



**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. 26/16**

**Date to Members: 01/07/2016**

**Member's Deadline: 07/07/2016 (5.00 pm)**

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

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

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

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

## NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

## GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

# CIRCULATED SCHEDULE - 01 JULY 2016

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK16/0906/CLE</b>	Approve	Oakley Green Cottage Kidney Hill Westerleigh South Gloucestershire BS37 8QY	Westerleigh	Westerleigh Parish Council
2	<b>PK16/0947/F</b>	Approve with Conditions	54 Station Road Yate South Gloucestershire BS37 4PW	Yate Central	Yate Town
3	<b>PK16/1111/F</b>	Approve with Conditions	Land Rear Of 19 Parkfield Rank Parkfield Road Pucklechurch South Gloucestershire	Boyd Valley	Pucklechurch Parish Council
4	<b>PK16/1159/AD</b>	Approve with Conditions	White Hart 111 London Road Warmley South Gloucestershire BS30 5NA	Siston	Siston Parish Council
5	<b>PK16/1306/CLE</b>	Approve	Workshop At Touching End Lane Marshfield Chippenham South Gloucestershire SN14 8ND	Boyd Valley	Marshfield Parish Council
6	<b>PK16/1431/F</b>	Approve with Conditions	24 Court Road Kingswood South Gloucestershire BS15 9QD	Woodstock	None
7	<b>PK16/1502/F</b>	Approve with Conditions	Sharp Interpack Limited Highway Yate South Gloucestershire BS37 7AA	Yate Central	Yate Town
8	<b>PK16/1647/F</b>	Approve with Conditions	Prospect Barn Bury Lane Doynton South Gloucestershire BS30 5SR	Boyd Valley	Doynton Parish Council
9	<b>PK16/2918/F</b>	Approve with Conditions	24 Charnell Road Staple Hill South Gloucestershire	Staple Hill	None
10	<b>PK16/3296/TCA</b>	No Objection	Algars Manor Station Road Iron Acton South Gloucestershire BS37 9TB	Frampton Cotterell	Iron Acton Parish Council
11	<b>PK16/3315/NMA</b>	No Objection	Page Park Pavillion Park Road Staple Hill South Gloucestershire BS16 5LB	Staple Hill	None

**CIRCULATED SCHEDULE NO. 26/16 – 01 JULY 2016**

<b>App No.:</b>	PK16/0906/CLE	<b>Applicant:</b>	Mr Alan Jeffery
<b>Site:</b>	Oakley Green Cottage Kidney Hill Westerleigh Bristol South Gloucestershire BS37 8QY	<b>Date Reg:</b>	8th March 2016
<b>Proposal:</b>	Certificate of Lawfulness Existing for detached garage/store (Class C3)	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	369103 179214	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>		<b>Target Date:</b>	28th April 2016



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 100023410, 2008. N.T.S. PK16/0906/CLE

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

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

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use or Development, is that the applicant has to demonstrate on the **balance of probability**, that either the building or other operations have been completed for more than 4 years or the uses as described, have occurred for a period of 10 years consecutively, prior to the receipt of the application on the 25<sup>th</sup> Feb. 2016.

### **1. THE PROPOSAL**

- 1.1 The application comprises a Certificate of Lawfulness submitted under Section 191 (1) of the Town and Country Planning Act 1990 as amended by S.10 of the Planning and Compensation Act 1991 in respect of an outbuilding at Oakley Green Cottage, Kidney Hill, Westerleigh, Bristol BS37 8QY.
- 1.2 The application comprises a Certificate of Lawfulness for the retention of an unauthorised outbuilding and its proposed use as a residential annexe (Use Class C3).
- 1.3 In order to regularise the breach of planning control, the applicant seeks a Certificate of Lawfulness for the building as defined on the submitted Block Plan received 25<sup>th</sup> Feb. 2016 (the building is enclosed in red on the plan).

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990: Section 191  
Town and Country Planning (Development Management Procedure) (England) Order 2015  
Town and Country Planning (Use Classes) Order 1987 (as amended).  
The Planning Practice Guidance March 2014
- 2.2 Development Plans  
As the application is for a Certificate of Lawfulness, the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only demonstrate that on the balance of probability, that, as regards the unauthorised building itself, it has been in existence for 4 years prior to the receipt of the application on the 25<sup>th</sup> Feb. 2016.
- 2.3 The applicant also seeks a certificate for the proposed use of the building as a garage/residential annexe. To date the building has been used as a garage/store incidental to the enjoyment of the host dwelling, Oakley Green Cottage. In this case, given that the building lies within the existing residential curtilage of Oakley Green Cottage (this was previously accepted under application PT11/3627/CLE) and that the use of the building as a residential annexe for a dependant relative (in this case Miss Patricia Middleweek's Sister)

would be an ancillary use to Oakley Green Cottage; provided that the building itself is regularised, a certificate for the proposed use as a residential annexe is not required.

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

- 3.1 PT02/0765/F - Alterations to existing vehicular access. (Retrospective).  
Refused 16<sup>th</sup> April 2002

PT03/0888/F - Alteration and extension to existing dwelling to form breakfast area with bedroom above.  
Refused 19<sup>th</sup> May 2003

PT04/0808/F - Erection of replacement dwelling.  
Approved 16 July 2004

PT09/5948/F - Erection of extension to existing double garage to form triple garage with storage above.  
Refused 26 Jan 2010

PT10/3562/F - Erection of agricultural storage building.  
Refused 25 Feb. 2011

PT11/3627/CLE - Application for Certificate of Lawfulness for existing use of land as residential curtilage.  
Approved 13 Jan 2012

PT12/2046/CLP - Application for Certificate of Lawfulness proposed for erection of incidental outbuilding.  
Refused 3 August 2012

#### Enforcement History

- 3.2 COM/15/1091/OD - Erection of garage with office over (Retrospective)  
Closed

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

1. The applicant relies upon the planning history of the site, a pre-application response and a copy of a letter to Councillor Claire Young.

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

1. None submitted.

### **6. OTHER CONSULTATIONS**

Local Councillor  
No response

Westerleigh Parish Council

No comment

## 7. **ASSESSMENT**

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

s191) (1)

*'If any person wishes to ascertain whether*

*(a) any existing use of buildings or other land is lawful;*

*(b) any operations which have been carried out in, on, over or under are lawful;*

*or*

*(c) any other matter constituting a failure to comply with any condition or*

*limitation subject to which planning permission has been granted is lawful,*

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

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

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

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

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

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

In this case therefore the onus of proof is on the applicant to show on the balance of probability that the building has been in existence since 25<sup>th</sup> Feb 2012 i.e. the relevant 4 year period.

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

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

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

*(b) they do not constitute a contravention of any of the requirements or any other enforcement notice then in force.'*

(No enforcement notice was in place during the relevant 4 year period)

7.4 The application for a Certificate of Lawfulness is purely an evidential test irrespective of planning merit. The only issues that are relevant to the determination of this application are whether, in this case, the building or other operations have been completed for more than 4 years.

7.5 The relevant test of the submitted evidence

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

7.6 Hierarchy of Evidence

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.

**Analysis**

7.7 Officers consider the site to be one planning unit. It is clearly all in the same ownership and appears to be one unit of occupation.



- 7.8 The applicant claims that the building was erected in 2002 apparently under permitted development rights. Given however that the building lies forward of the front elevation of Oakley Green Cottage, is 4.99m high and is two-storey, it could not have been erected under p.d. rights and this appears to have been accepted by the applicant; hence this application to regularise matters.
- 7.9 Officers have checked the planning history for the site and the officer for application PT09/5948/F concluded that the garage/store had been erected prior to 2005, it being clearly visible on the Council's 2005 aerial photograph. It is also noted that the building appears on subsequent aerial photos taken 2006 and 2008/9. The officer site visit for the current application confirmed the current existence of the building and existing use as a garage/store.
- 7.10 Whilst the submitted evidence is limited, officers consider that given the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application.
- 7.11 Was there Deliberate Concealment?  
The site is not concealed from public view although the internal areas are private; nevertheless neighbours would have been aware of the presence of the building which was also the subject of application PT09/5948/F to extend the building. There is nothing to suggest that there was any attempt to deliberately conceal the building. Officers are therefore satisfied that on the balance of probability, the building referred to above was completed at least 4 years prior to receipt of the application and as such a certificate should be granted.

## **8.0. CONCLUSION**

- 8.1 The evidence covers the relevant 4-year period prior to receipt of the application and beyond.
- 8.2 The evidence is considered to be sufficiently precise and unambiguous. There is no contradictory evidence from third parties or from the Council's own officers to make the applicant's version of events less than probable.
- 8.3 It is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim and a certificate should be issued for the building as indicated edged red on the submitted Block Plan.
- Planning Unit
- 8.4 Officers are satisfied that the building the subject of the application is part of one planning unit and is not a separate planning unit.

## **9. RECOMMENDATION**

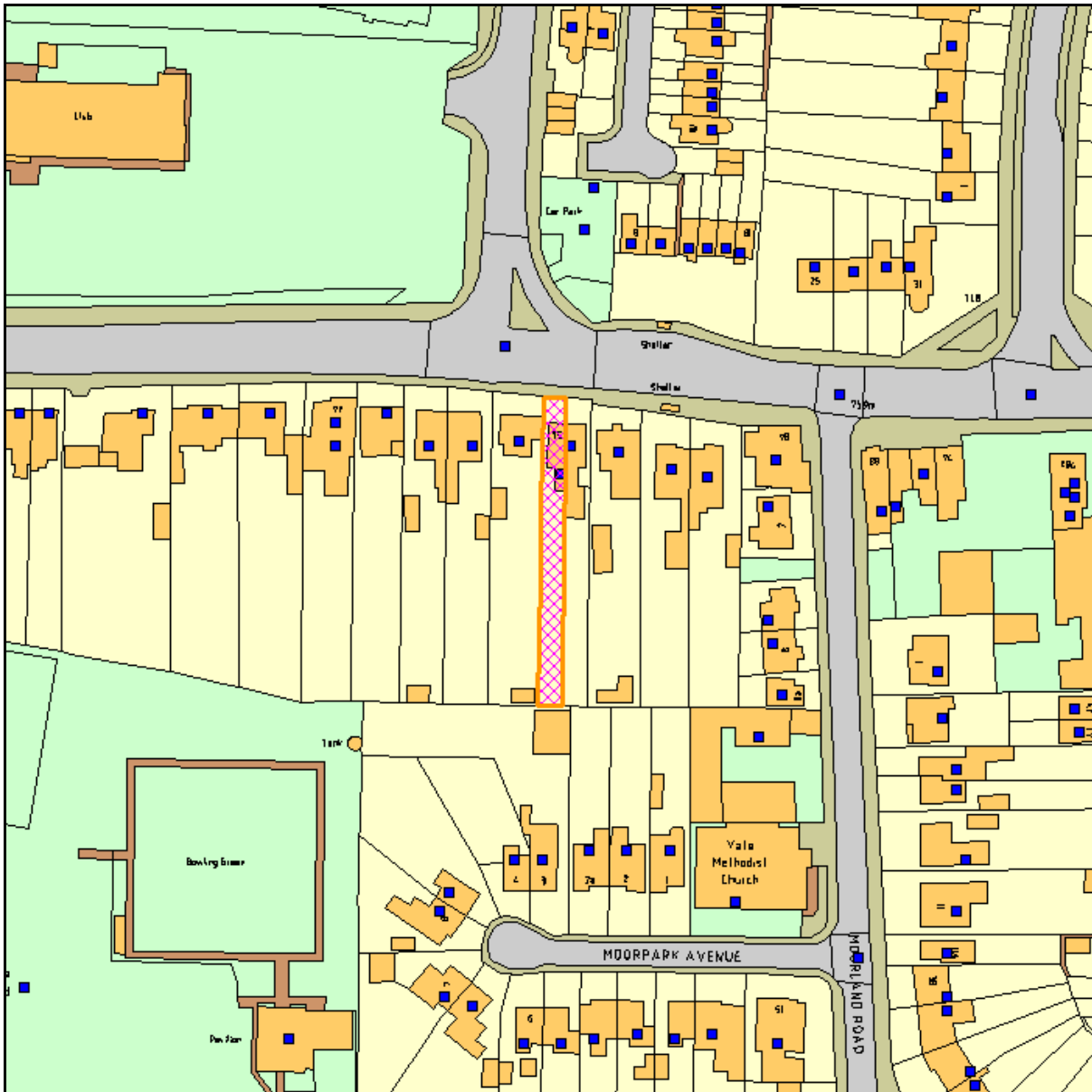
- 9.1 That a Certificate of Lawfulness be GRANTED for the erection of a detached garage/store.

*Sufficient information has been submitted to demonstrate that, on the balance of probability, for the building enclosed in red on the submitted Block Plan, building or other operations were completed for more than 4 years prior to the submission of the application.*

**Contact Officer: Roger Hemming**  
**Tel. No. 01454 863537**

CIRCULATED SCHEDULE NO. 26/16 - 01 JULY 2016

<b>App No.:</b>	PK16/0947/F	<b>Applicant:</b>	Mr Lewis Cooper
<b>Site:</b>	54 Station Road Yate Bristol South Gloucestershire BS37 4PW	<b>Date Reg:</b>	17th May 2016
<b>Proposal:</b>	Creation of new access onto station road.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370521 182488	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Householder	<b>Target Date:</b>	12th July 2016



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

The application has been referred to circulated schedule following comments being submitted contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward through circulated schedule as a result.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks to create new vehicular and pedestrian access onto Station Road to the front of 54 Station Road, Yate.
- 1.2 The host dwelling is a late 19th Century 2 storey semi-detached property. Elevations are pennant stone with terracotta features and the roof is gabled with a slate covering. There is a low stone wall and metal balustrades to the front that are to be removed.
- 1.3 The property is within the built up residential area of Yate.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### 2.2 Development Plans

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

H4 Development within Existing Residential Curtilages

T12 Transportation

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS8 Improving Accessibility

#### 2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006

Residential Parking Standards SPD (adopted) December 2013

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

No Relevant Planning History

### **4. CONSULTATION RESPONSES**

#### 4.1 Yate Town Council

Objection – Highway Safety

#### 4.2 Other Consultees

##### Transportation Department

No Objection – comments refer to precedent similar arrangements nearby. The traffic lights give time for turning, meaning a turning area is not required.

##### Listed Building and Conservation Officer

No Objection – the subject property is locally listed and the development only involves the loss of the existing front boundary treatment. Permission would not be required for the demolition of this boundary treatment therefore an objection could not be sustained.

### **Other Representations**

- 4.3 Local Residents  
None Received

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development within the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and that it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal accords with the principle of development subject to the consideration below.

### 5.2 Design and Visual Amenity

The proposal consists of the introduction of a dropped curb for vehicular and pedestrian access to 54 Station Road. This would include alterations to the front garden wall to allow parking of vehicles to the front of the property. With regard to design the only affected structure relevant to the consideration of this application is the kerb and the garden wall to the front of the property. The proposal requires planning permission as it is providing access to a classified highway. Permission is not required for the demolition of the wall and balustrade or the introduction of hardstanding. Consequently no objection to the proposal could be sustained. The subject property is half of a locally listed building and as a result the Listed Building and Conservation officer was consulted. The officer disagrees with the proposal in principle but given the situation there is no control afforded to the loss of this structure. As a result the proposal is considered acceptable and no objection is given from the listed building and conservation officer.

- 5.3 The transport officer has recommended the attachment of conditions requiring the proposal provides a permeable surface for the hardstanding to prevent surface water discharge.

- 5.4 Overall, it is considered that the proposed alterations are considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to be 'in keeping' with

policies CS1 and H4 and conforms to the criteria in the adopted Local Plan.

5.5 Residential Amenity

Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling. In terms of the impact on the residential amenity of the host dwelling and neighbouring occupiers the only relevant consideration would be the parking of vehicles on the hardstanding causing additional noise and light pollution; in this case the number of additional trips to and from the property would not be significant and therefore not material in the determination of this application. The proposal has no significant impact on the residential amenity of neighbouring properties and is therefore considered to be in accordance with Saved Policy H4 of the South Gloucestershire Local Plan (2006).

5.6 Sustainable Transport and Parking Provision

Adopted policy normally requires access and egress to and from a Class 1 classified highway to be in forward gear. That said the area of Station Road that the property is situated within is residential in nature and the traffic lights give opportunity to manoeuvre on and off the hardstanding. There are also a number of similar examples of parking which have been permitted without the requirement for a turning area. Accordingly there is no objection to the safety of the access.

5.7 The concern raised by the Town council in relation to highway safety is noted, however given the above consideration officers have no objection to the proposal. The development is considered acceptable in Highways terms and in accord with saved policy T12 of the Local Plan.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

O1454 863787

**Contact Officer: Hanni Osman**  
**Tel. No. 01454 863787**

## **CONDITIONS**

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

Reason

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

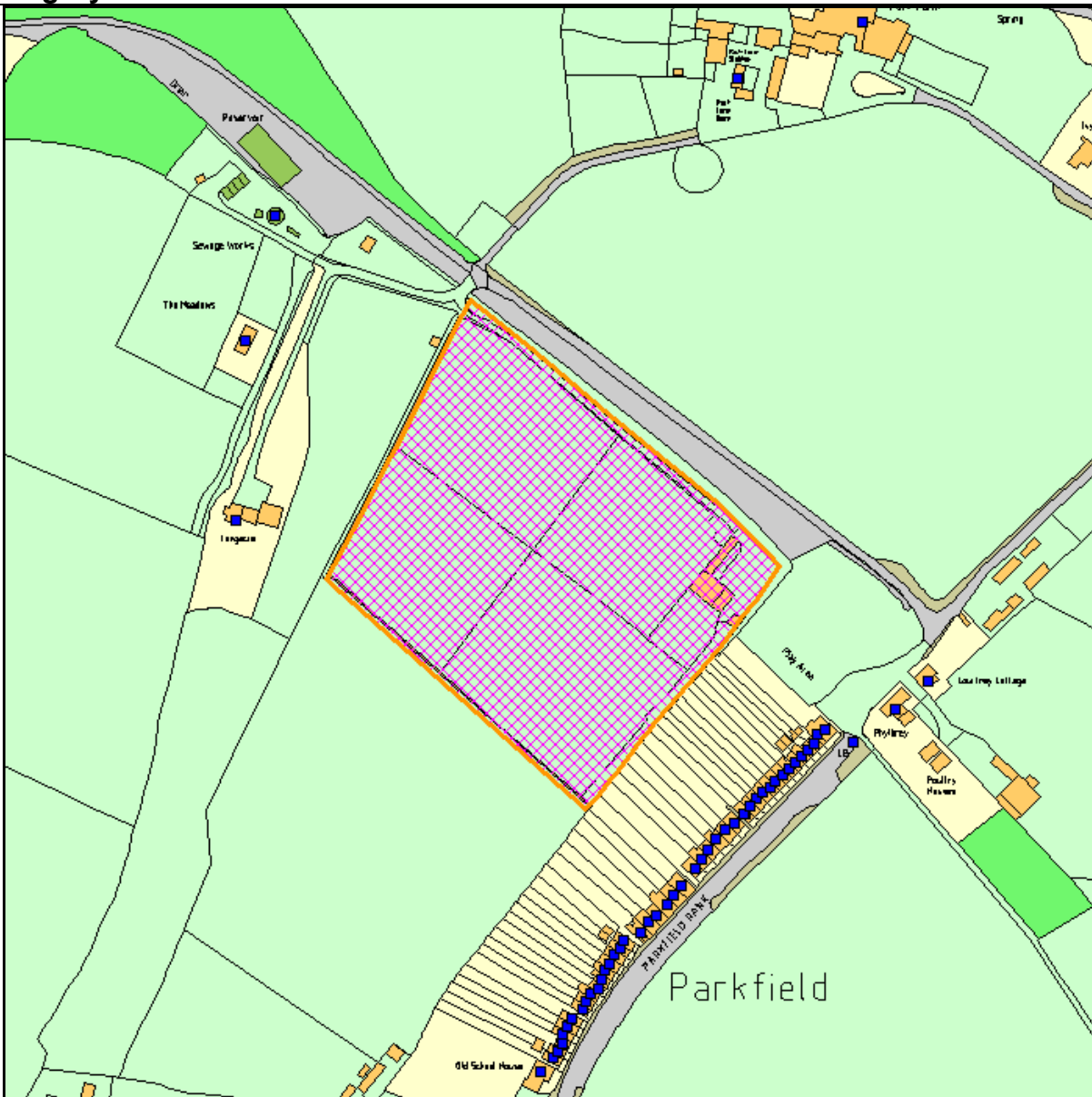
2. The materials to be used in the construction of the surface of the parking area hereby permitted shall be of a bound permeable surface..

Reason

To ensure that a satisfactory means of drainage for surface water runoff is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 26/16 – 01 JULY 2016**

<b>App No.:</b>	PK16/1111/F	<b>Applicant:</b>	Mr And Mrs R Jones
<b>Site:</b>	Land Rear Of 19 Parkfield Rank Parkfield Road Pucklechurch Bristol South Gloucestershire BS16 9NR	<b>Date Reg:</b>	11th March 2016
<b>Proposal:</b>	Change of use of land from agricultural to equestrian use. Change of use of stable building to cattery unit (sui generis) as defined in Town and Country (Use Classes) Order 1987 (as amended) (Retrospective).	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	369156 177407	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Major	<b>Target Date:</b>	7th June 2016



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

This application appears on the Circulated Schedule because the Officer's recommendation for approval is contrary to a Parish Council objection to the proposed change of use of the 3-part stable block to a cattery. The application is a departure from the local plan in so far as the change of use of land in the Green Belt is contrary to the National Planning Policy Framework 2012. The application is advertised as a departure.

### **1. THE PROPOSAL**

- 1.1 This application is for a change of use of land from agricultural to equestrian use and a change of use of a stable building to a cattery unit. Both aspects of the development are retrospective and have arisen following an investigation by the Council's Planning Enforcement Team.
- 1.2 The application site is some 2.2 hectares of grassland and stables yard at the rear of the rank of residential properties. The land is Green Belt and is outside the settlement boundary. The land slopes down from east to west.
- 1.3 The application site can be accessed from the south-east via the associated residential dwelling, where there is a driveway. There is a pedestrian route around the rear of the residential properties through to the fields and to the yard where the stable and cattery are sited. There is also a vehicular access at the north-west corner and a track that runs up the north-east boundary to access the stables and cattery yard area.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Practice Guidance 2014

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing Environment and Heritage
- CS34 Rural Areas

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

- E10 Horse Related Development
- L1 Landscape Protection and Enhancement
- L16 Protecting the Best Agricultural Land
- T12 Transportation DC Policy

- 2.3 Supplementary Planning Guidance

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

- 3.1 P88/2238 - Erection of stable block and hay barn – Approved with conditions 17 August 1988
- 3.2 PK05/3167/F - Erection of stable block and change of use of the land from agricultural to the keeping of horses – Refusal 23 December 2005

### **4. CONSULTATION RESPONSES**

#### **4.1 Pucklechurch Parish Council**

The Parish Council make no objection to the proposed equestrian use (subject to comments) but do object to the cattery use. They have submitted detailed comments raising the following points;

- With regard to the equestrian use the evidence seems more akin to a Certificate of Lawfulness however this has not been applied for
- No planning permission was sought for the block of three stables which replaced the portacabin, lorry body and wooden livestock shed. This casts doubt over an uninterrupted use for ten years
- Early in 2014 the 3 stable unit was converted to the cattery (12 units and 4 isolation units)
- Can the block of three stables be lawful?
- It is not clear how many horses were being kept at the site
- It is clear from the evidence presented that the land has been used for equestrian purposes for a considerable time and there is no apparent reason to object to this change of use subject to conditions being placed upon it that make reference to British Horse Society guidelines (a ratio of two horses per hectare, dependent on other factors, such as size and type of horse, length of time spent stabled or exercised off the pasture, time of year, quality of land and number of animals on the pasture).
- No information has been provided as to how the conversion of the cattery meets the Council's cat boarding licence conditions
- No mention is made for example with regard to the provision of dedicated kitchen facilities on site, nor the facilities required for hygiene practices including those facilities for the proper reception, containment and disposal of all waste
- In respect of highway movements described in the Design & Access Statement;
  1. The extreme pressure on street car-parking in this road is already a source of frustration for local residents and is at a premium cars delivering cats to No 19 will therefore likely exacerbate this situation especially during the evening and also on the assumption that cats may be picked up/dropped off on any day of the week
  2. No reference is made to the number of likely movements associated with any trade or other vehicle that may be connected with the operation of the business

#### **4.2 Other Consultees**

Transport - The vehicle movements and parking demand generated by the proposal are likely to be minimal and as such no transport objection is raised.

Highway Structures – No comment

Landscape – No comment

Arts & Development – No comment

Public Rights of Way - PROW have no objection as it is unlikely to affect the right of way (footpath LPU 8) running next to the play area and around the east/north east of the site.

Sustainable Drainage – No objection but note: Environment Agency 3<sup>rd</sup> generation **Flood Maps for surface water** show ground profiles in this development area as being subject to overland flow or flood routing in the event of high intensity rainfall (i.e. non-watercourse and non-sewer surcharging). The development area is shown as category **1 in 1000yr** surface water flooding. In line with Flood Risk Standing Advice the developer **must consider** whether he has appropriately considered surface water drainage and flood risks to and from the development site which could occur as a result of the development. **NOTE: This is separate from the watercourse Flood Zone maps and does not require submission of a Flood Risk Assessment.**

## **Other Representations**

### 4.3 Local Residents

2 submissions have been received in response to consultation. Both are in support of the application, one includes the following comment:

*I have lived here for 16 years and have known the area well for 26 years. During all that time, horses have been kept on these fields. The cattery provides a useful service to the community and does not impact in any detrimental way on the area. Traffic is minimal with one drop off and one collection, there is nothing to see, hear or smell, and I strongly support this application.*

Seven supporting letters were submitted with the application however these principally deal with the history rather than the planning merits of the proposal. The following points are identified in these submissions;

- A 2-year old horse was for sale on the land in 2004
- Horses were on the land in 1999
- The horses are well cared for and the land well maintained
- There are more substantial developments in the vicinity
- The stables, paddocks, exercise area and hay barn were all present in 1992
- The land and stables were used solely for their own horses
- The facilities are necessary for personal equine pursuits

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The development sits in the Bristol and Bath Green Belt and the change of use of the land to equestrian use is not strictly compatible with appropriate development which is clearly defined in the National Planning Policy Framework 2012 and does not include any change of use of land. By this interpretation the proposal amounts to inappropriate development in the Green

- Belt which is by definition, harmful, and should not be approved except in very special circumstances (para. 87).
- 5.2 Where the NPPF does define appropriate development at paragraph 89, the exceptions include new buildings for 'appropriate facilities for outdoor sport and recreation' and 'the re-use of buildings provided that the buildings are of permanent and substantial construction'.
  - 5.3 Your officer will further comment on the planning history but will explain that the stables themselves (block of 5 still used for horses) benefit from the planning permission P88/2238. Given that the NPPF makes it clear that where facilities for recreation are 'appropriate', new buildings can be constructed, the Council consider that this is a material consideration which can be weighed against the inappropriate development. The NPPF also adds that in Green Belts, local authorities 'should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation'. In this respect there is a degree of conflict in the interpretation of the NPPF policy. The recreation use is essentially supported in the Green Belt, as are new buildings appropriate for that use, yet the change of use itself is by definition harmful. Due weight will be considered in respect of this conflict as part of the very special circumstances test.
  - 5.4 Having deemed the equestrian use to be inappropriate, your officer must consider any additional harm to openness or by having regard to the five purposes of Green Belt policy.
  - 5.5 Your officer does not consider that the change of use of the land will have any greater impact on the openness of the Green Belt than the lawful use. The lawful use may incidentally be for equestrian in any event but the applicant has not sought a Certificate of Lawfulness. Anything that might impact on openness such as additional fencing, structures, jumps etc. could be controlled by condition and given that the use retains the fields open, as existing, there is not considered to be any additional harm through openness or encroachment.
  - 5.6 In the event that the other stables (3 units converted to cattery) is deemed to be exempt from planning control and thereby a lawful structure, its re-use is also evidently supported by the terms of the NPPF and is thereby appropriate development. The development proposed in all respects is therefore capable of being policy compliant with the NPPF provided that very special circumstances exist to outweigh the harm caused by virtue of the development being inappropriate.
  - 5.7 Policy E10 of the Local Plan (2006) provides criteria whereby horse related development will be considered appropriate and the principal matters for consideration of the proposed change of use are; any environmental impacts, the amenities of neighbouring properties, access and highway considerations.
  - 5.8 Policy CS34 of the Core Strategy (2013) requires development proposals to 'protect conserve and enhance the rural areas' distinctive character, beauty, wildlife, landscape, biodiversity and heritage'. It also encourages protection of

'rural employment sites, services and facilities... in order to provide local employment and sustain rural life'.

5.9 Status of the land and buildings

As the Parish Council have commented, there has been considerable evidence submitted in respect of the history of the land. However, no application is made to determine the lawful status of the land by certificate. What the submissions do suggest is that horses have been kept on the land since at least the early 1990s by the applicants for personal equestrian use. It is significant to note that the planning application P88/2238 incorporated the same area of land within the location plan of the site and within the planning unit. The application was expressly made for the stables and hay barn and did not articulate the change of use, however it could be considered that the use is somewhat implicit in the application. Clearly the horses could not simply be kept in the stables and would be dependent on the land that formed the planning unit. All things considered there does appear to be very good evidence that a change of use to equestrian has already occurred several decades ago. Whilst your officer cannot grant lawfulness through this process, considerable weight can be afforded to the likely lawfulness and association of the land with the relevant planning permission for the stables and hay barn.

5.10 In respect of the second stable block which has been converted to form the cattery, there is again evidence that this was a structure which is now exempt from planning control. The applicants confirmed at the site visit that the structure was built in 2005, to replace an ageing structure and loose storage units. An invoice for the work is provided dated 14 September 2005 and several supporting letters corroborate this.

5.11 Your officer's consideration is that there is sufficient evidence available to assess the application for the cattery under the terms of the change of use and indeed, re-use of an existing building such that the use is appropriate in Green Belt terms.

5.12 Green Belt – Very Special Circumstances – Equestrian Use

As per the policy introduction, the change of use to equestrian is inappropriate development such that very special circumstances need to be demonstrated to outweigh the in principle objection. As has been outlined above, the history of use at this site is unique. It appears beyond reasonable doubt that the use of the land for equestrian has persisted for in excess of ten years and there is a degree of ambiguity as to whether the use could be deemed to have been permitted in any event by the extent of the plan for the 1988 planning permission. Significant weight is afforded to this history of use.

5.13 The NPPF does promote opportunities for outdoor sport and recreation and deems buildings appropriate for such uses to be appropriate development and again this is afforded significant weight.

5.14 There is no additional harm through encroachment and detriment to openness and therefore on balance, it is considered that the NPPF Green Belt test is satisfied such that the material considerations cumulatively amount to very special circumstances to outweigh the harm by inappropriate development in so far as the change of use to equestrian is concerned. Your officer considers that

the departure from development plan policy is justified. Although the proposal represents a departure from the Development Plan, the application does not need to be referred to the Secretary of State as under the appropriate Circular and Direction 02/2009 para. 4 (b) the development, by reason of its nature and location would not have a significant impact on the openness of the Green Belt.

5.15 Change of use - Cattery

The change of use of the former stables building to cattery, as per the above policy consideration, is acceptable in principle in so far as Green Belt policy is concerned. The development is re-using an existing and structurally sound building. The proposed cattery use is not inappropriate in the countryside setting and will not impact upon the character of the site or the existing landscape. It provides further economic value to the land without detracting from the rural nature of the use and is considered to be complicit with Policy CS34 of the Core Strategy (2013). Residential amenity and highway considerations are addressed specifically.

5.16 Residential Amenity - Equestrian

The use of the land for equestrian is not considered to have any greater impact on residential amenity than an agricultural use and it is recognised that no objections have been received on such grounds, with residents seemingly having lived with this use in existence for some 28 years.

5.17 Residential Amenity - Cattery

The cattery unit sits on land to the rear of the park and play area and is some significant distance from the residential properties which benefit from large rear gardens separating the properties from the application site. The cattery receives a very low level of vehicle movements and is not expected to receive any other regular deliveries or vehicular movements. There are no noise concerns arising and the business makes use of the existing stable buildings which are in keeping with the rural setting. There is no concern with the impact on residential amenity.

5.18 Highway Safety – Safe access and egress – Equestrian

The site benefits from two points of access, one for the residential property and one for the proposed equestrian land to the rear. The stables (5 units) benefits from planning permission and serves the land which is presently catering for just three horses. A condition will be imposed to protect against any more than 5 horses being present on the site, however to restrict this further would be unreasonable given the existing permission. There will therefore be no greater impact on the highway from the equestrian use than already exists through the permission for the stables.

5.19 Highway Safety – Safe access and egress – Cattery

The Cattery has a capacity of 12 units. There are 4 isolation units but the capacity remains 12. If there is more than one cat for a family, the applicant can open up units so as there is sufficient space for two cats in two combined units.

- 5.20 The appellants Design & Access Statement explains that the business was operational in the Summer of 2015 and that the maximum number of movements associated with drop off and collection on any one day was 4. The applicant staggers drop off and collection time from 09.00 - 10.30 and 16.00 - 18.00 respectively in order to minimise the potential for multiple vehicle movements at the same time.
- 5.21 The applicant favours the residential property for the administration of drop-offs and collections and it was evident that there is a driveway space and space directly in front of the property. There is parking all along the rank and whilst this is evidently very busy outside work hours, the majority of drop-offs and collections should be during normal working hours and should be conducted relatively swiftly. In the unlikely event that multiple drop-offs or collections were required then the rear access is available and clients could drive right up to the yard where there is ample turning space.
- 5.22 The Parish Council have raised objections in respect of the impact on the highway, particularly the parking on Parkfield Rank. The Sustainable Transport comments take the view that additional vehicle movements would be minimal however and your officer shares this view having seen the small scale nature of the operation. The capacity can be controlled by condition which will ensure these numbers remain low.
- 5.23 The Parish Council also raise a particular concern about trade related deliveries however the officer asked this of the applicant on site and was advised that no such deliveries occur and any necessities for the business are arranged personally. Your officer considers that any deliveries would not be over and above what could reasonably be expected on functioning agricultural land and actually could be fewer.
- 5.24 The land affords access to a quiet and essentially private lane and then a network of countryside paths and lanes which are appropriate for horse riders.
- 5.25 There is not considered to be an adverse impact on highway safety.
- 5.26 Design, Amenity and Countryside Setting  
The cattery unit is an existing building which has been adapted from a stables but has not been materially altered. Little weight can be afforded to the design, however as a former stables building it is in keeping with the Countryside setting and the existing stables which also bound the yard.
- 5.27 The equestrian use is typical of the countryside setting and is well-established on this site through the previous planning permission and history of use on the land.
- 5.28 Other Matters  
The Parish Council have queried the number of horses on the land and invited the Council to pay regard to British Horse Society Guidelines. Your officer notes that these guidelines recommend pasture/grazing land for an average of 2 horses per hectare. The site at 2.2 hectares ought therefore to accommodate 4

horses relatively comfortably. There are currently three horses on the land however, as has previously been referred to above, the existing 5-unit stable block does already benefit from planning permission. Under the circumstances it would not be reasonable to restrict the number of horses to any less than 5 having had a 5-unit stables established since 1988.

- 5.29 Attention has also been drawn to the Council's own Cat Boarding Licence Conditions. Whilst this is not strictly a matter for consideration in the planning process as the licence is allocated entirely separately and subject to those conditions, your officer has discussed this with the applicant on site. The applicant has explained that the cattery units were purchased to specification from a specialist provider. The applicant is aware of the need to obtain a site licence but is awaiting the outcome of this application before pursuing this.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That planning permission be granted subject to the following conditions;
- 7.2 At no time shall the land the subject of this permission be used for public livery or riding school purposes whatsoever.

### **Reason**

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) 2013 and the requirements of The National Planning Policy Framework 2012.

### **Reason**

In the interests of highway safety, and to accord with Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) 2006.

- 7.3 The number of horses kept on the site edged in red on the plans hereby approved, shall not exceed 5.

### **Reason**

To provide adequate space for horses and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) 2006.



- 7.4 The number of cats accommodated in the cattery units hereby permitted shall not exceed 12.

Reason

In the interests of highway safety and the amenity of neighbouring occupiers and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006

- 7.5 Other than those shown on the plans hereby approved, no jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) 2013 and the requirements of The National Planning Policy Framework March 2012.

**Contact Officer: James Cooke**  
**Tel. No. 01454 863429**

### **CONDITIONS**

1. At no time shall the land the subject of this permission be used for public livery or riding school purposes whatsoever.

Reason 1

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) 2013 and the requirements of The National Planning Policy Framework 2012.

Reason 2

In the interests of highway safety, and to accord with Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) 2006.

2. The number of horses kept on the site edged in red on the plans hereby approved, shall not exceed 5.

Reason

To provide adequate space for horses and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) 2006.

3. The number of cats accommodated in the cattery units hereby permitted shall not exceed 12.

Reason

In the interests of highway safety and the amenity of neighbouring occupiers and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006

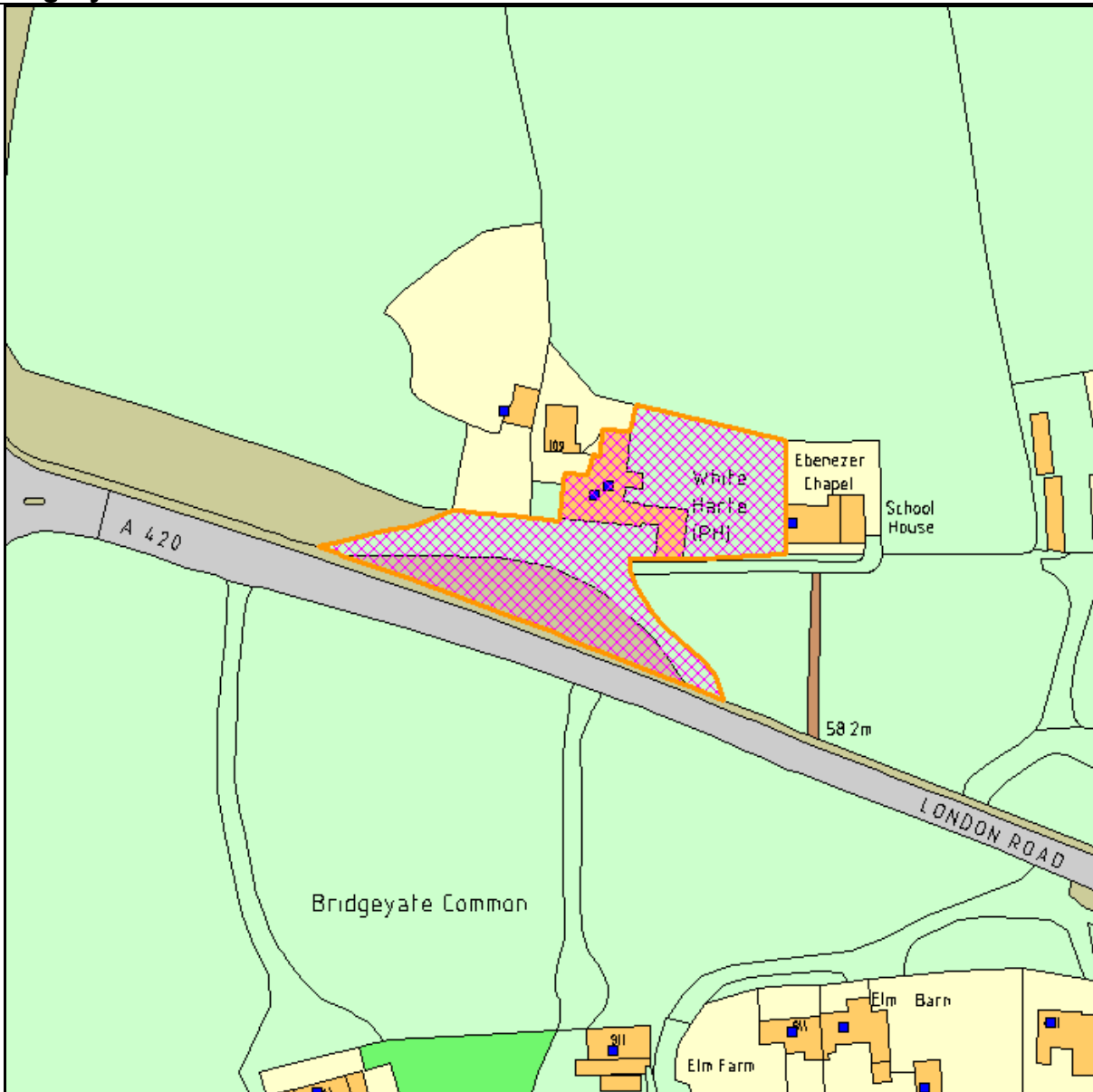
4. Other than those shown on the plans hereby approved, no jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) 2013 and the requirements of The National Planning Policy Framework March 2012.

**CIRCULATED SCHEDULE NO. 26/16 – 01 JULY 2016**

<b>App No.:</b>	PK16/1159/ADV	<b>Applicant:</b>	Star Pubs
<b>Site:</b>	White Hart 111 London Road Warmley Bristol South Gloucestershire BS30 5NA	<b>Date Reg:</b>	15th March 2016
<b>Proposal:</b>	Display of 2no. externally illuminated fascia signs, 1no. internally illuminated post mounted hanging sign, 3no. externally illuminated wall signs, 2no. non-illuminated wall signs, 2no. brass lanterns and 3no. floodlights.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	368116 173294	<b>Ward:</b>	Siston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	10th May 2016



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 100023410, 2008. N.T.S. PK16/1159/ADV

## **REASON FOR REPORTING TO 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 a number of externally illuminated and non-illuminated signs to a grade II listed building. The host building is a public house, known as the White Hart, located off London Road. This application is accompanied by an application for listed building consent which is still pending determination (planning ref. PK16/1151/LB).
- 1.2 There is a Site of Nature Conservation Interest (Bridgegate Common) on the opposite side of London Road to the application site, and the site also falls within the Bristol/Bath Green Belt.
- 1.3 This application seeks consent for the following specific works:
  - the installation of a flood lit sign 'White Harte' to the western elevation;
  - the installation of a flood lit sign 'White Harte' to the southern elevation;
  - installation of signage board and light to the northern (rear) elevation;
  - installation of car park sign to the western underpass elevation;
  - installation of signage to wall facing the green;
  - a hanging mounted sign within green space to the front of the public house.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Planning (Listed Buildings and Conservation Areas) Act 1990  
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  
L13 Listed Buildings  
L9 Species Protection  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) August 2007

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

- 3.1 PK16/1151/LB Pending Determination  
Display of replacement illuminated and non-illuminated signage including brass lanterns and floodlights. Repainting of exterior of building.
- 3.2 P90/4743 Listed Building Consent 28/01/1991  
Externally illuminated advertisement wall plaque (previous id: I198/2).
- 3.3 P90/4736 Advert Approval 29/01/1991  
Externally illuminated advertisement wall plaque (previous id: a421/1).
- 3.4 P88/4927 Listed Building Consent 10/04/1989  
Erection of signboards & applied lettering on face of building with associated external light fittings (previous id: I198/1).
- 3.5 P88/4817 Advert Approval 10/04/1989  
Display of signboards & applied lettering on face of building, with associated external light fittings (previous id: a421).

### **4. CONSULTATION RESPONSES**

- 4.1 Siston Parish Council  
Object. The number of signs would appear excessive given this is a rural location, the site being on Common Land and in the Green Belt.

4.2 Other Consultees

Listed Building and Conservation Officer

The amended proposal is a slight improvement and I am content that the application can be approved because in its revised form the scheme does not cause additional harm to the character of the listed building.

Sustainable Transport

We have now reviewed this planning application and do not believe that it raises any significant highways or transportation issues. This is because it seeks to display a number of replacement signs at the White Hart in London Road, Warmley. Although we note that it also seeks to modify the exterior lighting of these premises, we do not believe that this raises any highway safety concerns either. Consequently, we have no comments about this proposal.

#### **Other Representations**

- 4.3 Local Residents  
None received.

## 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. This assessment threshold is heightened due to the fact that the building is listed.

### 5.2 Design and Visual Amenity

The proposal largely aims to replace a number of existing signs at the site, the majority of which have grown rather tired in appearance. With this in mind, the majority of the signs will simply be updated in design and appearance. Accordingly, the design and visual amenity of the listed building and its setting will not be materially harmed by this proposal. Further to this, illumination proposed is considered to be acceptable. Officers do note that the Parish Council find the number of adverts proposed to be excessive, however, considering the signage largely replaces existing signage officers cannot agree with this assertion.

### 5.3 Public Safety and Residential Amenity

There is a dwelling to the north of the public house that would have indirect views of the western externally illuminated sign on the western elevation, the distance between the sign, and the front elevation is approximately 7 metres. With this in mind, officer suggest a condition that requires the western elevation lighting to be turned off outside of the public houses operating hours, by operating hours officers consider this to be hours where the public house is open to the public. No control through condition is required for the other illuminated signage at will not harm any nearby residential occupiers, or materially harm highway safety in the area. The site is opposite a Site of Nature Conservation Interest, the proposal is unlikely to impact on this designation due to its distance.

## 6. RECOMMENDATION

- 6.1 That the application is **APPROVED** subject to the conditions listed on the decision notice.

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

### CONDITIONS

1. The illumination on the western elevation (sign A and light H) shall only be illuminated during hours in which the public house is open to customers.

In the interests of the residential amenity of the area, and to accord with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As Amended).

**CIRCULATED SCHEDULE NO. 26/16 – 01 JULY 2016**

<b>App No.:</b> PK16/1306/CLE	<b>Applicant:</b> Merlin Motorsports
<b>Site:</b> Workshop At Touching End Lane Marshfield Chippenham South Gloucestershire SN14 8ND	<b>Date Reg:</b> 21st March 2016
<b>Proposal:</b> Certificate of lawfulness for the existing use of building for B2 use	<b>Parish:</b> Marshfield Parish Council
<b>Map Ref:</b> 377795 173784	<b>Ward:</b> Boyd Valley
<b>Application Category:</b>	<b>Target Date:</b> 11th May 2016



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 100023410, 2008. **N.T.S.** **PK16/1306/CLE**



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

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

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use or Development, is that the applicant has to demonstrate on the **balance of probability**, that the uses as described, have occurred for a period of 10 years consecutively, prior to the receipt of the application, which in this case was the 16<sup>th</sup> March. 2016.

### **1. THE PROPOSAL**

- 1.1 The application comprises a Certificate of Lawfulness submitted under Section 191 (1) of the Town and Country Planning Act 1990 as amended by S.10 of the Planning and Compensation Act 1991 in respect of a building at Touching End Lane, Marshfield, South Gloucestershire SN14 8ND.
- 1.2 The application comprises a Certificate of Lawfulness for the use of the building as a general industrial workshop (Class B2). The single-storey building is a detached stone building of traditional design with a small forecourt to the front. It lies to the rear of no.74 High Street, in the heart of Marshfield.
- 1.3 In order to regularise the breach of planning control, the applicant seeks a Certificate of Lawful Use for the use of the building, as defined on the submitted Location Plan received 16<sup>th</sup> March 2016 (the building is shown in solid red with the forecourt enclosed by the red line).

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990: Section 191  
Town and Country Planning (Development Management Procedure) (England) Order 2015  
Town and Country Planning (Use Classes) Order 1987 (as amended).  
The Planning Practice Guidance March 2014
- 2.2 Development Plans  
As the application is for a Certificate of Lawfulness, the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only demonstrate that on the balance of probability, the use as applied for has occurred for a period of 10 years consecutively, prior to the receipt of the application on the 16<sup>th</sup> March 2016.

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

- 3.1 P90/2082 & P90/2083/L - Alterations to outbuilding for the use as domestic garaging with studio over.  
Approved 1990

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

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

##### 1. Statutory Declaration of Mr Steven Roberts of 11 Hibbs Close, Marshfield, SN14 8LN 11 March 2016.

In summary Mr Roberts states the following:

- I am the owner of the Merlin Motorsports and the building edged red on Plan DWG1.
- I bought the building from Miss Hopkins in 1974 to use as a building to store a racing car and trailer.
- In 1976 I began to use the building for general industrial purposes in connection with the building of a new racing car. The car was built in the next 3 years. I also built 3 engines, gear boxes and rear suspension.
- In 1979 I purchased a Davrian body shell and built it into a new car and worked upon the car in the building from 1980 – 1985.
- In 1985 I purchased a Royale RP37.
- In 1987 I created Merlin Mail Order Ltd which operated out of Castle Coombe Circuit. Steve Roberts Racing continued to trade from the building at Touching End Lane, producing a range of products for racing cars.
- By 1991 I built my own designed car called Excocet; document E shows the car being built.
- In 1989 Steven Roberts Racing ceased to trade and Merlin Mail Order trading under Merlin Motorsports then took over the running of the building. Merlin Mail Order paid the electricity and other bills and continue running the building to date.
- The products I develop are pit boards, mufflers, radiator hose joiners and racing silencers.
- Merlin Motorsports also sells aluminium sheet which is cut and bent to size and manufacture adaptors and other small engineering jobs and have done so continuously from the building.
- The building at Touching End Lane has been used by Steven Roberts Racing and Merlin Motorsports continuously as a fabrication and machine shop (Class B2) since at least 1987. The site has not been used for any other purpose.

Attached to the Statutory Declaration are 16 documents which are listed as follows:

- A. Location Plan numbered DWG1
- B. A letter dated 10<sup>th</sup> Feb 2016 signed by John Granger.
- C. A letter dated 16<sup>th</sup> Feb 2016 signed by M.G. Walker
- D. A letter dated 20<sup>th</sup> Feb 2016 signed by Simon R Turner
- E. A letter dated 22<sup>nd</sup> Feb 2016 signed by Rachael Hosack
- F. A letter dated 22<sup>nd</sup> Feb signed by Robert Smith
- G. An extract from Cars and Car Conversions magazine dated December 1981.
- H. An extract from Car Building Magazine dated May 1991
- I. Insurance documents from Fortis (i), Norwich Union (ii)-(iii) and Arista Insurance (iv)-(x) effective between the periods of 30<sup>th</sup> Jan 2006 to 28<sup>th</sup> Jan 2017.
- J. An insurance cover note from Cooper Gay dated 20<sup>th</sup> Feb 2006.

- K. Photographs of patterns and moulds and of the site dated 20<sup>th</sup> Sept. 1976
- L. Photographs of Trans XL dated 28<sup>th</sup> December 1976 and 27<sup>th</sup> Jan 1977.
- M. Photographs of the Davrian and site dated 8<sup>th</sup> August 1979.
- N. Photographs of the Mini Marcos shell dated 20<sup>th</sup> Nov. 1976.
- O. Photographs of the Megatub 1.
- P. Site Plan for building purchase.
- Q. Site Plan for Apron purchase.
- R. Merlin Motorsport Catalogue 1989, 2002 and 2007.
- S. A risk register from PSP dated January 2008.
- T. A list (i) and a selection of copies of Npower Electricity Bills and Reminders dating between 3<sup>rd</sup> Jan 2007 (ii) – 8<sup>th</sup> Jan 2016 (xxxi)
- U. A list (i) and a selection of copies of Durbin Metals Invoices and Delivery Notes dating between 21<sup>st</sup> March 2007 (ii) – 14<sup>th</sup> Oct. 2011 (xviii).
- V. A list (i) and a selection of copies of A & J Ferrous Invoices dating between 24<sup>th</sup> Sept. 2012 (ii) – 24<sup>th</sup> Aug 2015 (ix) and
- W. An invoice from Avon Steel Company Ltd dated 31<sup>st</sup> Oct. 2014.

**5. SUMMARY OF CONTRARY EVIDENCE**

None

**6. OTHER CONSULTATIONS**

Marshfield Parish Council

No objection

Transportation D.C

No comment

**7. ASSESSMENT**

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

s191) (1)

*'If any person wishes to ascertain whether*

*(a) any existing use of buildings or other land is lawful;*

*(b) any operations which have been carried out in, on, over or under are lawful;*

*or*

*(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,*

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

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

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

In this case therefore the onus of proof is on the applicant to show on the balance of probability that the use has occurred for a continuous period of 10 years up to and including the date of the application i.e. the relevant 10 year period is 16th March 2006 to 16th March 2016.

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

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

- (a) no enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and*
- (b) they do not constitute a contravention of any of the requirements or any other enforcement notice then in force.'*

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

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

7.5 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is "on the balance of probability". Advice contained in Planning Practice Guidance states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. "beyond reasonable doubt." Furthermore, the applicant's own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to

contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application; provided the applicant's evidence alone is sufficiently precise and unambiguous. The planning merits of the development are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant's version of events less than probable, should be taken into account.

#### 7.6 Hierarchy of Evidence

Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

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

From the evidence submitted the Statutory Declaration carries substantial weight.

The Case Officer for this current application conducted a site visit on the afternoon of Friday 24<sup>th</sup> June 2016.

#### **Analysis**

- 7.6 The applicant has submitted a wealth of evidence in support of his application. Much of the evidence however spans the years leading up to the relevant 10 year period. The applicant submits that the current use of the building as a fabrication and machine shop (Class B2) for initially Steve Roberts Racing and subsequently for Merlin Mail Order (trading under the name Merlin Motorsports) began in 1976 and has continued to the present day.
- 7.7 The individual letters at documents B to F all confirm the use of the building for the purposes claimed continuously for the relevant 10 year period and beyond.
- 7.8 Documents G and H whilst supporting what Steven Roberts has said in his sworn statement merely cover events long before the relevant 10 year period and therefore carry little weight.

- 7.9 The Insurance Notes submitted under Document I carry significant weight as they span the entire 10 year period and make specific reference to the building at Touching End Lane being occupied by Merlin Motorsports. The policy notes makes reference to the business being the “sale of motor accessories, mail order shop and metal fabrication”.
- 7.9 Document J supplements those submitted under Document I.
- 7.10 Documents K, L, M, N and O carry little weight as they are merely snapshots in time long before the 10 year period commences.
- 7.11 Documents P and Q carry little weight as they are simply plans not attached to any sale particulars.
- 7.12 The Merlin Motorsports catalogues submitted under Document R carry little weight as they only give the Castle Coombe Circuit address.
- 7.13 The Risk Register submitted under Document S carries limited weight but is dated Jan 2008 and makes reference to the building at Touching End Lane being occupied as a “Metalworking Shop” operated by Mr Steven Roberts.
- 7.14 The Electricity Bills submitted under Document T carry significant weight as they span the entire 10 year period and clearly relate the energy consumption at the “Garage at Touching End Lane” and are billed to Steven Roberts at his home address.
- 7.15 The Durban Metal Invoices and Delivery Notes submitted under Document U carry significant weight as they cover almost the entire 10 year period and mostly refer to deliveries to the Workshop at Touching End Lane.
- 7.16 The A & J ferrous Invoices submitted under Document V carry moderate weight as they only cover the period 2012 – 2015. They do however refer to deliveries to Merlin at the Workshop Touching End Lane.
- 7.17 Again the Avon Steel Company invoice at Document U is a single invoice dated Oct 2014 and has only limited weight. It also makes reference to delivery to Touching End Lane.
- 7.18 Officers are satisfied that the evidence submitted is both precise and unambiguous and covers the relevant 10 year period and beyond. In the absence of any contrary evidence at all, officers must conclude that the building at Touching End Lane has been used continuously for the relevant 10 year period as a fabrication and machine shop (Class B2).
- 7.19 Was there Deliberate Concealment?  
Given that the building lies in the heart of Marshfield, it would have been very difficult to conceal the use applied for. Given the nature of the business there would have been a steady stream of deliveries of materials to the workshop. Furthermore Mr Roberts has been a highly successful racing driver who still lives in Marshfield who’s activities would be well known and publicised..

7.20 Officers are therefore satisfied that on the balance of probability, the use applied for has been continuous as described for a period of at least 10 years prior to receipt of the application and as such a certificate should be granted.

## **8.0. CONCLUSION**

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

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

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

### Planning Unit

8.4 Officers are satisfied that the building and forecourt, the subject of this application, is distinct from any adjoining uses. The use relates to the whole building, as defined by the submitted red edged plan, which is well defined on the ground. It is clear from the various aerial photographs that the building size has not altered during the relevant 10 year period. A separate planning unit has therefore been established.

## **9. RECOMMENDATION**

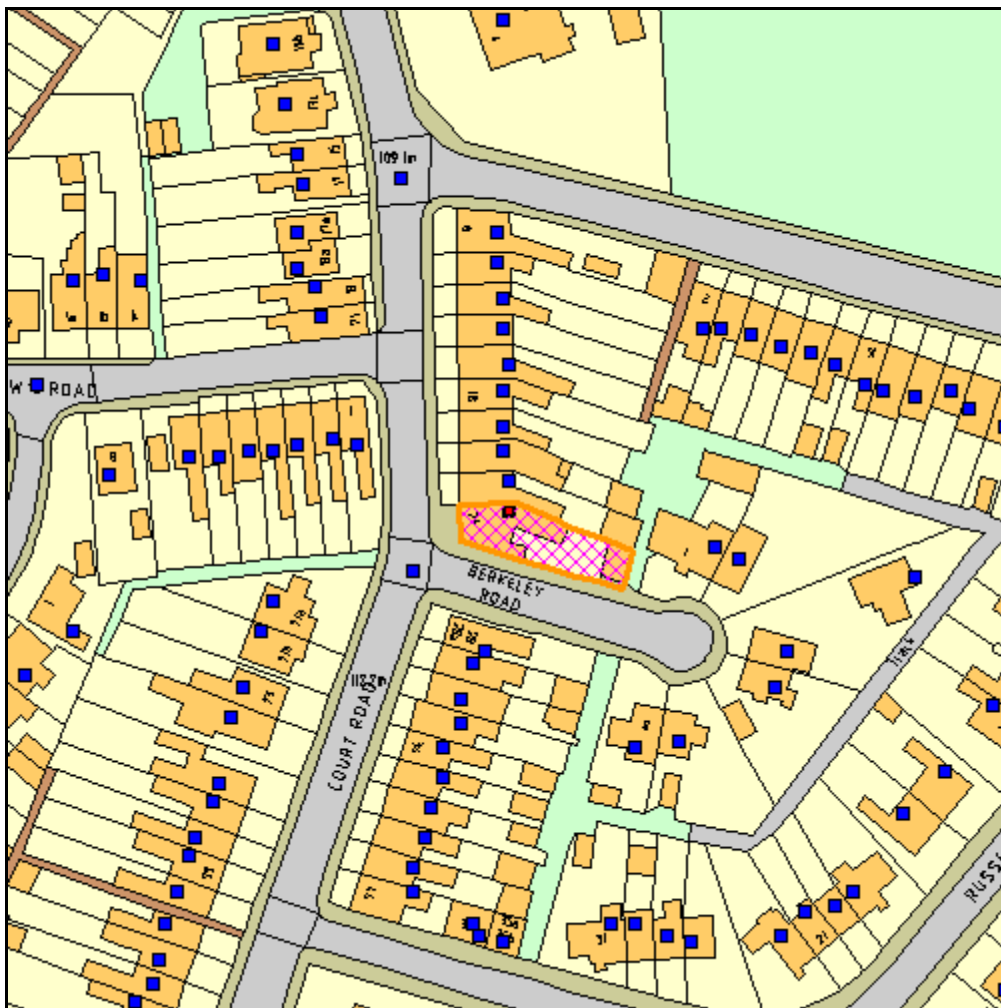
9.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of a former garage building as a 'Metal fabrication and machine shop) for the manufacture of motor sport parts and accessories with associated storage (Class B2).'

*Sufficient information has been submitted to demonstrate that, on the balance of probability, the building shown in red on the submitted plan has been present and used for 'Metal fabrication and machine shop for the manufacture of motor sport parts and accessories with associated storage (Class B2)' for a continuous period of 10 years or more prior to the submission of the application.*

**Contact Officer: Roger Hemming**  
**Tel. No. 01454 863537**

CIRCULATED SCHEDULE NO. 26/16 – 01 JULY 2016

<b>App No.:</b>	PK16/1431/F	<b>Applicant:</b>	Mr Robert Ashley
<b>Site:</b>	24 Court Road Kingswood Bristol South Gloucestershire BS15 9QD	<b>Date Reg:</b>	19th April 2016
<b>Proposal:</b>	Conversion and erection of first floor and single storey rear extension to form 2 no. flats and 1 no. dwelling with new access and associated works. Erection of single storey extension to existing garage.	<b>Parish:</b>	None
<b>Map Ref:</b>	364990 173272	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	10th June 2016



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 100023410, 2008. N.T.S. PK16/1431/F



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

This application has been submitted to the Council's Circulated Schedule procedure, following objections from local residents which are contrary to the officer recommendation in this report.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the conversion and extension of the existing unit occupied by a boiler servicing contractor (B1) which currently has a flat at first floor level, to form 2 no. flats and 1 no. new dwelling (C3) with a new access and associated works at 24 Court Road, Kingswood.
- 1.2 When submitted, the proposal also included the erection of a first floor extension over the existing garage to form a small B1 unit comprising of an office and storage room, however this was removed following concerns from officers about the impact on the residential amenity of surrounding neighbours.
- 1.3 Amendments were received on 8<sup>th</sup> June 2016 and 24<sup>th</sup> June 2016 to address parking and amenity concerns. A period of re-consultation was not deemed necessary as the proposal had reduced in scale.
- 1.4 The site is situated within the East Bristol urban area of Kingswood, and is in an area known to have been used for coal mining in the past.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Practice Guidance

#### 2.2 Development Plans

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

H5 Residential Conversions  
T8 Parking Standards  
T12 Highway Safety  
E3 Employment Development within the Urban Area  
EP7 Unstable Land

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

CS1 High Quality Design  
CS5 Location of Development  
CS8 Accessibility  
CS13 Non-Safeguarded Economic Development Sites  
CS15 Housing Distribution  
CS16 Housing Density  
CS17 Housing Diversity  
CS29 East Bristol Urban Fringe

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

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

- 3.1 There is no recent or relevant planning history at the site.

### 4. **CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
Un-parished area.

- 4.2 Other Consultees

Sustainable Transport  
Amendments suggested to remove unnecessary parking spaces.

The Coal Authority  
No objection.

Highway Structures  
No comment.

Lead Local Flood Authority  
No objection.

#### **Other Representations**

- 4.3 Local Residents  
Three letters of objection have been received stating the following:
- Parking on Court Road is already difficult, especially with double yellow lines and residents who have multiple cars.
  - Is five spaces enough?
  - Parking on the road will stop public transport getting through
  - There is already a parking problem at school drop off times

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

- 5.1 Principle of Development  
Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes on to suggest that if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date. South Gloucestershire Council's Authority Monitoring Report 2015 found that the Council could not demonstrate a five year housing land supply, meaning paragraph 49 of the NPPF is engaged, and policies which relate to the location of housing are considered out-of-date. Regardless of this, the starting point for any decision-taker is the adopted Development Plan, but the decision-taker is now also required to consider the guidance set out within paragraph

14 of the NPPF. Paragraph 14 states a presumption in favour of sustainable development, and states that proposal that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

5.2 Policy CS1 of the Core Strategy seeks to ensure that proposals are of a high standard in design. Policy H5 of the Local Plan allows for the conversion of buildings for residential use, provided that the proposal would not prejudice the character of the surrounding area or the amenities of the nearby occupiers and provided that there is sufficient amenity space and an acceptable level of off street parking. Core Strategy policy CS13 states that on non-safeguarded economic development sites, priority will be given to a mixed use scheme over residential only, and that the residential re-use of buildings will need to be accompanied by a statement clearly demonstrating that a market appraisal has been undertaken to assess alternative economic uses, and that every reasonable attempt to secure a re-use has been made, and failed. Policy H5 allows for the conversion of non-residential properties for residential use, provided they would not prejudice the character of the surrounding area, it would not prejudice the amenities of nearby occupiers, it would identify an acceptable level of off-street parking, would provide adequate amenity space and if the property is located within the existing urban area or the boundary of a settlement.

5.3 Replacement of Economic Use with Residential Scheme

The site is not within a safeguarded employment area as identified by the Core Strategy. As the scheme as submitted included the provision of some smaller scale employment space in the garage to the rear of the site, it is apparent that there is still a demand on the site for an employment use. This employment use has now been removed following concerns by officers that cumulatively the amount of development along the northern boundary of the site would be harmful to residential amenity, which is discussed elsewhere within this report. The scheme now represents the removal of a small-scale employment use from the site in favour of residential, but without a statement demonstrating that alternative economic uses at the site have been sought to no avail. This is contrary to the requirements of policy CS13 of the Core Strategy (Adopted) December 2013. Notwithstanding this, the building was originally converted from a dwelling to an employment use, and is in a residential area. The information submitted alongside the application indicates that the current occupier (boiler servicing engineer) did not require a shop front as the owner, the only employee, visited clients at their own home to discuss their requirements. The loss of the unit, and any other harm identified, will need to be outweighed by the benefits of the scheme for the development to be acceptable in terms of paragraph 14 of the NPPF.

5.4 Design and Impact on Character of Area

The area exhibits a variety of housing stock, with a mixture of post war hipped semi-detached properties, render terraces with a gable roofline and, in the case of the terrace to which no. 24 is attached, a row of stone cottages with prominent bay windows. No. 24 is finished in two types of render (one smooth

- and one pebble dash) with a gable roofline and a lean-to side extension, the footprint of which slopes diagonally along the boundary of the site. It also has a two-storey extension to the rear, and a detached flat roof garage which is accessed from Berkeley Road, currently used as parking for the first floor flat. The ground floor unit is currently operated by a boiler servicing contractor (B1).
- 5.5 The ground floor unit is to be converted into a two-bedroom flat, with rear and side extensions to the building forming a two-bedroom flat at first floor level, and a one-bedroom dwelling extending to the rear. The proposed two storey cottage to the rear is considered to be of a good quality design, and an appropriate scale given the size of the plot. It also continues the pitched roof building line of the existing rear element of the building, enabling it to blend well with the existing built form. A lean-to cycle store and bin store are proposed to the rear of the site. The gable end of the first floor side extension is proposed to have a parapet feature, and although this does not appear on any other buildings in the vicinity, it is considered to add an interesting architectural feature to the gable end, which is situated on a prominent corner plot. Revisions were sought to improve the appearance of the existing principal elevation, with the addition of a lean-to canopy and a bath stone bay window to match the adjacent dwellings on Court Road. In terms of visual amenity, this is considered to enhance the character of the area
- 5.6 The extensions to the garage to the rear have been reduced to a simple, single-storey side extension maintaining the flat roof, which is more appropriate than the first floor pitched roof addition originally submitted, given the size of the plot. The plans state that the walls are to be rough cast render, with white UPVC windows and timber doors. The plans state that the roof tiles proposed will match the existing building and therefore a condition to ensure this is not considered necessary. Overall, the amended scale and design of the development is found to be acceptable and is in accordance with policy CS1 of the Core Strategy (Adopted) December 2013.
- 5.7 Residential Amenity  
During the course of the application, amendments were sought to the design to protect the residential amenities of surrounding occupiers, as well as future occupiers of the site itself. Unnecessary parking spaces were removed from the proposal to create amenity space for the one-bedroom house and the ground floor flat. The amenity space for the ground floor flat is small and accessed by walking around the building from the front door, however this distance is very short (7 metres), and the area provided exceeds the guidance given in the Policies Sites and Places Development Plan document's amenity space policy (PSP44), within which two-bedroom flats are required to have 5 square metres of amenity space plus communal space. The flat has approximately 10 square metres of amenity space which is considered to balance out the lack of communal space. The one-bedroom house proposed has approximately 25 square metres of amenity space, which is short of the recommended standards by 15 square metres. Given the limited weight which can currently be applied to policy PSP44, which is currently in draft form, this is considered acceptable for a small unit in an urban area. A landscaping scheme secured by condition will see that adequate boundary treatments are implemented in order to create privacy between the two gardens, in the event that the application is approved.

- 5.8 The first floor flat has been allocated the front garden as their private amenity space. This is unacceptable for two reasons; firstly, the lack of privacy, being at the front of the house and with low railings proposed and secondly, the proximity to the living room window of the ground floor flat. Due to the nature of this front garden, it is unlikely that the space will be used as a garden and therefore the impact on the ground floor flat will be minimal, and any attempt to enclose the garden with a boundary higher than one metre would be subject to a planning application. The amenities of the first floor flat have therefore been assessed as having no access to outdoor amenity space, which is a common occurrence with upper floor flats. Kingswood Park is a six minute walk away, and in light of the limited weight that can be applied to PSP44, it is considered the lack of provision of amenity space for the first floor flat, as well as the slight shortfall for the one-bedroom house, could be sustained as a refusal reason.
- 5.9 Amendments were also sought during the course of the application to shift the living room and landing windows of the one-bedroom house away from the rear facing bedroom windows of the flats, creating an obscure angle between which inter-visibility is highly unlikely. Furthermore, at ground floor level the proposed boundary treatment will screen the view, whilst at first floor level the landing window will not serve a principal room.
- 5.10 Turning to the residential amenities of the surrounding properties, it is no. 22 Court Road which has the potential to be impacted upon the most. The further extension of the two-storey rear extension may cause a slight increase in overshadowing at certain times of day, however no. 22 has a single storey rear extension directly abutting the proposed, reducing the impact. Most of the loss of light at the site is to be experienced towards the end of the day, but it is not considered that this will be materially different from the overshadowing already caused by the existing rear extension and the existing terrace. The provision of a first floor extension atop the garage was a cause for concern however, as this would overbear on and overshadow parts of the garden of no. 22 which is currently unaffected by the existing built form, and it was therefore recommended that this was reduced in height to single storey. Amendments to this affect were received on 24<sup>th</sup> June 2016. Officers consider it appropriate to remove permitted development rights relating to dormer windows and new roof lights from the one-bedroom property, as due to the perpendicular nature of the principal elevation, this would allow for dormer windows overlooking no. 22 to the north and beyond.
- 5.11 In conclusion, the amenities of the surrounding occupiers are not considered to be significantly impacted upon by the development. The proposed first floor flat and one-bedroom house do not meet the garden standards in PSP44, however given the limited weight currently applicable to this policy, the Council would be unable to sustain a refusal reason on this basis.
- 5.12 Transport  
Following the removal of the first floor office and storage space, the proposed development consists of 2 no. two-bedroom flats and 1 no. one-bedroom house. The Transport officer has confirmed that one space per unit is adequate, particularly given the extant situation whereby the existing flat only

had access to on-street parking. Cycle parking has been provided within a lean-to shelter to the rear, and subject to a condition ensuring the parking is implemented and maintained, there is no transportation objection.

#### 5.13 Coal Mining

The area is known to have been used for coal mining in the past, and so the Coal Authority have been consulted with regards to the proposal. Only minimal operational development would result in the ground being intersected and the consequential loading on the ground by the extensions, which would be located broadly within the footprint of the main buildings, which is far less intrusive than other forms of development. The Coal Authority concluded that a Coal Mining Risk Assessment was not necessary in this instance, subject to an informative advising the applicant to be cautious.

#### 5.14 Planning Balance

As previously mentioned within this report, South Gloucestershire Council currently does not have a five-year housing land supply. Whilst the development does result in the loss of a small employment unit, currently employing one person, as well as the failure of the proposal to meet the amenity requirements of draft policy PSP44, the harm caused is not considered represent significant and demonstrable harm in accordance with paragraph 14 of the NPPF. The benefits of the scheme, notable providing two units of housing and improving the visual amenity of the site, are considered to outweigh the harm identified above. In summary, it is recommended that the proposal 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 That planning permission is **GRANTED** subject to the conditions on the decision notice.

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

### CONDITIONS

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

Reason

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

2. Prior to the commencement of development a scheme of landscaping, which shall include details of 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 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. This information is required prior to commencement in order to prevent remedial works later on.

3. The off-street parking facilities (for all vehicles, including cycles) and the waste and recycling facilities shown on the plan hereby approved shall be provided before any of the units are first occupied, and thereafter retained for that purpose.

Reason

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

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

Reason

To 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. 26/16 – 01 JULY 2016**

<b>App No.:</b>	PK16/1502/F	<b>Applicant:</b>	Sharpak Ltd
<b>Site:</b>	Sharp Interpack Limited Highway Yate South Gloucestershire BS37 7AA	<b>Date Reg:</b>	14th April 2016
<b>Proposal:</b>	Demolition of existing canopy to facilitate erection of 4no. 50t silos to provide additional storage. Erection of replacement canopy.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	372150 182419	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th July 2016



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 100023410, 2008.

**N.T.S.                      PK16/1502/F**



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

This application is referred to the circulated schedule for determination to take into account comments received during the public consultation which are contrary to the officer's recommendation for approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the installation of 4 additional storage silos at a plastic foodstuffs industrial unit in Yate. The silos would each provide 50 tons of additional storage of plastic pellets and would measure 14.9 metres in height with a circumference of 3.5 metres. The proposed silos would be located adjacent to the existing 6 silos on the site.
- 1.2 The application site is located within the Bowling Hill, Chipping Sodbury safeguarded area for economic development under policy CS12(30). The site is within the defined settlement of Yate and Chipping Sodbury. To the north, east, and west of the site stand industrial uses. Across Station Road to the south of the site is Bennetts Court, a residential area. The site is not within but is in close proximity of the Chipping Sodbury Conservation Area. The site falls with flood zones 2 and 3.
- 1.3 The local planning authority has issued a screening opinion in relation to the proposed development. The proposal does not trigger the need for an Environmental Statement in connection with the EIA Regulations.
- 1.4 It is noted that the local planning authority is also in receipt of planning application PK16/2809/F on the same site for the erection of 6 silos. That application is still under assessment; however, for clarity in decision making, PK16/2809/F has the same site area as this application and therefore (whilst each should be assessed on its own merits) only the 4 silos proposed can be considered at this time. The assessment of the application for 6 silos will follow in due course.

### **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  
CS9 Managing the Environment and Heritage  
CS12 Safeguarded Areas for Economic Development  
CS30 Yate and Chipping Sodbury

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- L1 Landscape
- L12 Conservation Areas
- EP2 Flood Risk and Development
- T12 Transportation
- E3 Proposals for Employment Development

2.3 Supplementary Planning Guidance

- Design Checklist SPD (Adopted) August 2007
- Chipping Sodbury Conservation Area SPD (Adopted) February 2009
- Landscape Character Assessment SPD (Adopted) November 2014

**3. RELEVANT PLANNING HISTORY**

3.1 PK16/2809/F *Under Consideration*

Demolition of existing canopy to facilitate erection of 6 no. 100t silos to provide additional storage. Erection of replacement canopy.

*N.B. The above application has the same site area as the application being discussed in this report. The proposed 6 silos would include/replace the 4 silos proposed under this application.*

3.2 PK15/035/SCR EIA Not Required 08/01/2016  
Erection of 6no. 100t Silos

3.3 PK15/034/SCR EIA Not Required 08/01/2016  
Erection of 4no. 50t Silos

3.4 PK02/3011/F Approve with Conditions 27/01/2003  
Erection of extensions and alterations to various buildings

3.5 P95/2130 Approve with Conditions 27/07/1995  
Erection of 2 Number silos (each 17.5 metres high plus pipework and safety rails 2.1 metres by 2.4 metres wide)

3.6 P94/2324 Approve with Conditions 16/02/1995  
Erection of 2 No. silos (each 17.5 metres high X 2.4 metres in diameter) in rear yard

3.7 P87/1327 Approve with Conditions 07/05/1987  
Erection of building of 4,098 sq. metres for storage of materials for use in connection with the manufacture of plastic containers for the food industry

3.8 P86/1915 Approve with Conditions 16/07/1986  
Erection of two silos for storage of plastic grains 16 m (52' 6") high x 3 m (10') in diameter

3.9 P85/2683 Approve with Conditions 29/01/1986  
Erection of two silos for storage of plastic grains - 14 m (46 ft) high x 3.5 m (11FT 6IN) in diameter

- 3.10 N1261/11 Approve with Conditions 27/11/1979  
Erection of 48,000 sq.ft. (4,460 sq.m.) building for plastics production and construction of new access road, internal roads, parking areas and landscaped areas

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

- 4.1 Yate Town Council  
Objection: impact on visual amenity; height of silos should be reduced to lessen impact on views from Ridgewood nature reserve; landscaping enhancements should be positioned along boundary.
- 4.2 Sodbury Town Council (Parish Adjoining)  
Objection: support the residents of Bennetts Court with a recommendation that screening is positioned
- 4.3 Ecology Officer  
No objection; informative about breeding birds should be attached to decision notice
- 4.4 Highway Structures  
No comment
- 4.5 Lead Local Flood Authority  
No objection; flood risk assessment is acceptable
- 4.6 Sustainable Transport  
No objection; proposal will not raise any highways and transport issues

#### **Other Representations**

- 4.7 Local Residents  
None received

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

- 5.1 This application seeks planning permission for the erection of 4 silos at an existing manufacturing plant in Yate.
- 5.2 Principle of Development  
The application site is located within the existing urban area of Yate and Chipping Sodbury and within an area safeguarded for economic development. Policy CS5 directs development to the existing urban areas and defined settlements and policy CS12 protects employment uses on existing sites. Although becoming dated in nature, policy E3 is supportive of proposals for economic development subject to an assessment of the impacts of development. Therefore the proposal is acceptable in principle but should be determined against the analysis set out below.

### 5.3 Design and Appearance

- The proposed silos have an industrial appearance; they are cylindrical in nature and constructed from aluminium. There are existing silos on the site that have a similar industrial appearance. Given the nature and purpose of the silos, they have little scope for changes to their appearance.
- 5.4 It is noted that the existing silos on the site are visible from Station Road as you approach and pass the site from Yate. The views of the silos on the approach from Chipping Sodbury are less prominent.
- 5.5 In terms of layout, the existing silos sit close to the site boundary. The proposed silos would be located adjacent to the existing silos but within the site. This keeps the mass created by the silos in a small area. Indeed given this arrangement, the impact on views of the silos when travelling along Station Road from Yate would be minimal. The proposed silos would 'block' views of the existing silos and therefore there would be limited difference.
- 5.6 Concern has been raised by the Town Council in regard to the height of the proposed silos. The silos would have a height of just under 15 metres. This is lower than the tallest of the existing silos (at approximately 17.5 metres). It is therefore not considered that the proposal would become any more prominent on the skyline than the existing silos.
- 5.7 Turning to the impact on the character of the area, apart from the residential properties on Bennetts Close, the area has a predominantly industrial character. The residential properties on Bennetts Close are set sufficiently far from the proposal that the impact on the visual amenity of the area is also limited. It is noted that there is a request for additional screening. Given the height of the proposal and the location of the silos within the site, there is little scope for the provision of landscaping or other means of screening. Indeed, the landscape impact has also been demonstrated to be low. As it is not considered that the development would result in a significant change in the character, appearance, or visual amenity of the locality, it is not considered necessary that additional screening is provided. It is also considered that screening by means of the application of colour to the silos would be of limited success and therefore not necessary.
- 5.8 Located close to the Chipping Sodbury Conservation Area, an assessment should be made on the impact of the development on the historic character of the area. During consultation connected with the screening opinion, the advice of the council's conservation section was that, given the location within a complex of modern industrial buildings and the distance to the closest heritage assets there may be an impact but that the impact was unlikely to be significant. As the silos are set further away from the conservation area (behind the existing silos) it is not considered that the proposal would result in any additional harm over and above the existing situation. For that reason, no objection is raised on the grounds of heritage.
- 5.9 In order to facilitate the installation of the silos, an existing open fronted storage building made of a steel frame and fibre panel roof needs to be taken down and re-erected elsewhere on the site. In terms of design, the building would retain

its appearance and is therefore acceptable. In terms of layout, the re-sited building would not be highly visible from the public realm and therefore would not have an adverse impact on visual amenity.

5.10 Residential Amenity

Development should not be permitted that has a prejudicial impact on the residential amenities of nearby occupiers. The nearest residential properties are located to the south of the application site on Bennetts Court.

5.11 The proposed silos are required in connection with the existing operations on the site. They do not, in their own right, suggest that there would be an increase in the operation of the site over and above that which the site is already capable of accommodating.

5.12 Officers accept that the increase storage capacity may result in additional vehicular movements. However, it is not considered that any increase would be so significant as to cause a demonstrable harm to the residential amenities of the occupiers of nearby residential properties.

5.13 As with vehicular movements, it is noted that there may be a small increase in noise, particularly during deliveries to and filling of the silos. The potential for any noise increase to be detrimental to amenity is considered to be low, particularly given the location of the additional silos within the site where there is greater built form between the silos and the residential dwellings. It is not considered that any increase in noise would be prejudicial to residential amenity.

5.14 Located to the north of the residential properties, it is not considered that the silos would be overbearing or lead to a loss of light. The proposed storage building would also not have an impact on residential amenity. It is therefore concluded that the proposal would not have a prejudicial impact on residential amenity and no objection is raised in this regard.

5.15 Transport

No changes are proposed to the existing site access. The proposal to increase storage of plastic pellets is not considered to have a significant impact on the movements of HGVs to and from the site. The silos would be unlikely to generate any significant additional vehicular movements in other forms of transport.

5.16 Given that any increase in movements to and from the site are minimal and the highway conditions in the vicinity of the site meet an acceptable standard, it is not considered that the proposal would amount to a severe impact (in terms of paragraph 32 of the NPPF). Therefore no transport objection is raised to this development.

5.17 Environmental Effects

Policy E3 requires an assessment of environmental effects. The silos would be used as part of the existing site operations and would not in themselves have a significant environmental impact.

5.18 The ecologist has requested an informative be attached to the decision notice with regard to nesting birds and the obligations of environmental legislation.

5.19 It is not considered that the proposal would have a significant environmental impact and therefore no objection to the proposal is raised in this regard.

## **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).

**CIRCULATED SCHEDULE NO. 26/16 – 01 JULY 2016**

**App No.:** PK16/1647/F  
**Site:** Prospect Barn Bury Lane Doynton  
 Bristol South Gloucestershire  
 BS30 5SR  
**Proposal:** Erection of first floor side and rear  
 extensions to provide additional living  
 accommodation.  
**Map Ref:** 371893 173789  
**Application Category:** Householder

**Applicant:** Dr's W And T Tillett  
**Date Reg:** 9th May 2016  
**Parish:** Doynton Parish Council  
**Ward:** Boyd Valley  
**Target Date:** 4th July 2016



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N.T.S. PK16/1647/F

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

The following report appears on the Circulated Schedule following a comment from a local resident and the Parish council.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a first floor side and first floor rear extension to provide additional living accommodation. The application site relates to Prospect Barn situated outside any established settlement boundary, within Doynton Conservation area, within the Bristol/Bath Green Belt and within the Cotswolds Area of Outstanding Natural Beauty. The building was converted from a barn to a residential dwelling in 1985.
- 1.2 During the course of the application revised plans were requested to exclude the erection of a two storey detached garage with office as this was outside the residential curtilage and within the adjacent field. Due to the change in the 'red edge' the plans were put out for a full consultation period.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012

#### 2.2 Development Plans

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

L1 Landscape  
L2 Cotswolds AONB  
L9 Species Protection  
L12 Conservation Areas  
L13 Listed Buildings  
EP2 Flood Risk and Development  
T12 Transportation Development Control Policy for New Development  
H3 Residential development in the Countryside

##### South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013

CS1 High Quality Design  
CS5 Location of Development  
CS9 Managing the Environment and Heritage  
CS34 Rural Areas

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Check List (SPD) Adopted 23 Aug 2007  
South Gloucestershire Development in the Green Belt (SPD) Adopted June 2007  
South Gloucestershire Council Residential Parking Standards Adopted 2013  
South Gloucestershire SPD: Doynton Conservation Area Adopted 2013



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

- |     |                         |   |
|-----|-------------------------|---|
| 3.1 | PK01/3518/F<br>Approved | Erection of two storey extension to provide enlarged kitchen with bedroom above<br>4.2.02   |
| 3.2 | P91/1043/C<br>Approved  | Incidental works of demolition to facilitate conversion of two flats to one dwelling; demolition of part of boundary wall to facilitate construction of new vehicular access (in accordance with the revised plan received by the council on 12TH march 1991).<br>10.7.91 |
| 3.3 | P91/1042<br>Approved    | Construction of new vehicular access and change of use of two flats to one dwelling (in accordance with the revised plan received by the council on 12TH march 1991)<br>10.7.91   |
| 3.4 | P85/2367/L<br>Approved  | Incidental works of demolition to facilitate change of use of barn to residential accommodation><br>30.10.85  |
| 3.5 | P85/2366<br>Approved    | Change of use of redundant agricultural building to residential (2 studio flats) and erection of extensions thereto.<br>30.10.85  |

### **4. CONSULTATION RESPONSES**

#### **4.1 Doynton Parish Council**

##### **Objection:**

- Materials to be used in the construction of the extension to the barn are not clear. Materials used should be the same as those used in the original barn, particularly with respect to the stone and roof tiles. This is essential so that the development complies with the Doynton Conservation Area appraisal issues in 213 as a Supplementary Planning Document
- Concerned a new two-storey car port/office building is propose when there is an existing unused building in the corner of the field only 20m or so from the proposed site. It would seems more sensible to develop this building rather than to erect a new one
- The Council was pleased to receive the assurance of the owners of the property that they have no intention whatsoever of converting the proposed office/car port into a separate dwelling at any time in the future
- The Council note objections raised by the next door neighbours and the Council shares their concerns that the proposed extension to the barn will impact on the light to their property and have a significant impact on the views of the surrounding countryside
- There seems to be some confusion regarding the position of the proposed car port/office block in respect to the small copse of trees. Clarification of the position is required

## 4.2 Other Consultees

### Listed Building/Conservation Officer

No objections

### Archaeologist

No objections

### Sustainable Transport

No objection

### Landscape Officer

The aerial photograph of the site shows trees in the area of the proposed garage. Section 7 of the application form which asks if any trees will be affected by the development is not completed. The area is in the Doynton Conservation area and permission is therefore required to carry out any work to trees. Clarification is required regarding any proposals to remove trees, which should be accurately located on one of the plans. One of the Tree Officers should be consulted.

This site is screened by existing vegetation in views from the wider countryside and Doynton Conservation Area and subject to the satisfactory clarification regarding the removal of any trees, there is no landscape objection with regards to Policies L1 and CS1.

## **Other Representations**

### 4.3 Local Residents

One letter from a local resident has been received and the points raised are as follows:

- Raising the existing roofline of the existing car port would take significant and unacceptable amounts of sunlight and daylight from our kitchen. The proposal fails to meet the BRE Guidance and 25 and 45 degree tests
- The proposal would change the outlook of our property from our main bedroom leading to a loss of 40% of the Cotswold Escarpment vista. It would be detrimental to the protected setting (of the Cotswold AONB and Conservation Area) from a further 7no. windows of our house
- Proposed new car port/garage would mean our outlook would be over cars
- Proposed new car port would entail felling of a copse of trees
- There is already a substantial roofed stone barn close to the proposed car port/garage and we see no reason to construct yet another building
- The access onto Bury Lane is narrow and has no facility for passing traffic. Proposed 2 extra bedrooms and an office would significantly increase traffic generated and lead to a deterioration of safety. Our independent consultant has confirmed that the current visibility sight lines are limited, there is insufficient stopping distance for vehicles entering the village
- Would result in an inappropriate massing, would dwarf the other buildings and significantly influence their setting
- Plan 1:1250 is factually incorrect

- Statement that the proposal would not have a detrimental impact on the setting of Nicholls Farm is ridiculous and nonsensical

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Additions within existing residential curtilages are supported under policy providing there would be no adverse impact on residential amenity of neighbours or the host property itself, no adverse impact on the appearance of the dwelling or the character of the area and no negative effect on highway safety or parking. This is particularly important where, as in this case, the building is within a Conservation area, the Cotswolds AONB, close to listed buildings and within the Green Belt. Extensions to existing buildings are supported within the Green Belt provided they would not result in disproportionate additions over and above the volume of the existing building.

The proposal is considered to accord with policy and this is discussed in more detail below.

### 5.2 Green Belt

The existing property is a barn conversion. The main two-storey barn is a two-bedroom property with a single storey lean-to structure to the rear and a single storey structure to the side (part of which is a car port). It is proposed that both of these single storey elements be increased to two-storey height to accommodate an additional two bedrooms at first floor level and additional living space at ground floor. National Green Belt policy is supportive of additions to existing buildings in the Green Belt provided the result would firstly, not be disproportionate to the original building and secondly, would not impact adversely on the openness of the Green Belt.

- 5.3 Calculations indicate that the existing building has a volume of about 805 cubic metres and the proposed additions would amount to about an additional 149 cubic metres. Adding a little more to allow for the canopy over the proposed entrance lobby the proposal is considered to represent an increase in volume of about 20%. This degree of additional volume is regarded as a proportional increase and in Green Belt terms is acceptable. Given the additions would be above existing structures it is considered there would be no adverse impact on the openness of the Green Belt.

### 5.4 Design

The proposed development would create an additional two bedrooms at first floor level and additional living space at ground floor level. The first floor additions would be above existing structures. The newly formed ground floor living accommodation would be created through the conversion of what is currently used as part storage and part car port.

- 5.5 Comments from the Parish and neighbours are noted with regard to the erection of a two-storey detached garage with office above, but during the course of the application this was removed from the description of development as its location lay outside the existing residential curtilage.

- 5.6 It is noted that the plans show two options with regards to the external finish of the front elevation of the property: one showing stone and the other horizontal timber boarding. Reference by the Parish to the recently adopted Doynton Conservation Area SPD is noted and therefore materials should be to match the existing dwelling. A condition will be attached to the decision notice to ensure this is the case.
- 5.7 The proposal is mainly concerned with the erection of the two first floor elements but other alterations including the blocking up of a door, the introduction of new openings and changes to the existing rooflights are acknowledged. In terms of the overall design, scale and massing the proposal is considered acceptable and appropriate to the character of the host property and area in general.
- 5.8 Impact on conservation area, listed buildings and AONB  
The proposed development would be within the existing residential curtilage of Prospect Barn and attached to the main dwellinghouse. It is noted that the site is well screened by existing vegetation from the wider countryside and Doynton Conservation area itself. Closest listed buildings are on the other side of Bury Lane and given the above there are therefore no objections to the proposed first floor additions with regards to Policies L1, L2, L12, L13 and CS1.
- 5.9 Residential Amenity  
The application site is set within good size gardens and as such there would be no negative impact on the amenity of the host property following the development. Concerns are however, noted with regard to the amenity of closest neighbours at Nicholls Farm. Several points have been made and these are discussed below.
- 5.10 Concern has been expressed that the proposed raising of the roof would have a significantly detrimental impact on the nearby residential property in terms of reducing the level of sunlight and daylight and impacting on the views of the surrounding countryside. These comments are directed at the side extension and the garage/car port, the latter now excluded from the proposal. It is firstly noted that the roof of the side element would be raised by about 2.6 metres. The roof would essentially mirror the roof of the main part of the barn, would follow on from it and match its pitch. The position of the neighbouring dwelling is important in this assessment of impact on amenity and plans show it to be about 18 metres away from the application site. The properties do not directly face one another and it is acknowledged that Prospect Barn positioned a little to the north east is angled slightly towards the rear of Nicholls Farm which itself benefits from a large cat slide roof and other additions to its rear elevation. The neighbour has cited the BRE 25 and 45 degree test. Given the separation and the orientation of the two properties, Officers consider there would be no adverse impact in terms of loss of sunlight and daylight entering the kitchen of Nicholls Farm arising from an increase in the height of the roofline of the barn. Although there would be changes for this neighbour, it is considered the impact of the development would not be sufficient to warrant a refusal of the application. In terms of other issues for neighbours, it is noted that a new ground floor window and new entrance would be created in the front elevation

but no openings are proposed in the first floor front elevation. This is considered acceptable and would not adversely impact on Nicholls Farm or the other converted barn to the south of Prospect Barn.

5.11 Loss of the views of the surrounding countryside from the main bedroom window to the rear of Nicholls Farm, and 7no. other windows in that property, have also been given as a reason for objecting to the proposal. In planning terms there is no right to a view. Nicholls Farm may have benefitted from uninterrupted views of fields and distant countryside for many years from this first floor window but following the relatively small scale development, glimpses of the escarpment would still be achieved. It must, however, be further acknowledged that should the applicant wish to legitimately plant very tall trees on his land then this could completely obliterate the views across the countryside from Nicholls Farm. Consideration must be given to the fact that this proposal would be an extension to an existing building and would use materials to match. It is not considered that there would be an unacceptable impact on the amenity of Nicholls Farm in terms of spoiling a view.

5.12 Sustainable Transport

It is noted that this proposal would increase the number of bedrooms in the property from 2no. to 4no. Neighbours have stated their independent highway engineer has identified the narrow lanes, limited sight lines and insufficient stopping distances within Doynton. However, these are all existing issues. The Council's Highway Officers have assessed the proposal and have stated that this increase would not materially alter the travel demand associated with the dwelling. Given that the required amount of off-street parking for a property of this size (2no. spaces) can be accommodated to the front of the main house, there are no transportation objections to the scheme.

5.13 Other Matters

It has been stated that the location plan at 1:1250 is *factually incorrect*. However, no specific details of the inaccuracy has been given. Officers are therefore satisfied that the plan shows the location of the property and shows its immediate neighbours.

## 6. CONCLUSION

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

## 7. **RECOMMENDATION**

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

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

### **CONDITIONS**

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

Reason

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

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

Reason

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

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

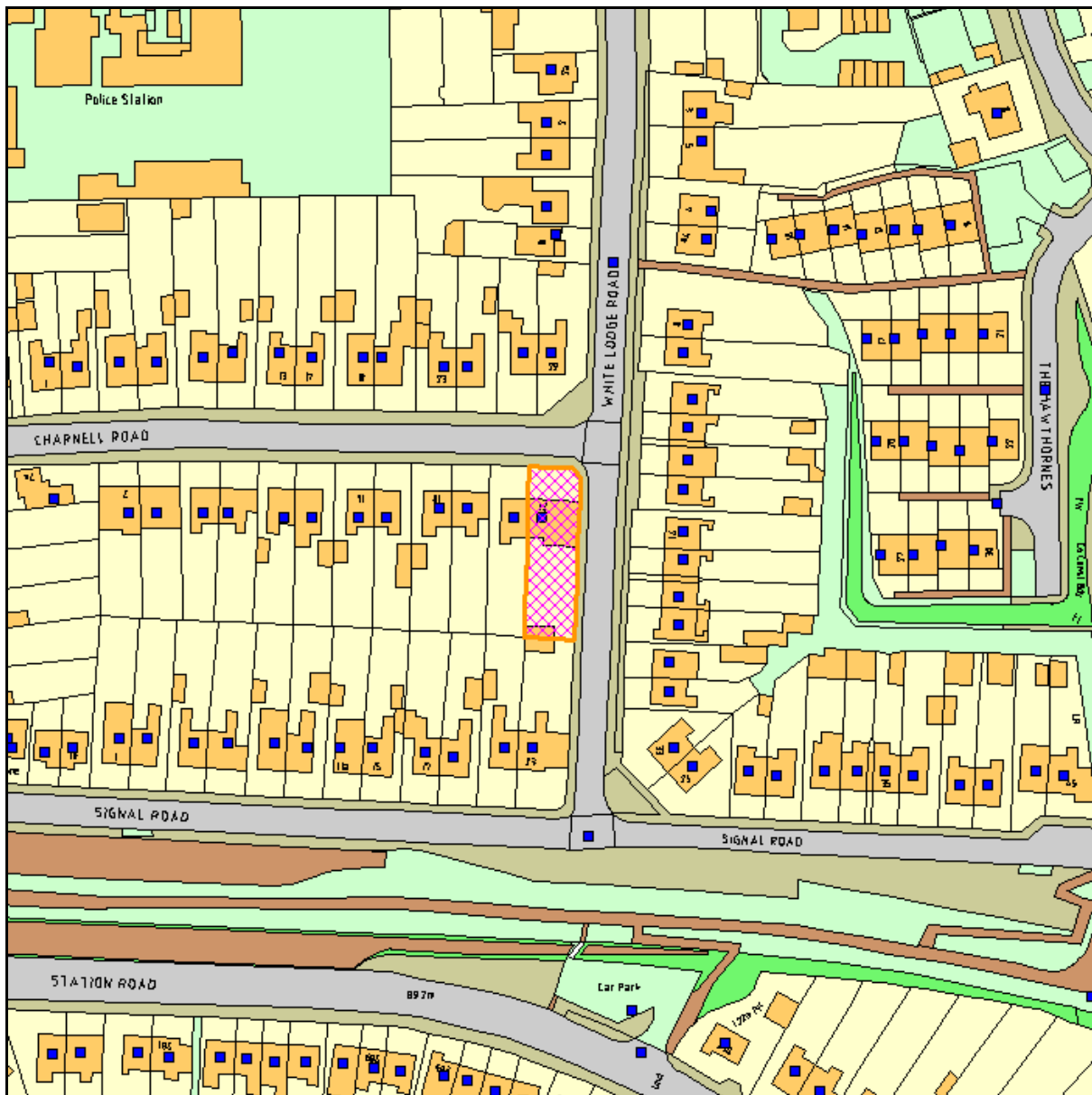
Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; saved Policies L1, L2, L12 and L13 of the South Gloucestershire Local Plan (Adopted) 2006 and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 26/16 – 01 JULY 2016**

**App No.:** PK16/2918/F  
**Site:** 24 Charnell Road Staple Hill Bristol  
 South Gloucestershire BS16 5NE  
**Proposal:** Erection of first floor side and rear  
 extension to form additional living  
 accommodation  
**Map Ref:** 365532 175746  
**Application Category:** Householder

**Applicant:** Mr And Mrs Stiby  
**Date Reg:** 19th May 2016  
**Parish:** None  
**Ward:** Staple Hill  
**Target Date:** 14th July 2016



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

The application has been subject to comments contrary to the findings of this report. As a result under the current scheme of delegation it is required to be taken forward under the circulated schedule procedure.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks to erect a first floor side and rear extension above an existing single storey extension in order to provide additional living accommodation. Two precedent and now lapsed applications have given permission for the erection of a two storey side extension on the same property.
- 1.2 The subject property is a two storey mid to late-20th century semi-detached property with a hipped roof and tile covering. The property has rendered elevations. There is a single storey detached garage to the rear and a single storey side and rear wrap around extension. To the front is a two storey bay window. To the front of the property is an area of hardstanding used as parking.
- 1.3 To the rear of the property is an area of private garden. Boundary treatments are a combination of brick walls and hedges.
- 1.4 The site is located within the built up residential area of Staple Hill.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### 2.2 Development Plans

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

H4 Development within Existing Residential Curtilages

T12 Transportation

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

#### 2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006

Residential Parking Standards SPD (adopted) December 2013

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

- 3.1 PK07/1864/F – Approval – 07/08/2007 – Erection of first floor side extension to form additional living accommodation.
- 3.2 PK04/3874/F – Approval – 17/01/2005 – Erection of single storey side extension to form additional living accommodation.



3.3 K6127 – Approval – 30/12/1988 – Two storey side extension.

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

4.1 Unparished Area  
No Comment Available

4.2 Other Consultees

Transportation DC

No Objection but comment that the parking should not be included to the front of the site. This will be discussed in greater detail below.

#### **Other Representations**

4.3 Local Residents

Two objection comments have been received. One of which objects to the design due to the reduction of their outlook and the additional pressure on parking. It also comments that the groundworks are only suitable for the single storey extension and that the children would have to play in the street due to the loss of garden. The other comment gives similar objections in that it would reduce outlook and increase pressure on parking.

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

5.1 Principle of Development

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development within the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and that it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

There are a number of similar extensions to properties in the area. Permission for a similar size side extension has been given at 11 Teewell Hill which makes the corner with Teewell Hill on the other end of Charnell Road and has a very similar situation. Two precedent applications have granted permission for a two storey extension to the property in the past but these have now lapsed. Extensions of this type would not be considered out of keeping with the character of the area.

- 5.3 The proposal consists of the erection of a first floor side extension above the existing lean-to side extension. The two storey extension will be set back from the front elevation a small amount and will have the same footprint as the existing structure. The proposed extension will have a hipped roof to match that of the existing but set slightly lower to ensure subservience. It is considered that the proposed extensions would not be detrimental to the character of the property or its context and are therefore acceptable.
- 5.4 The proposal has put forward materials of a similar appearance with respect to the roof, rainwater goods and elevations and there is no objection with regard to materials.
- 5.5 One of the objection comments has noted that the foundations are only suitable for the existing single storey extension. This is not relevant to the planning consideration, compliance with building regulations would be required and the foundations would be considered by the building control department.
- 5.6 Overall, it is considered that the proposed extensions would not harm the character or appearance of the area or the subject property and as such is considered acceptable in terms of visual amenity and design. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to be 'in keeping' with policies CS1 and H4, conforming to the criteria in the adopted Local Plan.
- 5.7 Residential Amenity  
Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling. The property has a significant degree of separation with properties directly to the rear and would not result in loss of privacy to properties bounding the rear of the residential curtilage.
- 5.8 Two comments have been received objection to the proposal in relation to the loss of outlook. The proposal will be situated on a corner plot to the side of a dwelling where there is an existing single storey extension with the same footprint. Due to the corner plot of the dwelling it is afforded reasonable separation distances as a result of the roads running alongside and in front of the dwelling. The nearest dwelling will be situated approximately 20m from the side elevation of the dwelling following the erection of the extension. This is considered to be acceptable and is not thought to materially impact the amenity enjoyed by surrounding occupiers.
- 5.9 Comments also object on the basis that the proposal would result in the loss of an area of garden, meaning that the children would have to play on the road. The proposal will have the same footprint as the existing single storey extension and would not result in the loss of any garden space. Consequently it is considered that the property would retain a sufficient amount of outdoor amenity space.

- 5.10 The property to the North of the host dwelling has one opening in its side elevation. This is a slit window and appears to provide light to the stairwell. The proposal will be situated in relatively close proximity to this window, however as it provides light to the stairwell is not considered to be unacceptably impacted by the proposal.
- 5.11 The subject property is located within a built up residential area and given the scale and location of the proposed development will not result in a detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.
- 5.12 Sustainable Transport and Parking Provision  
Both objection comments lodged have indicated that the proposal would increase pressure on parking and that insufficient parking spaces would remain following development. This is not considered to be the case and the proposal appears to be in line with adopted policy in relation to parking provision.
- 5.13 Following the original comment from the transport officer there was a new site plan requested identifying parking to the front of the property. Succeeding this revision the reviewed comments actually objected to parking being provided in this location and that the existing parking arrangement was suitable. As a result the original plans submitted will be the approved plans. That said the works required to provide parking in this location can be provided by the Town and Country Planning (General Permitted Development) Order 2015 and it is not thought planning permission would be required.
- 5.14 Currently the property has an area of hardstanding to the rear of the property and a detached single garage. The proposal will not impact on this current arrangement, there are therefore no adverse highway concerns to address. Given the proposal will include an additional bedroom, it would be required to provide private parking spaces in accordance with the Residential Parking Standards SPD (adopted) December 2013. For a 5 bedroom house, 3 spaces are required; the existing arrangement of hardstanding providing space for 2 cars and the detached single garage satisfies the requirement and further parking provision would not be required, meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006). There is no objection to the proposal with regard to highway safety nor the provision of sufficient private 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 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

**CIRCULATED SCHEDULE NO. 26/16 – 01 JULY 2016**

<b>App No.:</b>	PK16/3296/TRE	<b>Applicant:</b>	Mr Tim Grubb
<b>Site:</b>	Algars Manor Station Road Iron Acton Bristol South Gloucestershire BS37 9TB	<b>Date Reg:</b>	31st May 2016
<b>Proposal:</b>	Works to fell 1no. Yew tree situated within Iron Acton Conservation Area.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	367623 183125	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>		<b>Target Date:</b>	8th July 2016



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

This application is referred to the Circulated Schedule as comments have been received during the public consultation period that are contrary to the recommendation.

However, this application is a prior notification of proposed works to trees in a conservation area. The purpose of such an application is to provide an opportunity for the Local Planning Authority (LPA) to serve a Tree Preservation Order (TPO) on the tree, should it fulfil the criteria of designation. A TPO must be served within a period of six weeks. Failure by the LPA to serve a TPO or respond to the notification within this timeframe results in a default position of the works gaining deemed consent. Therefore this application appears on the Circulated Schedule for information purposes only.

### **1. THE PROPOSAL**

- 1.1 Works to fell 1no. Yew tree situated within Iron Acton Conservation Area.
- 1.2 The tree is situated within the grounds of Algars Manor, Station Road, Iron Acton, Bristol, South Gloucestershire, BS37 9TB.

### **2. POLICY CONTEXT**

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

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Iron Acton Parish Council made no comment on this application.

#### **Other Representations**

- 4.3 Local Residents

Comments objecting to the proposal were received from a resident of Frampton Cotterell. The objection was on the grounds that trees in Conservation Areas make a contribution to the character of the area, that there is an increasing number of requests to remove trees in this Conservation Area, that no evidence that damage has been caused to the adjacent building and that tree play an important role as wildlife habitats.

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

- 5.1 This application provides prior notification of proposed works to trees situated within a conservation area.

## 5.2 Principle of Development

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, it is recognised that trees can make a special contribution to the character and appearance of a conservation area. Under the above Act, subject to a range of exceptions, prior notification is required for works to a tree in a conservation area. The purpose of this requirement is to provide the Local Planning Authority an opportunity to consider bringing any tree under their general control by making a Tree Preservation Order. When considering whether trees are worthy of protection the visual, historic and amenity contribution of the tree should be taken into account and an assessment made as to whether the tree fulfils the criteria of a Tree Preservation Order.

## 5.3 Consideration of Proposal

The tree in question is a mature Yew tree that is growing so that it abuts a barn associated with the Manor estate.

5.4 The tree is plainly visible from Frampton End Road and does provide some amenity. There are several other trees in this locality and across the estate as a whole.

5.5 The tree's proximity to the barn, however, would preclude it from inclusion on a Tree Preservation Order (TPO) according to the assessment form used by the Council to ascertain whether a tree should be included within a TPO. Under this system we have to consider the expediency of making a TPO on a tree that is within 6 metres of a building. The tree in question is growing within 0.5 metres of the barn.

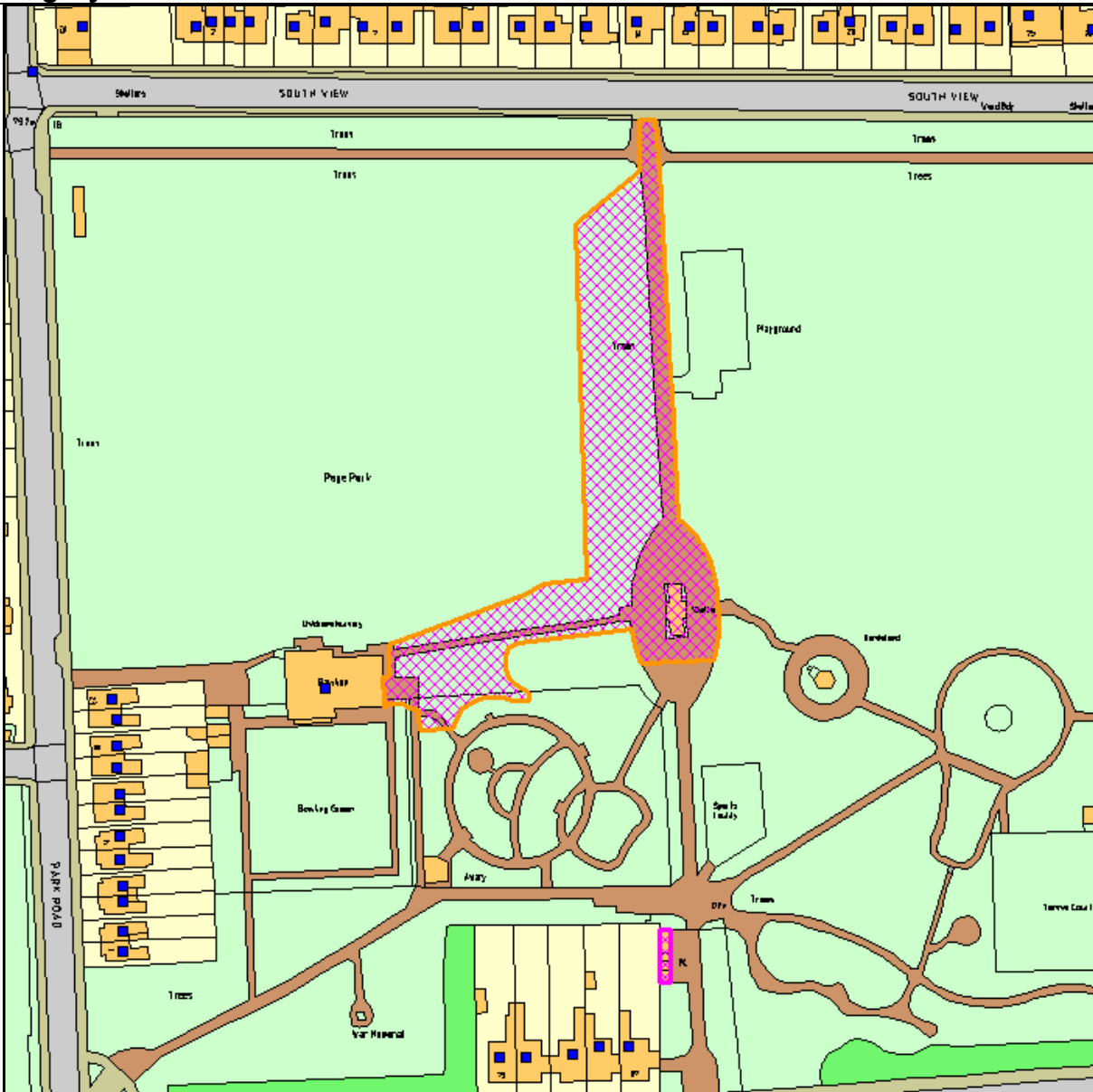
## 6. RECOMMENDATION

6.1 No objection.

**Contact Officer: Simon Penfold**  
**Tel. No. 01454 868997**

**CIRCULATED SCHEDULE NO. 26/16 – 01 JULY 2016**

<b>App No.:</b>	PK16/3315/NMA	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	Page Park Pavillion Park Road Staple Hill South Gloucestershire BS16 5LB	<b>Date Reg:</b>	15th June 2016
<b>Proposal:</b>	Non material amendments to PK15/1044/R3F for various alterations as stated in part 6 of the submitted planning application form.	<b>Parish:</b>	None
<b>Map Ref:</b>	365413 176007	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>		<b>Target Date:</b>	14th July 2016



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**N.T.S.                      PK16/3315/NMA**



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

This application appears on the Circulate Schedule in accordance with the Council's Scheme of Delegation as the applicant is South Gloucestershire Council itself.

### **1. PROPOSED CHANGES TO ORIGINAL PERMISSION**

- 1.1 This application relates to Page Park, which is positioned in the residential area of Staple Hill, and located within the designated larger urban area of the Bristol East Fringe. Page Park is the oldest municipal park in South Gloucestershire and is accordingly designated as a Historic Park within the adopted South Gloucestershire Local Plan.
- 1.2 In 2015 an application to erect a café and community room was permitted at Page Park under planning ref. PK15/1044/R3F. The applicant now wishes to make a number of changes to the permitted scheme, which is yet to be implemented. This application therefore seeks a **non-material amendment** to the extant consent to amend the proposed scheme permitted under planning ref. PK15/1044/R3F.
- 1.3 The proposed changes to the original planning permission are as follows:
- North Elevation:
    - cafe hatch altered to open as two hinged leavers;
    - external kitchen door omitted.
  - South Elevation:
    - 2no. small windows omitted.
  - West Elevation:
    - external kitchen door omitted;
    - parapet extended by 0.15 metres;
    - timber clad door to plant room replaced with a steel door.
  - East Elevations:
    - small casement window omitted.
  - Ground level surrounding north, south and east elevations to be raised by 0.15 metres to meet finished floor levels at +81.3.
  - Omission of photovoltaic array over the northern wing section.
  - The angle of the north rooflights will be altered and additional rooflights will be added to the southern pod/wing.
  - Roof membrane changed from aluminium to single ply.
  - Rainwater outlets on the roof to be revised.
- 1.4 For clarity, this is **not an application for planning permission**, no assessment of planning merit can be made, rather the only assessment to make is whether the proposed changes **materially alter** the previously approved scheme.

## 2. PLANNING HISTORY

- 2.1 PK15/1044/R3F Deemed Consent 20/04/2015  
Erection of cafe and community room with associated works. Demolition of existing toilet block.

## 3. ASSESSMENT

- 3.1 Sec.96A of the Town and Country Planning Act 1990 allows a local planning authority to make a change to any planning permission relating to land in its area if it is satisfied that the change is not material. Accordingly, the following assessment will just be with regard to whether the proposed changes to the original permission are material or not.
- 3.2 Accordingly, the key test of the proposed amendment is whether it will have a material effect on the external appearance of the building, when compared to the extant planning permission (PK15/1044/R3F).
- 3.3 The term 'material' has no statutory definition, and is therefore a matter of fact and degree. However, there have been a number of court cases and appeals that have given some clarity on this term. The leading court case on this subject is Burroughs Day v Bristol City Council [1996] and is often cited in considerations of material effect on external appearance. In summary, this judgment listed factors to be taken into account in deciding that alterations to a building were material: it must be seen from outside the building; roof alterations must be seen from the ground or from within a neighbouring building; the degree of visibility must be material and materiality must take into account the nature of the building and be judged in relation to the building as a whole.
- 3.4 The amendments to the northern, eastern and southern elevations are relatively minor in nature, given they only constitute small changes to the fenestration. The proposed parapet extension and replacement of the existing timber clad door with a steel door is largely not visible from the wider park as it is on the southern elevation which is very close to the existing building at the park. Further to this, the amendments to the roof proposed are all largely regarding the rooflights proposed, and also omitting the photovoltaic cells, this will all be largely not visible from the surrounding area. Amendments to the ground levels surrounding the building are also rather minor in nature, and with the gradient of the surroundings would most likely be unnoticeable if built out.
- 3.5 Accordingly, the proposals both individually and cumulatively would not materially change the appearance of the permitted building as a whole, and therefore officers conclude that the proposed amendments are not material in nature.

## 4. RECOMMENDATION

- 4.1 That the proposed non-material amendment be **allowed**.

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