



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS  
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY  
THE DIRECTOR OF PLANNING, TRANSPORTATION AND STRATEGIC  
ENVIRONMENT**

**CIRCULATED SCHEDULE NO. 37/10**

**Date to Members: 24/09/10**

**Member's Deadline: 30/09/10 (5pm)**

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 Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (e.g, if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

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

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

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

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

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

## **GUIDANCE FOR 'REFERRING' APPLICATIONS**

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

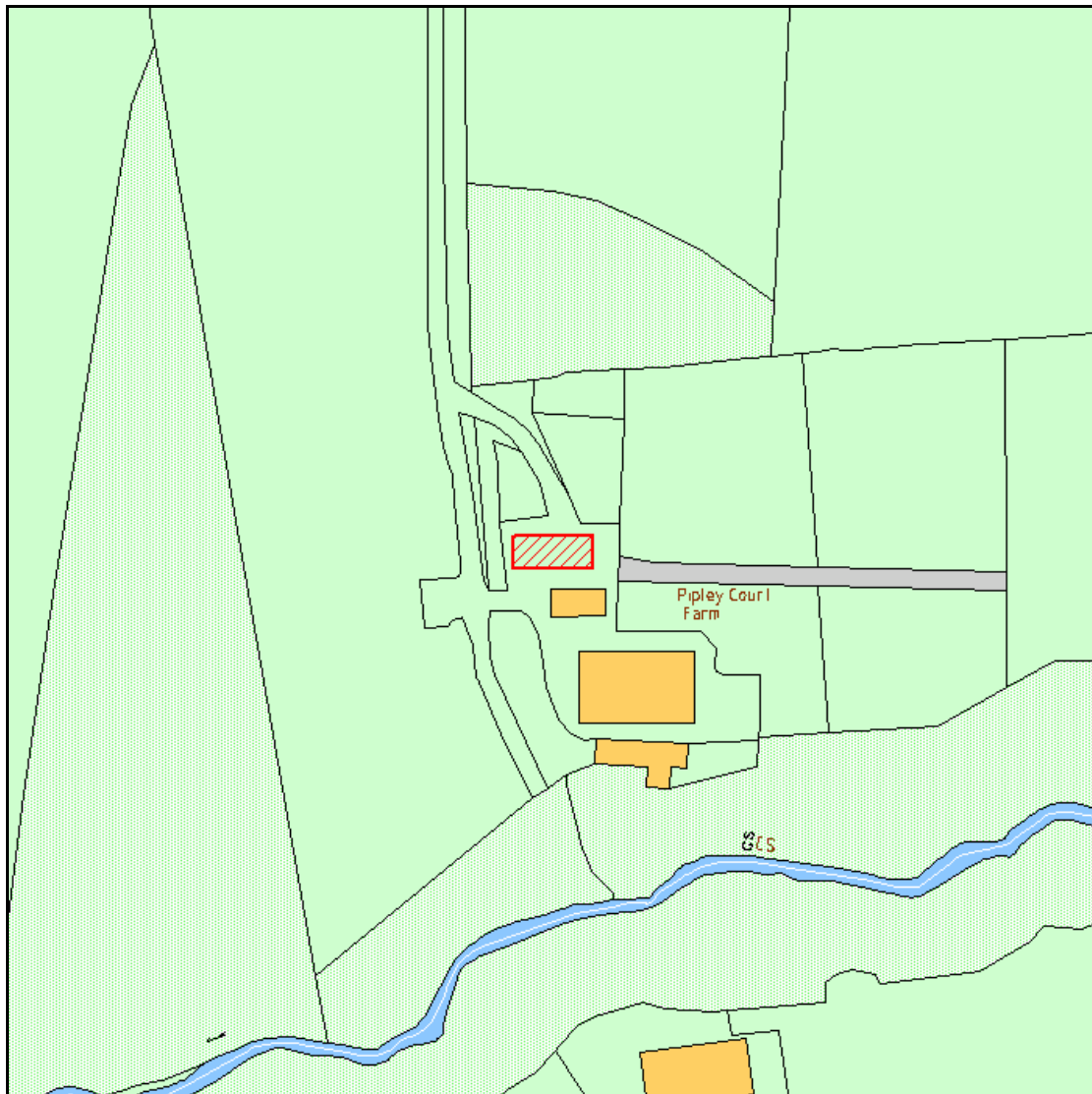
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Services Support Team. If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863518, 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 – 24 SEPTEMBER 2010

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/1614/O	Approve with Conditions	Pipley Court Farm North Stoke Lane Upton Cheyney South Gloucestershire BS30 6NG	Bitton	Bitton Parish Council
2	PK10/1871/F	Approve with Conditions	8 Portland Place Staple Hill South Gloucestershire	Staple Hill	None
3	PK10/2046/F	Approve with Conditions	41 Lower Hanham Road Hanham South Gloucestershire BS15 8SA	Hanham	Hanham Parish Council
4	PK10/2068/F	Approve with Conditions	The Old Farmhouse Bromley Heath Road Downend South Gloucestershire BS16 6BH	Downend	Downend And Bromley Heath Parish Council
5	PK10/2202/R3F	Deemed Consent	Vinney Green Secure Unit Emersons Green Lane Emersons Green South Gloucestershire BS16 7AA	Rodway	Mangotsfield Rural Parish Council
6	PT10/1140/CLE	Approve with Conditions	Hardings Farm Oldbury Naite Thornbury South Gloucestershire BS35 1RG	Severn	Oldbury-on-Severn Parish Council
7	PT10/1375/F	Approve	Hackett Barn Lower Tockington Road Tockington South Gloucestershire BS32 4LE	Severn	Olveston Parish Council
8	PT10/1776/F	Approve with Conditions	Parcel Land Lyde Green Nr Henfield South Gloucestershire BS36 2TQ	Boyd Valley	Pucklechurch Parish Council
9	PT10/1819/F	Approve with Conditions	37 Charles Close Thornbury South Gloucestershire	Thornbury North	Thornbury Town Council
10	PT10/1875/R3F	Deemed Consent	Baileys Court Primary School Breaches Gate Bradley Stoke South Gloucestershire BS32 8AZ	Bradley Stoke South	Bradley Stoke Town Council
11	PT10/1888/F	Approve with Conditions	Land At The Common Olveston South Gloucestershire BS35 4DW	Severn	Olveston Parish Council
12	PT10/1926/F	Approve	Hooper's Farm Watleys End Road Winterbourne South Gloucestershire BS36 1QG	Winterbourne	Winterbourne Parish Council
13	PT10/2076/F	Approve with Conditions	128 Pursey Drive Bradley Stoke South Gloucestershire BS32 8DP	Stoke Gifford	Bradley Stoke Town Council

## CIRCULATED SCHEDULE NO. 37/10 – 24 SEPTEMBER 2010

<b>App No.:</b>	PK10/1614/O	<b>Applicant:</b>	Mr And Mrs Roger Jefferies
<b>Site:</b>	Pipley Court Farm North Stoke Lane Upton Cheyney Bristol South Gloucestershire	<b>Date Reg:</b>	5th July 2010
<b>Proposal:</b>	Erection of 1 no. agricultural workers detached dwelling (Outline) with access and scale to be determined. All other matters to be reserved.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	369619 169682	<b>Ward:</b>	Bitton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th August 2010



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 100023410, 2008. **N.T.S.** **PK10/1614/O**

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

This application appears on the circulated schedule due to the receipt of 9 letters of objection contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks outline planning permission for the erection of 1 no. permanent agricultural workers dwelling at Piplely court Farm. This is an outline with access and scale to be determined.
- 1.2 The site relates to agricultural land within the open countryside. The site lies within the Bristol/Bath green belt. Planning permission was granted in December 2007 for the stationing of a mobile home on the land for a temporary three year period to provide residential accommodation for an agricultural worker. This temporary three year consent has almost expired hence this application for a permanent dwelling on the site.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS7	Sustainable Development in Rural Areas
PPS4	Planning for Sustainable Economic Growth

#### 2.2 Development Plans

##### South Gloucestershire Core Strategy (Pre-submission publication draft)

CS1	Design
CS5	Location of Development

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

D1	Design
L1	Landscape Protection and Enhancement
T12	Transportation Development Control
H3	Residential Development in the Countryside
GB1	Development in the Green Belt
L2	Development in the Cotswolds Area of Outstanding Natural Beauty

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist – Adopted  
Development in the Green Belt SPD

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

- 3.1 PK02/0049/PNA Erection of agricultural store.  
No Objection January 2002
- 3.2 PK02/1138/PNA Prior notification to construct access track for agricultural use.

No Objection September 2002

- 3.3 PK07/2718/TMP Change of use of agricultural land for the stationing of a mobile home for occupation by an agricultural worker (Temporary consent for 3 years).  
Approved December 2007

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

##### 4.1 Bitton Parish Council

Parish councillors appreciate the time and effort which the applicants have put into Piple Court Farm and their alpaca business. They cannot comment on its financial viability as this information, rightly, has been classed as confidential.

However, they are extremely concerned at the principle which this serves to illustrate as a means of securing permission for a new dwelling in an AONB, a Conservation area and on Green Belt land. Once a dwelling has been constructed, another applicant could cease the rearing of alpacas, claim that there are no agricultural workers required to farm the land for other agricultural purposes or reside there, and obtain removal of the special condition applied to reflect the very particular circumstances which secured the permission in the first place.

This goes counter to all the policies which are otherwise relied on to minimise development in areas classed as AONB, Conservation Area or Green Belt. In theory, we could end up with temporary alpaca farms and new dwellings spotted all over the countryside!

PPS7 which refers to Sustainable Development in Rural Areas and Annex A which deals with agricultural, forestry and other occupational dwellings. This does not seem to set out in any detail the basis on which viability is judged. Any advice issued since the General Election must also be taken into account. It is important that viability is judged in the long-run as, in order to justify a permanent dwelling, the business must also be seen as a long-term one. In essence, the site must in future be judged as an alpaca farm and not merely as agricultural land.

If the Council is minded to consider granting permission for a permanent dwelling at Piple Court Farm then Parish Councillors ask that you go beyond including a condition restricting its occupancy to agricultural workers, since this circumstance alone is unlikely to have led to an application being considered favourably. Any condition must limit occupancy to those directly and permanently working with alpacas at Piple Court Farm on a full-time basis.

- 4.2 Drainage  
No Objection

- 4.3 Environmental Protection  
No objection

## Other Representations

### 4.3 Local Residents

9 letters of objection have been received from, or on behalf of, local residents and interested parties. A summary of the points of concern raised are as follows:

- Neighbours have not all been consulted and issues over the location of the site notice
- The application is contrary to policies to protect the AONB, Conservation Area and Green Belt
- Sets a precedent for more Alpaca farms
- Erecting a new dwelling on land where previously no dwelling existed
- 3 years is not long enough to ascertain if the business will be more successful than the previous beef cattle business
- Questions over whether the breeding of Alpacas is an agricultural activity
- Need to weigh up and balance the harm to the openness of the green belt
- The application fails the tests set out on PPS7
- Proposed building is too tall – no ridge height details given
- Very special circumstances have not been demonstrated
- Would be contrary to H3 and GB1
- Increased noise for neighbours because of more vehicles
- The Alpaca business could cease and we'd be left with a permanent dwelling
- There is no requirement for a permanent dwelling and no evidence to suggest it is financially viable
- UK Alpaca farmers cannot compete with Peru
- Stud activity is unrelated to agriculture
- Most offspring are born in spring – it is not necessary to live on site all year round

16 letters of support have been received from, or on behalf of local residents and interested parties. A summary of the points of raised is as follows:

- Desirable to have an experienced handler constantly on hand at livestock farms
- Alpacas have very demanding husbandry needs
- The number of animals in the herd has risen considerably in the last 3 years
- Applicant is trying to make a living from the land in a caring and sympathetic manner and need to live on the site to do so
- The house would not affect anyone
- Pleasure to see the land being run as a working farm
- It is important for someone to be on hand and this could not be done from a distance
- Should support local people farming locally
- The proposal is in accordance with the requirements of PPS7
- The tidy and attractive state of the land
- The enterprise genuinely require 24 hour presence on site

- The business is not just a stud activity
- Genuine need for animal welfare to be on site at all times

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application site is located within the open countryside, in the Green Belt and within the Cotswold's Area of Outstanding Natural Beauty. National Guidance PPS7 and Policies H3 and GB1 of the South Gloucestershire Local Plan allow for the erection of permanent dwellings for agricultural purposes subject a number of criteria are satisfied. Policy L2 seeks to ensure that the natural beauty of the Cotswold's Area of Outstanding Natural Beauty will be conserved and enhanced.

5.2 Annex A to PPS7 sets out the criteria for assessing such a proposal for an agricultural workers dwelling. PPS7 sets out five criteria against which this application must be considered and these five tests will be discussed in turn below. In order to assess the proposals under the terms of PPS7, the Council has sought the views of an independent specialist in this field from Gloucestershire County Council, who is regularly consulted by the Council on these types of applications. The following paragraphs 5.3 – 5.21 are based upon the findings from this independent land agent and some comments within these paragraphs are direct quotes from the land agent.

### 5.3 Brief Background

The applicants purchased 39 acres or so of land at Piplely Court Farm in 2000 and ran a pedigree herd of Aberdeen Angus cattle. They then started to look into other enterprises to run in conjunction with the beef enterprise and boost their farming income and decided on Alpacas. The applicants invested in a number of females, and in 2007 applied for a mobile dwelling in order to be able to develop the enterprise further (planning reference PK07/2718/TMP) for which they were granted permission.

5.4 Three years later they now find themselves in a position where they have established a successful Alpaca breeding enterprise and feel that there is no option now but to live permanently on site, hence the application for a permanent dwelling.

5.5 The applicants own 48 acres of land. Piplely Court Farm itself now amounts to 35 acres and is all in a ring-fence. In addition, the applicants own nearby land referred to as Saltford Farm consisting of 6 acres and a further 7 acres at Bitton.

5.6 The herd of pedigree Aberdeen Angus has now been reduced down to around 10 animals which are kept mainly at Saltford and Bitton. The main enterprise has now become the Alpaca business which all takes place at Piplely Court Farm. The applicants own 33 breeding females which, at the date of my (Robert Fox's) visit, were all pregnant, and there were a further eight young females and eight female cria (young Alpacas) coming on. The applicants also have around 15 or so young male Alpacas including 4 stud males and around 5 males with stud potential and with two older females there are about 75



animals in total. The business is now registered with the British Alpaca Society as Pibley Court Alpacas and have a well-established website at [www.pibleycourtalpacas.co.uk](http://www.pibleycourtalpacas.co.uk).

- 5.7 The national herd is still well below the estimated 50,000 animals required to create a fibre industry in this country and so the main income is still through the sale of breeding animals to other new and established Alpaca breeders. The number of new entrants to the Alpaca industry has slowed which has not been helped by the economic climate. As a result has meant that the demand has curtailed to a certain extent for your average Alpaca. However, the market for very high quality Alpacas, i.e. the breeding strains that produce a very fine fibre (measured in microns) is still well in demand.
- 5.8 With this in mind the applicants have been have invested large amounts of capital ensuring that they are producing a very high quality animal for which there will be a demand. The applicants have recently purchased the South of England Show Supreme Champion Wellground Killawasi's Keepsake which is a white male whose progeny should go on to become noted Alpacas for future breeding. The applicants also own an exceptional female, Inka Magic, who originates from Australia and has won many first prizes.
- 5.9 From a marketing point of view as well as the website the applicants have been very successful in showing animals at shows such as the South West Agricultural Show, the North Somerset Show, the Bath and West and the Honiton Show where they have won prizes with both males and females.
- 5.10 The applicants are now operating the full spectrum of the Alpaca business, not only breeding for sale, showing and offering a stud service but also producing fibre products from their own fleeces. The fleeces are sent off to the Natural Fibre Company in Cornwall for processing into wool used for knitting scarves and shawls A company in Wales is also used to produce woven cloth for luxury clothing. Wool and finished products are then sold through an online store and Farmers' Markets etc.
- 5.11 Due to the numbers involved, the Alpaca breeding programme is spread out and crias can be born any time from February to October, avoiding the winter months due to possible problems with cria development.
- 5.12 Many Alpacas are sold as very high value breeding stock such as breeding females or stud males. Other animals such as males that don't actually reach the standard of stud, and some breeding stock are often sold as pets or even guards against predators on sheep and free-range poultry enterprises.
- 5.13 PPS7 advises that new permanent agricultural dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing;
- 5.14 (i) There is clearly established existing functional need  
The majority of day-to-day activities for other livestock farming would normally be referred to as routine and would not necessarily require someone to be

living on site. In other words a lot of the desire to live on site with a livestock enterprise is down to convenience as opposed to it being essential.

- 5.15 With Alpacas however, the females are extremely sensitive to disturbance although hardy from a health point of view. Females are prone to losing and reabsorbing their unborn cria if under stress – and this is very difficult to manage unless there is constant care and vigilance. In the case of Pibley Court this level of management and monitoring takes place throughout most of the year. As the main income is through the production of quality animals for sale it would in my opinion (that is the opinion of Robert Fox) would be very difficult to run a viable Alpaca unit without living on site, since the loss of a few animals could put the business back.
- 5.16 The original plan at Pibley Court Farm was to acquire somewhere in excess of 30 females by 2011. The applicants already have 33 pregnant females plus another 16 and have been selling Alpacas since the last time I (Robert Fox) was there. The situation therefore is that the applicants have exceeded their plans and probably own more valuable animals than they thought they might when they originally applied for the mobile home.
- 5.17 In my (Robert Fox's') opinion there is a need for there to be somebody on site with the number of Alpacas involved, and the fact that the Alpacas are giving birth right from the spring through to the autumn, with the added uncertainty of Alpacas varying the actual date of birth by up to three weeks on either side of the predicted date.
- 5.18 Your planning officer fully agrees with the opinion of Robert Fox as explained in paragraphs 5.14 – 5.17 above and it is therefore considered that there is a clearly established existing functional need and the first test of PPS7 is satisfied.
- 5.19 (ii) The need relates to a full time worker, or one which is primarily employed in agriculture and does not relate to part time requirement  
It is the opinion of Robert Fox that the applicants have created an enterprise that requires at the very least one full time person to be available at all times. At present, both of the applicants are currently employed in full time agriculture on the land. It is therefore considered that the need does relate to a full time worker and the second test of PPS7 is satisfied.
- 5.20 (iii) The units and the agricultural activity concerned have been established for the last 3 years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so  
Robert Fox has seen the most recent accounts and it is very clear that the applicants have created a viable enterprise, largely based on the Alpacas, and in his opinion, can see no reason having seen the holding and how established they are that they should not continue to do so for the foreseeable future. The activity concerned has been established for three years and has been profitable for at least one of them. The business is currently financially sound and there is a clear prospect of it remaining so. The third test of PPS7 is therefore also satisfied.

5.21 (iv) The functional need could not be fulfilled by another existing dwelling on the site, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and

Neither Robert Fox or your planning officer are aware of any other dwellings in the area that are suitable and available and could meet the functional need of the applicants. The fourth test of PPS7 is therefore also satisfied.

5.22 (v) Other planning requirements e.g. in the relation to access or impact on the countryside are satisfied.

5.23 Green Belt

The application site lies in the Bristol/Bath Green Belt where five types of development are acceptable in principle. The erection of new buildings for agriculture and forestry is one of the five limited categories of development that may be considered acceptable. The proposal therefore accords with this policy and the proposed development represents appropriate development in the green belt

5.24 The scale parameters of the proposed new dwelling are as follows – the footprint measures 7.5 metres by 18.5 metres. The building would have an eaves height of 3.5 metres above ground level and a ridge height of 6 metres. By means of comparison, the temporary dwelling approved in 2007 was 8.64m long plus a 2.5m veranda, was 6.09m wide plus a 1.5m veranda and had a ridge height of 4.1 metres. Therefore, whilst the proposed new dwelling would be larger than the existing temporary structure, the increase in length and height would not have such a significant or detrimental impact on the openness of the green belt to be concern.

5.25 Design

This is an outline application with access and scale the only issues for consideration. The given scale parameters are set out in section 5.24 above. The application form indicates that the walls of the new dwelling are likely to be stone clad but details of the external design would be considered at reserved matters stage. It is considered that the scale and location of the proposed dwelling would not be harmful to the character or appearance of the surrounding area or the Cotswolds Area of Outstanding Natural Beauty. In addition to this, the proposed dwelling will be tucked away toward the bottom of the slope and well screened by existing vegetation. This will further help to conserve the character of the AONB.

5.26 Residential Amenity

Given the location of the application site away from any neighbouring residential properties, it is not considered that the proposal would have any overshadowing or overbearing effect on neighbouring dwellings. Similarly, because of the distances involved, there are no issues of intervisibility or loss of privacy. It is noted that a neighbour is concerned about disturbance through increased number of vehicles. The access track however does not run immediately adjacent to any residential properties. There is a distance of some 60 metres between the existing access track and the nearest neighbouring dwelling. At this distance, given that the track exists and already used by the

agricultural enterprise, the new dwelling itself will not have an adverse impact upon the amenity of the nearby properties.

5.27 Design and Access Statement

The Design and Access Statement submitted with the application is [not] considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.28 Transportation

The access to the dwelling would be as per the existing situation. It is not considered that the substitution of the existing temporary dwelling with the permanent dwelling subject of this application, would result in any noticeable impact on transportation. Whilst traffic levels will increase during construction phase, this will be for a limited time only.

5.29 Drainage

Subject to the attachment of a condition requiring details of sustainable drainage systems, there are no drainage objections to the proposed scheme.

**6. CONCLUSION**

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

6.2 The application satisfies the five tests within Annex A of PPS 7 and the permanent agricultural workers dwelling is justified. There is a clearly established existing functional need; the activity has been established for at least three years and has been profitable for at least one of them; the functional need could not be met by another existing dwelling; all other planning requirements are satisfied. The application therefore complies with the requirements of PPS7

6.3 The proposal for an agricultural workers dwelling represents appropriate development in the green belt and in the open countryside. By virtue of the scale as detailed in the scale parameters and the location of the dwelling, the proposed permanent dwelling will not have any increased impact on the openness of the green belt and the character of the area of outstanding natural beauty will be protected.

6.4 By virtue of the distance between the application site and the nearest neighbouring residential properties, existing levels of residential amenity will be protected.

6.5 The erection of a permanent dwelling in place of the existing temporary dwelling would have no long term or significant impact on vehicle movements or highway safety in the vicinity of the site.

6.6 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 the application be approved subject to the following conditions;

**Contact Officer: Marie Bath**  
**Tel. No. 01454 864769**

### **CONDITIONS**

1. Approval of the details of the layout and appearance of the building, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Plans and particulars of the reserved matters referred to in the condition above, relating to the layout and appearance of any buildings to be erected, the and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

5. The reserved matters application shall comply with the scale parameters detailed in the letter from David James \_ Partners LLP dated 21st July 2010

Reason

To ensure that the accommodation is limited to that commensurate with the established need, in the interests of the openness of the green belt, and in the interests of the visual amenity of the area and the Cotswolds Area of Outstanding Natural Beauty. also to comply with the requirements of PPS7 and Policies GB1, H3 and L2 of the South Gloucestershire Local Plan (Adopted)

6. The occupation of the dwelling hereby permitted is limited to a person solely or mainly breeding alpacas on the site, or a widow or widower or partner of such a partner, and to any resident dependants.

Reason

The site is not in an area intended for development and the development has only been permitted because it is required to accommodate a person working in agriculture or forestry and to accord with the requirements of PPS7.

7. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure that the accommodation is limited to that commensurate with the established need, in the interests of the openness of the green belt, and in the interests of the visual amenity of the area and the Cotswolds Area of Outstanding Natural Beauty. also to comply with the requirements of PPS7 and Policies GB1, H3 and L2 of the South Gloucestershire Local Plan (Adopted)

8. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies (L17, L18 & EP1) of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Prior to the first occupation or use for any purpose of the new dwelling hereby permitted, the existing temporary structure must be dismantled and completely removed from the site.

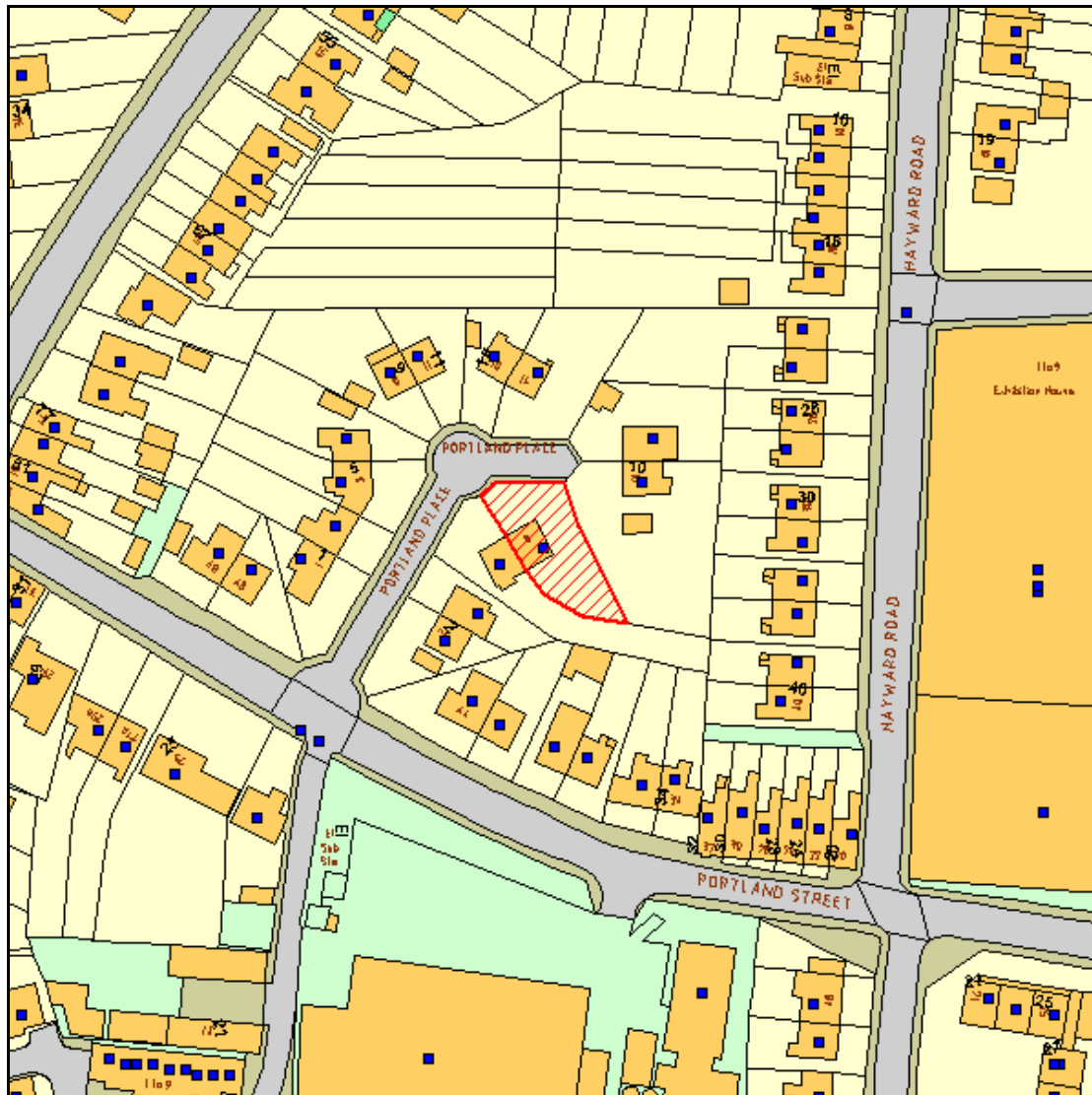
Reason

In the interests of the openness of the green belt and to accord with the requirements of Policy GB1 of the South Gloucestershire Local Plan (Adopted).

# ITEM 2

## CIRCULATED SCHEDULE NO. 37/10 – 24 SEPTEMBER 2010

<b>App No.:</b>	PK10/1871/F	<b>Applicant:</b>	Mr T Windows
<b>Site:</b>	8 Portland Place Staple Hill Bristol South Gloucestershire BS16 4PX	<b>Date Reg:</b>	9th August 2010
<b>Proposal:</b>	Erection of 2 storey side extension to provide additional dwelling with associated works	<b>Parish:</b>	None
<b>Map Ref:</b>	364631 175483	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Minor	<b>Target Date:</b>	1st October 2010



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100023410, 2008. **N.T.S.** **PK10/1871/F**

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

This application has been referred to the Circulated Schedule due to the receipt of three letters of objection from local residents.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a two storey side extension to provide an additional dwelling at 8 Portland Place, Staple Hill. The proposed extension would measure 5 metres in width by a maximum of 6.5 metres in depth and would have an overall height to ridge of 7.7 metres.
- 1.2 The property is a two storey semi detached dwelling and is located within a residential area of Staple Hill.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG3 Housing as revised June 9<sup>th</sup> 2010  
PPG13 Transport  
Ministerial Statement 9<sup>th</sup> June 2010
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H2 Proposals for Residential Development within the Existing Urban Area  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T8 Parking Standards  
T12 Transportation Development Control for new Development  
  
South Gloucestershire Core Strategy, Pre-submission Publication Draft March 2010  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Town/Parish Council  
Site falls outside of any parish boundaries
- 4.2 Sustainable Transport  
No objections



## **Other Representations**

### 4.3 Local Residents

Four letters of response have been received from a local resident raising the following concerns;

- The proposal would be a nightmare for the residents of Portland Place.
- The area can not take anymore traffic and parking
- People already park at the end blocking access to houses and making it dangerous to get access for serve vehicles such as fire and police.
- Design and appearance of any building would be out of keeping with the character of the area.
- Extra noise and disturbance would affect local people.
- Too much traffic on the road so turning is already a problem
- Not enough room for people to live safely.
- When cars are parked outside, vehicles would not be able to get into the new dwellings drive due to the angle of the drive.
- Two or three spaces would be lost from the road
- Not enough room, certainly not enough room for a driveway or extra parking.
- The proposed dwelling would have the effect of creating a small terrace which would be out of keeping with and highly detrimental to the street scene.
- The proposed new dwelling fails to respect the overall design layout and character of the street scene
- A single storey side extension was recently refused at a neighbouring property.
- The existing one parking space is unauthorised, as a few years ago there was a boundary wall which has now been removed and there is no drop kerb. This is detrimental to highway safety and a total eyesore.
- Unacceptable for a house to be in this position as 30 new houses are being built in Portland Street 'The Elms'

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

PPS3 has been reissued on 9<sup>th</sup> June 2010 to reflect concerns regarding the redevelopment of neighbourhoods, loss of Green Space and the impact upon local character. The changes involve the exclusion of private residential gardens from the definition of previously land and the removal of the national indicative density target of 30 dwellings per hectare. The existing policies in the local plan H2, H4, and D1 already require that proposals are assessed for their impact upon the character of the area and that proposals make efficient use of land.

Policies H4 of the South Gloucestershire Local Plan is supportive in principle of proposed new dwellings within the existing residential curtilage, providing that the design is acceptable, highway safety would not be compromised, adequate

parking and amenity space is provided and that there is no unacceptable impacts on residential and visual amenity.

The South Gloucestershire Plan (Adopted) 2006 identifies the site as lying within the urban area. With the exception of design, Policy H2 of the adopted Local plan encompasses all the relevant issues of the above policies. Policy H2 allows for new residential development providing that the following criteria are complied with:-

**5.2 (a) Development would not have unacceptable environmental or transportation effects; and would not significantly prejudice residential amenity.**

In the interests of clarity these two issues will be discussed in turn.

Transportation Issues

The Councils Highways Officer has assessed the proposal. It is considered that there is space for two off street parking spaces for both the existing and proposed dwellings. Therefore the parking provision would remain in compliance and within the Councils required parking standards. Further, with no objections from the Councils Transportation Officer, subject to the attachment of a condition to ensure the provision of two parking spaces per dwelling, the proposal is considered acceptable.

Concern has been raised that the existing off street parking provision is unauthorised, whilst it is accepted that there is currently no dropped kerb, Portland Place is served by a Class 4 unclassified road, as such under the provisions of the Town and Country Planning General Permitted Development Order, the formation laying out and construction of a means of access is permitted development and does not require planning permission. An informative would be attached to any permission to ensure that the creation of any vehicular access is carried out in accordance with the Councils Street Care Department.

Residential Amenity

The proposal would be located adjoining the existing property, No. 8 Portland Place and would have a similar depth and height to this existing dwelling. The proposal would be located 1.2 metres away from the neighbouring property, No. 10 Portland Place and over 10 metres away from the front elevation of this dwelling. The proposal would be located adjacent to this neighbouring dwellings front driveway area.

Given the location of the proposal, combined with the depth and height of the proposed dwelling, it is not considered that the development would have any overshadowing or overbearing effect on the neighbouring dwellings. The proposal includes the addition of four new first floor windows, two on the front elevation and two on the rear elevation. Given the location of these windows, it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy over and above the levels of overlooking from the first floor windows in the existing dwelling. No side elevation windows are proposed. It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight.

The plans show adequate private and useable amenity space would be provided to serve both the existing and proposed dwelling. The impact on residential amenity is therefore considered to be entirely acceptable.

5.3 **(b) The maximum density compatible with the sites location, its accessibility and surroundings is achieved.**

Under new government guidance whilst there is no longer a national minimum density target, PPS3 seeks to ensure the most efficient use of land. Officers are satisfied that having regard to the sites constraints, the pattern and scale of existing development, access and impact on residential amenity, no more than one additional dwelling as proposed could be accommodated on the site.

5.4 **(c) The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination.**

The new dwelling would be subjected to no greater levels of noise, dust, pollutants etc than the existing dwellings in the vicinity.

5.5 **(d) Provision for education, leisure, recreation etc. in the vicinity is adequate to meet the needs arising from the proposal.**

The proposal is only for 1 dwelling and therefore would not have a significant impact on the area in terms of service provision.

5.6 Design / Visual Amenity

The proposed dwelling is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Whilst the proposed dwelling is slightly narrower than the existing properties, No. 8 and No. 6 Portland Place, it is considered that the appearance of the resultant building is well proportioned and would remain in keeping with the scale of the surrounding dwellings. Furthermore, the proposal would be of a design to match the existing dwellings with a front bay window and would be finished in face brick and double roman tiles that match those of the main dwelling.

Concern has been raised by local residents that the proposal would result in a terrace which would be out of keeping in the area. Whilst it is accepted that the dwellings in Portland place are semi-detached, various extensions have taken place in the past, resulting in a more varied street scene, furthermore given that the proposed dwelling is of a design that matches the existing dwelling, it is not considered that the proposal would result in any demonstrable harm to the character and appearance of the area. Overall it is considered that the proposal is acceptable in terms of design and visual amenity.

5.7 Environmental Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. There are therefore no objections on environmental grounds.

## **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 dwelling is of an appropriate standard in design and reflects the character of the existing 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 and the parking provision would remain in compliance with Policy T8. As such the proposal accords with Policies D1, T8 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That the application be approved subject to the following conditions

**Contact Officer: Kirstie Banks**  
**Tel. No. 01454 865207**

### **CONDITIONS**

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

Reason

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

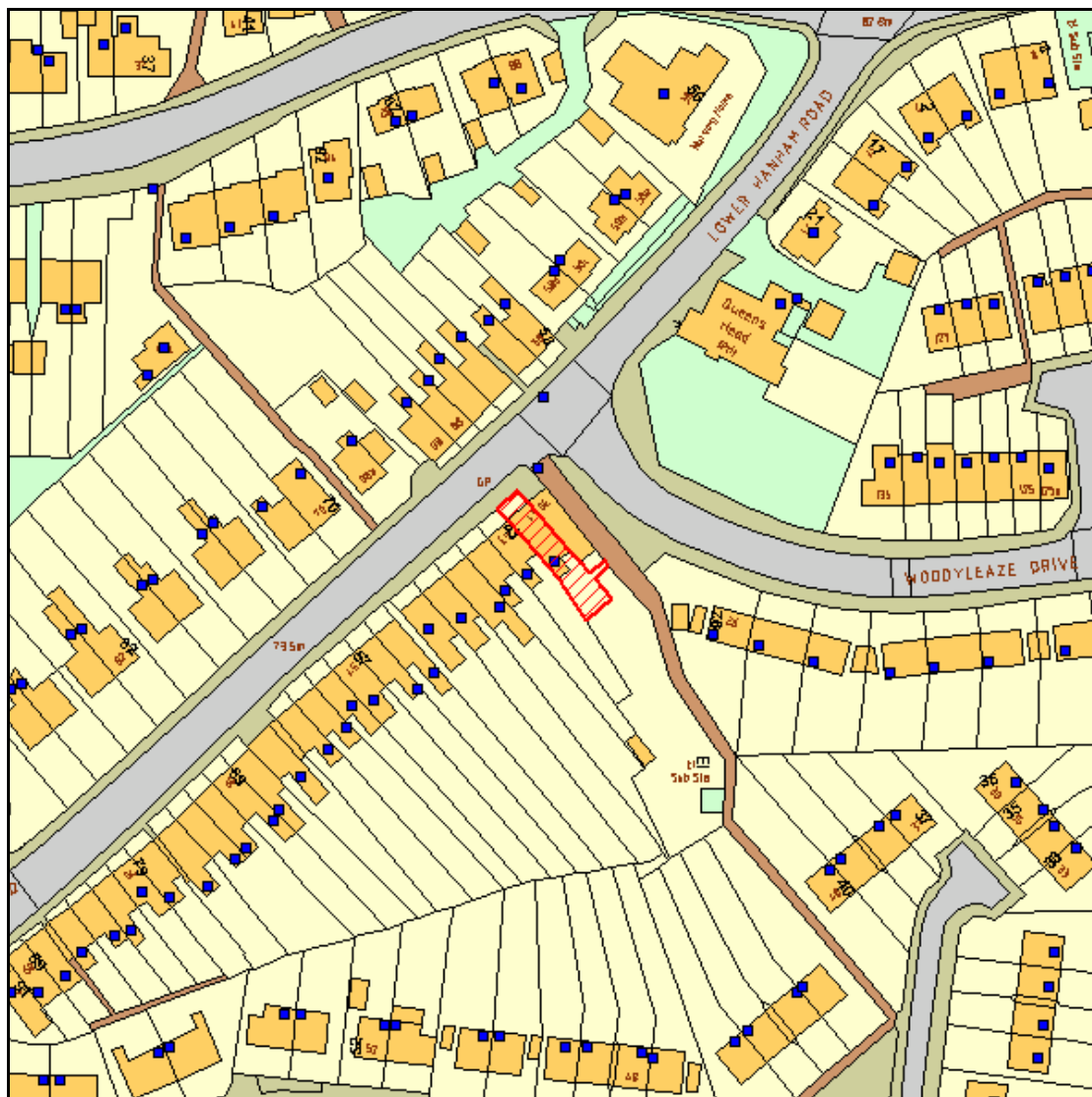
2. Prior to occupation of the new building on site, two off street parking spaces for the existing dwelling and two off street parking spaces for the new property shall be provided and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 37/10 – 24 SEPTEMBER 2010

<b>App No.:</b>	PK10/2046/F	<b>Applicant:</b>	Miss T Hall
<b>Site:</b>	41 Lower Hanham Road Hanham Bristol South Gloucestershire BS15 8SA	<b>Date Reg:</b>	12th August 2010
<b>Proposal:</b>	Erection of two storey and single storey rear extension and conversion of existing dwelling to form 2no. self contained flats with access and associated works.	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	364345 172551	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th October 2010



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100023410, 2008. **N.T.S.** **PK10/2046/F**

## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to the receipt of three letters of objection from local residents.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a two storey and single storey rear extension to facilitate the conversion of no. 41 lower Hanham Road into 2no. self contained flats. The proposed extensions would measure a maximum of 7.5 metres in depth with the two storey extension extending 4.2 metres and the single storey element a further 3.3 metres. The proposal would measure a maximum of 5.1 metres in width and would have an overall height to ridge of 7.2 metres.
- 1.2 The property is a two storey mid terrace dwelling and is located within a residential area of Hanham.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG3 Housing as revised June 9<sup>th</sup> 2010  
PPG13 Transport  
Ministerial Statement 9<sup>th</sup> June 2010
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H2 Proposals for Residential Development within the Existing Urban Area  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
H5 Residential Conversions  
T8 Parking Standards  
T12 Transportation Development Control for new Development
- South Gloucestershire Core Strategy, Pre-submission Publication Draft March 2010  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Parish Council

Object to the proposal. no provision for parking and the possibility to park on an already busy highway where parking is at a premium. It should not be assumed that the occupants of the flats will not own cars and only have bicycles or use public transport.

4.2 Public Rights of Way

No objection subject to the attachment of a standard informative.

4.3 Sustainable Transport

No objections

**Other Representations**

4.4 Local Residents

Five letters of objection, two of which are from the same address, have been received from local residents, stating the following concerns;

- Currently experience parking problems
- Too many restrictions such as double yellow lines, limiting space.
- Already issues with one public walkway being parked on, as there isn't room for vehicles on the road.
- Abandoned transit van that has been rusting for the last 2 years
- There could potentially be 4 extra vehicles for the two flats.
- Citing consulted with the owners of both adjoining properties conceals the fact that the family are dominating an area of Lower Hanham Road
- Plans approved in 1993 ref K7198/1, for two double garages were not build in accordance with the plans, as such there is reason to doubt the current plans will be adhered to.
- A condition of planning application K7198/1 required the rear gardens be tidied. This has not occurred and is unlikely to improve with the rear access to No. 41 over No.39
- An application was refused in 1988 for a two bed bungalow, this is likely to resurface.
- Visual amenity of the area has been lost by the scrap vehicle collecting at No. 39
- Scrap vehicles and cars are parked on the public right of way along the side of No. 39
- Lose of light to no. 45.
- No. 45 has been denied right of access across 43, 41 and 39 which is stated on deeds.
- Parking limited
- Privacy threatened

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

PPS3 has been reissued on 9<sup>th</sup> June 2010 to reflect concerns regarding the redevelopment of neighbourhoods, loss of Green Space and the impact upon local character. The changes involve the exclusion of private residential gardens from the definition of previously land and the removal of the national indicative density target of 30 dwellings per hectare. The existing policies in the

local plan H2, H4, H5 and D1 already require that proposals are assessed for their impact upon the character of the area and that proposals make efficient use of land

Policies H4 and H5 of the South Gloucestershire Local Plan are supportive in principle of proposed new dwellings within the existing residential curtilage and the conversion of existing residential properties into smaller units, providing that the design is acceptable, highway safety would not be compromised, adequate parking and amenity space is provided and that there are no unacceptable impacts on residential and visual amenity.

## 5.2 Design / Visual Amenity

The application property is located within a terrace of dwellings along Lower Hanham Road. It is considered that the proposed rear extension is of an appropriate standard in design and reflects the character of the dwelling and surrounding properties. The application property already benefits from a single storey rear extension and it is accepted that the proposed extension is quite large, however given the location of the proposal to the rear of the property, in combination with the fact that the adjoining property has an existing two storey rear extension of a larger depth but similar design it is not considered that the proposal would result in any demonstrable harm to the character and appearance of the surrounding area. Furthermore it is considered that the resultant building is well proportioned and would remain in keeping with the scale of the surrounding properties.

The proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling. Furthermore, the street is residential in nature, therefore it is considered that the conversion of the dwelling into two separate one bedroom flats would be in keeping with the residential character of the area.

## 5.3 Residential Amenities

The proposal is to convert the existing dwelling into 2no. self contained flats, the first floor flat would be accessed via the front of the property and would have an internal cycle store and bin storage in the front garden area. The ground floor flat would be accessed via a walkway across the back of No. 39 Lower Hanham Road and would also have an internal cycle store with the bin storage in the rear garden area. The ground floor flat would benefit from the rear garden, however there would be no amenity space allocated to the first floor flat. PPS3 indicates that the provision of amenity space is an important criteria, however this is in relation to family housing. It is not considered that there would be any expectation that amenity space would be provided for one and two bedroom flats as these would be unlikely to attract families. Given that the area is a dense urban location, the lack of amenity space for the first floor flat in this instance is considered acceptable.

It is considered that there are no issues of inter-visibility or loss of privacy. Given the layout of the proposed flats the rear elevation windows of the first floor flat would overlook the garden space of the ground floor flat, whilst it is accepted that this is not an ideal situation, it is a situation that is commonly found in dense urban locations and as such it is considered acceptable in this



instance. Furthermore given the location of the proposed first floor rear elevation windows , it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy over and above the levels of overlooking from the existing first floor windows.

Pedestrian access to the ground floor flat would be via a footpath across the rear of No. 39. This access would pass the kitchen window and rear access door of this property, given that this footpath would be for access only, this aspect of the proposal is not considered to have any significant impacts on the residential amenity of the neighbouring properties.

The proposal includes the addition of a first floor rear extension over the existing single storey rear extension. The proposed extension would be adjacent to the blank side elevation of No. 39, as such the proposal is not considered to have any detrimental impact on this adjoining property. The neighbouring property to the south west, No. 43 has an existing single storey rear protrusion, which serves a kitchen. The rear protrusion has windows that face the application property, the outlook from these windows is already adjacent to the side elevation of the existing single storey rear extension, as such whilst it is accepted that the proposed extension would inevitably result in some additional overshadowing of this room, it is considered that the fact that the outlook is already enclosed by the existing circumstances a refusal reason on overshadowing grounds could not be substantiated. Similarly given that No. 45 Lower Hanham Road is located over 5 metres away and the fact that the proposed extension would be adjacent to existing two storey extension of a greater depth at No. 39, it is not considered that the proposal would result in such a significant increase in overshadowing to this property, to warrant the refusal of the application. Overall, on balance it is considered that the impact on residential amenity is subsequently deemed acceptable.

#### 5.4 Noise and Environmental Issues

It is not considered that the addition of an extra unit of accommodation would cause any significant increase in overall noise and disturbance albeit the alignment of rooms between those proposed and those in adjoining existing properties will be different. The Building Regulations (Part E), would cover the issue of sound insulation between the new units themselves. As this issue is covered by the Building Regulations (ie other legislation), legal advice has indicated that it is not appropriate to impose a condition requiring insulation details. Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only.

#### 5.5 Parking and Highway Safety Implications

The proposed development will convert the existing two-bed dwelling into two one-bed flats. A small extension is proposed to the rear of the ground floor to make the internal alterations possible. An extension to the rear of the first floor is also proposed. Integral cycle stores are provided for both flats. Pedestrian access to the ground floor flat would be via a footpath across the rear of No. 39.

No vehicular parking is currently provided and it is not possible to provide any as part of this development. Concern has been raised by local residents and

the parish regarding the limited parking in the area. The Councils Transportation Officer has assessed the proposal and is of the opinion that, given that the site is close to Hanham High Street where there is good access to all modes of transport, it is considered that the proposed extension and conversion of the building will be unlikely to increase parking demand in the area. As such, there are no transportation objections to this proposal.

#### 5.6 Public Rights of Way

The development may affect the nearest recorded public rights of way, references KW/22/10 And KW/17/20 which runs within the area outlined on the application. There are no objections in principle to the application however a standard informative would be attached to any permission to ensure the applicant/agent is aware of the public right of way. Concern has been raised regarding vehicles being parked on the land to the side of No. 39 lower Hanham Road, the Councils Public Rights of Way Officer has assessed this and is of the opinion that it is not obvious that the right of way is impassable, the situation is going to be investigated further and if a Footpath sign is need to reinforce the presence of the route this will be arranged.

#### 5.7 Other Issues

With regard to the lack of access to the rear of neighbouring properties, this is a civil matter, and would be covered by non planning legislation. However, for the avoidance of doubt, three informatives would be attached to the decision notice to ensure that the applicant / agent is aware that planning permission does not grant rights to carry out works on land outside of the control of the applicant; consent must be sought from the owner of the land; and, that the Building Regulations must be complied with.

## 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 reflects the character of the main dwelling and surrounding properties. Furthermore the extension and conversion of the dwelling would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact and the proposal is not considered to have any detrimental impacts on highway safety. As such the proposal accords with Policies D1, T12, H5 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 That the application be approved subject to the following conditions

**Contact Officer: Kirstie Banks**  
**Tel. No. 01454 865207**

### **CONDITIONS**

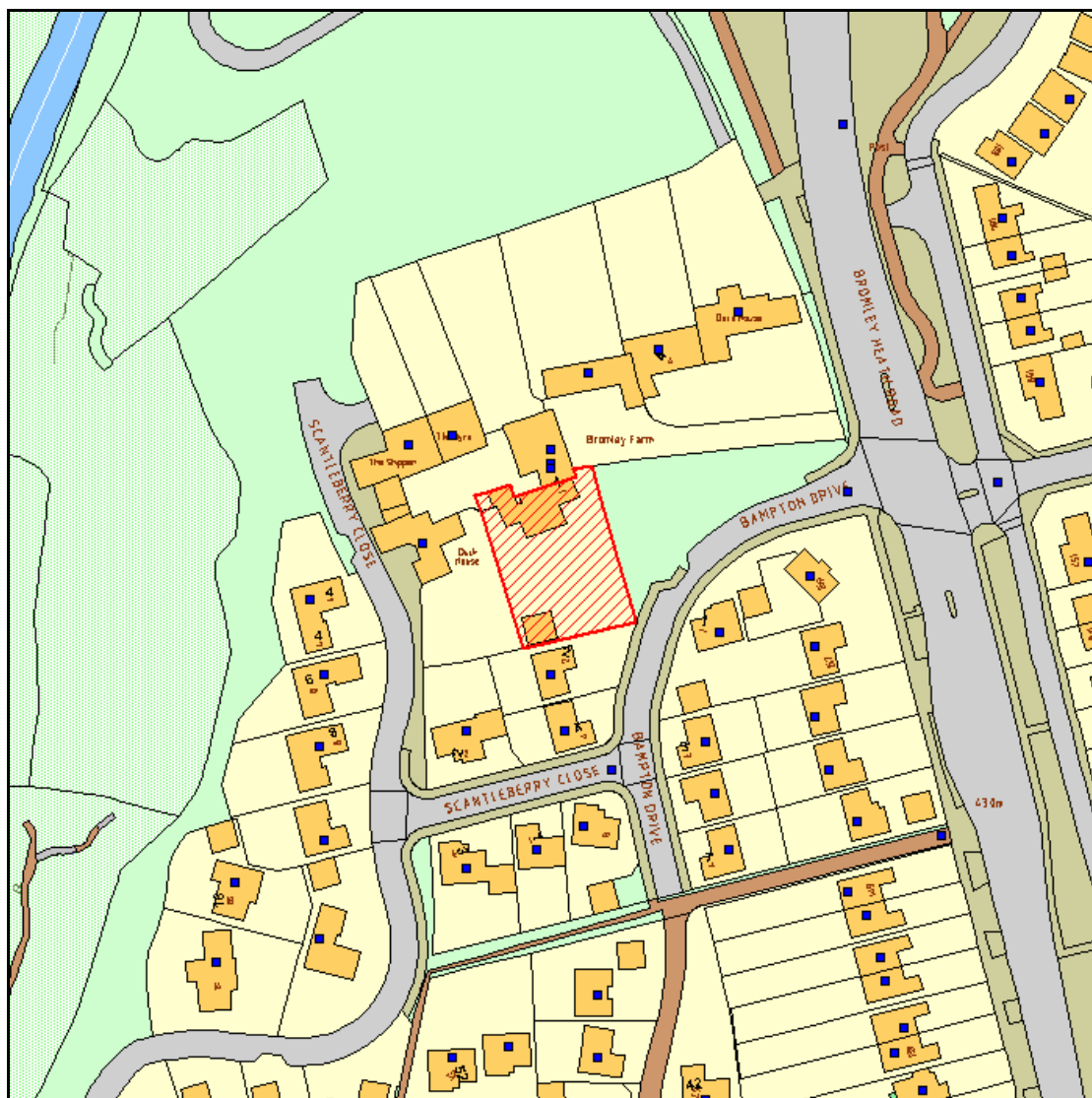
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 37/10 – 24 SEPTEMBER 2010

<b>App No.:</b>	PK10/2068/F	<b>Applicant:</b>	Mr C Bird
<b>Site:</b>	The Old Farmhouse Bromley Heath Road Downend Bristol South Gloucestershire	<b>Date Reg:</b>	13th August 2010
<b>Proposal:</b>	Installation of casement window, side door and 2no. rooflights to facilitate the conversion of garage roof space to hobby room.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364636 178032	<b>Ward:</b>	Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	5th October 2010



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 100023410, 2008. **N.T.S.** **PK10/2068/F**

## **REASONS FOR REFERRAL TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule due to the receipt of one letter of objection from a local resident

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the conversion of a garage roof into a hobby room at The Old Farmhouse, Downend. The original proposal involved the installation of a casement window and side dormer, the installation of a side door and the construction of timber stairs and decking. During the course of the application amended plans were requested to omit the dormer and remove the decking to the side entrance door. Amended plans were received as requested, removing the dormer and replacing it with two conservation roof lights and replacing the decked area with simple stone flagstones.
- 1.2 The Old Farmhouse is a Grade II Listed Building located within a residential area of Downend, the garage is located to the east of the main dwelling house, adjacent to No. 2 Bampton Drive. The garage is within the listed building curtilage but is not a curtilage listed building.
- 1.3 It should be noted that the proposed elevation plan, reference 1065-23 B and the proposed first floor plan reference 1065-22 B show the roof lights to be in slightly different locations and different sizes, the rooflights shown on the proposed elevation plan are considered to be of an appropriate scale and as such a condition would be attached to any permission ensuring the implementation of plan reference 1065-23 B.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
L13 Listed buildings  
T8 Parking Standards  
  
South Gloucestershire Core Strategy, Pre-submission Publication Draft March 2010  
CS1 High Quality Design  
CS9 Environmental Resources and Built Heritage
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.

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

- 3.1 PK04/2654/F                      Erection of first floor side extension over existing ground floor side extension.  
Approved April 2005

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
No objection

- 4.2 Conservation Officer  
No objections

#### **Other Representations**

- 4.3 Local Residents  
One letter of objection has been received from a local resident raising the following concerns:
- No objections to the proposed building plan changes but given the close proximity to their home would like reassurance that the proposed hobbies will not involve noise. i.e electric saws and load music.

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

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that extensions 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. Policy L13 seeks to ensure that the setting of listed buildings is preserved.

- 5.2 Design / Visual Amenity  
The proposal includes the installation of a front first floor window, a side door and 2no. conservation roof lights in the existing garage. The application also includes the addition of a simple flagstone step to the new side entrance door. The proposal has been reduced in scale from the initially submitted scheme. It is now considered that the proposal is of an appropriate standard in design and reflects the character of the existing garage.

The proposed roof lights and side entrance with associated steps would be to the western side of the garage, given the existing trees and the fact that the entrance would be set towards the rear of the garage, it is not considered that either of these elements would be particularly visible from the public realm. As such it is not considered that the proposal would result in any demonstrable harm to the character and appearance of the area or street scene.

### 5.3 Residential Amenity

The front window would only over look the front drive area of the dwellinghouse. The initially proposed dormer has been omitted from the scheme and replaced by two small conservation roof lights, these would be located approximately 22 metres away from the rear elevation windows of the neighbouring dwelling, The Duck House. Given the distance that the windows are set away from this property in combination with the scale of the windows which are proposed primarily to allow light into the proposed hobby room, it is not considered that the proposal would result in any issues of inter-visibility. The boundary between The Old Farmhouse and Duck House is defined by a combination of 1.8 metre high timber fencing trees and hedges and there are several tall trees within the curtilage of Duck house that would restrict any issues of overlooking.

Concern has been raised by a neighbouring resident regarding the use of the proposed hobby room, the agent for the application has confirmed that it is proposed to put a snooker table in the room, as such no issues of noise or disturbance would arise from this proposal. However it should be noted that there are no conditions restricting the use of the existing garage, and as such it is not considered reasonable to restrict the use of the hobby room as part of this application. Given that the existing garage could be used for a number of purposes incidental to the dwelling house, it is not considered that the proposed hobby room would result in any significant increase in noise or disturbance over and above the possible uses of the existing garage.

No increase in volume or footprint is proposed as such there are no concerns regarding overshadowing or overbearing impact on neighbouring properties. Overall the impact on residential amenity is subsequently deemed acceptable.

### 5.4 Impact on Listed Building

The Old Farmhouse is a grade II listed building which was restored approximately 10 years ago along with the various barns and outbuildings that was formerly Bromley Heath Farm.

The garage which is the subject of this application is a modern construction, with rendered walls and a clay tile roof. It is a very simple structure, with a single, large up and over door providing access to the interior. The garage is partially screened from the main house by some planting and trees but there is clearly no control over the retention of these at the present time since they are not protected by Tree Preservation Orders, nor is the site within a conservation area. The proposal has been amended in line with the conservation officers comments, and is now considered acceptable.

### 5.5 Parking and Highway Safety Implications

The proposal would not effect the existing off street parking for the property. As such the proposal is considered acceptable in terms of parking and highway safety.

## **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 works are of an appropriate standard in design and reflects the character of the existing garage and are considered to preserve the setting of the listed building. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact and the parking provision would remain in compliance with Policy T8. As such the proposal accords with Policies D1, L13, T8 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That the application be approved subject to the following conditions

**Contact Officer: Kirstie Banks**  
**Tel. No. 01454 865207**

## **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. Notwithstanding the plans hereby approved, the proposed rooflights shall be implemented in accordance with the details shown on the proposed elevations plan, drawing number 1065-23 rev B.

Reason

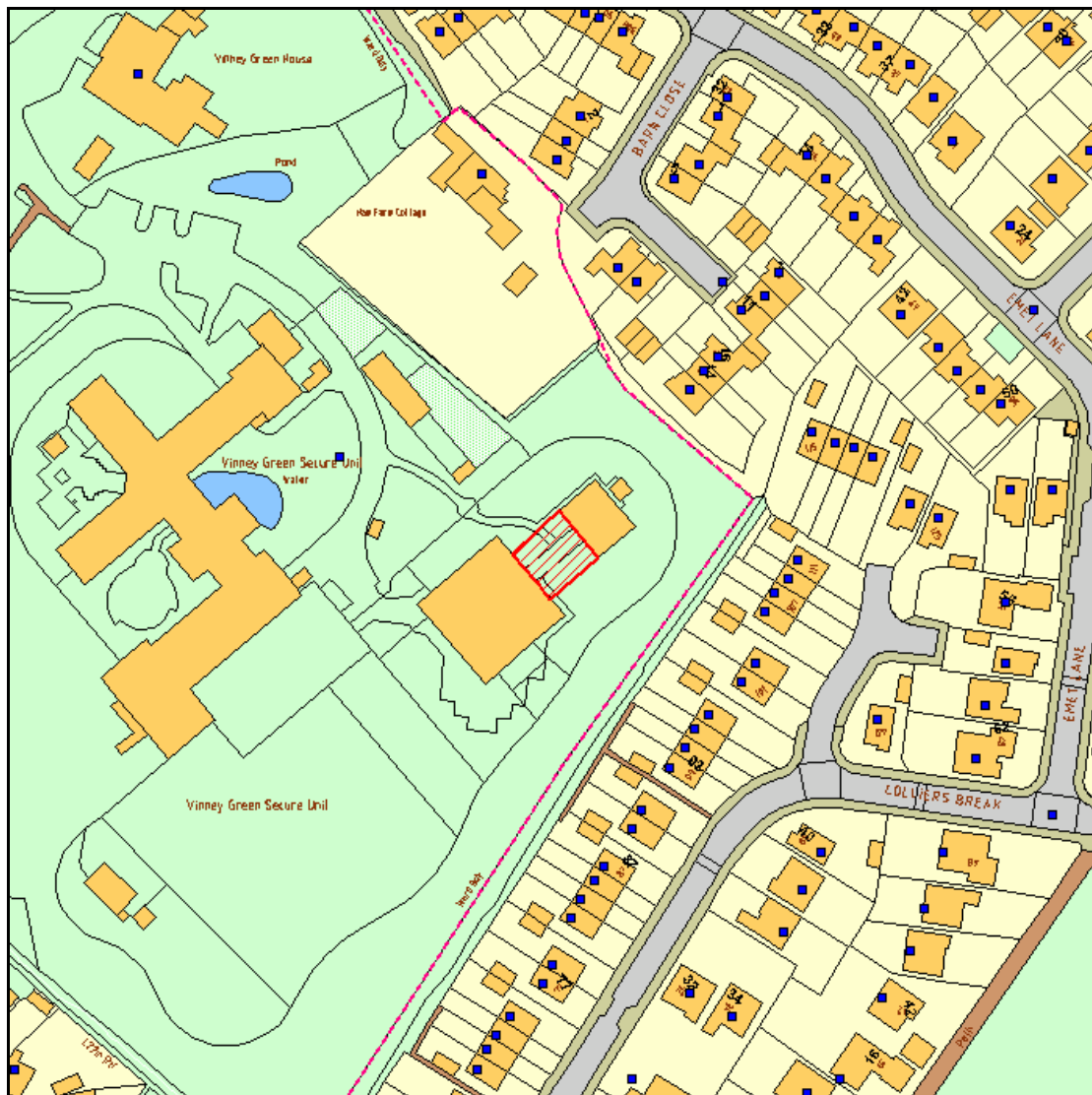
To ensure the satisfactory external appearance of the development in the interests of visual amenity and to maintain the character and setting of the listed building and to accord with Policy D1, H4 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.



## CIRCULATED SCHEDULE NO. 37/10 – 24 SEPTEMBER 2010

**App No.:** PK10/2202/R3F  
**Site:** Vinney Green Secure Unit Emersons  
Green Lane Emersons Green Bristol South  
Gloucestershire  
**Proposal:** Erection of single storey extension to form  
additional bedroom accommodation  
**Map Ref:** 366597 176527  
**Application Category:** Minor

**Applicant:** South Glos Council  
**Date Reg:** 24th August 2010  
**Parish:** Mangotsfield Rural  
Parish Council  
**Ward:** Rodway  
**Target Date:** 18th October 2010



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100023410, 2008. **N.T.S.** **PK10/2202/R3F**

## **Reasons for Referral to the Circulated Schedule**

This application is a Regulation 3 application submitted by South Gloucestershire Council. Under the Council's current scheme of delegation, Reg. 3 applications must appear on the Circulated Schedule.

### **1. THE PROPOSAL**

- 1.1 The application relates to Vinney Green Secure Unit, which is situated within its own expansive grounds to the south of Emersons Green Lane and to the east of Richmond Road. New houses within the Emersons Green Development lie to the east and south of the site. An older property, Ham Farm Cottage, lies to the north east of the site.
- 1.2 It is proposed to erect a four bedroom extension to link the existing Phase 2 building and the Phase 3 admin block. The extension would also include a lounge, en-suite toilets, storage, plant and circulation areas.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1 - Delivering Sustainable Development  
PPG13 - Transport

#### 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) 6th January 2006

D1 - Design in New Development  
LC4 - Community Facilities within the Urban Area and Defined Settlement Boundaries  
L1 - Landscape Protection and Enhancement

#### 2.3 Supplementary Planning Document

The South Gloucestershire Design Checklist (Adopted) 23<sup>rd</sup> August 2007.

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

- 3.1 P92/4663 - Erection of 16no place secure unit for young offenders and associated secure outdoor activity areas.  
Observations 26<sup>th</sup> Feb 1993
- 3.2 P98/4050 - Erection of security mesh onto existing perimeter wall/fence.  
Approved 4<sup>th</sup> March 1998
- 3.3 P98/4660 - Erection of new building to provide office and meeting room accommodation.  
30<sup>th</sup> Oct. 1998
- 3.4 PK01/3252/R3F - Erection of single storey extension to form waiting area.  
Deemed Consent 14<sup>th</sup> Jan 2002

- 3.5 PK04/2476/R3F - Erection of prefabricated workshop and security fencing.  
Deemed Consent 27<sup>th</sup> Sept. 2004
- 3.6 PK05/3511/R3F - Construction of synthetic sports areas and installation of 4  
no. floodlight columns.  
Deemed Consent 27<sup>th</sup> Jan 2006
- 3.7 PK06/3207/R3F - Erection of detached building to form workshop.  
Deemed Consent 8<sup>th</sup> December 2006
- 3.8 PK06/3176/R3F - Erection of single-storey office block (Class B1).  
Deemed Consent 19<sup>th</sup> Jan 2007
- 3.9 PK07/3658/R3F - Erection of single storey extension to existing admin wing to  
form staff locker room. Installation of 1no. window to north west elevation and  
installation of new entrance door and 4.2m high fencing.  
Deemed Consent 25<sup>th</sup> January 2007
- 3.10 PK08/2727/R3F - Erection of single storey extension to existing admin wing to  
form staff locker room. Installation of 1no. window to north west elevation and  
installation of new entrance door and 4.2m high fencing. (Amendment to  
previously approved scheme PK07/3658/R3F).  
Deemed Consent 7<sup>th</sup> Nov 2008.

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

4.1 Mangotsfield Rural Parish Council  
No objection

4.2 Other Consultees

Avon and Somerset Police  
No response

National Care Standards Commission  
No response

Sustainable Transport  
The proposal would result in no significant change to traffic movements to and  
from the site and hence it would not impact on road safety. No objection.

#### **Other Representations**

4.3 Local Residents  
No responses

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

5.1 Principle of Development

Policy LC4 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 permits the expansion or improvement of community or education facilities within the existing urban area, subject to criteria that are discussed below. Policy D1 seeks to secure good quality designs in new development and this policy is carried forward into Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010.

#### 5.2 Scale and Design

The proposed extension would be single-storey in height and modest in scale, with a flat roof. The extension is designed to blend in, with matching smooth red brick surround to the windows, up to DPC level and to parapet walls. Feature timber effect panels would be introduced between the areas of brickwork. The extension would have a flat roof to infill between the existing pyramid shaped roofs of the two adjacent buildings. The steel window surrounds and profiled parapet fascias would also be finished in light grey. Officers are therefore satisfied that the scale and design of the proposal are acceptable.

#### 5.3 Impact Upon Residential Amenity

The new development would be located entirely within the perimeter of the secure unit, which is enclosed by a very high, wire mesh fence and a thick belt of high vegetation. Views into the site from the public and residential areas immediately adjoining the site are very limited indeed. Being located in the north-eastern corner of the complex, the only residential properties likely to be affected lie in Colliers Brake to the east. These properties are however set well back from the perimeter fence and furthermore the high belt of vegetation between the fence and unit would provide adequate screening.

5.4 Having regard to the single-storey, flat roofed nature of the proposal, the development would have no overbearing impact for the nearest properties. There would also be no loss of privacy from overlooking or inter-visibility issues for these properties. Officers are therefore satisfied that there would be no adverse impact on residential amenity to result from the proposal.

#### 5.5 Transportation Issues

The proposed extension would be modest in scale. The number of employees on the site would not increase as a result of the extension. Officers noted during their site visit that there was more than ample car parking space within the site and this would be retained. Wooden bollards prevent car parking on the common land adjacent to Emersons Green Lane.

5.6 Officers consider that the existing signage at the site access is acceptable. There are therefore no highway objections to the proposal.

#### 5.7 Landscape Issues

A substantial belt of high vegetation encloses much of the site and this vegetation would be retained. There are no landscape implications to result from the scheme.

## 5.8 Environmental Issues

No public water sewer is available. Subject to the prior submission and approval of a SUDS drainage scheme there are no objections on environmental grounds.

## 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. The following is a summary of the reasons for granting planning permission:

1. Consideration has been given to the overall design of the proposal in relation to Policy D1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and Policy CS1 of The South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010.
2. The proposal will not have an adverse impact on neighbouring residential amenity in accordance with Policy LC4 of The South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
3. There will be no adverse transportation implications to result from the scheme, in accordance with Policies T8 and T12 of The South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
4. There will be no adverse landscape implications to result from the scheme, in accordance with Policy L1 of The South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
5. There will be no adverse environmental implications to result from the scheme, in accordance with Policy EP1 of The South Gloucestershire Local Plan (Adopted) 6 Jan 2006.

6.2 The recommendation to grant planning 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 be GRANTED subject to the conditions listed on the decision notice.

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

## 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 bricks to be used externally in the development hereby permitted shall match those of the existing building in colour and texture.

Reason

To ensure a satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010.

3. Prior to the commencement of the development hereby approved, drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details and prior to the first occupation of the building hereby approved..

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17/L18/EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 37/10 – 24 SEPTEMBER 2010

<b>App No.:</b>	PT10/1140/CLE	<b>Applicant:</b>	Mr Adam Studzinski
<b>Site:</b>	Hardings Farm Oldbury Naite Thornbury Bristol South Gloucestershire	<b>Date Reg:</b>	20th May 2010
<b>Proposal:</b>	Application for Certificate of Lawfulness for existing use of barn and stables as residential and area indicated on map as residential curtilage.	<b>Parish:</b>	Oldbury-on-Severn Parish Council
<b>Map Ref:</b>	361986 193550	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th July 2010



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 100023410, 2008. **N.T.S.** **PT10/1140/CLE**

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

Members will recall that this application for a Certificate of Lawfulness appeared on the Circulated Schedule No. 32/10 dated the 20<sup>th</sup> August 2010. During period of circulation the applicant has submitted further evidence that has led to an amendment to the Case Officer's original recommendation. Therefore, under the scheme of delegation, the update report and recommendation are required to be re-circulated under the Circulated Schedule procedure.

### **1. BACKGROUND**

- 1.1 This application seeks a Certificate of Existing Use (CLEU) for:
  - (i) Use of barn and stables as residential.
  - (ii) Use of area indicated on location map residential curtilage.
- 1.2 On the 20<sup>th</sup> August 2010 this application featured on the Circulated Schedule with a recommendation to refuse the CLEU for the following reasons:
  1. The evidence in total fails to demonstrate on the balance of probability in relation to the building shown on Plan AS2 that the storage of classic cars and motorcycle for hobby purposes is incidental to the enjoyment of the host dwellinghouse (Class C3), and that it has been used as such for a continuous period of 10 years immediately prior to the submission of the application.
  2. The evidence in total fails to demonstrate on the balance of probability that the area of land hatched in green on the plan AS1 has been used as residential curtilage for a continuous period of 10 years immediately prior to the submission of the application.
- 1.3 A copy of the Officer's Circulated Schedule report is attached as an appendix A.
- 1.4 During the period whilst this application was included on the Circulated Schedule the applicant submitted an additional Statutory Declaration in support of their application. The main points of this additional evidence are summarised below: -
  - The applicant disagreed with the Local Planning Authority's determination that the collection of classic cars and motorcycles were not an incidental residential use. The applicant made reference to a appeal case (Ref: APP/X0360/X/09/2107624).
  - The applicant provided sworn evidence that the building had been used continuously to store classic cars and motorcycles, regardless of the 2001 planning permission that indicated that the building might of had an equestrian use.
  - The applicant provided sworn evidence that the land hatched in green on plan AS1 had been used as residential curtilage, regardless of the



2001 planning permission that indicated that the building might have had an equestrian use.

- 1.5 In view of this additional sworn evidence Officer's have re-assessed the application and have provided an update to the previous report.

## **2. UPDATE REPORT**

### **2.1 The Storage of Classic Cars and Motorcycles**

The main issue regarding this storage of classic cars and motorcycles relates to whether the use is incidental to the enjoyment of the main dwellinghouse.

- 2.2 In the updated Statutory Declaration the applicant introduced an appeal decision (Ref: APP/X0360/X/09/2107624) that stated that the storage of classic cars is incidental to the use of the dwelling. It is considered that this decision can be distinguished from this certificate of lawfulness application. This is because the decision referred to the storage of a single classic car, whilst this case involves multiple vehicles. Conversely, the key points in this particular case are: 1) the number of vehicles being stored; 2) the lack of transience; and 3) the use is not subordinate to the main dwellinghouse. It is acknowledged that the storage of classic cars and motorcycles is part of the applicant's hobby. However the case law is clear that uses that are incidental to the enjoyment of a dwellinghouse, are not necessarily the same as the personal hobbies of householders. As such, it is considered that the updated Statutory Declaration has not introduced any further evidence to alter Officer's interpretation of the existing use. Therefore, the use of the building is one of storage and ancillary workshop (sui generis), and does not represent a use that is incidental to the main dwellinghouse (Class C3).

- 2.3 In the previous Circulated Schedule report (20th August 2010), it was argued that there was some uncertainty regarding the authorised use of the subject building. This was because the extent of a planning application in 2001 (PT00/2573/F) to change the use of the land to the keeping of horse included the building subject to this application. Officer therefore felt that on the balance of probabilities that the length of breach should have been measured from 2001 rather than 1999.

- 2.4 Notwithstanding this point, it is considered that the more recent Statutory Declaration has demonstrated that the change of use related to the adjacent land and not the buildings. Furthermore the evidence has also shown that the breach has been continuance and there was no intention by the applicant to change the use of the whole building to equestrian. On this basis, it is accepted that the storage of classic vehicles and motorcycles has occurred for a period of ten years. On this basis, it is recommended that a certificate of lawful use be granted for the use of part of the building for the storage of classic cars and vehicles.

### **2.5 The Extension to Residential Curtilage**

In the previous Circulated Schedule report it was explained that the applicant had not demonstrated, on the balance of probabilities, that the area hatched in

green on plan AS1 had been used as residential curtilage for a continuous period of 10 years. This was because it was considered that evidence in your clients original Statutory Declaration was outweighed by the evidence from the aerial photographs, the red edges on the location plans attached to planning applications to the dwellinghouse (PT04/3866/F and PT05/2766/F), and the red edge on the location plan attached to the planning application which changed the use of the land from agricultural to the keeping of horses (PT00/2573/F).

- 2.6 In light of the updated Statutory Declaration it considered that the applicant has now demonstrated that the land has been used for residential purposes since at least spring 2000. This is because they outlined that the land had been used for siting a garden shed and had been regularly mowed as part of the garden. On this basis of this evidence it is noted that there has been a continuous 10 year breach since spring 2000.
- 2.7 Notwithstanding this, weight should also be given to the planning application which granted planning permission (PT00/2573/F) in 2001 to change the use of the land from agricultural to the keeping of horses. The red edge of this application clearly included the land in question. Therefore when planning permission for the change of use was granted on the 31 January 2001 the land in question had an authorised use for the keeping of horses. Nevertheless the updated Statutory Declaration has demonstrate that this part of the 2001 was not implemented in this section of the site and the land has been continuously used as part of the garden of the main dwellinghouse. On this basis, it is considered that the land hatched in green on the plan AS1 has been used for residential purposes for a continuous period of 10 years, and therefore it is recommended that the certificate of lawfulness should be granted for this particular use.
- 2.8 Outstanding Matters  
The applicant has made it clear that they have used part of the building as a utility room and as a shed for the storage of tools – this was shown on plan AS2 that was attached to the original Statutory Declaration. It is considered that these represent uses that are incidental to the main dwellinghouse that have been carried out for a continuous period of 4 years. It is therefore recommend that a certificate of lawfulness should be granted for these residential uses.

### **3. CONCLUSION**

- 3.1 Under this application the claimant has sought a certificate of lawfulness for the existing use of a barn for residential purposes, and for the use of land as residential curtilage. In support of their application the claimant has submitted two sworn Statutory Declarations, which states that the building has been used for storing classic car and motorcycles since 1999, and that a piece of land has also been used for residential purposes for the same period.
- 3.2 It is considered that the Statutory Declarations carry considerable weight. Nevertheless this evidence needs to be carefully balanced against other material considerations. Firstly, in view of relevant appeal decisions and case law, it is concluded that the storage of classic cars and monocycle for hobby purposes is not incidental to the enjoyment of the dwellinghouse, accordingly

the claimant is required to demonstrate a continuous 10 year breach of planning control in order to regularise the unlawful development.

- 3.3 Notwithstanding the previous Circulated Schedule report, it is considered that the applicant updated Statutory Declaration has demonstrated that a part of the building has been used for the storage of classic vehicles. Moreover the evidence has also demonstrated that the other parts of the building have been used for residential uses of a continuous period of 4 years and a area of land has been used as residential curtilage for a continuous period of 10 years.
- 3.4 To summarise, it is recommended that a certificate of lawfulness should be granted for the following: -
- A certificate of existing lawful use shall be granted for the use of part of the building for the storage of classic vehicles and ancillary workshop (sui generis).
  - A certificate of existing lawful use shall be granted for the use of part of the building as a tool shed and utility room incidental to the main dwellinghouse (class C3)
  - A certificate of existing lawful use shall be granted for the use of the land hatched in green on plan AS1 as residential curtilage (class C3).

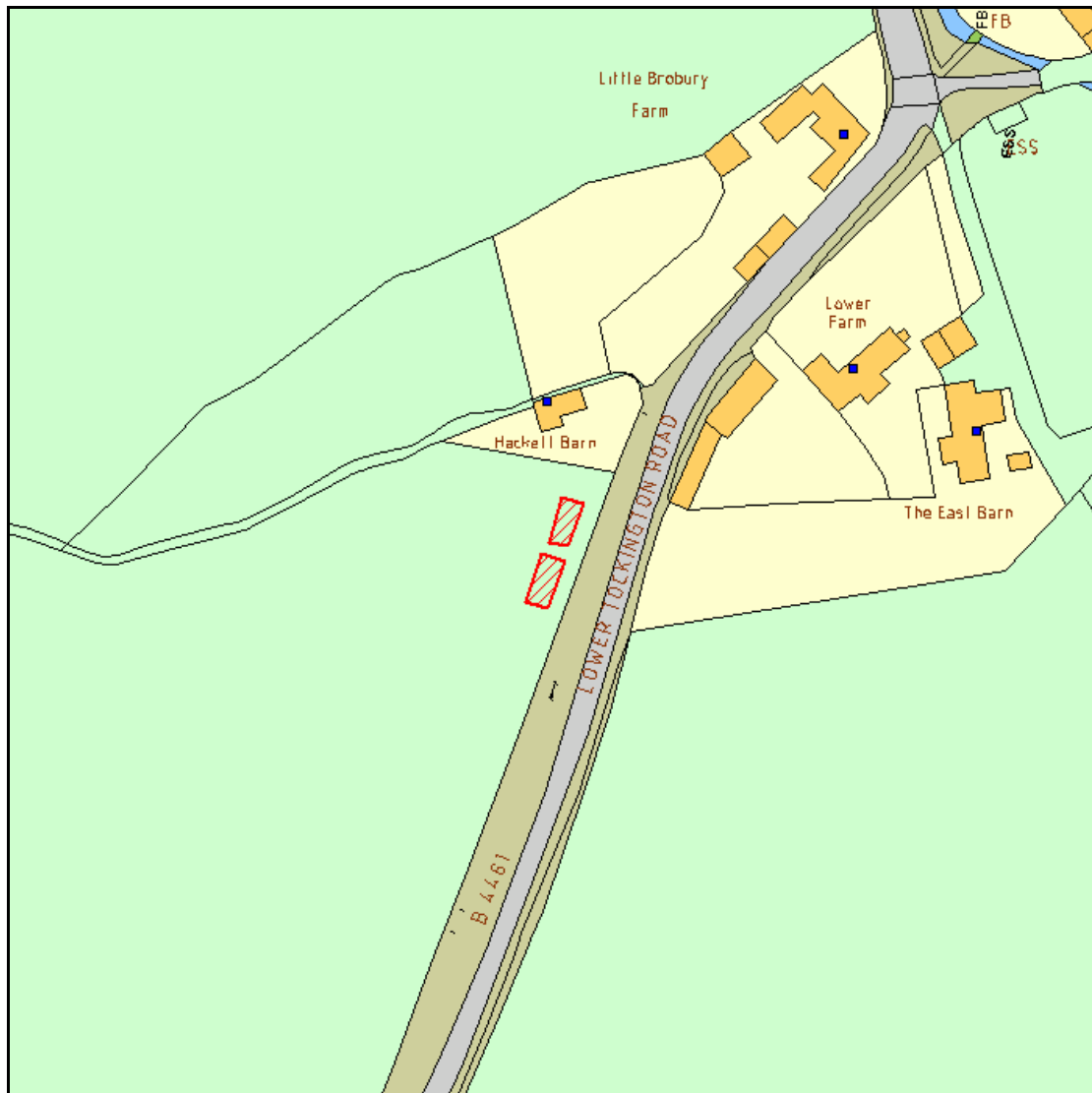
## 8. **RECOMMENDATION**

- 7.1 Certificate of Lawfulness for Existing Use to be **GRANTED** for the following reason(s): -
1. The evidence in total demonstrates on the balance of probability in relation to the parts of building shown on Plan AS2 as 'Garage' and 'Motor Workshop' have been used for the storage of classic cars and motorcycles and ancillary workshop (Sui Generis) for a continuous period of 10 years immediately prior to the submission of the application.
  2. The evidence in total demonstrates on the balance of probability in relation to the parts of the building shown on Plan AS2 as 'Tool Shed', 'Utility' and 'Garage/Store' have been used for residential purposes incidental to the enjoyment of the host dwellinghouse (Class C3), and that it has been used as such for a continuous period of 4 years immediately prior to the submission of the application.
  3. The evidence in total demonstrates on the balance of probability in relation to the area of land hatched in green on plan AS1 has been used as residential curtilage incidental to the enjoyment of the host dwellinghouse (Class C3) for a continuous period of 10 years immediately prior to the submission of the application.

**Contact Officer: Peter Rowe**  
**Tel. No. 01454 863131**

## CIRCULATED SCHEDULE NO. 37/10 – 24 SEPTEMBER 2010

<b>App No.:</b>	PT10/1375/F	<b>Applicant:</b>	Mr D Smith
<b>Site:</b>	Hackett Barn Lower Tockington Road Tockington Bristol South Gloucestershire	<b>Date Reg:</b>	13th August 2010
<b>Proposal:</b>	Erection of agricultural shed and polytunnel. (Retrospective).	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	360827 186115	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th October 2010



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100023410, 2008. **N.T.S.** **PT10/1375/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule, as a representation was made contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full retrospective planning permission for the erection of an agricultural shed and polytunnel.
- 1.2 This application has been made retrospectively following an investigation by the Council's Planning Enforcement Team. The application site relates to an area of flat agricultural land to the south of the residential curtilage of Hackett Barn. The land lies in open Green Belt, just outside the Tockington Conservation Area. The application seeks to regularise two developments in the form of a wooden shed and a polytunnel.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS4	Planning for Sustainable Economic Development
PPS5	Planning for the Historic Environment
PPS7	Sustainable Development in Rural Areas

#### **2.2 Development Plans**

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

D1	Achieving Good Quality Design
E9	Agricultural Development
GB1	Development in the Green Belt
L1	Landscape Protection and Enhancement
L12	Conservation Areas

##### Emerging Development Plan

##### Core Strategy Pre-Submission Publication Draft (March 2010)

CS1	High Quality Design
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#### **2.3 Supplementary Planning Guidance**

Development in the Green Belt (June 2007)  
South Gloucestershire Council Design Checklist (Adopted) 2007

### 3. RELEVANT PLANNING HISTORY

- 3.1 PT00/1651/F - Conversion of barn to dwelling and alterations to existing access. Approved 16/08/2001.
- 3.2 PT06/3205/F - Erection of single storey side extension to provide additional living accommodation. Refused on Green Belt grounds 21/12/2006.
- 3.3 PT07/0500/F - Erection of two storey side extension to provide additional living accommodation. Erection of side porch. Approved 04/04/2007.

### 4. CONSULTATION RESPONSES

#### 4.1 Olveston Parish Council

Object as the site appears unsightly at the entrance to the village, and there seems to be some confusion between agriculture and horticulture; we feel this constitutes a change of use. The inside of the wooden shed does not appear to be used for agricultural purposes, but more as an area for household DIY.

#### 4.2 Other Consultees

##### Landscape Officer

No objection.

#### Other Representations

#### 4.3 Local Residents

No response.

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

The site lies within the Green Belt and Policy GB1 of the Local Plan considers new buildings used for agricultural purposes to be acceptable in principle. The buildings also reside in close proximity to the Tockington Conservation Area and so Policy L12 of the Local Plan is also applicable.

Policy E9 of the Local Plan relates to the erection of Agricultural Buildings. It is considered that the land to the south of Hackett barn is being used for agricultural purposes and therefore no change of use application is required. Permission is granted subject to the satisfaction of the following criteria:

- 5.2 **They are sited on land which is in use for agricultural purposes and there are no existing suitable underused buildings available;**
- 5.3 The land lies to the south of the applicant's residential curtilage associated with Hackett Barn and various works have already been carried out on the site

including a 1.2 m wooden fence that separates the agricultural land from Hackett Barn. It is accepted that these works likely fall under permitted development rights. The agricultural land has a vegetable plot, apple and pear trees, and small turkey and chicken sheds with livestock. The polytunnel is being used for storage and growing of plants and this horticultural use falls within the definition of 'agriculture' as expressly stated in Section 336 of the Town and Country Planning Act 1990. The wooden shed contains feed, fertilizers, agricultural machinery and farming tools. All ornamental shrubbery appears to be within the private garden area of Hackett Barn. There are no other agricultural buildings on the land that could be utilised and so the principle of constructing an agricultural building on the site is considered acceptable.

5.4 **Adequate provision is made for access and manoeuvring of machinery and livestock to avoid the perpetuation, intensification or creation of a traffic hazard;**

5.5 The existing access into Hackett Barn is considered acceptable. The use of the land for agricultural purposes would not intensify the use of the access to an unacceptable level, given its current scale.

5.6 **Development would not have unacceptable environmental effects;**

5.7 It is not considered that the proposal would have any unacceptable environmental effects.

5.8 **The proposal would not prejudice the amenities of people residing in the area.**

5.9 The site is located away from neighbouring residential properties, and the development is considered to be of a fairly modest nature. The impact on residential amenity would be acceptable.

5.10 Conservation Area / Visual Impact

The two buildings are located behind existing vegetation on the boundary with Lower Tockington Road. The buildings are considered to be of an acceptable size, scale and external appearance that there would be no adverse impact upon the character of the Tockington Conservation Area or the wider locality.

5.11 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

## 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.

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

- a) There are no existing suitable underused buildings available and the buildings in situ would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers or have any unacceptable environmental impacts. The development therefore accords to Policy E9 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The buildings represent appropriate development in the Green Belt and would not have any adverse impact on the surrounding landscape. The development therefore accords to Policy GB1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- c) The development would not adversely impact upon the Tockington Conservation Area. The development therefore accords to Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

7.1 That planning permission is **GRANTED**.

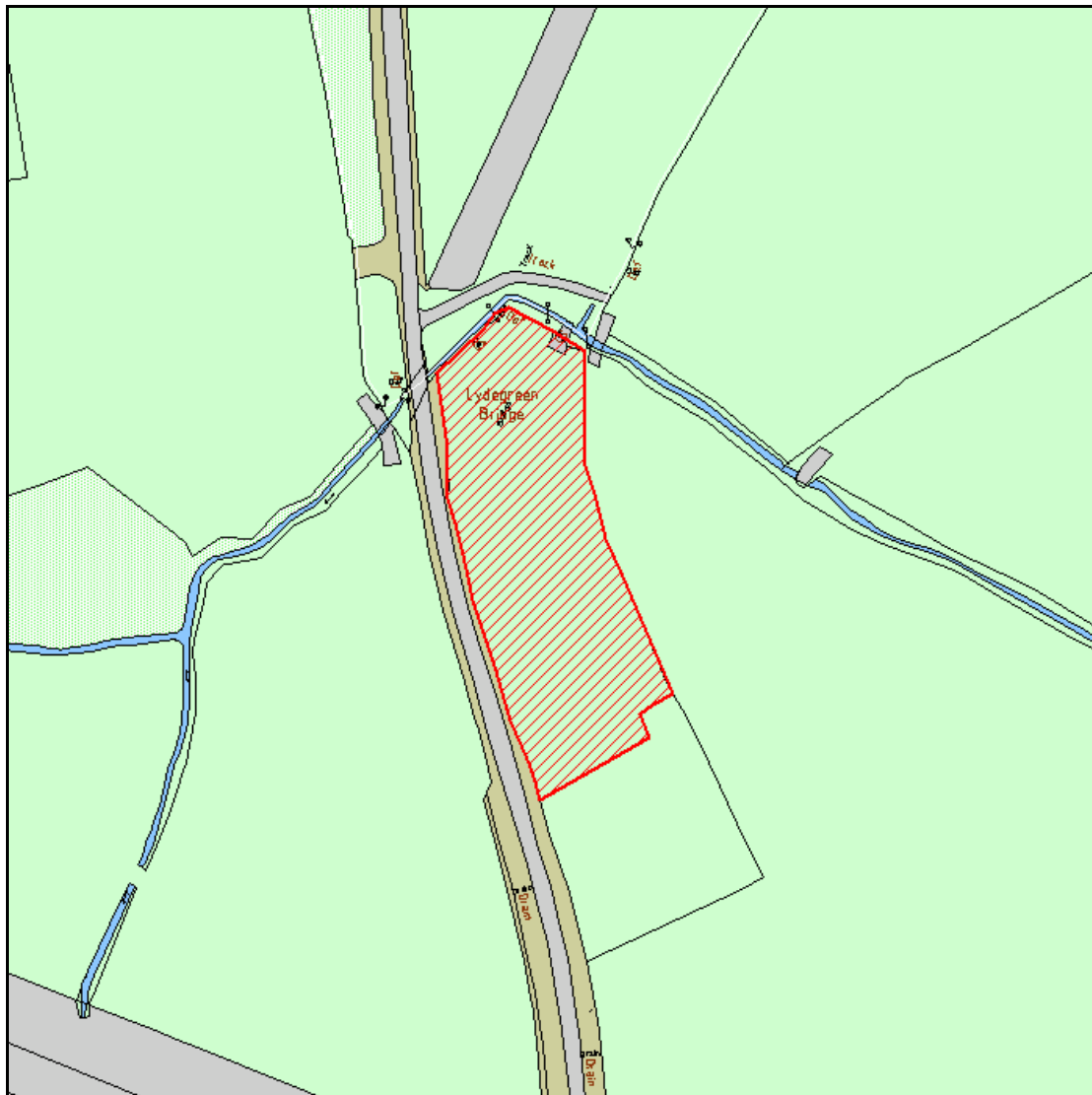
**Contact Officer: William Collins**  
**Tel. No. 01454 863425**



## CIRCULATED SCHEDULE NO. 37/10 – 24 SEPTEMBER 2010

<b>App No.:</b>	PT10/1776/F	<b>Applicant:</b>	Mr Larry Harvey
<b>Site:</b>	Parcel Land Lyde Green Nr Henfield South Gloucestershire BS36 2TQ	<b>Date Reg:</b>	11th August 2010
<b>Proposal:</b>	Change of use from agricultural land to land for the keeping of horses. Erection of stables.	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	368443 177750	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th October 2010

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100023410, 2008. **N.T.S.** **PT10/1776/F**

## **INTRODUCTION**

The application appears on the Circulated Schedule in view of the concerns raised by the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the change of use of land to provide for the keeping of horses and for the erection of a stable building.
- 1.2 The application relates to a parcel of land at Lysander Bridge south of Henfield. The application site lies within the open Green Belt beyond any settlement boundary.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1: Delivering Sustainable Development  
PPG2: Green Belts  
PPS7: Sustainable Development in Rural Areas  
PPG13: Transport  
PPS25: Development and Flood Risk

#### 2.2 Development Plans

Emerging Policies: South Gloucestershire Core Strategy Pre-Submission Publication Draft (March 2010)

CS1: High Quality Design  
CS9: Environmental Resources and Built Heritage  
CS34: Rural Areas

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development  
GB1: Development in the Green Belt  
L1: Landscape Protection and Enhancement  
L9: Species Protection  
L17 & L18: The Water Environment  
E10: Horse Related Development  
T12: Transportation Development Control Policy for New Development

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)  
Development in the Green Belt (Adopted)

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

- 3.1 None specific

### **4. CONSULTATION RESPONSES**

- 4.1 Pucklechurch Parish Council  
Objection: there is insufficient land to support two horses

Westerleigh Parish Council  
No comments received

- 4.2 Other Consultees  
Landscape Officer: no objection subject to conditions  
Highways DC: no objection  
Environment Agency: no objection subject to conditions  
Drainage Engineer: no objection in principle

### **Other Representations**

- 4.3 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Planning policy E10 cites that proposals for horse related development such as stables, field shelters and riding schools, will be permitted outside of the urban areas and the settlement boundaries provided that:
- It would not have an unacceptable environmental effect; and
  - It would not prejudice the amenities of neighbouring occupiers; and
  - Adequate provision is made for access, manoeuvring and parking and the proposal would not be detrimental to highway safety; and
  - Safe and convenient access to bridleways and riding ways is available to riders; and
  - There is no suitable underused building available for conversion; and
  - The design of the building, the size of the site and the number of horses to be catered for has proper regard to the safety and comfort of horses.
- 5.2 Policy GB1 cites that permission will only be given for new buildings in the Green Belt subject to a limited number of criteria; one such criterion allows for new buildings that would provide essential facilities for sport and recreation that preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it. The change of use of land or buildings is permissible provided that (as appropriate):
- It would not have a materially greater impact that the present authorised use on the openness of the Green Belt and would not conflict with the purposes of including land within it;
  - The form, bulk and general design of the buildings are in keeping with their surroundings.
- 5.3 Design/ Visual Amenity  
The application relates to a parcel of land at Lydegreen Bridge south of Henfield just north of the M4 motorway. The application seeks planning permission for the erection of a stable building and for the associated change of

- use land to provide for the keeping of horses. There are no existing buildings on the site.
- 5.4 The proposed stable building would stand at the southern end of the application site facing northwards. In so doing, it would stand close to the existing vehicle entrance into the field with a small area of hardstanding proposed. The stable building would be relatively small, providing for two horses and a tack room. In so doing, it would measure 4.1m in depth (excluding the overhanging roof) and a little less than 10m in length. It would measure 3.7m in height with shiplap boarding to the elevations.
- 5.5 No planting proposals have been submitted and thus in the event that permission is granted, a landscaping condition should be attached. In this regard, it is considered that a new hedgerow of native/ semi-native hedgerow plants along the open southern boundary would be appropriate.
- 5.6 Having regard to the size, design and position of the proposed stable building, there is no objection in this instance with it considered to be in keeping with the more rural nature of the locality. On this basis, there is no objection to the proposal subject to the above-mentioned condition and a further condition requiring the maintenance of the landscaping for a period of five years.
- 5.7 Impact on the Openness of the Green Belt  
Planning policy GB1 allows for the erection of new buildings where for the purposes of outdoor sport and recreation; the proposed stable building would fulfil this requirement. Further, it is not considered that this change of use of land would have a materially greater impact on the openness of the Green Belt than the former agricultural use. On this basis, there is no objection to this current proposal on green belt grounds.
- 5.8 Residential Amenity  
The application site occupies a remote position and is remote from any residential dwelling. Therefore, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.9 Highway Safety  
It is not anticipated that a stable of this size and the associated change of use of land would generate an unacceptable increase in traffic generation. As such, there is no highway objection to this current proposal.
- 5.10 Horse Welfare  
Guidelines laid down by the British Horse Society advise that a stable building should be large enough for a horse to comfortably stand up in and turn around. Therefore, depending on the size of the horse, a stable should measure between 3 x 3.7 and 3.7m x 3.7m. In this instance, each enclosure would measure 3.6m x 3.6m with an eaves height of 2.2m and a ridge height of 3.7m. Accordingly, there is no objection to the current proposal on this basis.
- 5.11 Further, the British Horse Society recommends that at least 0.4- 0.6Ha of grazing land should be available for each horse with additional exercising areas

of 0.25Ha per horse. In this instance, the application site measures 0.75Ha thus there is only sufficient land available for one horse.

5.12 The applicant has responded to this concern providing advice received from the animal welfare manager of Horseworld Trust (Bristol). This states that where horses are supplemented with conserved fodder or placed on mixed stabled/ grazing programmes a smaller area of land (as per the application site) is likely to be appropriate. The Defra Code of Practice for the Welfare of Horses, Ponies, Donkeys and other hybrids and the Equine Industry Welfare Guidelines are cited as providing support for this argument. The applicant has also drawn attention to further guidelines of the British Horse Society which advise that stabling the horse can help to reduce the effects of long term grazing giving the grass and ground a chance to recover.

5.13 In the light of the above, it is considered that any planning refusal based solely on this concern is very unlikely to prove sustainable in the event that the application was subject to appeal. This recommendation also has regard to the fact that this site currently provides for three horses (one foal) without any signs of discomfort or distress to these animals.

5.14 Access to Bridleways/ Recreational Routes

The application site occupies a remote rural location with the adjoining highway identified as a recreation route (LC12). On this basis, and with further bridleways in the wider area, it is considered that there can be no reasonable related objection to this proposal.

5.15 Flood Risk

The application site occupies a site within flood zone 3b; in this regard the Environment Agency have raised no objection to the proposal subject to conditions and provided that the Local Planning Authority is satisfied that the sequential test outlined by PPS25 is satisfied.

Concerning the sequential test, only water compatible uses are generally permissible; one such water compatible use is identified as outdoor sports and recreation and essential facilities such as changing rooms. It is considered that the application can be considered to fall within this category (confirmed by the Environment Agency) thus it is considered that there can be no reasonable objection to the proposal on this basis.

5.16 Any planning permission should also be the subject of those conditions suggested by the Environment Agency. These seek to ensure that there would be no raising of ground levels, details of the proposed drainage system, the incorporation of flood proofing measures and a porous design (i.e. which lets flood waters wash through) and that the stables are used for domestic purposes only.

5.17 Ecology

Paragraph 14 of PPS9 states that 'Development proposals provide many opportunities for building in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning authorities should maximise such opportunities...' As such, where appropriate, applications

should demonstrate how they would contribute towards the targets and aims of the South Gloucestershire Biodiversity Action Plan, i.e. by creating areas of habitat or by managing existing habitat areas sympathetically. Accordingly, it is considered that ecological gain should be sought as part of this application.

- 5.18 This gain might form planting, restoring and/ or sympathetically managing of boundary hedges, the creation of a new pond for wildlife or the creation of a rough species-rich grassland strips alongside the hedgerows, utilising a seed mix suitable for the locality and soil type. It is considered that this requirement could form the basis of a suitably worded condition in the event that permission is approved.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The recommendation to grant permission is for the following reasons:
1. The proposal is of modest scale and would appear in keeping with the rural nature of the locality. The proposal is therefore considered to comply with Planning Policies D1 (Achieving Good Quality Design in New Development), L1 (Landscape Protection and Enhancement) and GB1 (Development in the Green Belt) of the South Gloucestershire Local Plan (Adopted) January 2006.
  2. The proposal would comprise appropriate development within the Green Belt and thus would comply with Policy GB1 (Development in the Green Belt) of the South Gloucestershire Local Plan (Adopted) January 2006.
  3. The proposal would have an appropriate regard to horse welfare and thus is considered to comply with planning policy E10 (Horse Related Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

## 7. RECOMMENDATION

- 7.1 Planning Permission is **GRANTED** subject to the following conditions:

**Contact Officer: Peter Burridge**  
**Tel. No. 01454 865262**

## **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. At no time shall the stables and the associated land be used for livery, riding school or other business purposes whatsoever.

Reason

To protect the character and appearance of the area and in the interests of flood risk, all to accord with Planning Policies GB1, L1, E10 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The number of horses kept on the site edged in red shall not exceed two.

Reason

In the interests of the welfare of horses, to help accord with the guidance of the British Horse Society; and Planning Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

Reason

To protect the character and appearance of the area, and to accord with Planning Policies GB1, L1 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

Reason

To protect the character and appearance of the area, and to accord with Planning Policies GB1, L1 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To protect the character and appearance of the area to accord with Planning Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

To protect the character and appearance of the area to accord with Planning Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To protect the character and appearance of the area to accord with Planning Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Existing Ground levels shall be maintained with no raising of ground level approved as part of this application.

Reason

In the interests of flood prevention and to accord with the provisions of PPS25 and planning policies L17, L18 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. There shall be no external lighting.

Reason

To protect the character and appearance of the area to accord with Planning Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with planning policies L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. Prior to the commencement of development, details of the proposed flood-proofing and prevention measures incorporated into the building shall be submitted to and



approved in writing by the Local Planning Authority. Development shall accord strictly with these approved details.

Reason

To help minimise the impacts of flooding and to accord with the provisions of PPS25 and planning policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. Prior to the commencement of development, a flood evacuation plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To help minimise the impacts of flooding and to accord with the provisions of PPS25 and planning policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

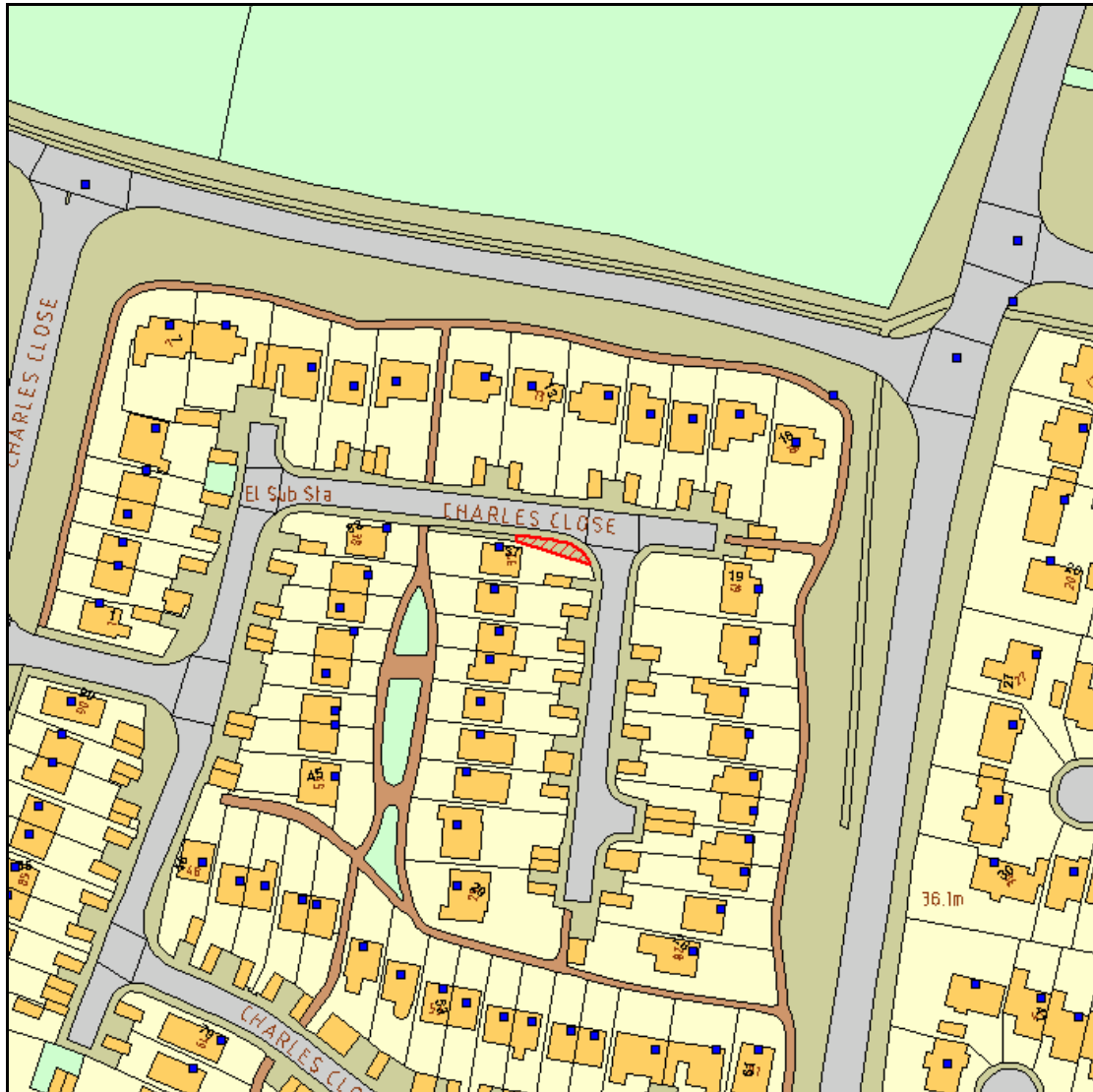
14. Prior to the commencement of development, an ecological (habitat creation and management) plan shall be submitted to and agreed in writing with the Local Planning Authority which shall include details of the habitat to be created within the site and how this area will be sympathetically managed to benefit local wildlife. This plan shall be implemented in accordance with the agreed details.

Reason

To protect wildlife and the ecological interests of the site, in accordance with Planning Policies L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 37/10 – 24 SEPTEMBER 2010

<b>App No.:</b>	PT10/1819/F	<b>Applicant:</b>	Mrs Pauline Smith
<b>Site:</b>	37 Charles Close Thornbury South Gloucestershire BS35 1LW	<b>Date Reg:</b>	12th August 2010
<b>Proposal:</b>	Change of use of land from amenity land to residential curtilage and erection of a boundary wall.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364369 191229	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th October 2010



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## **INTRODUCTION**

This application is being circulated to Members because the officer's recommendation is contrary to an objection received from a local resident.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the change of use of a parcel of land to the rear of the property to residential curtilage and for a boundary wall ranging from 1.55 – 1.7 metres in height to enclose this parcel of land essentially making it part of the rear garden.
- 1.2 The application site relates to a modern two-storey detached dwelling located within the Thornbury Settlement Boundary as defined on the Local Plan Proposals Map 2006. The piece of land subject to the proposed change of use is located to the rear of the dwelling directly adjacent to the existing boundary wall on a corner of Charles Close. At present the land is grassed with some shrubs on it but is not well kept or maintained. The applicant has indicated that they have located the owner and are in negotiations to purchase this piece of land. It is proposed to erect the boundary wall around the rear garden replacing the existing boundary wall and extending it around the parcel of land in question. It would be 1.55 metres adjacent to the garage at the rear and rise to 1.7 metres where the wall meets the house.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Design  
H4: Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist Supplementary Planning Document 2007
- 2.4 Emerging Policy  
South Gloucestershire Council Core Strategy Pre-Submission Publication Draft March 2010:  
CS1: High Quality Design

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
No objection.

- 4.2 Highways Engineer  
No objection.

### **Other Representations**

- 4.3 Local Residents  
1 letter received objecting to the application on the following grounds:

- a) moving the boundary wall would reduce visibility and increase the risk of an accident;
- b) annexing public land to be part of private garden could be illegal.

These objections will be considered in the relevant sections of the report. Should any objections not fit within any of the standard sections, they will be considered in a separate section entitled 'Other Matters' which is found towards the end of the report.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 specifically relates to residential development including extensions to dwellings. Accordingly the proposal is acceptable in principle subject to the following considerations.
- 5.2 Design and Visual Amenity  
The existing land is a grassed area with a mature buddleia and looks relatively unkempt. Replacing and extending the existing boundary wall around this would remove this underused space. The materials to be used in the construction of the proposed wall would consist of brick and brick-on-edge coping. No details of brick texture and colour have been submitted and accordingly a condition requiring the brick to match the host dwelling is recommended in the event of approval to ensure that the wall remains in keeping with the locality and existing property. Other boundary walls in the same style, location and height are evident in the locality and accordingly there is no objection to the proposal in terms of design or visual amenity. As such it meets criteria contained in policy D1 of the South Gloucestershire Local Plan (Adopted) 2006 and the South Gloucestershire Design Checklist Supplementary Planning Document 2007.
- 5.3 Residential Amenity  
Given that the development involves the change of use of a small strip of unused land and the erection of a boundary wall of some 1.55 – 1.7 metres tall it is considered that this would not result in any inter-visibility or overlooking or loss of privacy to neighbouring occupiers. Sufficient space would remain to serve the main dwelling. A concern has been raised regarding highway safety of the corner and the proposed wall in this location. It is considered that the proposed development would not compromise highway safety. Accordingly it is considered that the change of use of this small area of underused land and the proposed boundary wall would not affect existing levels of residential amenity afforded to neighbouring and future occupiers. As such the proposal meets

criteria contained in policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

5.4 Transport and Highway Safety

The corner in question in Charles Close was inspected and the South Gloucestershire Council Highways Engineer took measurements at the junction on a recent site visit. The South Gloucestershire Council Highways Engineer is satisfied that the proposed wall would not reduce visibility at the junction to the extent that will compromise highway safety. Charles Close is an unclassified, residential road and the construction of a wall to the rear of a footway is unlikely to have a significant impact on highway conditions even at a junction. Accordingly there is no objection in terms of transport.

5.5 Other Matters

A concern was raised that annexing public land to be part of private garden could be illegal. A planning application can be submitted in respect of any land whether or not in ownership of the applicant. However an approval of planning permission does not grant rights of ownership on the applicant and accordingly exercising any planning approval on land that is not within the ownership of the applicant is not a planning matter but a legal matter. Notwithstanding this, South Gloucestershire Council records indicate that this land is privately owned, not designated as Public Amenity land and is not land retained and maintained by the Council. Moreover the applicant has indicated that they have located and contacted the owner of the strip of land in question and are in negotiations with the owner to purchase the land.

Accordingly it is not considered that the application involves annexing public land as private garden and it does not appear to give rise to any legal issues.

5.6 Design and Access Statement

No Design and Access Statement was necessary with this application.

5.7 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. [In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 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 Other boundary walls in the same style, location and height are evident in the locality and accordingly there is no objection to the proposal in terms of design or visual amenity. As such it meets criteria contained in policy D1 of the South

Gloucestershire Local Plan (Adopted) 2006 and the South Gloucestershire Design Checklist Supplementary Planning Document 2007.

- 6.3 This proposal would not result in any inter-visibility or overlooking or loss of privacy to neighbouring occupiers. Sufficient space would remain to serve the main dwelling. As such the proposal meets criteria contained in policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.4 The South Gloucestershire Council Highways Engineer is satisfied that the proposed wall would not compromise highway safety. Accordingly there is no objection in terms of transport and the proposal meets policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.5 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 be **GRANTED** subject to the following conditions.

**Contact Officer: Genevieve Tuffnell**  
**Tel. No. 01454 863438**

### **CONDITIONS**

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

Reason

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

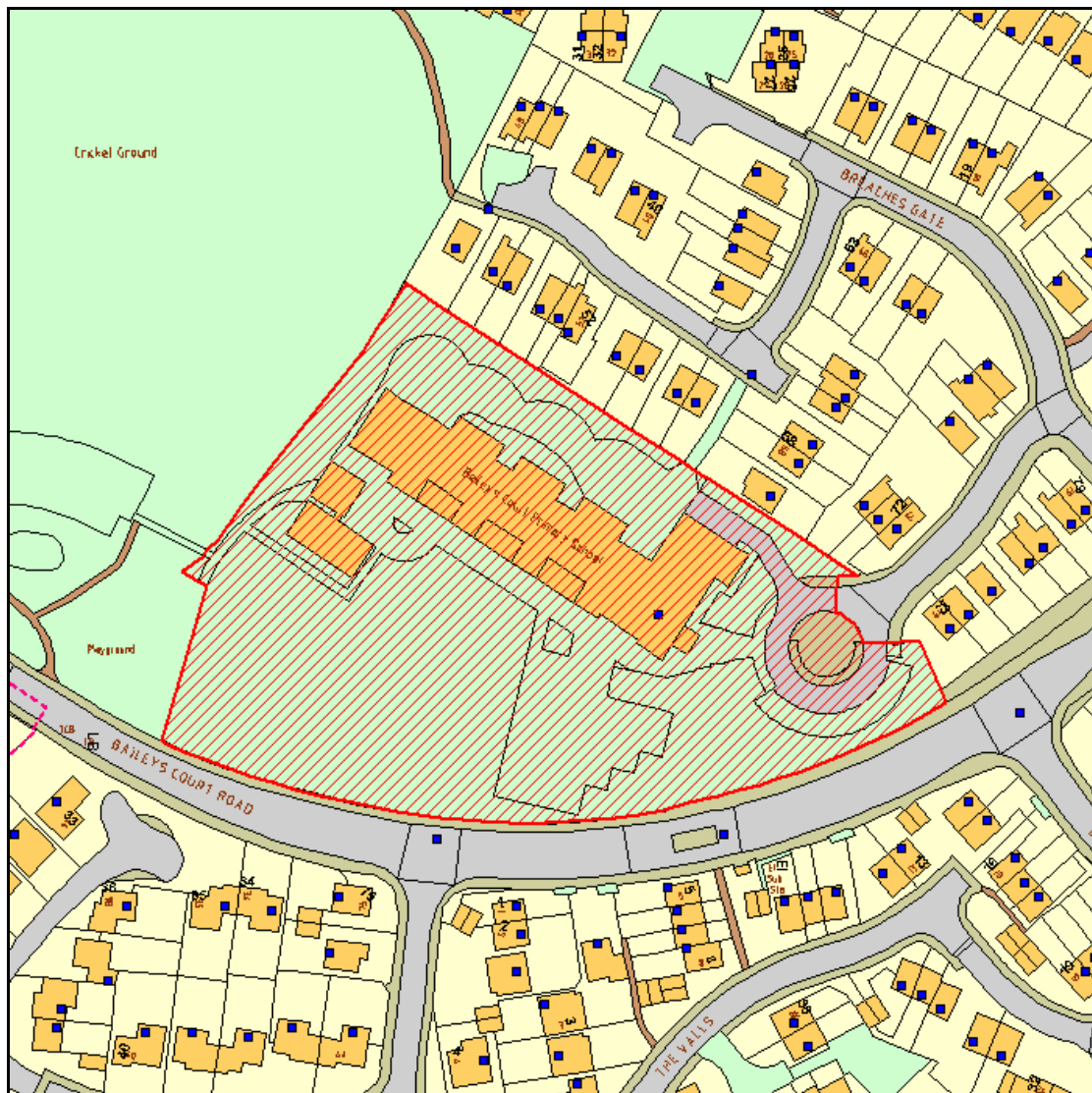
2. The bricks to be used in the construction of the boundary wall hereby permitted shall match those of the existing building in colour and texture.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 37/10 – 24 SEPTEMBER 2010

<b>App No.:</b>	PT10/1875/R3F	<b>Applicant:</b>	Baileys Court Primary School
<b>Site:</b>	Baileys Court Primary School Breaches Gate Bradley Stoke Bristol South Gloucestershire	<b>Date Reg:</b>	28th July 2010
<b>Proposal:</b>	Erection of 3 metre high double gates and fence to existing pedestrian access	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362864 180740	<b>Ward:</b>	Bradley Stoke South
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th September 2010



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## **REASONS FOR REFERRAL TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule as this is a Regulation 3 planning application.

### **1. THE PROPOSAL**

- 1.1 The proposal consists of the erection of 3 metre high double gates and fence to existing pedestrian access
- 1.2 The application site relates to a Primary School in Bradley Stoke. The school is located within a residential area, with access to the site through the residential street of Breaches Gate. The proposal relates to the erection of a 3 m high metal-framed chain link fence to the southern boundary of the site, adjacent to Baileys Court Road.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1: Delivering Sustainable Development

#### 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

LC4: Proposals for Educational and Community Facilities

T12: Transportation Development Control Policy for New Development

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

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

- 3.1 Various applications on the wider school site, but none that specifically relate to this planning application.

### **4. CONSULTATION RESPONSES**

#### 4.1 Bradley Stoke Town Council

No objection.

#### 4.2 Other Consultees

Transportation

No objection.



## **Other Representations**

### 4.3 Local Residents

No response.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy LC4 of the adopted South Gloucestershire Local Plan allows the development, expansion or improvement of education and community facilities within existing urban areas, provided that: -

- a) proposals are located on sites which are, or will be, highly accessible on foot and by bicycle; and
- b) development would not unacceptably prejudice residential amenities; and
- c) development would not have unacceptable environmental or transportation effects;
- d) development would not give rise to unacceptable levels of on street parking to the detriment of the amenities of surrounding area and highway safety.

### 5.2 Residential Amenity

The proposed works would be set within the existing school site, on the opposite side of the road from the nearest residential properties approximately 20 m to the south of the site. As such, the development would not materially harm residential amenity.

### 5.3 Transportation

The Council's Highways Officer was consulted as a part of this planning application. The proposed fence is set back from Baileys Court Road and as a result there would be no adverse impact on highway safety.

### 5.4 Visual Amenity / Environmental Impact

The proposed fence would add to the existing green coloured 3 m high metal framed chain link fence already in situ. The majority of the existing fence is not visible from the public realm as it is hidden behind shrubbery approximately 3-4 m in height. The new section of fencing would be visible from Baileys Court Road however it is not considered the fence's appearance would be harmful to visual amenity. On this basis it is considered that the proposed development would have no adverse impact on the character and appearance of the existing site and the surrounding area.

There would be no adverse environmental impacts as a result of the development.

## 6. CONCLUSION

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

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

- a) The proposed fence would not have an adverse impact on residential amenity, have no adverse environmental impacts and not prejudice highway safety. The development therefore accords to Policy D1, T12 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposed fence is of a satisfactory design and respects the character of the existing site and the surrounding area. The development therefore accords to Policy D1 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.

## 7. RECOMMENDATION

- 7.1 That planning permission is **GRANTED** subject to the condition attached to the decision notice.

**Contact Officer: William Collins**  
**Tel. No. 01454 863425**

## CONDITIONS

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

Reason

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

## CIRCULATED SCHEDULE NO. 37/10 – 24 SEPTEMBER 2010

<b>App No.:</b>	PT10/1888/F	<b>Applicant:</b>	Miss J Kittow And Mr C Smart
<b>Site:</b>	Land At The Common Olveston Bristol South Gloucestershire BS35 4DW	<b>Date Reg:</b>	10th August 2010
<b>Proposal:</b>	The laying of quarry scalplings (Retrospective) and regularising the use of lane for vehicles.	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	360014 186997	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th October 2010



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**N.T.S.**

**PT10/1888/F**

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

This application appears on the Circulated Schedule List because objections have been received from neighbouring occupiers, which are contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks retrospective planning permission for the laying of an access lane and for the use of the lane for vehicles.
- 1.2 The application site comprises a narrow access lane, which leads to land used for the keeping of horses. The application lane is accessed via a private access road off the cul-de-sac Denys Court, which serves approximately 5no. other properties.
- 1.3 The lane which forms an 'L' shape is initially straight and flat for approximately 55 metres and then turns almost at a right angle and slopes uphill for approximately 35 metres. The lane is flanked by mature vegetation on both sides, whilst stone walls are located along the western and southern boundaries. The entrances to the access lane and field are secured by metal vehicular swing gates.
- 1.3 Planning permission has been granted to for the use of the land as a private way (P99/1393) and subsequently retrospectively for the laying of quarry scalplings (PT01/2746/F). Both permissions contained conditions to restrict the use of the lane to pedestrians and horse riders only to protect the residential amenity of the neighbouring properties. A condition attached to the permission for the laying of the quarry scalplings requesting the submission of a scheme of kerbing was not complied with, and this invalidated the consent. Therefore, this application seeks retrospective planning permission for the laying of the quarry scalplings and to regularise the use of the lane for vehicles.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS5 Planning for the Built Environment  
PPG2 Green Belts
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
L12 Conservation Areas  
L13 Listed Buildings  
L11 Archaeology  
L1 Landscape Protection and Enhancement  
GB1 Development in the Green Belt  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)  
The South Gloucestershire Development in the Green Belt SPD (adopted)

- 2.4 Emerging Policy  
The South Gloucestershire Core Strategy March 2010

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT01/2746/F, engineering operations to lay quarry scalplings on existing private way, consolidating to original ground level, approval, 17/12/01.
- 3.2 P99/1393, erection of new boundary wall, fence and gate, together with use of land as a private way, approval, 06/08/99.

**4. CONSULTATION RESPONSES**

- 4.1 Olveston Parish Council  
No comments received
- 4.2 Conservation  
No objection to the retrospective laying of the quarry scalplings. The Officer initially objected to the proposal on the basis of the potential for vehicles to turn around in the field and harm the Scheduled Ancient Monument. However, the Officer has agreed in principle to the blocking of the existing vehicular access to stop vehicles from entering the field.
- 4.3 Transportation DC  
No objection
- 4.4 Landscape  
No objection
- 4.5 Archeology  
No objection
- 4.6 English Heritage  
No comment – the application should be determined in accordance with National and Local Policy guidance, and on the basis of your specialist conservation advice.

**Other Representations**

- 4.3 Local Residents  
Six letters of objection have been received from local residents. In addition, to this, a petition against the proposed development and signed by 10 residents has also been received. A letter in support of the application has also been received.

Summary of Objections Received

Existing access from the Common;  
Previous permissions restricted use of the lane for vehicles and there have been no change in circumstances;  
Highway safety and congestion issues;

Proposal could exacerbate existing Parking problems in Denys Court;  
Possibility of a large number of people using the stables;  
Applicant has no right of access over the shared drive;  
Stables appear to be used by two different parties and prospect of 4no. horses being stabled increases likelihood that a commercial livery stable will become established by default;  
Potential damage to the Ancient Monument;  
Noise and disruption from vehicles would have a harmful impact on residential amenity.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The principle of the laying of quarry scalplings was granted in the previous permission. Although the permission was decided in 2001, and there has been policy changes since, it is considered that the main aims of protecting the character and visual amenity of Conservation Areas, the setting of listed buildings and the protection of sites of archaeological importance remains the same. The condition attached to the previous consent requiring a scheme of kerbings to be submitted relating to the 'over-spilling' of scalplings into neighbouring land will be transferred to the new consent if permission is granted. The principle of the development in terms of the impact on the Green Belt has already been established in the previous application. Whilst, the proposal seeks the use of the lane for vehicles, it is considered that this would not have a materially greater impact on the openness of the Green Belt than the present authorised use. It is considered therefore, that the proposal does not conflict with the main aims of Policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006 or the Development in the Green Belt SPD (adopted).

5.2 The main consideration of this application is whether the use of the private way for vehicular access would adversely affect the residential amenity of neighbouring properties (Policy T12 of the Local Plan) and the character of the scheduled ancient monument (Policy L11 of the Local Plan) and Conservation Area (Policy L12 of the Local Plan). Policy L11 states that development which would not physically preserve sites of national archaeological importance, whether scheduled or not, or would have a significant impact on the setting of visible remains, will not be permitted. Policy T12 allows for new development provided that it would not have a harmful impact in terms of highway safety, congestion and residential amenity.

### **5.3 Residential Amenity**

The private lane directly abuts the private garden areas of 2no. neighbouring properties. The lane extends the entire length of the neighbouring boundary to the north and the entire length of the neighbouring boundary to the south. In addition, the private way is approximately 6 metres from the Great Barn at the closest point and concern has been raised by neighbouring properties with regards to the potential for noise and disturbance from vehicles visiting the site.

It is noted that the site benefits from no formal consent for equestrian use. However, it is clear from the site history that horses have been kept on the site

for private or livery purposes for a long period of time. On this basis, notwithstanding the current use of the site, it might be possible to demonstrate that a livery use has taken place at the site for more than 10 years by way of a Certificate of Lawfulness. Therefore, it is considered that this worst case scenario should be used to assess the impact that vehicles using the lane would have on the amenity of neighbouring properties.

In the original application for the use of the land as a private way, the Officer stated 'In the circumstances, it is considered that unrestricted use of this land to provide vehicular access...would materially harm the existing residential amenity of the two neighbouring properties by reason of noise and disturbance'. Whilst the neighbouring properties have stated that there have been no changes in circumstances, the applicant has provided supporting information setting out generally how often the lane would be used and the times of day it would be used. The applicant states that she generally attends to the horses 2 to 3 times a day and typically between the hours of 7am and 7pm. In addition, every couple of months, feed and bedding are delivered to the stables; a farrier is required to attend the horses every 6 to 8 weeks and an annual veterinary visit is carried out. On this basis, in the very worst case scenario of the site being used for livery by four separate horse owners, the site could generate upwards of 12 separate trips to the site per day. It is considered that this would generate an unreasonable level of noise and disruption to the detriment of residential amenity. However, given the narrow width of the access lane, as well as the 90-degree bend, it is considered that the access lane would not be suitable for use by large vehicles. In addition, the proposed blocking of the existing vehicular access to the field, resulting in a vehicle reversing back down the lane, would further limit the amount of traffic that would be generated. On this basis, given the small number of stables and the historic nature of the site, as well as the narrow and awkward access from Denys Court, it is likely that the site could realistically be used only for small-scale livery or private uses, which would be unlikely to generate a significant amount of traffic. The concerns regarding noise and disruption, especially from the adjacent Great Barn are noted, however, with a condition restricting access between the hours of 7am and 7pm, it is considered on balance, that allowing the use of the lane for vehicles would not have a significant adverse impact on the residential amenity of the neighbouring properties through noise and disturbance. If permission is granted, the condition requiring the blocking of the existing vehicular access to the field would be worded such that it would remain so at all times.

#### 5.4 Impact on the Scheduled Ancient Monument and Conservation Area

Concerns have been raised by neighbouring properties with regards to the impact on the historic setting of the Scheduled Ancient Monument and the character of the Conservation Area. It is considered that allowing the private access lane to be used by vehicles could in future lead to vehicles turning around within the field given the narrow width of the lane. Driving over the field, especially in boggy weather, could disturb the ground and have a detrimental impact on the historic character and setting of the Scheduled Ancient Monument. It could also lead to pressure for further development of the site, such as a hard standing turning/parking area, which could have a further detrimental impact on the historic setting. The applicant has stated that she

currently drives along the access lane to the field gate, delivers the feed, and then reverses back down the lane without turning around in the field. Whilst this is not disputed, the applicant might not always own the site, and since reversing back down the lane is a fairly difficult manoeuvre to undertake, in the worse case scenario, another owner might simply turn around in the field, since this is the easier option. However, the applicant has stated in writing that she is willing to block the vehicular access and just have pedestrian access to ensure that vehicles could not physically drive into the field. It is considered that this in principle would ensure that the historic setting of the Ancient Monument site is preserved in accordance with Policy L11 of the Local Plan. On this basis, if permission is granted, further details regarding the amended access will be obtained by condition.

#### 5.5 Highway Safety

The comments received regarding the increase in congestion and parking in both Denys Court and the shared access lane are noted. However, the level of traffic generation associated with the lane is unlikely to have an adverse impact on highway conditions. Although the potential for vehicles reversing some distance back down the access lane is not an ideal situation, the lane is not shared; therefore, it is considered that any inconvenience is likely to be restricted to the users of the site. In addition, the access lane is some distance from the nearest public road, and therefore, highway safety is not a material issue. Given the above, and on the basis that there are no objections from the Council Transportation Officer, it is considered that the proposal is acceptable in terms of highway safety.

#### 5.6 Further Matters

The objection received on the basis of the applicant having no right of access over the land is a civil matter. If permission is granted, it would not give the right to cross private land that the applicant has no rights to. Although it is noted that an existing access from the Common exists, the access is approximately 165 metres from the stables and it involves driving a greater distance over the Scheduled Ancient Monument. It is considered therefore, that it is not practical to use the access on a regular basis.

## 6. CONCLUSION

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

The principle of laying the proposed quarry scalplings was accepted in the previous planning application PT01/2746/F – Policies D1, L12, GB1 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.



The use of the access lane for vehicles would not have a materially greater impact on the openness of the Green Belt than the present authorised use – Policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006 and the Development in the Green Belt SPD (adopted).

Given the narrowness of the lane, sharp right angle bend, the small number of stables owned by the applicant and with appropriate restrictions in terms of the times of use and the blocking of the existing vehicular access to the field, it is considered on balance, that the size of the vehicles and the amount of traffic that would realistically be able to use the lane would be small in scale and would not significantly adversely affect the residential amenities of the neighbouring occupiers through noise and disruption – Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

Concerns regarding the impact on the Scheduled Ancient Monument are noted, however, the applicant has agreed in writing to block up the existing access that leads to the field and this will be ensured by condition. This would ensure that vehicles would be physically unable to turn around within the field and therefore, preserve the historic character and setting of the Scheduled Ancient Monument – PPS5 and Policy L11 of the South Gloucestershire Local Plan (adopted) January 2006.

The concerns of the surrounding residential occupiers have been fully considered, however, it is considered that the level of traffic generation associated with the access lane is unlikely to have a significant affect on highway conditions. In addition, the access lane is situated well clear of the nearest public road, therefore, it is considered that highway safety is not a material issue – Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

## **7. RECOMMENDATION**

7.1 Planning Permission is GRANTED subject to the following conditions.

**Contact Officer: Jonathan Ryan**  
**Tel. No. 01454 863538**

### **CONDITIONS**

1. Within 3 months of the date of this consent plans showing the treatment of the existing vehicular field access shall be submitted to the Local Planning Authority for approval. For the avoidance of doubt, the plans should demonstrate appropriate matching materials for the infill and the formation of the new pedestrian access. Development shall be carried out strictly in accordance with the approved plans within 6 months of the date of this consent and be retained at all times.

Reason

To preserve the historic character and setting of the Scheduled Ancient Monument in accordance with PPS5 and Policy L11 of the South Gloucestershire Local Plan (adopted) January 2006.

2. No vehicles shall use the access lane outside the hours of 7am and 7pm.

Reason

To protect the amenities of the occupiers of the nearby dwellinghouses to accord with Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

3. Within 2 months of the date of this consent, a scheme for kerbing the private driveway shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the agreed details within four months of the date of this consent.

Reason

To safeguard the amenities of the occupiers of the neighbouring residential properties in accordance with Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

4. The surface of the private way hereby authorised shall remain as quarry scalplings and no additional surfacing shall be added without the prior written approval of the Local Planning Authority.

Reason

To safeguard the amenities of the occupiers of the neighbouring residential properties in accordance with Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

Reason

To protect the character and visual amenity of the surrounding area, the context of the ancient monument and in the interests of future archeological investigation or recording to accord with PPS5 and Policies D1, L11 and L12 of the South Gloucestershire Local Plan (adopted) January 2006.

## CIRCULATED SCHEDULE NO. 37/10 – 24 SEPTEMBER 2010

<b>App No.:</b>	PT10/1926/F	<b>Applicant:</b>	Mr S Bates
<b>Site:</b>	Hooper's Farm Watleys End Road Winterbourne South Gloucestershire	<b>Date Reg:</b>	9th August 2010
<b>Proposal:</b>	Installation of SUDS basin, earth bund and associated works (retrospective).	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365810 181406	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	1st October 2010



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

This application appears on the Circulated Schedule following the receipt of representations from a local resident that were differing to the Case Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the installation of a SUDs basin, earth bund, and associated landscaping works. The development forms part of the drainage scheme for the changing facility granted planning permission under PT09/5304/F.
- 1.2 The application site relates to an area of unused playing field, which is adjacent to the changing rooms. The site is situated outside of the Winterbourne settlement boundary and is designated as Green Belt.
- 1.3 It is understood that some of works to facilitate the development have already commenced on site, as such this application is retrospective.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

- PPS1: Delivering Sustainable Development
- PPG2: Green Belts
- PPG17: Sport and Recreation
- PPS25: Development and Flood Risk

#### **2.2 Development Plans**

##### **South Gloucestershire Local Plan (Adopted) January 2006**

- D1: Achieving Good Quality Design in New Development
- L1: Landscape Protection and Enhancement
- L17/L18: The Water Environment
- EP2: Flood Risk and Development
- GB1: Green Belt
- LC5: Proposals for Outdoor Recreation Outside Existing Urban Areas and Defined Settlement Boundaries
- LC9: Protection of Open Space and Playing Fields

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

##### **South Gloucestershire Core Strategy (Pre-Submission Draft) March 2010**

- CS1: High Quality Design
- CS5: Location of Development
- CS9: Environmental Resources and Built Heritage
- CS34: Rural Areas

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

- South Gloucestershire Design Checklist SPD (Adopted) 2007**

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

- 3.1 PT09/5304/F Erection of 5 no. modular buildings for use as changing rooms  
Approve 05.11.2009
- 3.2 PT06/3068/F Demolition of existing prefabricated buildings to facilitate the erection of single storey building to form changing room and store with parking and associated works. (Resubmission of PT06/2192/F).  
Approved 01.12.2006
- 3.3 PT06/2192/F Demolition of existing prefabricated buildings to facilitate the erection of single storey building to form changing room and store with parking and associated works.  
27.09.2006
- 3.4 P90/1599 Demolition of existing changing rooms and erection of two purpose built changing units. Erection of perimeter chain link fencing  
05.05.1990

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No Objection. However, the SUDS basin should be concealed with shrubs
- 4.2 Drainage Comments  
No objection, subject to a condition to agree suitability of ground conditions.
- 4.3 Fisher German – Pipeline Operator  
No objection.
- 4.4 Local Residents  
One letter has been received from a local resident. They have raised concern that work has commenced on site before planning permission was granted.

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

- 5.1 The applicant seeks planning permission to install a SUDs basin to drain the recently approved changing rooms. The main issues to consider are: -
- (1) Is the principle of the development acceptable?
- (2) Would the proposal constitute an appropriate form of development within the Green Belt and would it harm its openness?
- (3) Would the proposal harm the character and appearance of the area?

(4) Would the proposal harm the residential amenity of the area?

(5) Would the proposal harm an acceptable effect upon the water environment?

(6) Would the development prejudice the use of the land as a playing field?

5.2 Principle of the Development

The proposed development would provide a sustainable drainage system (SuDs) for the temporary changing rooms that were granted planning permission under PT09/5304/F. These two developments are therefore intrinsically linked.

5.3 The application for the changing facility concluded that the principle of the development was acceptable. This was because the facility accorded with the main thrust of Policy LC5 of the South Gloucestershire Local Plan that allows for leisure and recreation developments outside of the settlement boundaries. Furthermore, it was also concluded that the proposal would constitute an appropriate form of development within the Green Belt because the changing facility was shown to be an essential facility for essential outdoor sport and recreation.

5.4 The proposed sustainable drainage system would involve some minor engineering operations to create a basin that would allow the changing facility to drain within its own curtilage. It is therefore considered that the principle of the development would be acceptable because it would be ancillary to the changing room facility.

5.5 It is acknowledged that the changing room has a temporary planning consent to allow the applicant time to develop an enhanced design solution. It is therefore reasonable to assume that the site is likely to include a changing facility in this location, albeit not a temporary modular building. As such, it is likely that the SuDs scheme would be utilised for future development on the site. It is therefore not necessary to attach a condition to ensure the removal of the basin and bunding in this instance.

5.6 Visual Amenity

The proposal simply entails minor re-contouring of existing levels. It is considered that the proposal would not significantly harm the landscape character of the site. The applicant has submitted a planting plan for the basin. It is therefore considered that the development would accord with the comments made by the Parish Council regarding the planting of shrubs. It is therefore concluded that the proposed development would not harm visual amenity and would accord to policy LC5 and L1 of the South Gloucestershire Local Plan.

5.7 Residential Amenity

The site is isolated from surrounding residential properties. On this basis the development would not be considered to harm residential amenity in this instance.

#### 5.8 Water Environment

The Council's Drainage Engineer has requested some further details regarding the proposed drainage basin and the infiltration rates. The applicant is currently obtaining this information and should submit the information to the Council within the next seven days. Officers are reasonably confident that these details will demonstrate that the proposal would provide an acceptable form of drainage for the changing facility and would not give rise to off-site flooding. Therefore, it is recommended that planning permission be granted, subject to the final approval of the drainage details by the Council's Drainage Engineer. Notwithstanding this, if these details are not forthcoming, or they are unacceptable, it is recommended that the application be refused under Officer's delegated powers before the expiry of the application.

#### 5.9 Loss of Playing Fields

The proposed development would result in the loss of a small area of the playing fields. It is considered that the development would not result in the loss of space performing a significant recreation function. Moreover the development would facilitate the provision of a changing facility that would enhance the sports and recreation facilities available at the site. On this basis, it is considered that the proposal development would accord with policy LC9 of the South Gloucestershire Local Plan.

#### 5.10 Outstanding Matters

It is noted that a local resident has raised concerns to this application on the grounds that the application has commenced the works on site without planning permission. It should be noted that the works that have been undertaken on site are unauthorised and therefore are at risk of enforcement action. However, Officer's did not consider it to be expedient to carry out a full enforcement investigation given the likely approval of this application. This planning application will regularise the unauthorised development on the application site providing that it is undertaken in accordance with the submitted drawings.

### 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.

- a) The proposed drainage proposal would form an ancillary development to an essential facility for outdoor sport and recreation. Therefore, it is considered that the development would constitute an appropriate development within the Green Belt. Moreover it is concluded on balance that the development would maintain the openness and visual amenity of the Green Belt in this location. The development therefore accords to Policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006 and the South Gloucestershire Development within the Green Belt SPD (adopted) 2007.

- b) The proposed development would not materially harm the landscape character of the playing fields. The development therefore accords to Policy LC5 and L1 of the South Gloucestershire Local Plan (adopted) January 2006.
  - c) The proposed development would be isolated from any surrounding residencies, as such the development would not materially harm residential amenity. The development therefore accords to Policy LC5 of the South Gloucestershire Local Plan (adopted) January 2006.
  - d) The proposed development would not have an acceptable effect upon the water environment and would not increase flood risk. The development therefore accords to Policy LC5, L17/L18, and EP2 of the South Gloucestershire Local Plan (adopted) January 2006.
  - e) It is considered that the proposed development would result in the loss of formal playing fields. Moreover the development facilitates the provision of a change room that enhances this community recreation facility. The development therefore accords to Policy LC9 of the South Gloucestershire Local Plan (adopted) January 2006.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

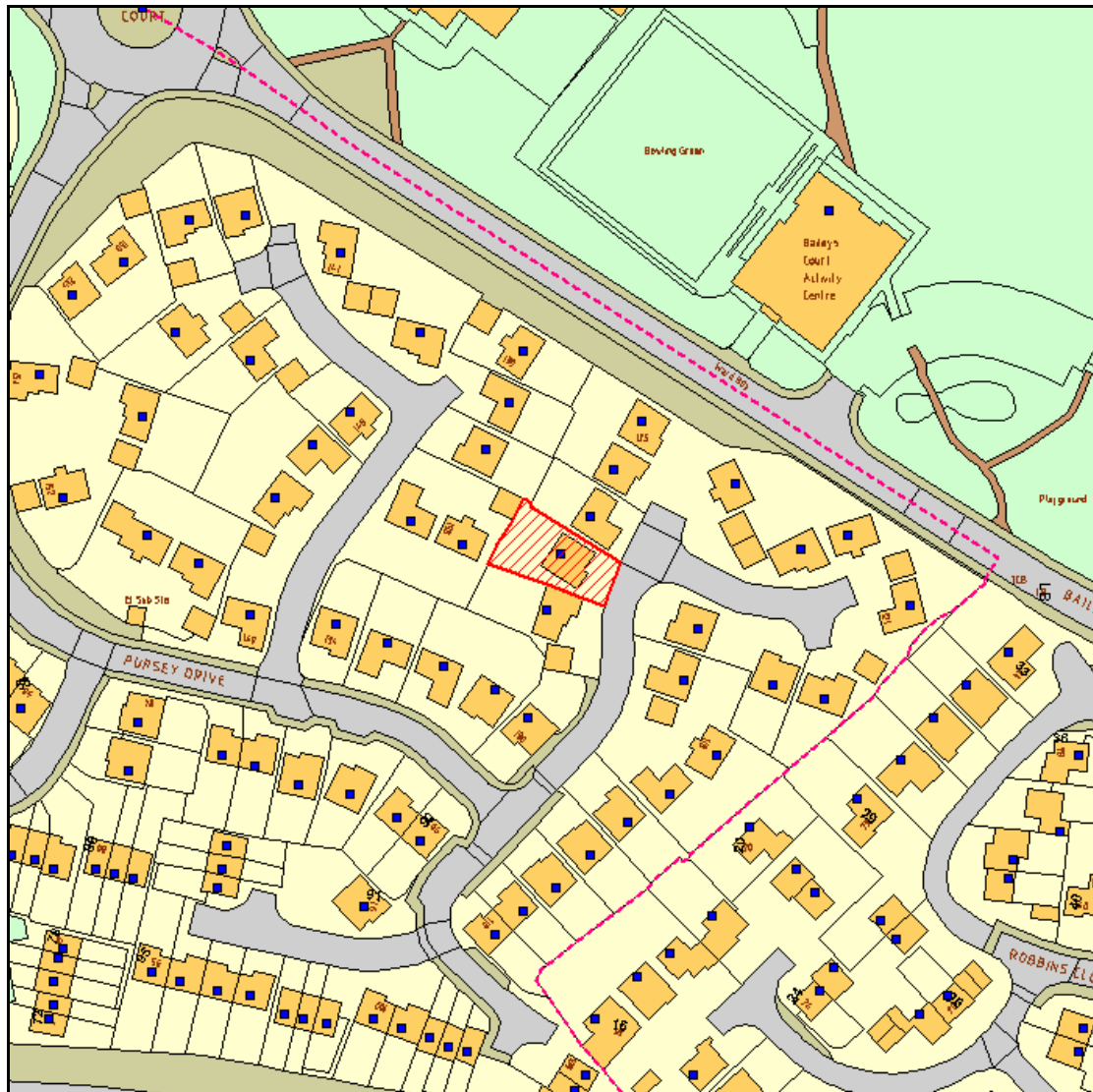
- 7.1 Planning permission to be **GRANTED** subject to the approval of the drainage details by the Council's Drainage Engineer prior to the expiry of the application on the 1<sup>st</sup> October 2010.
- 7.2 Notwithstanding the above recommendation, if the drainage details are not forthcoming from the applicant, or they are assessed to be unacceptable, then planning permission would be refused for the following reason:
  - 1. The application has failed to demonstrate that the proposed Sustainable Drainage System would not have an unacceptable effect on the water environment. The proposed development is therefore contrary to Policy L17 and EP2 of the South Gloucestershire Local Plan (adopted) January 2006.

**Contact Officer: Peter Rowe**  
**Tel. No. 01454 863131**



## CIRCULATED SCHEDULE NO. 37/10 – 24 SEPTEMBER 2010

<b>App No.:</b>	PT10/2076/F	<b>Applicant:</b>	Mr Bob Melville
<b>Site:</b>	128 Pursey Drive Bradley Stoke South Gloucestershire BS32 8DP	<b>Date Reg:</b>	17th August 2010
<b>Proposal:</b>	Erection of single storey rear extension to provide additional living accommodation.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362641 180721	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Householder	<b>Target Date:</b>	8th October 2010



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

This application has been referred to the Circulated Schedule following the receipt of representations that were contrary to the Case Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of a single storey rear extension. The proposal would be approximately 4m in depth, 7.4m in width, and 3m in height. The proposal would feature a flat 'green' roof.
- 1.2 The application site relates to a detached dwelling and its associated curtilage. The site is located within a well established residential area and lies within the Bristol North Fringe urban area.
- 1.3 Amended plans have been received during the application period which have reduced the height and width of the proposed extension.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1: Delivering Sustainable Development

#### 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design In New Development

H4: Development within Existing Residential Curtilages

#### 2.3 Emerging Development Plans

South Gloucestershire Core Strategy (Pre-Submission Draft) March 2010

#### 2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

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

- 3.1 P98/2702 Erection of first floor side extension  
Approved 05.01.1999

### **4. CONSULTATION RESPONSES**

#### 4.1 Bradley Stoke Town Council

No objection.

#### 4.2 Local Residents

This application has been subject to two periods of consultation 17<sup>th</sup> August to 7<sup>th</sup> September 2010 and the 10<sup>th</sup> to the 20<sup>th</sup> September 2010. The second period of consultation followed the submission of amended plans by the applicant. During these periods of publicity two letters have been received from one household. The main points are summarised below:

- Loss of light to kitchen and conservatory.
- Overbearing outlook from kitchen and conservatory.
- Overshadowing of existing patio.
- 'flat roof' and 'white rendered walls' would not respect surrounding architecture.
- The amends to the height and width would not overcome previous concerns.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to residential dwellings. This is subject to the proposed development:

- respecting the character and appearance of the existing dwelling and the surrounding area;
- not prejudicing the amenities of nearby occupiers
- maintaining highway safety; and
- providing adequate amenity space.

5.2 Policy D1 of the Local Plan applies to all types of development. It considers general design principles to ensure new development respects, conserves and enhances the character and quality of the surrounding local environment.

### 5.3 Residential Amenity

It is acknowledged that the adjacent occupiers (127 Pursey Drive) have objected to the development on the grounds that it would result in: a loss of light, an overbearing outlook, and overshadowing. Policy H2 and H4 of the South Gloucestershire Local Plan is clear that new development should only be permitted where it would not prejudice the amenities of nearby occupiers. On this basis, the impact of the proposed development on nearby neighbouring properties have been assessed below:

### 5.4 Overshadowing/Loss of Light/Overbearing Effect

The proposed development would be sited approximately 1.2m away from the boundary with 127 Pursey Drive and 2m from the boundary with 129 Pursey Drive. The building line of No. 129 is set back from the host dwelling and its orientated away from the property. On this basis, it is considered that the proposed development would be well screened from this property, and therefore would not result in a material overbearing effect or loss of light.

5.5 Conversely, the host dwelling has a similar building line as No. 127, and accordingly the proposed extension would have a much closer relationship with this adjacent property. Furthermore, it is acknowledged that the occupiers of this property have raised concerns with regard to the impact of the proposed extension height and depth on their residential amenity. Notwithstanding these comments, it should be noted that it is not unusual in established residential areas for single storey extensions of this type to be sited adjacent to other dwellings. Furthermore it should be noted that the proposed extension falls

within the permitted development criteria set out under Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995. Therefore, planning permission is only required in this instance because permitted development rights were revoked under the original planning permission for the dwelling (P91/0020/302). It is considered that this demonstrates that the scale of the proposed extension would be appropriate and would not result in a material overshadowing, loss of light, or overbearing effect. It is therefore considered that the proposal would not prejudice the residential amenity of nearby occupiers.

#### 5.6 Privacy

The proposed extension would include several ground floor windows. It is considered that these would not give rise to any direct inter-visibility with the surrounding properties. On this basis, it is considered that the proposed development would not result in a material loss of privacy and therefore would not prejudice the residential amenity of nearby occupiers.

#### 5.7 Design

The proposed rear extension would be single storey in scale and would be set in from either side of the host dwelling. It is therefore considered that the 'general' scale and massing of the extension would respect the scale of the host dwelling.

5.7 Notwithstanding this, the proposed extension would introduce a flat green roof and a white render finish. Both of these features would be somewhat different from the character of surrounding area, which mainly comprises of large detached brick buildings with pitched roofs. However, it is considered that such contrasting styles do not necessarily constitute a reason to resist the proposed development, providing that the development achieve good quality design.

5.8 In this application, it is considered that the applicant has demonstrated that the extension would appear proportionate to the main dwelling. Furthermore, it is considered that the development would adopt a modern design approach through the use of clean straight lines and the use of modern finishes, such as the 'green roof' and the through coloured white render. It is therefore considered that the proposed development would deliver a modest contemporary addition that would not materially detract from the character and the appearance of the existing dwelling and the surrounding residential area.

5.9 It should be noted that flat roof's finished in felt are generally unacceptable because they are a poor quality material that inevitably appear out of context with the character of existing developments. In this application the applicant has submitted example photographs of the proposed 'green' flat roof. It is considered that these demonstrate that the proposal would deliver a greater design quality than a typical felt roof, and therefore this is considered to be an acceptable finish in this instance. Nevertheless, it is recommended that a condition be attached to secure that 'green' roof is retained for perpetuity of the development to ensure the buildings continued design quality.

## 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.
- a) It has been assessed that the proposed development would not give rise to an adverse overbearing effect/loss of light or a material loss of privacy to nearby occupiers. The development therefore accords with Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - b) It has been assessed that the proposed extension would respect and maintain the massing scale, proportions, materials and overall design and character of the street scene and surrounding area. The development therefore accords with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

- 7.1 Planning permission to be **GRANTED** subject to the following condition(s): -

**Contact Officer:** Peter Rowe  
**Tel. No.** 01454 863131

### CONDITIONS

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

Reason

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

2. The 'green flat roof' hereby approved shall be maintained at all times in accordance with the approved details on Drg. No. 10-1333-005 Rev C dated the 13th September 2010.

Reason

To ensure that the green roof is maintained to ensure good quality design, and to accord to policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.