

# 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: 40/22**

**Date to Members: 07/09/2022**

**Member's Deadline: 13/10/2022 (5.00pm)**

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2020. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

Having considered the reports, those applications that Councillors feel should be referred to the relevant Planning Committee must be notified to the Strategic Planning section by email within five working days of the publication of the schedule (by 5pm) in line with the procedure set out below. If there has been no valid 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, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee. You may also wish to refer to the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

**PLEASE NOTE: The circulated schedule process is only open to elected Members of South Gloucestershire Council.**

## NOTES FOR COUNCILLORS

### – formal arrangements for referral to committee

**If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate planning committee then a referral should:**

- a) Be made in writing using the attached form by emailing [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk) identifying the application reference and site location
- b) 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 end of the following Thursday (see cover page for the date)
- c) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral You may wish to consider the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

If would be helpful if you could indicate if you:-

- Have discussed the application(s) with the Case Officer and/or Development Manager
- Have discussed the application(s) with ward Member(s) if the site is outside of your ward
- Consider the site would benefit from a visit by the committee, setting out the reasons

Valid referral requests will be considered by the Committee Chair, in consultation with the Spokes, against the criteria given in the Members' Planning Code of Good Practice in the Council's constitution and you will be notified of the Chair's decision. Applications which are not referral, or where the referral request is not agreed by the Chair, will be determined by officers under delegated powers

**The Circulated Schedule will always contain the following applications unless the application is required to be determined by Committee:**

- 1) Any application submitted by, or jointly, or on behalf of the Council.
- 2) Any application submitted by or any matter directly affecting or involving any

Member of the Council and any application(s), submitted by an Officer of the Council working in the Strategic Planning area (specifically the Policy and Specialist Advice, Development Management, Strategic Major Sites and Planning Enforcement, Validation & Registration and Planning Technical Support teams) or any Member or Officer of the Council acting as a planning agent.

- 3) Any application requiring a new planning agreement.
- 4) Any applications requiring a modification of an existing planning agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.

5) Any application where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making.

6) Any applications, except those listed below a-f where three or more representations contrary to the Officers recommendation are received within the notification period other than from officers of the Council acting in their professional capacity.

7) Any applications, except those list below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

8) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officer's recommendation from any Member of South Gloucestershire Council.

Applications that will not appear of the Circulated Schedule procedure as a result of representations received:

a. All applications, where approval is deemed to be granted upon the expiry of a defined period

b. All applications to be determined the lawfulness of a proposed or existing use of a site

c. All applications for non-material amendments

d. All applications to discharge planning conditions

e. All applications solely required because of the removal of Permitted Development Rights or Article 4 direction

f. Any footpath stopping up or diversion required to implement an approved scheme

### **Additional guidance for Members**

Always make your referral request by email to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk) (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

Please note a copy of your referral e mail will appear on the website.

Before referring an application always contact the case officer or Development 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.

A template for referral is set out below:

## Referral from Circulated Schedule to Development Management Committee

1. Application reference number:
2. Site Location:
3. Reasons for referral:

The referral should include the reasons for the referral indicating why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issues the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay of the referral

4. If the site is outside your ward have you contacted the ward Member(s) to inform them of the referral?

5. Have you discussed the referral with the case officer or Development Manager?

6. Do you feel a site visit is required or can issues be addressed by other means e.g. further information in the report, additional presentation material, video etc.

**Do you consider this is an application of strategic importance such that you would request the Director to consider using his discretion to refer the matter to the Strategic Sites Delivery Committee? If so please set out your reasons:**

**Date:**

To be emailed to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk)

# CIRCULATED SCHEDULE 07 October 2022

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P21/07719/F	Refusal	Land At The Willows Mill Lane Upton Cheyney South Gloucestershire BS30 6NH	Bitton And Oldland Common	Bitton Parish Council
2	P22/03803/F	Refusal	April House 7 Old Aust Road Almondsbury South Gloucestershire BS32 4HJ	Almondsbury	Almondsbury Parish Council

**CIRCULATED SCHEDULE NO. 40/22 -7th October 2022**

<b>App No.:</b>	P21/07719/F	<b>Applicant:</b>	Miss Emma Stone
<b>Site:</b>	Land At The Willows Mill Lane Upton Cheyney South Gloucestershire BS30 6NH	<b>Date Reg:</b>	31st January 2022
<b>Proposal:</b>	Change of use of land from equestrian (Sui Generis) to equestrian and dog care (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), and erection of 1 no. wooden field shelter (retrospective).	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	369060 170231	<b>Ward:</b>	Bitton And Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th March 2022



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P21/07719/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

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

3 or more comments have been received from members of the public that are contrary to the Planning Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the change of use of land from equestrian (Sui Generis) to equestrian and dog care (Sui Generis) and the erection of 1no. wooden field shelter on Land at The Willows, Mill Lane, Upton Cheyney. The application is retrospective.
- 1.2 The application site comprises a field in a lawful equestrian use. The site lies off the east side of Mill Lane where it bends west pass The Willows, within the Bristol and Bath Green Belt and within the western edge of both the Upton Cheyney Conservation Area and Cotswold Area of Outstanding Natural Beauty. Monarchs Way follows Mill Lane pass the site. A stable block and menage lie to the north of the site, within the same ownership.
- 1.3 The proposed wooden field shelter lies within the north-east corner of the field, adjacent to a block of woodland planting. The shelter would be a proprietary timber building with upper roof height of 2.65m and would be largely screened from Mill Lane by the frontage hedgerow, although it would be more visible in winter when there is leaf loss.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework July 2021

National Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)

#### **2.2 Development Plan**

South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS2 Green Infrastructure

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS9 Managing the Environment and Heritage

CS34 Rural Areas

South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP28	Rural Economy
PSP30	Horse Related Development

- 2.3 Supplementary Planning Guidance  
 Upton Cheyney Conservation Area SPD  
 Development in the Green Belt SPD (Adopted) June 2007  
 Design Checklist SPD (Adopted) August 2007  
 Revised Landscape Character Assessment SPD (Adopted) November 2014  
 Cotswolds Management Plan  
 Assessing Residential Amenity TAN (Endorsed) 2016

### 3. RELEVANT PLANNING HISTORY

- 3.1 PK00/1849/F  
 Change of use of agricultural land to land used for the keeping of horses.  
 Erection of a stables and tack room.  
 Approve with Conditions (24/08/2000)

*Condition 6*

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

*Reason*

*In the interest of highway safety.*

- 3.2 PK00/1283/CLE  
 Application for Certificate of Lawfulness for existing use of land as pony/horse paddocks.  
 Refusal (23/06/2000)

### 4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council  
 Objection - The application site is within the Cotswold Area of Outstanding Natural Beauty and the proposed use of land for dogs is unsuitable. The site is adjacent to a sharp bend on a narrow lane and the application will generate additional traffic creating a highway hazard.
- 4.2 Environmental Protection  
 Further information required.



4.3 Flood and Water Management Team

No objection.

4.4 Highway Structures

No comment.

4.5 Landscape Officer

No objection.

4.6 Sustainable Transport

Further information required.

4.7 Local Residents

8no. objection comments from members of the public have been received making the following points:

- The proposed development has a negative impact on the Green Belt, Cotswolds AONB and Upton Cheyney Conservation Area.
- The proposal creates excessive noise and disturbance for neighbouring properties.
- Dogs kept on the site often scare local horses and walkers as they walk past the field using Monarch's Way.
- The proposal would lead to increased traffic along Mill Lane.
- The proposed development has led to a loss of trees on the site.
- The proposal has had a negative impact on Ecology at and around the site.

55no. support comments from members of the public have been received making the following points:

- The site provides a secure field to allow dogs to run free off the lead, something that is not always possible.
- The proposal keeps dogs away from livestock and has little negative impact on the environment.
- The proposal would put care and attention into the field.
- The proposal has little impact on the surrounding area.
- The proposal is complimentary to the aims of the Cotswold AONB. It is a 21<sup>st</sup> century business innovation providing a service for people with busy lives who adore their dogs.
- and want them exercised in a safe and secure environment
- The proposal supports a small local family business.

## 5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP28 of the Policies, Sites and Places Plan supports sustainable new development which promotes a strong rural economy in rural areas. In the case of new uses, proposals for business development outside the defined urban areas and settlement boundaries will be acceptable where:

- a) *for buildings, there are no existing suitable underused buildings reasonably available and capable of conversion without major or complete reconstruction; and*
- b) *the proposed building is reasonably necessary for the purposes of the use and is clearly designed for that purpose; and*
- c) *the development relates well to settlements or existing groups of buildings; and*
- d) *the development makes efficient use of the land in relation to its location, layout, accessibility and surroundings; and*
- e) *the volume and nature of any goods sold would not have a significant adverse effect on shopping facilities available in nearby settlements; and*
- f) *the proposal(s) is of a scale which is consistent with its function, use and rural location.*

*Development in the Green Belt is inappropriate, other than for the exceptions specified in the National Planning Policy Framework, or where very special circumstances can be demonstrated.*

- 5.2 The area proposed for dog care would comprise an area of land immediately to the south of the existing stables building and horse riding arena. The proposed new use would be supported by the erection of 1no. wooden field shelter which would be located in the north-east corner of the site. The proposal would relate well to the existing core of the site, making efficient use of the land and be of a scale which is consistent with its function, use and rural location. There are no underused buildings on the site and the proposed field shelter would be reasonable necessary for the use of the land.
- 5.3 The applications site is within the Bristol and Bath Green Belt so whilst it may comply with the requirements of PSP28, it would need to be further assessed against Green Belt policy and the NPPF.
- 5.4 Green Belt  
The application site is located in the Bristol and Bath Green Belt, where development is restricted. Paragraph 147 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 and 150 of the NPPF outline forms of development that are not considered inappropriate. One of these forms of development is the 'material changes in the use of land' provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 5.5 The proposed change of use of land from 'equestrian' to 'equestrian and dog care' has the potential to materially alter how the site is used with increased vehicle movements to and from the site, and increased vehicle parking both on the site and on the adjacent highway. No supporting information has been submitted to show how the site would be used day-to-day. It is therefore

considered that insufficient information has been provided with the application to enable a full and meaningful assessment of the impacts of the proposed development on the openness of the Green Belt or the purposes of including land within in. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm.

#### 5.6 Heritage Assets

Paragraph 194 to 208 of the National Planning Policy Framework sets out how Local Planning Authorities should assess applications that impact heritage assets. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.7 Policy CS9 of the Core Strategy and Policy PSP17 of the Policies, Sites and Places Plan seek to ensure that development within or affecting the setting of a conservation area will: preserve or, where appropriate, enhance those elements which contribute to their special character or appearance; and pay particular attention to opportunities to enhance negative parts of conservation areas and to draw on local character and distinctiveness.

5.8 The application site is located within the Upton Cheyney Conservation Area. The proposed change of use of land from 'equestrian' to 'equestrian and dog care' has the potential to materially alter how the site is used with increased vehicle movements to and from the site, and increased vehicle parking both on the site and on the adjacent highway. No supporting heritage information has been submitted. It is therefore considered that insufficient information has been provided with the application to enable a full and meaningful assessment of the impacts of the proposed development on the significance and special character of the Conservation Area. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm.

5.9 There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when planning permission for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Under Section 72 of the same Act, it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is considered that full consideration has been given to these duties and the proposal is considered acceptable in this regard.

#### 5.10 Design and Visual Amenity

Policy CS1 of the Core Strategy and Policy PSP1 of the Policies, Sites and Places Plan seeks to ensure that development proposals are of the highest possible standards of design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

- 5.11 Paragraph 176 of the National Planning Policy Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty. The scale and extent of development within AONBs should be limited with planning permission being refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.
- 5.12 Policy PSP2 of the Policies, Sites and Places Plan seeks to ensure that great weight is given to the conservation and enhancement of the natural and scenic beauty of the landscape whilst taking account of the biodiversity interest and the historic and cultural heritage. Where development is proposed in a location which would affect the setting of the AONB it must be demonstrated that it would not adversely impact upon the natural beauty of the AONB.
- 5.13 The application site is within the Cotswolds Area of Outstanding Natural Beauty. The proposed change of use of land from 'equestrian' to 'equestrian and dog care' has the potential to materially alter how the site is used with increased vehicle movements to and from the site, and increased vehicle parking both on the site and on the adjacent highway. No supporting information has been submitted to show how the site would be used day-to-day. It is therefore considered that insufficient information has been provided with the application to enable a full and meaningful assessment of the impacts of the proposed development on the visual amenity of the site and on the natural and scenic beauty of the Cotswolds AONB. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm.
- 5.14 Residential Amenity  
Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.15 The nearest residential property to the application site is Upton Fields approximately 170 metres to south-east. Beyond this there are a number of other residential properties and then the village of Upton Cheyney. There are also a number of residential properties to the west of the site, approximately 250 metres along Mill Lane.
- 5.16 The proposed change of use of land from 'equestrian' to 'equestrian and dog care' has the potential to materially alter how the site is used with increased vehicle movements to and from the site, and increased vehicle parking both on the site and on the adjacent highway. The proposal also has the potential to materially increase the noise generated by the site. No supporting information has been submitted to show how the site would be used day-to-day and no noise report has been submitted to show how the proposal would impact the

residential amenity of the current and future occupiers of neighbouring properties.

5.17 It is therefore considered that insufficient information has been provided with the application to enable a full and meaningful assessment of the impacts of the proposed development on the residential amenity of the current and future occupiers of neighbouring properties. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm.

5.18 Highway Safety and Transport

The proposed change of use of land from 'equestrian' to 'equestrian and dog care' has the potential to materially alter how the site is used with increased vehicle movements to and from the site, and increased vehicle parking both on the site and on the adjacent highway. No supporting information has been submitted to show how the site would be used day-to-day. It is therefore considered that insufficient information has been provided with the application to enable a full and meaningful assessment of the impacts of the proposed development on highway safety. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm.

5.19 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.20 With regards to the above this planning application is considered to have a neutral impact on equality.

## 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: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

## 7. **RECOMMENDATION**

7.1 That the application be **Refused** for the following reason:

1. Insufficient information has been provided with the application to enable a full and meaningful assessment of the impacts of the proposed development on the openness of the Green Belt or the purposes of including land within in. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm. The proposal is therefore contrary to Policy CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7 and PSP28 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the Development in the Green Belt SPD (Adopted) June 2007; and the provisions of the National Planning Policy Framework.
2. Insufficient information has been provided with the application to enable a full and meaningful assessment of the impacts of the proposed development on the significance and special character of the Conservation Area. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm. The proposal is therefore contrary to Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.
3. Insufficient information has been provided with the application to enable a full and meaningful assessment of the impacts of the proposed development on the visual amenity of the site and on the natural and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm. The proposal is therefore contrary to Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the Revised Landscape Character Assessment SPD (Adopted) November 2014, the Cotswolds Management Plan; and the provisions of the National Planning Policy Framework.
4. Insufficient information has been provided with the application to enable a full and meaningful assessment of the impacts of the proposed development on the residential amenity of the current and future occupiers of neighbouring properties. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm. The proposal is therefore contrary to Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the Assessing Residential Amenity TAN (Endorsed) 2016; and the provisions of the National Planning Policy Framework.

5. Insufficient information has been provided with the application to enable a full and meaningful assessment of the impacts of the proposed development on highway safety. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm. The proposal is therefore contrary to Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

## **REASONS FOR REFUSAL**

1. Insufficient information has been provided with the application to enable a full and meaningful assessment of the impacts of the proposed development on the openness of the Green Belt or the purposes of including land within in. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm. The proposal is therefore contrary to Policy CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7 and PSP28 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the Development in the Green Belt SPD (Adopted) June 2007; and the provisions of the National Planning Policy Framework.
2. Insufficient information has been provided with the application to enable a full and meaningful assessment of the impacts of the proposed development on the significance and special character of the Conservation Area. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm. The proposal is therefore contrary to Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.
3. Insufficient information has been provided with the application to enable a full and meaningful assessment of the impacts of the proposed development on the visual amenity of the site and on the natural and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm. The proposal is therefore contrary to Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the Revised Landscape Character Assessment SPD (Adopted) November 2014, the Cotswolds Management Plan; and the provisions of the National Planning Policy Framework.
4. Insufficient information has been provided with the application to enable a full and meaningful assessment of the impacts of the proposed development on the residential amenity of the current and future occupiers of neighbouring properties. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm. The proposal is therefore contrary to Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the Assessing Residential Amenity TAN (Endorsed) 2016; and the provisions of the National Planning Policy Framework.

5. Insufficient information has been provided with the application to enable a full and meaningful assessment of the impacts of the proposed development on highway safety. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm. The proposal is therefore contrary to Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

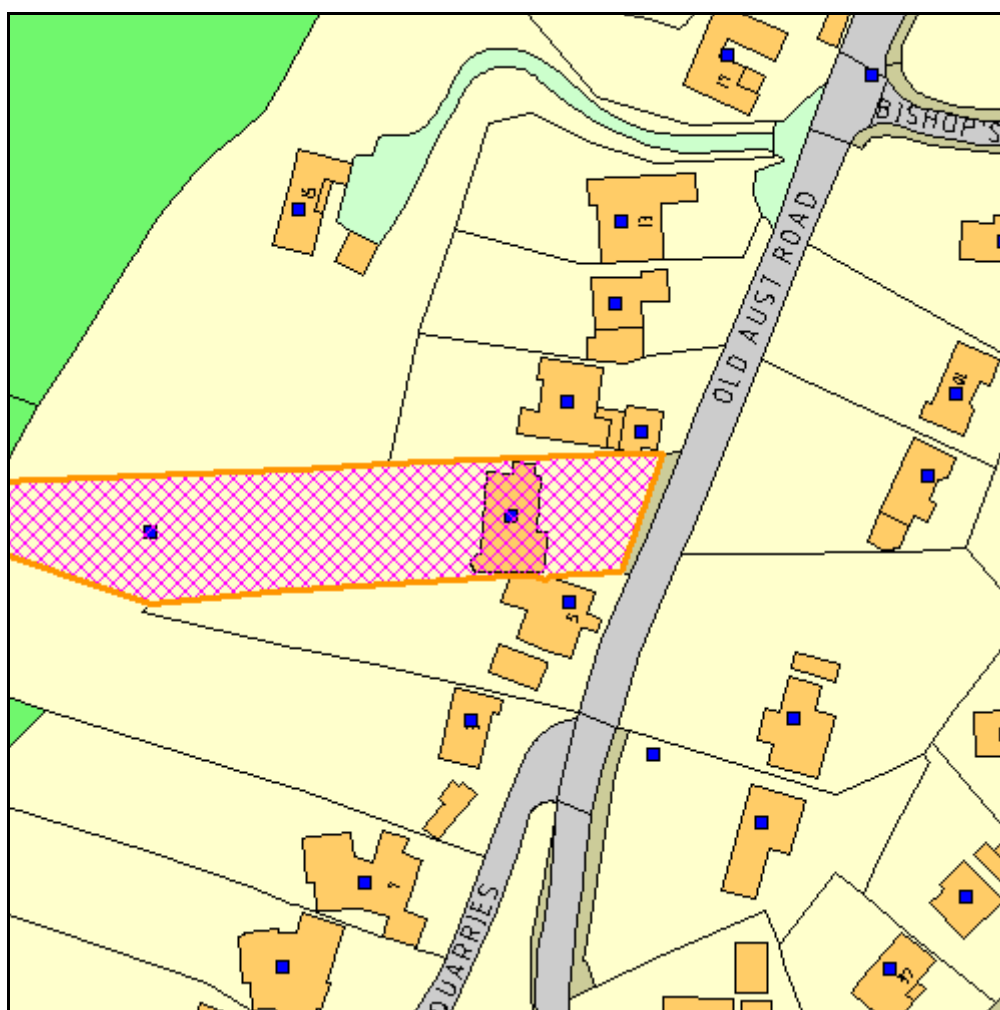
**Case Officer: Oliver Phippen**

**Authorising Officer: Helen Ainsley**



**CIRCULATED SCHEDULE NO. 40/22 -7th October 2022**

<b>App No.:</b>	P22/03803/F	<b>Applicant:</b>	Miss Natalie Dyer
<b>Site:</b>	April House 7 Old Aust Road Almondsbury South Gloucestershire BS32 4HJ	<b>Date Reg:</b>	11th July 2022
<b>Proposal:</b>	Change of use from residential to mixed use residential and business ( fitness/ bootcamp business in rear garden) of fitness studio and hardstanding exercise terrace (retrospective) (resubmission of P21/05227/F).	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	361035 184600	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd September 2022



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P22/03803/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

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

The application appears on the circulated schedule because more than three responses have been received from interested parties in support of the proposal, which are contrary to the findings of this report and officer recommendation.

### **1. THE PROPOSAL**

1.1 Planning permission is sought for a change of use from residential to a mixed use of residential and business. The part business use proposed is a fitness/bootcamp, operated in the rear garden of the dwelling. This includes the use of an existing garden outbuilding as a fitness studio, and a hardstand exercise terrace. As the operational works have already been completed and the use has been carried out prior to consent being granted, this application is retrospective.

1.2 The application site is April House, 7 Old Aust Road, Almondsbury. The site is within the established settlement boundary. In terms of designations, the site is located within the Bristol/Bath Green Belt. The garden of the property and some of its boundaries also fall within a TPO area.

1.3 This application is a re-submission of P21/05227/F, which was refused for the following reason:

*The proposal would result in a significant increase in traffic and on-street car parking along a road without footways or street lighting resulting in an unacceptable impact on highway and road safety contrary to Policy PSP11 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the NPPF.*

No appeal was submitted in respect of this refused application, and instead this re-submission is made with further technical highways information, submitted with the aim of addressing the previous reason for refusal.

### **2. POLICY CONTEXT**

2.1 National Guidance  
National Planning Policy Framework July 2021  
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS9	Managing the Environment and Heritage

CS23	Community Infrastructure and Cultural Activity
CS34	Rural Areas

South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards
PSP44	Open Space, Sport and Recreation

- 2.3 Supplementary Planning Guidance  
 Development in the Green Belt SPD (Adopted) June 2007  
 Design Checklist SPD (Adopted) August 2007

**3. RELEVANT PLANNING HISTORY**

- 3.1 P21/05227/F (refused 26/11/2021):  
 Change of use from residential to mixed use residential and business ( fitness/ bootcamp business in rear garden) of fitness studio and hardstanding exercise terrace (retrospective).

*Refusal reason noted above in 1.3*

- 3.2 Other history is available that is neither recent nor relevant.

**4. CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council

Objection:

- Object to change of use
- Would like sustainable transport to look at and pay particular interest to the expended quantity of cars which will ultimately snarl the road

- 4.2 Sustainable Transport

Objection, the proposal would result in a significant increase in traffic and on-street car parking along a road without footways or street lighting resulting in an unacceptable impact on highway and road safety contrary to South Gloucestershire Policy PSP11.

*The above is a summary only. A full copy of the highways officer comments is available on the Council's website.*

#### 4.3 Economic Development

No comments have been received.

#### 4.4 Planning Policy

No comments have been received.

#### 4.5 Planning Enforcement

No comments have been received.

#### 4.6 Tree Officer

There are existing mature trees protected by TPOs. An arboricultural report will be required. Further to this, an assessment of the damage caused to the existing trees will be required.

#### 4.7 Local Residents

12no. representations have been received, 7 of which in objection and 5 of which in support of the development.

##### **Objection:**

- Road is narrow, private and with no footpath
- Previous conflicts have occurred between pedestrians and cars
- Danger to children walking to school
- There is already a business at number 2
- No substantive difference between this application and P21/05227/F
- Previous refusal due to increase in traffic and parking on a road without footpaths or lighting
- Supporting statement based on one survey – not a true reflection
- Attendees of the boot camp have also been parking elsewhere
- There has been anti-social behaviour including noise, litter, parking and blocking driveways
- Unacceptable levels of on street parking would be created
- Traffic increase due to users of the boot camp
- Noise and lighting nuisance created
- Disturbance caused to residents
- Business use not appropriate in any circumstances and should be carried out elsewhere
- Some support responses have not considered the problems of using a residential property for this purpose
- There are sites elsewhere that this could be carried out without any of the above problems.
- Reasons for previous refusal are well reasoned. Nothing in this submission should lead to a different outcome
- New evidence (survey) lacks credibility
- Parking on the road without pavements or lighting will be dangerous to pedestrians and other road users
- Top of Old Aust Road is hazardous due to vehicles parking and forcing cars to enter and drive down the side road.

- Existing facilities exist elsewhere to cater for the users and halls are available to hire
- No need to run from a residential street
- Unacceptable that the use has continued after the first refusal
- Some park on nearby roads causing issues there too
- Cars drive up and down the road at speed
- Parking is inconsiderate
- Parking and vehicle movements impact upon more vulnerable road users/residents

*2no. additional objections have been received; however, these are not counted as they contain material that is not deemed appropriate to be published on the Council's public planning website. The author has been advised accordingly.*

**Support:**

- No issue with the small increase in traffic and have not had any issue with the clients visiting no.7
- Working from home is often the only way young people can start entrepreneurial careers
- Existing plumbing business operates from the street which we have no problem with
- All houses have parking
- Road is wide and there is room to pass parked vehicles
- If inconsiderate parking was observed, I would tell the residents of no.7 and allow them to address it.
- Drives should not be blocked or emergency vehicles compromised
- Parking lights should be used
- No issues with the proposal – clients should be advised to park with care and not block or use other peoples driveways to turn etc.
- Cars can legally park on the road where there are no restrictions and they are taxed/insured
- Applicant promotes physical and mental health through exercise
- Comments made for the first application still stand

**5. ANALYSIS OF PROPOSAL**

5.1 Planning permission is sought retrospectively for a change of use from residential to a mixed use of residential and business. The part business use proposed is a fitness/bootcamp, operated in the rear garden of the dwelling. This includes the use of an existing garden outbuilding as a fitness studio, and the formation of a hardstand exercise terrace.

Principle of Development

5.2 Material to this application is application P21/05227/F. Whilst this previous application was refused on highways grounds, there were no issues of principle raised and so it stands to reason that there are no in principle issues raised in this instance, either. As noted previously, the proposal does not fall neatly into any policy area. However, of particular relevance is the suitability of the

location, impact on amenities or neighbouring occupiers, and impacts on highway safety and parking provision.

- 5.3 The application site is a large detached two-storey property benefitting from a large garden to the rear. The property sits within a cul-de-sac characterised by individual dwellings of varying design and style. The site slopes down to the west and it is noted there are some protected trees along the side boundaries. The garden is terraced, and the area where the activity takes place forms one of the terraced sections of the garden where an existing outbuilding is located. Astroturf has been laid to cover one of the terraced sections in front of the outbuilding, and Astroturf has been laid on a section of the garden immediately adjacent to the terraced sections. The existing outbuilding has been fitted out with exercise equipment. The area where the activity takes place starts c.20 metres from the rear elevation of no.7, as the crow flies.

#### Proposed Use

- 5.4 The proposal is for the change of use of residential land to accommodate a business use, an outdoor fitness bootcamp. Application supporting material sets out the operational parameters, which are broadly as follows:

- Exercise classes (the boot camp element) taking place Monday-Friday between the hours of 6:15pm and 7:15pm, with a 45 minute duration and a maximum of 14 attendees per session.
- Personal training sessions (subject to demand), which normally run Monday-Friday between the hours 7:00am and 7:15pm, in one hour slots. It has been clarified that the personal training sessions vary from 1:1, up to 1:4 in terms of the no. of attendees.

It was stated previously that music is played but speakers face down the garden away from other residential properties.

- 5.5 The applicant has indicated that they would accept operational conditions to:
- Restrict the number of attendees and the timings of the classes, as detailed above.
  - Restrict the intensity of the personal training (e.g., to no more than 4 attendees at any one time).
  -

The applicant has also indicated that they would accept a temporary consent for a period of 2 years, to allow the LPA to gain a further understanding of any impacts, which could be re-considered at the end of the temporary period.

In contrast, conditions have been suggested by officers to limit the use seasonally (e.g., to restrict the use in the winter months where it gets dark earlier, in light of the unlit road). The applicant has indicated that they would not be content with such a condition. The applicant has also indicated that whilst there is existing parking on the driveway, they would be unhappy with the addition of further parking being added due to impacts on the character of the area.

5.6 Economy and Wellbeing

One of the core planning principles continued in the NPPF (2021) is to support a strong, responsive and competitive economy. The outdoor boot camp would provide a small business opportunity for the applicant. This attracts weight in its favour. Another stated aim of the NPPF (2021) is to promote healthy communities by supporting health, social and cultural well-being. The fitness bootcamp would be helping the general health and wellbeing of its users and weight is given in its favour for this reason.

5.7 Green Belt

The NPPF at para 150 notes that one form of appropriate development in the Green Belt is *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)*; The forms of development listed under par.150 come with the proviso that the development preserves the openness of the Green Belt and do not conflict with the purposes of including the land within it. The outbuilding is an existing structure, understood to have been erected under household PD rights. The Astro turf is also an existing feature, which would not require planning permission to be laid. As such, these elements need not form part of the consideration and it is just the use that stands to be assessed.

5.8 The change of use relates to outdoor exercise classes and the use of an existing building for fitness related activities, which would take place within an established curtilage in an extant residential use. There may be some paraphernalia placed on the land (e.g., exercise equipment), however this would not alter the character of the site and would not appear substantially different to what is possible in a normal residential garden. There would therefore be no considered conflict with the purposes of including the land within the Green Belt, and the proposal would have no material impact on the openness. The development is therefore appropriate in the Green Belt.

5.9 Residential Amenity

PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts. It is noted that concerns have been raised with respect of amenity impacts, such as noise and disturbance.

5.10 As with many of the gardens along this road, the garden of No. 7 is very large and notwithstanding the area proposed for the change of use, there would remain significant space to serve the amenity requirements of existing occupiers.

5.11 In the first instance, it should be noted that the previously refused scheme was found to be acceptable in terms of residential amenity impacts.

5.12 The garden is also large and the main house set some distance further up the hill away from the proposed boot camp area. Given the intermittent nature of the hedging/planting and screening between the two properties, especially past the halfway point down the garden, some inter-visibility is currently

experienced. This is an existing situation, and the change of use would not create any additional issues over and above what could be experienced by the normal use of a residential garden. The houses are at least 20-25 metres away and the change of use would not create any inter-visibility within the dwelling. To illustrate the existing inter-visibility the neighbour has a garden room above the level of the proposed boot camp location which has a window directly overlooking the garden of No. 7 (and therefore also the proposed bootcamp site). Furthermore, the householder design guide SPD notes that it is the area immediately to the rear of a dwelling that offers the highest amenity value. The gardens are steep and terraced, which combined with the separation distance of the area from the neighbouring dwellings means that the boot camp area is not in a location that would have any unacceptable amenity impacts in terms of privacy.

- 5.13 Issues of noise have been raised as an area of concern. The applicant has previously acknowledged that music is played and talking/instructions are given during the sessions. This would in any case be assumed, when considering the nature of the use/activity proposed. The applicant has previously also stated that speakers face down the garden to the west, away from the residential properties and although the attendees also face the same way the instructor being conscious of noise levels stands behind them to give instruction. In this way the applicant previously states they are being responsible and respectful of neighbouring residents in terms of noise impacts. In any case, noise in the form of music or talking from recreational events could take place within the residential garden and there could be no constraint on levels or numbers of guests. However, as with any other situation if noise levels or disturbance occurs then the appropriate team within the Council should be contacted which would be Environmental Protection, who are able to respond to any statutory nuisances.
- 5.14 Transport  
The proposal is to use an existing residential garden as a business for group fitness training sessions. A figure of 14 people is quoted on the application supporting material as potentially attending one boot camp/exercise class session. This, as noted above, could be controlled by condition to ensure that this is not exceeded. Similarly, the number of attendees per personal training session could also be controlled by condition. It is fully acknowledged that the number of attendees has been reduced since the last refusal, and that the applicant would accept some operational conditions, as outlined previously in this report.
- 5.15 In this instance, the application is also supplied with a technical transport note, prepared by Entran. The conclusion of this report is that *“the opportunity for the proposals to have a negative impact on highways safety over the 1-hour period (allowing for arrival and departure time) between a car arriving and a car departing Old Aust Road is almost incalculable.”*
- 5.16 A residential parking area exists to the front of the house which could likely accommodate up to 6 cars. No parking layout has been submitted however the parking is likely to be 3 deep and 2 wide requiring some shunting around. The existing dwelling would be likely to fall into the 5+ bed category in the context of



- PSP16, and so required 3no. parking spaces. That leaves 3no. spaces for clients, however as noted above, the parking area is such that a degree of shunting around would be required and so in reality it is probable that most attendees would park on the road.
- 5.17 Old Aust Road is unlit, and has no pavements and is therefore a 'shared surface'. As noted previously, it is likely that people would have to go home to shower etc., given the nature of the site as a residential property. It is more likely that people will drive to and from the site rather than use public transport, walk or cycle after a work-out session. This would be particularly true during the darker/colder months of the year.
- 5.18 The case officer notes that previously it was considered whether 15no. Attendees would be acceptable, based on three 45 minute sessions per week, and a maximum of six client cars parked on the road during boot camp sessions. This was not considered to address the issues and it was noted that there would still be the potential for 15 cars to park on Old Aust Road which would cause highway safety issues; the applicant would not be able to control car parking and a condition to limit parking made by the LPA would not be enforceable. The highways officers have carefully considered the revised scheme, taking account of the reduced number of attendees (14), and the submitted technical note in support of the scheme.
- 5.19 The observations in the submitted Transport Note based on a specific date were that 9 people arrived on Wednesday 15th June between 18:07 and 18:25. The 9 people came in 7 different cars, 5 cars parked in Florence Road, 1 parked in The Quarries and 1 outside 7 Old Aust Road. In officers view however it is likely that the 7 cars associated with 9 people would most likely park nearer to 7 Old Aust Road during winter months or periods of inclement weather. It is also possible that cars parked remotely so as not to draw attention to the unauthorised business use at the dwelling, which could invariably change if the use is authorised.
- 5.20 Based on the observations submitted by the Applicant, 14 attendees could generate a parking demand of around 11 cars. There is some limited parking on the Application site driveway, but this is also used by the occupants of the house. Clients of the business are therefore more likely to park on-street.
- 5.21 The question is whether this creates an unacceptable impact on highway safety. Evidence has been submitted by residents of cars parking on the narrow section of Old Aust Road where cars must park partially on the grass verge to allow vehicles to pass. There is space elsewhere on Old Aust Road for vehicles to park, however as there are no footways pedestrians would have to pass parked vehicles along the carriageway. The width and alignment of Old Aust Road is not conducive to restricting vehicle speeds and pedestrian would be vulnerable especially during the hours of darkness given that there is no street lighting or footways. The on-street parking demand associated with the proposal would result in an unacceptable impact on highway safety particularly for vulnerable road users and especially during the winter evenings when according to the Applicant's Agent there would be a high demand for the Boot Camp

- 5.22 The case officer, in consultation with the highways officers, has carefully considered whether the previously stated operational conditions could make the development acceptable. However, limiting the number of attendees and the times of the classes would not address the fact there could be up to 11 cars (14 if all attendees arrived separately by car to a fully booked session) attempting to park on a road with no lighting or footpaths.
- 5.23 It is therefore the case that the proposal would result in a significant increase in traffic and on-street car parking along a road without footways or street lighting resulting in an unacceptable impact on highway and road safety contrary to South Gloucestershire Policy PSP11. For the avoidance of doubt, the case officer does not consider these issues to apply to the personal training sessions, which are of a far lower intensity in terms of numbers of attendees.
- 5.24 Arboriculture  
There are existing mature trees protected by Tree preservation order on this site. The Tree Officer has stated that the applicant must submit an arboricultural report in accordance with BS:5837:2012 for the protection of the trees. An arboricultural method statement would also be required for the installation of the studio and artificial grass where this conflicts within the RPA's of the existing trees. The documents must be prepared by a Qualified Arboricultural consultant. Furthermore, an assessment should be submitted detailing any damage that has been caused to the existing trees, along with any remediation.
- 5.25 Whilst this is noted, requesting further arboricultural information is not appropriate in this instance. This is because the application relates to the use only and not the existing outbuilding which was erected under permitted development previously. Moreover, the installation of the Astroturf also does not require planning permission, and so the LPA has little control over its installation.

### **Impact on Equalities**

- 5.26 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.27 With regards to the above this planning application is considered to have a neutral impact on equality.

### Planning Balance

- 5.28 The positives of the proposal in terms of encouraging fitness and wellbeing are noted however, in terms of this particular location, the proposal would result in a significant increase in traffic and on-street car parking along a road without footways or street lighting resulting in an unacceptable impact on highway and road safety contrary to South Gloucestershire Policy PSP11. The health and economic benefits noted above would not outweigh the identified negatives. Planning permission should therefore be refused.

## **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: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 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 is **REFUSED** for the following reason:
1. The proposal would result in a significant increase in traffic and on-street car parking along a road without footways or street lighting resulting in an unacceptable impact on highway and road safety contrary to Policy PSP11 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) 2017 and the relevant parts of the National Planning Policy Framework.

**Case Officer: Alex Hemming**  
**Authorising Officer: Marie Bath**