



**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. 40/15

Date to Members: 02/10/15

Member's Deadline: 08/10/15 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

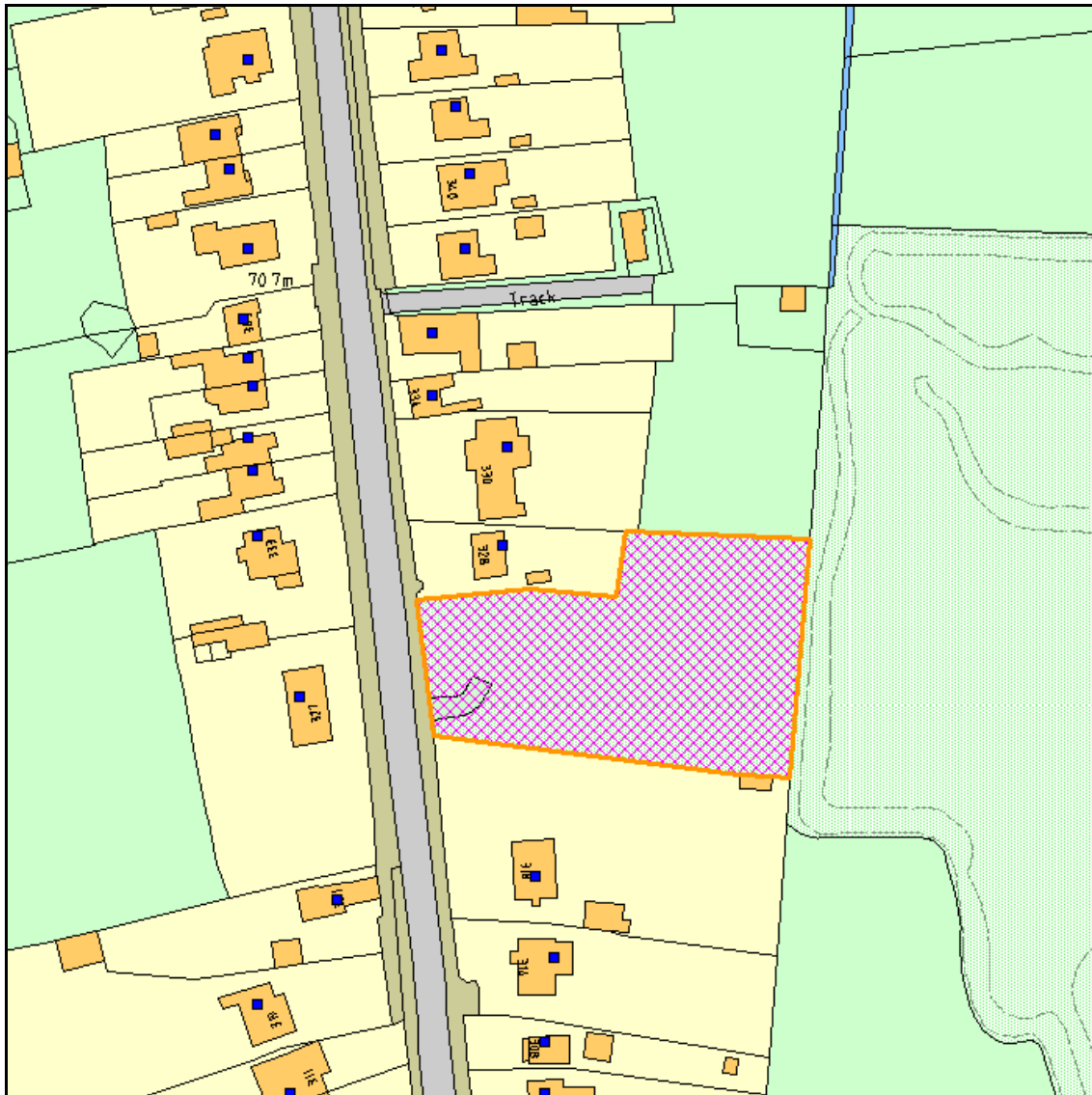
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

CIRCULATED SCHEDULE - 02 OCTOBER 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/2504/RM	Approve with Conditions	Land Adj. 328 North Road Yate South Gloucestershire BS37 7LL	Ladden Brook	Iron Acton Parish Council
2	PK15/3185/F	Approve with Conditions	Land To The North Of Ram Hill Coalpit Heath South Gloucestershire BS36 2TX	Westerleigh	Westerleigh Parish Council
3	PK15/3538/F	Approve with Conditions	114 Bromley Heath Road Downend South Gloucestershire BS16 6JN	Downend	Downend And Bromley Heath Parish Council
4	PK15/3841/CLP	Approve with Conditions	36 Gays Road Hanham South Gloucestershire BS15 3JS	Hanham	Hanham Abbots Parish Council
5	PT15/2683/RVC	Approve with Conditions	Laurel Court Cribbs Causeway Almondsbury South Gloucestershire BS10 7TU	Patchway	Almondsbury Parish Council
6	PT15/2962/RVC	Approve with Conditions	The Old Granary Cowship Lane Wickwar Wotton Under Edge South Gloucestershire GL12 8AY	Ladden Brook	Wickwar Parish Council
7	PT15/2971/ADV	Approve with Conditions	The Old Fire Station High Street Thornbury South Gloucestershire BS35 2AQ	Thornbury North	Thornbury Town Council
8	PT15/3123/F	Approve with Conditions	11 Gatesby Mead Stoke Gifford South Gloucestershire BS34 8UL	Stoke Gifford	Stoke Gifford Parish Council
9	PT15/3484/F	Approve with Conditions	821 Filton Avenue Filton South Gloucestershire BS34 7HH	Filton	Filton Town Council
10	PT15/3570/F	Approve with Conditions	The Homestead 6 Sibland Road Thornbury South Gloucestershire BS35 2HG	Thornbury South And	Thornbury Town Council
11	PT15/3581/F	Approve with Conditions	30 Oxbarton Stoke Gifford South Gloucestershire BS34 8RP	Stoke Gifford	Stoke Gifford Parish Council
12	PT15/3598/CLE	Approve with Conditions	Green Lane Milbury Heath Wotton Under Edge South Gloucestershire GL12 8QW	Ladden Brook	Tytherington Parish Council
13	PT15/3600/CLE	Approve	Corbetts Green Lane Cutts Heath Wotton Under Edge South Gloucestershire GL12 8QW	Ladden Brook	Tytherington Parish Council

CIRCULATED SCHEDULE NO. 40/15 – 2 OCTOBER 2015

App No.:	PK15/2504/RM	Applicant:	GMT Devs UK Ltd
Site:	Land Adj. 328 North Road Yate Bristol South Gloucestershire BS37 7LL	Date Reg:	26th June 2015
Proposal:	Erection of 6no. dwellings with garages and associated works. Approval of Reserved Matters to be read in conjunction with Outline planning permission PK14/3152/O.	Parish:	Iron Acton Parish Council
Map Ref:	369861 184255	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	21st August 2015



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N.T.S.

PK15/2504/RM

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure following objections received from local residents and the Parish Council which are contrary to the recommendation detailed within this report.

1. THE PROPOSAL

- 1.1 This application is for the Local Planning Authority to determine the 'reserved matters' connected with outline planning permission PK14/3152/O for the erection of 6 no. detached dwellings with garages and associated works at a site in Engine Common.
- 1.2 The access, layout and scale have already been approved, with the landscaping and appearance forming the Reserved Matters of this submission.
- 1.3 The application relates to a vacant undeveloped plot of land situated between nos 328 and 318 North Road. It falls within the defined settlement boundary of Engine Common.
- 1.4 The site is covered by a blanket Tree Preservation Order. Works previously commenced on site which included damage to TPO'd trees, and a temporary stop notice was served on 11th March 2015. This was followed up by the granting of an injunction on 27th March 2015. Works have now ceased on the site.
- 1.5 The site is not covered by any other statutory or non-statutory designations, although the site lies immediately to the west of a Site of Nature Conservation Interest (SNCI), 'Fields South of Engine Common.'
- 1.6 Amendments to drainage proposals were received at several points during the application process, the final amendments being received on 21st September 2015. A period of re-consultation was not deemed necessary as the appearance of the development remained as submitted.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density

CS17 Housing Diversity
CS18 Affordable Housing
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape
L5 Open Areas within Existing Urban Areas
L9 Protected Species
EP2 Flood Risk and Development
EP6 Contaminated Land
T7 Cycle Parking
T12 Transportation

2.3 Supplementary Planning Guidance

CIL and Section 106 Planning Obligations Guide (Adopted) March 2015
Affordable Housing and Extra Care Housing SPD (Adopted) March 2014
Residential Parking Standards SPD (Adopted) 2013
Design Checklist SPD (Adopted) 2007
Trees on Development Sites SPG (Adopted) 2005

3. RELEVANT PLANNING HISTORY

- 3.1 COM/14/1152/OD Temporary stop notice served 11/03/2015.
Injunction granted 27/03/2015.
Commencement of development without valid planning permission and damage to TPO'd trees.
- 3.2 PK14/3152/O Approve with conditions 20/05/2015
Erection of 6 no. dwellings with garages and associated works (outline) with access, layout and scale to be determined together with all other matters reserved.
- 3.3 PK13/1850/F Approve with conditions 10/09/2013
Erection of 5no. detached dwellings and 2no. semi-detached dwellings with garages, access and associated works.
This planning permission is still extant and has not yet been implemented.
- 3.4 PK07/1532/RM Approve with conditions 28/09/2007
Erection of 5 no. dwellings with associated works. (Approval of reserved matters to be read in conjunction with outline planning permission PK03/0388/O).
- 3.5 PK03/0388/O Refusal 26/04/2004
Residential Development (Outline)

Refusal reasons:

1- The majority of the site is not previously developed. Furthermore, it is located within a rural settlement, away from the urban area, and is currently used for agriculture. The proposed development would therefore be contrary to PPG3 - Housing, Policies 2, 33 and 34 of the Joint Replacement Structure Plan, Policy H05 of the Regional Planning Guidance for the South

West and Policy H2 of the South Gloucestershire Local Plan (Revised Deposit Draft).

- 2- *The site constitutes an important open undeveloped area that contributes to the character of Engine Common. Residential development on the site would result in the loss of this openness, which would result in a detrimental impact on the character of the settlement. The proposal would also be contrary to Policy LP4 of the Yate & Chipping Sodbury Local Plan, and Policies L6, L1 and H2 of the South Gloucestershire Local Plan (Revised Deposit Draft).*
- 3- *The site contains significant nature conservation interest, and the proposed residential development of it would result in loss and/or damage to this nature conservation interest. The proposal would also be contrary to PPG9 - Nature Conservation, Policy 18 of the Joint Replacement Structure Plan, Policy LP58 of the Yate & Chipping Sodbury Local Plan and Policies L9 and L10 of the South Gloucestershire Local Plan (Revised Deposit Draft).*

4. CONSULTATION RESPONSES

4.1 Iron Acton Parish Council

Objection on the following grounds:

- Too close to neighbouring property
- No provision for adequate drainage including no surface water drainage
- Current interference with neighbouring ditch
- Believe the development would cause further damage to trees covered by TPO

4.2 Other Consultees

Lead Local Flood Authority

No objection to revised proposals, subject to condition requiring a maintenance plan to be submitted.

Sustainable Transport

No objection subject to conditions ensuring parking and turning areas are provided.

Ecology Officer

No ecological constraints to granting planning permission subject to conditions already issued on outline application.

Children and Young People

No comment received.

Environmental Protection

No objection – subject to a condition requiring an investigation into contaminated land being carried out prior to commencement.

Tree Officer

No objection subject to the tree report being fully adhered to throughout the development, and the agent providing the details of the Tree Consultant appointed.

Planning Enforcement

No comment received.

Housing Enabling

No comment received.

Highway Structures

No comment.

Wessex Water

In principle Wessex Water will accept a connection attenuated at 2 l/s from the domestic properties. No rights of connection can be exercised for highway drainage and separate arrangements must be considered to drain the highway. We support the use of SuDS to reduce attenuation volumes draining to the public sewer system and request that South Glos consider use of water butts or SuDS features where possible.

Other Representations

4.3 Local Residents

One letter of objection has been received from an adjoining neighbour stating the following:

- Too close to the boundary and will cause loss of privacy
- Previous outline permission report stated that plot 3 would contain first floor windows that would overlook 318, but as the garden is very large and spacious this would not cause too much loss of privacy
- In November 2014, a pre application enquiry was made to build a new dwelling within the curtilage of 318, closer to the application site. Plot 3 will have a detrimental impact on the privacy of this new dwelling
- An outline application for the new dwelling is pending
- Concerned about disposal of surface water as ditch to the east of the site is already blocked.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks approval of the matters reserved from the outline planning permission PK14/3152/O for the erection of 6 no dwellings with garages and associated works adjacent to 328 North Road, Yate.

5.2 Principle of Development

The proposed development is acceptable in principle as outline planning permission for the proposed development has been granted under application PK14/3152/O. This application seeks to approve the 'reserved matters'. In this instance the reserved matters are: Appearance and Landscaping.

5.3 Design and Appearance

The area is suburban in character with a linear settlement pattern along North Road. The dwellings are well spaced the locality is characterised by various architectural styles. The site is green and open and this has been enabled by a

blanket Tree Preservation Order at the site, preserving the vegetation surrounding it and bordering the highway.

- 5.4 Indicative elevations for the proposed development were submitted with the outline application for the 6 no. dwellings; five of which are to have car ports and one a double garage. Two storey dwellings with gable rooflines are proposed, with a similar character to the previously approved application for seven dwellings at the site (Pk14/1850/F). Whilst bungalows border the site to the north and south, there are many two storey dwellings along North Road and therefore the height of the dwellings is considered acceptable. The quality of the design is considered to be acceptable, with detailing adding architectural interest to the principal elevations of the dwellings including pitched roof porches, lintels, quoins and chimney stacks. The front two dwellings, plot 1 and plot 2, are to be finished in natural pennant stone with red brick quoins, whilst the remainder of the dwellings to the rear of the site are to be finished in a red/grey brick with a more weathered appearance, with bright red brick quoins. The car ports and garage are to be finished with the same red brick quoins and cream render. The double roman tile details submitted are acceptable, and painted timber openings are proposed, which are preferred to the more commonly used UPVC. A condition on the decision notice will ensure that these material details are used in the construction of the development.
- 5.5 As a condition for the outline application, the applicant was required to submit surface materials for the access and parking areas. The shared surface is proposed to be tarmac, which is acceptable and easy to maintain, and the parking is to be finished in concrete paving. The visitors parking will be differentiated by a slightly red coloured concrete paver. Overall, the design and materials proposed for the development are acceptable.
- 5.6 Landscaping
One of the reserved matters relates to landscaping. Landscape requirements must be commensurate with the scale of the development. Six houses are proposed, and the majority of areas which are not to be paved as part of the access and parking are to be utilised as private amenity space. It is therefore not considered necessary for a landscaping scheme to be conditioned, particularly given the amount of vegetation on site subject to the blanket Tree Protection Order, including significant trees along the boundary to North Road. The existing vegetation is sufficient to soften the impact of the development from the surrounding area.
- 5.7 Residential Amenity
Development should not be permitted that has a prejudicial impact on residential amenity. Amenity space provided for the proposed dwellings is modest, but has been previously found acceptable as the layout has been approved at outline application stage. The rear gardens of plots 2, 4 and 5 would be overshadowed to some extent by the trees but this is no different to the previously approved development. The private amenity space for plots 1, 3 and 6 will feel rather exposed as submitted, as the adjacent post and chain link boundary to the garden to the south is to be retained, allowing clear views from the adjacent dwelling and indirectly from the highway into the proposed gardens. This can easily be alleviated by conditioning that this boundary is to

be replaced by a 1.8 metre timber vertical boarding, identical to the fencing proposed elsewhere in the development. Similarly, a chain link fence is proposed between plots 3 and 6 and there will be some inter visibility between the two, and the rear of plot no. 6 will be particularly exposed. A condition will replace this open boundary with a close boarded fence also.

- 5.8 It is noted that the rear elevation of plot 3 would contain first floor windows that look across the garden of no.318 however it is not considered that this would result in a significantly greater impact on the privacy of the occupiers of no.318 when compared to the extant consent. The garden of no.318 is very large and spacious with a paddock style area adjacent to the development site. The owner of no. 318 has advised that pre application advice has been sought with regards to putting a new dwelling on this plot, and that the amenities of the new dwelling would be severely compromised by plot 3, however no planning application has been submitted at the time of writing this report and so it is not necessary to consider the amenities of this potential future house as it does not benefit from planning permission.
- 5.9 The adjacent dwelling to the north, no. 328 will not be overlooked by plot 2 as there are no facing windows at first floor level, and the dwellings are a suitable distance apart for plot 2 not to appear overbearing or cause a detrimental loss of light. Plot 4 and plot 5 are set back enough within the plot not to have an impact on no. 328, particularly as the outlook is screened by existing hedging and trees.
- 5.10 The dwelling on the opposite side of North Road adjacent to the new access will not be negatively impacted upon as there will not be any inter visibility between facing windows at that distance. Overall, the development is acceptable in terms of policy H4 of the Local Plan.
- 5.11 Drainage
Condition 6 of the outline planning permission required the submission of a sustainable urban drainage system (SUDS). Drainage details were submitted to accompany this reserved matters application, but due to the topography of the site and the location of a ditch to the eastern boundary, the Lead Local Flood Authority were not satisfied that the SUDS proposed could be effectively implemented. Further details were received on 14th August, 25th August, 2nd September and 21st September at the request of officers providing evidence that the SUDS could be implemented, and the Council's drainage engineer raised no objection to these further details. An objection letter received raised concerns regarding the flow of surface water into the ditch, however an attenuation tank has been proposed to manage storm events, and so only excess overland flow would flow eastwards down the slope towards the ditch. A condition is recommended to ensure that the drainage is undertaken in accordance with the submitted details, and a maintenance plan submitted for the first twelve months followed by a referral to a site management company. Overall, the development is acceptable in terms of policy CS9 of the Core Strategy.

5.12 Highway Safety

With the access and layout including parking being determined at outline application stage, there are no transportation objections to the proposal. Two parking spaces are required for each dwelling and although the car ports and double garage internal dimensions are a little shy of the minimum standards for two parking spaces, they certainly provide adequate space for one vehicle. The second parking space for each dwelling is provided as off-street parking on the driveway for each dwelling. Two visitor parking spaces are proposed which meet the required standards. A condition ensuring that access and parking are provided was issued as part of the outline decision notice and does not need to be reiterated as part of this application.

5.13 Trees

The application is covered by a blanket Tree Preservation Order and includes a number of mature trees both to the front (west) boundary, and the north and east boundaries. The revised Tree Protection Plans and the Arboricultural Method Statement submitted and conditioned as part of the outline application are still applicable, and the Council's Tree Officer has no objection to the reserved matters application. As previously mentioned in the Landscaping section of this report, the number of TPO trees on site negates the need for a separate landscaping plan to form part of this submission.

5.14 Ecology

The Ecology officer has no objection subject to the previous ecology conditions applied to the outline planning application being adhered to. As the outline and reserved matters application must be read as one planning permission, there is no need to repeat those conditions in the event that this reserved matters application is approved.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended that planning permission is **GRANTED** subject to the conditions listed on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

1. Prior to first occupation of the dwellings an operation and maintenance plan for the surface water drainage system (incl. attenuation tank and permeable paving) must be submitted to and formally approved in writing by the LPA. The LPA must be informed when GMT Developments Ltd establish a site management company for the site and pass on responsibility for the maintenance of the surface water drainage system to the site management company, and provide an updated operation and maintenance plan for the development.

Reason

To prevent pollution and flooding, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

2. Notwithstanding the submitted details and prior to the first occupation of the dwellings hereby approved, the 'post and wire' southern boundary to the site shall be removed and replaced with a 1.8 metre fence of vertical timber boarding, and the boundary proposed between plot 3 and plot 6 shall be replaced with a 1.8 metre fence of vertical timber boarding.

Reason

To protect the residential amenity of the neighbouring occupiers and the application site and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy H4 of the Local Plan and the National Planning Policy Framework.

3. The development shall proceed in accordance with the agreed drainage details dated 17th September 2015 and received on 21st September 2015.

Reason

To prevent pollution and flooding, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. The development shall proceed in accordance with the material details submitted on 26th June 2015 in the 'Materials Schedule'.

Reason

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

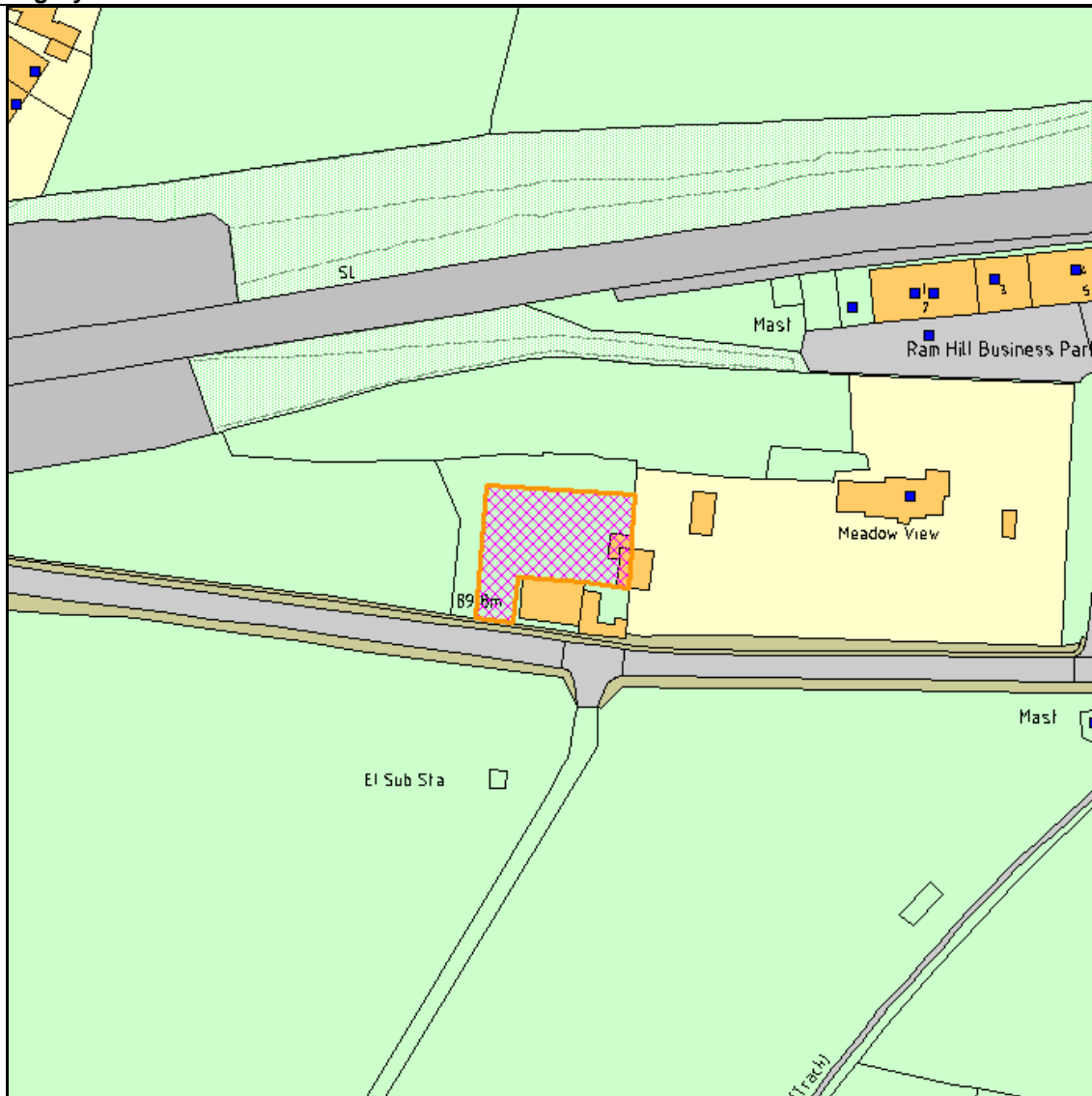
5. The hours of working on site during the period of construction must be kept to Monday - Friday 7.30 - 18.00 and Saturday 8.00 - 13.00 and to have no working on Sundays or Public Holidays. For the purpose of this informative the term 'working' shall include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenity enjoyed by those living in the locality and minimise the disruption to the area , in accordance with saved Policy T12 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 40/15 – 2 OCTOBER 2015

App No.:	PK15/3185/F	Applicant:	Haywards Airport Travel Services Ltd
Site:	Land To The North Of Ram Hill Coalpit Heath South Gloucestershire BS36 2TX	Date Reg:	23rd July 2015
Proposal:	Erection of a single storey extension to facilitate change of use of stone barn from agricultural use to office use (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Resubmission of PK14/5036/F)	Parish:	Westerleigh Parish Council
Map Ref:	367811 180231	Ward:	Westerleigh
Application Category:	Minor	Target Date:	15th September 2015



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule for determination to take into account the comments of the Parish Council and a neighbour. The comments received could be construed as being inconsistent with the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of an existing rural agricultural building into office accommodation. A small extension to the building is also proposed.
- 1.2 The building which is the subject of this application is a stone barn in a small complex of agricultural buildings on Ram Hill in Coalpit Heath. The site is located outside of any defined settlement boundary and is therefore considered to be in the open countryside and the rural areas. The site is also located within the Bristol and Bath Green Belt. To the north of the site runs the South Wales Mainline railway. A major recreational route runs past the front of the site on Ram Hill. The site is also within the coal referral area due to past mining activity and is of archaeological interest as the Ram Hill Engine House is located to the east and the mine itself to the west. The site is also covered by an area Tree Preservation Order.
- 1.3 This application is a resubmission to overcome a previous refusal of the proposal (see section 3).

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Town and Country Planning (General Permitted Development) (England) Order 2015

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS11 Distribution of Economic Development Land
CS13 Non-safeguarded Economic Development Sites
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape
L9 Species Protection
L11 Archaeology
EP2 Flood Risk and Development
T7 Cycle Parking

- T8 Parking Standards
- T12 Transportation
- E3 Criteria for Assessing Employment Development
- E7 Conversion and Re-use of Rural Buildings

2.3 Supplementary Planning Guidance

Development in the Green Belt (Adopted) June 2007

Revised Landscape Character Appraisal (Adopted) November 2014

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/5036/F Refusal 18/05/2015
 Erection of a single storey extension to facilitate change of use of stone barn from agricultural use to office use (Class B1) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).

Refusal Reasons -

1. The site has been identified as providing a habitat for bats, which a European Protected Species. Insufficient ecological information has been provided to allow the Local Planning Authority to make a full and proper assessment of the effects of the development on protected species. Without such information the applicant has failed to demonstrate that the proposal would not result either a direct or indirect harm to biodiversity and protected species. The proposal is therefore contrary to Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the provisions of the National Planning Policy Framework.
2. The site is covered by a Tree Preservation Order. No supporting arboricultural information has been submitted. In the absence of such information, the Local Planning Authority is unable to make a full and proper assessment as to whether the development would have a harmful impact on the landscape. The applicant has failed to demonstrate that existing features of the landscape would be retained and protected. The proposal is therefore contrary to Policy CS1 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).
3. The application site is accessed from a designated quiet lane where highway impacts of development should be carefully managed. Insufficient information with regard to the nature of the transportation movements to and from the site, proposed turning and parking arrangements, and access and visibility has been provided. In the absence of such information, the Local Planning Authority is unable to ascertain whether the proposal would have a severe impact on the local highway network. The application fails to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the provisions of the National Planning Policy Framework.

- 3.2 PT12/4278/F Appeal Dismissed 14/11/2013
 Demolition of 2no. barns. Erection of single storey extension to existing barn to form 1no. dwelling. Change of use of agricultural land to residential curtilage with new vehicular access

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No objection on the proviso that the business statement is adhered to
- 4.2 Archaeology Officer
Any consent should be subject to an archaeological watching brief secured by condition.
- 4.3 Ecology Officer
No objection subject to condition
- 4.4 Landscape Officer
Conditions required in connection with landscaping and tree protection
- 4.5 Lead Local Flood Authority
No comment
- 4.6 Transportation
No objection
- 4.7 Tree Officer
Tree survey required

Other Representations

- 4.8 Local Residents
One comment from a neighbour has been received which raises the following matters:
- cleaning of vehicles is likely therefore interceptors and facilities for the disposal of grey water is required
 - works will be located on the party wall

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks a change of use and extension to an agricultural barn in Ram Hill to provide Class B1 accommodation.
- 5.2 Principle of Development
No in-principle objection was raised to PK14/5036/F and therefore this application must address the previous refusal reasons in order to be acceptable.
- 5.3 The two issues which set the principle of the development are its location outside of a defined settlement within the green belt. Economic development in rural areas is assessed under policies E3 and E7 whilst green belt issues should be assessed against the provisions of the National Planning Policy Framework (NPPF). Other issues include ecology, landscape, transport, and residential amenity.

5.4 Green Belt

The government attaches great importance to green belts with the fundamental aim of keeping land permanently open in nature. To achieve this, there is a general presumption against development in the green belt unless it falls into a pre-defined exception category or very special circumstances can be demonstrated to apply.

5.5 Paragraph 89 of the NPPF allows, as an exception, the 'extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.' Although primarily aimed at householder development, the Council's *Development in the Green Belt* SPD provides guidance on what would be considered a disproportionate addition. The principles of this document can therefore be applied to the proposed development.

5.6 The existing building is considered to be the original building as it is shown on the historic maps of the area. The existing building has an approximate volume of 144.27 cubic metres. The proposed extension would result in an addition of approximately 65.82 cubic metres. This equates to an increase of approximately 46% in the volume of the building over and above the original.

5.7 Guidance in the SPD suggests that an increase of this size may be acceptable subject to a detailed assessment of the design and impact. The extension would be located to the north of the original building, between the building and the railway embankment. As a result, the visibility of the extension is limited to within the site and from the railway. Public views are therefore minimal. Furthermore, the design of the extension respects the scale, massing and proportions of the building. The impact of this is that, in terms of appearance, the extension does not appear to be overly dominant.

5.8 It is therefore considered that the proposed extension would not result in a disproportionate addition over and above the size of the original building. The development therefore falls into the above exception category as stated in the NPPF and is not inappropriate development.

5.9 Economic Development in the Countryside

The reuse of rural buildings for economic purposes will be permitted provided that: the buildings are permanent in nature and capable of conversion; the development is in keeping with the surroundings; and the development would not be harmful on the amenities of the area.

5.10 The existing building is a stone barn which is in a reasonable state of repair. No structural information has been provided. However, based on a visual inspection of the building, it is not considered to be necessary. The design of the proposed building respects the character and appearance of the existing building. The general massing and scale of the building is retained and materials are proposed that match those existing on site. The barn is located behind other buildings which front onto Ram Hill and therefore the proposed extension and the change of use would have little effect on the street scene or the character of the area.

- 5.11 The proposed development therefore represents a viable alternative use for an existing rural building. It is considered that the principle of the reuse of this rural building for economic purposes is a form of sustainable development.
- 5.12 Ecology
The proposed development would see the conversion of the existing barn into office accommodation. At present, the barn is open in places and may therefore provide ecological habitats. Under the previous application, insufficient information has been provided to adequately assess the potential impact on protected species.
- 5.13 Since the last application, a revised ecological appraisal and bat surveys have been carried out and submitted. The bat survey has found that the potential of the building to provide habitat has decreased and whilst there is bat activity near the tree, a licence would not be required to carry out the development.
- 5.14 In light of this there is sufficient information to decide the application. Subject to the mitigation measures set out in the ecological report, the development is considered acceptable. These measures will be secured by condition.
- 5.15 Landscape and Trees
The site is located outside of a built up area and is covered by an area Tree Preservation Order. In principle, the change of use of the building itself would have little landscape impact. However, the use of lane curtilage of the building would have a more obvious impact. The previous application was refused on the basis that inadequate tree information had been submitted.
- 5.16 At present, the site is fairly open in nature. Some post and railing fencing and dry stone walls surround the site. In the interests of the visual amenity of the area, improvements should be made to the site through landscaping. This will be covered by condition.
- 5.17 Two mature Oak trees are located to the north of the site. These trees are protected. Limited arboricultural information has been provided with the application. In order to ensure that the proposed development would not have a detrimental impact on these specimens, arboricultural information in the form of a tree report (in accordance with BS5837:2012). On the basis of the limited information that has been submitted, it is considered that this could be satisfactorily addressed by a planning condition.
- 5.18 Transport
The NPPF states, in paragraph 32, that 'development should only be prevented or refusal on transport grounds where the residual cumulative impacts of the development are severe.' The severity of an impact is directly relatable to the scale of development and the condition of the highway network.
- 5.19 Ram Hill is designated as a quiet lane. A quiet lane is a network of rural roads where minimal traffic calming measures are used. The aim of a quiet lane is to create roads on which all highway users can travel safely. Under the earlier

application, the extent of traffic generation was unclear. Updated information has been provided with this application to address the previous concerns raised.

5.20 The access itself to the site remains unchanged and adequate visibility is provided. Information has been provided on the nature of the business to be operated. This states that the proposed development is likely to result in 70 vehicular movements a week. This is a small percentage of the existing vehicular movements and no transport objection is raised.

5.21 Residential Amenity

Development should not be permitted that has a prejudicial impact on residential amenity. Business uses can have an impact on the amenities of nearby residential dwellings. Consideration should therefore be given to the times of operation to limit disturbance to nearby dwellings.

5.22 Ram Hill Business Park is located to the north east of the application site. Operations on this site are restricted to 0800 to 1800 Monday to Friday, 0800 to 1300 Saturday with no working on Sundays or Bank Holidays. On 30 May 2012, the Planning Inspectorate upheld these as reasonable hours of operation when appeals APP/P0119/A/12/2168262, 2168265, and 2168260 for an alteration to the operating hours were dismissed.

5.23 A condition restricting the operations of the site to the above times is therefore recommended.

5.24 Archaeology

The site is located in an area of historic mining activity and is potentially on the location of the Ram Hill Engine Pit - one of the four or five most important pre-dramway collieries. It is considered that there is potential for some archaeology to remain and therefore a watching brief should be attached to any permission granted.

5.25 Other Matters

Some of the consultation responses have not been addressed in the body of this report. The parish council raise no objection on the basis that the business statement is adhered to. In effect, this would require a condition that restricted the business use of the building to the applicant. As there is no in principle concern over a business use from the site, such a condition is unreasonable and is therefore not recommended.

5.26 Any works to a party wall must accord with the Party Wall Act and therefore are given little weight in determining this planning application.

5.27 The drainage team have raised no objection to the proposal. Drainage would need to be considered under any application for building regulations consent. Furthermore, the proposed use as an office means that any washing of vehicle is likely to be limited and it would be disproportionate to require drainage systems to be designed to cover this low possibility.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 It is recommended that planning permission is GRANTED subject to the conditions listed below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

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

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to commencement to ensure the development is undertaken in an appropriate fashion.

3. Prior to the commencement of development a schedule of landscape maintenance for a minimum period of five years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to commencement to ensure the development is undertaken in an appropriate fashion.

4. Prior to the commencement of development, a tree report in accordance with BS5837:2012 to include a tree protection plan and arboricultural method statement shall be submitted to and agreed in writing by the Local Planning Authority. No development shall take place until the agreed tree protection measures are installed. Development shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to commencement to ensure the development is undertaken in an appropriate fashion.

5. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to commencement to ensure that archaeological assets are protected and preserved.

6. Prior to the first occupation of the development, details of the bat boxes as set out in Section D of the Bat Survey Report prepared by RSK dated August 2015 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure the works are carried out in an appropriate manner a to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

7. The development hereby permitted shall be carried out in accordance with the ecological mitigation measures set out in section 4.3 of the Preliminary Ecological Appraisal (855719-REV03) prepared by RSK dated September 2015.

Reason

To ensure the works are carried out in an appropriate manner a to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

8. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 Monday to Friday, 0800 to 1300 on Saturday and no working shall take

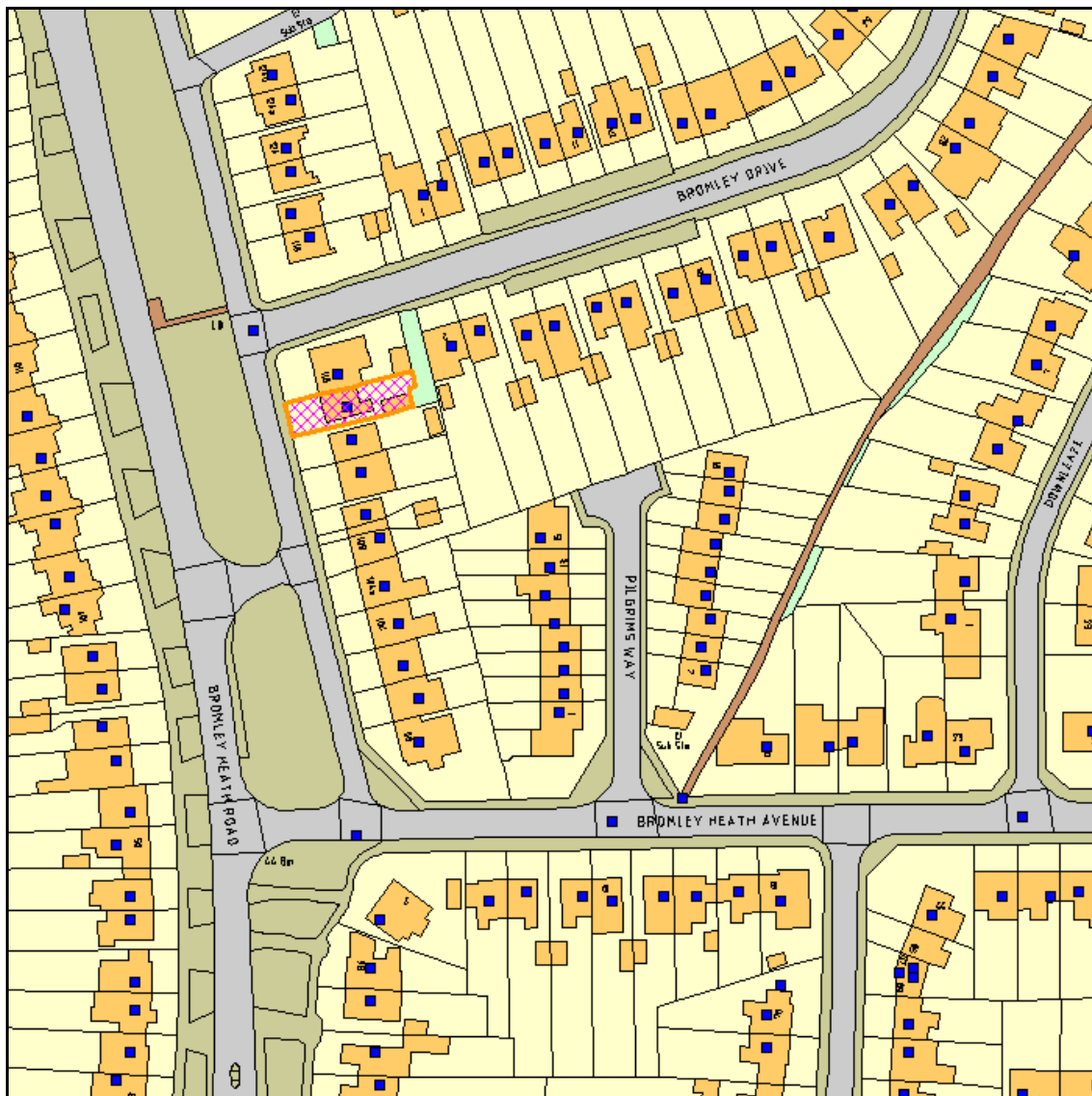
place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the residential amenity of nearby occupiers and to accord with Policy E7 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 40/15 – 2 OCTOBER 2015

App No.:	PK15/3538/F	Applicant:	Mr Michael Shrimpton
Site:	114 Bromley Heath Road Downend Bristol South Gloucestershire BS16 6JN	Date Reg:	14th August 2015
Proposal:	Construction of new vehicular access from Bromley Heath Road	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364803 177823	Ward:	Downend
Application Category:	Householder	Target Date:	7th October 2015



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the creation of a new access from Bromley Heath Road. The road is relatively quiet mainly serving residential dwellings, the road is separated from the busier A4017 by a large grass verge.
- 1.2 Bromley Heath Road is a classified highway, hence the requirement for planning permission for the proposal.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation

H4 Development within Existing Residential Curtilages

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

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
Objection, demolition of the entire stone boundary wall is excessive and out of character with the existing adjoining property and neighbourhood.
- 4.2 Lead Local Flood Authority
No comment.

- 4.3 Sustainable Transport
No objection, an informative note regarding the vehicle crossover works has been suggested.

Other Representations

- 4.4 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application seeks the construction of a new vehicular access from Grace Road. Saved Policy H4 of the South Gloucestershire Local Plan permits this type of development subject to criteria relating to residential amenity, highway safety and design. Highway safety is considered to be the most pertinent issue due to the nature of the proposed development.
- 5.2 Highway Safety
In the surrounding area there is a precedent of existing access of similar construction and operation in the locality. This proposal is simply to create a vehicular access to enable motor vehicles to cross the pavement and park in the proposed parking area to the front of the dwelling. The Council's Transportation Development Control team has no objection to this application; it is not considered that the proposed access will be detrimental to highway safety. To avoid excess rainwater running onto the highway and material from the proposed driveway being carried onto the highway, a condition is recommended to ensure the driveway is finished in a permeable and bound material. As such there are no objections in terms of highway safety to this proposal.
- 5.3 Design and Visual Amenity
A large section of the front wall at the dwelling will be removed, this is not out of character with the surrounding area, as a number of neighbouring dwellings do not have front walls due to similar access arrangements to the proposed. The proposed hardstanding is acceptable, and so is the remaining section of wall in terms of design.
- 5.4 Residential Amenity
The proposal will not result in any detrimental impacts on the nearby occupiers, due to the limited nature of the proposal.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended that planning permission is **GRANTED** subject to the conditions listed on the decision notice.

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

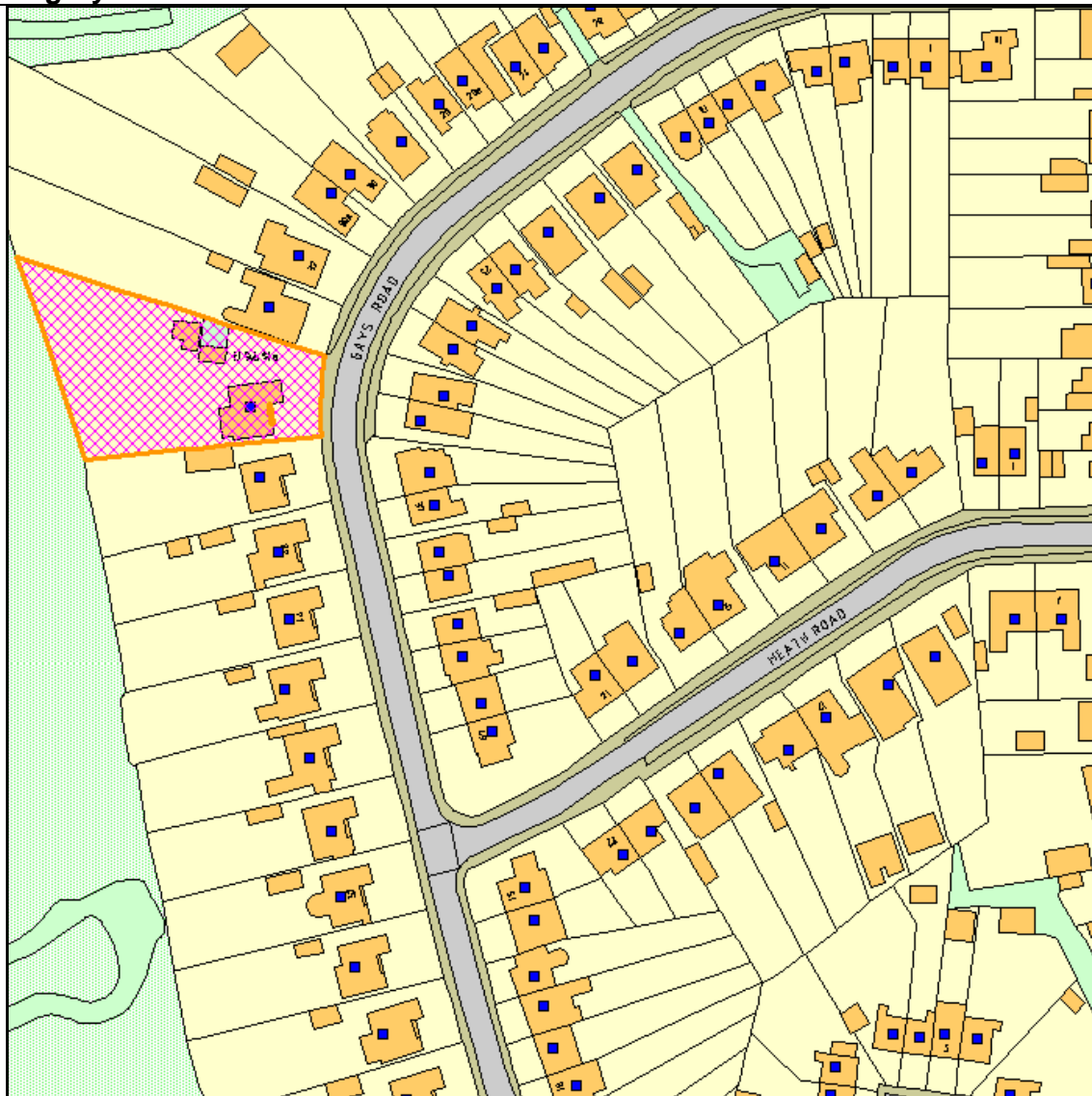
2. The parking area shall be formed of a permeable bound surface material to ensure that no loose materials are transported onto the highway.

Reason

In the interests of highway safety, drainage, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 40/15 – 2 OCTOBER 2015

App No.:	PK15/3841/CLP	Applicant:	Mr And Mrs T Bennett
Site:	36 Gays Road Hanham Bristol South Gloucestershire BS15 3JS	Date Reg:	4th September 2015
Proposal:	Application for a certificate of lawfulness for the proposed installation of a rear dormer.	Parish:	Hanham Abbots Parish Council
Map Ref:	363633 171681	Ward:	Hanham
Application Category:		Target Date:	29th October 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer to form a loft conversion at 36 Gays Road, Hanham would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192 Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class B.

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

3. RELEVANT PLANNING HISTORY

- 3.1 K718 ERECTION OF GARAGE BUILDING TO FORM TOOLSHED/HOBBIES WORKSHOP (Previous ID: K718) Approval 02.05.1975.

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No Comment
- 4.2 Hanham Abbots Parish Council
No Objection
- 4.3 Councillor
No Comment

Other Representations

- 4.3 Local Residents
No Comment

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Existing and Proposed Ground Floor Plan, Proposed First Floor Plan, Existing and Proposed Front, Side and Rear Elevations (Drawing No. 01), all of which were received on 3rd September 2015.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, of the GPDO 2015.

- 6.3 The property has its Permitted Development Rights in tact and the proposed development consists of the installation of a rear dormer window to form a loft conversion. This development would fall under the criteria of *Schedule 2, Part 1, Class B* of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows for dormer additions subject to the following:

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

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

The proposed dormer would sit 1.7 metres below the ridge of the existing roofline, and therefore does not exceed the height of the highest part of the roof.

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

The alterations to the roofline would be to the rear elevation.

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

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

(ii) 50 cubic metres in any other case;

The cubic content of the resulting roof space does not exceed 50 cubic metres.

(d) It would consist of or include-

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

The proposal includes Juliet balconies to the three rear doors. Within the technical guidance for householder permitted development a "Juliet" balcony, where there is no platform and therefore no external access would normally be permitted development. Therefore the proposal meets this criteria.

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

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

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

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

Conditions

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

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

The proposed dormer extension will be constructed from materials to match those used on the existing dwelling. As such the proposal therefore complies with this condition.

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

The part of the dormer which is closest to the eaves of the original roof is approximately 0.5 metres away. The proposal therefore meets this condition.

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

(i) Obscure glazed; and

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

The dormer window is to the rear of the dwelling and therefore this is not applicable.

7. RECOMMENDATION

- 7.1 That a Certificate of Lawfulness for Proposed Development is **allowed** for the following reason;

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

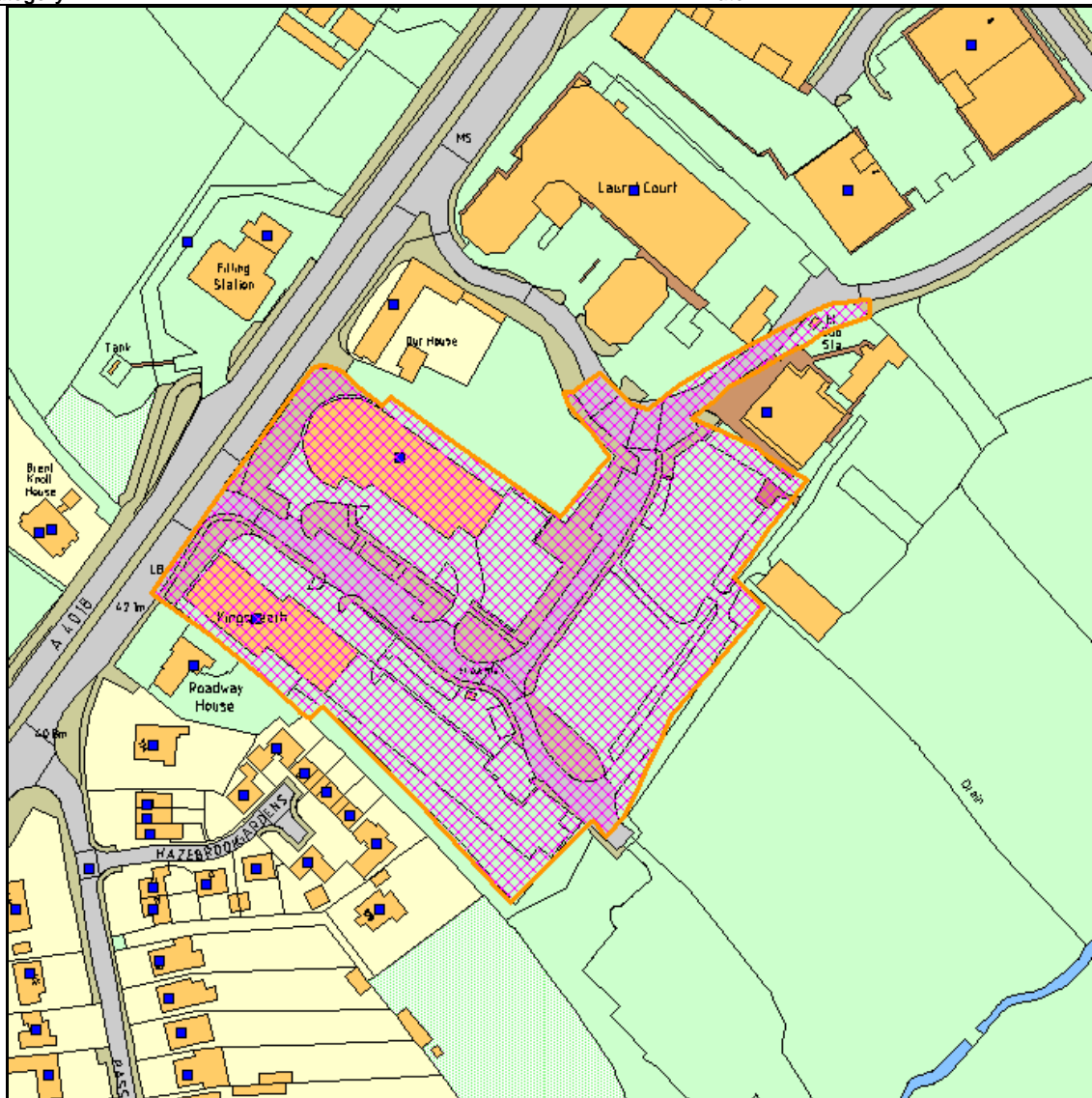
Contact Officer: Chloe Buckingham
Tel. No. 01454 863464

REASON

1. Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

CIRCULATED SCHEDULE NO. 40/15 – 2 OCTOBER 2015

App No.:	PT15/2683/RVC	Applicant:	Dick Lovett Companies Ltd
Site:	Laurel Court Cribbs Causeway Almondsbury South Gloucestershire BS10 7TU	Date Reg:	24th June 2015
Proposal:	Variation of conditions 2 & 3 attached to planning permission PT06/0529/RVC dated 6 February 2006 to change hours of working for sales from 08:30 until 18:00 Monday to Friday to 07:30 until 19:00 Monday to Friday and 08:30 until 17:00 on Saturdays to 07:30 until 17:00 on Saturdays. Condition 3 to read servicing to be carried out Monday to Friday 07.30 to 18.00, 07.30 until 17.00 on Saturdays with no Sundays or Public Holidays opening. (Part Retrospective)	Parish:	Almondsbury Parish Council
Map Ref:	357198 180445	Ward:	Patchway
Application Category:	Major	Target Date:	22nd September 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because objections have been received contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The site consists of car sales showrooms and associated offices, service workshops and associated car parking. The site lies to the east of Cribbs Causeway and on the edge of the Cribbs Causeway Retail Park. The development was approved under planning application PT02/2706/F.
- 1.2 The application seeks to make a variation of conditions 2 and 3 of permission PT06/0529/RVC to permit the extension of hours of the sales showrooms and service workshops. During the course of the application following advice from the Councils Environmental Protection team changes were made through negotiation with the applicant's agent to the opening hours of the servicing operation. This has meant the servicing operation will now close Monday to Friday in line with the 2006 application and there will be no extension of the service operation on Monday to Friday evenings.
- 1.3 The revised application now seeks permission for the sale of motor vehicles Monday to Friday 07.30 to 19.00, Saturdays 07.30am to 17.00 and Sundays 10.00 to 16.00 with no openings on Bank Holidays, car sales have already commenced opening on a Sunday so the application is considered part retrospective. The revised hours would mean the sales operation commencing 1 hour earlier and staying open 1 hour later Monday to Friday and commencing 1 hour earlier on Saturdays. At present although already opening on Sundays for 6 hours there is no planning permission in place for Sunday opening.
- 1.4 The servicing and repair of motor vehicles would take place Monday to Friday 07.30 to 18.00, Saturdays 07.30 to 17.00 with no openings on Sundays and Bank Holidays. The revised hours would mean the service operation commencing 30 minutes earlier Monday to Friday and opening for an extra 6 hours on Saturdays in line with the opening hours for the sales operation.

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)
E3 Employment Development
EP4 Noise Sensitive Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design

- 2.3 Supplementary Planning Guidance
None relevant

3. RELEVANT PLANNING HISTORY

- 3.1 PT02/2706/F Erection of car showrooms and associated offices, service workshops parking and landscaping.
Approved November 2003
- 3.2 PT06/0529/RVC Variation of condition 5 attached to planning permission PT02/2706/F (restricting the hours of working)

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
Objection, noise pollution and extra traffic to local residents.
- 4.2 Environmental Protection

We usually ask for operating hours involving noisy work to be 07:30-18:00 Monday to Friday. No work on Sundays, Public and Bank Holidays. This is really in relation to noisy work. So we would not want the workshop to be in use on the Sundays. People want to view cars on Sundays it is therefore not unreasonable to open between 10:00 and 16:00 on a Sunday.

- 4.3 Other Consultees
Highway Drainage No comment

Other Representations

- 4.4 Local Residents
Three objections have been received these can be summarised as below:
- Extended hours will mean more vehicle movement and noise
 - Extending the hours impacts on our daily lives
 - Increase in noise and pollution levels

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The site is located within the urban area on the edge of the Cribbs Causeway Retail Park. Essentially the principle of development has already been fully implemented with large car showrooms, offices and service workshops operating from the land since planning permission was granted in by PT02/2706/F in 2003.
- 5.2 In 2006 application PT06/0529/RVC altered the hours to allow grounds maintenance to be carried out and put in place hours of operation for specific parts of the business operated from the site. The relevant conditions read;

Condition 2. The sale of motor vehicles from this premises shall be restricted to the hours of 8.30 until 18.00 Monday to Friday and 8.30 until 17.00 on Saturdays. No sales of motor vehicles shall take place on Sundays or on Public Holidays: unless the Local Planning Authority agrees to any variation in writing.

Condition 3. The servicing or repair of motor vehicles or sales of autoparts from these premises shall be restricted to hours of 08.00 until 18.00 Monday to Friday and 08.30 until 12.00 Saturdays. No repair of motor vehicles or sales of autoparts shall take place on Sundays or Public Holidays. The term autoparts shall for the purpose of clarification of this condition mean parts used in the repair, modification or servicing of motor vehicles unless the Local Planning Authority agrees to any variation in writing.

5.3 The reason for restricting opening hours were to minimise disturbance to occupiers of nearby residential dwellings and to accord with South Gloucestershire Local Plan (Adopted) January 2006 E3 and EP4. The pertinent issue to consider therefore is residential amenity.

5.4 **Residential Amenity**

The new application would mean the opening hours for car sales being extended by 1 hour earlier in the morning and 1 hour later in the evening Monday to Friday. Saturday opening hours would increase by 1 hour with the sales operation commencing from 07.30 instead of 08.30. Car sales would also be carried out on Sundays between the hours of 10.00 until 16.00. Advice from the Councils Environmental Protection team broadly speaking supports the extended hours including the opening for vehicle sales on Sundays and concludes that it is not unreasonable for customers to want to view vehicles on a Sunday. The viewing and sales of motor vehicles is considered not to be an activity that would generate significant levels of noise and affect residential amenity. It was noted by the officer on his site visit that other large car dealerships nearby open on Sundays in line with the hours applied for within this application.

5.5 The second part of the application relates to the potentially more noise generating use of the service workshops on site. The original submission in relation to this new application applied for an extension of the opening hours by 1 hour in the evening Monday to Friday this element has now been removed from the application. Following advice from the Councils Environmental Protection team and negotiation with the agent the hours applied for have now been reduced with the servicing workshops opening 30 minutes earlier in the morning Monday to Friday but the service workshops closing at 18.00 as per the original condition within the 2006 application PT06/0529/RVC. The workshop will also be open to 17.00 on Saturdays in line with the opening hours of the car sales operation; this again is in line with advice from the Councils Environmental Protection team regarding. There will be no Sunday or Bank Holiday opening of the service workshops.

5.6 The original planning permission in 2002 contains a condition ensuring that the outside car parking areas and associated manoeuvring areas should be used only for the purposes of parking and manoeuvring. This further protects any noise generated by the service workshop as servicing and repairs will not be carried on outside the designated buildings.

The earlier opening times will allow vehicles to be dropped off my customers before proceeding to work and is considered not to unduly affect residential amenity and generate excessive noise. Furthermore a mature hedgerow and mature trees form an effective noise and visual barrier along the southern boundary protecting the residential development affected by this development from the sales and service workshops.

- 5.7 On balance the extension of opening hours of both the sales and service operations are considered not to prejudice existing residential amenity and cause an unacceptable degree of noise sensitive disturbance to nearby residential dwellings and therefore accords with policies E3 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006

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 previous planning consent be varied subject to the following conditions

Contact Officer: Kevan Hooper
Tel. No. 01454 863585

CONDITIONS

1. This Planning Permission shall be read in conjunction with the associated Planning permission under PT02/2706/F dated 28th August 2002

Reason
To minimise disturbance to occupiers of nearby residential dwellings and to accord with Policy E3 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The sale of motor vehicles from this premises shall be restricted to the hours of 07.30 until 19.00, Monday to Friday, 07.30 to 17.00 on Saturdays, 10.00 until 16.00 on Sundays with no opening on Public Holidays: unless the Local Planning Authority agree to any variation in writing.

Reason

To minimise disturbance to occupiers of nearby residential dwellings and to accord with Policy E3 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006

3. The servicing or repair of motor vehicles or sales of autoparts from this premises shall be restricted to the hours of 07.30 until 18.00 Monday to Friday, 07.30 until 17.00 on Saturdays with no opening on Sundays and Public Holidays. The term autopart shall, for the purpose of clarification of this condition mean parts used in the repair, modification or servicing of motor vehicles: unless the Local Planning Authority agreed to any variation in writing.

Reason

To minimise disturbance to occupiers of nearby residential dwellings and to accord with Policy E3 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006

4. The hours of deliveries to the premises shall be restricted to 08.00 to 18.00 Monday to Friday and no deliveries to the premises shall take place on Saturdays, Sundays or Public Holidays.

Reason

To minimise disturbance to occupiers of nearby residential dwellings and to accord with Policy E3 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006

5. Grounds maintenance at the premises shall only be carried out between the hours of 18.00 and 18.00 Monday to Friday and no grounds maintenance shall take place on Saturdays, Sundays or Public Holidays: unless otherwise agreed in writing with the Local Planning Authority. The term Grounds Maintenance shall for the purpose of clarification of this condition mean the mowing of lawns and the tending to planted borders and shrubs.

Reason

To minimise disturbance to occupiers of nearby residential dwellings and to accord with Policy E3 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006

CIRCULATED SCHEDULE NO. 40/15 – 2 OCTOBER 2015

App No.: PT15/2962/RVC
Site: The Old Granary Cowship Lane Wickwar
Wotton Under Edge South Gloucestershire
GL12 8AY

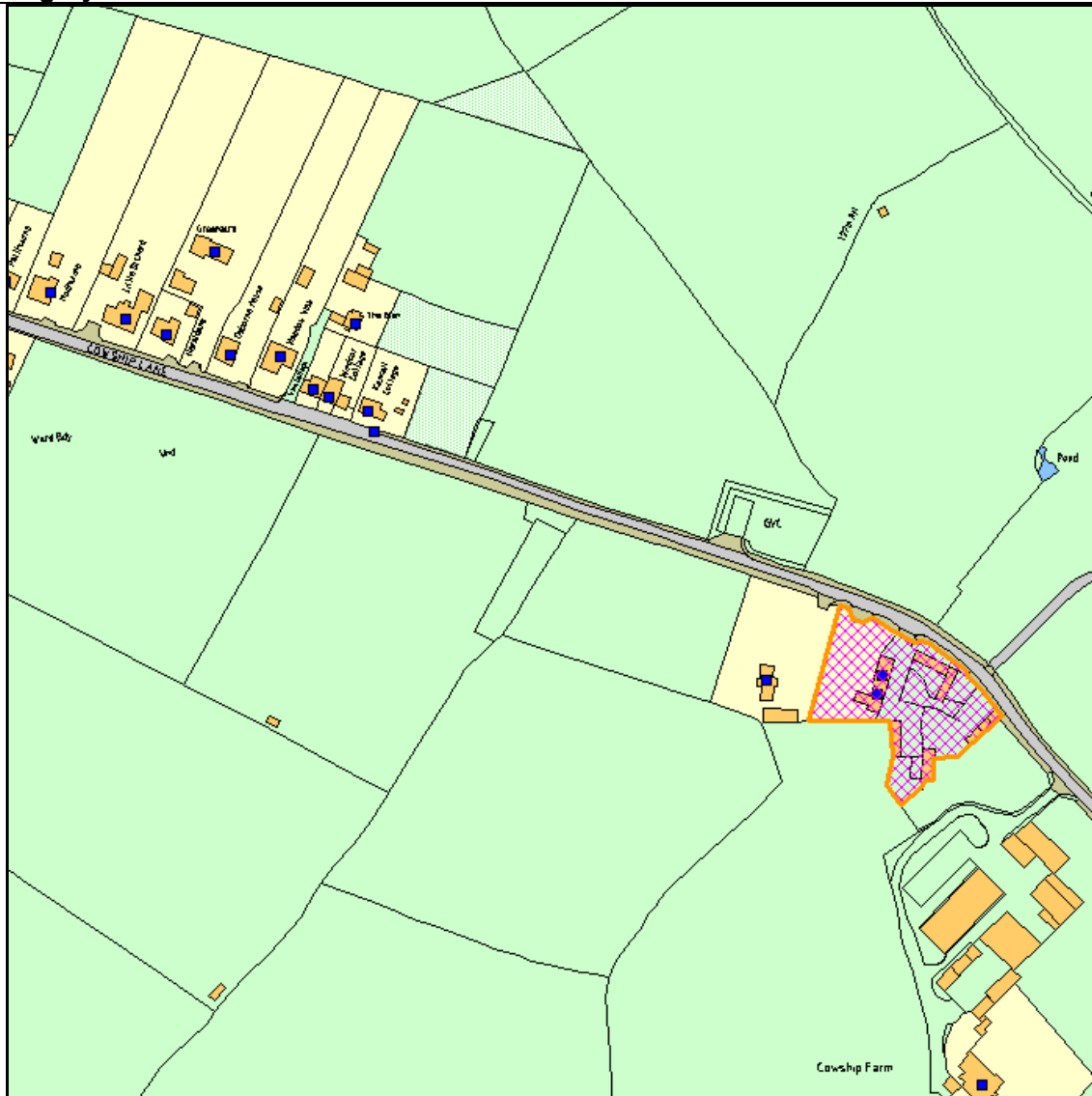
Applicant: Mr And Mrs Coggins
Date Reg: 13th July 2015

Proposal: Removal of condition 8 attached to
planning permission P97/2209 dated
26/11/1997

Parish: Wickwar Parish
Council

Map Ref: 370092 188944
Application Category: Minor

Ward: Ladden Brook
Target Date: 3rd September 2015



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100023410, 2008. N.T.S. PT15/2962/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from Wickwar Parish Council, the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

1.1 Planning permission P97/2209 was granted 26th Nov. 1997 for the conversion of 4no. traditional farm buildings to holiday letting units at The Old Granary farm complex, Cowship Lane, Wickwar. The site lies in the open countryside and The Old Granary is a Locally Listed Building.

1.2 Planning permission was granted subject to a number of conditions of which condition 8 reads as follows:

“The accommodation hereby permitted shall at no time be leased, sold or otherwise disposed of separately from the main dwelling, The Old Granary”.

Reason

“The proximity and location of the whole of the units in relation to The Old Granary is such that it is unsuitable for independent use to occur.”

1.3 This application PT15/2962/RVC seeks the removal of said condition 8 of planning permission P97/2209.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (NPPF) March 2012
National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013

CS1 - High Quality Design
CS5 - Location of Development
CS8 - Improving Accessibility
CS9 - Managing the Environment and Heritage
CS15 - Distribution of Housing
CS16 - Housing Density
CS17 - Housing Diversity

South Gloucestershire Local Plan (Adopted) (Saved Policies) 6th January 2006

L1 - Landscape Protection and Enhancement
H4 - Development within Residential Curtilages
H10 - Conversion and Re-use of Rural Buildings for Residential Purposes.
EP2 - Flood Risk and Development
T12 - Transportation
E11 - Tourism

2.3 Supplementary Planning Guidance
The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.
South Gloucestershire Residential Parking Standards 2014

2.4 Emerging Plan

Proposed Submission : Policies, Sites & Places Plan March 2015

PSP1 - Local Distinctiveness

PSP2 - Landscape

PSP8 - Settlement Boundaries and Residential Amenity

PSP10 - Development Related Transport Impact Management

PSP16 - Parking Standards

PSP20 - Flood Risk, Surface Water and Watercourses

PSP39 - Private Amenity Space Standards

3. RELEVANT PLANNING HISTORY

3.1 P97/2209 - Conversion of traditional farm buildings to 4no. holiday letting units.
Approved 26 Nov. 1997

3.2 PK03/1918/F - Conversion of farm building to form 1 no. holiday let.
Approved 6 Jan. 2004

3.3 PK08/0981/F - Conversion of farm building to form 1 no. holiday let.
(Amendment to previously approved scheme PK03/1918/F).

4. CONSULTATION RESPONSES

4.1 Wickwar Parish Council

Condition 8 relates to prohibiting the sale, leasing or disposing of the holiday let separately from the main dwelling for the reason; "The proximity and relationship of the holiday units in relation to The Old Granary is such that it is unsuitable for independent use to occur."

We would have to ask, "what has changed that would make this condition no longer valid?". I would suspect that the timber fence that is shown in the supporting photographs is insufficient to make it suitable "for independent use" as described in the original planning permission.

On the above basis, Wickwar Parish Council would not support the application.

Cromhall Parish Council

No response

4.2 Other Consultees

Lead Local Flood Authority

No comment

Transportation D.C.

The application raises no transportation issues. No objection.

Conservation Officer

No objection subject to a number of additional conditions.

Other Representations

4.3 Local Residents

No responses.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application is submitted under Section 73 of the Town and Country Planning Act 1990. In accordance with Section 73 (2) on such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission has been granted.

5.2 The NPPG advises that every condition should be justified by the LPA on its own planning merits on a case by case basis. Furthermore it advises that any proposed condition that fails to meet any of the six tests for a condition should not be used. Paragraph 206 of the National Planning Policy Framework (NPPF) states that planning conditions should only be imposed where they are:

1. Necessary.
2. Relevant to planning.
3. Relevant to the development to be permitted.
4. Enforceable.
5. Precise.
6. Reasonable in all other aspects.

Applicant's Justification for Removal of Condition 8

5.3 The applicant submits that Condition 8 as drafted fails to meet the relevant tests in that the condition is not considered to be necessary or reasonable.

5.4 Furthermore the applicant states that the existing holiday units are managed off-site by the owners, who live at another property in the area. Condition 8 effectively prevents the sale of the main dwelling, The Old Granary. The relationship of The Old Granary to the holiday units is shown on the submitted Location Plan. The nearest unit is positioned at right angles to the rear elevation of The Old Granary. The Old Granary benefits from a garden enclosed by a 2 metre high fence, as shown on the submitted photographs, and has Velux roof-lights above ground floor level. Consequently, there is no undue overlooking or loss of privacy to either of the properties.

5.5 The holiday letting units are arranged in an L shaped configuration and where the units directly face 'The Old Granary' there is sufficient distance between the

buildings to allow an appropriate level of amenity for both. Consequently both of the properties are capable of independent use without detriment to either party. In such circumstances the condition currently imposed is unnecessary and it places an unnecessary, unjustifiable and disproportionate burden on the applicant and the condition therefore fails to satisfy the relevant tests as set out in the Planning Practice Guidance.

Officer's Analysis

- 5.6 In the first instance, it is noted that the red edged plan for the original permission P97/2209, to which the relevant condition 8 relates, incorporated both The Old Granary and the 4no. holiday units, which therefore form one planning unit only.
- 5.7 'The Old Granary' is a dwelling house with its permitted development rights intact. The building is currently occupied by the owner's son. The use of the building and its associated curtilage fall within the C3 use class. The holiday units are occupied as quasi-residential buildings also falling within the C3 use class. It is noted that Condition 2 of the original consent P97/2209 limits the use of the holiday units to tourist accommodation only and not for residential purposes on a permanent basis; occupation by the same person(s) being limited to no more than 42 days in any 12 month period. This would be the case, regardless of whether 'The Old Granary' was occupied as a separate house, unrelated to the holiday units, in the future, which would be possible if condition 8 were removed.
- 5.8 Condition 8 as worded prevents the accommodation permitted i.e. the 4no. holiday units, from being leased, sold or otherwise disposed of separately from 'The Old Granary'. This does not as suggested by the applicant, prevent the sale of the whole planning unit i.e. 'The Old Granary' and holiday units together but it does prevent the separation of 'The Old Granary' and holiday units into separate ownerships.
- 5.9 The only clue as to why such an unusual condition should be imposed lies within the reason stated for it; there being no other information within the planning history for P97/2209. The reason makes reference to the proximity and relationship of the holiday units in relation to 'The Old Granary' being unsuitable for the independent use of the respective buildings to occur; the inference being that this would in some way result in harm to the living conditions of the occupants of presumably 'The Old Granary'. Officers consider however that the inference could equally apply to the holiday units if they were to become separate dwellings in their own right.
- 5.10 Condition 2 however prevents occupation of the units as separate dwelling houses regardless of whether they are separately owned which makes condition 8 unnecessary.
- 5.11 Given that the holiday units fall under the same C3 use class as 'The Old Granary' and can be occupied on a short term residential basis, officers must consider what if any additional harm would accrue if the 'The Old Granary' and the holiday units were in separate ownership.

- 5.12 In considering the proximity and relationship of the respective buildings, officers concur with the applicant that there would be no significant adverse impact on existing and future occupiers should 'The Old Granary' and holiday units be in separate ownership.
- 5.13 A high close board fence has been erected (presumably under permitted development rights) to enclose the curtilage of 'The Old Granary' and provide adequate screening. The respective buildings are single-storey with only high level roof-lights serving the accommodation in the roof space, so there are no issues of inter-visibility or over-looking. Both 'The Old Granary' and the holiday units are now served by separate driveways, off a shared access. Adequate private amenity space is provided for 'The Old Granary' and the holiday units.
- 5.14 Notwithstanding the reasoning given in paras. 5.12 and 5.13 above, the key issue here is whether or not the impact on the amenities of the occupants of the respective buildings i.e. 'The Old Granary' and the holiday units, would be any different if the respective buildings were in separate ownerships. Given that Condition 2 would endure, even if condition 8 were removed, then the status quo regarding the uses of the respective buildings would be retained; neither would the buildings themselves alter in any physical sense; condition 8 is therefore flawed in that it is neither necessary nor reasonable, and as such fails the tests for conditions listed under para. 206 of the NPPF.

Conservation Issues

- 5.15 The Council's Conservation Officer has suggested that a number of conditions be imposed, these being:
- That proposed remedial works be implemented within a suitable time period.
 - Compliance with the proposed plans.
 - A new hard and soft landscaping scheme.
 - Removal of permitted development rights.
- 5.16 These comments were however made on the mistaken belief that further works to the buildings is proposed, which in fact is not the case. Furthermore, officers consider that the imposition of such conditions at this stage would be unreasonable. Permitted development rights were not removed under the original 1997 consent and neither were they in subsequent approvals PK03/1918/F & PK08/0981/F for conversion of another barn to a holiday let at the same site. Similarly there were no conditions imposed to secure hard and soft landscaping.
- 5.17 Officers have reviewed the original conditions attached to planning permission P97/2209. There is in fact no record of these conditions having been formally discharged (that is not to say that they were not). Most of the conditions relate to the works to convert the barns, which have long since been completed. Even if the conditions were not formally discharged, due to the passage of time, the applicant would now be immune from enforcement action.
- 5.18 Officers are satisfied that the scheme has been fully implemented to a satisfactory standard and no purpose would be served by re-imposing the

original conditions if the Decision Notice is re-issued. There would however be a need to repeat condition 2 relating to the occupation of the Holiday Units and to some extent condition 7 relating to the retention of the car parking spaces.

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 Officers have concluded that on balance there is no reasonable justification for retaining condition 8 of the original planning permission P97/2209. The condition fails to achieve what it was intended for and given the presence of condition 2, is not necessary. As such condition 8 fails the tests listed under para. 206 of the NPPF and referred to in the NPPG. Even if condition 8 is removed the existing uses of the buildings would not alter and their physical relationship would remain unaltered.
- 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 That the consent P97/2209 be re-issued with the exclusion of Condition 8 and all relevant conditions carried forward.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

1. The holiday accommodation hereby authorised shall be used solely for tourists accommodation and not for residential purposes on a permanent basis and to this end the accommodation shall not be occupied by the same person(s) for more than 42 days in any 12 month period.

Reason

To ensure the satisfactory appearance of the development in the interests of visual amenity to accord with Policy L1 of The South Gloucestershire Local Plan and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

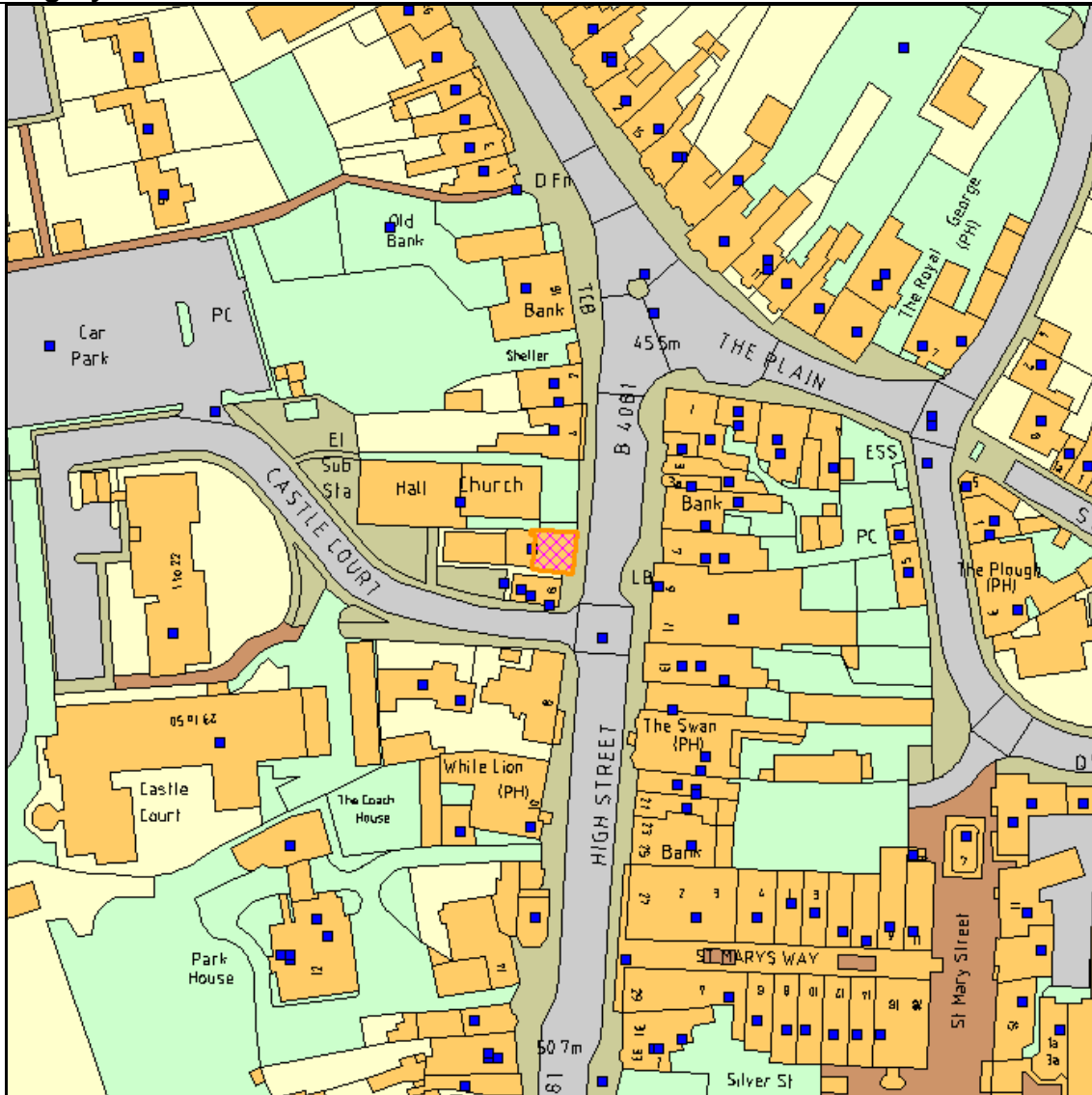
2. The off street parking areas indicated on the approved block plan shall be retained at all times for use in association with the holiday units.

Reason

In the interests of highway safety in accordance with Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and The South Gloucestershire Residential Parking Standards SPD (Adopted).

CIRCULATED SCHEDULE NO. 40/15 – 2 OCTOBER 2015

App No.:	PT15/2971/ADV	Applicant:	The MSG Group
Site:	The Old Fire Station High Street Thornbury South Gloucestershire BS35 2AQ	Date Reg:	13th July 2015
Proposal:	Display of 1 no. externally illuminated fascia sign and 1 no. non illuminated hanging sign.	Parish:	Thornbury Town Council
Map Ref:	363656 190129	Ward:	Thornbury North
Application Category:	Minor	Target Date:	3rd September 2015



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The proposal seeks advertisement consent to display of 1no. externally illuminated fascia sign, 1no. non-illuminated hanging sign.
- 1.2 The application site is The Old Fire Station within the high street in Thornbury. The building is a particularly prominent one within the High Street and also the Thornbury Conservation Area and whilst it is unlisted, it has simple but attractive classical detailing. The adjacent building to the south is listed, as are a number of the buildings to the north. The adjacent Church Hall is not listed.
- 1.3 There is also a pending planning application at the site for a number of works including the installation of extraction equipment, and the erection of a rear extension (planning ref. PT15/2985/F).
- 1.4 An application for signage at the site was previously refused in 2011 under planning ref. PT11/2502/ADV. After reviewing this application, it is clear that current proposal is wholly different from the previously refused application.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
T12 Transportation Development Control Policy for New Development
L12 Conservation Areas

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
CS9 Managing the Environment and Heritage
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) August 2007
Shopfront and Advertisements Design Guidance SPD (Adopted) April 2012

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT15/2985/F Pending
Demolition of existing single storey rear extension to facilitate erection of single storey rear extension, installation of replacement extract ventilation system, grille for air intake, new external compressors and replacement side door.
- 3.2 PT15/1685/RVC Approval with Conditions 05/069/2015
Variation of condition no. 1 attached to PT06/1252/RVC to alter hours of working to opening between 10am to 11pm Sunday to Thursday and 10am to 11.30pm Fridays and Saturdays.
- 3.3 PT11/2502/ADV Refusal 27/09/2011
Display of 2no. non-illuminated wall mounted signs (Retrospective).
Refusal reason:
- The proposed development, by virtue of the discordant appearance of the signs and their size would fail to respect the traditional character and appearance of the Thornbury Conservation Area, contrary to the Town and Country Planning (Control of Advertisements) Regulations and PPG 19.

4. **CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council
No objection.

- 4.2 Other Consultees

Sustainable Transport
No Objection.

Conservation Officer

No objection, the officer originally objected, however, revised plans were submitted that overcame such objections.

Other Representations

- 4.3 Local Residents
A member of the public has submitted comments of objection with regard to the proposal. The comments are summarised below:
- The proposed signage is not in keeping with the other buildings and shop fronts in the Conservation Area.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state a local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety. The National Planning Policy Framework states control over outdoor advertisements should be efficient, effective and simple. The guidance goes onto reiterate the Regulations, stating advertisements should be controlled in

the interests of amenity and public safety, taking account of cumulative impacts. As the site is within a Conservation Area, the impact on the historic character will also be addressed.

5.2 Visual Amenity and the Impact on the Conservation Area

The existing front elevation has a number of signs, one of which is externally illuminated by swan neck lights. These advertisements will be removed should this advertisement application be approved. The proposed signs are largely an improvement when compared to the existing situation, the principal elevation of the unit will appear less cluttered. The proposed fascia sign will present the letters 'Domino's' with the franchises' logo to the side. This fascia board is only as large as the lettering requires, meaning the fascia board does not dominate the front elevation. Additionally, the lettering will protrude slightly from the fascia board, this is appropriate detailing. The signage board will be externally illuminated through swan neck lighting, similar to the existing situation. The external lighting is appropriate for the Conservation Area, with a number of other shops/public houses utilising such illumination. The proposed hanging sign is acceptable with regard to Conservation Area and the prominence of the existing building. The sign is does not disrupt any of the key architectural features of the building, and also does conflict with the character of the area.

Overall the propose signage is appropriate with regard to the prominence of the host building, and the character of the Conservation Area. Additionally, the signage does not harm the setting of any of the nearby listed buildings.

5.3 Public Safety and Residential Amenity

There are residential units above many of the shopfronts on Thornbury High Street, however, the proposed illumination is not of a significant level of illumination to disrupt the residential amenity of the area. Additionally, due to the proposal's height, the pedestrians on the pavement will not be detrimentally affected.

With regard to transport issues the proposed signage will not detrimentally impact highway safety, this is a view supported by the Council's transport officer.

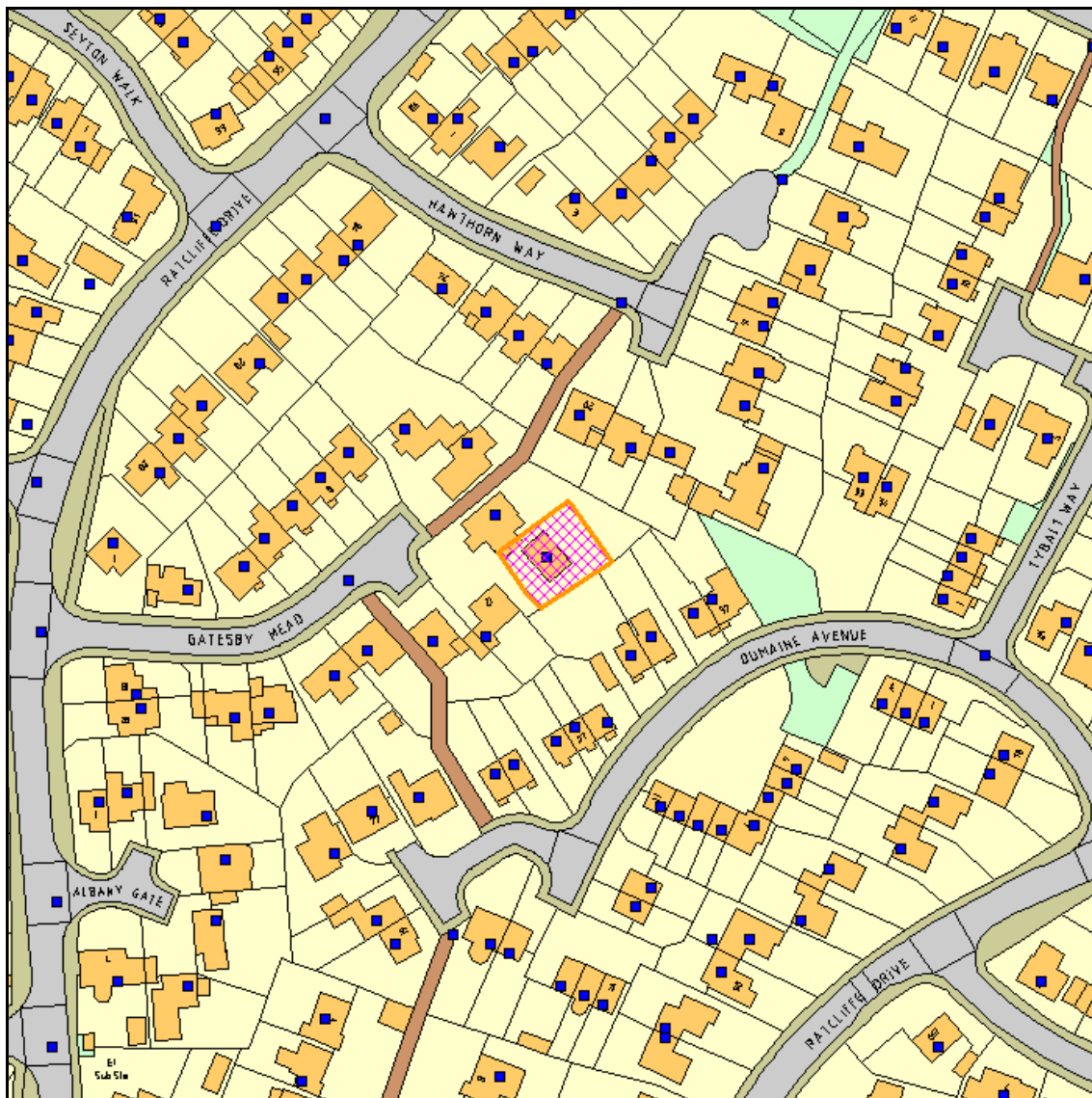
6. RECOMMENDATION

6.1 That the application is **APPROVED**.

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 40/15 – 2 OCTOBER 2015

App No.:	PT15/3123/F	Applicant:	Mr Paul Wilkins
Site:	11 Gatesby Mead Stoke Gifford Bristol South Gloucestershire BS34 8UL	Date Reg:	20th July 2015
Proposal:	Erection of two storey side and single storey rear extension to provide additional living accommodation.	Parish:	Stoke Gifford Parish Council
Map Ref:	362286 180219	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	10th September 2015



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 100023410, 2008. **N.T.S.** **PT15/3123/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure following an objection from a neighbour which is contrary to the recommendation detailed in this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two-storey side extension and a single storey rear extension at 11 Gatesby Mead, Stoke Gifford.
- 1.2 Permission is sought for the extensions to provide an additional bedroom and en-suite bathroom at first floor level, increase the size of the lounge and create a dining room at ground floor level. One of the upstairs bedrooms is to be converted to an office.
- 1.3 Amended plans were received on 20th August 2015 reversing the internal floor plan of the first floor part of the two storey extension. A period of re-consultation was not deemed necessary.
- 1.4 Certificate B was received on 25th August 2015 at the officers request, as a tree to be removed to accommodate the extension is under the ownership of the neighbour. Notice was served on the neighbours from 17th August 2015 for three weeks.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation
H4 Development within Existing Residential Curtilages

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 There is no relevant planning history.

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

No objection. The Parish Council note their concerns about parking arrangements should the proposed development be granted.

4.2 Other Consultees

Lead Local Flood Authority

No comment.

Sustainable Transport

No objection. Ample parking will remain.

Other Representations

4.3 Local Residents

One letter of objection has been received (prior to amendments) stating the following:

- Side extension would reduce private to rear garden
- Original development had a brick wall from corner of no. 11 to rear corner of no. 12 which has now been demolished
- Driveway to nos 10 and 11 is inadequate and access to no. 11 is often restricted and visitors tend to drive over the front corner of no. 12. Large heavy building lorries will have an impact
- Suspects that a front extension on their own property would be refused on access grounds
- Driveway houses two sewer drains – what guarantees are in place if lorries damage the drains?

One general comment has been received stating the following:

- Driveway is not as wide as indicated on the plans
- May cause problems during building phase with skips, ready mix and lorries
- Two main drains cross the drive and any damage must be the responsibility of no. 11 Gatesby Mead

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design

The proposed two storey extension is proposed to be stepped back from the principal elevation and stands at a slightly reduced ridge height to the rest of no. 11 Gatesby Mead, allowing the extension to remain subservient to the host. The single storey extension is of a modest footprint and the roof lantern adds interest to the flat roof proposed. With the exception of the proposed patio doors, the new openings proposed for the extensions mirror the size and shape of the existing openings. Materials for both extensions are to match the host dwelling, and overall the development is acceptable in terms of policy CS1 of the Core Strategy.

5.3 Residential Amenity

As submitted, the first floor of the two storey extension comprised of a new bedroom at the front, and an en suite bathroom to the rear. It was considered that the bedroom window facing towards no. 12 Gatesby Mead was harmful to their residential amenity as there would be inter visibility between the window and their rear garden. Following objections from the neighbour, it was considered that the internal floor plan should be reversed, with the en-suite bathroom to the front and obscure glazed. A condition on the decision notice will ensure this is maintained for the lifetime of the development. The new bedroom window, to the rear, is not considered to cause any overlooking as the properties to the rear on Hawthorn Way are a considerable distance away and the outlook would be no different to that of the existing rear windows. Although the development moves the property within close proximity to properties on Dumaine Avenue, they are situated at an angle from the proposed window and therefore are unaffected. It is considered that the majority of any overshadowing caused by the development would fall within the application site, and therefore the development is considered acceptable in terms of policy H4 of the Local Plan.

5.4 Transport

Concerns have been raised with regards to access for construction vehicles during the construction period, however this is only temporary and the applicant will be reminded by means of an informative that they cannot carry out works, including driving or parking construction vehicles, on land which does not belong to them without the owners permission.

5.5 Whilst the property creates an additional bedroom, it also reduces one of the existing bedrooms in size so significantly that it is proposed to become a home office. It is unlikely that this smaller room will be used as a bedroom, but if it is then this would mean there are five bedrooms at the property. Five bedroom properties require three off-street parking spaces, and this can easily be accommodated within the site boundary. The Council's Transport officer has no objection to the proposal.

5.6 Drainage

Reference has been made to sewerage drains located on the shared access between no.s 10, 11 and 12 Gatesby Mead, and the concern that they may be damaged during the construction period.

The scale of the development is such that the amount of construction vehicles required are unlikely to cause any damage to the existing access, and the Lead Local Flood Authority has no objection to the proposal.

5.7 Trees

Two small trees are to be removed, one from a neighbouring property on Dumaine Avenue, in order to facilitate the development. These trees are situated within private gardens and do not make a significant impact upon the street scene, and therefore there is no objection to their removal. Notice was served on the neighbour and no objections were received.

5.8 Other Matters

The occupier of no. 12 has raised the point that if an extension was sought to the front of no. 12, it would most likely be refused for blocking access to no. 11. No such application has been received, and so officers cannot comment on this as it does not have an impact on the application being considered.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended to **GRANT** planning permission subject to the conditions listed on the decision notice.

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

CONDITIONS

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

Reason

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

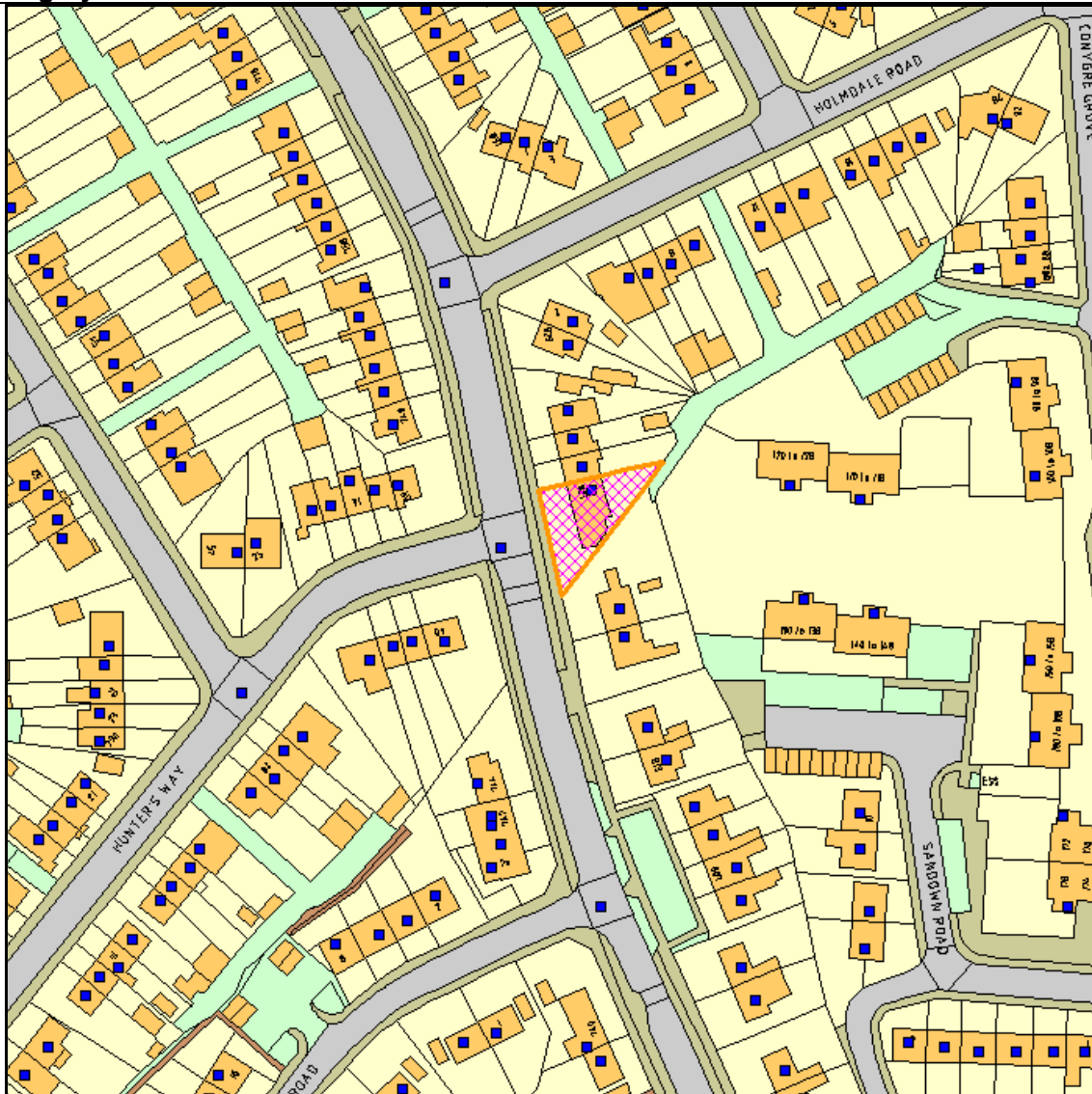
2. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the south-west elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed,

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy H4 of the Local Plan and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 40/15 – 2 OCTOBER 2015

App No.:	PT15/3484/F	Applicant:	Mr Craig Rankine
Site:	821 Filton Avenue Filton Bristol South Gloucestershire BS34 7HH	Date Reg:	13th August 2015
Proposal:	Change of use from 6no. bed House in Multiple Occupation (Class C4) to a 7no. bed House in Multiple Occupation (sui generis) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Filton Town Council
Map Ref:	360977 179194	Ward:	Filton
Application Category:	Minor	Target Date:	3rd October 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as a comment of objection has been received.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a change of use from a dwellinghouse used as a House of Multiple Occupation (HMO) for 6 persons (Use Class C4) to a HMO for 7 persons (Sui Generis).
- 1.2 The proposal was originally for a change of use from Use Class 3 (dwellinghouse), however the property has recently taken the form of a 6no. bed HMO which falls within permitted development rights as defined in the Town and Country Planning (General Permitted Development) Order 1995.
- 1.3 The proposed HMO is for up to 7no. people to share and therefore it does not fall in Use Class C4 (HMO) and falls under the Sui Generis Use Class.
- 1.4 The application site comprises a two – storey end of terrace situated on the eastern side of Filton Avenue within the established residential area of Filton. The property benefits from two-storey and single storey side extensions.
- 1.5 The host property has not altered externally since the previous submission and no external alterations are proposed within this submission.
- 1.6 A previous submission in 2014 was refused on the basis that plans detailing parking provision were not submitted, nor information on waste and recycling provision. This application has been amended since the first submission in 2014 through the addition of supplementary plans and a supporting statement. This previous submission was for the same number of residents and rooms.
- 1.7 HMO's must be licenced by the Council's Private Sector Team; this is a separate process from a planning application.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

- T12 Transportation Development Control Policy for New Development
- H5 Residential Conversions, houses in multiple occupation and re-use of buildings for residential purposes

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

CS17 Housing Diversity
CS25 Communities of the North Fringe of Bristol Urban Area

- 2.3 Supplementary Planning Guidance
Residential Parking Standard SPD (Adopted) December 2013
South Gloucestershire Design Checklist SPD (Adopted) August 2007
Waste SPD (Adopted) January 2015

3. **RELEVANT PLANNING HISTORY**

- 3.1 P99/2007 – *Erection of two storey side extension and side attached double garage. Approved 13th October 1999.*
- 3.2 PT14/0563/F – *Change of use from Dwellinghouse (Class C3) to an house House of Multiple Occupancy (sui generis) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).*

The property already comprised as a 7no. bed dwelling at the point of this submission. The proposal was for a change from 6.no to 7.no residents.

This application was refused on 14th February 2014 for the following reasons:

'Insufficient information has been submitted to demonstrate that an acceptable level of car parking, cycle parking and refuse and recycling storage can be accommodated within the site in the amenities of the area and highway. The proposal is therefore, contrary to policies T12, T7 and H5 of the South Gloucestershire Local Plan (adopted) January 2006 (saved)'.

4. **CONSULTATION RESPONSES**

4.1 Filton Town Council

Response received on 23rd September 2015:

The Town Council has no objection to this application.

4.2 Transportation DC Officer

- a single dwelling house with 5 or more bedrooms would, according to SGC's parking standards require 3 parking spaces. However, there is no specific SGC parking standard for Houses in Multiple Occupation.
- Given the close proximity of the Wise College, UWE and local employment areas all within, it is unlikely that all occupants will own cars.
- Parking demand from the proposal could be accommodated within the site and on the surrounding highway without any harm to highway safety.
- No transport objection is raised submitted is raised subject to the following condition:

The change of use shall not be implemented until the car and cycle facilities have been completed and made available for use in accordance with the submitted details.

Reason: In the interest of highway safety and to promote sustainable transport choices and to accord with Local Plan Policies T7 and T12.

4.3 Highway Drainage

'No Comment'

4.4 Highway Structures

'The Highways Structures team has no comment'.

Other Representations

4.5 Local Residents

Member of the public (customer) in support of the Planning Application:

- Lived in the property for 14 months and there has been a maximum of 4 cars and 1 motorcycle permanently related to the address.
- Within the time of living in the property, 3 tenants have left the address and their rooms have since been occupied by further tenants. The amount of vehicles has not increased beyond the above stated amount and therefore this amount of vehicles can be accommodated on the driveway without any requirement to park on the road.
- The rear of the property has previously accommodated 2 bicycles and retains the capacity to do so.
- The dwelling itself represents an example of high quality professional shared housing within the area.

Member of the public in objection of the Planning Application:

- Objects on the grounds that there is already many multi –occupancy housing in close proximity.
- Filton Avenue already struggles with parking.
- Multi –occupancy housing decreases the market values in the nearby area.
- There is no bus service on this stretch of the Avenue, therefore the usage of cars is increasing.
- With the new development located at the old airfield, traffic will be problematic.

Member of the public in objection of the Planning Application:

- There are already too many HMO's in the area.
- The present 5 or 6 people living in the property already double park opposite the adjacent road junction, despite parking on site.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

5.2 Policy H5 allows for the conversion of existing dwellings into HMO's subject to an assessment on the impact on the character of the area, amenity and parking.

5.3 Importantly, this policy recognises that the largest concentration of HMO's are located in close proximity to the University of the West of England as this provides a valuable source of low cost accommodation.

5.4 Policy CS5 of South Gloucestershire Council Core Strategy (2013) details that the largest share of development will take place within the North Fringe of the Bristol urban area. It is in this location that essential infrastructure is already in place or planned, which reduces the need to travel and commute. This policy details that development should be commensurate with the locality in that proposals will be determined on whether or not there are any adverse effects on the character or form of the locality.

5.5 Saved Policy T12 seeks to ensure that development will have no adverse impact on highway safety.

5.6 In light of the above, the principle of development is considered to be acceptable subject to the analysis set out below.

5.7 Appearance/ Form and impact on the character of the area

5.8 No external alterations are proposed and therefore it is considered the building will exhibit the same character as the existing.

5.9 Filton Avenue is a dense urban area that comprises of a mix of terraced properties both attached and semi-detached. Weight is provided to the sustainable location of the site where there are good links to the wider area and to existing services. Policy H5 recognises the concentration of properties of this type in the area. Local residents have referred to the proliferation of HMO properties and whilst this is acknowledged, it is also a reflection of the character of the area and demand for private rented accommodation. Therefore, the Council consider the addition of 1no. resident at the property will not have a material impact on the character of the area.

5.10 It can be considered the property has adequate space provision for use of 7no. bedrooms due to the large form of the property with a single storey and two storey side extension to the right hand side (when front facing).

5.11 Following the assessment of this proposal, it considered necessary that any permission granted is subject to a condition requiring the development to be limited to 7.no bedrooms.

Any further division of the property to create more than seven bedrooms for more tenants would require a further assessment on the character of the area, provision of adequate off-street parking and provision of waste sorting and recycling facilities.

Waste

- 5.12 Within this application, the applicant has identified within the plans waste storage and recycling provision. One of the reasons the previous application was refused was on the basis that details required for the provision of waste and recycling were not submitted and were considered to be essential in the determination of the application.
- 5.13 Policy CS1 details that proposals should ensure sufficient space provision is provided for the sorting and storage of recyclable waste materials. Furthermore the Council has recently published the Waste Collection: Guidance for New Developments SPD (Adopted) January 2015 which is a material consideration in determining planning applications.
- 5.14 The applicant has identified within this application that refuse waste will be dealt with collectively; stored to the rear of the property and collected in front of the dwelling. The provision of 2.no black bins, 1.no green bin and associated bags for plastics, cardboard and other recycling is deemed acceptable and in accordance with the above guidance.
- 5.15 Accordingly, it is considered that waste storage and recycling provision is sufficient and additional refuse facilities will not be required.
- 5.16 Residential Amenity
- 5.17 Development should not have a prejudicial impact on the residential amenity of nearby occupiers or on the living conditions of the application site.
- 5.18 As no operational development is proposed, it is considered that the proposal will not have a materially greater effect on the residential amenity of neighbouring occupiers than what originally exists. Tenants reside in the main dwelling and the extensions to the right hand side (when front facing) at which there is no overlooking into neighbouring properties.
- 5.19 Although there will be an increase in noise levels, this is not considered to be of a level where it would be harmful.
- 5.20 The property has a rear garden which provides adequate amenity space for residents. Furthermore, there is a bike storage area for residents and a shed for storage. Following discussions with the applicant, the proposal will be conditioned to ensure an enclosed storage area for bicycles in the interests of visual and residential amenity.
- 5.21 In light of the above, it is not considered the proposal would prejudice residential amenity.

5.22 Transportation

5.23 Assessment of transportation effects of the proposal will relate to the levels of on- street car parking and the effect on local congestion.

5.24 The previous application submitted to the Local Planning Authority was refused on the grounds that limited information was provided to assess the effect the proposal would have on parking and congestion. Within this proposal, the applicant has submitted a block plan indicating parking provision on the site as well as a description of parking provision within the supporting statement provided.

5.25 Parking provision to the front of the property provides adequate parking and manoeuvring for up to 4.no vehicles. It is not considered that the addition of 1.no resident would have a material impact on parking in the locality. On street parking provision within the immediate locality is available and as such there is no sustainable objection that can be made to this application on the basis of car parking provision.

5.26 While Filton Avenue is a classified road that is located off the busy Station Road, the addition of 1.no resident would not exacerbate or create any severe impact in terms of highway safety. In relation to our Highway Officers comments, it likely some residents will be non-reliant on vehicles.

5.27 Furthermore, supporting guidance within the Residential Parking Standards SPD (Adopted) December 2013 states that a minimum parking provision for a 5+ bed dwelling is 3 spaces. While there is no specific guidance for HMO's, it can be considered the allocation of 4.no spaces within this proposal is broadly in accordance with the above supporting guidance.

5.28 In light of the above, it is not considered the development would have a material impact on highway safety or parking provision.

5.29 Other

5.30 Market values are not a planning consideration.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Sam Garland
Tel. No. 01454 863587

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 and Country Planning Act 1990 (as amended)

2. The change of use shall not be implemented until the car and cycle parking facilities have been completed and made available for use in accordance with the submitted details Site Plan 5075439, Site Plan 5076994 and Supporting Document 5075431. These facilities shall thereafter be retained.

Reason

In the interest of highway safety and to promote sustainable transport choices and to accord with Local Plan Policies T7 and T12.

3. Within two months of this consent, details of an enclosed area for bike storage shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure the satisfactory provision of cycle storage facilities and to protect the character and appearance of the area to accord with Policies D1 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

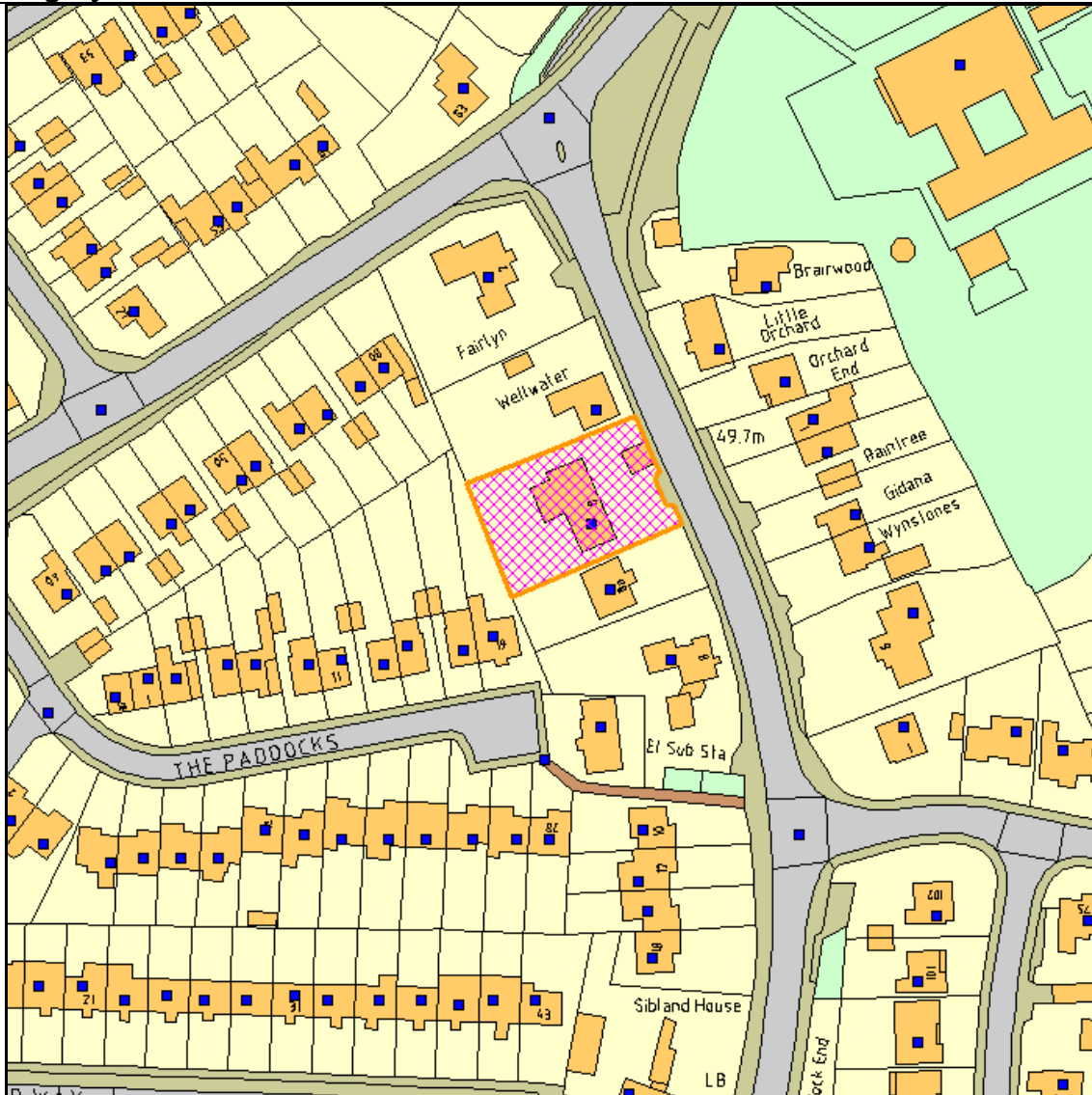
4. Notwithstanding the provisions of the Town and Country (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification), the development hereby permitted shall be limited to 7.no bedrooms.

Reason

The further division or alteration to the property to create more than seven bedrooms would require a further assessment of the impact on the character of the area, provision of adequate off-street parking, and provision of adequate waste sorting and storage facilities; and to accord with policy CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy T12 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), the Residential Parking Standards SPD (Adopted) December 2013 and the Waste Collection SPD (Adopted) January 2015.

CIRCULATED SCHEDULE NO. 40/15 – 2 OCTOBER 2015

App No.:	PT15/3570/F	Applicant:	Mr & Mrs R Elliott
Site:	The Homestead 6 Sibland Road Thornbury South Gloucestershire BS35 2HG	Date Reg:	17th August 2015
Proposal:	Installation of dormer window to side elevation	Parish:	Thornbury Town Council
Map Ref:	364690 190086	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	9th October 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is submitted for circulation because Thornbury Town Council object to loss of privacy to No. 4 Siband Road.

1. THE PROPOSAL

- 1.1 This application seeks consent to erect a mono-pitched dormer window to the rear of this bungalow styled dwelling. The dormer would be located on a rear projecting section of the building and faces Southwest.
- 1.2 The property is located in the settlement of Thornbury and the proposal would be finished in smooth render and tiles to match the existing dormer window.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

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

H4 Development within Existing Residential Curtilages, including extensions and new dwellings

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS32 Thornbury

3. RELEVANT PLANNING HISTORY

- 3.1 PT02/1445/F Erection of rear and side extension to form additional living accommodation. Installation of dormer in rear elevation to facilitate formation of bedrooms. Approved 18.06.2002
- 3.2 PT00/1752/F Erection of extension to existing outbuilding. Approved 30.08.2000
- 3.3 PT00/0452/F Erection of detached dwelling and alterations to access. Approved 29.08.2000

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

Objection - the installation of the dormer window would impinge upon the privacy of the residents in No. 4 Siband Road thereby affecting the neighbour's amenities

4.2 Lead Local Flood Authority

No comment.

Other Representations

4.3 Local Residents

No objection

The neighbour at No 4 Sibold Road objected originally but has since withdrawn the objection as the dormer faces away from that property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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

5.2 Design

This proposal is a simple, mono-pitched dormer to the rear of the property and as such will not be seen from the street. There is already a similarly scaled dormer window on the rear of the property. As such the design is considered acceptable subject to a matching material condition.

5.3 Residential amenity

The proposed dormer faces towards No. 6a at some 15.5m distant from the joint boundary fence and a further 7m from that neighbours conservatory. This relationship of 22.5 m is generally considered to be acceptable in a built up area and whilst there would be some visibility to the conservatory the rest of the house would retain its current level of privacy. As such no material loss of privacy would occur as a result of the proposal. The dormer, by reason of its scale, would have no overbearing impact on neighbours and as such the application accords with the above policy criteria.

5.4 Transportation

The driveway currently provides for a minimum of 3 cars to be parked, there is no proposed increase in bedrooms and the parking is unaffected by the proposal. There is therefore no objection in highway safety or parking terms.

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 permission is **GRANTED** subject to the conditions set out below.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

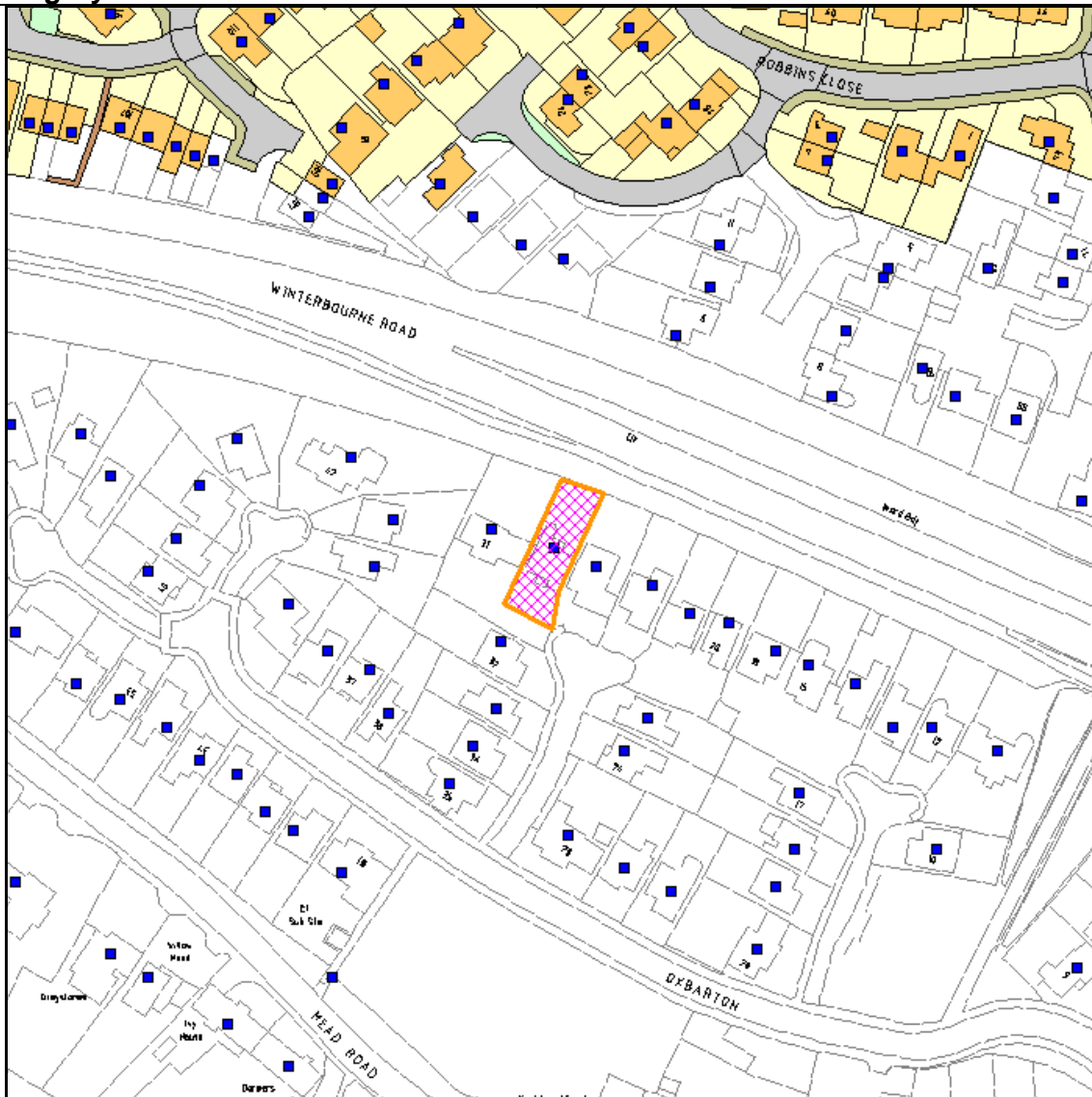
2. The materials to be used in the construction of the external surfaces of the dormer window hereby permitted shall match those used in the existing dormer window.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 40/15 – 2 OCTOBER 2015

App No.:	PT15/3581/F	Applicant:	Mr Matt David
Site:	30 Oxbarton Stoke Gifford Bristol South Gloucestershire BS34 8RP	Date Reg:	18th August 2015
Proposal:	Erection of two storey side extension to provide additional living accommodation	Parish:	Stoke Gifford Parish Council
Map Ref:	362693 180533	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	9th October 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for the erection of a two storey side extension to provide additional living accommodation.
- 1.2 The property is a detached, modern, volume built dwelling situated on a residential cul de sac within the residential area of Bradley Stoke.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Council Residential Parking Standards

3. RELEVANT PLANNING HISTORY

- 3.1 PT01/3306/F – Conservatory. Approved 24th December 2004.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection

Lead Local Flood Authority
No comment

Other Representations

- 4.2 Local Residents
One letter has been received, raising concerns to the proposals as follows:
-the first storey extension over the existing garage will look out of keeping with the row of adjacent houses as it protrudes forward of the existing building line. There are no other extensions in Oxbarton of this nature.

-The two storey extension will seriously diminish the amount of natural light available to our bathroom and kitchen – rooms that are already dark.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design / Visual Amenity

The proposed extension would clearly increase the size of the building and the form of the roofline, however it is considered that the proposals can be accommodated in context with the existing site and it is not considered that the proposals would result in an unacceptable addition to the building in its own right or in context with the existing street scene. The issue of whether there are any other similar extensions within the vicinity is not in its own right a reason for which a refusal could be justified or sustained, and each application needs to be judged on its own merits. Sufficient curtilage space remains within the plot for off street parking and private amenity. The proposals are of an acceptable standard in design and would not significantly affect any streetscene, the site or surroundings. Materials used will match those of the existing dwelling.

5.3 Residential Amenity

The proposals would increase the height of the dwelling on the side, mainly above the garage, however it would also extend to the rear at two storey level to a depth of approximately 1.6 metres, essentially infilling a gap in the corner and bringing it in line with the main rear wall of the existing dwelling. The side of the dwelling would essentially remain the same distance from the shared boundary in this direction. Given the above, the overall scale, location and design of the extension consisting of development over an existing garage and relatively shallow two storey element of the extension to the rear, and the existing and proposed relationship with surrounding properties, it is not considered that it would give rise to a significant or material overbearing impact upon neighbouring properties such as to warrant or sustain a refusal of the application in this instance. Sufficient amenity space would remain on the plot. It is considered therefore that the proposal would be acceptable in terms of residential amenity.

5.4 Sustainable Transportation

It is considered that sufficient off street parking provision can be provided to meet the Council's residential parking standards.

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 extensions are of an appropriate standard in design and would not materially harm the site, streetscene or surrounding properties. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Sufficient off-street parking provision would remain. As such the proposals accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is granted.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

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

Reason

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

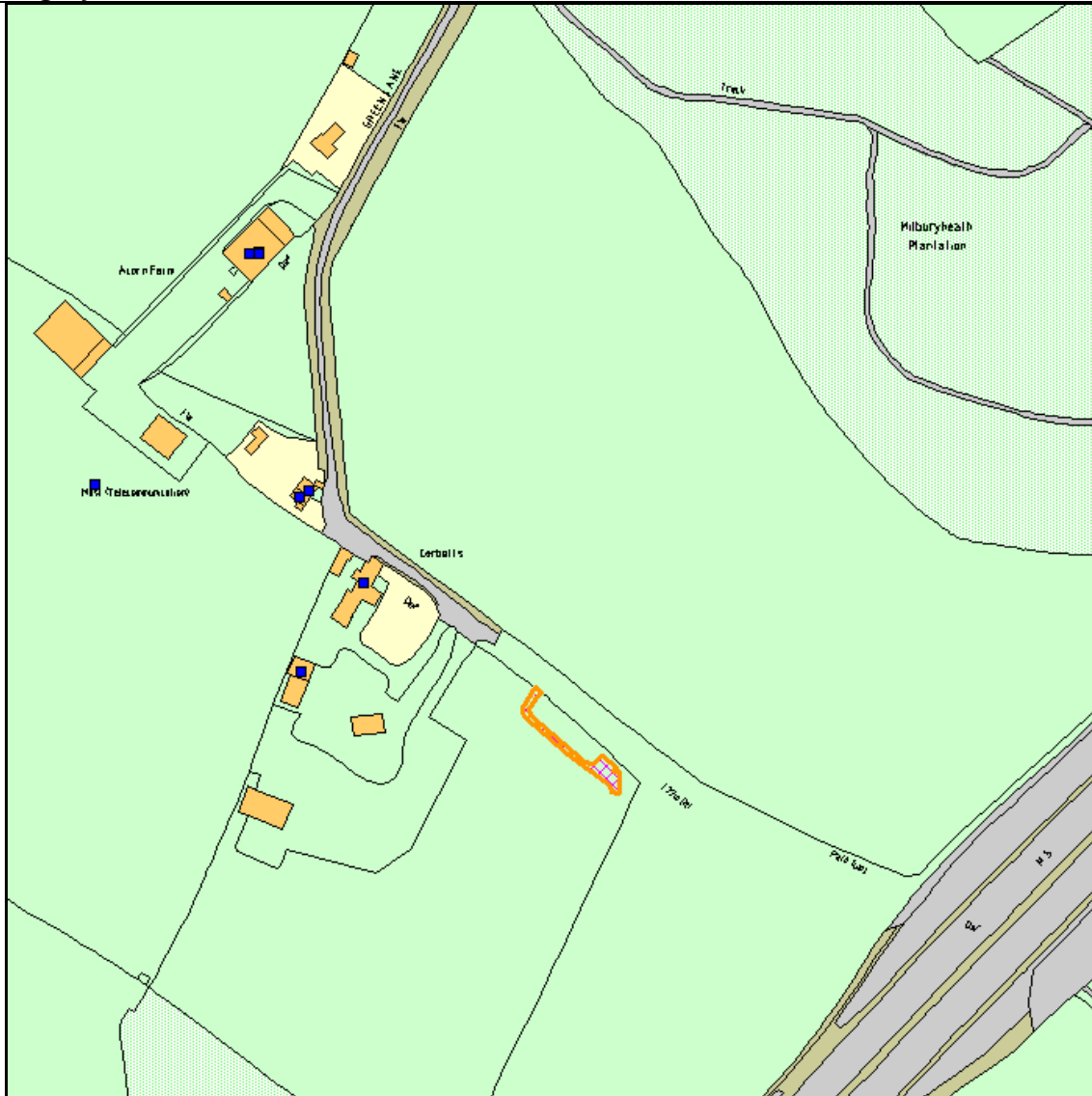
3. The hours of working on site during the period of construction shall be restricted to 08.00 - 18.00 Mondays to Fridays; 08.00 - 13.00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the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

Reason

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

CIRCULATED SCHEDULE NO. 40/15 – 2 OCTOBER 2015

App No.:	PT15/3598/CLE	Applicant:	Mr Paul Berkely
Site:	Green Lane Milbury Heath Wotton Under Edge South Gloucestershire GL12 8QW	Date Reg:	19th August 2015
Proposal:	Certificate of Lawfulness Existing for operational development comprising track, tarmac area and construction of cabin.	Parish:	Tytherington Parish Council
Map Ref:	366697 189600	Ward:	Ladden Brook
Application Category:		Target Date:	9th October 2015



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 100023410, 2008. N.T.S. PT15/3598/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for a certificate of lawfulness for an existing cabin and track at land off Green Lane, Milbury Heath.
- 1.2 The applicant claims that the works are existing and were completed more than four years before the date of this application. It is claimed that the cabin was completed in February 2009 and the work in the track was completed in the summer of 2009. As such under section 171B of the Town and Country Planning Act the applicant claims that eth works are immune from enforcement action as a result of eth four year rule.
- 1.3 Information received from the applicant to support their application is summarised in section 4 of this report.

2. POLICY CONTEXT

- 2.1 National Guidance
 - I. Town and Country Planning Act 1990
 - II. Town and Country Planning (Development Management Procedure) Order 2010
 - III. Town and Country Planning (General Procedures) Order 1995
 - IV. National Planning Practice Guidance 2014

3. RELEVANT PLANNING HISTORY

- 3.1 COM/15/0080/BUS plant hire business and possible new dwelling in location refused a certificate of lawfulness in 2007 and new access and track off bridleway to new building on agricultural land. (only new access and track off bridleway to new building on agricultural land relates to this current application)
- 3.2 COM/15/0080/BUS/1 Erection of buildings and creation of a new access track on agricultural land. Closed

4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF APPLICATION

- 4.1 The application form states that the works were substantially complete in the summer of 2009 and these works were;
 - the formalisation of a track (including tarmac area by cabin)
 - the constriction of a cabin.
- 4.2 Statutory declaration of Paul Berkely dated 14 August 2015.
 - This shows that he has owned the land since 04/11/1991 and that his family owns other land known as Corbetts.
 - States that a caravan had previously stood on the site and is shown on a photo marked exhibit PB2.

- It is claimed that that the land was always accessed from Green Lane along the same route as the access is now.
- A year after buying the land he knocked down the mobile home and cleared it off the land. Following this he did not use the land regularly for any purpose until 2008.
- He purchased the cabin off ebay in the early summer of 2008 and collected it. He started constructing the cabin in late 2008 with a friend. The cabin was constructed in December 2008 and the fit out was complete by February 2009.
- The cabin was finished with roof materials from Travis Perkins, plumbing and heating from Wolsley and John Davidson- some of the receipts are provided as evidence.
- In early 2009 a phone line was installed.
- The cabin is a second hand traditional log cabin made from logs placed on top of one another, bonded and glued, based on a concrete foundation.
- Some of the materials for the works have come from jobs he has done with his haulage business.
- Electricity is supplied by cable from the family home Corbetts. This supplies cooker, boiler and lights.
- Water supply comes from Corbetts
- Works to the track, including the tarmac area were completed in the summer of 2009 using materials from jobs he had done and evidence of edging is supplied.

5. SUMMARY OF CONTRARY EVIDENCE FOUND

- 5.1 No contrary evidence has been received and the Council's aerial photographs show that the caravan/mobile home said to be on the land until 1991 does indeed disappear. It is noted that the caravan/mobile home was located closer to the current vehicular access but on the north-western side of the track close to or in an area now cordoned off for keeping ducks. The red line site area (track and building) does not include the area where the caravan was previously stationed. Equally it is noted that at the time of the applicant's photo exhibit PB2 (taken during the 1980's) a muddy track is not evident, nor a vehicular access. Indeed there is no evidence of a residential curtilage on either the applicant's exhibit or on the Council's aerial photograph of 2008/9.
- 5.2 A fence is visible on the Council's 2008/9 aerial photograph which indicates some form of development in the land as this now bounds the area outlined in red. At that date the whole field appears to have been ploughed and the ground looks no different on either side of the track. No track is apparent on the northern side of the fence but this does not mean that it was not in place as the age of the photo is likely to have been 2008.

6. CONSULTATION RESPONSES

- 6.1 Tytherington Parish Council
No comment / information received.

6.2 Other Consultees

Councillor

No comment / information received.

Public rights of way

This application will affect public bridleway OTH116 as the proposed vehicular access is from the bridleway. Unless the applicant can show a legal right to use a motor vehicle on the bridleway any access from it with vehicles will be illegal and as such we object to the application.

Thornbury Town Council

No comment/ information received

Open Spaces Society

No comment/ information received

Sustainable transport

Noting that this is a CLE application no objection is raised

Planning enforcement

No comment received

Other Representations

6.3 Local Residents

None received.

7. EVALUATION

7.1 This application for a certificate of lawfulness is purely an evidential test irrespective of planning merit. The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the track and building have been substantially complete for at least four years.

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

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

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

7.3 Assessment of Evidence

The applicant seeks to prove that a track and wooden cabin on the land outlined in red on the Location Plan PL-002 has been in situ for at least four years. The application form states that they believe the works were completed by the summer of 2009.

7.4 The evidence submitted by the applicant is set out clearly in a statutory declaration. Whilst some elements of the statutory declaration (the existence of a muddy track and siting of the caravan) are not corroborated by photographic evidence the Council has no contrary evidence to suggest that, notwithstanding the track being wholly new, the works were not completed as suggested by summer of 2009.

7.5 As no contrary evidence has been found or received from others, it is considered that on the balance of probability, the track and wooden cabin are lawful.

8. CONCLUSION

8.1 On the balance of probability, the track and cabin have been established in situ since the summer of 2009. This is over four years before the date of this application and as no enforcement notice has been served in the meantime the works of the track and cabin are considered to be lawful.

9. RECOMMENDATION

9.1 That the Certificate of Lawfulness is **APPROVED** for the following reason:

The applicant has demonstrated that on the balance of probability that the track and cabin set out in exhibit PB3 and PB4 of the statutory declaration of Paul James Berkely, on land edged in red on the attached plan, received by the Council on 14 August 2015 have been substantially complete and in situ for a continuous four year period prior to the submission of this application.

9.2 The above consideration does not however consider the use of the land upon which the track and wooden cabin have been established and as such the matter is referred back to the Enforcement Team to deal with the apparent change of use from agriculture to residential use.

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

CIRCULATED SCHEDULE NO. 40/15 – 2 OCTOBER 2015

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



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

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application is for a Certificate of Lawfulness for the existing use of land for Class B8 (general storage and distribution) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application site relates to two large buildings behind the property known as Corbetts, Green Lane, and accessed from the Public Right of Way which runs to the north of the site.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

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

4. CONSULTATION RESPONSES

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

Thornbury Town Council
No comment received.

Sustainable Transport
No comment received.

Public Rights of Way

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

Other Representations

4.3 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

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

6. SUMMARY OF CONTRARY EVIDENCE

6.1 None

7. SUMMARY OF EVIDENCE HELD BY THE COUNCIL

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

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

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

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

8. **ANALYSIS OF PROPOSAL**

- 8.1 The applicant seeks to prove that the land edged in red on drawing no. PL-003 has been used continuously for the storage of vehicles for a period of more than 10 years. This submitted site boundary includes two large buildings, a large area of space to the east of the buildings and a small space to the south, and an access from a bridleway to the north which serves as a Public Right of Way.
- 8.2 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such, the applicant needs to provide precise and unambiguous evidence. For a certificate to be issued, the buildings as labelled within the red edged application site-plan and the land itself must have been continuously used for B8 storage purposes for 10 years consecutively, prior to the receipt of the application on the 14th August 2015. The relevant period for consideration is therefore between 14th August 2005 and 14th August 2015. The site visit was undertaken on 16th September 2015.
- 8.3 The guidance contained within the National Planning Practice Guidance 2014 states that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application.

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

8.4 Hierarchy of Evidence

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

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

8.5 Examination of Evidence

Supportive Evidence

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

- 8.6 The statement highlights that a light industrial use as a workshop has been present at the site in the past when Mr Berkely's late father used the site, however it does not state that this workshop continued continuously over the last 10 years.

8.7 *Contrary Evidence*

There is no written contrary evidence. Where the declaration and the Council's aerial records do conflict is with regards to the extent of the continuous use on site. The 2005 aerial records show the site being fully used to store vehicles as per the statutory declaration, however in 2006, 2008/2009 and 2014/2015, a lot of the site does not appear to be for this use, and appears empty. The northernmost building was erected some time after 2009 and the aerial photographs indicate that vehicles have not been stored on the footprint of that building for ten years and so a Certificate of Lawfulness for the use of the northernmost building cannot be issued. The lawfulness of the building itself is in question as aerial photographs do not demonstrate that it has been in situ for more than four years, but that issue is not the subject of this Certificate of Lawfulness application.

8.8 These aerial records cannot indicate the activities being carried out in the other building to the south which can be seen in situ since at least 1999. The statutory declaration is given considerable weight, and whilst aerial photographs indicate that it is unlikely that the use was carried out across the whole site continuously over the last 10 years, it suggests that the southernmost building was used continuously for storage. Some of the details within the statutory declaration are precise and unambiguous, including the storage of two particular vehicles at the site, the BMW Bubble car and the Suzuki Jeep. These cannot be seen on aerial photographs so it is assumed they, and other vehicles, remain within the southernmost building, which for at least 10 years between 1999 and 2009 was the only building on site.

8.9 Based on the evidence and assessment outlined above, and on the balance of probability, it is unlikely that the submitted area outlined in red has all been used continuously for the storage of vehicles. However, the National Planning Policy Guidance states that a Local Planning Authority may choose to issue a lawful development certificate for a reduced scope and on a smaller site area than has been applied for, and that is advisable to seek the applicant's agreement to any amendments before issuing the certificate. The site has predominantly been used for the storage of vehicles, and therefore the scope of the certificate is to be reduced from the submitted and rather ambiguous use as general storage and distribution, to simply for the storage of vehicles. The evidence indicates that only the southernmost building has been used for the storage of vehicles for at least 10 years continuously, and therefore the area of the certificate is to be reduced to only encompass the footprint of this building. A new red line boundary indicating this will be attached to the Certificate of Lawfulness issued.

8.10 Other Issues

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

9. **CONCLUSION**

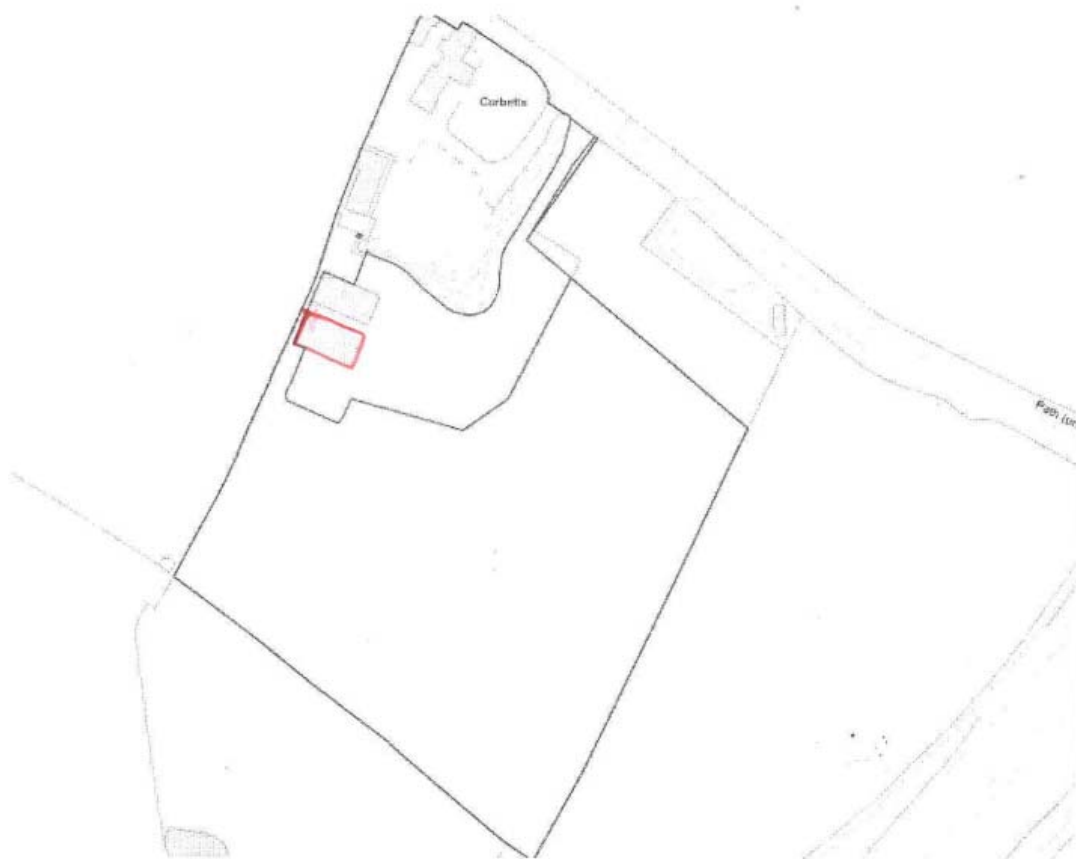
9.1 It is considered that the evidence submitted, along with that of the evidence gathered by the Local Planning Authority, demonstrates, on the balance of probability, the southernmost building on the land has been used for the storage of vehicles (B8) for a consistent period of at least ten years immediately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

10. **RECOMMENDATION**

10.1 That the Certificate of Lawfulness is **APPROVED** in line with the attached map in Appendix 1 of this report.

APPENDIX 1

CERTIFICATE OF LAWFULNESS MAP



Contact Officer: Trudy Gallagher
Tel. No. 01454 862217