



**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. 44/13

Date to Members: 01/11/13

Member's Deadline: 07/11/13 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

Members are entitled to refer any application for consideration by the relevant DC Committee or Sites Inspection Committee, before a decision has been made. However as call-ins will delay the decision on an application 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:

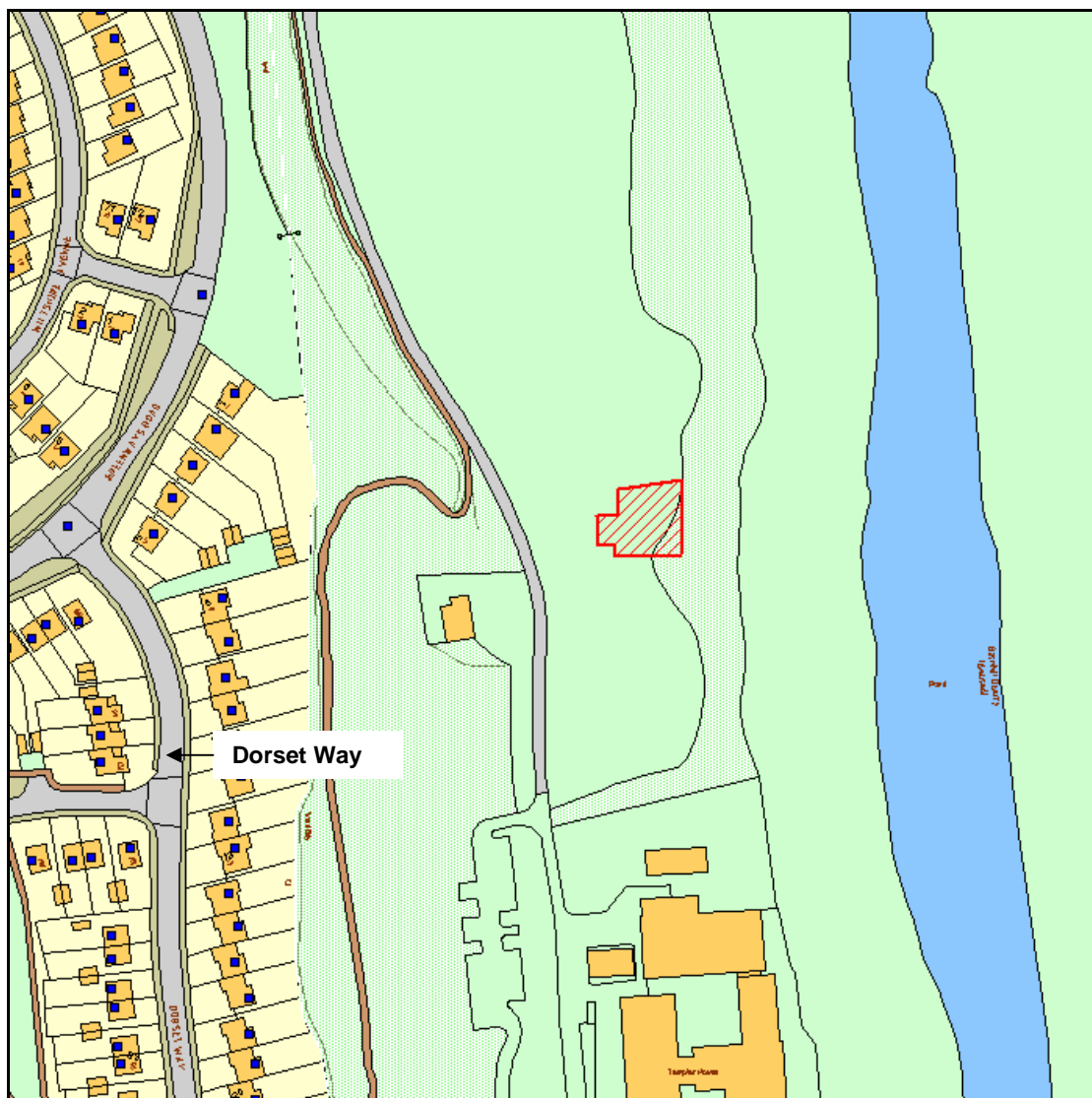
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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, where referrals can be picked up quickly by the Development Management Technical Support Team. 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.

CIRCULATED SCHEDULE – 01 NOVEMBER 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/2350/F	Approve with Conditions	Hanson Aggregates Southfield Way Chipping Sodbury South Gloucestershire BS37 7UU	Chipping	Sodbury Town Council
2	PT13/3305/RVC	Approve with Conditions	Box Hedge Farm Boxhedge Farm Lane Coalpit Heath South Gloucestershire BS36 2UW	Westerleigh	Westerleigh Parish Council
3	PT13/3403/F	Approve with Conditions	The Paddock Horsford Road Charfield Wotton Under Edge South Gloucestershire GL12 8SU	Charfield	Charfield Parish Council
4	PT13/3414/CLP	Approve with Conditions	Oak Apple 291 Badminton Road Coalpit Heath South Gloucestershire BS36 2NT	Westerleigh	Westerleigh Parish Council
5	PT13/3430/F	Approve with Conditions	93 Mackie Road Filton South Gloucestershire BS34 7LZ	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 44/13 – 1 NOVEMBER 2013

App No.:	PK13/2350/F	Applicant:	Mr Paul Lazarevic Fulcrum Power Generation Ltd
Site:	Hanson Aggregates Southfield Way Chipping Sodbury South Gloucestershire BS37 7UU	Date Reg:	2nd July 2013
Proposal:	Installation of 12 diesel powered generators. 3 transformers and 3 metre high acoustic perimeter wall for the generation of Short Term Operating Reserve (STOR) electricity of up to 5MW for the Local Distribution Network. (Re- submission of PK13/0010/F)	Parish:	Sodbury Town Council
Map Ref:	372261 183918	Ward:	Chipping Sodbury
Application Category:	Minor	Target Date:	22nd August 2013



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 100023410, 2008. **N.T.S.** **PK13/2350/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule due to consultation responses received, contrary to officer recommendation

1. THE PROPOSAL

- 1.1 The application seeks permission for the installation of 12 diesel powered generators, including 3 transformers, storage tanks and 3 metre high acoustic perimeter wall. The facility would be for the generation of Short Term Operating Reserve (STOR) electricity of up to 5MW for the Local Distribution Network. The application is essentially a resubmission of a previous application (ref. PK13/0010/F), the main change being a change in the location and red line boundary of the proposal.
- 1.2 The application site is located in the north eastern section of an unused car park associated with the Hanson offices located immediately to the south. The land is immediately adjacent to Barnhill Quarry, located to the east, which forms part of the wider Chipping Sodbury Quarry. The existing associated quarry stockpile area is located immediately to the north. The nearest residential properties are located just over 100 metres away to the west on Greenways Road and Dorset Way. An area of woodland exists between the site and the nearest residential roads in this direction.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

L1 Landscape

L17 and L18 The Water Environment

EP1 Environmental Pollution

South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002.

Policy 1 Mineral Resource Areas

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.

CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 NA/IDO/004 – Registration of permission for the planned development of land for quarrying dated 11th October 1947. Agreed 28th September 1992
- 3.2 PK11/0612/MW /PK11/0613/MW – applications for the determination of new conditions for minerals working. Currently under consideration.

- 3.3 N928 – Erection of two storey office building, single storey training centre, laboratories, store and residential block (outline). Approved 11th November 1974
- 3.4 N928/1 – Erection of extension to group centre to provide office accommodation. Approved 1st September 1976.

4. CONSULTATION RESPONSES

4.1 YateTown Council
Object to the proposals:

This is a proposal for 12 generators within 100 metres of residential properties with no buildings between to act as buffers. The site is considered unacceptable and if they are needed should be located somewhere more appropriate in terms of minimising adverse impact upon residential amenity. Large areas of quarry exist in the vicinity where noise from such machines would be screened.

There are also concerns with regards to the accompanying supporting information submitted with the application in terms of omissions, inaccuracies and other issues:

- inadequate consideration of all adverse factors, specifically problems of smell, fumes, amenity of users of surrounding land, pollution of water, air and soil.
- failure to include gardens in residential amenity
- effect of diesel fumes/smell not assessed
- effects of running time on pollution levels
- concerns over storage and handling of flammable and hazardous fuel in close proximity to residential properties
- omissions in the noise report

Sodbury Town Council
No objections

Environmental Protection

Noise and Odour:

There is proper reference to the appropriate Industrial noise criterion- BS4242: The Applicant's consultant has contacted the Environmental Protection Team and has correctly applied the Criterion so as to not to exceed the pre existing background levels. The order of measured noise levels appear in order and identify a very low background as worst case. The EPT require noise attenuation at source which is what is now stated. The resultant noise level at the nearest property conveniently just meets the background with a -12dBA barrier reduction which will need the specified density of material –as most barriers are typically -10dBA.

The EPT do not propose to object on this basis given the density should

achieve -12dBA: A -10dBA reduction would be acceptable given the worst case assessment and a difference of 2dBA is imperceptible. A case for an acoustic objection, alongside the non continuous/limited operation with no night running, would be unsustainable.

The Environmental Protection Team may undertake independent brief monitoring of the pre existing background levels to correlate otherwise reporting and methodology is appropriate.

Given that the revised layout has moved the plant (albeit marginally) further away from the houses-but with better orientation-then clearly no substantive objection can be made. There is no objection on noise grounds and previous comments with reference to BS4142 applies.

With regard to odour, it is considered that this is now well covered. There is considerable detail including objective as well as qualitative criteria to put the STOR proposal into perspective. There continues to be no formal objection on odour issues

Air Quality:

The following comments apply to the revised air quality assessment (Issue No.7; dated 8th August 2013) submitted in respect of the above planning application.

The assessment report has been revised in response to comments from Environmental Protection on the previously submitted versions and also now includes consideration of the potential odour impacts. While there are still some shortcomings and errors in the assessment, these are not sufficient to call into question the report conclusions.

The assessment considers the relevant pollutants and the impacts on local air quality during the construction and operational phases of the proposed Diesel Short Term Operating Reserve (STOR).

For the operational phase, the assessment is robust in that it assesses worst-case scenario of the Diesel STOR operating for the total number of possible operating hours (3607 hours). Under this scenario, exceedences of the short term (1 hour) objective for nitrogen dioxide are predicted to occur at some sensitive receptors e.g. in Dorset Way (and at the point of maximum impact, although there is no relevant exposure at this location). However, when it is taken into account that the plant would only operate for a maximum of 200 hours a year i.e. less than 6% of the possible operating hours, it is considered highly unlikely that any breach of the objective would occur at any sensitive receptors because of the very low likelihood of the plant operation coinciding with the least favourable meteorological conditions. The report concludes that the significance of impacts are considered to be slight adverse (at worse) to negligible at sensitive receptor locations. For the other pollutants considered (particulate matter (PM₁₀), sulphur dioxide and carbon monoxide), the significance of the impact on local air quality is considered to be negligible.

The report concludes that the overall effects of the construction phase with appropriate mitigation in place is negligible. The mitigation measures detailed in the assessment to minimise dust and vehicle emissions during the construction phase should be implemented as appropriate (see also Construction Sites section below).

The assessment has considered the potential odour impacts from the engine exhaust emissions and diesel storage tank. The report concludes that the significance of the odour impacts on the amenity of the closest residential locations, or any locations beyond, is considered to be negligible.

As specified in the assessment, the engines should be subject to a programme of regular inspection and maintenance to ensure that they operate as efficiently as possible, minimising exhaust emissions. If the conditions of operation alter e.g. increase in the number of hours of operation, change of fuel type or if any of the engines are replaced with a different engine, a further assessment should be undertaken to assess the impacts on local air quality. It is recommended a condition be added to this effect.

I would also propose a condition is added in any event to control the total number and consecutive number of operating hours, if this satisfies the relevant planning tests.

In summary, there is no basis to object to the proposed development in respect of air quality.

Landscape

The site is largely screened from the public footpath on the west by the existing earth bund and planting along the edge of the footpath. The proposal to enclose the generator cabins behind a 3m wall on the west and south will provide screening from both the footpath and the car park. Use of local stone for the screen wall is recommended in order to minimise its visual impact in winter views and blend with the quarry environment. It is important that vegetation along the eastern boundary which helps screen the site from the B4060 is adequately protected during construction. Environmental benefits can be gained by treating the bunding around the storage tank with a calcareous grassland mix.

Sustainable Transportation

In terms of its transportation impact, the likely monthly delivery of fuel for the proposed generators is considered of such insignificance that Transportation Development Control raise no objections to the proposed development. Notwithstanding this, we note that the red line site location illustrates a land locked application and we trust that the applicant and the Local Planning Authority are satisfied that control may be exerted over the access routes to a highway maintainable at public expense, for the useful life span of the proposed.

Environment and Climate Change

An application is made for the installation of 12 diesel powered generators and 3 transformers for the generation of Short Term Operating Reserve (STOR) electricity of up to 5MW for the Local Distribution Network. From a sustainability point of view there are both pros and cons to this application:

Pros

- In order to make the transition to renewables we will need a certain amount of STOR capacity to cover periods of low windspeed, sunlight, etc. Therefore this facility may be seen as enabling the transition to renewables
- The country needs extra generating capacity to cover shortfalls that may occur at given moments. The rapid availability of diesel plant as STOR capacity can prevent the need for base load station running inefficiently at part load continuously

Cons

- The CO₂ footprint of electricity generated by diesel generators is in the region of 675g/kWh. This is still significantly more than the average figure for grid electricity (~430g/kWh) therefore during times of operation the plant will be contributing to an elevation of the emissions of the national grid
- There are potential pollution issues arising from the delivery and storage of diesel; mitigation of these is proposed in the application and these would need to be strictly adhered to in order to remove any risk of pollution.

It would be worth considering whether there are any STOR capacity options that have lower emissions per kwh electricity, for example LPG. The applicant should consider whether any different technology/fuel could be employed that would reduce the greenhouse gas emissions from the proposed development.

Conservation

No comments to make

Highways Drainage

No comments to make

Public Rights of Way

The proposed siting of the generators, transformers and wall affect the currently legally recorded line of public footpath LYA/78/10. However this path is a cul de sac as result of a previous planning path order and is unusable due to the quarrying operations. Consultations have taken place regarding this and other paths in the area and a proposed extinguishment order for this section of path is due to be advertised. For this reason no development should take place until the footpath extinguishment order has been made and confirmed. A plan of the site proposal and footpath line will be uploaded for reference.

Tree Officer

There are no objections to this proposal however it will be necessary to protect the vegetation along the eastern boundary, which forms a screen between the site and the B4060, in accordance with BS:5837:2012.

Other Representations

4.3 Local Residents

Letters of objection have been received from 5 local residents. Concerns raised are:

- The proposed site is adjacent to a sensitive residential area and unsuitable for this industrial scale generating facility. An alternative location away from sensitive residential properties should be found where any potential problems would be negligible.
 - The revised planning application demonstrates no appreciable basic changes
 - use of the nearby residential gardens during summer months would be subject to increased fumes and noise
 - concerns over the measures to control oil spillage or leakage and entering the surface water system, leading to pollution of groundwater and local natural water courses.
 - exhaust fumes and pollutants from the generators would be released into the local atmosphere
 - concern over noise and potential mechanically induced ground vibrations
 - easterly winds will increase issues of air pollution
 - unrepresentative weather data has been used to calculate potential effects
- There are concerns with regards to the accompanying supporting information submitted with the application in terms of omissions, inaccuracies and other issues:
- inadequate consideration of all adverse factors, specifically problems of smell, fumes, amenity of users of surrounding land, pollution of water, air and soil.
 - failure to include gardens in residential amenity
 - effect of diesel fumes/smell not assessed
 - effects of running time on pollution levels
 - concerns over storage and handling of flammable and hazardous fuel in close proximity to residential properties
 - omissions in the noise report
 - potential infrasound not taken into account
 - impact upon landscape of proposed acoustic screens
 - no consideration of wind direction in noise assessment

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

It is considered that extra generating capacity is needed within the overall energy provision strategy to cover shortfalls that may occur at given times. Short Term Operating Reserve (STOR) is a service administered by the National Grid that enables them to optimise the operating margin on the grid. The National Grid typically targets operating with a 20% supply margin which negates power shortages and blackouts, when there is an unexpected change in demand, or a sudden loss of supply. STOR is a method by which the National Grid balances the network. When required, the providers of STOR can quickly generate power and rebalance the system and it is this speed of response that is critical in maintaining capacity. Stand by diesel generation is suited to this quick requirement.

- 5.2 It is predicted that the need for STOR will increase over the foreseeable future and this is a result of certain factors, notably, the increased reliance on renewable energy and intermittent power sources such as wind, which can be unpredictable and many coal and nuclear plants coming off-line, prior to the full benefits of renewables having been established and ahead of the commissioning of any new generation of nuclear plants. The NPPF indicates a presumption in favour of sustainable development in the interests of wider economic, environmental and social provisions, except where it may compromise key sustainable development principles set out in national planning policy or where any adverse impacts would significantly and demonstrably outweigh the benefits provided. The NPPF also supports the use of renewable and low carbon energy sources and a decentralised supply. Whilst the proposed diesel generators do not constitute low carbon or renewable energy, the nature scale and function of the proposals do support the wider and future goals of transition to increased renewable/low carbon supplies and do provide for a more decentralised source to address any potential future shortcomings.
- 5.3 The site is considered to be previously developed brownfield land and is currently part of a redundant car parking area. Taking the above considerations into account it is considered that the principle of the proposal and the location of development is acceptable, subject to detailed development control considerations.
- 5.4 Environmental Protection/Local Amenity
The proposals have been assessed by the Council's Environmental Protection Officers in terms of their potential environmental and local amenity impacts, particularly in terms of air quality, noise and odour. It is considered that the nature and location of the scheme is acceptable in this instance, the assessments and mitigation sufficiently robust and that subject to further conditions to ensure satisfactory operating conditions, that no objections can be substantiated. The proposals are therefore considered acceptable in terms of their assessment with environmental criteria.
- 5.5 Landscape
The site is an existing hard surfaced redundant car parking area located adjacent to a quarry void, a stockpiling area, company offices and an area of raised woodland providing a buffer towards the residential areas. The site is largely screened from the public footpath on the west by the existing earth bund and planting along the edge of the footpath. The proposal to enclose the generator cabins behind a 3m wall on the west and south will provide screening from both the footpath and the car park. It is recommended that any walling uses natural local stone, and a condition requiring such details of the wall can be incorporated on any planning decision. The B4060 is a significant distance away to the east and is separated from the site by the large quarry void of Barnhill. Vegetation exists on the eastern side of Barnhill and this will not be affected by the proposals. There are on this basis no landscape objections to the proposals.

5.6 Transportation

Given the anticipated number of vehicle movements generated by the proposal, and the location of the site, it is not considered that there would be transportation issues or local highways impact, and there are therefore no objections in transportation terms.

5.7 Public Rights of Way

The comments of the Council's Public Rights of Way Officer in relation to the surrounding footpath network are noted. In this respect advisory notes will be provided with any planning decision outlining the formal requirement to address any outstanding footpath issues prior to any development affecting the route of a footpath is commenced.

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 proposals are considered to accord with Policies D1, EP1, L1, L17, L18 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, CS1 of the South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012 and the principles of the National Planning Policy Framework.
- 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 subject to the conditions recommended.

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 plant shall not operate outside of the hours of 07.00 and 22.30 on any day.

Reason

To protect the residential amenity of nearby occupiers and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The generators shall not be operated for more than 200 hours per year and for no more than 2 hours continuously. Records of the generators operating hours shall be maintained by the operators and made available to the Local Planning Authority upon request.

Reason

To protect the residential amenity of the nearest occupiers and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The Rating Noise level from the proposed units shall not exceed the pre existing background noise level, when measured and assessed in accordance with the British Standard 4142:1997.

Reason

To protect the residential amenity of the nearest occupiers and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of the development hereby approved details of the materials and construction of the acoustic wall shall be submitted to the Council for written approval and thereafter implemented in accordance with the approved details.

Reason

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

6. Within 15 years from the first generation of electricity from the site, or upon the permanent cessation of the generation of electricity from the site, whichever is the sooner, all generators, storage tanks, bunds, walls and associated development shall be removed from the site, and the land returned to its present form as a hard surfaced car parking area.

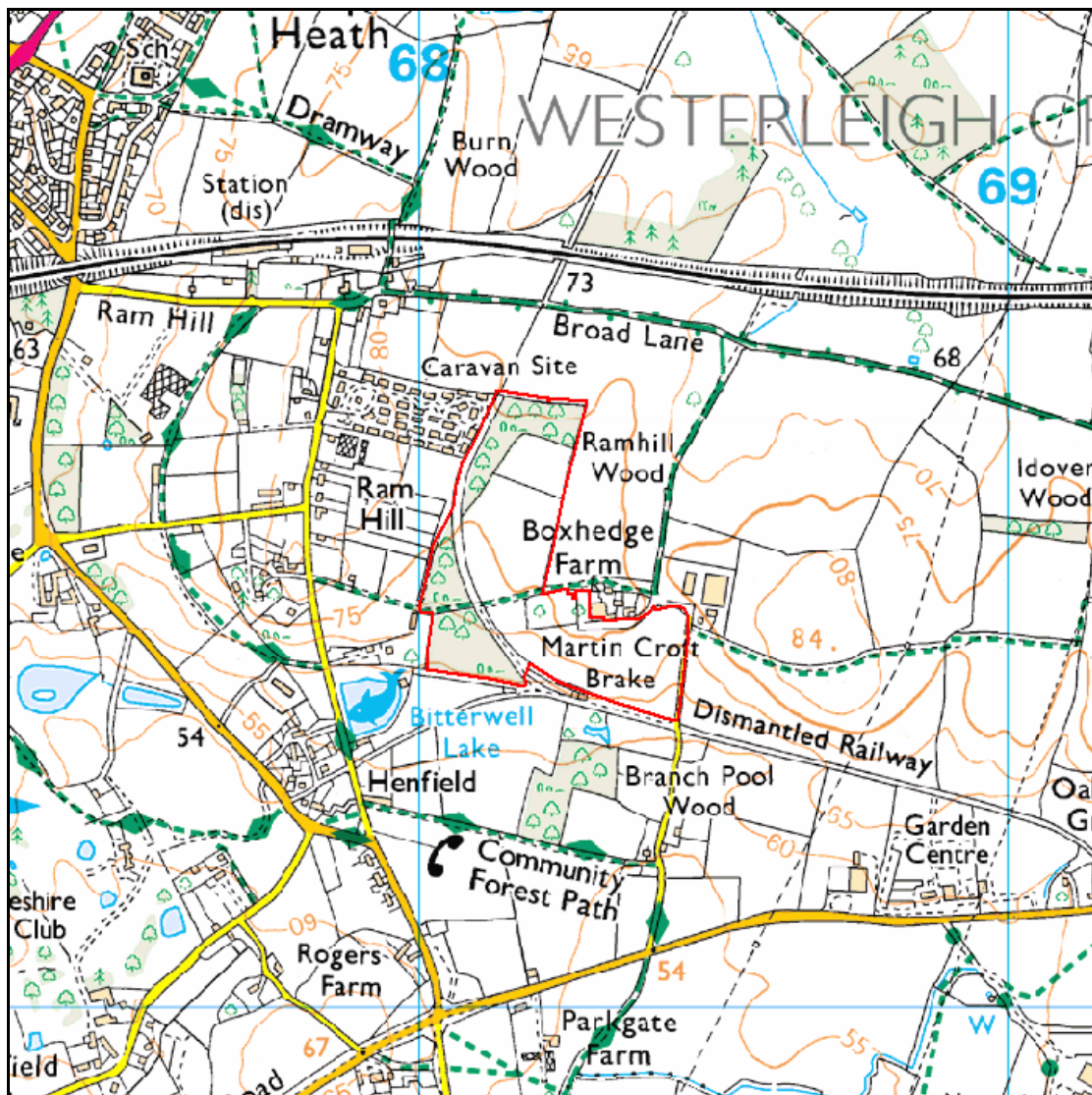
Reason

In the interests of the local amenity of the areas and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 2

CIRCULATED SCHEDULE NO. 44/13 – 1 NOVEMBER 2013

App No.:	PT13/3305/RVC	Applicant:	Mr R Hendy Box Hedge Farm Events
Site:	Box Hedge Farm Boxhedge Farm Lane Coalpit Heath Bristol South Gloucestershire BS36 2UW	Date Reg:	10th September 2013
Proposal:	Removal of conditions 11 and 18 attached to planning permission PT11/1664/F regarding noise barrier and access gate.	Parish:	Westerleigh Parish Council
Map Ref:	368342 179685	Ward:	Westerleigh
Application Category:	Major	Target Date:	5th December 2013



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100023410, 2008. **N.T.S.** **PT13/3305/RVC**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as there are objections to the proposal whilst the officer recommendation is approval.

1. THE PROPOSAL

- 1.1 The site is located within the open Green Belt to the West of Westerleigh Village. Access to the site is via Box Hedge Farm Lane off Westerleigh Road.
- 1.2 Retrospective planning permission was granted in July 2012 for the use of the land and associated buildings for corporate events and outdoor activities. The description of the approval is contained in section 3 of this report. The permission is subject to a total of 18 planning conditions. This application seeks to remove two of those conditions namely;

- i) Condition 11 (relating to the provision of a noise barrier)

Within three months of the date of this planning permission full details of the method of the construction of the noise barrier (as identified in the External Noise Report Figure 1/4143 as received by the Council on 26th May 2011) shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall continue in accordance with the agreed details and retained as such.

and;

- ii) Condition 18 (relating to access gates on Public Right Of Way LWE39/10)

Within 3 months of the date of this planning permission details of proposals to provide new access gates in place of the existing stiles at each intersection of the Public Right of Way crossing the site on an east/west axis and the site boundary should be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented immediately following their agreement and thereafter retained as such.

- 1.3 The remaining conditions attached to the planning permission are either compliance conditions or details have been submitted and agreed enabling them to be discharged.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development

- E7 Conversion and Re-use of Rural Buildings
- E8 Farm Diversification
- L1 Landscape Protection and Enhancement
- L9 Species Protection
- L11 Archaeology
- L18 The Water Environment
- LC5 Proposals for Outdoor Sports and Recreation Outside the Existing Urban Areas and Defined Settlement Boundaries
- LC10 Quiet Enjoyment of the Countryside
- LC12 Recreational Routes
- EP1 Environmental Pollution
- EP4 Noise Sensitive Development
- E11 Tourism

South Gloucestershire Local Plan Core Strategy incorporating Inspector Draft (October 2012) and Further (March 2013) Main Modifications.

- CS1 High Quality Design
- CS5 Location of Development

2.3 Supplementary Planning Guidance

- Development in the Green Belt (Adopted) SPD
- South Gloucestershire Design Checklist (Adopted) SPD

2.4 Other Material Considerations

- Frampton Cotterell and Coalpit Heath Village Design Statement (Endorsed by South Gloucestershire Council)
- Chartered institute of Environmental Health document entitles 'Clay Target Shooting – Guidance on the Control of Noise'

3. RELEVANT PLANNING HISTORY

- 3.1 There is a varied and complex planning history associated with this site and the subject buildings. The most relevant history is set out below;
- 3.2 **PT11/1664/F** Change of Use of land and buildings for Corporate Events, Team Building Events, Stag and Hen Events, Family Fun Days and Activity Days including Clay Pigeon Shooting, Motorised Driving Activities, Archery, Orienteering, 'High Ropes', Games and Education together with associated landscaping works and ancillary use of the 'centre' building as office accommodation and storage. (Sui Generis) (Retrospective)

Approved (July 2012)

Conditions 11 and 18 of this planning permission are subject of this report.

- 3.3 PT06/0305/CLE Application for a Certificate of Lawfulness for Existing Use of land for corporate events and activity days including vehicle parking.

Refused (May 2006). Appeal Dismissed (March 2010)

- 3.4 PT07/3011/F Continued use of land and buildings for outdoor recreation and corporate use including corporate centre with ancillary office accommodation and storage.
- Refused (June 2008). Appeal Withdrawn
- 3.5 PT11/021/SCR EIA Screening Opinion Use of land and buildings for activities including Clay Pigeon Shooting, Motorised Driving Activities, Archery, Orienteering, 'High Ropes', Outdoor Team Games for Outdoor Recreation, Education and Corporate Events.
- EIA not required (Decision 24th May 2011)
- Enforcement Notices
- 3.6 CAW/06/0337/A Cease the Use of the Land for Recreational Activities and Corporate Events (Class D2) and Return the Land and Building to Agricultural Use
- Appeal (APP/P0119/C/06/2022825) (Ground D) Dismissed (May 2007)
- 3.7 CAW/06/0337/B Removal of the Wooden Structures used for the purposes of Outdoor Recreational Activities in the Area of Woodland at Martin Croft Brake
- Appeal (APP/P0119/C/06/2026082) (Ground A) Dismissed (May 2007)

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish/Town Council
Object. The Parish Council wish to see the barrier and access gate constructed as per the original planning permission
- 4.2 Environmental Health Officer
The Environmental Health Officer (EHO) notes that condition 11 of the planning permission requires a noise barrier to be provided. However, the EHO has confirmed that the Acoustic Report submitted for consideration at the time that the original application was considered to be satisfactory and that there was no specific requirement for a noise barrier. In respect of this submission the EHO has confirmed that there is no objection to the omission of the noise barrier.
- 4.3 Landscape Architect
No Objection
- 4.4 Sustainable Transport
No Objection
- 4.5 Public Rights of Way Team
No Objection

Other Representations

4.6 Local Residents

The removal of the conditions would result in more noise and pollution that is being experienced at present

The noise from quad bikes and Pilot Buggies is not acceptable. Noise during the weekends is disruptive to peace and tranquillity.

The developer will operate 7 days per week even though they state not.

The removal of the conditions would have a detrimental impact upon the peaceful retirement and residential area

The removal of the conditions would result in a detrimental impact to peoples health

There is acceptance that the sound of clay pigeon shooting is associated with the countryside and can be tolerated on an infrequent basis. The use of shot guns on this site is for financial gain and not for pleasure

Replacement of the existing stiles is necessary to improve the existing situation

The conditions were imposed to address local residents concerns and the removal of them should be denied

The site has become much busier having more impact upon weekend periods

The land is within the Green Belt and the use of quad bikes and Pilot buggies is not in keeping with the Green Belt

5. ANALYSIS OF PROPOSAL

5.1 The development concerns the use of the land and associated buildings for corporate events and outdoor activities approved under planning permission PT11/1664/F.

5.2 Principle of Development

The principle of the development in hand is established under planning consent PT11/1664/F. The broad planning merit of the use has been considered under that planning application and as such matters concerning the use of the land in the context of the Green Belt cannot be considered under this application. The consideration of this application should consider only the impact of the removal of the conditions referred to and in the light of the reasons for applying them. The impact of removal of the respective conditions is considered below. It is also necessary to consider the need for the conditions against the specific criteria set out in Circular 11/95 'The Use of Conditions in Planning Permissions', namely that conditions should be;

- i) necessary;
- ii) relevant to planning;

- iii) relevant to the development to be permitted;
- iv) enforceable
- v) precise; and,
- vi) reasonable in all other respects

5.3 Condition 18

This condition requires the provision of new gates at the Eastern and Western end of public right of way LWE 39/10 and the condition applied in the interests of the amenity of the users of the public right of way.

5.4 The original gates located in these positions were steel five bar gates in very poor condition. Under public right of way legislation, it is not appropriate to gate public rights of way unless there is a need to contain livestock within the land on which it crosses. Clearly (although the land has been farm land in the past) there is no livestock kept on the land as it is used for outdoor activities. On this basis there is no requirement for gates in these locations. The applicant has indicated that he intends to remove the existing gates and argues that there is no specific requirement to replace them; and on this basis the condition is not necessary (and does not comply with the requirements of Circular 11/95).

5.5 It should be noted that Condition 17 of planning consent PT11/1664/F also required the provision of fencing on either side of the public right of way so as to protect the users from any conflict with clients of the business enjoying activities on the site. This is not subject of this variation application. Indeed, the condition has been discharged and details agreed which show appropriate fencing (with provision for access across it for the activities on the site). The removal of condition 18 would not undermine the implementation and/or retention of the fence agreed under condition 17.

5.6 In considering the need for access gates at each end of the public right of way, officers note that it is generally preferred that gates are not used on public rights of way as they will cause some obstruction to the users of them. There is also no real need for the gates as there is no livestock kept on the land in question. On this basis, officers consider that Condition 18 of planning consent is not necessary, and as such does not meet the tests of circular 11/95. Officers therefore consider that the condition should be removed.

5.7 Condition 11

At the time that the planning consent (PT11/1664/F) was considered, there was concern raised by local residents over the noise being generated at this site; and the impact that the noise levels were having on the amenity of the surrounding locality. Such concerns remain apparent and it is necessary to consider whether or not the effective removal of the acoustic barrier would have a detrimental impact upon the amenity of the surrounding locality.

5.8 Condition 11 requires the provision of an acoustic barrier in accordance with that suggested by the applicant and detailed in principle within the acoustic report submitted in support of the planning application (PT11/1664/F). The reason given for the condition is that it is in the interests of residential amenity. The condition requires specific details of the acoustic barrier referred to in the acoustic report. It should be noted that the South Gloucestershire

Environmental Health Officer (EHO) did not specifically require an acoustic barrier on the site. Indeed, the EHO specified that silenced shot guns should be used at all times and that the use of motorised vehicles restricted to specific day time hours. Both of these requirements are specifically controlled by way of planning conditions (1 and 3) attached to planning permission PT11/1664/F.

- 5.9 Following the granting of planning consent, the applicant has considered the design of the acoustic barrier in accordance with the requirements of Condition 11 and in preparation for the submission of details for the discharging of the condition. The applicant submits that the topography of the site is such that in order to provide an acoustic barrier that would be effective, the barrier would need to be considerably high and would not represent a 'sensible mitigation measure'. Furthermore, the applicant submits that the level of noise generated by the operations on site is not at a level that would be harmful. This is a view shared by the South Gloucestershire Environmental Health Officer.
- 5.10 The issue of noise impact is a relevant planning consideration. However, the fact that the local community is able to hear noise generated by activities on this site is not necessarily confirmation that the noise reaches noise nuisance levels, nor is it a reason to impose a condition; or indeed refuse a planning permission in the first instance. This is not to dismiss concerns raised by residents. Indeed, officers accept that this site is in a relatively quiet area and that there will be audible noise resulting from the activities on this site. Officers also understand that there will be variations dependent on the numbers of clients, wind direction and weather conditions as well as other noise generation sources (such as the nearby motorway). Nonetheless, it is necessary to consider the level of noise being created and whether or not it would reach 'noise nuisance' levels, the times of day operations occur and what other controls are in place or available through the planning system or through other more relevant legislation.
- 5.11 In this instance there are a number of factors to consider. Firstly, the applicant argues in the initial Acoustic Report (submitted with PT11/1664/F) that the levels of noise are low and this accounts for factors such as weather conditions. The EHO considered the submission and was broadly in agreement with the findings; and suggested imposing noise limits and time limitations. Further, the applicant (having assessed the practicalities of providing an acoustic barrier) now maintains that the acoustic barrier would have no practical benefit unless the barrier became very high to account for the topography of the site. Again, the EHO shares this view. Given that the applicant's and Council's noise specialists both agree that the level of noise generated by activities from the site would not generate noise nuisance. The EHO suggested that the noise levels are controlled by condition and that the activities are only allowed to occur during more sociable hours. Provided that this is the case, officers consider that the barrier is unnecessary. Further, given that the barrier would need to be very high (and disproportionate against normal noise barrier designs), officers also consider that the provision of the acoustic barrier would be unreasonable.
- 5.12 Secondly, the planning consent (PT11/1664/F) imposes conditions that are specifically designed to mitigate the impact of noise in the local area.

Condition 1 controls the hours of operation to between 9am and 5pm on Mondays to Saturdays with no activities allowed on a Sunday or Christmas Day, Boxing Day and New Years Day. Condition 9 specifically controls noise levels on the site to a level not exceeding levels considered acceptable by the EHO. Other conditions control the location of where activities take place (within the site so as to maximise distances from nearby residential dwellings), the type of equipment used is tightly controlled (such as the use of 410 shotguns which are designed to be very quiet), as are the numbers of motorised vehicles. There is also a condition precluding the use of amplified music on the site at any time.

5.13 On this basis, officers consider that there are adequate alternative conditions which would allow tight controls over the activities and noise created on this site; and officers are satisfied that the conditions are both enforceable and have far more effect than the provision of an acoustic barrier. Furthermore, there is Environmental Health Legislation available which would also act to control the levels of noise from this site. On this basis, officers consider that Condition 11 requiring the provision of an acoustic barrier is not necessary; and as such does not meet the tests of circular 11/95.

5.14 Notwithstanding the above, the applicant acknowledges that concerns continue over the level of noise from the site. As such, the applicant has agreed to provide an acoustic barrier around the shot gun stand. This can be provided at close proximity to the stand itself and need only be as high as the average height of the shooter (say 1.8 metres). Officers consider that the use of 410 bore shotguns is acceptable in noise terms. However, the provision of an acoustic barrier will help to reduce the sound of the shotguns further for the benefit of the surrounding local residents. No specific detail has been provided, however a condition can be applied to secure this detail should planning consent be granted for the removal of condition 11 of PT11/1664/F).

5.15 Economic Considerations

Consent is granted for the use of this site for outdoor activities. It is an economic generator benefiting the rural area. Such business initiatives are supported by the government and as such the National Planning Policy Framework is broadly supportive of the use; and indeed makes a presumption in favour provided that development does not undermine the principles of sustainability upheld in the planning system. The government have made it clear that it does not wish to see the planning system delay economic growth and Local Planning Authorities should not refuse planning permission unless there are valid reasons for doing so. In this instance, officers consider that there are a number of conditions which would adequately control the levels of noise from the site, in the interests of the residential amenity of the surrounding locality. To continue to impose the condition requiring an acoustic barrier is not necessary and would have the effect of stifling the economic development available at this site.

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 Officers acknowledge that local residents have raised concerns regarding the noise levels generated by activities on this site; and that audible noise can be heard during periods of activity. However, there is no evidence that the noise levels are so great that there would be a detrimental impact on the amenity of the local residents, and the EHO has indicated that provided certain conditions remain, there is no requirement for the acoustic barrier required under condition 11 of planning permission PT11/1664/F. In respect of the requirements to provide gates under condition 18 of planning permission PT11/1664/F, officers conclude that such gates are not necessary and the removal of them would have a positive impact on the amenity of the public rights of way through this site.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the Planning Consent PT11/1664/F is amended to omit condition 11 and 18 subject to the following conditions

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

1. Hours of Operation

The use hereby permitted shall not operate between the hours of 17:00 and 09:00 (Monday to Saturday) and shall not operate on Sundays, December 25th, December 26th or 1st January in any year.

Reason

In order to ensure that activities do not persist beyond reasonable sociable hours and in the interests of the privacy and residential amenity of the occupants of nearby dwellings; and to accord with Policy E7, E8, EP1 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. Activity Areas

There shall be no motorised driving activities or shot gun activities in the areas set aside for exclusion of these activities, as shown upon drawing numbered (P.001_05-1) as received by the Council on (17th October 2011) at any time.

Reason

In order to ensure that driving and shot gun shooting activities do not encroach into areas of the site that carry higher ecological and landscape character value in order to protect the ecological and landscape value of the site; and to accord with Policy L1 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Limitations of Use

For the purposes of this planning permission and for the avoidance of doubt the motorised driving activities as approved shall be strictly limited to 'Rage Buggy', 'Quad Bike' (as detailed in the External Noise Report (as received by the Council on 26th May 2011)) and 4x4 Land Rover type vehicles only. Shotgun Shooting shall be strictly limited to the use of 410 bore shotgun and shall not include the use of a 12 bore shotgun.

Reason

The scale and intensity of the driving and shot gun shooting activities proposed within this application has been informed by the specific equipment detailed within the application. The addition to or material changes to the types of vehicles and shot gun to be used would need further assessment in regards to the impact upon the surrounding residential properties; and in the interests of the privacy and residential amenity of the occupants of nearby dwellings; and to accord with Policy E7, E8, EP1 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Limit number of days

Motorised driving activities (as defined in condition 3 of this planning permission); and shot gun shooting activities (as defined in condition 3 of this planning permission) shall cumulatively be limited to no more than 3 days per week and not more than 100 days per year. The operator of the site shall keep a record of the dates and number of days on which these activities take place in any given year and shall make this record available upon reasonable request for inspection by the Local Planning Authority.

Reason

The scale and intensity of the use is linked to the number of days per week/year that the driving and shot gun shooting activities would occur, and this has informed this decision and the conclusions in respect of the impact of the development upon the privacy and residential amenity of the occupants of nearby dwellings. The addition to or changes to the types of vehicles and shot gun to be used would need further assessment in regards to the impact upon the surrounding residential properties; and in the interests of the privacy and residential amenity of the occupants of nearby dwellings; and to accord with Policy E7, E8, EP1 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Number of Vehicles

No more than 7 motorised driving vehicles (as defined in condition 3 of this planning permission) shall be operated at any one time on the site.

Reason

The scale and intensity of the driving activities proposed within this application has been informed by the highest number of vehicles in use at any one time as detailed

within the application. The addition to or changes to the types of vehicles and shot gun to be used would need further assessment in regards to the impact upon the surrounding residential properties; and in the interests of the privacy and residential amenity of the occupants of nearby dwellings; and to accord with Policy E7, E8, EP1 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Woodland and Wetland Areas

The development hereby approved shall be implemented in accordance with the Woodland Management Plan (May 2011) (as received by the Council on 26th May 2011); and in accordance with the Wetland Creation and Landscape Plan Specification (ref d290.3) (as received by the Council on 18th April 2013). Thereafter the development shall be retained as such.

Reason

In order to ensure that the Site of Nature Conservation Interest (SINC) is properly maintained and managed in accordance with the Woodland Management Plan and to accord with Policy L9, and E8 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Orchard

The development hereby approved shall be implemented in accordance with the Orchard Planting Details (by Ben Raskin Horticulture) (as received by the Council on 18th April 2013). Thereafter the development shall be retained and maintained as such.

Reason

In order to ensure that the orchard is properly maintained and managed in accordance with the Woodland Management Plan and to accord with Policy L9, and E8 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. No flood lighting

No flood lighting shall be installed on the development site at any time.

Reason

Flood lighting is not detailed within this planning application and the provision of such lighting would require a further consideration in order to assess the impact upon the privacy and residential amenity of the occupants of nearby dwellings; and to accord with Policy E8 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Noise Levels

The maximum measured noise levels at the locations within the site as marked 'A', 'B' and 'C' as shown in figure 1/4143 of the submitted External Noise Report (as received by the Council on 26th May 2011) shall not exceed the following limitations at any time;

Location A = 50 dB LAeq, 5 mins

Location B = 51 dB LAeq, 5 mins

Location C = 52 dB LAeq, 5 mins

Reason

In order to ensure that an acceptable level of noise is maintained around the site and in the interests of the privacy and residential amenity of the occupants of nearby dwellings; and to accord with Policy E7, E8, EP1 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Noise Barrier (Shooting Stand)

Within three months of the date of this planning permission full details of the method of the construction of the noise barrier (as identified in the External Noise Report Figure 1/4143 as received by the Council on 26th May 2011) shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall continue in accordance with the agreed details and retained as such.

Reason

In the interests of the privacy and residential amenity of the occupants of nearby dwellings and to accord with Policy E8, E7 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Dust Management Plan

The development hereby approved shall be implemented in accordance with the Dust Management Plan (ref. AP/P/H-003 dated December 2012) (as received by the Council on 18th April 2013). Thereafter the development shall be maintained and operated in accordance with the above Dust Management Plan.

Reason

In the interests of the privacy and residential amenity of the occupants of nearby dwellings; and to accord with Policy E7, E8, and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. Archaeology

The development hereby approved shall be implemented in accordance with the details contained within the Method Statement for the Protection of Archaeological Remains (ref. AP/P/H-003 dated December 2012) (as received by the Council on 18th April 2013). Thereafter the development shall be retained and maintained as such.

Reason

To protect archaeological remains that exist within the site and to accord with Policy L11 of the South Gloucestershire Plan (Adopted) January 2006.

13. No Amplified Music

There shall be no amplified music played within the site at any time.

Reason

In the interests of the privacy and residential amenity of the occupants of nearby dwellings and to accord with Policy E8, E7 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. Travel Plan

The development hereby approved shall be implemented in accordance with the Travel Plan (ref AP/P/H-003) (as received by the Council on 13th September 2012). Thereafter the development shall be operated and managed in accordance with the details set out in the above Travel Plan.

Reason

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

15. Highway Signage

The highway safety/warning signage as received by the Council on 27th September 2013 shall be implemented along the approach to the development site on Box Hedge Farm Lane within 6 months of the date of this planning permission. Thereafter the signage shall be retained as such.

Reason

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

16. Protective Fencing and Gates PROW

The development hereby approved shall be implemented in accordance with the measures for the installation of protective fencing and gates to Public Right of Way (PROW LWE39/10) as detailed on drawings P.001_07-1, P.001_08-1 and P.001_08-2 (as received by the Council on 13th September 2012). Thereafter the development shall be retained as such.

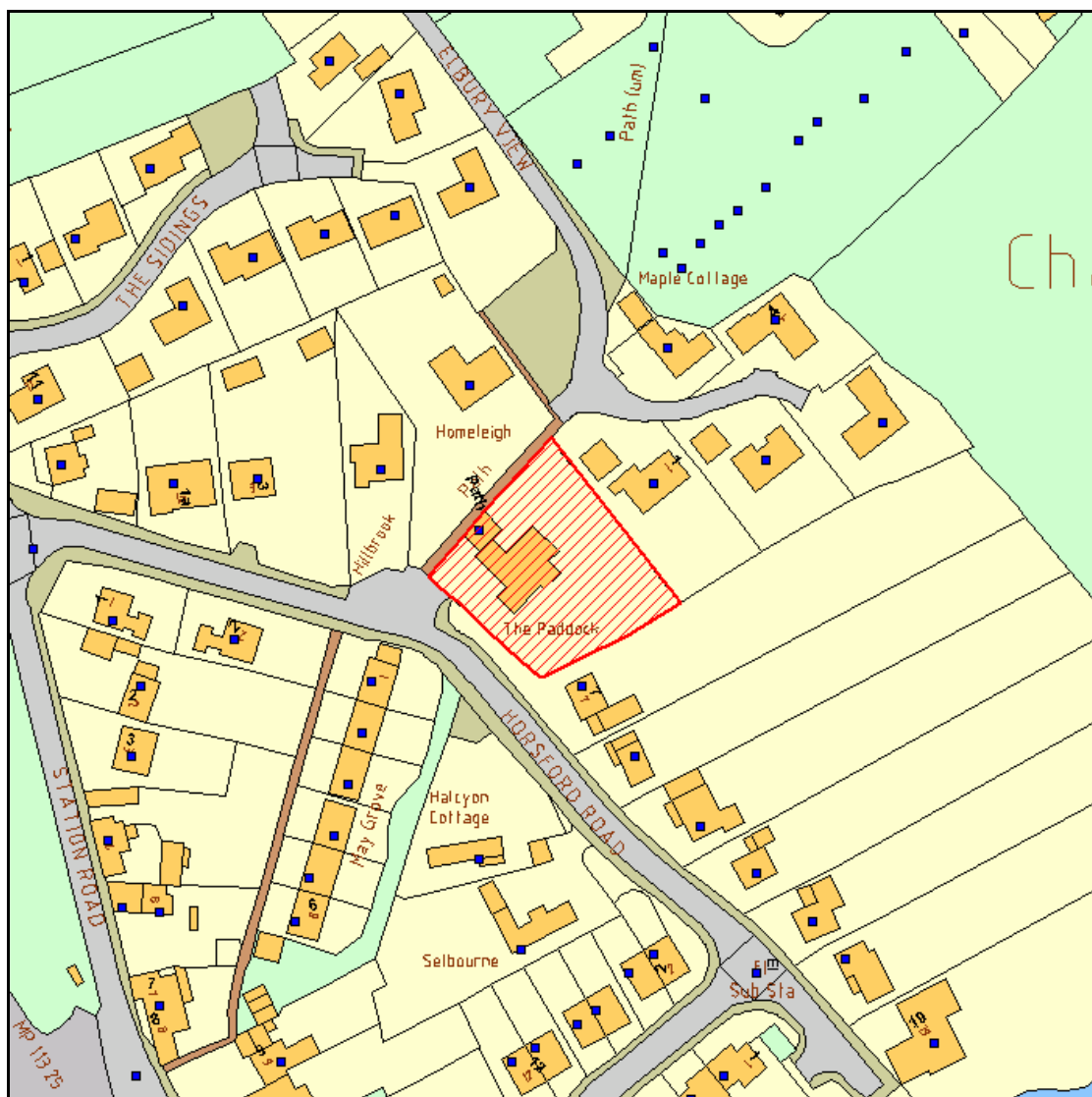
Reason:

To ensure that all reasonable measures have been taken to ensure the safety of the public using the public right of way from coming into conflict with motorised vehicles to accord with policy LC12 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.

ITEM 3

CIRCULATED SCHEDULE NO. 44/13 – 01 NOVEMBER 2013

App No.:	PT13/3403/F	Applicant:	Mr Gary Davis
Site:	The Paddock Horsford Road Charfield Wotton Under Edge South Gloucestershire	Date Reg:	19th September 2013
Proposal:	Erection of double storey and single storey extension to front elevation to provide additional living accommodation.	Parish:	Charfield Parish Council
Map Ref:	372585 192235	Ward:	Charfield
Application Category:	Householder	Target Date:	11th November 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as a representation has been made by a local resident which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a double storey front extension and single storey front conservatory to form additional living accommodation.
- 1.2 The application site consists of a detached dwelling built in the 1970s situated within the settlement boundary of Charfield.
- 1.3 During the course of the application the description of development has been corrected to read as a double storey front extension. A re-consultation period of 7 days was undertaken. In addition revised plans have been received to include minor amendments to door and window openings and to correct discrepancies within the submitted plans. A re-consultation period of 10 days was undertaken.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design

H4 Development within Existing Residential Curtilages

South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications

CS1 High Quality Design

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

Residential Parking Standards SPD (Approved) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/1015/F - Erection of first floor extension to form two bedrooms and bathroom. Replacement of flat garage roof with pitched. Erection of porch.(In accordance with amended plans received by the Council on 9 May and 16 May 2006). Approved 9th June 2006
- 3.2 N2309/1 - Erection of a dwellinghouse and construction of a vehicular access. Approved 17th June 1976

4. **CONSULTATION RESPONSES**

4.1 Charfield Parish Council
No comment received

4.2 Highway Drainage
No comment

4.3 Transportation DC
There is considered to be adequate vehicular parking available for the size of the proposed dwelling. On that basis, there is no transportation objection to this proposal.

4.4 PROW
This development is unlikely to affect the nearest public footpath, ref. OCH10 which runs adjacent to the property from Horsford Road to Elbury View. Informative recommended.

Other Representations

4.3 Local Residents
One letter of objection and one letter of support have been received from local residents.

The objection comments are summarised as follows:

- I have received notice today (15 October 2013) from the Council of revised proposals to planning application PT13/3403/F. The date of notice is 8 October 2013. The revised proposals are not apparent on this website so I cannot review or comment by the date specified by the Council (15 October 2013).
 - o It is noted that this response relates to the re-consultation for the revised description only. There were no revised plans to view at this time.
- For a previous proposal (Ref. No: PT06/1015/F March 2006) the applicant deviated from the approved plans by installing a first floor window directly overlooking my kitchen and dining room. The applicant applied for retrospective permission. The Council failed to notify me, depriving me of the opportunity to object to the retrospective application for the window and my loss of privacy.
- Given this history, I am concerned that the existing proposal is being revised in a manner and time frame which makes it difficult for me to be fully informed of, assess or object to any impact on my property.
- The applicant has a company for which this property is the registered address - concern that the proposal will support increased business activity, noise and traffic to the further detriment of my property.

The support comments are summarised as follows:

- The application is in keeping with the rest of the building and has no adverse consequences in terms of appearance or conforming with the 'local built form,' as there isn't one. Permission should be granted.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a double storey front extension and single storey front conservatory to form additional living accommodation. Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permit this type of development in principle subject to criteria relating to residential amenity, highway safety and design.

5.2 Residential Amenity

The application site consists of a detached dwelling situated within an established residential area of Charfield. The application proposes a double storey front extension and conservatory to form additional living accommodation. The nearest neighbour properties to the proposed extension are no. 7 Horsford Road, and no. 1 May Grove. The extensions would not be highly visible to the properties situated to the rear (no. 1 Elbury View) and northern side (Homeleigh) of the site and as such are not considered to have any impact on these neighbours.

5.3 In terms of overbearing impact and loss of light it is considered that the proposed extensions are situated an adequate distance (at least 18 metres) from all surrounding properties and as such there are no concerns on these grounds. Adequate private amenity space would remain to serve the host dwelling.

5.4 In terms of loss of privacy the only nearby occupier that could be affected is no. 7 Horsford Lane which is situated 18 metres to the southeast of the site and has a window on the northwest side elevation. The application proposes windows on the southeast elevation facing no.7. The site has existing boundary treatments between the two properties and as such Officers do not raise any concern in relation to the proposed ground floor windows and French doors identified within the revised plans. The proposed first floor windows on the southeast elevation are high-level, one of which serves a bedroom, the other serves a bathroom. The bedroom has additional rooflights to allow more light to enter the room. Although a larger distance between relevant windows would be preferable it is considered that the relationship as proposed would not result in a level of inter-visibility that would warrant a refusal of the application.

5.5 Highway Safety

The application proposes to increase the dwelling from three bedrooms to five bedrooms. Guidance contained within the Residential Parking Standards SPD 2013 states that dwellings with five bedrooms or more must have a minimum of three off street parking spaces. The dwelling has an attached double garage and a hardstanding area would remain which is sufficient to accommodate at least two vehicles. The level of off street parking space is therefore considered acceptable.

5.6 Design

The application relates to a detached dwelling constructed in red brick and cedar cladding. The design of the dwelling, which is reminiscent of 1970

architecture, is unique within the locality with its variety of mono-pitch roof profiles and irregular angles and joints. The dwelling has been successfully extended in the past to the rear at first floor level. The proposed double storey extension takes its cues from the existing design with a mono-pitch double storey front elevation meeting the existing central ridgeline at a lower level reflecting the existing variety in angles. The proposed front conservatory is proposed on the northwest elevation and is indicated to be taupe in colour. The extensions would not extend beyond the established building line set by the dwellings to the southeast of the site.

5.7 It is considered that the proposed design of the extension has been informed by, respects and enhances the distinct character of the existing dwelling. The host dwelling itself, by virtue of design and architectural detail, is not reflective of the prevailing built form or character. The proposed extension would therefore not have an adverse impact on the local character. A condition attached to the decision notice will ensure that all materials match the existing dwelling. This is with the exception of the proposed conservatory, which is indicated to be taupe in colour. This colour is considered acceptable and would provide a level of juxtaposition and interest to the existing material palette.

5.8 Other Matters

Comments have been made by a local resident in relation to a previously approved application. It is highlighted that these concerns are not relevant to the current application and has no bearing on the determination of it. All surrounding properties have been consulted in accordance with the Council's Statement of Community Involvement.

5.9 In terms of comments made in relation to business use at the property Officers do not have any reason to believe that the property or extension will be used for any purpose other than for residential and for uses ancillary to the residential dwelling. Any further concern on this matter should be referred to the Council's Enforcement Team for further investigation.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application is APPROVED subject to the conditions below.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the double storey extension hereby permitted shall match those used in the existing building. For the avoidance of doubt this does not include the approved conservatory.

Reason

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

ITEM 4

CIRCULATED SCHEDULE NO. 44/13 – 1 NOVEMBER 2013

App No.:	PT13/3414/CLP	Applicant:	Mr P Turner
Site:	Oak Apple 291 Badminton Road Coalpit Heath South Gloucestershire BS36 2NT	Date Reg:	20th September 2013
Proposal:	Application for Certificate of Lawfulness for the proposed erection of single storey detached outbuilding	Parish:	Westerleigh Parish Council
Map Ref:	368465 182015	Ward:	Westerleigh
Application Category:	Minor	Target Date:	12th November 2013



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PT13/3414/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure

1. THE PROPOSAL

1.1 The applicant is seeking a formal decision as to whether the proposed erection of an outbuilding at 'Oak Apple', 291 Badminton Road, Coalpit Heath would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning (General Procedures) Order 1995

Town and Country Planning (General Permitted Development) Order 1995 (As Amended), Schedule 2, Part 1, Class E.

3. RELEVANT PLANNING HISTORY

3.1 PT13/3443/PNH – (Larger Home Extensions: Neighbour Consultation Scheme) Erection of single storey rear extension which would extend beyond the rear of the original dwellinghouse by 6 metres for which the maximum height would be 4 metres and for which the height of the eaves would be 2.4 metres. No Objection 21st October 2013

3.2 N5124/2 - Erection of a 3-foot high boundary fence. Approved 23rd December 1982

3.3 N5124/1 - Erection of a four bay private stable block and covered storage area (in accordance with the amended plans received by the Council on 2nd April 1980). Approved 24th April 1980

3.4 N5124 - Erection of two storey rear extension to provide kitchen, dining room, bedroom, bathroom, W.C. and utility room, and installation of septic tank. Approved 7th December 1978

4. CONSULTATION RESPONSES

4.1 Westerleigh Parish Council

Council object to this application on the grounds that this proposed building is outside any settlement boundary and is within the green belt. Council wishes to see no more erosion of rural land.

- 4.2 Drainage
No comment
- 4.3 Transport
No highway comments on this application.
- 4.4 Archaeology
Any development, such as that proposed in this application will require a HC11 condition for a programme of archaeological work.

Other Representations

- 4.5 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location (LPC,3422,13,01); Site Plan (LPC,3422,13,06); Elevation and Floor Plans (LPC,3422,13,07);

6. EVALUATION

- 6.1 The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit: the decision is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application. If the evidence submitted demonstrates that the proposed development is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming this.
- 6.2 Although a letter of objection has been received, given the type of application, only objections regarding the validity of the application in relation to the legislation (Town and Country Planning (General Permitted Development) Order 1995 (As Amended) can be taken in to account.
- 6.3 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class E of the GPDO 1995 (As Amended). The site is in use as a dwellinghouse, and there is no evidence to indicate that the permitted development rights have been removed. Schedule 2, Part 1, Class E of Town and Country Planning (General Permitted Development) Order 1995 (As Amended) allows for the provision within the curtilage of the dwelling house of:- any building or enclosure...for a purpose incidental to the enjoyment of the dwellinghouse.

The proposed outbuilding is 4.5 metres by 9.2 metres with a maximum height of 3.8 metres. The use of the outbuilding is identified as a gymnasium, hobbies room and changing room. Officers consider that the proposed use and scale of the outbuilding can reasonably be defined as falling within the definition of 'a purpose incidental to the enjoyment of the dwellinghouse'.

There are several criteria attached to development permitted under Class E. Developments which fail any of the following criteria would not be permitted:

6.4 The proposed erection of an incidental outbuilding.

E.1 (a) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house);

The application property is shown to be set within a large plot: including a paddock area and stables to the north of the property. Officers do not necessarily consider the paddock to fall within the curtilage of the dwellinghouse. Notwithstanding this, it is noted that the proposed outbuilding in addition to the existing extensions and outbuildings on the area of land serving the dwellinghouse (excluding the paddock) would not exceed 50% of the total area of the curtilage. The application therefore meets this criterion.

(b) Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwelling house;

In establishing the 'principal elevation' the Government's Permitted Development for Householders Technical Guidance (2013) states the following:

In most cases, the principal elevation will be that part of the house which fronts the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually but not exclusively the principal elevation will be what is understood to be the front of the house.

The principal elevation of the dwellinghouse is identified within the submission as the historic elevation facing Badminton Road – the south elevation. It is however noted that there are no entrances (i.e. a door or porch) that would normally be characteristic of a principal elevation, and the dwelling is not accessible from the highway on the south side. The dwellinghouse is accessed via a private access drive around the north elevation of the attached neighbouring property (298 Badminton Road). The south elevation in this instance is not necessarily understood to be the 'front' of the house. It is, however, the elevation facing the road that sets the postcode for the dwelling and has some historic characteristic features such as gables above the windows. The northern elevation of the dwelling consists of a double storey extension, which is described within application N5124 as a 'rear extension'.

On reflection it is considered that the south elevation facing Badminton Road is, for the purpose of the GDPO, the 'principal elevation'. The outbuilding would not be forward of this elevation and as such the application meets this criterion.

(c) The building would have more than one storey;

The proposed building would be single storey.

- (d) The height of the building, enclosure or container would exceed-**
- (i) 4 Metres in the case of a building with a dual dual-pitched roof,**
 - (ii) 2.5 metres in the case of a building or enclosure or container within 2 metres of the boundary of the curtilage of the dwelling house, or**
 - (iii) 3 metres in any other case;**

The proposed building would be situated 6.5 metres from the boundary of the curtilage and would have a dual pitched roof that is 3.8 metres in height.

- (e) The height to eaves of the building would exceed 2.5 metres;**

The eaves height of the proposed building would be 2.3 metres.

- (f) The building, enclosure, pool or container would be situated within the curtilage of a listed building;**

The dwelling is not a listed building.

- (g) It would include the construction or provision of a veranda, balcony or raised platform;**

The proposal would not include any of the above.

- (h) It relates to a dwelling or microwave antenna; or**

The proposal is for a new detached building, not an existing dwelling, and does not contain a microwave antenna.

- (i) The capacity of the container would exceed 3,500 litres.**

Not applicable.

- E.2 In the case of any land within the curtilage of the dwelling house which is within-**

- (a) A World Heritage Site,**
- (b) A National Park,**
- (c) An Area of Outstanding Natural Beauty, or**
- (d) The Broads,**

Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwelling house would exceed 10 square metres.

The application site is not located within any of the above.

- E.3 In the case of any land within the curtilage of the dwelling house which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwelling house and the boundary of the curtilage of the dwelling house.**

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

6. RECOMMENDATION

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

Evidence has been provided to demonstrate that the development falls within the criteria of Part 1 Class E of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.;

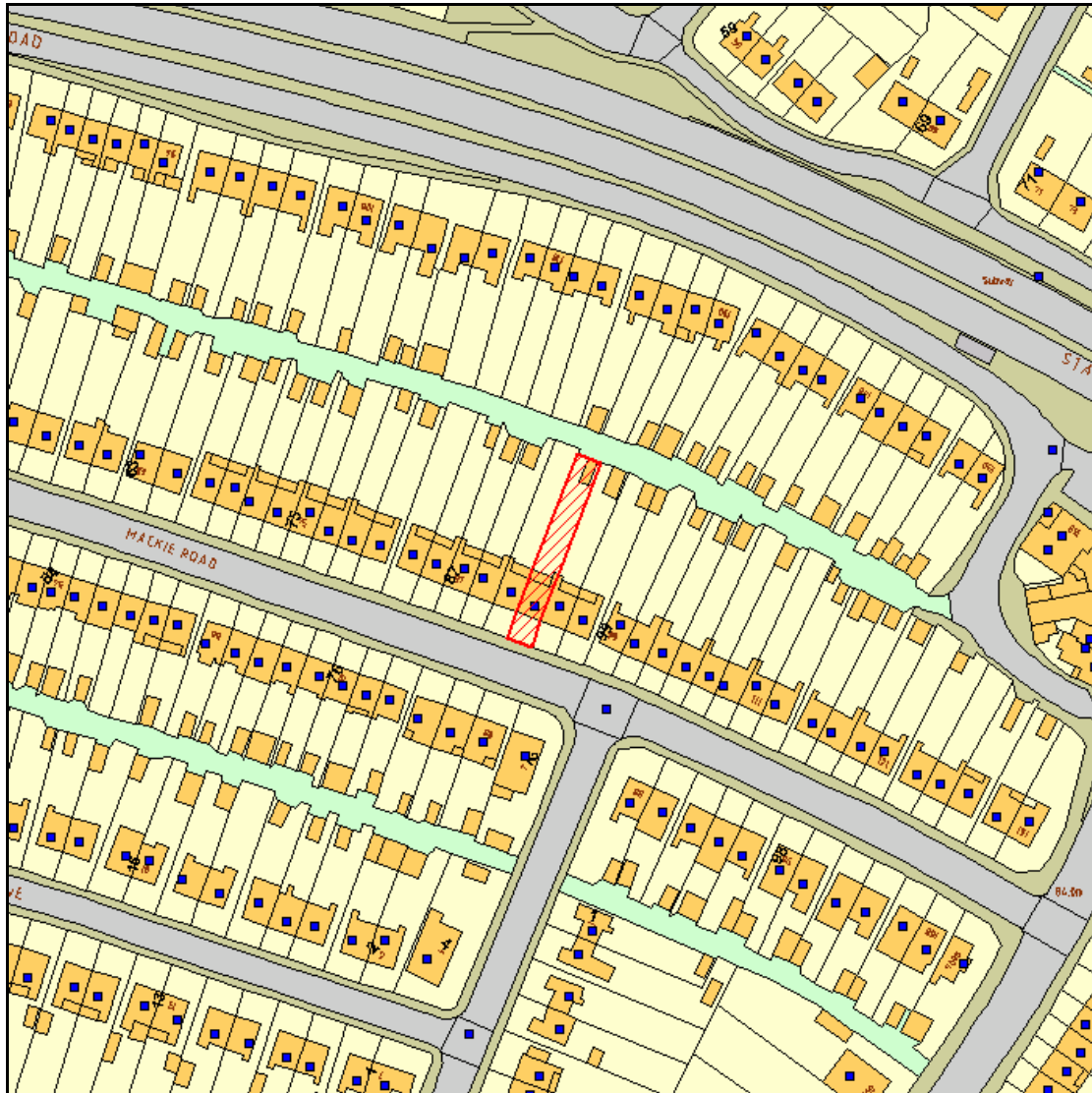
Contact Officer: Sarah Fordham
Tel. No. 01454 865207

ITEM 5

CIRCULATED SCHEDULE NO. 44/13 – 01 NOVEMBER 2013

App No.: PT13/3430/F
Site: 93 Mackie Road Filton South
Gloucestershire BS34 7LZ
Proposal: Erection of rear conservatory
Map Ref: 360791 178922
Application Category: Householder

Applicant: Mr Rabson
Date Reg: 27th September 2013
Parish: Filton Town Council
Ward: Filton
Target Date: 20th November 2013



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100023410, 2008.

N.T.S.

PT13/3430/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

An objection has been received, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a conservatory to the rear of 93 Mackie Road, a two storey, pebbledash and tile terraced house. On the rear elevation, the dwelling is roughcast rendered. It has a long rear garden in common with the rest of the street and the gardens of both Mackie Road and Station Road have mostly detached garages at the end of them, which, combined with fences, prevent views of the rear of the houses.
- 1.2 The proposed conservatory would sit between two single storey lean-to rear extensions, but would not project beyond them, according to the plans that have been submitted. The rear garden is bounded by a fence to a height of around 1.8 metres.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 House extensions
- South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/0526/F Replacement garage Approved

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objection
- 4.2 Other Consultees
Wessex Water
No objection – informative included regarding protecting Wessex infrastructure
- Technical Services
No objection

Other Representations

- 4.3 Local Residents
One letter of objection was received, citing the following concerns:
The extension could block light to the house next door and block the view. The foundations of the conservatory could affect the neighbouring house's foundations.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

This application stands to be assessed against the policies listed above, in the light of all material considerations. The issues to be resolved are the visual impact and design of the proposed conservatory and its impact upon existing levels of residential amenity.

5.2 **Residential Amenity**

The objection that has been received relates to two issues having potential impact on existing levels of residential amenity, those being the effect on light and blocking a view from the rear of the adjacent property. With regard to light, the proposed conservatory would sit in between two existing single storey rear extensions, not projecting any further than they do and not being any taller than No. 89 at ridge or eaves and no higher than No. 91 at eaves level. It would replace an existing lean-to extension that does not extend as far as now proposed. Neither adjoining extensions have side facing windows. It is therefore considered that the impact of the proposed conservatory would have no impact on existing light levels experienced by the adjoining properties and could have no possible impact on views for either property. It is considered that the proposed development would therefore have no adverse impact on existing levels of residential amenity and would accord with Local Plan policy H4 in this regard.

5.3 **Visual Amenity**

The existing extension is old and looks tired. Any replacement would bring the benefit of a newer, fresher appearance. This proposal would be of a scale commensurate with the surroundings, have a lightweight appearance, as it is a conservatory and the visual impact would be very limited due to the garages at the end of the gardens, but what impact there would be is considered to be beneficial. The proposal is considered to accord with policy D1 of the adopted Local Plan.

5.4 **Foundations**

The issue of the foundations of the conservatory could affect the neighbouring house's foundations has also been raised through the consultation process. Because the roof would be constructed of glass, there would be no requirement for Building Regulations for this proposal, but the decision notice as recommended makes clear that the development, if approved, can only be carried out on land owned by the applicant. If this is not adhered to, it is a matter to be resolved through Civil Law and as such is not a relevant planning matter to be resolved through 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 approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted)

January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is approved.

Contact Officer: Chris Gosling

Tel. No. 01454 863787

CONDITIONS

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

Reason

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