



**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. 36/16**

**Date to Members: 09/09/2016**

**Member's Deadline: 15/09/2016 (5.00 pm)**

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](mailto: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:

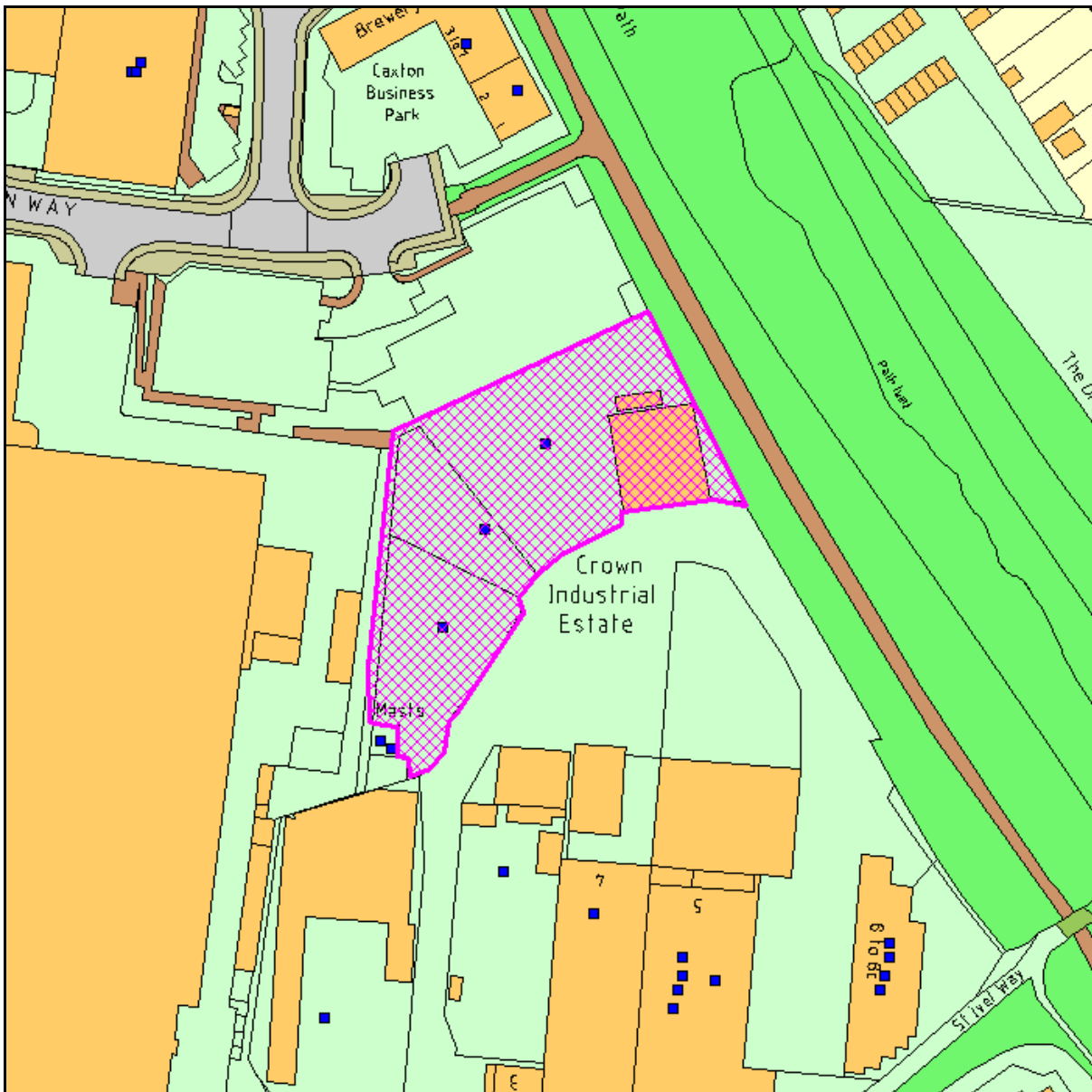
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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](mailto: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 - 09 SEPTEMBER 2016

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK16/1049/MW	Approve with Conditions	Crown Industrial Estate Crown Road Warmley South Gloucestershire BS30 8JJ	Siston	Siston Parish Council
2	PK16/1816/CLE	Approve	8 Langley Mow Emersons Green South Gloucestershire BS16 7DS	Emersons	Emersons Green Town Council
3	PK16/3735/CLE	Approve	The Coach House Battlefields Lansdown Bath South Gloucestershire BA1 9DD	Boyd Valley	Cold Ashton Parish Council
4	PK16/3873/F	Approve with Conditions	68 Wadham Grove Emersons Green South Gloucestershire BS16 7DW	Emersons	Emersons Green Town Council
5	PK16/4256/F	Approve with Conditions	135 Woodyleaze Drive Hanham South Gloucestershire BS15 3BS	Hanham	Hanham Parish Council
6	PK16/4421/F	Approve with Conditions	4 Ladd Close Kingswood South Gloucestershire BS15 9LG	Woodstock	None
7	PK16/4454/F	Approve with Conditions	19 Hazelbury Drive North Common South Gloucestershire BS30 8UF	Oldland	Bitton Parish Council
8	PT16/0924/F	Approve with Conditions	The Rectory Frenchay Common Frenchay South Gloucestershire BS16 1LJ	Frenchay And Stoke Park	Winterbourne Parish Council
9	PT16/3520/MW	Approve with Conditions	Harnhill Landfill Site Elberton Road Olveston South Gloucestershire BS35 4DU	Severn	Aust Parish Council
10	PT16/3554/F	Approve with Conditions	Herm Haw Lane Olveston South Gloucestershire BS35 4EG	Severn	Olveston Parish Council
11	PT16/3682/F	Approve with Conditions	23 South View Frampton Cotterell South Gloucestershire BS36 2HT	Frampton Cotterell	Frampton Cotterell Parish Council
12	PT16/4143/F	Approve with Conditions	31 Sunnyside Frampton Cotterell South Gloucestershire BS36 2EH	Frampton Cotterell	Frampton Cotterell Parish Council
13	PT16/4377/F	Approve with Conditions	188 Ellicks Close Bradley Stoke South Gloucestershire BS32 0EU	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
14	PT16/4439/CLP	Approve with Conditions	128 Down Road Winterbourne Down South Gloucestershire BS36 1DG	Winterbourne	Winterbourne Parish Council
15	PT16/4542/CLE	Approve	The Long Barn Washingpool Hill Road Tockington South Gloucestershire BS32 4NZ	Severn	Olveston Parish Council

## CIRCULATED SCHEDULE NO. 36/16 – 9 SEPTEMBER 2016

<b>App No.:</b>	PK16/1049/MW	<b>Applicant:</b>	Tom's Rubbish Clearance Ltd
<b>Site:</b>	Crown Industrial Estate Crown Road Warmley Bristol South Gloucestershire BS30 8JJ	<b>Date Reg:</b>	
<b>Proposal:</b>	Change of use of parts of Unit 3 from mixed business use Class B1, B2 and B8 to Waste Recycling (Sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	367202 173181	<b>Ward:</b>	Siston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd June 2016



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PK16/1049/MW

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the change of use of parts of Unit 3 from mixed business use Class B1, B2 and B8 to Waste Recycling (Sui generis).
- 1.2 The site itself consists of an area of yard, approximately (0.3 ha) which benefits from B1, B2 and B8 usage. It is a comparatively small parcel of land within what is referred to as unit 3 of the industrial estate. The other parts of this unit benefit from consent for waste recycling use (see planning history section below) and surround the site and are essentially separated by this parcel of land. There is also one small triangle of land immediately between the east of the existing waste sorting building and the boundary of the existing site (approximately 6 metres in length at its longest side) that it is also sought to include within this red line boundary, as although within the recognised unit boundary, appears to have been omitted from the previous consents for approved waste use. For clarification a red line plan has been submitted that surrounds the entire area of yard 3, which this application essentially seeks to consolidate as one unit. It is now therefore sought to bring this area of land to a use in line with the rest of the yard. It is accessed via a private road that runs off Crown Road and through the industrial estate. The northern part of the site is considered to be the main reception and processing area whereas the slightly smaller yard to the south is used more as vehicle, skip and bin storage area. The proposals would utilise the existing site for the processes described in line with the remainder of the site. The site as a whole is bordered to three sides by other uses within the Industrial Estate, whilst to the east the site borders a hedgerow onto the Bristol to Bath cycle track. The nearest residential properties to the site are located approximately 100 metres to the east across the cycle track on Goldney Avenue and on Tower Road North approximately 200 metres to the west.
- 1.3 The proposals on the recycling site involve the importation of waste materials where they are processed within the site and recovered to a level where they can be re-used or recycled. Only waste which can be recycled would come to the materials recycling facility. The material is processed by a variety of means including hand-picking from the conveyor, shredding, bailing, compacting, crushing and sorting. Once processed and sorted or bailed into recyclable product material is bulked up awaiting transportation to its market destination. The waste stream that the site accepts is commercial and industrial. The types of material that are recovered are plastics, cardboard, glass, paper and metals. The proposals would provide greater operation space in which to undertake current operations. No additional changes are proposed or sought from existing operations and controls.
- 1.4 The site is controlled and restricted by the Environment Agency waste permitting regime. This would control the types and amounts of waste material entering the site as well as operating/management requirements within the site. The Councils Environmental Protection Team legislation also covers the site in

terms of dust and noise.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework

National Planning Policy Guidance

National Waste Management Plan

### **2.2 Development Plans**

West of England Joint Waste Core Strategy (Adopted) March 2011

Policy 2 Non-residual waste treatment facilities

Policy 12 General Considerations

South Gloucestershire Core Strategy – (incorporating post-submission changes) December 2011

CS1 High Quality Design

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P96/4131 – Change of use from general industrial (B2) to mixed business and general industrial (B1 and B2) and storage and distribution (B8). Approved June 1996.
- 3.2 PK07/0013/F - Change of Use from Mixed Business and General Industrial (Class B1&B2) and Storage and Distribution (Class 88) to Waste Recycling (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Refused 28<sup>th</sup> February 2007. This was refused for two reasons.
- 3.3 PK11/2367/MW - Change of use from mixed business use Class B1, B2 and B8 to Waste Recycling (Sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Erection of materials recycling centre. (Retrospective). Approved 28<sup>th</sup> March 2012
- 3.4 PK12/2221/MW – Variation of conditions 6 (materials) and 9 (parking) of planning permission PK11/2367/MW – Approved 26<sup>th</sup> October 2012.
- 3.5 PK14/2451/F – Variation of condition 1 (of PK11/2367/MW) to extend Saturday operating hours to 17.30 hours. Approved 19<sup>th</sup> September 2014.

## **4. CONSULTATION RESPONSES**

### **4.1 Siston Parish Council**

Members wish to lodge an objection to any such change of use application which authorises any extension of such rubbish clearance, storage and related activities to other parts of Unit 3 at Crown Road. Members are particularly concerned at allowing these dusty and very noisy activities even closer to family homes at nearby Goldney Avenue, in addition to encouraging such use so dependant on heavy industrial vehicles, using local Warmley roads.

## 4.2 Other Consultees

### Environment Agency

The Environment Agency have not raised any objection to the proposal, however recommends that if planning permission is granted the proposed development may require a variation to its current Environmental Permit (WML no.104811) from the Environment Agency, this can be included as an informative

### Environmental Protection

There are no concerns regarding this application, except that it would be beneficial to retain the same restrictions provided on previous permissions for the rest of the site (ref: PK11/2356/MW, PK12/221/MW, PK14/2451/MW). This will ensure consistency of restrictions at the site and protect the residential amenity nearby from excessive noise arising from site operations throughout the premises.

The operator may also need to apply to amend their permit held with the Environment Agency.

### Sustainable Transport

Having reviewed all information provided, it is not considered that the proposed change of use of land from the extant use (i.e. B1 (light industrial) B2 (General Industrial) and B8 (storage or distribution)) to Waste (Sui Generis) given its size and location, will result in any significant traffic impact to prejudice road safety. However, the plans submitted with this application do not show the parking and manoeuvring area on the site.

### Landscape

The proposed change of use of parts of Unit 3 from mixed business use to waste recycling will not have any impact on the appearance of the site and there are therefore no landscape objection with regards to Policy L1 and CS1.

## **Other Representations**

### 4.3 Local Residents

I comment was received from Cllr Ian Adams as follows:

'I have concerns this business currently appears to be already struggling with its existing workload. The site is constantly messy and rubbish spills onto the adjoining railway path. This issue has been brought to the attention of the business owners, but the lack of action and long term remedy makes me question this application'

A total of 4 additional letters from local residents and surrounding businesses have been received, raising concerns and objections as follows:

- concerns over traffic management within the industrial estate preventing access to neighbouring units and the impact the increase in the size of the site may have

- concerns over level of traffic accessing the site , off-street parking and a route plan would be required
- concerns over levels of dust arisings generated from the site upon surrounding units and the impact it may have on their businesses
- reassurance required that dust will be controlled
- rubbish isn't removed for the site
- windblown litter onto the adjacent cycle track
- visible damage to boundary and fences
- debris and recycling often seen piled up against the fences and bush
- odour issues
- appears to be no provision for water run-off from the site
- hours of operation not adhered to

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The principles of sustainable waste management are acknowledged through National and Local Policy. The thrust of current waste policy is to drive waste up the waste hierarchy and essentially divert waste from landfill. Policy 2 of the West of England Joint Waste Core Strategy (adopted) is relevant to the consideration of proposals for non-residual waste management such as the materials recovery facility proposed. The policy seeks to ensure a suitable location for such operations is identified, highlighting industrial or employment land and sites with proximity to the local market. The site is clearly located within an existing industrial/employment site. Given the current economic climate and the Governments emphasis on sustainable economic growth, in context with the fact that this site and these jobs already exist, this is a relevant factor. Of note, the principle of the use of the site on either side of this parcel of land is established. Further to this and given the sites location on an existing industrial estate the principle of the location of the development is acceptable. The main issue for consideration is therefore whether these relatively small parcels of land would give rise to material impacts in their own right. It should be noted that as a waste facility, the site would also be subject to Environment Agency legislation particularly in terms of types and amount of waste and the control of environmental issues. It is advised that where environmental controls and planning controls exist over a site they should be complementary and not duplicate each other.

### **5.2 Local Amenity**

Local concerns have been raised on a number of issues, including unsocial hours of operation, noise, dust, pollution, odour and traffic impact. It should be noted that the facility the subject of this application is one site within an existing industrial estate along with many other uses. These uses include haulage, mechanics, other waste uses including recycling of construction and demolition waste through crushing and screening and a range of other industrial uses, all generating their own activity and highways movements.

5.3 Of note, the surrounding site benefits from consent for waste recycling, accompanied by conditions considered necessary for the suitable control of the site, in planning terms. This application seeks to incorporate small areas of land, currently separating the two established areas to provide for one unit. It

does not seek to vary the terms or nature of the existing consent or operations. The site would not be any nearer to residential properties as it is located in between and next to the areas currently used and is surrounded by industrial uses in all directions. Existing planning conditions and controls, where they remain relevant or have not been discharged, would be reapplied on any additional consent to ensure uniformity and for clarity. These include height of stockpiles, operational times, types of material and undercover areas for sorting, in addition to this schemes for dust suppression, noise management, boundary treatment, planting, odour management and litter management were sought through condition of the original consent, discharged, and remain in force. If conditions or schemes are not complied with and notified to the Council this would be investigated by the Enforcement Team on an individual basis. Beyond this, and where issues are continued to be reported on pollution control issues this would fall to the pollution control authorities to monitor and/or address in terms of additional noise, odour or dust issues. In this respect there are no objections in principle from either the Environment Agency or Environmental Protection as to the acceptability of the proposals at this location. It is noted that the existing and required Environmental Permit would need to be amended to reflect the site area, whilst Environmental Protection would seek to impose the same controls as exist over the remainder of the site. Alleged breaches of planning control, non compliance with conditions or approved schemes or instance of pollution control would need to be investigated on a case by case individual basis and would need to be dealt with accordingly and proportionally at that time with the appropriate legislation.

- 5.4 The application area currently benefits from a wide range of potential uses within the B1, B2 and B8 categories, with no restrictions on hours of operation. This application is for a sui generis use providing greater control over the site and restricting what may be carried out at the site without the need for further consent. It is considered that with this application perceived amenity issues can be controlled such as not to unreasonably impact upon the surrounding area.
- 5.5 Impact upon Industrial Estate  
As stated the site is located within an existing industrial estate whereby in principle the nature of the development proposed is considered suitable in policy terms. Some concerns have been raised with regards to other uses/users within the existing industrial estate and perceived issues associated with the application site. The access road, insofar as it comes off Crown Road is a private road and the units within the estate privately owned or leased. Off-site issues of access difficulties are a civil matter for the parties involved. In terms of other impacts associated with the use of the site itself, it is considered that these can be satisfactorily mitigated against through the relevant application of conditions. Again there are no objections to the principle of the proposal from the pollution control authorities, whose legislation would cover the site complimentary to but separate from planning legislation through the EA Waste Management Licence and any necessary Environmental Permits for activities on the site. Should the requirements and standards of these regimes not be met then this would become actionable under these legislations.
- 5.6 Transportation  
Additional space linking the two areas of the existing site would aid the overall

operational ability of the site within that area. It is considered that given its size and location, the proposals would not result in any significant traffic impact to prejudice road safety. It is recommended that given the additional operational space and the joining up of previously separated parts of the yard that additional plans that show the parking and manoeuvring area within the site are provided. Any permission would not give consent for use of land or parking on land not within the applicants control. Unauthorised parking or access within the confines of the private industrial estate would be a civil matter, unauthorised parking or access on highways land would become a legal matter. There are therefore no traffic or transportation objections to this application.

5.9 Drainage

Drainage infrastructure exists from the site and the estate in general and utilises the mains sewers.

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 application is considered to comply with the locational principles of Policy 2 of the West of England Joint Waste Core Strategy (Adopted) March 2011, given the sites existing industrial/employment nature. The proposals are also considered to address the specific local issues of the context of the area, such as noise, transportation and visual amenity, through controls over the site such as hours of operation and additional boundary treatment, in accordance with the requirements of Policy 12 of the Plan.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is granted subject to the conditions recommended.

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

CONDITIONS

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

Reason

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

2. The hours of operation for the site shall be as follows:

(a) There shall be no operations on site or deliveries to the site outside of the hours of 07.30 - 19.00 Monday to Friday and 07.30 - 13.00 Saturdays (other than expressly indicated in part (b) below).

(b) Between the hours of 13.00 - 17.30 on Saturdays, there shall be no operations other than the unloading of materials, the use of light vehicles (< 7 tonne GVW) and a bobcat telehoist, within the yard, and the sorting of materials by hand. There shall be no deliveries to the site from 13.00 and no materials shall leave the site after 13.00.

(c) There shall be no operations on site or deliveries to the site at any times on Sundays or Bank Holidays

Reason:

In the interests of local amenity and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

3. The heights of stockpiles of received or processed waste materials shall not exceed a height of 3 metres from ground level.

Reason:

In the interests of visual amenity and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

4. No materials other than paper, card, plastics, metal, glass, textiles, wood, green waste, soils and hardcore shall be sorted or stored at the site.

Reason:

In the interests of local amenity and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

5. All sorting of materials shall take place within the existing building.

Reason:

In the interests of local amenity and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

6. Prior to the commencement of the development hereby approved details of the provision of parking spaces and turning/manoeuvring areas for the site as a whole shall be submitted for written approval, and thereafter implemented in accordance with the approved details.

Reason:

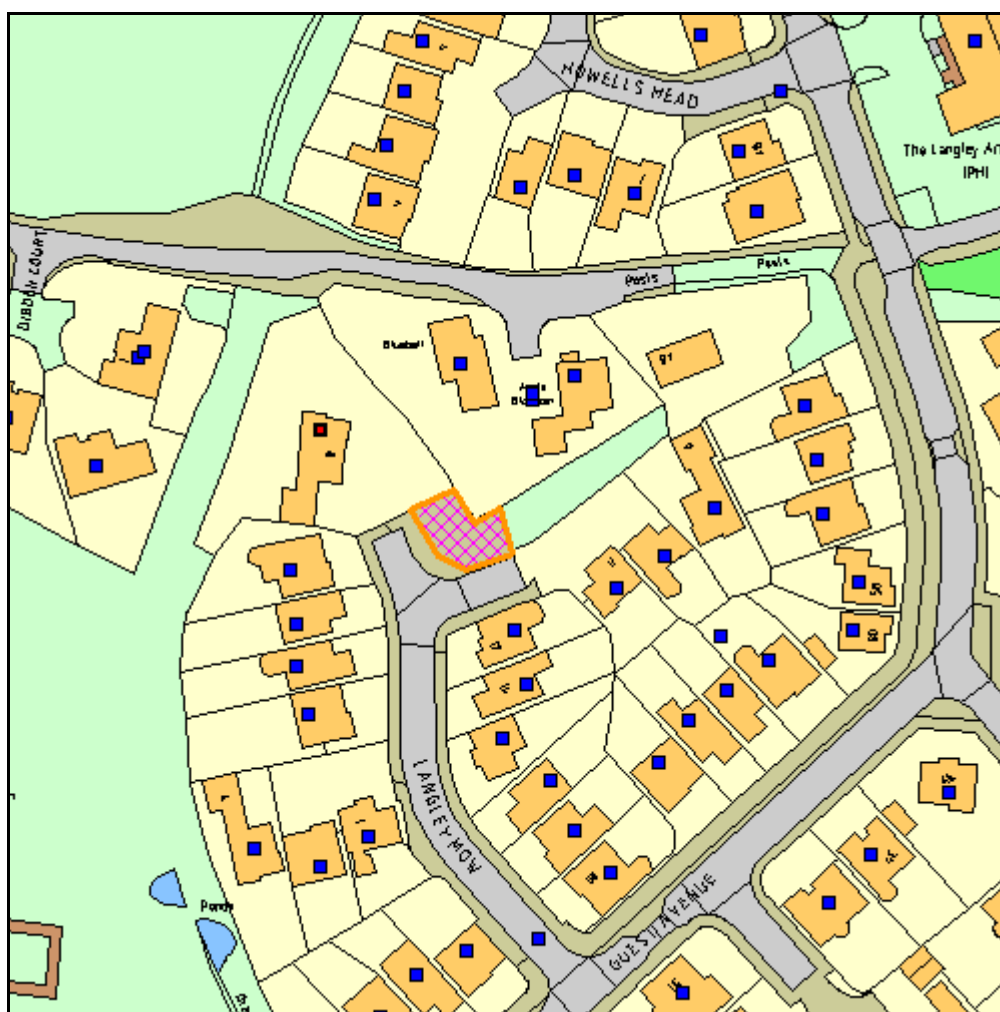
In the interests of local amenity and satisfactory parking and turning provisions and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

Reason:

This is a pre-commencement condition to ensure that adequate parking and turning space is incorporated within the development at an early stage.

## CIRCULATED SCHEDULE NO. 36/16 – 9 SEPTEMBER 2016

<b>App No.:</b>	PK16/1816/CLE	<b>Applicant:</b>	Mr Barry Barnes
<b>Site:</b>	8 Langley Mow Emersons Green Bristol South Gloucestershire BS16 7DS	<b>Date Reg:</b>	22nd April 2016
<b>Proposal:</b>	Application for certificate of lawfulness for the existing use of land as residential curtilage.	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	366604 177274	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>		<b>Target Date:</b>	15th June 2016



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PK16/1816/CLE

## **REASON FOR REFERRAL TO THE CIRCULATED SCHEDULE**

This application has been referred to the circulated schedule in accordance with the scheme of delegation as the application is for a certificate of lawfulness.

### **1. THE PROPOSAL**

- 1.1 This application seeks a certificate of lawfulness for the use of use of land at 8 Langley Mow in Emersons Green as residential curtilage (Class C3 as defined in Town and Country Planning (Use Classes) Order 1987). The area of land in question is located to the southeast of the dwelling and bounds the northern edge of the highway opposite the north elevation of no.12 and the east elevation of no.7.
- 1.2 The certificate of lawfulness is sought on the basis that the use of the land as part of the residential curtilage of 8 Langley Mow is immune from enforcement action under 171B(3) of the Town and Country Planning Act 1990 ("the Act") and therefore, in accordance with section 191(2), the use is lawful.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - i. Town and Country Planning Act 1990: s171B and s191
  - ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
  - iii. National Planning Practice Guidance: 17c (06.03.2014)

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK10/2420/CLE Split Decision 08/04/2011  
Application for Certificate of Lawfulness for an existing use of land as residential curtilage. (Re-Submission of PK09/6121/CLE)
- 3.2 PK09/6121/CLE Withdrawn 27/05/2010  
Application for Certificate of Lawfulness for an existing use of land as residential curtilage.
- 3.3 P96/4669 Approval of Reserved Matters 11/03/1997  
Erection of 50 dwellings (reserved matters)
- 3.4 K7528 Approval of Outline Permission 05/10/1995  
Comprehensive development for residential/district centre/public house

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

- 4.1 As part of the initial submission of the application on 20 April 2016, the applicant submitted the following documents:

- Statutory declaration of Barry Barnes dated 13 April 2016
- Supporting statement by Clarke Willmott LLP dated April 2016
- Site Location Plan referred to as 'exhibit BJAB1'
- Supporting letter from Alan Somers dated 6 April 2016

4.2 During the course of the application, on 16 August 2016 further information was submitted to support the application. This includes:

- Time line of events
- Exhibits 'BJAB2', 'BJAB7', 'BJAB8', 'BJAB9', and 'BJAB10'.

## 5. **SUMMARY OF MIXED EVIDENCE**

5.1 The local planning authority holds aerial photographs of the site dated 1991, 1999, 2005, 2006, and 2008.

## 6. **OTHER REPRESENTATIONS RECEIVED**

### 6.1 Emersons Green Town Council

Objection: the area of land in question should remain as public amenity space and the fence should be removed or a gate put in to allow public access.

### 6.2 Sustainable Transport

No comment

### 6.3 Local Residents

4 comments have been received from local residents in response to the consultation on this application which raise the following matters:

- A covenant should be included to prevent the erection of buildings and ensure the land is only used as garden
- A number of academic and professional reports highlight the importance of play – physically and emotionally
- Applicant has not been witnessed using this land as garden
- Applicant has told residents that he owns the land and therefore has control over access
- Application is a precursor to development on the site
- Bouncy castle was placed on the land for the private street party in June 2012
- Children can no longer play on the land
- Concern that the land would be built upon in the future
- Councils are creating policies to encourage children's play
- Evidence includes the use of the site for children's' play – the site is a good site for play
- Land initially amenity land
- Land is not regularly used as a garden
- Land should be available for use by the local community
- Land was not purchased until 2006 but was fenced in 1998 preventing public access/ ownership of land not known by community
- Private street party held in June 2012 where the development of the former caravan site was discussed

- Residents would be happy to maintain the land as a play area/ community garden
- Should the application be granted, an easement should be included to allow the site to be used as a community space/ garden/ play area

## 7. EVALUATION

7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the existing use of the land as residential curtilage is lawful.

### 7.2 Breach of Planning Control

Through investigation of the plans submitted with planning permission P96/4669, the land subject to this application was not included within the residential curtilage of the dwelling that is now known as 8 Langley Mow; indeed the land appears to sit slightly outside the development area indicated on the approved plans. The officer's site visit has confirmed that the land subject to this application is enclosed in nature by a conifer hedge and post and wire fence and has to some degree been subsumed into the garden of the dwelling (albeit that a hedge acts as a partial division between different parcels of land; this hedge does not run the whole width of the land and allows access between the different parts of the land).

7.3 The use of the piece of land subject to this application was investigated by the planning enforcement team in 2015. The conclusion of this investigation was that there had been a breach of planning control by that it was inexpedient to take formal enforcement action.

7.4 Therefore, in this instance a breach of planning control has occurred consisting of the change of use of land to residential purposes. As the breach is the change of use of land for residential purposes, this will form the basis of the assessment.

7.5 Section 171B of the Act introduces statutory time limits in which enforcement action against breaches of planning control should be taken. If the breach has occurred continuously for the period stated in this section it would become immune from enforcement action.

7.6 Certificates of lawfulness for existing uses are covered in section 191 of the Act. Section 191(2) states:

*For the purposes of this Act uses and operations are lawful at any time if -*

*(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); [...]*

- 7.7 The applicant is claiming that the use of the land for residential purposes has occurred since the applicant moved into the dwelling in 1998. This would constitute *any other breach of planning control* and therefore in accordance with section 171B(3) of the Act, the development would become lawful at the end of a period of ten years beginning with the date of the breach.
- 7.8 In order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the use of the land for residential purposes has occurred continuously for a period exceeding ten years and that there has been no subsequent change of use.
- 7.9 Assessment of Lawfulness  
From the evidence submitted by the applicant in the form of a statutory declaration, the following dates are of importance:
- Applicant moved into December 1998
  - Applicant's children used the land for play
  - Land used for storage of caravan from March 1999 (with owner's permission); to facilitate this land was cleared
  - Stock fencing removed to allow access for caravan during spring 1999; rest of the site remained enclosed with stock-proof fencing
  - Land used by applicant's children regularly from April 1999 and this continued until the children became teenagers
  - Hedge planted across the land by October 2000
  - In October 2004 the land was levelled with hard core and then seeded with grass
  - Once levelled the land continued to be used by the applicant's children for recreation
  - By autumn 2005 grass was established as a lawn and planters and garden bench placed on the land. New boundary hedge was planted along the line of the stock-proof fencing at this time around the boundary of the land at this time.
  - Land purchase completed 18 January 2006 including a covenant that the land be used as garden
- 7.10 To be found lawful, the evidence must demonstrate that the land has been used for residential purposes, i.e. a garden, for a period in excess of 10 years. As a minimum this would therefore be since 10 April 2006 (as that is the date on which the application for the certificate of lawfulness was submitted to the local planning authority for consideration).
- 7.11 Aerial photographs held by the local planning authority clearly show that the land was mown and enclosed by 2008. The records before, notably those dating from 2006 and 2005, show that the site is enclosed but has a more unkempt appearance. However, the resolution of these photographs (particularly that taken in 2005) is not sufficiently clear to establish the precise nature of the use of the land. Therefore, the aerial records would confirm that a change of use had occurred by 2008 but are ambiguous about the use of the land in 2005 and 2006.

- 7.12 To accompany the application, the applicant has prepared a statutory declaration. When making an assessment of, on the balance of probability, the lawfulness of a particular development statutory instruments are given significant weight. This is because it is an offence to knowingly include information within it that is inaccurate. Supplementary information has been sought from the applicant to clarify the dates of the developments referred to in the statutory declaration.
- 7.13 Based on the above, it is considered, on the balance of probability that the land has continuously been used for residential purposes since the completion of the land transfer to the applicant on 18 January 2006. This would be confirmed by the aerial photograph held by the local planning authority from 2008. However, it would also seem likely that the change of use of the land has occurred gradually since the applicant moved into the dwelling in 1998. Most notable is the works undertaken to level the site in October 2004 in order for the land to function as part of the garden of the property. Whilst the aerial photographs for 2005 are unclear they do not categorically provide evidence that the applicant had not undertaken works as part of the change of use of the land.
- 7.14 Evidence provided in the form of a letter from a neighbour corroborates the contents of the statutory declaration. As this is a signed letter it would be given less weight than the declaration but nonetheless supports the case that the change of use has occurred for a period in excess of 10 years (the author moved into Langley Mow in spring 2001).
- 7.15 Anecdotal evidence has been provided by interested parties through consultation responses that the land in question is used infrequently. This is considered anecdotal as it (in general) does not provide specific dates on the use of the land and is not in some form of statement. With a garden of this size it cannot be assumed that all parts of the garden are used to the same extent. Those parts of the garden that are closest to the access points (i.e. those by the 'back' door) or which benefit from direct sunlight at certain times of day are going to be used most. This does not exclude the other parts of the land from being considered garden. Furthermore, the enclosure of the land and the restriction of access to the land apart from through other parts of the dwelling's garden must be reflected in the use of the piece of land. The fact that the land has been in the applicant's ownership since 2006 and that access to the land was restricted prior to that date is indicative that the land has been used as part of the garden of 8 Langley Mow.
- 7.16 The evidence submitted is ambiguous in the precise date that the use of the land changed. This is reflected in the split decision issued in relation to application PK10/2420/CLE where a significant proportion of the land that currently forms the garden for 8 Langley Mow was found to be a lawful use. However, the decision on that application annexed the land subject to this application as there was insufficient evidence at the time to prove on the balance of probability that any change of use had occurred for a period in excess of 10 years. Returning to the current application, it may be the case that the change of use has been gradual over the period leading up to the applicant's ownership of the land. However, on the balance of probability it is

considered that the land has solely been used as part of the garden of the dwelling since land ownership transfer was completed on 18 January 2006.

- 7.17 The above assessment has found that the land subject to this application has been found to be in use as part of the residential garden of 8 Langley Mow. However, the application is for a certificate of lawfulness for the use of land as residential curtilage.
- 7.18 There is no definition within the Act as to the meaning of curtilage. In *James v Secretary of State for the Environment* (1990) it was held that there are three criteria for determining whether land is within the curtilage of a building. These are:
- a) Physical layout
  - b) Ownership, past, and present
  - c) Use or function, past, and present
- 7.19 In *McAlpine v Secretary of State for the Environment and another* (1995) it was found by the judge that the curtilage of a building would have three main characteristics. These are:
- a) Curtilage is constrained to a small area about a building
  - b) Curtilage has an intimate association with the building
  - c) Curtilage should form part of one enclosure with the house
- 7.20 Whilst it has been found that the land has been used as part of the garden of 8 Langley Mow it does not follow that the piece of land should be considered part of that dwelling's residential curtilage. With reference to the first judgement, the site was previously separated from the original 'curtilage' of the dwelling – which is that land which formed part of the planning unit of the dwelling when that dwelling was completed (c.1998). There still remains some degree of separation as part of the hedge planted by the applicant to screen the caravan stored on the land is retained. The land ownership has changed over the period in which the applicant seeks to claim that the land was used as curtilage and the use of the land as residential garden has been a gradual process. Turning to the McAlpine decision, the size of the curtilage is a matter of fact and degree and in this instance this particular factor is given limited weight. However, the land subject to this application cannot be described as having an intimate relationship with the main dwellinghouse or forming one enclosure with said house by virtue of its position to the front, the level of separation formed by the various hedges and fences, and the level of overlooking from the public realm during the period when the existing hedge was becoming established.
- 7.21 In conclusion, based on the above, it is not found that the land subject to this application can reasonable and on the balance of probability be considered to form part of the residential curtilage of the dwelling. This finding does not prohibit a certificate of lawfulness being granted, however, the wording of the certificate shall be amended as appropriate to reflect the lawful use of the land as garden.

7.22 Summary

It has been found that a breach of planning control is likely to have occurred gradually over time, however, as from 18 January 2006 the land has been found to have been used exclusively as part of the residential garden of 8 Langley Mow.

7.23 The local planning authority has no evidence that is sufficiently robust to counter the account provided by the applicant. The local planning authority furthermore can provide no evidence that there has been a further change of use since the breach of planning control has been found to have occurred.

7.24 Paragraph 17c-006-20140306 of the National Planning Policy Guidance states:

*In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability*

7.25 It is therefore considered that the use of the land as residential garden (Use Class C3 as defined in the Town and Country Planning (Use Classes Order) 1987 as amended) would be immune from enforcement action by virtue of section 171B(3) of the Act and under section 191(2) a certificate of lawfulness should be granted.

7.26 Other Matters

A number of matters have been raised through the consultation responses that have not been addressed in the main body of this report. These will be considered here.

7.27 As this is an application for a certificate of lawfulness, it is purely a test of evidence; planning merit or planning conditions cannot be applied. The planning system cannot impose covenants nor can a condition be placed of applications of this type to prevent further development. Notwithstanding the above, from the evidence submitted it would appear that there is already a restrictive covenant in place on the land restricting its use to residential garden. Any development that contradicted such a covenant would be a civil matter and not addressed through the planning system.

7.28 Children's play and public open space are planning considerations; however, such considerations cannot be applied to applications of this nature. There is no evidence that the land in question was previously designated as public open space. Even if there was, this would be a civil matter and therefore not considered through a planning application.

7.29 Land ownership, whilst relevant, is not the only matter on which lawful use should be based. Furthermore, access to land is a matter for the land owner and the planning system does not grant or restrict rights of access.

7.30 Any future development on the site that requires planning permission would be subject to due assessment as and when such development comes forwards.

## **8 RECOMMENDATION**

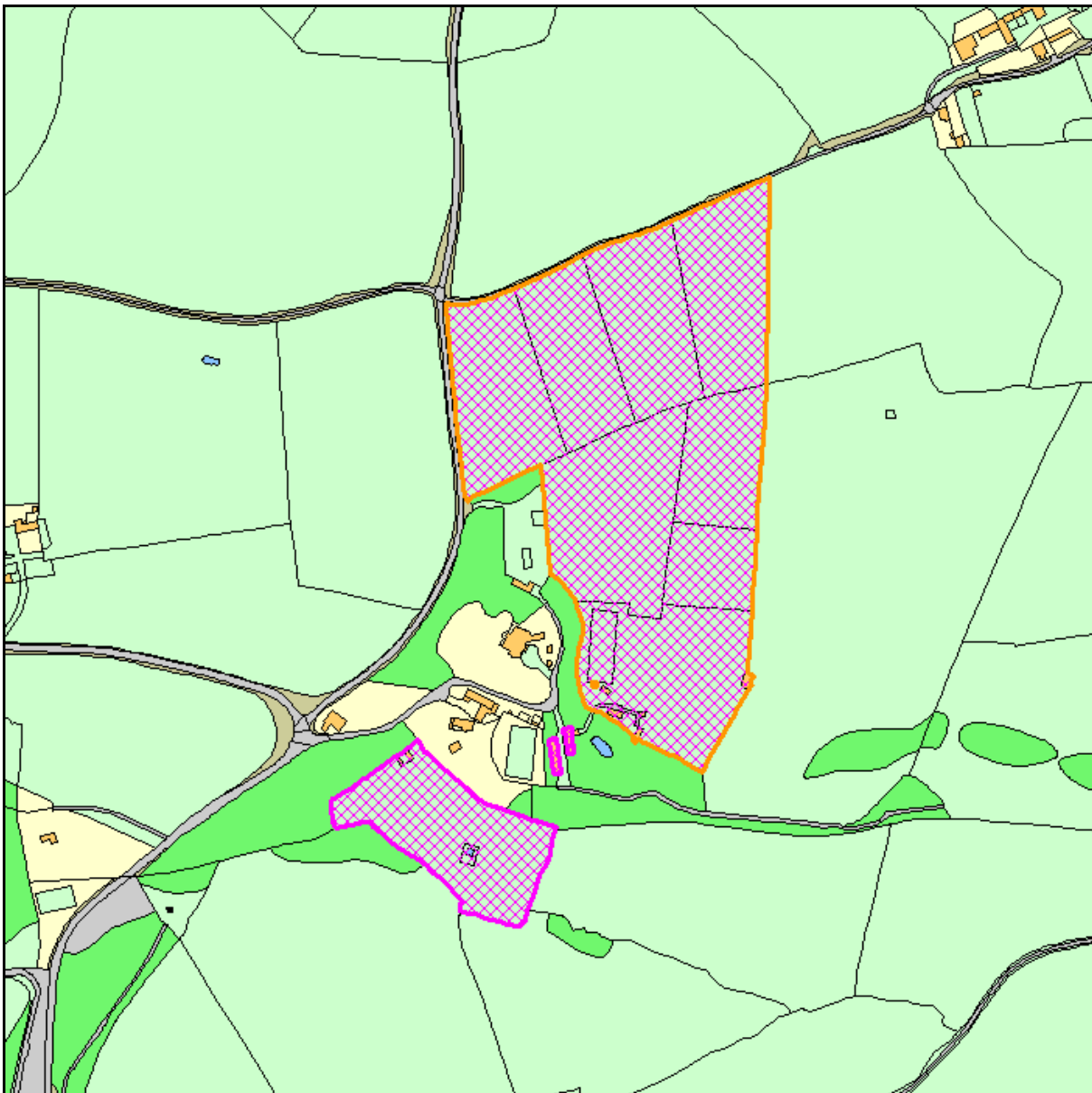
8.1 It is recommended that a Certificate of Lawfulness is GRANTED for the reason listed below.

**Contact Officer: Griff Bunce**  
**Tel. No. 01454 863438**

1. On the balance of probability, the land subject to this application has been used as residential garden associated with 8 Langley Mow for a period in excess of 10 years from 2006 and there has been no subsequent change of use. It is therefore concluded that the existing use of the land as residential garden is lawful.

## CIRCULATED SCHEDULE NO. 36/16 – 9 SEPTEMBER 2016

<b>App No.:</b>	PK16/3735/CLE	<b>Applicant:</b>	Mr And Mrs Church
<b>Site:</b>	The Coach House Battlefields Lansdown Bath South Gloucestershire BA1 9DD	<b>Date Reg:</b>	19th July 2016
<b>Proposal:</b>	Application for a certificate of lawfulness for the existing use of land and buildings as equestrian including manege, hay store and storage building and two stable blocks.	<b>Parish:</b>	Cold Ashton Parish Council
<b>Map Ref:</b>	372453 170524	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>		<b>Target Date:</b>	8th September 2016



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PK16/3735/CLE

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application is referred to the circulated schedule in accordance with the Council's scheme of delegation as it is for a certificate of lawfulness.

### **1. THE PROPOSAL**

- 1.1 This application seeks a certificate of lawfulness for the existing use of land and buildings as equestrian including manege, hay store and storage buildings and two stable blocks.
- 1.2 The land and buildings are associated within The Coach House, Battlefields, Lansdown, Cold Ashton, which is a grade II listed building located outside any settlement boundary and in the Bristol/Bath Green Belt.
- 1.3 A certificate of lawfulness is sought on two grounds as stated within Section 9 of the submitted application form. Both of which state that the buildings and land are immune from enforcement action by virtue of section 171B(1) with regard to buildings and other operations; and section 171B(3) with regard to the use of the land, of the Town and Country Planning Act 1990 ("the Act"). Therefore, it is claimed that in accordance with section 191(2) of the Act the use and buildings are lawful.
- 1.4 A site location plan was submitted with the application which identifies the area of land, buildings, and structures subject to this application – such features are included within a red line.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - i. Town and Country Planning Act 1990: s171B and s191
  - ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
  - iii. National Planning Practice Guidance: 17c (06.03.2014)

### **3. RELEVANT PLANNING HISTORY**

- 3.1 P98/4911 Approval Full Planning 24/03/1999  
Erection of stable block.
- 3.2 P91/2674 Approval Full Planning 15/07/1992 Construction  
of horse exercise area. Erection of stable block and tack/feed store.
- 3.3 PK16/2006/LB Approval Full Planning 19/07/2016  
Internal and external alterations to include erection of single storey side extension to form additional living accommodation and single storey rear extension to form boiler housing. Infilling of existing swimming pool and other landscaping works. Erection of various fences, gates and pillars.
- 3.4 PK16/2008/F Approval with Conditions 19/07/2016

External alterations to include erection of single storey side extension to form additional living accommodation and single storey rear extension to form boiler housing. Infilling of existing swimming pool and other landscaping works. Erection of various fences, gates and pillars.

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

- 4.1 To support this application, the following evidence has been submitted:
- Statutory Declaration signed by Marnie Judith Anne Palmer – the previous owner of The Coach House, and fields, buildings and structures subject to this certificate. Mrs Palmer owner the aforementioned land and buildings with her now deceased husband between 1982 and March 2016;
  - Statutory Declaration signed by Graham John Shoemark who was employed by Mr Palmer between July 1998 until July 2011 as Head Gardener;
  - Statutory Declaration signed by Hayley Jane Sivier who was employed by Mrs Palmer between 1986 and 2014. Ms Sivier was employed as a Head Groom between 1986 and 2001; and then as a Housekeeper for The Coach House from 2001 until February 2016;
  - Invoices and letters from Martin Collins Enterprises Ltd:
    - o Invoice dated 24/06/1996 regarding refurbishment of existing outdoor riding school;
    - o Letter dated 25/04/1996 acknowledging instruction to proceed with the refurbishment of the outdoor riding school;
    - o Letter dated 27/03/1996 regarding refurbishment of existing outdoor arena;
    - o Order dated 25/04/1996 regarding refurbishment of existing outdoor riding school;
    - o Order dated 04/09/1997 regarding the delivering of materials;
    - o Letter dated 04/09/1997 regarding surfacing arena above The Coach House.
  - Quotation from Miller Glass Co. Ltd dated 19/09/2000 reading the supply and fit of mirrors replacing existing mirrors in the outdoor dressage arena in the top arena.
- 4.2 A local resident who owns land adjoining the fields in question submitted a letter of support stating that the particulars in the submitted planning support statement are correct. They also stated that they consider the land and structures to be appropriate.
- 4.3 In addition to the above, the LPA has access to the plans submitted with a number of the planning applications listed above.
- 4.4 The LPA also has access to aerial photographs of the site from 1991, 1999, 2005, 2006, 2008/9, and 2014.

#### **5. SUMMARY OF CONTRARY EVIDENCE**

- 5.1 The LPA has no contrary evidence.

## **6. OTHER REPRESENTATIONS RECEIVED**

- 6.1 Cold Ashton Parish Council  
None received.
- 6.2 Transport Officer  
No objection.
- 6.3 Local Residents  
None received

## **7. EVALUATION**

- 7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the existing use of the land, buildings and manege is equestrian.
- 7.2 Relevant Legislation to this Application for a Certificate of Lawfulness  
Section 191(1) of the Act states that a person may make an application to the LPA to ascertain whether:
  - (a) Any existing use of buildings or other land is lawful;
  - (b) Any operations which have been carried out in, on, over or under land are lawful; or
  - (c) Any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful.
- 7.3 The applicant has made an application under section 191(1)(a) and section 191(1)(b), as land, buildings and other operations (manege) are all included within the description of development. The applicant has sought this certificate of lawfulness on the grounds that the equestrian use begun more than 10 years before the date of this application and that the building works (for the buildings and manege) were substantially complete more than four years before the date of this application.
- 7.4 With this in mind, there are two tests to apply with regard to the time limit of immunity – the grounds which the applicant this certificate is sought. Such time limits are set out within section 171B of the Act.
- 7.5 Section 171B(1) states:  
  
*Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.*

7.6 Accordingly, if the buildings and other operations to be assessed under this certificate application are considered to be 'a breach of planning control' and they have been in situ for four years or more, the certificate should be granted with regard to such buildings or operations.

7.7 Section 171B(3) states:

*In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.*

7.8 Accordingly, if the land subject to this certificate application has been within an equestrian use, constituting a breach of planning control, for ten years or more, the certificate should be granted with regard to such land.

7.9 There is an exception to the time limits set out under section 171B, these are listed within section 171BC(1)(a) of the Act. This exception is where the breach of planning control has been concealed such that the LPA could not have been aware of the breach and taken the required 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.

7.10 When assessing applications for certificates of lawfulness, 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 within the Planning Practice Guidance (PPG) 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". The PPG gives further guidance:

*In the case of applications for existing use, if a local planning authority has not evidence itself, nor any from others, to contradict or otherwise make an applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.*

7.11 The remaining report will assess the application with regard to sections 171 and 197 of the Act. When assessing available evidence, officers will consider the advice contained within the PPG.

7.12 Assessment - Stable Blocks and Attached Garage

The first test which must be applied is whether the aspects of the certificate applied for constitute a breach of planning control.

7.13 There are two stable blocks, one of which has an attached garage – these buildings have linear form and are set parallel with each other positioned approximately 20 metres to the south east of The Coach House. Both buildings constitute development a set out within section 55 of the Act, as such both

would require express planning permission. The stable block to the east of the other stable block is understood to have been granted planning permission in 1999 under planning ref. P98/4911 as a stable in an equestrian use; from reviewing the associated plans and documents the existing stable block appears to be in situ as permitted, as such this stable block is not considered to constitute a breach of planning control, and is therefore considered to constitute a lawful development.

- 7.14 The stable block to the west of the lawful block is likely to have been granted planning permission under planning ref. P91/2674 which included the erection of stables as well as a manege. However, no plans or written documents can be found further than the decision notice within the Council's records. In this way there is ambiguity as to what this planning permission relates to. Nonetheless, within the submitted information from planning ref. P98/4911, this stable block is referenced, and so officers understand a stable block was in situ prior to 1999. As well as this, the applicant within the planning application for P89/4911 states that:

*"I train horses for my own use and would like in future to breed the occasional foal for which the existing stables are too small".*

- 7.15 Further to this, the stable blocks are shown within aerial photographs taken in 1991, such buildings appear similar to the stables as they stand today. Further to this, the submitted statutory declaration signed by Mrs Palmer states that the stable block and garage was built in 1992. Officers can find no enforcement notices with regard to this development within the Council's records, and there is also not evidence of deliberate concealment. With this in mind, there is sufficient unambiguous evidence to find that on the balance of probabilities this western barn and attached garage has been in situ for in excess of four years within an equestrian use, meaning by virtue of section 171B(1) of the Act the building would be immune from enforcement action, and therefore under section 192(2) of the Act, a certificate of lawfulness should be granted for the western stable block and attached garage.

7.16 Assessment – Manege

The first test which must be applied is whether the aspects of the certificate applied for constitute a breach of planning control. There are two maneges at the site, one of which is located to the south east of the Coach House, this manege is not included within this application – indeed it is understood that this manege is intended to be removed in the future. The second manege, which is subject to this application, is located to the north east of the Coach House. This manege is likely to have been granted planning permission under planning ref. P91/2674 which included the erection of stables. However, as stated above no plans or documents apart from the decision notice are evident within the Council's records. Nonetheless, the manege subject to this application has been in situ since at least 1991 – this is confirmed through the Council's aerial photographic records. Further to this, Mrs Palmer states within her statutory declaration that manege was constructed in 1992. Although there is a slight discrepancy with the dates, officers are convinced that in 1991 the structure was in situ. Further to this, there is small tack/storage building located on the

southern boundary of the manege, this building has been in situ since at least 1991, the Council's aerial records confirm this.

- 7.17 Officers can find no enforcement notices with regard to this development within the Council's records, and there is also not evidence of deliberate concealment. With this in mind, there is sufficient unambiguous evidence to find that on the balance of probabilities this manege (and the small tack building) has been in situ for in excess of four years within an equestrian use, meaning by virtue of section 171B(1) of the Act the building would be immune from enforcement action, and therefore under section 192(2) of the Act, a certificate of lawfulness should be granted for the manege to the north east of The Coach House.

7.18 Assessment – Hay Store

The application includes a hay store to the east of The Coach House, and to the south of the manege. This may have been granted planning permission under planning ref. P91/2674 which included the erection of a feed store. However, as stated above there are no plans or documents apart from the decision notice are evident within the Council's records. Nonetheless, the hay store subject to this application has been in situ since at least 1991 – this is confirmed through the Council's aerial photographic records. Further to this, Mrs Palmer states within her statutory declaration that the hay store was constructed in 1989. Although there is a slight discrepancy with the dates, officers are convinced that in 1991 the structure was in situ. This building remains largely unchanged to the present day, and as such it is clear the building has been in situ for over ten years.

- 7.19 Officers can find no enforcement notices with regard to this development within the Council's records, and there is also not evidence of deliberate concealment. With this in mind, there is sufficient unambiguous evidence to find that on the balance of probabilities this hay store been in situ for in excess of four years within an equestrian use, meaning by virtue of section 171B(1) of the Act the building would be immune from enforcement action, and therefore under section 192(2) of the Act, a certificate of lawfulness should be granted for the hay store.

7.20 Assessment – Storage Building

The application includes a storage building which is located to the south east of the hay store. It is a building which appearance reflects its function having a box-like linear form. The 1999 aerial photographic records show this building in situ, it also appears on more recent records and was indeed in situ when the case officer visited the site. Mrs Palmer's statutory declaration also corresponds with this, stating the building was erected in 1994. There is not planning permission evident, although it may have formed part of the consent under planning ref. P91/2674, there are no plans etc. to confirm this. Notwithstanding this, the building has been in situ for a period in excess of four years.

- 7.21 Officers can find no enforcement notices with regard to this development within the Council's records, and there is also not evidence of deliberate concealment. With this in mind, there is sufficient unambiguous evidence to find that on the balance of probabilities this storage building has been in situ for in excess of

four years within an equestrian use, meaning by virtue of section 171B(1) of the Act the building would be immune from enforcement action, and therefore under section 192(2) of the Act, a certificate of lawfulness should be granted for the storage building.

7.22 Assessment - Associated Fields

For ease of assessment and clarity officers have split the assessment of land into two sections, firstly the fields to the north east of The Coach House, and secondly the field to the south of The Coach House.

7.23 *Fields to North East*

The majority aerial photographic records all present these fields as being sectioned into paddocks, which are well managed akin to how equestrian fields are usually partitioned and managed. The case officer's site visit also confirmed that the aforementioned fields are organised as such.

7.24 Mrs Palmer's statutory declaration states that:

*Since 1991, I used the various fields...[fields to north east and south west]...for horse grazing and these fields have been in continuous equestrian use without interruption since that time. From 1991, I also house not more than five horses at any one time in the stables...*

7.25 Further to this, Mr Shoemark, supports Mrs Palmer's assertion within his statutory declaration in stating that:

*To the best of my knowledge and belief, the fields shown...were in continuous equestrian use throughout the duration of my employment'.*

7.26 Mr Shoemark was employed as a head gardener between 1998 and 2011, his job involved maintaining the aforementioned fields, as well as the horse maneges. The statutory declaration submitted by Ms Sivier also confirms and supports the assertion made by Mrs Palmer.

7.27 Indeed the 1991 aerial photographic records support this, the fields to the north east are sectioned off and well managed – reflecting an equestrian use. Further to this, a number of these fields are in close connection with the aforementioned manege which further supports the claim that these fields have been utilised within an equestrian use.

7.28 The managing of the fields in such an equestrian manner, together with the exercising and grazing of horses on such fields suggests that the character of the land materially changed in 1991, if not earlier, constituting a breach of planning control.

7.29 Officers can find no enforcement notices with regard to this development within the Council's records, and there is also not evidence of deliberate concealment. With this in mind, there is sufficient unambiguous evidence to find that on the balance of probabilities the north eastern fields have been used for equestrian purposes for in excess of ten years, meaning by virtue of section 171B(3) of the Act the building would be immune from enforcement action, and therefore

under section 192(2) of the Act, a certificate of lawfulness should be granted for fields to the north east of The Coach House.

7.30 *Field to the South*

The field to the south of The Coach House has a close relationship with an existing manege, as well as the stables. Aerial photographs do present a field which is less managed, which does cast a degree of doubt over the use of the field. To the contrary of this, the submitted statutory declarations all support that the field to the south of the Coach House has been in an equestrian use for over 10 years:

- Mrs Palmer states the field has been in an equestrian use since 1991;
- Ms Sivier states that the field has been in an equestrian use since 1986; and
- Mr Shoemark states that the field has been in an equestrian use since the beginning of his employment in 1998.

7.31 Further to this, the field's close relationship with other equestrian facilities combined with the fact that fields do not have to be extremely managed to support horses, does go some way to ease officers' scepticism with regard to this field. Especially when considered in the context of three statutory declarations which constitute significant weight in applications such as this.

7.32 Officers can find no enforcement notices with regard to this development within the Council's records, and there is also not evidence of deliberate concealment. With this in mind, there is sufficient evidence to find that on the balance of probabilities the southern field has been used for equestrian purposes for in excess of ten years, meaning by virtue of section 171B(3) of the Act the southern field would be immune from enforcement action, and therefore under section 192(2) of the Act, a certificate of lawfulness should be granted for field to the south of The Coach House.

7.33 Other Matters

The submitted statutory declaration all make reference to a private roadway which runs from the access of the site from Freezinghill Lane and terminates at the archway near the stable blocks. It is clear that there has been a form of access road in this position since at least 1991. However, this is not included within the red line of the submitted Site Location Plan included with this application.

7.34 Assessment Findings

On the balance of probabilities, the submitted claims that the buildings and land within equestrian uses and are immune from enforcement action by virtue of section 171B(1) of the Act with regard to buildings and other operations; and section 171B(3) with regard to the use of the land, of the Act are correct. With this in mind, in accordance with section 191(2) of the Act the use and buildings are lawful, and certificate of lawfulness should be granted.

## **8      RECOMMENDATION**

- 8.1      It is recommended that a Certificate of Lawfulness is GRANTED for the reason listed below.

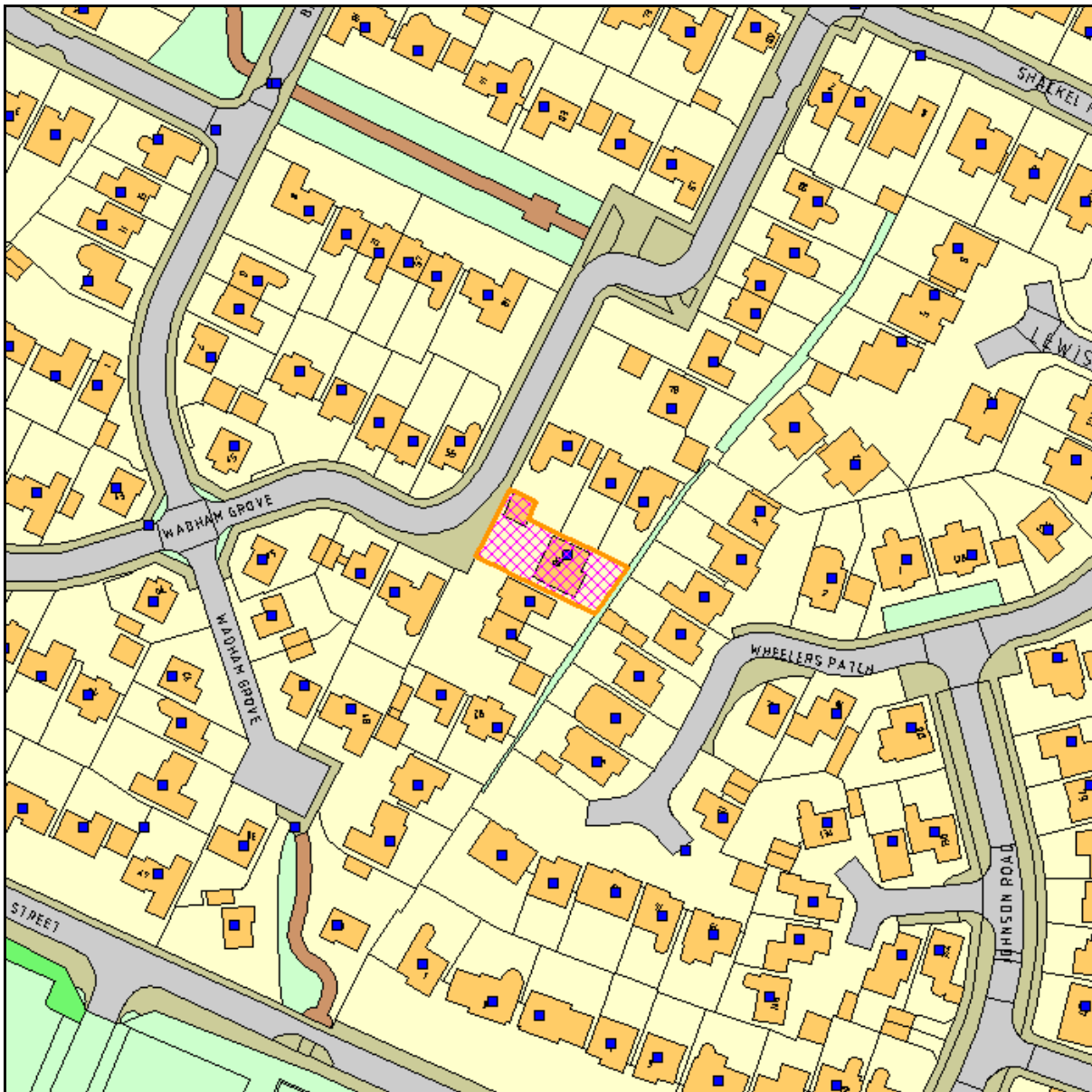
**Contact Officer:    Matthew Bunt**  
**Tel. No.                01454 863131**

### **CONDITIONS**

1.      On the balance of probabilities it has been demonstrated that the buildings and land have been in equestrian uses for the requisite period of time and are therefore immune from enforcement action by virtue of section 171B(1) of the Act with regard to buildings and other operations; and section 171B(3) with regard to the use of the land.

## CIRCULATED SCHEDULE NO. 36/16 – 9 SEPTEMBER 2016

<b>App No.:</b>	PK16/3873/F	<b>Applicant:</b>	Mrs Marilyn Rossiter
<b>Site:</b>	68 Wadham Grove Emersons Green Bristol South Gloucestershire BS16 7DW	<b>Date Reg:</b>	25th July 2016
<b>Proposal:</b>	Erection of single storey front extension to provide additional living accommodation and erection of front railings and access gates.	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	366909 176184	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	15th September 2016



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PK16/3873/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

The planning application has been referred to the Council's Circulated Schedule procedure due to an objection from the Parish Council.

### **1. PROPOSAL AND SITE DESCRIPTION**

- 1.1 The application seeks full planning permission for the erection of a single storey front extension to provide additional living accommodation and erection of front railings and access gates at 68 Wadham Grove, Emersons Green.
- 1.2 The application site relates to a modern detached dwelling which sits within the built up residential area of Emersons Green. The property occupies a prominent position within the streetscene, and is formed of red brick and render elevations. The property benefits from a detached double garage, as well as parking on hardstanding to the front of the property. Surrounding properties are modern, but vary in design and form.
- 1.3 Over the course of the application, the agent submitted revised plans in order to accord with officer advice.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### **2.2 Adopted 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, Including Extensions and New Dwellings  
T12 Transportation Development Control Policy for New Development

#### **2.3 Emerging Development Plan**

South Gloucestershire Local Plan, Proposed Submission: Policies, Sites and Places (PSP) Plan, June 2016

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP38 Development within Existing Residential Curtilages

#### **2.4 Supplementary Planning Guidance**

South Gloucestershire Design Checklist (Adopted 2007)

### **3. RELEVANT PLANNING HISTORY**

- |     |   |                         |            |
|-----|---|-------------------------|------------|
| 3.1 | P96/4371  | Approval                | 17.04.1997 |
|     | Erection of 184 no. dwellings, associated infrastructure and provision of public open space |                         |            |
| 3.2 | PK01/0376/PDR   | No Objection            | 05.03.2001 |
|     | Erection of rear conservatory   |                         |            |
| 3.3 | PK06/1369/F   | Approve with Conditions | 06.06.2006 |
|     | Erection of rear conservatory.  |                         |            |

### **4. CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council  
Comments to the original proposal are as follows:  
- Objection, Members feel that the railings will be out of keeping with the surrounding area
- 4.2 Sustainable Transport  
*"Even with the proposed front extension in place, there will still remain adequate off-street parking on site. There are more than adequate space for casual parking space plus there is a double garage to the front all unaffected by the proposal.*
- The application also proposes erection of a gate at the entrance. Given the residential nature of the access road, the transportation officer does not consider that this will impact on road safety but recommends that a planning condition is imposed to ensure that these gates are inward opening not out on to the public highway.*
- In view of all the above mentioned therefore, there is no highway objection to this application"*

#### **Other Representations**

- 4.3 Local Residents  
1 neutral comment received from a local resident of No.70 Wadham Grove, comments as follows:  
- *"We have no objection to the extension however it will impede upon the privacy of our garden which currently has full privacy. A high priority consideration that would alleviate this worry would be the use of obscured glass in the window that will be face directly into the garden of Number 70. Currently there are no windows that face directly into the garden and this extension is within very close proximity"*

### **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development

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

## 5.2 Design and Visual amenity

### *Front railings and access gates*

- 5.3 The case officer considered the Town Council's concerns regarding the original plans submitted. The previous railings represented an unacceptable form of development, especially at this prominent location. Officers advised the applicant of such and revised plans demonstrate a reduction in height and an improved design.

- 5.4 The previous railings and gates would have a maximum height of 1.9 metres, whereas the revised proposal would measure approximately 1.2 metres. In addition, its design would be considerably less intrusive in the streetscene. The proposal would see a low brick wall with brick pillars and railings above. Whilst it is recognised that railings are not generally evident in the vicinity of the dwelling, it is not considered that the revised proposal would be detrimental to the character of the surrounding area.

### *Single Storey Front Extension*

- 5.5 The second element of the proposal is the introduction of a single storey extension to the front elevation of the property. This would facilitate additional living accommodation, including a front porch. The development would extend approximately 4.8 metres in depth, would have a width of approximately 4.1 metres, and a maximum height of 3.1 metres. It would be partially tucked behind the detached garage to the front of the property, for approximately 1 metre. Accordingly, only 3.1 metres of this element is likely to be visible to the wider streetscene. Adjoining its side elevation would be a modest porch area which would extend from the existing front entrance by 1.2 metres, which would have a width of 1.4 metres and a maximum height of 3.1 metres.

- 5.6 The extension would have 1 no. window to the front elevation and 3 no. windows to the side elevations. Its roof, materials and detailing would match that of the existing dwelling.

### *Cumulative*

- 5.7 The proposal would represent a significant change to the front elevation of the existing dwelling, however, it is considered that due to proposed complementary details and materials it would not be detrimental to the character of such.

5.8 The overall design, scale and massing of the proposal, is considered acceptable in the context of both, the main dwelling and the wider area surrounding the application site. Accordingly, the proposal is deemed to comply with Policy CS1 of the Core Strategy (Adopted) December 2013.

5.9 Residential Amenity

The application site is orientated as such that the rear garden wall of No. 70 Wadham Grove shares a boundary with the side of the plot. The proposed front extension would sit alongside this boundary. The concerns of the occupiers regarding the proposed window are understood, particularly given the close proximity to the share boundary wall. However, obscure glaze would not be an appropriate design, especially given it would be a bedroom. It is considered that if the existing boundary treatment at the site is retained it is unlikely that any material overlooking would occur. To ensure this, a condition will be issued to protect the privacy of these occupiers. The extension and railings would be unlikely to have any other detrimental impact on the residential amenity of these properties, given there is already a detached double garage adjacent to the shared boundary.

5.10 The nearest neighbours of the property is No. 66 Wadham Grove, this property is semi-detached and adjoins No.64. The pair are set forward from the host by 4.8 metres and the front extension would extend in line with these properties. As No.66 does not have any side windows facing towards this direction it is not considered that any material overlooking would occur. Similarly, due to the single storey nature of the extension it is unlikely there would be an overbearing effect on these neighbours.

5.11 Overall, it is considered that the proposed extension would be acceptable with regards to residential amenity. An adequate amount of garden area will remain to serve the property, and overall the proposal is acceptable in terms of Policy H4 of the Local Plan (Adopted) January 2006.

5.12 Transport and Parking

The case officer notes that the transport officer has no objection to the proposal. The development would introduce fifth bedroom to the property. Accordingly the site would be required to provide 3 parking spaces. There is sufficient room at the site to park 3 cars alongside a double garage, which would be counted as 1 space. Consequently there would be a suitable amount of parking at the site in compliance with the Residential Parking SPD.

## 6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (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 attached to the decision notice.

**Contact Officer:** Lucy Paffett  
**Tel. No.** 01454 863436

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved 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. 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.

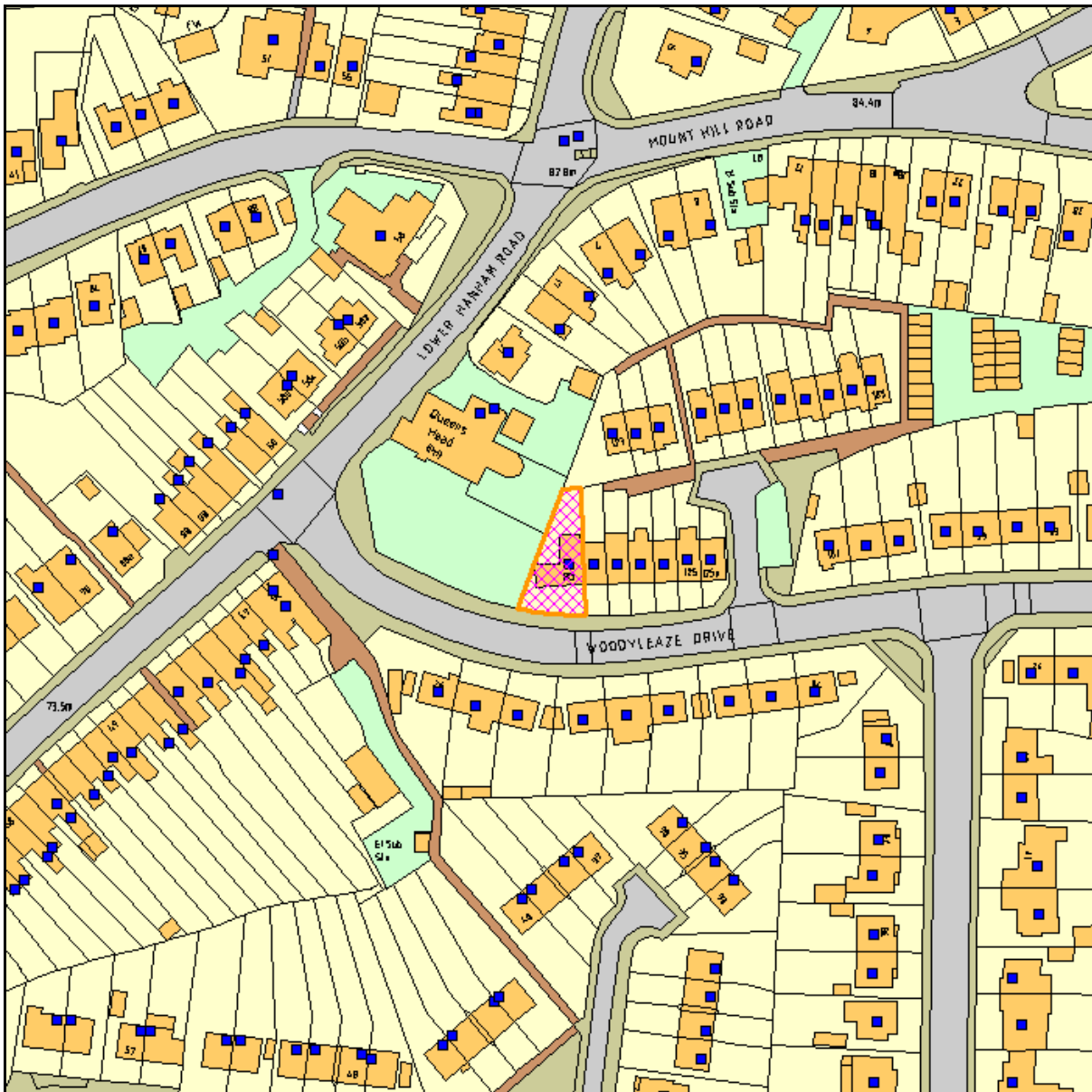
4. Prior to the use or occupation of the front extension hereby permitted, and at all times thereafter, the existing shared boundary fence to the rear of No. 70 Wadham Grove, and to the side of No. 68 Wadham Grove shall be retained at a minimum height of 1.8 metres.

Reason

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

## CIRCULATED SCHEDULE NO. 36/16 – 9 SEPTEMBER 2016

<b>App No.:</b>	PK16/4256/F	<b>Applicant:</b>	Mr Mujib Choudhury
<b>Site:</b>	135 Woodyleaze Drive Hanham Bristol South Gloucestershire BS15 3BS	<b>Date Reg:</b>	19th July 2016
<b>Proposal:</b>	Extension of driveway and Demolition of existing garage and erection of two storey side extension to provide additional living accommodation.	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	364405 172566	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Householder	<b>Target Date:</b>	8th September 2016



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PK16/4256/F

## **REASON FOR SUBMITTING TO CIRCULATED SCHEDULE**

This application appears on the Council's Circulated Schedule list following an objection which is contrary to the officer recommendation detailed within this report.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the demolition of an existing garage to facilitate the erection of a two storey side extension at 135 Woodyleaze Drive, Hanham. Additional hardstanding for parking is also proposed.
- 1.2 The additional living accommodation proposed will provide a larger lounge area, a utility room and two additional bedrooms at the property.
- 1.3 Amendments were received during the course of the application to reduce the amount of hardstanding proposed to allow for landscaping to remain to the front of the dwelling. A period of reconsultation was not deemed necessary.
- 1.4 The adjacent Queens Head public house is a locally listed building.

### **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  
CS8 Improving Accessibility  
CS9 Heritage

##### **South Gloucestershire Local Plan Adopted January 2006 Saved Policies**

T12 Transportation  
T7 Cycle Parking  
H4 Development within Existing Residential Curtilages  
L15 Locally Listed Building

##### **South Gloucestershire Policies Sites and Places Development Plan Document (Submission Draft) June 2016**

PSP1 Location Distinctiveness  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP38 Extensions within Residential Curtilages  
PSP43 Private Amenity Space Standards

#### **2.3 Supplementary Planning Guidance**

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Residential Parking Standard (Adopted) December 2013

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK03/0004/F Approve with conditions 31/01/2003  
Erections of two-storey side extension to form dining room, utility & cloak room with en-suite bedroom above.  
*This planning permission has not been implemented and is no longer extant.*

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Parish Council  
No comment received.

- 4.2 Other Consultees

Listed Building Officer

Design is rather pedestrian and presents a blank elevation towards the Queens Head car park, however the design is not harmful enough to justify a refusal reason. No objection.

Sustainable Transport

No objection, subject to conditions.

#### **Other Representations**

- 4.3 Local Residents

One letter of objection has been received stating the following:

- Concerns regarding works to create car parking spaces and how it will affect wall to 133, will there be damage?
- Strange that four spaces have been proposed as they only have one car

### **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

- 5.2 Design and Impact on Listed Building

The application site relates to a terrace of dwellings with a gable roofline and mixture of external finishes (render, brick and green hanging tiles). The rest of Woodyleaze Drive consists of more terraced housing, finished only in render, and with a very simple fenestration. The proposal is to extend the dwelling to the side two-storeys, right up to the boundary, creating an angled end gable facing towards the adjacent public house. The listed building officer has been

consulted and whilst he noted the design was rather pedestrian, he did not consider it to have a harmful impact on the character of the locally listed Queens Head public house, from which this proposal is visible. The extension has a reduced ridge height enabling it to be subservient to its host, and a condition on the decision notice will ensure that the materials use match the existing external materials used in the terrace. The proposal previously showed four parking spaces on the driveway, however in the interests of visual amenity it was recommended that this is reduced to the required three, allowing some of the existing front garden to remain at the property. Subject to the aforementioned condition, the development is acceptable in terms of policy CS1 of the Core Strategy and policy L15 of the Local Plan.

5.3 Residential Amenity

The application site relates to an end terrace property, with the car park for the Queens Head directly to the west. The attached dwelling, no. 133, will not be impacted upon by the extension as it is situated on the opposite side to the proposal, and it is considered that no. 123 to the rear is at a sufficient distance and angle from the development to be overlooked by the proposed rear windows. Officers conclude that no neighbouring occupiers will have their residential amenity harmed by this proposal.

- 5.4 Following development, no. 135 Woodyleaze Drive will become a five-bedroom property. Although South Gloucestershire does not currently have an adopted amenity space policy, policy PSP43 of the emerging Policies Sites and Places Development Plan Document (Draft Submission) June 2016 states that a dwelling of this size should have at least 70 square metres of private and useable amenity space, and future occupiers will have access to this if development were to go ahead. The development is considered to accord with policy H4 of the Local Plan and draft policy PSP43 of the PSP DPD.

5.5 Transport

Objections relating to the potential for damage to the wall between no. 135 and 133 Woodyleaze Drive have been received. Since this objection, amended plans removing the fourth parking space have been received by officers, and so the proposed parking area is now set back from the boundary wall and is unlikely to cause damage or encroachment during the period of construction. Officers therefore consider this objection to have been overcome. The objection letter also mentioned that they thought it was strange that so many parking spaces were proposed when the occupant only has one vehicle. This comment is noted but the Residential Parking Standards SPD require three off-street parking spaces for a dwelling of five bedrooms or more, and so the number of spaces is considered to be appropriate in this instance, and the personal circumstances of the applicant have not been given weight.

- 5.6 A condition on the decision notice will ensure that the parking spaces are implemented prior to first occupation of the extension, and to ensure the parking area is of a permeable bound surface and any boundary treatment to the front of the site shall not exceed 0.9 metres in height. Subject to these conditions, there is not transportation objection to the development.

## 6. **CONCLUSION**

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

**Contact Officer:** Trudy Gallagher  
**Tel. No.** 01454 862217

### **CONDITIONS**

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

Reason

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

2. Prior to first occupation of the extension hereby approved, the three off-street parking spaces shown shall be implemented in accordance with the approved details and in a permeable, bound material. They will be maintained 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 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.

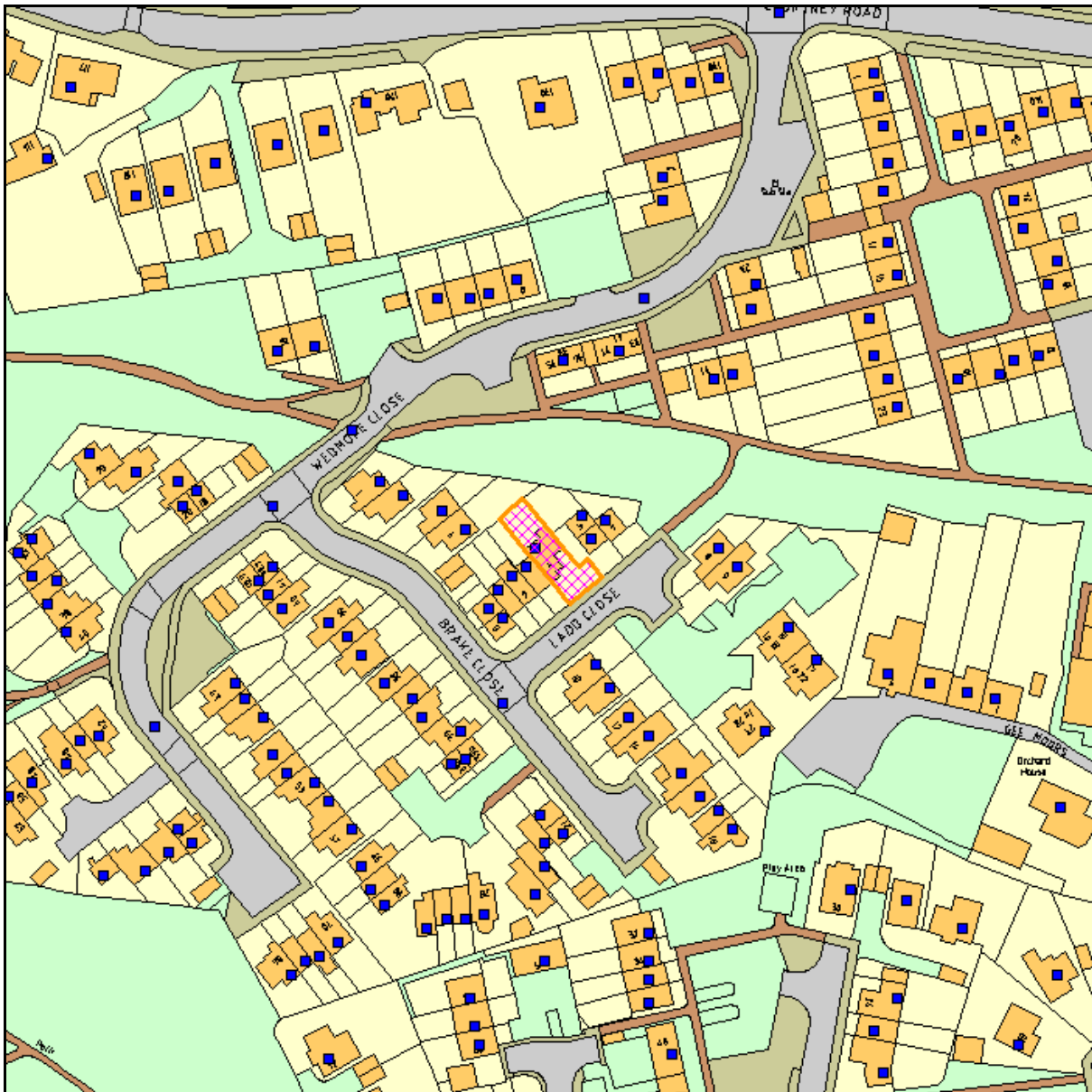
4. Any boundary treatment to the front of the site must be kept to a maximum height of 0.9 metres.

Reason

To ensure adequate visibility when egressing from the parking spaces, 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.

## CIRCULATED SCHEDULE NO. 36/16 – 9 SEPTEMBER 2016

<b>App No.:</b>	PK16/4421/F	<b>Applicant:</b>	Mr L Gooding
<b>Site:</b>	4 Ladd Close Kingswood Bristol South Gloucestershire BS15 9LG	<b>Date Reg:</b>	28th July 2016
<b>Proposal:</b>	Erection of a first floor side and rear and a single storey rear extension to provide additional living accommodation.	<b>Parish:</b>	None
<b>Map Ref:</b>	365605 173056	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Householder	<b>Target Date:</b>	20th September 2016



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PK16/4421/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

The planning application has been referred to the Council's Circulated Schedule procedure due to an objection received a local resident.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of a first floor side/rear and single storey rear extension to provide additional living accommodation at 4 Ladd Close in Kingswood.
- 1.2 The applicant site is a two storey end of terrace property with a pitched roof and buff brick elevations. The terrace of properties are stepped with the host dwelling being set down from the other properties.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### 2.2 Development Plans

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

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T8 Parking Standards  
T12 Transportation

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

#### 2.3 Supplementary Planning Guidance

Design Checklist Supplementary Planning Document (adopted) August 2007

### **3. RELEVANT PLANNING HISTORY**

- 3.1 K1334/8 Erection of 77 dwellings with associated garages & landscaping (Previous ID: K1334/8)  
Approved 16.05.1986
- 3.2 K1334/5 Residential development (Previous ID: K1334/5)  
Approved 29.06.1984
- 3.3 K1334/1 Proposed erection of 52 dwelling houses with associated parking spaces. Construction of estate roads and footpaths at Woodstock Site K, Kingswood. Previous ID K1334/1

Approved 09.12.1980

- 3.4 K1334 Residential development on approximately 5.2 acres. Construction of new vehicular and pedestrian access. (Illustrative layout for the erection of 25 flats, 43 houses, 10 bungalows).  
Approval of Outline 07.06.1976

#### **4. CONSULTATION RESPONSES**

- 4.1 Town/ Parish Council  
Area is unparished.

- 4.2 Sustainable Transport  
No objection, the proposal will increase the number of bedrooms on the first floor to three. The vehicular parking for the dwelling is unaffected by this development as the level of parking available complies with the Council's Residential Parking Standards.

#### **Other Representations**

- 4.3 Local Residents  
An objection comment has been received from a neighbouring resident, their objection is summarised below:
- Currently the only source of natural light to the side of my property comes from the side bedroom and front door, a first floor side/ rear extension will completely block my daylight/ sunlight source.
  - The whole side of my property will become considerably darker.
  - Additionally this proposed extension will be totally oppressive and overbearing and wholly inappropriate given its position. It will be like a prison.
  - The proposal will adversely affect the re-sale value of my property.

#### **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policies CS1 of the South Gloucestershire Core Strategy (adopted December 2013) and Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) are both supportive in principle. Saved Policy H4 is supportive providing development is within the curtilage of existing dwellings, the design is acceptable with relation to policy CS1 of the Core Strategy, that there is safe and adequate parking, and also providing the development has no negative effects on transport.

Policy CS1 of the Core Strategy exists to make sure developments enhance and respect the character, distinctiveness and amenity of the site and its context. The proposal shall be determined against the analysis below.

- 5.2 Design and Visual Amenity  
The application site is a two-storey, end of terrace dwelling in Kingswood. The property is situated on the cul-de-sac of Ladd Close. The dwelling has an attached single storey garage. The application seeks planning permission for

- the erection of a first floor side and rear extension and a single storey rear extension to provide additional living accommodation.
- 5.3 The existing dwelling has a pitched roof, the proposed first floor side and rear extension will also have a pitched roof. The roofs of the terraced properties are all stepped due to the topography of the site with no. 4 being the lowest. The proposed first floor side extension will follow this style and will be subservient to the original dwelling. The proposed first floor side and rear extension will have a total height of 7.1 metres (from ground level to the ridge line). Whilst there is no precedent for first floor side and rear extension on Ladd Close the proposal is not considered to harm the character or appearance of the area.
- 5.4 The proposed single storey rear extension will extend beyond the original rear elevation by 3 metres. The proposal will have a width of 3.1 metres and a total height of 3 metres and support a lean-to style design.
- 5.5 The proposed extensions will utilise materials that match those within the existing dwelling, with buff brick elevations, concrete interlocking roof tiles and white uPVC for the doors and windows.
- 5.6 The proposal has an appropriate scale and form which is considered to respect the existing dwelling and surrounding dwellings. Accordingly, it is judged that the proposal is considered to accord with policy CS1 of the adopted Core Strategy as it would not harm the character or appearance of the area.
- 5.7 Residential Amenity  
Saved policy H4 of the adopted Local Plan states that proposals for development within existing residential curtilages will only be permitted where they would not prejudice the amenity of nearby occupiers.
- 5.8 The applicant site is a two storey end of terrace dwelling in Kingswood. The dwelling is located on a relatively modest plot within Ladd Close. The applicant site is attached to no.3 and also bound by no.5 the boundary treatments at the site consist of 1.8 metre fences in the rear garden and a number of larger trees. The application seeks planning permission for the erection of a first floor side and rear extension and a single storey rear extension.
- 5.9 Whilst the applicant site is situated on a slope the proposed single storey rear extension is not considered to adversely impact the residential amenity of neighbouring dwellings. This is because of the type of development and the boundary treatments at the site.
- 5.10 Concern has been raised by a neighbouring resident these issues relate to the proposed first floor side and rear extension. The proposed first floor extension will be somewhat overbearing this is mainly because of the topography of the site. It is noted that the occupants of no.5 are concerned with the lighting into the side of their property. The proposed first floor extension is set back from the building line of the host dwelling and no. 5 furthermore, there is a distance of circa 4 metres between the host dwelling and no.5. Officers acknowledge that

there will be some impact on the residential amenity of neighbouring dwellings however it is not considered adverse enough for the application to be refused.

5.11 The proposed extensions are unlikely to affect the private amenity space of the existing residents or any future residents as the property benefits from having a large curtilage.

5.12 Overall the proposal would not result in any adverse impacts on the residential amenity of neighbouring occupiers or future occupiers. As such the proposal is considered acceptable in terms of saved policy H4 of the Local Plan (adopted) 2006.

5.13 Highways

The proposed development will increase the number of the bedrooms within the property to three. The vehicular parking for the dwelling complies with the Council's residential parking standards. As such, there are no transportation objections.

5.14 Other Issues

An objection comment has been made regarding the impact the proposal will have on the re-sale value of their property, this is not a material consideration.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Contact Officer: Fiona Martin**  
**Tel. No. 01454 865119**

### 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. 36/16 – 9 SEPTEMBER 2016

<b>App No.:</b>	PK16/4454/F	<b>Applicant:</b>	Mr And Mrs Charman
<b>Site:</b>	19 Hazelbury Drive North Common Bristol South Gloucestershire BS30 8UF	<b>Date Reg:</b>	29th July 2016
<b>Proposal:</b>	Erection of a two storey side extension to provide additional living accommodation.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367277 172670	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Householder	<b>Target Date:</b>	20th September 2016



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PK16/4454/F

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of a two storey side extension to provide additional living accommodation.
- 1.2 The property is a volume built, originally linked detached dwelling (more recently approval was granted for the use of the single storey side extension as a separate dwelling – see planning history below) located on a cul-de-sac, containing similar properties within the residential area of North Common.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T12 Transportation  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS8 Access/Transport
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Parking Standards SPD

### **3. RELEVANT PLANNING HISTORY**

- 3.1 K7503 – Two storey side extension. Refused 6<sup>th</sup> August 1993.
- 3.2 K7503/1 – Two storey side extension. Approved 12<sup>th</sup> November 1993.
- 3.3 P98/4037 – Single storey side extension. Approved 2<sup>th</sup> February 1998.
- 3.4 PK06/1754/F – Conversion of existing extension to form one dwelling and associated works. Approved 4<sup>th</sup> October 2006.

### **4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
Councillors objected to these proposals which they felt were out of keeping with other houses in the rank and would prove detrimental to the street scene.

### Sustainable Transportation

The proposed development will increase the bedrooms on the first floor to four. The Councils residential parking standards state that a dwelling with up to four bedrooms requires a minimum of two parking spaces within the site boundary. The submitted plan shows that the existing vehicular parking arrangements on site will be unaffected by this development and the level of parking available exceeds the minimum requirements. On that basis, there is no transportation objection to the proposed development.

## **Other Representations**

### 4.2 Local Residents

Two letters raising concerns have been received, the first raising concerns over the levels of car parking and how this may effect the area and the impact upon the streetscene/open nature of the road, the second expressing that there are reservations to the application, without specifying such reservations.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

### 5.2 Design

The concerns raised over impact upon the character of the area/streetscene are noted. In this respect and in this instance however, whilst no examples of similar extension appear to be in evidence in the immediate vicinity, this in its own right is not necessarily a reason for refusal. It is considered that the extension would be sufficiently in keeping with the existing dwelling, the relatively shallow roof pitch and fenestration and materials matching that of the original dwelling. It is not considered that the proposals would give rise to a material detrimental impact upon the site or the streetscene, such as to sustain an objection or warrant refusal of the proposals. The proposed extension is considered to be of an appropriate standard in design and is not out of keeping with the character of the main dwelling house and surrounding properties. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials would match those of the existing dwelling.

### 5.3 Residential Amenity

The proposals would predominantly be above the existing single storey part of the south elevation of the property, and would not be to the full depth of the house. No side windows are proposed in this elevation. The length, size, location and orientation of the proposals are not considered to give rise to any significant or material overbearing impact on adjacent properties. Further to this sufficient garden space remains to serve the property.

#### 5.4 Transportation.

The proposals would create a four bedroom dwelling. The Council's residential parking standards state that a dwelling with up to four bedrooms requires a minimum of two parking spaces within the site boundary. The submitted plan shows that the existing vehicular parking arrangements on site will be unaffected by this development and the level of parking available exceeds the minimum requirements. Adequate off street parking would therefore remain at the property, in accordance with the Council's requirements, thereby addressing the previous highways concerns.

### 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 proposals are of an appropriate standard in design and are not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Adequate parking can be provided on the site. As such the proposal accords with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

- 7.1 That planning permission is granted, subject to the conditions recommended.

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

### CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason  
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The 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.

3. No windows shall be inserted at any time in the first floor of the south elevation of the property.

Reason

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

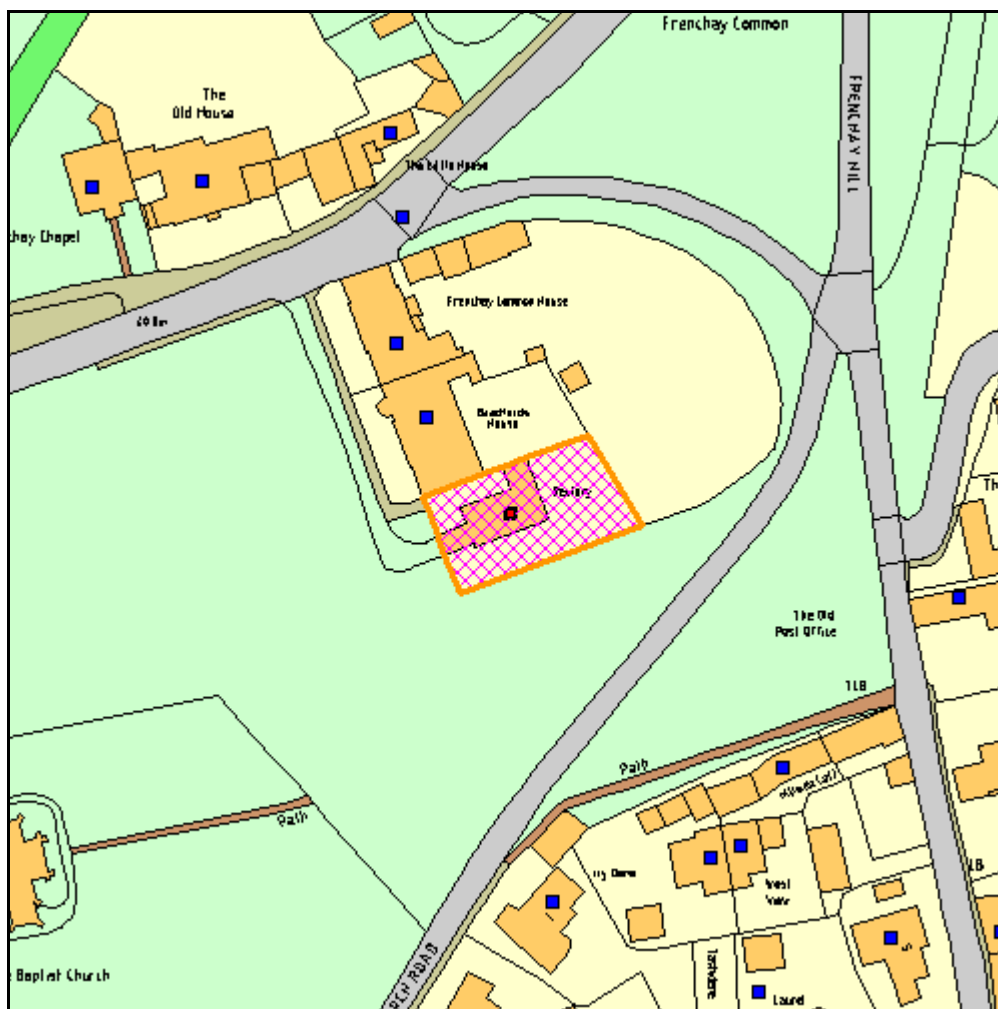
4. The hours of working on site during the period of construction shall be restricted to 08.00 - 18.00 Mondays to Saturdays; 08.00 - 13.00 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the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

Reason

To protect the 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.

## CIRCULATED SCHEDULE NO. 36/16 – 9 SEPTEMBER 2016

<b>App No.:</b>	PT16/0924/F	<b>Applicant:</b>	Mr And Mrs Andrew Maxwell
<b>Site:</b>	The Rectory Frenchay Common Frenchay South Gloucestershire BS16 1LJ	<b>Date Reg:</b>	4th March 2016
<b>Proposal:</b>	Demolition of existing dwelling and erection of 1no. dwelling and associated works. (Resubmission of PT13/1686/F) (Retrospective)	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364039 177537	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th April 2016



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PT16/0924/F

## INTRODUCTION

This application is referred to the Circulated Schedule given that concern is raised by the Parish Council and a neighbour contrary to the Officer Recommendation.

### 1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 1no. dwelling with associated works. In order to facilitate the development, the existing building will be demolished and this was granted under application PT13/1685/CA. The application is an amendment of a previous scheme in all respects except that the current proposal also includes a basement below the house. As such the report will focus on the amendments to the scheme.
- 1.2 The building to be replaced is a two storey 1960's built brick Rectory. The proposed building will be a two storey (with roof in the roofspace) property built in a Georgian style of a classical design. The building will feature traditional sash windows, clay tiles, limestone dressings.
- 1.3 The site is the southern most plot in a rank of three situated towards the eastern edge of Frenchay Common to the north-east of St John's Church. The property is accessed via a shared surface. The adjoining properties are Grade II Listed and the site lies in the Frenchay Conservation Area.

### 2. POLICY CONTEXT

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
Policy 6 Delivering a wide choice of high quality homes  
Policy 7 Requiring good design  
Policy 12 Conserving and enhancing the Historic Environment

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

H4 Residential Development within Existing Residential Curtilages  
T12 Transportation Development Control Policy for New Development  
L1 Landscape  
L12 Conservation Areas  
L13 Listed Buildings

#### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS5 Location of Development  
CS9 Managing the Environment and Heritage  
CS16 Housing Density

#### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)  
Residential Parking Standards adopted December 2013

### **3. RELEVANT PLANNING HISTORY**

PT13/1686/F Demolition of existing rectory to facilitate the erection of 1no. dwelling with associated works (Resubmission of PT12/4193/F). Approved 11.07.2013 and commenced.

PT13/1685/CA Demolition of existing rectory approved 11/7/2013

PT12/4194/CA and PT12/4193/F Demolition of existing Rectory and erection of new dwelling (Withdrawn)

DOC16/0121 Discharge of conditions 2 (Design details), 3 (Colour material) 4 (External facing materials), 5 (Render sample) and 11 (SUDS) attached to planning permission PT13/1686/F. Demolition of existing rectory to facilitate the erection of 1no. dwelling with associated works (Resubmission of PT12/4193/F). Conditions 2 and 11 are discharged.

Various Tree Works

### **4. CONSULTATION RESPONSES**

#### **4.1 Winterbourne Parish Council**

The comments of the Parish Council are that they would like confirmation that the proposed parking space shown on the plan is part of the site and not part of Frenchay Common. This is also a 5 bedroom house with only 2 parking spaces. There is also concern regarding the underground water flow. Members would like a hydrological survey done to ensure that if a basement is dug, water will not affect the neighbouring house.

#### **4.2 Transportation DC Officer**

Whilst there is no transportation objection in principle to the demolition and rebuild, the new dwelling would need to comply with the residential car parking SPD which would require a minimum of 3 off street car parking spaces.

#### **4.3 Highway Structures** no comment

#### **4.4 Lead Local Flood Team**

Confirmation and/or clarity are required on the following before drainage comments can be made accordingly:-

- 1) It has been stated within a neighbouring resident's objection, "of the presence of an underground spring/stream flowing underneath the cellar of the neighbouring houses" and that "The basement proposed in this application is exactly in line with our cellar (immediately next door) and, therefore, with the spring".  
We therefore request that an investigative survey by appropriately qualified personnel be carried out to confirm and/or determine its

existence and location and what effect the inclusion of a basement may or may not have on this proposal and/or neighbouring properties.

- 2) It is stated in the application form that surface water disposal will be to "Mains Sewer" but there are no Public Surface Water mains drainage in this location.

We therefore require clarity on what method of surface water disposal will be utilised.

Further to the above an investigative hydrological survey dated 21-4-16 has been submitted as requested and the LLFA advise that there is no evidence within the report confirming the presence of an underground spring/stream. They therefore conclude that, unless there is any evidence to the contrary we have 'No Objection' to the inclusion of the basement within this application and as previous, we recommend a SuDS condition be applied.

4.5 Natural England.

no comments to make on this application

4.6 Historic England

does not consider that it is necessary for this application to be notified.

4.7 Coal Authority

The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

4.8 Conservation Officer

The scheme remains as approved in all aspects but for the creation of the basement. Noted are the concerns of the neighbour in respect of the potential impact of the basement construction on the water table and underground stream. The applicant should seek to undertake the necessary investigations to ensure that the basement construction does not result in harm to the fabric of the adjacent listed building as a result of changes to the water table/stream.

The applicant has submitted a report from a suitably qualified hydrogeologist who has concluded that the water ingress is most likely to be the result of shallow groundwater present as perched groundwater or water in fractures in the sandstone geology of the area. I have no reason to doubt this assessment but would highlight the last point of the conclusion which states:

The design of a robust drainage system by an appropriately qualified drainage engineer should be provided as should advice from a geotechnical or structural engineer pertaining to ground stability and structural engineering issues in relation to the basement and drainage designs as would be expected as part of normal Building Control sign off.

#### 4.5 Environmental Protection

No objection

#### 4.6 Tree Officer

The application is supported by a comprehensive arboricultural report detailing methods for construction which will minimise any potential impact on the existing trees. It is considered that if the recommendations contained within the report are adhered to during the development the Trees will be protected. There are no objections as such to the proposal subject to a condition. that works are undertaken in accordance with the recommendations contained within the arboricultural report and tree protection plan.

#### 4.7 Archeology

The nature of the change to the proposals which appear to involve an amendment to include the construction of a basement below the house. Although no archaeological conditions were applied to the original permission, the new request is much more substantial in terms of its potential impact on the subsurface deposits. It is therefore recommended that an archaeological watching brief should be undertaken during ground disturbance.

#### 4.8 Ecology

Informative suggested in case of presence of bats, reptiles or nesting birds.

#### 4.9 Community Spaces Officer

The land outside the site appears to be common land.

### **Other Representations**

#### 4.3 Local Residents

An objection was received from one household on the following grounds.

- addition of a basement in this application.
- There is an underground spring flowing underneath the cellar of the neighbouring houses, which has already been brought to the attention of the applicants. The basement proposed in this application is exactly in line with our cellar (immediately next door) and, therefore, with the spring. Our cellar is 2.18m deep. The proposed basement is 2.86m deep, which will block, slow and/or divert the stream, backing up water upstream towards Beckspool Road and increasing the flood risk to our property and the surrounding area.
- The water table is already very high in this area, manifested in seasonal springs on the common areas in Frenchay, and visible surface bedrock. This deep excavation will destabilise the area, risking structural damage to the historic fabric of Bradford's House (a listed building) and the adjacent Wellingtonia tree.
- The extended disruption and disturbance caused by the necessarily extended duration of these works, for the creation of storage space, as

well as the associated traffic down our narrow drive will result in loss of amenity for a prolonged period.

- Concern that the stability of the proposal is not demonstrated.
- Concern at loss of parking

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The National Planning Policy framework (NPPF) emphasises that there is a presumption in favour of sustainable development. In addition the government attaches importance to the design of the built environment, citing good design as a key aspect of sustainable development. Developments should function well and add to the overall quality of the area. The policies cited above are considered to be fully compatible with the NPPF.

5.2 The principle of a new house at this location was established with the previous application PT13/1686/F. The main issue to consider is the change to include a basement.

5.3 Subject to consideration of the above the proposed development is acceptable in principle.

### **5.4 Design/Heritage issues**

The application site is located to the south of Bradfords House, one of a pair of Georgian, late 18<sup>th</sup> century houses located in a prominent position facing Frenchay Common. The buildings have been designed in an approximately symmetrical composition, with the imposing 3 storey elements separated by two storey connecting wings and flanked by single storey wings at each end. To the south of Bradfords House, the original garden boundary wall extends around and to the east eventually looping back to connect with the outbuildings of Frenchay Common House. The buildings are important landmark buildings in this part of the conservation area given their visual prominence in an otherwise relatively open space and their location at a transition point between the formality of the Georgian villas and the more vernacular appearance of the cottages and smaller houses to the south.

The site was developed in the mid 20<sup>th</sup> century with the construction of the red-brick Rectory, a two storey, hipped roof building of no architectural merit. The Rectory was built within the former gardens of Bradford House, and the boundary wall lowered and altered on the south side to provide a more open outlook. To the west, a garage door was knocked through the historic wall. The building, whilst of no architectural or historic importance, appears to have been intentionally set low and back from the principal elevations of the listed buildings in order to respect their character, significance and setting. It does, however, appear as an entirely discordant form of development in the conservation area not helped by the use of inappropriate materials. There is, therefore, an opportunity to enhance the character and appearance of this part of Frenchay.

The proposal reflects the form of the consented application which was found to be acceptable in this setting three years ago and policy nor the locality has

changed significantly in that time with regard to the setting of the building within its historic setting. All conditions of the previous approval have been discharged and the large scale details agreed pursuant to the fenestration, chimneys, cornicing, dormer window detail and materials etc have been submitted during this application in order that they may be agreed once again in this application without the need for further discharge of such details.

The basement itself will have no visual impact on the external appearance of the site or the conservation area. The external access to the basement is from the rear enclosed garden area and will not affect the setting of the adjacent listed building. As such the design of the proposal remains acceptable and it is considered that the development will enhance the character and appearance of the Frenchay Conservation Area. The proposal is therefore in accord with design and heritage policies. Conditions will be attached to the decision notice to secure that the plans and details of finishes and materials are secured.

### 5.3 Trees

There are two significant trees to the front and back of the site that are protected. An arboricultural report has been submitted with the application. The report details the methods for construction that will minimise any impact upon those trees and how they will be protected. The Council Tree Officer has viewed this report and is satisfied with that the recommendations set out by the Consultant are satisfactory. Subject to a condition to ensure that all works are carried out in accordance with the recommendations and tree protection plan the development is considered to address this issue in a satisfactory manner.

### 5.4 Residential Amenity

Residential amenity is assessed in terms of whether a development would appear oppressive and/or overbearing when viewed from adjoining properties or whether loss of privacy would accrue due to overlooking. Given the location of the development any impact must be assessed against the impact upon Bradfords House the property immediately to the north of the site. This was found to be acceptable in scheme PT13/1686/f and only the basement is a change from that application.

In terms of the physical impact of the development upon the outlook of Bradfords House it should be recognised that the building is replacing a structure that in itself had some impact albeit the original house was lower in height. The original house had an element that extended further beyond the rear elevation of Bradfords House than the current proposal and the changes in mass are not considered to cause harm to the neighbour.

With regard to privacy, it should be noted that the bulk of the new building lies along the side of Bradfords House such that there would be no direct overlooking of that property (roof lights would not overlook). There is a concern however that two first floor windows in the northern side of the new building that serve bathrooms (bath 1 and 2 on plan) would overlook the terrace/lawn area of the adjoining property. For this reason it is considered appropriate to condition that these windows are obscure glazed (to level 3).

On balance it is considered that the proposed development is acceptable in terms of impact upon the outlook of occupiers of Bradfords House subject to the above conditions the proposed development is considered to be acceptable in these terms and in accord with Policy H4 of the South Gloucestershire Local Plan (Adopted)

It is noted that the neighbouring occupants have raised concern regarding parking, drainage and stability issues which are considered in sections below.

## 5.5 Transportation

Concern has been raised regarding parking provision for the proposed dwelling however officers note that the scheme provides no more bedspaces than the house already consented and commenced. Whilst this was consented prior to the Parking standards being adopted the house itself remains the same scale and but with abasement which is not intended to be bedroom space. The basement is understood to be used to house the machinery for the passive house standards machinery and for ancillary storage/drying area. As such there is no more demand for parking than would be the case with the consented scheme for a five bedroom house. 3 or more spaces can be provided to the front of the property. This replicates the existing consented scheme.

Concern has been raised that the land outside the site where the indicated parking spaces would be is Common Land. This appears to be the case and Frenchay Common is owned by Frenchay Parish Council. The land seemingly has always been used for car parking at the vicarage and was accepted only three years ago in the planning decision. This is a decision of the council under its authority as a planning authority but does not mean that the authority of the Council in respect of rights of access over common land or in the keeping of the common register are also agreed. It is for the landowner to satisfy himself that he has legal authority to access the land.

In respect of access over common land the House of Lords overturned a 1993 Court of Appeal decision on 1st April 2004 and decided that where it can be shown a right of way has been enjoyed continuously by a property for at least 20 years, it will be deemed that the landowner had given the necessary consent at the outset. As such an informative will be applied to the decision notice that the owner should satisfy himself that he has legal authority to access the site.

Officers would also advise that while Common Land status may preclude a right to park on this area to the front, there is a general right to park within 15 yards of a road on any Common Land. The proposed development will not make anymore demands in parking terms than the consented arrangement and it is considered unlikely that parking would take place at this particular location that would not be associated with the site.

In conclusion no planning objection to the proposed development is raised on the basis that there is existing available parking and manoeuvring facilities

albeit on land to the front of the site rather than within the site. The proposal is considered acceptable in these terms.

#### 5.6 Drainage and stability

The drainage concerns raised by the neighbour and the Parish Council have been addressed by the applicant in a submitted investigative hydrological survey dated 21-4-16 and the documentation supplied to the LLFA is considered to raise no concerns. There is therefore no objection to the proposal from the Council's drainage engineers although detail of the SUDS proposal is requested. It is considered that it would be appropriate to have this agreed prior to occupation given that the project has already started.

The scheme has been subject to a coal mining assessment and the Coal Authority has been consulted on the document but found that it does not need to be consulted. As such no further detail of mining works area required under this application.

The building will need to pass Building Regulations and there is no reason to suppose that a basement will inherently cause a stability problem.

#### 5.7 Archaeology

Whilst the extent of excavation for the basement could have justified a watching brief the demolition works and excavation works have already been carried out pursuant to the extant consent and as such the watching brief is not considered appropriate or necessary.

### 6. CONCLUSION

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

### 7. RECOMMENDATION

- 7.1 Planning permission is granted subject to the conditions set out in the decision notice. No time condition is necessary as the works have already begun.

**Contact Officer: Karen Hayes**  
**Tel. No. 01454 863472**

## **CONDITIONS**

1. The property shall not be occupied 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 and approved by the Local Planning Authority in writing. All works shall be implemented in accordance with the approved details.

Reason: To comply with Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

2. The design and details including materials and finishes of the following items shall be completed in accordance with the submitted drawings unless other details regarding the following matters are submitted to and agreed in writing prior to the installation of the following parts of the building:

- a) Eaves, verges, cornices, ridges, parapets and stone plinth.
- b) All windows (including glazing bars, cill, reveal and lintels).
- c) All external doors (including surround, furniture & fittings)
- d) New doorway through boundary wall.
- e) Dormers.
- f) Veranda.
- g) All extract vents, flues, gas and electric meter boxes.
- h) Chimneys (including pots).
- i) Rainwater goods and soil pipes including colour and method of fixing.

For the avoidance of doubt, all rainwater goods and soil pipes shall be cast metal.

The design details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with cross section profiles. Cross sections through mouldings and glazing bars shall be submitted at full size. The scheme shall be implemented strictly in accordance with the approved details.

Reason: To preserve the setting of the listed building and to preserve or enhance the character or appearance of the Frenchay Conservation Area, in accordance with Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and Sections 66(1) & 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. All doors and windows shall be of a traditional painted timber construction and finished white unless another colour is agreed in writing by the local planning authority prior to the application of such other colour.

Reason: To preserve the setting of the listed building and to preserve or enhance the character or appearance of the Frenchay Conservation Area, in accordance with Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and Sections 66(1) & 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Samples of all external facing materials and natural stone tabling shall be submitted to and approved in writing by the local planning authority prior to the relevant works commencing. The development shall be carried out in accordance with the approved samples

Reason: To preserve the setting of the listed building and to preserve or enhance the character or appearance of the Frenchay Conservation Area, in accordance with Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and Sections 66(1) & 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. A sample panel of render of at least one square metre, showing the colour, texture and finish, shall be constructed on site and approved in writing by the local planning authority prior to the relevant works commencing on site. The development shall be carried out in accordance with the approved panel, which shall be retained on site until the completion of the scheme, to provide consistency.

Reason: To preserve the setting of the listed building and to preserve or enhance the character or appearance of the Frenchay Conservation Area, in accordance with Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and Sections 66(1) & 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. The natural stone wall along the south elevation shall be reinstated and repaired to match the existing in accordance with the submitted drawings prior to first occupation of the dwelling hereby approved.

Reason: To preserve the setting of the listed building and to preserve or enhance the character or appearance of the Frenchay Conservation Area, in accordance with Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and Sections 66(1) & 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, C, D, E, F, G and H) , or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To preserve the setting of the listed building and to preserve or enhance the character or appearance of the Frenchay Conservation Area, in accordance with Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and Sections 66(1) & 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. All works shall be carried out in accordance with the recommendations of the Arboricultural Impact Assessment and tree protection plan received 26/2/2016.

Reason

To ensure the works are carried out in an appropriate manner in the interests of the health and visual amenity of the tree, and to accord with CS1 and CS9 of the South Gloucestershire Council Local Plan Core Strategy Adopted December 2013.

9. Prior to the first use or occupation of the house hereby permitted, and at all times thereafter, the proposed first floor windows (Bathroom 1 and 2) on the North elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

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

10. The development shall be carried out strictly in accordance with the plans identified below:

Location plan received 3 March 2016

62/1 A Existing site and ground floor plan as existing received 3 March 2016

62/2 Existing roofplan and first floor plan received 3 March 2016

62/3 Existing elevations received 3 March 2016

62/4 street elevation received 3 March 2016

62/5c Proposed ground floor plan received 3 March 2016

62/6c Proposed first and second floor plan received 3 March 2016

62/7 rev I Elevations as proposed received 24/8/2016.

62/9a Section with proposed basement received 3 March 2016

62/10B Block plan as proposed received 13/4/2016.

Herz und Lang plan Nr.03 - cellar detail received 3 March 2016

62/D/9 Dormer window detail W2 received 24/8/2016

62/D/10 Window Detail W1A received 24/8/2016

62/D/1 rev B SASH WINDOW DETAILS received 24/8/2016

62/D/2 FRONT ENTRANCE AND CORNICE received 30/8/2016

62/D/4 FULL SIZE MOULDING PROFILES received 30/8/2016

62/D/5 FRENCH DOORS AND VERANDAH received 30/8/2016

62/D/6 PARAPET AND CHIMNEY DETAILS received 30/8/2016

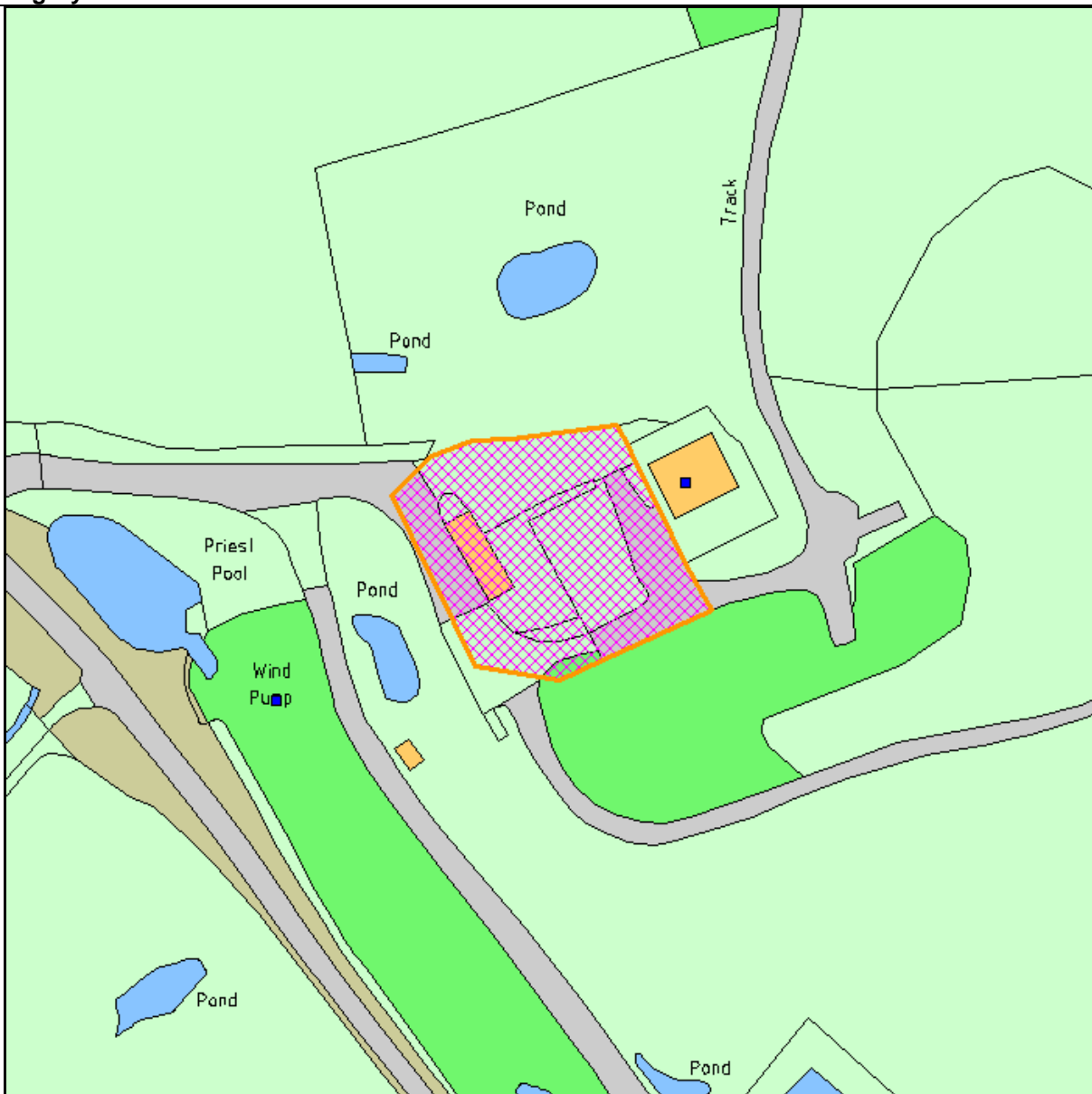
62/D/7 Door to boundary wall received 30/8/2016

Reason

For the avoidance of doubt.

## CIRCULATED SCHEDULE NO. 36/16 – 9 SEPTEMBER 2016

<b>App No.:</b>	PT16/3520/MW	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	Harnhill Landfill Site Elberton Road Olveston Bristol South Gloucestershire BS35 4DU	<b>Date Reg:</b>	16th June 2016
<b>Proposal:</b>	Removal of existing office cabin and leachate storage tank and installation of replacement portacabin and reinforced concrete bunded plastic leachate storage tank and a shipping container storage unit. Reconfiguration of car parking.	<b>Parish:</b>	Aust Parish Council
<b>Map Ref:</b>	359831 188319	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	15th September 2016



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PT16/3520/MW

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule in accordance with the Council's requirements for applications that are submitted by South Gloucestershire Council

### **1. THE PROPOSAL**

- 1.1 The application is for the removal of existing office cabin and leachate storage tank and installation of a replacement portacabin and reinforced concrete bunded plastic leachate storage tank and a shipping container storage unit and reconfiguration of car parking.
- 1.2 The proposal relates to the Harnhill former landfill site, located off Elberton Road, between Olveston and Elberton. The site is restored and no longer accepts waste, but activity continues to monitor and control environmental impacts. This management occurs mainly in a compound area that exists towards the front entrance to the site with existing access and facilities already located there. The site is located within the Green Belt.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance  
National Planning Policy for Waste
- 2.2 West of England Joint Waste Core Strategy (Adopted) March 2011  
Policy 8 Landfill, Landraise, Engineering and Other Operations (Principles)  
Policy 9 Landfill, Landraise, Engineering and Other Operations (Details)  
Policy 11 Planning Designations  
Policy 12 General Considerations

### **3. RELEVANT PLANNING HISTORY**

- 3.1 N6309 – Establishment of site for deposit of controlled waste. Approved 6<sup>th</sup> March 1980
- 3.2 P86/0502/3 – Use of land for siting of two portacabins to provide canteen and toilet block. Approved 4<sup>th</sup> June 1986
- 3.3 PT02/2853/RVC – Variation of approved restoration scheme to increase settlement surcharge by 3 metres. Refused 7<sup>th</sup> January 2003.

### **4. CONSULTATION RESPONSES**

- 4.1 Aust Parish Council  
No objection
- Environmental Protection  
No objections in principle, but recommend contamination protection conditions

#### Sustainable Transportation

We note that this planning application seeks to carry out a number of works at the Harnhill Landfill Site in Elberton Road, Olveston. It seems that these works represent a general rearrangement of the site including the reconfiguration of car parking. However, they do not change the number of parking spaces on the site or its access arrangements. Moreover, it does not appear that it is intended to alter the activities taking place on the site. We do not think that these proposals will change the travel demand associated with this facility. Consequently, we have no highway or transportation comments about this application.

#### Archaeology

No objections

#### Landscape

No objection

#### Other Consultees:

##### Local Residents

No comments received

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

As the site history section above demonstrates, the principle of the site for use as a landfill has been established. The site has been completed as a landfill. There is still however a requirement to manage aspects of the site and the facilities that this entails. This includes monitoring and managing ongoing environmental impacts including leachate and landfill gas. Facilities required therefore include leachate tanks and cabin building for storage of light equipment, office and welfare use. Such facilities already exist on site and their principle is therefore established. This application seeks to update these existing facilities, the proposed facilities being of smaller footprint.

### **5.4 Green Belt**

The site is located within the Green Belt. As illustrated above the principle of the site as a landfill site in the Green Belt has been established by previous decisions. The site has ceased operation as a working landfill but is now in its aftercare and management stages. Following this cessation of landfilling some years ago, there remains the necessity for the ongoing management of the site for the foreseeable future. Such facilities are already established at the site. The replacement of these facilities with newer and smaller facilities would not conflict with Green Belt policy at this location taking into account the previously approved use of the site.

### **5.5 Visual/Local Amenity**

The proposals would be located within the existing compound area and would reduce in scale. It is not considered that the proposals would have any impact upon visual or local amenity. A contamination condition is recommended to address the re-siting of the cabin.

## 5.6 Transportation

The proposals would not impact upon access or the level of vehicular movements associated with the site

## 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 site as a landfill already exists and the ongoing requirement for management of environmental matters for the foreseeable future therefore also exists along with the facilities that this entails. The application is on this basis considered to be in accordance with Policy 9 of the West of England Joint Waste Core Strategy (Adopted) March 2011. In addition to this, whilst the site is located within the Green Belt as the proposals seek to continue the management of an existing landfill site the application is not in conflict with Green Belt policy. Existing access would be used. It would not be expected that traffic flows at proposed levels would have any greater impact on the highway network than uses approved through previous planning permissions. It is not considered that the proposals would increase upon any amenity impact. The proposals are therefore in accordance with Policies 11 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

- 7.1 That planning permission is granted subject to conditions recommended.

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

## CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason  
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. Upon the cessation of the requirement for the ongoing management of the former landfill site all buildings, structures and materials approved by this permission shall be removed.

Reason:

In the interests of local amenity, the Green Belt and to accord with Policies 11 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011 and the provisions of the NPPF.

3.
  - A) Prior to commencement, an investigation shall be carried out by a suitably qualified person, into the previous uses and contaminants likely to affect the development, in particular to include a ground gas risk assessment. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
  - B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development and how any unacceptable risks will be mitigated. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings and what mitigation measures are proposed to address these. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
  - C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011, and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 36/16 – 9 SEPTEMBER 2016**

**App No.:** PT16/3554/F

**Applicant:** Mr And Mrs Charles  
Burrough

**Site:** Herm Haw Lane Olveston Bristol South  
Gloucestershire  
BS35 4EG

**Date Reg:** 10th June 2016

**Proposal:** Erection of two storey side and rear and single storey rear extension to form additional living accommodation.

**Parish:** Olveston Parish  
Council

**Map Ref:** 360281 186947  
**Application** Householder

**Ward:** Severn  
**Target** 4th August 2016

**Category:**

**Date:**



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PT16/3554/F

## **REASONS FOR REPORTING TO CIRCULATED SCHEDULE**

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under Circulated Schedule as a result.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks to erect a two storey extension to the side and rear of Herm, Haw Lane, Olveston.
- 1.2 The subject property is a semi-detached early to mid-20th Century two storey house with a pitched and hipped roof. To the side of the property is an existing single storey extension and to the rear is a lean-to conservatory like structure. To the rear and side of the property is a detached garage. The property is situated on a relatively level site and is located both within the Olveston Conservation Area and Bristol/Bath Greenbelt.
- 1.3 The scheme has been subject to considerable amendments following officer recommendations.
- 1.4 The subject property is nearby a number of other residential uses, including listed buildings.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### **2.2 Development Plans**

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

H4 Development within Existing Residential Curtilages  
T12 Transportation  
L12 Conservation Areas

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS4a Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage

#### **2.3 Supplementary Planning Guidance**

Design Checklist SPD (adopted) August 2006  
Residential Parking Standards SPD (adopted) December 2013  
Development in the Green Belt SPD (Adopted 2007)  
Olveston Conservation Area SPD (Adopted) January 2013

### **3. RELEVANT PLANNING HISTORY**

No Relevant Planning History

#### **4. CONSULTATION RESPONSES**

4.1 Olveston Parish Council  
No Objection

4.2 Other Consultees

Sustainable Transport  
No Objection

Listed Building and Conservation Officer  
Objection on design grounds – proposal thought to harm the character of the conservation area.

Archaeological Officer  
No Objection

#### **Other Representations**

4.3 Local Residents

One objection has been received. The commenter considers the size of the proposal to result in a negative impact on the surrounding area by virtue of overdevelopment and impact on the streetscene. The modern design of the proposal was also highlighted. Furthermore the proposals impact on the privacy of the garden directly to the rear was also highlighted. Finally it was noted that the proposal would set a precedent for other contemporary extensions in this location. These impacts are discussed later in the report.

#### **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 where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development with the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation.

5.2 Development within the Green Belt would be considered acceptable subject to assessment to elucidate whether they would constitute a disproportionate addition. The NPPF (2012) allows for limited extensions to buildings within the Green Belt providing that they do not result in disproportionate additions over and above the size of the original building. The South Gloucestershire Development within the Green Belt SPD states that any additions resulting in a volume increase of between 30%-50% will be subject to careful consideration

and assessment. Any proposed development over and above 50% of the volume of the original building would likely be considered in excess of any reasonable definition of 'limited extension'. The proposal is subject to the consideration below.

5.3 Greenbelt

The subject site is located within the Bristol/Bath Greenbelt and would therefore be assessed against the South Gloucestershire Development in the Greenbelt SPD (Adopted 2007), Policy CS5 of the Core Strategy and the NPPF (2012). These indicate limited development is permitted in the greenbelt subject to an assessment of its impact. The subject site is within the development boundary of the village. In such a location limited infilling would be permitted.

- 5.4 The subject property has been subject to a rear extension in the past, other than that the property is thought to be original. The volume of the original dwelling has been calculated to be around 340 m<sup>3</sup>. The proposal would result in the loss of the existing rear lean-to extension. The volume of the additions has been calculated to be in the region of 170 m<sup>2</sup>, representing a cumulative volume increase of around 50%. Consequently the proposal should be carefully assessed. The proposal will be subservient in scale to the existing dwelling whilst incorporating the hipped roof present on the existing dwelling. Furthermore the impact to the front of the property and the public realm is minimal as the extension will only project around 2.4 metres further than the existing side elevation of the original dwelling and around 0.4 metres past the existing side projection. Given that the proposal is situated within the development boundary the proposal is not thought to undermine the adopted Greenbelt Policy.

- 5.5 This application is a revised scheme following officer recommendations. The original submission was thought to fail both with regard to greenbelt and design grounds. This subsequent scheme has been significantly reduced in volume and altered the design features of the proposal. Overall the proposal is thought to accord with adopted Greenbelt Policy and the provisions of the NPPF (2012).

5.6 Design and Impact on Heritage Assets

The proposal consists of a two storey rear and side extension. There are a number of other extensions to properties in the area. The subject site is within the Olveston Conservation area. The subject property itself is somewhat more modern than the majority of dwellings on the road, however to the rear on Orchard Rise (and outside of the conservation area) are a number of dwellings thought to have been constructed in the mid-20th Century. The Olveston Conservation Area SPD specifically identifies a number of 'modern properties' on Haw lane which is thought to include the subject property and notes that these dwellings are not of any particular architectural or historic merit but respect the urban grain of the lane.

- 5.7 The subject property has rendered elevations. The proposal will match the elevational treatment and roof covering of the dwelling whilst incorporating a small amount of timber between window openings. These materials are considered to be appropriate and there is no objection with regard to materials.

- 5.8 The existing rear lean-to will be demolished to allow the erection of the extension. There is no objection to the loss of the structure as it provides no architectural merit and is located in a discreet location.
- 5.9 Comments from the councils Listed Building and Conservation Officer indicated objection to the proposal. It was thought by the officer that the proposal would result in harm to the character of the Conservation area. It has been considered that the proposal site is away from the centre of the conservation area and any listed buildings. Furthermore the proposal will only project around 2.4 metres past the side elevation of the existing dwelling whilst replacing an existing single storey projection of a similar width, meaning the impact on the streetscene is minimal. The scheme would not result in deterioration of the character of the lane as it would respect the grain of the surrounding dwellings whilst maintaining the generous plot and separation distances between properties. The proposal incorporates many of the design features of the existing dwelling whilst being subservient in scale. Given this consideration the proposal is not thought to result in harm on the character of the conservation area and its appearance is not thought to substantiate a refusal reason.
- 5.10 Objection has been received from a neighbouring property, largely focussing on the design impact of the proposal. The comments suggest that it may result in overdevelopment and a negative impact on the streetscene. The comments also consider the proposal to be out of keeping with the surrounding properties. Lastly the comments suggest the proposal would set a precedent for other contemporary extensions. These comments appear to refer to the original scheme submitted. Since this, the proposal has undergone significant amendments to ensure that the design respects that of the existing dwelling. It should be noted that the subject property does not have a traditional appearance and differs from the majority of properties on the lane. The current proposal is thought to be in-keeping with the character of the existing dwelling and its matching counterparts and is not considered to result in overdevelopment or a significant impact on the streetscene.
- 5.11 Overall, it is considered that the proposed extension would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to be 'in keeping' with policies CS1, CS9, H4 and L13 and conforms to the criteria in the adopted Local Plan.
- 5.12 Residential Amenity  
Policy H4 of the adopted Local Plan gives the Council's view on new development within exiting residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.
- 5.13 The subject property is a semi-detached dwelling. To the rear are a row of modern dwellings separated by relatively large gardens. One objection has been received concerned that the proposal would result in loss of privacy to the rear gardens of these properties. The proposal will be situated in excess of 18

metres from the rear boundary. Given these separation distances it is not thought the proposal would result in any deterioration of this relationship.

- 5.14 The proposal would not result in a significantly larger building footprint as a result of the loss of the conservatory. Consequently the proposal is thought to retain adequate private outdoor amenity space.
- 5.15 The proposal will be stepped back from the front elevation of the host dwelling. Consequently it is not thought to impact the amenities of dwellings to the south of the property and separated by Haw lane. The proposal will also be around 10 metres from the side elevation of the dwelling to the west. The proposal will be subservient in scale to the original dwelling and windows in the side elevation of the proposal would be fixed and obscure glazed meaning it is not thought to result in an unacceptable impact on the property. The adjoining property has been extended to the rear over a single storey and this extension projects around as far as the proposal. As a result the proposal is not thought to result in an unacceptable impact on its adjoining partner.
- 5.16 An objection has been received concerned with the loss of privacy to the garden of the property to the south of the boundary. The existing property has openings in much the same positions as the proposed extension and will not be situated materially closer to the impacted garden, further to this the windows and openings will not serve any further rooms and is unlikely to result in any additional overlooking than the existing property. Accordingly the proposal is considered to have an acceptable impact on the amenity of the adjacent garden.
- 5.17 The subject property is located within the built up residential area of Olveston and given the scale and location of the proposed development, the proposal will not result in an unacceptable detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.
- 5.18 Sustainable Transport and Parking Provision  
The property currently has 2 parking spaces to the front and side of the dwelling and a detached single garage within the garden to the side/rear of the property. The proposal would not require any additional parking spaces nor will it have a negative impact on highway safety or the retention of an acceptable level of parking provision, meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006). The council has no objection to the proposal in relation to highway safety or parking provision.

## 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 attached to the decision notice.

**Contact Officer: Hanni Osman**  
**Tel. No.**

## **CONDITIONS**

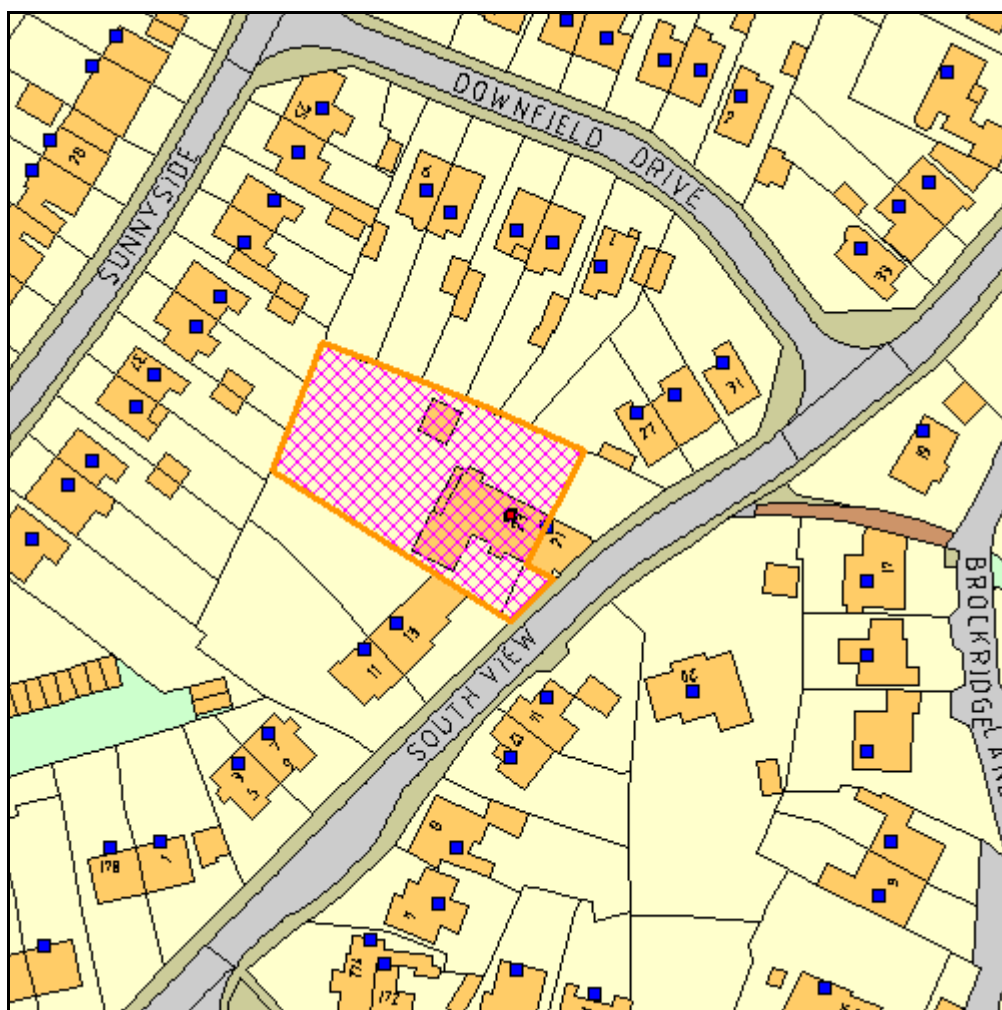
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 36/16 – 9 SEPTEMBER 2016

<b>App No.:</b>	PT16/3682/F	<b>Applicant:</b>	Mr James Emsley
<b>Site:</b>	23 South View Frampton Cotterell Bristol South Gloucestershire BS36 2HT	<b>Date Reg:</b>	27th June 2016
<b>Proposal:</b>	Construction of raised platform with pump room under and erection of boundary fence (retrospective)	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366951 181463	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	16th September 2016



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PT16/3682/F

## **1. THE PROPOSAL**

- 1.1 Retrospective planning permission is sought for the construction of a raised platform with a pump room underneath and the erection of a boundary fence.
- 1.2 The application site comprises a semi-detached property which has been subject to some alterations to the side which are currently being considered under PT16/3712/F. To the west of the property lies the enclosed rear curtilage which is broadly divided into two parts, a grassed area and an area which contains a pond and the raised platform and pump room subject of this application.

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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 Reference PT16/3712/F - detached garage to form residential annexe. Currently pending consideration.

## **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council – No response
- 4.2 Other Consultees - None

### **Other Representations**

#### **Local Residents**

- 4.3 Five letters of objection have been received from nearby properties. In summary, these objections relate to the loss of privacy caused by the raised platform causing overlooking into nearby gardens and the potential overbearing impact being caused by the height of the proposed trellis.

## **5. ANALYSIS OF PROPOSAL**

### **Principle of Development**

- 5.1 Saved Policy H4 of the South Gloucestershire Local Plan (Adopted January 2006) ("the Local Plan") permits proposals for development within existing residential curtilages where they respect the design and character of the existing property and the character of the surrounding area, would not prejudice the residential amenity of neighbours and would not prejudice the retention of adequate private amenity space.
- 5.2 Policy CS1 of the Core Strategy states that development will only be permitted where the highest possible standards of design and site planning are achieved.
- 5.3 While relevant policies from the South Gloucestershire Local Plan – Proposed Submission: Policies, Sites and Places Plan have been taken into account, they have only been given limited weight as the document is yet to be adopted.
- 5.4 The proposal is considered acceptable in principle however it is considered in detail against the analysis set out below.

### Design

- 5.5 The raised platform and pump room measures 1.475 metres high at the highest point when viewed from the garden and 1.65m high from the rear boundary where the land slopes away. The proposed trellis is an additional 1.8m high on top of the platform, set against evergreen leylandi.
- 5.6 The raised platform and pump room have been constructed using materials that compliment the landscaped areas around the existing pond in shades that match the render on property. Although not visible from the streetscene, the quality of construction is high.
- 5.7 It is considered that the design of the raised platform is of a high standard and respects the character of the property and surrounding area in accordance with Saved Policy H4 of the Local Plan and Policy CS1 of the Core Strategy.

### Residential Amenity

- 5.8 The pump room and raised platform back on to properties at Sunnyside. Concern has been raised over potential loss of privacy caused by overlooking when someone is stood on the raised platform.
- 5.9 Between the raised platform and the boundary with the gardens of properties on Sunnyside is a mature leylandi hedge. Beyond this in the gardens of neighbouring properties are a mixture of trees and shrubs likely to be of a deciduous nature. As evident on site, it was not possible, given the screening to see directly into the gardens of neighbouring properties.
- 5.10 The applicant has proposed to erect a 1.8m high trellis in front of the leylandi. It is considered that this will provide extra screening for both the occupiers of 23 South View and the neighbouring properties in the event that the evergreen hedge should be removed or fail. It is not considered that the trellis will have an overbearing impact on neighbouring properties. With the leylandi in place, this will not be visible. If the leylandi were to be removed or fail, the trellis would

provide a boundary between 23 South View and Sunnyside that is of a considerable distance away from the houses on Sunnyside to limit loss of residential amenity.

- 5.12 With regard to the boundary with No.13 South View it is considered that whilst the replacement of the hedge with fencing may somewhat change the character of the boundary, given this is not of a large extent and the fence is located at the very rear of the garden of No.13, distant from the house any overbearing impact created is not considered sufficient enough to warrant refusal of this application.
- 5.13 Subject to the proposed condition, it is considered that the proposal is in accordance with saved Policy H4 of the Local Plan.

#### Other Matters

- 5.14 One objection was raised concerning the impact of the construction on the boundary wall of a property on Downside. Whilst this objection reads as though the neighbour was not aware this application was retrospective officers would like to point out that any boundary disputes are considered a civil matter and not a material planning consideration. Nevertheless, this proposal is not sited on the boundary with any properties at Downside.

### **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 Having taken the above into considered it is recommended that this application is approved subject to conditions.

**Contact Officer: Sarah Jones**  
**Tel. No. 01454 864295**

#### **CONDITIONS**

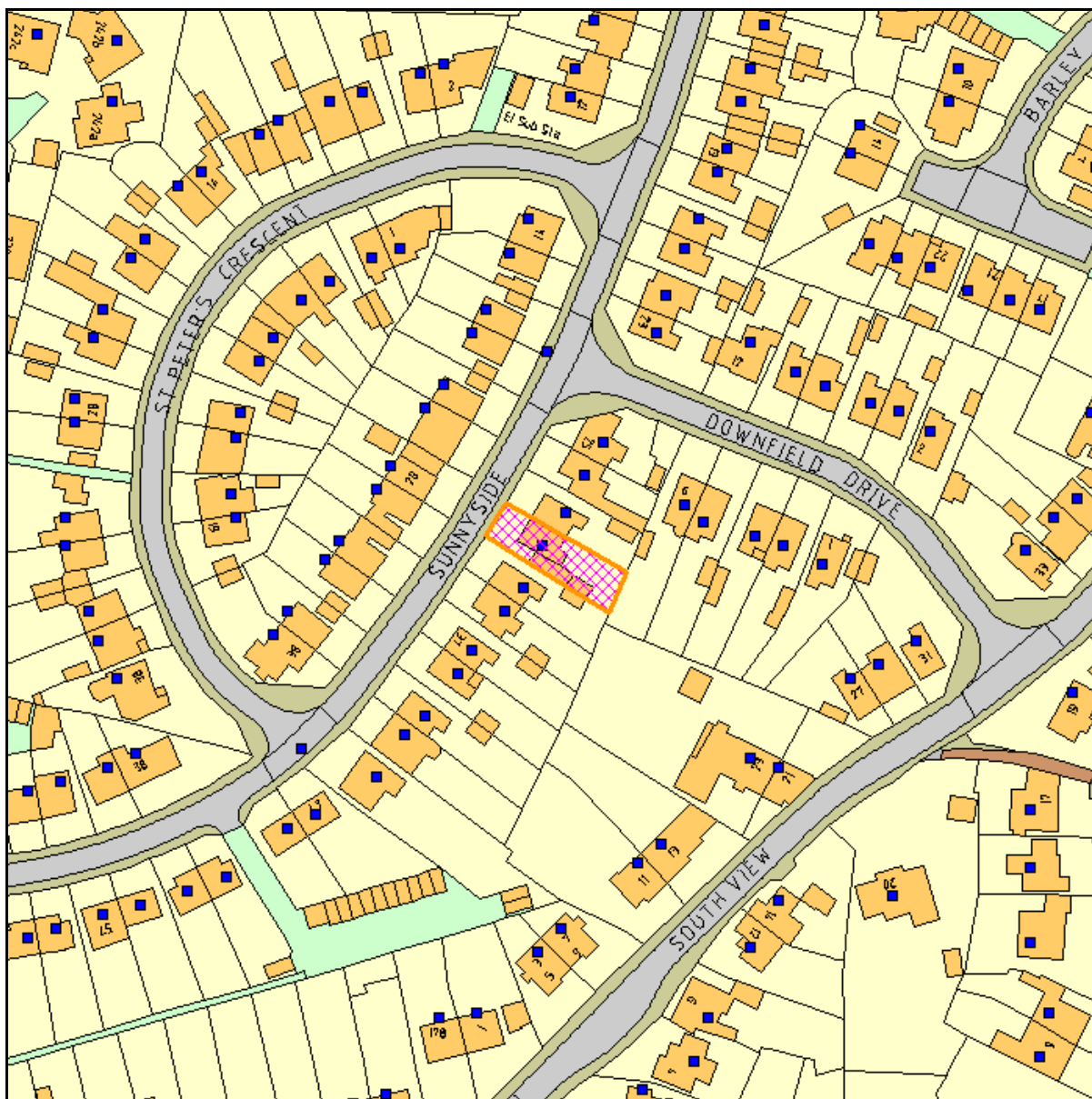
1. Within two months of the date of this permission, a 1.8m high trellis shall be erected as per plan JE/2-0156 titled "East Elevation Proposed" submitted as part of this application.

#### Reason

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

## CIRCULATED SCHEDULE NO. 36/16 – 9 SEPTEMBER 2016

<b>App No.:</b>	PT16/4143/F	<b>Applicant:</b>	Mr Sam Gill
<b>Site:</b>	31 Sunnyside Frampton Cotterell Bristol South Gloucestershire BS36 2EH	<b>Date Reg:</b>	26th July 2016
<b>Proposal:</b>	Erection of single storey front, side and rear extensions to provide additional living accommodation.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366907 181508	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	19th September 2016



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PT16/4143/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

The planning application has been referred to the Council's Circulated Schedule procedure due to comments received from the Parish Council and local residents that are contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of a single storey front, side and rear extension at 31 Sunnyside in Frampton Cotterell.
- 1.2 The host dwelling is a two-storey, semi-detached property located within a defined settlement boundary.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### **2.2 Development Plans**

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

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

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

#### **2.3 Supplementary Planning Guidance**

Design Checklist Supplementary Planning Document (adopted) August 2007  
Residential Parking Standards Supplementary Planning Document (adopted) December 2013

### **3. RELEVANT PLANNING HISTORY**

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

### **4. CONSULTATION RESPONSES**

#### **4.1 Frampton Cotterell Parish Council**

Objection on the following grounds:

- There is restricted parking, whilst the plans show two spaces one of them would not be viable due to the position of the front door and step.
- There would be restricted access to the rear of the property.
- This is overdevelopment of the site reaching to its boundary limits.

## **Other Representations**

### **4.2 Local Residents**

Two letters of objection has been received from neighbouring residents. The comments are summarised below:

- The extension to the front of the house is not in keeping with any other property in the road.
- Proposal would be aesthetically unattractive.
- There is potential the residential property is being readied for business purposes.
- The proposed front porch will be overbearing and out of balance with the rest of the road and will be oppressive.
- We will no longer be able to use our driveway alongside our house as it is narrow. A pebble dashed wall will damage a car parked beside it if touched by the car door.
- The proposed side wall of the extension would be overbearing and claustrophobic and will be extremely oppressive located approximately 2.49 metres from our kitchen window.
- The aspect/ outlook and light into our kitchen would be blighted as the side window provides most of the light into our kitchen, the new wall would severely curtail this.
- We object to all window(s), sills, vents, flues, gutters, - or anything through the wall at any height and anything protruding beyond the boundary line.
- Number of concerns regarding the possible use as a business.

Six letters of support have also been received from neighbouring residents, the following points have been raised:

- We should be encouraging the younger generation to move back to our village
- Part of the neighbours' side window is already obscured by the present car port.
- The houses in Sunnyside should be improved and updated
- The proposal is in keeping with other extensions that have been built on our street and would not look out of place.
- We should be encouraging young people to make homes in our village rather than making them think twice about living here.
- The proposal is for a small extension which can't harm anyone.
- Frampton Cotterell itself has a huge diversity of houses, this diversity gives the area character.
- There are other houses which protrudes out at the front compared to neighbours which don't look out of place.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policies CS1 of the South Gloucestershire Core Strategy (adopted December 2013) and Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) are both supportive in principle. Saved Policy H4 is supportive providing development is within the curtilage of existing dwellings, the design is acceptable with relation to policy CS1 of the Core Strategy, that there is safe

and adequate parking, and also providing the development has no negative effects on transport.

Policy CS1 of the Core Strategy exists to make sure developments enhance and respect the character, distinctiveness and amenity of the site and its context. The proposal shall be determined against the analysis below.

5.2 Design and Visual Amenity

The application site is a two-storey, semi-detached dwelling in Frampton Cotterell. The property is situated on the residential road of Sunnyside. The dwelling is set back from the road with an area of hardstanding to the front of the property. The application seeks planning permission for the erection of a single storey front, side and rear extension to provide additional living accommodation.

- 5.3 There is an existing single storey rear extension at the site which will join onto the wrap around extension. The proposed single storey side extension will extend beyond the existing side elevation by 2.6 metres and beyond the existing rear elevation by 2 metres.

The proposal will also wrap around part of the front of the property to create a front porch. The proposal will extend beyond the existing front elevation by 1.1metres. The wrap around extension will have a total height of 3.4 metres and will have a hipped style roof.

Officers do not consider the scale and massing of the proposal to be detrimental to the character of the area. Whilst there is no precedent for front extensions on Sunnyside officers believe the design of the proposal respects the surrounding area.

- 5.4 The materials proposed will match the existing with pebble dash render for the elevation, concrete interlocking roof tiles and white PVC windows and doors. Whilst objection comments have been received stating that the proposal would be aesthetically unattractive officers believe the materials will respect the character of the site.

- 5.5 An objection comment has been raised by the Parish Council suggesting that it is overdevelopment of the site. Officers consider that the proposal is modest in size and respects the surrounding area.

- 5.6 Overall, whilst there is no precedent for parts of the proposal it is considered that the proposal respects the character of the site and the wider context as well as being of an appropriate scale and proportion with the original dwelling and surrounding properties. Thus, the proposal satisfies policy CS1 of the adopted Core Strategy.

5.7 Residential Amenity

Saved policy H4 of the adopted Local Plan states that proposals for development within existing residential curtilages will only be permitted where they would not prejudice the amenity of nearby occupiers.

- 5.8 The proposal seeks planning permission for a single storey wraparound front, side and rear extension to provide additional living accommodation at a semi-detached property in Frampton Cotterell; the boundary treatments at the site

- consist of 1.8 metre fences at the rear, there is no current boundary treatment between the applicant site and neighbouring dwelling no.33. A number of concerns have been raised by neighbouring residents regarding the impact the proposal will have on their amenity.
- 5.9 The proposed single storey front extension will have an outlook on the front garden and the road, officers do not consider this to be overlooking. Neighbouring residents are concerned that the front porch will be overbearing. Whilst it will be combined with the side extension and be built up to the boundary between the applicant site and no.33 it will only extend beyond the existing front elevation by 1.1 metres.
- 5.10 The proposed single storey side extension aspect of the proposal will be somewhat overbearing and will result in a minor loss of light into no. 33 however the impacts are not considered to materially harm the residential amenity of no.33. Concerns have also been raised about the potential of overlooking from the proposed side elevation window, officers note that the single proposed side elevation window will be 1.8 metres above ground level and non-opening. It is not considered that the proposed window will be adversely overlooking.
- 5.11 The proposed single storey rear extension is not considered to adversely impact the residential amenity of neighbouring dwellings as there is an existing single storey rear extension at the property. It is considered that there is also adequate amenity space remaining for the present and future occupiers of No. 31 Sunnyside.
- 5.12 Overall, the proposal is not considered to materially harm or prejudice the residential amenity of nearby occupiers. As such, the proposal is considered to accord with saved policy H4 of the adopted Local Plan 2006.
- 5.13 Highways  
Whilst no new bedrooms are proposed within the development it is acknowledged that the proposed works will impact the existing parking. However, the applicant has submitted vehicle parking plans showing two spaces can be provided within the residential curtilage of the dwelling and as such the site complies with the Council's Residential Parking Standard SPD.
- 5.14 Two objection comments have been raised regarding parking at the site. Firstly the Parish Council highlight that one of the spaces would not be viable due to the position of the front door and step. Whilst officers note that there is currently a step to get into the property it will not necessarily remain.
- 5.15 Secondly the residents of no.33 are concerned that they will no longer be able to use the driveway alongside their house due to the proposed side elevation, the existing situation allows them to open their car doors easily. However firstly they do not have a right to open their car doors across the boundary. Secondly it is not a planning concern.

#### 5.16 Other Matters

It is noted that the neighbouring resident has objected to sills, vents, flues and gutters protruding beyond the boundary line, if this was to occur it would be a civil matter covered by the Party Walls Act 1996.

There are two concerns regarding the potential for the residential property being readied for business purposes, no change of use application has been received and at present the potential is not a material consideration.

The Parish Council have objected stating that the proposal will result in restricted access to the rear of the property. Whilst access will be restricted it is noted that the neighbours opposite are attached by garage link with a number of them not having restricted access to the rear. Rear access is not considered to be a necessity.

### 6. CONCLUSION

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

### 7. RECOMMENDATION

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

**Contact Officer: Fiona Martin**  
**Tel. No. 01454 865119**

### CONDITIONS

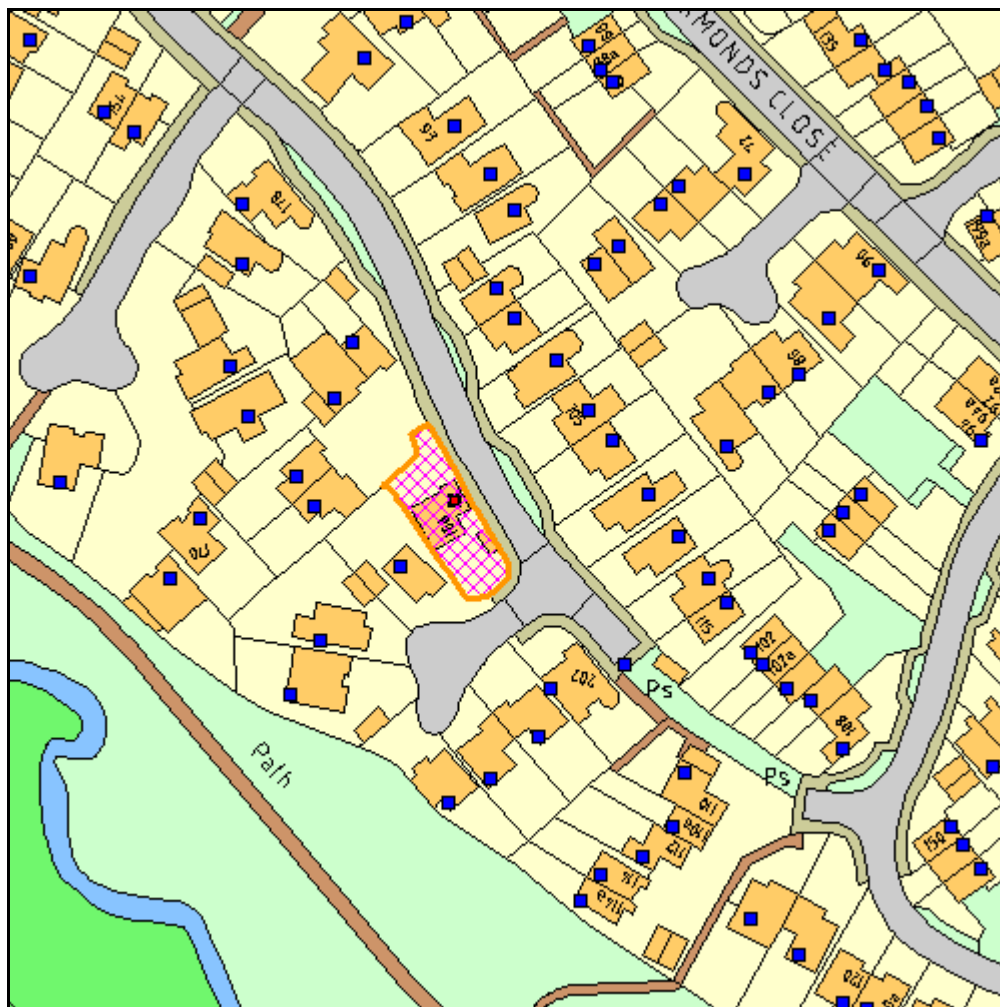
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason  
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the extension 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.

## CIRCULATED SCHEDULE NO. 36/16 – 9 SEPTEMBER 2016

<b>App No.:</b>	PT16/4377/F	<b>Applicant:</b>	Mr Peters
<b>Site:</b>	188 Ellicks Close Bradley Stoke Bristol South Gloucestershire BS32 0EU	<b>Date Reg:</b>	4th August 2016
<b>Proposal:</b>	Erection of two storey side and single storey rear extensions to provide additional living accommodation.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362278 182416	<b>Ward:</b>	Bradley Stoke Central And Stoke Lodge
<b>Application Category:</b>	Householder	<b>Target Date:</b>	19th September 2016



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PT16/4377/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

The application has been reported to the circulated schedule because an objection has been received from a neighbouring resident contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application is for planning permission for the erection of two storey side and single store rear extensions to provide additional living accommodation.
- 1.2 The property is a two-storey semi-detached dwelling located within the established residential area of Bradley Stoke. The site is located within the north Bristol urban fringe area.
- 1.3 The dwellinghouse is located along the main through road through Ellicks Close and is orientated to face No's 180 and 182 to the north-west. To the south-west is No. 190, which is orientated to face the south-east.
- 1.4 The proposal seeks planning permission to extend above the garage forming a first floor side extension. The proposed two storey side extension would measure 2.7 metres wide, with an eaves height of 4.9 metres and overall ridge height of 7.6 metres matching the main dwellinghouse.
- 1.5 The proposed single storey rear extension measures 8.3 metres wide (full width of the dwellinghouse), an eaves height of 2.5 metres and maximum roof height of 3.1 metres. It must be noted that the proposed single storey rear extension constitutes permitted development and does not require full planning permission. The Officer's report will only be assessing the proposed two storey side extension in section 5.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

T12 Transportation  
H4 Development within Existing Residential Curtilages

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP1 Location Distinctiveness  
PSP8 Residential Amenity

PSP16	Parking Standards
PSP38	Extensions within Residential Curtilages
PSP43	Private Amenity Space Standards

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

### **3. RELEVANT PLANNING HISTORY**

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

### **4. CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
 No objection.
- 4.2 Archaeology  
 No objection.
- 4.3 Sustainable Transportation  
 No objection.

#### **Other Representations**

- 4.4 Local Residents  
 One objection from a neighbouring resident concerning the single storey rear extension only:
- Extension would be immediately next to window of living area and kitchen door;
  - Loss of light and sunlight to side of home impacting main living areas, resulting in cooler and darker room and would need additional heating;
  - Possible additional noise from extension as nearer to property;
  - Extension may be overbearing and would cause loss of outlook;
  - Possible loss of privacy due to side window and kitchen door being so close to the proposed extension.

### **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
 Saved policy H4 of the adopted Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and in accordance with Policy CS1 of the adopted Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Design and Visual Amenity

The proposed two storey side extension would be flush with the principal elevation of the dwelling and would include two new bedrooms on the first floor. The roof height would match the dwelling. The proposed extension would include three new windows on the first floor, with two serving the proposed front bedroom. The proposed two storey extension has a modest footprint and is considered subservient to the host dwelling. Roof tiles, face brickwork, rainwater goods and windows are to match the existing. The proposed extension is in accordance with Policy CS1 of the adopted Core Strategy.

5.3 Residential Amenity

The two storey side extension will involve creating a first floor extension above the existing attached single garage located on the east elevation, adjacent to the road. Additional windows will be inserted in the front, side and rear elevations. It is not considered that this level of glazing will cause overlooking or result in loss of privacy over and above the existing situation. Given the distance from other neighbouring properties, it is not considered that the proposed extension would have any overbearing impact, or result in loss of outlook or sunlight.

- 5.4 As part of the proposal, part of the front garden will be used for an additional parking space doubling the parking provision. It is not considered that this will have a negative impact on visual amenity and adequate private amenity space will remain at the rear of the property to serve a 4no. bedroom dwelling.

5.5 Transport

The number of bedrooms will increase to four (although the proposed floor plan includes an office and three bedrooms on the first floor). Part of the proposal is to convert the existing garage into additional living accommodation. The proposal includes an additional parking space to the frontage of the site. This level of parking complies with the Councils residential parking standards and is considered acceptable.

5.6 Other Matters

An objection has been raised from a neighbouring resident concerning the impact of the proposed single storey rear extension. As stated in section 1, the proposed rear extension has been assessed and constitutes permitted development. Whilst the neighbouring resident has raised a number of concerns about the proposed single storey extension, these cannot be taken into account in respect of the proposed single storey rear extension.

6. CONCLUSION

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

(Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 That planning permission is **APPROVED**, subject to the attached conditions.

**Contact Officer: Katie Warrington**  
**Tel. No. 01454 863436**

### **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).

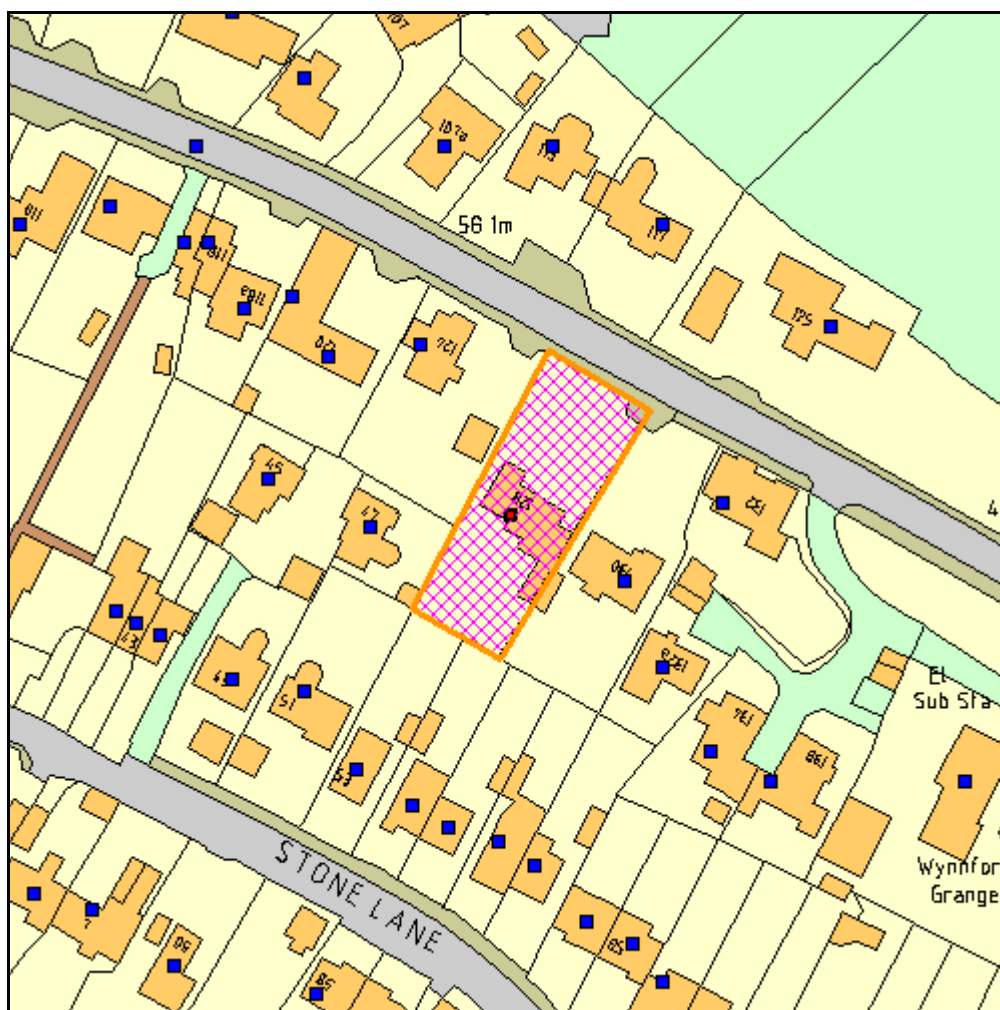
2. The off-street parking facilities shown on the plan (16060\_P1) hereby approved shall be provided before the two storey side extension is first occupied, and thereafter permanently retained for that purpose.

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.

## CIRCULATED SCHEDULE NO. 36/16 – 9 SEPTEMBER 2016

<b>App No.:</b>	PT16/4439/CLP	<b>Applicant:</b>	Mr Hudd
<b>Site:</b>	128 Down Road Winterbourne Down Bristol South Gloucestershire BS36 1DG	<b>Date Reg:</b>	26th July 2016
<b>Proposal:</b>	Certificate of lawfulness for the proposed erection of single storey rear extension	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365562 179548	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>		<b>Target Date:</b>	16th September 2016



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PT16/4439/CLP

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at 128 Down Road, Winterbourne Down would be lawful development. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990 (As Amended) 1990 section 192  
Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

The submission is not a full planning application this the Adopted Development Plan is not of relevance to the determination of this application; the decision rests on 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 the proposed development is lawful against the GPDO.

### **3. RELEVANT PLANNING HISTORY**

There is no relevant planning history at the site.

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No Objection

Other Consultees  
None Received

#### **Other Representations**

- 4.3 Local Residents  
None received.

## 5. **SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

5.1 Application Form; Existing Floor Plan; Site Location Plan; Proposed Floor Plan; Existing and Proposed Elevations

## 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 not consideration of planning merit, the application is based on the facts presented. This 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 the householders under Schedule 2, Part 1 Class A of the GPDO (2015).

6.3 The proposed development consists of a single storey extension to the rear of the property. This development would within Schedule 2, Part 1 Class A of the GPDO (2015), which allows for the enlargement, improvement or other alterations of dwellinghouse, provided it meets the criteria detailed below:

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

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

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

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

The total area of the ground covered by the buildings (other than the original dwellinghouse) would be less than 50% of the total area of the properties 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 extension would not exceed the height of the existing dwellinghouse.

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

The height of the eaves of the rear extension would not exceed the height of the eaves to 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 extension does not project beyond a wall which forms the principal elevation nor does it form a side elevation of the original dwellinghouse which fronts a highway.

**(f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**

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

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

The development does not extend beyond the rear wall of the original dwellinghouse by more than 4 metres nor does it exceed 4 metres in height.

**(g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**

**(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**

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

Not applicable.

**(h) The enlarged part of the dwellinghouse would have more than a single storey and—**

**(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**

**(ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**

The extension proposed is a single storey.

**(i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**

The extension would not be within 2 metres of the boundary, nor would they exceed 3 metres in height.

**(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;**

The proposal does not extend beyond the side elevation of the dwellinghouse.

**(k) It would consist of or include—**  
**(i) the construction or provision of a verandah, balcony or raised platform,**  
**(ii) the installation, alteration or replacement of a microwave antenna,**  
**(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**  
**(iv) an alteration to any part of the roof of the dwellinghouse.**

The proposal does 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 render, brick, windows and roof tiles to match existing. The proposed materials would therefore have a similar appearance to the materials in the host 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.

## **7. RECOMMENDATION**

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

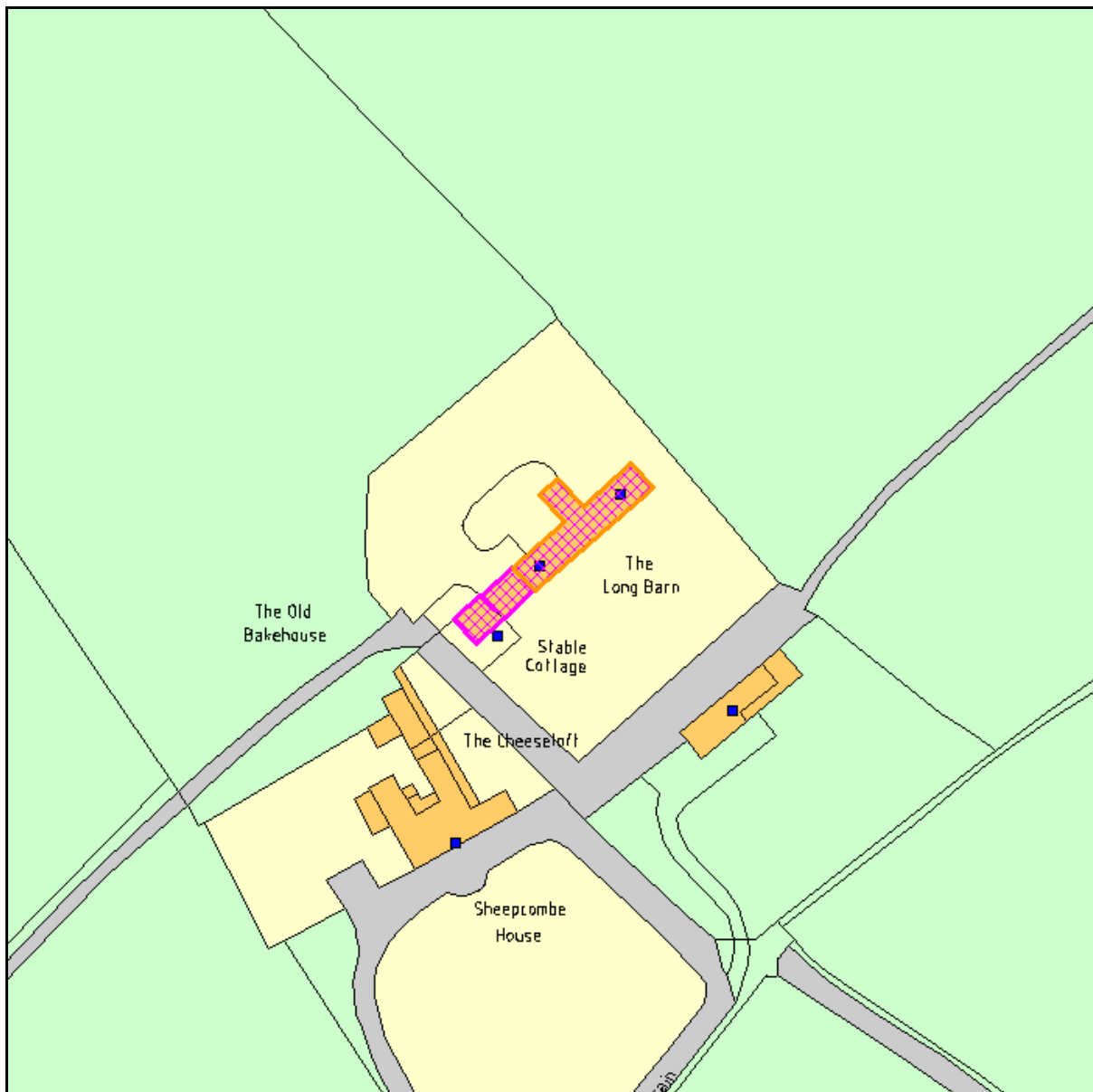
Evidence has been provided to demonstrate that on the balance of probability the proposed extension would fall within the permitted rights afforded to householders under Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

**Contact Officer: Hanni Osman**  
**Tel. No.**



**CIRCULATED SCHEDULE NO. 36/16 – 9 SEPTEMBER 2016**

<b>App No.:</b>	PT16/4542/CLE	<b>Applicant:</b>	Mr And Mrs Roderick Offer
<b>Site:</b>	The Long Barn Washingpool Hill Road Tockington Bristol South Gloucestershire BS32 4NZ	<b>Date Reg:</b>	1st August 2016
<b>Proposal:</b>	Application for a certificate of lawfulness for the existing use of The Long Barn, the Long Barn annex and Stable Cottage as three separate residential dwellings.	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	361718 186873	<b>Ward:</b>	Severn
<b>Application Category:</b>		<b>Target Date:</b>	19th September 2016



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PT16/4542/CLE

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application is referred to the circulated schedule in accordance with the Council's scheme of delegation as it is for a certificate of lawfulness.

### **1. THE PROPOSAL**

- 1.1 This application seeks a certificate of lawfulness for the existing use of The Long Barn, The Long Barn Annex and Stable Cottage as three separate residential dwellings.
- 1.2 The Long Barn was converted into a dwellinghouse in 1979. The Long Barn is located to the east of Tockington village along a small group of other dwellings and is within the Bristol/Bath Green Belt. To the north and south are agricultural fields and to the south is Sheepcombe Farmhouse, a Grade II listed building. The Long Barn is not located within the curtilage of this building.
- 1.3 The certificate of lawfulness is sought on the basis that the use of The Long Barn, The Long Barn Annex and Stable Cottage are used as independent dwellings immune from enforcement action under section 171B(2) of the Town and Country Planning Act 1990 ("the Act") and therefore, in accordance with section 191(2) the use is lawful. This application follows a recent planning enforcement investigation.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - i. Town and Country Planning Act 1990: s171B and s191
  - ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
  - iii. National Planning Practice Guidance: 17c (2014)

### **3. RELEVANT PLANNING HISTORY**

- 3.1 N254/1/LBC                      The Long Barn  
Minor demolition works including the formation of window and door openings to facilitate the conversion of part of the barn to a granny flat  
Approved      24.05.1982
- 3.2 N5893/3                         The Long Barn  
Alterations to form a granny flat  
Approved      24.05.1982
- 3.3 P85/2490                        The Long Barn and Stable Cottage  
Relief from condition (b) on planning permission N5893/3  
Refused        04.12.1985

*Refusal reason:*

*Site is within the Bristol Green Belt and the planning permission for the sub-division of the barn was granted having regard to the special circumstances*

*advanced by the applicant at the time of the original planning application in May 1982.*

- 3.4 P87/1973 The Long Barn  
Erection of new chimney on side elevation. Erection of screen wall attached to premises measuring approximately 2.4 metres in height; erection of patio retaining wall approximately 0.6 metres in height  
Approved 29.07.1987
- 3.5 P95/1195 The Long Barn  
Erection of single storey extension to form garage and store  
Approved 11.09.1995

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

- 4.1 The applicant has submitted the following items in support of the application:
- Copy of Land Registry map showing land ownership of applicant;
  - Copy of Land Registry plan detailing the sub-division of the land as three dwellings;
  - Elevation plans of The Long Barn from 1987 planning permission (Ref. P87/1973);
  - Land Registry plan showing means of access to the 3no. separate residential properties;
  - The Long Barn Annex red edged plan;
  - Stable Cottage red edged plan;
  - Ground and First Floor Plans of The Long Barn, The Long Barn Annex and Stable Cottage;
  - Stable Cottage Floor Plan from Milburys Estate Agents Ltd;
  - Letter from Milburys Estate Agents Ltd (dated 11.05.16) confirming they have acted as Mr and Mrs Offer's letting agent in regards to The Long Barn Annex and Stable Cottage for the last 17 years;
  - Copies of invoices to Mr and Mrs R Offer (applicants) from Milburys (dated 20.05.11, 12.09.11, 13.04.12, 26.07.13, 02.08.13, 13.01.14, 14.10.14, 08.12.14, 21.03.16 and 29.03.16) relating to bond deposits and other various lease-related fees for The Long Barn Annex and Stable Cottage;
  - Copy of letter from South Gloucestershire Council's Council Tax Team in reference to applicants accounts for The Long Barn, The Long Barn Annex and Stable Cottage.
- 4.2 Evidence gathered by Officer:
- Planning history for The Long Barn, The Long Barn Annex and Stable Cottage;
  - Council Tax records (emailed 02.08.16) confirming that all three properties have been registered as separate domestic properties and are billed for Council Tax individually. The dates the respective properties were originally set up for Council Tax are as follows:
    - o The Long Barn 01.04.92;
    - o The Long Barn Annex 12.01.09;

- o Stable Cottage 20.05.11.

## **5. SUMMARY OF CONTRARY EVIDENCE**

- 5.1 The LPA does not have any contrary evidence.

## **6. OTHER REPRESENTATIONS RECEIVED**

- 6.1 Olveston Parish Council  
No comment.

- 6.2 Planning Enforcement  
No comment received.

### **Other Representations**

- 6.3 Local Residents  
None received.

## **5. EVALUATION**

- 7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) The Long Barn has been sub-divided and used as three independent dwellings is lawful.

- 7.2 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.

- 7.3 In this instance, it must be proven by the applicant that the building in question The Long Barn, The Long Barn Annex and Stable Cottage have been used for independent residential purposes for a period of 4 years or more prior to the date of this application.

### **Assessment of Lawfulness**

- 7.4 The application site is accessed from a shared access driveway to the south-west. The Long Barn is a stone built 200-year old barn that was originally converted into a dwelling in 1979 by the current occupiers. The Long Barn (main dwellinghouse) benefits from a large curtilage, with the main garden to the south. There is a large attached garage on the east elevation and a gravelled parking/turning area in front of the garage. The west end of the dwelling is Stable Cottage and immediately next to it is The Long Barn Annex (first floor only). Stable Cottage consists of a kitchen, separate lounge/diner and WC on the ground floor and a large bedroom, office and bathroom on the

first floor. There is a small patio area to the rear of the property and a parking space at the front. The Long Barn Annex is a self-contained flat, with an outside stone staircase on the north elevation, leading up to the first floor flat. The Long Barn Annex has a small entranceway, large open plan living room and kitchen area, bathroom and bedroom, with a mezzanine storage area above.

- 7.5 The applicant claims that the main dwelling house The Long Barn has been subdivided into three separate units (The Long Barn, The Long Barn Annex and Stable Cottage) since 1996. Originally the 'granny flat' (Stable Cottage) was provided for the mother of the applicant Mr Offer and The Long Barn Annex (connected by use of a historic first floor doorway) was used for additional carer accommodation. The applicant must be able to demonstrate that on the balance of probability the existing use of part of the dwelling at The Long Barn as three separate residential units (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) continuously for a period of 4 years or more. The evidence submitted by the applicant and evidence gathered by the Officer are considered below in this report.
- 7.6 In respect of the planning history, planning permission was obtained in May 1982 (Ref. N5893/3) for the conversion of part of The Long Barn into a granny flat (known as Stable Cottage). Subsequent to this application, planning permission was applied for in 1985 for the removal of a condition limiting Stable Cottage to be used as a 'granny The Long Barn Annexe'. Planning permission was refused for Green Belt reasons and the condition was not removed. However, the applicant states that from April 1996 The Long Barn Annex and Stable Cottage have been rented out to tenants not related to the family, being let through formal agreements with Milburys Estate Agents Ltd from 1999 onwards. The application is supported by evidence in the form of copies of invoices sent to the applicants from Milburys Estate Agents covering the period May 2011 to March 2016. These invoices are also further supported by a letter from a Lettings Negotiator at Milburys Estate Agents confirming they have acted as letting agent for The Long Barn Annex and Stable Cottage for over 17 years.
- 7.7 The Officer has conducted a detailed site visit with the owner. It is clear from the site visit that The Long Barn Annex is a completely self-contained flat. The historic interconnecting door has recently been permanently blocked up during renovations; the owner confirmed this door had not been used for many years though as it was not needed. The neighbouring Stable Cottage is also a self-contained two-storey dwelling. There is trellis fencing around the front marking out the parking area and formally separating it from The Long Barn Annex. The Long Barn is a large 5no. bedroom dwellinghouse, with its own private entrance accessed from the parking area and extensive gardens with a swimming pool. It is considered that evidence gathered from the site visit confirms that the physical layout and existing use of the three dwellings are as separate and independent units, with their own access and parking areas.
- 7.8 The applicant and the Officer have both contacted the Council Tax team to confirm the commencement of separate Council Tax for each dwelling. Council Tax records confirm that all three dwellings have been registered as separate

domestic properties and are billed by the Council Tax team separately. The dates the respective properties were originally set up for Council Tax are as follows:

- o The Long Barn 01.04.92;
- o The Long Barn Annex 12.01.09;
- o Stable Cottage 20.05.11.

The letter provided by the applicant has not provided any substantial detail in respect of the Council Tax billing situation for each dwelling and only dates as far back as 2013 for The Long Barn Annex and 2014 for Stable Cottage. The applicant has advised the Officer that they sought a more detailed account but none has been provided. The information gathered from Council Tax appears to be sufficient to confirm the use of The Long Barn Annex and Stable Cottage as separate

7.9 Whilst the evidence does not include a schedule of occupants, the invoices supplied show numerous occupants of The Long Barn Annex and Stable Cottage over a 5 year period. The evidence provided is considered sufficient to demonstrate the lawful use as three separate dwellings. The Council does not have any contrary evidence and has not received any consultation responses that outweigh the documents and evidence provided by the applicant.

7.10 In conclusion to the above, it is considered that on the balance of probability the use of The Long Barn, The Long Barn Annex and Stable Cottage as separate dwellings has been proven by the provision of evidence which holds substantial weight. The evidence clearly and unambiguously demonstrates that the use of The Long Barn, The Long Barn Annex and Stable Cottage as separate dwellings has taken place in excess of four years (more likely 20 years). This application for a certificate of lawfulness for an existing use is therefore approved.

## 8. **CONCLUSION**

8.1 On the balance of probability, the sub-division of the dwelling The Long Barn as three separate dwellings has been established for over four years and so the use is considered to be lawful and immune from enforcement action.

## 9. **RECOMMENDATION**

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

**Contact Officer:** Katie Warrington  
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## **REASON**

1. Evidence has been submitted to demonstrate that, on the balance of probability, part of the dwelling The Long Barn has been used as three separate and independently occupied dwellings known as The Long Barn, The Long Barn Annex and Stable Cottage for a continuous period of at least four years.