban Areas and Defined Settlement
- L8 Sites of Regional and Local Nature Conservation Interest
- L9 Species Protection
- L11 Archaeology
- T8 Parking Standards
- T12 Transportation Development Control Policy for New Development
- LC3 Proposals for Sports and Leisure Facilities within the Existing Urban Area and Defined Settlement Boundaries

Supplementary Planning Guidance / Documents

Design Checklist Supplementary Planning Document 2007

Play Policy and Strategy 2006

PSP5 Undesignated Open Spaces within Urban Areas and Settlements

3. RELEVANT PLANNING HISTORY

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

- 3.1 PT09/6013/R3F Change of Use from IT/training rooms (Class D1) to ancillary Office Use for the leisure centre (Class D2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Retrospective. Decision: DEEMED, Date of Decision: 05-FEB-10.
- 3.2 PT07/3731/R3F Construction of bus only access road, additional carparking and re-alignment of main access road. Decision: PERDEV, Date of Decision: 21-JAN-08
- 3.3 PT03/0591/R3F Change of use of existing store rooms (Class D2) to IT/training rooms (Class D1) (as defined in the Town & Country Planning (Use Classes) Order 1987). (Under Regulation 3 of the Town & Country Planning (General Regulations) 1999). APPROV, Date of Decision: 17-APR-03
- 3.4 PT01/3462/R3F Erection of extension to form swimming pool, health suite and fitness room. Decision: DEEMED, Date of Decision: 09-APR-02

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No comment.

- 4.2 Other Consultees

Environmental Protection Team: No objection to the principle of the development, but recommend the following measures are required to address the potential noise nuisance to the nearby residents:

- a. A 2 metre high acoustic barrier should be installed to the south side of the proposed skate park, as stated in the Hoare Lea Acoustic Assessment dated 21/9/2015.
- b. To prevent noise disturbance to local residents from early morning / late night skaters and potential socialising / anti-social behaviour from the proposed skate park, it is strongly recommended that the whole site is fenced and locked between the hours of 08:00 to 22:00 daily.

Arboricultural Officer: No objection to the proposal, however details are needed to ensure that there would be no damage to the Oak Tree 'T1'.

- a. A site plan with an annotation of the storage of material would not be in proximity of the Root Protection Area of the tree
- b. The tree protection fencing to be shown on the site plan.
- c. Show how the T1 to be protected from site run-off or leaching into the soil as it is growing downhill of the area, and the construction of the skate park will use a large amount cement, which is toxic to tree roots.

Lead Local Flood Authority: No objection or further comments to make on this application. Applicant has already applied and been granted Land Drainage Consent for the works. Details regarding the headwall structure have been discussed and agreed during the consent process.

Ecology Officer: Concerns were raised regarding the removal of the existing hedges. A plan showing the location and extent the vegetation removal along the ditch has been submitted. It is considered that there is no ecological constraint to the proposal. No objection to the proposal subject to the conditions seeking a Precautionary Method of working Statement and a Landscape and Ecological Management Plan.

Highway Officer: No highway objection. The proposed facility represents an update and replacement of the existing skate park on adjacent land within the curtilage of the Leisure Centre. The proposed skate park is not adjacent to a public highway and has been specifically designed to prevent direct access onto surrounding roads and footways.

Highway Structure: No comments.

Archaeology Officer: No objection subject to condition seeking a programme of archaeological work. The application lies within an area of archaeological potential as Bronze Age activity was located to the west. The current site does not appear to have been assessed archaeologically as part of the previous work that identified the Bronze Age activity and as the current proposal includes landscaping, rerouting of electrical services, the installation of lighting columns and the creation of skate features, there is the potential for ground disturbance to impact on archaeology.

Street Lighting Engineer: No objection. Careful aligning of the floodlights or the application of a shield to block upward light could help reducing the obtrusive lights, but as of the proposal, there is no objection.

Anti Social Behaviour Officer: observations are made regarding the acoustic issues, vehicles nuisance (e.g. revving of engines, playing of amplified music), additional artificial lighting, managing in increased litter, signage of appropriate behaviour or how the will be marshalled, or proposed security provision at the site.

Other Representations

4.3 Local Residents

Eight letters of objections have been received and the residents' concerns have been summarised as follow:

Highway safety:

- Safety with the car park,
- Safety measures to reduce the risk of injury to skate park users due to the manoeuvring vehicles within the car park, which is a busy car park
- the new, much bigger and more sophisticated skate park will attract additional motorised visitors to the leisure centre site, whether these are parents bringing their children to the site or young people of age 17 and over with their own transport.
- Any current shortfall in term of parking
- The new skate park will also attract more young people arriving on foot, the majority of whom will need to cross Bradley Stoke Way. This road is built to dual carriageway standards, with a dual crash barrier in its central reservation, which encourages motorists to ignore the speed limit, recent modifications including the imposition of a lower speed limit have done little to make this road safety
- The pedestrian crossing facilities need to be urgently improved to make them fit a town centre environment
- Car parking restrictions during construction – the overspill car park is being available for the use of parents brings children to the new primary school, adequate mitigation measures are needed in place for the loss of car parking spaces to the leisure centre and school during the construction phase.
- There is sometimes a back log of traffic up to the island leading onto Bradley Stoke Way. Add visitors to the skate park to this, and the amount of traffic becomes ridiculous.
- Insufficient parking at the moment, creating a handful of additional spaces (where current skate park is) will not satisfy the demand.

Design / landscaping

- It is unclear whether there will be fencing all round protection, temporary measures may be necessary to allow the hedging becomes established.
- Part of the existing hedges, which helps soften the landscape and functions as a windbreak and a visual separation from the leisure centre and the school on the eastern boundary of the site is to be lost
- Loss of direct access to the Three Brooks Local Nature Reserve, there should be a justification for the loss of the access and alternative route should be provided.

- The area for the proposed park is very green and people often sit on the grass during the summer. It will ruin the overall "look" of the area
- adverse visual impact

Anti-social behaviours:

- Susceptibility to vandalism
- Unauthorised graffiti / tagging

Residential issues:

- noise from the skate park
- noise during construction
- poorly placed in an area overlooked by residential apartments
- what hours this park will be open
- The revised plan does not address the noise issues. Last night, there was 1 person using the existing skate park at 21.30, I could hear this by several people using it at once and the noise is unacceptable.
- Will it be secured? Or will people still be able to access it?
- The only reason the existing skate park was not used was because there was no natural lighting. The leisure centre may be closed but the grounds are still accessible
- General disruption
- Floodlighting results in noise pollution
- Change of outlook
- Visibility – it will be right opposite my property, more visible and replace green space

Other issues:

- Piecemeal development – there are imminent plans to expand the leisure centre, and it would make more sense to consider these plans at the same time
- Devaluation of properties
- Affect the rentability of the property
- Far more suitable locations for the skate venue

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposal is to construct an outdoor skate park on an existing green area and overflow car park, which is situated within the urban area of Bradley Stoke. Core Principles of the National Planning Policy Framework states that planning should promote mixed use developments, encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation). Also planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Policy CS24 of the adopted Core Strategy also highlights that the green infrastructure assets are integral to sustainable communities.

Saved Policy LC3 of the adopted South Gloucestershire Local Plan (Adopted January 2006) supports proposals for Sports and Leisure Facilities within the Existing Urban Area and Defined Settlement Boundaries subject to the proposal would be highway accessible by public transport, on foot and by bicycle, and would not prejudice residential amenity, natural environment and public highway safety and would not give rise to unacceptable levels of on-street parking to the detriment of the amenities of the surrounding area and highway safety.

Part of the proposal would be located an existing green space, as such it would result in a loss of an existing community infrastructure and Policy CS23 of Core Strategy seeks to retain the existing community infrastructure. Given that the proposed skate park and associated facilities would provide better facilities for a wider community with an open character, therefore there is no principle objection to the location of the proposed skate park. It also should be noted that the application site is not within the designated open space under the emerging PSP plans, therefore the proposal would not be contrary to the emerging PSP.

5.2 Background of the proposal

The proposal is to erect a skate park to replace the existing facility for skateboarding. The applicant indicated that the existing facility was originally designed to have a 5 year life, and the equipment is wearing out. In summer 2012, a study was carried out to establish if there were any alternative locations to the Leisure Centre. The study has considered three locations namely Jubilee Centre, Stoke Gifford Playing Field and Ormonds Close. However they were discarded due to the location of an ancient hedge, funding issues outside the Bradley Stoke parish area, the topography of the site, the proximity of the houses and its inaccessibility. Therefore, it was concluded that the location of the current proposal would be the most appropriate given that the site is slightly larger than the existing site and is accessible by public footpath.

5.3 Design and Visual Amenity

The proposed concrete skate park would be located on the existing overflow car park and green space, which lies to the south west of the existing skate park. Part of the scheme also proposes to install a converted container to provide a kitchenette and storage. In addition, it is proposed to install some re-used mesh fencing with landscaping around the perimeter of the site.

Although the proposed skate park would be larger than the existing facilities, the new skate park has been designed to integrate with the existing informal and open character of the locality. It is considered that the design of the proposed structure is acceptable and the new facilities including the structure would improve the overall appearance of the locality and would provide an outdoor recreational space for a wider community of the area.

5.4 Residential Amenity

The nearest residential properties to the proposed skate park would be the apartment blocks of Champs Sur Marne, which is approximately 25 metres away. Officers acknowledge residents' concerns regarding the residential

impact, in particular the potential noise issues caused by the proposal due to its proximity of the neighbouring properties.

In order to address the concerns, the applicant submitted an acoustic assessment report with recommendations of mitigation measures. The Council Environmental Protection Officer has considered the submitted report and advised that an acoustic fence should be installed to the south side of the park in accordance with the submitted report to mitigate the noise nuisance as an absolute worst case maximum capacity scenario. It is also recommended that the whole site is fenced and locked between the hours of 08:00 to 22:00 daily.

Whilst the installation of acoustic fence is recommended with the report, the applicant has raised concerns that the proposed fence would result in other forms of anti-social behaviours as the fence would reduce the level of nature surveillance.

To consider the impact upon the residential amenity, officers take into consideration that the proposal is to replace the existing skate park. The existing skate park is constructed from Rhino Board ramps on a steel frame over a tarmac surface while the proposed skate park would be slightly larger and would be constructed with spray concrete, which would likely generate a lower noise level. Notwithstanding this, it is also noted that the new skate park would be closer to the residential apartment blocks and would likely attract more users than the existing skate park.

Whilst officers have no objection to the principle of the proposed skate park, it is important to ensure that the proposal would not cause an unacceptable adverse impact upon the neighbouring residents. As the acoustic assessment was carried out based on a similar size and style of spray concrete skate park outside the area, the Report highlighted that it is difficult to make a direct comparison of sound power level for each location due to the substantial difference in number of users at the two skate parks. In addition, it should be noted that the siting including build and nature environment of each site are different, and it would be difficult for the Officers to consider whether or not the proposed skate park on this particular site would cause an unacceptable noise nuisance. To allow the Council to monitor the level of noise nuisance and to protect the amenity of the nearby residents, it is considered that it would be necessary to impose a number of conditions to ensure the park would be used appropriately. Conditions are therefore imposed to restrict the hours of use of the skate park, the hours of illumination of the site, the installation of signage of the opening hours, to seek detailed security management plan. In addition, a condition is imposed to monitor any substantiated statutory noise nuisance complaints for 12 months and to ensure appropriate measures take place once the receipt of such complaints. Furthermore, a condition is imposed to restrict the construction hours to protect the amenity of the neighbouring occupiers.

In terms of light pollution, the Council Street Lighting Engineer has considered that the proposed flood lighting scheme would not significantly affect the nearby properties. Whilst officers have no objection to the proposed scheme, it is considered that a condition is required to restrict the hours of illumination and to

ensure that all flood lighting will be carefully aligned or installed with a shield to block upward light in order to reduce the obtrusive lights.

Subject to the above conditions, it is considered that the proposal, on balance, would not cause significant adverse impact upon the nearby residents to warrant a refusal of this application.

5.5 Landscaping impact

The proposed skate park would sit on an existing green space and the overflow car park. There is a corner plot of mounded land with a backdrop belt of trees, which extends down from the Savages Wood and Three Brookes Local Nature Reserve creating a landscaping buffer to the school to the east. The Landscape Officer raised concerns regarding the loss of existing landscape buffer planting, lack of detailed landscaping scheme to mitigate the loss of the existing landscape features, the loss of direct and wide access path from the Leisure Centre to the Three Brookes Nature Reserved and the use of shipping container for providing community facilities.

Officers have noted that a detailed landscaping scheme has not been submitted with this application, however a site plan has been submitted to show there are potential landscaped areas around the perimeter of the site, in particular, there would be new planting scheme along the existing footpath adjacent to the school field. Furthermore, the proposed skate park would replace the existing skate park, which is unsightly, and the proposal would provide a welcoming social space for a wider community in the area. Your case officer also noted that there would be a converted container to provide a kitchenette and storage within the site. Whilst the converted container would not be of a traditional building structure, it is considered that the proposed converted container would not necessarily cause an adverse impact upon the landscape character provided that the container will be carefully designed or painted to respect or enhance the character of the locality. Therefore, subject to a condition seeking appropriate planting scheme and finished design of the converted container, it is considered that the proposal would not cause significant adverse impact upon the landscape character of the locality.

There is an existing gravel path from the Leisure Centre site into the nature reserve. Officers note that the proposal would result in a loss of direct and wide access path to the Three Brookes Nature Reserve. However, given that the path is not designated public rights of way, there is an existing footpath along the school field linking to the Reserve and there will be an alternative footpath opposite the existing skate park, in this instance, it is considered that the loss of this particular path would not cause significant adverse impact upon the users of the Reserve to warrant a refusal of this application.

5.6 Impact upon nature and historic environment

The applicant submitted an Arboricultural Impact Assessment including Method Statement and Tree Protection Plan to demonstrate the existing mature oak tree will not be adversely affected by the proposal. The submitted site plan has indicated that the existing Norway Maple (T3) would be affected by the proposal, however, this tree was categorised as a tree of low quality with an estimated remaining life expectancy of at least 10 years. The applicant has

indicated that it would be unable to protect the tree given the proximity of the proposal, however, it is indicated that a replacement tree can be planted within the proximity of the proposal.

The Council Arboricultural Officer has no objection to the principle of the proposal. However, officers consider that it would be necessary to impose a condition seeking details of the materials storage area and the further method statement to make sure there will be no cement would be stored in the proximity of the protected trees. In addition, a planning condition is imposed to seek details of replacement tree as part of landscaping scheme in order to mitigate the potential permanent loss of the existing Norway Maple (T3).

With the drainage details, the applicant has applied and been granted Land Drainage Consent for the drainage works, therefore there is no drainage objection to the proposal.

In terms of the ecological issues, the applicant has submitted an Extended Phase 1 Ecological Survey and the details of the removal of the vegetation, the Ecology Officer has considered the submitted details are adequate to address officers' concern. Therefore there is no ecological objection to the proposal subject to conditions seeking a detailed Precautionary Method of Working Statement and a Landscape and Ecological Management Plan to ensure the works will be carried out in appropriate manner.

The application lies within an area of archaeological potential as Bronze Age activity was located to the west. The current site does not appear to have been assessed archaeologically as part of the previous work that identified the Bronze Age activity. As the current proposal includes landscaping, rerouting of electrical services, the installation of lighting columns and the creation of skate features, there is the potential for ground disturbance which would cause an impact on the potential archaeology interests of the site. Whilst there is no archaeological objection to the proposal, it would be necessary to impose a condition to seek a programme of archaeological works and recording for the site.

5.7 Highway Issues

Officers acknowledge residents' concerns regarding the parking and highway issues of the proposal, and the Highway Officer has considered these particular concerns as part of the consideration of this application.

The proposed facility represents an up-date and replacement of the existing skate park on adjacent land within the curtilage of the Leisure Centre. In addition, the proposed skate park is not adjacent to a public highway and has been specifically designed to prevent direct access onto surrounding roads and footways. In this instance, it is considered that there is no substantive reasons to refuse this application on transportation grounds.

Concerns are raised regarding the highway issues during the construction period, officers acknowledge that the construction would inevitably cause a disruption on the existing highway. Therefore it would be necessary to impose

a planning condition to seek a Construction Management Plan regarding the construction vehicular access and parking to minimise such disruptions.

Regarding the provision of car parking, it is acknowledged that the number of parking spaces for the Leisure Centre and skate park would increase by eight spaces as a result of the overall development. The Highway Officer considers that this would be sufficient to accommodate any increase caused by users of the enhanced skate park. The Officer also suggested imposing a condition to monitor the use of the car park and seek mitigation measures, however officers consider that it would not be necessary, in this instance, given that its scale and sustainable location of the proposal.

Officers highlight that the Council takes road safety very seriously especially when the site would be likely used by young people and families. The Highway Officer has noted the concerns regarding the ignorance of pedestrian controlled signal. However there is no history of pedestrian accidents on the section of Bradley Stoke Way adjoining the Leisure Centre and the pedestrian controlled crossing seems to be effective at this location. It is considered that the existing crossing would still provide effective solution even after the skate park is opened. The Council Transportation Team will still continue to monitor the location of the signalised crossing to ensure public highway safety is maintained.

5.8 Anti-social behaviours issues

Officers noted residents' concerns regarding the susceptibility to vandalism and the attraction of unauthorised graffiti or tagging. Whilst it would be the applicant's responsibility to ensure that the site would be used appropriately, the applicant has indicated that there will be a bespoke piece of street art on the exposed vertical walls. Regarding the potential vandalism, the applicant has proposed to install 24hrs CCTV coverage, modern LED lighting and agreed park curfew times, officers are therefore satisfied with the proposed security measures and a planning condition is therefore imposed to seek the detailed security management plan and to ensure that such measures will be taken place.

5.9 Other issues

Residents have raised concerns regarding the devaluation and the potential rent-ability of the properties nearby, these would not be planning material consideration.

Concerns are raised regarding the potential expansion of the existing Leisure Centre, in particular, the parking provision requirement for the entire Centre including the new skate park. Whilst officers note that there is a possibility that the existing Leisure Centre may be expanded in the future, there is no planning application submitted at this stage relating to the potential expansion. Furthermore, the works for the potential expansion to the Leisure Centre would not necessarily require a submission of planning applications. If the expansion works are required planning permission, then the forthcoming application will need to be determined on its own merit and the parking requirement will be part of the assessment. Therefore, it would be unreasonable to delay the determination of this application.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: 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. Development shall be carried out in accordance with the following drawings and documents:
- a. Location Plan, Drawing No. 0928/110 dated 16/06/2015
 - b. Site Plan, Drawing No. 0928/101 Rev C dated 21/10/2015
 - c. Sections, Drawing No. 0928/301 Rev C dated 07/08/2015
 - d. Method Statement and Tree Protective Measures in the Arboricultural Report by Silverback Arboricultural Consultant Limited, dated September 2014.

Reason:

a. In order to safeguard the amenity of the nearby residents, to protect the landscape character and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

3. Prior to the commencement of development hereby permitted, a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reasons:

- a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.
- b. In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework March 2012.

4. Prior to the commencement of the development hereby permitted, a detailed documented security management plan to include details of means of security measures adhere to Condition 5 and details, including the locations, of 24 hours CCTVs, shall be submitted to and approved in writing by the Local Planning Authority. The approved security measures including the CCTVs shall be in place prior to the first use of the skate park hereby permitted and shall be maintained as such thereafter.

Reasons:

- a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.
- b. In order to prevent late night use of the facility which may prove detrimental to the residential amenity enjoyed by nearby occupiers and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

5. The skate park hereby permitted shall only be used between the hours of 08.00am and 21.30pm.

Reason:

- a. In order to prevent late night use of the facility which may prove detrimental to the residential amenity enjoyed by nearby occupiers and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

6. Prior to the commencement of the development hereby permitted, details including the locations of the signage showing the opening hours of the skate park shall be submitted to and approved in writing by the Local Planning Authority. The approved signage shall be displayed prior to the first use of the skate park hereby permitted and shall be maintained as such thereafter.

Reasons:

- a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.
- b. In order to prevent late night use of the facility which may prove detrimental to the residential amenity enjoyed by nearby occupiers and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

7. Prior to the commencement of the development hereby permitted, detailed tree protective measures, including the details to demonstrate that how the existing trees will be protected from the potential run-off from the application site or leaching into the soil, and a site plan showing the location of storage of construction and building materials shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reasons:

- a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.
 - b. To protect the existing oak tree and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.
8. Notwithstanding the submitted site plan, Drawing No. 0298/101 Revision C dated 21/10/2015 and Section Drawing No. 0298/301 Revision C: 07/08/2015, prior to the commencement of development full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure including the re-use existing steel mesh fencing; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units and street art on the vertical exposed walls). Soft landscape works shall include planting plans including the planting of replacement tree; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reasons:

- a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.
 - b. To mitigate the loss of the existing landscaping features and to enhance the landscape character of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.
9. The subsequent approved landscape scheme adhere to condition 8 shall be fully implemented so that all planting can be carried out during the first planting season following the date when the development is commenced. Any planting removed, dying, being damaged or becoming diseased shall be replaced in the next planting season by specimens of a similar size and species to those originally required to be planted, unless the local planning authority gives written consent to any variation.

Reason:

To ensure that the landscape works are carried out at the earliest stage practical to ensure that the appearance of the development is satisfactory, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Prior to the commencement of development hereby permitted, a Precautionary Method of Working Statement covering clearance of all semi-natural vegetation as part of the scheme and to avoid any impacts on protected or notable species of fauna shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved Statement.

Reasons:

- a. This is a pre-commencement conditions in order to avoid any unnecessary remedial works in the future.
 - b. To safeguard the wildlife habitat of the site and to accord with the Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.
11. Prior to the commencement of the development hereby permitted, a Landscape and Ecological Management Plan to cover the planting of a new species-rich hedgerow or mixed native scrub belt on the new screening bund shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved Plan.

Reasons:

- a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.
 - b. To safeguard the wildlife habitat of the site and to accord with the Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.
12. Prior to the commencement of development hereby permitted, details including the finish colour of the proposed bespoke converted container hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and shall be maintained as such thereafter.

Reasons:

- a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.
 - b. To safeguard the amenity of the area and to accord with the Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.
13. Should any substantiated statutory noise nuisance complaints be received during a 12-month observation period, which shall commence from the first use of the skate park hereby permitted, an acoustic fence shall be installed at the south side of the skate park hereby permitted in accordance with the details in the Acoustic Assessment Report by Hoare Lea dated 21 September 2015 or other appropriate mitigating measures shall be in place within three months of the receipt of the said complaints. Details of the said mitigation measures with implementation programme shall be submitted to the Local Planning Authority within one month from the receipt of the said complaints for written approval. The measures shall be carried out in accordance with the approved details.

Reason:

- a. To safeguard the residential amenity enjoyed by nearby occupiers and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

14. There shall be no external illumination of the site or on the community building, i.e. the bespoke converted container, without the prior written consent of the Local Planning Authority other than the means of illumination indicated on the approved plans. All floodlighting hereby approved shall be carefully aligned or installed with a shield to minimise obtrusive lights and all floodlighting shall be switched off between the hours of 21.30pm and the following day 08.00am.

Reason:

- a. In order to prevent late night use of the facility which may prove detrimental to the residential amenity enjoyed by nearby occupiers and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

15. Prior to the commencement of development details of a "construction management plan" (CMP) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details. For the avoidance of doubt the details shall include details of any site compound, contractor's parking on site during the construction period and measures to be taken to ensure that the existing highway is kept clear of any mud or debris.

Reasons:

- a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.

- b. To safeguard public highway safety to accordance with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and saved Policy T12 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

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

Reasons:

- a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.

- b. To protect the residential amenity of the neighbouring occupiers and to accord with National Planning Policy Framework March 2012

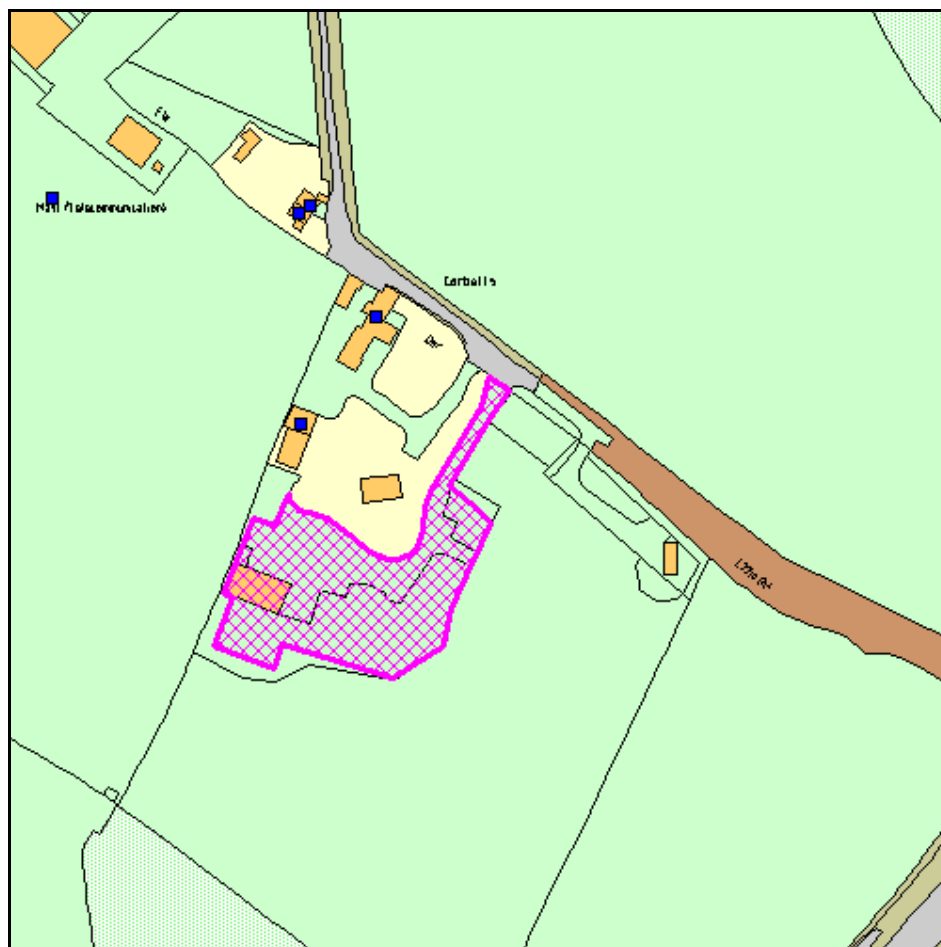
17. Prior to the commencement of development hereby permitted and notwithstanding the submitted details, a services plan shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reasons

- a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.
- b. To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework March 2012.

CIRCULATED SCHEDULE NO. 44/15 – 30 OCTOBER 2015

App No.:	PT15/3600/CLE	Applicant:	Mrs Margaret Berkely
Site:	Corbetts Green Lane Cutts Heath Wotton Under Edge South Gloucestershire GL12 8QW	Date Reg:	19th August 2015
Proposal:	Certificate of lawfulness for existing use of the land to be used as a business for general storage and distribution (use Class B8).	Parish:	Tytherington Parish Council
Map Ref:	366720 189561	Ward:	Ladden Brook
Application Category:		Target Date:	9th October 2015



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 100023410, 2008. N.T.S. PT15/3600/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application is for a Certificate of Lawfulness for the existing use of land for Class B8 (general storage and distribution) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application site relates to two large buildings behind the property known as Corbetts, Green Lane, and accessed from the Public Right of Way which runs to the north of the site.
- 1.3 The application has been already been submitted to the Circulated Schedule with the scope of the site boundary reduced, however on further investigation there is no need to reduce the scope of the site boundary. The recommendation is therefore circulated for a second time.

2. POLICY CONTEXT

- 2.1 National Guidance
 - I. Town and Country Planning Act 1990
 - II. Town and Country Planning (Development Management Procedure) Order 2015
 - III. National Planning Practice Guidance 2014

3. RELEVANT PLANNING HISTORY

- 3.1 PT15/3599/CLE Pending Consideration
Certificate of lawfulness for existing use of building as dwellinghouse
- 3.2 PT15/3598/CLE Certificate Issued 09/10/2015
Certificate of Lawfulness Existing for operational development comprising track, tarmac area and construction of cabin.
- 3.3 PT07/0262/CLP Refusal 09/03/2007
Application for Certificate of Lawfulness for proposed use of outbuildings as a garage and incidental residential accommodation.
Refused because planning permission is required for a new dwelling.

4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish Council
No comment received.
- 4.2 Other Consultees

Thornbury Town Council
No comment received.

Sustainable Transport
No comment received.

Public Rights of Way
Use of bridleway with vehicles is illegal unless applicant can evidence a private right. Without it they cannot do what they are doing and we have the ability to install a barrier preventing them any access.

Other Representations

4.3 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 5.1 In support of the application, the following information has been submitted:
- a statutory declaration by Mr Kevin Patrick Berkely, the applicant's son
 - land registry documents indicating ownership
 - several photographs of vehicles stored at the site since 1985 and 1995, with the dates sworn as part of the declaration
 - a photograph of the site as it is today

6. SUMMARY OF CONTRARY EVIDENCE

6.1 None

7. SUMMARY OF EVIDENCE HELD BY THE COUNCIL

- 7.1 The Council's own evidence consists of aerial photographs for the following years: 1991, 1999, 2005, 2006, 2008-2009. A brief summary of each photograph is provided below:

Date of Aerial Photograph	Summary
1991	<ul style="list-style-type: none">• A large building occupies the site of the northernmost building at the site today.• Vehicles are parked all over the land, and outside of the red line submitted by the applicant, spreading into adjacent fields
1999	<ul style="list-style-type: none">• The original building has been demolished, and replaced with the southernmost building which remains on site today• Approximately nine vehicles are parked within the red line submitted by the applicant, and other equipment which cannot be identified in the photograph
2005	<ul style="list-style-type: none">• The building from 1999 remains• The area within the red line submitted by the applicant is completely covered in vehicles, mostly small lorries
2006	<ul style="list-style-type: none">• The building from 1999 remains

	<ul style="list-style-type: none"> • In contrast to the 2005 photograph, the area within the red line submitted by the applicant is almost completely empty of vehicles, with the exception of one or two construction vehicles which appear to be working on the site, as there are several piles of earth, gravel and other material
2008-2009	<ul style="list-style-type: none"> • The building from 1999 remains • A large van or perhaps a caravan is parked near the entrance to the site • One lorry can be seen, as well as one tractor near the southern boundary of the red line submitted by the applicant • Most of the site area is empty
2014/2015	<ul style="list-style-type: none"> • A new building has been erected on the site of the building seen in 1991 • The southernmost building from 1999 remains • Approximately 10 vehicles can be seen, and they are all parked very close to the buildings, with the eastern part of the site is completely empty • The area to the south of the buildings appears overgrown and no vehicles can be seen

7.2 From the Case Officer's site visit, the site appears as it does on the aerial photograph taken to represent 2014/2015, although more vehicles were present. Following this visit and from discussions with the agent, the decision was taken to change the description from a use depicting general storage and distribution (B8), to the storage of vehicles (B8), which is considered to be a more accurate representation of the activities on the site.

8. **ANALYSIS OF PROPOSAL**

8.1 The applicant seeks to prove that the land edged in red on drawing no. PL-003 has been used continuously for the storage of vehicles for a period of more than 10 years. This submitted site boundary includes two large buildings, a large area of space to the east of the buildings and a small space to the south, and an access from a bridleway to the north which serves as a Public Right of Way.

8.2 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such, the applicant needs to provide precise and unambiguous evidence. For a certificate to be issued, evidence must be demonstrated that the land within the red edged application site-plan is lawful and no enforcement action may then be taken in respect of the operations on site. The time for taking enforcement action in this case is 10 years from the breach, and therefore the land must have been continuously used for B8 storage purposes for 10 years consecutively, prior to the receipt of the application on the 14th August 2015. The site visit was undertaken on 16th September 2015.

8.3 The guidance contained within the National Planning Practice Guidance 2014 states that 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. This is however with the provision that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. The planning merits of the use are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant's version of events less than probable, should be taken into account.

8.4 Hierarchy of Evidence

The evidence submitted comprises of one statutory declaration and several photographs, the date of which have been sworn under the same declaration. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

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

8.5 Examination of Evidence

Supportive Evidence

The evidence provided is accepted as true unless contradictory evidence indicates otherwise. The statutory declaration of Kevin Patrick Berkely, of Corbetts, Green Lane, states that the land within the red edge submitted has been used as an open storage area along with the two storage buildings, and that the general storage use on the site has been continuous since the mid 1980s, when Mr Berkely's father stored plant, equipment and vehicles. One specific vehicle, a BMW Bubble Car, has been stored at the site since 1984, and remains on site today. The sworn photograph submitted and confirmed to have been taken by a Ken Hodges in 1984 does not show the vehicle on the site, but other photographs show the vehicle within one of the storage buildings. The declaration states that a second vehicle, a Suzuki Jeep, has been stored at the site within one of the storage buildings since 1995.

8.6 The statement highlights that a light industrial use as a workshop has been present at the site in the past when Mr Berkely's late father used the site,

however it does not state that this workshop continued continuously over the last 10 years.

8.7 *Contrary Evidence*

No contrary evidence has been received.

8.8 *Evidence Held by South Gloucestershire Council*

The statutory declaration and the Council's aerial records conflict with regards to the extent of the continuous use on site over the last 10 years. The 2005 aerial records show the site being fully used to store vehicles as per the statutory declaration, however in 2006, 2008/2009 and 2014/2015, a lot of the site does not appear to be for this use, and appears empty.

8.9 The statutory declaration is given considerable weight, and whilst aerial photographs indicate that it is unlikely that the use was carried out across the whole site continuously over the last 10 years, the aerial photographs coupled with the statutory declaration appear to show a continuous storage use from 1991 – 2005. This is a period of at least 14 years from the breach, which is in excess of the required 10 years. It is therefore considered, from evidence held by the Council, that the use became lawful in 2001 at the latest, possibly earlier however the Council's aerial photograph archive does not go back beyond 1991.

8.10 The statutory declaration indicates that the use continued from 2001 until the present day, however as the aerial photos show large areas of the site to be empty in 2006 and 2008/9, the use of the site is considered to have been scaled down, with the use on parts of the site lying dormant. Case law indicates that a use lying dormant does not mean the lawfulness previously achieved is overruled. In the judgement by the Court of Appeal in SSETR v. Thurrock BC (2002), the Inspector stated:

'There is no need to demonstrate that a use has been in continuous existence throughout a ten-year period. Unless there has been a clear-cut change in planning circumstances, such as a grant of planning permission for an alternative use, the introduction of another use incompatible with the original use or an indication of a deliberate intention to abandon the original use then the use will survive...'

8.11 There is no evidence of another use at the site in the intervening period. Abandonment as a concept is not defined within the framework of the Planning Act, but is instead of a legal concept which has been formed and defined through the establishment of case law on the subject. During the Castell-y-Mynach Estate v Secretary of State for Wales (1985) case, the four principle factors in assessing whether a use had been abandoned were set out. These are:

- (a) The physical condition of the building
- (b) The period of non-use
- (c) Whether any intervening use had taken place
- (d) The intentions of the owner regarding the use

8.12 The southernmost building which has been present on the site since before 1999 appears to be in working condition as a storage unit, and therefore criterion (a) is not considered to be met. The period of 'dormant' use across the site appears to be not more than a few years and only partial, and therefore the weight that can be afforded to criterion (b) is limited. There is no evidence to suggest an intervening use and the site appears as one planning unit, with limited change or operational development on site, and so criteria (c) does not apply. There is no deliberate intention to abandon the use apparent, and therefore the site cannot be considered to have been abandoned at any point since the lawfulness was established in 2001.

8.13 Some of the details within the statutory declaration are precise and unambiguous, including the storage of two particular vehicles at the site, the BMW Bubble car and the Suzuki Jeep. These cannot be seen on aerial photographs so it is assumed they, and other vehicles, remain within the southernmost building, which for at least 10 years between 1999 and 2009 was the only building on site. Prior to this, the footprint where the building stands can be seen to be used for vehicular storage.

8.14 Based on the evidence and assessment outlined above, and on the balance of probability, it is likely that the submitted area outlined in red has all been used continuously for the storage of vehicles from 1991-2005, and the use is therefore lawful. The more sporadic use from 2006 onwards does not undo the lawfulness previously achieved, as the site has not been abandoned or superseded by any other planning permission.

8.15 Other Issues

The Council's Public Rights of Way officer has raised concerns that the access has been taken from a bridleway, on which it is illegal to drive vehicles unless a private right can be demonstrated. This concern falls outside the remit of the Certificate of Lawfulness application and the use of a public right of way as a private access road can be prevented through other legislation separate from the planning system.

9. CONCLUSION

9.1 It is considered that the evidence submitted, along with that of the evidence gathered by the Local Planning Authority, demonstrates, on the balance of probability, the land edged in red has been used for the storage of vehicles (B8) for a consistent period of at least ten years prior to the submission of the application.

10. RECOMMENDATION

10.1 That the Certificate of Lawfulness is **APPROVED**.

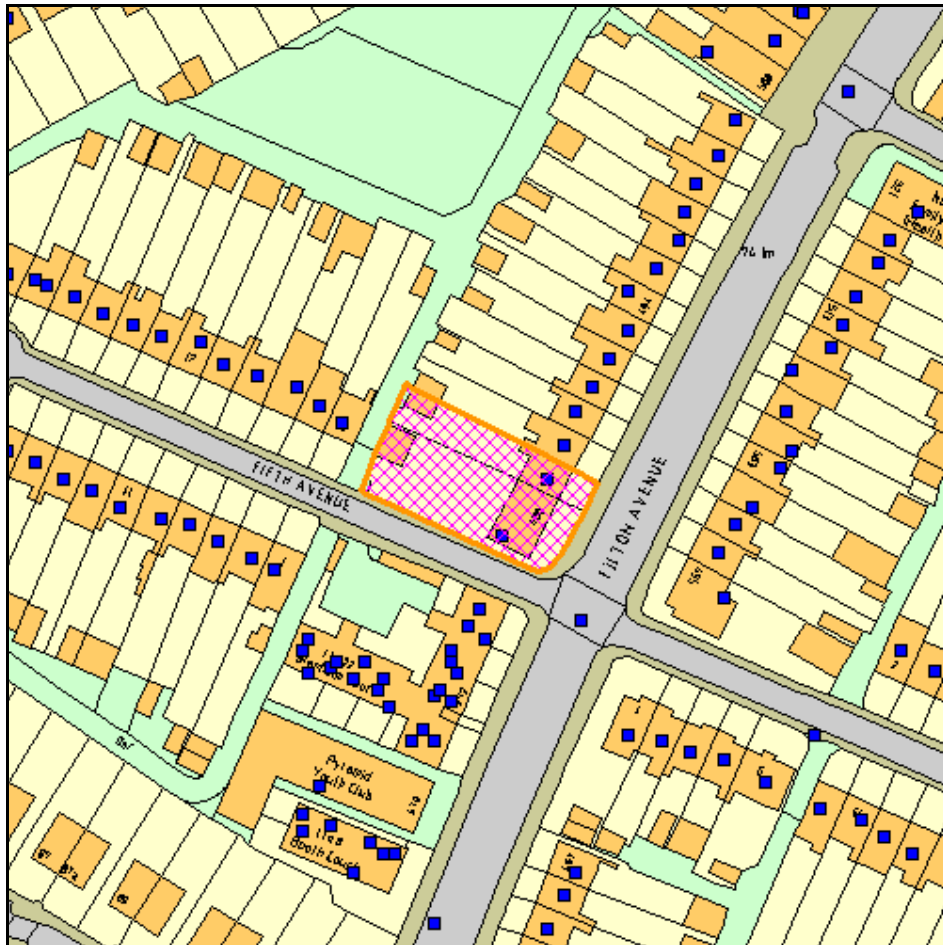
Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

REASON

1. The applicant has demonstrated that on the balance of probability, the land edged in red set out in Site Location Plan PL-003 received by the Council on 17th August 2015 has been used for the storage of vehicles for a continuous period of ten years prior to the submission of the application.

CIRCULATED SCHEDULE NO. 44/15 – 30 OCTOBER 2015

App No.:	PT15/3672/F	Applicant:	Mr And Mrs R And K Alexandar
Site:	480 - 482 Filton Avenue Horfield South Gloucestershire BS7 0LW	Date Reg:	25th August 2015
Proposal:	Demolition of existing garages and boundary walls. Erection of first floor side extension to facilitate conversion of existing houses to 5no. self-contained flats, erection of 2no. semi-detached houses with access, parking and associated works (resubmission of PT15/1095/F).	Parish:	Filton Town Council
Map Ref:	360448 178083	Ward:	Filton
Application Category:	Minor	Target Date:	15th October 2015



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 100023410, 2008. N.T.S. PT15/3672/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of residents' objections, which is contrary to officers' recommendation.

1. THE PROPOSAL

- 1.1 This is a resubmission application seeking full planning permission for a demolition of existing garages and boundary walls, an erection of first floor side extension to facilitate a conversion of existing dwellings into 5 no. self-contained flats and the erection of 2 no. semi-detached dwellings with access, parking associated works at No. 480-482 Filton Avenue
- 1.2 It should be noted that the previous planning application for a similar proposal to provide 7 no. self-contained flats and 2 no. semi-detached dwellings was refused by the Development Control (West) Committee as it was considered the proposed development represents a cramped form of development that fails to provide adequate amenity space for the occupants of the development and would result in poor quality living environment. The proposed development is therefore contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.
- 1.3 The main differences of the current proposal is that the number of self-contained flats have been reduced from seven to five, each of converted flat would only have one bedroom, a balcony or courtyard garden would be provided for each flats, No. 482 would remain as a dwelling with a larger amenity space compared to the previous scheme.
- 1.4 The properties are 2-storey dwellings and they are located near the junction of Filton Avenue and Fifth Avenue. There are detached garages at the rear of the properties and these garages/outbuildings would be demolished to facilitate the erection of 2 no. semi-detached dwellings. It should be noted that one of the outbuildings is attached to a neighbour's garage of No. 484 Filton Avenue.
- 1.5 During the course of the application, a revised proposal was submitted to amend the design of the balcony and to change the parking layout in order to provide a path to the new dwelling to address officers' concerns.

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 2016
CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment & Heritage
CS16 Housing Density
CS17 Housing Diversity
CS25 Communities of the North Fringe of Bristol Urban Area

South Gloucestershire Local Plan (Adopted) January 2006

H4 Development within Existing Residential Curtilages
H5 Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes
T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)
Residential Parking Standards Adopted December 2013
Waste Management SPD
Proposed Submission: Policies, Sites and Places Plan SPD March 2015

3. RELEVANT PLANNING HISTORY

No. 480 Filton Avenue

- 3.1 N1166 Erection of single storey extension to form diner / kitchen. Approved 10.04.75
- 3.2 N1166/1 Erection of a first floor bedroom extension over existing kitchen / diners. Approved 06.12.79
- 3.3 N1166/2 Erection of two-storey side extension to form a study with bedroom and bathroom over. Approved 15.05.80
- 3.4 N1166/3 Erection of single storey side extension to form study and a workroom. Approved 14.05.81

No. 480-482

- 3.5 PT15/1095/F Demolition of existing garages and boundary walls. Erection of first floor side extension to facilitate conversion of existing houses to 7 no. self-contained flats, erection of 2 no. semi-detached houses with access, parking and associated works. Refused 03.07.2015

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objection.
- 4.2 Other Consultees

Environmental Services: No comments to the current proposal, it is however noted the Services previously suggested that a planning condition should be

attached to any approval requiring that on completion of works sounding testing be carried out by the applicant to confirm that the sound insulation of the flats comply with Part E of Building Regulations as Building Control is unable to enforce the provision of a sound test report. The condition is necessary to ensure the development is not detrimental to residential amenity by noise and to prevent complaints of noise nuisance should the standards of construction not meeting Building Regulations standards of sound insulation.

Highway Drainage: No objection subject to a condition seeking sustainable surface water drainage details and its implementation, impermeable surfacing. There is a query regarding the location of soakaways as they must be located 5 metres from any structure including the public highway.

Highway Structures: no comment.

Highway Officer: No objection to the revised proposal subject to condition to ensure the parking facilities are provided prior to the first occupation of the proposal.

Other Representations

4.3 Local Residents

Four letters of objection have been received and local residents' concerns are summarised as follows:

Design / Visual Amenity

- An increase of HMOs in the area due to the proximity of UWE, MOD & Southmead Hospital, this is becoming a concern and a big loss to the community
- Cramped development
- The demolition of the existing garage will affect or damage my properties
- Do we need to be cramming properties into this limited space
- If this development is granted will this give a lot of people in the area to building hours in their back gardens
- Families are being driven out of this area by continual buildings of flats and student accommodation.
- Too big development in this already busy and congested area
- Due to the position of the two houses proposed and it will essentially leave the back of all of the houses that back on to the "play area" vulnerable to crime as it will be virtually impossible to identify anyone in the darkness.
- there are at most, only 6 of the 14 houses on this side of the road (between Fifth Avenue and the shops) that are owner/occupier. That is over 50% that are owned by landlords and
- the majority of these are HMO's.

Residential Amenity

- Noise from this development will increase and adversely affect my home
- Overlooking by the balconies and the new dwellings

Highway

- Limited parking around this area, and parking is major problem with a lot of people using this to access the doctors and shop and with the amount of student let.
- What about if there are more cars?
- A loss of on-street parking on Fifth Avenue because of the dropping of the kerbs
- The communal parking in the gated area is not an official car park, which is not lit nor safe, and is not suitable for parking. Parking out the rear can be stopped at anytime.
- Parking has become nightmare and congestion along this stretch of Filton Avenue and has become work
- If the proposed building works take place there will be nowhere for existing residents to park
- The congestion, noise and disruption that the building works will cause are a real concern to us. Is these plans are accepted and building works commence, what safeguards will be put in place to minimise disruption to residents by both the developer and the council?
- No public transport available

Other Issues

- Affect the value and the sell of my properties, if so who will carry the cost if any loss??

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The National Planning Policy Framework carries a presumption in favour of sustainable development and details a set of 12 principles that should underpin plan making and decision taking. These include the effective use of land, the promotion of mixed-use communities and seeking to ensure the fullest possible use of public transport, walking and cycling. Further, chapter 6 (Delivering a wide choice of high quality homes) talks of the need to 'boost significantly the supply of housing'. Accordingly the benefit from the additional housing units and their mix that this scheme proposed attracts considerable weight in support of the proposal.

5.2 Policy CS25 of the adopted Core Strategy also encourages providing housing and associated local facilities which are integrated with existing communities. Policy CS1 of the Core Strategy seeks high quality standards in term of design and Policy CS16 seeks to ensure housing development make efficient use of land to conserve and maximise the amount of housing supplied particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.

5.3 The saved policy H4 of the adopted Local Plan (which relates to proposals within existing residential curtilages) echoes these policy considerations and

further advises that proposals should not prejudice the retention of adequate private amenity space with adequate private amenity space provided for any new separately occupied dwelling. The saved policy H5 allows proposals for conversion of existing residential properties into smaller units of self contained residential accommodations provided that they would not prejudice the character of the area, residential amenity of the neighbouring property, and would provide acceptable off-street parking facilities and would provide adequate amenity space.

5.4 Design / Visual Amenity

The application relates to 2 no. two-storey dwellings on the west side of Filton Avenue. The properties benefit from a relatively good sized garden. The terrace comprises a run of two-storey dwellings of similar design encompassed by a dual pitched roof with front and rear roof slopes. A three-storey block of flats on Fifth Avenue lies opposite to the application site.

5.5 The proposal is to erect a first floor extension to the side of the property, and to install 2 no. dormers at the rear elevation to facilitate the flats conversion. In addition, a pair of semi-detached dwellings is proposed at the rear to replace the existing detached garages / outbuildings. A balcony and a roof balcony are also proposed to provide a small amenity space for the new flats.

5.6 Officers consider that the proposed side extension is modest in scale and would be in keeping with the character of the host dwelling. Therefore this part of the proposal is considered to be acceptable in design terms subject to a planning condition seeking matching external materials.

5.7 Regarding the proposed dormers, officers acknowledge that they are large in scale. It is however considered that the large scale dormer would not necessarily cause harm to the character and appearance of the host building if appropriate materials are used. Therefore a planning condition is required to seek details and samples of external materials for the proposed dormers. In addition, these dormers would be located at the rear elevation, it is therefore considered that they would not cause significant harm to the character and appearance of the locality.

5.8 Regarding the boundary treatment, given that the majority of the neighbouring properties along Fifth Avenue have a dwarf wall with garden shrubs in their front garden, it is considered that the design and materials of the enclosure need to respect the character and appearance of the host building and the area. A planning condition is therefore imposed to seek details of the boundary treatment and landscaping scheme.

5.9 The party wall of the existing garage on the site is shared with 484 Filton Avenue. The applicant has confirmed that the garage within the site will be demolished whilst the remaining garage in 484 will be retained. The exposed party wall would be made good and rendered as part of the development. This is a civil matter and is not a material planning matter. However, in respect of the finish of the party wall facing into the site, officer's are satisfied that a render finish is appropriate.

- 5.10 The proposal is considered to be acceptable with no objection raised on design/ visual amenity grounds.
- 5.11 Residential Amenity
The nearest neighbouring properties to the proposed development would be No. 484 Filton Avenue and No. 2 Fifth Avenue, which are two-storey dwellings. The existing detached garage/outbuilding would be demolished to make way for the development. Officers acknowledge residents' concerns regarding the proposal.
- 5.12 The proposed first floor side extension would be adjacent to the junction of Filton Avenue and Fifth Avenue, and there would be some windows and roof garden space on the side elevation. Given that the proposed openings would be adjacent to a public highway and would overlook the residential apartment block opposite, it is considered that the proposal would not cause unacceptable adverse impact upon the neighbouring occupiers in terms of overlooking or overbearing impact.
- 5.13 Part of the proposal is to erect a pair of two-storey semi-detached dwellings at the rear gardens of No. 480-482 Filton Avenue, and the new dwellings would be adjacent to a vehicular access lane. The footprint of these new dwellings would not project beyond the front or rear elevation of the adjacent property, No. 2 Fifth Avenue. In addition, no window is proposed on the side elevation, it is considered that there would not be any unreasonable overbearing or overlooking impact upon No. 2 Fifth Avenue.
- 5.14 Officers acknowledge residents' concerns regarding the overlooking over the rear garden of No. 484 and this row of properties. The proposed first floor windows on the rear elevation of the pair of semi-detached dwelling would be overlooking the very rear garden of No. 484. However, it should be noted that the new windows have been designed to be oriented at an angle, as such they would be likely overlooking the neighbours' garage and the bespoke design would minimise overlooking impact upon No. 484. In addition, the site is situated within an established residential area where overlooking neighbours' garden is not uncommon. Given the location of the site and the bespoke window design, it is considered that there would not be significant adverse impact to be detrimental to the living condition of the neighbouring occupiers.
- 5.15 Part of the proposal is to construct balconies at the first floor level of the host dwelling. Given that the balconies would be glazed with a 1.8 metres high privacy screen with opaque glass, it is therefore considered that the proposed balcony would not cause significant overlooking issues upon the neighbouring properties. A planning condition is imposed in this instance to ensure the screen would be permanently obscured glazed.
- 5.16 Part of the proposal is to remove the existing garage/outbuilding, which is attached to the neighbouring garage, to make way for the proposed development. The applicant proposes to make good on the exposed elevation of the neighbouring garage, and a planning condition is imposed to make sure that this will be the case.

- 5.17 All other neighbouring properties are sited at an appreciable distance from the host building, thus it is not considered that there would be significant adverse impact caused upon the residential amenity of the neighbouring properties.
- 5.18 Amenity Space
The existing rear garden would be subdivided for the provision of off-street parking and turning area, a private amenity space for the proposed ground floor flats, the remaining dwelling (No. 482 Filton Avenue) and 2 no. of semi-detached dwellings. It should be noted that the previous planning application was refused due to its adequate amenity spaces for the occupants of the development.
- 5.19 The current proposal would only provide 5 no. self-contained flats instead of 7 no. flats as previously proposed. As a result, No. 482 would remain as a dwelling with a larger allocated private garden. Each flats would now have a small amenity space. The private garden area of the proposed semi-detached 3-bed dwellings would be approximately 20 square metres. In this instance, it is considered that a reasonable sized garden space would be provided for the future occupiers of the proposed flats, the new and remaining dwellings.
- 5.20 Whilst it is acknowledged that the size of the amenity space is relatively small, the site is situated within an urban area where some converted flats do not benefit from an outdoor amenity space. Furthermore, these new flats would only have one bedroom as such it would be very unlikely to attract families. Although the emerging PSP DPD has a policy that requires a minimum amount of amenity space for new development this is not yet an adopted policy and can only attract limited weight. Given the scale and the urban location of the development, this arrangement is considered to be acceptable. As such, officers consider that the proposal has overcome the previous refusal reason.
- 5.21 Highway Safety
The Highway Officer acknowledged the objections from the residents. It should be noted that the informal communal car parking, which lies to the northwest of the site does not form part of this application. A parking court within the application site is to be created in the rear garden of no. 480-482 Filton Avenue, and additional off-street parking spaces are also proposed at the front of the existing and new properties.
- 5.22 Although the proposal would result in the loss of one parking space from the previous Application No. PT15/1095/F, the revised number of car parking spaces complies with the Council's standard in that there are two spaces each for the new and existing houses and one space each for the proposed flats. There is also one off-street visitor space. The Highway Officer suggested some amendments to the scheme and the applicant has submitted a revised proposal to respond the officers' comments. Therefore there is no highway objection to the proposal subject to a condition to secure all parking facilities including access and cycle parking will be provided in accordance with the submitted details.
- 5.23 Officers acknowledge residents' concerns regarding the existing on-street parking issues in the vicinity. As the proposed development provides off-street

car parking in accordance with the Council's guidance, the proposal therefore would not contribute towards on-street parking in the vicinity. It is noted that Filton Avenue is subject to limited waiting, with around junction of Filton Avenue, Fifth Avenue and Sixth Avenue restricted to no waiting at any time. Nevertheless, it should be noted that planning permission is not required to form a new access onto Fifth Avenue as it is not a classified highway, therefore this access could be created in any event. Furthermore, there is no automatic right to on-street parking. In common with the estates in this area, the majority of residential units have rear access drives that serve garages/parking for the units. Local residents therefore have an alternative option to parking on street if they choose to do so. Officers were previously asked if any on-street car parking survey has been carried out. Officers have confirmed that no formal on-street car parking survey has been carried out and it is considered that it would be unreasonable and disproportionate to seek a survey on the car parking in the area given the scale of the proposed development. In this instance, it is considered that there is no substantiate highway reason, in term of on-street parking, to warrant a refusal of this application.

5.24 Environmental Issues

The site is situated within an urban area. Whilst the Environmental Protection Officer has made no comments on the current proposal, it should be noted that the Environmental Protection Officer previously suggested to the previous proposal that a planning condition should be attached requiring that on completion of the works sounding testing be carried out by the applicant to confirm that the sound insulation of the flats comply with Part E of Building Regulations, as the Building Control is unable to enforce the provision of a sound test report. It is not appropriate under the planning system to attempt to require compliance with other areas of specific legislation (especially if they are not actually applicable to the circumstances). However it is material to consider whether the new planning units proposed in the converted building will achieve an appropriate level of residential amenity. This can include ensuring that the sound insulation (both between floors and walls) for each unit is sufficient so as to ensure that other residents do not disturb them. Officers therefore have suggested a condition along these lines.

- 5.25 Furthermore, it is considered that it would be necessary to restrict the construction hours due to the proximity of the neighbouring residents, and a planning condition is therefore suggested to safeguard the amenity of the neighbouring occupiers.
- 5.26 Regarding the proposed foul drainage and surface water drainage, the Council Drainage Engineer has no objection subject to a planning condition seeking details of sustainable drainage scheme.
- 5.27 The proposed site plan shows the location of the bin storage area with containers drawn in situ for the proposed residential flats and the proposed new dwellings. In addition, there would be adequate spaces for providing additional bin and recycling storage, therefore there is no in-principle to the proposed waste storage.

5.28 Permitted Development Rights

It should be noted that the proposed resulting converted flats would not benefit from permitted development rights. Officers have also considered whether or not the permitted development rights should be removed from the proposed semi-detached dwellings given the proximity of the neighbouring properties. Officers consider that the concerns regarding the visual amenity and residential amenity have already been addressed, and it would be unreasonable to restrict general householder development as the legislation does allow householder development in urban areas, and in this case, there is no exceptional reason to justify the removal of permitted development.

5.29 Sustainability

In accordance with the NPPF, consideration has been given to the sustainable location of the site and the need to significantly boost housing supply. In this instance, the benefits of approving the scheme significantly and demonstrably outweigh the disadvantages. The recommendation to refuse the application is therefore in line with the requirements of the NPPF.

6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: 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 the application be approved with 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 side extension 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 the saved Policies H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No windows shall be inserted at any time in the first floor side (northwest or southeast) elevation of the proposed semi-detached dwellings hereby permitted.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006

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

Reason

a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.

b. To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policies L1, H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006

5. The off-street car and cycle parking facilities including the access shown on the plan hereby approved shall be provided before each respective building is first occupied, and thereafter retained for that purpose.

Reason

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

6. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted to and approved by the Local Planning Authority. A detailed development layout showing surface water and SUDS proposals is required as part of this submission.

Reason:

a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.

b. To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

7. All hardstanding shall be surfaced with permeable materials and shall not be replaced with any impermeable materials at any time.

Reason

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

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

Reason

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

9. The bespoke design windows on the first floor rear elevation of the proposed semi-detached dwellings hereby permitted shall be strictly carried out in accordance with the approved drawings nos. 1583 (L) 114 Rev A and 1583(L) 112 . Any variations to the approved drawings, details of the rear elevation and floor plan shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of work are commenced. Development shall be carried out in accordance with the subsequent approved details.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policies H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Notwithstanding the plans hereby approved, a sample / details of the external materials for the proposed semi-detached dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. Development shall be carried out in accordance with the agreed sample.

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 the saved Policies H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Prior to the demolition of the existing garages/outbuildings, details of the proposed making good on the exposed elevation of the neighbouring garage/outbuilding of No. 484 Filton Avenue shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the construction of the proposed semi-detached dwelling hereby approved.

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 the saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. Notwithstanding the plans hereby approved, a sample / details of the external materials for the proposed dormers hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. Development shall be carried out in accordance with the agreed sample.

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 the saved Policies H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. Prior to the commencement of development of the buildings to be converted into flats a scheme of sound insulation (covering both vertical walls and horizontal floors) shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the agreed details.

Reasons:

- a. This is a pre-commencement condition to ensure that the details are agreed at a sufficiently early and certain point in the development; and before any subdivision takes place.
 - b. To ensure an appropriate level of sound proofing is established between the new planning units in the converted building in order to ensure an acceptable level of residential amenity. This is in accordance with policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013.
14. The proposed privacy screen on the northern side elevation of each proposed balconies hereby permitted shall be permanently of 1.8 metres high obscure glass to level 3 standard or above and shall be retained as such thereafter.

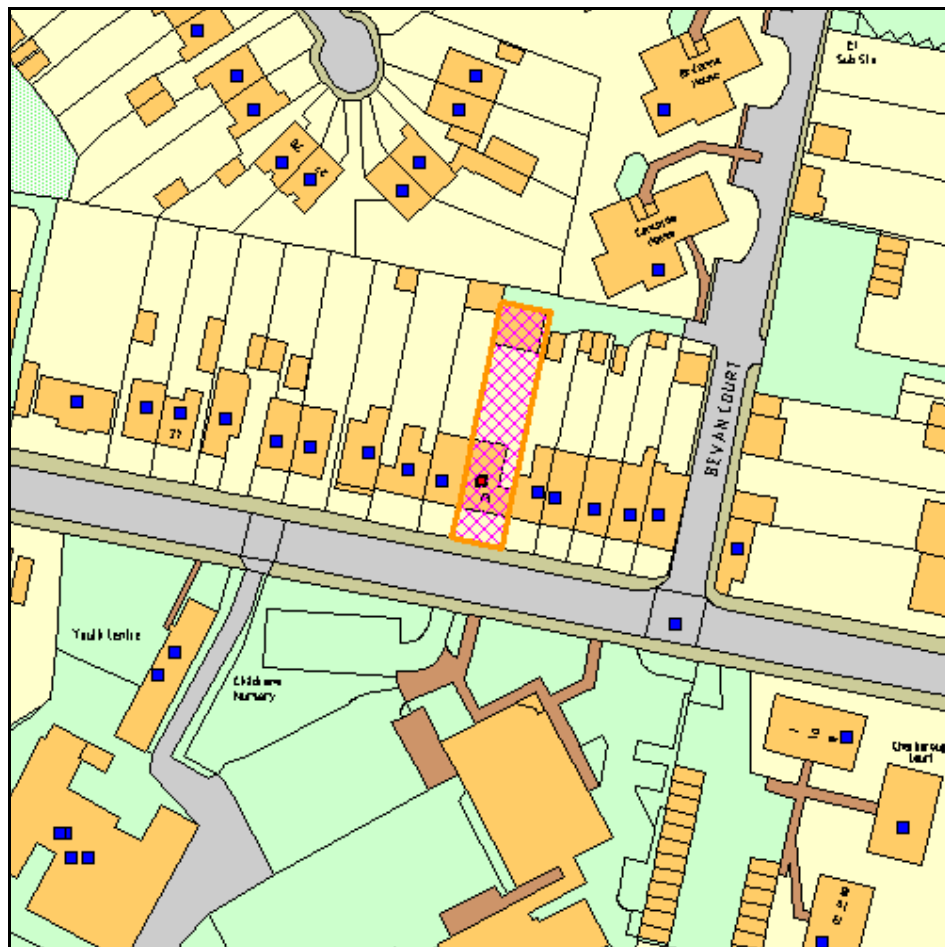
Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted

December 2013) and the saved Policies H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 44/15 – 30 OCTOBER 2015

App No.:	PT15/3677/F	Applicant:	Mr N Bailey
Site:	13 Charborough Road Filton Bristol South Gloucestershire BS34 7RA	Date Reg:	26th August 2015
Proposal:	Erection of two storey side and single storey rear extension to form additional living accommodation.	Parish:	Filton Town Council
Map Ref:	359946 178744	Ward:	Filton
Application Category:	Householder	Target Date:	20th October 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of a letter of objection from a neighbouring resident.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a two storey extension to the side and a single storey extension to the rear of the existing dwelling. The application relates to a detached, two-storey, stone built property.
- 1.2 During the course of the application amended plans were received at your officers request to alter the design of the extension and to clarify the parking situation.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (NPPF)

Development Plans
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within existing residential curtilages.

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013
CS1 Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
- 2.3 Supplementary Planning Document
Residential Parking Standards SPD (Adopted)
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 N6907 Erection of single storey rear extension to form kitchen,
Approved September 1980

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No response received

Other Consultees
- 4.2 Transportation Development Control
No objection subject to the provision of two off street parking spaces.

- 4.3 Archaeology Officer
No objection

Other Representations

- 4.4 Local Residents
One letter of objection has been received from a neighbouring resident raising concerns that the rear access land could be used for delivery, parking or storage. There is a sewer under the land which could be badly affected if heavy good vehicles use the lane.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieved. Meaning developments should demonstrate that they: enhance and respect the character, distinctiveness and amenity of the site and its context; have an appropriate density and well integrated layout connecting the development to wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives.
- 5.2 Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of development within the curtilage of existing dwellings. This support is provided proposals respect the existing design; do not prejudice residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.
- 5.3 Residential amenity
Policy H4 seeks to protect neighbouring dwellings from overbearing, overlooking or loss of privacy. The proposed extension would sit to the side of the existing dwelling towards number 11 Charborough Road. There are no primary room windows in the side elevation of this neighbour facing towards the application site that would be adversely affected. Furthermore, the extension is modest in size, would not project beyond the outline of the existing dwelling, and would be partially screened by the existing boundary treatment. Given the location of the dwelling in close proximity to other residential dwellings a condition restricting the hours of work during the construction period will be attached.
- 5.4 Visual Amenity & Design
During the course of the application, an amended plan was submitted to show that the exterior of the proposed extensions will match those of the existing house – particularly that the front elevation will be finished in coursed stone to match that on the front of the existing dwelling. The design and proportions of the extension proposed respects the massing, scale and proportions of the original dwelling. Subject to the attachment of a condition to ensure the use of matching face materials, the design and visual appearance of the extension is therefore deemed to be entirely acceptable.

5.5 Transportation

In accordance with the Residential Parking Standards SPD (Adopted) the extended four bedroomed dwelling requires the benefit of two off street parking spaces. During the course of the application, a plan was submitted to show the provision of two off street parking spaces accessed from the rear lane. The application therefore includes sufficient parking to meet the needs of the extended dwelling.

5.6 The concerns of the neighbour regarding the use of the rear access lane have been noted but this concern cannot be addressed through the planning system. Use of this lane is a private civil issue that must be agreed between any relevant parties outside of the planning application.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is granted subject to the conditions below:

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

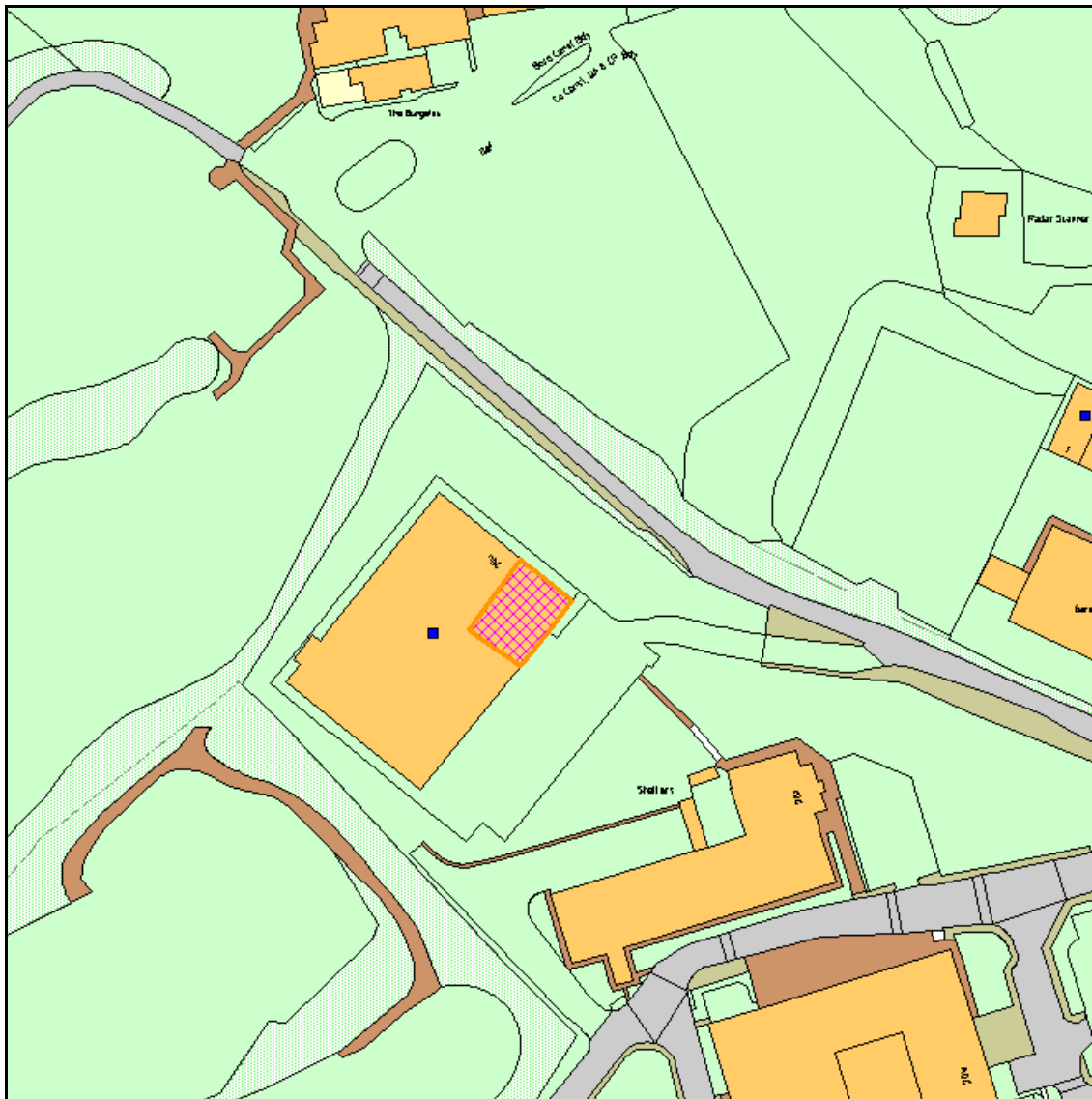
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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 the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 44/15 – 30 OCTOBER 2015

App No.:	PT15/3925/CLP	Applicant:	MBDA Systems
Site:	20U Golf Course Lane Filton South Gloucestershire BS34 7QS	Date Reg:	6th October 2015
Proposal:	Application for a certificate of lawfulness for the proposed installation of roof mounted Photo Voltaic panels.	Parish:	Filton Town Council
Map Ref:	359521 179360	Ward:	Filton
Application Category:	Certificate of Lawfulness	Target Date:	26th November 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 installation of roof mounted photovoltaic panels at 20U Golf Course Lane in Filton 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.
- 1.3 The application site is within the north fringe of Bristol, a designated urban area. From reviewing the planning history for the site, it is clear that the permitted development rights for the enquiry site are intact and therefore exercisable. The solar panels would be located in the north east corner of the roof of the unit, comprising a total area of 219.32m². The use of the host unit is class B1 use for research and development. The unit has a dual-pitch roof with gable ends on the north eastern and south eastern elevations.
- 1.4 The host property's permitted development rights for the installation of roof mounted photovoltaic panels are intact, and are therefore exercisable.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 14, Class J

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 PT04/2564/O Approve with Conditions 18/10/2004
Demolition of 2 no. existing buildings to facilitate erection of new light industrial unit (Class B1) on 0.90 hectares of land. (Outline).
- 3.2 PT05/0970/RM Approve with Conditions 20/06/2005
Demolition of 2 no. existing buildings to facilitate erection of new light industrial unit (Class B1) (Approval of Reserved Matters) (To be read in conjunction with outline planning permission PT04/2564/O).

- 3.3 PT09/0821/F Approve with Conditions 13/07/2009
Erection of two storey extension to create additional office space and installation of mezzanine floor to existing office area with external alterations.
- 3.4 PT09/1342/F Approve with Conditions 23/09/2009
Erection of three storey extension to include lower ground floor to create additional office and research space. Installation of mezzanine floor to existing office area with external alterations. (Amendment to previously approved scheme PT09/0821/F).

4. CONSULTATION RESPONSES

- 4.1 Filton Parish Council
No objection.
- 4.2 Strategic Environment and Climate Change Team
No comment received.
- 4.3 Councillor
No comment received.

Other Representations

- 4.4 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location Plan (P10A); Typical PV Panel Installation (P12); PV General Arrangement (P11A); Letter from Kingspan Energy regarding system size – all plans received by the Council on the 08/09/2015.

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 non-domestic units under Schedule 2, Part 14, Class J of the GPDO (2015).

6.3 Schedule 2, Part 14, Class J of the GPDO permits the installation or alteration etc. of solar PV equipment on non-domestic properties, subject to a number of considerations and conditions which will be systematically worked through below.

J. Class J permits the installation, alteration or replacement of –

- (a) microgeneration solar thermal equipment on a building;**
- (b) microgeneration solar PV equipment on a building; or**
- (c) other solar PV equipment on the roof of a building,**

other than a dwellinghouse of a block of flats

Microgeneration solar PV equipment is interpreted under Class P of the Part 14 as having the 'same meaning as in section 82(6) of the Energy Act 2004(d), within this legislation solar power must have a capacity of less than 50 kilowatts to be considered as microgeneration, the proposal will have a capacity of 30 kilowatts. Accordingly, the proposal is considered to be microgeneration solar PV equipment, falling under **J.b** development.

J.1 Development is not permitted by Class J if—

- (a) the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;**

The submitted details show that the proposal does not protrude more than 0.2 metres beyond the plane of the roof slope.

- (b) the solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1 metre above the highest part of the roof (excluding any chimney);**

Not applicable – pitched roof.

- (c) the solar PV equipment or solar thermal equipment would be installed within 1 metre of the external edge of that roof;**

The proposed panels are more than 1 metre from the edge of the roof.

- (d) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway;**

The application site is not on article 2(3) land.

- (e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or**

The site is not designated as a scheduled monument.

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

The application building is not listed or within the curtilage of a listed building.

J.2 Development is not permitted by Class J(a) or (b) if—

- (a) **the solar PV equipment or solar thermal equipment would be installed on a wall and would protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;**

The proposed equipment would be installed on a roof rather than a wall.

- (b) **the solar PV equipment or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building; or**

The proposed equipment would be installed on a roof rather than a wall.

- (c) **in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.**

The application site is not on article 2(3) land.

J.3 Development is not permitted by Class J(c) if the capacity of the solar PV equipment installed (together with any solar PV equipment installed under Class J(b)) to generate electricity exceeds 1 megawatt.

The development is not Class J (c) development, therefore this criteria does not apply.

Conditions

J.4 (1) Class J development is permitted subject to the following conditions—

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

- (b) **the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.**

The proposal is situated in an acceptable location. It is up to the applicant to remove the solar PV equipment.

- (2) **Class J(c) development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on**

occupiers of neighbouring land, and the following sub-paragraphs apply in relation to that application.

The development is not Class J (c) development, therefore this criteria does not apply.

7. RECOMMENDATION

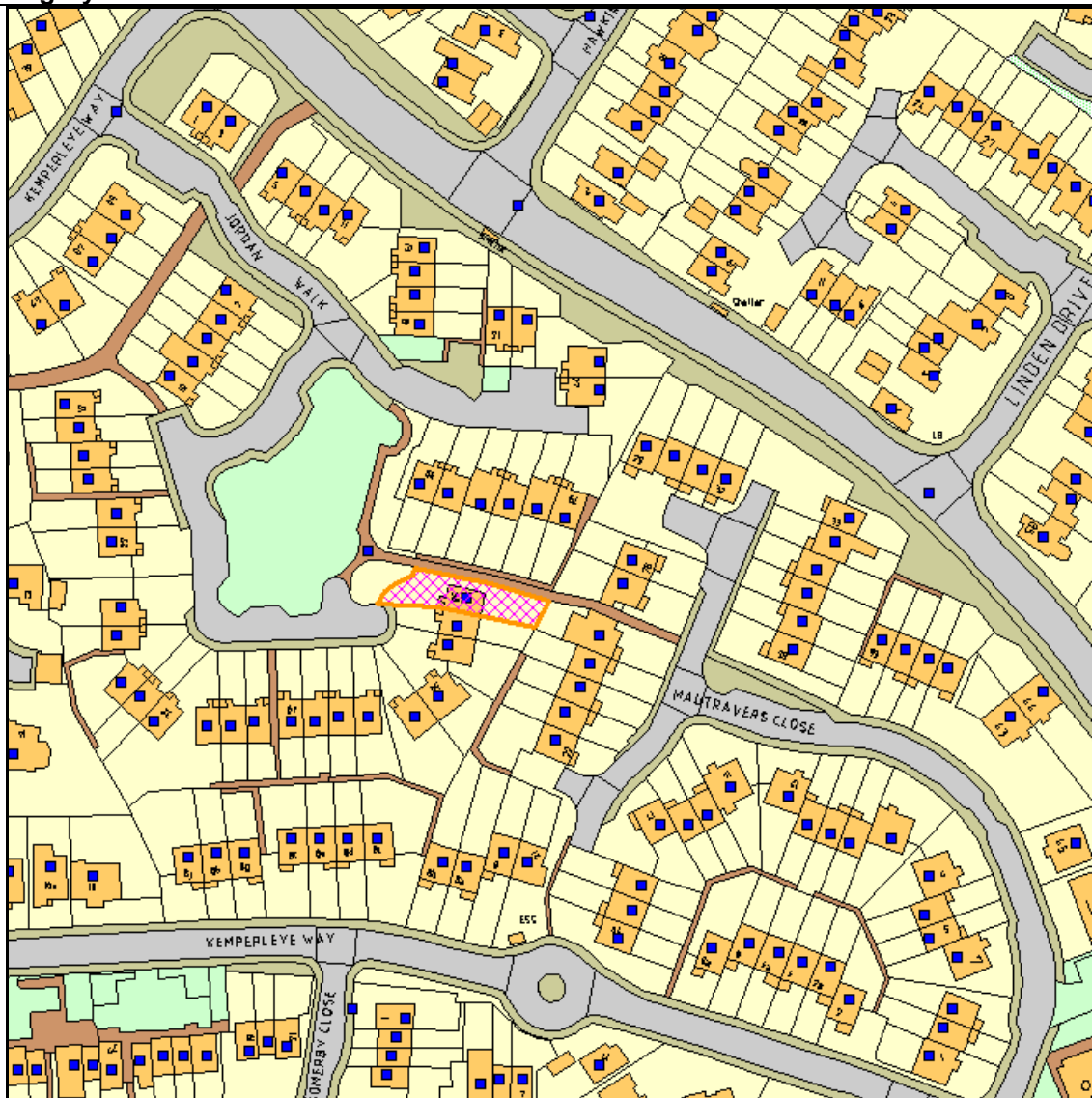
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that the proposed roof mounted photovoltaic panels would be allowed as it is considered to fall within the permitted rights afforded to buildings of this kind and use under Part 14, Class J of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 44/15 – 30 OCTOBER 2015

App No.:	PT15/3951/F	Applicant:	Knightstone Housing Association
Site:	56 Jordan Walk Bradley Stoke Bristol South Gloucestershire BS32 8JW	Date Reg:	15th September 2015
Proposal:	Part demolition of a wall to allow for rear access via a 1 metre wide path and erection of 1.8m Closed panel wooden fence along the back of rear garden.	Parish:	Bradley Stoke Town Council
Map Ref:	361894 181457	Ward:	Bradley Stoke South
Application Category:	Householder	Target Date:	6th November 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule in accordance with procedure given a comment was received that is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The original application sought consent for the erection of a 1.2 metre high chain link fence that will come in from a public walkway to the north side elevation of number 56, opposite the existing brick wall and is proposed to come out across the bottom of the rear garden of no. 56 by 1 metre in order to link up to a gate which leads into no. 54.
- 1.2 The application site in question is within a built-up residential area within Bradley Stoke. No.56 Jordan Walk is an end of terrace property with an already existing public footpath that is separated by a 1.8 metre high brick wall that runs along the north elevation of the property. No.54 is a mid-terrace property and the proposed new footpath will provide access to the rear garden of No. 54 Jordan Walk.
- 1.3 It was found that the original proposal did not accord with Policy CS1 of the Core Strategy in that it did not adhere to the highest possible standards of design quality and site planning. It was also found that the loss of amenity space and loss of light that No. 56 Jordan Walk would incur would have a detrimental impact on the residential amenities of the present and any future occupiers of no.56 Jordan Walk and would be contrary to Policy H4 of the Local Plan (2006).
- 1.4 Amended plans were received on 27th October 2015 to show the rear access to no.54 via a new opening in the left side brick boundary wall. The new pathway will extend approximately 1m in to the rear of the garden of no.56 and will be accessed via a 1.8 metre timber gate with a padlock to give controlled access. A 1.8m closed panelled wooden fence will be constructed along the rear of the garden.
- 1.5 The application will be assessed in regard to the new plans (L(0)2- Rev B). Permitted development Rights have been removed from this property under application P92/0020/335.

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 Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development

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

L1 Landscape Protection and Enhancement

H4 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

3.1 PT14/4850/F- Erection of single storey rear extension to provide additional living accommodation (Retrospective) Approve with Conditions 09.02.2015.

3.2 P92/0020/335- Residential development on 5.47 hectares (13.5 acres) of land to include the erection of 202 dwellings and associated garages, provision of car parking facilities, public open space & play area. Construction of associated access roads. Approval 12.08.1992.

3.3 P84/0020/1- Residential, shopping & employment development inc.Roads & sewers and other ancillary facilities on approx.1000 acres of land. Approval 03.12.1986.

4. CONSULTATION RESPONSES

Comments received regarding the original application:

4.1 Bradley Stoke Town Council

No objection raised.

Other Representations

4.2 Local Residents

One letter of objection has been received. The grounds of objection can be summarised as follows:

- There was no access path available when the current tenants of no. 56 moved in.
- The previous tenant of no.56 blocked up the opening at the end of the public highway wall with the fence panel that is still there now and would allow no. 54 access to the alleyway via the front of no. 56 which was at the previous tenant's discretion.
- The fence is below a reasonable height for privacy and will be 70 cm from the window of a primary living space. There is no control over who uses the footpath and due to the material this means anyone can look into the living room which will cause concern.
- There is no mention of a gate or a secure way for this path to be secured from the general public.

- The material of the fence will be metal which we feel is unsuitable for children and animals.

One Letter of support has been received:

- I will be very pleased to see this fence in place as it will give me back my rear access.

Comments received regarding the amended plans

4.3 Bradley Stoke Town Council

No objection raised.

Other Representations

4.4 Local Residents

Two Letters of objection has been received from 54 and 52 Jordan Walk:

52 Jordan Walk:

- The rear extension of no. 56 is not currently being used as a primary living space and so there will be no loss of privacy for no. 56 regarding the original route.
- The rear garden is not currently being used and therefore, the original pathway would not hinder the enjoyment of the rear garden for no. 56.

54 Jordan Walk:

- Resident has severe mobility issues caused by arthritis and scoliosis.
- Does not want to walk down the lane as they would feel vulnerable and would prefer the original walkway access to rear garden.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission to demolish part of a brick wall and erect a 1.8 metre closed panel wooden fence and a 1.8 metre wooden gate with a padlock to give controlled rear access to No. 54 Jordan Walk. The pathway will extend approximately 1 metre in from the rear garden of no. 56 and will come off an existing public pathway into the rear garden of no. 54. Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows the principle of development 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 the demolition of part of the existing brick wall along a public pathway which will extend by approximately 1m in from the rear garden of no. 56 and will include a 1.8 metre fence with a padlock and a 1.8m closed panel wooden fence along the boundary of the back garden. The site is located in a heavily built up residential estate in Bradley Stoke. The route considered the highest possible standard of design and site planning was along the existing public footpath and through an opening at the end of the wall and along the rear garden of no. 56 as this will both provide a more attractive access route for the occupier of no. 54 and would be in-keeping with the residential 'look' of the area. Overall, it is considered that the proposed new pathway and 1.8 metre closed panel wooden fence and gate would be in keeping with the character and appearance of the area and as such, is considered acceptable in terms of visual amenity.

5.3 Residential Amenity

The dwelling is an end of terrace with neighbours to both side elevations and rear. The neighbouring properties to the north elevation are separated by gardens and a public footpath. The property to the rear is also separated by gardens and a wooden panelled fence. The original application was for a 1.3 m high chain link fence which was then changed to a closed panel 1.8m wooden fence that would come within the current residential curtilage of no.56, along the back of the rear garden into the existing gate of no. 54. The new pathway will go along the existing public pathway and part of the brick wall will be removed at the rear garden and a 1.8m closed panel wooden fence will be erected along the rear garden of no. 56 Jordan Walk. Due to the amended route of the pathway and the amended height and material of the proposed fence, it is not considered to have any adverse impacts on the levels of privacy and light currently afforded to no. 56 and is therefore acceptable. A neighbour objection was received from no. 52 regarding the amended route for the rear access but as it is considered that this new route will give the resident of no. 54 safe and secure rear access and will not have any negative impacts regarding loss of light and amenity space for no. 56, it is not considered that there will be any detrimental impacts regarding residential amenity and therefore the amended proposal accords with Policy H4 of the Local Plan (2006). It is also not considered that the amended pathway will cause safety issues for the resident of no. 54 as the public pathway and the new rear gateway will provide safe and secure access to the rear garden of no. 54.

5.4 Highways

The proposal would have no effect on the existing parking provision and there are no concerns in terms of highway safety.

6. CONCLUSION

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

6.2 The recommendation to **grant** 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**.

Contact Officer: Chloe Buckingham
Tel. No. 01454 863464

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).