



**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. 50/11

Date to Members: 22/12/11

Member's Deadline: 03/01/12 (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:

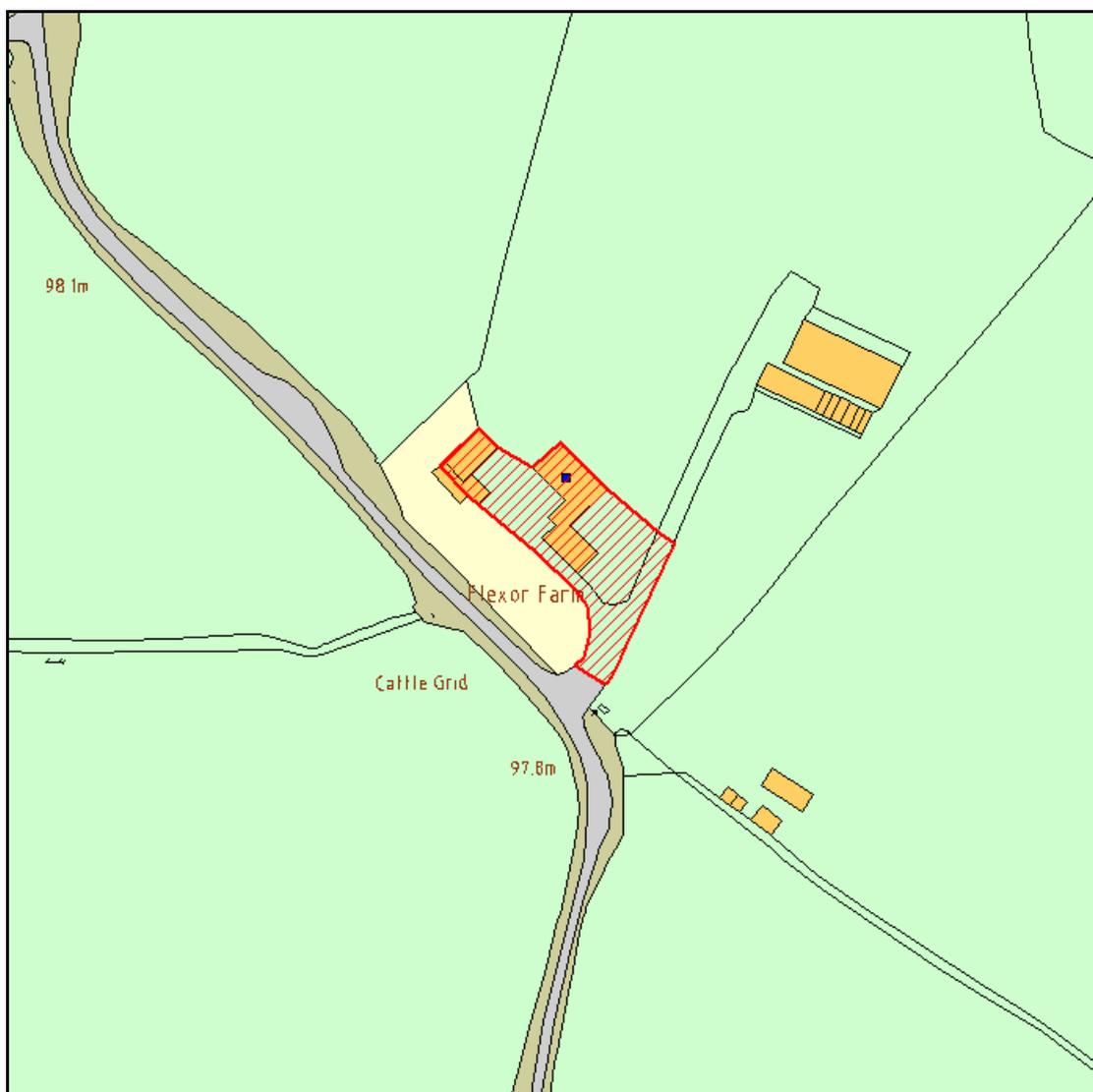
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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.

CIRCULATED SCHEDULE – 22 DECEMBER 2011

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK11/0070/CLE	Approve	Flexor Farm Hawkesbury Hill Hawkesbury Badminton South Gloucestershire GL9 1JT	Cotswold Edge	Hawkesbury Parish Council
2	PK11/3567/CLP	Approve with Conditions	53 Fouracre Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
3	PK11/3650/CLP	Approve with Conditions	61 Memorial Road Hanham South Gloucestershire	Hanham	Hanham Parish Council
4	PT11/2477/R3F	Deemed Consent	Bonnington Walk Playing Fields Access Road To MOD Cycle Path, Lockleaze South Gloucestershire	Filton	Filton Town Council
5	PT11/3150/RVC	Approve with Conditions	Land Off Ash Lane Almondsbury South Gloucestershire BS32 4BY	Almondsbury	Almondsbury Parish Council
6	PT11/3303/F	Approve with Conditions	Cross Hands Barn Kington Lane Thornbury South Gloucestershire BS35 1NQ	Severn	Oldbury-on- Severn Parish Council
7	PT11/3435/CLE	Approve with Conditions	Leyland Court Farm Trench Lane Winterbourne South Gloucestershire BS36 1RY	Winterbourne	Winterbourne Parish Council
8	PT11/3461/F	Approve with Conditions	10 High Street Winterbourne South Gloucestershire	Winterbourne	Winterbourne Parish Council
9	PT11/3470/F	Approve with Conditions	50 Stanshaws Close Bradley Stoke South Gloucestershire BS32 9AF	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
10	PT11/3491/F	Refusal	Trevone 6 Oaklands Drive Almondsbury South Gloucestershire BS32 4AB	Almondsbury	Almondsbury Parish Council
11	PT11/3524/RVC	Approve with Conditions	Aldi Foodstore Brook Way Bradley Stoke South Gloucestershire BS32 9DA	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
12	PT11/3605/F	Approve with Conditions	23 Beaufort Crescent Stoke Gifford South Gloucestershire BS34 8QX	Stoke Gifford	Stoke Gifford Parish Council
13	PT11/3608/F	Approve with Conditions	Stanley Cottages 7 The Down Alveston South Gloucestershire BS35 3PH	Thornbury South And	Alveston Parish Council

CIRCULATED SCHEDULE NO. 50/11 – 22 DECEMBER 2011

App No.:	PK11/0070/CLE	Applicant:	Mr D Parsons
Site:	Flexor Farm Hawkesbury Hill Hawkesbury Badminton South Gloucestershire	Date Reg:	11th January 2011
Proposal:	Application for Certificate of Lawfulness for existing use as residential without compliance with agricultural occupancy condition d attached to planning permission N1994/3 and for the continued use of land (outlined in red on plan 2221/01 for residential purposes).	Parish:	Hawkesbury Parish Council
Map Ref:	376144 187397	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	7th March 2011



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100023410, 2008. **N.T.S.** **PK11/0070/CLE**

INTRODUCTION

This application is for a Certificate of Lawfulness based on the breach of a condition and under the Council's current scheme of delegation must appear on the Circulated Schedule.

1. THE PROPOSAL

- 1.1 The application has been submitted under Section 191 (1) of the Town and Country Planning Act 1990 for a Certificate of Lawfulness for existing as residential without compliance with agricultural occupancy condition d attached to planning permission N1994/3 and for the continued use of land (outlined in red on plan 2220/01) for residential purposes.
- 1.2 The application relates to Flexor Farm which is subject to condition d of outline planning permission N1994/3, that restricts the occupation of the house to persons employed solely or mainly or last so employed locally in agriculture.
- 1.3 Members are advised to have regard for the following. When this CLE application was first submitted the agent applied for a certificate of lawfulness on the grounds that, as details or samples of materials required by conditions had not been submitted to and approved by the local Planning Authority, that the dwelling in fact was unauthorised and therefore all other conditions attached didn't apply in this particular the agricultural occupancy condition. Therefore the applicant only had to prove by way of a CLE application that the application had been occupied for residential use for more than 4 years. The Planning Officer however was of the view that the agent had not demonstrated *on the balance of probabilities* that condition a relating to submission of materials had not been complied. Therefore it was considered that the development was unlawful, and therefore all other planning conditions attached to the outline and reserved permission still apply and are enforceable, in particular the agricultural occupancy condition.
- 1.4 At the request of the Planning Officer, the agent has subsequently submitted additional information and is now applying for a certificate of lawfulness on the basis there has been a breach of the agricultural occupancy condition d attached to planning permission N1994/3 for at least 10 years consecutively prior to the submission of this application.

The occupation of the dwelling hereby authorised shall be limited to a person solely or mainly employed or last employed, in the locality in agriculture, as defined in Section 290(1) of the Town and Country Planning Act 1971, or in forestry (including any dependant of such a person residing with him) or a widow or widower.

- 1.5 By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use, is that the applicant has to prove on the balance of probability that the use of the dwelling and land has been used for residential purposes without compliance with an agricultural occupancy condition for a period of 10 years consecutively, prior to the receipt of the application on the 10th January 2011.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning (General Procedures) Order 1995 Article 24
Circular 10/97: Enforcing Planning Control.

2.2 Development Plans

As the application is for a Certificate of Lawfulness the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only prove that on the balance of probability the use has taken place for an uninterrupted period of at least the last 10 years prior to the receipt of the application (09th July 2009).

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|--------------|---|
| 3.1 | PK09/5483CLE | Application for certificate of lawfulness for existing use as residential without compliance with an agricultural occupancy condition attached to planning permission N1994/3 and for the continue use of land for residential purposes.
Withdrawn November 2009 |
| 3.2 | PK06/1309/F | Erection of single storey extension to form annexe
Withdrawn 2006 |
| 3.3 | P84/2388 | Erection of single storey side and rear extension
Approved October 1984 |
| 3.4 | N1994/3AP | Erection of agricultural worker bungalow and integral Garage, installation of oil tank (read in conjunction with N1994/3)
Approved January 1979 |
| 3.5 | N1994/3 | Erection of agricultural workers dwelling.
Installation of a Septic tank (outline)
Outline approval 1978 |
| 3.6 | N1994/2 | Use of land for stationing of a residential caravan
Renewal of temporary consent December 1977 |
| 3.7 | N1994/1 | Erection of agricultural worker dwelling
Refused September 1976 |
| 3.8 | N1994 | Use of land for stationing of a residential caravan
Renewal of temporary consent November 1975. |

4. CONSULTATION RESPONSES

4.1 Hawkesbury Parish Council

Three letters have been received from the parish which have been summarised by the Planning Officer as follows:

-With regards to the CLE on the property of Flexor farm the Parish Council **Objects** on the grounds that the area of the dwelling house outlined in red includes animal houses and grazing which are not residential.

-The original 1978 planning permission condition associated with the planning permission was it stated that the materials had to be submitted and approved in WRITING?

-The applicant has lived in the property for 25 years and by doing so he accepted that the property had planning permission and the agricultural tie.

-If it did not have planning permission he wouldn't have bought it.

-Attached is the drawing what the Parish Council considers to be residential (hatched lines-residential area). The area outline in red includes animal housing. The area is too large and the animal housing and garage should be excluded from application.

-Shame to remove tie one lost will have less workers around to keep farms in operation

-Was the original agricultural tie complied with?

-Did the tie involve only operating a business from the property or is the property a side line for being in agriculture elsewhere?

-This small area of land would be hard to run a very profitable business, but not impossible.

-Just because someone has not succeeded and kept the property for hobby purposes and residential surely does not mean that the tie should be lost for future generations of farm workers to be able to utilise.

-Retired people who live in agricultural tied properties do not have to have the tie lifted because they have retired from business. When they no longer want to stay in their property they sell it on with an agricultural tie for the next generation to acquire.

-The last animal movements Flexor Farm recorded were in 2009, hence up to then there had been agricultural compliance to the agricultural tie on the property.

-Even though the acreage of the holding is small, quality not quantity could be achieved.

-There has been agricultural business carried out up to 2009, Mr. Parsons in his statements has said he had pigs before sheep. There are many people who have two different types of jobs to pay the bills.

-When a person retires and no longer works and they have been in agriculture for their working lives surely they can remain in their house, with the tie still on the property.

-Hawkesbury Parish Council do not want to loose agricultural ties on dwellings as this makes it harder for our future generations to keep employed in the countryside and look after our landscape heritage.

Other Representations

- 4.2 Local Residents
No response 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 continued for a period in excess of 10 years, and whether or not the use is in contravention of any Enforcement Notice which is in force.

- 5.2 As noted in the 'History' section above, there is no Enforcement Notice in force and therefore it must be established whether or not the use has continued for a period in excess of 10 years.

- 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 a number of statutory declarations and letters. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

- 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.
- Other personal appearance under oath or affirmation.
- Verifiable photographic evidence.
- Contemporary documentary evidence, especially if prepared for some other purpose.
- 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.
- Unsworn letters as 5 above.

- 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 Summary of Evidence Submitted in support of the application

The applicant is relying on an appeal decision, statutory Declaration dated the 27th September 2011 and which is supported by additional information set out in a letter and livestock records. The following is the summary of the sworn declaration:

- Property purchased 17th January 1986 by Mr David John Parsons and Mrs Beryl Joan Parsons and remains occupied by them and their grandson
- At time of purchase (17th Jan. 1986) Mr Parsons was employed full time by British Gas
- Mr Parsons retired 19th September 1986 to concentrate on developing farming potential.
- Beryl Joan Parson throughout the period of occupation of the holding has been solely engaged in family duties and on occasion assisted with the up keep of livestock
- Our objective on purchasing the property in 1986 was to establish an agricultural interest that would achieve a modest financial return that would contribute towards maintenance cost of occupancy and to generate a small income. To achieve these aims we were prepared to invest capital and I attended a government sponsored small business management course.
- We immediately commenced established a flock of pedigree sheep and purchasing store pigs for fattening. However it soon became obvious that on the very limited scale upon which we were operating it was unlikely we would achieve a profit, expansion was not a possibility as additional grazing land rarely became available or attracted values which immediately rendered it non viable considering our options.
- Two other factors caused considerable concern. The grazing land associated with property during winter period became very wet and it was necessary to remove all animal, these had to be house, this added considerably to costs
- Purchase of additional meadow did not greatly alleviate our problems, soon after purchase it was declared an SSSI and it was English Nature wish that the land should only be grazed between the months of July to December

- Barn in which animals are housed caused particular concern.
- After a period of two to three years sustaining considerable financial loss I commenced a part time employment with the Avon Probation Services, I remained employed with this service from 18th December 1989 to 19th September 2002 when I reached retirement age.
- Whilst we continue to farm on a hobby basis at no time during our occupancy has agricultural income exceeded expenditure. We continued to keep some livestock on a non profit basis until September 2010 when the last 7 sheep were sold.
- Extracts taken from the Trading Standards Livestock Movement Book covering the period from November 1999 to October 2009 and the DEFRA Holding Register covering the period from 2010 to the present time. The annual total of animals present set out in these documents reveal that from 2001 to the present day the following livestock have been present on the farm

Year	Cattle	Sheep	Total Labour in SMDs
2001	8	36	27.6
2002	Nil	35	16.1
2003	Nil	38	17.5
2004	Nil	45	20.7
2005	Nil	55	25.3
2006	Nil	41	18.9
2007	Nil	38	17.5
2008	Nil	57	26.2
2009	Nil	8	3.7
2010	Nil	7	3.3

- I am advised that according to one of the main textbooks on farming (Nix) average annual labour requirement for sheep is 0.4 standards days per ewe and annual labour requirements for calf rearing is 1.2 standards man days per calf. Based on this guidance plus a 15% allowance for general maintenance of the land the labour requirements of the farming enterprise in standard man days per year is set out in above table. These figures reflect our experience in operating this farming enterprise during this period
- I was mainly responsible for the care of the animals and my wife took very little part in the maintenance of the land and the care of the livestock. In broad terms I undertook 80% of the work and my wife about 20% of the work. So even at the peak times during the last 10 years my wife was only involved in the farming enterprise for the equivalent of 5-6 full days per year.

- From 1996 financial accounts for taxation purposes were submitted to the Inland Revenue. However as these accounts indicated significant losses after a period of 4 years the Inland Revenue advised me that returns were no longer is required. I would advise that since we first occupied the holding we have paid Rates/Council tax. The property is currently banded in Group F. Water and Electricity also charged at domestic rates.
- I can confirm that my grandson Simon Mark Walker who has lived at the property of occupancy has been employed as a Professional Racing Motorcyclist since attaining school age and took no part in the care of the livestock or the maintenance of the land
- I can confirm that neither my wife Beryl Joan Parsons or our grandson has been paid in employment in agriculture or forestry at Flexor Farm seine we first occupied Flexor Farm in 1986. From the 18th December 1989 to 19th December 2002 I was employed part-time by the Avon Probation Service. Since retiring in 2002 my wife and I rely on my retirement pension received from British Gas and the Avon Probation Service as our main source of income

5.6 Contradictory Evidence

Although the Parish has raised a number of questions (which has been addressed in the assessment of this application) and have concerns regarding the extent of the residential domestic curtilage., the Planning Officer is of the opinion that no contradictory evidence has been submitted.

5.7 Assessment

As discussed above 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.

- 5.8 The applicant has applied for a Certificate of Lawful Use on the basis the dwelling and land outlined in red has been used for residential purposes without compliance with an agricultural occupancy condition (as set out below) for a period of 10 years consecutively, prior to the receipt of the 10th January 2011.

The occupation of the dwelling hereby authorised shall be limited to a person solely or mainly employed or last employed, in the locality in agriculture, as defined in Section 290(1) of the Town and Country Planning Act 1971, or in forestry (including any dependant of such a person residing with him) or a widow or widower.

- 5.9 The agent has submitted details of an appeal decision relating to a similar situation where the Inspector was of the view that the intention of the agricultural occupancy condition is that agricultural employment should be in the form of paid work, or having some form of financial benefit, so as to provide a living for a person or family. The Inspector was also of the view that the word

solely employed in the condition means someone wholly or exclusively employed or working in agriculture for a living, or a person who devotes a greater proportion of their working time to agriculture.

- 5.10 The statutory evidence in conjunction with the additional information set out in a letter confirms Mr and Mrs Parsons immediately set about establishing a flock of pedigree sheep and store pigs when they moved into Flexor Farm therefore complying with the agricultural occupancy condition. Mr Parsons has confirmed that he has been the main worker on the farm with Mrs Parsons only assisting as and when necessary. Notwithstanding Mr Parsons being the main worker on the farm he has confirmed by way of statutory declaration and supporting letter that after a period of two or three years they sustained considerable financial losses and between 1989 and 2002 he was employed with Avon Probation Service.
- 5.11 Although Mrs Parsons has confirmed he worked notionally part time for 15 hours a week with the Avon Probation Service between 1989-2002 he often found it necessary to carry out additional work outside of those hours, so it usually meant working 5 full days. In terms of hours worked on the farm the agent has advised that on the basis of using the standards labour figures derived from the Nix textbook, the total labour requirements at it speak in 2001 was 27.6SMDa(standard man day=8 hours or just 220 hours per year. This is equivalent of just over 4 hours per week.
- 5.12 Mr Parsons has confirmed that he has farmed entirely on a hobby basis since about 1989. From 1986 financial accounts were submitted for taxation purposes however as these indicated losses after a period of 4 years he was advised by the Inland Revenue that tax returns were no longer available.
- 5.13 Number of animals kept on the farm from 2001 and 2008 are set out above with numbers of livestock decreasing substantially in 2009. There have been no sheep on the land since September 2010
- 5.14 Based on the evidence submitted by the applicant/agent the Planning Officer is of the view that the applicant has demonstrated on the balance of probabilities that the agricultural occupancy condition has not been complied with for at least 10 years consecutively prior to the submission of this application, based on the submitted evidence with regards hours worked on the farm, number of animals kept and income generated.
- 5.15 Other Issues
The Parish Council has advised that it is a shame that the Council is being asked to remove an agricultural tie. Members are advised to consider that should this CLE application be granted, that it is merely accepting the applicant's evidence that they have been in breach of the agricultural condition for the last 10 years and therefore are immune from enforcement action, it does not however result in the removal of the condition. The removal of that condition would involve a planning application to vary or remove it.

6. Conclusion

There is considered to be sufficient evidence weighing in favour of the applicant's claim. Having assessed the evidence provided, it is considered that the applicant has shown it to be more probable than not that Flexor Farm has been occupied as a dwelling house and the land as outlined in red used for residential purposes for more than 10 years from the date of this application. Therefore it is considered that the Certificate should be issued.

6.0. CONCLUSION

- 6.1 The submitted evidence covers the relevant 10- year period prior to receipt of the application. The submitted evidence provides sufficient evidence in favour of granting a certificate and there is no counter evidence whatsoever.
- 6.2 The evidence indicates that for the 10 years continuous to the receipt of the application the land and buildings shown edged red on the submitted plan were occupied for domestic purposes contrary to condition d attached to planning permission N1994/3.
- 6.3 In the absence of any contrary evidence, it is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim.

7. RECOMMENDATION

- 7.1 That a Certificate of Existing Lawful Use be GRANTED for the continued unrestricted occupation of the site for residential (C3) purposes as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) without compliance with agricultural occupancy condition d of outline planning permission N1994/3 .

Background Papers PK11/0070/CLE

Contact Officer: Tracey Price
Tel. No. 01454 863424

The applicant has shown that it is more probable than not that Flexor Farm has been occupied as a dwelling house and the land as outlined in red used for residential purposes for more than 10 years from the date of this application contrary to condition d of planning permisison N1994/3. Therefore it is considered that the Certificate should be issued.

CIRCULATED SCHEDULE NO. 50/11 – 22 DECEMBER 2011

App No.:	PK11/3567/CLP	Applicant:	Mr A Ford
Site:	53 Fouracre Road Downend South Gloucestershire BS16 6PG	Date Reg:	22nd November 2011
Proposal:	Application for certificate of lawfulness for the proposed installation of rear and side dormers to facilitate loft conversion.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365359 177950	Ward:	Downend
Application Category:	Minor	Target Date:	9th January 2012



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 100023410, 2008. **N.T.S.** **PK11/3567/CLP**

REASON FOR REPORTING TO COMMITTEE/CIRCULATED SCHEDULE

This application appears on the Circulated Schedule in accordance with the standard procedure for the determination of such applications.

1. THE PROPOSAL

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to a proposed installation of rear and side dormer windows to facilitate a loft conversion. The application property is a two-storey semi-detached dwelling and is located within the defined settlement boundary of Downend.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

- 2.1 The proposed installation of a rear and side dormer window to facilitate a loft conversion are both assessed under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

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

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|-------------------------|--|
| 3.1 | PK05/2120/F
Approved | Rear conservatory (resubmission of PK05/1137/F)
12 th September 2005 |
| 3.2 | PK05/1137/F
Refused | Rear conservatory
24 th June 2005 |

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection

Other Representations

- 4.2 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance.

It stands to be ascertained whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

5.2 **Installation of rear dormer and hip to gable roof enlargement.**

Schedule 2, Part 1, Class B of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, provided that it meets the following criteria.

B1 Development is not permitted by Class B if—

- (a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The proposed rear dormer and side dormer windows will not exceed the height of the highest part of the existing roof. Regarding the hip to gable, the development would follow on from the existing roof line and therefore not exceed the height of the existing roof.

- (b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;**

The proposed dormer extension will be on the rear elevation, which is not the principle elevation, and does not front a highway. The hip to gable enlargement is on the side elevation of the dwelling and also will not extend beyond the plane of any existing roof slope which forms the principle elevation of the dwellinghouse and fronts a highway.

- (c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—**
(i) 40 cubic metres in the case of a terrace house, or
(ii) 50 cubic metres in any other case;

The dwelling is a semi-detached property and the total cubic content of the proposed rear dormer and hip to gable roof enlargement, when combined, is approximately 39 m³.

- (d) it would consist of or include—**
(i) the construction or provision of a veranda, balcony or raised platform, or
(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

The proposed development will not consist of any of the above.

(e) the dwellinghouse is on article 1(5) land.

The application site is not located on article 1(5) land.

Conditions

(a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The materials to be used in the development will match those of the existing dwellinghouse.

(b) Other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 cm from the eaves of the original roof.

The proposed side hip to gable enlargement does not apply here. To the rear the edge of the enlargement closest to the eaves is not less than 20cm from the eaves of the original roof.

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

The proposed window in the side elevation will be of obscure glazing.

6. RECOMMENDATION

6.1 That a Certificate of Lawfulness for Proposed Development is granted for the following reason:

Evidence has been provided to demonstrate that the development meets the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and is therefore permitted development.

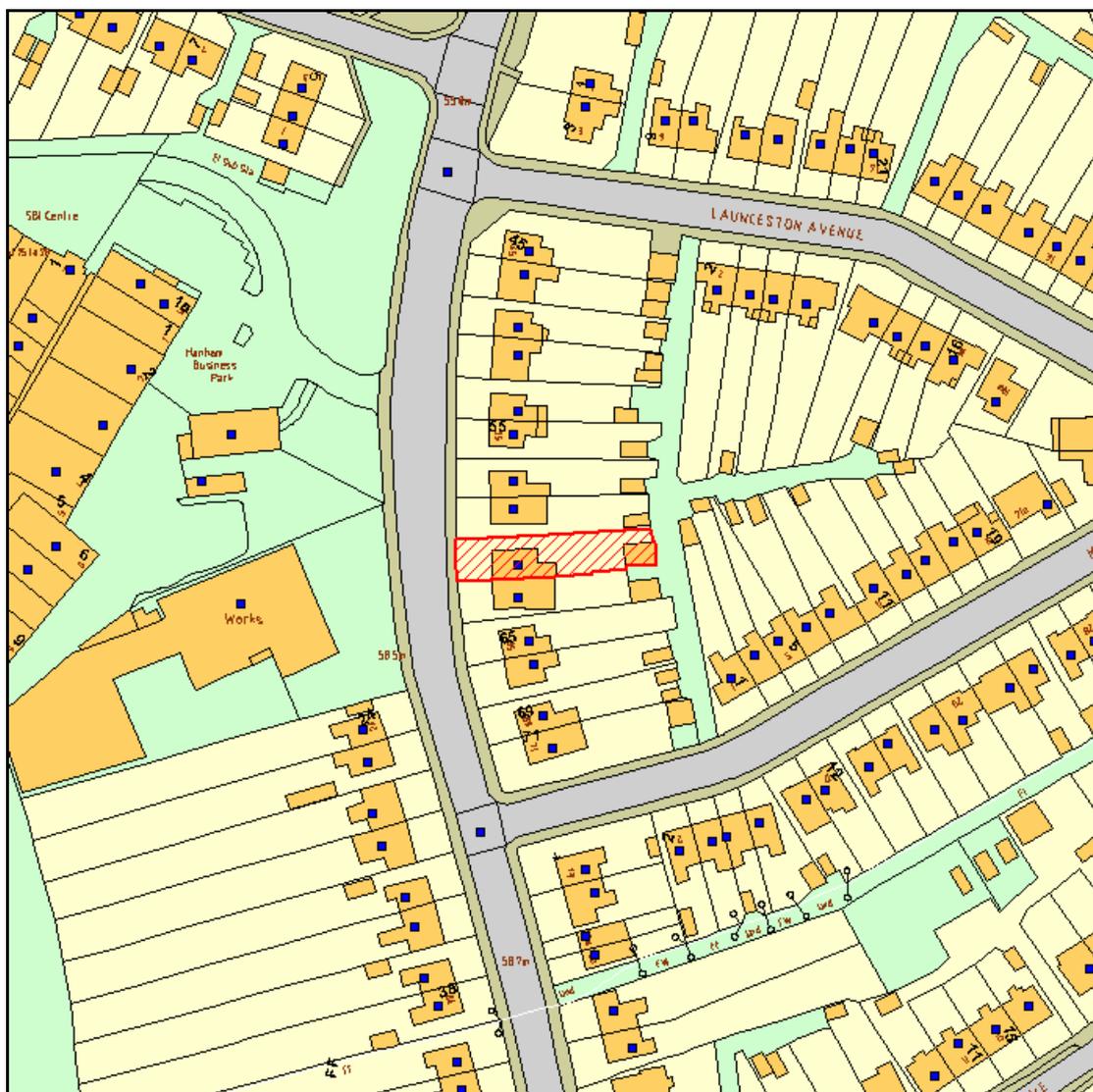
Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

1. Evidence has been provided to demonstrate that the development meets the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and is therefore permitted development.

CIRCULATED SCHEDULE NO. 50/11 – 22 DECEMBER 2011

App No.: PK11/3650/CLP	Applicant: Ms C Bateman
Site: 61 Memorial Road Hanham South Gloucestershire BS15 3JD	Date Reg: 22nd November 2011
Proposal: Application for certificate of lawfulness for the proposed installation of a rear dormer and side gable to facilitate loft conversion.	Parish: Hanham Parish Council
Map Ref: 363819 172023	Ward: Hanham
Application Category: Minor	Target Date: 19th January 2012



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100023410, 2008. **N.T.S.** **PK11/3650/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule in accordance with the standard procedure for the determination of such applications.

1. THE PROPOSAL

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to a proposed installation of a rear dormer window to facilitate a loft conversion and a hip to gable roof enlargement. The application property is a two-storey end of terrace dwelling and is located within the defined settlement boundary of Kingswood.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

- 2.1 The proposed installation of a rear dormer window to facilitate a loft conversion and the proposed hip to gable roof enlargement are both assessed under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

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

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No objections

Other Representations

- 4.2 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as

such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance.

It stands to be ascertained whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

5.2 **Installation of rear dormer and hip to gable roof enlargement.**

Schedule 2, Part 1, Class B of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, provided that it meets the following criteria.

B1 Development is not permitted by Class B if—

- (a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The proposed rear dormer will not exceed the height of the highest part of the existing roof. Regarding the hip to gable, the development would follow on from the existing roof line and therefore not exceed the height of the existing roof.

- (b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;**

The proposed dormer extension will be on the rear elevation, which is not the principle elevation, and does not front a highway. The hip to gable enlargement is on the side elevation of the dwelling and also will not extend beyond the plane of any existing roof slope which forms the principle elevation of the dwellinghouse and fronts a highway.

- (c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—**
(i) 40 cubic metres in the case of a terrace house, or
(ii) 50 cubic metres in any other case;

The dwelling is an end terrace property and the total cubic content of the proposed rear dormer and hip to gable roof enlargement, when combined, is approximately 37.5 m³.

- (d) it would consist of or include—**
(i) the construction or provision of a veranda, balcony or raised platform, or
(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

The proposed development will not consist of any of the above.

- (e) the dwellinghouse is on article 1(5) land.**

The application site is not located on article 1(5) land.

Conditions

- (a) **The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

The materials to be used in the development will match those of the existing dwellinghouse.

- (b) **Other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 cm from the eaves of the original roof.**

The proposal is for a hip to gable enlargement.

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

The proposed window in the side elevation will be of obscure glazing.

6. RECOMMENDATION

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

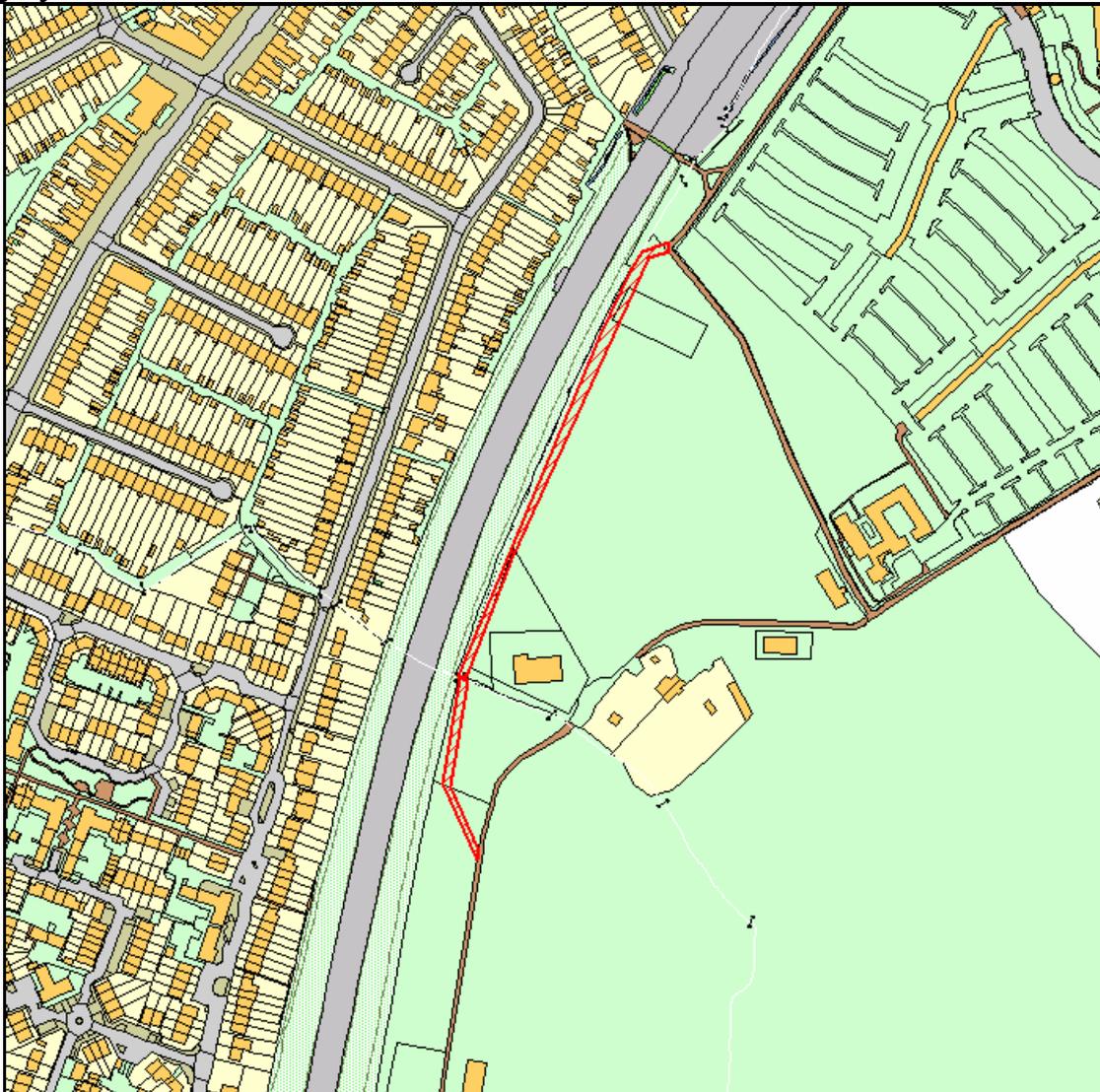
Evidence has been provided to demonstrate that the development meets the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and is therefore permitted development.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

ITEM 4

CIRCULATED SCHEDULE NO. 50/11 – 22 DECEMBER 2011

App No.:	PT11/2477/R3F	Applicant:	South Gloucestershire Council
Site:	Bonnington Walk Playing Fields Access Road To MOD Cycle Path, Lockleaze Bristol South Gloucestershire	Date Reg:	10th August 2011
Proposal:	Construction of a new 3m wide, (max), shared use path (pedestrians and cyclists), linking the access road through Bonnington Walk Playing Fields, Lockleaze with the existing shared use path skirting the MoD site at Abbey Wood.	Parish:	Filton Town Council
Map Ref:	360651 177956	Ward:	Filton
Application Category:	Minor	Target Date:	3rd October 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is reported on the Circulated Schedule because the applicant is the Council but there are also objections received which conflict with the officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for the installation of a length of shared use surface and lighting to serve as a cycle and pedestrian route between the MOD, close to the pedestrian access across the railway to Kipling Road and Bonnington Walk playing fields (located in Bristol). The site area for this application is indicated in red and finishes at the boundary of South Gloucestershire Council where it meets Bristol City Council. It is understood that a separate planning application has been applied for for the Bristol sections of this cycle/pedestrian path, both adjoining the section considered in this Authority and another section of the same route further south within Bristol.
- 1.2 The track is located alongside the railway cutting in land not safeguarded for any particular use under the South Gloucestershire Local Plan.
- 1.3 The application is supported by the submission of the document West of England Key Commuter Routes-Local Sustainable Transport Fund Application Key Component Bid April 2011 and various plans showing the routes to which this shared use path will link.
- 1.4 The Design and access statement states that the 3m width of the path is the minimum recommended width for un-segregated shared use by pedestrians and cyclists. Tarmac has been chosen as the finish to provide a low maintenance, smooth surface most suitable for cycle use. Illumination is considered essential and would be provided by means of a low energy street lighting system designed to the latest British Standards specification. The route applied for has come about through negotiation with owners of the land. The landowners, Bristol and District Rugby and Football Combination, Western Power Distribution Ltd have agreed the route on their land. Pinch points exist as a result of this negotiated route which limit the path to 2.3m in places.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG13	Planning and transportation

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
T3	Public Transport Route and park and ride.
T6	Cycle Routes and Pedestrian Routes
LC12	Recreational Route

LC9 Protection of open space and playing fields

December 2011 Core Strategy Incorporating Post Submission Changes

CS1 High Quality Design
CS7 Strategic Transport Infrastructure
CS8 Improving accessibility

2.3 Supplementary Planning Guidance

3. **RELEVANT PLANNING HISTORY**

3.1 There is evidence of the construction of sports facilities and development at the nearby MOD facility but nothing directly related to the location of the current application.

CONSULTATION RESPONSES

4.1 Filton Town Council

No objection subject to the track width being to national standards

4.2 Other Consultees [including internal consultees of the Council]

Public Rights of Way

The development will affect the nearest recorded public rights of way, reference LSG 29, LSG33 and LFN 12 over which the cycle way will run and which are to be diverted/extinguished. No objection in principle to the proposed development but will need to ensure that the eventual legal works to deal with the footpaths are done carefully so that there are no loose ends from point X eastwards as shown on plan T002-001-7E. Thus point X should be moved immediately west of the junction of LSG26 and LSG33 and the application for the diversion of LSG26 should be submitted before construction commences. Suggest informatives.

Highways

No objection

Conservation Officer

No objection. Stanley Farm nearby is grade II listed and the path crosses land previously within the historic curtilage of the farm. The land is no longer associated with the listed building and the track will have no impact on the setting of the listed building.

Sport England

No objection as the path makes use of a relatively small area of the playing field, close to the site boundary and would not affect the existing pitch or safety margins.

Ecology

The section of path considered in this application does not merit an ecological survey for badgers or slowworms due to the nature of the land and surrounding land uses. Suggest the usual informative re nesting birds is attached.

Drainage

No objection subject to the provision of a sustainable drainage scheme.

Other Representations

4.3 Local Residents

Objections from two households have been received in respect of the following matters.

- The land subject of the application is owned by the writer Rupert Blair.
- The plans do not show that the occupiers of 2 Stanley Cottages have vehicular access. This access is in both directions, to MOD roundabout and to the north and south towards Bonnington Walk. The route to the MOD Roundabout has been blocked. At times cyclist and pedestrians have obstructed the writer and given out abuse and violence as they do not understand that the writer has right of vehicular access over the path to the 300 year old cottage.
- Cyclists, travelling at excess speed, do not show caution as writer exists the writers' drive.
- Creates a shared path which puts cyclist hazards in the path of walkers. The footpath is the only place where walkers can walk without other traffic.
- Path is too narrow at 2.3m when national guidelines say 3m.
- Brings a wide shared path into a narrow path which does not meet national guidelines. This is also a point where many incidents have happened because cyclists take this corner wide already.
- The alternative to the footpath is the shared path with cyclists and then a shared road with cyclists and vehicles accessing the Rugby Club.
- Existing footpaths follow old established hedgelines
- Paths are well use and old and landowners have an obligation to recognise and respect public footpaths.
- There are no plans to show any protection for walkers. Suitable signage and speed reduction measures are needed. Writer has been run in to or knocked over on several occasions. Public consultation is minimal. Comparisons made to the application in Bristol.
- The proposal will not prevent cyclists cutting across playing fields to Cheswick Village or prevent them using other routes. Nor is this the only route available as there are alternative routes.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development and transportation issues

Walking and cycling are integral elements of South Gloucestershire Transport Strategy and are promoted as sustainable alternatives to the private car that are also economic and beneficial to health. The route is broadly in line with the Cycling City project, much of which has been installed already. This phase of development would complete the northern route known as Concorde Way as it enters South Gloucestershire.

5.2 Policy T6 safeguards land for proposed Cycle /pedestrian routes. One such T6 route is shown in the Local Plan as leading both pedestrians and cyclists along the southern side of MOD and south-west towards Bonnington Walk via an existing track. Whilst this route is used at present the creation of a permanent, purpose built route is preferable and agreement has been made with the landowners to facilitate this. A further application is sought within Bristol City Council for the continuation of this new linking track. The proposed new path would have less conflict with vehicular traffic that have access rights over the T6 route to Stanley cottages and the Rugby club. Policies EC7 and EC8 of the Submission draft of the Core Strategy also promote the creation of linkages to the cycle network locally. The proposal improves the cycle route direct connections between Filton and Stoke Gifford. As such the principle of the development is supported by policy.

5.3 The route has been negotiated with landowners and as a result the path is generally 3m wide in line with design guidance. However there is a narrowed area where the width has had to be reduced to 2.3m in order to pass between the electricity pylon and the railway embankment fencing. This is less than the 'guidelines' set out to achieve but this is not considered to be so narrow as to be dangerous, nor does the path involve sharp bends within this narrowed area and the narrowing is done gradually over a distance of 9 or 10 metres. Additionally a bollard is located in the centre of the path where it meets the existing cycle track to deter cyclists from travelling too fast. The highway code sets out rules regarding cycle tracks which it notes may be segregated or they may share the same space (unsegregated). It stresses that when using segregated tracks cyclists must keep to the designated cycle side as the pedestrian side remains a pavement or footpath. There is no objection raised to the proposal which is considered acceptable in highway safety terms.

5.4 Impact on Footpath

A section of footpath approximately 45m long would be disturbed by the creation of the joint use path (cycles and pedestrians). This does not in itself cause any long term concern as the newly laid path will be accessible to pedestrians once constructed and it is understood that a temporary diversion order can be agreed to facilitate the construction of the path. In the longer term however the footpath LSG/29/10 and LSG/12 are likely to be the subject of an extinguishment order such that the footpath would no longer run along the joint use path and directly across the Bristol Rugby Combination Ground land but would instead use the existing path leading north-south around the Bristol Rugby Combination Ground land and a new footpath would be created along the existing private track to the south of the Bristol Rugby Combination Ground. This extinguishment does not form part of this application and the approval of this planning application does not bind the Council to approve any future application under Footpath Regulations.

5.5 Loss of Playing field

The modest width of land to be used for the track and its lighting is negligible in relation to the size of the remaining playing field. Further as the path would be located directly alongside the railway embankment that area of grass is not in general use. There would therefore be no material loss of playing space at the sports ground.

5.6 Residential Amenity

The proposed path passes some 60 metres away from the nearest residential neighbour and is likely to reduce the cycle and pedestrian traffic passing close to that neighbour on the existing track. The proposed path has been agreed with the other owners of the land but there is some debate about the ownership of the vehicular track within the Bristol City Boundary area but this is not considered to affect the application within South Gloucestershire. The path and its lighting are not considered to affect the amenity of the neighbouring properties nor the surrounding area in general although further detail and agreement of the lighting apparatus needs to be established. The eight lamp columns would be expected to conform to British Standards and have downward facing lighting. This can be achieved by condition.

5.7 Ecology

The route of the path is over playing fields in the main with only one area of scrub/rougher grassland. The site is not considered suitable for badgers or slowworms due to its isolated location in the middle of playing fields and due to the surrounding buildings and paths. As such no survey for slow worms or Badgers is warranted. An informative regarding bird nesting is attached to the recommendation.

5.8 Ownership Right of access

Ownership of the route appears to be contested by one of the objectors but the applicant has confirmed that no one except those notified on certificate B are the owners of the site (red line of the track). It is considered that the Local Planning Authority has acted reasonably investigating this point and is satisfied that the certificates are correct. It is understood that there are also vehicular access rights across the existing cycled and walked routes connected to the proposed shared route but this does not justify the refusal of this 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.

- i. The proposal has been designed to create a link to surrounding shared surface paths, creating a safe sustainable transport route – Policies T12 and T6 South Gloucestershire Local Plan (adopted) January 2006; South Gloucestershire Design Checklist SPD.
- ii. The concerns of nearby residents in relation to the use of the track currently used have been properly considered. The tracks location and design will divert much of the cycle and pedestrian traffic away from the section of track with vehicular access - Policies T12 and T6 South Gloucestershire Local Plan (adopted) January 2006.

- iii. The proposal would not have a material impact on wildlife in the area. – Policies L9 South Gloucestershire Local Plan (adopted) January 2006; South Gloucestershire Design Checklist SPD.

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

7. RECOMMENDATION

7.1 That planning permission is granted subject to the conditions set out below.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

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 development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed drainage details.

Reason: To comply with South Gloucestershire Local Plan (Adopted) January 2006 Policies L17, L18, EP1, EP2 and PPS25 Planning Policy Guidance

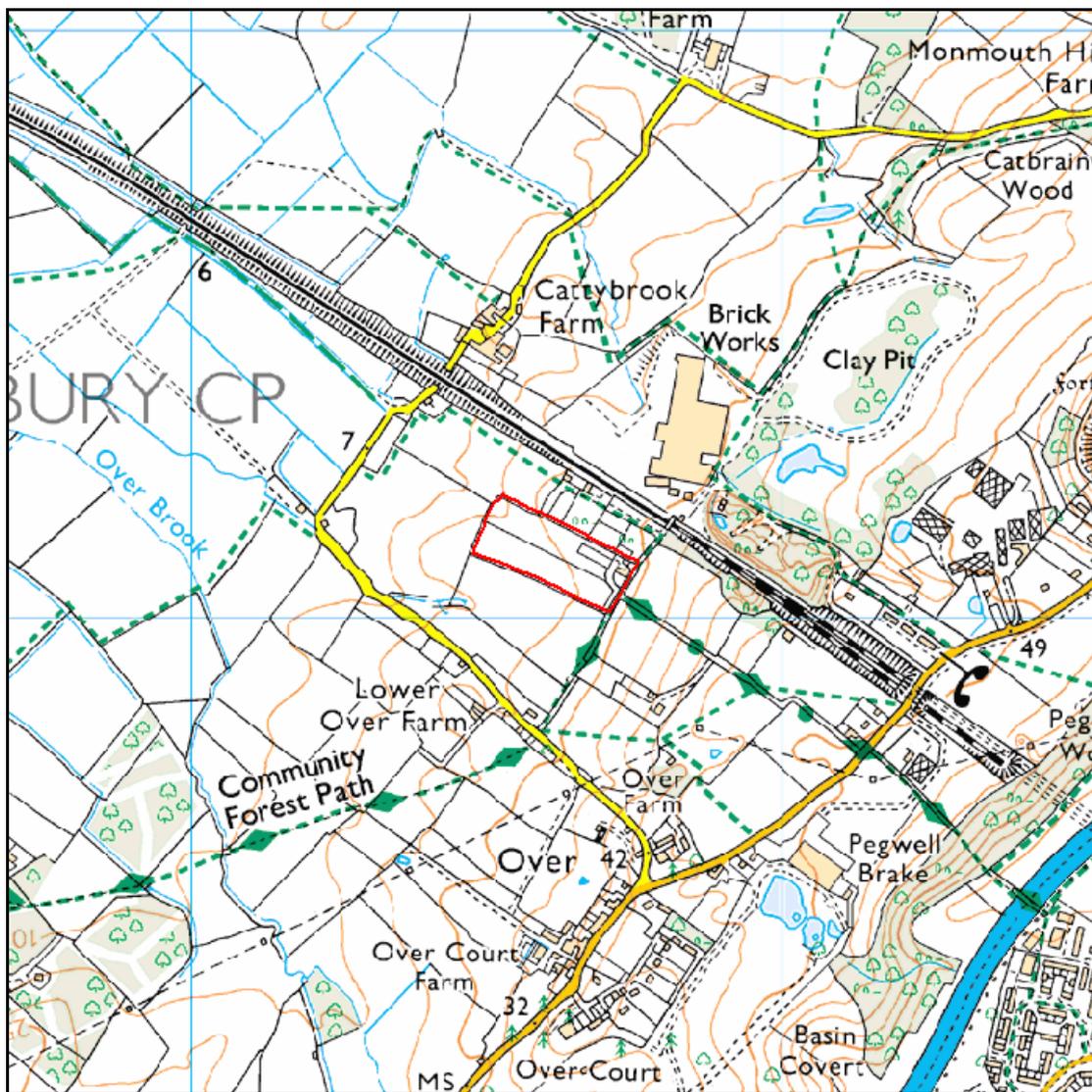
3. Prior to development commencing full detail of lamp columns, lamps and level of illumination shall be submitted to and agreed in writing by the Local Planning Authority. The installation of the lighting shall then be carried out as approved.

Reason

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

CIRCULATED SCHEDULE NO. 50/11 – 22 DECEMBER 2011

App No.:	PT11/3150/RVC	Applicant:	Mrs H Watson
Site:	Land Off Ash Lane Almondsbury Bristol South Gloucestershire BS32 4BY	Date Reg:	10th October 2011
Proposal:	Variation of conditions 3 and 4 attached to PT05/1573/F to increase the number of horses kept on site to 12 and to exclude use of the land for livery or riding school purposes (retrospective).	Parish:	Almondsbury Parish Council
Map Ref:	358679 183220	Ward:	Almondsbury
Application Category:	Major	Target Date:	6th January 2012



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 100023410, 2008. **N.T.S.** **PT11/3150/RVC**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule given the letters of objection that have been received and the concerns raised by the Parish Council.

1. THE PROPOSAL

1.1 The application seeks planning permission for the variation of conditions attached to planning permission PT05/1573/F. These conditions read as follows:

Condition 3:

No more than 5 horses shall be kept on site at any one time.

Reason: In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and Policies E9 and T12 of the South Gloucestershire Local Plan (Revised Deposit Draft) (Incorporating Proposed Modifications).

Condition 4:

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

Reason: To protect the character and appearance of the area, and to accord with Policy RP1 of the adopted Northavon Rural Areas Local Plan; and Policies E9 and T12 of the South Gloucestershire Local Plan (Revised Deposit Draft) (Incorporating Proposed Modifications).

1.2 The application site comprises 2.5 hectares of land and an associated stable building within the Green Belt beyond any settlement boundary near the end of Ash Lane, Almondsbury.

1.3 The submitted details in support of this application confirm that this is a retrospective application.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development

PPG2: Green Belts

PPS7: Sustainable Development in the Countryside

PPG17: Sport and Recreation

Draft National Planning Policy Framework

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

L1: Landscape Enhancement and Protection

GB1: Development within the Green Belt

LC5: Sport and Recreation outside the Settlement Boundaries

E10: Horse Related Development (formerly policy E9)
T12: Transportation Development Control Policy for New Development

December 2011 Core Strategy Incorporating Post Submission Changes

CS1: High Quality Design

CS34: Rural Areas

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT05/1573/F: Use of land for the keeping of horses, erection of stables and construction of nursery paddock, arena and associated works. Permitted: 15 August 2005

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
'Almondsbury Parish Council consider this to be over development and not appropriate for the site.'
- 4.2 Other Consultees
Archaeology Officer: no comment
Highways DC: no objection
Environment Agency: no objections
PROW Officer: no objection in principle

Other Representations

- 4.3 Summary of Local Residents Comments:
Two letters received expressing the following concerns:
1. At the last count, there were 20 horses in the field;
 2. The use results in unpleasant smells;
 3. The current use is causing high levels of traffic on Ash Lane which is damaging the lane;
 4. There is an increased risk of traffic accidents;
 5. The Council recently rejected an application for an additional dwelling in Badgers Lane on traffic management grounds but the incremental increase level of traffic now using Ash Lane far exceeds that of an additional dwelling.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
In its statement for growth, the Government issued a call to action on growth with a set of proposals to help rebuild the Country's economy. As such, it is the Government's top priority to promote sustainable economic development and jobs with a clear expectation that the answer to development and growth

- should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.
- 5.2 In view of the above, in considering this application, it is necessary to have regard to the benefits of the proposal, namely supporting a small business.
- 5.3 Planning policy E10 advises that proposals for horse related development will be permitted outside the urban areas and the settlement boundaries subject to the following criteria:
- Development would not have an unacceptable environmental impact;
 - It would not prejudice the amenities of neighbouring occupiers;
 - Adequate provision is to be made for vehicular access, parking and manoeuvring and the proposal should not compromise highway safety;
 - Safe and convenient access to bridleways/ riding ways is available;
 - There are no suitable underused buildings available for conversion;
 - The design of the buildings, site size and the number of horses to be catered for has proper regard to the safety and comfort of horses.
- 5.4 The Proposal
The application relates to 2.5Ha of land at the end of Ash Lane that was the subject of a change of use application in 2005 that allowed the use of land for the keeping of horses combined with the erection of a stable building. The stable building occupies the east corner of the application site and as approved, provides 5 stables, a tack room and feed store.
- 5.5 Information submitted in support of the application advises that the need for this application stems from the applicant's work in helping rehabilitate injured horses. In this regard, the applicant, through word of mouth and personal recommendation, has taken on an increasing number of casualty horses nursing them back to health and fitness on behalf of their owners. The horses are solely cared for by the applicant and her groom and are not regularly visited by their owners. It is advised that at no point has the applicant advertised the yard as a business; instead, it has grown 'unintentionally over time and grown into a small but sustainable enterprise that provides a valuable and professional service to owners of the horses who have found themselves in a difficult situation'.
- 5.6 Analysis- Condition 3
The previous application limited the number of horses to be kept on site to 5. This was having regard to the nature of the proposal (i.e. the size of the stable building) and the size of the application site. In this regard, guidance issued by the British Horse Society advises that between 0.4- 0.6Ha of pasture should be provided for each horse with an additional 0.25Ha per horse for exercise. Accordingly, it was considered that the site could adequately provide for no more than 5 horses; this application seeks to more than double this to 12 horses.
- 5.7 Limited supporting details have been provided to support this proposed figure with it advised that *'Some horses require constant box rest and at the other extreme some horses are able to remain out at pasture day and night. During the course of any rehabilitation period, the horse's requirements will change*

and this flexibility allows Mrs Watson (the applicant) to exceed the 'standard' BHS guidelines with regards to acreage per horse'.

- 5.8 In considering the above, it is noted that no further justification has been provided (i.e. supporting documents from vets/ the British Horse Society etc) whilst it is also noted that the variation of this condition as requested (to 12 horses) would not allow this to be restricted to injured horses. On this basis, and with the proposal also resulting in the intensification of this site use (and likely pressure for additional stable buildings), there is an objection to the application.
- 5.9 Analysis- Condition 4
The applicant requests that this condition be amended to read *'At no time shall the stables for the associated land be used for livery or riding school purposes.'* In this regard, it is understood that the applicant cares for the horses and their owners do not regularly visit.
- 5.10 Accordingly, it is considered that the variation of this condition in the manner proposed would not significantly impact upon the character of the area (or the openness of the Green Belt) whilst the Councils Highways Engineer has also raised no objection to this proposal. Accordingly, this proposed variation of condition is considered to be acceptable.
- 5.11 Residential Amenity
There are only a handful of properties at this end of Ash Lane all which stand at an appreciable distance from the application site. On this basis, there is no objection to the variation of condition 4 as proposed although there are concerns in respect of the suggested variation of condition 3 (given the intensified use of the site).
- 5.12 Impact on the Openness of the Green Belt
The application site is located within the open Green Belt beyond any settlement boundary. The application would not involve the erection of any new buildings but would result in an intensification of the site use. On this basis, and given that the reasons for these conditions were not directly associated with the Green Belt, on balance there is no associated objection despite reservations regarding the intensified site use.
- 5.13 Highway Safety
Ash Lane comprises an unclassified highway that is generally single track with few passing opportunities and with several changes in vertical and horizontal alignment. Visibility at its junction with Over Lane (classified) is substandard.
- 5.14 Notwithstanding the above, although there were supporting transportation reasons for condition 3 and 4, there is no transportation objection to this current proposal given that the main reason in transportation terms was to limit the number of vehicle movements that could have been generated by a multi-occupancy/ DIY livery site. In this regard, the suggested amendment to condition 3 would still dictate that the horses would be cared for the applicant (albeit with some help from the stable hand).

5.15 Outstanding Issues

Given that this application is for the variation of conditions attached to a previous decision, it is necessary to add those further still relevant conditions attached to the previous 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 issue a split decision 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 in respect of the variation of condition 4 is for the following reasons:
1. The proposal would be acceptable in highway safety terms and would accord with Planning Policy T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
 2. The proposal would not cause any significant adverse impact in residential amenity and would accord with Planning Policy E10 (Horse Related Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
 3. The proposal would be acceptable having regard to its impact on the character of the area and the openness of the Green Belt and would accord with Planning Policies E10 (Horse Related Development) and GB1 (Development within the Green Belt) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

- 7.1 Planning Permission is GRANTED in respect of the variation of Condition 4 but condition 3 to remain unaltered and as per the original planning permission.

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

1. No more than 5 horses shall be kept on site at any one time.

Reason

In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and Planning Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. At no time shall the stables for the associated land be used for livery or riding school purposes.

Reason

To protect the character and appearance of the area, and to accord with Planning Policies E9 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The facility hereby approved shall at no time be subdivided.

Reason

To ensure the sites use by one occupier in the interest of highway safety, and to accord with Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

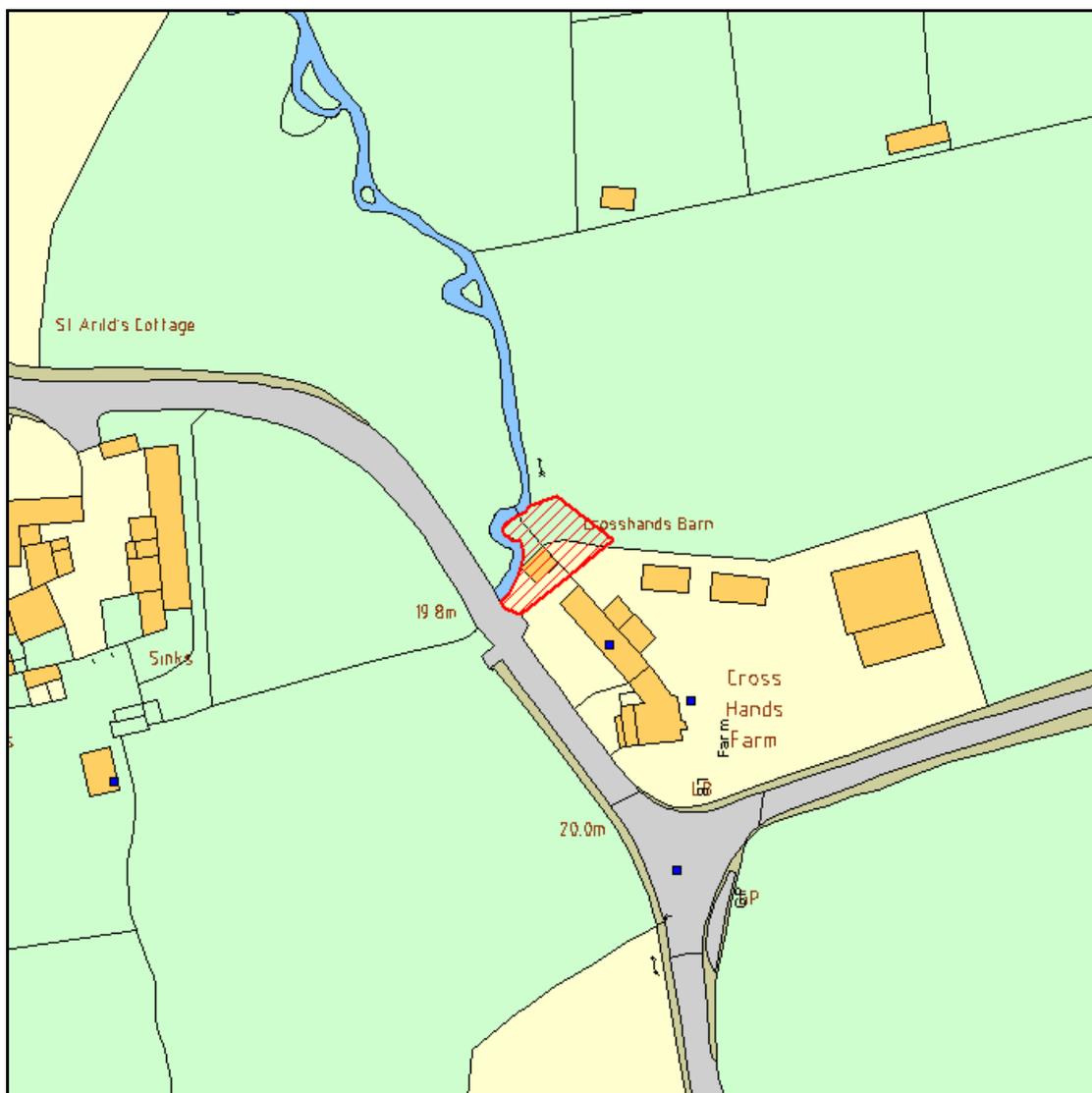
4. The front boundary hedge along the eastern boundary of the application site shall be retained and maintained at a height of not less than 1.5m.

Reason

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

CIRCULATED SCHEDULE NO. 50/11 – 22 DECEMBER 2011

App No.:	PT11/3303/F	Applicant:	Mr S Freke
Site:	Cross Hands Barn Kington Lane Thornbury South Gloucestershire	Date Reg:	24th October 2011
Proposal:	Erection of first floor side extension over previously approved single storey side extension to provide additional living accommodation.	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	362018 190499	Ward:	Severn
Application Category:	Householder	Target Date:	16th December 2011



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 100023410, 2008. **N.T.S.** **PT11/3303/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a first floor side extension over previously approved single storey side extension to provide additional living accommodation.
- 1.2 The application relates to a detached stone building of restricted 2 storey height situated to the north west of Cross Hands Barn. Under planning application PT07/2645/F permission was given for the barn to be used as a separate dwellinghouse. Permission for a single storey lean to extension was also given under the same application however this has not been built. Nevertheless permission PT07/2645/F is considered to have been implemented.
- 1.3 The application site is situated within the open countryside.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS7	Sustainable Development in Rural Areas
PPG13	Transport
Draft National Planning Policy Framework	

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
H4	Development within Existing Residential Curtilage
H10	Conversion and Re-use of Rural Buildings for Residential Purposes
L1	Landscape Protection and Enhancement
T12	Transportation Development Control Policy for New Development

Emerging Development Plan

December 2011 Core Strategy incorporating Post-Submission Changes

CS1	High Quality Design
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2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/0798/F - Conversion of art/craft shop, store and detached agricultural building to form four bed dwelling, including erection of two storey rear extension. Conversion of stable building to form residential annexe (ancillary accommodation to the new dwelling). (Amendments to previously approved scheme under planning permission PT03/1136/F). Approved
- 3.2 PT07/2645/F - Removal of Condition 8 attached to Planning permission PT04/0798/F to allow existing residential annex to be used as a separate dwelling. Erection of single storey side extension to provide additional living accommodation and alterations to existing access (Resubmission of PT07/1060/F). Approved

4. CONSULTATION RESPONSES

- 4.1 Oldbury-on-Severn Parish Council
Oldbury on Severn Parish Council having discussed this application feel that the original appearance of this barn will be lost if this planning permission is granted.
- 4.2 Other Consultees
- Transportation
No objection.

Other Representations

- 4.3 Local Residents
No response.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the Local Plan states that *proposals for development within existing residential curtilages*, will be permitted subject to certain criteria. The principle of the development is therefore acceptable subject to the following detailed assessment.
- 5.2 Residential Amenity
The proposed extension would not lead to a loss of light or have an overbearing impact on any adjacent property and the front elevation window proposed is a satisfactory distance from the principal room windows of Cross Hands Barn for there to be no undue loss of privacy. The property would also retain enough private amenity space to the rear for occupants of the dwelling.
- 5.3 Transportation
The proposed development would not lead to a significant increase in traffic nor would it prejudice highway safety.
- 5.4 Design / Visual Amenity

The applicant already has permission for the construction of a single storey lean to extension to be finished in a mixture of stone and oak boarding. The proposed extension would use the same materials and this is considered acceptable as the materials are traditional in character. Several new openings are proposed however they are all modest in size including the 'conservation' rooflights. In terms of size the proposed extension would result in an approximate 60 % increase in cubic volume of the existing dwelling and this is acceptable. Visually, the addition would certainly read as a latter extension due to it being faced in oak boarding. Overall, this is an appropriate addition to the existing building.

- 5.5 Improvements to Scheme
No improvements considered necessary.

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 development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.
- a) The proposed extension would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - b) The proposed extension has been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the existing dwelling and the surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.

7. RECOMMENDATION

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

Contact Officer: William Collins
Tel. No. 01454 863425

CONDITIONS

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

Reason

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

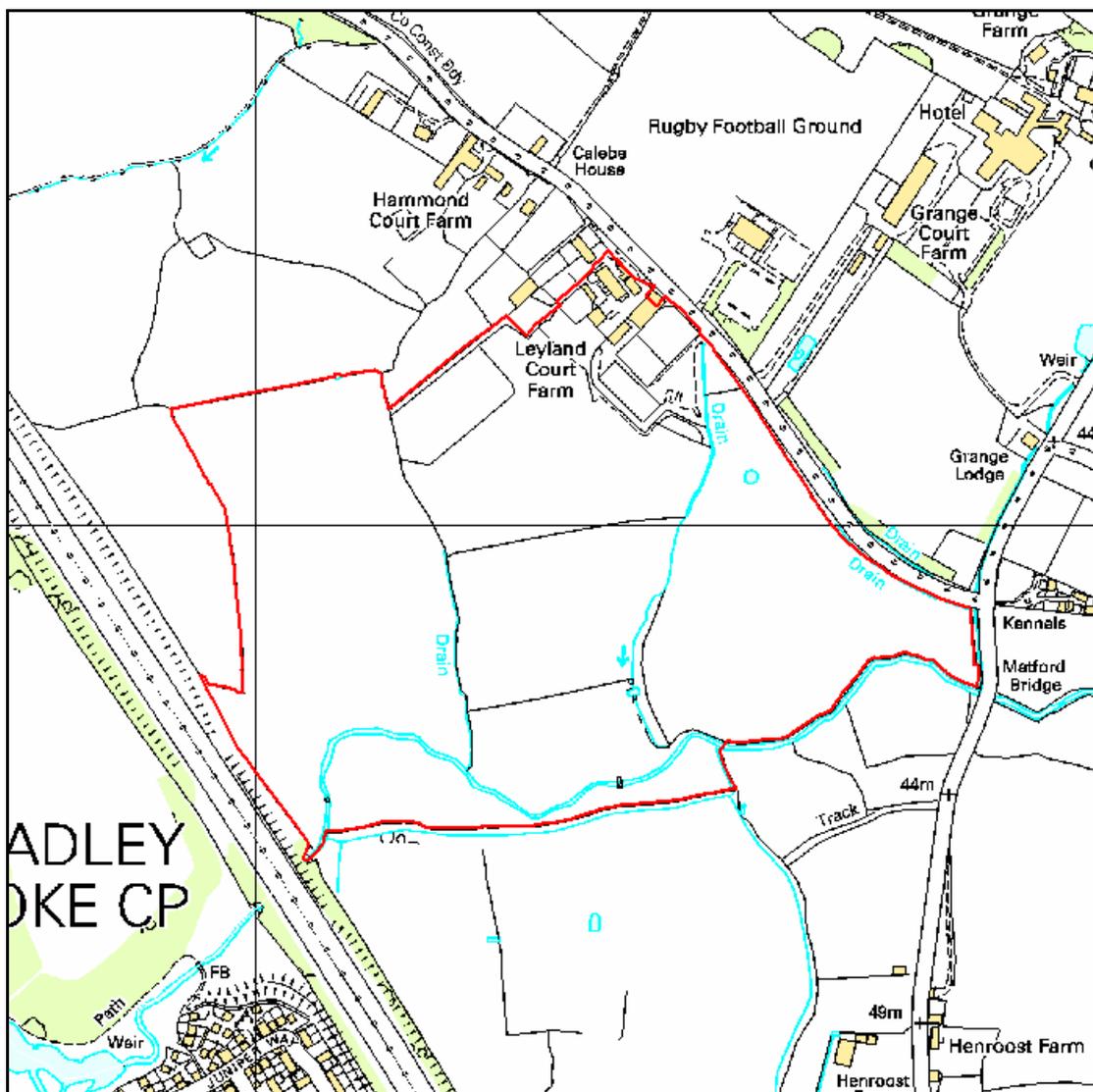
2. Prior to the commencement of development samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

CIRCULATED SCHEDULE NO. 50/11 – 22 DECEMBER 2011

App No.:	PT11/3435/CLE	Applicant:	Mr And Mrs M.D. Irish
Site:	Leyland Court Farm Trench Lane Winterbourne South Gloucestershire	Date Reg:	16th November 2011
Proposal:	Application for Certificate of Lawfulness for an existing use of land and buildings for commercial equestrian purposes.	Parish:	Winterbourne Parish Council
Map Ref:	363252 182252	Ward:	Winterbourne
Application Category:	Minor	Target Date:	9th January 2012



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 100023410, 2008. **N.T.S.** **PT11/3435/CLE**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because it comprises a Certificate of Lawfulness in respect of an existing use.

1. THE PROPOSAL

- 1.1 The application seeks a Certificate of Lawfulness in respect of the use of land and buildings for equestrian purposes.
- 1.2 The application relates to Leyland Court Farm on the south side of Trench Lane, Almondsbury. The site is located beyond any settlement boundary and within the open Green Belt.
- 1.3 An amended site plan forms part of this application omitting the dwelling from the application site; this was at the suggestion of the Planning Officer given that this would comprise a C3 use.

2. POLICY CONTEXT

- 2.1 Because the application is for a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration. The applicant need only prove that on the balance of probabilities that the current use of the buildings and land has remained the same for a continuous period of 10 years up to and including the date of this application.

3. RELEVANT PLANNING HISTORY

- 3.1 P95/2642/CL: Use of land for stationing of mobile home - certificate of lawfulness. No decision recorded
- 3.2 PT08/0334/OHL: Application for consent under Section 37 of the Electricity Act 1989 to erect 33kV overhead line supported by wood poles. No objection: 6 March 2008
- 3.3 PT08/2217/PNA: Prior notification of the intention to erect 1 agricultural building for storage of machinery and implements. No objection: 1 September 2009
- 3.4 PT08/1124/PNA: Prior notification of the intention to erect an agricultural building for storage of hay and feed. No objection: 11 April 2011

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection
- 4.2 Other Consultees
Landscape Officer: no comment
Highways DC: no comment
Ecology Officer: no objection

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 The application relates to Leyland Court Farm on the south side of Trench Lane and adjoining the M4 motorway along a short section of its southern boundary. The issue for consideration is whether the land and buildings within the application site have been used for equestrian purposes for a continuous period of 10 years up to and including the date of this application. This application is purely an evidential test irrespective of planning merit, and is judged on the balance of probability.
- 5.2 Evidence in Support of the Application
The application is made by Mr & Mrs Irish who own and occupy Leyland Court Farm and is supported by an affidavit on behalf of Mr Irish. This statement is supported by a number of appendices.
- 5.3 It is advised that that the total area of the farm is about 29.35Ha and comprise the farmhouse, numerous stables, other buildings and structures associated with this use and several large fields. Henry Irish (the father of Mr Irish) transferred the 'goodwill' of the business to the applicants on November 16th 1985; he acquired the farm in 1966.
- 5.4 It is advised that Henry Irish used the farm for the commercial equestrian purposes of running a riding school, livery yard and facility centre until it was transferred to the applicants. The applicants continued this use on the whole of farm including the buildings. Appendix B provides copies of Northavon District Council's rate demand for 1986-1987 referring to the riding school and a letter from the British Horse Society dated December 1st 1985 relating to the renewal notice for the annual subscription fee.
- 5.5 Paragraph 4 of the submitted statement advises that *'The equestrian use of the farm has been continuous since 1968, but in 1998 we decided for business reasons to close the riding school business. The other equestrian activities were by then becoming the most significant proportion of our business and we decided to concentrate all our future endeavours on these'*. Appendix C (ordnance survey map) shows the location of the main equestrian facilities that were then improved.
- 5.6 Paragraph 5 advises that in addition to the many customers who use the livery yard and facilities, pony club events, rallies and competitions have been held here. It is estimated that 15-20 such events are held each year and the applicants have a record of these since 2000. Appendix D provides a summary of the bookings for the year 2001.
- 5.7 Examples of the infrastructure provided are then detailed. This has included the 'Derby Arena' (a large grassed show jumping arena enclosed by timber fencing) in May 2001; invoices relating to the fencing and new fences/ jumps

are provided within Appendix E. Appendix F then provides a copy of an invoice dated January 2002 in respect of a horse walker that was built in the first part of this year. Appendix G provides invoices in respect of a new 60m arena that was added in late 2004/ 2005. Similarly, appendix H provides copies of invoices in respect of materials brought for the construction of an open barn and toilets in 2006.

- 5.8 The remainder of the statement and appendices relates to evidence from other professionals in respect of the existing use. Accordingly, paragraph 11 relates to a signed letter within appendix J from the applicants accountant whom confirms that he has acted in this capacity since 1985 and is well acquainted with the site having taken his daughter to ride there and when his own horse was there in livery for training. This letter is supported by a further site plan identifying the application site.
- 5.9 Paragraph 12 relates to a signed letter from a vet. This letter (supported by a site plan) is broadly similar in content to that above as are further letters from the Approvals Inspector for the British Horse Society within this area and a Farrier who has provided his services to the farm.
- 5.10 Conflicting Evidence
The sworn evidence provided is accepted as true unless contradictory evidence indicates otherwise. In this instance, no contradictory evidence has been received.
- 5.11 Analysis of Evidence
It is considered that the evidence received does help to show that the buildings and land have been used for equestrian purposes for a period of 10 years whilst at the time of the officer site visit, these uses were still continuing today. On this basis, it is considered that on the balance of probabilities, a Certificate of Lawfulness should be granted.

6. RECOMMENDATION

- 6.1 A Certificate of Lawful Use is **GRANTED**.

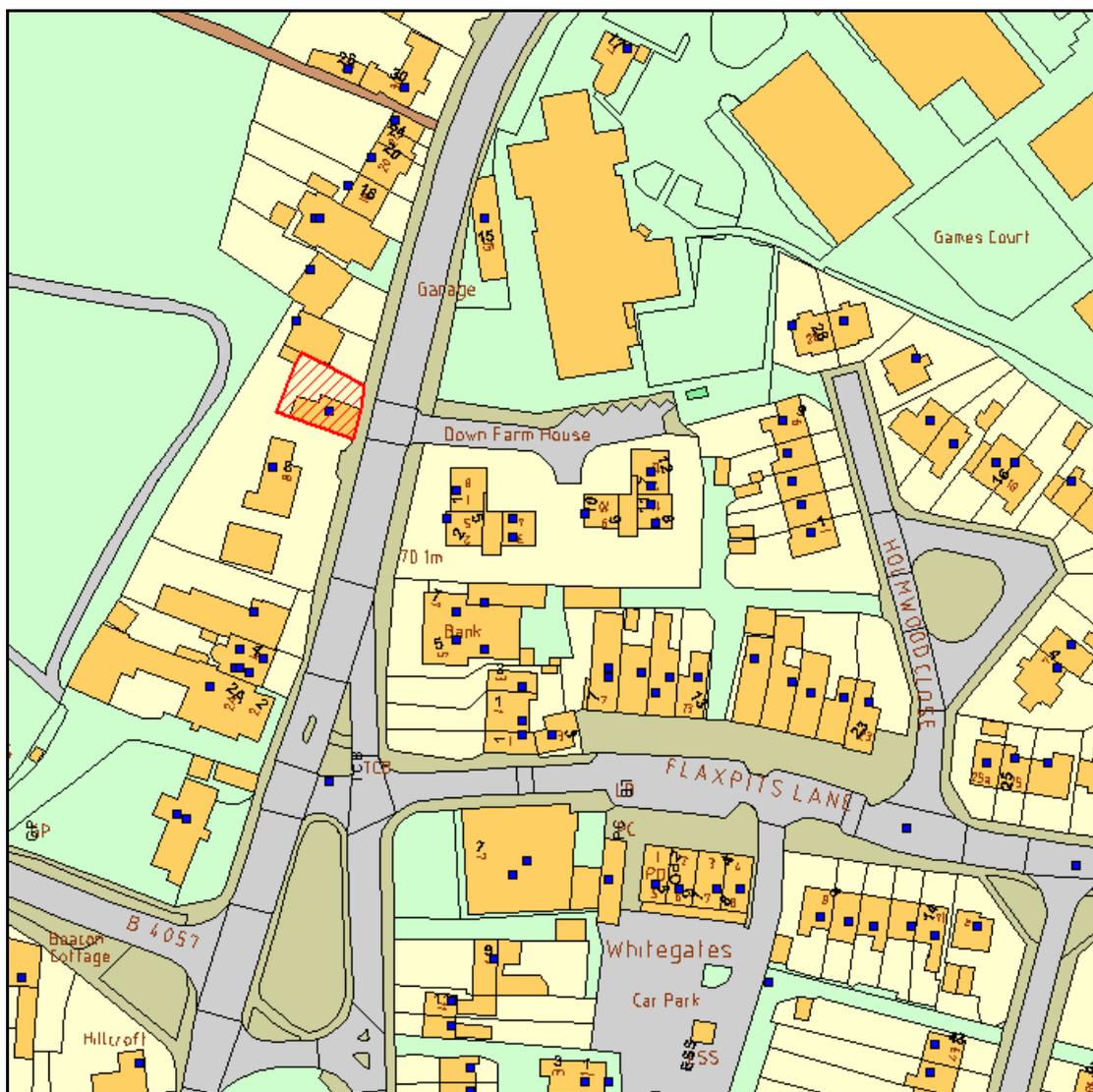
Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

1. The applicant has demonstrated that on the balance of probability that the land and buildings identified in red on the site plan submitted have been used for equestrian purposes (Sui Generis) for a continuous period of 10 years up to and including the date of this application.

CIRCULATED SCHEDULE NO. 50/11 – 22 DECEMBER 2011

App No.:	PT11/3461/F	Applicant:	Mackendrick Norcott
Site:	10 High Street Winterbourne Bristol South Gloucestershire BS36 1JN	Date Reg:	4th November 2011
Proposal:	Alterations to front and side fenestration	Parish:	Winterbourne Parish Council
Map Ref:	364784 180625	Ward:	Winterbourne
Application Category:	Minor	Target Date:	3rd January 2012



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated due to the objection received from the Parish Council.

1. THE PROPOSAL

- 1.1 This full application relates to the alteration of windows in an existing single storey building, currently used as an estate agents office and is located on High Street Winterbourne.
- 1.2 The proposal is to change the existing plastic windows to aluminium glazed panels on the front with a relocated door and to use white upvc windows on the side elevation. The building has stone to the front elevation and red brick to the side. The building is not listed nor is it in a conservation area.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
Draft National Planning Policy Framework
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
RT11 Retention of Local Shops, parades, village shops and public houses.
T12 Transportation Development Control Policy for New Development
- South Gloucestershire Core Strategy December 2011 incorporating Post-submission changes
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

PT10/1131/F Demolition of existing building to facilitate erection of two storey office building. Approve 14/6/2010.

P90/2956 New shopfront Approved

PT09/0308/F Internal and external alterations to facilitate staff restroom at ground floor level and erection of first floor extension above to form office accommodation and associated works. Approved Mar 2009

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection: The Committee feels that this change does not improve the street scene and looks aesthetically worse than the current windows..
- 4.2 Highway Officer

No objection

Other Representations

- 4.2 Local Residents
No response received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This building is not located in a designated parade of shops and as such Policy RT11 would deal with any change of use proposal. However this application seeks to gain consent for replacement fenestration which does not include alteration to the use of the building. As such only policy D1 is relevant to this application in that it is a general design policy and cites that development will only be permitted where good standards of site planning and design are achieved. In particular, proposals will be required to demonstrate that siting, overall massing, form, scale, height, detailing, colour and materials respect and enhance the amenity, character and distinctiveness of both the site and the locality.

- 5.2 It is considered that the application accords with the above policy criteria. The existing windows are UPVC with applied arched design on the glazing and have no design merit or quality. The proposal is to replace the 'shop front' facing High Street with non opening aluminium set windows and with a stainless steel, frameless toughened glass door located centrally on the elevation. The elevations show the removal of a very modest stall riser below the window. There is no proposed change to the location and scale of the windows in the side elevation nor is the material changing from white upvc. The only change is to the shape and openable function of the windows which will be tilt and turn opening. Overall the proposal would offer a modern, functional shop front, maintaining pedestrian access from the front elevation and with no adverse effect on the surrounding area or on the amenity of neighbours.

- 5.3 The access to the parking area is unaffected and as such there is no transportation objection.

- 5.4 As such the proposal is in accordance with policies T12 and D1 of the Local Plan.

6. CONCLUSION

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

- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted)

January 2006 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 proposed windows would not harm the visual amenity of the streetscene or affect neighbouring properties. The proposal would therefore accord with Planning Policies D1 (Achieving Good Quality Design in New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The proposal has no detrimental impact in highway safety terms. As such the proposal is considered to be compliant with Planning Policy T12 (Transportation Development Control Policy) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

7.1 Planning permission be granted subject to the planning conditions set out below:

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

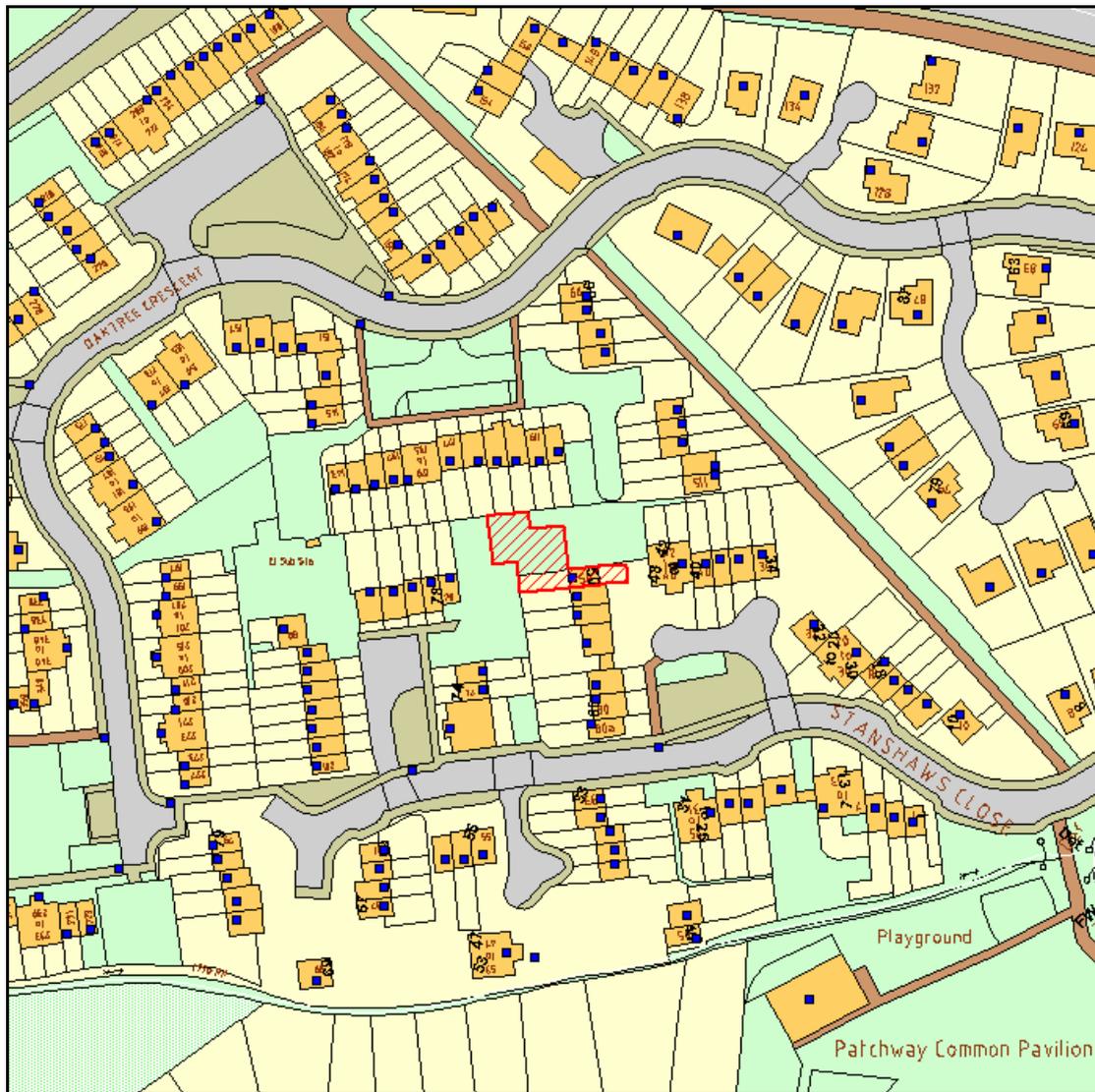
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

CIRCULATED SCHEDULE NO. 50/11 – 22 DECEMBER 2011

App No.: PT11/3470/F
Site: 50 Stanshaws Close Bradley Stoke
 South Gloucestershire BS32 9AF
Proposal: Erection of 2no. linked garages.
Map Ref: 361004 182707

Applicant: Mr D Butler
Date Reg: 21st November 2011
Parish: Bradley Stoke
 Town Council
Ward: Bradley Stoke
 Central And Stoke
 Lodge
Target Date: 12th January 2012

Application Category: Householder



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 100023410, 2008. **N.T.S.** **PT11/3470/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because an objection has been received from the Town Council contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 2no. linked garages.
- 1.2 The application site comprises a two-storey end of terrace property situated on the northwestern side of the cul-de-sac Stanshaws Close within the established residential area of Bradley Stoke.
- 1.3 The proposed garage is located in a rear parking area, which is set back from the host dwelling and is not prominent from the surrounding area. The parking area serves the neighbouring properties, however, is not considered to be used frequently given that some of the parking spaces are overgrown with weeds.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG13 Transport
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
H2 Proposals for New Residential Development within Existing Urban Areas and Boundaries of Settlements
T12 Transportation Development Control Policy for New Development
L17/L18 The Water Environment
EP1 Environmental Pollution

December 2011 Core Strategy incorporating Post-Submission Changes
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT10/3352/F, erection of two-storey detached building to form 2no. garages with 1no. first floor self contained flat and associated works, refusal, 21/01/11.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Bradley Stoke Town Council objects to the above mentioned planning application on the following grounds:

- The proposed garages are out of keeping with the existing amenity in the surrounding area.
- There are no street parking arrangements.
- The proposed specification of the garages is also questioned in accordance with building regulations
- Conditions of use should be applied if planning permission were to be granted, to ensure that the building remains for parking provision only, with no alterations permitted to change of use as a dwelling.

4.2 Transportation DC Officer

The proposed garage would not impede current levels of parking available in the vicinity; as such there is no transportation objection to this proposal.

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy H2 allows for residential development within the existing urban area and boundaries of settlements, therefore, the principle of the development is accepted. The main issues to consider are whether the appearance/form of the garage is acceptable and in-keeping with the character of the area (policies D1 and H2 of the Local Plan), the impacts on the neighbouring occupiers (policy H4 of the Local Plan) and transportation effects (policies T12 and H4 of the Local Plan).

5.2 Appearance/Form

The proposal measures approximately 5.6 metres in length, 5.7 metres in width and approximately 4.2 metres at ridge height. The garage proposed is constructed of brick, with concrete interlocking Redland 50 speckled brown tiles for the roof. The garage is encompassed by a pitched roof with half hipped ends; two up and over steel garage doors are proposed in the front elevation. Whilst the garage doors are slightly misaligned due to the topography of the site, it is considered that it will not adversely effect the character of the area. The comments of the Town Council are noted, however, it is considered that the scale, form and materials of the garage proposed are not adversely out of keeping with the character of the surrounding properties and if permission is granted, a condition is recommended to ensure that the materials used match the existing dwelling. The proposed garage is located in a rear parking area that is set back from the surrounding properties. The proposal is located in the corner of the site so that it abuts the southern and western boundaries. The previous application for a garage with living accommodation above was refused on the basis that it represented over development of the site and would not provide a good standard of living accommodation. The proposal is smaller in scale than the previously refused application and therefore, sits more

comfortably within the relatively small rear parking area. In addition, it is considered that it will function acceptably for the intended purpose. Given the distance of the proposal to the dwelling and the fact that residential accommodation was previously sought on the site, a condition is recommended if permission is granted to ensure that the garages are only used for purposes that are incidental to the enjoyment of the main dwelling.

5.3 Residential Amenity

In considering the impacts of the proposal on the residential amenity of the neighbouring occupiers, weight is given to the fact that the previous application for a larger structure on the site was not considered to adversely effect the amenities of the neighbouring dwellings. The proposal is approximately 14.7 metres from the neighbouring properties to the north and approximately 10 metres from the neighbours to the west and 12 metres from the neighbours to the southeast. Given the single storey form of the proposal, these distances are considered sufficient to ensure that the neighbouring occupiers are not significantly adversely effected by loss of privacy or natural light.

5.4 Transportation

The concerns raised by the Parish Council are noted, however, weight is given to the fact that the Council's Highway Officer has not objected to the proposal. The proposal will help to consolidate the existing parking arrangements. It will not impede with the access to other parking spaces nearby; therefore, there is no transportation objection. If permission is granted, a condition is recommended to ensure that the garages are retained for parking use associated with the host dwelling.

5.5 Further Matters

The Town Council's comment with regards to building regulations is noted. If permission is granted, an informative is recommended to notify the applicant that they may require separate Building Regulation approval.

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 proposal is not adversely out of keeping with the character of the surrounding area in terms of scale, form, siting and materials and will not bring about any significant adverse visual amenity issues – policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not have a significant adverse impact on the residential amenity of the neighbouring occupiers through loss of natural light or privacy – policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will consolidate the existing parking situation and will not impede access to the existing parking spaces nearby – 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 conditions.

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).

2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing dwelling no.50 Stanshaws Close.

Reason

To ensure a satisfactory standard of external appearance and to accord with policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

3. The building hereby permitted shall be used solely for vehicular parking and for purposes incidental to the enjoyment of the dwellinghouse no.50 Stanshaws Close and for no other purposes.

Reason

The use of the building for another purpose will require further consideration by the Local Planning Authority.

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

Reason

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

CIRCULATED SCHEDULE NO. 50/11 – 22 DECEMBER 2011

App No.: PT11/3491/F
Site: Trevone 6 Oaklands Drive
 Almondsbury South Gloucestershire
Proposal: Erection of 2no. detached dwellings
 and 1no. detached garage with
 associated works.
Map Ref: 360493 183755
Application Category: Minor

Applicant: Mrs C Miller
Date Reg: 9th November
 2011
Parish: Almondsbury
 Parish Council
Ward: Almondsbury
Target Date: 4th January 2012



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 100023410, 2008. **N.T.S.** **PT11/3491/F**

REASON FOR REFERRAL TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule in view of the letter of support that has been received.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of two two-storey dwellings.
- 1.2 The application site comprises an irregular shaped plot forming the rear garden of a two-storey dwelling fronting Oaklands Drive, Almondsbury; this garden is significantly larger than those serving the neighbouring properties. Access to the site would be via the existing driveway serving this dwelling with the garage removed. The site lies within the settlement boundary of Almondsbury that is washed over by the Green Belt.
- 1.3 A recent outline planning permission granted permission for one dwelling on this site; reference PT11/0125/O.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS3	Housing
PPG13	Transport
Draft National Planning Policy Framework	

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
GB1	Development within the Green Belt
H2	Proposals for Residential Development within the Existing Urban Area and Defined Settlement Boundaries
H4	Development Within Existing Residential Curtilages, Including Extensions and New Dwellings
H6	Affordable Housing
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

December 2011 Core Strategy incorporating Post- Submission Changes

CS1	High Quality Design
CS5	Location of Development
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural Areas

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 P96/2826: Erection of detached dwelling and garage. Refused: 3/02/1997
- 3.2 PT11/0125/O: Erection of one dwelling with access and layout to be determined; all other matters reserved. Permitted: 23 March 2011

4. **CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council
'Almondsbury Parish Council would like to place on record their strong objections to the above planning application for the erection of two dwellings. They reiterate their previous objection based on back-filling and over development of the land which would destroy the quality of life for local residents. On highway grounds there is a narrow lane which will be shared by two properties.'
- 4.2 Other Consultees
Tree Officer: no objection subject to conditions
Highways DC: no objection subject to conditions

Other Representations

- 4.3 Summary of Local Residents Comments:
Nine letters of objection expressing the following concerns:
- o It will change the open character and tranquillity of the area;
 - o The Council has already permitted 'garden grabbing';
 - o It is the overwhelming desire of local people to enjoy their gardens;
 - o The overgrown hedgerows are not addressed by the arboricultural report and not appropriate to the small gardens proposed;
 - o The size of the existing trees should be a concern and not justification for the proposal to prevent overlooking;
 - o General concerns about tree growth, size and roots;
 - o Only one unit can be provided within this mature landscaped setting;
 - o The proposals (one on three floors) will be unacceptable in terms of loss of privacy, overlooking and visually overbearing;
 - o The previous officer report wrote against more than one dwelling;
 - o There have been recent break-ins and removing the existing garage will provide access to the rear of properties- gates are required;
 - o Highway concerns are expressed- especially given the intensification in use of the existing access/ position close to the ambulance station where traffic has increased;
 - o Concerns are expressed in respect of noise/ light pollution;

- o It will destroy the rural character of the area;
 - o The outlook from neighbouring properties will be adversely affected;
 - o It will reduce the value of neighbouring properties;
 - o The small plot sizes are out of keeping with the locality;
 - o There would be a loss of habitat;
 - o It will degrade the amity of Trevone and introduce parking to the front;
 - o The proposed waste facilities do not meet the Councils requirements.
- 4.4 One letter received in support of the application:
- o This site is able to accommodate two properties- one would not make the best use of the land;
 - o The design would sit well amongst the surrounding property type and includes modern design elements.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

In its statement for growth, the Government issued a call to action on growth with a set of proposals to help rebuild the Country's economy. As such, it is the Government's top priority to promote sustainable economic development and jobs with a clear expectation that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

5.2 The draft National Planning Framework supports this presumption in favour of sustainable development in order, in part, to increase the supply of housing. Accordingly, in assessing this application regard should be had to the benefits associated with the proposal, i.e. additional housing and job creation. This must be balanced with the further considerations as discussed within this report.

5.3 Planning policies H2 and H4 are permissive of proposals for residential development within the settlement boundaries subject to considerations related to design, residential amenity and highway safety.

5.4 The site also falls within the Green Belt. Advice contained within PPG2 and planning policy GB1 allows for limited infilling within the boundaries of settlements 'washed-over' by the Green Belt provided this does not significantly impinge upon the openness of the Green Belt. This advice is carried forward in the emerging Core Strategy policies CS5 and CS34. The supporting text to adopted planning policy GB1 defines infilling as *acceptable 'infilling' is unlikely to be more than the filling of small gaps within built development, where it does not significantly impinge upon the openness of the Green Belt*.

5.5 Policy T12 advises that new development will be permitted (in terms of transportation) subject to a number of criterions. Of particular note, the proposal should provide safe access capable of accommodating the traffic that

is generated by the proposal and it should not create or unacceptably exacerbate traffic congestion or have an unacceptable effect on highway safety.

5.6 The Proposal

The application seeks full planning permission for the erection of two two-storey detached dwellings instead of the previously proposed single unit. As before the dwellings would be accessed via the route of the existing driveway with this extended (facilitated by removal of the existing garage). The plots would be divided unequally with a larger two-storey unit (house 1) to the right (when approaching) and a smaller dwelling (house 2) to the left. House 1 would comprise a five bedroom dwelling (two ensuite) with a detached single garage to the front whilst house 2 would comprise a four-bedroom unit with one of these bedrooms in the roof space. This unit would benefit from an attached single garage.

5.7 Density

At the time of the last application, the issue of density was considered. In this regard, consideration was given to the removal of the minimum density requirement (in June 2010 the Coalition Government issued a Ministerial Statement entitled 'New Powers for Local Authorities to Stop 'Garden Grabbing' where the national indicative minimum density target of 30 dwellings per hectare for new housing development was removed) although this was balanced with the need to make the most efficient use of land. Nonetheless, at this time, the Officer report noted:

'The size of the site (including the existing dwelling) is just under 0.2 hectares. The housing density of the site results in 10 dwellings per hectare. It is recognised that in density terms this is low. However, the character of the area demonstrates spacious plots and any greater number of dwellings would appear cramped and out of keeping with the site's context. Although the need to achieve an efficient use of land is still an important material consideration, this need should be carefully balanced against the requirement to consider the character of the area and whether the proposal is good quality design. Policy D1 of the South Gloucestershire Local Plan recognises this, and density is one of the design factors that this policy requires to be assessed.'

'Having regard to the spacious nature of the surrounding development it is considered that any greater number of dwellings would have an adverse impact within the street scene. The proposed development would be entirely screened by surrounding development.'

5.8 In this instance the size of the application site and the character of the area remain unchanged but the application now seeks approval for two dwellings. On balance, despite the above comments (in respect of an application for one additional dwelling), it is considered that planning refusal on density grounds would be very unlikely to prove sustainable if tested at appeal; particularly in view of the back land position of the site (subject to an acceptable design solution that might necessitate smaller dwellings). Accordingly, on balance, there is no objection to the current application on this basis.

5.9 Design/ Visual Amenity

In order to accommodate two dwellings, the proposals have been re-orientated when compared with the approved scheme and would now face the rear of those properties in front (albeit at a slightly oblique angle); the approved single dwelling would face west. Rear gardens would be contained behind adjoining the rear boundaries of those properties facing Over Lane with parking and turning space provided to the front.

5.10 It is noted that there is no prevalent design in respect of the surrounding dwellings with a mix of age and design present. Accordingly, this dictates that there is no prescribed design approach for the proposals although notwithstanding this, there is concern in respect of the design approach adopted. By way of explanation, the two units fail to relate to one another: partly in view of their differing size although both are characterised by forward projecting two-storey gable(s). For house 1, this manifests in a disjointed appearance with a series of gables (including the small dormer) of progressively larger size stretched across the front elevation with the largest appearing an unsympathetic oversized extension to a dwelling that might originally have replicated the size of house 2. At the rear, the two properties are also very different with house 1 characterised by chalet style half dormers (at odds with the front elevation) but with house 2 a full height two-storey dwelling supporting a larger dormer and balcony at third floor level.

5.11 For these reasons, the design of the dwellings proposed is considered to be unacceptable and thus planning refusal is also recommended on this basis.

5.12 Impact on the Openness of the Green Belt

The application site is located to the rear of the host property and wholly surrounded by residential development fronting Oaklands Drive and Over Lane. Under Green Belt policy the proposal is considered to comprise 'infilling' given the position of the site within the settlement boundary surrounded by existing residential development thus it is not considered that any significant adverse impact to the openness of the Green Belt would be caused.

5.13 Residential Amenity

At the time of the previous application, the Officer report highlighted that 'The submitted plans show that the size of the plot is commensurate with the character of the area and that ample private amenity space for both properties will be provided. In addition, the size of the plot and proposed layout ensures that the development will have no overbearing impact or result in loss of light to surrounding dwellings. Furthermore, the distance between surrounding development complies with intervisibility standards ensuring that no material overlooking or loss of privacy will result...'

5.14 Further, given the proximity of the access to the existing neighbouring properties (it adjoins the flank wall of both dwellings), it was noted that *'Although it is recognised that the proposed access runs directly adjacent to the side wall of the existing dwelling and runs adjacent to the neighbouring property boundary, the level of vehicular movement associated with one dwelling is considered to be low'*.

- 5.15 In this instance, the dwellings have been re-orientated and would now face the rear of those properties facing Oaklands Drive (albeit at a slightly oblique angle). Nonetheless, despite the concerns that have been raised, a distance of 24m would be retained and on this basis, it is not considered that any associated refusal reason would prove sustainable.
- 5.16 The submitted details do not show the relationship with those dwellings to the rear with these properties omitted from the details provided. However, whilst the separation distance would appear to be acceptable, there is an objection to the second floor dormer and balcony given the elevated views that this would allow towards those properties behind. In this regard, it is noted that the previous officer report advised that '*A dwelling any higher than two stories would not be appropriate in this location*'. Planning refusal is recommended on this basis.
- 5.17 There is also concern in respect of the intensified use of the new drive that would pass within very close proximity of the neighbouring properties. Again, this was raised as a concern at the time of the previous Officer report although on balance, it is not considered appropriate to withhold planning permission on this basis.
- 5.18 Highway Safety
The proposal provides adequate parking for the existing property and both new dwellings whilst the access width for the shared driveway is in excess of 5m and this would allow for two-way traffic movements. However, as noted at the time of the last application, some of the lower branches of a tree to the east of the access may need to be cut back to ensure adequate visibility. As was the case previously, this could form the basis of an appropriate condition in the event that permission is granted. As such, as before, there is no highway objection to this application.
- 5.19 Trees
The proposal would necessitate the removal of 18 existing trees within the rear garden. These trees have been classified in accordance with BS 5837:2005 'Trees in Relation to Construction – Recommendations' as 'C' and 'R' category and their removal would not significantly impact on the wider visual amenity offered by the existing trees as the majority of larger specimen trees are located on the perimeter of the property and are to be retained and protected for the duration of the construction. The trees that are to be removed are not considered to be worthy of a Tree Preservation Order.
- 5.20 Further, the Arboricultural Report submitted addresses the issue of the trees at the front of the property where the existing drive breaches the root protection areas. The Councils Trees Officer concurs with the report's recommendation that a Detailed Arboricultural Method Statement and Tree Protection Plan should be produced and again, this could form the basis of a suitably worded condition on the event that planning permission is granted.
- 5.21 Affordable Housing
The site as a whole (including the existing dwelling) has an area of just under 0.2 hectares. As a consequence the site area falls under the threshold for

affordable housing thus as before, no affordable housing contribution would be required as part of this application.

5.22 Outstanding Issues

A number of residents have expressed concerns in respect of security. However, it is not considered that the proposal would result in any significant material increase in security issues so as to warrant refusal.

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

7. RECOMMENDATION

7.1 Planning permission is **REFUSED** for the following reasons:

Contact Officer: Peter Burridge
Tel. No. 01454 865262

REASONS FOR REFUSAL

1. The design of the dwellings proposed (in part owing to the unequal subdivision of this plot) is considered to be unacceptable with house 1 characterised by a series of progressively larger front gables and house 2 cramped in appearance alongside and incorporating a large dormer and balcony at roof level. The proposal is therefore considered to be contrary to PPS1, PPS3, Planning Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) January 2006.
2. By reason of proposed roof level dormer and balcony which forms part of house 2, the proposal would have an unacceptable impact on the residential amenities of the surrounding dwellings and would be contrary to PPS1 and PPS3, Planning Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 50/11 – 22 DECEMBER 2011

App No.: PT11/3524/RVC
Site: Aldi Foodstore Brook Way Bradley Stoke
South Gloucestershire BS32 9DA
Proposal: Removal of condition 2 attached to
planning permission P95/2750 and
variation of condition 1 to alter the hours of
working at the premises to 6am - 8pm
Monday to Saturday and 8am - 6pm
Sundays and public holidays
Map Ref: 361291 182600

Applicant: Aldi Stores Limited
Date Reg: 11th November
2011
Parish: Bradley Stoke Town
Council

Ward: Bradley Stoke
Central And Stoke
Lodge

Application Category: Minor

Target Date: 6th January 2012



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The applicant seeks consent for the removal of condition 2 attached to planning permission P95/2750 and variation of condition 1 to alter the hours of working at the premises to 6am - 8pm Monday to Saturday and 8am - 6pm Sundays and public holidays.

1.2 Conditions 1 and 2 of permission P95/2750 currently state:

1. The hours of working at the premises shall be restricted to 7 am - 8 pm Monday to Saturday and 10 am - 4 pm Sundays and Public Holidays. The term working shall for the purpose of clarification of the condition, include: the use of any plant or machinery (mechanical or other) the carrying out of any maintenance work on any plant or machinery and the movement of vehicles within the curtilage of the site. Any use of the site outside these hours shall have the prior written consent of the Council.

Reason

To minimise disturbance to the occupiers of nearby dwellings.

2. No deliveries whatsoever shall be made to the shop on Sundays of Public Holidays without the prior written consent of the Council.

Reason

To minimise disturbance to the occupiers of nearby dwellings.

1.3 The application has been made following an investigation from the Council's Planning Enforcement Team in regard to noisy deliveries taking place at night-time hours.

1.4 The application site relates to the existing Aldi food store within the small retail park located off Brook Way, Bradley Stoke.

2. POLICY CONTEXT

2.1 National Guidance

Draft National Planning Policy Framework
Circular 11 / 95 Use of Conditions in Planning Permission
PPS1: Delivering Sustainable Development
PPG13: Transport

PPG18: Enforcing Planning Control
PPG24: Planning and Noise

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

EP1: Environmental Pollution

T7: Cycle Parking

T8: Parking Standards

T12: Transportation Development Control Policy for New Development

Emerging Development Plan

December 2011 Core Strategy incorporating Post-Submission Changes

CS1 High Quality Design

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. **RELEVANT PLANNING HISTORY**

- 3.1 P95/2750 - Retention of retail food store and associated car park without complying with Condition 06 attached to Planning Permission P94/0020/415 restricting the hours of working at the premises. Approved.

4. **CONSULTATION RESPONSES**

4.1 Bradley Stoke Town Council

Bradley Stoke Town Council objects to the above mentioned planning application on the following grounds:

-The proposals will be detrimental to the residential amenity of the surrounding area.

4.2 Other Consultees

Transportation Officer

I have reviewed the documentation attached to this application for the removal of Condition 2 (Sunday and Bank Holiday deliveries) and a variation to the operating hours attached to Condition 1 granted under P95/2750. Neither of these proposed changes will have a significant effect on traffic volumes in the vicinity of the Aldi store and therefore there are no traffic or transportation comments in respect of this application.

Environmental Protection Officer

The acoustic report does not show the La max levels in accordance with BS8233 and World Health Organisation Community Guidelines for Noise. La

max levels for ambient noise have been provided but not taken whilst deliveries are taking place. Therefore the applicant will need to provide these before we can comment further. We would be concerned with noise early in the morning on weekdays and Saturdays (06:00 to 07:00).

Other Representations

4.3 Local Residents

One letter of objection was received raising the following concern:

- Myself and my Wife would like to object to this proposal, as although we are not immediate neighbours to this site we are frequently being awoken by deliveries to this store which take place anywhere between the hours of 2.am. and 6.am. several times a week, and we feel that if the hours of working are changed this will exacerbate the situation. We gratefully request, therefore, that this application be refused.

In support of the application, a petition signed by 338 Aldi customers, was submitted by Turley Associates.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The applicant seeks consent for the removal of condition 2 attached to planning permission P95/2750 and variation of condition 1 to alter the hours of working at the premises to 6am - 8pm Monday to Saturday and 8am - 6pm Sundays and public holidays. Both conditions were put on for the same reason; 'To minimise disturbance to the occupiers of nearby dwellings.' The proposal is therefore acceptable subject to consideration of transportation and impact upon residential amenity under Policies D1, EP1 and T12 of the Local Plan and PPG24 Planning and Noise.

5.2 Assessment of Proposal

- 5.3 The main issue under consideration is the impact the relaxation of delivery times and working hours would have upon residential amenity. The applicant submitted a noise assessment with the application but it does not show the La max levels in accordance with BS8233 and World Health Organisation Community Guidelines for Noise and so the Council's Environmental Health Officer cannot properly assess the impact deliveries would have at night time hours (6am – 7am). The La max levels submitted in the noise assessment are measurements of ambient noise and were not taken when a delivery was taking place. Given the close proximity of residential properties to the east and south of the site, some as close as 8 m away, it is considered the applicant has failed to provide enough information in respect of potential noise disruption at very early times in the morning. The variation of condition 1 should therefore be refused. In respect of condition 2, this can be removed as the deliveries are of an acceptable noise level, unlikely to be frequent and are at more sociable

hours as restricted by condition 1 (10am – 4pm). The transportation officer raised no 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.

a) The proposed removal of condition 2 would not harm residential amenity. The proposal therefore accord with Policies D1 and EP1 of the South Gloucestershire Local Plan (adopted) 2006.

7. **RECOMMENDATION**

7.1 That planning permission is **GRANTED**.

Contact Officer: William Collins
Tel. No. 01454 863425

CONDITIONS

1. The hours of working at the premises shall be restricted to 7 am - 8 pm Monday to Saturday and 10 am - 4 pm Sundays and Public Holidays. The term working shall for the purpose of clarification of the condition, include: the use of any plant or machinery (mechanical or other) the carrying out of any maintenance work on any plant or machinery and the movement of vehicles within the curtilage of the site. Any use of the site outside these hours shall have the prior written consent of the Council.

Reason

To minimise disturbance to the occupiers of nearby dwellings, and to accord with Policies EP1 and D1 of the South Gloucestershire Local Plan (adopted) 2006.

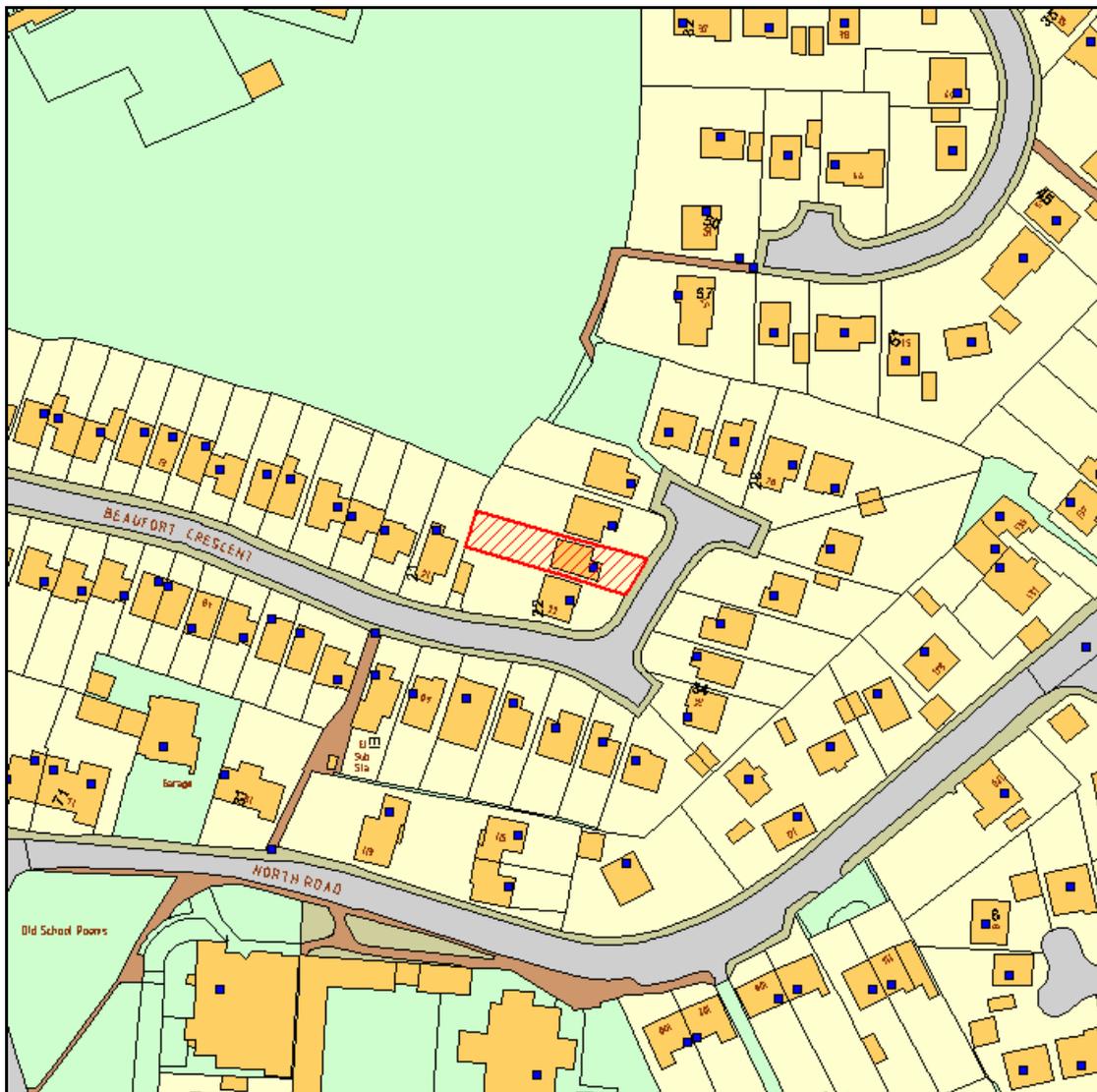
2. None of the existing trees (or hedgerows) on the site shall be topped, lopped, felled, uprooted, wilfully damaged or otherwise destroyed without the prior written consent of the Council and any trees (or hedgerows) removed without such consent or dying, being severely damaged or becoming seriously diseased shall be replaced with trees (or hedgerows) of such size and species as may be agreed with the Council.

Reason

In the interests of visual amenity, and to accord with Policy L1 of the South Gloucestershire Local Plan (adopted) 2006.

CIRCULATED SCHEDULE NO. 50/11 – 22 DECEMBER 2011

App No.:	PT11/3605/F	Applicant:	Mr And Mrs R Orchard
Site:	23 Beaufort Crescent Stoke Gifford Bristol South Gloucestershire BS34 8QX	Date Reg:	17th November 2011
Proposal:	Erection of single storey rear extension to provide additional living accommodation	Parish:	Stoke Gifford Parish Council
Map Ref:	362417 179875	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	10th January 2012



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is being circulated to Members because the Officer's recommendation is contrary to a written representation received from a local resident.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey rear extension. The rear extension would replace an existing rear extension. The proposed rear extension would measure approximately 6.5 metres in width and would run the full width of the ground floor rear elevation of the existing house. It would be approximately 3.5 metres at ridge height falling to circa 2.5 metres at the eaves and would be constructed of materials to match the existing dwelling. It would project approximately 3.6 metres from the main house.
- 1.2 The application site relates to a modern two storey dwelling located within a cul de sac in an established residential area within the defined settlement boundary of Stoke Gifford.

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
December 2011 Core Strategy Incorporating Post Submission Changes
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 Stoke Gifford Parish Council
No Objection

Other Representations

- 4.3 Local Residents
1 letter received from a local resident objecting to the proposal on the following grounds:

- a) will cut out any views from the rear downstairs windows of no.24 Beaufort Crescent;
- b) will block the sunlight from the rear garden and reduce the light into no.24 Beaufort Crescent resulting in increased electricity usage;
- c) The lack of views and light will result in a reduction of quality of life for the disabled occupant of the neighbouring property no.24 Beaufort Crescent;
- d) Will make it harder to sell no.24 Beaufort Crescent in future;
- e) Will reduce the value of no.24 Beaufort Crescent;

These concerns will be addressed in the relevant sections of the report. Any concerns falling outside the remit of these sections will be addressed towards the end of the report in a section entitled 'Other Matters'.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposed development consists of an extension to a dwelling 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 be located on the rear elevation on the western side of the main property. It would replace an existing single storey rear extension which runs half the width of the existing property and projects approximately 2 metres. Both side elevations would be windowless and it is considered that no inter-visibility or loss of privacy would arise. With a proposed ridge height of 3.5 metres at single storey level set back from both boundaries, it is not considered that the proposal would result in an overbearing impact on adjacent occupiers. Sufficient garden space remains to serve the host dwelling and the proposed location and nature of the development raises no issues in terms of transport or highway safety.

5.3 The neighbouring occupier to the north at no.24 Beaufort Crescent is concerned that the length and width of the proposal would result in a detrimental impact on the views currently afforded from the rear ground floor windows of the adjacent property. From the officer's site visit and the submitted plans it appears that whilst the proposal may interrupt the views afforded to the left of the rear elevation of no.24, this would be minimal in nature and the majority of the views currently afforded to no.24 Beaufort Crescent would remain. It is noted that there is an approximately 1.8 metre high fence between 23 and 24 Beaufort Crescent. The proposed extension would be set back from this by approximately 1 metre and as such it is considered that the additional height of the extension would not materially increase the impact of the existing fences. On this basis it is considered that the impact on the views from the adjacent property by the proposal are considered not to result in material harm to the residential amenity of the occupier.

5.4 Concern has also been raised by the neighbour at no.24 that the proposed development would result in a loss of light to the garden and the property at no.24. Whilst there might be a slight increase of shadow afforded to the northwest of the adjacent property, given the orientation of the property and the

single storey nature of the development it is considered that this would be minimal. It is considered that the proposal would not result in a material loss of light to either the garden or no.24 Beaufort Crescent. Accordingly it is considered that the proposal would not result in a detrimental impact on the living conditions of the neighbouring occupiers. Accordingly it is considered that the proposed development would meet criteria contained in policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

5.5 Design/Visual Amenity

The existing property is a modern two storey dwelling which already has an existing rear extension. The proposed development would extend this in terms of width by approximately 3 metres and in terms of depth, approximately 1.5 metres. The ridge height and eaves height would remain the same. The roof pitch, materials and style would be of a similar appearance to the main house. Other rear extensions are apparent in the locality and the proposed development would not be visible from the public realm. As such it is considered to remain in keeping with the character of the existing dwelling and the surrounding area. Accordingly this meets criteria contained in policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.

5.6 Other Matters

Concerns have been raised by the neighbouring occupiers at no.24 Beaufort Crescent that the proposed development would result in a drop in the value of their house and make the property harder to sell in the future. In this context, such consideration of future economic viability and resale is outside the remit of this planning 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 The proposed development by virtue of its single storey scale and minor nature together with the orientation of the properties and that the development would be set back from both boundaries by at least 1 metre, is not considered to result in a material impact on the existing residential amenity of current, future or neighbouring occupiers and accords with policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The proposal would be of a similar appearance to the host dwelling using similar materials. Similar development is evident on the locality and the proposal would not affect the public realm. As such the proposed development meets criteria contained in policies H4 and 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

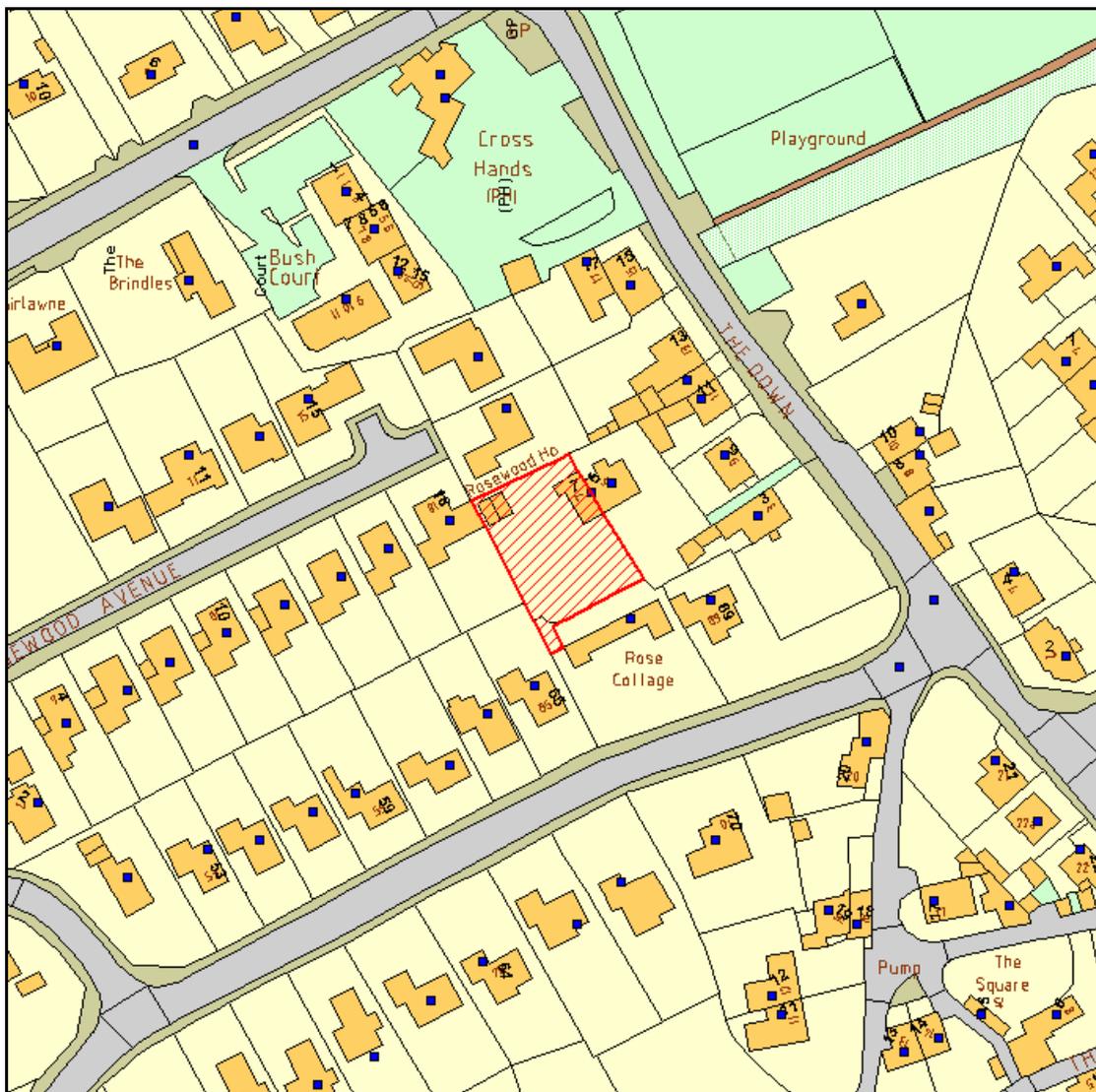
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 50/11 – 22 DECEMBER 2011

App No.:	PT11/3608/F	Applicant:	Mr C Thorne
Site:	Stanley Cottages 7 The Down Alveston Bristol South Gloucestershire	Date Reg:	17th November 2011
Proposal:	Erection of single storey detached annexe ancillary to main residence (retrospective). (Amendment to previously approved scheme PT10/3387/F).	Parish:	Alveston Parish Council
Map Ref:	362905 188085	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	11th January 2012



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 100023410, 2008. **N.T.S.** **PT11/3608/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following the receipt of representations from Alveston Parish Council and local residents that are contrary to the Case Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a single storey detached annexe ancillary to the main residence. This is an amendment to the previously approved scheme PT10/3387/F. The application is retrospective as the development is nearing completion.
- 1.2 The proposed building would be single storey and would be approximately 9.5m in width, 8m in length, and 4.5m in height. The building would provide limited living accommodation and a garage.
- 1.3 The application site is situated within a well-established residential area within the Alveston settlement boundary. The site also lies within Green Belt.
- 1.4 The application has been made following involvement from the Council's Enforcement Team. It was alleged that the building had been built in a different location than the one approved under application PT10/3387/F and that this impacted upon the relationship of the new building with the adjacent property to the north (Rosewood House). From measurements taken on site it appears that the annexe has been built approximately 0.5 m further to the east and 0.4 m closer to the north than previously proposed. In addition the relationship between the new Annexe and Rosewood House does seem to have been plotted slightly incorrectly and the end result is that the eastern elevation wall of the new build would extend 1.3 m past the side elevation (running north to south) of Rosewood House whereas in the previous application these walls were depicted as being parallel. This application therefore seeks to regularise these alterations.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development
PPG2: Green Belts
Draft National Planning Policy Framework

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
L17 & L18: The Water Environment
H4: Development within Existing Residential Curtilages
GB1: Development within the Green Belt

2.3 Emerging Development Plans

December 2011 Core Strategy incorporating Post-Submission Changes

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

- 2.4 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (adopted) 2007
South Gloucestershire Development within the Green Belt (adopted 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 PT10/3387/F Erection of single storey detached annexe ancillary to main residence. Approved 10.02.2011
- 3.2 PT10/1198/O Erection of 1no. dwelling (Outline) with all matters reserved.
Withdrawn 09.07.2010.
- 3.3 P84/1254 Erection of a two storey rear extension to provide a utility room with a bedroom over.
Approved 11.04.1984.
- 3.4 N5508/1 Alterations and extensions to cottage to provide kitchen, living room, porch and hall, with bathroom and two additional bedrooms over (in accordance with amended plans received by the Council on 1st August 1979).
Approved 23.08.1979.
- 3.5 N5508 Erection of detached dwelling (outline).
Refused 17.05.1979.

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council

As stated in previous applications for this property, the Parish Council objects to the original and amended applications on the grounds of over development of the site.

4.2 Other Consultees

Archaeology

No objection.

Transportation

No objection.

Drainage

No objection subject to condition.

Other Representations

4.3 Local Residents

Two separate letters of objection from the same property have been received raising the following concerns:

- The annexe has been built 2-2.5 m further east and this reduces the amount of light in our kitchen
- The annexe has been built closer to our wall
- Cream render is out of character with surrounding area, as are red roof tiles
- Annexe is being built for different family member than stated in application

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The applicant has applied for planning permission for the erection of a single storey residential annexe that would be ancillary to the main residence. This application proposes the same facilities and size of building as the previously approved annexe and so the principle of the new building being used as an annexe is considered acceptable. The building would be tied to the main residence and used by a family member and this is appropriate for a self contained annexe. It is therefore considered that a condition to ensure that the building remains ancillary to the main dwelling would be a reasonable control in this instance and would accord with the six tests of conditions set out under Circular 11/95.

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

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

5.3 Residential Amenity

The proposed building would be sited in the northwest corner of the application site and would replace an existing single storey garage. The annexe has been

built slightly closer to the northern boundary (0.4 m) of the property and also further away from the western boundary (0.5 m). The occupiers of No. 20 have raised some concerns with regard to the annexe being closer to their property than previously approved under application PT10/3387/F. Nevertheless these margins of distance are not considered to be significant enough to warrant a refusal of the application and the proposed development would still be situated approximately 8m from no. 20's utility room/kitchen window at an oblique angle. It is therefore considered that there would not be a material loss of light/overbearing effect in this instance.

- 5.4 With regard to privacy, the proposed building would not include any windows that would afford direct views into the surrounding properties. Accordingly there would not be any material harm to privacy of nearby occupiers.

5.5 Transportation

The Council's Highways Engineer has commented that the proposed annexe would be ancillary to the main dwelling and thus there would not be a significant increase in traffic generation, parking demand or servicing of the site. The approved application PT10/3387/F contained a condition requiring details of parking and turning areas be submitted to the Council prior to the commencement of development. This was done and the condition formally discharged by the Local Planning Authority. On this basis it is considered that the proposed development would not have a detrimental impact on highway safety.

5.6 Design

It is noted that the Parish Council and local residents have raised concern with regard to the design of the proposal and stated that the development would constitute over development. Notwithstanding these concerns, the proposed development would replace an existing single storey garage and would be well screened from the public realm. Furthermore the extension would be single storey with a dual pitch roof and it is considered that this design solution would be fairly unassuming and would be read as a subservient domestic outbuilding to the main dwelling. The slight alteration in location is acceptable in design terms. The use of cream render to face the external walls and red roof tiles are also considered acceptable. On this basis, it is considered that the development would not harm the character and appearance of the site or the surrounding area.

5.7 Green Belt

The application site is situated within the Alveston settlement boundary, but is "washed over" by Green Belt. Policy GB1 of the local plan allows for limited extension of existing dwellings providing that it does not result in a disproportionate addition over and above the size of the original dwelling. Moreover, the same policy also allows for limited infilling within the boundaries of settlements providing it does not harm the openness of the Green Belt.

5.8 The application site is closely surrounded by residential development. As such it is considered that the proposed extension would not materially harm the openness of the Green Belt in this location. Furthermore, the proposed building is not considered to be a disproportionate addition over and above the size of the original dwelling, and is therefore appropriate development within the Green Belt.

5.9 Drainage

The Council's Drainage Engineer commented on the previous scheme (PT10/3387/F) and was satisfied with the proposal subject to a condition being attached to agree a suitable drainage scheme incorporating Sustainable Drainage Systems. This condition was attached to the decision notice and has now been formally discharged. With this in mind all drainage matters have been resolved.

6. CONCLUSION

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

- a) The proposal would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to policies H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposal would respect the overall design and character of the existing dwelling and the surrounding area. The development therefore accords to policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.
- c) The proposed would be a limited extension to the existing dwelling and therefore would constitute an appropriate form of development within the Green Belt. The development would accord with policies GB1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Development within the Green Belt SPD (Adopted) 2007.
- d) The proposed development would have acceptable access and parking arrangements and would not harm highway safety. The proposed development therefore accords with Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.
- e) The proposed development would have an acceptable effect on the water environment in terms surface water drainage. The proposed development therefore accords with Policy L17 and L18 of the South Gloucestershire Local Plan (adopted) January 2006.

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

7. RECOMMENDATION

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

Contact Officer: William Collins
Tel. No. 01454 863425

CONDITIONS

1. The residential annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 'Stanley Cottages, 7 The Down'.

Reason

To ensure that the annexe does not give rise to a self contained dwellinghouse in a location that would be harmful to highway safety, and to accord with policies H4 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.