



**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. 30/11

Date to Members: 05/08/11

Member's Deadline: 11/08/11 (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 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, where referrals can be picked up quickly by the Development Services Support Team. If in exceptional circumstances, you are unable to e-mail your 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.

Dates and Deadlines for Circulated Schedule
During August Bank Holiday Period 2011

Schedule Number	Date to Members 9am on	Members Deadline 5pm on
33/11	Thurs 25 August 2011	Thurs 01 Sept 2011

Above are details of the schedule that will be affected by date changes due to August Bank Holiday.

All other schedules during this period will be published as normal on Fridays.

CIRCULATED SCHEDULE - 05 AUGUST 2011

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK11/1475/F	Approve with Conditions	Crossleaze House 65 Abbots Road Hanham South Gloucestershire	Hanham	Hanham Abbots Parish Council
2	PK11/1979/F	Approve with Conditions	53 High Street Wick South Gloucestershire BS30 5QQ	Boyd Valley	Wick And Abson Parish Council
3	PK11/2091/F	Approve with Conditions	29 Anchor Road Kingswood South Gloucestershire	Kings Chase	None
4	PK11/2150/CLE	Approve	The Godown Ivy Leaze Farm Viners Lane Acton Turville Badminton South Gloucestershire	Cotswold Edge	Acton Turville Parish Council
5	PT11/1802/F	Refusal	New Cottages Townwell Cromhall Wotton Under Edge South Gloucestershire GL12 8AH	Charfield	Cromhall Parish Council
6	PT11/1854/F	Approve with Conditions	58 Marjoram Place Bradley Stoke South Gloucestershire BS32 0DQ	Bradley Stoke South	Bradley Stoke Town Council

CIRCULATED SCHEDULE NO. 30/11 – 5 AUGUST 2011

App No.:	PK11/1475/F	Applicant:	Mr D Hurstwaite
Site:	Crossleaze House 65 Abbots Road Hanham South Gloucestershire	Date Reg:	28th June 2011
Proposal:	Alteration to existing access and raising of boundary wall to 1.7 metre high.	Parish:	Hanham Abbots Parish Council
Map Ref:	364320 171063	Ward:	Hanham
Application Category:	Householder	Target Date:	18th August 2011



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PK11/1475/F

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 local resident.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for alterations to the access and boundary wall at Crossleaze Nurseries, Hanham. The proposal includes setting back and enlarging the existing access and increasing the height of the existing boundary wall to 1.7 metres.
- 1.2 The site is located within the open countryside and within the Bristol Bath Green Belt.
- 1.3 During the course of the application additional plans were requested to show a full elevation drawing of the proposed and existing walls. No further information was submitted, whilst this additional information would have been useful, it is considered that the submitted plans include sufficient detail to enable a full assessment of the proposal.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belt
- 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
GB1 Development in the Green Belt
T12 Transportation Development Control

South Gloucestershire Core Strategy, submission Draft December 2010
CS1 High Quality Design
CS9 Environmental Resources and Built Heritage
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

The site has been subject to several applications in the past, those relevant to this particular area of the site have been listed below.

- 3.1 PK08/1705/F Conversion of existing stable block and outbuilding to form ancillary residential annexe.
Approved September 2008

- 3.2 PK09/0089/F Erection of dual pitched roof over existing flat roof.
Approved February 2009
- 3.3 PK11/0594/F Part demolition of existing green house and alteration of roof to pitch roof to form additional store.
Approved 2011

4. CONSULTATION RESPONSES

4.1 Hanham Abbots Parish Council
No objection

4.2 Sustainable Transport
No objections

4.3 Local Residents

One letter of objection has been received from a local resident raising the following concerns:

- Description should say making 4 new entrances
- Can't understand why the council keep granting permission for all this work in the Green Belt
- Appreciate that each application is judged on its own merit but the council should look at the bigger picture
- It seems to be a small housing development being built through the back door
- Has anyone counted how many garages, stable blocks and storerooms are later requested to be changed to residential
- Soon it will come up for a change of use on the whole site so they can be sold off individually with their own driveways.
- Why would someone want 4 entrances in such a short space when one would suffice?
- No public notice was displayed.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design / Visual Amenity

The application proposes the installation of three new sets of gates and alterations and additions to the boundary wall. The access to the field to the

north east would remain as existing, three new gateways are proposed between the annex and farmhouse in place of the existing two accesses. The two gateways to the yard / parking area are predominantly in the same location as the existing access gates but the boundary wall and gates would be set back within the curtilage of the property, in addition the new gates proposed which are adjacent to the farm house are set back from the road to allow sufficient visibility for entering and exiting the site. It is proposed that the existing wall adjacent to the annexe and field would be increased in height from approximately 1.2 metres to 1.7 metres. The additional height to the existing wall and all new proposed walls would be constructed of materials to match the existing boundary walls and would be finished with cock and hen coping, assisting the successful integration of the proposal with the existing boundary treatments. The proposed access gates and boundary walls are considered to be of an appropriate standard in design and are considered to be in keeping with the character and appearance of the area. It is therefore considered that the proposal would not be harmful to the street scene.

5.3 Residential Amenity

The access and boundary wall are located away from any neighbouring residential properties, furthermore the new accesses are set back within the residential curtilage of 65 Abbots Road. The scale of the proposed wall and access gates are considered to be appropriate given the context of the site, in addition given the siting of the proposal is not considered that the works would result in any overbearing or overshadowing impact. As such it is not considered that the proposal would have any detrimental impact on the residential amenities of surrounding properties.

5.4 Impact on the Green Belt

The existing wall would be increased to 1.7 metres in height and the new sections of wall and proposed gates would be the same height. The wall and gates to the front of the yard / parking area predominantly replace the existing wall, furthermore the existing boundary treatments of neighbouring dwellings along Crossleaze Road are of a similar scale and design. Given the location of the proposal new access and gates, within the residential curtilage of 65 Abbots Road and viewed against the back drop of the existing residential buildings, it is not considered that the proposal would have any detrimental impacts on the openness or visual amenity of the Green Belt.

The existing wall adjacent to the field to the north east of the No. 65 Abbots Road is currently at a height that allows for views across the field and beyond. It is accepted that the proposed increase in the height of this wall will obscure these views to some extent, however given the height of the surrounding existing boundary treatments in combination with the fact that the existing wall is over 1 metre in height, it is not considered that this is of sufficient concern to warrant the refusal of the application or that the wall would have any significant detrimental impacts on the openness of the Green Belt.

5.5 Parking and Highway Safety

The councils highways officer has assessed the proposal and raises no objections to the scheme in terms of highway safety.

5.6 Other Issues

With regard to the concern raised relating to the use of the site and the possibility that applications will be submitted in the future to divide the site into several individual residential properties. It should be noted that the current application is for alterations to the access and boundary wall only, and as such this is all that can be considered at this time. Any division or change of use of the site would need to be assessed on its own individual merits and against the relevant policies as part of a separate application.

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 a) The proposal is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding site. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact and the proposal would not impact on the visual amenities or openness of the Green Belt. As such the proposal accords with Policies D1, GB1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- b) The proposal will not adversely affect the surrounding highway network in accordance with Policy T12 of the South Gloucestershire Local plan.
- 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 Henshaw
Tel. No. 01454 865207

CONDITIONS

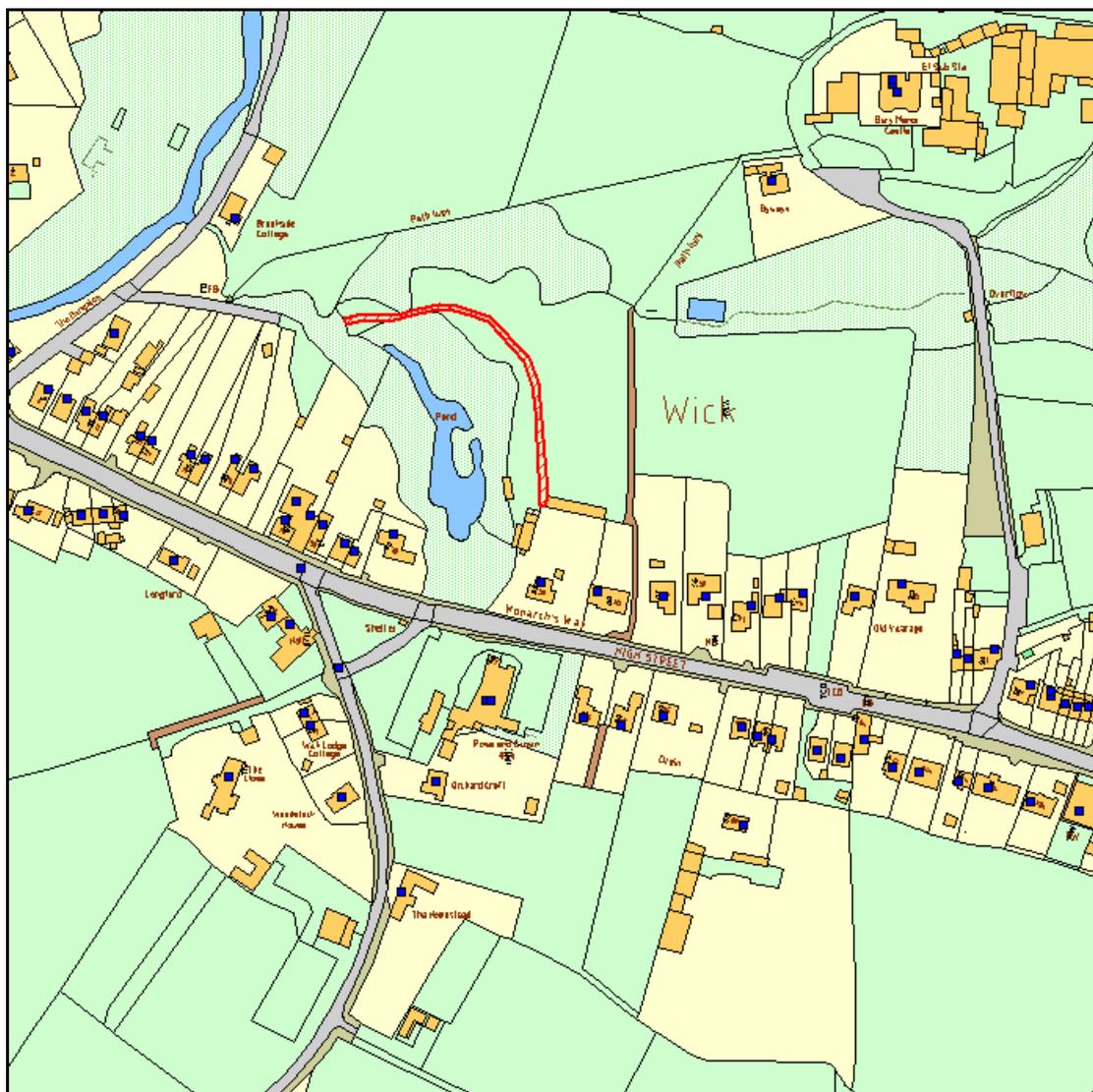
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 30/11 – 5 AUGUST 2011

App No.:	PK11/1979/F	Applicant:	Mrs Sheila Murison
Site:	53 High Street Wick Bristol South Gloucestershire BS30 5QQ	Date Reg:	28th June 2011
Proposal:	Construction of vehicular access track (retrospective).	Parish:	Wick And Abson Parish Council
Map Ref:	370471 172736	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	18th August 2011



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PK11/1979/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule due to the objection raised by Wick and Abson Parish Council and due to the receipt of numerous letters of objection.

1. THE PROPOSAL

- 1.1 The applicant is seeking full retrospective planning permission for the creation of a vehicular access track that starts to the rear of 53 High Street, Wick and meets Golden Valley Lane to the rear. Whilst 53 High Street is situated within the settlement boundary of Wick, the track is located within open countryside to the rear. The site is located within the Bristol Bath Green Belt but is not situated within the Cotswold Area of Outstanding Natural Beauty.
- 1.2 The track is approximately 3 metres in width and is surfaced with stone chippings. During the course of the application the description of the proposal has been amended from re-surfacing works to existing track (retrospective) to the creation of an access track (retrospective). The change of the description is due to the lack of evidence to demonstrate that the track has been present of 4 years or more.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belts
PPG13 Transport
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
GB1 Development in the Green Belt
L1 Landscape Protection and Enhancement
T12 Transportation Development Control
H3 Residential Development
LC10 Quiet Enjoyment of the Countryside

South Gloucestershire Core Strategy, submission Draft December 2010
CS1 High Quality Design
CS9 Environmental Resources and Built Heritage
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Council Development in the Green Belt SPD (Adopted) June 2007
South Gloucestershire Landscape Character Assessment Adopted August 2005. Landscape Character Area 6:- Pucklechurch Ridge & Boyd Valley

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/1434/F Erection of two storey rear extension to provide additional living accommodation. Approved June 2007
- 3.2 PK07/2451/CLE Certificate of Lawfulness for an existing use of outbuilding for ancillary residential purposes. Approved October 2007

4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council
Wick and Abson Parish council received 7 objections to this and 1 abstention, reasons given inappropriate development and Green Belt land.
- 4.2 Sustainable Transport
No objections
- 4.3 Landscape Officer
No objections
- 4.4 Local Residents
Thirty one individual letters of objection have been received; several letters have been received from some individuals and some households, raising the following concerns:
- Lived next door for 32 year and have never been aware of a track
 - Mystery why non existent track needs resurfacing
 - Witnessed the owner and a contractor marking out the track
 - Meadow is in the Green belt
 - Breach of green belt
 - Question the use of buildings on site
 - Question whether all relevant changes of use have been granted.
 - Question why the track was constructed without permission
 - Use of the pigsty as art gallery would increase traffic to site
 - When extension was built, builders used the A420 entrance
 - If the application is upheld thus making the meadow non green belt, would the next application be for houses or flats.
 - Loss as to why the application is to re-surface an existing road
 - Never been a road through the field
 - Access for No. 53 is no worse than for any other resident along the High Street or for the doctors surgery and play school
 - Road safety is spurious and results from commercial use of the properties outbuildings.
 - Photos within the application do not show a true account of the situation.
 - They were ordered to remove the track on 15th April
 - The track from Golden Valley Lane was constructed to serve the old quarry
 - Object to access across bottom of garden

- Gates shown on the plan are not correct
- Increase in traffic across neighbouring property and along the small access lane
- Damage to the road will affect access to other properties
- Increase in traffic to the rear would effect peace and tranquillity
- Negative impact on the countryside and people living in the vicinity
- May start a precedent
- Increase in traffic on lane could be a safety hazard to children, walkers and animals.
- Planning permission has already been refused
- Other operations at the site should be investigated
- The easement of access was never intended for the house but for agricultural use
- Effects all residents living along the lane
- Don't want strangers passing through rear gardens
- Lane is badly damaged and may become a hazard if used more in the future
- Lane is a public footpath to the Golden Valley Nature Reserve
- No pavements or street lighting on Golden Valley Road
- Junction between Dogbrook Lane and Golden Valley is dangerous
- Images of copies of flyers for Art at the Grange
- Images of car parking for opening night.
- Images of No. 53's grounds.
- Images from share my garden website demonstrating past exhibitions at the site.
- Pointed out all the visitors that frequently visit the site.
- Rented the land to the rear of 53 for approximately 30 years and at no time came across any obvious track
- Shocked when the gates and track were constructed
- Gates have been a problem as electricity board could not get through
- Few of the letters of support are from Wick
- Traffic is now lighter due to the ring road
- Council should preserve the beauty of the landscape and protect pedestrians who want to enjoy this.
- Its an area of outstanding natural beauty
- Object to commercial use of No. 53 via the track, feel the application is misleading
- Could raise insurance issues for people using the public footpath entering the nature reserve.
- Always been access to the field/quarry and was used for cattle and haymaking
- Farm gate was removed and replaced by wooden security gates than the track was laid
- Parish council object
- If all supporters are regular visitors the increase in traffic would be 5 fold.
- Wonder if all supporters realise that the road was build without planning consent and that the owners have instructed to remove the track
- Knew the access when the property was purchased why has it taken 5 years to realise the road is busy?

- Could set a precedent
- Outlines the damage to Dogbrook Lane and Golden Valley Road since the construction of the track, subsidence, flooding, damage to garden walls, potholes.
- Anxious over the ever increasing numerous potential visitors to No. 53 wishing to use the lane in the future
- Access to No. 11 High Street was refused due to the unsuitability of the lane and Golden Valley Road
- Quotes highways comments from application for No.11 High Street
- A420 is a busy road but is properly surfaced and repaired, has pavements and lighting and is subject to a 30mph speed limit
- Widening the access and removing and trimming hedges can do much to improve visibility and safety.
- Main entrance could be improved
- Rights are to the quarry field only
- Concern over future occupiers of the site using the rear access for other purposes
- Convinced access will be to serve the new art gallery
- More suitable car park almost opposite at the village hall.

Thirty three individual letters of support have been received, several letters have been received from some households and the letters have been received from a wide geographical area. The letters state the following:

- The access off A420 is dangerous
- Poor visibility
- Access on a blind bend
- Have to cross a pavement, dangerous for pedestrians
- Pavement is used by mums and children going to wick primary school
- Parking by village hall and crossing the road is also hazardous
- Proposed access is quiet and safe
- Don't condone putting in the track without permission
- Track can only be glimpsed from the public right of way to the north
- Simple solution to make it visually completely acceptable is to treat the surface and seed over it, it would then merge into the surrounding grass
- Track does not effect any adjoining properties either visually or functionally
- Loose chippings is semi-permanent with no detrimental effect on the status of the green belt or environment
- Anything that would make the traffic flow safer for all users should be supported
- Track has no impact on the Green Belt
- Proposal does not spoil views
- Track can not be seen from the road or neighbouring properties
- Believe rear access to be a legal entrance
- Only property with the visibility problem due to the bend in the road
- Leads to a well established right of way
- The opening on to High Street off Golden Valley Lane has good visibility and is much safer
- Cars travel much faster than the 30mph speed limit

- Vehicles travelling 30mph take 2 seconds to cover 30 yards
- Involved in an incident due to sharp breaking leaving the site.
- Road is very busy
- Bus stop is just down the road
- There have been several near misses when the bus pulls in to collect school children
- Village needs a traffic calming scheme
- The track is entirely on land owned by no. 53
- Surface was put down two years ago and there has been no increased use of the rear entrance
- Not an application for change of access or new access
- Surface is already naturalising with tufts of grass growing through it
- It is not a road
- Does not block any views and won't compromise the green belt
- Addresses the use of the property and past events
- States there is no intention of starting a commercial business

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy T12 of the South Gloucestershire Local Plan seeks to ensure that new development would not have any detrimental impacts upon highway safety or generate traffic that would unacceptably affect the residential amenity of local residents. The site is located within the Bristol Bath Green Belt, policy GB1 allows for the change of use of land within the Green Belt provided that the proposal would not have a materially greater impact than the existing use.

5.2 The site of the track is currently agricultural land, the access track would serve the residential property and as such would change the use of the land from agricultural to residential. It should be noted that whilst the proposal is not strictly in compliance with policy H3 of the South Gloucestershire Local Plan, this policy is primarily for the construction of new residential dwellings, furthermore, given the scale and form of the proposal, as a narrow lane, is not considered that the proposal is contrary to the purpose of H3 which is to protect the open countryside for its own sake. This is especially the case given that the width of the track means that it could never be used as residential curtilage, as the narrow width restricts it from forming any kind of usable amenity space.

5.3 Highway Issues

This application is seeking retrospective permission for the creation of a vehicular track within the paddock to the rear of No. 53 High Street, Wick. The track is located on land entirely within the ownership of the applicant. The rear access to the track from Golden Valley Road and Dogbrook Lane is existing, although it is accepted that the access was used for different purposes in the past.

5.4 A recent application for a new dwelling to the rear of No. 11 High Street, Wick, reference PK11/0933/F, which would have been accessed via Golden Valley Road and Dogbrook Lane was refused in May 2011 for the following reason:

'As primary means of access to the development, the existing access lane is substandard by reasons of inadequate width for two-way traffic, poor surfacing and lack of footway facilities. Furthermore the proposal does not incorporate adequate turning and manoeuvring facilities to enable service vehicles to enter and leave the lane in a forward gear, which is essential to highway safety. The additional traffic associated with this development would lead to increased conflicts between all potential users of the lane and as such would be detrimental to road safety. The proposal is therefore contrary to policy T12 and H4 of the South Gloucestershire Local Plan.'

- 5.5 Whilst similarities between this past application and the current proposal have been highlighted in some objecting consultation responses, it should be noted that the application to the rear of No. 11 High Street, related to a new residential unit with the primary route of access for both vehicles and pedestrians being Golden Valley Road and Dogbrook Lane, whereas the current proposal only seeks consent for the construction of a vehicular track on land within the ownership of the applicant to serve an existing dwelling. The rear access into the field behind No. 53 High Street is already in place and it would appear that this has been the case for some time, it is however accepted that the access was used for agricultural purposes and to gain access to the quarry in the past. Given that an existing access is already in place combined with the fact that the proposal would serve an existing dwelling and pedestrian access to the front would remain unaltered, it is considered that the proposal for a track to the rear of No. 53 High Street is significantly different to that of the new dwelling to the rear of No. 11 High Street.
- 5.6 The track is currently in place and links the dwelling and residential curtilage of No. 53 with Dogbrook Lane and Golden Valley Road to the rear. It has been confirmed by the applicant and agent that the access lane would be for residential purposes only and is required to reduce the movement in and out of the front driveway which the applicants feel has poor visibility and is dangerous. Whilst there has been a lot of concern regarding the number of visitors to the site, assessing the application on the basis that the track would be used for residential purposes only it is not considered that the creation of the track will increase the number of vehicles visiting the site or generate significant traffic on the Golden Valley Road and Dogbrook Lane. Whilst it is accepted that the access to the rear of No. 53 involves crossing over the driveway to No. 31 High Street, and is land within the ownership of No. 31, it is not considered that the vehicle movements associated with the residential use of No. 53 would result in any impact on the residential amenities of this neighbouring property of sufficient concern to warrant the refusal of the application, due to the distances between the track and the main dwelling of No. 31 High Street.
- 5.7 It is considered that creation of an access track on a private land does not give rise to any highway or safety issues and as such the formation of this vehicular track itself could not be refused on highway's grounds. The by-product of the new track is an access connection from the application site, through third party land, to a private lane. From the Highway officer's point of view, this lane is also substandard and therefore increased traffic use of it is not recommended. However, whilst it is considered that the access lane leading to the property is substandard in several ways, including the inadequate width for two-way traffic,

- poor surfacing and a lack of footway facilities, given that the use of the track is only to serve the existing residential dwelling No. 53 and given the low levels of expected traffic in combination with the fact that there is an existing access, it is not considered that an objection can be raised on highway's grounds.
- 5.8 Within the supporting statement submitted with the application, reference is made to the main existing vehicular access, which is off the A420. In agreeing with the agent's statement that this access is substandard in respect of visibility splays, the Highways officer's recommendation would normally be to permanently close off this access or alternatively downgrade this access on the A420 to pedestrian access only. The applicants preference however is not to close this access. Consequently whilst the Councils Highways Officer does not recommend an increase in traffic movements on to the private access lane located to the rear of the property, it is considered that it would be unreasonable to substantiate a highway refusal reason for access to an existing property, which because of the easement of access may already have a right of access from this direction.
- 5.9 A large number of concerns relate to the fact that the access to the rear of No. 53 from Dogbrook Lane involves crossing over land under the ownership of No. 31 High Street. Two gates are shown on the plan outside of the application site, the old school gate and the new school gate. During the course of the application Officers have been advised that the old school gate is no longer in place. It is understood that there is an ease of access through the new school gate, however access through the new school gate and across the land to the rear of no. 31 High Street is a civil matter. Information has been received from no. 31 to show that an ease of access to the quarry field was agreed in the past and whilst the concerns of No. 31 regarding increased traffic crossing their land are noted, this is a civil matter and would need to be addressed under non planning legislation. However, for the avoidance of doubt, two informatives would be attached to the decision notice to ensure that the applicant / agent is aware that planning permission does not grant rights to carry out works on land outside of the control of the applicant and that consent must be sought from the owner of the land.
- 5.10 Impact on the Green Belt and Visual Amenity
The site lies within the Bristol Bath Green Belt, where the most important attribute is the openness. Policy GB1 of the South Gloucestershire Local Plan allows for the change of use of land providing that it would not have a materially greater impact on the openness of the Green Belt and would not conflict with the purpose of including land in it. In addition to being within the Green Belt the Golden Valley Local Nature Reserve lies to the north of the site. It should however be noted that the site is not within a conservation area or the Cotswold Area of Outstanding Natural Beauty.
- 5.11 The current use of the land is agricultural, it is a grassed paddock and other than the main boundary hedges and the trees surrounding the former quarry, there are no authorised man made structures within the main field. The track cuts across the field following the curve of the trees which surround the former quarry. Given that the track would serve a residential property the use is considered to fall within the C3 Use Class. The main issue for assessment is

- whether or not the proposed track has a materially greater impact on the openness of the Green Belt than the agricultural use of the land.
- 5.12 The track is in place and is constructed of stone chippings, the site is well enclosed and is not visible from the highway to the front and the access track is generally obscured from views from the approach along the lane by the solid timber double access gates. There have been some new areas of planting either side of the access, which in time will help screen the timber boundary fence. The site is secluded and heavily wooded in part, which limits wider views from the adjacent footpaths over the higher ground to the north. The site can not be seen from the local nature reserve itself due to the interceding vegetation.
- 5.13 The track is not at a raised level and is not bound along the edges or lit in any way. Whilst it is accepted that the track does have some impact on the openness of the Green Belt given that it introduces a build form where there was previously none, given the scale of the proposal and the fact that the track is flush with the land it is not considered that impact would be materially greater than the existing situation. Furthermore to ensure minimal intrusion, conditions would be attached to any permission to ensure that the open nature of the field is retained and restricting any lighting or enclosures along the track.
- 5.14 The development needs to be assessed in relation to policy GB1; Criterion B.1; regarding the change of use of land or existing buildings. It is considered that the development complies with this policy as the track does not have an adverse impact on the openness of the Green Belt. Policy GB1 also seeks to ensure that proposals within the Green Belt do not have any adverse impacts on the visual amenity of the Green Belt. Due to the enclosed nature of the site it is considered that the development is acceptable as it is not conspicuous from the Green Belt beyond the site itself and does not have an adverse impact on the visual amenity of the Green Belt. It is therefore considered that the proposal accords with policies L1 and GB1.
- 5.15 Other Issues
A lot of concern has been raised regarding the uses of the outbuildings within the residential curtilage of No. 53, all the images and flyers submitted in relation to this have been passed on to the Councils Enforcement team. It is important to note that the current application is for a track for residential purposes only and as such the use of the outbuildings within the site can not be assessed as part of the current application. Furthermore any change of use of the site or proposals for the track to be used to serve a business use would need planning permission. A condition would be attached to any consent granted to ensure this.
- 5.16 Concern has been raised that authorisation of the track would result in residential development within the field. The track crosses through an agricultural field, whilst the proposal would allow the change of use of the track to residential the surrounding field would remain an agricultural field and the site would still be within the Green Belt.

5.17 Several letters of objection received note that the track was refused in the past. It should be noted that no planning permission has been refused for the track in the past. Correspondence submitted with the application outlines that the Councils planning enforcement team advised that planning permission was required for the track and that an application should be submitted or the council would consider taking formal enforcement action. The Councils enforcement officer stated in correspondence that he was of the opinion that the track was considered to be contrary to Green Belt policy and inappropriate development within the countryside. Following this correspondence the current formal planning application was submitted, whilst it is accepted that the enforcement officer gave the opinion that the proposal was contrary to Green Belt policy, this was an informal officers opinion during the early stages of investigation, the current application has been fully assessed by the Councils Highways and Landscape Officer and given the assessment above it is not considered that the proposal is contrary to Green Belt policy or inappropriate development.

6. CONCLUSION

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

6.2 The proposed track is of an appropriate design and is not considered to adversely impact the openness or visual amenity of the Green Belt or surrounding site in accordance with policies D1, L1 and GB1. Furthermore the proposal is not considered to have any detrimental impacts on highway safety in accordance with policy T12 of the South Gloucestershire Local Plan.

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 Henshaw
Tel. No. 01454 865207

CONDITIONS

1. There shall be no boundary treatment erected, constructed or planted along any part of the track hereby approved.

Reason

To preserve the openness of the Green Belt and to comply with the requirement of GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The access track shall not be increased or altered in anyway without the prior written consent of the Local Planning Authority. The track shall be used solely for providing vehicular access to the property and shall not be used for parking or storage of vehicles at any time. Other than the approved track, no structures of any kind shall be erected within the area marked red on plan without prior written consent of the Local Planning Authority.

Reason

To preserve the openness and visual amenity of the Green Belt and to comply with the requirements of GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

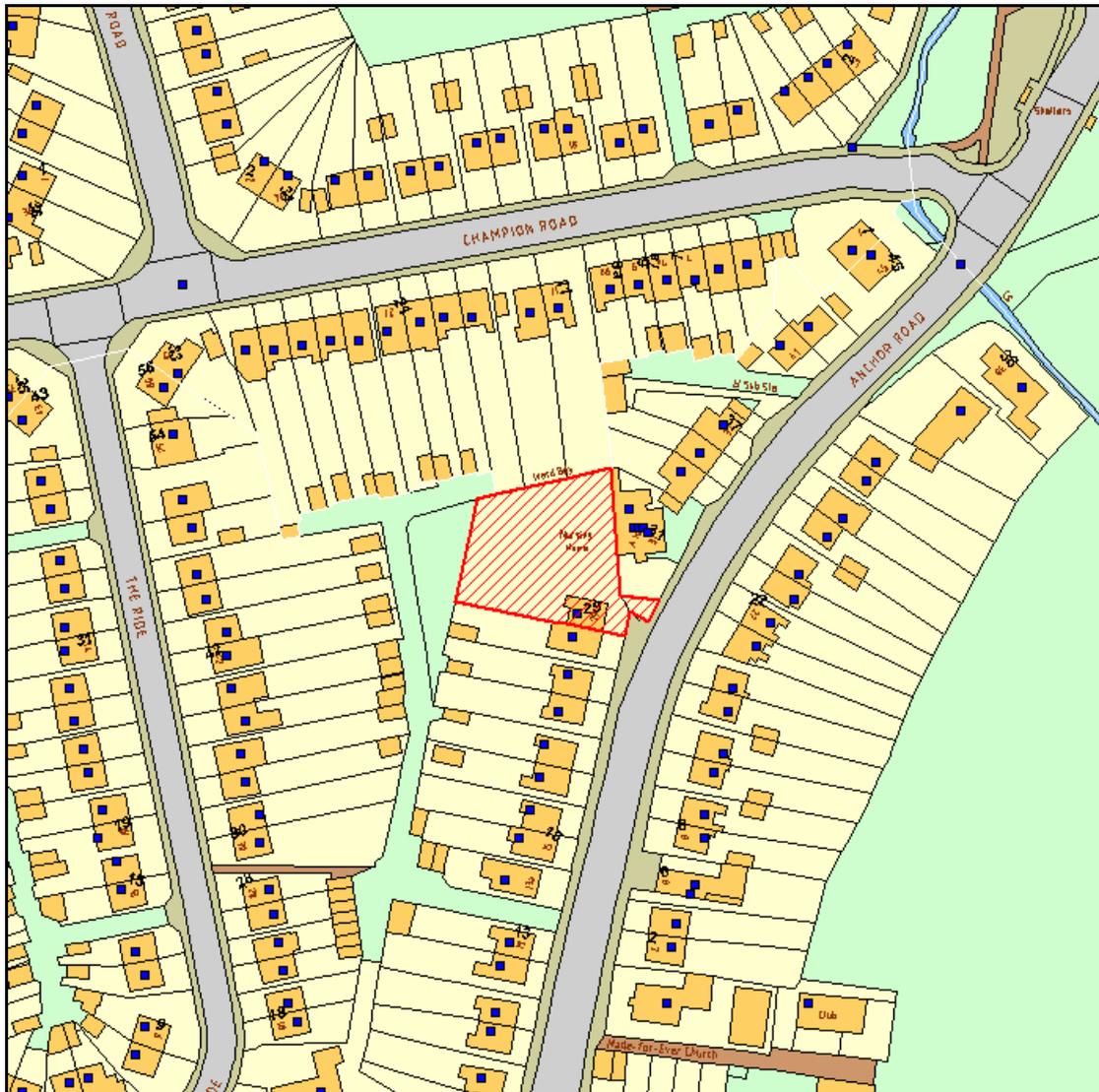
3. The track shall be used as access to and from the residential dwelling only and shall not be used in association with any business purposes.

Reason

To allow the Council to consider the implications of any other use on highway safety and residential amenity in accordance with the requirements of Policies D1 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 30/11 – 5 AUGUST 2011

App No.:	PK11/2091/F	Applicant:	Mr And Mrs A And D Watkins Smith
Site:	29 Anchor Road Kingswood Bristol South Gloucestershire BS15 4RE	Date Reg:	8th July 2011
Proposal:	Erection of single storey rear extension to form additional living accommodation. Erection of 2 no. detached dwellings with new access and associated works. (Resubmission of PK10/1876/F).	Parish:	None
Map Ref:	366125 174554	Ward:	Kings Chase
Application Category:	Minor	Target Date:	30th August 2011



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PK11/2091/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Objections have been received, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of two dwellings within the side garden of 29 Anchor Road, a semi-detached, two storey property on the outside bend of this residential road. Also proposed is a single storey extension to the rear of No. 29. The application follows the withdrawal of an earlier application, submitted last year, for a similar proposal, which would have been recommended for refusal on highway safety grounds. Since then, additional land, previously within the car parking area of the flats at No. 31 was purchased and a low stone wall erected along the new boundary between the properties. This wall, at under 1 metre in height above ground level, did not require planning permission.
- 1.2 The site is enclosed to the side and rear by well established boundary planting. No. 29 is of a standard design for the street-scene in general, while No. 31 is larger, detached and addresses the street from a different angle, unique in the street. The rear elevation of No. 31, which has been converted into 5 flats, is blank, other than a door which opens right onto the site boundary. Under this proposal off-street parking spaces would be available, at two spaces each for No. 29 and the two proposed detached dwellings, along with a turning area to be provided at the northern edge of the site. Rear gardens for the two dwellings would be commensurate in size, shape and orientation with the semis in Anchor Road. The proposed houses would necessarily take a slightly reserved position in relation to the street scene, but would be aligned to match No. 29.
- 1.3 The proposed rear extension to No. 29 would be single storey, with a lean-to roof and would project as far as the other side of the semi does.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transportation
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within residential curtilages and house extensions
T8 Parking Standards
T12 Highway Safety
H2 Residential Development within the Urban Area

South Gloucestershire Core Strategy -Submission Draft (December 2010)
CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 K5047 Change of use of domestic garage to workshop Refused
- 3.2 PK10/1876/F Erection of rear extension and external side stairway to facilitate conversion of dwelling to two flats. Erection of two detached dwellings and associated works - Withdrawn

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Unparished area.

- 4.2 Other Consultees [including internal consultees of the Council]
Sustainable Transportation

We note that this application represents a resubmission of PK10/1876/F, which was subsequently withdrawn. We had previously commented on that application on the following basis:

- 1- The width of the site access was inadequate.
- 2- Insufficient visibility was provided along Anchor Road from the site access.
- 3- There was no on-site provision for vehicular turning movements.
- 4- Provision for pedestrian and cycle access to the site was inadequate

As consequence of these problems we considered that the proposed access and site layout were unsafe. This in turn meant that it was unacceptable in highways and transportation terms. Therefore we recommended refusal of application PK10/1876/F.

We note from the detail shown in drawing no WS-010-02 that the proposed access has now been extensively revised to address these problems. This includes amendment of the property boundary with no 31 to increase its width and improve visibility.

As a result of these amendments we believe that our previous concerns regarding the proposed access to this site have now been fully addressed and we have no further comments on this matter. Therefore we would not wish to raise any substantive highways or transportation objections to this application.

Environmental Protection

No objection in principle

Technical Services

No objection in principle.

- 4.3 Local Residents

Two letters of objection were received, citing the following concerns:

- The flats at No. 31 have lost significant parking since the sale of part of this site to form part of the application site. Parking on Anchor Road is a

problem and the road is a bus route and there have been accidents in the past 10 years at this junction

- The development would shed water on the road, 70 metres from the nearest gully
- The design seeks to match the nearby properties but the roof line of Plot 1 is at 90 degrees to the building line
- Inadequate parking for existing/ proposed residents
- The Highways department would have to look again at the scheme for approved parking bays between Nos. 25 and 33 Anchor Road

It was also noted that the proposal had been significantly improved from the first application, including a better access.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The proposed dwellings and the proposed extension will be examined separately. The site lies within the urban area as identified in the adopted Local Plan and as such there is no objection in principle to a more intensive residential use of the site, subject to the following analysis.

5.2 Proposed Dwellings: Residential Amenity

As described above, the two proposed dwellings would stand in a slightly reserved position, but in line with No. 29 Anchor Road. Given that the rear elevation of No. 31 is effectively blank and that the only side-facing habitable room window of No. 29 serves a kitchen which is proposed to be extended (see separate analysis below) there is considered to be no overbearing impact which would be caused by this proposal. With regard to intervisibility between habitable room windows, the window pattern of the proposed dwellings would be orientated towards front and rear, save for lighting a non-habitable hall and landing. A condition below would prevent the insertion of any further window and the proposed situation would not lead to any distance between habitable room windows less than the current relationship across Anchor Road or between the rear of Anchor Road and the rear of the Ride and Champion Road. In any event, the distance to the backs of the houses to the rear of the site is 50 metres or more. It is considered that the proposal would not harm existing levels of residential amenity in accords with policy H4 of the adopted Local Plan in this regard.

5.3 Proposed Dwellings: Visual Amenity and Design

The scale of the proposed dwellings accords with that of No. 29, which is considered to be appropriate to maintain the appearance of the street scene. Their location, behind the front building line, cannot be altered (and then only marginally) without closing off the access to the parking area proposed at the side of the site. The position of the houses is considered to be acceptable, given their location next to No. 31, which is considered to be the most prominent building in the street and which breaks the conventions set by the rest of the street scene. In order to emphasise the proposed dwellings'

individuality within the street scene, as well as allowing for the possibility of the later addition of solar panels on the most efficient roof slope, amended plans have been requested and received showing both proposed dwellings featuring a gable end facing the street. Other than this, the detailing again conforms with No. 29 which is considered to be appropriate. The materials are proposed to be the same and are conditioned below to match, which is again considered to be appropriate for the street scene and visual amenity generally. It is considered that the proposal accords with policy D1 of the adopted Local Plan and the relevant part of policy H4 in regard to design.

5.4 Proposed Dwellings: Highway Matters

The transportation comments appear in full at 4.2 above. Since the previous application was withdrawn, the site area has been increased to include part of the front garden of what was formerly No. 31 Anchor Road. However, this is considered to result in no more than a rationalisation of this parking area, which was not ideally shaped to accommodate any more vehicles than could be parked there since the wall was moved. It is therefore considered that the parking provision for No. 31 has not materially altered. Regarding the parking for the proposed and retained dwellings, six places are shown (required to be provided through the condition below) in a parking court next to the blank rear elevation of No. 31. This would provide two car parking spaces per dwelling and it is considered that this level of provision would preclude the need for on street car parking, therefore the proposal would not have a harmful effect on existing levels of highway safety. Turning provision within the site is considered to be adequate to ensure that vehicles can exit the site in forward gear, again this is considered to have the effect that existing levels of highway safety would not be compromised. Regarding the accident record on Anchor Road, over the last 10 years, one accident has been reported and it does not appear to be related to the access to the property onto Anchor Road. Regarding the issue that has been raised through the consultation process regarding water flowing from the site onto the highway: This is not a planning matter, but a legal one. Broadly, the developer would have to ensure that this does not occur, in the same way that water from the highway should not flow into individually properties. The location of demarcated disabled bays on Anchor Road is not considered to need any revision caused by this proposal, due to the fact that these spaces are on the opposite side of the road from the site and vehicles leaving the site will be able to do so in forward gear, making left or right turns as required with no need for complicated manoeuvring to avoid parked cars.

5.5 Proposed Dwellings: Other Issues

It is considered that, while the proposed development would reduce the garden area available to serve No. 29, enough rear and private space would be retained for this dwelling that it would have a garden size commensurate with the dwellings of a similar size on that side of Anchor Road. This rear garden is considered to be of an adequate size to meet the needs of future occupiers.

5.5 Proposed Rear Extension

The design of this extension has been kept simple, as a three metre lean-to projection from the rear of the dwelling. It would feature a kitchen window which is orientated to look out over the rear garden, to replace the existing one looking out over the property's side garden (the site of the two proposed

dwelling). The existing dining room of the host dwelling already has no direct access to sunlight and this situation would not change as a result of this proposal. The condition shown below ensuring matching materials with No. 29 would apply equally to this proposed extension and subject to this, its design is considered to be acceptable. With regard to its impact on residential amenity, there would be no degree of projection beyond the rear wall of the adjoining dwelling and as such it is considered that the proposal would not harm residential amenity. This part of the proposal is considered to accord with policies D1 and H4 of the adopted Local Plan.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The dwellings would provide accommodation in a sustainable location, with an adequate amount of amenity space to serve future occupiers and without compromising highway safety or residential or visual amenity. The extension would provide extended family accommodation without any adverse impact upon residential amenity. The proposal would accord with policies D1, H4, T8 and T12 of the adopted South Gloucestershire Local Plan.
- 6.3 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is approved, subject to the conditions listed below.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the new properties.

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.

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

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The extension to the residual dwelling shall be completed prior to the first occupation of either new dwelling.

Reason

Failure to provide the approved extension for the existing dwelling would leave its kitchen with a single window in close proximity to the adjacent new build dwelling, to the detriment of the residual dwelling's residential amenity; this can be overcome through the erection of the approved extension and this would accord with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 30/11 – 5 AUGUST 2011

App No.:	PK11/2150/CLE	Applicant:	Mr G Shand
Site:	The Godown Ivy Leaze Farm Viners Lane Acton Turville Badminton	Date Reg:	8th July 2011
Proposal:	Application for Certificate of Lawfulness for an existing use of former barn and field shelter as a dwelling and an existing use of land as residential curtilage.	Parish:	Acton Turville Parish Council
Map Ref:	381884 180373	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	30th August 2011



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PK11/2150/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is reported on the Circulated Schedule in line with the standard procedure for determining Certificates of Lawfulness.

1. THE PROPOSAL

- 1.1 This application has been submitted by Mr Shand, the owner of the property in question, which consists of a wooden stable building situated at the end of a dead end country lane, where it becomes a footpath. On 28 July 2011 a site visit was made inside the building when it was determined that it was occupied residentially on that date. The stable block had double skin wooden walls and was subdivided internally to provide a living room, with open plan bedroom area, a kitchen with shower and a separate toilet. Services to the building comprised of bottled gas, but electricity and water were supplied on the same meter as the main dwelling, Ivy Leaze Farmhouse.
- 1.2 Evidence in the form of a Statutory Declaration backed up by copies of 5 Shorthold Tenancy Agreements have been submitted, together with a series of internal photographs and a plan showing the stables and the claimed residential curtilage. The site visit bore out the current use of the claimed residential curtilage.

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 P90/2150/CLE Timber storage building for livestock fodder Approved
1991

4. CONSULTATION RESPONSES

- 4.1 Acton Turville Parish Council
No comment to make.
- 4.2 Other Consultees [including internal consultees of the Council]
Environmental Protection
No evidence offered
- 4.3 Local Residents
No replies received

5. ANALYSIS OF PROPOSAL

- 5.1 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 4 years and whether or not the use is in contravention of any Enforcement Notice which is in force.

5.2 Dealing with the latter point from above first, there is no Enforcement Notice in force for the site.

5.3 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probabilities”. Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt.” Furthermore, the applicant’s own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous. The planning merits of the 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.

5.4 Hierarchy of Evidence

The evidence submitted comprises statutory declarations, in some cases referring to further, supplied, documents. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

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

5.5 The tests in this case are considered to be whether the dwelling was occupied for the prescribed 4 year period. If this is the case then the future occupation of the site on a residential basis would be immune from enforcement action and be lawful. In addition to this, the claim for the curtilage area for the building also needs to be examined. The four year rule also applies in this case, since any curtilage would have to be incidental to the enjoyment of the dwellinghouse in order to qualify.

5.6 When was the site capable of residential use?

This is considered to be vital in determining whether the site has been used residentially for a continuous four-year period. The statutory declaration states that in 1996 work commenced to turn the building into a self contained dwelling. It states that work proceeded over the following ten years, with the final operations taking place in 2006, by which time the internal floor plan is stated to match that of the present day, as was borne out by the site visit. This evidence is considered to be clear and unambiguous, while no counter-evidence has been presented. It is therefore considered to be more probable than not that the building was capable of independent residential use from 2006, more than four years prior to the submission of this application..

5.7 How long has the site been used residentially?

Having established that the building was indeed capable of residential occupation at the start of the claimed four-year (actually from as early as 2006), the pertinent issue is whether it was put to this use. The statutory declaration submitted by the applicant states that the building has been occupied by Mr Laurence Samuel Hobden from 20 September 2006 until 14 January 2007, when a joint tenancy was issued to Mr Hobden and his partner Sarah Elizabeth North, which was terminated on 9 September 2007. This evidence is considered to be clear and unambiguous and corroborated by the submitted, signed, tenancy agreement. In a similar manner, the statutory declaration, backed by the relevant tenancy agreements point to further tenants occupying the site between 15 September 2007 and 26 July 2008 and 30 August 2008 to the date of the statutory declaration, 4 July 2011, with them stated as the current tenants. In some cases, the tenancy agreements run for longer than the occupation of the dwelling, but the uncontested evidence points to near continuous occupation from September 2006 to July 2011, a period in excess of four years. While there were period where the site was not occupied, the lengths of these periods is considered to represent the normal changeover times that is experienced with rental properties and it is therefore considered to be more probable than not that the site has been occupied residentially for a period in excess of four years, making it immune from enforcement action in that regard.

5.8 Curtilage issues

Case law has established that the ground which is used for the comfortable enjoyment of a house or other building may be regarded in law as being within the curtilage of that house or building and thereby as an integral part of the same although it has not been marked off or enclosed in any way. It is enough that it serves the purpose of the house or building in some necessary or reasonably useful way.

5.9 The extent of the curtilage under consideration as part of this application is shown on the plan numbered GS.01 attached to the statutory declaration of Mr Shand dated 4ⁿ July 2011. This is considered to coincide with the land currently in residential use and is considered to be more probable than not to represent the site's residential curtilage.

6. CONCLUSION

- 6.1 Officers conclude, objectively and on the balance of probability, that, according to the submitted evidence, that the dwelling and its residential curtilage as shown on plan GS.01 has been occupied residentially as a single dwelling for a period exceeding four years. On the balance of probability it is accepted that that the residential use has occurred for a continuous period in excess of four years.

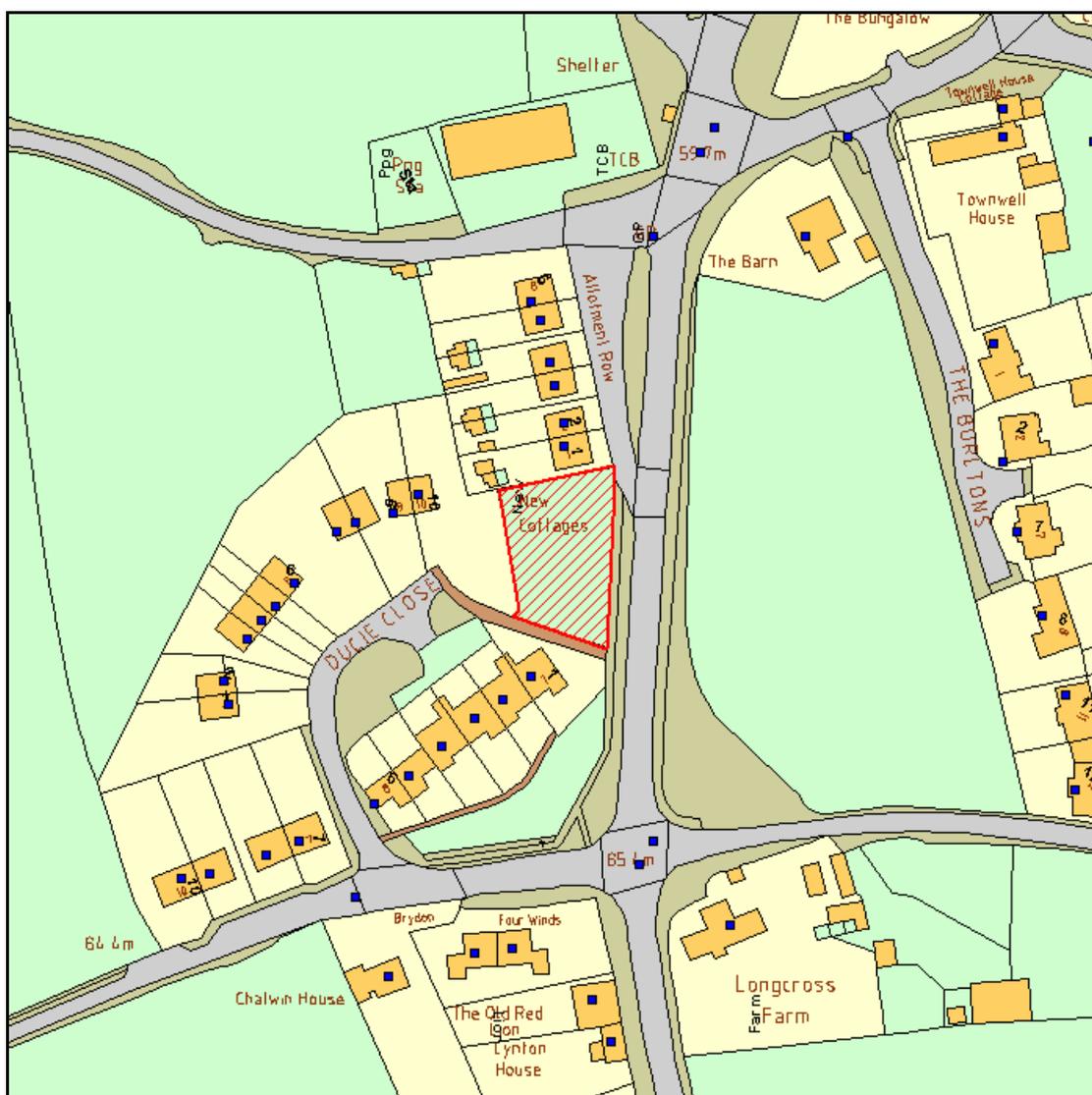
7. RECOMMENDATION

- 7.1 That the Certificate of Lawfulness is granted.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 30/11 – 5 AUGUST 2011

App No.:	PT11/1802/F	Applicant:	Tortworth Estate Company
Site:	New Cottages Townwell Cromhall Wotton Under Edge South Gloucestershire	Date Reg:	27th June 2011
Proposal:	Erection of 3no. dwellings with access and associated works.	Parish:	Cromhall Parish Council
Map Ref:	369630 190644	Ward:	Charfield
Application Category:	Minor	Target Date:	17th August 2011



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PT11/1802/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule in view of the comments received from the Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of three terraced dwellings.
- 1.2 The application relates to land on the west side of Bristol Road, Cromhall. The site is located within the settlement boundary beyond the Green Belt.
- 1.3 The application forms a resubmission of application PT10/1992/F that sought approval for four dwellings. The application was withdrawn owing to concerns in respect of design, residential amenity and highway safety.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development
PPS3: Housing
PPS5: Planning for the Historic Environment
PPG13: Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
H2: Proposals for Residential Development
L1: Landscape Protection and Enhancement
L15: Buildings and Structures that make a Significant Contribution
T8: Parking Standards
T12: Transportation Development Control Policy for New Development

South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1: High Quality Design
CS17: Housing Density

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)
Local List (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P92/2670/A: Display of non-illuminated "v" board (each sign measuring 1200MM x 950MM mounted on 1850MM posts (in accordance with amended plans received on 26 February 1993). Permitted: 22 March 1993
- 3.2 P94/1079: Erection of two dwelling and garages. No decision

- 3.3 PT10/1992/F: Erection of four dwellings with access & associated works.
Withdrawn: 17 September 2010

4. CONSULTATION RESPONSES

4.1 Cromhall Parish Council

Support application, as elevations are complimentary and sympathetic to the surrounding area but are a 'little concerned' about the access; it is hoped that a 30mph speed limit will be introduced to help reduce the risk of accidents.

4.2 Other Consultees

Conservation Officer: objection

Environmental Services: acoustic report requested

4.3 Summary of Local Residents Comments:

Two letters received expressing the following concerns:

- Letters state that there is no objection/ concerns regarding buildings;
- Letters of notification were received much later than when sent;
- Access will cross main footpath used by children en-route to school;
- It will introduce more vehicles to this confined lay-by;
- It will increase the risk of accidents;
- An alternative access via Ducie Close would appear possible.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy H2 is permissive of proposals for residential development within the settlement boundaries subject to considerations related to design, residential amenity and highway safety.

5.2 Design/ Visual Amenity

The application relates to an area of mown grassland adjoining the locally listed New Cottages to the north (fronting Allotment Row) on the west side of Bristol Road, Cromhall. The rear site boundary adjoins more recent two-storey residential development within Ducie Close with a row of bungalows to the south; these are also locally listed.

- 5.3 Under PPS5, the locally listed buildings are considered heritage assets and thus the application should provide a description of the significance of these heritage assets affected and the contribution of their setting to that significance; the Design & Access Statement contains no reference to PPS5 or to the fact that they are locally listed buildings, or to the guidance provided within the adopted Local List Supplementary Planning Document. Accordingly, at the outset there is concern that the significance, character and design qualities of these cottages and the character of the surrounding area have not been adequately assessed.

- 5.4 In view of the above, comments from the Councils Conservation Officer advise that the cottages to the north date to 1858 and are characteristic of estate cottages designed to create a symmetrical composition about the centre of the middle cottage. They are characterised by their steep roof pitches, modest

scale, spacing, strong solid-void ratio and the delicate nature of the design elements. The Tortworth Court estate is the likely candidate for ownership at the time of construction. As noted, surprisingly the single-storey bungalows to the south are also locally listed despite dating to the mid-late 20th century.

- 5.5 The application site currently provides the cottages with an open aspect to the south allowing pleasing views of their steep gables from along Bristol Road. It is also a remnant of the former open land that surrounded the buildings and previously served as allotment gardens. Meanwhile, whilst the open nature of the site adds to the rural character of the local area, it is not considered planning permission could be reasonably withheld for some form of residential development owing to the position of the site within the settlement boundary.
- 5.6 The application would allow a terrace of three cottages that would front Bristol Road. The proposals would be viewed alongside the locally listed cottages and thus have sought to replicate these through the use of materials, two-storey development, front gables and dormer windows. Nonetheless, the proposals are considered unacceptable given their size, scale, siting and design. This would be most apparent by virtue of their height and deep footprint (being nearly twice as deep as the original cottages (minus their modern single-storey additions) that would be readily apparent when approaching the site from the south and that would dictate a shallow roof pitch at odds with the character and appearance of the adjoining cottages and the elevated position of the most northerly unit (given the site topography) with the proposal not subdivided in any way but designed as one 'block'. As such, it is considered that this heavier bulk and massing of the proposals would result in an overly dominant form of development that would be readily prominent and detrimental to the character and appearance of the street scene, and which would intrude into, and harm the setting and views of these locally listed buildings.
- 5.7 There is also further concern in respect of the appearance of the proposal that would lack the overall symmetry and balance associated with the cottages. As such, further comments from the Councils Conservation Officer request the omission of roof lights from the front elevation whilst more care should be taken in respect of the design and positioning of the front dormer windows.
- 5.8 In the light of the above conclusions, it should be noted that the proposal would be contrary to the provisions of the adopted Local List SPD that provides guidance in respect of development in the setting of locally listed buildings.

New buildings in the grounds of buildings on the Local List, or in close proximity, should ensure that the setting of Locally Listed Buildings is not compromised. New developments should preserve positive settings, and enhance settings, which are poor. This should be achieved through appropriate positioning, layout, design and landscaping. Elements, which are likely to contribute to positive setting of buildings, are:

- *The historic arrangement and layout of buildings*
- *Attractive views in to, from and through sites*
- *The relative levels of enclosure or openness of a site*

- *The use of landscape features to frame or enhance buildings or as a method of screening poor quality structures.*
 - *The type and quality of surface treatments and historic surfacing.*
 - *Historic boundary treatments*
- 5.9 There is concern in respect of the car parking area at the north of the site that has in part, been added to overcome concerns expressed at the time of the previous application. In this regard, the survey drawings show that this area would maintain the elevated level of the land with the three end spaces parked high against the end gable of the locally listed cottages; this arrangement is considered to be unsatisfactory.
- 5.10 Residential Amenity
The main outlook from the adjoining cottages to the north is to the front and rear albeit with a number of side facing windows within the end gable wall of no.1 Allotment Row. However, given the level of separation that would be retained, on balance it is considered that any objection related to the impact on these residents is unlikely to prove sustainable. This is having regard also to the lack of side facing windows within the facing end gable wall of the proposed development.
- 5.11 Concerning those properties to the rear, these comprise modern two-storey dwellings that stand at an appreciable distance from the site of the proposals. On this basis, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.12 Finally, the end bungalow to the south would stand within close proximity of the proposal albeit with the rear elevation facing away from the application site. Given the size, scale and massing of the proposals, it is considered that this would have an overbearing impact on this single-storey property. This concern is likely to be overcome if a reduction in the scale of the building can be achieved.
- 5.13 Highways Safety
There was highway objection to the previous application. In this regard, the proposed access fronts onto a junction between Allotment Road and Bristol Road the latter of which is a relatively busy, classified road thus it is important that all vehicles are able to turn within the application site to allow entry/ exit in forward gear.
- 5.14 Accordingly, this application has been amended with the removal of one dwelling allowing room for vehicles to manoeuvre and park. Accordingly, the Councils Highway Officer has raised no objection to this amended scheme.
- 5.15 Outstanding Issues
The Councils Environmental Services team have requested the submission of an acoustic report prior to commenting on the application. In view of the existing housing around the application site and its proximity to the Bristol Road, it is not considered that planning permission could be reasonably withheld on this basis thus this matter could be conditioned in the event that

planning permission were approved. Accordingly, it is not considered appropriate to add this as a refusal reason.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning Permission is **REFUSED** for the following reasons:

Contact Officer: Peter Burridge
Tel. No. 01454 865262

REASONS FOR REFUSAL

1. By virtue of the design, scale, siting, massing and height of the development proposed, the development would appear overly prominent within the street scene and would intrude into and harm the setting of the adjoining locally listed buildings. The proposal would therefore be detrimental to the character and appearance of this rural area and would be contrary to the provisions of PPS3, PPS5, Planning Policies D1, L1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document and the Local List (Adopted) Supplementary Planning Document.
2. By virtue of the design, scale and massing of the development proposed, the development would adversely impact upon the residential amenity of the neighbouring residents to the south of the application site. The proposal would therefore be contrary to Planning Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

CIRCULATED SCHEDULE NO. 30/11 – 5 AUGUST 2011

App No.:	PT11/1854/F	Applicant:	Mr G Selway
Site:	58 Marjoram Place Bradley Stoke South Gloucestershire BS32 0DQ	Date Reg:	4th July 2011
Proposal:	Erection of 1.1 metre high metal fence	Parish:	Bradley Stoke Town Council
Map Ref:	362737 181265	Ward:	Bradley Stoke South
Application Category:	Householder	Target Date:	24th August 2011



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 100023410, 2008. **N.T.S.** **PT11/1854/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is being circulated to Members because the officer's recommendation is contrary to written representations received from local residents.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a 1.1 metre tall fence. The proposal would be located both side of the entrance on the boundary to the southwest of the application site. The fence would be constructed of black railings approximately 90mm apart.
- 1.2 The application site relates to a modern two storey detached house located within a cul-de-sac situated within the settlement boundary of Bradley Stoke.

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 Emerging Policy
South Gloucestershire Council Core Strategy Proposed Changes Version December 2010:
CS1: High Quality Design
- 2.4 Supplementary Planning Guidance
South Gloucestershire Design Checklist Supplementary Planning Document 2007

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection
- 4.2 Local Residents
2 letters received from local residents objecting to the proposal on the following grounds:
 - a) detrimental to open feel of area;
 - b) no obvious reason for the fence;
 - c) makes it difficult to cut grass or tend to bushes on the side of no. 56;
 - d) health and safety risk;
 - e) no precedent for fences set in the area other than existing fence between 60 and 62 because of safety concerns;

- f) work had already begun at the time of the application;
- g) neighbours were not consulted by applicant;
- h) gates will be erected after fence and will lead to unlawful obstruction of the highway;
- i) question of ownership of land and validity of application form;
- j) applicant has not sought permission from no.60 to erect proposed fence;
- k) detrimental to visual amenity;
- l) applicants have trespassed on neighbouring property and make it difficult for her to cut her grass, damaging the lawnmower;

These concerns will be addressed in the relevant sections of the report. Where concerns fall outside relevant sections of the report this will be addressed in a section entitled 'Other Matters' found towards the end of the report.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposed development consists of residential development within an existing residential curtilage. Policy H4 of the Local Plan permits this type of development in principle subject to the following considerations.

5.2 Residential Amenity

The proposed development would not give rise to any loss of privacy or inter-visibility. It would not result in the proposal being overbearing on neighbouring occupiers. Given that the minor nature of the development and its location it is not considered to compromise highway safety.

5.3 Concerns have been raised that the proposed railings would result in the neighbouring occupiers unable to tend their bushes or cut the grass to the side of the railings. Having visited the site it is not considered that the proposed railings will have a significant impact on garden maintenance. The bushes at no. 56 would be located approximately 1.2 metres from the proposed railings.

5.4 Concerns have been raised that the proposed development would represent a hazard in terms of health and safety. Whilst such matters are a material consideration, it is considered that the proposal maybe a common feature in suburban areas. Moreover from a planning context, there is no reason to assume that such proposed development is unsafe. Although safety can be a material planning consideration, it must be considered in proportion to the development being proposed. In this instance, the proposed railings are not considered to present a direct obstruction and therefore are unlikely to cause an accident. On this basis it would not be reasonable to refuse the application on grounds of safety.

5.5 Accordingly it is considered that the proposed railings would not compromise existing levels of residential amenity afforded to neighbouring and future occupiers and the proposal meets criteria contained within policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

5.6 Design/Visual Amenity

The proposed development consists of black metal railings approximately 90mm apart and circa 1.1 metres in height. The area is characterised by spacious front gardens and has got an open feel. The style of the proposed railings being relatively thin and with gaps between each railing are considered to go some way to retaining this open feel and are not considered the result in material harm to the visual amenity of the locality. Other fences are evident in Marjoram Place and the design and scale of the proposed development is not considered to result in a detrimental impact on the character of the existing dwelling or the established street scene.

5.7 Concerns have been raised that any grant of approval would set a precedent for fences in the area and that the area would become a gated community. It is considered that there is no such precedent set and given that permitted development rights have been removed from properties in Marjoram Place, any fence, gate or wall would require planning permission and as such the impact of them on an individual and cumulative basis can be assessed at planning application stage.

5.8 It is considered that on balance the proposed development meets criteria contained in policies H4 and D1 of the South Gloucestershire Local Plan (Adopted) 2006.

5.9 Other Matters

Concern has been raised that there is no obvious reason for the fence and such there is no point to having it. Information submitted by the applicant indicates that the reason for the fence is for it to act as a boundary treatment. Notwithstanding this, in these circumstances it is not for the Local Planning Authority (LPA) to question the reasons for such an application; rather, to consider only the planning merit.

5.10 Concern has been raised that this application is retrospective. Some fence posts were evident in the proposed location of the development at the officer's site visit. However, the development is not complete and the application, if approved will regularise this development. In the event of the proposed development not being granted planning approval, this would be a matter for the enforcement department.

5.11 Concerns have been raised that the neighbours were not consulted by the applicant prior to the application. Consultation of neighbours by applicants is not a formal requirement. This is because the LPA carry out formal consultations of immediate neighbours as part of the formal planning process as required by the Town and Country Planning Acts 1995 as amended, in line with the South Gloucestershire Council Statement of Community Involvement (Adopted) May 2008. These consultations have been undertaken by the LPA in accordance with these requirements.

5.12 Concerns have been raised that should this application be approved, gates will be erected in the future creating an unlawful obstruction of the highway. It is advised that given that permitted development rights to erect gates (as well as fences and walls) have been removed from the property, a planning application

for the erection of any gates would be required. Should such an application be received it would be assessed on its own merits at that time. It is advised however that it is an offence under the Highways Act 1980 to obstruct any highway.

- 5.13 Concerns have been raised regarding the precise ownership of the land subject to the proposed development and the subsequent validity of the application. The applicant has formally declared that all the land is within their ownership on the application form and this should be taken at face value. Notwithstanding this it is advised that any grant of planning permission does not grant rights of ownership over land outside the control of the applicant and does not grant any rights to enter property not in the ownership of the applicant. An informative to this effect is recommended on any grant of approval.
- 5.14 Concern has been raised that the applicant has not sought permission from No.60 to erect the proposed development and has trespassed on this property. This is not a planning matter but a civil matter. In cases of alleged trespass, advice from an independent land lawyer should be sought.

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 By reason of the minor nature and small scale of the proposed development together with the proposed style and design, the proposed development would not result in a detrimental impact on existing levels of residential amenity and would not result in material harm to the character of the dwelling or existing visual amenity of the locality. Accordingly the development meets criteria contained in 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 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).