



**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.02/16

Date to Members: 15/01/16

Member's Deadline: 21/01/16 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by the Planning and Transportation Committee on 21 November 1996. The procedure is designed to increase the effectiveness and efficiency of the Development Control Service. Under the arrangement reports are circulated on a weekly basis.

The reports assess the application, consider representations which have been received, and make a recommendation regarding the proposal. The procedure is designed to ensure that Members are aware of any concern expressed by interested parties in their ward and indicate a recommendation.

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **by email within five working days of the publication of the schedule (by 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee**

**PLEASE NOTE: THE CIRCULATED SCHEDULE PROCESS IS ONLY OPEN
TO THE ELECTED MEMBERS OF SOUTH GLOUCESTERSHIRE COUNCIL.**

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Environment of Community Services know within 5 working days of the date of this Schedule (e.g., if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

To refer an application(s) members are asked to email MemberReferral@southglos.gov.uk providing details of

- Application reference and site location
- Indicate whether you have discussed the application(s) with the case officer and/or area planning manager
- Indicate whether you have discussed the application(s) with ward member(s) if the site is outside of your ward
- The reason(s) for the referral

The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Development Control Committees or under delegated powers including:

- a) Any application submitted by or on behalf of the Council.
- b) Any application requiring either new or a modification to an existing planning agreement, provided that the application is not required to be determined by Committee.
- c) Any footpath diversion required to implement an approved scheme.
- d) Applications, except those where approval is deemed to be granted upon the expiry of a defined period, where a representation contrary to the Officers recommendation are received.
- e) Applications for Certificates of Appropriate Alternative Development where a representation contrary to the Officer's recommendation is received.
- f) Applications for Certificates of Lawful Use of Development

GUIDANCE FOR 'REFERRING' APPLICATIONS

Members are entitled to refer any application for consideration by the relevant DC Committee or Sites Inspection Committee, before a decision has been made. However as call-ins will delay the decision on an application and in the interests of improving the effectiveness and efficiency of the Development Control service, this option should only be exercised after careful consideration. Members are therefore asked to take account of the following advice:

- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Please do not leave it to the last minute
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Management Technical Support Team. Please note a copy of your referral e mail will appear on the website. **If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.**
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

CIRCULATED SCHEDULE - 15 JANUARY 2016

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/3092/CLE	Approve	Highfield Farm Highfield Lane Horton South Gloucestershire BS37 6QU	Cotswold Edge	Horton Parish Council
2	PK15/4801/F	Approve with Conditions	94 Willis Road Kingswood South Gloucestershire BS15 4SP	Rodway	None
3	PK15/4830/TRE	Refusal	The Meadows Greenbank Road Hanham South Gloucestershire BS15 3SA	Hanham	Hanham Parish Council
4	PK15/5143/F	Approve with Conditions	33 Tower Road North Warmley South Gloucestershire BS30 8YE	Siston	Siston Parish Council
5	PK15/5336/F	Approve with Conditions	5 Glendale Downend South Gloucestershire BS16 6EQ	Downend	Downend And Bromley Heath Parish Council
6	PT15/4728/CLE	Approve	Mobile Home Sycamore Farm Stidcot Lane Tytherington Wotton Under Edge South Gloucestershire GL12 8QD	Charfield	Cromhall Parish Council
7	PT15/4959/F	Approve with Conditions	Land Near Old Gloucester Road Alveston South Gloucestershire BS35 3LQ	Thornbury South And	Alveston Parish Council
8	PT15/5183/F	Approve with Conditions	29 School Road Frampton Cotterell South Gloucestershire BS36 2DB	Frampton Cotterell	Frampton Cotterell Parish Council
9	PT15/5288/NRE	Approve	Bradley Stoke Community School Fiddlers Wood Lane Bradley Stoke South Gloucestershire BS32 9BS	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council

CIRCULATED SCHEDULE NO. 02/16 – 15 JANUARY 2016

App No.:	PK15/3092/CLE	Applicant:	Mr J P Fannon
Site:	Highfield Farm Highfield Lane Horton Bristol South Gloucestershire BS37 6QU	Date Reg:	17th July 2015
Proposal:	Application for a certificate of lawfulness for the existing use of a former agricultural building and adjoining yard as a builder's store and builder's yard respectively (sui generis).	Parish:	Horton Parish Council
Map Ref:	376721 184566	Ward:	Cotswold Edge
Application Category:		Target Date:	10th September 2015



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PK15/3092/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use or Development, is that the applicant has to demonstrate on the **balance of probability**, that the uses as described, have occurred for a period of 10 years consecutively, prior to the receipt of the application on the 15th July 2015.

1. THE PROPOSAL

- 1.1 The application comprises a Certificate of Lawfulness submitted under Section 191 (1) of the Town and Country Planning Act 1990 as amended by S.10 of the Planning and Compensation Act 1991 in respect of a former agricultural building and associated land at Highfield Farm, Highfield Lane, Horton, South Gloucestershire BS37 6QU.
- 1.2 The application comprises a Certificate of Lawfulness for the use of a former agricultural building as a builder's store and associated land as a builder's yard (sui generis) at the property known as Highfield Farm which is located in the open countryside to the north-east of the village of Horton.
- 1.3 In order to regularise the breach of planning control, the applicant seeks a Certificate of Lawful Use of the land and building, as defined on the submitted Location Plan (the building is shown as building B and the relevant land enclosed by the red line).

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990: Section 191
Town and Country Planning (Development Management Procedure) (England) Order 2010: Article 35
Town and Country Planning (Use Classes) Order 1987 (as amended).
The Planning Practice Guidance March 2014
- 2.2 Development Plans
As the application is for a Certificate of Lawfulness, the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only demonstrate that on the balance of probability, the uses as applied for have occurred for a period of 10 years consecutively, prior to the receipt of the application on the 15th July 2015.

3. RELEVANT PLANNING HISTORY

- 3.1 N6491/1 - Erection of first floor extension to provide bedroom, bathroom and additional accommodation.
Approved 22 April 1982

- 3.2 P91/2053 - Erection of detached dwelling (outline).
Refused 21 August 1991
- 3.3 PK10/0199/F - Erection of 1no. single storey self contained annexe ancillary to main dwelling with associated works. Change of agricultural land to residential curtilage. (Resubmission of PK09/5739/F).
Approved 13 April 2010
- 3.3 PK15/3084/F - Erection of 2 storey detached residential annexe ancillary to main dwelling (retrospective).
Approved 14 Sept 2015
- 3.4 PK15/3089/CLE - Application for a certificate of lawfulness for the existing use of building for a mixed composite use as domestic and commercial storage and a domestic workshop.
Pending
- 3.5 PK15/3091/F - Change of use of land from agricultural to residential curtilage and erection of domestic outbuilding (retrospective).
Pending

Enforcement History

- 3.6 COM/15/0210/OD/1 - PCN served - Submit CLU

4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION

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

1. Statutory Declaration of Mr James Hilton Fannon of 44 Flaxpits Road, Winterbourne, Bristol BS36 1LA dated 26th June 2015. Mr Fannon states the following:
 - Building B is shown outlined in red and the yard outlined in blue on an enlarged Ordnance Survey Plan.
 - I have worked with my father in a building and civil engineering business operated by us.
 - I am able to categorically confirm that the building shown on the plan and the yard area adjoining it has been used continuously since 1986 for the storage of building and civil engineering contractor's plant, equipment and materials and is so used today.
2. Statutory declaration of James Patrick Fannon of Highfield Farm, Horton, BS37 6QU. Mr Fannon states the following:
 - Building B is shown outlined in red and the yard outlined in blue on an enlarged Ordnance Survey Plan.
 - I confirm the building and yard area have been continuously used by me for the storage of builder's civil engineering contractor's plant, equipment and

materials continuously since I purchased the building in 1986 and that the building and yard area is so used to-day.

- In January 2010 I made an application for the erection of a residential annexe at the property. My then agent in his planning report referred to the existing builder's yard that has been established for more than 30 years.

5. **SUMMARY OF CONTRARY EVIDENCE**

There is no contrary evidence at all.

6. **OTHER CONSULTATIONS**

Local Councillor

No response

Horton Parish Council

Horton Parish Council have no objections to this application.

Sustainable Transport

No comment

7. **ASSESSMENT**

- 7.1 The legislative framework for a Certificate of Lawfulness rests under S191 of the Town and Country Planning Act 1991. Specifically, this act specifies that:

s191) (1)

'If any person wishes 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 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,

he/she may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter'.

- 7.2 Accordingly, the applicant submitted the application under S191 (1)(a). To this extent, having regard to S171B of the Act, a Certificate of Lawful Existing Use or Development can be obtained where:-

(a) There has been a continuous use of land or buildings (other than a dwelling) for more than 10 years.

(b) A condition or limitation on a planning permission has not been complied with for more than 10 years.

(c) Building or other operations have been completed for more than 4 years.

(d) A building (not land) has been used as a dwelling for more than 4 years.

In this case therefore the onus of proof is on the applicant to show on the balance of probability that the use has occurred for a continuous period of 10 years up to and including the date of the application i.e. the relevant 10 year period is 15th July 2005 to 15th July 2015.

- 7.3 For a use to be lawful for the purposes of the Town and Country Planning Act, section 191(2) requires that:

'For the purposes of this Act uses and operations are lawful at any time if:

- (a) no enforcement action may 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); and*
- (b) they do not constitute a contravention of any of the requirements or any other enforcement notice then in force.'*

(No enforcement notice was in place during the relevant 10 year period)

- 7.4 The application for a Certificate of Lawfulness is purely an evidential test irrespective of planning merit. The only issues that are relevant to the determination of this application are whether, in this case, an unfettered occupation of this site for the uses described has occurred for a continuous period of not less than 10 years and whether or not the uses are in contravention to any planning enforcement notice or breach of condition notice then in force.

7.5 The relevant test of the submitted evidence

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

7.6 Hierarchy of Evidence

The evidence submitted comprises two affidavits or statutory declarations. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

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

From the evidence submitted the two Statutory Declarations carry substantial weight.

The Council does however have its own archive of aerial photographs dating 1991,1999, 2005, 2006 and 2008/2009 and these will be referred to in the analysis section below.

Reference is also made to an earlier planning application PK10/0199/F.

Analysis

- 7.7 The original application sought a certificate for the use of a former agricultural building and adjoining yard as a builders store and workshop. There is however no mention of the workshop use in either of the submitted Statutory Declarations. Furthermore, it has become evident during the course of this application that if there has been any 'works' within the building marked 'B' on the submitted Location Plan, they would have been of a very ancillary nature. During the officer site visit there was no evidence of workshop use within the building, which was at that time, being used entirely for storage purposes.
- 7.8 Within the building and strewn around the yard were a variety of items which included:- scaffolding, plant and machinery, various building materials, trailers, temporary fencing, signs, site huts, etc. Officers are satisfied that these items were being stored on the site in association with the applicant's building and civil engineering business. On this basis the use applied for has been amended to the following:

"Application for a certificate of lawfulness for the existing use of a former agricultural building and adjoining yard as a builder's store and builder's yard respectively (sui generis)."
- 7.9 The council have a series of aerial photographs of the site spanning the relevant 10 year period and beyond. Whilst it is not possible to see inside the

building it is evident that as far back as 1991 similar items as described above were being stored in the yard. This supports the evidence submitted.

7.10 Mr James Patrick Fannon in his Statutory Declaration made reference to an earlier planning application PK10/0199/F for the erection of residential annexe at Highfield Farm. Mr Fannon claims that his agent for that application made reference to the builder's yard in his planning report. Officers have studied the documentation submitted with the 2010 application as well as the officer report. Whilst there is a reference to a builder's yard in the submitted Planning Statement, it is unclear as to where the yard is. There is no reference to it in the officer report.

7.11 Given however that there is no evidence to contradict the applicant's version of events, officers are satisfied that on the balance of probability a certificate should be issued for the uses in the revised description.

7.12 Was there Deliberate Concealment?

Although the site is well concealed from public view there is nothing to suggest that there was any attempt to deliberately conceal the uses applied for. The site has its own separate vehicular access and movements of items into and out of the site would be difficult to conceal. Officers are therefore satisfied that on the balance of probability, the uses applied for have been continuous as described for a continuous period of at least 10 years prior to receipt of the application and as such a certificate should be granted.

8. CONCLUSION

8.1 The submitted evidence covers the relevant 10- year period prior to receipt of the application and beyond.

8.2 The evidence submitted by the applicant is considered to be sufficiently precise and unambiguous. There is no contradictory evidence from third parties or from the Council's own aerial photographs to make the applicant's version of events less than probable.

8.3 It is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim and a certificate should be issued.

Planning Unit

8.4 Officers are satisfied that the land and building the subject of this application are distinct from any adjoining uses. The storage uses relate to the whole site, which is well defined on the ground by boundary treatments. It is clear from the various aerial photographs that the boundaries of the site have not altered during the relevant 10 year period and beyond. A separate planning unit has therefore been established.

9. RECOMMENDATION

9.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of the building for residential (C3) purposes and use of the land as associated

residential curtilage as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) for the following reason:

Sufficient information has been submitted to demonstrate that, on the balance of probability, the building shown in red on the submitted plan has been present and used for builder's storage and the yard edged in red on the submitted plan has been used as an associated builder's yard for a continuous period of 10 years or more prior to the submission of the application.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CIRCULATED SCHEDULE NO. 02/16 – 15 JANUARY 2015

App No.: PK15/4801/F

Applicant: Mr S Owen

Site: 94 Willis Road Kingswood Bristol South
Gloucestershire BS15 4SP

Date Reg: 30th November
2015

Proposal: Demolition of detached garage and
erection of 1no. attached dwelling with
associated works.

Parish: None

Map Ref: 365843 174918

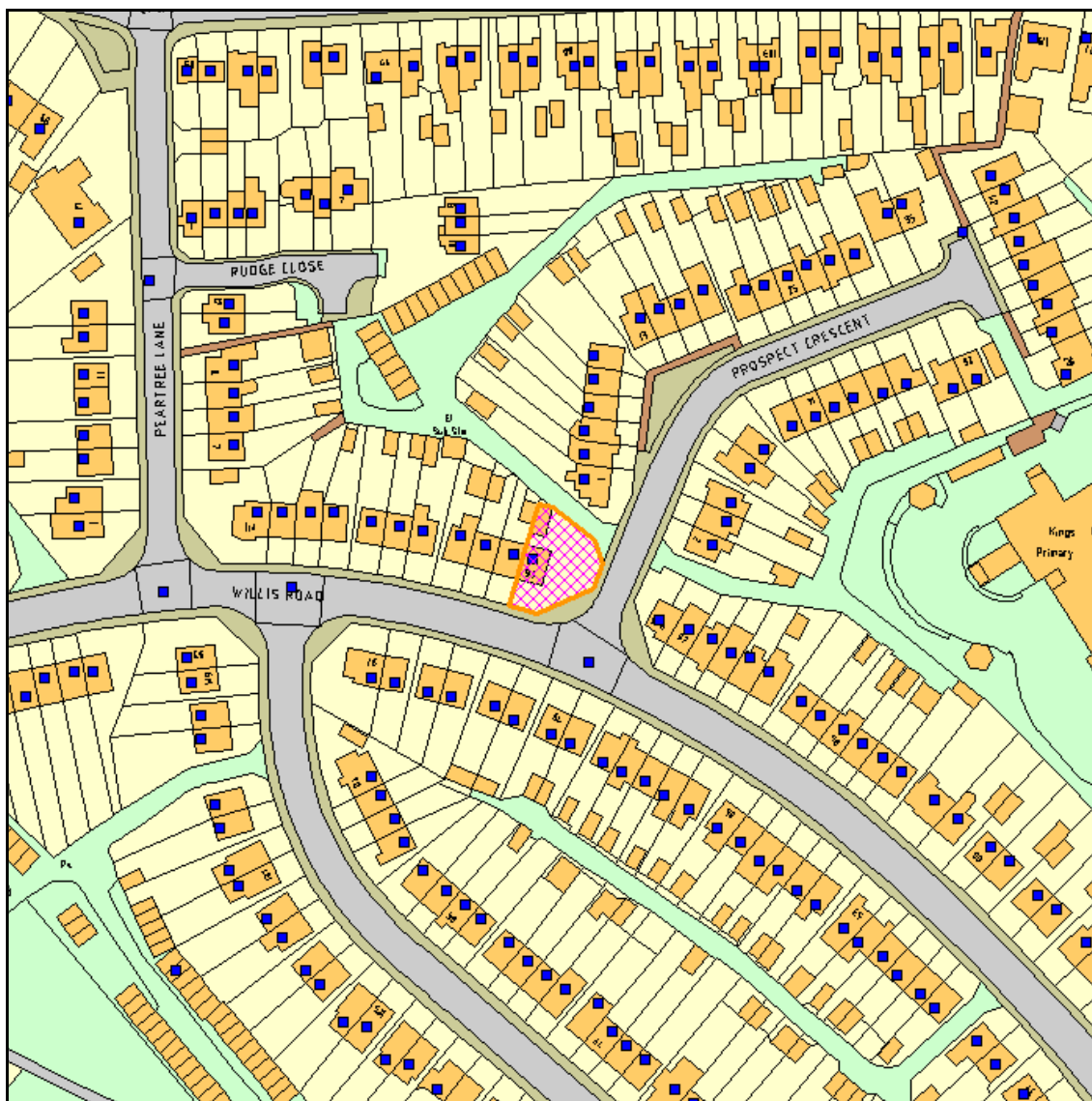
Ward: Rodway

Application Minor

Target 25th January 2016

Category:

Date:



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PK15/4801/F

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1. **THE PROPOSAL**

- 1.1 The proposal seeks to demolish an existing detached garage and erect 1no. attached dwelling with associated works within the curtilage of 94 Willis Road, Kingswood.
- 1.2 The subject property is a two storey mid to late-20th century end-terrace property with a detached single garage to the rear forming part of the boundary with the adjoining property. Elevations have part brick and part rendered exterior and the roof is gabled with brown tile covering.
- 1.3 To the rear and side of the property is an area of private garden and patio. Boundary treatments are a combination of brick walls and timber garden fences.
- 1.4 The site is located within the built up residential area of Kingswood. The site has been identified as at risk due to historic mining in the area.

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

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
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS23 Community Infrastructure
CS24 Open Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006
Residential Parking Standards SPD (adopted) December 2013

3. RELEVANT PLANNING HISTORY

No Relevant Planning History

4. CONSULTATION RESPONSES

4.1 Rodway Parish Council

No Comment Received

4.2 Other Consultees

Highway Structures

No Comment

The Coal Authority

Potential risk to development. The report concurs with the findings of the Coal Mining Risk Assessment and intrusive works should be undertaken. If these are completed prior to the commencement of construction the authority has no objection to the proposal.

Transportation Department

There were concerns from the officers with the suitability of the original proposed parking arrangement. The officer consulted requested that a visibility splay was introduced which not only improved safety along the rear access lane, but made the spaces more manoeuvrable.

Other Representations

4.3 Local Residents

Two comments were received both with similar concerns. These were largely to do with the safety and manoeuvrability of the parking spaces. The second point which was iterated in both comments was that disruption, safety hazards and construction mess be kept to a minimum during the build out. There were also concerns regarding the sewerage systems as a nearby previously permitted application (at No.92/92a) had issues causing disruption. Lastly one of the commenters was concerned with the amount of garden space being provided to the new dwelling when the existing row of houses has very little outdoor space.

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

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development. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development within the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and that it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. In this case the site has not been specifically identified within the Development Plan, however the housing land supply has been found insufficient; in this situation there is a presumption in favour of sustainable development unless the adverse impacts significantly and demonstrably outweigh the benefits. The proposal would represent a modest contribution to this housing land supply and therefore a material consideration in the determination of this planning application. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The proposal consists of the erection of 1no. attached dwelling with associated works within the residential curtilage of No.94 Willis Road, Kingswood. There have been other similar developments nearby including at no.92/92a which is the property closest to the western boundary of the host property. The area has a relatively uniform style with buildings dating from the mid to late 20th century.

- 5.3 The design of the property will be very similar to the existing end-terrace in both its features and scale. Windows and doors will be similarly spaced and materials used in the construction will be very similar in appearance. The proposed new dwelling will be slightly deeper to the rear (around 50cm) but this feature won't be visible from the front of the property and is unlikely to impact the quality of the streetscene. There is no objection with regard to the design of the proposed new dwelling.

- 5.4 The row of houses that 94 Willis Road forms the end terrace of is situated on a gradient. The properties are stepped with no.94 being the lowest in elevation. The proposed dwelling will be similarly stepped down with a ridge line lower than the host property.

- 5.5 The proposal has put forward materials of a similar appearance with respect of the roof, windows and elevations and there is no objection with regard to materials.

- 5.6 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 and H4 and conforms to the criteria in the adopted Local Plan.

5.7 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

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privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling. The property has a suitable degree of separation with properties directly to the rear and would not result in loss of privacy to properties bounding the rear of the residential curtilage given that the rear elevation will look on to the side elevation of the nearest property and a tree screens a significant proportion of this side elevation. Properties to the west of the host dwelling are separated by Prospect Close and their residential amenity is unlikely to be significantly impacted by the proposed dwelling.

- 5.8 The proposed site is situated on a gradient and is at a lower level than host dwelling. As a result the erection of the dwelling will not impact the residential amenity of dwellings east of the subject property.
- 5.9 The subject property benefits from an end terrace plot and has a side garden. The remainder of the terrace does not benefit from this additional outdoor space. Comments have been received concerned with the loss of the outdoor space for the host dwelling, however it has been considered that the remainder of the terrace has a similar amount of outdoor space to the host dwelling following the construction of the new dwelling and it would be unreasonable to refuse on this basis.
- 5.10 The subject property is located within a built up residential area and given the scale and location of the proposed development will not result in a 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.
- 5.11 Sustainable Transport and Parking Provision
Currently the property has a detached garage and an area of hardstanding to the rear of the property. The proposal would see the demolition of the garage to facilitate the construction of the new dwelling. New development must provide off-street parking in accordance with the Residential Parking Standards SPD (adopted) December 2013. A three bedroom property is required to provide 2 spaces. As a new dwelling will be erected with 3 bedrooms a total of 4 private car parking spaces must be provided on site. These have been identified on the block plan. Comments from the Transport officer indicated that the visibility to and from these spaces was unsatisfactory and that a visual splay should be introduced. The agent has obliged and provided the splay as requested which has also made the spaces more accessible/manoeuvrable. In respect of this there are no longer any objections in relation to highway safety or parking provision; meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006).
- 5.12 Risk of Historic Coal Mining
The site has been identified as within an area that puts development at high risk as a result of historic coal mining. The coal authorities were consulted as a result. They have recommended that exploratory works are undertaken prior to the commencement of construction to assess the site and concur with the recommendations of the Coal mining risk assessment. The authority has suggested that a single borehole may not be sufficient to establish the risk associated with this historic mining. The authority has no objection to the

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proposal if the following works occur prior to the commencement of development:

- Scheme of intrusive site investigations is to be submitted for approval.
- The undertaking of that scheme of intrusive site investigations.
- The submission of a report of findings arising from the intrusive site investigations.
- The submission of a scheme of remedial works for approval and implementation of those remedial works.

Please see informative no.4 attached to the decision notice for more information.

5.13 Other Matters

One commenter stated that the proposal may cause a nuisance during the construction stage by the inconsiderate parking and moving of vehicles to and from the subject site and construction waste making the area untidy; this is given little weight in the consideration of this planning application due to the short term nature of the works.

Construction waste, noise disturbance and safety hazards are unavoidable during the construction stage, however every effort should be made to respect the areas residential amenity and contain such nuisances within the subject site. A condition will be included indicating the permitted hours of construction to prevent noise generation during anti-social hours and to protect the residential amenity of other residents in the area. These controls exist to ensure that the impact the construction causes is reasonable. Beyond this if there is concern with regard to noise, construction waste and safety hazards during the construction phase this should be taken up with the proper authorities i.e. the Police, Streetcare or Environmental Health Services.

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

ITEM 2

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).

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 and Policy CS9 of the Core Strategy (adopted) December 2013; and the provisions of the National Planning Policy Framework.

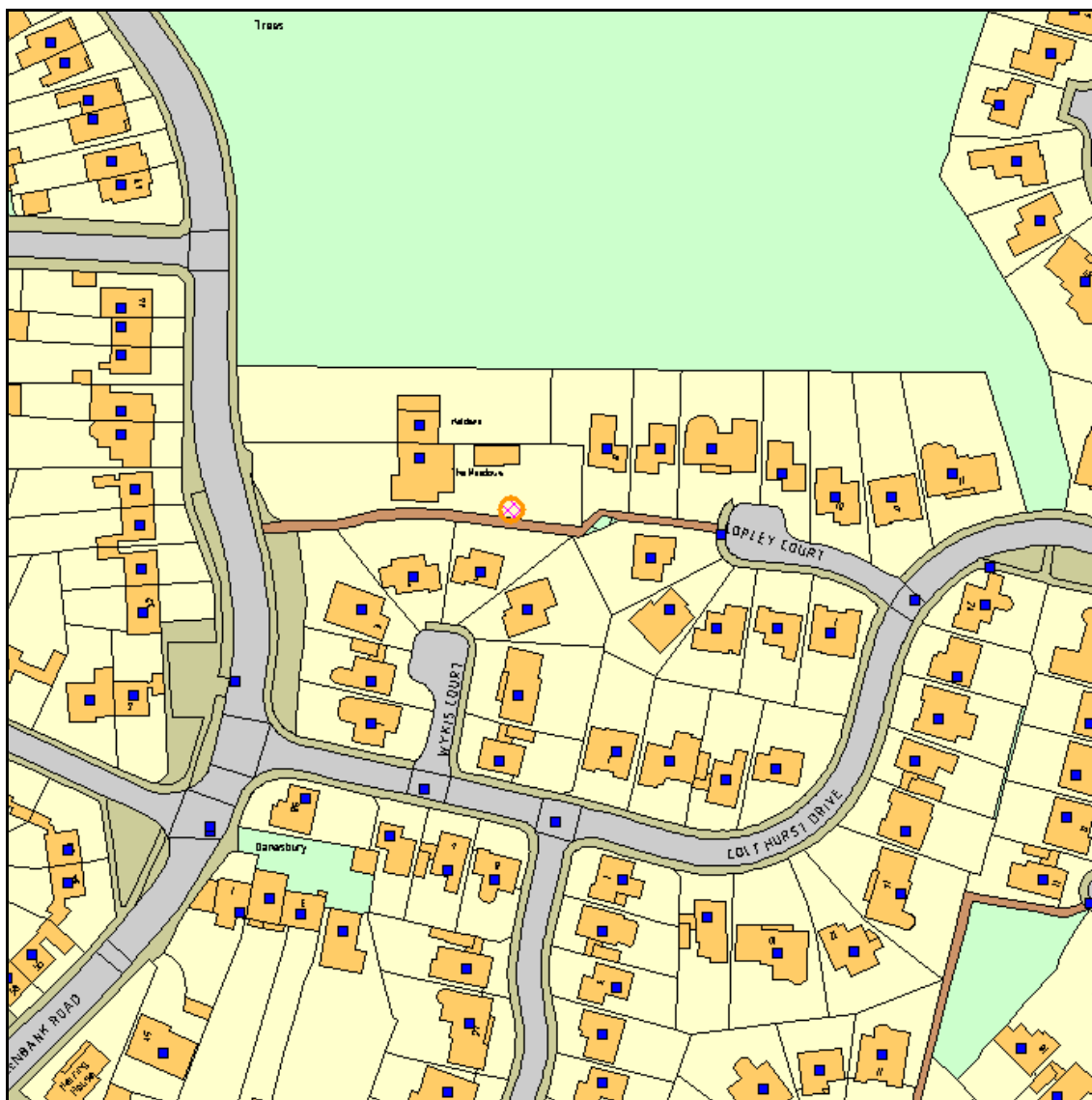
3. Prior to the commencement of construction a scheme of intrusive site investigations (including timescales) shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the intrusive site investigations shall be carried out as approved and a written report of the findings arising from the intrusive site investigation shall be submitted to the Local Planning Authority. If necessary (depending on those findings) a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in full accordance with the remedial works so approved which must be completed prior to the first occupation of the building.

This is a precommencement condition to ensure an appropriate level of investigation is carried out prior to building commencing as the area is at high risk of historic coal mining having taken place in the vicinity. Thereafter it ensures that appropriate mitigation works will be undertaken to ensure that the development hereby approved is safe from Coal Mining hazards and features in order to protect the public, the environment and any future occupiers of the site. This is to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013.

ITEM 2

CIRCULATED SCHEDULE NO. 02/16 – 15 JANUARY 2016

App No.:	PK15/4830/TRE	Applicant:	Sam Colbourn Gardening Landscaping And Tree Surgery
Site:	The Meadows Greenbank Road Hanham South Gloucestershire BS15 3SA	Date Reg:	27th November 2015
Proposal:	Works to fell 1no. Ash tree covered by Tree Preservation Order KTPO 01/82 dated 08/11/1982	Parish:	Hanham Parish Council
Map Ref:	365004 172098	Ward:	Hanham
Application Category:	Works to trees	Target Date:	21st January 2016



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PK15/4830/TRE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been reported to the Circulated Schedule as the Council has received comments contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 Works to fell 1no. Ash tree covered by Tree Preservation Order KTPO 01/82 dated 08/11/1982
- 1.2 The tree is in the rear garden of The Meadows, Greenbank Road, Hanham, Bristol, South Gloucestershire, BS15 3SA.

2. POLICY CONTEXT

2.1 National Guidance

- i. The Town and Country Planning Act 1990
- ii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

South Gloucestershire Local Plan (adopted) January 2006
L1 – Landscape Protection and enhancement

South Gloucestershire Local Plan: Core Strategy (adopted) December 2013
CS9 – Managing Environment and Heritage

3. RELEVANT PLANNING HISTORY

- 3.1 PK02/1213/TRE, Site Address: The Meadows, Greenbank Road, Hanham, South Gloucestershire, BS15 3SA, Decision: COND, Date of Decision: 22-MAY-2002. Proposal: Reduce by 20 - 30% and deadwood Ash Tree (T1).
- 3.2 PK07/2486/TRE, Site Address: The Meadows Greenbank Road Hanham BRISTOL South Gloucestershire BS15 3SA, Decision: REFU, Date of Decision: 13-SEP-2007. Proposal: Works to remove overhanging branches on south side of 1 no. Ash Tree covered by Tree Preservation Order KTPO1/82 dated 8 November 1982.
- 3.3 PK07/3063/TRE, Site Address: The Meadows Greenbank Road Hanham BRISTOL South Gloucestershire BS15 3SA, Decision: COND, Date of Decision: 12-NOV-2007. Proposal: Works to prune several small overhanging branches on south side of 1no. Ash tree covered by Tree Preservation Order KTPO1/82 dated 8 November 1982.
- 3.4 PK08/2897/TRE, Site Address: The Meadows, Greenbank Road, Hanham, South Gloucestershire, BS15 3SA, Decision: COND, Date of Decision: 19-DEC-2008. Proposal: Works to reduce 1no. Ash tree by 30% and crown lift to 4m, covered by Tree Preservation Order KTPO1/82 dated 8 November 1982.

- 3.5 PK13/3207/TRE, Site Address: The Meadows, Greenbank Road, Hanham, Bristol, South Gloucestershire, BS15 3SA, Decision: COND, Date of Decision: 21-OCT-2013. Proposal: Works to crown reduce by 30% and crown lift to 4 m 1 no. Ash tree and reduce crown by 30% to 1 no. Oak tree covered by Kingswood Tree Preservation Order 01/82 (The Meadows Greenbank Road Hanham) dated 8th November 1982

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council has no objection to this application.

Other Representations

4.2 Local Residents

A neighbouring resident made the following comments:- Within the Application for tree works form Item 8.2. Alleged damage to property YES/NO (e.g. subsidence or damage to drains, drives, walls, hard surfaces, etc.) I am very surprised that NO has been selected when both the adjacent public footpath wall and footpath have now been damaged by the Ash tree.

Note: The only other wall crack along the public pathway has occurred where the wall also passes another adjacent Oak tree (which is extremely close to the applicants home and it now also overhangs other properties). That indicates that both the Ash and Oak trees have been allowed to become far too large and they could therefore potentially create further risks to houses, a large wall and a public footpath unless appropriate actions are promptly taken. Here are the main concerns:

1) A previous Planning Application (PK13/3207/TRE) 2nd Sept 2013 was made to crown reduce by 30% and crown lift to 4 m 1 no. Ash tree and reduce crown by 30% to 1 no. Oak tree. However that pruning has never been carried out. The two Ash/Oak trees are now so large that they dwarf surrounding properties and overhang several residents properties on either side of the public footpath. They could therefore also potentially create significant risks if they get blown over.

2) Large cracks have only occurred in the well-built long public footpath wall where it passes both the Ash and Oak trees. Therefore the trees are now causing structural damage.

Note: Part of the wall has also started to lean outwards from the adjacent Ash tree due to the ever increasing size of that tree/roots/ground movement.

3) Root damage has started creating damage to the footpath in several places (over the full width of the path). This includes multiple large ridges/cracks in the tarmac. Such foot path damage could progressively create greater trip hazards on this public footpath unless such root growth and ground movement can be stopped. Such risks are also likely to further increase if global warming continues and more extreme weather conditions occur.

Note: This is why local authorities and railways have already been taking more appropriate actions to minimise/eliminate such tree damage/safety risks on their own properties, public travel routes, etc. Homes must also not be exposed to unnecessary safety and repair risks due to tree related damage which the authorities have the powers to prevent.

4) The public footpath lamp post also appears to be leaning over away from the direction of the Oak tree (possibly due to tree roots expansion/ground movement). If allowed to continue that may later lead to costly light/underground electrical power supply repairs unless such root growth and ground movement is fully prevented.

Note:

As further very significant financial cuts are likely to be imposed on Council Authorities next year, I hope that all appropriate Council Departments who may also potentially be impacted by the consequences of this Planning Application (if it is not approved) take into account all of the above comments. That could then help to minimise future public financial expenditure risks associated with potential repairs and/or compensation to anyone who suffers tree related damage or injuries.

I am also willing to attend any site visits or meetings where this Planning Application is being further discussed.

5. ANALYSIS OF PROPOSAL

5.1 Works to fell 1no. Ash tree covered by Tree Preservation Order KTPO 01/82 dated 08/11/1982.

5.2 Principle of Development

The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

5.3 Consideration of Proposal

The proposal is for the removal of a large and mature Ash tree that has been reduced on a number of occasions in the past 15 years. The tree still provides significant amenity and exhibits no external symptoms indicating structural decline or compromise.

5.4 With regard to the comments made by the neighbour the following responses are provided.

5.4.1 The tree work consent from the 2013 application is not an instruction to get the work done. It is consent for the works to be carried out within two years of the date the decision notice was issued.

5.4.2 If the tree is alleged to have caused damage to a wall, the application form asks that evidence is provided to support this.

- 5.4.3 The footpath is owned by South Gloucestershire Council, is inspected every six months and was most recently inspected on the 15th September 2015. No significant defects were identified at this time.
- 5.4.4 The lamppost was also included as part of the footpath inspection and, again, no defect was recorded.

5.5 It is considered that the removal of the Ash tree would represent a significant loss of amenity in this area. Reduction of the crown to the previous pruning points would be a more proportionate specification.

6. RECOMMENDATION

6.1 Refusal.

Contact Officer: Simon Penfold
Tel. No. 01454 868997

REASON FOR REFUSAL

- 1. The proposed works would be significantly detrimental to the appearance of the tree and the visual amenity of the locality contrary to policy L1 of the South Gloucestershire Local Plan (adopted) January 2006; and policy CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013.

CIRCULATED SCHEDULE NO. 02/16 – 15 JANUARY 2016

App No.: PK15/5143/F

Applicant: Mr Jeremy Cox

Site: 33 Tower Road North Warmley Bristol
South Gloucestershire BS30 8YE

Date Reg: 30th November
2015

Proposal: Alterations to and widening of existing
vehicular access.

Parish: Siston Parish
Council

Map Ref: 366992 173434

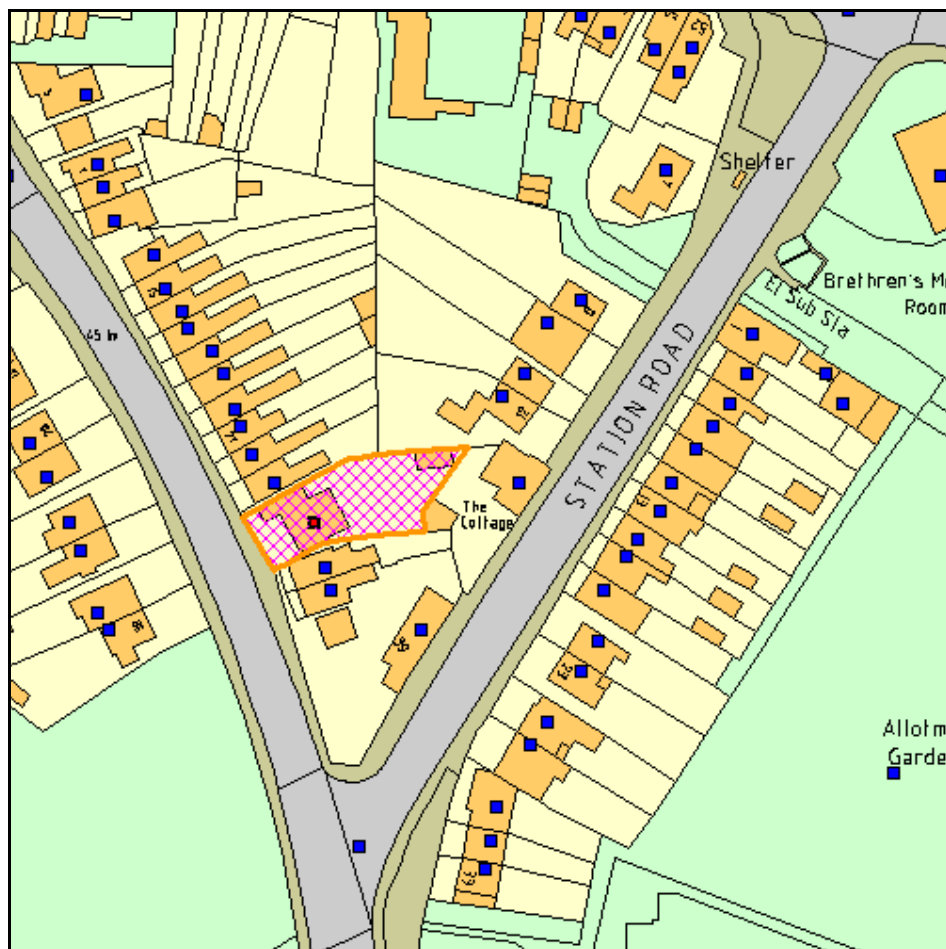
Ward: Siston

Application Householder

Target 20th January 2016

Category:

Date:



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PK15/5143/F

REASONS FOR REPORTING TO CIRCULATEDN SCHEDULE

The report below appears on the Circulated Schedule following comments received contrary to the recommendation of the Officers report.

1. THE PROPOSAL

- 1.1 The proposal seeks to extend an existing dropped kerb along Tower Road North, Warmley
- 1.2 Pre-application advice was sought prior to the submission of the application.
- 1.3 The host dwelling is a mid to late-20th century 2 storey detached property with single storey side extension forming a garage and front awning with vehicular access to the front from Tower Road North. Elevations are a combination of brick and render.
- 1.4 The property is within the built up residential area of Warmley.

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Improving Accessibility
- 2.3 Supplementary Planning Guidance
Design Checklist SPD (adopted) August 2006
Residential Parking Standards SPD (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 K6521 – Approval – 12/01/1990 – Replace existing roof with pitched roof on existing two storey rear and single storey side extensions.
- 3.2 Pre-application advice was sought prior to the submission of the planning application – the advice given was that a subsequent application would likely be supported by the officer.

4. CONSULTATION RESPONSES

4.1 Siston Parish Council

Ask that the Highways Department record their assessment of the proposal – this would be considered by the Streetcare Team as permission is required from the department for the dropped kerb.

4.2 Other Consultees

Transportation Department

No transportation objection but add that an informative should be included notifying the applicant that in addition to planning permission a license is required from the Councils Streetcare department.

Other Representations

4.3 Local Residents

Objection – with regard to the loss of on-street parking spaces.

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 within the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and that it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The proposal consists of the extension of an existing dropped curb and alterations to the front garden wall to allow parking of additional vehicles on the existing hardstanding. With regard to design the only affected structure relevant to the consideration of this application is the demolition of a section of stone garden wall to the front of the property. It is considered that proposal would not be detrimental to the character of the property or its context and is therefore acceptable.

5.3 Materials are not relevant to the consideration of this planning application as the only building works are demolitions and the dropped curb (which is outside of the planning departments remit).

5.4 Overall, it is considered that the proposed alterations 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 and H4 and conforms to the criteria in the adopted Local Plan.

5.5 Residential Amenity

Policy H4 of the adopted Local Plan gives the Council's view on new development within existing 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. The only works taking place on site is the demolition of a low rubble garden wall. In terms of the impact on the residential amenity of the host dwelling and neighbouring occupiers the only relevant consideration would be the parking of additional vehicles on the hardstanding causing additional noise and light pollution; in this case the number of additional trips to and from the property would not be significant and therefore not material in the determination of this application. The proposal has no significant impact on the residential amenity of neighbouring properties and is therefore considered in accordance with Saved Policy H4 of the South Gloucestershire Local Plan (2006).

5.6 Sustainable Transport and Parking Provision

Currently the property has an area of hardstanding to the front of the property with a single garage to the side. No alterations are proposed for the hardstanding but the demolition of a section of garden wall will allow the parking of additional vehicles. The proposal does not include any additional bedrooms and would not be required to provide additional parking spaces.

5.7 An objection was received from a neighbour concerned with the loss of on-street parking facilities; there is no prescribed right to park on a public highway and the off-street parking spaces would be preferable to on-street.

5.8 There is an existing dropped kerb and the proposal is unlikely to result in a significant number of additional trips and would increase the size of the passing space. The proposal would not be considered to have a significant negative impact on highway safety meaning it 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.

5.9 There is no objection from the Transportation department, however they commented that an informative should be included notifying the applicant that an additional permission is required from the Councils Streetcare Department.

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. 01454 863787

CONDITIONS

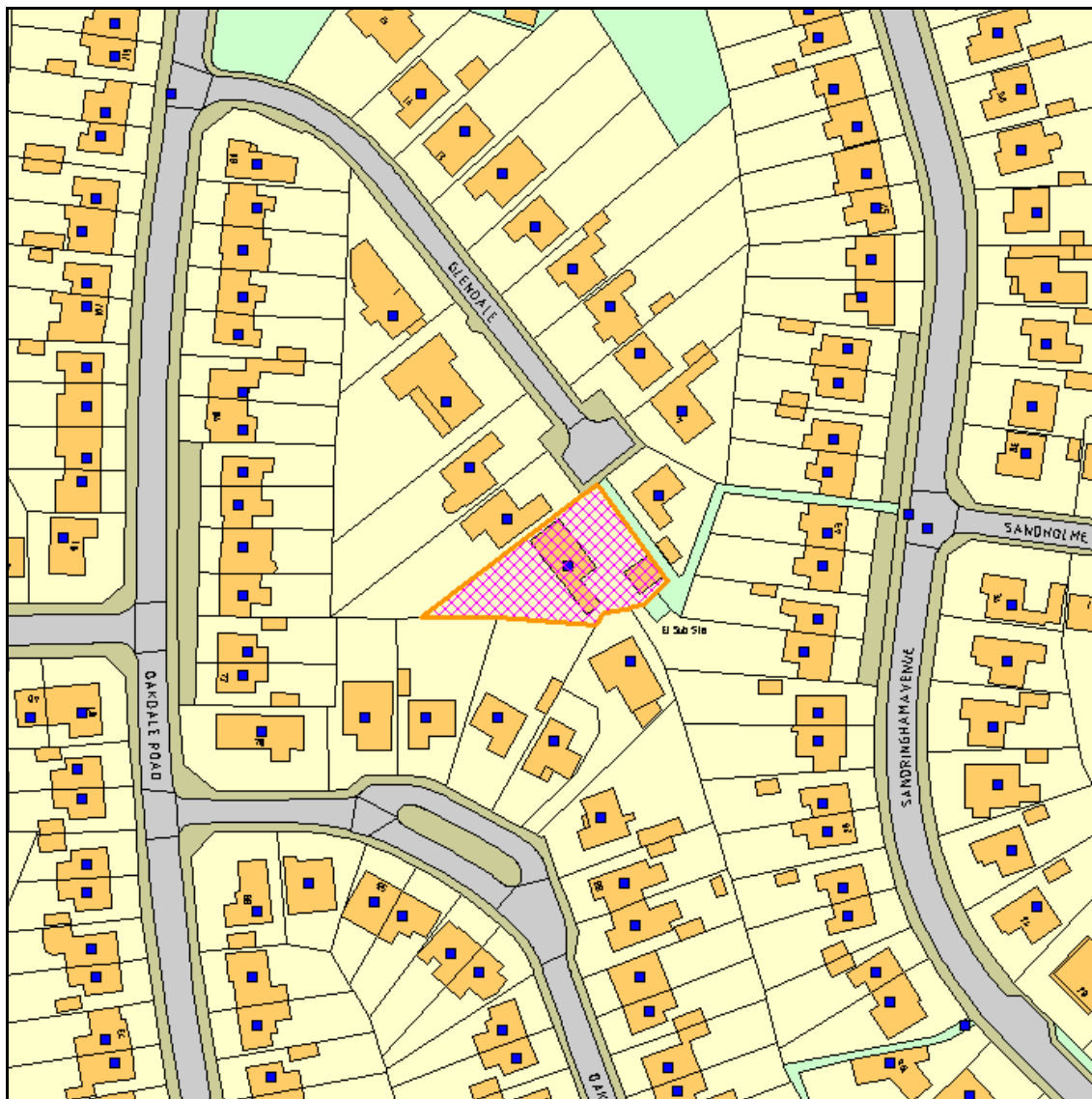
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 02/16 – 15 JANUARY 2016

App No.:	PK15/5336/F	Applicant:	Mr J Pratt
Site:	5 Glendale Downend Bristol South Gloucestershire BS16 6EQ	Date Reg:	17th December 2015
Proposal:	Demolition of existing single storey side extension and conservatory and erection of two storey side extension to provide additional living accommodation.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365127 177750	Ward:	Downend
Application Category:	Householder	Target Date:	8th February 2016



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PK15/5336/F

REASON FOR REPOPRTING 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 demolition of an existing single storey side extension and the erection of a two storey side extension in its place to provide additional living accommodation at 5 Glendale Downend.
- 1.2 The host dwelling is a detached two storey dwelling utilising a mixture of brick and render. The front of the property has two dormer windows. The topography of the site means the property is higher than the road and driveway. The dwelling has a single storey side extension on the north elevation.
- 1.3 The dwelling is situated within the settlement boundary of Downend. The materials proposed would be of a similar appearance to the existing elevations and roof.

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 PK06/0416/F Approve with Conditions 19/04/2006
Alterations to roofline, and installation of 2no. dormer window to facilitate the erection of first floor extension to provide ensuite bathroom. (Resubmission of PK05/2784/F).

- | | | | |
|-----|--|------------------------|------------|
| 3.2 | PK05/2784/F | Refusal | 02.11.2005 |
| | Alterations to roofline, and installation of 2no. dormer window to facilitate the erection of first floor extension to provide ensuite bathroom. | | |
| 3.3 | K6323 | Approval Full Planning | 16.06.1989 |
| | Single storey side extension (Previous ID: K6323) | | |

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection.
- 4.2 Sustainable Transport
No objection, the proposal does not affect the existing parking or access, furthermore the existing level of parking complies with the Councils' Residential Parking Standards.

Other Representations

- 4.3 Local Residents
An objection comment has been received from a neighbouring resident, whilst the objector notes that in principle the proposed extension is not going to be detrimental to their living. The following objections have been raised by a neighbour with regards to the proposed demolition of existing single storey side extension and conservatory and erection of two storey side extension:
- Concern regarding landscaping, as the objectors patio at the bottom of the garden is built over a void and is on wooden stilts. There is worry that the new extension and patio will destabilise fence posts and the objectors' patio foundations.
 - Furthermore there are tree stumps in the objectors garden with potential roots within the curtilage of Glendale, if these roots are removed it will create further void in the objectors patio.
 - The plans are unclear about whether the patio is going to the fence or if it falls short. Furthermore it is unclear whether the bushes are being left in 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 detached dwelling in Downend. The property is situated in the corner of the cul-de-sac. There is an area of hardstanding at the front of the property as well as a detached garage.

The application seeks approval for the demolition of the existing single storey side extension and conservatory, and the erection of a two storey side extension to provide additional living accommodation. The existing dwelling is a mixture of stone and render with a grey tiled gable roof. There are dormer windows on the east and west elevation. The proposed two storey side extension will utilise the same materials as the existing dwelling. The proposal will also continue the gable roofline, however the ridge line will be set circa 0.5 metres lower than the existing, making the proposal subordinate to the existing dwelling.

The proposed extension will not be visible from the street scene of Glendale because of the angle of the dwelling, furthermore because of the topography of the site the proposal is set back from the front of the property by 2.4 metres.

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.

5.3 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.

The applicant site is a detached dwelling situated on the corner plot of Glendale. The dwelling benefits from being a modest sized plot. The applicant site is bound by no. 6 Glendale whereby the boundary treatment is a 0.5 metre wall although following site visit it should be noted there is a cut through access between the host dwelling and no.6 providing a link between Glendale and Sandringham Avenue. No.4 which is located to the north of the site utilising the boundary treatment of a 0.5 metre fence to the front of the property and no. 70A (the objector) which is situated to the south of the property, the boundary treatment between the host dwelling and no. 70A is a circa 2 metre hedge. The boundary treatments utilised will help to offset the impacts of the proposal.

The proposal sees the introduction of three new windows and patio doors. There are two windows proposed on the east elevation these are to be situated on the ground floor and first floor. There are patio doors proposed in the south elevation and a further rooflight window in the west elevation. It is unlikely any of the proposed windows will impact the privacy of surrounding properties.

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.

It is considered that the scale and positioning of the proposal is appropriate. Thus, the proposal would not create an overbearing impact on the nearby neighbouring occupiers.

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.

5.4 Highways

The proposed development would have no impact on any parking provision and would not create an increase in vehicular movements to the site. Thus the proposal is in accordance with saved policy T12 of the Local Plan (adopted) 2006.

5.5 Other Issues

The objector is concerned about the proposed extension destabilising fence posts and the foundations of their patio which is built on stilts. The proposed extension will need to meet the relevant building regulations. Otherwise these concerns relate principally to the duties that may relate between adjacent landowners rather than material planning considerations in the public interest. These points have therefore not been given weight.

The second issue raised relates to the bushes and tree roots. Information submitted on the application form states that no hedges or trees will be removed or pruned in order to carry out the proposal, however it should be noted that the trees and hedges at the property do not have tree preservation orders on them so the applicant could remove or prune the vegetation at any point. Accordingly little weight has been given to this issue.

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. 02/16 – 15 JANUARY 2016

App No.:	PT15/4728/CLE	Applicant:	Mr R Blake
Site:	Mobile Home Sycamore Farm Stidcot Lane Tytherington Wotton Under Edge South Gloucestershire	Date Reg:	3rd November 2015
Proposal:	Application for a certificate of lawfulness for the existing stationing of a mobile home and use of land as residential curtilage.	Parish:	Cromhall Parish Council
Map Ref:	368605 188479	Ward:	Charfield
Application Category:		Target Date:	24th December 2015



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PT15/4728/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use or Development, is that the applicant has to demonstrate on the **balance of probability**, that the uses as described, have occurred for a period of 10 years consecutively, prior to the receipt of the application on the 21st July 2014.

1. THE PROPOSAL

- 1.1 The application comprises a Certificate of Lawfulness submitted under Section 191 (1) of the Town and Country Planning Act 1990 as amended by S.10 of the Planning and Compensation Act 1991 in respect of a mobile home and land located at Sycamore Farm, Stidcot Lane, Tytherington. Sycamore Farm lies in open countryside to the east of the village of Tytherington and just west of Ashworthy Farm.
- 1.2 The application seeks a Certificate of Lawfulness for use of land for the stationing of a mobile home and use of associated land as residential curtilage (Use Class C3).
- 1.3 In order to regularise the breach of planning control, the applicant seeks a Certificate of Lawful Use of the mobile home and land, as defined on the submitted Location/Site Plan (the mobile home and land is shown enclosed by the red line).

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990: Section 191
Town and Country Planning (Development Management Procedure) (England) Order 2015: Article 35
Town and Country Planning (Use Classes) Order 1987 (as amended).
The Planning Practice Guidance March 2014
- 2.2 Development Plans
As the application is for a Certificate of Lawfulness, the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only demonstrate that on the balance of probability, the uses as applied for have occurred for a period of 10 years consecutively, prior to the receipt of the application on the 29th October 2015.

3. RELEVANT PLANNING HISTORY

- 3.1 N4128 - Erection of agricultural workers dwelling (outline)
Refused 23 Feb 1978

- 3.2 N4128/1 - Use of land for the stationing of two residential caravans.
Approved 14 Feb. 1980
- 3.3 N4128/2 - Erection of bungalow (outline)
Refused 11 March 1982
- 3.4 N4128/3 - Use of land for the stationing of two residential caravans
(renewal of temporary consent).
Approved 11 March 1982
- 3.5 P84/1152 - Use of land for the stationing of two residential caravans
(renewal of temporary consent).
Approved 4 June 1984
- 3.6 P85/1628 - Use of land for stationing a residential caravan. (Renewal of
temporary consent.)
Approved 18 Sept. 1985
- 3.7 P88/2990 - Use of land for the stationing of residential caravan (renewal of
temporary consent).
Approved 4 June 1984
- 3.8 P89/2294 - One dwelling.
Withdrawn 14 Dec. 1989

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

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

1. Statutory Declaration of Mr Robert Thomas Blake of Stidcot Farm, Tytherington, Wotton-under-Edge, South Glos. GL12 8QD dated 21st October 2015. Mr Blake states the following:
 - Plan A shows enclosed in red, a twin unit mobile home and an associated area of garden land and a parking space.
 - I have been the owner of Sycamore Farm since I purchased it on 31st July 1996. At that time there was a caravan on the property that was vacant but I understand it had previously been occupied by a Mrs Luton who moved out I believe in 1995.
 - I continued to pay council tax on the caravan until approximately 2000 but then applied for empty/vacant tax relief from the Revenues Dept. at South Gloucestershire Council.
 - At appendix B is a letter from the Revenues Dept. dated 17 Feb 2004 advising me of a change of procedure to the effect that the discount for vacant occupation was to cease. Accordingly on 1 April 2004 full council tax again became payable.
 - The opportunity arose in about April 2004 for me to acquire a second-hand twin unit mobile home that was in fairly good condition from my neighbour Mrs Fluck of Ashworthy Farm. Because the existing mobile home at Sycamore Farm was

in a very poor condition I had it removed and disposed of following which I moved the twin unit mobile home onto the land.

- I engaged the services of a local builder, Mr Williams, to do the work and he carried it out in 2004, including laying a new concrete base, connecting the unit to the existing septic tank and to the electricity supply. He also built a porch/utility room structure on the east side of the unit and an area of raised decking on the west side of the unit.
 - In the summer of 2005, one of my employees, Ms Weston, was offered a tenancy of the mobile home at Sycamore Farm and she took up occupation with her son on 1 August 2005 and she has continuously lived there ever since. She has an enclosed garden to the west of the mobile home and a gravelled parking area on the southern and eastern side.
2. Statutory Declaration of Ms Liza Weston of Sycamore Farm, Stidcot Lane, Tytherington, Wotton-under-Edge, South Glos. GL12 8QD dated 21st October 2015. Ms Weston states the following:
- Plan A shows marked in solid red the twin unit mobile home in which I have lived continuously since 1 August 2005.
 - Appendix B is a photograph of the western elevation of the mobile home.
 - Appendix C is a sketch layout of the twin mobile home.
 - Since the beginning of August 2005 I have lived in the mobile home continuously with my son. I have paid full community charge/council tax since that date. I also have my own electricity supply to the mobile home and have paid quarterly electricity accounts.
 - I confirm that I am employed as an accounts manager with a company based in Avonmouth and neither myself or my son are employed or have ever been employed in agriculture.
 - I have also marked on Plan A with a red line the garden and parking area associated with the mobile home and I confirm that I have used that land in association with the twin unit mobile home ever since I first took up occupation in August 2005.
3. Statutory Declaration of Mr Andrew Stephen Charles Williams of Neja House, Eastern Hill Road, Thornbury, BS35 2JU dated 21st Oct. 2015. Mr Williams states the following:
- Plan A shows in solid red the twin unit mobile home at Sycamore Farm.
 - I am a builder and I moved the twin mobile unit from Ashworthy Farm to Sycamore Farm.
 - I removed from Sycamore Farm and disposed of, the old single unit mobile home.
 - Following this I constructed a new concrete base to accommodate the twin unit which I set up on the new base in July 2004.
 - I connected the twin unit to the existing septic tank and electricity supply.
 - In the autumn of 2004 I constructed a porch and utility room on the east side of the twin unit.
 - I have since visited Sycamore Farm on average once a month and am friendly with Ms Weston.
 - The twin unit mobile home has been occupied by Ms Weston since the summer of 2005.

4. Statutory Declaration of Ms Sally Fluke of Ashworthy Farm, Stidcot Lane, Tytherington, Wotton-under-Edge, Gloucester, GL12 8QD dated 2nd Oct 2015. Ms Fluke states the following:
 - A plan SF1 shows the twin unit mobile home marked in red.
 - I sold the unit to Mr Blake in 2004. The unit previously stood in my garden at Ashworthy farm in the position marked X on the plan SF1.
 - Following the sale, in late Summer 2004 a local builder, Mr Williams dismantled the unit and re-located it approximately 25m to the west in Sycamore Farm.
 - Access to the unit is over the driveway which belongs to and forms part of Ashworthy Farm.
 - I am aware that since the time of the sale, Ms Weston has resided in the unit.
5. A copy of the Decision Notice for application P88/2990 which granted 27 Sept. 1988 temporary consent for the use of land for the stationing of a residential caravan at Sycamore Farm. This was subject to two conditions; the first required that the use should cease and the caravan be removed from the site not later than 31 Dec. 1991, the second that permission should enure solely for the benefit of Mrs M Luton and not for the land.
6. A letter from South Gloucestershire Council's Revenues Dept. dated 17 Feb 2004. This is the same letter to be found at appendix B of Mr Blake's Statutory Declaration.

5. **SUMMARY OF CONTRARY EVIDENCE**

There is no contrary evidence at all.

6. **OTHER CONSULTATIONS**

Local Councillor

No response

Cromhall Parish Council

No response.

Transportation D.C.

No comment

7. **ASSESSMENT**

- 7.1 The legislative framework for a Certificate of Lawfulness rests under S191 of the Town and Country Planning Act 1991. Specifically, this act specifies that:

s191) (1)

'If any person wishes 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 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, he/she may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter’.

7.2 Accordingly, the applicant submitted the application under S191 (1)(a). To this extent, having regard to S171B of the Act, a Certificate of Lawful Existing Use or Development can be obtained where:-

- (a) There has been a continuous use of land or buildings (other than a dwelling) for more than 10 years.
- (b) A condition or limitation on a planning permission has not been complied with for more than 10 years.
- (c) Building or other operations have been completed for more than 4 years.
- (d) A building (not land) has been used as a dwelling for more than 4 years.

In this case therefore the onus of proof is on the applicant to show on the balance of probability that the use has occurred for a continuous period of 10 years up to and including the date of the application i.e. the relevant 10 year period is 29th Oct. 2005 to 29th Oct. 2015.

7.3 For a use to be lawful for the purposes of the Town and Country Planning Act, section 191(2) requires that:

‘For the purposes of this Act uses and operations are lawful at any time if:

- (a) no enforcement action may 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); and*
- (b) they do not constitute a contravention of any of the requirements or any other enforcement notice then in force.’*

(No enforcement notice was in place during the relevant 10 year period)

7.4 The application for a Certificate of Lawfulness is purely an evidential test irrespective of planning merit. The only issues that are relevant to the determination of this application are whether, in this case, an unfettered occupation of this site for the uses described has occurred for a continuous period of not less than 10 years and whether or not the uses are in contravention to any planning enforcement notice or breach of condition notice then in force.

7.5 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probability”. Advice contained in

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

7.6 Hierarchy of Evidence

The evidence submitted comprises two affidavits or statutory declarations. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

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

From the evidence submitted the four Statutory Declarations carry substantial weight. The photograph at appendix B of Liza Weston’s Statutory Declaration is undated and therefore carries very limited weight. The letter from South Gloucestershire Revenues Dept. is from the period prior to the 10 year period and whilst useful information, it is also of limited weight. The decision notice for P88/2990 expired 31st Dec. 1991, which is well before the relevant 10 year period, so again is of limited weight.

The Council does however have its own archive of aerial photographs dating 1991, 1999, 2005, 2006, 2009 and 2015; these will be referred to in the analysis section below.

Analysis

The Mobile Home

- 7.7 The planning history (see section 3 above) confirms that temporary consents were granted in the 1980's for the use of land for the stationing of a mobile home at Sycamore Farm. The last of these consents P88/2990 expired on the 31st December 1991 by which time the mobile home should have been removed from the site (see condition 1). Having studied the consent it is evident that the mobile home stood in a different position, albeit close to, where the existing mobile home, (the subject of this current application), stands. Furthermore it is unclear from the approved plan what curtilage, if any, was associated with the approved mobile home. The temporary consent P88/2990 is limited by condition 2 to occupation by the applicant i.e. a Mrs M Luton. The application form suggests that occupation of the mobile home was associated with the farming activities of Sycamore Farm.
- 7.8 Mr Blake confirms that a Mrs Luton occupied this mobile home until 1995 when she moved out. Clearly any occupation from 1st Jan 1992 was in breach of the conditions attached to P88/2990. It appears from Mr Blake's evidence that the mobile home was not occupied after Mrs Luton left in 1995 and the letter from the South Gloucestershire Council's Revenues Department confirms that the mobile home was still unoccupied in Feb 2004.
- 7.9 Officers consider that given the very long period the mobile home was unoccupied, the residential use had been abandoned. Furthermore, given that this history relates to a completely different mobile home to that which this current application relates and that the mobile home was located in a different position, officers consider that none of this evidence has any relevance to the current application, as it appears to relate to a different planning unit.
- 7.10 Mr Blake states that the mobile home was removed from the site in 2004 and this is confirmed by Mr Williams who states that he removed and disposed of the mobile home in about April 2004.
- 7.11 Mr Blake states that in April 2004 he acquired the twin unit mobile i.e. the unit that currently stands on the site; from Mrs Fluke of nearby Ashworthy Farm, where the unit had previously stood. This is confirmed by Mrs Fluke and she indicates on her Appendix SF1 where the unit was sited at Ashworthy Farm. What appears to be the unit can be seen on the 1991 and 1999 Aerial Photographs in the position indicated by Mrs Fluke.
- 7.12 Mr Blake states that the twin unit mobile home that he bought off Mrs Fluke was moved by Mr Williams onto the current site, in the current position, in 2004. Mrs Fluke more precisely states that it was moved there in the late Summer of 2004 and this concurs with Mr William's statement who confirms that he constructed the new concrete base in July 2004; he subsequently added the porch and utility room on the east side of the unit in the Autumn of 2004. Officers conclude that the twin unit mobile home must have been in situ by then in order for this work to be carried out. Having visited the site, officers can confirm that the photograph submitted by Ms Liza Weston at appendix B of her Statutory Declaration is of the existing twin unit mobile home. As this photograph is not dated, it could have been taken at any time so does not confirm anything.

- 7.13 Having however studied the Council's archive of Aerial Photographs for Sycamore Farm, officers are satisfied that this version of events is on the balance of probability correct. The twin unit mobile home is clearly visible in the 2005 photograph, in situ in its entirety and in the current position. The mobile home is also clearly visible in the same position in the 2006, 2009 and 2015 aerial photographs. On this basis the twin unit mobile home has been continuously in place since late summer 2004 to the present which is comfortably longer than the 10 year period 29th Oct. 2005 to 29th Oct. 2015 for the granting of a certificate.

Occupation of the Mobile Home

- 7.14 Moving to the occupation of the twin unit mobile home; Mr Blake states that a Ms Weston took up occupation of the mobile home with her son on the 1st August 2005 and has continuously lived there ever since. Mr Blake states that Ms Weston took up a tenancy with Mr Blake but no copies of the tenancy agreement have been submitted as evidence.
- 7.15 Mr Williams states that since 2004 he has visited Sycamore Farm on a monthly basis and become friendly with Ms Weston. Mr Williams is certain that Ms Weston has occupied the mobile home since the summer of 2005, which concurs with Mr Blake's version of events. Mrs Fluke states that Ms Weston has resided in the unit 'since the time of sale'.
- 7.16 Ms Liza Weston herself states that she has lived in the mobile home, with her son, since beginning of August 2005 and that she has paid full community charge/council tax since that date. Ms Weston also states that she has her own electricity supply to the mobile home and has paid quarterly electricity bills. Neither copies of the Council Tax bills or Electricity bills have been submitted as evidence. Officers have however checked with the Council's Revenues Officers who have confirmed that Ms Weston has paid Council tax on the mobile home since August 2005. Officers are satisfied that this confirms that the mobile home has been continuously occupied for residential purposes (C3) for the relevant 10 year period and beyond.
- 7.17 Furthermore, Ms Weston confirms that neither she or her son work in or ever have worked in agriculture, so the unit has not been occupied as an agricultural workers dwelling.

The Associated Residential Curtilage

- 7.18 Mr Blake indicates, on the plan submitted at appendix A of his statutory Declaration, the extent of what he states is the residential curtilage associated with the mobile home. This concurs with the area shown on appendix A of Ms Liza Weston's Statutory Declaration.
- 7.19 Mr Blake describes the area of land as 'garden land and parking space'. More precisely Mr Blake states that Ms Weston has a 'pleasant enclosed and well maintained garden area to the west of the mobile home and a gravelled parking area on the southern and eastern side'. Neither Mrs Fluke nor Mr Williams make reference to the land but Ms Weston herself confirms that she has 'used

that land in association with the twin unit mobile home ever since I first took up occupation in August 2005'.

- 7.20 Officers have visited the site and noted that the area of land to the west of the mobile home as indicated and described by both Mr Blake and Ms Weston, had all the characteristics of a domestic garden. This land was well enclosed by fences and hedges, which clearly delineated the garden from the adjacent agricultural land. To the front (east) of the mobile home was an area of hard-standing, bounded to the east by a tall hedge. To the south of the mobile home was a further area of hard-standing with a more open plan aspect to allow accessibility for parking; a car was parked on this space at the time of the site visit and a campervan to the front of the mobile home. A rotary washing line was also located to the front of the mobile home. These areas of hard-standing are the same as shown on the plans submitted by Mr Blake and Ms Weston.
- 7.21 Having compared these observations with the various aerial photographs it is evident that the same curtilage area is visible in the 2005, 2006, 2009 and 2015 photos. In the earlier aerial photographs i.e. 1991 and 1999 the land appears quite overgrown.
- 7.22 Given the lack of any evidence to the contrary, officers consider that the land indicated by Mr Blake and Ms Weston has been continuously used as residential curtilage in association with the existing mobile home for a period in excess of the relevant 10 year period.
- 7.23 Was there Deliberate Concealment?
Although the site is well concealed from public view, there is nothing to suggest that there was any attempt to deliberately conceal the use applied for. The submitted evidence confirms that Ms Weston has paid Council Tax on the mobile home for the ten year period and beyond. Furthermore Mr Williams has regularly visited the site over the same period. Officers are therefore satisfied that on the balance of probability, the use applied for has been continuous as described for a period of at least 10 years prior to receipt of the application and as such a certificate should be granted.

8.0. CONCLUSION

- 8.1 The submitted evidence covers the relevant 10- year period prior to receipt of the application and beyond.
- 8.2 The evidence submitted by the applicant is considered to be sufficiently precise and unambiguous. There is no contradictory evidence from third parties or from the Council's own aerial photographs to make the applicant's version of events less than probable.
- 8.3 It is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim and a certificate should be issued.

9. **RECOMMENDATION**

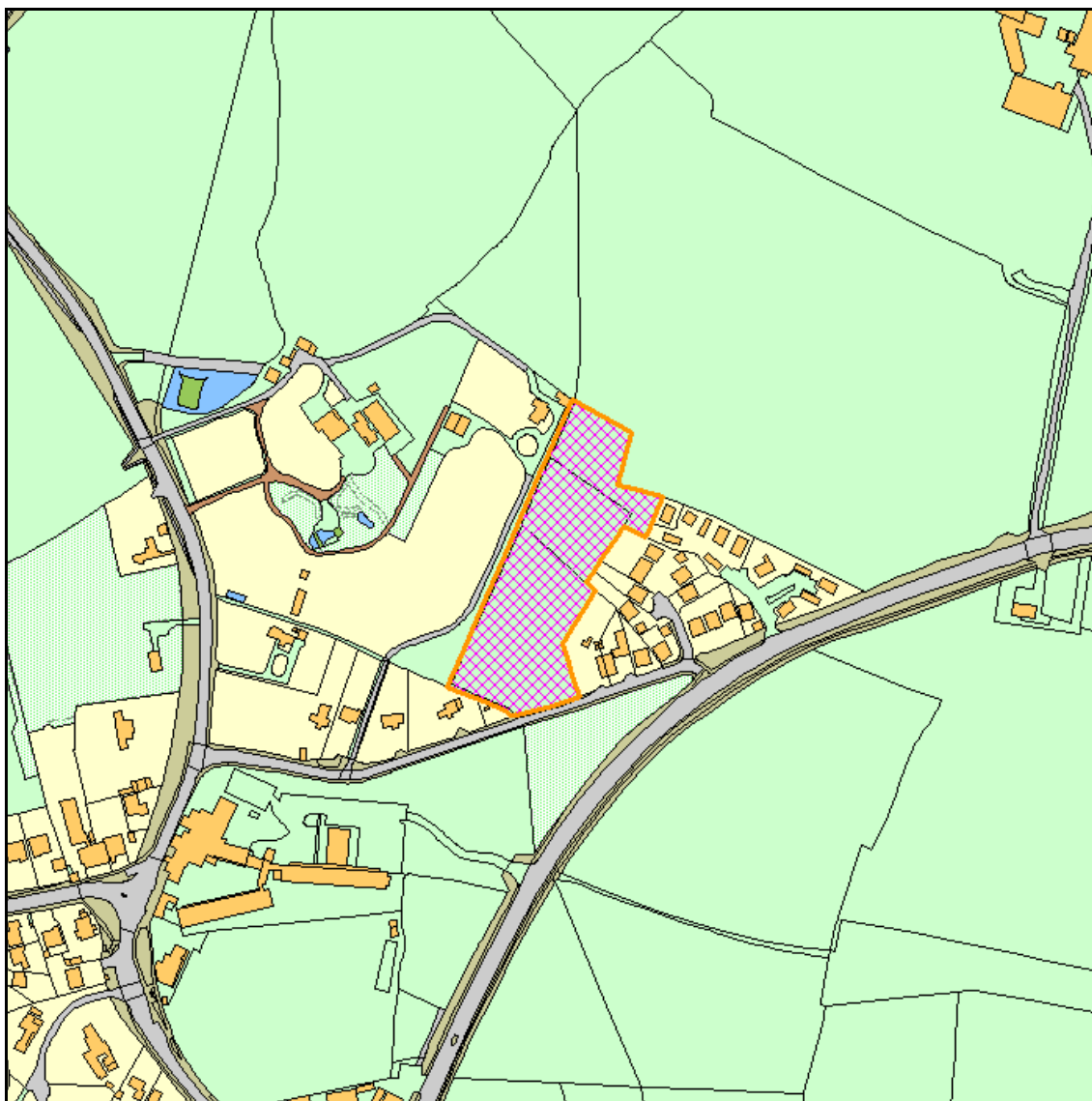
- 9.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of the land for the stationing of a mobile home for residential purposes (C3) and use of land as associated residential curtilage as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) for the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

Sufficient information has been submitted to demonstrate that, on the balance of probability, the mobile home shown in red on the submitted plan has been present and occupied as a separate and permanent unit of residential accommodation (Use Class C3) for a continuous period of 10 years or more immediately prior to the submission of the application. The land edged in red on the submitted plan has been used as associated residential curtilage for a continuous period of 10 years or more prior to the submission of the application.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CIRCULATED SCHEDULE NO. 02/16 – 15 JANUARY 2016

App No.:	PT15/4959/F	Applicant:	Mr And Mrs John Graham
Site:	Land Near Old Gloucester Road Alveston Bristol South Gloucestershire BS35 3LQ	Date Reg:	20th November 2015
Proposal:	Erection of agricultural building for the keeping of goats with associated works	Parish:	Alveston Parish Council
Map Ref:	363580 188420	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	13th January 2016



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PT15/4959/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following an objection from a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of an agricultural building for the keeping of goats with associated works.
- 1.2 The application site is a parcel of land which has access off Old Gloucester Road, to the east of Alveston. It is outside a settlement boundary and within the Bristol/Bath Green Belt. There are detached dwellings with large mature gardens to the west and north and a small housing estate to the east. A public footpath from Gloucester Road exits along the northern and western boundaries.
- 1.3 The proposed agricultural building is to house a small number of Cashmere and Angora Goats. The applicant runs a successful local cashmere clothing business and part of their marketing and sales takes place from stalls at country fairs and shows. The goats would support the business by being taken around the country where combing and demonstrations would show where the wool fabric fibres come from.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
 - L1 Landscape Protection and Enhancement
 - L2 Cotswolds Area of Outstanding Natural Beauty
 - E9 Agricultural Development
 - T12 Transportation Development Control
South Gloucestershire Local Plan Core Strategy Adopted December 2013
 - CS1 Design
 - CS5 Location of Development
 - CS9 Managing the Environment and Heritage
 - CS34 Rural Areas
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist – Adopted
Development in the Green Belt SPD - Adopted

3. RELEVANT PLANNING HISTORY

- 3.1 P85/2518 Erection of two detached houses. Construction of agricultural access and new vehicular and pedestrian access. (Outline)
Refused 4.12.85

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council
No objection

4.2 Other Consultees

Public Rights of Way Officer

No objection: plans show the fence a minimum of 1.5 metres from the boundary to allow people to pass comfortably and on this basis the application is acceptable.

Comment made that keeping the path clear and free from encroachment is the owner's responsibility and provision should be made for this.

Landscape Architect

No objection with regards to Policies L1 and CS1.

Comment made that to reinforce the rural character of the area it would be preferable to remove the young leylandii hedge.

Highway Engineer

No objection subject to an informative relating to the crossover of the carriageway.

Other Representations

4.3 Local Residents

One letter of objection has been received from a local resident who raises the following points:

- Prefer to see this piece of green belt retained for agricultural purposes. Under the impression that any building on such sites has to be at least 200 metres from residential property. The plan put forward shows the siting of the proposed shelter/stable as being less than this distance from my house (The Cote) but it would appear that placing it elsewhere on the site would not contravene this requirement.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal is to be assessed against the above listed policies and all other material considerations. Of particular importance is the location of the site within the Green Belt. National planning policy gives a list of criteria which any new development must meet. The erection of buildings for agricultural purposes is considered an appropriate form of development provided it would not impact on the openness of the area. Moving on to other policy considerations; saved policy E9 of the adopted local plan allows for the construction of agricultural buildings provided several criteria are satisfied relating to residential amenity, transportation, and environmental impact. Other

issues such as the design and impact on the landscape would also be considered.

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

5.2 Green Belt

As mentioned above the erection of agricultural buildings in the Green Belt is considered appropriate. In this instance the footprint of the building at 176m² is a substantial new structure, it would have a pitched roof with eaves to 3 metres and an overall height of 4.2 metres. The proposed location of the new building would be towards the northern boundary of the field where it would be screened on three sides by planting.

- 5.3 Although it is acknowledged that the building is quite large and would create changes in an otherwise open field, its purpose in assisting the growth of a local business is noted. This is given some weight in the balancing exercise of impact on openness and overall it is considered that the presence of the proposed agricultural building in the top end of the field would not result in undue or unacceptable harm to the openness of the Green Belt and the proposal can be recommended for approval.

5.4 Design and Visual Impact

The proposed agricultural building would be typically agricultural in appearance and the supporting statement declares the building has been kept as low as possible whilst still allowing access for tractor and livestock trailer. It would have a large sliding door in its north west elevation, a set of 6no. small wooden framed opening windows in its north east elevation with internal grills for cross ventilation, a blank south east elevation and further sliding doors, double gates and pen fencing it the southwest elevation. Materials used in its construction would comprise horizontally laid timber cladding with brickwork masonry at low level.

- 5.5 Although large the structure is considered an appropriate size for its purpose and characteristic in design of many other agricultural buildings in South Gloucestershire. Its scale and appearance is therefore considered acceptable and to accord with adopted policy.

- 5.6 Secure fencing is required around the perimeter and although slightly high at 1.5 metres, this is an acceptable form of enclosure for the goats and there are no objections to the scheme in these terms.

5.7 Residential Impact

Comments from a neighbour are noted, however, policy does not specify any distance restrictions on the location of buildings in the Green Belt or elsewhere. The assessment is the impact any development would have on the amenity of neighbours. Plans indicate that The Cote is located approximately 42 metres to the west of the proposed agricultural building and further separated by a public footpath which runs the length of the field. In this respect, given the distance between the two structures and the existing planting, it is unlikely that the erection of the proposed agricultural building would have an adverse impact on the amenity of this neighbour. With regard to other residential dwellings they

are at a sufficient distance for there to be no concerns regarding the new agricultural building.

5.8 Landscape impact

The building would be positioned towards the northern boundary of the site where there is a backdrop of existing trees and a gappy hedge. The building itself has a typical agricultural style and as such there is no landscape objection.

- 5.9 To facilitate the keeping of goats on the land it is proposed to erect a 1.5m high timber post and wire fence along the front boundary and along the public footpath on the western boundary. At 1.5m high this is higher than a typical stock proof fence but it is acknowledged that this height is necessary for the keeping of goats. Some newly planted leylandii hedges along the northern section of the public footpath are noted. The leylandii would, however, eventually enclose this section of the public footpath and this would be to the detriment of its amenity value. The character of the area is a mixture of domestic and rural, and it would be preferable to remove the leylandii in order to reinforce the rural character of the area.

5.10 Public Right of Way

The application will affect public footpath OAN6 which runs around the perimeter of the land in question. Reference to the path being fenced in is noted - the paddock nearest to Old Gloucester Road was not fenced in until the land was sold this year. As a public right of way, the fence should be a minimum of 1.5 metres from the boundary (as is the fence for the other two paddocks) to allow people to pass comfortably and submitted plans confirm this size gap. Fenced in paths can be a greater burden to the Council because when the surface cannot be grazed by animals it causes the path to become overgrown. Provision for the surface to be kept clear by the owner would be welcome, but in any event, any encroachment by the hedge is the owner's responsibility. Apart from this there is no objection to the proposal.

5.11 Sustainable Transport

Plans indicate that the existing access off the Old Gloucester Road would be used. It is noted this is a non-through side road is quite quiet as it leads to a small grouping of residential dwellings. As such there are no highway objections to the scheme.

5.12 Other relevant policy criteria

To comply with policy E9 it would have to be shown that:

- *There are no existing underused buildings on the site and it is agricultural land*

Details provided with the supporting statement indicate some pig barns once occupied the site but these were demolished in the 1980s and the site is currently a field laid to grass. There are therefore no underused buildings on the site.

- *There would be no unacceptable environmental impacts*

Details given in the supporting statement indicate that up to 9 no. goats could be supported on the land area (approximately 2.45 acres). It is acknowledged that an amount of goat manure would be created but the proposed waste

management plan indicates the waste would be recycled through composting on the site. A compost heap would be located in the area to the side of the building which is away from any ditches and not within 10 metres of a water course. This is considered an appropriate arrangement and would not have an unacceptable impact on the environment.

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 condition below.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

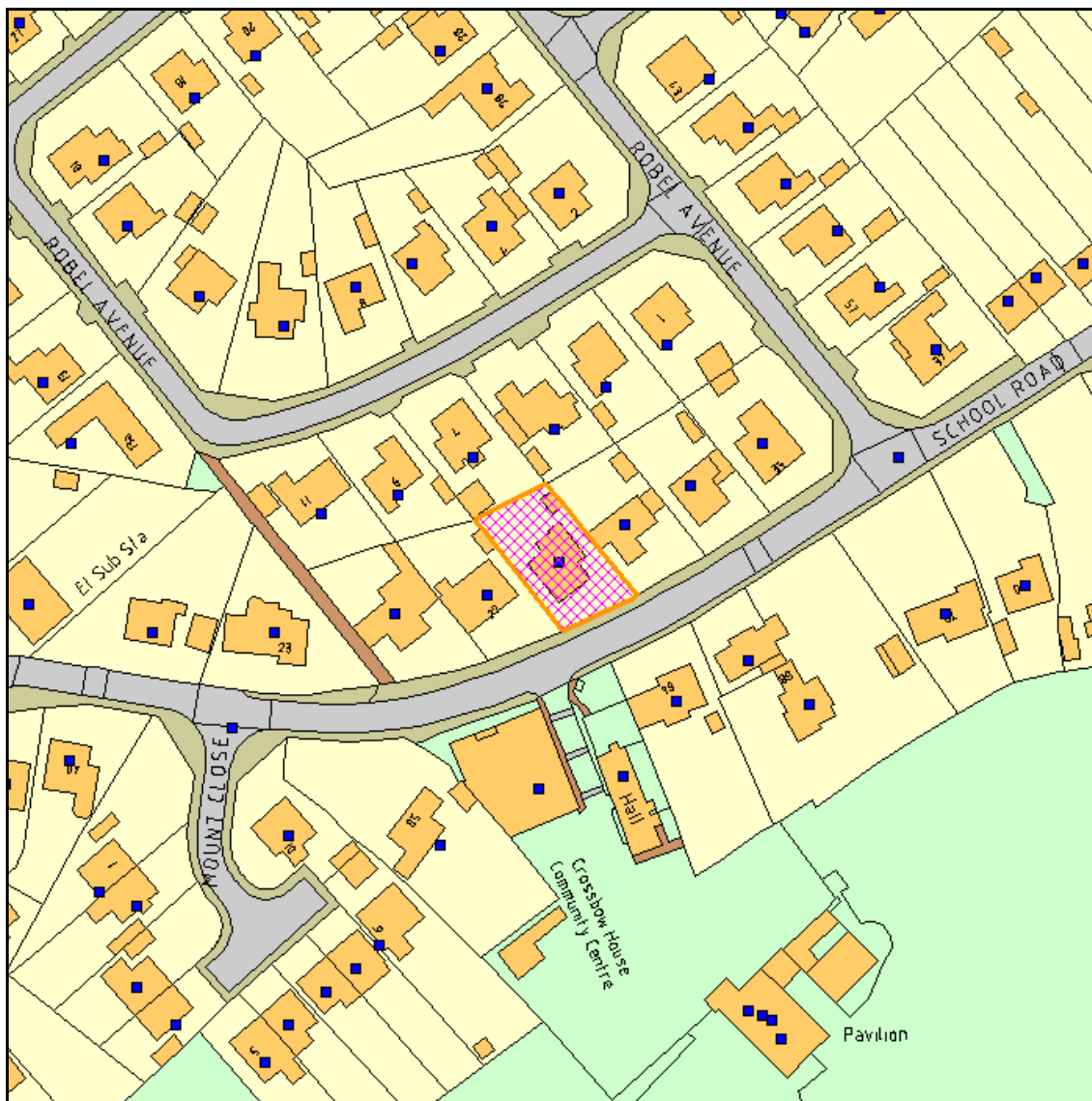
- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 02/16 – 15 JANUARY 2015

App No.:	PT15/5183/F	Applicant:	Mr & Mrs S & K Pearce and Brain
Site:	29 School Road Frampton Cotterell Bristol South Gloucestershire BS36 2DB	Date Reg:	9th December 2015
Proposal:	Erection of two storey rear extension and 1 no front dormer window to provide additional living accommodation.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366028 181875	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	29th January 2016



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PT15/5183/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as objections have been received which are contrary to the Officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a front dormer window and a two storey rear extension at a property in Frampton Cotterell.
- 1.2 The proposal consists of a large extension to the rear of the property. A design improvement has been sought to include a first floor window in the rear elevation rather than a Juliet balcony as first proposed.
- 1.3 The application site is a detached bungalow on School Road, extended to the rear by a single storey extension and a conservatory. It is set in a square plot and benefits from a large garden. Similar properties are located both sides and behind the property although School Road demonstrates a wide variety of house types and designs.

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
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 Saved Policies
T12 Transportation
H4 Development within Existing Residential Curtilages
- 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 None

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
Request application be referred to the Site Inspection Subcommittee due to the inaccuracy of the submitted plans.

- 4.2 Transportation
No objection

Other Representations

- 4.6 Local Residents
Two comments of objection have been received which raise the following matters:
- Loss of privacy and overbearing to nos. 27 School Road and 7 Robel Avenue.
 - Overdevelopment of site
 - Inaccurate plans
 - Materials not in-keeping
 - Noise and light nuisance generated by extension
 - Extension would make no. 7 Robel Avenue more difficult to sell
 - Reduces availability of smaller homes

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of an extension to a bungalow within the settlement boundary for Frampton Cotterell.

- 5.2 Principle of Development
Extensions and alterations to existing properties are generally supported by policy H4 of the Local Plan subject to an assessment of design, amenity and transport. Therefore the proposed development is acceptable in principle but should be determined against the analysis set out below.

- 5.3 Design
The existing property is a detached bungalow on a small estate where the hipped roof forms and front elongated bow windows are important design features.

The proposed development would make a material change to the appearance of the property. A dormer window will extend out from the existing ridge height on the front roofslope of the bungalow to create a modest gabled dormer within the existing hipped roof. The roof and the sides of the dormer will be covered in tiles to match existing. It is not considered that the design of the proposal is harmful to the visual amenity of the area.

It is proposed to erect a rear wing along most the width of the dwelling. The wing would have a gable end facing the garden. It would project 3.4 metres from the rear elevation and the roof would sit at the same height as the existing eaves and ridge height. Externally, the extension would be finished in white render and the roof tiled to match the appearance of the existing dwelling. It is considered that the proposed extension is in keeping with the general character and appearance of the property. The shape and form of the extension respect the massing of the existing house. Although the development would result in a large expanse of hipped roof to the rear, this is not largely visible from the

public realm and as it matches the existing roof profile it would not be harmful to the visual amenity of the locality.

Therefore the proposed design is considered to be acceptable and to accord with policies CS1 and H4.

5.4 Amenity

Development should not prejudice residential amenity. The dwelling is located along a busy main road within the established residential area of Frampton Cotterell. There are close neighbouring properties to both side and rear elevations, with a highway to the front of the property. The neighbours to the rear are separated by garden spaces. The neighbours to each side are within a close proximity but not attached. It is considered that the proposed dormer to the principal elevation is of an adequate distance from any neighbouring dwellings to not pose an unacceptable loss of privacy or overlooking.

Due to the size and form of the proposed extension and its location on the rear elevation, there is the potential for the development to have an impact on the amenities of neighbouring occupiers. A first floor window will be inserted in the northwest elevation of the property. This window will have clear glazing and serve a bedroom. It is located approximately 18 metres away from the rear elevation of no. 7 Robel Avenue and the rear garden spaces of both properties are in-between. It is suggested that any opening located on the rear elevation will result in an unacceptable loss of privacy. However, it is considered that the proposed window to the rear elevation is of an adequate distance from the neighbouring dwelling to not result in a materially different situation or overlooking above that at present. No other windows are positioned in a location which would lead to a loss of privacy.

It is noted that the proposed works to the roof could pose a slight loss of light to the property of no. 27 School Road due to the increase in roof shape and height. However it is considered that this will not cause an unacceptable loss of light to habitable rooms within the property and is therefore considered acceptable.

Concern has been raised about noise and light nuisance. The site is already in a residential use and the proposed extension would not alter this. Although the extension would provide additional bedrooms, it is not considered that the addition of further bedrooms would result in a material increase in noise and light over and above that which can be expected and which is reasonable within a residential setting.

Due to the increase in roof shape and height, there is the potential for the development to feel overbearing. However, given the limited size of the extension, it is not considered that the extent of this impact would be prejudicial.

5.5 Transport and Parking

The proposed extension would increase the number of bedrooms in the property to four and therefore the provisions of the Residential Parking Standard apply.

A four-bedroom property requires two-off street parking spaces to accord with the Standard. The existing driveway provides vehicular parking for more than two cars and therefore can provide for the needs of the property.

Other matters

Some matters raised in consultation responses have not been discussed above and will therefore be covered here.

The Parish Council has requested that the application be referred to the Area Development Control Committee. However, only elected members of South Gloucestershire Council may make a referral.

An inaccurate block plan was submitted depicting no. 31 School Road as the application site. The officer requested a revised accurate plan and an amended plan showing the correct application site was submitted on 12/01/2016. It was not considered that further consultation was necessary as the originally submitted "red line" plan was correct.

The resulting development site would be approximately 10.35 metres wide and 13.9 metres deep. This is only marginally larger than the existing plots for nos. 27 and 31 School Avenue either side and 7 Robel Avenue behind. On this basis, it is not considered that the development would be cramped and adequate private amenity space is retained.

Property values as a result of a development are given little weight and are not considered to be relevant in determining this planning application.

South Gloucestershire Council do not have a policy restricting the enlargement of existing dwellings.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been assessed against the policies listed above. An acceptable standard of site planning and design is proposed and the development will not affect residential amenity or highway safety.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 The recommendation is that planning permission is GRANTED subject to the condition listed.

Contact Officer: Helen Braine
Tel. No. 01454 868388

CONDITIONS

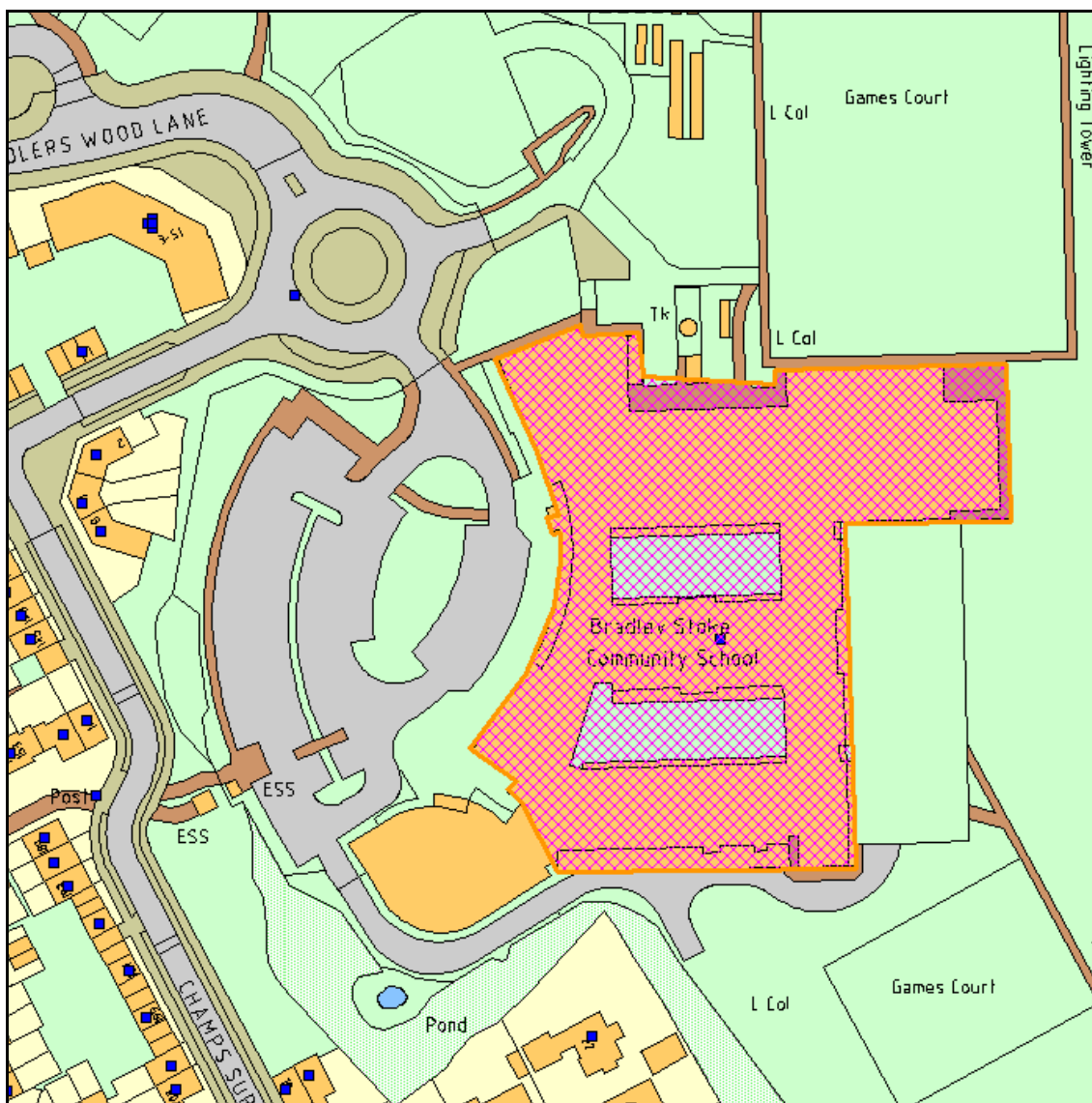
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 02/16 – 15 JANUARY 2016

App No.:	PT15/5288/NRE	Applicant:	South Glos Council
Site:	Bradley Stoke Community School Fiddlers Wood Lane Bradley Stoke South Gloucestershire BS32 9BS	Date Reg:	18th December 2015
Proposal:	Prior notification of the intention to install roof mounted solar panels.	Parish:	Bradley Stoke Town Council
Map Ref:	362454 181843	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:		Target Date:	8th February 2016



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100023410, 2008. N.T.S. PT15/5288/NRE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been submitted to the Circulated Schedule in accordance with the Council's Scheme of Delegation as the applicant is South Gloucestershire Council. This application seeks determination as to whether the prior approval of the authority is required under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015; with applications of this kind the Local Planning Authority only has 56 days to determine the application to avoid default approval. With this in mind, the Local Planning Authority must decide this application by the 08/02/2016 in order to avoid default determination.

1. THE PROPOSAL

- 1.1 The application seeks a determination as to whether the prior approval of the authority is required for the installation of roof mounted solar panels at the Bradley Stoke Community School at Fiddlers Wood Lane in Bradley Stoke.
- 1.2 The application is submitted under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015. This is not a planning application, the proposed roof mounted solar panels are deemed acceptable under the provisions of the Order. The Local Planning Authority is merely required to make an assessment of the impacts of the development under the specific criteria listed in Part 14 of the Order 2015.
- 1.3 The host property's permitted development rights for the installation of roof mounted photovoltaic panels are intact, and are therefore exercisable.
- 1.4 The proposal will have a potential capacity of 250kW.
- 1.5 The school building is composed of five main sections, all of which are joined. The proposed panels will be positioned on four of these sections; specifically the sections to the rear of the curved-faced section that fronts the car parking area. Three of these sections have butterfly roofs whereas the fourth section has a mono-pitched roof.
- 1.6 The submitted application form contains an error with regard to the distance of the solar PV panels from the edge of the roof; the agent has since corrected this error stating that the panels will be at least 1 metre from the edge of the roof; this is consistent with the submitted plans.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning (General Permitted Development) (England) Order 2015 (known hereafter as the Order), Schedule 2, Part 14, Class J -

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application.

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/1914/R3F Deemed Consent
Erection of secondary school, sport pitches and associated landscaping, parking and access.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection.
- 4.2 Strategic Environment and Climate Change Team
No comment received.
- 4.3 Environmental Protection
No adverse comments.

Other Representations

- 4.4 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 This is a prior notification for the installation of roof mounted solar panels under Schedule 2, Part 14 of the Order.
- 5.2 Principle of Development
By virtue of the provisions of the Order the development is acceptable subject to a prior notification as set out in Class J of Part 14 of this Order. Therefore, the development is acceptable in principle and prior approval of the Local Planning Authority must be determined against the criteria as set out below.
- 5.3 Criteria to be Permitted Development
Schedule 2, Part 14, Class J of the Order permits the installation or alteration etc. of solar PV equipment on non-domestic properties, subject to a number of considerations and conditions which will be systematically worked through below.

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

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

other than a dwellinghouse of a block of flats

Microgeneration solar PV equipment is interpreted under Class P of the Part 14 as having the 'same meaning as in section 82(6) of the Energy Act 2004(d), within this legislation solar power must have a capacity of less than 50 kilowatts

to be considered as microgeneration, the proposal will have a capacity of 30 kilowatts. Accordingly, the proposal is considered to be microgeneration solar PV equipment, falling under J.c development.

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

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

The submitted details show that the proposal does not protrude more than 0.2 metres beyond the plane of the roof slope – rather the panels will protrude a maximum of 0.142 metres from the plane of the roof slope.

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

Not applicable the PV equipment will only be mounted to pitched roofs, regardless of this, the PV equipment would not be higher than 1 metre above the highest part of the roof section.

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

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

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

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

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

The site is not designated as a scheduled monument.

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

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

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

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

The proposed equipment would be installed on a roof rather than a wall – as well as this it is Class J(c) development.

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

The proposed equipment would be installed on a roof rather than a wall – as well as this it is Class J(c) development.

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

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

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

The cumulative capacity of the installed solar PV equipment at the site does not exceed 1 megawatt.

- 5.4 Permitted Development Conclusion**

The development is considered to conform to the relevant criteria stated above, accordingly, the development is considered to be permitted development, subject to the proposal according with the conditions stated below.

Conditions

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

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

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

The proposal is situated in an acceptable location (this will be elaborated on under Criteria J.4(2)). It is up to the applicant to remove the solar PV equipment once the equipment is no longer needed, this is a condition of any permission granted within the Order.

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

The development is Class J (c) development, therefore this criteria applies. The site is bound by playing fields and woodland to the north and east; playing

fields to this south; residential dwellings to the south west; and car parking to the west. The proposed panels are designed to absorb light, rather than reflect it causing glare. Glare is most likely to occur in the early morning or late afternoon/evening due to the position of the sun in the sky. For glare to appear, receptors/observers must be able to see the panels, in the case of the host site, it is unlikely that any observer are likely to see the panels due to the height and roof-design of the building. Observers may be able to see the panels on the mono-pitch roof, however, such views are unlikely, and glare resulting from these panels even more unlikely. Overall, solar panels are designed to absorb sunlight rather than reflect it causing glare, with this in mind together with the height of the building officers consider the development to be acceptable in terms of glare.

In terms of visual amenity the panels are considered to have a neutral impact when compared to the existing roof of the unit, further to this, as the panels are on the roof, meaning it is unlikely that the public will be able to view the proposed panels.

Accordingly, the proposal is judged to have an acceptable design and external appearance, as well as this, the proposed panels are considered to not detrimentally impact the amenity of nearby occupiers and road users, as well as users of the school.

6. CONCLUSION

- 6.1 The proposed development meets the criteria outlined under J.1; J.2 and J.3; accordingly the development is considered to be permitted development.
- 6.2 Prior approval is required under paragraph J.4 (2) as the development is J(c) development. The local planning authority has assessed the proposal with regard to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land as required by J.4(2); this assessment has found that the proposal has an acceptable impact on occupiers of neighbouring land with regard to glare, and that the overall design and external appearance is acceptable.
- 6.3 With this in mind, officers recommend that no objection be raised having specific regard to Part 14, Class J of the Order, and that prior approval is granted.

7. RECOMMENDATION

- 7.1 Prior approval is granted.

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