



**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. 44/10**

**Date to Members: 12/11/10**

**Member's Deadline: 18/11/10 (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 – 12 NOVEMBER 2010

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	PK10/2293/F	Approve with Conditions	34 - 36 Overhill Road Downend South Gloucestershire BS16 5DP	Downend	Downend And Bromley Heath Parish Council
2	PK10/2544/F	Approve with Conditions	33 Oakdale Court Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
3	PK10/2747/F	Approve with Conditions	8 Rushy Way Emersons Green South Gloucestershire BS16 7BS	Emersons	Mangotsfield Rural Parish Council
4	PT07/3023/CLE	Refusal	Glebe Farm Church Lane Winterbourne South Gloucestershire BS36 1SG	Winterbourne	Winterbourne Parish Council
5	PT10/2250/CLE	Approve with Conditions	Moorend Farm Moorend Road Hambrook South Gloucestershire BS16 1SP	Winterbourne	Winterbourne Parish Council
6	PT10/2379/F	Approve with Conditions	Land At Brook Farm Westerleigh Road Westerleigh South Gloucestershire BS37 8QH	Westerleigh	Westerleigh Parish Council
7	PT10/2538/F	Approve with Conditions	84 Down Road Winterbourne Down South Gloucestershire BS36 1BZ	Winterbourne	Winterbourne Parish Council
8	PT10/2556/F	Approve with Conditions	Tytherington Road Nursery Tytherington Road Thornbury South Gloucestershire	Thornbury South And	Thornbury Town Council
9	PT10/2607/ADV	Approve with Conditions	Berkeley Vale Motors Thornbury Road Alveston South Gloucestershire BS35 2LR	Thornbury South And	Alveston Parish Council
10	PT10/2744/F	Approve with Conditions	15 Brins Close Stoke Gifford South Gloucestershire	Stoke Gifford	Stoke Gifford Parish Council

**CIRCULATED SCHEDULE NO. 44/10 – 12 NOVEMBER 2010**

<b>App No.:</b>	PK10/2293/F	<b>Applicant:</b>	Mr Peter Castles
<b>Site:</b>	34 - 36 Overnhill Road Downend Bristol South Gloucestershire BS16 5DP	<b>Date Reg:</b>	7th September 2010
<b>Proposal:</b>	Change of use of nursing home (Class C2) to residential hostel (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Retrospective.)	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364509 176148	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th November 2010



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

This application appears on the circulated schedule due to the receipt of two letters of objection from local residents.

### **1. THE PROPOSAL**

- 1.1 This application seeks full retrospective planning permission for the conversion of two properties to form one large house in multiple occupancy. The unit comprises 18 bedrooms, 3 shared kitchens, 3 shared lounges, 6 shared bathrooms and 6 shared WC's.
- 1.2 Whilst the planning legislation relating to houses in multiple occupancy has recently changed – that is you no longer require planning permission to change from a dwellinghouse to a house in multiple occupancy, this is only effective where there are up to six residents. As there are 18 bedrooms in this development, planning permission is still required for the change on use.
- 1.3 Information submitted in the design and access statement confirms that the property has been occupied as a residential hostel since December 2009. The tenants are young working people.
- 1.4 The application site relates to a pair of semi detached dwellings known as 34 and 36 Overhill Road. When the application was initially submitted the address was accidentally given as 32 and 34 Overhill Road. This has since all been corrected and No. 32 is not part of the application site.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development

- 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                             |
| T7  | Cycle Parking                      |
| T8  | Parking Standards                  |
| T12 | Transportation Development Control |
| H5  | Houses in Multiple Occupation      |

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist – Adopted 2007

### 3. RELEVANT PLANNING HISTORY

- 3.1 Whilst there is history to this site none is directly relevant to the determination of this planning application.

### 4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council  
No Objection

4.2 Local Residents

Two letters of objection have been received from local residents. A summary of the points of concern raised is as follows:

- Confusion over the numbering of the properties
- The multiple occupancy hostel has a greater impact on the surrounding area than the previous use as a nursing home
- Cars parked across the driveways of adjoining properties
- Late night drinking in the street outside the property
- Mechanics working on cars in the street
- Residents riding motorcycles un-helmeted
- Loud music from the property and the garden late at night
- Increased litter
- Police attendances
- Negative impact on the character of the area in conflict with policy H5
- What does the fact that this is a retrospective application indicate?
- What conditions will ensure owners of the properties carry out their responsibilities?
- Given other recent planning approvals in Overnhill Road this will lead to many more cars being parked on the road
- Overnhill Road already has many houses in multiple occupation – will an upper limit be set?
- How safe is the property for use and multi-occupancy?

### 5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site lies within the urban area as defined in the adopted local plan. Policy H5 of the South Gloucestershire Local Plan allows for the conversion of existing houses to houses in multiple occupation providing a series of criteria is satisfied. The requirements of Policies T7 and T8 in relation to car parking and cycle parking are also relevant. Policy H5 advises that the principle of the development is acceptable providing the following criteria are satisfied:

5.2 **A. The development would not prejudice the character of the surrounding area; and**

All works are internal – no external works have been undertaken to the main dwelling to facilitate its conversion. When viewed from the principle elevation, the property retains the appearance of a pair of semi-detached dwellings.

Whilst bin and cycles stores are required, these are located to the rear and side of the property where they will not be readily visible from the highway.

It is noted that neighbouring residents have concern about disturbances and anti social behaviour that arises from the property and the impact this has on the character of the area. Unfortunately anti social behaviour can possibly arise from any building and it is not possible through the planning system to regulate the behaviour of individuals. Additional bin storage areas are being provided however, which should help address the neighbours concerns regarding litter and rubbish collection.

No material physical alterations are required to the main building that will impact upon the character of the area.

**5.3 B. The development would not prejudice the amenities of nearby occupiers; and**

No extensions are proposed to facilitate the development and therefore no issues of overbearing or overshadowing will arise. No new windows are proposed to facilitate the conversion which would result in any increase in overlooking or loss of privacy. It is therefore considered that the existing level of residential amenity afforded to neighbouring occupiers will be protected.

**5.4 C. The development would identify an acceptable level of off-street parking; and**

The plans show the provision of 6 car parking spaces and 18 secure under cover cycle storage spaces. Whilst Policy T8 does not give maximum parking standards specifically for houses in multiple occupation, it does give figures for student accommodation. In accordance with the policy, a maximum of 2 car parking spaces can be provided per every five bed spaces. For this development therefore, the maximum number of parking spaces is 7 spaces. The plans show the provision of 6 allocated off street parking spaces in designated bays. This is in line with the Councils maximum parking standards and therefore there is no highway objection to the proposal.

It is accepted that additional vehicle movements may be created over and above the six allocated spaces. In this case, there is space in the rear courtyard to park more vehicles in an ad-hoc manner. Any vehicles in excess of this will park on the highway. Given the wide nature of the road, providing vehicles are parked legally, there are no objections to the development in terms of highway safety.

In accordance with the requirements of Policy T7, one secure and under cover cycle parking space must be provided for each unit. There are 18 bedrooms within the development and 18 cycle parking spaces. The development therefore fully satisfied the requirements of Policy T7 of the South Gloucestershire Local Plan (Adopted)

**5.5 D. The development would provide adequate amenity space.**

Adequate communal amenity space is available to the sides and rear of the property to allow for the outdoor drying of clothes, socialising and other enjoyment of outdoor space.

## 5.6 Other Issues

Other issues have been raised by objectors relating to the fact that the property may not be safe for use as a house in multiple occupancy. It is noted that there are two means of escape from the second floor, three means of escape from the first floor, and five from the ground floor. Safety however would need to be addressed through the application of building regulation standards and not through planning legislation. The fact that this is a retrospective application has no bearing on the way it is determined. Whilst the Council does not advocate applying for planning permission retrospectively, all applications are determined in the same way and against the same policies.

## 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 change of use represents an appropriate form of development within the established urban area. The plans show the provision of adequate cycle and vehicle parking in accordance with the standards found in Policies T7 and T8 of the Adopted Local Plan. No external alterations are required to the main dwelling houses to facilitate the conversion and therefore the change of use will have limited impact on the street scene or character of the area. Adequate refuse and recycling storage space is provided and adequate communal amenity space remains. By virtue of the fact that no extensions are required to facilitate the conversion, the impact upon neighbouring dwellings by means of overbearing, overshadowing or overlooking are acceptable.

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

## CONDITIONS

1. Within one month of the date of this decision, the car parking spaces, bicycle stands and bins storage areas as shown on drawings 01 and 02 must be provided for use by the occupants of the house in multiple occupation. These facilities must remain in place at all times thereafter unless the local planning authority gives written agreement to any variation.



Reason

To ensure an adequate level of parking and bin storage is available to meet the needs of Policies D1, H5, T7 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 44/10 – 12 NOVEMBER 2010**

<b>App No.:</b>	PK10/2544/F	<b>Applicant:</b>	Mr M Wallington
<b>Site:</b>	33 Oakdale Court Downend Bristol South Gloucestershire BS16 6DU	<b>Date Reg:</b>	27th September 2010
<b>Proposal:</b>	Erection of two storey side extension with integral garage and single storey rear extension to provide additional living accommodation. (Resubmission of PK10/1735/F)	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364983 177414	<b>Ward:</b>	Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	22nd November 2010



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

This application has been referred to the circulated schedule due to the receipt of one letter of objection from a neighbouring resident.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a two storey side extension with integral garage and single storey rear extension at 33 Oakdale Court, Downend. The proposed two storey side extension maintains the rear building line but is marginally set back from the front building line by 0.3m. The proposal would measure a maximum of 8.4 metres in height by 4.3 metres in width and 11 metres in depth with an additional single storey front extension measuring 1.2 metres in depth. The proposed single storey rear extension extends across the majority of the property but allows for a gap of 0.5m between the boundary of the adjoining dwelling and has a depth of 3m.
- 1.2 The application site is a modern, semi-detached two storey dwelling located within a cul-de-sac with access to the front of the site. the property is situated within the urban area of Downend. The site is also within the setting of two Grade II listed buildings and structures.
- 1.3 This application is the resubmission of a previously withdrawn application, the previous application was withdrawn as further information was required with regard to the impact of the proposal on the adjacent listed wall.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS5 Planning for the Historic Environment
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
L13 Listed Buildings  
H4 Development within Residential Curtilages  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development  
  
South Gloucestershire Core Strategy Pre-Submission Publication Draft (March 2010)  
CS1 High Quality Design  
CS9 Environmental Resources and Built Heritage
- 2.4 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

### **3. RECENT PLANNING HISTORY**

- 3.1 None

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

##### **4.1 Downend and Bromley Heath Parish Council**

No objection, but concern about the risk caused by the close proximity to the historic wall and to meet the requirements laid down in the Engineers report.

##### **4.2 Local Residents**

One letter of objection has been received from a neighbouring resident, raising the following concerns

- The proposal would be extremely close to a listed orangary and listed wall.
- Object to such a big extension

#### **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. As the site is also within the setting of two Grade II listed buildings and structures, any development must protect the architectural and historic interest of these structures, in accordance with Policy L13

##### **5.2 Design / Visual Amenity**

The proposed extensions are of an appropriate standard in design and reflect the character of the main dwelling house and surrounding properties. Whilst it is accepted that the proposal is quite large, given that the extension, would be set back from the main front elevation at first floor level in combination with the lower ridge height, it is considered that the proposal is suitably subservient to the main dwelling. The style of the extension, its proportions, hipped roof and materials all replicate the host property allowing it to integrate within the street scene. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

##### **5.3 Residential Amenity**

The rear of the property is bound on all sides by neighbouring residential properties and is enclosed and screened by a combination of 1.8 metre high closed board fencing and a high listed wall to the boundary with Yew Trees.

Given the existing boundary treatments in place, combined with the orientation, depth and height of the proposal, it is not considered that the extension would have any overshadowing or overbearing effect on the neighbouring dwellings. This is especially the case given that the rear extension would be set away from the boundary, would have a modest depth of 3 metres and would incorporate a hipped roof that slopes away from the neighbouring property, No. 34 Oakdale Court.

The proposal includes the addition of two new first floor windows one on the front elevation and one 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 existing first floor windows. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

#### 5.4 Listed Building Issues

The application site is a modern semi-detached building located approximately 40m to the south of Cleeve Hill farm, a Grade II listed building. Located directly to the south of the application site is a Grade II listed orangery and attached garden boundary stone walls, which were formally part of the grounds to Cleevehill Cleeve House. The house is now demolished, with only the former barn/coach house and riding circle remaining (now converted to residential dwellings). The stone walls to the orangery and the attached garden boundary walls are very high and form a very interesting and attractive feature within the street.

The previous application was withdrawn following concern that insufficient information had been provided regarding the protection of the listed wall during the construction of the extension. A report from a qualified engineer has now been submitted as part of the application and this makes specific recommendations relating to the construction of the extension in order to protect the wall. The report concludes that once built the extension will not be detrimental to the wall, but that during construction of the foundations certain preventative measures will need to be taken in order to protect the wall. As such there are no objections to the proposal subject to the attachment of a condition to ensure the extension is constructed in accordance with the recommendations contained within the structural engineers report.

#### 5.5 Transportation

The proposal does not involve any alteration to the existing access and the garage /parking arrangements. Therefore the parking provision would remain in compliance and within the Councils required parking standards. Further, with no objections from the Councils Transportation Officer the proposal is considered acceptable.

### 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 due to its design, siting and size is considered to be acceptable in terms of visual and residential amenity. Furthermore the proposal is not considered to have any detrimental impacts on the nearby listed wall. The proposal would therefore accord with Planning Policies D1, L13 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

The proposal has no impact in highway safety terms. As such the proposal is considered to be compliant with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 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).

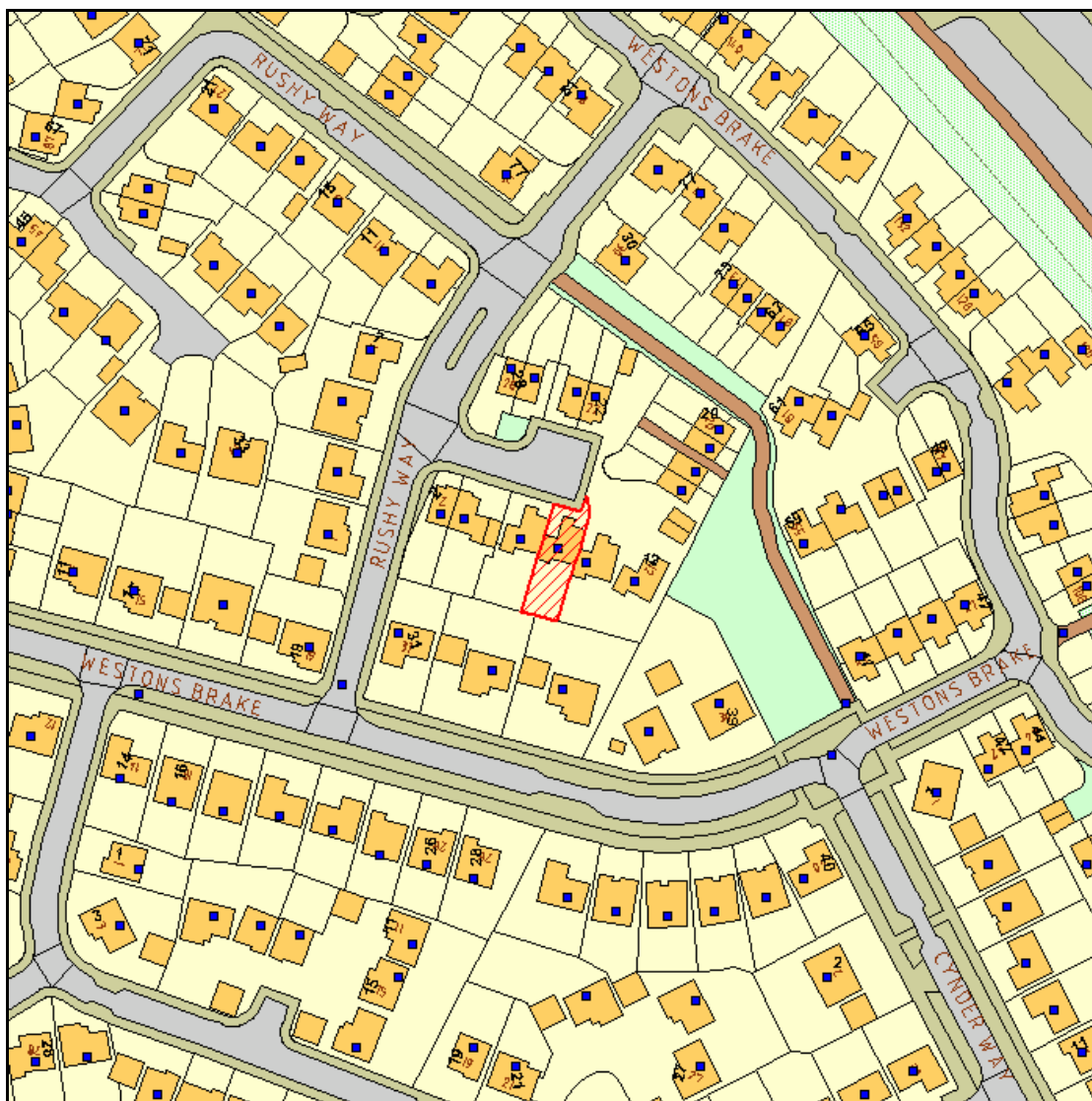
2. The extension shall be constructed strictly in accordance with the advice set out in the submitted Structural Engineers report dated 20th September 2010 and attached drawing reference number 201113. In accordance with the recommendation contained within the report, if the founding level required is deeper than the proposed 1000mm the extent of trench sheeting would need to be revised accordingly and further advice from the structural engineer should be obtained prior to the commencement of the development, and the development carried out strictly in accordance with the further recommendations.

Reason:

In order to protect the grade II listed wall, which is considered to be of national architectural and historic significance, thereby according with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS5 and policy L13 of the Adopted South Gloucestershire Local Plan.

**CIRCULATED SCHEDULE NO. 44/10 – 12 NOVEMBER 2010**

<b>App No.:</b>	PK10/2747/F	<b>Applicant:</b>	Mr N Street
<b>Site:</b>	8 Rushy Way Emersons Green Bristol South Gloucestershire BS16 7BS	<b>Date Reg:</b>	14th October 2010
<b>Proposal:</b>	Erection of single storey rear extension to include garage conversion to form additional living accommodation	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	366249 178321	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	7th December 2010



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## **REASON FOR REPORTING TO COMMITTEE/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 erection of a single storey rear extension at 8 Rushy Way, Emersons Green. The proposed extension would measure 7.2 metres wide by 3 metres in depth and would have an overall height to ridge of 4.1 metres. The proposal also includes the conversion of the existing integral garage to living accommodation.

1.2 The property is a two storey link-detached dwelling and is located within a residential area of Emersons Green.

### **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  
T8 Parking Standards

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 Mangotsfield Rural Parish Council  
No objections

4.2 Local Residents  
One letter of objection has been received from a neighbouring resident raising the following concerns:

- No. 6 Rushy Way is a link detached property, meaning that it is not currently linked to any living accommodation.
- The proposal would result in significant noise and disturbance resulting from the change of use from a garage.



- Proposal leads to a loss in privacy
- Loss in property value
- Single storey extension will change outlook from No.6

## 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.

### 5.2 Design / Visual Amenity

The proposed extension and garage conversion are of an appropriate standard in design and reflect the character of the main dwelling house and surrounding properties. The rear extension is of modest size in comparison to the bulk of the main dwelling and is suitably subservient to it. This is particularly the case given its single storey nature and modest depth. Furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling.

With regard to the conversion of the integral garage to form additional living accommodation, the effect of this aspect of the proposal in design terms would be the replacement of the existing garage door with a ground floor window. The materials used for the wall and window would match the existing, assisting the successful integration. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

### 5.3 Residential Amenity

The conversion would involve the addition of a window to the front of the property, in place of the existing garage door, this is not considered to have any impacts upon existing residential amenities in the vicinity. Concern has been raised that the proposed conversion will result in an increase in noise and disturbance to the adjoining property, whilst it is not considered that the proposal would result in a significant increase in noise over and above the noise that could potentially be generated by common activities carried out within a domestic garage, it should be noted that building regulations (Part E), would cover the issue of sound insulation. As such it is not considered that this is of sufficient concern to warrant the refusal of the application.

The proposed rear extension would be adjacent with the boundary of the neighbouring dwelling, No. 6 Rushy Way. This boundary is defined by an existing 1.8 metre high closed board fence. The rear of the existing garage of the application property is already set forward of the rear elevation of No.6, however, the addition of the proposed extension would only result in an extension projecting approximately 3 metres in depth when measured from the rear elevation of the neighbouring property. Given the modest depth of the

proposal combined with the existing boundary treatments in place, it is not considered that the extension would have any significant overshadowing or overbearing effect on the neighbouring dwellings.

Concern has been raised regarding the change in outlook from the neighbouring dwelling, whilst it is accepted that the proposal will result in a slight change in outlook from No.6, given the boundary treatments in places, combined with the single storey nature of the proposal and its modest depth of only 3 metres, it is not considered that the proposal would result in any significant detrimental impacts on the neighbouring property. Further, there are no concerns relating to inter-visibility or loss of privacy. Therefore the impact on residential amenity is subsequently deemed acceptable.

#### 5.4 Parking and Highway Safety

The application proposes the conversion of the garage, leaving the driveway as the only off road parking for the dwelling. It is considered that there is space for one car to park on the driveway. Therefore the parking provision would remain in compliance and within the Councils required parking standards.

#### 5.5 Other Issues

Concern has been raised by a neighbouring resident that the proposal may result in a decrease in the value of their property. It should be noted that private property values are not considered a material planning consideration as applications are determined in the public interest, not private interests. Furthermore given that fact that the existing garage of No. 8 is well set back from the front elevation of No. 6, it is still considered that the resultant dwellings will still have the appearance of being link detached.

## 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 and conversion are of an appropriate standard in design and reflect the character of the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies D1 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**

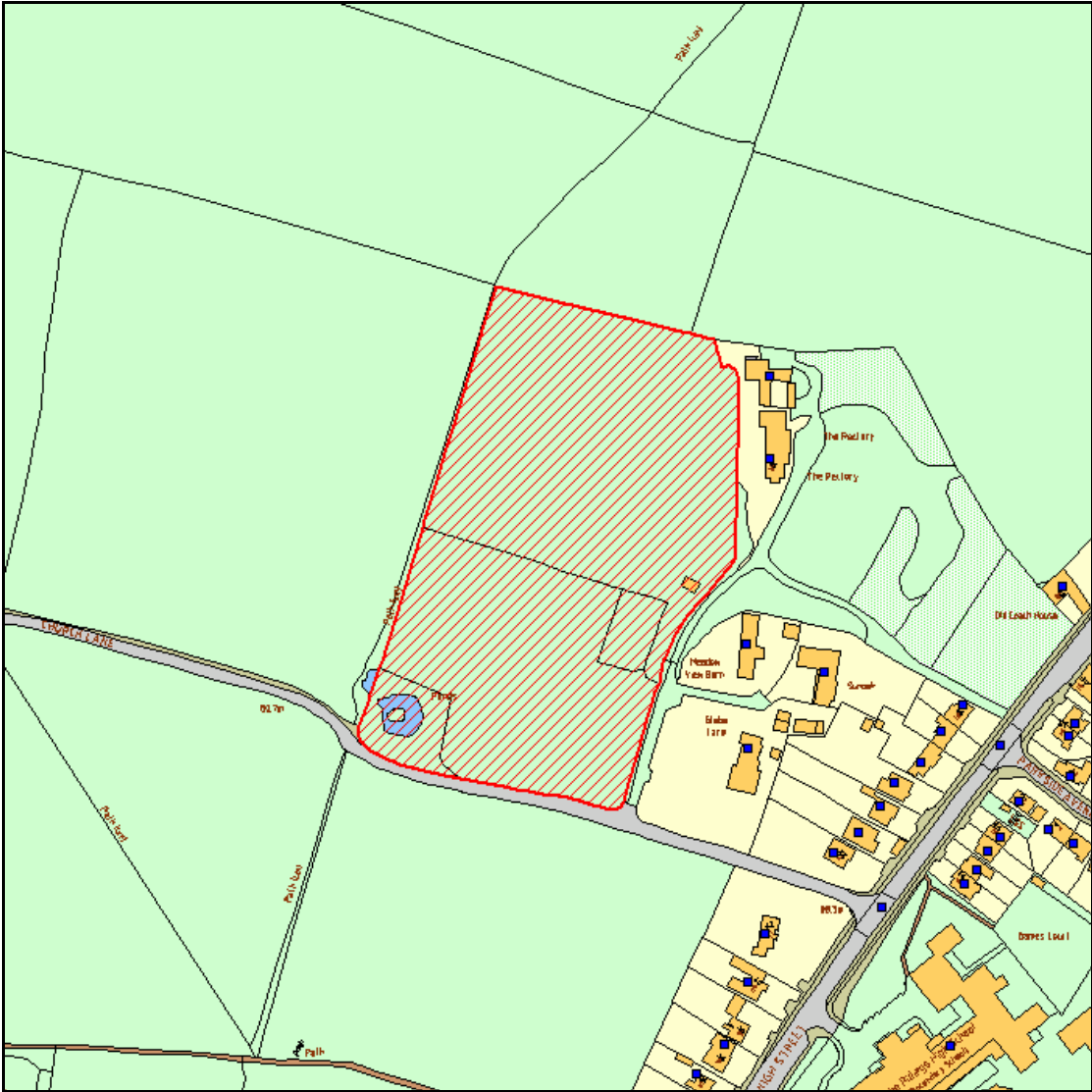
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 44/10 – 12 NOVEMBER 2010

<b>App No.:</b>	PT07/3023/CLE	<b>Applicant:</b>	Mr J Dark
<b>Site:</b>	Glebe Farm Church Lane Winterbourne BRISTOL South Gloucestershire BS36 1SG	<b>Date Reg:</b>	10th October 2007
<b>Proposal:</b>	Application for Certificate of Lawfulness for an existing use of land for the keeping of horses (sui generis).	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	3647490 1809600	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th March 2008



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

This application appears on the Circulated Schedule as it relates to an application for a Certificate of Lawfulness for an existing use.

### **1. DESCRIPTION OF DEVELOPMENT**

An application is made to demonstrate on the balance of probability that the site outlined in red at Glebe Farm, Church Lane, Winterbourne has been used for the keeping of horses and that this use has continued for at least 10 years immediately prior to submitting the application.

The application was made by Mr John Dark in 5/9/2007, the owner of the site, and is for a Certificate of Lawfulness for an existing Use of land. The existing use claimed is that of :- Use for keeping equines.

The applicant assumes that the previous use was agricultural. The application form is supplemented by four photographs with annotations.

The applicant claims that the use began more than ten years before the date of this application.

This is not an application for planning permission where the planning merits of the case are to be considered against the development plan policies, but an application for a Certificate of Lawfulness. The test is to assess whether on the balance of probability the evidence submitted proves that the use has been carried out on the site for a continuous period of at least ten years. The evidence submitted by the applicant and any counter evidence considered is analysed in this report.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance/legislative framework**

- Town and Country Planning (General Procedures) Order 1995 Article 24
- Circular 10/97 'Enforcing Planning Control: Legislative provisions and Procedural Requirements'

### **3. RELEVANT SITE HISTORY**

3.1 PT07/2261/F Erection of 3 unit stable block. Approved on 21.08.2007 with conditions relating to three year commencement time limit, materials being agreed, drainage, not for use as livery, riding school or other business use, maximum number of horses to be kept shall not exceed three.

3.2 The applications refer to proposals outside of the site but which the applicant appears to refer to in his evidence. Applications P92/1430 and P95/2209 showed site subject of this application as outlined in blue.

3.3 P92/1430 Demolition of existing farm buildings and erection of a detached dwelling. Alterations to existing vehicular and pedestrian access (outline). (In accordance with amended plans received by the council on 25 August 1992). Outline approval dated 14.10.1992.

- 3.4 P92/1431 Conversion of redundant church to form two dwellings construction of new garages. Alterations to existing vehicular and pedestrian access. (In accordance with the amended plans received by the council on 25TH august, 1992) Approved in outline 14 Oct 1992.
- 3.5 P95/2209 Demolition of existing farm buildings and erection of a detached dwelling. Alterations to existing vehicular and pedestrian access (outline). (In accordance with amended plans received by the council on 25 August 1992). Renewal of P92/1430 above application 13 Oct 1995.
- 3.6 P97/1605 Conversion of redundant church to form two dwellings; Construction of new garages; Alterations to existing vehicular and pedestrian access (Renewal of Planning Consent P92/1431). Approved 29.08.1997

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

- 4.1 The only evidence supplied with the application is that contained in four photographs and the annotations to them.
- 4.2 Photograph one shows two people on horseback outside of the site in question. The annotation refers to the church which has not yet been converted to residential use.
- 4.3 Photograph two shows three riders in a large wheeled, traditional looking horse and trap being drawn by a small white pony outside of the site in question. The smallest rider in the trap appears to be around four years old and the annotation indicated that he is 19 years old at the time of the application.
- 4.4 Photograph three shows a small wheeled, modern, red horse and trap traversing over the site in question at around 1987.
- 4.5 Photograph four shows two people in a small wheeled, modern, red horse and trap posing for a photo just inside the access to the field in question. Another horse is visible grazing. In the background the application points out that some building work has not been completed and indicated that the works were completed in 2001.

#### **5. SUMMARY OF OTHER EVIDENCE**

##### **Overhead Aerial photography**

1. Aerial photo taken around July 1999 shows:
  - grass pasture with three white dots which appear to be animals in the centre of the southerly half of the site.
  - The field is sectioned in to two halves (north and south)
  - No obvious stabling within the field but a possible field shelter close to the eastern boundary.
  - No obvious jumps or other exercise paths in the ground.
2. Aerial photo taken May to July 2005 shows:
  - grass pasture with three brown dots which appear to be animals in the central area of the field. One horse appears to have a red rider or blanket on its back.
  - The field is sectioned in to two halves (north and south)
  - No obvious stabling within the field but the possible field shelter close to the eastern boundary may have been reroofed and has been extended.
  - No obvious jumps or other exercise paths in the ground.

### 3. Aerial photo taken in 2006 shows

- grass pasture. There are no animals present.
- The field is sectioned in to two halves (north and south)
- The enclosure on the eastern part of the southern section of field remains.
- The extended field shelter remains.
- A building has been erected to the north of the enclosed section.
- A horse/animal trailer has been parked close to this building.
- There is an obvious wear mark on the northern field where animals appear to have trodden down the grass.
- There are random vehicle track marks in the southern field.

## 6. **OTHER REPRESENTATIONS RECEIVED**

### 6.1 Winterbourne Parish Council

No objection - however at no time stable and associated land to be used for livery, riding school or other business purposes whatsoever. Number of horses on site should be no more than three.

## 7 **EVALUATION**

7.1 The application for a certificate of lawfulness is purely an evidential test. The test of evidence to be applied is whether the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence. The current application was first valid on 8 January 2008 although the forms and evidence was first received on 3 October 2007. It is and as such the purpose of this application is to test whether the site has been used for the keeping of horses since 3 October 1997 to the current day.

### 7.2 Hierarchy of evidence

When assessing the evidence supplied in support of certificate of lawful use application, different types of evidence are given different weight. Generally speaking the weight to be attached to such evidence in order of worth is as follows:

1. Verifiable photographic evidence
2. Contemporary documentary evidence, especially if prepared for some other reason
3. Sworn written statements / appearance under oath at Public Inquiry.
4. Unsworn letters

### 7.3 What is the keeping of horses?

It was established in the court case Belmont Farm and Sykes that the mere grazing of land does not constitute a material change of use from a former agricultural use, although beyond that the use of agricultural land for horses would require planning permission.

7.4 Notwithstanding that case horse show jumping, dressage and trotting place is a permitted activity on land for up to 29 days per year provided that it is not within the curtilage of the a building. A horse trotting place, trails place or horse training area as a permanent use would be classified as D2 under the Use Classes Order 1995.

- 7.5 In order to make a determination on whether a change of use to the keeping of horses has occurred from agriculture factors which have been given weight are:
- a) Whether the land is permanently used for horses.
  - b) Whether there are related structures on the land such as field shelters and jumps, and
  - c) Whether food is brought in.

a) No evidence is submitted to show that the land has only been used for only for the keeping of horses or even that the site is only grazed by horses. The aerial photo taken in 1999 appears to show three sheep grazing. The two photos submitted showing a horse and trap within the field show only that on those particular days a horse and trap were used and not that the use of the field has been permanently changed to an equine use.

b) In this case it appears that a shelter located in the northern field may have offered shelter to animals, which may have been horses but this is not claimed or clear from the application. It is important to note that only some modest fencing and an old shelter were in situ at 1999. These in themselves do not show that a change of use had occurred. There is no indication of training areas, or jumps, vehicles visiting, storage of ancillary goods such as food, hay or a muck heap. There has been no engineering works carried out in the field.

The application PT07/2261/F referred to the stables replacing an existing horse shelter, rather than a stable. This confirms the appearance of the building in the overhead photography and shows an informal use of the land for grazing rather than any more formal equine use occurring on the land.

c) No information is provided about how horses might have been fed over the last ten years.

- 7.6 The information about activities taking place on the field(s) is at best piecemeal and limited to two photographs as the other photographs related to land outside the site. There is no evidence of anything but grazing taking place on the land, by horses or other animals, for a continuous period of ten years either prior to 1997 or indeed for the ten years prior to the date of this report.

## **6. CONCLUSION**

It is considered that on the balance of probability the applicant has provided insufficiently clear and unambiguous evidence to demonstrate that the land outlined in red on the applicant's submission has been used for equine purposes.

## **7. RECOMMENDATION**

That a Certificate of Lawful Existing Use is REFUSED for the following reason:

The applicant has failed to provide sufficient evidence to demonstrate that on the balance of probabilities, the described use of the site has subsisted for more than 10 years prior to the date of the application.



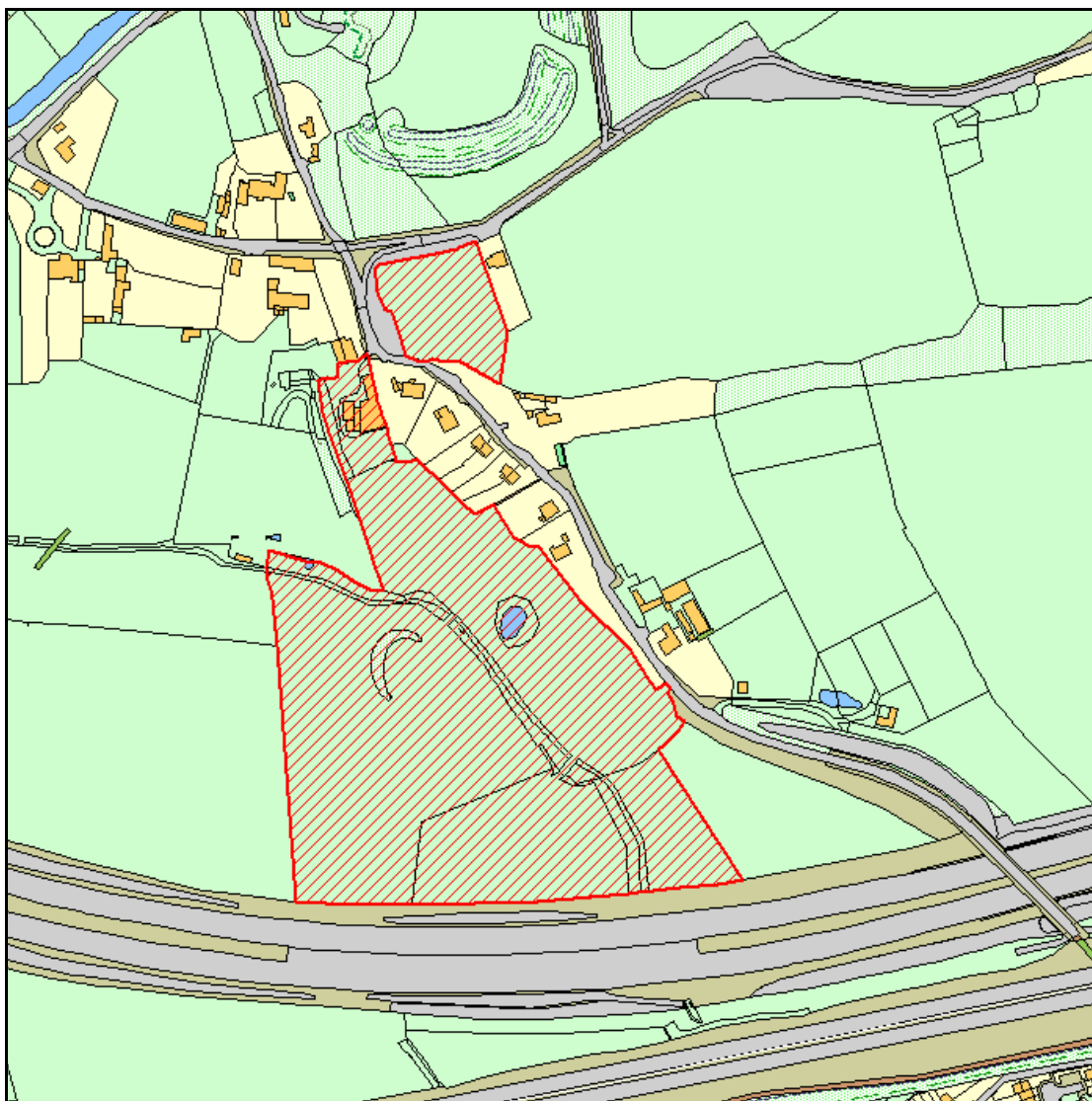
**Contact Officer:**  
**Tel. No.**

**REASONS FOR REFUSAL**

1. The applicant has failed to provide sufficient evidence to demonstrate that on the balance of probabilities, the described use of the site has subsisted for more than 10 years prior to the date of the application.

**CIRCULATED SCHEDULE NO. 44/10 – 12 NOVEMBER 2010**

<b>App No.:</b>	PT10/2250/CLE	<b>Applicant:</b>	Mr Martin Rutter
<b>Site:</b>	Moorend Farm Moorend Road Hambrook Bristol South Gloucestershire	<b>Date Reg:</b>	14th September 2010
<b>Proposal:</b>	Application for Certificate of Lawfulness for an existing use of land for the keeping of horses and for use of agricultural building as stables.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365107 178991	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	1st November 2010



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

This appears on the Circulated Schedule as it is an application for a Certificate of Lawfulness.

### **1. THE PROPOSAL**

- 1.1 This application relates to a certificate of lawfulness for the existing use of land for the keeping of horses and for use of former agricultural building for the stabling of horses on land at Moorend Farm, Moorend Road, Hambrook.
- 1.2 The site relates to two separate parcels of land with a total area of 5.43 hectares. They are in close proximity to each other, with a public footpath and the River Frome running through the larger site. They also lie outside any defined settlement boundary and are located within the Green Belt.
- 1.3 In order to obtain such a certificate the applicant must produce evidence that demonstrates on the balance of probabilities that the use has occurred for at least the last 10 years preceding the application. Accordingly, this is purely an evidential test and not a question of planning merit and precise and unambiguous evidence is required.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (General Procedures) Order 1995 Article 24  
Circular 10/97            Enforcing Planning Control

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection.
- 4.2 Local Residents  
None received.

### **5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

- 5.1 A site plan.
- 5.2 Statutory declaration submitted by the applicant in respect of the use of the land for the keeping of horses and use of agricultural building as stables. The declaration is dated 26 July 2010 and is signed by Martin Rutter with Beaufort Montague Harris Solicitors of Old bank House, 79 Broad Street, Chipping Sodbury. A site plan showing the stable building and land used for grazing is attached to it, dated 20 October 2010, as well as a copy of a rent book.

- 5.3 Statutory declaration submitted by Louise Harper-Bill stating that she has used the site since 1988 up to the present day for the stabling and exercising of her horses and that on average there have been 8 horses stabled at any one time but on occasions this has increased to a maximum of 11. The declaration is dated 26 July 2010 and is signed by Lousie Harper-Bill with Beaufort Montague Harris Solicitors of Old bank House, 79 Broad Street, Chipping Sodbury. A site plan showing the stable building and land used for grazing is attached to it.

## 6. **SUMMARY OF CONTRARY EVIDENCE**

- 6.1 None.

## 7. **EVALUATION**

- 7.1 The only issues, which are relevant to the determination of an application for a Certificate of Lawfulness, are whether, in this case, the use described has or has not been carried out for a period exceeding ten years and whether or not the use is in contravention of any Enforcement Notice, which is in force. With regard to the latter point, no Enforcement Notice is in force on any part of the site.

- 7.2 The relevant test of the submitted evidence  
The onus of proof is on the applicant and the relevant test of evidence in such matters is 'on the balance of probabilities'. Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed the stricter criminal burden of proof, ie 'beyond reasonable doubt'. Furthermore, the applicant's own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of its own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant's version of events less than probable, should be taken into account.

- 7.3 Hierarchy of Evidence  
The applicant has submitted a site plan and two statutory declarations in support of the case.

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

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross examination and re-examination, especially if able to link historic events to some personal even that he/she would be likely to recall;
2. Other personal appearance under oath or affirmation;
3. Verifiable photographic evidence;

4. Contemporary documentary evidence, especially if prepared for some other purpose;
  5. Sworn written statements (witness statements or affidavits) which are clear as to the precise nature and extent of the use or activity at a particular time;
  6. Unsworn letters as 5 above;
  7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.
- 7.5 Louise Harper-Bill states in her statutory declaration that she first stabled her horse 'Perry' on a DIY livery basis in the converted agricultural building since 1988. Grazing and exercising was undertaken in fields NG 2575, 3461, 2660 and 1257 and schooling of horses in field NG1696. The building and fields are identified on a plan titled LHB1 and corresponds to the map submitted by Martin Rutter titled MR1 (Amended) under his statutory declaration.
- 7.6 Louise Harper-Bill states that she has continued to stable her horses up to the present day at the site and that rent has been paid on a monthly basis, although no formal written agreement exists. The statutory declaration of Martin Rutter shows under exhibit 2 that rent for the stabling and keeping of horses was collected on 8 March 2000 up to the present day, although it was only since July 2002 that the horses were identified individually. This shows that Louise Harper-Bill paid rent on a monthly basis from July 2002 up to the time of her sworn declaration.
- 7.7 Louise Harper-Bill states that throughout her time using Moorend Farm there has consistently been other horses kept within the converted agricultural building and that on average there have been 8 horses stabled at any one time, although on occasion this has been up to a maximum of 11 horses. This is confirmed by Martin Rutter in his statutory declaration although Louise Harper-Bill is the only one that has used the site for a continuous period of over 10 years. The rent book submitted under exhibit 2 shows rent paid for a number of identified horses since July 2002.
- 7.8 The statutory declaration of Martin Rutter states that he converted the agricultural building in 1988 and since then it has been used as a stables for the DIY livery business. Grazing was confined to field numbers NG 2575, 3461, 2660 and 1257 with field NG 1696 used for schooling purposes also since that time and has been continuously used ever since.
- 7.9 Officer's site visit on the 13 October 2010 noted that 5 horses were visible grazing on the land. The field used for schooling did not look like it had been used recently but the paraphernalia present on the site suggested that it was used for this purpose. In addition, the use of this land is generally used only during inclement weather. The stable building was clearly used for that purpose but all boxes were empty, although it was evident that the horses had been turned out for the day.

7.10 Given the evidence it is considered that on the balance of probability the use of the land for the keeping of horses and use of the agricultural building as stables has been continuously used for a period in excess of 10 years.

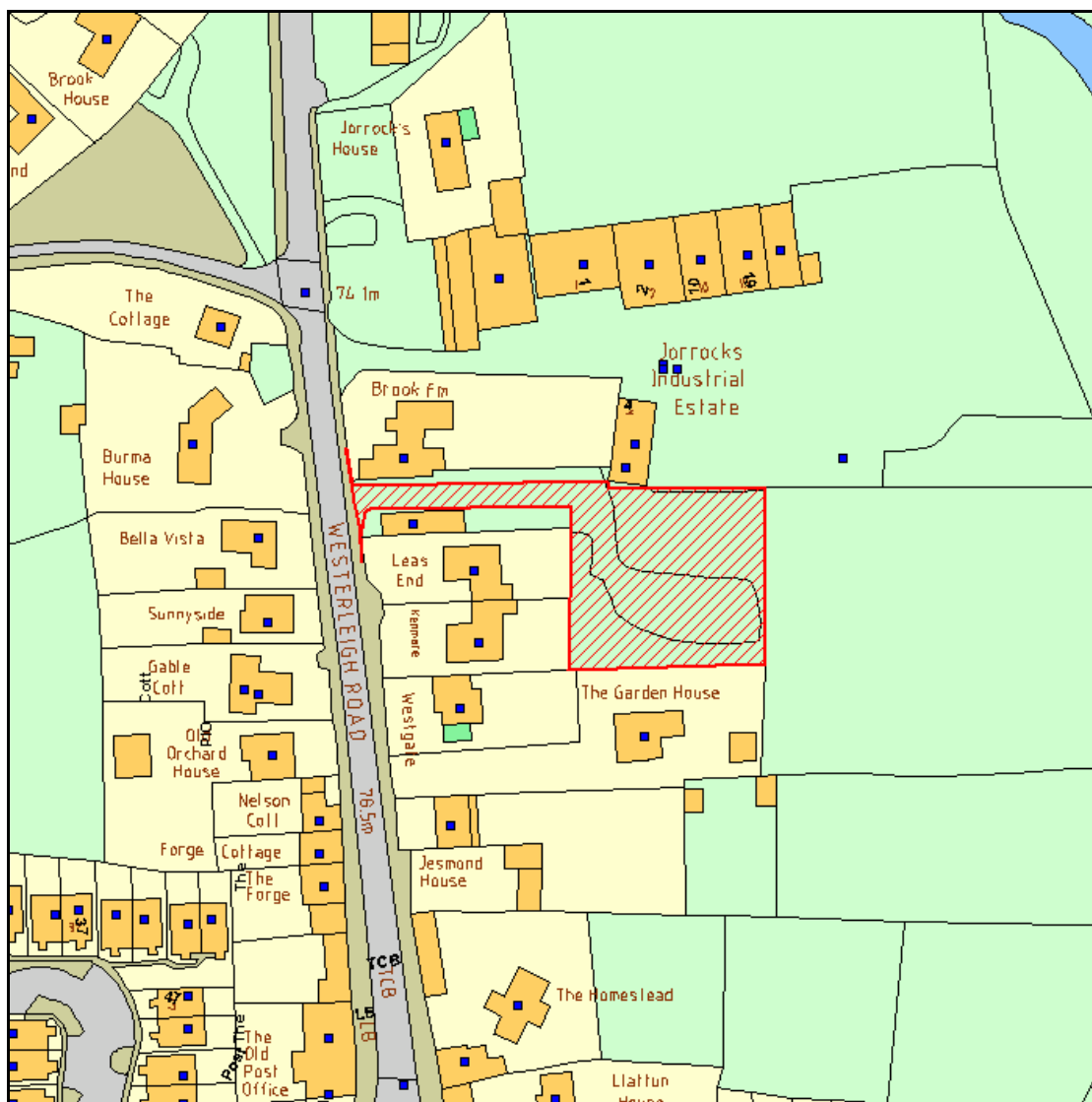
**8. RECOMMENDATION**

8.1 A Certificate of Lawfulness be granted.

**Contact Officer: Vivian Butt**  
**Tel. No. 01454 863427**

**CIRCULATED SCHEDULE NO. 44/10 – 12 NOVEMBER 2010**

<b>App No.:</b>	PT10/2379/F	<b>Applicant:</b>	Mr M.J Newman
<b>Site:</b>	Land At Brook Farm Westerleigh Road Westerleigh Bristol South Gloucestershire	<b>Date Reg:</b>	17th September 2010
<b>Proposal:</b>	Erection of 2no. dwellings and detached double garage with access and associated works.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	369981 179907	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	10th November 2010



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

The application has been referred to the Circulated Schedule for a second time further to comments received during initial publication on the Circulated Schedule and following receipt of comments from the Councils Ecologist.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of two detached chalet style dwellings.
- 1.2 The application site forms land at Brook Farm, Westerleigh. The site lies behind those properties fronting the east side of Westerleigh Road. The site is located within the Westerleigh settlement boundary that is washed over by the Green Belt. Brook Farm is Grade II listed.
- 1.3 The application forms a resubmission of application PT08/3166/O that was refused for the following reason:
  1. Insufficient detail has been submitted to demonstrate any mitigation measures required to offset noise disturbance caused to the proposed new dwellings given their proximity immediately adjacent to the Jorrocks Industrial Estate. The application is therefore considered to be contrary to Planning Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document, and PPG24.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development  
PPG2: Green Belts  
PPS5: Planning for the Historic Environment  
PPS3: Housing  
PPG13: Transport  
PPG24: Planning and Noise
- 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  
CS17: Housing Diversity  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
GB1: Development in the Green Belt  
H2: Proposals for Residential Development  
H4: Development within Residential Curtilages  
T12: Transportation Development Control policy for New Development



L1: Landscape Enhancement and Protection  
L9: species Protection  
L13: Listed Buildings  
EP4: Noise Sensitive Development

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)  
Development in the Green Belt (Adopted)

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

- 3.1 PT08/2574/O: Erection of two dwellings (outline) with access to be determined; all other matters reserved. Refused: 6 November 2008
- 3.2 PT08/3166/O: Erection of two dwellings (outline) with access to be determined. All other matters reserved. (Resubmission of PT08/2574/O.) Refused: 29 January 2009

### **4. CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
No objection
- 4.2 Other Consultees  
Highways DC: no objection subject to condition  
Conservation Officer: concerns expressed at design approach, would prefer to see a rural building style approach to design  
Drainage Engineer: no objection in principle  
Landscape Officer: mixed comments  
Environmental Services: conditions required  
Ecology Officer: no objection subject to conditions

#### **Other Representations**

- 4.3 Summary of Local Residents Comments:  
One letter received expressing the following concerns:
- The detached garage for plot two is too close and too large to the neighbouring property;
  - An integral garage would be less intrusive for the smaller neighbouring properties.

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

- 5.1 Principle of Development  
Planning policy H2 allows for the principle of residential development within the built up areas and settlement boundaries provided that it would not have an unacceptable environmental or transportation impact and provided it would not significantly prejudice residential amenity. This policy also requires that a minimum density of 30 dwellings per hectare be achieved where possible but this requirement has now been removed from the revised PPS3; there is still a need to make the most efficient use of land.

- 5.2 Policies GB1 and H2 cite that within the settlement boundaries (washed over by the Green Belt), development will be restricted to infilling. The supporting text to these policies advises that in the vast majority of cases, acceptable infilling is unlikely to be more than the filling of small gaps within built development where it does not significantly infringe upon the openness of the Green Belt.
- 5.3 Planning policy T12 advises that new development will be permitted (in terms of transportation) provided that safe access is achieved whilst the development should be capable of accommodating the traffic that is generated. It should also not unacceptably exacerbate traffic congestion or generate traffic that would be detrimental to residential amenity.
- 5.4 Policy L13 details that development including alterations or additions affecting a listed building or its setting will not be permitted unless the building and its setting would be preserved, features of architectural or historic interest would be retained and provided the character, historic form and structural integrity of the building would be retained.
- 5.5 Design/ Visual Amenity & Listed Building Considerations  
The application relates to an area of hard standing/ scrubland to the rear of the dwellings fronting the east side of Westerleigh Road, Westerleigh. The site lacks any road frontage or substantial rear boundary the latter of which denotes the settlement boundary with the open Green Belt. The site adjoins Jorrocks Industrial Estate to the north with a large number of taxis/ buses parked in the associated compound (sometimes spilling onto the application site). Rear gardens adjoin the western site boundary with a new dwelling to the south (PT04/3795/F). At the time of the case officer's site visit, there were a number of trailers/ lorry bodies on site with various parts of machinery/ scrap also found.
- 5.6 Further, Brook Farmhouse (north east of the site) forms a grade II listed building with the entrance to the site via the historic farmyard entrance associated with this former farmhouse. The farmyard now provides a mix of differing business accommodation within the converted buildings. It is considered that these converted buildings largely retain the character of this former farmyard.
- 5.7 The application seeks permission for two five-bed chalet style dwellings that would stand in parallel with the existing dwellings fronting Westerleigh Road and with the proposals facing these properties. Each would be of near identical design (albeit with plot 1 to benefit from an attached garage and with that serving plot 2 detached) occupying an 'L' shaped footprint and with three dormers providing for accommodation in the roof space.
- 5.8 Comments from the Councils Conservation officer advise that whilst the design of the proposals would relate to the existing residential properties in front, they are suburban in character. Accordingly, in order to protect the setting of the listed building and the more rural character of the area, there would be merit in seeking a more sympathetic form of development that would better reflect the

- more traditional built forms present. As such, a more traditional design approach is suggested which might appear as a group of converted farm buildings using typical narrow rectangular forms and with narrow gables and steep roof pitches.
- 5.9 In response, it is considered that the application site appears visually detached from Brook Farm and instead is viewed either in the context of the residential dwellings in front or with the backdrop of Jorrocks Yard (and its associated buses and coaches behind). Further, the design of these dwellings reflects the indicative details submitted previously at which time no objection was raised to this design approach (although this application was in outline form with all matters reserved except access); it also reflect the design approach of the bungalows in front.
- 5.10 Accordingly, on balance it is considered that there can be no reasonable objection to the proposal on this with any associated refusal reason likely to be unsustainable.
- 5.11 Impact on the Openness of the Green Belt  
The application site is located on the edge of the Westerleigh settlement boundary that is washed over by the Green Belt. The supporting text to policies H2 and GB1 advise that development will be restricted to infilling, i.e. the filling of small gaps within built development where it does not specifically impact upon its openness. Further, policy GB1 states that proposals for development within or conspicuous from the Green Belt that would have an adverse impact on its visual amenity will not be permitted.
- 5.12 In this instance, the site sits between the adjoining industrial estate to the north (the built form of which extends further to the east) and the newly built dwelling to the south. For these reasons, it is considered that the proposals would form limited infilling and thus there is no objection to the application on this basis. Further, it is noted that there was no associated related refusal reason in respect of the previous application.
- 5.13 Landscape Impact  
Councils received from the Councils Landscape Officer raise no objection to the proposal in the context of planning policies D1 and L1 with it noted that the site is contained on three sides by existing development thus the proposal is unlikely to have any significant visual impact. A full landscape plan would be required as part of a condition however.
- 5.14 Notwithstanding the above, comments received suggest that the proposal is not considered to meet policy L5 (Open Areas within the Existing Urban Areas and the Defined Settlement Boundaries). However, given the position of the application site within the settlement boundary, and with this area not considered to make a significant contribution to the quality, character, amenity and distinctiveness of the locality, it is not considered that planning permission could be reasonably withheld on this basis.

5.15 Residential Amenity

The two dwellings in front of the application site (Lees End and Kenmare) form single-storey link-detached properties with the layout of these units providing the main living accommodation at the rear (albeit with bedrooms to the front). Boundary screening is provided in the form of a 1.8m high (approx.) close-boarded fence and hedgerow respectively whilst there is also a thick band of undergrowth within the application site.

5.16 With regards the impact on these existing dwellings, it is considered that an adequate level of separation would be retained (some 25m excluding the detached garage building) whilst the chalet style nature of the units would help to reduce the bulk and massing of these properties. As such, it is considered that there can be no reasonable objection to the current proposal on this basis with any associated refusal reason unlikely to prove sustainable.

5.17 With regards to the concerns that have been raised, the detached garage building stood on the boundary would be single-storey in height and set within the application site; i.e. not on the boundary. Whilst such is felt to be acceptable, in the event that planning permission is granted the roof could be turned so that these neighbouring residents see the sloping roof instead of the more prominent gable. In the event that permission is granted, this alteration could form the basis of an appropriately worded planning condition. A further condition should also be attached to prevent the formation of any further windows in this building.

5.18 The more recent dwelling to the south faces Westerleigh Road and is inset from this boundary. Mature planting along this boundary also helps limit views of this existing dwelling whilst it is noted that windows to this side of the property generally comprise secondary openings. As such, and with the main outlook from the new dwellings to the front and rear (with the exception of the inset bedroom window that would be some 18m from this neighbouring property), it is not considered that any significant adverse impact in residential amenity would be caused.

5.19 Concerning the relationship between the new dwellings, aligning ground floor windows would include bathroom windows (obscure glazed) of plot 2 with the side facing dormer window of plot 1 facing a blank roof slope (with the exception of two small bathroom roof lights). This dormer would also not overlook the main garden with views at the rear at an oblique angle only towards each respective unit: this is not uncommon between residential properties. As such, there is no objection on this basis.

5.20 Highway Safety

Comments received from the Councils Highway Officer state that visibility from the proposed access along Westerleigh Road is slightly constrained but is considered to be acceptable. Further, the site plan indicates that the access would be widened to 5 metres to facilitate two-way traffic. In this regard, there are concerns regarding the steepness of the access and so the slope would need to be re-graded with detailed drawings required; this could form the basis of an appropriately worded condition. Re-grading the slope would make it easier

to control vehicles as they pass, this is considered to be important given the mixed uses proposed.

5.21 The turning areas shown would be large enough to cater for a medium sized service vehicle although it is not anticipated that a refuse vehicle would enter a development of this size; consequently householders would have to transport bins further than is permitted under building regulation although this is not a material highway consideration. Finally, the parking provision shown is considered to be acceptable whilst the garages could also be used for bicycle storage.

5.22 In the light of the above, there are no transportation objection to this current proposal subject to that condition as listed.

5.23 Noise

The application site lies adjacent to an existing industrial estate that has the potential to cause noise disturbance to future occupiers; this concern formed the basis of the previous refusal reason.

5.24 In this instance, the application is accompanied by an acoustic report that advises that noise from the industrial estate was low and was not considered to be of significant concern. On this basis, the Councils Environmental Services department have raised no objection to this application although suggest that the recommendations of this report for the basis of planning conditions in the event that planning permission is granted.

5.25 Ecology

The site is not covered by any statutory or non-statutory designations but comments from the Councils Ecology Officer advise that slowworms and hedgehogs are associated with hedges, scrubland and rough grassland as provided by the application site. On this basis, and with slowworms protected against intentional or reckless injury under the Wildlife and Countryside Act 1981 and hedgehogs a priority species on the both the UK and South Gloucestershire Biodiversity action plans, conditions requiring surveys and mitigation measures (where necessary) should be attached to any favourable decision notice.

## 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/refuse 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 design of the dwellings proposed is considered to be acceptable and in keeping with the character of the surrounding residential development in front and to the south. The proposal is therefore considered to accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H2 (Proposals for Residential Development) and GB1 (Development in the Green Belt) of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The application site is located within the Westerleigh Settlement boundary and the proposals would form acceptable infilling for the purposes of Planning Policies H2 (Proposals for Residential Development) and GB1 (Development in the Green Belt) of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The proposal would not cause any significant adverse impact in residential amenity and is considered to accord with Planning Policy H2 (Proposals for Residential Development) and GB1 (Development in the Green Belt) of the South Gloucestershire Local Plan (Adopted) January 2006.
4. The proposal would preserve the setting of the Grade II listed Brook Farm and thus is considered to accord with Planning Policy L13 (Listed Buildings) of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

7.1 Planning Permissions 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. Prior to the commencement of development samples of the roofing and external facing materials (including windows) proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

3. 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) 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 H4, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. 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 H4, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatments to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatments shall include the acoustic barriers along the north and east boundaries of the site as detailed within the acoustic report received. The boundary treatments shall be completed before the buildings are first occupied. Development shall be carried out in accordance with the approved details and thereafter retained.

Reason

To protect the character and appearance of the area, to safeguard residential amenity and to accord with Planning Policies H4, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of development, detailed plans showing the proposed access to the site shall be submitted to and approved in writing with the Local Planning Authority. Development shall accord with these approved details.

Reason

In the interests of highway safety and to accord with Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the commencement of development, an amended plan of the detached garage building serving plot 2 with the ridge line running from front to rear shall be submitted to and approved in writing by the Local Planning Authority. Development shall accord with these approved details.

Reason

To help safeguard the residential amenity of neighbouring occupiers and to accord with Planning Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development, details of the noise mitigation measures to be included within each dwelling in accordance with the recommendations of the submitted acoustic report shall be submitted to and agreed in writing by the Local Planning Authority. Development shall accord with these approved details.

Reason

To safeguard the residential amenity of future occupiers and to accord with Planning Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The glazing in the side facing bathroom/ ensuite windows of each dwelling shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Planning Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Prior to the commencement of development, a survey of the site for slowworms shall be submitted to and approved in writing by the Local Planning Authority. If present, the submitted details shall include a mitigation strategy with development to accord with these approved details.

Reason

In the interests of species protection and to accord with Planning Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Prior to the commencement of development, a survey of the site for hedgehogs shall be submitted to and approved in writing by the Local Planning Authority. If present, the submitted details shall include a mitigation strategy with development to accord with these approved details.

Reason

In the interests of species protection and to accord with Planning Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. No windows other than those shown on the drawings hereby approved shall be formed within the detached garage.

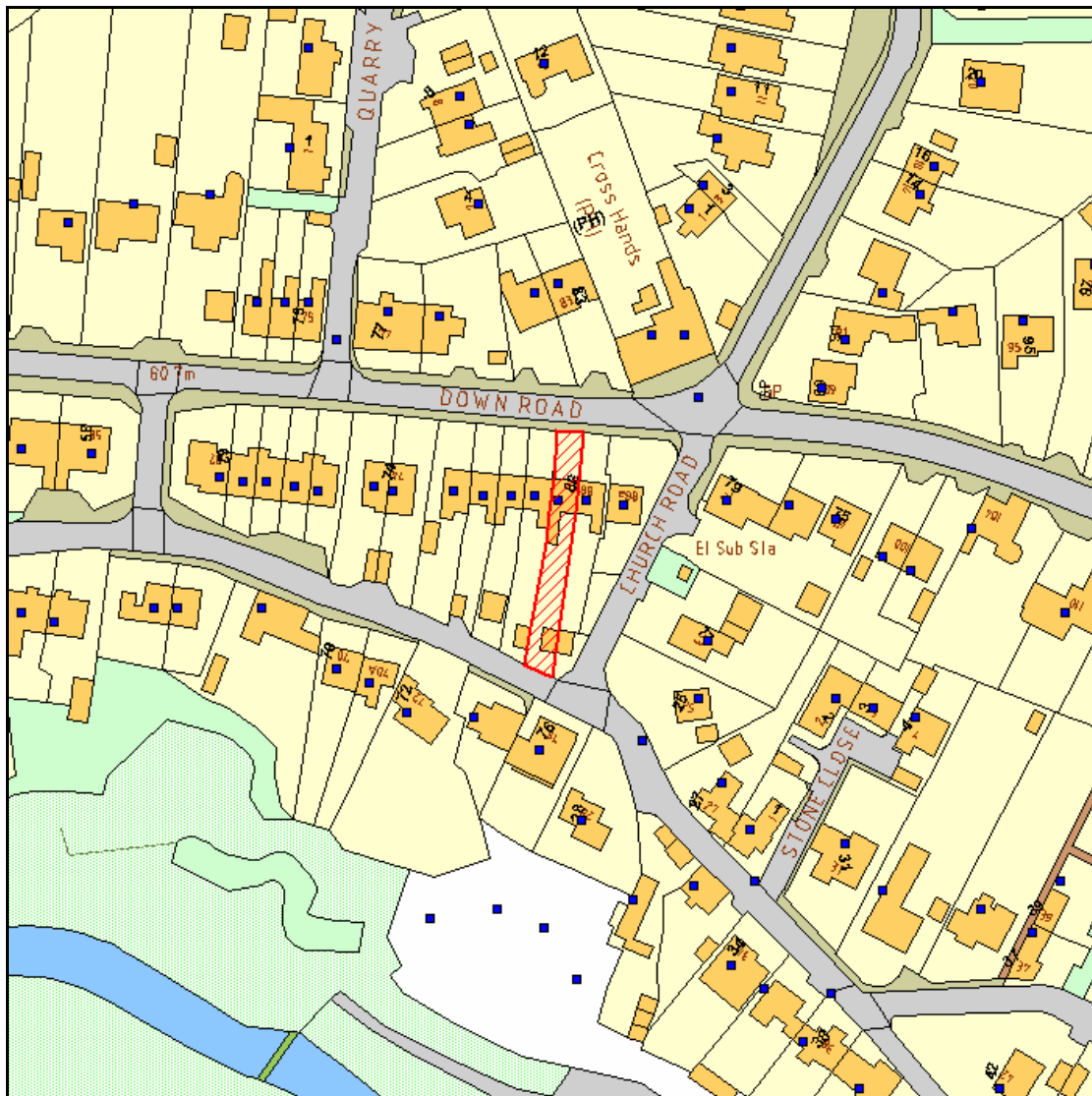
Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Planning Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.



**CIRCULATED SCHEDULE NO. 44/10 – 12 NOVEMBER 2010**

<b>App No.:</b>	PT10/2538/F	<b>Applicant:</b>	Mr And Mrs Keith Wellington
<b>Site:</b>	84 Down Road Winterbourne Down Bristol South Gloucestershire BS36 1BZ	<b>Date Reg:</b>	28th September 2010
<b>Proposal:</b>	Single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365373 179620	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	23rd November 2010



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## **INTRODUCTION**

This application is being circulated a second time to Members because the Officer's recommendation is contrary to written representations received from a local resident and the parish council. Moreover the previous report included inaccuracies as to the height of the fence on the boundary shared between the application site and the neighbouring occupier at 86 Down Road. The previous report suggested that the fence was approximately 2 metres in height. In fact it is approximately 1.5 metres in height.

The recommended condition has been altered to ensure that no new windows on either the side or front elevation of the proposal has new inserted in order to protect the future privacy of the neighbouring occupier at No.86 Down Road.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for a single storey rear extension. The proposed extension would be perpendicular to an existing linear extension at the rear of the dwelling and extend across the width of the rear garden. This would form a courtyard style area between the existing rear elevation of the host dwelling and the front elevation of the proposed development.
- 1.2 The proposed extension would measure approximately 2.8 metres in width and 3.2 metres in depth with a ridge height of approximately 3.2 metres falling to circa 2.5 metres at the eaves. Both ridge and eaves height would match the existing rear extension.
- 1.3 The application site relates to a two-storey traditional terrace dwellinghouse located in the well-established residential area of Winterbourne Down.

### **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 P87/2183                      Erection of single storey rear extension. **Approved.**

26 August 1987

- 3.2 P88/2670                      Erection of single storey rear extension. **Approved.**  
5 October 1988

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

- 4.1 Winterbourne Parish Council  
Objection on the grounds that the proposal would be overbearing and result in a loss light of light to neighbouring gardens.

##### **Other Representations**

- 4.2 Local Residents  
1 letter received from a local resident objecting to the proposal on the following grounds:  
a) overbearing;  
b) loss of light;  
c) loss of privacy

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

- 5.1 Principle of Development  
The development consists of residential development within an existing residential curtilage. Such development is permitted in principle by policy H4 subject to the following considerations.

- 5.2 Residential Amenity  
The proposed development would be attached to the east elevation of the existing extension which is located some 0.1 metres from the boundary shared with number 82 Down Road. This would remain as existing and hence it is considered that the proposed development would not alter existing residential amenity levels enjoyed by this neighbouring occupier.  
The proposed development would extend across the garden with the eastern elevation adjacent to the boundary shared with number 86 Down Road. Both this side elevation and the front elevation of the proposal would be windowless and the side elevation would be located some 3 metres from the rear elevation of the neighbouring occupier.  
The proposal is considered small in scale and minor in nature. Given this together with the location and the existing boundary treatment consisting of an approximately 1.5 metre tall timber fence, the proposed development is not considered to result in a loss of privacy nor an overbearing impact on the neighbouring occupier.

Concerns have been raised that it would be possible to see over the existing fence when exiting through the proposed french doors on the rear elevation. However it is considered unreasonable to attempt to force the applicant to erect a higher fence in these circumstances. It is possible for both applicant and neighbour to erect a fence or wall up to 2 metres in height in this location under

permitted development rights and as such this is considered a civil matter and is not considered a sufficient basis for refusal of the application.

Notwithstanding this it is appreciated that windows on the northern and eastern side elevation could be inserted under permitted development without the need for planning permission or obscure glazing. It is therefore recommended that a condition restricting the insertion of windows on both the northern and eastern side elevation of the proposed development be attached in the event of any grant of planning permission to ensure no loss of privacy arises from the development in the future.

5.3 In terms of loss of light, the houses on Down Road are north facing. The sunlight would pass from east to west. Given that the proposed development would be located to the west, rather than the east of the occupier at 86 Down Road it is considered that any loss of light would be negligible. The occupier to the west of the proposal at Number 82 Down Road would not experience any material loss of light for the existing extension on this boundary is to remain unaltered.

5.4 The property benefits from a modest garden and it is considered that sufficient space would be retained to serve the main dwelling. The proposal raises no highway issues and accordingly meets criteria contained within policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

5.5 Design/Visual Amenity

The proposed development would be of a similar design and style as that already existing. The materials would match the existing. The proposal would include a set of French doors on the southern elevation leading to the rear garden area. There is evidence of other extensions and outbuildings in the locality of a similar style, height and scale. As such it is considered that the proposal meets criteria in policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.

## 6. CONCLUSION

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

6.2 The proposal is small in scale and minor in nature. Given the location and the existing boundary treatment the development would maintain existing levels of residential amenity and meet criteria within policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

6.3 The proposal would not affect the street scene and would match existing development at the property. The proposal meets criteria in policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.

6.4 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).

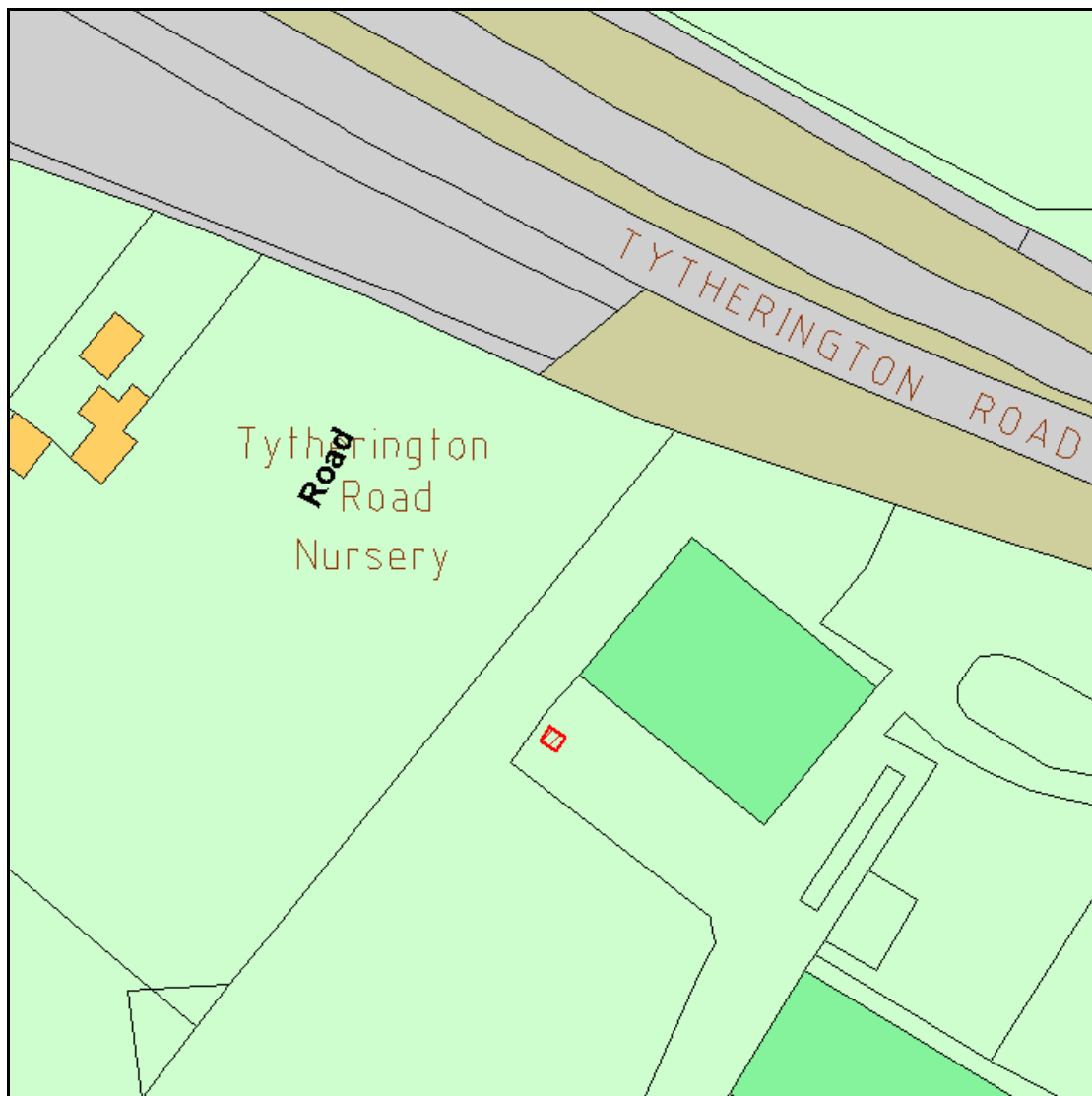
2. No new windows shall be inserted at any time in the ground floor northern and eastern elevation of the approved development without written consent of the Local Planning Authority

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 44/10 – 12 NOVEMBER 2010

<b>App No.:</b>	PT10/2556/F	<b>Applicant:</b>	Mr Glyn Roylance Severnvale Media CIC
<b>Site:</b>	Tytherington Road Nursery Tytherington Road Thornbury Bristol South Gloucestershire	<b>Date Reg:</b>	30th September 2010
<b>Proposal:</b>	Erection of 1no. 19m high self-supporting radio tower and associated transmitting antennas with 2m x 2m compound containing the mast and equipment cabin.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	365642 189079	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th November 2010



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100023410, 2008.

**N.T.S.**

**PT10/2556/F**

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

This application appears on the Circulated Schedule in view of the comments from local residents that have been received.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a 19m high self-supporting radio mast and associated transmitting antennas with an associated mast and equipment cabinet.
- 1.2 The application relates to land at Tytherington Nursery that is located on the south side of Tytherington Road. The site is beyond any settlement boundary and also outside of the Green Belt.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1: Delivering Sustainable Development  
PPS5: Planning for the Historic Environment  
PPG8: Telecommunications

#### 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

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design In New Development  
L1: Landscape Protection and Enhancement  
L4: Forest of Avon  
S5: Telecommunications  
(GB1: Development in the Green Belt)  
(L12: Conservation Areas)

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

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

- 3.1 P97/2328: Retention of horticultural glasshouse. Permitted: 3 Feb 1999
- 3.2 P99/1883: Erection of glasshouse. Permitted: 11 July 2000
- 3.3 PT00/2485/F: Erection of glasshouse. Permitted: 12 Feb 2001
- 3.4 PT03/1048/O: Erection of horticultural workers dwelling. Refused: 29 May 2003

3.5 PT04/3492/TMP: Use of land for stationing of mobile home. Refused: 21 April 2005

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

4.1 Thornbury Town Council  
No objection

4.2 Other Consultees [including internal consultees of the Council]  
Landscape Officer: no objection  
Highways DC: no objection  
Conservation Officer: no objection  
Ecology Officer: no objection

#### 4.3 Summary of Local Residents Comments

Three letters received expressing the following concerns:

- Recent industry generated publicity concerning amalgamations and co-operative agreements between companies have suggested that the necessity for new masts would be reduced. As the proposal is less than 1km from a mast at Little Abbey, it should be refused;
- The 'monstrous' tower would be positioned on the boundary- the trees are not 19m high and the statement that industrial buildings would be seen in the backdrop is incorrect;
- It would be an eyesore;
- It might be detrimental to the health of residents/ animals;
- Permission has already been granted for two further glasshouses;
- Traffic is already detrimental to the area- please not a radio mast also;
- It is understood that a previous application for a building at the Nursery was turned down because of its impact on the skyline.

4.4 One of the above letters is from a CPRE Avonside Committee Member.

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

##### 5.1 Principle of Development

Policy S5 allows for the principle of the proposed development provided that:

- Development would not unacceptably prejudice residential amenities;
- In the case of radio masts there is no possibility of erecting antennae on an existing building or other structures where that would meet the technical needs of the operator and minimise the impact on the environment;
- Proposals are sited, designed and landscaped so as to minimise any negative impact on the built or natural environment in such a way as to achieve an acceptable balance between the technical needs of the operator and conservation of the environment;
- There is no possibility of sharing facilities that would meet the technical needs of the applicant and minimise the impact on the environment.

##### 5.2 Design/ Visual Amenity

The application site relates to land at Tytherington Nursery and seeks full planning permission for the erection of a self-supporting 19m high radio mast with associated transmitting antennae and an equipment cabinet at its base; a



- 2m high security fence would enclose this. The mast would comprise a slender, lattice construction. The Design & Access Statement advises that the mast would deliver local community radio services (Gloss FM, formerly known as Thornbury FM).
- 5.3 The application site is visually well contained by trees and vegetation whilst the mast would stand adjacent to a commercial greenhouse; these would help to mitigate the visual impact of the proposal at ground level. Further, comments from the Councils Landscape Officer advise that despite a relatively elevated position, the local topography would help to limit further views of the proposal whilst the design of the mast would help further assimilate it into the landscape. It would also be sufficiently distant from the Green Belt so as not to appear conspicuous from here. For these reasons, there is no objection to the proposal on design/ visual amenity grounds. It is not considered necessary to add any landscaping conditions to any favourable decision notice given the amount of existing surrounding vegetation.
- 5.4 Impact on the Historic Environment  
The visual impact study that accompanies the application identifies that the mast would be visible from the high point at St. Mary's Church Hall in Thornbury. At this point, it is viewed in the context of the power lines that run north/ south past Thornbury and to the west of the application site.
- 5.5 Notwithstanding the above, comments from the Councils Conservation Officer advise that it is unlikely that the mast would have any significant impact on the character and appearance of the Thornbury Conservation Area given the significant amount of modern development on this side of Thornbury and the relative slenderness of the mast.
- 5.6 Views from the east at Tytherington have also been addressed as part of the application. It is considered that the intervening M5 motorway and tree cover would obscure most, if not all, views from the Conservation Area. Further, there are no listed buildings in the vicinity of the site whilst it is considered that the two scheduled ancient monuments are unlikely to be affected.
- 5.7 For the reasons outlined above, there is no objection to the proposal having regard to any impact on the Thornbury/ Tytherington Conservation Areas or any further protected structures/ monuments.
- 5.8 Location/ Possible Mast Sharing  
Information in support of the application advises that the target area for the radio station is the region of Thornbury, Bradley Stoke, Yate and the nearby communities of Oldbury and Wickwar etc. The Government regulator limits masts to a maximum transmission power of 25 watts and a height of 20m. It is stated that this means that the only feasible location for the transmitter is along the line of the ridge running from Alveston in the south to Milbury Heath, roughly along the line of the A38. Further requirements included a visual line of site to the studio in Thornbury with this required for the studio to transmitter link system.

5.9 There appear no masts within the immediate vicinity of the proposal whilst the only buildings on site form greenhouses. The mast referred to at Little Abbey is however noted; the agent has advised that this is an Orange mobile phone mast where it is not possible to attach the antenna to the side given that this would interfere with the signal whilst to put it on top would be too high. The Design and Access Statement also advises of further masts which were considered but all of which were unsuitable. For these reasons, the proposal is considered compliant with the requirement of policy S5 in respect of location/ possible mast sharing.

5.10 Residential Amenity

The application site is relatively remote from any neighbouring residential properties whilst the screening at ground level and slender design of the mast would also help to mitigate its visual appearance. On this basis, and given the nature of the proposal, it is not considered that any significant adverse impact in residential amenity would be caused. In this regard, the Design & Access Statement advises that the proposal would conform to ICNIRP exposure guidelines thus the application could not be reasonably refused for reasons related to human safety/ animal welfare.

5.11 Highway Safety

The proposed antenna would be located at some distance from the road and would be unlikely to generate significant vehicle movements during installation or maintenance. As such, there is no transportation objection to the proposal.

**6. CONCLUSION**

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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 design and location of the proposal is considered to be acceptable and compliant with the requirements of planning policies D1 (Achieving Good Quality Design in New Development), L1 (Landscape Protection and Enhancement) and S5 (Telecommunications) of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The proposal would not cause any significant adverse impact in residential amenity and thus is considered to accord with Planning Policy S5 (Telecommunications) 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. Any variation in colour of the mast to the galvanised steel/ grey colour detailed shall firstly be approved in writing by the Local Planning Authority.

Reason

To safeguard the character and appearance of the area and to accord with Planning Policies D1, L1 and S5 of the South Gloucestershire Local Plan (Adopted) January 2006.

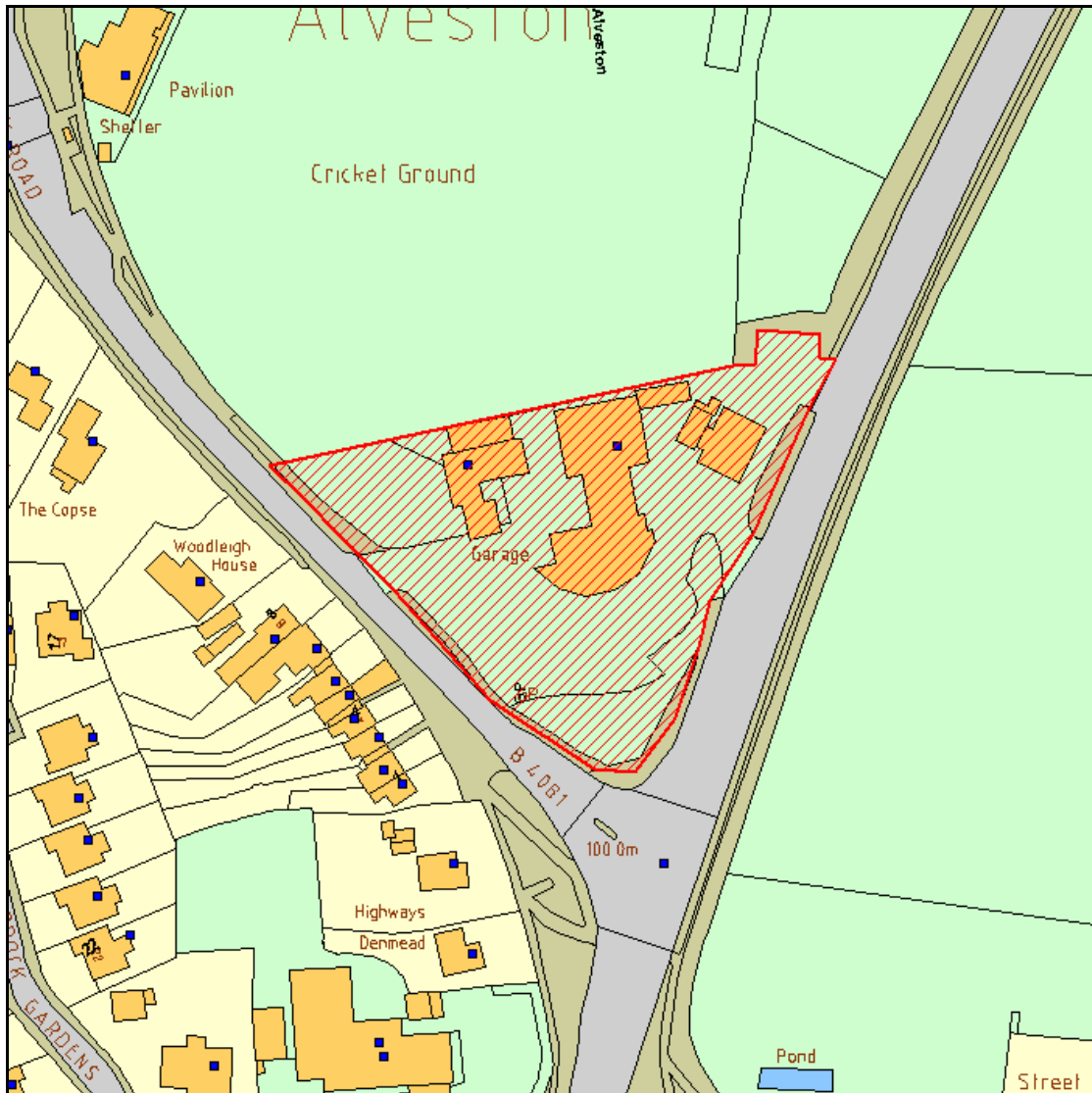
3. The mast and associated equipment shall be removed and the site restored to its former condition if at any time no longer required.

Reason

To safeguard the character and appearance of the area and to accord with Planning Policies D1, L1 and S5 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 44/10 – 12 NOVEMBER 2010**

<b>App No.:</b>	PT10/2607/ADV	<b>Applicant:</b>	Mr Richard Hawkins
<b>Site:</b>	Berkeley Vale Motors Thornbury Road Alveston Bristol South Gloucestershire	<b>Date Reg:</b>	5th October 2010
<b>Proposal:</b>	Display of 5no. internally illuminated static fascia signs, 2no. freestanding internally illuminated static entrance signs, 1no. freestanding static internally illuminated pylon sign and 4no. non-illuminated static parking signs.	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	363592 188186	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th November 2010



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

This application appears on the Circulated Schedule List because concerns have been raised by a local resident.

### **1. THE PROPOSAL**

- 1.1 This application seeks advertisement consent for the display of 5no. internally illuminated static fascia signs, 2no. freestanding internally illuminated static entrance signs, 1no. freestanding static internally illuminated pylon sign and 4no. non-illuminated static parking signs.
- 1.2 The application site comprises a car sales/showroom as well as an MOT workshop located in a prominent location adjacent to the Thornbury Road/A38 junction. The site is located just outside of the defined Alveston settlement boundary and within the Green Belt. Whilst open fields are located to the east of the site, the immediate area is characterised by the A38 road with the associated street lighting and the established car showroom.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG19 Outdoor Advertisement Control
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving a Good Standard of Design in New Development  
GB1 Development within the Green Belt  
T12 Transportation Development Control Policy for New Development  
L1 Landscape Protection and Enhancement
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)  
The Development in the Green Belt SPD (adopted)

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

- 3.1 PT09/6023/ADV, display of 1no. internally illuminated freestanding double sided display unit (retrospective), approval, 03/02/10.
- 3.2 P97/1292/A, display of illuminated/petrol station signs, approval, 01/05/97.
- 3.3 P92/1284/A, display of 4no. internally illuminated petrol pump boxes, approval, 12/04/92.
- 3.4 P91/2158/A, display of three externally illuminated fascia signs, one blank and two to read 'Berkley Vale Motors Rover' display of four non-illuminated wall mounted facility and logo signs. Display of one freestanding totem sign and one twin pole information sign. All in white lettering on gold and burgundy background, approval, 11/09/91.

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

4.1 Alveston Parish Council  
No objection

4.2 Landscape Officer  
No objection

4.3 Transportation DC  
No objection

4.4 Conservation Officer  
Crossways House, situated adjacent to the host building, is a locally listed building, which contributes to the character of the area. Careful control is required to ensure the number, size and prominence of the signs does not increase on the existing situation in order to protect the visual amenity of the area and setting of the adjoining listed building.

4.3 Local Residents  
A single letter has been received from a local resident who raises concerns with regards to the brightness of the signs and the times of illumination.

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

5.1 Principle of Development  
Planning Policy Guidance 19 states that advertisements can only be controlled on the basis of amenity and public safety. It states that when assessing amenity, the Local Planning Authority should have regard to the impact of the sign on the building or on the immediate neighbourhood where it is to be displayed as well as the cumulative impact on the surroundings. With regard to public safety, Local Planning Authorities are expected to assess the impact on any traffic or transport on land (including pedestrians), water or air.

5.2 Amenity  
The main fascia signs proposed would be located above the main curved glazed frontage of the showroom at a height of approximately 4.1 metres from the ground and replace existing fascia signs. The 3no. front fascias '1B, 1C and 1D' would measure approximately 6 metres in width, 0.6 metres in height and 0.1 metres in depth. Each fascia would be constructed of aluminium and comprise a grey background, whilst the central fascia '1C' would comprise the text 'Berkeley Vale Motors' in acrylic blue text, which would be internally illuminated. The 2no. end fascia signs '1A and 1E' would be similar to the front signs and comprise an aluminium logo panel measuring approximately 4.4 metres in width, 0.8 metres in height and 0.2 metres in depth. The logo would be silver on a blue background with the text 'HYUNDAI' in silver. Both signs would be internally illuminated. The applicant originally specified that a continuous acrylic strip along the bottom of the fascia signs would be illuminated. However, the Officer had concerns that this cosmetic detail would be out of keeping with the character of the surrounding area and the applicant has specified on an amended plan that it would not be illuminated.

- 5.3 The applicant originally proposed 4no. 1.5 metre high freestanding parking signs to be located adjacent to the western boundary of the site. However, the Officer was concerned that the proposed signs would be prominent from the surrounding area, and when viewed in conjunction with other freestanding signage within close proximity, which doesn't appear to have advertisement consent, would have an adverse cumulative impact to the detriment of the visual amenity of the area. The applicant has instead proposed 4 no. non-illuminated wall mounted parking signs on the eastern side of the building, which would replace existing wall mounted parking signs. The amended signs would reduce the amount of clutter around the forecourt and would not be adversely prominent from the surrounding area.
- 5.4 In addition, consent is sought to replace an existing internally illuminated pylon sign located to the south of the site with a replacement 5 metre high pylon sign. The pylon sign would be constructed of aluminium with a grey background. The text 'Berkley Vale Motors' would be located in the middle of the pylon sign, be blue in colour and internally illuminated. An internally illuminated blue acrylic panel would be located at the top of the sign and comprise the text 'HYUNDAI' and the corporate logo in silver measuring approximately 1.46 metres in width, 1.2 metres in height and 0.5 metres in depth. Given that the proposed pylon sign would not be higher than the existing illuminated pylon, it is considered that the proposal would not be significantly more prominent than the existing sign.
- 5.5 2no. existing internally illuminated fascia signs on the eastern elevation of the building would be replaced by 2no. internally illuminated fascia signs of similar scale to match the fascia signs proposed on the front elevation of the building. 2no. smaller versions of the proposed 5 metre high pylon sign measuring 2.5 metres in height would be located adjacent to the pedestrian entrances on the eastern and western sides of the building. These signs would replace existing pylon signs and would not be adversely prominent given that they would be viewed against the bulk of the main building.
- 5.6 Although the site is located just outside the settlement boundary, the surrounding area is characterised by the A38 road and the associated street lighting, residential dwellings and the established car showroom. On this basis, it is considered that the proposed signs would not be significantly out of keeping with the character of the area in terms of scale and design and would be similar in scale to the existing fascia signs on the building. In addition, the scale and positioning of the signs is such that they would not be significantly adversely prominent from the surrounding countryside. The Council's Conservation Officer's comments with regards to the impact on the locally listed building are noted. However, the signage proposed generally replaces existing signage, therefore, the number of signs would not be increased significantly. In addition to this, the applicant has amended the proposal to reduce the visual clutter within the site and the Enforcement Team will be notified with regards to the unlawful temporary signage around the site. Nevertheless, the application site relates to an established car showroom with ancillary MOT/servicing. It is considered that the use of the site with the large outdoor storage area and the associated commercial buildings already affects the setting of the locally listed building to some extent and the advertisements are ancillary to the established

use. The proposed signage would not be significantly more harmful to the visual amenity of the area than the existing situation. A neighbouring occupier has raised concerns with regards to the brightness of the signs and the times of illumination. It is considered that the proposed signs would not be significantly brighter than the existing signs and the neighbouring properties are situated at a sufficient distance from the site for the occupiers to not be adversely affected. The applicant has not specified times of illumination and given that there are no objections with regards to amenity, it is considered unreasonable to specify such a condition in this instance.

5.7 Public Safety

The proposed signs would be located well clear of the highway and would not interfere with pedestrian or vehicular movements. The signs would not comprise any complicated text or logos, nor be of a scale, which would be adversely distracting to pedestrians or motorists. On this basis, it is considered that the proposal would not have a negative impact on public safety.

6. **RECOMMENDATION**

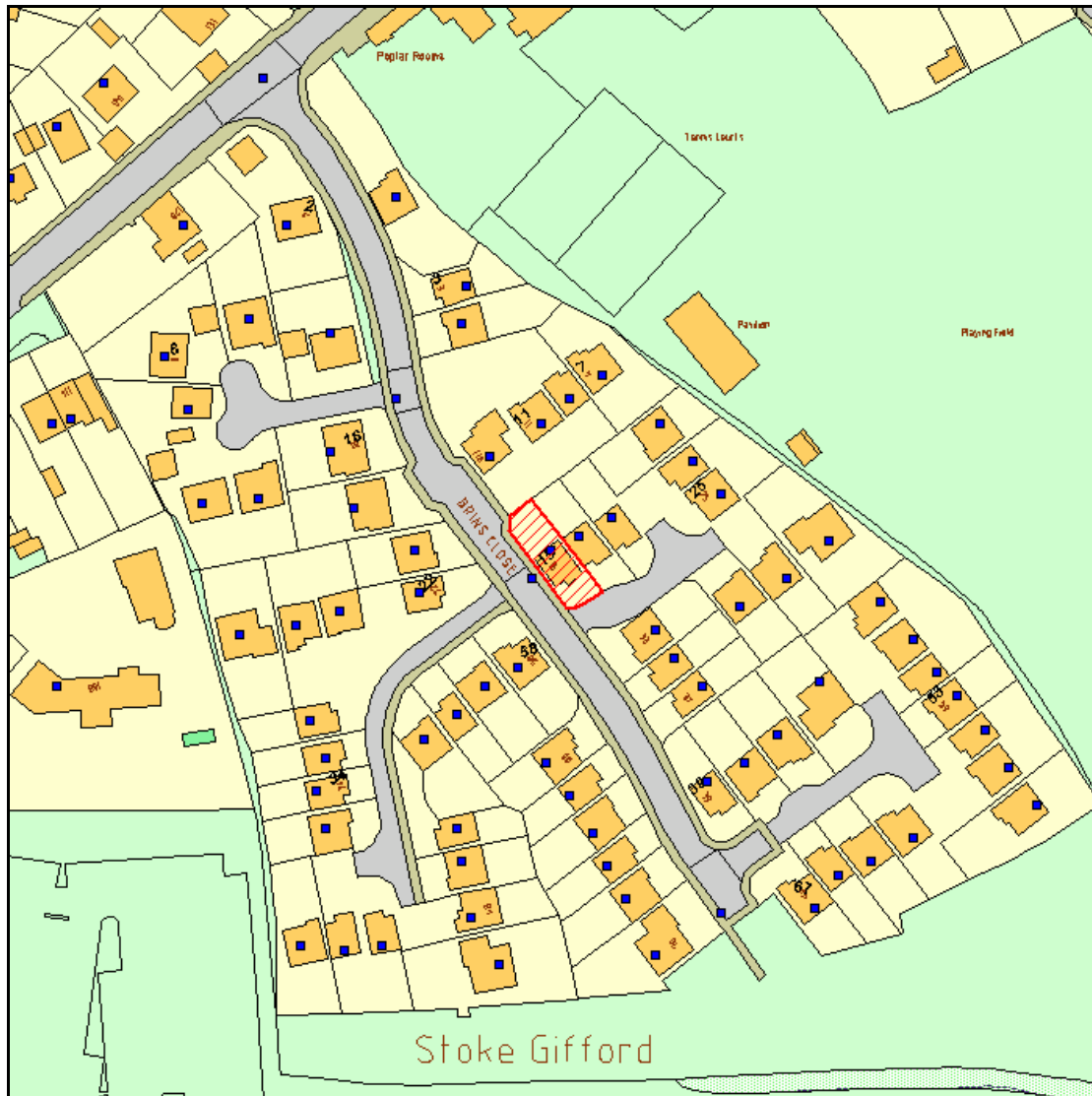
6.1 Advertisement Consent is GRANTED.

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



**CIRCULATED SCHEDULE NO. 44/10 – 12 NOVEMBER 2010**

<b>App No.:</b>	PT10/2744/F	<b>Applicant:</b>	Mrs Lorraine Coghlan
<b>Site:</b>	15 Brins Close Stoke Gifford Bristol South Gloucestershire BS34 8XU	<b>Date Reg:</b>	14th October 2010
<b>Proposal:</b>	Conversion of garage to additional living accommodation.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362582 179758	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Householder	<b>Target Date:</b>	6th December 2010



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 100023410, 2008. **N.T.S.** **PT10/2744/F**

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

This application appears on the Circulated Schedule List because the Parish Council has raised concerns with regards to parking.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the conversion of a garage to additional living accommodation.
- 1.2 The application site comprises a corner dwelling located on the eastern side of the cul-de-sac Brins Close within the established residential area of Stoke Gifford.
- 1.3 The property, which comprises a gabled bay window at first floor level, is set back from the street behind a driveway and front garden.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving a Good Standard of Design in New Development  
H4 Residential Development within Existing Residential Curtilages  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)

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

- 3.1 No relevant planning history.

### **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
No Objections as long as the same number of parking spaces remain on site to include the loss of garage.
- 4.2 Transportation DC  
No objection

#### **Other Representations**

- 4.3 Local Residents  
No comments received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Planning Policy D1 applies to all types of development and requires that a good standard of design is achieved in new development. Policy H4 allows for the principle of residential development within existing residential curtilages subject to design, residential amenity and transportation considerations. The nature of the development is such that design and transportation are the most relevant issues to consider.

The permitted development rights were removed for the property in the interests of visual amenity and this also a material consideration when assessing the proposal.

### 5.2 Appearance/Form

An existing up and over metal vehicular door located within the front elevation of the dwelling would be replaced by a dual pane window and in filled with brick. The style of the proposed window matches the existing window and the applicant has stated that the facing brickwork and white uPVC windows would match the existing dwelling; a condition on this basis is therefore not required. On this basis, given that similar conversions have taken place in no.33 and 16, it is considered that the proposal would not adversely affect the character of the host dwelling or the surrounding area.

### 5.3 Transportation

Whilst the proposal would remove the ability to park within the garage, sufficient parking space would remain to the front of the dwelling and the site is located in a relatively sustainable location with relatively good public transport links. Therefore, it is not considered that the proposal would have a significant adverse impact on on-street parking to the detriment of visual amenity or highway safety. It is not envisaged that the development proposed would materially increase levels of vehicular trips to and from the property.

## 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 use of matching materials would ensure that the replacement of the existing vehicular access door with a window would not adversely affect the appearance of the dwelling or surrounding area – Policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

Adequate parking space would remain on the driveway of the dwelling and the proposed conversion would have a material impact on the level of traffic generated by the dwelling – Policies T12 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

## **7. RECOMMENDATION**

7.1 Planning Permission is GRANTED subject to the following condition.

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

## **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).