



**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.08/16

Date to Members: 26/02/16

Member's Deadline: 03/0/03/16 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE - 26 FEBRUARY 2016

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/5375/F	Approve with Conditions	7 Westland Avenue Oldland Common South Gloucestershire BS30 9SH	Oldland	Bitton Parish Council
2	PK15/5424/F	Approve with Conditions	103 Colliers Break Emersons Green South Gloucestershire BS16 7EB	Emersons	Emersons Green Town Council
3	PK15/5514/F	Approve with Conditions	4 Ravenswood Longwell Green South Gloucestershire BS30 9YR	Longwell Green	Oldland Parish Council
4	PK16/0092/F	Refusal	13 Tormarton Road Acton Turville Badminton South Gloucestershire GL9 1HP	Cotswold Edge	Acton Turville Parish Council
5	PK16/0256/CLP	Approve with Conditions	17 Central Avenue Hanham South Gloucestershire	Hanham	Hanham Parish Council
6	PT15/4159/CLE	Approve	Pool Farm Oldbury Lane Thornbury South Gloucestershire	Severn	Oldbury-on-Severn Parish Council
7	PT16/0162/F	Approve with Conditions	24 Home Farm Way Easter Compton South Gloucestershire BS35 5SE	Almondsbury	Almondsbury Parish Council
8	PT16/0187/CLP	Approve with Conditions	68 Over Lane Almondsbury South Gloucestershire	Almondsbury	Almondsbury Parish Council
9	PT16/0279/TCA	No Objection	Limelight Duck Street Tytherington South	Ladden Brook	Tytherington Parish Council
10	PT16/0364/ADV	Approve	The Holly Tree Brook Way Bradley Stoke South Gloucestershire BS32 9DA	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council

CIRCULATED SCHEDULE NO. 08/16 – 26 FEBRUARY 2016

App No.: PK15/5375/F
Site: 7 Westland Avenue Oldland Common
 Bristol South Gloucestershire BS30 9SH

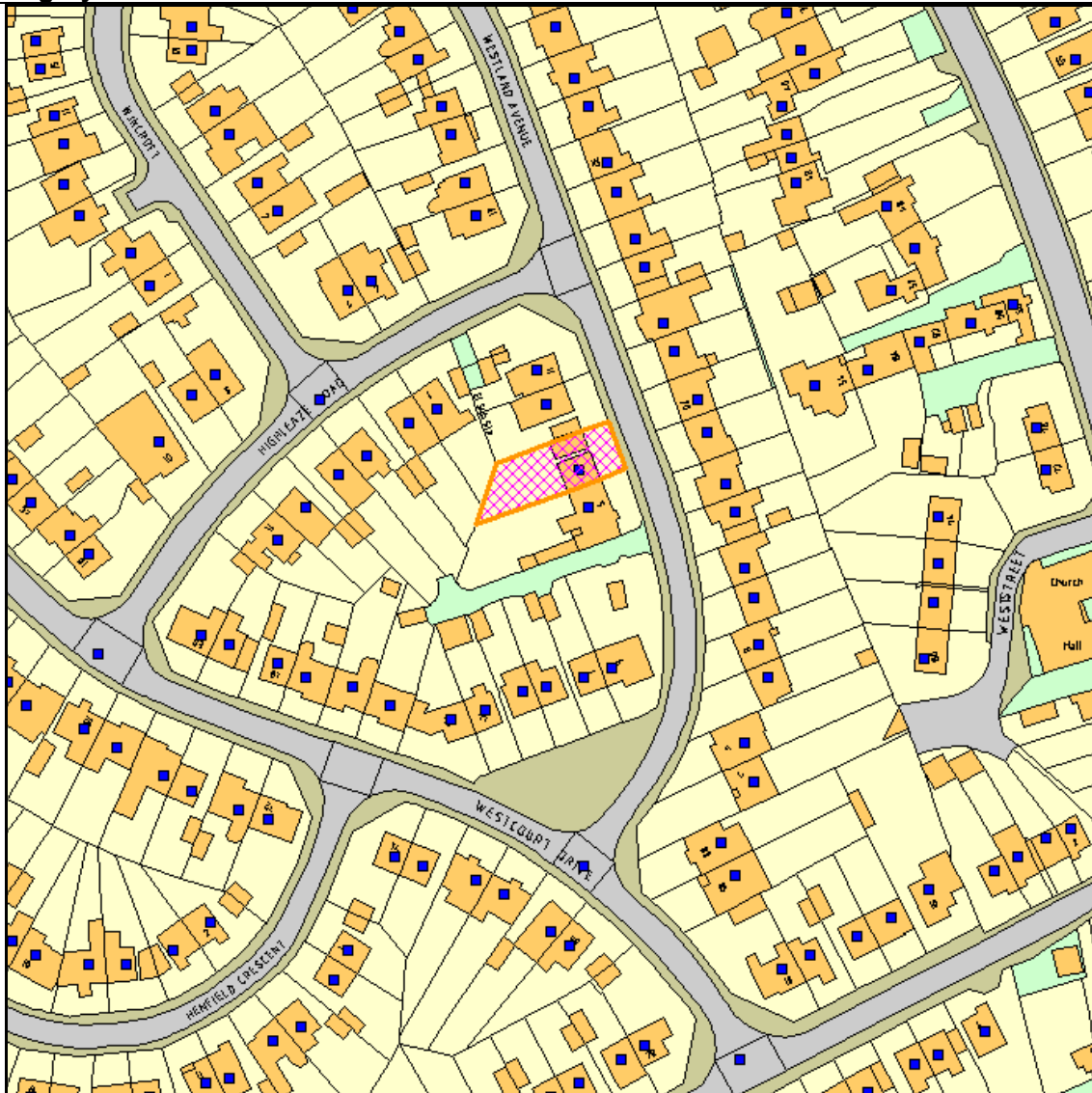
Applicant: Mr C Punter
Date Reg: 4th January 2016

Proposal: Demolition of existing garage and erection of two storey side, single storey rear extension and single storey front extension to provide integral garage and additional living accommodation.

Parish: Bitton Parish Council

Map Ref: 367123 171548
Application Category: Householder

Ward: Oldland Common
Target Date: 17th February 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been submitted to the Council's circulated schedule procedure following an objection from a neighbour.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of an existing garage to facilitate the erection of a single storey front extension, two storey side extension and single storey rear extension.
- 1.2 The application site relates to a two storey semi-detached dwellinghouse situated within the established residential settlement of Oldland Common.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation
H4 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

No Objection. Increased building footprint may be overdevelopment of the site.
Requested condition limiting operation hours to avoid evenings and weekends.

4.2 Sustainable Transport

No Objection, provided two car parking spaces can be provided at the site.

Final comments following revised plan:

Objection, will be difficult to manoeuvre in and out of space 2. Suggested altering front extension and re-orientating space 2 to sit alongside space 1.

4.3 Wessex Water

Development will affect existing water mains/public sewers. Informative to be attached advising applicant to contact Wessex Water Sewer Protection Team.

Other Representations

4.4 Local Residents

One letter of objection has been received from a neighbour. The comments have been summarised below:

- Proposed single storey front and rear extensions will be built on boundary line.
- Guttering may overhang onto our property.
- Existing extensions in the area are not built on boundary lines.
- Granting permission would set a precedent.
- Leave existing boundary walls untouched.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives.

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.

5.2 Design and Visual amenity

The application site relates to a typical semi-detached property fronting Westland Avenue in Oldland Common. The proposed scheme comprises several elements which for the sake of clarity will be covered separately:

Two storey side/rear extension

The property benefits from a detached garage to the side which would be demolished to facilitate the erection of the two storey side extension. A single storey rear extension would then follow on from this and extend across the rear of the proposed extension. Plans indicate that the two storey side extension would be in line with the main front building line and continue the main ridge height of the existing dwelling. In this instance this is considered an acceptable form of design for this property. The side extension would measure 9.2 metres

in length and 3.6 metres wide with eaves to match the main dwelling. The two storey element would not extend beyond the existing rear building, however the single storey extension would follow on and stretch across the rear of the proposed two storey extension. This lean to structure would measure 1.5 metres in length, 3.6 metres wide, 2.3 metres to eaves with a maximum height of 3 metres. Materials would match the existing property.

Single storey rear structure

This proposed addition would extend out from the main building line of the property and extend across the entire width of the original dwelling until it meets the two storey and single storey side extension. The structure would measure 3.2 metres deep. Closest to the house it would have an overall height of 3.6 metres. Materials to match the existing dwelling would be used in its construction.

Single storey front extension

A lean-to roof is proposed for a length of 6.25 metres across the front of the main house to create a small addition to the living room and to create a porch area. This extension would achieve a width of 1.8 metres, a height to eaves of 2.25 metres and an overall height of 3.5 metres. Materials used in this front addition would be brickwork.

It is acknowledged that the proposal in its entirety would result in a large addition to the existing property and comments have been received from the parish council expressing concern regarding it being overdevelopment of the site. However, development within existing residential curtilages is encouraged. When taken singularly or as a whole, in terms of the design, scale and massing, the proposed two storey single, single storey front and single storey rear are considered appropriate to the host property and are not inappropriate to the character of the area in general.

5.3 Residential Amenity

The application site and its closest neighbour to the northwest are separated by the single storey garage and driveway of No. 9. This neighbouring property has a first floor window in this opposing elevation serving, it is assumed a bathroom. The proposed side extension would have no openings opposite this neighbour, apart from a small ground floor obscured glazed bathroom opening facing the neighbouring garage. In this respect, the proposal would not impact them in terms of inter-visibility or privacy. Other windows would be in the northeast and southwest elevations only and it is considered there would be no adverse impact on neighbouring dwellings over and above the existing situation. Similarly given its orientation the proposed extension would not adversely affect this property in terms of overshadowing or being overbearing.

The proposed single storey extensions will be on the shared boundary with No. 5 Westland Avenue. It is acknowledged that there would be some changes for this neighbour and a judgement regarding the degree of impact must be made. Given that the extensions would be to the front and rear of the existing two storey dwelling and single storey only, it is considered that the changes to the amount of sun this neighbour would receive could not adversely impact on the amenity of this neighbour sufficient to warrant a refusal of the application. Both

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

5.4 Sustainable Transport

The proposal would add a further bedroom to the property and affect the existing parking provision. The proposal would comprise the removal of an existing detached garage and its replacement by an integral garage internally 3.2 metres wide by 5 metres in length; this falls below the Council's standard minimum garage size of 3 metres by 6 metres. However, the Council's adopted Residential Parking Standards SPD requires a minimum of 2no. off-street parking spaces to be provided for a 4 bedroom dwelling.

The Transportation Development Control Officer has requested a revised block showing two off-street parking spaces; the applicant has submitted a revised plan accordingly. The proposed layout and street elevation shows two off-street parking spaces at the front of the property, with one directly in front of the proposed garage and one space parallel to the highway. As the proposed garage is considered unsuitable for the storage of a standard sized motor vehicle and one of the parking spaces to be provided would be parallel to the highway, the Transportation Officer has raised an objection.

The Officer has considered the immediate vicinity in terms of the existing parking arrangements. There are numerous local examples of a similar parking situation at the front of the property with one parking space being parallel to the highway. The existing driveway is partially walled across the front boundary, but this will be demolished to widen access. It is considered that there will be adequate room to park one vehicle in front of the garage and manoeuvre a second vehicle to park parallel to the highway. On this basis, it is considered that the proposed off-street parking facilities are considered acceptable. A condition will be attached to the decision notice requiring the provision of two off-street parking spaces within the curtilage.

5.5 Other Matters

The Parish Council have put forward suggested working hours for the application site. In this case, Officers do not regard that there exist any out of the ordinary circumstances sufficient to justify special treatment and therefore consider it appropriate that the usual hours of operations condition be attached to the decision notice.

Neighbours object to building on the boundary line. As a civil matter, this would need to be sorted out between the respective parties. Similarly, this neighbour is concerned that the guttering on the extensions will encroach over the boundary line. The applicant has completed the certificate declaring they are the sole owner of all the land concerned. Any development over land belonging to another is unacceptable, unless their consent has been acquired prior to undertaking the development.

In a similar vein, these same neighbours have observed that there are similar extensions in the area, but many are not built on shared boundaries and building on the boundary will set a future precedent. Existing extensions in an area are considered from the point of view of precedent, but each case is assessed on its own merits.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

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 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.

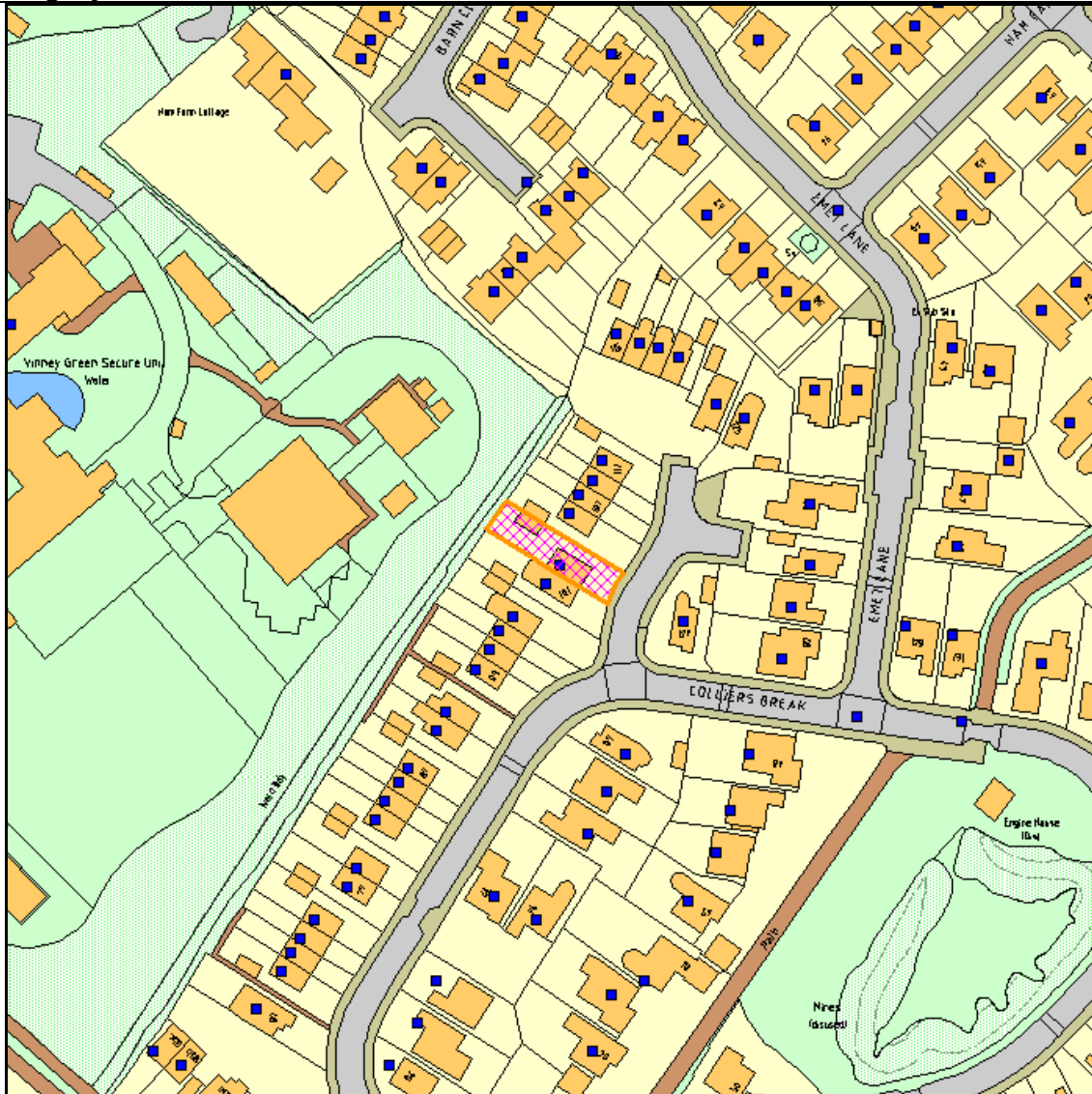
3. The two off-street parking spaces, as shown on the Proposed Layout and Street Elevation hereby approved (Ref. 3C, received by the Council on 08/02/2016), shall be provided before the extension is first occupied, and thereafter permanently retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 08/16 – 26 FEBRUARY 2016

App No.:	PK15/5424/F	Applicant:	Mr Mark Titterton
Site:	103 Colliers Break Emersons Green Bristol South Gloucestershire BS16 7EB	Date Reg:	15th January 2016
Proposal:	Erection of two storey side and single storey rear extensions to form additional living accommodation and garage. Demolition of existing garage and replacement of party wall.	Parish:	Emersons Green Town Council
Map Ref:	366685 176483	Ward:	Emersons Green
Application Category:	Householder	Target Date:	9th March 2016



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Comprehensive development for residential/district centre/public house/restaurant/roads/footpaths/open space and other associated uses (Outline). (Previous ID: K7528)3B/P/11.730

4. CONSULTATION RESPONSES

4.1 Emersons Green Town Council

Objection on highway grounds.

4.2 Sustainable Transport

Objection, the submitted plan shows an inadequate level of car parking. Requested revised block plan showing parking arrangement and detail of party wall.

Revised plans have been received and these are considered to comply with parking standards.

Other Representations

4.3 Local Residents

One objection has been received from a neighbouring resident:

- Proposed development is not in keeping with the character of the surrounding area.
- Side extension would reduce the sense of open space and increase urban density.
- Side extension would narrow and reduce the use of our driveway.
- Side extension would be overbearing.
- Side extension would reduce light to our bathroom.
- If approved and we wished to extend our property to the side, we would be unlikely to gain permission because a terracing effect would be created and there would be no fire fighting access to the rear of either properties.
- Request controlled hours of operation and consideration of how construction vehicles and staff would gain access to the site for unloading and parking without causing a highway hazard or inconveniencing neighbours.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the demolition of an existing domestic garage, to be replaced with a two storey side extension and single storey rear extension to provide additional living accommodation and garage.

5.2 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards

existing landscape/nature/heritage features; and contributes to relevant strategic objectives.

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.

5.3 Design

This application relates to a semi-detached dwelling on a modern estate. The locality is characterised by a mix of dwelling types, sizes and designs.

The proposal consists of three elements: demolition of the existing garage and erection of a replacement party wall, a two storey side extension and a single storey rear extension. Firstly, following demolition of the garage, a 4 metre high brick party wall will be reinstated. Secondly, the gabled double storey side extension would measure 2.6 metres wide by 8.1 metres deep, with a maximum height of 7.7 metres. The extension appears suitably subservient, being set back from the front elevation and stepped down from the main roof. The design of the side extension ensures that it would not overly unbalance the pair of dwellings and would not prejudice the character of the mixed street scene. Thirdly, the lean-to single storey rear extension would measure 4.7 metres wide by 4 metres deep, with a maximum height of 3.3 metres. At the rear, the visual impact of the extension will be minimal. Materials will match the existing property.

A neighbouring resident has raised concern about the proposed side extension being out of keeping with the character of the host dwelling and surrounding area. As there are other examples of side extensions in the vicinity, it is not considered that the proposed side extension design is particularly unusual or would cause any significant harm to visual amenity as a result. It is considered that the proposed extension is subservient to the host dwelling and would form a proportional extension.

5.4 Residential Amenity

The application proposes to erect a double storey extension on the side elevation of the host dwelling and a single storey extension on the rear elevation. The nearest neighbouring properties to the site are no. 101 to the southwest (attached) and no. 105 to the northeast.

It is considered that the proposed rear extension, by virtue of scale and location, would not prejudice the residential amenity of the attached neighbouring occupiers by virtue of overbearing impact or loss of light.

The host dwelling is set 4 metres forward of the building line of no. 105. In terms of impact on no. 105, the proposed double storey side extension would run parallel to the side elevation of no. 105 where the existing garages and driveways are located. Both properties currently have a small first floor bathroom window in the side elevation. There are no new additional windows proposed in the two storey side extension, however, a condition will be

attached to prevent windows being inserted at a later date. The neighbouring occupier has raised concerns that the proposed side extension will appear overbearing, reducing the amount of daylight to their first floor bathroom. It is acknowledged that there would be changes resulting from the proposed side extension given it would bring the built form nearer to the shared boundary, but the proposal is located on the north east elevation and is considered to remain a sufficient distance away that it is unlikely to have a significantly overbearing impact or loss of light to the neighbouring occupiers.

A sufficient amount of private amenity space will remain at the rear to serve the property. Overall, the proposed extensions are considered acceptable.

5.5 Transportation

The proposal would not result in an increase in bedroom space, but would affect the existing parking provision. The Council's adopted Residential Parking Standards SPD requires a minimum of 2no. off-street parking spaces to be provided for a 3 bedroom dwelling. The original proposed block plan shows the removal of an existing detached garage and its replacement by an integral garage and one off-street parking space directly in front of the proposed garage. The proposed garage would measure 2.3 wide by 7.1 metres in length; this falls below the Council's standard minimum garage size of 3 metres by 6 metres and cannot be included in the off-street parking provision. Due to size constraints, it is not possible for the applicant to construct a garage to the standard size at the side of the property. It would be unreasonable to refuse the proposal on the grounds that the proposed garage does not meet standard size requirements, when there are other local examples of similar proposals and provision for off-street parking can still be provided at the front of the property.

The agent has submitted a revised parking layout plan, which indicates part of the front garden will be used to create one additional off-street parking space; this would require a small extension to the existing dropped kerb. This level of parking is in accordance with the Council's minimum parking standards and is therefore considered acceptable. A condition will be attached to the decision notice requiring the provision of two off-street parking spaces within the curtilage.

Concern has been raised by a nearby occupier relating to the impact on the usability of their driveway from the changing transportation arrangement. The two storey side extension will remove the use of the existing driveway to the side of the host property, but leave the existing 2.6 metres access and vehicular parking serving the neighbouring property unaffected. The Officer has considered the immediate vicinity in terms of existing parking arrangements and there are other local examples of similar parking situations. There are no other concerns in terms of highway safety.

5.6 Other Matters

Neighbours have requested controlled hours of operation and consideration be given to how the construction would be undertaken without causing a highway hazard or inconveniencing neighbours. The usual hours of operations conditions will be attached to the decision notice, but access to the building site is a civil matter. Access gained by crossing land belonging to another is

unacceptable unless consent has been acquired prior to undertaking and it is an offence to obstruct a public highway. Furthermore, the neighbouring occupier is concerned that if the proposal is approved, this will prevent them gaining permission to extend their own property to the side if they wished. Each planning application is dealt with on its own merits, but we would take into account the spacing between the existing properties and the character of the general area. With regards to fire safety, safe escape from fire and access for the fire service does not fall under the remit of a planning application and such matters must be discussed with building regulations. However, Officers do not regard this to be an unusual extension and a number of properties along Colliers Break already benefit from two-storey side structures.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

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 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. No windows shall be inserted at any time in the side (northeast) elevation of the property.

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.

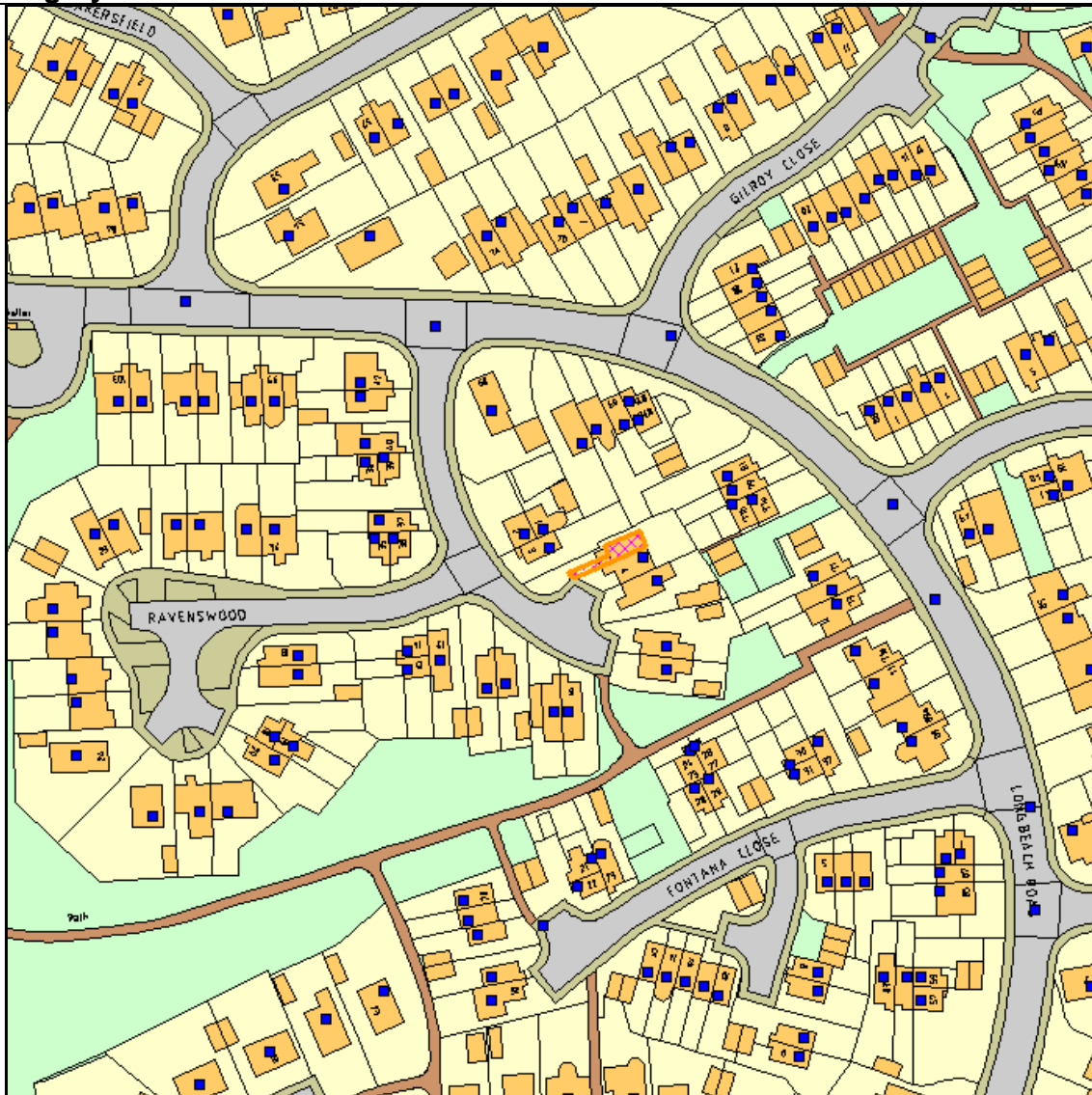
4. The two off-street parking spaces, as shown on the Site Location and Block Plan (Ref. 161215/01A, received by the Council on 18/02/2016), shall be provided before the extension is first occupied, and thereafter permanently retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 08/16 – 26 FEBRUARY 2016

App No.:	PK15/5514/F	Applicant:	Mr Julia Rioch
Site:	4 Ravenswood Longwell Green Bristol South Gloucestershire BS30 9YR	Date Reg:	13th January 2016
Proposal:	Change of use of part ground floor from Residential (Class C3) to hair and beauty salon (sui generis) as defined in Town and Country (use Classes) Order 1987 (as amended).	Parish:	Oldland Parish Council
Map Ref:	366562 171225	Ward:	Longwell Green
Application	Minor	Target	7th March 2016
Category:		Date:	



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule in accordance with procedure given that an objection has been received that is contrary to the Case Officer's recommendation.

THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the change of use of part of the ground floor of a residential property to a hair and beauty salon. The remaining property (within the same ownership), would continue to have a residential use. The proposed works to the building are largely internal aside from changing the garage door to a door and window on the front elevation (these works can be undertaken under permitted development, although permitted development rights were removed these only related to the erection of "*walls, fences or other structures of any kind*").
- 1.2 The site comprises a semi-detached property situated on the turning head of Ravenswood. There are parking spaces to the front of the property (discussed in the transportation section below).
- 1.3 The applicant has indicated that the operating hours of the salon would be 9 to 5 Monday to Friday and 8.30 to 3.30 Saturdays. As such it is considered that the proposal goes beyond what is considered to be an occasional ancillary use and is more in line with a fully functioning business attached to the existing residential use hence the need for this application.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

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

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

T8 Parking Standards

T12 Transportation Development Control

RT8 Small Scale Retail uses within settlement boundaries

E3 Employment Development within Urban Boundaries

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS14 Town Centres and Retail

Proposed Submission: Policies, Sites and Places Plan March 2015

PSP17 Parking Standards Schedule B

- 2.3 Supplementary Planning Guidance
Residential Parking standards SPD (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 K5938 Erection of front porch (approved)
K5938/1 Two storey side extension (Approved)

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

No objection subject to consideration of off-street parking provision

4.2 Other Consultees

Highway Drainage

No Objection

Sustainable Transport

Initial concerns were raised by the Transportation Officer regarding the parking provision indicating the requirement for four spaces. Following the receipt of additional information regarding the use the following comment has been made by the Transportation Officer.

The main transportation issues relating to this proposal is around the provision of adequate access and off-street parking facility for the existing residential house as well as the new business use (hair and beauty salon-sui generis). The host property has less than 4 bedrooms and in accordance with the Council's parking standards would require two spaces including the garage.

Reviewing the application following further representation and supporting information from the Applicant explaining the nature of the proposed business and its setting/location within the community and the easy access by walking and other modes of transport, single occupancy car journeys to the above address are considered to be minimal. For this reason the parking spaces required for the proposed conversion of existing garage to hair and beauty salon use can be reduced to one space.

The plans submitted do not provide details of the household and visitor parking spaces in compliance with Parking Standards SPD. The council is keen to ensure that parking spaces provided for visitors are retained as such. Where visitor spaces are proposed as part of a development they should be clearly shown on planning application drawings and the on-site method of demarcation should be agreed with the Council.

Operating hours to remain between morning and evening peak periods. Prior to occupation of dwellings on site, provide off-street parking and subsequently maintain this satisfactory thereafter. The plan should show clearly the number

and location of household and visitor parking spaces and agreed by the council prior to commencement of development. The parking space shall be retained for use by visitors to the development and the method of demarcation shall be kept in good condition and clear of obstruction during working hours.

Other Representations

4.3 Local Residents

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

Increase in vehicle movement with restricted parking and manoeuvring space.

Difficulty for residents to access their properties

Potential value of properties being reduced as the road would not only be residential housing

I strongly request that this application is refused.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application seeks consent for the change of use of part of a residential property to a hair and beauty salon.

The National Planning Policy Framework does not refer specifically to this form of small scale business attached to a home however its overall emphasis is upon building a strong competitive economy and the promotion of business. Paragraph 24 of the NPPF advises that a sequential test should be applied to planning applications for town centre uses that are not in an existing centre – for the avoidance of doubt a hair and beauty salon is a town centre use, however the paragraph indicates that flexibility should be demonstrated on issues such as format and scale. It should be noted that the threshold at which an impact assessment is required is 2500 sqm.

Policy CS14 of the Local Plan Core Strategy seeks to protect the vitality of centres. It is therefore appropriate in most circumstances to steer such development towards town centres.

There are a number of factors that have lead officers to believe it would not be appropriate to rigidly apply a sequential approach in this case:

a) The primary use of the overall site would be residential including the floor above the salon so there is a strong connection between the two uses.

b) Only 20.5 sqm of floorspace is proposed for the salon use. This would represent a very small (arguably unviable within a town centre) stand alone retail unit which in local parades might more typically be 100-200sqm. Given

the scale it is most unlikely to have a material impact upon the existing local parades.

c) The site when following roads and footpaths is at distance from the Longwell Green Centre which in any case consists of large retail units. Thus because of the separation distance and the very small scale of the proposed business, it is not considered that the change of use will impact detrimentally on the vitality of the existing Local Centre.

For the reasons listed above it is concluded that a sequential test is not necessary for a development of this scale.

Policy E3 of the South Gloucestershire Local Plan (Adopted) sets out the criteria for assessing proposals for employment uses within settlement boundaries including conversions and re-use of existing buildings and also working from home. Policy RT8 considers small retail uses within urban areas. These policies accept the principle subject to consideration of the impact upon the character of the area, residential amenity and highway safety. These issues are considered below.

5.2 Residential Amenity/Character of the Area

When considering residential amenity, firstly it has to be considered whether the design and scale of the proposed alterations would result in any overbearing, overshadowing or loss of privacy for neighbouring dwellings. It is not considered that there would be any such impact from such a minor change however and more importantly those changes can be undertaken within the householder permitted development rights.

Secondly, it is necessary to consider the impact of the proposed salon on neighbouring residents. The salon will consist of two main rooms, the salon and a wax room. The salon will employ two full time employees. Information on the application form advises that the proposed hours of opening are 9 to 5 Monday to Friday and 8.30 to 3.30 Saturdays. The proposed hours of operation are considered reasonable in a predominantly residential area, subject to the attachment of a condition to limit the hours of opening to those proposed.

With the exception of vehicle movements and customers arriving and leaving (discussed below) once inside the premises, the proposed change of use will not have any detrimental impact on neighbours by means of noise, dust, smell, fumes or vibration. It is not considered given the size of the building which limits the number of clients, that any vehicle movements would be detrimental to residential amenity. given that the salon is in walking distance to a large number of dwellings. It is possible that several clients will walk to the premises. Vehicle parking is a different consideration and is discussed in more detail below.

In summary it is not considered that the level of activity will impinge on existing levels of residential amenity or the character of the area to such a degree to warrant refusal of the application.

5.3 Transportation

Policy T12 of the South Gloucestershire Local Plan (Saved Policy) indicates that development should make provision for the transportation demands that it will create. In terms of this proposal the key issue is whether the site can accommodate its parking needs on site or whether there would be an overspill of parking onto the street to the detriment of road users and other occupiers.

Concern has been raised that the proposed development would have an adverse impact upon the street, making it difficult for residents to access properties and resulting in more vehicles in the street.

The site comprises part of an existing residential property namely the integral garage thus resulting in the loss of a parking space, but officers consider that there is sufficient space to accommodate three parking spaces that would accord with the Council's size standard of 2.4m by 4.8 m.

The existing property has 3 to 4 bedrooms and as such the Council's adopted parking standards would require provision of two spaces for the residential use.

With respect to the hair and beauty salon there is no specified parking requirement (the use is sui generis). Policy T8 of the South Gloucestershire Local Plan (Saved Policy) and Schedule B of Policy PSP17 of the submission draft of the Sites Policies and Places DPD do however indicate that hairdressers (non food A1 use) should provide 1 space per 20 sq.m. Financial and Professional Services (A2) should provide 1 space per 35 sq.m. It is also important to note that these standards are maximum not minimum standards.

The floor space for the proposed unit in this case is 20.5 sq.m. Given the scale of the proposed development, and given the location, where it would be anticipated that some clients would live locally reducing the need to travel (where there is also a footway network), and given also the operating hours that the applicant has indicated during the week, finishing at 5pm (when fewer cars would be in the area due to those at work) it is considered that the provision of one parking space would be appropriate for the business use. The concern raised is noted however it is not considered, given the size of the business that there would be a significant increase in vehicle movements to the detriment of the other occupiers of the street such as would justify the refusal of the application.

It is considered appropriate to limit the hours of the operation by a condition. It is also considered appropriate to apply a condition to secure a plan to show the three parking spaces. The plan shall show the parking space for the business use and this space shall be marked as such on the ground. The business space shall be only for that use during the working hours (but could therefore be used for residential purposes outside of those times). Subject to these conditions it is considered that the proposal is acceptable in transportation terms.

5.4 Other Issues

Concern has been raised that the use would result in a potential reduction in property values. It should be noted that this is not a material planning consideration.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application be approved subject to the following conditions

Contact Officer: David Stockdale
Tel. No. 01454 866622

CONDITIONS

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

Reason

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

2. The use hereby permitted shall not be open to customers outside the following times 0900 to 1700 hours Monday to Friday, 08.30 hours to 15.30 hours Saturdays and shall not be open to customers on Sundays or Bank Holidays

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework.

3. Within ONE month of the date of the decision notice, a parking layout plan shall be submitted to and approved in writing by the Local Planning Authority. As part of the submission an agreed form of on-site demarcation for the business space shall be agreed. For the avoidance of doubt the plan shall show 3 Parking Spaces (of 2.4 metres by 4.8 metres), with two spaces allocated to the residential property and one space allocated to the business (for use during the operating hours).

The approved parking scheme shall be provided prior to the first use of the Salon and shall be retained as such thereafter.

Reason

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

CIRCULATED SCHEDULE NO. 08/16 – 26 FEBRUARY 2016

App No.:	PK16/0092/F	Applicant:	Mr Philip Hall
Site:	13 Tormarton Road Acton Turville Badminton South Gloucestershire GL9 1HP	Date Reg:	12th January 2016
Proposal:	Erection of detached double garage with workshop and store above.	Parish:	Acton Turville Parish Council
Map Ref:	380752 180707	Ward:	Cotswold Edge
Application Category:	Householder	Target Date:	7th March 2016



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The proposal seeks to erect a 1.5 storey garage within the side garden of two storey semi-detached dwelling. The garage will be detached with a predominantly flat roof with pitched sides descending to the eaves: the ground floor is proposed to house motor cars whereas the first floor is labelled as storage/workshop space.
- 1.2 The host dwelling is a two-storey semi-detached property set back from the classified highway, Tormarton Road. The dwelling is located in the defined settlement boundary of Acton Turville and also within the Cotswold Area of Outstanding Natural Beauty (AONB). Importantly, the host dwelling is located outside of the Acton Turville Conservation Area.
- 1.3 In 2015 a two-storey side and rear extension was approved (planning ref. PK15/0682/F) which has not yet been implemented, but is shown on the submitted plans. Should this application be approved, both PK15/0682/F and this planning application could be implemented, likewise, should PK15/0682/F not be implemented and built-out, the proposal could still be implemented. Accordingly, the assessment of this planning application takes account of the proposal with both the aforementioned scenarios in mind.
- 1.4 The previous application, PK15/0682/F, also approved an amended access which is shown on the submitted plans, the access has been implemented, however, the gates shown on the submitted plans have not been constructed and installed on site. Accordingly, in case planning permission PK15/0682/F is not implemented, the determination of this application will seek to ensure that the access and gates are installed in line with the previous approval.
- 1.5 The application site, no. 13 Tormarton Road, has a large side garden – and would still do so if planning ref. PK15/0682/F is implemented and built-out – the garden extends past front of no. 9 Tormarton Road (also know as White Horse Cottage) which is a two storey detached dwelling that is orientated toward Tormarton Road. Immediately to the south west of the application site is a post office building.
- 1.6 No. 9 Tormarton Road has an extant planning permission for a two storey side extension (planning ref. PK13/0344/F). This extension extends to the west of no. 9 Tormarton Road, meaning it would be directly (behind) to the south east of the proposed garage.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

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

- H4 Residential Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- L1 Landscape Protection and Environment
- L2 Cotswolds Area of Outstanding Natural Beauty (AONB)
- T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/4738/CLP Withdrawn 11/11/2015
Application for a certificate of lawfulness for the proposed erection of a detached double garage.
- 3.2 PK15/0682/F Approve with Conditions 21/04/2015
Erection of two storey side and rear extension to form additional living accommodation.
- 3.3 PK13/0344/F Approve with Conditions 02/04/2013
Erection of two storey side extension to provide additional living accommodation – No. 9 Tormarton Road
- 3.4 P98/2029 Approval Full Planning 04/08/1998
Erection of detached double garage (in accordance with amended plans received by the Council on 28 July 1998).
- 3.5 P93/2108 Approval Full Planning 24/10/1993
Erection of two storey side extension to provide kitchen with bedroom and bathroom above. (no. 15 Tormarton Road – adjacent property)

4. CONSULTATION RESPONSES

4.1 Acton Turville Parish Council

Neutral comments, these are summarised below:

- We welcome the design to reduce the impact on neighbouring properties by having a flat roof over the upper storage area.
- We are concerned that the current application could be the precursor for a future 'change of use' application which would enclose the front of the building and use it for residential or business purposes or the building could

be sold on for use as business premises which we would consider inappropriate in such a residential area.

- In order to protect neighbouring properties, we would request that the Planning Authority considers imposing a Condition that the property may not be used for such purposes.

4.2 Other Consultees

Archaeology Officer

No objections.

Sustainable Transport

No objection, subject to a condition ensuring that the use of the new garage shall be limited to the garaging of private motor vehicles in connection with the adjoining property no. 13.

Other Representations

4.3 Local Residents

One letter of support has been received by the Local Planning Authority, however, this comment also expressed concern regarding the use of the proposal, these comment is summarised below:

- Support the proposed erection of a double garage with workshop and store on the site;
- Concern regarding the potential change of use of the structure to a commercial or light industrial use;
- Any approval should be conditional in that it would prevent the future change of use to commercial or light industrial.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieved. Meaning developments should demonstrate that they: enhance and respect the character, distinctiveness and amenity of the site and its context; have an appropriate density and well integrated layout connecting the development to wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives.

5.2 In addition to this, high quality design is seen as a 'key aspect of sustainable development...indivisible from good planning' within paragraph 56 of the NPPF, this paragraph goes onto state that good design contributes positively to 'making places better for people'. In a similar vein, paragraph 57 of the NPPF makes the case that all development should achieve high quality design, 'including individual buildings'.

5.3 Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of development within the curtilage of existing

dwelling. This support is provided proposals respect the existing design; do not prejudice residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.

- 5.4 Saved Policy L2 of the adopted Local Plan states development should be well related to the character of the local landscape and must not harm the natural beauty of the Cotswold Area of Outstanding Natural Beauty. As well as this, saved Policy L1 'Landscape Protection and Enhancement' of the adopted Local Plan states new development will only be permitted where the character, distinctiveness, quality and amenity of the landscapes are conserved and enhanced.
- 5.5 Accordingly, the proposal is acceptable in principle provided it accords with the criteria set out above, this will be further explored within the remaining assessment.
- 5.6 Design and Visual Amenity
Saved policy H4 of the adopted Local Plan requires development within existing residential curtilages to respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area. Policy CS1 of the Core Strategy only permits development where the highest possible standards of design and site planning are achieved. Development proposals will be required to demonstrate that siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.7 The host dwelling forms part of a semi-detached pair of two-storey cottages thought to have been built in the early 20th century. During this period the adjacent attached property, no. 15 Tormarton Road, has had a two-storey side extension (planning ref. P93/2108). Planning ref. PK15/0682/F is largely similar to the aforementioned extension meaning from the front elevation, should PK15/0682/F be built-out, the semi-detach pair would be largely identical.
- 5.8 The adjacent property, no. 15 Tormarton Road has a detached garage within its side garden in a similar position to this proposal; however, this garage is single storey and is lower (approximately 0.7 metres) than the garage proposed within this application. As well as this, the neighbouring garage has attractive hipped gable ends and a shallow roof pitch which lessens its impact through allowing the garage to have a softer scale.
- 5.9 In stark difference to the garage within no. 15's curtilage, the proposed garage which forms this proposal is 1.5 storeys high having the same maximum height as the eaves height of the existing dwelling. Further to this, its box-mansard-like roof design fails to lessen its scale and overly-visible presence. This scale is further exacerbated through the steep pitch of the front and rear roof elevations; which rise up to a rather odd 1.9 metre deep flat roof section.

- 5.10 Further difference from the aforementioned neighbouring garage is the width of the proposed garage which when combined with the vertical scale of the garage results in a very large garage. As well as this, the proposed garage also has an external open timber staircase which is a rather undesirable feature within the street scene in that it is a fairly alien feature.
- 5.11 The proposal's size, scale and massing represents a garage that is out of scale with the predominant street scene, the site itself and the character of the area. Accordingly, the proposal represents a substandard quality of design that cannot be permitted as it is contrary to saved policy H4 of the adopted Local Plan and policy CS1 of the Core Strategy, as well as section 7 of the NPPF.
- 5.12 Landscape
The proposal, whilst representing poor design, is contained within a residential garden, in this way the proposal is not considered to be detrimental to the AONB or the landscape of the area.
- 5.13 The access shown within the submitted plans is not materially different to those approved under the previously approved application at the site, in the case the previous application (PK15/0682/F) is not built-out, officers find it pertinent to recommend that it is conditioned that any new stone hedge which needs to be constructed is done so in a matching style and material to that of the existing stone hedgerow.
- 5.14 Accordingly, in terms of landscape the proposal has an acceptable impact on the landscape character of the area and therefore the proposed two-storey side and rear extension accords with saved policy L1 and L2 of the adopted Local Plan.
- 5.15 Residential Amenity
Saved policy H4 of the adopted Local Plan aims to ensure that residential development within an established residential curtilage does not prejudice the residential amenity of any neighbouring occupier. As well as this, one of the core planning principles in the NPPF (paragraph 7) states that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Accordingly, should the proposed works be found to have a detrimental impact on the residential amenity of the nearby occupiers, the proposal should not be supported by the Local Planning Authority.
- 5.16 No. 9 Tormarton Road is positioned to the south west of the application site and due to the dwelling being set back from Tormarton Road and the application site, it is vulnerable to being impacted detrimentally in terms of residential amenity if this application is approved. This effectively is due to the position and scale of the proposed garage in relation to no. 9 Tormarton Road.
- 5.17 If permitted the proposed garage would be approximately 7.6 metres from no. 9 Tormarton Road, this distance combined with its position means that the

outlook from a number of windows on the front elevation of no. 9 Tormarton Road would be materially disrupted. This is due to the proposed garage having a height of 4.7 metres with a mansard flat-sectioned roof obstructing a 45 degree angle of view when measured from the central point of the majority of the front elevation windows of no. 9. Effectively, a large proportion of views from the aforementioned windows would be the side and roof elevation of the proposed garage; this would represent an overbearing and oppressive impact, materially detrimental to the residential amenity of the occupiers of no. 9 Tormarton Road.

- 5.18 Also, officers are aware that no. 9 Tormarton Road has an extant planning permission to erect a two storey side extension that effectively would be behind the proposed garage. This extension has not yet been implemented, but remains an extant consent, hence officers consider that the amenity of this extension must be assessed. The proposal would directly block windows of this approved side extension materially harming outlook and levels of natural light, cumulatively resulting in an overbearing impact that would be detrimental to the occupiers of no. 9 Tormarton Road if this extension was built-out and occupied. Officers are aware that this extension has not been implemented, however, this permission will remain extant until the 02/04/2016 and hence it has been included within the assessment of residential amenity. Officers would also like to state that even if this extension is not built-out, the proposed development would still be materially harmful to residential amenity of the occupiers of no. 9 Tormarton Road as discussed within paragraphs 5.16 and 5.17.
- 5.19 Officers have considered the fall-back position of the application site. The application site has intact permitted development rights, meaning under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) an outbuilding could be erected in a similar position to the one proposed within this application without the need for express planning permission. In the position of the existing proposal the maximum height of a building erected under Class E of the GPDO would be 2.5 metres as it is within 2 metres of the boundary of the site. A 4 metre high dual pitch roof building could be erected if more than 2 metres from the shared boundary, such a building would have fairly low eaves height and maximum height in comparison to that proposed. Accordingly, what could be erected under Class E (without the need for planning permission) would have a significantly less harmful impact on the occupiers of no. 9 Tormarton Road when compared to the proposed development. Hence, the fall-back position of erecting a building under Class E of the GPDO is not considered to justify the proposed development.
- 5.20 In light of this, the proposal is considered to be contrary to saved policy H4, and also a core principle of the NPPF that requires planning to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 5.21 Highways
To meet the Council's adopted residential parking guidance, the property would need to provide at least two parking spaces. The proposed garage constitutes

two parking space in its own right, and there is sufficient parking to the front to more than afford adequate car parking in line with Council's minimum residential car parking standard. This assessment is pertinent to both the existing situation at the site and also is the recently approved extension is carried out.

5.22 Use of the Garage

A number of commenters have requested that the use of the garage is conditioned to avoid a future commercial or industrial use. Officers are concerned with the size of the proposed building and do consider that the garage and first floor could be utilised in other uses. To ensure the proposed building is used appropriately, should planning permission be granted officers find it pertinent to condition the use of the structure so that it can only be used in a use ancillary to the main dwellinghouse.

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

7. RECOMMENDATION

7.1 That the application is **REFUSED** for the reasons set out below and on the decision notice.

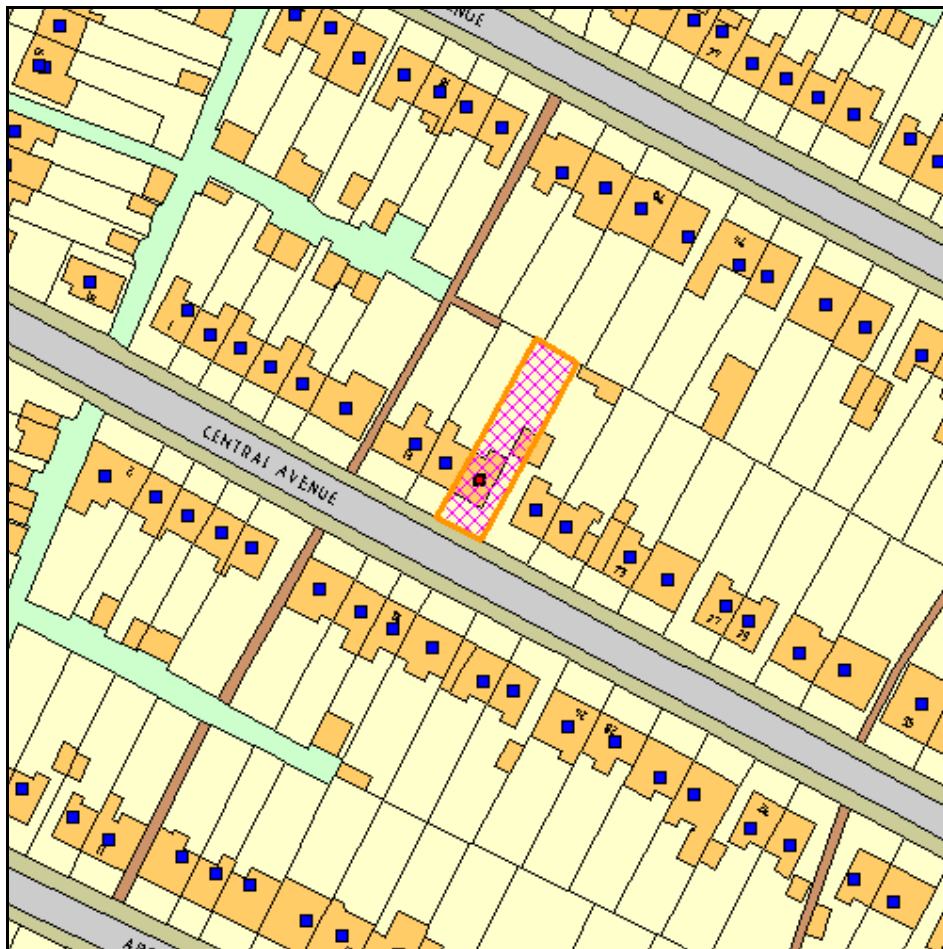
Contact Officer: Matthew Bunt
Tel. No. 01454 863131

REFUSAL REASONS

1. The proposal's size, scale and massing represents a garage that is out of scale with the predominant street scene, the site itself and the character of the area. This does not constitute the highest possible standard of design contrary to policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted December 2013); and Section 7 of the National Planning Policy Framework and adopted South Gloucestershire Design Checklist SPD. As well as this, the proposal's quality of design fails to comply with the design considerations set out under saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006).
2. The proposed garage by reason of its position, mass, roof-design and height would have an overbearing effect on the occupiers of no. 9 Tormarton Road. Specifically, the proposal would significantly reduce the levels of outlook of a number of front elevation windows of no. 9 Tormarton Road. This is further compounded when considering the extant planning permission (PK13/0344/F) that permits a two storey side extension to no. 9 Tormarton Road - this side extension would be directly being the proposed garage. Accordingly, the proposed garage would be detrimental of residential amenity and would also be contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 08/16 – 26 FEBRUARY 2016

App No.:	PK16/0256/CLP	Applicant:	Mr Poyzer
Site:	17 Central Avenue Hanham Bristol South Gloucestershire BS15 3PG	Date Reg:	27th January 2016
Proposal:	Application for a certificate of lawfulness for the proposed erection of a rear extension	Parish:	Hanham Parish Council
Map Ref:	364464 172033	Ward:	Hanham
Application Category:		Target Date:	18th March 2016



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed erection of a single storey rear extension at 17 Central Avenue Hanham would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations. There is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

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

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No objection.
- 4.2 Hanham Abbots Parish Council
No comments received.

Other Representations

- 4.3 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The following evidence was submitted to the Local Planning Authority on 20th January 2016–
 - Site Location Plan
 - Proposed Site Plan

- Existing Plans and Elevations
- Proposed Plans and Elevations

6. ANALYSIS OF PROPOSAL

6.1 This application seeks a certificate of lawfulness for a proposed single storey rear extension at a property in Hanham.

6.2 Principle of Development

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

6.3 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

6.4 The proposed development is a single storey rear extension to the property. This development would fall within Schedule 2, Part 1, Class A this allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below

6.5 Assessment of Evidence: Single Storey Rear Extension

Schedule 2 Part 1 Class A allows for the enlargement, improvement or other alteration of a dwellinghouse, subject to meeting the following criteria:

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

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

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

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

The total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.

(c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The height of the single storey rear extension would not exceed the height of the roof of the existing dwellinghouse.

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

The height of the eaves of the single storey rear extension would not exceed the height of the eaves of the existing dwellinghouse.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which –**

- (i) forms the principal elevation of the original dwellinghouse;**
- or**
- (ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The proposed extension does not extend beyond a wall which forms a principal elevation of the original dwellinghouse neither does it extend beyond a wall which fronts a highway or form a side elevation.

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

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

The application is for an end of terrace dwellinghouse. The proposed extension would have the maximum height of 3.6 metres to the ridge line. The proposed extension would extend beyond the rear wall of the original dwellinghouse by 2 metres.

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

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
- (ii) exceed 4 metres in height;**

Not applicable

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

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
- (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse**

The proposed extension would be single storey.

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

The proposed single storey rear extension would be within 2 metres of the boundary curtilage, however the height of the eaves would not exceed 3 metres.

- (j) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –**
- (i) exceed 4 metres in height,**
 - (ii) have more than a single storey, or**
 - (iii) have a width greater than half the width of the original dwellinghouse; or**

The proposed extension does not extend beyond a side wall of the property.

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

- (i) the construction or provision of a veranda, balcony or raised platform,**
- (ii) the installation, alteration or replacement of a microwave antenna,**
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
- (iv) an alteration to any part of the roof of the dwellinghouse.**

The proposed extension does not include any of the above.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.**

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

A.3 Development is permitted by Class A subject to the following conditions –

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior dwellinghouse;**

The proposed single storey rear extension will be finished with brickwork to match the existing and tiles that match the existing dwelling as near as possible. The proposed materials would therefore match the host dwelling.

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be –**
 - (i) obscure-glazed, and**
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**

This is not applicable for the proposed development.

- (c) Where the enlarged part of the dwellinghouse had more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

This is not applicable for the proposed development.

7. **RECOMMENDATION**

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

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

Contact Officer: Fiona Martin
Tel. No. 01454 865119

CONDITIONS

1. Evidence has been provided to demonstrate that on the balance of probabilities the proposed extension would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015.

CIRCULATED SCHEDULE NO. 08/16 – 26 FEBRUARY 2016

App No.:	PT15/4159/CLE	Applicant:	Mr James Nichols
Site:	Pool Farm Oldbury Lane Thornbury South Gloucestershire BS35 1RE	Date Reg:	1 October 2015
Proposal:	Application for Certificate of Lawfulness for the existing use of building for (Class B2) for business premises, workshop and storage of materials	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	362613 192257	Ward:	Severn
Application Category:		Target Date:	23rd November 2015



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 100023410, 2008. **N.T.S.** **PT15/4159/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 24th Sept. 2015.

1. THE PROPOSAL

- 1.1 The application comprises a Certificate of Lawfulness submitted under Section 191 (1) of the Town and Country Planning Act 1990 as amended by S.10 of the Planning and Compensation Act 1991 in respect of a building at Pool Farm, Oldbury Lane, Thornbury, South Gloucestershire BS35 1RE.
- 1.2 The application comprises a Certificate of Lawfulness for the use of the building for business premises, workshop and storage of materials (Class B2). Pool Farm is located in the open countryside to the east of the village of Oldbury-on-Severn. It is evident however from the submission and the officer site visit, that the use of the building is primarily as a workshop and that any storage is merely that associated with the primary use; this would constitute a business premises in its own right. On this basis the description of use applied for is therefore best described as 'Workshop with associated storage (Class B2)'.
- 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 Site Location Plan received 13 Nov. 2015 (the building is shown enclosed by the red line).

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990: Section 191
Town and Country Planning (Development Management Procedure) (England) Order 2015
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 24th Sept. 2015.

3. RELEVANT PLANNING HISTORY

- 3.1 N2321 - Erection of milking parlour and covered collecting yard.
Approved 12 Feb 1976
- 3.2 PT05/1598/F - Change of Use of redundant farm buildings to Class B1, B2 and B8 use (As defined in the Town and Country Planning (Use Classes) Order 2005).
Refused 10 Jan 2006
- 3.3 PT06/1334/F - Change of Use of redundant farm buildings to storage (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (Resubmission of PT05/1598/F).
Refused 6 June 2006
- 3.4 PT06/3043/F - Change of Use of agricultural buildings to storage (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Approved 21 Nov 2006
- 3.5 PT08/0621/F - Change of Use of agricultural buildings to storage (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Approved 4 June 2008
- 3.6 PT15/0856/CLE - Certificate of Lawfulness for the existing use of the land and building outlined red on the untitled block plan received by the Council on 25th February 2015 for a repair, manufacturing and fabrication business, and storage of materials, equipment, machinery and vehicles (sui generis); and use of building outlined blue on the untitled block plan received by the Council on 25th February 2015 for non-agricultural storage (Use Class B8).
Withdrawn 4 June 2015

Enforcement History

- 3.7 The Council's Planning Enforcement Officer has confirmed that the only relevant enforcement references identified relate to an open planning enforcement case and associated notices on the former farm buildings, including but not limited to the one which is the subject of this current CLE application.

The notices comprise 3 Planning Contravention Notices (formal requests for information, with no controlling implications for the land), 2 Breach of condition Notices (both of which were withdrawn) and an Enforcement Notice which was never served. Consequently there are currently no active notices on the land.

The enforcement case remains open pending the outcome of this current application, at which point an assessment will be made of whether any further action is required.

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

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

1. Evidence Statement (not a Stat. Dec.) by James North BSc (Hons) MRICS FAAV of North & Letherby Chartered Surveyors dated 24th Sept. 2015

In summary, Mr North states the following:

- The site comprises a steel portal framed building occupied by 'Geoff Tuck Agricultural, Equestrian & Fabrication Services', as a workshop and for the storage of materials associated with the business.
- The change of use from agricultural and storage use to a business premises took place in 2003 (See Stat. Decs. 1 & 2 at Appendix 1 & 2).
- The site has been used as a business premises from where Mr Tuck's workshop has operated for in excess of 12 years. (See Stat. Dec. 3 at Appendix 3).
- The site is no longer used for agricultural purposes and is known as the premises from which Mr Tuck solely operates. (See Stat. Dec. 4 at Appendix 4).
- Mr Tuck has worked from the premises since 2003. (See Stat. Dec. 5 at Appendix 5).
- The 10no. invoices attached at Appendix 6 were issued by Mr Tuck for work that was completed at Pool Farm. Five of the invoices are addressed to the applicant Mr Nichols, for work that Mr Tuck carried out at the site, facilitating the conversion of the agricultural business to commercial use.
- Attached at Appendix 7 is a photographic schedule of Mr Tuck's workshop. The applicant's agent has subsequently confirmed that the photographs were taken on the 19th Feb. 2015.

2. Statutory Declaration of Mr William Nichols of Great Leaze Farm, Oldbury-on-Severn, Thornbury, BS35 dated 3rd Sept. 2015.

Mr Nichols states the following:

- I have been living at Great Leaze Farm since 1967 having been born at Pool Farm.
- Prior to 1998 Pool Farm was used as an agricultural holding until the dairy herd was sold on 3rd Dec. 1998 as detailed in the copy of the sale catalogue shown at Exhibit JWN one.
- Following the sale of the animals in 1998, Mrs Mary Rose Nichols and I let some of the buildings for agricultural purposes. In 2004 the buildings hatched brown on the plan at Exhibit JWN Two, were let to Mr Colin Garrett for the housing of cattle, until 2005. In 2005 his herd was removed and Pool Farm ceased to be used for agricultural purposes and was used instead for commercial storage and industrial purposes.
- In the Summer of 2001 Mrs Nichols and I instructed Mr Geoffrey Richard Tuck of 'Geoff Tuck Agricultural, Equestrian & Fabrication Services' to start works to convert the buildings at Pool Farm to general commercial storage use.
- From 2001 we allowed Mr Tuck to use the area at Pool Farm for the storage of his equipment and materials.

- Following the conversion in 2001 of the buildings hatched green and blue on the plan at Exhibit JWN Two, my wife and I began to use the buildings for general non-agricultural storage, and in 2009 these were let to Mr Christopher Pointing and Mr Kevin Francis who still occupy the buildings for storage purposes.
- During the Spring of 2003 I began to let the building outlined in red on Exhibit JWN Two, 'the site', to Mr Tuck for him to operate his business. Mr Tuck operates an agricultural repair, manufacturing and fabricating business and I understand that he repairs agricultural machinery and buildings, manufactures steel doors and door frames and I also understand that he has previously been involved in the restoration of classic tractors.
- From Spring 2003 to date Mr Tuck has operated his business from the site under a tenancy and has various deliveries to his unit during the week. I understand these to be material deliveries as he stores steel and timber on the site as well as his various tools and vehicles.
- On the 21st May 2010 I purchased cladding material (see invoice at Exhibit JWN three) to complete works at the site. The material was used to enclose the lean-to structure on the north elevation of the building outlined in red; this was completed by Mr Tuck in 2010.

3. Statutory declaration of Mary Rose Nichols of Great Leaze Farm, Oldbury-on-Severn, Thornbury BS35 dated 3rd Sept. 2015

Mrs Nichols states the following:

- I have lived at Great Leaze Farm for 37 years.
- I helped my husband with the sale of the dairy herd on 3rd Dec. 1998 as detailed in the copy of the sale catalogue shown at Exhibit JWN One.
- Following the sale of the animals in 1998, my husband and I let some of the buildings for agricultural purposes. In 2004 the buildings hatched brown on the plan at Exhibit JWN Two, were let to Mr Colin Garrett for the housing of cattle, until 2005.
- In 2005 his herd was removed and since then there has been no agricultural use on the site.
- In the Summer of 2001 we instructed Mr Geoffrey Richard Tuck of 'Geoff Tuck Agricultural, Equestrian & Fabrication Services' to start works to convert the buildings at Pool Farm from agricultural to commercial storage use. During this time we allowed Mr Tuck to use a building for the storage of his equipment and materials, the total extent of this building is outlined red on the plan at Exhibit MRN Two.
- Following the conversion in 2001 of the buildings hatched green and blue on the plan at Exhibit JWN Two, my husband and I used the buildings for general non-agricultural storage purposes. This use has not changed and has continued to the present day with the buildings being let in 2009 to Mr Christopher Pointing and Mr Kevin Francis.
- During the Spring of 2003 we began to let the building outlined in red on Exhibit JWN Two, 'the site', to Mr Tuck for him to operate his business. Mr Tuck operates an agricultural repair, manufacturing and fabricating business.
- From 2003 to date Mr Tuck has operated his business solely from the Site and has various material deliveries on a regular basis. From my site visits to Mr

Tuck's workshop I understand his business relates to building and machinery repairs as well as storing steel and timber on the site, along with his various tools and vehicles.

- On the 21st May 2010 materials were purchased to complete works at Pool Farm. I believe Mr Tuck completed the cladding of the north elevation of the building subject of this application.

4. Statutory Declaration of Geoffrey Richard Tuck of 44 Bath Road, Thornbury, BS35 2BB dated 17th Sept. 2015

Mr Tuck states the following :

- I have been renting an area of yard and buildings at Pool Farm outlined red on Exhibit GRT One from Mr & Mrs Nichols for the purpose of running an agricultural repairs and manufacturing business since 2003.
- In 1998 I began operating as 'Geoff Tuck Agricultural, Equestrian & Fabrication Services'.
- Mr Nichols sold the dairy herd that was kept on the site on 3rd Dec. 1998.
- In the Summer of 2001, I was instructed by Mr & Mrs Nichols to start works to convert the buildings at Pool Farm from agricultural to storage use. During this time I used the building outlined red on Exhibit GRT One for the storage of my equipment and materials.
- During the Spring of 2003, I began renting the site from Mr & Mrs Nichols.
- From 2003 to date I have operated my business from the site. I work at the site from 8am to 5pm on weekdays and 8am to 2pm on Saturdays, although due to the nature of my business I occasionally need to conduct emergency repairs outside of these hours.
- Steel is delivered to the site twice a week. A delivery of parts is usually expected twice a week.
- I conduct repairs to buildings and machinery from the site and a number of local clients visit to discuss their needs or to deliver or collect items.
- There are workshop tools stored in the buildings and yard that are associated with the repairs and manufacturing of buildings and machinery, these include: 2 pillar drills, a lathe, an MIG welder, an arc welder, a steam cleaner, a power hacksaw, a plasma cutter, a number of oxy acetylene bottles, various hand drills, tools and materials. I also have a number of vehicles and trailers that are on the site.
- Following my occupation of the site in 2003 until the present day I have operated my business from the site outlined red on Exhibit GRT One with deliveries on a regular basis. There has been no change of business activities for 12 years.
- On 21st May 2010 materials were purchased to complete cladding works at Pool Farm. My Day Diary indicates that I completed the cladding of the building during Dec. 2010.

5. Statutory Declaration of Mr. Derek Colin Garrett of Park Mill Farm, Oldbury Lane, Thornbury BS35 1RE dated 22nd Sept. 2015.

Mr Garrett states the following:

- I have lived at my address, which is 100yards from Pool Farm, all my life.

- Mr & Mrs Nichols sold their dairy herd on 3rd Dec. 1998. In 2004 I began to rent some of the buildings at Pool Farm for the housing of cattle. I rented the area hatched brown on Exhibit DCG One until April 2005.
 - I have used the services of Mr Tuck since 2003. Mr Tuck has serviced machinery and conducted various repairs for my business since 2003.
 - I began to occupy the agricultural buildings to the east of Mr Tuck's workshop area, and also the agricultural land to the north, east and west in the winter of 2005 until the present day, for the housing of cattle and storage of agricultural machinery. For the entire period of time that I was in occupation of the agricultural buildings hatched brown on Exhibit DCG One, to my present occupation of the buildings to the east of the site, I have known Mr Tuck to have occupied the site, outlined red, for the purposes of his business.
 - From 2005, after my animals were removed, I know Mr Tuck to have converted the buildings at Pool Farm from agricultural use to commercial storage use. I know Mr Tuck began storing materials and equipment on the site before he began operating his business from there in 2003.
6. Statutory Declaration of William John Cornock of Poplars Farm, Oldbury Naite, Thornbury BS35 1RE dated 4th Sept. 2015.

Mr Cornock states the following:

- I have lived at my address in very close proximity to Pool Farm for 45 years.
 - Pool Farm was an agricultural holding until Mr Nichols sold his dairy herd on the 3rd December 1998.
 - During 2001, Mr Tuck carried out works to the buildings at Pool Farm in order for them to be used for storage.
 - Mr Tuck moved his business to 'the Site' i.e. outlined red on Exhibit WJC One in 2003.
 - I have visited Mr Tuck's workshop at the site on a number of occasions since 2003. I know him to store various machinery and vehicles at the site as well as steel and timber which he uses for his fabricating and manufacturing business.
7. E.mail from Michael Nichols dated 11th December 2015
- I first moved into the house at Pool Farm in 2003 and lived there until March 2014 (but intermittently until May 2005).
 - I first met Geoff Tuck in 2003 and I can recall him running his business from Pool Farm and occupying the barn throughout the whole period that I lived at Pool Farm.
 - The only noticeable noise was from traffic on the road or tractors in the fields.

5. SUMMARY OF CONTRARY EVIDENCE

1. E.mail Correspondence from Mr Michael Huke of Pool Farm, Oldbury Lane, Thornbury dated 4th November 2015 (and appendices).
Mr Huke's submission is summarised as follows:

- My house lies directly opposite the Industrial workshop unit the subject of this application (PT15/4159/CLE).

- The unit has not been used for B2 uses for a continuous 10 year period.
- Some of the buildings at Pool Farm have been used for purposes other than agricultural use for a number of years.
- The Post Code on the application is incorrect, it should be BS35 1RD.
- Google Earth photograph (Appendix 1) shows that in 2009 over 50% of the workshop area did not exist. Such an open building was unlikely to be used to house expensive tools and materials.
- In planning application PT05/1598 Mr Nicholls stated that the application related to redundant farm buildings and land was also agricultural. There is no specification of existing B2 uses at that time.
- In PT05/1598/F it is stated that Orchard Materials are to occupy the buildings with no mention of Geoff Tuck Agricultural, Equestrian & Fabrication Services being in occupation.
- Reference in the delegated report for PT05/1598/F to agricultural buildings to rear and side being retained for agricultural purposes.
- Reference in Voyce Pullin feasibility study to smaller farm buildings being let for agricultural purposes just after 2001?
- Mr Huke highlights what he considers to be several inconsistencies between information submitted with the earlier planning applications and the evidence now submitted (these matters are discussed in detail below).
- Business Rates for this unit have only been paid since April 2010 and the unit has a description of store and premises and not as an industrial workshop.
- Clarity is sought as to whether or not any relatives of the applicant work for the Council who could influence the decision.
- The submitted invoice for the cladding shows a delivery address at Great Leaze Farm not Pool Farm.
- Rob Harbor works for Geoff Tuck in the unit 6 days a week. Why has he not submitted a sworn statement?
- Copies of the lease agreement, rental payments, utility bills, fire risk assessments or deliveries of raw materials have not been submitted.

Subsequent to the submission of Mr Huke's evidence the applicant's agent submitted a rebuttal document. This will be referred to in the analysis section below.

2. E.mail Correspondence from Mr Michael Huke of Pool Farm, Oldbury Lane, Thornbury dated 15th Feb. 2016.

- Mr Huke clarifies that the Post Code for his property is BS35 1RE and that of the farm buildings is BS35 1RD as defined in previous applications/refusals/approvals for PT08/0621/F, PT06/1334/F and PT05/1598/F. Mr Huke confirms that he has no personal or business interest with the storage site or any of the units.
- Mr Huke goes on at some length to re-iterate what he considers are inconsistencies between the submitted evidence and details within the previous planning applications. These will again be referred to in the analysis section.

6. OTHER CONSULTATIONS

Local Councillor

No response

Oldbury-on-Severn Parish Council

No response

Thornbury Town Council

No response

Sustainable Transport

No comment

Environmental Protection

No response

Council's Enforcement Officer

See para. 3.7 above.

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 24th Sept. 2005 to 24th Sept. 2015.

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

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

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

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

- 7.4 The application for a Certificate of Lawfulness is purely an evidential test irrespective of planning merit. The only issues that are relevant to the determination of this application are whether, in this case, an unfettered occupation of this 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 5no. Statutory Declarations carry substantial weight.

The Council does however have its own archive of aerial photographs dating 1991, 1999, 2005, 2006, 2008/2009 and 2014/2015; these will be referred to in the analysis section below.

Reference is also made to the earlier planning applications PT05/1598/F, PT06/1334/F, PT06/3043/F, PT08/0621/F and PT15/0856/CLE.

Officers have also consulted the Councils Council Tax and Revenues Officers.

The Case Officer for this current application conducted a site visit on the morning of Friday 19th Feb. 2016.

Analysis

Which building is the subject of this CLE application?

- 7.7 The application relates to that building or part thereof as defined by the red edged site plans submitted with this application. The small elements attached to the building but lying outside of the Red Edge are in fact separate units of occupation used for depository storage and occupied by separate tenants i.e. Mr Francis and Mr Ponting respectively, as actually confirmed by Mr Huke in an e.mail dated 13 Nov. 2015. Whilst these two elements were mistakenly included within the originally submitted red edged Site Plan, this error has since been corrected and an amended red edged Site Plan submitted. The current red edged Site Plan is consistent with those red edged Site Plans attached to the Statutory Declarations submitted in support of the application.

What is the correct Post Code of the application building?

- 7.8 There is dispute between the applicant and the objector Mr Huke, as to what the correct Post Code for the application building should be. The applicant submits that it is BS35 1RE and Mr Huke considers it to be BS35 1RD. Whilst it is true that the former farm buildings at Pool Farm relating to Applications PT08/0621/F, PT06/1334/F and PT05/1598/F were all referred to in those applications as having Post Code BS35 1RD this did not bring up any addresses at Pool Farm when officers did a search of the Post Code Finder or

latest Council's aerial photographs. Post Code BS35 1RE does relate to Pool Farm on the Post Code finder. There is no dispute that Pool Farmhouse has a Post Code of BS35 1RE, nevertheless, regardless of what the correct Post Code is for the former agricultural buildings, the application building is clearly defined on the red edged Site Plan, so if the Post Code has been incorrectly quoted, this is not considered to prejudice this application.

How long has the building been in-situ?

- 7.9 An inspection of the Council's Aerial Photographs clearly shows that a building of the same foot-print as that shown on the submitted red edged Site Plan has stood on the application site since as early as 1991. Whilst the yard areas around the application building appear to have changed over time, the plan view of the building does not appear to have altered at all in any of the Council's Aerial Photographs. Whilst some of the open sides of the building may have been clad, the overall foot-print or mass of the building has not altered. Officers are satisfied therefore that the building has been in place for the requisite 10 year period.

What is the authorised use of the building?

- 7.10 There does not appear to be any dispute that the building the subject of this application was formerly used for agricultural purposes as part of the Pool Farm dairy complex. This use appears to have been abandoned when Mr Nichols sold his dairy herd in December 1998 as evidenced by the copy of the Dispersal Sale catalogue appended to Mr Nichol's Statutory Declaration. Whilst Mr Nichols confirms that following the sale he let some of the farm buildings for agricultural purposes to Mr Garrett, there is nothing to indicate that this included the application building. In any event Mr Nichols confirms that in 2005 Mr Garret removed his cattle and Pool Farm ceased to be used for agricultural purposes but was used instead for commercial storage and industrial purposes. This is confirmed by Mr Garrett in his Statutory Declaration.
- 7.11 There are a number of planning applications relating to change of use of redundant farm buildings within the Pool Farm complex to either B1, B2 or B8 uses (see para. 3.2 – 3.5) but none of these specifically relate to the current application building. On this basis the authorised use of the application building is interpreted as being agricultural.
- 7.12 Mr Huke submits that the application building is subject to the planning consents for B8 storage use granted under PT06/3043/F and PT08/0621/F. Officers have studied these applications and concluded that it is evident that neither of these applications related to the building the subject of this CLE application. Whilst the building is shown on the plans for applications PT06/3043/F and PT08/0621/F, this is only in as much as the building was also in the applicant's control (see analysis of these applications below). Even if it were accepted that the application has a planning consent for B8 use, the issue at stake here is whether or not the building has been used as a B2 unit for the relevant 10 year period
- 7.13 The applicant submits that the application building has been used for a continuous period of at least 10 years and beyond prior to 24 Sept 2015 for B2

workshop uses. This of course would be an unauthorised use and hence this current application, which seeks to regularise this situation.

What is the current use of the building?

- 7.14 The applicant submits that since the Spring of 2003 to the present, the application building has been used as a workshop (B2), with associated storage and that during that time the building has been let to Mr Geoffrey Tuck, who has operated an agricultural repair, manufacturing and fabricating business from the site.
- 7.15 In support of the application, the applicant has submitted a suite of photographs, which seek to demonstrate this (B2) use of the building. The photographs are however not dated and therefore carry little weight as evidence. The applicant's agent has now confirmed that the photographs were all taken 19 Feb 2015 which is towards the end of the relevant 10 year period.
- 7.16 Having recently visited the site, officers can confirm that the photographs are of the application building and are a fair representation of the current use of the building as a B2 workshop with associated storage of materials and machinery. In his Statutory Declaration, Mr Tuck lists a number of items of machinery that he uses in his business and during the officer site visit, Mr Tuck was able to point out all of these items to the Officer who is satisfied that the current use of the building is for (B2) workshop and associated storage. The aforementioned photographs are merely a snapshot in time and do not confirm a continuous 10 year use but are helpful in demonstrating that the building was being used for the B2 use applied for in Feb 2015.
- 7.17 It was also evident from the site visit that some storage of materials and parking of vehicles associated with Mr Tuck's business, is carried on in the adjoining yard. It is evident from the Council's Aerial Photographs that this use of the yard has not been continuous for 10 years. This was the reason for the withdrawal of application PT15/0856/CLE, however it should be stressed that this current CLE application relates to the building only and not the associated yard.

Have the (B2) uses of the building been continuous for the 10-year period prior to the receipt of the application on the 24th Sept. 2015.

- 7.18 In assessing the submitted evidence, the sworn Statutory Declarations carry substantial weight. Mr Tuck submits that he began using the application building as his workshop in the spring of 2003 and has done so continuously to the current date. This is supported by the submissions of William Nichols, Rose Nichols, William Cornock, and Derek Garrett.
- 7.19 Mr Tuck has stated that in 2010 he carried out works to clad the building and these works were completed in December 2010. Both Mr and Mrs Nichols confirm this date and state that it was the north elevation of the application building that was clad. Mr Nichols has submitted as part of his Statutory Declaration a copy of an invoice dated 21st May 2010 for the purchase of cladding materials purported to have been used for the cladding of the application building. The invoice itself however is not conclusive proof of this.

- 7.20 Mr Huke has sought to cast doubt on these statements and has submitted as part of his evidence a google earth photograph of the application building dated June 2009 showing the open nature of the lean-to structure on the northern elevation and a later photograph showing the building as it is to-day i.e. post cladding. Mr Huke submits that the previous open nature of the building would have rendered it impractical for use as a workshop due mainly to reasons of lack of security and exposure to the elements.
- 7.21 During the officer site visit however, it was evident that the building incorporates within it a secure unit with an electronic roller shutter door, within which the most expensive items of machinery could be stored. Furthermore, the building was, in the past, not entirely open as its former agricultural use incorporated a 1.8m high breeze block wall, remnants of which are still visible on the site and are shown on the plans submitted with this and the earlier planning applications (see the curved line designed to draw cattle into the building). Mr Tuck confirmed at the officer site visit that the wall was mostly knocked down following the cladding of the open sides of the lean-to structure.
- 7.22 Mr Huke has also noted that the invoice for the cladding shows that it was delivered to Great Leaze Farm, where Mr Nichols lives and not to Pool Farm. At the officer site visit, Mr Tuck explained that the cladding was delivered to nearby Great Leaze Farm for security purposes and that a lot of the cladding was to be used at another of Mr Nichol's sites. The cladding to be used on the application building was transported there separately when it was needed.

The previous planning applications

- 7.23 PT05/1598/F - Change of Use of redundant farm buildings to Class B1, B2 and B8 use (As defined in the Town and Country Planning (Use Classes) Order 2005). Refused 10 Jan 2006
- 7.24 This application clearly relates to the much larger shed located to the west of Mr Tuck's workshop, which lies outside the red edge for the application. Mr Huke points out that the applicant, Mr Nichols states on the application form that the existing use is agricultural, thus implying that Mr Tuck's workshop was at that time in agricultural use. Officer's do not agree with this interpretation as surely the statement relates to the large shed the subject of application PT05/1598/F which had previously been in agricultural use. Whilst there are no references to existing B2 uses on the application form for PT05/1598/F, this is hardly surprising given that the application related to a redundant agricultural building.
- 7.25 Regarding the application form for PT05/1598/F, the statements from Mr Nichols as to who was to occupy the building again relate to the building the subject of that application, so again it not surprising that Mr Tuck was not mentioned.
- 7.26 Mr Huke notes that in the officer delegated report for PT05/1598/F at para. 1.2 that, "*agricultural buildings to the rear and side of the site are to be*

retained for agricultural purposes” and suggests that this includes the building the subject of this CLE application, which is shown on the plans for PT05/1598/F. An inspection of the report reveals that Mr Huke has in fact misquoted the officer who actually said, “*agricultural buildings to the rear and side (outside of the application site) are to be retained....*” This does not necessarily imply that the future or existing uses were agricultural at that time. Officers consider the officer statement to be a generalised one, which could have just as easily applied to the buildings further east, which to this day are used for agricultural purposes. The officer might not at the time have been aware that Mr Tuck was operating from the site and would not have been likely to have inspected the inside of the building used by Mr Tuck, it not forming part of the application she was dealing with.

- 7.27 Application PT05/1598/F included a feasibility study dated 19th Oct. 2005 by Voyce Pullin Auctioneers, Valuers and Rural Surveyors. Mr Huke points out that the report at section 4 states that milk production ceased at Pool Farm in 1994 which is at odds with what was said in the sworn statements. The report goes on to say that in 1999 the buildings were re-let on a farm business tenancy, but this ceased in 2001 following the events of Foot and Mouth. The smaller farm buildings were then re-let on a short term basis for a suckled cow and calf herd. Mr Huke questions why there was no mention of Mr Tuck’s workshop use at this time as his building would have been one of the ‘smaller farm buildings’.
- 7.28 The applicant has since accepted that the date in the Voyce Pullin Report, that milk production ceased i.e. 1994 is incorrect, but there is clear evidence that milk production had ceased at Pool Farm by 1998 through the advertised Dispersal Sale, which is well before the 10 year period relevant to this current CLE application. The Voyce Pullin Report does not specifically identify the current CLE application building as being let on a short-term basis for a suckled cow and calf herd. The applicant has since confirmed that it was the buildings further east. Even if the application building was let in 2001 for agricultural purposes, this would have been on a short-term basis only and could have ceased well in time for Mr Tuck to take over the building for workshop use in the Spring of 2003, well before the start of the relevant 10 year period on 24th Sept. 2005.
- 7.29 PT06/1334/F - Change of Use of redundant farm buildings to storage (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (Resubmission of PT05/1598/F).
Refused 6 June 2006
- 7.30 This application is a re-submission of PT05/1598/F to which Mr Huke has raised the same issues. But the same Officer responses apply as to PT05/1598/F above.
- 7.31 PT06/3043/F - Change of Use of agricultural buildings to storage (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Approved 21 Nov 2006

- 7.32 Mr Huke makes reference to statements within the application form and Design Statements relating to the agricultural use of buildings but these statements again relate to the buildings the subject of that application PT06/3043/F and again do not include the building currently used by Mr Tuck and the subject of this current CLE application.
- 7.33 PT08/0621/F - Change of Use of agricultural buildings to storage (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Approved 4 June 2008
- 7.34 Mr Huke again makes reference to statements within the application form and Design Statements relating to the agricultural use of buildings but these statements again relate to the buildings the subject of that application PT08/0621/F and again do not include the building the subject of this current CLE application.
- 7.35 Because the building the subject of this current CLE application appears on the plans for PT08/0621/F, Mr Huke submits that it has planning permission for B8 use and is subject to the conditions imposed under that permission. This however is not the case, as the subject building is clearly not that to which the application PT08/0621/F relates and is only shown on the application plans as a building also in the then applicant's control.
- 7.36 The fact that Mr Huke thinks that the B2 use for Mr Tuck's building should have been applied for under PT08/0621/F does not constitute evidence, it is an opinion only and can therefore be discounted.

Contradictions within the Statutory Declarations?

- 7.37 Mr Huke has highlighted what he considers to be contradictions within the Statutory Declarations submitted in support of the current application, stating that:

"Mr Garrett states from 2005, after his animals were removed, Mr Tuck started to convert buildings at Pool Farm. He then states that Mr Tuck was storing materials and equipment on the site before he began operating his business there. Mr and Mrs Nichols and Mr Tucks statements state Mr Tuck started working on buildings in 2001. There are two points that question the balance of probability here; i) the inconsistency in recollections of timescales lends itself to the need for more specific evidence to help with clarity and be convincing. ii) none of these sworn statements refer to the specific industrial unit in question the wording is ambiguous, and refer to the site and building, not this specific industrial unit, that is the subject to the CLEUD."

"Mr Garretts recollection of later timescales does however corroborate with the photos that were included within Mr Nichols failed planning application in 2006 (PT06/1334/F) there are a number of photos dated 2006 that show the farm buildings before they were developed into storage units so it is not clear what Mr Tuck did carry out for Mr Nichols from 2001, 2006 and the time of

this failed application; given the site is dominated by the large units in these photos.”

- 7.38 Firstly Mr Huke has misquoted Mr Garrett as the word ‘started’ was not in fact used in relation to Mr Tuck working to convert buildings at Pool Farm. Both Mr and Mrs Nicholls are precise in stating that it was in the Summer of 2001 that they instructed Mr Tuck to commence work on converting the buildings at Pool Farm for storage uses; this is confirmed by Mr Tuck. What Mr Garrett said was that,

“From 2005, after my animals were removed, I know Mr Tuck to have converted the buildings at Pool Farm from an agricultural use to a commercial storage use.”

Officers consider that Mr Tuck commenced work on converting the buildings in 2001; this was ongoing as there are a number of units at Pool Farm and some are considerably larger than others. It should be noted that permissions were granted in both 2006 and 2008 for change of use of redundant agricultural buildings to storage uses. Furthermore, Mr Garrett also confirms that Mr Tuck started operating his business from the site in 2003 which is entirely consistent with the other Statutory Declarations.

- 7.39 All of the Statutory Declarations reference a plan (included as an Appendix in each of the Statutory Declarations) and a further plan is submitted as part of the application all of which define the subject building. There is therefore no doubt as to which building is the subject of this CLE application and there is therefore no ambiguity as to which building is being referred to in the statements made within the Statutory Declarations.

- 7.40 As regards the photographs submitted with PT06/1334/F, these are of the building the subject of that application and not the building where Mr Tuck now operates his workshop.

- 7.41 Is the applicant related to Council Staff or Members of the Council?

On the application form for this current CLE application, the applicant has indicated that he is not related to a member of staff or to an elected Member. Mr Huke has brought this statement into question, claiming that when he contacted the Council in July 2014, the person who answered the phone said he was Mr Jim Nichols ex brother-in-law and subsequently handed the case to Tania Jacobs, who works in the Council’s Planning Enforcement Team. Officers can confirm that the person who initially answered the phone has since retired and left the Council.

- 7.42 Under the Council’s current Scheme of Delegation, applications are referred to Committee for determination where:

‘Any application is submitted by or any matter directly affecting or involving any Member of the Council and any application(s) submitted by an Officer of the Council working in the Strategic Planning Area (specifically the Policy and Specialist Advice, Development Management, Strategic Major Sites and Planning Enforcement, Validation & Registration and Planning Technical

Support teams) or any Member or Officer of the Council acting as a planning agent.'

- 7.43 Officers are satisfied that to the best of their knowledge the applicant is not related to a member of staff or an elected Member; this was confirmed by the applicant's agent at the officer site visit.

Should the applicant have submitted further evidence?

- 7.44 In order for a Lawful Development Certificate to be granted, the applicant has to describe the use applied for specifically and precisely and to produce evidence that is sufficiently precise and unambiguous to prove his case on the balance of probability. The onus is therefore on the applicant to provide the evidence in support of the application (see para. 7.5 above).

- 7.45 The applicant has sought to rely on evidence provided in the form of sworn statements or Statutory Declarations, which carry considerable weight. Mr Huke considers that the applicant should have provided copies of tenancy agreements and utility bills etc. Officers consider that whilst this additional evidence might have been useful, the applicant is not obliged to submit it if, for whatever reason, he does not wish to do so. Officers have therefore determined the application on the basis of the evidence before them.

The submitted invoices

- 7.46 10no. invoices have been submitted purporting to be for work carried out by Mr Tuck at Pool Farm (see Appendix Six of the Evidence Statement). The invoices cover a range of dates from 28 Jan 2003 to 24 Sept. 2004 which is outside the relevant 10-year period. Whilst the invoices are issued by Mr Tuck, in each case he gives his address as 44 Bath Road, Thornbury, which might well have been the address he used to administer his business rather than the workshop at Pool Farm. Mr Tuck has stated that before being based at Pool Farm, he previously operated his business on a mobile basis so it is not surprising that he issued invoices using his home address.
- 7.47 Only the last invoice issued to Mr J Nichols does the description of work done appear to relate specifically to Pool Farm. It is impossible to tell from the invoice to which building the works were carried out and for what purpose. These invoices therefore carry little or no weight as evidence.

Has Council Tax been paid on the Workshop Business

- 7.48 Mr Huke submits that business rates have only been paid for this unit since April 2010 and the unit has a description of 'store and premises' and not as an industrial workshop. Officers have made their own enquiries of the Council's Revenues Officer which did not reveal any record of business rates ever having been paid on the unit the subject of this CLE application. It is therefore concluded that Mr Huke is making reference to another unit within Pool Farm.

- 7.49 Was there Deliberate Concealment?

Given that the building was originally partially open-sided, it would have been difficult to conceal the use applied for, until such time that the open sides were

enclosed with cladding in 2010. Given the nature of Mr Tuck's business, there would have been a steady stream of deliveries of materials and visits by customers. Furthermore there is a sign on site advertising the business and displaying Mr Tuck's phone number and e.mail address so Mr Tuck was hardly concealing his presence.

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

8.0. CONCLUSION

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

Planning Unit

- 8.4 Officers are satisfied that the building 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

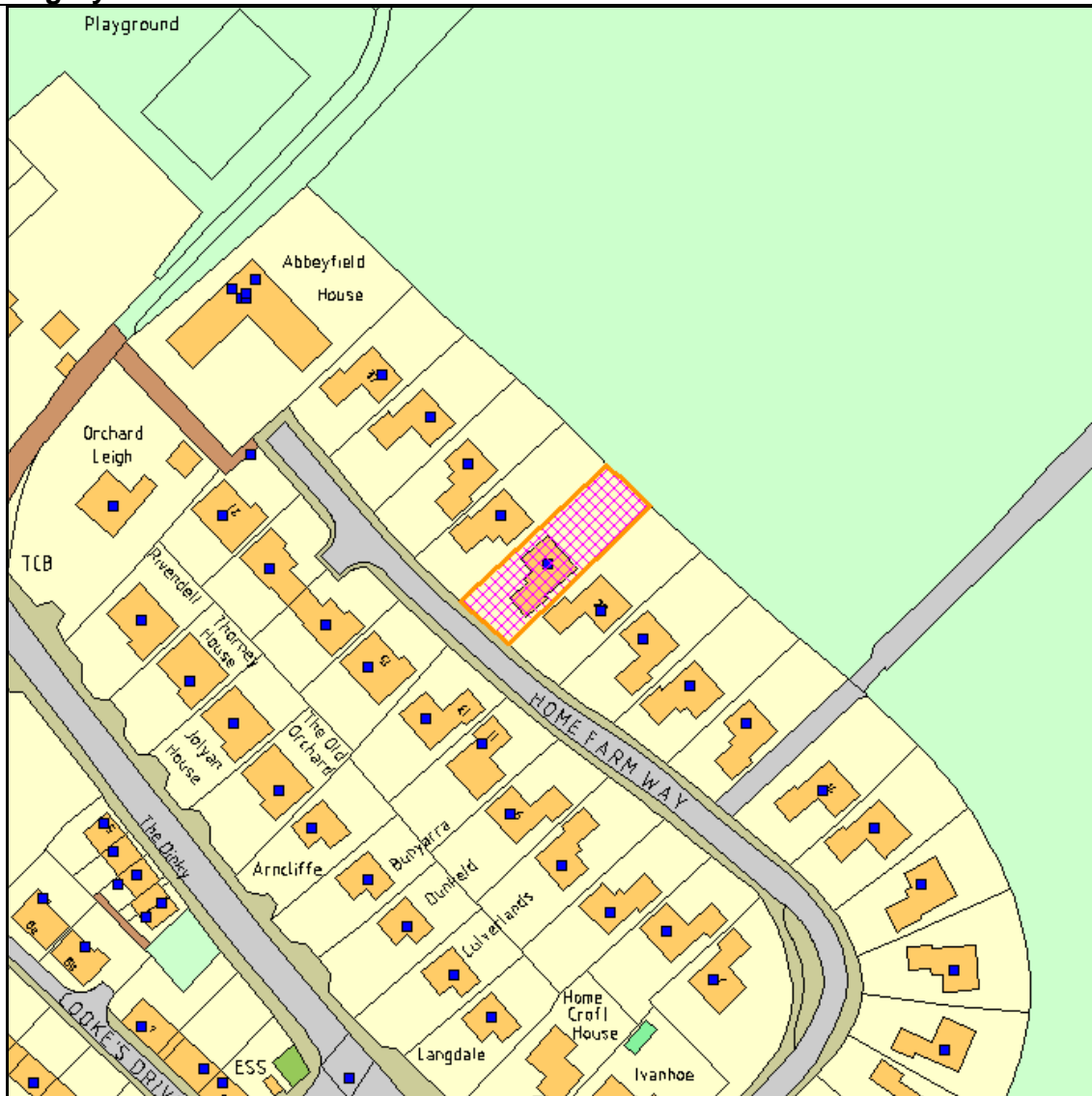
- 9.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of a former agricultural building as a 'Workshop for the purposes of Agricultural, Equestrian & Fabrication Services (B2) with associated storage'.

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 as a 'Workshop for the purposes of Agricultural, Equestrian & Fabrication Services (B2) with associated storage' 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. 08/16 – 26 FEBRUARY 2016

App No.:	PT16/0162/F	Applicant:	Mr And Mrs T Holroyd
Site:	24 Home Farm Way Easter Compton Bristol South Gloucestershire BS35 5SE	Date Reg:	29th January 2016
Proposal:	Erection of front first floor and single storey front extensions to form additional living accommodation (re submission of PT14/2500/F).	Parish:	Almondsbury Parish Council
Map Ref:	357404 182389	Ward:	Almondsbury
Application Category:	Householder	Target Date:	25th March 2016



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 100023410, 2008. N.T.S. PT16/0162/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule, due to consultation responses received, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for the erection of a front first floor and single storey extension to the existing dwelling. The application is essentially a resubmission of PT14/2500/F. The difference between the applications is a slight increase in the depth of the single storey front extension by approximately 75cm.
- 1.2 The property is a modern detached dwelling and is located within the village boundary of Easter Compton on a cul-de-sac containing similar modern properties. Easter Compton is 'washed over' by the Green Belt, the site is therefore located within the designated Green Belt.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Green Belt SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/2500/F - Erection of front first floor and single storey extension to form additional living accommodation. Approved 15th September 2014.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No objection

Highways Drainage
No comments

Sustainable Transportation
No objection

Other Representations

4.2 Local Residents

One letter of objection has been received, as follows:

'All the houses along Home Farm Way have the front windows nearest the road set back. With the extension the new window on the upstairs of the property would move much closer to the road, which would be out of keeping with the rest of the cul-de-sac and create a claustrophobic feel. One of the lovely traits of Home Farm Way is the fact the windows of all houses are set back and create a feeling of distance between the houses and granting permission would set a precedent for more forward builds as well as intruding on the privacy of the neighbours.'

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. The principle of the proposals has been established under the previous approval, the difference and the issue for consideration is considered to be therefore, whether the small increase in the depth of the front single storey element of the proposal would give rise to any additional or material issues or impacts over and above that previously approved.

5.2 Green Belt

The site is located in the designated Green Belt. Green Belt policy seeks to protect the openness of the Green Belt. Residential extensions are considered appropriate forms of development in the Green Belt unless they are considered disproportionate. There is no planning history on the site to indicate previous development and the proposals the subject of this application are not disproportionate. The proposals would constitute between approximately 10-15% increase over and above the existing dwelling. In this instance the proposals are considered to be of an acceptable scale in relation to the existing dwelling addition as such and do not impact upon the openness of the Green Belt and are therefore not considered inappropriate development.

5.3 Design / Visual Amenity

The existing dwelling has an attached double garage to the front of the property. This is incorporated with the main dwelling with what is essentially a cat slide roof to the front elevation. There are some other properties with similar designs to the front, but it is not a uniform arrangement for the street as a whole and there are various styles of frontages in the vicinity, including gables of varying sizes and design. The extension would create a pitched gable end to

the first floor extension and incorporate a small lean to roof finish at ground floor level, both to the front elevation. The proposals are not considered to be materially out of keeping with the site or surroundings. The proposed extension therefore is considered to be of an acceptable design and is not out of keeping with the character of the main dwelling house and surrounding properties. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials used would match those of the existing dwelling.

5.4 Residential Amenity

The nearest adjacent building to the proposed extension is a neighbouring attached garage. Given the length, size and location of the extension and its relationship in context with the neighbouring properties, it is not considered that it would give rise to any significant or material overbearing impact.

5.5 Highways

Sufficient off-street parking would remain to serve the 5 bedroom dwelling, with the double garage and hardstanding to the front of the property, to meet the Council's current parking requirements.

6. CONCLUSION

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

6.2 The proposed extension is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Sufficient parking provision would remain on site. As such the proposal accords with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of South Gloucestershire Local Plan (Adopted) December 2013.

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

7. RECOMMENDATION

7.1 That planning permission is granted.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

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

Reason

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

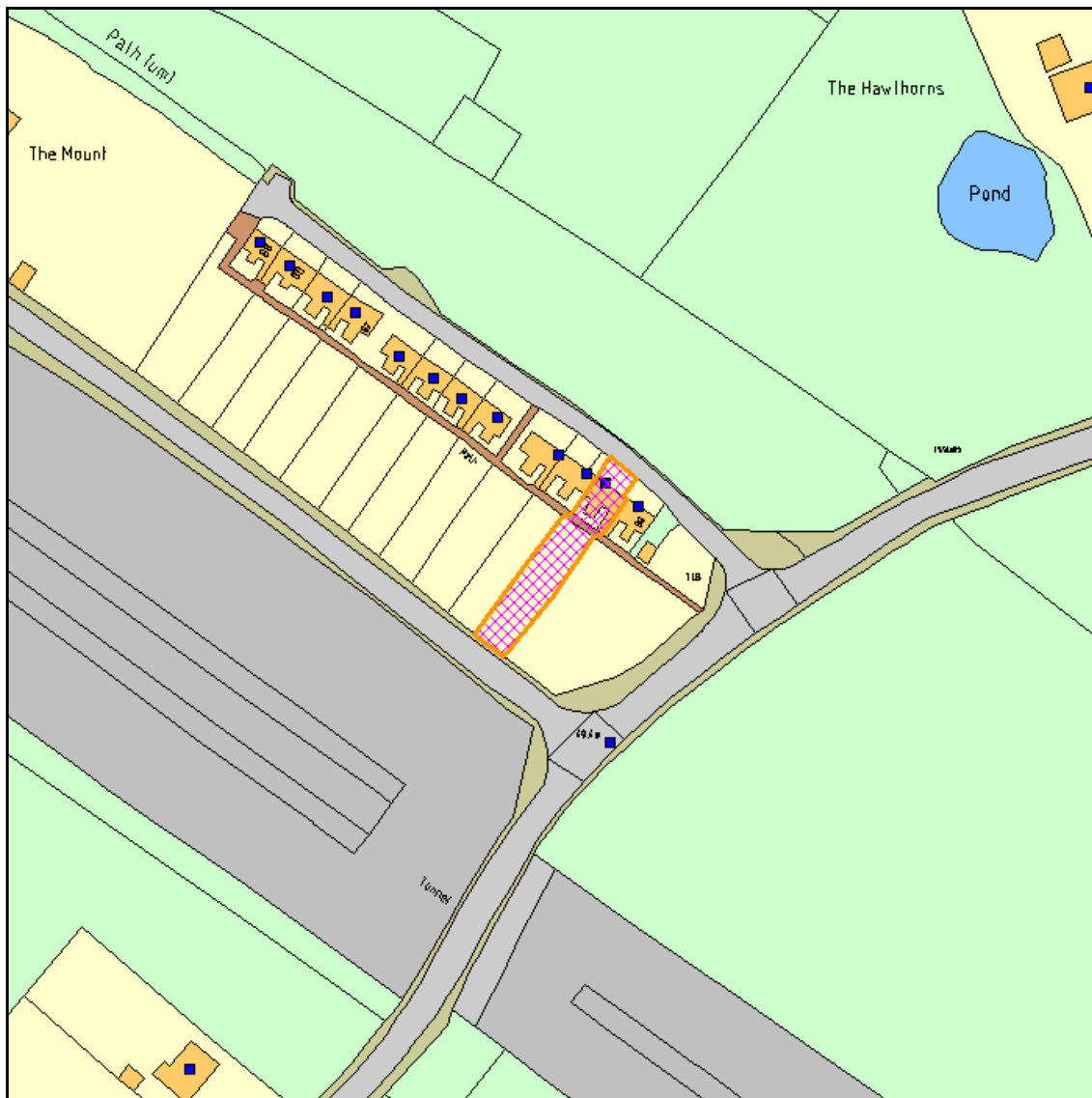
3. The hours of working on site during the period of construction shall be restricted to 08.00 - 18.00 Mondays to Fridays; 08.00 - 13.00 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use 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

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

CIRCULATED SCHEDULE NO. 08/16 – 26 FEBRUARY 2016

App No.:	PT16/0187/CLP	Applicant:	Ms Bell
Site:	68 Over Lane Almondsbury Bristol South Gloucestershire BS32 4BT	Date Reg:	22nd January 2016
Proposal:	Application for Certificate of Lawfulness for the proposed single storey rear extension to provide additional living accommodation	Parish:	Almondsbury Parish Council
Map Ref:	359255 182961	Ward:	Almondsbury
Application Category:		Target Date:	15th March 2016



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 100023410, 2008. **N.T.S.** **PT16/0187/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at 68 Over Lane, Almondsbury would be lawful development. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

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

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

3. RELEVANT PLANNING HISTORY

There is no relevant planning history at the site.

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

No Objection

4.2 Other Consultees

Public Rights of Way

No Comment – unlikely to affect right of way.

Open Spaces Society
No Comment Received

Other Representations

4.3 Local Residents
No Comment Received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Application Form; Existing and Proposed Plans, Elevations and Site Plans; Site Location Plan

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully, without the need for planning permission. Accordingly there is not consideration of planning merit, the application is based on the facts presented. This submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to the householders under Schedule 2, Part 1 Class A of the GPDO (2015).

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

A. The enlargement, improvement or other alteration of a dwellinghouse:

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

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

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

(b) As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the

original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The total area of the ground covered by the buildings (other than the original dwellinghouse) would be less than 50% of the total area of the properties curtilage.

- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**

The height of the extension would not exceed the height of the existing dwellinghouse.

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

The height of the eaves of the rear extension would not exceed the height of the eaves to the existing dwellinghouse.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**
- (i) forms the principal elevation of the original dwellinghouse;**
 - or**
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The extension does not project beyond a wall which forms the principal elevation nor does it form a side elevation of the original dwellinghouse which fronts a highway.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**

The proposal will extend beyond the rear wall of the terraced dwellinghouse by 3 metres and would not exceed 4 metres in height.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**

Not applicable.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
 - (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**

The extension proposed is a single storey.

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

The extension would be within 2 metres of the boundary, and the eaves would not exceed 3 metres in height.

- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—**
 - (i) exceed 4 metres in height,**
 - (ii) have more than a single storey, or**
 - (iii) have a width greater than half the width of the original dwellinghouse;**

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

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

The proposal does not include any of the above.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**

- (c) **the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.**

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

A.3 Development is permitted by Class A subject to the following conditions—

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

The proposal will be finished to match the existing dwelling. The proposed materials would therefore have a similar appearance to the materials in the host dwelling.

- (b) **any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—**
 - (i) **obscure-glazed, and**
 - (ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**

There are no upper floor windows proposed.

- (c) **where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

Not Applicable.

7. RECOMMENDATION

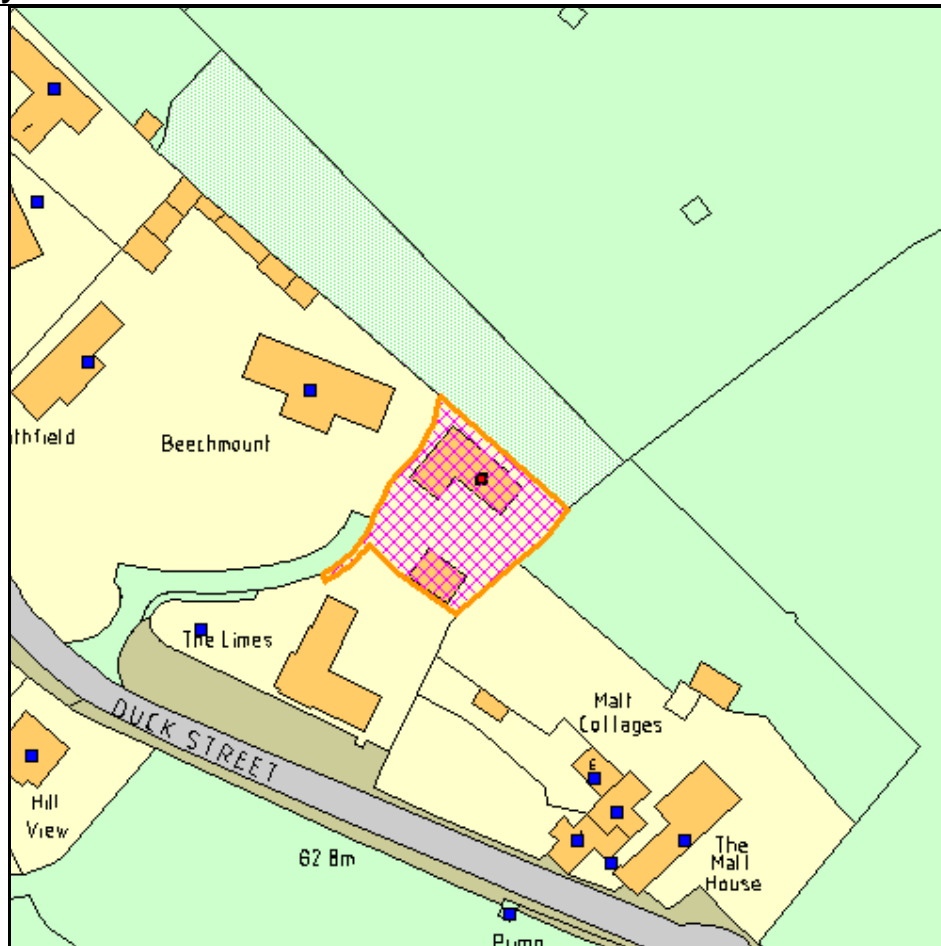
- 7.1 That a Certificate of Lawfulness for the Proposed Development is **granted** for the following reason:

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 08/16 – 26 FEBRUARY 2016

App No.:	PT16/0279/TCA	Applicant:	Mr David Owen
Site:	Limelight Duck Street Tytherington South Gloucestershire GL12 8QB	Date Reg:	27th January 2016
Proposal:	Works to 3no. Sycamore trees to reshape to leave an approximate height of 8m and a spread of 4m, works to 1no. Lime and 1no. Elm tree to reshape to leave an approximate height of 8m and a spread of 3m, all situated within Tytherington Conservation Area.	Parish:	Tytherington Parish Council
Map Ref:	367119 188227	Ward:	Ladden Brook
Application Category:		Target Date:	7th March 2016



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 100023410, 2008. N.T.S. PT16/0279/TCA

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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 3no. Sycamore trees to reshape to leave an approximate height of 8m and a spread of 4m, works to 1no. Lime and 1no. Elm tree to reshape to leave an approximate height of 8m and a spread of 3m, all situated within Tytherington Conservation Area.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish Council
No comment

Other Representations

- 4.2 Local Residents
One letter of objection has been received stating that 2 of the subject trees are not within the applicant's ownership.

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 proposed works are not considered to be detrimental to the health of the trees nor the amenity they offer. The character and appearance of the conservation area will therefore not be impacted upon by these proposals.

5.4 The ownership of the trees is not a consideration in this case. Separate permissions from the tree owner will be required if pruning beyond the boundary line of the neighbouring land to the tree, or if access is required onto the land that the tree occupies in order to carry out the works.

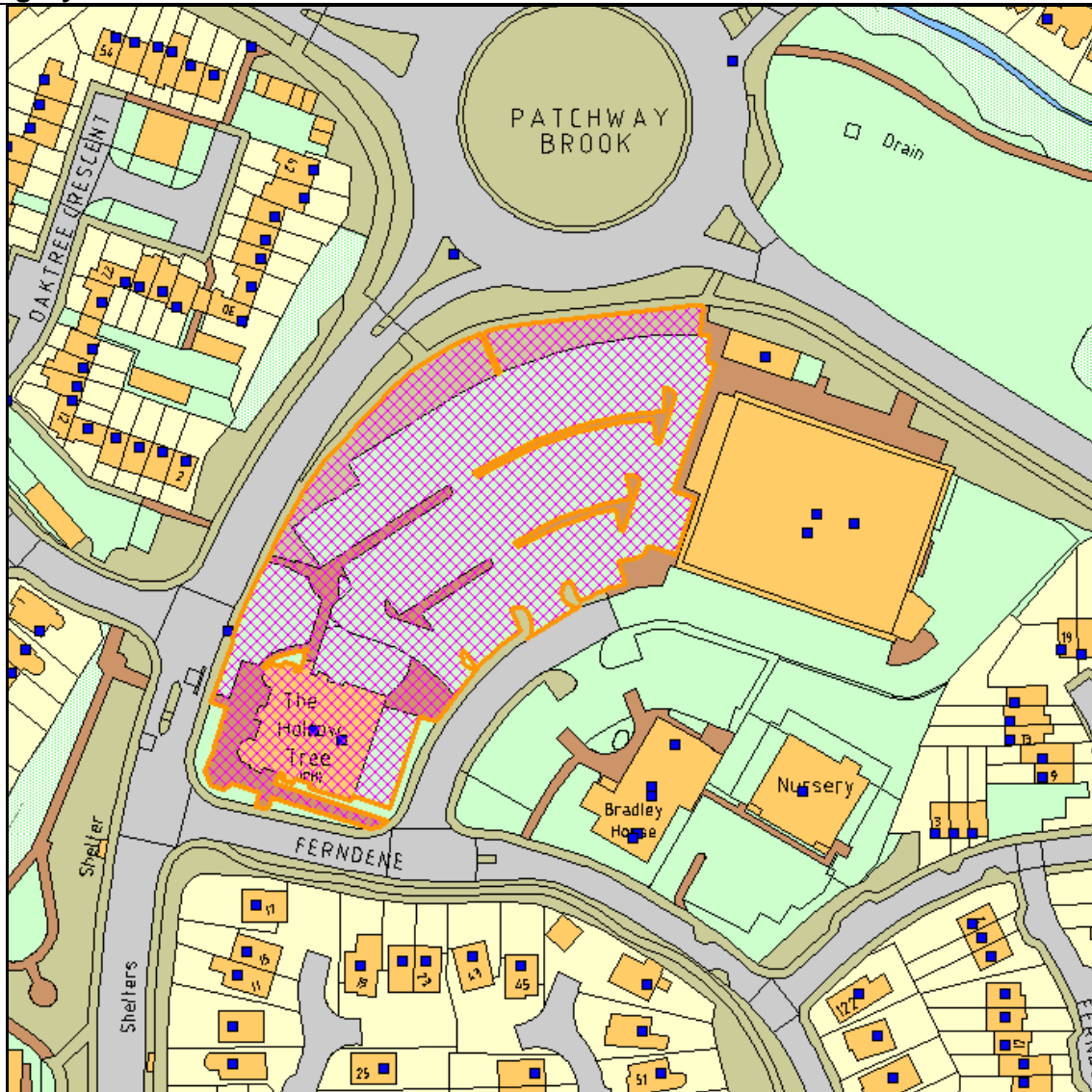
6. **RECOMMENDATION**

6.1 No objections

Contact Officer: Phil Dye
Tel. No. 01454 865859

CIRCULATED SCHEDULE NO. 08/16 – 26 FEBRUARY 2016

App No.:	PT16/0364/ADV	Applicant:	Allen Reynolds Partnerships
Site:	The Holly Tree Brook Way Bradley Stoke South Gloucestershire BS32 9DA	Date Reg:	1st February 2016
Proposal:	Display of 1no. internally illuminated wall sign and 1no. internally illuminated doubled sided sign on existing totem.	Parish:	Bradley Stoke Town Council
Map Ref:	361291 182600	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Minor	Target Date:	23rd March 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The planning application has been referred to the Council's Circulated Schedule procedure due to objections received from Bradley Stoke Town Council.

1. THE PROPOSAL

- 1.1 The proposal seeks advertisement consent to display:
 - 1no. externally illuminated wall sign (Sign A)
 - 1no. internally illuminated double sided sign on existing totem (Sign B).
- 1.2 The applicant site is a detached public house situated within Bradley Stoke. The surrounding area has a mix of small retail and commercial properties as well as residential dwellinghouses.
- 1.3 There is an existing permission for the totem pole, the application seeks to add an extra double sided sign to the totem pole.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
T12 Transportation Development Control Policy for New Development
RT1 Development in Town Centres

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
CS14 Town Centres and Retail
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) August 2007
Shopfront and Advertisements Design Guidance SPD (Adopted) April 2012

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/0246/ADV Approve with Conditions 12/03/2013
Display of 2no. externally illuminated sets of letters, 2 no. externally illuminated logos, 2 no. door plaques and 2 no. externally illuminated post signs.
- 3.2 PT12/3404/F Approve with Conditions 13/12/2012
Erection of front entrance lobby, exterior drinking area and beer garden, new play area, pedestrian access and associated works.

- | | | | |
|-----|--|-----------------|------------|
| 3.3 | P94/2326/A
Display of illuminated signs. | Advert Approval | 07/12/1994 |
| 3.4 | P93/2400/A
Display of free standing and elevational illuminated signs. | Advert Refusal | 20/06/1994 |
| 3.5 | P93/0020/386
Erection of public house and associated car park. Construction of new vehicular and pedestrian accesses on land adjacent to brook way Bradley stoke (in accordance with the amended layout plans received by the council on 11 October 1993) | Approval | 08/12/1993 |
| 3.6 | P84/0020/1
Residential, shopping and employment development inc. Roads and sewers and other ancillary facilities on approx. 1000 acres of land. | Approval | 03/12/1986 |

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Objection, as the proposed signs are out-of-keeping with the surrounding area.
- 4.2 Sustainable Transport
The applicant seeks to erect one sign on an existing totem and 1 wall sign. There is no transportation objection.
- 4.3 Planning Enforcement
No response received.

Other Representations

- 4.4 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Within the National Planning Policy Framework (2012) it is stated that poorly placed adverts can have a negative effect on the appearance of the built and natural environment. Furthermore the National Planning Policy Framework also states that advertisements should only be controlled in the interests of amenity and public safety, the cumulative impact of signs should also be taken account of. Using policy CS1 of the Core Strategy the design and design quality is assessed with regards to visual amenity. Public safety will be assessed using saved policy T12 of the Local Plan to ensure the proposed advertisements are not detrimental to highway safety or create a traffic hazard.
- 5.2 Visual Amenity
The application site is situated within a small-scale retail area within Bradley Stoke. The Hollow Tree is a two storey red brick public house with timber cladding. The applicant is seeking advertisement consent for two signs, the first

sign is an internally illuminated wall sign. The second sign is an internally illuminated double sided sign on an existing totem.

Sign A is to be situated on the northern elevation of the existing public house which is timber clad, the sign will be internally illuminated. The sign will have a circular shape and measure 2.105 metres x 1.985 metres.

Sign B will be situated on the existing double sided totem pole to the north of the site. The sign will also be circular and measure 0.94 metres by 0.885 metres. It will increase the total height of the totem pole to circa 6.3 metres.

As there are existing signs within the location the proposed new signs are not considered to be detrimental to the visual amenity of the area, the signs are not considered to be out of keeping with the area.

5.3 Cumulative Impact

The location of signs have not changed, sign A will replace a previously approved sign which was granted permission under PT13/0246/ADV and sign B will be situated on the existing totem pole sign. The proposal does not increase the dispersal of the signage at the site. As such the cumulative impact of the proposed signs is not considered to be detrimental.

5.4 Public Safety

The Council's transport team have been consulted for this proposal but do not believe that the proposed signs will create any highways or transportation issues. The height of sign B will increase to circa 6.3 metres, as the sign is situated within existing vegetation at the site it is unlikely that it could impact public safety.

6. CONCLUSION

6.1 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 advertisement consent is **APPROVED**.

Contact Officer: Fiona Martin
Tel. No. 01454 865119