



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS  
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY  
THE DIRECTOR OF ENVIRONMENT AND COMMUNITY SERVICES**

**CIRCULATED SCHEDULE NO. 48/14**

**Date to Members: 28/11/14**

**Member's Deadline: 04/12/14 (5pm)**

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

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

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

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

## **NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS**

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

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

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

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

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

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

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

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

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

**Dates and Deadlines for Circulated Schedule**  
**Christmas & New Year Period 2014**

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline</b>
51/14	Friday 19 Dec 2014	5pm Monday 29 Dec 2014
52/14	NO SCHEDULE	THIS WEEK
01/15	Wednesday 31 Dec 2014	5pm Thursday 08 January 2015

Above are details of the schedules that will be affected by date changes due to the Bank Holidays at Christmas & New Year 2014/15

All other deadline dates remain as usual.

# CIRCULATED SCHEDULE - 28 NOVEMBER 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK14/2549/F	Approve with Conditions	Frome Mill Farm Nibley Lane Yate South Gloucestershire BS37 5JG	Frampton Cotterell	Iron Acton Parish Council
2	PK14/3348/F	Approve with Conditions	Bramble Cottage High Street Hawkesbury Upton Badminton South Gloucestershire GL9 1AU	Cotswold Edge	Hawkesbury Parish Council
3	PK14/3525/F	Approve with Conditions	The Barn Lodge Farm Carsons Road Mangotsfield South Gloucestershire BS16 9LW	Siston	Siston Parish Council
4	PK14/3526/LB	Approve with Conditions	The Barn Lodge Farm Carsons Road Mangotsfield South Gloucestershire BS16 9LW	Siston	Siston Parish Council
5	PK14/3747/F	Approve with Conditions	Yate Bowls Club Sunnyside Playing Field Yate South Gloucestershire	Yate Central	Yate Town
6	PK14/3967/F	Approve with Conditions	25 Henfield Crescent Oldland Common South Gloucestershire BS30 9SF	Oldland	Bitton Parish Council
7	PK14/4069/RVC	Approve with Conditions	16A Soundwell Road Soundwell South Gloucestershire BS16 4QH	Staple Hill	None
8	PT14/3639/TRE	Approve with Conditions	5 Oldlands Avenue Coalpit Heath South Gloucestershire BS36 2SF	Frampton Cotterell	Frampton Cotterell Parish Council
9	PT14/3796/F	Approve with Conditions	138 Wheatfield Drive Bradley Stoke South Gloucestershire BS32 9DD	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
10	PT14/3797/F	Approve with Conditions	71 Watleys End Road Winterbourne South Gloucestershire BS36 1PN	Winterbourne	Winterbourne Parish Council
11	PT14/3804/CLE	Refusal	5 Station Road Filton South Gloucestershire BS34 7BX	Filton	Filton Town Council
12	PT14/3973/F	Refusal	Quarry House Strode Common Alveston South Gloucestershire BS35 3PJ	Thornbury South And Alveston	Alveston Parish Council

**CIRCULATED SCHEDULE NO. 48/14 – 28 NOVEMBER 2014**

<b>App No.:</b>	PK14/2549/F	<b>Applicant:</b>	Mr Miles Morgan
<b>Site:</b>	Frome Mill Farm Nibley Lane Yate South Gloucestershire BS37 5JG	<b>Date Reg:</b>	11th July 2014
<b>Proposal:</b>	Change of use from agricultural premises to a mixed use comprising of agricultural and office use (B1) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). (Retrospective).	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	369102 182367	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd August 2014



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 100023410, 2014. **N.T.S.** **PK14/2549/F**

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

This application is being reported to circulated schedule given that three letters of objection have been received that are contrary to the Officer's recommendation contained within this report.

### **1. THE PROPOSAL**

- 1.1 This application proposes the retrospective change of use of the land from an agricultural premises to a mixed use; comprising of agricultural and office use as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application site comprises of approximately 0.27 hectares in size which is occupied by a 490 squared metre agricultural barn with an existing established lawful use of agricultural.
- 1.3 There are two access tracks to the site both off Nibley Lane although one is currently redundant and overgrown.
- 1.4 The existing barn style building is approximately 490 square metres in size and has an internal subdivision over two floors. The existing building is approximately 2 storeys in height clad in horizontal timber on the lower ground floor and vertical timber on the upper floor. The building has a pitched roof with skylights inserted into the roofline and windows are present on the ground floor.
- 1.5 The site is well secluded aided by the significance of vegetation and planting. Approximately 50 metres to the north east of the existing building are a series of residential properties. Approximately 30 metres north east of the existing building is a one residential property.
- 1.6 The proposed access lane to the site runs off Nibley Lane and adjacent to the residential property of Hill Crest.
- 1.7 The site, to its north western boundary, is surrounded by a series of agricultural fields which include barns which are understood to be under the ownership of the applicant.
- 1.8 To the western and south western elevation of the existing barn is a small area of hard standing that is currently being used for the parking of vehicles. To the north western elevation of the existing building is a small pond.
- 1.9 This application site does not fall within a designated Conservation Area but does fall within the designated Green Belt.
- 1.10 This application proposes the introduction of an office use onto the site to establish a mixed agricultural and office use from the site. The proposed main office currently occupies a small 90 – 100 squared metre unit on the ground floor of the existing building with a smaller office capable of accommodating 1 person aside.
- 1.11 The main office area has the capacity to accommodate approximately 8 persons over 4 desks with a small seating area proposed. There are no material exterior amendments to the agricultural barn in order to facilitate this change of use.
- 1.12 The established use of the application site is that of agricultural use. It is understood that the existing building has been situated on the site since the 1980's and therefore the use of the site has been established via the ten year rule under Section 171B of the Town and Country Planning Act 1990 (as amended) as agricultural.

- 1.13 In the determination of this application the principle issues that will be assessed will comprise of the introduction of a new office use onto an existing agricultural site that is situated within the designated Green Belt.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework (adopted March 2012)

### **2.2 Development Plans**

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

Policy L1: Landscape Protection and Enhancement

Policy T12: Transportation Development Control Policy for New Development

Policy EP2: Flood Risk and Development

Policy E6: Employment Development in the Countryside

Policy E7: Conversion and Re-Use of Rural Buildings

Policy E8: Farm Diversification

Policy E9: Agricultural Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

Policy CS1: High Quality Design

Policy CS4A: Presumption in Favour of Sustainable Development

Policy CS9: Managing the Environment and Heritage

### **2.3 Supplementary Planning Guidance**

Development in the Green Belt SPD (adopted June 2007)

## **3. RELEVANT PLANNING HISTORY**

- 3.1 There are no previous planning histories relevant to this site which would be considered to have a material bearing upon the determination of this application.

## **4. CONSULTATION RESPONSES**

- 4.1 It should be noted that throughout the course of this application, the applicant has amended the proposal to omit the change of use to a storage use; retaining the change to a mixed agricultural and office use only. Therefore, the below concerns raised by the relevant consultees should be read in the context of this.

### **4.2 Iron Acton Parish Council**

Iron Acton Parish Council objects to this application on the basis of the following:

- The introduction of office use and storage in the Green Belt;
- Concerns that existing use of contravening issues by bringing materials to site for burning and then claiming it was already on the site;
- Concerns over potential hazardous chemicals near the water course.

The Parish Council also requested that Planning Enforcement look at these concerns and also arrange/conduct a site visit.

#### 4.3 Other Consultees: Ecology

The Council's Ecology Officer noted that the application site is not covered by any statutory or non-statutory nature conservation designations.

The analysis of the proposal concluded that the application is retrospective and will therefore not have any subsequent implications on wildlife.

#### 4.4 Other Consultees: Sustainable Transport

The Council's Sustainable Transport Officer recommended refusal for the application based on the original proposal that included the proposed storage use.

However, within their correspondence, it was made clear that if the applicant was willing to omit the storage use of the proposal, to allow for only ancillary office storage within the buildings on the site, imposed by condition, then the highway's objection may be overcome.

#### 4.5 Other Consultees: Highway Drainage

No objection subject to the Environment Agency being consulted given that the land falls within Flood Zone 3b.

The Environment Agency have been requested that they are consulted in respect of this application.

#### 4.6 Other Consultees: Environmental Protection

No objections in principle, but recommended consideration of the information outlined below:

- 1) *Any existing buildings on site should be assessed for asbestos materials prior to demolition. Any asbestos must be removed in full consultation with the Health & Safety Executive;*
- 2) *Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;*

*Monday – Friday      0730 – 1800 hours  
Saturday                0800 – 1300 hours  
No noisy activities on Sundays or Bank Holidays*

- 3) *All plant and equipment should be suitably chosen, sited, operated and services so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use;*
- 4) *Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair;*
- 5) *In periods of dry weather, dust control measures should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance;*
- 6) *Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (e.g. plastics, rubber, treated wood, bitumen etc);*



- 7) *Radio noise should not be audible at the boundary of the nearest neighbouring property;*
- 8) *Any temporary oil storage tanks should be safely and securely sited so as to prevent pollution in the events of spills or leakage. It is also strongly recommended that any oil storage tank should be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank;and*
- 9) *Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Services Department on (01454) 868001 prior to commencement.*

The imposition of any such conditions or informatives relating to the above will need to be undertaken in response to material planning issues that arise throughout the consideration of this application.

## **Other Representations**

### **4.4 Local Residents**

2 letters of objection have been received throughout the consultation period; one letter comprises of multiple residents' concerns. The letters detail the following issues:

- 1) *Establishment of mixed use premises within Green Belt designation;*
- 2) *Disposal/storage of construction waste having detrimental impacts on the openness of the Green Belt;*
- 3) *Re-use of existing barn is not considered to make a positive contribution to the rural economy and would have a detrimental impact on the openness of the Green Belt;*
- 4) *Present use of the barn/application site is not for agricultural practices;*
- 5) *Working hours are not typical of an agricultural practices;*
- 6) *Working hours are not typical of an agricultural practice;*
- 7) *Breach of Environment Agency waste exemptions;*
- 8) *Hazardous materials have been dumped on the land which should be used for the purposes of a Bridleway, tack and path;*
- 9) *Land being used for the purposes of a "tip";*
- 10) *Risk of contamination from waste material into the River Frome from existing waste matters;*
- 11) *Pollution from the site allegedly falling within a designated flood plain;*
- 12) *Habitat of Kingfishers nesting on the bank of the River Frome that may be exposed to pollution and disturbance from the dumping of rubble carried out in the vicinity of the barn;*
- 13) *Dumping of waste on land leased by the applicant to a subsequent tenant;*
- 14) *Applicant's tenants build bonfires on a field owned by the applicant where they dispose of 'house clearance' waste;*
- 15) *Entrance to the field has been doubled from its former width;*
- 16) *Lorries visiting the site find it difficult to manoeuvre through the gate and onto the track leading to the barn;*
- 17) *Lorries have caused damage to neighbouring property walls and street lighting;*
- 18) *Inappropriate to have lorries entering and exiting a site that is a single track country lane that forms part of the Avon Cycle Way and Frome Valley Walkway;*
- 19) *Surrounding farmland and application site should be used for agriculture as it has always been prior to the applicant's purchase;*
- 20) *Land is full of weeds including ragwort which is poisonous to animals;*
- 21) *Lorries accessing the site cause detrimental impacts to residential amenity of the neighbouring residents;*

- 22) Lorry movements are disruptive to wild animals by the River Frome including a kingfisher, heron and family of geese;
- 23) Applicant often burns rubber and plastic from the application site;
- 24) Applicant only has an equine use on the land and their associated land and not agricultural use;
- 25) Land owner by the applicant and leased to tenants has fallen into a poor state;
- 26) Applicant does not own any of the animals on the land;
- 27) Land needs to be fertilised, fences mended and dangerous concrete and metals that have been buried, removed;
- 28) Applicant does not own any animals and, therefore, the need for a feed store is questioned;
- 29) Applicant does not use his land to make hay/haylage out of the during the year;
- 30) Applicant is not considered to be a farmer;
- 31) Geese which used to reside along the banks of the River Frome have now left;
- 32) Community wants the area to stay as a Green Belt and agricultural;
- 33) Questions as to why further building work is required if the applicant has already been running his business from the barn;
- 34) Potential for bats on the site given the presence of bats throughout Nibley;
- 35) Concerns relating to potential damage to trees and hedgerows having impacts on wildlife;
- 36) Bottom fields adjacent to the Nibley properties flood each year; and
- 37) Application site is within 20 metres of the River Frome

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The established existing use of the application site is that of agricultural and this has been the case for in excess of ten years. The retention of this use, therefore, does not require further consideration within this application.

The principle of development includes the introduction of an office use in connection with the applicant's construction business in the designated Green Belt on an existing agricultural site.

In light of this, the following planning issues will be considered throughout the determination of this application:

- 1) Green Belt
- 2) Introduction of Office Use
- 3) Parking/Access/Highways
- 4) Potential Impacts on Residential Amenity
- 5) Storage of Items and Disposal of Waste
- 6) Potential Impacts on Habitats/Watercourses
- 7) Working Hours
- 8) Flood Risk

These matters are considered in the following paragraphs of this report in accordance with the provision of the above policies outlined within section 2.

### 5.2 Planning Issues: Green Belt

South Gloucestershire Council has an adopted SPD relating to development in the Green Belt which was adopted in June 2007.

Since the SPD's adoption, the National Planning Policy Framework has been issued and implemented in March 2012. Equally, the South Gloucestershire Council Core Strategy has been adopted in January 2014 and these two most recently adopted documents provide the most up to date framework for guiding development within the Green Belt.

Paragraph 79 of the National Planning Policy Framework (NPPF) makes it clear that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

The provisions of the NPPF make it clear that development within designated Green Belts should only be undertaken under exceptional circumstances.

Paragraph 90 of the NPPF states that forms of development that are considered not to be inappropriate include that of the re-use of buildings provided that the buildings are of permanent and substantial construction.

The application proposal does not propose the erection of any new buildings within the countryside and solely seeks the part change of use of an existing agricultural building. The building, on visual inspection, is considered to be of permanent and substantial construction for the purposes of satisfying the criteria contained within paragraph 90 of the NPPF.

In light of the above, it is clear that the conversion of existing buildings within the designated Green Belt are considered appropriate and would not cause harm that would be detrimental to the purposes of the Green Belt.

Therefore, the following paragraphs will seek to establish whether the change of use from part of the existing agricultural building to office use is considered appropriate in accordance with Local Planning Policy.

### 5.3 Planning Issues: Introduction of Office Use

Policy E6: Employment Development in the Countryside of the South Gloucestershire Council Local Plan (adopted January 2006) provides the framework used for establishing the principle for new employment uses within the countryside.

The policy makes it clear that new employment uses will be permitted in circumstances where it is facilitated through the conversion or re-use of an existing rural building.

Policy E7: Conversion and Re-Use of Rural Buildings of the South Gloucestershire Council Local Plan (adopted January 2006) provides the framework used to consider the appropriateness of re-using buildings for employment uses in the countryside.

The policy provides the criteria against which development should be assessed. This includes:

- A. *The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction; and*
- B. *The buildings are in keeping with their surroundings in terms of character, form, bulk and overall design; and*
- C. *Development, including any alterations, intensifications or extensions, would not have a harmful effect on the character of the countryside or the amenities of the surrounding area.*

The submitted proposals seek the change of use of an existing agricultural building featuring no material external alterations to the existing building; allowing the agricultural character to be retained. With no material external alterations occurring to the building, it is considered that the building will retain its existing form, bulk and overall design.

On visual inspection at the site visit the building was considered to be of a permanent construction and structurally sound. The proposal is retrospective in nature and, therefore, no major or complete reconstructions are required to take place; nor have they taken place.

The proposals are not considered to have any harmful effect on the character of the countryside or the amenities of the surrounding area. Any impacts that could have a resultant impact on the amenities of the surrounding area are considered throughout paragraphs 5.5 – 5.10 of this report.

In light of the above, it is noted that both Policies E6 and E7 of the South Gloucestershire Council Local Plan (adopted January 2006) support the introduction of new employment uses within the countryside when undertaken in the conversion or re-use of an existing building.

#### 5.4 Planning Issues: Parking/Access/Highways

Policy T12: Transportation Development Control Policy for New Development of the South Gloucestershire Council Local Plan (adopted January 2006) provides an 8 point criteria against which development is assessed.

The proposal seeks to introduce an office use onto the site whereby the nature of vehicles and frequency of trips to the site will be altered.

The existing established use of the site is that of agricultural whereby large vehicles would be typically expected to enter and exit to the site. The frequency of these vehicles entering and exiting the site would be limited; with large agricultural machines being retained on the site unless otherwise needed elsewhere.

The introduction of an office use onto the site would result in employee vehicles commuting to and from the site at peak rush hour times. However, the nature of these vehicles would be considered to be typically smaller than that of the vehicles previously permitted under the existing agricultural use.

Nibley Lane is a single track road which is agricultural and rural in nature. Vehicles are unable to pass each other in two different directions although regular pull in areas feature in the form of set back driveways to residential dwellings.

It is considered that the manoeuvrability of private cars, in comparison to agricultural machinery, would be preferred given the associated issues with physical restrictions of Nibley Lane.

The access point/junction from the application site to Nibley Lane is considered limited but sufficient for the purposes of private vehicles.

Further, it is noted that employees utilising the proposed office use of the building will want park their vehicles adjacent to, and next to, the existing building on site.

It is envisaged that the area of hard standing that surrounds the barn would be sufficient for the purposes of parking of vehicles. Given the application site falls within the Green Belt, it is considered that up to 5 vehicles parked outside would not have any adverse detrimental impact on the openness of the Green Belt given that the area would not become dominated by vehicles.

Any increase beyond that of 5 vehicles is considered to likely adversely affect the open character of the Green Belt.

Further, it is appreciated that occasional visits to the offices by members of the public will occur and this is considered to be part and parcel of the proposed B1 office use.

5 vehicles parked at the site as a baseline will allow for an occasional increase in vehicles parked on the site when visitors come to the offices. However, this increase in vehicle parking will be irregular and infrequent and would not be considered to adversely affect the open characteristics of the Green Belt.

Issues relating to parking on the site and associated impacts on residential amenity that derive from the access will be restricted through the imposition of conditions relating to the numbers of employees and hours of operation.

The Council's Sustainable Transport Officer has been consulted throughout the application process and has not provided any objection to the proposal in terms of highways.

#### 5.5 Planning Issues: Potential Impacts on Residential Amenity

The nearest residential property (Riverside Barn) to the application site is approximately 30m in distance from the barn which forms part of this application proposal. Equally, although further in distance away, the residential dwellings of The Croft, Hill Crest and Nibley Mill Bungalow are in full view of the entrance/exit junction proposed within this application.

It is considered that the principal impacts on residential amenity will derive from the movement of vehicles in association with the office use. It is perceived that the vehicular movements that will derive from an office use will comprise principally of family sized cars.

Given the established use of the land is that of agricultural, it is considered that whilst there may be an increase in vehicular movements associated with the office use, these movements will cause lesser disturbance to nearby residents given that ease of access afforded to this style and size of vehicle.

The imposition of conditions restricting the hours of operation will allow the Council a degree of control over the hours within which vehicle movements associated with the office use takes place.

It is not considered that that the introduction of the office use at this location would have such significant detrimental impacts in terms of residential amenity that would warrant the refusal of this application.

#### 5.6 Planning Issues: Storage of Items and Disposal of Waste

Throughout the consultation period significant concerns were raised in respect of waste material being stored, dumped and disposed of in connection with the office use on the site.

The consultation period made it evident that the previous unrestricted use on the site allowed the landowner to leave waste on the land in an uncontrolled manner.

However, the omission of the storage use of from the proposal negates many of these concerns raised throughout the consultation period.

There may be a minimal amount of office storage undertaken on the application site that would be considered ancillary and subordinate in connection with the proposed office use; thus, not requiring the benefit of planning permission.

It is appreciated that the storage of items can have adverse impacts on the open characteristics of the Green Belt.

It is sought through the imposition of conditions relating to the storage of items and waste in connection with the office use being restricted to being within the barn building only, that the agricultural characteristics of the site will be retained.

#### 5.7 Planning Issues: Potential Impacts on Habitats/Watercourses

The application site falls within a close proximity to the River Frome and it was noted within the consultation period that resultant impacts could be evident. Equally, there was significant concern raised in relation to impacts on habitats of species including geese, herons, kingfishers and bats.

These concerns were predominantly founded in relation to the proposed storage use of the site. This has now been omitted from the development proposal and in light of the above it is considered that there will not be any detrimental impacts on the habitats of species or watercourses as a direct result of this application proposal.

The Council's Ecology Officer was consulted throughout the application process and no objection has been received from the Council's expert in respect of this matter.

#### 5.8 Planning Issues: Working Hours

Throughout the consultation period concerns were raised in respect of the working hours of the site being altered from that which is expected of an agricultural practice, to that which is expected of an office.

It is noted that the existing established agricultural use of the site is one that is agricultural with no working hours imposed. The applicant's fall back position is that of unrestricted working hours at all times of the year in respect of the agricultural use operating from the site.

Conditions will be imposed that restricts the hours of operation of the office use to ensure that vehicle movements can be controlled given the potential for impacts on residential amenity.

Agricultural practices, in order to be viable, requires flexibility in terms of working hours and, therefore, no conditions relating to working hours will be imposed in respect of the agricultural use.

#### 5.9 Planning Issues: Flood Risk

The consultation response from Highway Drainage noted that the application site falls within Flood Zone 3B which is categorised by the Environment Agency as being an area that could be affected by flooding from a river that has a 1% (1 in 100) or greater chance of happening each year.

The applicant, throughout the application process, was requested to submit a Flood Risk Assessment in accordance with the flood zone designation.

Policy EP2 of the South Gloucestershire Council Local Plan (adopted January 2006) is the current policy that guides development in areas that could suffer from flood risk.

The Policy makes it clear that it is only applicable to development that includes the extension and intensification of existing uses, or land raising, which generates surface water run-off or water discharge.

In reviewing the application proposal and submitted contents of the Flood Risk Assessment, it is not considered that a part change of use from agricultural to B1 office use would result in a form of development that would generate surface water run-off or water discharge.

Further, the National Planning Practice Guidance provides the current up to date guidance framework in informing development management decisions relating to such matters.

Paragraph 48 of the above guidance makes it clear that a change in use may involve an increase in flood risk if the vulnerability classification of the development is changed.

The vulnerability classification is outlined within Table 2 of paragraph 66 of the above guidance and states that both offices and land and buildings used for agricultural and forestry fall within the less vulnerable classification.

Therefore, in light of the above guidance, it is clear that no change in vulnerability classification will occur as a result of this development proposal. In accordance with paragraph 48 of the above guidance, it is not envisaged that this would result in, or involve, an increase in flood risk.

Equally, the Flood Risk Assessment submitted by the applicant concurs with this assessment of the flood risk in conjunction with the proposed uses.

In light of the above, it is considered that there would not be any detrimental impacts in terms of flood risk as a result of this development proposal.

#### 5.10 Other Issues

Throughout the consultation period other issues were brought to the Council's attention that are not considered a material planning consideration. These namely comprised of the following:

- *Breach of Environment Agency waste exemptions;*
- *Hazardous materials have been dumped on the land which should be used for the purposes of a Bridleway, tack and path;*
- *Dumping of waste on land leased by the applicant to a subsequent tenant;*
- *Applicant's tenants build bonfires on a field owned by the applicant where they dispose of 'house clearance' waste;*
- *Land is full of weeds including ragwort which is poisonous to animals;*
- *Land owned by the applicant and leased by tenants has fallen into a poor state;*
- *Applicant does not own any of the animals on the land;*
- *Land needs to be fertilised, fences mended and dangerous concrete and metals that have been buried, removed;*
- *Applicant does not own any animals and, therefore, the need for a feed store is questioned;*
- *Applicant does not use his land to make hay/haylage out of during the year;*
- *Applicant is not considered to be a farmer; and*
- *Bottom fields adjacent to the Nibley properties flood each year*
- *The original wording of the planning application was at the request of the prior planning enforcement investigation*
- *The application had already been recommended for refusal by the Planning Authority*
- *Even though the LPA have revised the development proposal the applicant has not amended the documents submitted within the submission of the planning application*

Further, some matters which were later found to be factually incorrect information was submitted throughout the consultation period which has been noted but has not been considered throughout the determination of this application.

This includes matters such as the application site falling within an alleged Conservation Area designation.

Development proposals are assessed in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) which requires Local Planning Authorities to make decisions in accordance with the policies contained within the Local Development Plan unless material considerations indicate otherwise.

Therefore, the above matters outlined within paragraph 5.9 have not been accorded weight in the determination 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.
- 6.2 The recommendation to grant permission subject to conditions has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.



## 7. RECOMMENDATION

7.1 It is recommended that planning permission be granted subject to conditions.

**Contact Officer: James Cross**  
**Tel. No. 01454 863162**

### CONDITIONS

1. The number of employees permitted to work from the office use of the site shall not exceed 5.

Reason

In the interests of visual amenity, to protect the amenity enjoyed by those living in the locality and to minimise impacts on highways safety in accordance with Policy E6 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The office use hereby permitted shall not be undertaken outside of the following times:

Monday to Friday 0800 - 1700 hours

No office use shall take place on weekends or bank holidays.

Reason

In the interests of the amenities of the locality and nearby occupiers and to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

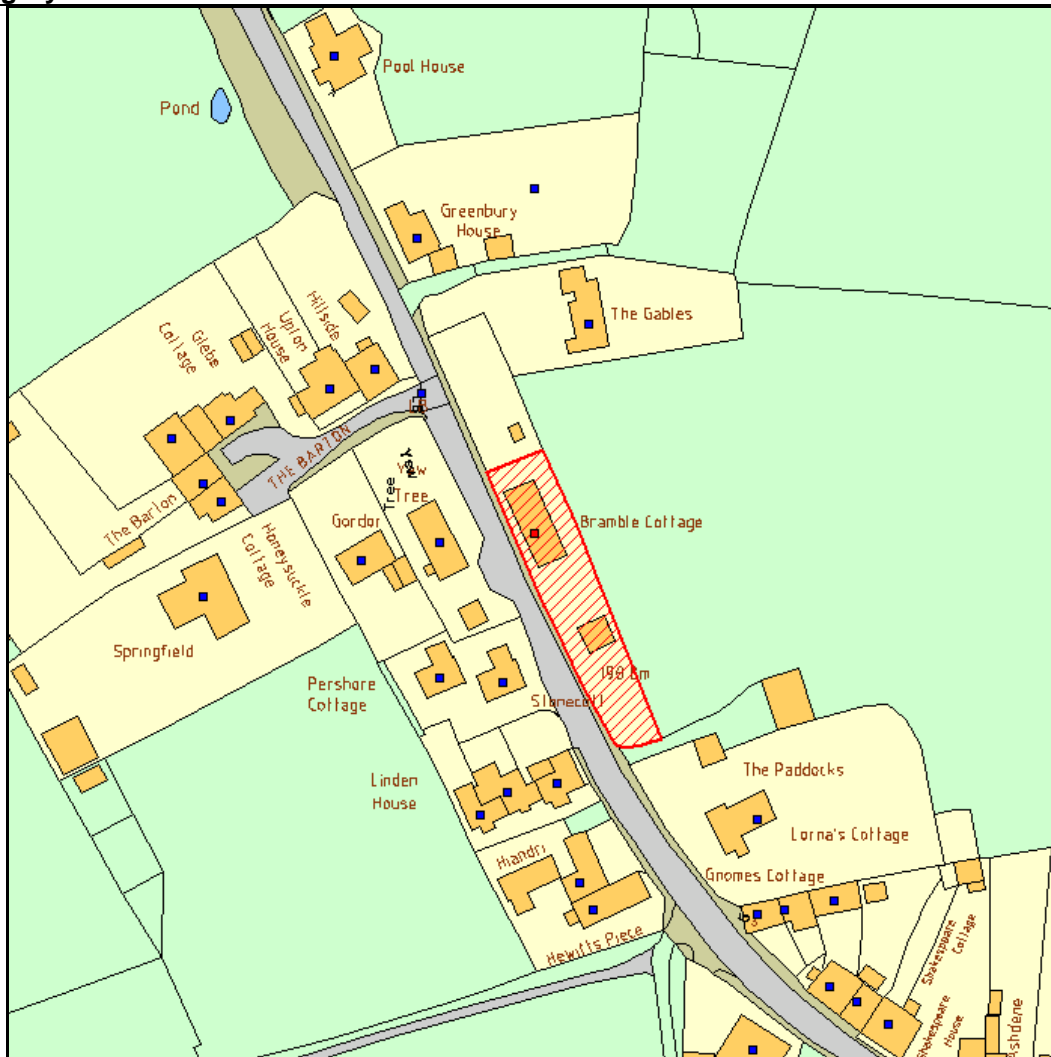
3. No outside storage of material, goods, waste, plant or other items associated with the office use shall take place outside of the barn building on the application site.

Reason

In the interests of the amenities of the locality and nearby occupiers and to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 48/14 – 28 NOVEMBER 2014**

<b>App No.:</b>	PK14/3348/F	<b>Applicant:</b>	Mr T Watts
<b>Site:</b>	Bramble Cottage High Street Hawkesbury Upton Badminton South Gloucestershire GL9 1AU	<b>Date Reg:</b>	18th September 2014
<b>Proposal:</b>	Demolition of existing detached double garage and erection of 1No.detached dwelling with new access and associated works. Re-submission of planning application no. PK14/2109/F.	<b>Parish:</b>	Hawkesbury Parish Council
<b>Map Ref:</b>	377600 187176	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th November 2014



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 100023410, 2014. **N.T.S.** **PK14/3348/F**

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

This report has been submitted to the Council's Circulated Schedule process following a representation which is contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks planning permission for the demolition of an existing detached double garage to facilitate the erection of 1 no. detached dwelling with access and associated works. This application is a resubmission of a previous application; reference number PK14/2109/F.
- 1.2 A number of important designations cover the site. It is located within the defined settlement boundary of the village of Hawkesbury Upton, and is within Hawkesbury Upton Conservation Area. It also lies within the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.3 Amendments were submitted on 27<sup>th</sup> October 2014 at the Officer's request, with changes to the design. A period of re-consultation was not necessary as the changes were not significant.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### **2.2 Development Plans**

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

L1 Landscape Protection & Enhancement  
L2 Cotswold Area of Outstanding Natural Beauty (AONB)  
L5 Open Areas with Defined Settlements  
L11 Archaeology  
L12 Conservation Areas  
L15 Locally Listed Buildings  
T7 Cycle Parking  
T12 Transportation  
H4 Development within Existing Residential Curtilages

##### **South Gloucestershire Local Plan Core Strategy Adopted December 2013**

CS1 High Quality Design  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment & Heritage  
CS16 Housing Density  
CS17 Housing Diversity  
CS34 Rural Areas

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) June 2007  
Residential Parking Standards SPD (Adopted) December 2013  
Hawkesbury Upton Conservation Area Advice Note (Adopted) 1999  
The Local List SPD (Adopted)

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

- |     |   |                           |            |
|-----|---|---------------------------|------------|
| 3.1 | PK14/2109/F   | Withdrawn                 | 28/07/2014 |
|     | Erection of 1 no. detached dwelling with access and associated works  |                           |            |
| 3.2 | PK14/2125/F   | Approve with Conditions   | 01/08/2014 |
|     | Erection of a detached garage   |                           |            |
| 3.3 | PK04/4023/F   | Approve with Conditions   | 24/01/2005 |
|     | Erection of two storey and single storey rear extensions and single storey side extension to form porch and additional living accommodation.                        |                           |            |
| 3.4 | PK01/2737/F   | Approve with Conditions   | 23/10/2001 |
|     | Erection of detached outbuilding for use as a summer house and log store.   |                           |            |
| 3.5 | P95/1599/C  | Conservation Area Consent | 23/06/1995 |
|     | Minor works of demolition to facilitate erection of two storey side extension. Demolition of shed and garden wall.  |                           |            |
| 3.6 | P95/1598  | Approval of Full Planning | 10/07/1995 |
|     | Erection of two storey side extension to provide kitchen and utility room with bedroom above. Erection of detached double garage. Construction of vehicular access. |                           |            |
| 3.7 | P85/2000/L  | Conservation Area Consent | 21/08/1985 |
|     | Re-Roof using existing slates. Installation of rooflight. Re-Build two chimneys.  |                           |            |
| 3.8 | P85/1999  | Approval of Full Planning | 21/08/1985 |
|     | Rebuild two chimneys  |                           |            |

### **4. CONSULTATION RESPONSES**

- 4.1 Hawkesbury Upton Parish Council  
The Parish Council welcomes the height reduction and are happy to see the public footpath will be maintained at 1500 mm wide, however would like it confirmed that this width runs all the way along. The Parish Council note that whilst the design and access statement mentioned incorporating a visibility splay, this is not shown on the plan.
- 4.2 Other Consultees
- Highway Drainage  
No objection subject to a condition ensuring the submission of a Sustainable Drainage System (SUDS).

### Highway Structures

No comment

### Sustainable Transport

No objection subject to conditions.

### Listed Building and Conservation

Original comments stated that the proposed development would result in loss of existing garden space, and the creation of a large expanse of parking, turning area, subdivided by an untraditional boundary treatment. For this reason, as well as by virtue of the design and scale of the house, the development is considered to fail to preserve or enhance the character or appearance of the conservation area. The objections were similar to those raised on the previous submission.

Amendments were received on 27<sup>th</sup> October 2014, and so the Listed Building and Conservation Officer retracted previous comments and concluded that the revisions were an improvement and on balance they would recommend approval from a conservation perspective, subject to conditions.

### Archaeology

No objection.

### Landscape

No comments received.

### Tree Officer

No comments received, but raised no objection to previously submitted dwelling with similar footprint.

### Ecology

No objection subject to conditions to protect slowworms and hedgehogs.

## **Other Representations**

### 4.3 Local Residents

Two representations of support have been received, and they raised the following points:

- Lack of family friendly properties for sale in Hawkesbury Upton is a real issue
- Properties which do become available are either high value older properties which are unaffordable, or properties which are affordable but are too small
- This would be the third new build in close proximity, however one of those is set back from the highway and can hardly be seen
- There are a number of new builds in Hawkesbury Upton, and they add to the character of the village
- House is sympathetically constructed in Cotswold stone
- Will support the growth of the village and allow families to settle here

Two objection letters have been received from residents, which raise the following points:

- Concerned about three modern buildings of a similar design in close proximity in a Conservation area
- Garden will be overlooked by upstairs window of new property
- Trees and bushes to be removed are a habitat for many wild birds

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives. Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. In addition Policy CS8 of the Core Strategy seeks to ensure that development will have no adverse impact on highway safety and residential parking standards have been revised under supplementary planning guidance adopted 2013.

5.2 Policy CS9 seeks to protect and manage South Gloucestershire's environment and its resources in a sustainable way and new development will be expected to, among others, ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance; conserve and enhance the natural environment and conserve and enhance the character, quality, distinctiveness and amenity of the landscape. As the proposal is within the Cotswold AONB, policy L2 of the Local Plan is also relevant, and it recognises that appropriate small scale development essential to meet the social and economic needs of the communities within the AONB may be required, subject to careful consideration. Policy CS5 of the Core Strategy recognises that small scale rural development may be permitted within the existing settlement boundaries of villages, and the application site is within the settlement boundary of Hawkesbury Upton. The proposal is deemed to accord with the principle of development subject to the analysis detailed below.

### 5.3 Impact on Area of Outstanding Natural Beauty

The primary objective of the Area of Outstanding Natural Beauty (AONB) designation in the Cotswolds is to conserve the natural beauty of the landscape, and it is addressed specifically under saved Local Plan policy L2 (Adopted) January 2006. As the development site is within the settlement boundary of Hawkesbury Upton, it is consisted to be small-scale infilling development and does not affect the character of the wider landscape in a negative manner. Notwithstanding this, steps need to be taken to accord with policy L2, in particular the enhancement and management of trees and hedgerows which are recognised as contributing to the landscape character of the AONB. The Council's Tree Officer recommended a tree survey as part of the previous submission and this arboricultural method statement was submitted as part of the proposal.

This statement demonstrates that each of the trees on the site are of low quality and would not be worthy of inclusion in a Tree Preservation Order. The plans indicate the applicant's intention to replant along the south-east boundary with three British native trees, which is an acceptable mitigation for the removal of the existing ash and fruit trees.

- 5.4 Additional planting was recommended by the Council's Landscape Officer as part of the previous submission (PK14/2109/F) to further mitigate the development of the site, and in the event that the proposal is approved a condition will be attached to the decision notice requiring that prior to development commencing, a 1:200 scale planting plan is provided with plant schedules detailing the size, type and specification of all proposed tree and shrub planting. This would provide the Local Planning Authority with additional detail about the areas of landscaping shown in Revision E of the proposed block plan. Such enhancement should not be used to justify a development which would otherwise be unacceptable however, and policy L2 also highlights the importance of design and respecting the character of the area, which will be discussed below.

5.5 Environment and Ecology

Whilst the application site is not covered by any statutory or non-statutory nature conservation designations, the Council's Ecology Officer has concerns that slowworms and hedgehogs may be affected due to the amount of vegetation which is to be cleared. In order to provide protection and for the proposal to be in accordance with policy L9 of the Local Plan, a condition is to be put on the decision notice if approved, requiring that prior to development commencing a mitigation strategy for slowworms and hedgehogs is drawn up and agreed with the Council. Subject to this condition, there are no environmental concerns with regards to the proposal. An objection was received from a local resident stating that wild birds have a habitat in the trees and bushes to be removed. The applicant will be advised of their responsibilities towards nesting birds by means of an informative on the decision notice.

5.6 Design and Impact on Conservation Area

It is critical to define the character of the existing site before making an assessment of how that character would be affected by development. In addition to amendments to the previous plans, a character appraisal of the area was submitted to support this resubmission. Development within Hawkesbury Upton is concentrated along the High Street, Back Street and Park Street, with open countryside beyond. Along the High Street development is more concentrated at the centre, with a more open and rural character to the north due to a less dense building grain and more open spaces. The gardens and open spaces contribute to the character of the settlement. The Hawkesbury Upton Conservation Area Advice Note points out that recent development in the village has resulted in the dilution of historic character, and it is important that this is not escalated further. The advice note recommends that any new development is small scale and sympathetic to the character and the appearance of the Conservation Area along the High Street, which is considered to be a mix of traditional buildings, with buildings set parallel or at right angles to the road within long narrow property boundaries giving a feeling

of enclosure. Towards the northern end of the High Street this sense of enclosure is less apparent, and the character is defined by a scattering of dwellings or groups of dwellings each with a unique form, scale, mass and design, giving a varied roofline along the ribbon development. It is this diversity which is important to maintain, so in addition to ensuring new development is respectful of the historic fabric by means of traditional materials, detailing and design, it must also have an individual design so that the 'informal historic character' discussed in the Hawkesbury Upton Conservation Area advice note is not lost to a uniform group of dwellings; the consequences of which can be seen on the drive into the village along France Lane from the south-east.

- 5.7 The site is in a prominent position within the Hawkesbury Upton Conservation Area, and is visible from a locally listed residential property, St. Agnes. The site includes garden, driveway and garage to Bramble Cottage, which is a low two storey nineteenth century cottage built facing the High Street. The cottage has been extended but generally retains a well preserved traditional appearance and form, with low eaves, render and stone elevations and timber casement windows. To the south of this is a lawned garden area set above the road, retained by a modern bradstone wall. A gravel parking area has been created and a very large garage with a gable roofline built around 15m from the house, which is the garage proposed to be demolished under this application. The garage is proposed to be replaced by a new garage closer to Bramble Cottage, which was given planning permission subject to conditions by the Local Planning Authority under application ref. PK14/2125/F.
- 5.8 The removal of the garage is considered acceptable in itself as it is of no architectural or historic merit and in fact appears overly large and bulky in comparison with Bramble Cottage, which it currently serves. The application also proposes the undergrounding of the electricity cables which would offer enhancement to the conservation area. In the event of the application being approved, the undergrounding of the cables will be secured with a condition. The proposed new dwelling is situated fairly centrally in the plot, which reflects the layout of other houses in the area, including the two new properties on the opposite side of the High Street. As originally proposed, the development would have resulted in the loss of garden and an increased expanse of gravelled parking, and this was considered detrimental. Following this assessment, amendments were forthcoming to show landscaping which allows the area of hardstanding to be reduced from the extant situation, and prevents to site from appearing overdevelopment, as with the previously withdrawn submission.
- 5.9 The topography of the plot is to be partially lowered in order to reduce the impact of the dwelling and the parking area, and to enable it to be at the same level as the road and the pavement. Access to the dwelling will be from the High Street, with a vehicle access in front of the existing garage and a pedestrian access to the south. The existing bradstone wall is to be replaced with a dry stone wall, as is the new boundary wall to Bramble Cottage. The most recently revised plans show the dwelling to have Cotswold stone quoins and a render finish, but a condition will ensure that the principal and side elevations will be finished in Cotswold stone in order to demonstrate a variety of materials in the Conservation area when viewed next to Bramble Cottage.



The ridge height and eaves height has been lowered from the previous submission to create a more positive relationship with Bramble Cottage, which has been demonstrated with section drawings, and in lieu of this a hipped roof to the rear has been added to enable the upper floor rooms to have reasonable ceiling heights. The front facing dormer windows have been reduced to the minimum size required by Building Regulations, in order to reduce their impact.

5.10 In conclusion, the development of the site within Hawkesbury Upton Conservation area is mitigated by some of the improvements which are proposed; the loss of the garage, replacement of the modern wall with a stone wall and the undergrounding of electricity lines. These benefits will be conditioned to ensure they are completed as part of the proposal. The reduced eaves and ridge height, smaller dormer windows and the introduction of a landscaping scheme (details to be conditioned) as part of this resubmission mean that on balance, the layout, design and scale of the new dwelling is considered to be acceptable and in accordance with policies L12 and L15 of the Local Plan (Adopted) January 2006, and policies CS1 and CS9 of the Core Strategy (Adopted) December 2013.

5.11 Residential Amenity

Residential amenity should not be harmed as a result of development. Amenity should be considered in terms of the application site and all nearby occupiers, and future occupiers of the proposed dwelling. The application site, if approved, will be removed from the residential curtilage of Bramble Cottage, so the private amenity provisions for Bramble Cottage must be considered. The cottage sits within a substantial plot, which extends as much to the north-west of the property as it does to the south-east, which forms the plot for the new dwelling. It appears that the principal private amenity space for Bramble Cottage is the unaffected garden to the north-west of the cottage, as the plot to the south-east is rather overgrown, and therefore the proposed development does not alter the availability or quality of private amenity space available to the dwelling.

5.12 Following an objection from a local resident with regards to overlooking, the privacy of neighbouring occupiers has been carefully assessed. The only first floor windows proposed are two dormer windows and two small windows on the rear elevation, and two dormer windows and a roof light on the principle elevation. The rear outlook overlooks a large green space under ownership by The Paddocks, which does not appear to be used as part of their residential curtilage. Even if it is in use as a private garden, the plot is so substantial that the limited overlooking caused by the proposal would be minimal in comparison to the amount of space available. The first floor windows on the principle elevation face across towards two dwellings of which one of the occupants has objected to the proposal; St Agnes and Stonecott. Whilst it cannot be denied there will be an element of overlooking into both of the gardens of St Agnes and Stonecott, their location with gardens adjacent to the High Street, and particularly Stonecott's position in the centre of the plot, mean that the amenity space will always have an exposed feel. This could be mitigated in the future with careful planting.

5.13 The proposed dwelling will be in a similar position with its primary amenity space adjacent to the High Street, with some limited private garden space to the rear. The garden space is modest for a four-bedroom dwelling, however it is considered to be sufficient and the size and quality of the proposed garden is typical of the area. The proposal is therefore considered to be acceptable in terms of policy H4 of the Local Plan (Adopted) January 2006.

5.14 Transport

In terms of transport, the application is the same as the previously withdrawn submission except this layout shows a car turning area. The turning area is not specifically needed due to the low speed limit down the High Street, however it will assist vehicles to enter the highway in a forward gear. There is certainly sufficient space for two cars to park on the site, and adequate parking remains at Bramble Cottage. The proposed widening of the footpath across the front of the site to at least 1500mm will increase the safety of pedestrians walking past the site, an issue which was raised during the previous application, and in the event of the application being approved a condition will secure that the footpath is implemented. A visibility splay will also be conditioned.

## 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 removal of the large, modern garage and replacement with a dwelling of acceptable scale and design, removal of overhead wires, improvements to the footpath and appropriate landscaping are considered on balance to be acceptable in terms of the character and appearance of the Conservation area and the AONB.

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

## 7. RECOMMENDATION

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

**Contact Officer:** Trudy Gallagher  
**Tel. No.** 01454 862217

## 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 a scheme of landscaping, which shall include details of retained plants and trees, all plant schedules detailing the size, type and specification of all proposed tree and shrub planting, and details of boundary treatments and areas of hardsurfacing on a 1:200 scale plan shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to commencement of development, a mitigation strategy for reptiles (slow-worms) and hedgehogs should be drawn up, submitted to and agreed in writing with the Local Planning Authority. All works are to be carried out in accordance with the agreed details.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the protection of wildlife, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to commencement of development, the existing garage within the red line indicated on plan no. 2303/05/2014 Revision G shall be demolished.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policies CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

5. Prior to the commencement of development, the diversion underground of electricity power lines serving Bramble Cottage shall be undertaken, as proposed on drawing no. 2303/05/2014 Rev G.

Reason

To ensure a satisfactory standard of external appearance in the Hawkesbury Upton Conservation Area, and to accord with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Historic Environment Planning Practice Guide, Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

6. Notwithstanding the submitted details, the principal (south-west) and side elevations (north-west and south-east) of the dwelling hereby approved shall be finished in Cotswold stone.

Reason

To ensure a satisfactory standard of external appearance in the Hawkesbury Upton Conservation Area, and to accord with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Historic Environment Planning Practice Guide, Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

7. Prior to the commencement of development a sample panel of render, of at least one metre square showing the texture and colour finish, shall be erected on site and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed panel, which shall be retained on site for consistency until completion.

Reason

To ensure a satisfactory standard of external appearance in the Hawkesbury Upton Conservation Area, and to accord with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Historic Environment Planning Practice Guide, Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

8. Prior to the commencement of development representative sample panels of stone walling, of at least one metre square, for the house and boundary walls showing the stone, coursing, mortar and pointing shall be erected on site and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed panel, which shall be retained on site for consistency until completion.

Reason

To ensure a satisfactory standard of external appearance in the Hawkesbury Upton Conservation Area, and to accord with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Historic Environment Planning Practice Guide, Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

9. The proposed rebuild of the front boundary wall shall be completed prior to first occupation of the development.

Reason

To ensure a satisfactory standard of external appearance in the Hawkesbury Upton Conservation Area, and to accord with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Historic Environment Planning Practice Guide, Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

10. Notwithstanding previously submitted details and prior to the commencement of works details of the following items, including materials and finishes, shall be submitted and approved in writing by the local planning authority. The details shall be at a scale of

1:5 including sections. The works shall be completed strictly in accordance with the agreed details.

- a. all new external doors (including frames and furniture)
- b. new windows
- c. eaves verges and ridges
- d. dormers
- e. chimney
- f. all new vents and flues

Reason

To ensure a satisfactory standard of external appearance in the Hawkesbury Upton Conservation Area, and to accord with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Historic Environment Planning Practice Guide, Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

11. Prior to the commencement of development representative samples of all new roofing materials shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed samples.

Reason

To ensure a satisfactory standard of external appearance in the Hawkesbury Upton Conservation Area, and to accord with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Historic Environment Planning Practice Guide, Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

12. Prior to occupation of the development, the access, parking and 1500 mm footpath indicated on plan number 2303/05/2014 Revision G shall be completed in accordance with the submitted details, and thereafter maintained for that purpose.

Reason

To provide safe and suitable access in the interests of highway safety and in accordance with policy CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013.

13. The development shall not be occupied until visibility splays measuring 2 metres by 43 metres from the site access in both directions to the nearside carriageway edge between a height of 0.6 metres and 2 metres have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority beforehand, and maintained free of obstruction thereafter.

Reason

To provide safe and suitable access in the interests of highway safety and in accordance with policy CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013.

14. Before being brought into use the access shall be provided with surface water drainage to prevent water discharging across the public footway.

Reason

To provide safe and suitable access in the interests of highway safety and in accordance with policy CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013.

15. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) for flood prevention, pollution control and environmental protection shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

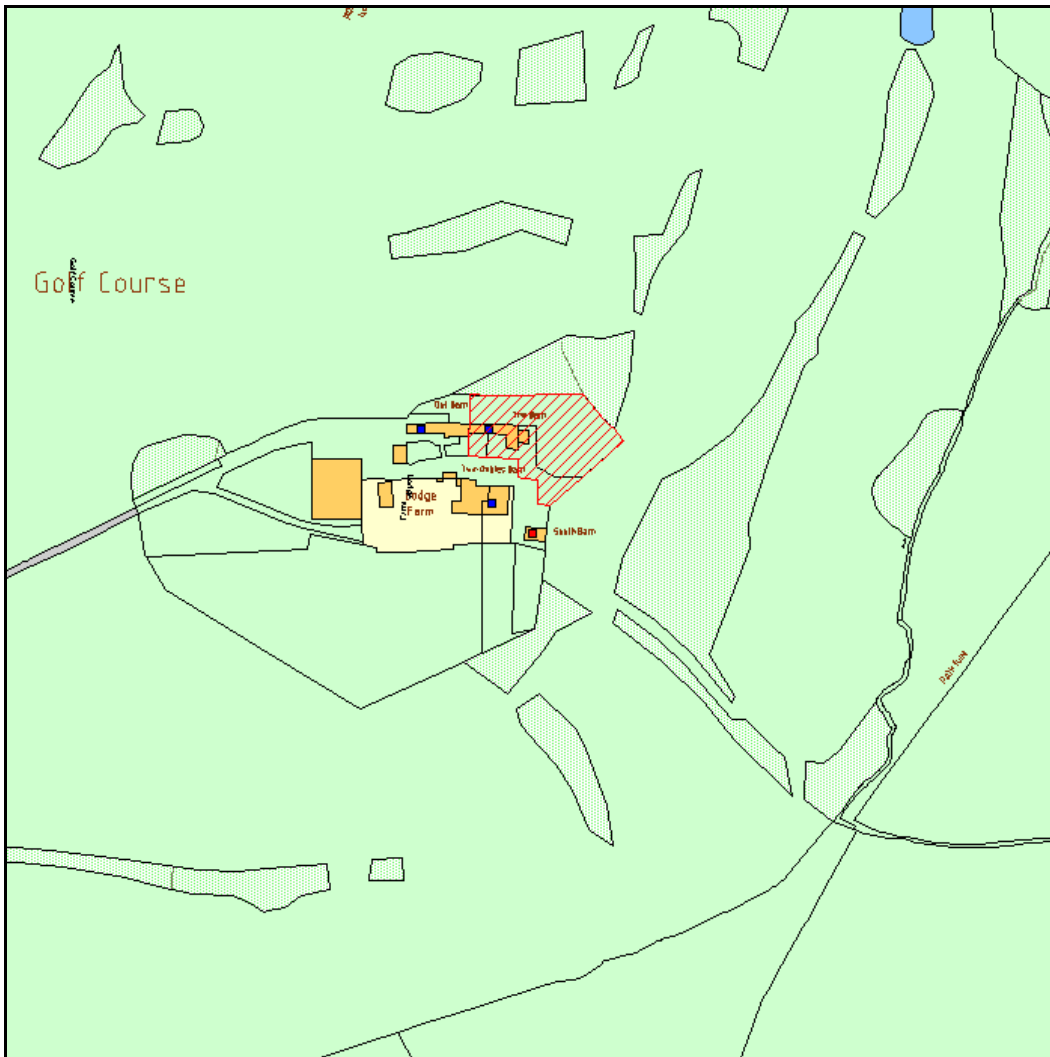
Reason

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

CIRCULATED SCHEDULE NO. 48/14 – 28 NOVEMBER 2014

<b>App No.:</b>	PK14/3525/F	<b>Applicant:</b>	Mr Leslie Flynn
<b>Site:</b>	The Barn Lodge Farm Carsons Road Mangotsfield South Gloucestershire BS16 9LW	<b>Date Reg:</b>	22nd October 2014
<b>Proposal:</b>	Erection of single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	367725 175244	<b>Ward:</b>	Siston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	9th December 2014

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100023410, 2014. **N.T.S.** **PK14/3525/F**

## **REASON FOR SUBMITTING TO CIRCULATED SCHEDULE PROCEDURE**

The application has been submitted to the Council's Circulated Schedule procedure following receipt of representations which are contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a single storey rear extension at a former derelict barn which has been redeveloped in Mangotsfield.
- 1.2 The Barn is a curtilage listed building associated with the grade II listed Lodge Farm, and is within the Green Belt.
- 1.3 An associated listed building consent application has been submitted under reference number PK14/3526/LB and is currently pending consideration by the Local Planning Authority.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Environment and Heritage  
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation  
H4 Development within Existing Residential Curtilages  
H10 Conversion of Rural Buildings  
L13 Listed Buildings

- 2.3 Supplementary Planning Guidance
  - (a) South Gloucestershire Design Checklist (Adopted) August 2007
  - (b) Residential Parking Standard (Adopted) December 2013
  - (c) Development in the Green Belt (Adopted) June 2007

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

- 3.1 PK14/3526/LB Pending Consideration  
Erection of single storey rear extension.



- 3.2 PK11/0153/F Approve with Conditions 09/03/2011  
Conversion of attached garage to form additional living accommodation.
- 3.3 PK07/2734/LB & PK07/2730/F Approve with Conditions 28/12/2007  
Construction of two new dwellings, including the incorporation of some features of the existing barns.
- 3.4 PK05/3156/LB & PK05/3134/F Approve with Conditions 20/01/2006  
Alterations to Lodge Farmhouse to facilitate subdivision into 2 no. self contained dwellings. Conversion of 3 no. barns to form 2 no. dwellings and garages with associated works (Resubmission of PK05/0951/F).

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

4.1 Siston Parish Council  
Objection – Green Belt policy dictates that limited extensions within residential curtilages may be permitted, but this is continuing over development of this sensitive site.

4.2 Other Consultees

Listed Building and Conservation

No objection in principle – subject to additional details being submitted.

Highway Drainage

No comment.

Planning Enforcement

No comment received.

#### **Other Representations**

4.3 Local Residents

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

- There is a land or French drain directly under the proposed extension
- There are fully mature trees in this location which are not diseased or dying both in my property and where the proposed extension is
- The existing elevation drawings do not show the windows in the correct position
- Marley Melodie roof tiles are not appropriate
- Extension will detract from clean building line that The Barn and Owl Barn have
- Can you confirm the distance from the boundary fence to the rear of the extension?
- The project is not in keeping with the setting.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The NPPF allows for limited residential extensions within the Green Belt, provided they are not found to be disproportionate. Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. The site is curtilage listed, and so the setting of the listed building and the surrounding curtilage listed buildings must be preserved and features of historic interest retained. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

### 5.2 Impact on the Green Belt

The NPPF allows for limited extensions to buildings within the greenbelt providing that they do not result in disproportionate additions over and above the size of the original building (the volume of the dwelling at construction or its volumes on July 1<sup>st</sup> 1948). The South Gloucestershire 'Development within the Green Belt SPD' states that an addition resulting in a volume increase of between 30%- 50% will be subject to careful consideration and assessment. Any proposed development over and above 50% or more of the original dwelling would be considered in excess of any reasonable definition of 'limited extension'. Whether an addition is considered disproportionate or not, depends on the individual circumstances and what type of addition is proposed.

5.3 The Parish Council have raised concerns that the proposal constitutes over development of the site, however the only additions on top of how the barn stood in 1948 are the small, timber clad lean-to structure to the east of the dwelling and the proposed lean-to to the rear. This amounts to less than a 30% volume increase and therefore the proposal is not considered disproportionate in Green Belt terms.

### 5.4 Design and Impact on the Listed Building

The Barn is a curtilage listed building associated with the grade II listed Lodge Farm. It was converted and partially rebuilt following planning and listed building consent in 2007 and is now a separate residential dwelling in what is an isolated location in the middle of a golf course. The proposal results from an enforcement complaint relating to the erection of a free-standing shed structure in the garden of the building, and it is now proposed to replace this with a small lean-to structure on the rear wall of the barn. The addition will be stone built with a tiled roof and is set low in the ground to allow the main roof to sweep down over the addition without a break. The addition is in a very unobtrusive location on the building and will not affect the character or significance of the main listed building, nor the character of the group of traditional farm buildings that form part of its setting. An objection comment has expressed concern that the proposal will detract from the existing building line, however as this is to the rear of the dwellings it is not considered to be harmful to the character of the two semi detached barns.

5.5 Further details were requested from the applicant to show large scale eaves and verge cross sections to demonstrate how it relates to the host building, and large scale door and window drawing showing lintels over the openings and larger cills, however these details were not forthcoming prior to determination. Marley Melodie interlocking clay pan tiles are proposed however the existing dwelling has traditional pan tiles which are considered preferable by officers. Notwithstanding the submitted details, and in the event of the application being approved, conditions will be issued on the decision notice to ensure that further information regarding the eaves, verge, windows, doors and roof tiles are submitted for approval prior to commencement of the development. Overall the scale and general design of the proposal is considered to be acceptable with regard to its curtilage listed setting, and is in accordance with policy CS1 of the Core Strategy (Adopted) December 2013 and L13 of the Local Plan (adopted) January 2006.

5.6 Residential Amenity

Residential amenity should not be harmed as a result of development. Amenity should be considered in terms of the application site and all nearby occupiers. The proposed development will have little impact on the amenity of the application site due to the modest footprint of the development within an adequate rear garden, with plenty of private amenity space remaining. The lean-to structure proposed is on slightly lower ground than the host dwelling and does not cause any overshadowing, and the proposed windows face out to the rear and not towards the neighbouring property to the west. The proposal is therefore acceptable in terms of policy H4 of the Local Plan (Adopted) January 2006.

5.7 Transport

No additional bedrooms are proposed nor does the proposal encroach onto existing parking provision, and so there is no transportation objection to the proposal.

5.8 Other Matters

An objection have been received regarding the positioning of drains in relation to the development, however the Council's drainage engineer has raised no objections and so adequate drainage is considered to be available to the development. An objection from the same neighbour also raised concerns about trees being affected, but the proposal is to be erected up against the existing building, and it is highly unlikely that any trees will be caused harm. The comment regarding the positioning of windows on the existing elevations has been noted.

**6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

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

**Contact Officer: Trudy Gallagher**  
**Tel. No. 01454 862217**

## **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 and notwithstanding the submitted details, large scale drawings of the eaves and verge cross sections, as well as window and door details (including lintels above the openings and larger cills on the windows) shall be submitted to the Local Planning Authority for approval in writing, and the development shall be implemented in accordance with the agreed details.

### Reason

To protect the character of the listed building and its setting and to accord with policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

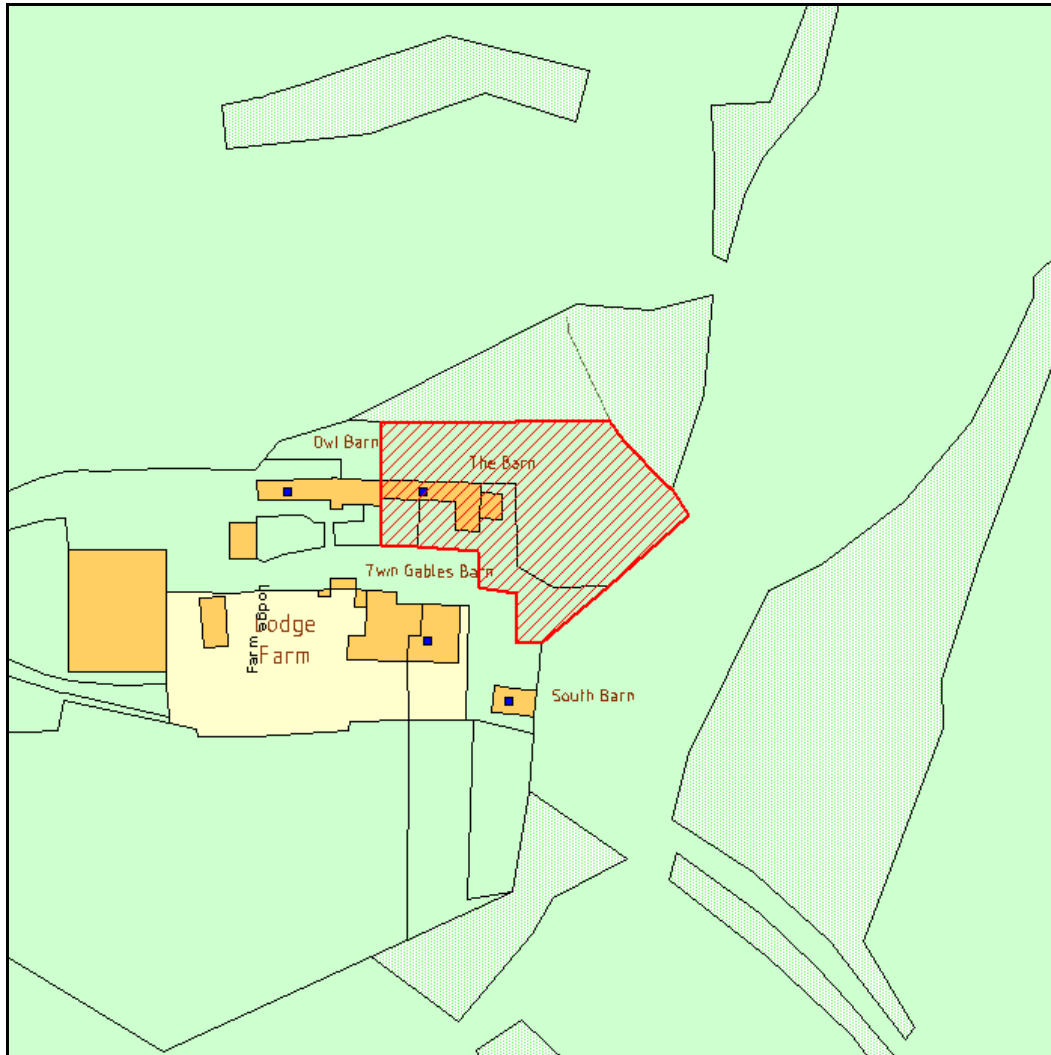
3. Prior to the commencement of development and notwithstanding the submitted details, samples of the roof tiles proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

### Reason

To ensure a satisfactory standard of external appearance and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 48/14 – 28 NOVEMBER 2014**

<b>App No.:</b>	PK14/3526/LB	<b>Applicant:</b>	Mr Leslie Flynn
<b>Site:</b>	The Barn Lodge Farm Carsons Road Mangotsfield South Gloucestershire BS16 9LW	<b>Date Reg:</b>	22nd October 2014
<b>Proposal:</b>	Erection of single storey rear extension.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	367725 175244	<b>Ward:</b>	Siston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	9th December 2014



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

The application has been submitted to the Council's Circulated Schedule procedure following receipt of representations which are contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks listed building consent for the erection of a single storey rear extension at a former derelict barn which has been redeveloped in Mangotsfield.
- 1.2 The Barn is a curtilage listed building associated with the grade II listed Lodge Farm, and is within the Green Belt.
- 1.3 An associated full planning application has been submitted under reference number PK14/3525/F and is currently pending consideration by the Local Planning Authority.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Planning (Listed Buildings and Conservation Areas) Act 1990
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
L13 Listed Buildings  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS9 Environment & Heritage

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

- 3.1 PK14/3525/F Pending Consideration  
Erection of single storey rear extension to form additional living accommodation.
- 3.2 PK11/0153/F Approve with Conditions 09/03/2011  
Conversion of attached garage to form additional living accommodation.
- 3.3 PK07/2734/LB & PK07/2730/F Approve with Conditions 28/12/2007  
Construction of two new dwellings, including the incorporation of some features of the existing barns.
- 3.4 PK05/3156/LB & PK05/3134/F Approve with Conditions 20/01/2006

Alterations to Lodge Farmhouse to facilitate subdivision into 2 no. self contained dwellings. Conversion of 3 no. barns to form 2 no. dwellings and garages with associated works (Resubmission of PK05/0951/F).

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

##### **4.1 Siston Parish Council**

Objection – Green Belt policy dictates that limited extensions within residential curtilage may be permitted, however we believe this to be continuing over development of this sensitive site.

##### **4.2 Other Consultees**

###### **Listed Building and Conservation**

No objection in principle – subject to additional details being submitted.

###### **Council for British Archaeology**

No comment received.

###### **Georgian Group**

No comment received.

###### **Twentieth Century Society**

No comment received.

###### **Society for the Protection of Ancient Buildings**

No comment received.

###### **Victorian Society**

No comment received.

###### **Ancient Monuments Society**

No comment received.

#### **Other Representations**

##### **4.3 Local Residents**

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

- There is a land or French drain directly under the proposed extension
- There are fully mature trees in this location which are not diseased or dying both in my property and where the proposed extension is
- The existing elevation drawings do not show the windows in the correct position
- Marley Melodie roof tiles are not appropriate
- Extension will detract from clean building line that The Barn and Owl Barn have
- Can you confirm the distance from the boundary fence to the rear of the extension?
- The project is not in keeping with the setting.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The only issue to consider in this application is the impact of the proposed works on the special architectural and historic significance of the listed building.

### 5.2 Consideration of Proposal

The Barn is a curtilage listed building associated with the grade II listed Lodge Farm. It was converted and partially rebuilt following planning and listed building consent in 2007 and is now a separate residential dwelling in what is an isolated location in the middle of a golf course. The proposal results from an enforcement complaint relating to the erection of a free-standing shed structure in the garden of the building, and it is now proposed to replace this with a small lean-to structure on the rear wall of the barn. The addition will be stone built with a tiled roof and is set low in the ground to allow the main roof to sweep down over the addition without a break. The addition is in a very unobtrusive location on the building and will not affect the character or significance of the main listed building, nor the character of the group of traditional farm buildings that form part of its setting. An objection comment has expressed concern that the proposal will detract from the existing building line, however as this is to the rear of the dwellings it is not considered to be harmful to the character of the two semi detached barns.

5.3 Further details were requested from the applicant to show large scale eaves and verge cross sections to demonstrate how it relates to the host building, and large scale door and window drawing showing lintels over the openings and larger cills, however these details were not forthcoming prior to determination. Marley Melodie interlocking clay pan tiles are proposed however the existing dwelling has traditional pan tiles which are considered preferable by officers. Notwithstanding the submitted details, and in the event of the application being approved, conditions will be issued on the decision notice to ensure that further information regarding the eaves, verge, windows, doors and roof tiles are submitted for approval prior to commencement of the development. Overall the scale and general design of the proposal is considered to be acceptable with regard to its curtilage listed setting, and is in accordance with policy CS1 of the Core Strategy (Adopted) December 2013 and L13 of the Local Plan (adopted) January 2006.

### 5.4 Other Matters

Comments raised in objections which have not been addressed above are not relevant to this listed building application, and have instead been address in the Officer's report for the full application (PK14/3525/F).

## 6. **CONCLUSION**

6.1 The recommendation to approve Listed Building Consent has been taken having regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained within the National Planning Policy Framework.



## 7. RECOMMENDATION

7.1 That listed building consent is **GRANTED**.

**Contact Officer: Trudy Gallagher**  
**Tel. No. 01454 862217**

### CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Prior to the commencement of development and notwithstanding the submitted details, large scale drawings of the eaves and verge cross sections, as well as window and door details (including lintels above the openings and larger cills on the windows) shall be submitted to the Local Planning Authority for approval in writing, and the development shall be implemented in accordance with the agreed details.

Reason

To protect the character of the listed building and its setting and to accord with policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

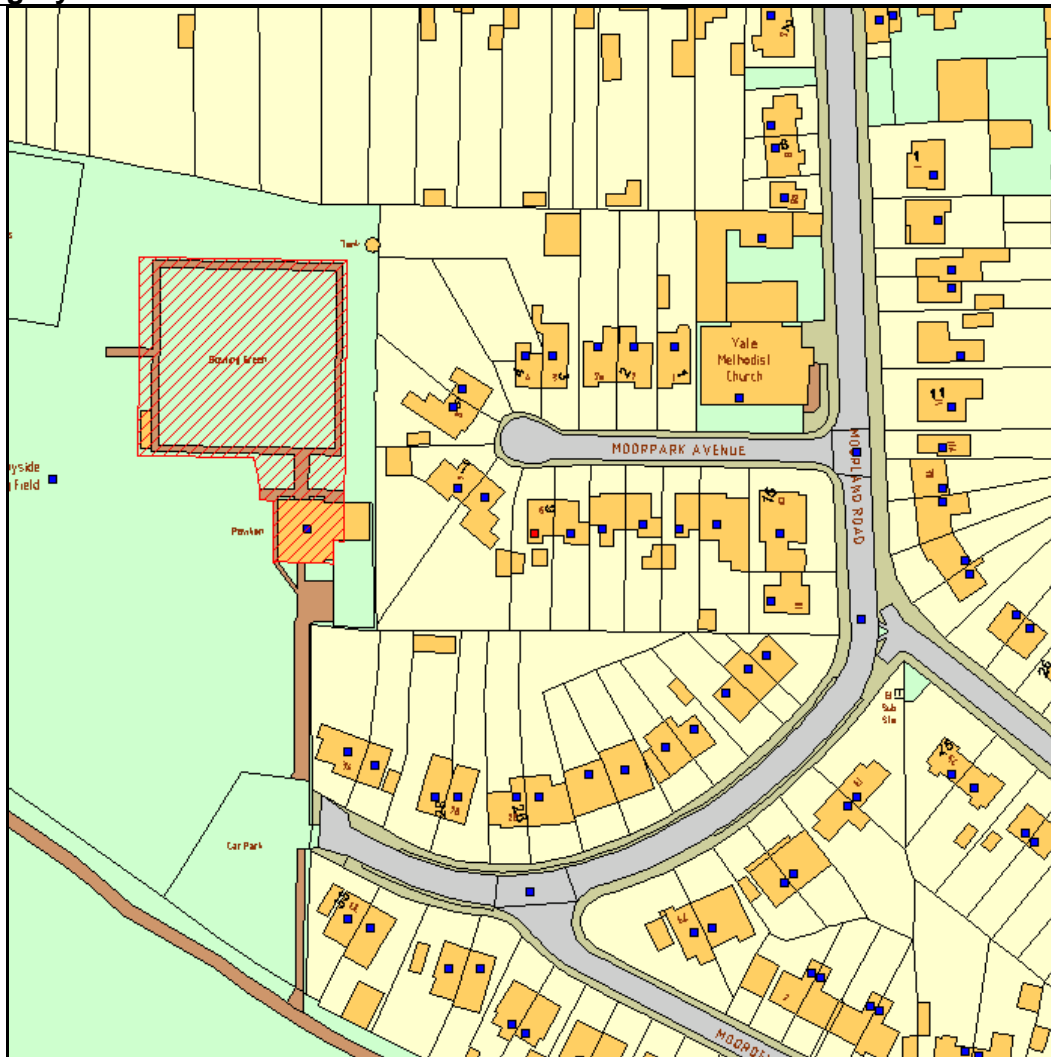
3. Prior to the commencement of development and notwithstanding the submitted details, samples of the roof tiles proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 48/14 – 28 NOVEMBER 2014**

<b>App No.:</b>	PK14/3747/F	<b>Applicant:</b>	Mr Edward Seymour
<b>Site:</b>	Yate Bwls Club Sunnyside Playing Field Yate Bristol South Gloucestershire	<b>Date Reg:</b>	30th October 2014
<b>Proposal:</b>	Erection of timber building to provide ladies changing room facilities	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370513 182367	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd December 2014



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 100023410, 2014. **N.T.S.** **PK14/3747/F**

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

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

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a timber building to provide ladies changing room facilities in connection with Yate Bowls Club.
- 1.2 The application site is within the settlement boundary of Yate, located at Sunnyside Playing Field and is accessed from Moorland Road.
- 1.3 The proposed timber building will have a maximum height of 2.3 metres; the roof has a mono-pitch which is angled to slope toward the west elevation which has a lower height of 2 metres. The shed measures 4.75 metres by 2.75 metres, with one window and a door on the eastern elevation facing the bowling green.
- 1.4 The existing site is composed of the square bowling green, with a raised patio surround. The green is surrounded by large shrubbery and trees, which is approximately 3 metres in. As well as this, there is a pavilion to the south of the bowling green. The proposal will be located on the south-western side of the bowling green.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
LC3 Sports and Leisure Facilities within Existing Urban Areas and Defined Settlement Boundaries.  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS5 Location of Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) August 2007

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

- 3.1 P99/1209 Approval Full Planning 25/03/1999  
Erection of wooden shed for equipment storage.
- 3.2 P90/2418 Approval Full Planning 17/10/1990  
Erection of replacement pavilion/changing room.

- 3.3 P86/1011 Approval Full Planning 26/02/1986 Erection of sports pavilion with changing rooms and equipment store.
- 3.4 N8158 Approve with Conditions 29/07/1982 Construction of bowling green, and provision of car parking areas.

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

4.1 Yate Town Council  
No objection

4.2 Other Consultees

Highway Drainage  
No Comment.

Highway Structures  
No Comment.

#### **Other Representations**

4.3 Local Residents

Two objections have been received by the Council, both which are from neighbouring residents:

- No need for the additional changing room as there are adequate changing rooms in the pavilion;
- Every year the bowling club expands with the further development;
- The more structures that are erected the more burglars may feel there are more valuables to steal, there have already been several break-ins, and the objector lives adjacent to the Bowling Green and feel the proposal will make their property vulnerable.

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

5.1 Principle of Development

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

Saved Policy LC3 of the adopted Local Plan regards proposals for sports and leisure facilities within the existing urban area and defined settlement boundaries. Policy LC3 states proposals involving sport and leisure facilities in locations such as in this application must not unacceptably prejudice residential amenities; or have unacceptable environmental or transportation effects; or

give rise to unacceptable levels of street parking to the detriment of the amenities of the surrounding area and highway safety. It is noted that a member of the public has raised concerns regarding the need of this additional changing room, however, the proposal is modest and saved policy LC3 is supportive of such a development of this kind, in this location, as long as it fulfils the requirements stated above. As well as this, policy LC3 does not require 'the need' for development of this kind to form part of the discretionary process.

The proposal is considered to accord with the principle of development.

## 5.2 Design

The existing changing room, which is positioned to the south of the proposed changing room, is composed of green timber panels, with a window and two doors on the front elevation facing the green. The existing shed is approximately 2.5 metres by 7 metres, with a maximum height of approximately 2.3 metres. It is not expected that the proposed changing room will be higher than the existing shed, as the proposed has a maximum height of 2.3 metres. As well as this, the proposed changing room is expected to be only visible from within the bowling green itself due to the height of the surrounding trees and shrubbery. The changing room will be timber and have a similar design to the existing changing room facilities. In addition the proposed will have a felt roof, which has a decreasing height from the front to rear elevation.

Currently, there is only one changing room on site, this existing shed and a number of pergolas are the only structures on the surrounding patio area around the green. The addition of one changing room would not clutter or overdevelop the site.

Overall, the proposal has an appropriate design and is congruent with the surrounding features within the bowling green. Accordingly, the proposal is considered to satisfy policy CS1 of the adopted Core Strategy.

## 5.3 Residential Amenity and Transportation Concerns

The proposal is approximately 65 metres from the nearest residential dwelling to the west, and as expressed above is not considered to be largely visible from outside the bowling green, due to the surrounding trees/shrubbery which encloses the green. The addition of one changing room, which is proposed so the males and females of the club have separate changing rooms, is not considered to result in any materially detrimental impact on street parking in the area, especially as there is a car park to the south of the proposal.

The proposal is not expected to unacceptably prejudice the residential amenity of the nearby occupiers, or have unacceptable transport effects, and accordingly satisfies saved policy LC3 of the adopted Local Plan.

## 5.4 Other Matters

An objector has suggested the addition of one changing room will encourage more burglars to the area, fear of crime is considered to be a material consideration. However, the existing bowling club is well defined in its use, and the proposed changing room is a relatively modest addition, which would not be

considered to materially increase the risk of crime in the area and therefore has limited weight in the deciding of this proposal. Notwithstanding this, an informative will be included with the decision notice alerting the bowling club to the risk of crime and ensuring the security provided is suffice to a level which satisfies the local police.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

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

**Contact Officer: Matthew Bunt**  
**Tel. No. 01454 863131**

## **CONDITIONS**

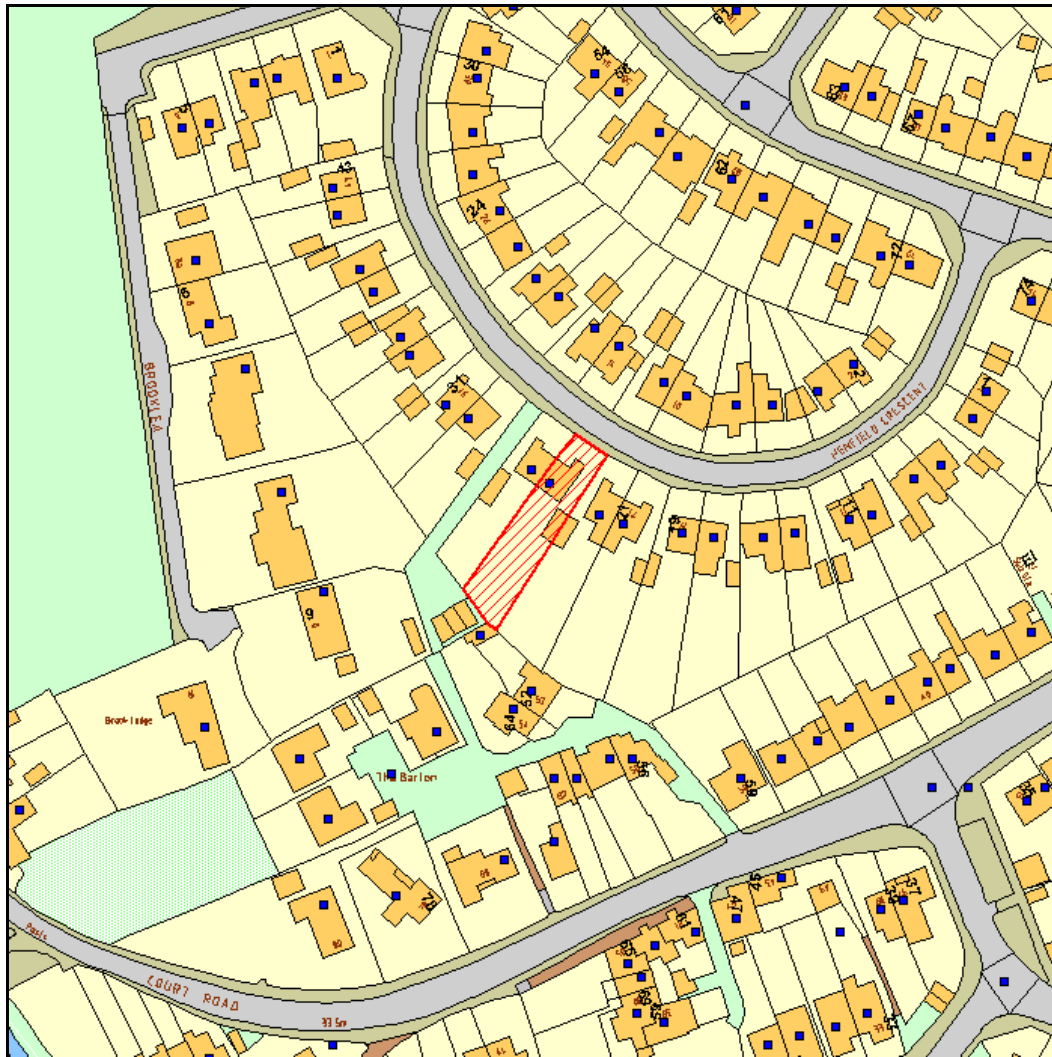
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 48/14 – 28 NOVEMBER 2014**

<b>App No.:</b>	PK14/3967/F	<b>Applicant:</b>	Mr And Mrs David Reed
<b>Site:</b>	25 Henfield Crescent Oldland Common Bristol South Gloucestershire BS30 9SF	<b>Date Reg:</b>	27th October 2014
<b>Proposal:</b>	Erection of first floor side extension over carport, and single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	366978 171426	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Householder	<b>Target Date:</b>	9th December 2014



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

This application appears on the Circulated Schedule because objections have been received from the Parish Council and a neighbouring occupier contrary to the officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a first floor side extension over a carport, and single storey rear extension to provide additional living accommodation.
- 1.2 The application site comprises a two-storey semi-detached property located on the southern side of Henfield Crescent within the established residential area of Oldland Common.
- 1.3 Amended plans have been received to enclose the proposed side extension at ground floor level due to officers concerns regarding the impact on the streetscene, and to reduce the height of the rear extension. The Parish Council and neighbouring occupiers have not been reconsulted on the revised plans because the changes have not materially increased the scale or altered the siting of the extensions.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
T12 Transportation Development Control Policy for New Development  
H4 Residential Development within Existing Residential Curtilages  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS5 Location of Development
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)  
The South Gloucestershire Residential Parking Standards SPD (adopted)

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

- 3.1 PK04/0778/F, erection of front porch, approval, 29/03/04.



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

##### **4.1 Bitton Parish Council**

Objection - Councillors object to this proposal which they consider represents over development. The proposed extension is too large as a proportion of the original house. The mass of building would have an adverse effect on the street scene. Councillors appreciate that other houses in the area have had extensions approved but feel that, were too many such applications be allowed, this would change the whole atmosphere of the street scene for the worse.

##### **4.2 Highway Drainage Officer**

No objection subject to informative

##### **4.3 Transportation DC Officer**

No objection subject to condition

##### **4.4 Trading Standards Officer**

The applicant should be made aware of weight restrictions in the area

#### **Other Representations**

##### **4.5 Local Residents**

One letter of objection has been received from a neighbouring occupier. The following is a summary of the reasons given for objecting:

- Spoil the appearance of semi-detached property;
- Block light to kitchen bathroom and landing windows;
- Create a wind tunnel down our driveway;
- Issues regarding encroachment and land ownership.

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

##### **5.1 Principle of Development**

Planning policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy) allows for the principle of the development. The main issues are the appearance/form and impact on the streetscene; the effect on the residential amenity of neighbouring occupiers; and transportation effects.

##### **5.2 Appearance/Form**

The proposal extends directly onto the flank boundary shared with neighbouring occupiers; it measures approximately 2.6 metres at the front and 3 metres at the rear. The footprint of the extension reflects the shape of the site, and consequently the flank wall is skewed. Notwithstanding this, it is noted that a number of similar extensions with skewed flank walls have been approved in the surrounding area. The proposal is set back from the existing front wall of the property and the ridge height is also set down from the existing ridge level; therefore, it is considered that the proposal will appear subservient to the existing dwelling. The applicant originally proposed an undercroft design for the ground floor of the extension, open to the front and side and supported by pillars.

The applicant has amended the design, enclosing the ground floor, which is considered to be more in-keeping with the character of the host dwelling and surrounding properties. The applicant has proposed a mix of brick and render for the extension and concrete tiles. A condition is recommended to ensure that they match the appearance of the existing dwelling if permission is granted.

5.3 The concerns of the Parish Council and neighbouring occupier are noted; however, whilst there will result in some loss of openness to the street, the scale, siting, massing and appearance of the extension are such that there will not be a significant adverse effect on the visual amenity of the area to warrant a refusal. The rear extension will not be prominent from views from the public realm and is considered acceptably in-keeping with the character of the area. The amendments to the design of the extension address the neighbours concern regarding the wind tunnelling effect on their driveway.

5.4 Residential Amenity

The proposed side extension is contained within the existing front and rear elevations of the property; therefore, it is not considered that occupiers of the adjoining property will be significantly adversely affected in terms of loss of natural light or outlook by this part of the scheme. The proposal moves the building line closer to first floor windows in the side of the neighbouring property; however, given that the windows affected are not primary windows located in the front and rear elevations of the neighbouring dwelling, serve a bathroom and landing, and orientated to the northwest, it is not considered that the residential amenity of neighbouring occupiers will be significantly adversely affected through loss of natural light or outlook. No windows are proposed in the side wall of the extension directly facing the neighbouring property; if permission is granted, a condition is recommended to restrict the insertion of windows in this elevation in the future. It is not therefore, considered that the side extension proposed will introduce any significant adverse privacy issues.

5.5 Careful consideration is required with regards to the impact of the proposed rear extension on the residential amenity of neighbouring occupiers given its position adjacent to the flank boundary and 5 metre length. The applicant has reduced the height of the extension from 3 metres to 2.7 metres. Given the location of the extension to the southeast of the adjoining neighbouring property there is likely to be an effect on the residential amenity of neighbouring occupiers in terms of loss of natural light and outlook. However, material weight is given to the fact that this part of the scheme falls with 'permitted development' under the recent changes to the regulations which permit larger extensions to be built without planning permission under the prior approval procedure. The adjoining occupiers have made no comment on the proposal; and therefore, there are no objections to this part of the scheme in terms of residential amenity. If permission is granted a condition is recommended to restrict the insertion of windows in the northwest side elevation in the interest of the privacy of neighbouring occupiers.

5.6 An adequate amount of private amenity space will be left to serve the host dwelling.

### 5.7 Transportation

The proposal will increase the number of bedrooms in the property from three to four; therefore, 2no. off street parking spaces are required to be provided in accordance with the Council's Residential Parking Standards SPD (adopted). Given the fact that the entire frontage of the property is given over to parking, and the fact that the ground floor area of the extension is intended for parking and to provide access to an existing single garage, it is considered that there will be sufficient off-street parking within the site to comply with the Council's adopted parking standards.

### 5.8 Further Matters

The neighbours concerns regarding the potential for encroachment onto their land and the removal of the existing boundary treatment are noted. The granting of planning permission does not grant rights to the applicant to enter or build on land that is not within their ownership; this is a separate legal matter and is beyond the scope 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 recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

7.1 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 extensions hereby permitted shall match those used in the existing dwelling.

Reason

To ensure an adequate standard of appearance and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

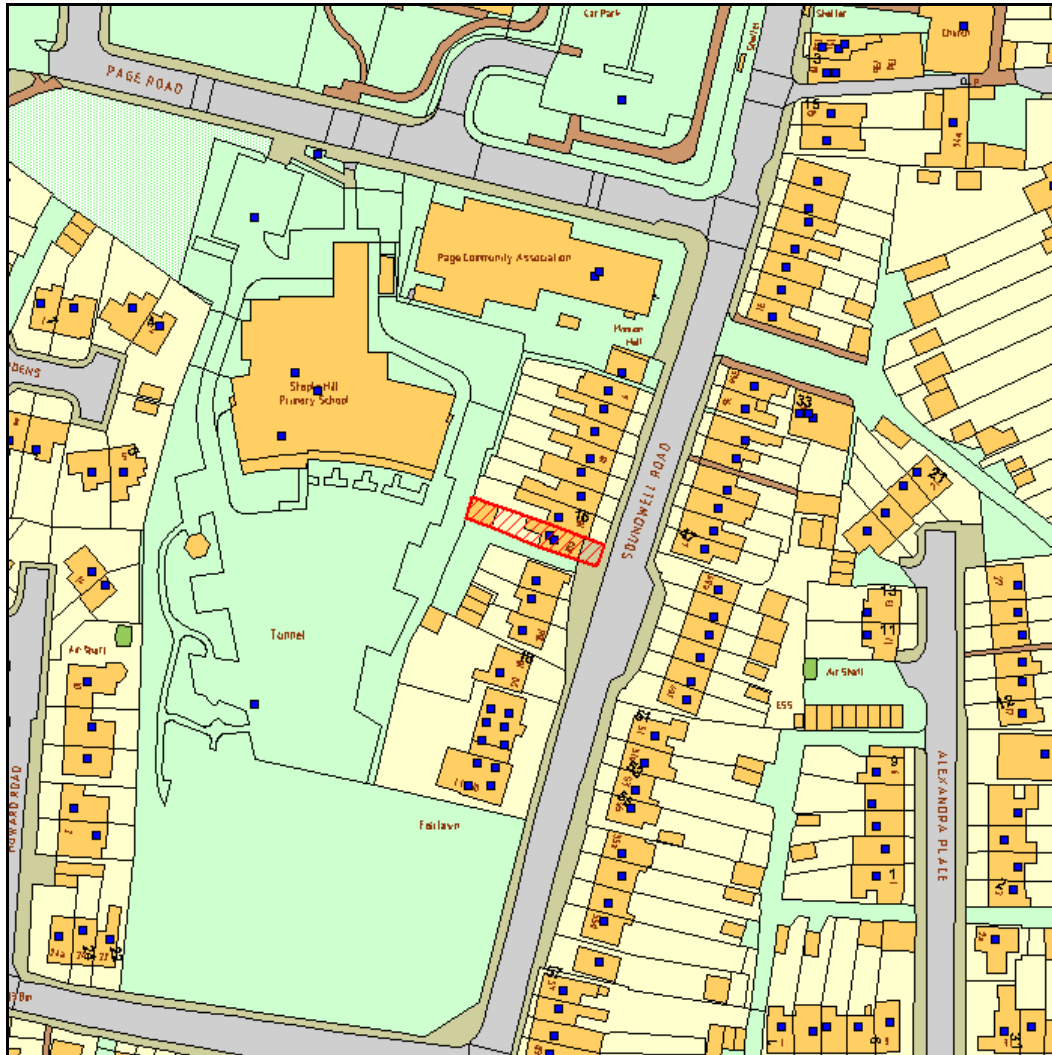
3. No windows shall at any time be inserted into the south eastern and north western side elevations of the extensions hereby permitted.

Reason

In the interests of the privacy of neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

CIRCULATED SCHEDULE NO. 48/14 – 28 NOVEMBER 2014

<b>App No.:</b>	PK14/4069/RVC	<b>Applicant:</b>	AHM Catering Experience
<b>Site:</b>	16A Soundwell Road Soundwell Bristol South Gloucestershire BS16 4QH	<b>Date Reg:</b>	21st October 2014
<b>Proposal:</b>	Removal of condition 2 attached to planning permission K6109/1	<b>Parish:</b>	None
<b>Map Ref:</b>	364844 175716	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Householder	<b>Target Date:</b>	11th December 2014



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 100023410, 2014. **N.T.S.** **PK14/4069/RVC**

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

This application has been referred to the Circulated Schedule as representations have been received which are contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

1.1 The application has been submitted under section 73 of the Town and Country Planning Act 1990 and seeks permission for the removal of condition 2 attached to planning permission reference K6109/1.

1.2 Condition 2 of application K6109/1 reads as follows:

*The garage hereby permitted shall be used for the garaging of private motor vehicles and for other uses incidental to the enjoyment of the dwellinghouse only and shall not be used for any business or commercial purpose.*

*Reason: To safeguard the residential character of the area and to protect the amenities of the occupiers of the nearby dwellings.*

1.3 The property is a two-storey end of terrace which was granted planning permission in 1989 for the change of use from a shop (A1) to an office/preparation area (B1). The property is currently arranged as a catering preparation business on the ground floor with a self-contained flat on the first floor (tenanted separately). The existing ground floor space comprises of three rooms for food preparation, cooking and storage.

1.4 The application relates to the erection of a detached double garage which is situated at the rear of the property, on the west side of Soundwell Road, a principal classified road. The garage is large spanning the width of the curtilage. It is constructed in red brick with a flat felt roof and appears domestic in terms of design.

1.5 To the rear of the application site is Staple Hill Primary School, which was built in 2011. To the north and south are terraced residential properties. There is a private access lane which runs between no's 16A and 16B, which serves the neighbouring properties no's 16B – D.

1.6 The property benefits from a hardstanding parking area to the front (parking for two vehicles) and a rear yard area, which is accessed by double gates.

1.7 This application is the result of complaints made to the Planning Enforcement team concerning the use of the gated access at the rear of no. 16A and the private access lane.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

National Planning Practice Guidance 2014

## 2.2 Development Plans

### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS13 Non-Safeguarded Economic Development Sites

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

E3 Criteria for Assessing Proposals for Employment Development within the Urban Area and Defined Settlement Boundaries

T12 Transportation Development Control

## 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (adopted) 2007

## 3. RELEVANT PLANNING HISTORY

3.1 PK14/1883/F Erection of single storey rear extension to provide additional kitchen space  
Approved 11.07.14

3.2 K6109/1 Erection of detached double garage  
Approved 08.03.91

3.3 K6109 Change of use from Shop A1 to Office/Preparation Area B1  
Approved 16.02.1989

3.4 Planning Enforcement complaints:  
COM/14/0871/OD & COM/14/0771/OD  
Lorries and trucks entering private access lane without permission  
August/September 2014

3.5 COM/14/0900/BOC  
Use of rear garden now entirely commercial, garage also being used for commercial purposes contrary to condition 2 attached to K6109/1  
September 2014

## 4. CONSULTATION RESPONSES

4.1 Parish/Town Council  
Unparished area

4.2 Highway Drainage  
No comment.

4.3 Transportation  
No objection.

## **Other Representations**

### 4.4 Local Residents

One letter of objection has been received and signed by local residents living at 16B, 16C and 16D:

- If the previous owners used the garage for commercial purposes local residents were unaware, no reason to suspect a breach;
- Restrictive condition on garage existed when AHM Catering purchased the property;
- Large double gates and concreted loading bay left off previous planning applications plans;
- Business rates never applied to the garage for commercial purposes;
- AHM Catering have not loaded or unloaded at the garage since February 2013;
- Residential amenity and character would be affected if the use of commercial vehicles, trailers and deliveries to load/unload at the garage;
- Currently 3 commercial vans – will this increase?
- No restriction on trading hours at the premises, sometimes unloading at 11pm;
- Residential area;
- Garage should only be used for storage, excluding loading or unloading;
- Existing adequate loading bay at the front of the premises;
- Health and Safety issues associated with commercial vehicles in a residential area.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy CS13 of the Core Strategy (Adopted) 2013 recognises the importance of retaining and supporting non-safeguarded employment sites. Saved policy E3 advises that proposals for employment uses within the existing urban area and the boundaries of settlements are considered acceptable in principle, subject to the following criteria:

- It would not have an unacceptable environmental impact;
- Adequate provision is made for service and delivery and the proposal would not give rise to unacceptable levels of vehicular traffic;
- It would not prejudice residential amenity or adversely affect the character of the area
- The maximum density compatible with the sites location is achieved

5.2 The application seeks to remove condition 2 and to regularise the use of the garage for commercial storage purposes associated with the catering business.

5.3 The reason for condition 2 is to safeguard the residential character of the area and to protect the amenities of the occupiers of the nearby dwellings. It is therefore considered that the pertinent issue to consider is the impact of the proposed limitation of the use for incidental to residential purposes on the residential amenity of neighbouring occupiers 16B – D.



5.4 Planning History

The premises were approved for Class B1 office/preparation area in February 1989 changing the use of the site from a shop (A1). The property has operated as a commercial unit for in excess of 25 years. The hours of operation are not restricted by a condition. The applicants have operated their catering business AHM Catering from the premises since purchasing the property in 2010. Prior to this, the previous occupants Classic Catering ran their company from the premises for 23 years.

5.5 Planning permission was later granted in February 1991 for the erection of a double detached garage, restricting the use of the garage to 'private motor vehicles' and 'no commercial or business use'. The garage is located within the 'red edge' of the previously granted office/preparation area (B1 Use). The agent has advised that the previous and current owners both use the garage for commercial storage purposes in association with their respective catering businesses. The agent has advised that it is not possible to proceed with a Certificate of Lawfulness application as the previous owners do not want to participate in giving evidence to support the application. Nevertheless, it appears that the garage has historically been used for commercial storage purposes for a number of years without raising any concerns from local residents.

5.6 Currently, the garage is used for the storage of a fridge, freezers, catering equipment, food and a trailer. No private or commercial vehicles are stored in the garage as there is no room or need for additional parking. The premises have off-street parking for two vehicles at the front of the property; two commercial vans are parked here on a daily basis.

5.7 Planning Enforcement Investigation

In August and September 2014 complaints were made to the Planning Enforcement team reporting that lorries and trucks are using the private lane, vehicular access gates had been installed towards the rear of the property and a breach of condition in relation to the use of the garage. The agent has explained in their supporting statement that there are ongoing civil issues in respect of the use of the gated access, garage and private access lane. Whilst these are civil issues, they do form a material consideration in the assessment of this application.

5.8 The Planning Enforcement Officer has confirmed that the installation of the gates and use of the hardstanding at the rear of the property as a parking area for loading/unloading at the premises do not require planning permission and does not constitute a breach of planning control. The main issues to consider in the removal of condition 2 are the impact on the private access lane in terms of traffic on neighbouring residents.

5.9 The owners and employees of the catering company have submitted supporting statements confirming that they have not accessed the garage with commercial vehicles since February 2013. However, occasionally a trailer is stored in the garage and will need to be removed to be used for an event and

then later returned. The agent and applicant have also confirmed that the garage is mainly accessed via the side door, from within the curtilage of the site and the roller door is not regularly used. This confirms why local residents have not noticed the garage being used for commercial storage purposes as such.

5.10 Residential Amenity

The site has an established B1 Use that has been used by catering companies for over 27 years. Officers are mindful that the change of use and garage applications were granted 25 years ago and since then the business has expanded. The application site is situated within an established residential area. Since the change in ownership in 2010, the first floor flat has been let out to private tenants, the premises have expanded with a rear single storey kitchen extension and amendments to the rear boundary access.

5.11 A number of concerns have been raised by local residents in a joint letter. Their concerns are the impact on residential amenity and character of the area being affected if commercial vehicles were to use the garage to load/unload deliveries and equipment. Their preference is for it to be conditioned to be used for storage purposes only and hours of access restricted via an appropriate condition.

5.12 The key issue in amenity terms is considered to be the intensification of the use of the private access lane and increased noise generated from loading and unloading equipment and deliveries. It is important to note that the main garage roller door (facing southerly direction, down the private access lane) is generally not used for loading and unloading. The garage is mainly accessed by the owners and employees via the side door; it is considered that this does not impact or cause noise disturbance to the neighbouring residents.

5.13 In balancing the arguments put forward and on reflection of the history and material considerations associated with the site, it is considered that the proposed removal of condition 2 would not prejudice the amenity of the neighbouring occupiers. Whilst Officers are mindful that there is an ongoing civil issue, it appears that the use of the garage for commercial storage purposes is an existing situation that has been taking place for a number of years without previous issue. It is suggested that a condition is attached restricting the hours the garage can be accessed via the roller door by commercial vehicles to ensure local residents are not impeded using the private lane during core hours (such as early mornings and evenings). It is considered that the removal of the condition would not result in an intensification of the current situation, but would appropriately manage the existing use of the garage for commercial storage purposes.

5.14 Highway Safety

The property benefits from a hardstanding area at the front which provides parking for two vehicles. Generally, this area is used to park two medium-sized commercial vans. In addition, to the rear of the site there is a hardstanding area which is accessed via gates, a recent addition.

- 5.15 The garage, as originally conditioned, was to provide parking for 'private motor vehicles' and to be 'incidental to the enjoyment of the dwellinghouse'. The owner's supporting statement advises that they have never used the garage for this purpose since purchasing the property and neither did the previous owners. The one-bedroom flat on the first floor is rented to private tenants as the owners live off site. The flat does not have any off-street parking facilities within the curtilage as part of their tenancy agreement.
- 5.16 The agent asserts that the property is located within a sustainable location, being close to bus stops within 100m - 200m and there is evidence of on-street parking along Soundwell Road, particularly on the east side which is unrestricted. Whilst Officers are mindful that parking provision for one vehicle is required for residential dwellings, the flat does not appear to have benefitted from off-street parking for some time. It would therefore be difficult for Officers to justify the need for off-street parking when none has existed. Overall, it is considered unlikely that there would be any material impact as a result in relation to increased traffic and parking congestion that would be associated with the removal of the condition. It is considered that the removal of the condition is likely to result in a controlled pattern of use, spread over a longer period and within sociable hours. Other matters raised in relation to the use of the private access lane are not within the remit of this application to control.

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

## **7. RECOMMENDATION**

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

**Contact Officer: Katie Warrington**  
**Tel. No. 01454 863436**

## **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 garage shall not be accessed via the roller door on the south elevation, including the taking and despatching of deliveries and equipment, outside of the following times:  
Monday to Friday 09:00 - 17:00  
Saturdays 09:00 - 13:00  
No access on Sundays, Bank or Public Holidays.

Reason

In the interests of residential amenity and to accord with policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

3. The garage shall be used for ancillary commercial storage purposes only and for no other purpose (including any other purpose in Class B8; of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

In the interests of residential amenity and to accord with policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

**CIRCULATED SCHEDULE NO. 48/14 – 28 NOVEMBER 2014**

<b>App No.:</b>	PT14/3639/TRE	<b>Applicant:</b>	Merlin Housing
<b>Site:</b>	5 Oldlands Avenue Coalpit Heath South Gloucestershire BS36 2SF	<b>Date Reg:</b>	6th October 2014
<b>Proposal:</b>	Works to reduce limb and rebalance crown of 1no Weeping Willow tree covered by Tree Preservation order SGTPO08/14 dated 22nd July 2014.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367311 180964	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>		<b>Target Date:</b>	13th November 2014



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 100023410, 2014. N.T.S. PT14/3639/TRE

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

Comments of objection have been received which are contrary to the officer's recommendations.

### **1. THE PROPOSAL**

1.1 Works to reduce limb and rebalance crown of 1no. weeping willow.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

- i. The Town and Country Planning Act 1990
- ii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

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

3.1 No relevant planning history

### **4. CONSULTATION RESPONSES**

4.1 Frampton Cotterell Parish Council  
Holding comment prior to Tree Officer report

#### **Other Representations**

#### 4.2 Local Residents

One letter of objection has been received  
There is concern for the loss of amenity and possible detrimental affect on wildlife.

There is also concern that the reason for undertaking works to the tree are linked to development of the area

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

5.1 Works to reduce low limb and rebalance crown of 1no. Willow

#### 5.2 Principle of Development

The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

#### 5.3 Consideration of Proposal

The works to reduce 1no. low limb back to the boundary and rebalance and cleaning through the crown should not be detrimental to the health of the tree. Willows respond very well to pruning and healthy regeneration is anticipated. Therefore a loss of amenity is not expected. Further to this the removed limb will be placed at the base of the tree in order to increase the biodiversity within the immediate environment.

## 6. RECOMMENDATION

6.1 It is recommended that **approval is granted**

**Contact Officer: Lea Bending**  
**Tel. No. 01454 864201**

### CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

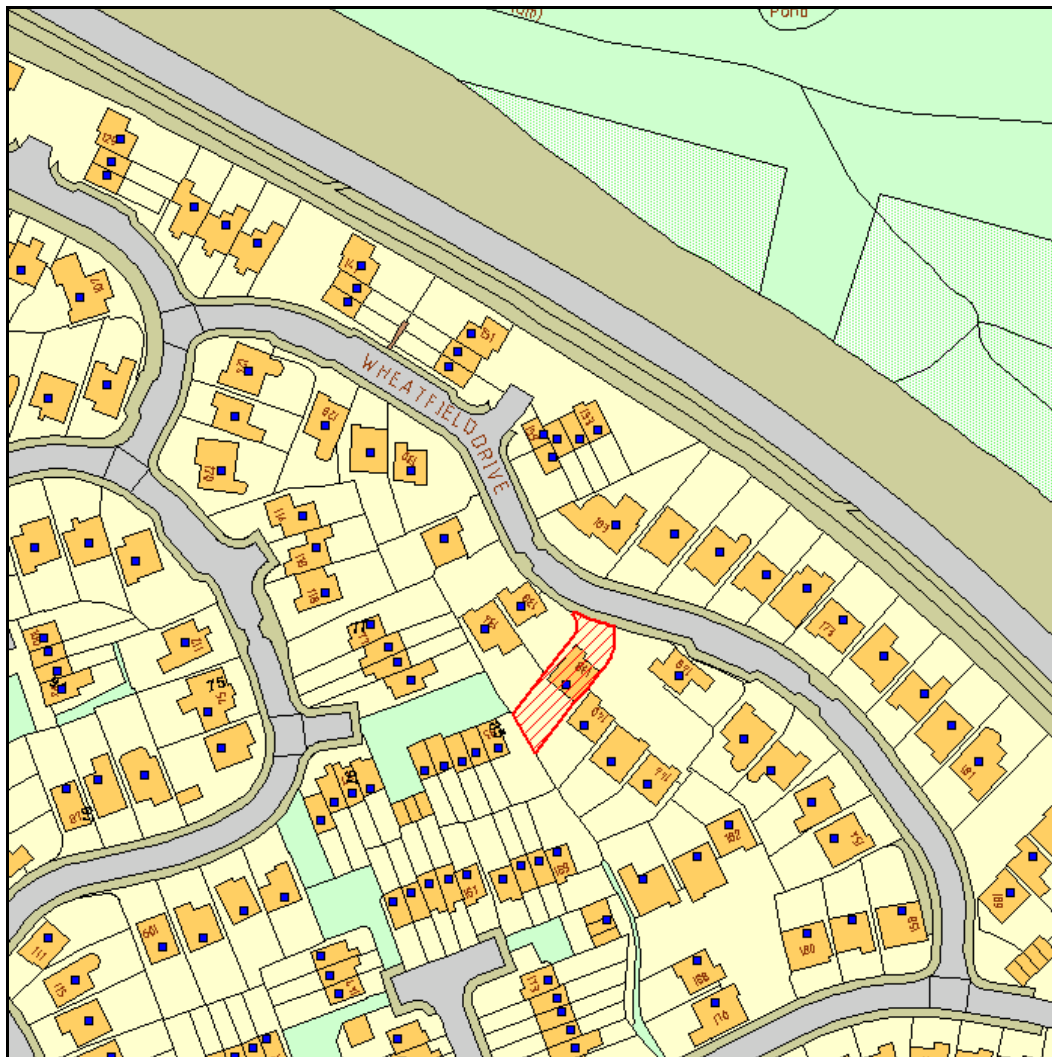
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 48/14 – 28 NOVEMBER 2014**

<b>App No.:</b>	PT14/3796/F	<b>Applicant:</b>	Mr James Pearce
<b>Site:</b>	138 Wheatfield Drive Bradley Stoke Bristol South Gloucestershire BS32 9DD	<b>Date Reg:</b>	6th October 2014
<b>Proposal:</b>	Erection of first floor side extension and conversion of garage to provide additional living accommodation	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	361888 182318	<b>Ward:</b>	Bradley Stoke Central And Stoke Lodge
<b>Application Category:</b>	Householder	<b>Target Date:</b>	25th November 2014



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

This application is to appear on Circulated Schedule due to the receipt of an objection from a local resident, contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks planning permission for the erection of a first floor side extension and conversion of garage to provide additional living accommodation.
- 1.2 The application site comprises of a two-storey detached dwelling, located on a cul-de-sac on the western side of Wheatfield Drive. The property is located within the established residential area of Bradley Stoke.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

#### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

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

H4 Residential Development within Existing Residential Curtilages

T12 Transportation Development Control Policy for New Development

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist SPD (adopted) 2007

South Gloucestershire Residential Parking Standards SPD (adopted) 2013

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

#### **4.1 Bradley Stoke Town Council**

No objection.

#### **4.2 Drainage**

No objection.

#### **4.3 Transportation**

No objection.

## **Other Representations**

### **4.4 Local Resident**

One local resident has raised an objection on the grounds that the garage conversion is believed to be for a hair extension business; scaffolding would damage their trees; and the dormer window may cause overlooking into their garden.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Saved policy H4 of the Local Plan (adopted) 2006 allows for the principle of the proposed development. The main issues to consider are the design of the proposed extension and the impact on the character of the area (policies H4 of the Local Plan and CS1 of the Core Strategy); the impact on the residential amenity of neighbouring occupiers (saved policy H4 of the Local Plan); and the transportation effects (saved policies H4 and T12 of the Local Plan).

### **5.2 Design**

The proposal extends over an existing single garage and extends the existing ridge to form the proposed addition. The Officer requested that the extension be made subservient to be more sympathetic to the character of the existing dwelling by altering the height of the roof or bringing the eaves forward and fully extending to two storey size, rather than a dormer window. The applicant and agent have not acceded to this request. The agent states that the design of the extension is similar to no.122, 130, 133, 136, 146, 187, and 193. The Officer considers the design of the extension at no. 142 Wheatfield Drive to be more appropriate.

5.3 The cul-de-sac is characterised by a wide variety of architectural styles of dwellings, mainly consisting of detached two storey properties. In this context, the proposal is not considered to appear adversely out of keeping with the character or style of surrounding properties. The application site is set back from the road and will not harm the character of the streetscene. The Officer considers that on balance the dormer window in the front elevation overall maintains the subservience of the extension. The applicant has specified that the brick for the walls and tiles for the roof will match the appearance of the existing dwelling; a condition will be attached requiring matching materials to be used.

### **5.4 Residential Amenity**

A dormer window will be inserted in the first floor of the front elevation, with a single rear window and bi-fold doors replacing the garage door. The proposed addition is contained within the footprint of the existing property. To the north is the rear boundary wall of no's 134 and 136 and a couple of established Leylandi trees. Concern has been raised by a local resident that the scaffolding would damage these trees, but it is unlikely that the scaffolding would need to project that far forward of the front elevation to have any impact on the trees or affect the roots in the neighbouring garden.

- 5.5 No windows are proposed in the north side elevation; therefore, it is considered that the proposal will not introduce any additional overlooking or have a negative impact on existing privacy levels. Neighbouring properties are located at a sufficient distance from the site to ensure that occupiers are not adversely affected.
- 5.6 The proposed garage conversion would involve the replacement of the garage door to convert the room into a study, with a toilet and utility room. Concern has been raised by a local resident that the garage conversion is for a business use; no details have been included in the application relating to a proposed business. The operation of a business from home involving the use of a single room, low-key activity, no additional noise/smell or significant vehicle movements is unlikely to require planning permission.
- 5.7 Transportation  
The proposed development would add a fourth bedroom to the property. The Council's Residential Parking Standards SPD requires a minimum of two off-street parking spaces for proposals involving 3-4 bedrooms. The plans show provision for two off-street parking spaces at the front of the property, as existing. Accordingly, there are no objections 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 **approve** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## 7. **RECOMMENDATION**

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

**Contact Officer: Katie Warrington**  
**Tel. No. 01454 863436**

## **CONDITIONS**

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

Reason

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

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

Reason

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

**CIRCULATED SCHEDULE NO. 48/14 – 28 NOVEMBER 2014**

<b>App No.:</b>	PT14/3797/F	<b>Applicant:</b>	Mr I Tarrant
<b>Site:</b>	71 Watleys End Road Winterbourne Bristol South Gloucestershire BS36 1PN	<b>Date Reg:</b>	6th October 2014
<b>Proposal:</b>	Erection of two storey rear extension to provide additional living accommodation	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365509 181321	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	25th November 2014



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 100023410, 2014. **N.T.S.** **PT14/3797/F**

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

This letter appears on the Circulated Schedule as a result of consultation responses received.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of two storey rear extension including a rear balcony.
- 1.2 The property is a detached dwelling situated on the main Watleys End Road, containing a variety of styles and size of properties. The site is located within the residential area of Winterbourne.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006
  - H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
  - T8 Parking Standards
  - T12 Transportation Development Control Policy for New Development  
South Gloucestershire Local Plan Core Strategy (Adopted December 2013)
  - CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Residential Parking Standards

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objections.

#### Sustainable Transportation

We note that this planning application seeks to extend the residential accommodation at 71 Watleys End Road, Winterbourne. We also understand that his proposal increases the number of bedrooms present at this property from three to four.

The Councils minimum car park standards as set out in the Residential Parking Standards SPD adopted in December 2013 indicate that both three and four bedroom properties must be provided with at least two car parking spaces. Our examination suggests that the driveway at this property will conform to this requirement.

Moreover, we note that this remains a single dwelling and the current proposals do not alter its access arrangements. Consequently, we have no transportation comments about this application.

#### Highway Drainage

No comments.

### **Other Representations**

#### 4.2 Local Residents

Two letters have been received from local residents. The first states: 'The only concern we have regarding the property extension is that the new windows and first floor balcony will overlook our property and potentially invade our privacy. We would support the planning application providing there are adequate screening trees, including retention of the trees near our mutual boundary.'

The second letter raises no objection to the proposed extension, and provides support to the comments of the letter referred to above.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

### 5.2 Design / Visual Amenity

The proposed extensions and alterations are of an acceptable standard in design and are not materially out of keeping with the character of the main dwelling house and surrounding properties. There are a variety of properties in the area and the dwelling is a relatively large building set in a relatively large plot that can accommodate the scale of the extension. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. The plot of land and relationship with the surrounding area is such that the proposals can be incorporated acceptably into the site. Materials used will match those of the existing dwelling. It is considered that the dwelling can accommodate the extensions satisfactorily, and that sufficient amenity space will remain on the site such as to avoid issues of overdevelopment.

### 5.3 Residential Amenity

Given the overall scale of the extensions and alterations and their relationship and orientation with the existing dwelling and surrounding properties it is considered that the proposals would be acceptable in terms of residential amenity. The existing property is a detached dwelling located on a relatively large plot. It is set off of the shared curtilage boundaries to either side. The shared curtilage boundaries on either side are relatively open in their relationship with each other with only relatively small boundary treatments, mainly in the form of small walls and fences in these directions. It is not considered that rear facing windows would significantly or materially increase overlooking and the proposed balcony has side screening walls. To the rear elevation the rear curtilage area extends to some 23 metres, beyond which is the bottom of the rear curtilage of a dwelling off another road (Bourne Close). The nearest dwelling itself in this direction would be some 35 metres from the rear of the application dwelling. Between these curtilages is a certain amount of vegetation cover, containing mixed hedgerow and trees along the boundary. It is not proposed to remove vegetation as part of the application, and the proposed extension would not impact upon it, although it would not require planning permission to do so. Notwithstanding ownership issues and given the distance involved, it is not considered that a condition to retain it is necessary, enforceable or reasonable in this instance. The second storey rear building line would extend less than 1 metre from its current extent. It is not therefore considered that the proposed extension would give rise to a materially significant or additional overlooking impact. The plot of land and relationship with the surrounding area is such that the proposals can be incorporated acceptably into the site without unacceptable amenity impact.

### 5.4 Sustainable Transportation

It is considered that adequate off-street parking provision would exist to serve the property such as to meet the Council's adopted parking requirements for the dwelling.

## 6. **CONCLUSION**

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

6.2 The proposed extension is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not materially harm the amenities of the neighbouring properties. Sufficient off-street parking would be available to meet the Council's parking standards. As such the proposals accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted December 2013).



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

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## **CONDITIONS**

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

**Reason**

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

2. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

**Reason**

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

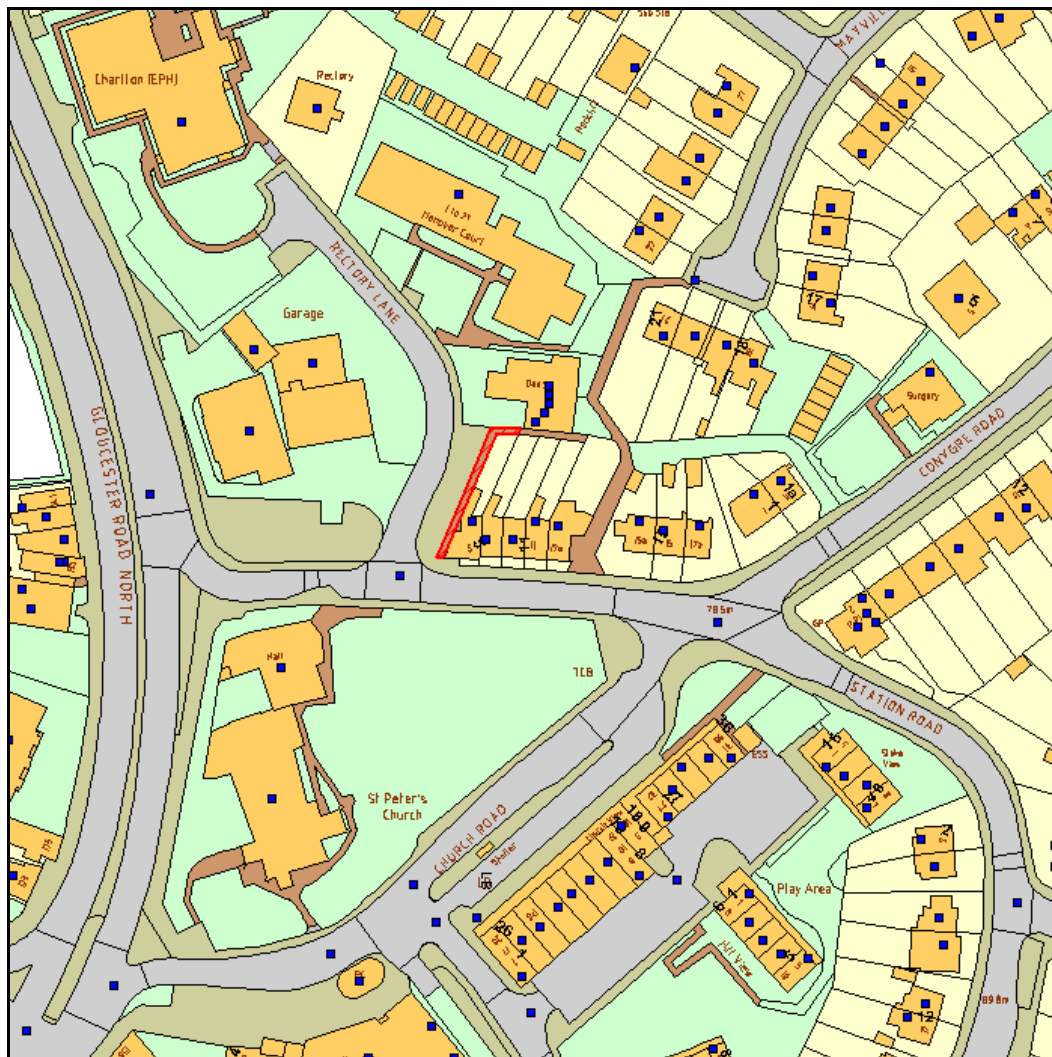
3. The hours of working on site during the period of construction shall be restricted to 08.00 - 18.00 hours on Mondays to Fridays, 08.00 - 1300 hours on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

**Reason**

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 48/14 – 28 NOVEMBER 2014

<b>App No.:</b>	PT14/3804/CLE	<b>Applicant:</b>	Mr Mark Gaffey
<b>Site:</b>	5 Station Road Filton Bristol South Gloucestershire BS34 7BX	<b>Date Reg:</b>	27th October 2014
<b>Proposal:</b>	Certificate of lawfulness for the existing use of land as residential garden (Use Class C3)	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360349 179257	<b>Ward:</b>	Filton
<b>Application Category:</b>		<b>Target Date:</b>	9th December 2014



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 100023410, 2014. **N.T.S.** **PT14/3804/CLE**

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

This application is for a certificate of lawfulness, and as such, under the current scheme of delegation, is to be determined under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 The application is for a certificate of lawfulness for the existing use of the land edged in red as residential garden.
- 1.2 The application site consists of a strip of land formerly serving as an access lane situated to the side and rear of 5 Station Road.
- 1.3 The application description originally read as '*Certificate of lawfulness for the existing use of land as residential curtilage*'. However 'curtilage' is not a use of land and instead defines an area of land in relation to a building. From the application form it would appear that the applicant is referring to the use of the land as 'residential garden', which falls within use class C3. The decision notice is therefore amended to this effect.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

- I. Town and Country Planning Act 1990
- II. Town and Country Planning (Development Management Procedure) Order 2010
- III. Town and Country Planning (General Procedures) Order 1995
- IV. National Planning Practice Guidance 2014

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

- 3.1 N1337 - Erection of garage and porch. Approved 15<sup>th</sup> May 1975

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

- 4.1 Block Plan (historic) received 30<sup>th</sup> September 2014
- 4.2 Block Plan (colour shaded) received 30<sup>th</sup> September 2014.
  - The access lane is shaded red whereas the no.5 property is shaded blue.
- 4.3 Application for received 30<sup>th</sup> September 2014. This makes the following statements:
  - To the side of my property is a small lane. The small lane will become part of my garden to prevent fly tipping and the neighbour's security.
  - The certificate of lawfulness is sought, as for the past 14 years, I have maintained, repair damaged fences and sort out fly tipping issues at my own expense.
  - This was the old access in Station For the cesspit.

## 5. **SUMMARY OF CONTRARY EVIDENCE RECEIVED**

5.1 None received.

## 6. **CONSULTATION RESPONSES**

6.1 Filton Town Council

No objection

6.2 Conservation Officer

No comment

### **Other Representations**

6.3 Local Residents

One letter of support has been received from a local resident. The comments are outlined as follows:

- We fully support this application. The lane at the rear of the houses was originally used to access the houses' cesspits, which have long been removed (with the houses connected to the main sewage). The remaining lane is now regularly used for fly tipping and is a clear security risk. The proposal for lawful development of the section of the lane immediately adjacent to the applicant's property will improve safety and security.

## 7. **EVALUATION**

7.1 This application for a certificate of lawfulness is purely an evidential test irrespective of planning merit. The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the site has been in residential use for a consistent period of not less than ten years and, whether or not the use is in contravention of any enforcement notice which is in force.

7.2 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". Guidance contained within the National Planning Practice Guidance 2014 states:

*'the applicant is responsible for providing sufficient information to support an application...'*

*'If a local planning authority has no evidence itself, nor any 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 to justify the grant of a certificate on the balance of probability.'*

7.3 Assessment of Evidence

The applicant is seeking to prove that the land outlined red has been in residential use for a continuous period of not less than ten years forming part of the residential curtilage of no.5 Station Road, Filton. In this instance the applicant states that they have maintained, repaired damaged fences and

sorted out fly tipping issues at their own expense for a period of 14 years. The application form states that the use began in 1900 and was used as an access for the cesspit which served the properties on Station Road. Although the application form is unclear it is considered that the main issue is to establish whether the lane is in a residential use (Use Class C3) and has been for a period of at least ten years.

- 7.4 No evidence has been submitted with the application other than the block plans and application form as summarised in paragraph 4 of this report. The plans show the land in question was previously identified as a 'passage' and the application form and correspondence from the neighbour confirms that the land served the purpose of an access lane in order to gain access to the houses' cesspit. The lane runs to the side elevation of the attached garage serving no.5 and the rear boundaries of the terrace. On visiting the site it was noted that the lane consisted of hardstanding and appeared disused with some overgrowth. Some bins, presumably associated with no.5, were being stored on part of it just behind the attached garage.
- 7.5 On visiting the site it was noted that the land remains outside of the rear garden of no.5, which is enclosed by a 2 metre timber boarded fence. To the west side of the lane is a stone boundary wall which marks the boundary between the lane and the car parking on the western side of it. The aerial photographs held by the Council in the years 1991, 1999, 2005, 2006 and 2008-2009 indicate that this has been consistently the case. It is therefore not considered that the lane currently forms part of the rear garden of no.5. The statements made within the application form similarly do not indicate that the land forms part of the garden being referred to as a 'small lane'. Maintenance of the land by the applicant does not indicate its residential use.
- 7.6 The applicant is seeking to include the land within the garden of no.5 in order to prevent fly tipping and in the interests of security. As outlined above it is not considered that the land already forms part of the garden of no.5. It is noted however that if the land is already in residential use then the inclusion of it within the garden of the no.5 would not require planning permission as there would be no 'material change of use'. It is therefore necessary to establish the use of the access lane.
- 7.7 The correspondence received implies that the land was originally used to access the cesspit at the rear of the terraces and the historic map submitted makes reference to a 'passage' and 'cess pit'. It is understood from the representation made by a local resident that the cesspit has since been removed, although there is no evidence to suggest when this was. There is also no evidence to suggest that the lane was ever used for any purpose other than to gain access, presumably by foot.
- 7.8 In this instance the access lane provides an associated function to the dwellinghouses, which is to provide access to the cesspit associated with the dwellings. However it would not appear to be in a domestic or residential use and is more akin to a service lane or footpath. In consideration of its use it is considered that the lane would fall within the category of 'sui generis' in a similar way to the use of land as amenity open space, which provides a

function of serving visual amenity in areas such as housing estates without actually being in a residential use. It is therefore not considered that the land falls within use class C3 and as such its incorporation into the residential garden of no.5 Station Road would result in a material change of use of the land.

- 7.9 In conclusion to the above, based on the information submitted with the application, it is not considered that the use of the lane as part of the residential curtilage of no.5 has been proven on the balance of probability for a period of at least ten years and, to date the land would appear to remain outside of the garden of no.5. The land is not considered to fall within use class C3 and as such the inclusion of it within the garden of no.5 would consist of a material change of use. This application is for a certificate of lawful development for an existing use is therefore refused on these grounds.

## **8. CONCLUSION**

- 8.1 Insufficient evidence has been submitted to precisely, clearly or unambiguously demonstrate that, on the balance of probability, the land has been in residential use for a consistent period of at least ten years.

## **9. RECOMMENDATION**

- 9.1 That the Certificate of Lawfulness is REFUSED.

**Contact Officer: Sarah Fordham**  
**Tel. No. 01454 865207**

## **REASONS FOR REFUSAL**

1. Insufficient evidence has been submitted to precisely, clearly or unambiguously demonstrate that, on the balance of probability, the land has been in residential use for a consistent period of at least ten years.

**CIRCULATED SCHEDULE NO. 48/14 – 28 NOVEMBER 2014**

<b>App No.:</b>	PT14/3973/F	<b>Applicant:</b>	Mr And Mrs Colin And Susan Bridgewater
<b>Site:</b>	Quarry House Strode Common Alveston Bristol South Gloucestershire BS35 3PJ	<b>Date Reg:</b>	23rd October 2014
<b>Proposal:</b>	Creation of new vehicular access onto Strode Common	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	362685 188116	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	8th December 2014



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 100023410, 2014. **N.T.S.** **PT14/3973/F**

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

This application appears on the Circulated Schedule because support has been received from a neighbouring occupier contrary to the officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the creation of a new vehicular access onto Strode Common.
- 1.2 The application site comprises a two-storey detached property located on the northwestern side of Strode Common. The site is within the defined Alveston village boundary which is washed over by the Green Belt.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
T12 Transportation Development Control Policy for New Development  
H4 Residential Development within Existing Residential Curtilages  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS5 Location of Development  
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)  
The South Gloucestershire Development in the Green Belt SPD (adopted)

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

- 3.1 P84/1276, Erection of dwelling; alterations to existing access. (Outline), approval, 18/04/84.
- 3.2 P85/1137, Erection of detached dwelling with integral double garage. Alterations to existing vehicular and pedestrian access. (To be read in conjunction with P84/1276) (details following outline), approval, 20/03/85.
- 3.3 P85/2569, Erection of detached dwelling and garage. Construction of new vehicular and pedestrian access and alterations to existing vehicular and pedestrian access, approval, 04/12/85.



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

- 4.1 Alveston Parish Council  
No comments received.
- 4.2 Drainage Officer  
No objection subject to condition.
- 4.3 Transportation DC Officer  
Objection.

#### **Other Representations**

- 4.4 Local Residents  
One letter of support has been received from a neighbouring occupier.

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

- 5.1 Principle of Development  
Given the nature of the proposal to form a new vehicular access, it is not considered that there will be a materially greater effect on the openness of the Green belt than the existing situation. The proposal is therefore, appropriate development in the Green Belt. Given the nature of the proposal, it is not considered that there will be a significant adverse effect in terms of appearance/form or residential amenity. The main issue is the effect on highway safety.
- 5.2 Highway Safety  
The site is within a 30 mph zone; however, it is very close to a 40 mph zone; therefore, vehicles could potentially be travelling at speeds in excess of 30 mph close to the application site. The Council's Transportation Officer has raised concerns regarding the fact that a hedge on the western boundary of the site may impede visibility in that direction; therefore, adequate visibility must be demonstrated to the west from the proposed access, which conforms to standards set out in Manual for Streets. Consideration has been given to the potential to address this issue by condition; however, as the Transportation Officer has raised concerns as to whether adequate visibility can be achieved within land that is solely within the ownership of the applicant, this information is required to be provided upfront and cannot be conditioned. As such, insufficient information has been submitted to demonstrate that adequate visibility can be achieved from the proposed access.

#### **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 Planning permission is REFUSED for the following reason.

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

## **REASONS FOR REFUSAL**

1. Insufficient information has been submitted to demonstrate that adequate visibility can be achieved from the proposed access to allow vehicles to enter and leave the site safely. The proposal will therefore, have a detrimental effect on highway safety and is contrary to policies T12 and H4 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).