



**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. 37/13

Date to Members: 13/09/13

Member's Deadline: 19/09/13 (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 your 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 – 37/13

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/1125/F	Approve with Conditions	38 Siston Common Siston South Gloucestershire BS15 4NZ	Siston	Siston Parish Council
2	PK13/1850/F	Approve with Conditions	Land Adj To 328 North Road Yate South Gloucestershire BS37 7LL	Ladden Brook	Iron Acton Parish Council
3	PK13/2822/CLE	Approve	Land At Star Farm Chippenham Road Marshfield Chippenham South Gloucestershire SN14 8LH	Boyd Valley	Marshfield Parish Council
4	PK13/2832/TRE	Approve with Conditions	136 Memorial Road Hanham South Gloucestershire	Hanham	Hanham Abbots Parish Council
5	PT13/1921/F	Approve with Conditions	Banks House Harcombe Hill Winterbourne Down South Gloucestershire BS36 1DE	Winterbourne	Winterbourne Parish Council
6	PT13/2507/F	Approve with Conditions	74 Branksome Drive Filton South Gloucestershire BS34 7EF	Filton	Filton Town Council
7	PT13/2690/F	Refusal	Redthorne Cottage Earthcott Green Alveston South Gloucestershire BS35 3TE	Thornbury South And	Alveston Parish Council
8	PT13/2704/RVC	Approve with Conditions	Stable Folly Stowell Hill Road Tytherington Wotton Under Edge South Gloucestershire GL12 8UH	Ladden Brook	Tytherington Parish Council
9	PT13/2726/F	Approve with Conditions	Cross Hands Barn Kington Lane Thornbury South Gloucestershire BS35 1NQ	Severn	Oldbury-on-Severn Parish Council
10	PT13/2865/CLP	Approve with Conditions	Oak Leaf Nurseries Oak Farm Oldbury Lane Thornbury South Gloucestershire BS35 1RD	Thornbury North	Thornbury Town Council
11	PT13/2875/F	Approve with Conditions	96 Hicks Common Road Winterbourne South Gloucestershire BS36 1LJ	Winterbourne	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 37/13 – 13 SEPTEMBER 2013

App No.:	PK13/1125/F	Applicant:	Mr Sheppard
Site:	38 Siston Common Siston South Gloucestershire BS15 4NZ	Date Reg:	29th May 2013
Proposal:	Demolition of existing outbuildings to facilitate the erection of 3 no. dwellings and 2 no. double carports with associated works.	Parish:	Siston Parish Council
Map Ref:	366432 174293	Ward:	Siston
Application Category:	Minor	Target Date:	18th July 2013



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100023410, 2008.

N.T.S.

PK13/1125/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from Siston Parish Council and a local resident; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application site comprises a detached, two-storey, 3-bedroom dwelling house, No.38 Siston Common, and associated single-storey buildings (to the east) that includes a Nail and Beauty Salon and Commercial Buildings in the B1(C) and B8 Use Classes, which relates to light industrial use and storage/distribution use.
- 1.2 The site lies to the west of the Avon Ring Road, within the Urban Area as defined on the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 Proposals Map; in an isolated and elevated position within Siston Common. Vehicular access is via a spur off Siston Common Rd, which runs at a lower level to the west of the site; the highway being a recreational route and part of the Bristol/Bath Cycle Way.
- 1.3 The house probably dates to the 1920's; the outbuildings lie within an older walled enclosure, which may be associated with former coal mining activities in the location. It appears that the outbuildings are likely to have been re-built or extended on several occasions.
- 1.4 The site is relatively well screened in views from the north by dense vegetation that lies within the Siston Common Site of Nature Conservation Interest (SNCI).
- 1.5 It is proposed to demolish the outbuildings and utilise the plot, as well as part of the existing garden to No.38 to erect three, two-storey dwellings and associated parking areas. Plot 1 would be a 3-bed house, Plot 2 – 4 bed and Plot 3 – 4 bed. The existing vehicular access into the site would be utilised.

The application is supported by the following documents:

- Planning Statement
- Heritage Statement
- Environmental/Contamination Study
- Extended Phase 1 Habitat Survey
- Bat Survey
- Coal Mining Risk Assessment

2. POLICY CONTEXT

- 2.1 National Guidance
The National Planning Policy Framework (NPPF).
- 2.2 Development Plans

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

CS1 - High Quality Design
CS5 - Location of Development
CS15 - Distribution of Housing
CS16 - Housing Density
CS17 - Housing Diversity
CS18 - Affordable Housing

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design
L1 - Landscape Protection and Enhancement
L5 - Open Areas within the Existing Urban Areas and Defined Settlement Boundaries.
L7 - Sites of Nature Conservation Interest (SNCI)
L9 - Protected Species
L11 - Archaeology
L17 & L18 - The Water Environment
EP1 - Environmental Pollution
EP2 - Flood Risk and Development
EP7 - Unstable Land
T7 - Cycle Parking
T12 - Transportation Development Control Policy for New Development
H2 - Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions for Residential development, within the Existing Urban Area and Defined Settlement Boundaries.
H4 - Development within Residential Curtilages
H6 - Affordable Housing
LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).
LC2 - Provision of Education Facilities (Site Allocations and Developer Contributions).
LC12 - Recreational Routes

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (SPD) – Approved 23rd August 2007.

Affordable Housing SPD Sept 2008

South Gloucestershire Council Residential Parking Standards (Approved for Development Management Purposes) 27 March 2013

3. RELEVANT PLANNING HISTORY

There have been numerous planning applications relating to this site, the most recent and relevant of which are listed below.

- 3.1 PK05/0972/F - Change of use from builders yard (sui generis) to light industrial (Class B1c) and Storage/Distribution (Class B8). Retrospective Approved 16 May 2005

- 3.2 PK05/2731/F - Change of use from workshop (Class B1) to Nail and Beauty Salon (Sui Generis). Retrospective.
Refused 20 Oct 2005.
- 3.3 PK06/0251/F - Change of use from workshop (Class B1) to Nail and Beauty Salon (Sui Generis). Retrospective. Resubmission of PK05/2731/F.
Approved 3 March 2006
- 3.4 PK06/3629/F - Erection of two-storey side extension to form additional living accommodation.
Approved 16 Feb 2007

4. CONSULTATION RESPONSES

4.1 Siston Parish Council

Whilst we support the view that removal of existing low value commercial buildings with light industrial and storage/distribution use rights would be of benefit to this part of the historic Siston Common, we are greatly concerned at the scale and finish of proposed replacement dwellings. Even though this is recognised as a 'high quality location in an important open area', it is considered that the height and proposed white coloured render of the three new dwellings would have a detrimental visual impact on such a highly visible site.

Removal of the white coloured render from the existing dwelling and stone built outer walls of the new to match the original facing of No. 38 would then reflect the finish of almost all other properties in this immediate area. This change and a reduction in height of each of the new dwellings would do much to enhance the setting of such a prominent group of buildings, to be viewed by so many from the well-used popular network of adjacent public rights of way and railway path.

It is felt that the opportunity should also be taken to reduce the vehicle access route to its original width and measures should be taken to prevent the regular parking on common land.

4.2 Other Consultees (including internal consultees of the Council)

Highway Drainage

No objection subject to a SUDS Drainage Scheme being secured by condition.

The Coal Authority

No objection subject to a condition to secure site investigation works and mitigation should shallow coal workings be found.

Ecology

There are no ecological constraints to granting planning permission. Conditions should be attached relating to Siston Common SNCI, bats, birds, reptiles, hedgehogs and a landscape planting plan.

Historic Environment

A condition for a programme of archaeological investigation should be imposed.

Environmental Protection

No objection subject to a contamination study and standard informatives relating to construction sites.

Sustainable Transport

No objection subject to parking and turning areas being completed prior to first occupation.

Other Representations

4.3 Local Residents

1no. letter of objection was received from the occupier of 34 Siston Common. The concerns raised are summarised as follows:

- Sets a precedent for building dwellings on Common Land and for the change of use of buildings close to no.34
- Buildings on Siston Common cannot be changed to residential dwellings.
- The road system leading to the property is not good enough to take the transport associated with 3 more dwellings.
- Would generate more illegal parking on the common.

5. **ANALYSIS OF PROPOSAL**

Principle of Development

- 5.1 The NPPF has recently superseded various PPS's and PPG's, not least PPS3 – Housing. The NPPF carries a general presumption in favour of sustainable development. Para.2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the development plan and this includes the Local Plan. Para 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise. At para. 211 the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. In this case the relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6th 2006.
- 5.2 The South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept. 2012 has now been through its Examination in Public (EiP) stage; the Inspector has given his preliminary findings and stated that the Core Strategy is sound subject to some modifications. The policies therein, although a material consideration, are not yet adopted and can therefore still only be afforded limited weight.

- 5.3 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:
- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
 - B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
 - C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
 - D. Provision for education, leisure, recreation and other community facilities, within the vicinity, is adequate to meet the needs arising from the proposals.
- 5.4 It should be noted however that there is now no nationally prescribed figure for housing density.
- 5.5 Also of relevance is Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, which permits new dwellings within residential curtilages subject to criteria discussed below. Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy both seek to secure good quality designs that are compatible with the character of the site and locality.
- 5.6 Density
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like the NPPF seeks to avoid development, which makes an inefficient use of land; para. 47 requires the need to '*boost significantly the supply of housing*'
- 5.7 The proposal is considered to make efficient use of the land in what is a relatively sustainable location within the Urban Area. Due to the physical constraints of the site and proximity of the adjacent Siston Common and SNCI and the presence of an existing dwelling within the site; more than three additional dwellings could not realistically be accommodated on the plot and in this respect the proposal accords with the government guidelines outlined above. In terms of its density alone, the development is not therefore considered to be an overdevelopment of the site.
- 5.8 Scale and Design
In terms of scale and design, the location is characterised by open land but with small 'islands' of built development, such as the nearest dwellings to the south, west and north-east. The proposal would be retained within the existing developed, tight enclosure and as such would replicate the character of development across the Common. Whilst it is acknowledged that the scale of

the built development would be higher than the existing outbuildings, it would be no higher than the existing dwelling and for most part would be seen against the back-drop of the existing dwelling. There would be no building on Common Land as suggested by the objector. Furthermore, as each application is determined on its individual merits, the proposal would not set a precedent for similar developments in the locality.

- 5.9 Paragraph 57 of the NPPF sets out the importance of high quality and inclusive design. Paragraph 58 acknowledges the need to '*optimise the potential*' of a site to accommodate development and to '*respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation*'.
- 5.10 Paragraph 60 states that '*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.*'
- 5.11 In design terms the proposed houses have to some extent been informed by the traditional character of dwellings in the vicinity. The narrow gables and L-shaped form reflect the traditional form and shape of older dwellings around the Common. A variety of materials is proposed to be used in construction including render with stone and brick decoration, oak timber cladding, oak stained timber windows, stone cills, buff face brick quoins and clay profiled roof tiles.
- 5.12 Some concerns have been expressed by the Parish Council about the materials to be used but it should be noted that this site has no special designations and lies within the Urban Area as opposed to a Conservation Area or village with strong architectural vernacular. The existing outbuildings are utilitarian in character and exhibit no architectural merit. Furthermore the boundary walls have clearly been repaired over time with a mix of materials that does little to enhance their appearance. The proposed houses, although of greater mass would to some degree actually enhance the visual amenity of the site.
- 5.13 The existing property no.38 is a large, stone and render faced dwelling that as recently as 2007 was granted consent (PK06/3629/F) to be extended. A condition attached to the consent required the external materials of the extension to match those of the existing house. Officers consider that it would now be unreasonable to condition the removal of the render from this property, as suggested by the Parish Council. In the applicant's Planning Statement it is however stated at para. 2.12 that the applicant would consider any '*reasonable forms of materials*' for the new development. Officers therefore consider that an appropriate condition could be imposed to secure an improved palette or mix of materials in place of the proposed white render indicated on the submitted plans.
- 5.14 Subject to this condition, the scheme is considered to be an acceptable design that would adequately respect the massing, scale, proportions, materials and

overall design and character of the existing property and the character of the surrounding area, which accords with Policies H4 and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.15 Transportation Issues

The existing access arrangements would be utilised. Given the current commercial uses of the outbuildings, traffic generation to the site is likely to reduce, as is the number of larger vehicles using the access road. A revised plan has been submitted to demonstrate that 2 parking spaces would be retained within the site to serve the existing dwelling; this was a condition of the previous consent (PK06/3629/F) for the two-storey extension to the existing dwelling. Furthermore an additional total of 8 parking spaces are provided within the site to serve the proposed three houses. This level of off-street parking provision meets the minimum standards listed in the new South Gloucestershire Parking Standards SPD. Additional parking is in theory available on the tarmac area to the front of the existing dwelling but parking on the Common is illegal. Given the level of parking provision within the site, officers consider that parking overspill onto the Common would not occur. Subject to a condition to secure the parking spaces and turning areas proposed, prior to the first occupation of the houses, and maintain them thereafter, there is no transportation objection.

5.16 Officers are therefore satisfied that the scheme accords with Policies T12, H2(A) and H4(C) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and The South Gloucestershire Residential Parking Standards.

5.17 Impact on Residential Amenity

Adequate sized gardens would be retained for the existing and proposed dwellings. Privacy at ground floor level would be ensured by the retention and provision of adequate boundary treatments that could be secured via a condition.

5.18 In terms of overlooking from first floor windows, there is fully 20m and more between facing habitable room windows of Plot 1 and the other houses on the site. To the sides, there are no first floor habitable room windows in the proposed side elevations that would result in any significant loss of privacy from inter-visibility. Some overlooking of gardens is considered to be inevitable in a development such as this but is not considered justification for refusal of planning permission where the efficient use of land is a government requirement. The increased level of passive surveillance would be an increased security feature on this isolated site. Beyond the site, the nearest residential dwelling is 100m away and would not be adversely affected.

5.19 In terms of overbearing impact, the proposed dwellings, being located around the edge of the site, would have a satisfactory relationship with each other and with the existing property.

5.20 Having regard to all of the above, officers are satisfied that no significant harm to residential amenity would result from the scheme, which accords with Policies H4 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.21 Landscape Issues

The site does not lie within the Green Belt or an AONB. Under Local Plan Policy L5, within the Established Settlement Boundary, development will not be permitted where it would adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality; furthermore the NPPF at paras. 48 and 53 seek to resist development within residential gardens where it would cause harm to the local area.

5.22 Whilst it is acknowledged that the surrounding Common is open amenity land, the actual development site save for part of the garden to no.38, is a previously developed brown field site. All of the development would be enclosed within the existing site with no encroachment onto Common land. Given the amount of garden space that would be created, the proposed development, despite the increased massing of built development on the site, would on balance not significantly harm the character of the local area; furthermore any harm that might occur is considered to be outweighed by the acknowledged need for housing in the wider area and the Government's aim to kick start the economy via the planning system by encouraging sustainable development and house building.

5.23 Given that the site lies within the Urban Area and does not contain any vegetation of note, the proposal would not adversely affect the visual amenity of the wider landscape.

5.24 A condition could be imposed to secure an appropriate scheme of planting. The proposal is therefore in accordance with Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

5.25 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. In terms of drainage, the Council's Drainage Engineer raises no objection to the proposal, which would utilise existing systems, however a SUDS Drainage Scheme would be secured by condition should planning permission be granted. The site is not prone to flooding. The site does however lie within an area that was previously mined for coal. A Coal Mining Risk Assessment has been submitted to the satisfaction of the Coal Authority; nevertheless it is considered necessary to impose a condition to secure ground investigations to ascertain if there are any shallow mining workings beneath the site, and measures of mitigation should any be found. An environmental study of the site has been conducted which concluded that there are no significant contaminative concerns that require further consideration. The proposal therefore accords with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.26 Heritage Issues

A Heritage Statement has been submitted in response to officer concerns that the outbuildings to be demolished may have some heritage value. It has been established that the buildings have no statutory protection and neither are they

Locally Listed. The buildings are not very old and do not appear on a map of 1888. The buildings did not in fact exist until after 1911. The buildings are likely to have been re-built after the house was erected in the 1920's and much of the materials now within the outbuildings is modern. It is therefore concluded that the outbuildings have no heritage value or features that need to be retained.

5.27 The proposal is situated within an enclosure of unknown date and function although it may be related to former coal mining activity. The enclosure is recorded on the Tithe Map of 1839 and was therefore in existence prior to the construction of the house and outbuildings.

5.28 Because the nature of this enclosure is not known a condition to secure a programme of archaeological investigation should be applied to any consent.

5.29 Ecology

The site is not covered by any statutory or non-statutory nature conservation designation. It does however lie adjacent to the Siston Common Site of Nature Conservation Interest (SNCI) designated for its unimproved and semi-improved grassland. The application includes an extended Phase 1 habitat report by Avon Wildlife Trust and a Bat Survey.

5.30 Whilst surrounded by Siston Common, the site consists of a property and outbuildings, with a garden and hard-standing (parking) surrounded and separated from the grassland of the Common by brick and stone walls. Development should not have any affect on the adjoining SNCI provided the storage or burning of materials and parking or turning of vehicles is confined to the application site and does not extend out onto the grassland of the Common.

5.31 Development will mean the loss of areas of vegetable garden and surrounding stone walls offering suitable habitat for slowworms and hedgehog. Whilst a full survey was not considered warranted because of the relatively small area of suitable habitat affected by the development, sections 4.3.2 and 4.3.4 of the report makes a series of recommendations to avoid killing or injuring animals and these should form the basis of an appropriately worded planning Condition.

5.32 No bats were recorded using any of the buildings and bat activity around the property and adjoining Common was low. Conditions should however be imposed to secure bat boxes, bird nest boxes and a hedgehog box as well as a scheme of planting.

5.33 Subject to the aforementioned conditions, there are no ecological constraints to the proposed development of the site.

5.34 Affordable Housing

The proposal is for 3no. dwellings only, which is below the Council's threshold for affordable housing provision.

5.35 Education Service

The proposal is for 3no. dwellings only, which is below the Council's threshold (5) for contributions to the Education Service.

5.36 Community Services

The proposal is for 3no. dwelling only, which is below the Council's threshold (10) for contributions to Community Services.

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 proposal would make efficient use of land within the Urban Area, which would make a positive contribution to housing supply and sustainable development which accords with government guidelines contained in the NPPF and is considered to outweigh any adverse impact on visual amenity that may accrue from the proposal.
- 6.3 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission be GRANTED subject to the conditions listed on the Decision Notice.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

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 hours of working on site during the period of construction and demolition shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies H2, H4 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason

To comply with Policies L17, L18, EP1, EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the first occupation of the dwelling houses hereby approved, the car parking provision (for the existing and proposed dwellings) and turning areas shall be implemented in accordance with the approved Proposed Site Plan No. CA12/010/02 Rev B received 21 June 2013, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies H2, H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and The South Gloucestershire Residential Parking Standards (Approved for development management purposes) 27th March 2013.

5. Notwithstanding the details shown on the submitted plans, prior to the commencement of the development hereby approved, full details or samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

6. Prior to the commencement of the development hereby approved, details of any boundary fences and walls to be erected shall be submitted to and approved in writing by the Local Planning Authority, thereafter the boundary fences/walls shall be erected in accordance with the details so approved prior to the first occupation of the dwellings hereby approved.

Reason

To protect the residential amenity of the existing and future neighbouring occupiers and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. No windows including dormers and velux roof lites, other than those shown on the plans hereby approved, shall be inserted at any time in the roof elevations of the dwellings hereby approved.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of the development hereby approved, site investigation works shall be carried out in accordance with the approved Coal Mining Risk Assessment. In the event that the site investigations confirm the need for remedial works to treat any mine entries and/or areas of shallow mine workings these works shall be carried out prior to the commencement of the development.

Reason

To ensure the safety and stability of the proposed development having regard to past Coal Mining within the area and to accord with Policy EP7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

9. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. All works shall be carried out in accordance with the recommendations made in Section 4 of the submitted Extended Phase 1 Habitat and Bat Survey dated June 2013 by Avon Wildlife Trust.

Reason

To avoid harm to protected species and to ensure that the works are confined to the application site to prevent any damage to the adjoining Siston Common SNCI and to accord with Policies L8 and L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

11. Prior to the commencement of the development hereby approved, a scheme of bat boxes and bird nest boxes (swallow, house martin and house sparrow) and a hedgehog box as included in Section 4 of the submitted extended Phase 1 Habitat and Bat Survey dated June 2013 by Avon Wildlife Trust, shall be drawn up and agreed in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full prior to the first occupation of any of the dwellings hereby approved.

Reason

In the interests of protected species and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

12. Prior to the commencement of the development hereby approved, a landscape planting plan comprising mixed native shrub species as included in Section 4 of the submitted extended Phase 1 Habitat and Bat Survey dated June 2013 by Avon Wildlife Trust, shall be drawn up and agreed in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full to a timescale to be agreed with the Council.

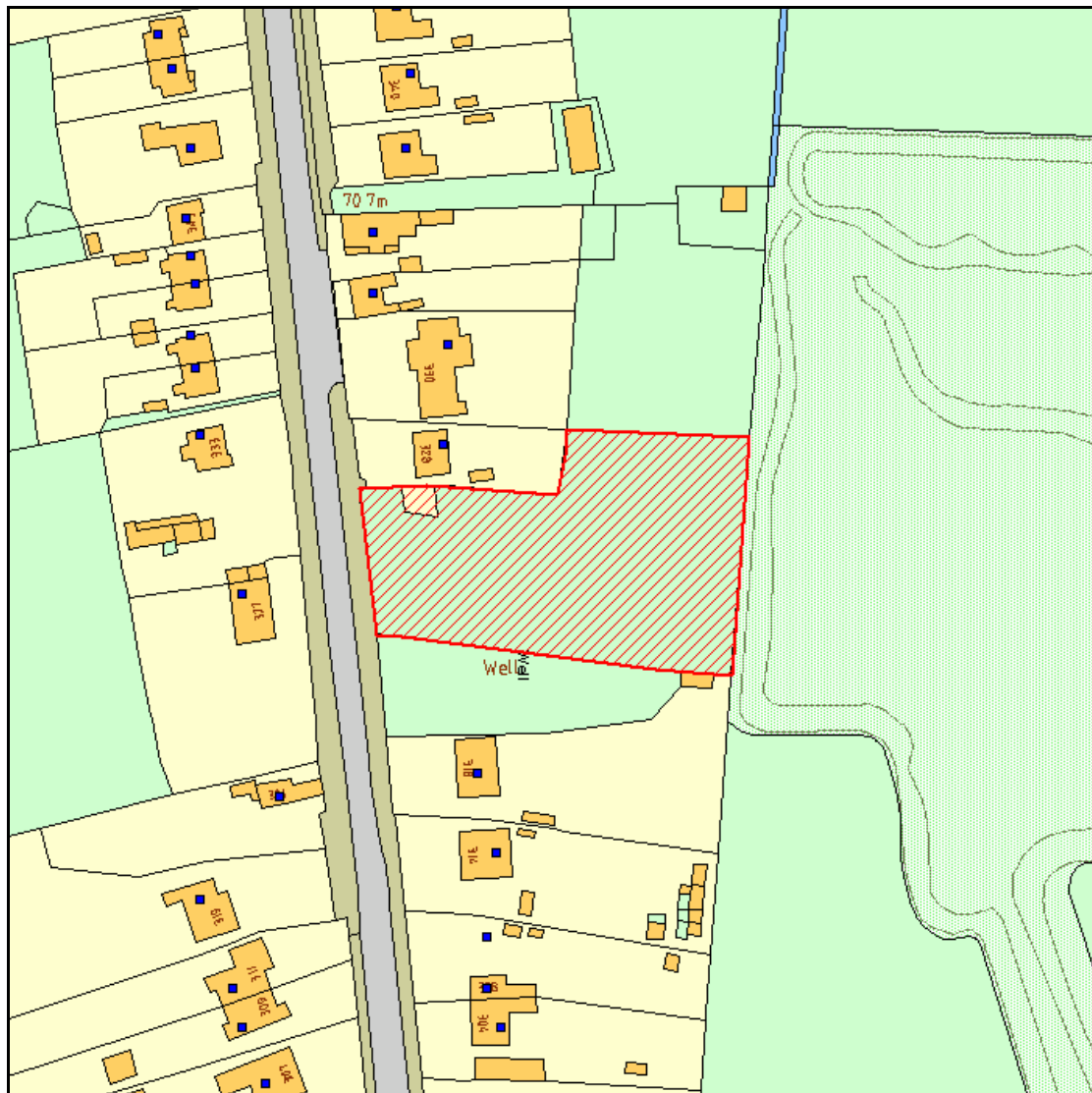
Reason

In the interests of protected species and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

ITEM 2

CIRCULATED SCHEDULE NO. 37/13 – 13 SEPTEMBER 2013

App No.:	PK13/1850/F	Applicant:	Levelwood
Site:	Land Adj To 328 North Road Yate Bristol South Gloucestershire BS37 7LL	Date Reg:	31st May 2013
Proposal:	Erection of 5no. detached dwellings and 2no. semi-detached dwellings with garages, access and associated works.	Parish:	Iron Acton Parish Council
Map Ref:	369861 184255	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	19th July 2013



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100023410, 2008.

N.T.S.

PK13/1850/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been forwarded to the Council's Circulated Schedule as representations have been received raising views contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is situated in Engine Common north of Yate on the east side of North Road. The site is bounded by residential development to the north and south with a copse of tall mature trees to the east and with vehicular access onto North Road to the west. The site comprises a mainly grassed open field with a recently constructed access and partially completed access track into the site.

The application site is situated within the settlement boundary of Engine Common as defined in the adopted Local Plan. Trees located at the front boundary of the site adjacent to the highway are subject to Tree Preservation Orders (TPO).

- 1.2 The application for full planning permission proposes erection of 5no. detached dwellings and 2no. semi-detached dwellings with garages, access and associated works.

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 Protection and Enhancement
- EP1 Environmental Pollution
- EP7 Unstable Land
- H2 Residential Development within Settlement Boundaries
- H6 Affordable Housing
- T8 Parking Standards
- T12 Transportation for New Development
- EP6 Contaminated Land
- L9 Species Protection
- L18 The Water Environment

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept 2012

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage

CS17 Housing Diversity
CS18 Affordable Housing

- 2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist – August 2007
Residential Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/0388/O Residential Development (Outline)
Outline approval 26.04.2004
- Refusal reasons:
- 1) The majority of the site is not previously developed. Furthermore, it is located within a rural settlement, away from the urban area, and is currently used for agriculture.
 - 2) The site constitutes an important open undeveloped area that contributes to the character of Engine Common. Residential development on the site would result in the loss of this openness, which would result in a detrimental impact on the character of the settlement.
 - 3) The site contains significant nature conservation interest, and the proposed residential development of it would result in loss and/or damage to this nature conservation interest.
- Appeal allowed.
- 3.2 PK07/1532/RM Erection of 5 no. dwellings with associated works. (Approval of reserved matters to be read in conjunction with outline planning permission PK03/0388/O).
Approved 28.09.2007
- 3.3 PK08/1664/TRE Works to 1no. Beech tree and 1no. Sycamore tree to crown lift 4metres and thin crown by 30% both covered by Tree Preservation Order SGTP011/03 dated 20 December 2003.
Approved 17.07.2008
- 3.4 PK12/2998/F Erection of 5no. detached dwellings with associated works.
Withdrawn

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
- No observations
- 4.2 Other Consultees

Ecology – No objection subject to conditions. The site is close to an SNCI but would not affect it. The site is however semi rural and as such there is potential for hedgehogs, reptiles and nesting birds. These should be protected by condition and a landscape and ecological (habitat creation) management plan should be provided.

Sustainable Transport – No objection. The parking, turning and access are acceptable.

Drainage Engineer – No objection subject to SuDS condition and permeable surfacing. There should be no surface water run off over the access onto the highway and a coal mining assessment should be provided.

Housing Enabling – Engine Common is a rural settlement. The threshold of 5 units or 0.2Ha would apply and as such 35% affordable housing is required. The applicant proposes 2 affordable units of the 7 units. The proposed provision is considered to be acceptable.

Children and Young People – There is no requirement for a financial contribution towards education as there is projected surplus capacity at both primary and secondary schools within the area of the proposed development.

Landscape Officer – No objection, subject to a landscape condition. The arboricultural assessment submitted is also acceptable. The development should be implemented in accordance with the recommendations of the report.

Other Representations

4.3 Local Residents

3 letters of objection received from the occupiers of 327, 237, 318 North Road raising the following concerns:

- The proposal is now 7 dwellings an increase to the previously approved 5, to allow for affordable housing which is excessive
- The number of dwellings has resulted in over development of the site
- The meadow area at the front of the site is now removed which allowed views through to the woodland at the rear
- Any development on site should be in line with the neighbouring properties.
- A new hedge and closed boarded fence should be provided on the boundary with 318 to aid privacy
- Out of keeping with the character of the area
- Intensification of the access through additional proposed dwellings will result in highway and pedestrian safety concerns
- Insufficient off street parking proposed leading to potential on street parking hazards
- Loss of privacy to no.327 as the site is higher and vehicles would face directly no.327.
- A larger residential scheme at Engine Common was dismissed by an Inspector recently.
- Approval of this scheme would result in more similar sites in the area being developed
- Potential damage to TPO trees at the front of the site from frequent vehicle movements and service vehicles.
- Detrimental impact on wildlife in the area (bats, owls and deer)

- Flooding issues on North Road from surface water and blocked infrastructure would be exacerbated by this development
- Construction of the site would bring noise and disturbance to the detriment of the amenity of local residents

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

The National Planning Policy Framework was published in March 2012. The document replaces most PPG/PPS guidance providing a more simplified and up to date advice in determination of planning applications. The NPPF indicates that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

It is considered that the relevant policies of the adopted Development Plan do not materially depart from the NPPF. As such full weight can be afforded to the Development Plan policies in this case.

Policy H2 of the South Gloucestershire Local Plan is supportive in principle of proposals for erection of residential development within settlement boundaries, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity, highway safety and an appropriate density of development is achieved. Policy H6 aims to ensure the provision of a satisfactory level of affordable housing within the site. L1 and L5 seek to control the character and appearance of an area by retaining landscape features, views and open areas. In relation to this development proposal policies L9 related to ecological considerations and species protection and policies L17 and L18 related to the disposal of foul and surface water are also important policy considerations.

Transportation issues related to parking (Policy T8) and highway safety/access/vehicle movements (T12) are also material to consideration of this application. The NPPF provides a new consideration in relation to transportation matters. Par.32 of the NPPF is most relevant to consideration of this application in transportation and public safety terms. Par.32 reads,

‘..... decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport*

grounds where the residual cumulative impacts of development are severe.'

The test in determining whether this application is acceptable in transportation and public safety terms is now, whether the impact of the development in transportation terms would be severe.

The South Gloucestershire Core Strategy (CS) was submitted for Examination in March 2011. The Examination was initially suspended by the CS Inspector to allow for the submission of Post Submission Changes. Hearing sessions were subsequently held in June and July 2012 and the CS Inspector published his Preliminary Findings and Draft Main Modifications in September 2012. The Inspector's initial conclusion is that the Core Strategy is capable of being made 'Sound' subject to a number of Proposed Main Modifications (PMM). The PMM have been subject to a further hearing session that was held on 7 March 2013. The CS has reached an advanced stage of preparation. However, there are unresolved objections to the housing requirements, including the means of addressing the shortfall in the delivery of housing that accrued during the Local Plan period. At this stage the Core Strategy therefore remains unadopted, but is likely to be adopted in the near future once housing matters are resolved. This document is therefore a material consideration in the determination of planning applications, and the Core Strategy policies, which are not subject to Inspector modification, will now carry considerable weight at this stage.

The unresolved housing requirements indicated above do not relate to affordable housing provision. The Inspector did not raise concerns in relation to affordable housing policy CS18 and as this policy is more up to date than the adopted Local Plan policy H6, more weight has been afforded to the Core Strategy in considering affordable housing.

In determination of this application there are no significant differences between the relevant adopted Development Plan policies and the Core Strategy, other than those expressed above.

The principle of residential development on this site has been accepted historically through the granting of outline permission at appeal – PK03/0388/O, although this decision has now lapsed. In addition, the details of the means of access were approved at outline stage. Reserved matters were subsequently approved through PK07/1532/RM, also lapsed.

5.2 Design and visual amenity

Character of the area:

The street is characterised by dwellings of varied architectural styles, forms and design with gaps between dwellings. The street is open and green in character but nevertheless, urban in both character and appearance with a strong linear settlement pattern with dwellings fronting onto the highway.

Planning history:

In refusing outline application PK03/0388/O, Officers considered at the time that the development of the site would result in the loss of an important open

area that separates the residential blocks along North Road, contributing to the semi-rural landscape character of Engine Common. In the subsequent appeal, the Inspector however, pointed out that the site is included within the settlement boundary of Engine Common. He considered that despite a number of undeveloped gaps, the settlement is more urban than rural. Further to that, although the site is an attractive open feature, he did not consider that it is a critical element of the overall character of the settlement. He considered that the site has the appearance of an undeveloped plot between two more densely developed sections of the settlement. He concluded therefore that residential development at the site would not appear out of place or harmful to the character of the settlement. He also acknowledged that the settlement is characterised by frontage development and that many properties have long rear gardens.

Proposed layout:

The proposal would provide 7 dwellings in a street layout. Plots 1 and 2 would front onto the highway thus following the existing linear street pattern. Plots 1 and 2 would be set back from the highway to avoid the root system of the TPO trees on the front boundary and to provide an open aspect to the front of the site. This layout accords with the Inspector's views in the appeal decision related to PK03/0388/O. The other dwellings would face into the site to form a traditional street. Views through the site to the woodland at the rear of the site would be retained as a result of the layout. All hedgerows with the exception of one hedge in the north west corner of the site would be retained and through a landscape and ecological management condition would be enhanced through further planting to be agreed. Fencing would be minimised and instead, hedgerows would delineate plots. This would further ensure that views through the site to the woodland at the rear and the open character of the area with gaps between dwellings would be retained and replicated.

The open area providing wild flower meadow previously proposed at the front of the site would be reduced in this scheme but not lost. The Inspector in assessing the appeal related to PK03/0388/O did not consider the open area at the front of the site to be important and considered the character of the area to be more urban than rural. The proposed layout has accounted for this by connecting to the existing strong frontage. However an open area has still been retained and a condition is recommended to require an ecological and landscape management plan to be submitted for approval. The plan would include creation of new hedgerows and areas of species-rich rough grassland and the area at the front of the site could be used for this purpose.

Design and appearance:

The local material and typical of the traditional dwellings on the street is pennant stone and clay or double Roman style roofing. The proposal would provide a traditional appearance and design in line with the street layout and the character of the area. The two prominent dwellings fronting onto the highway (plots 1 and 2) would be constructed of pannant stone with stone quoins, heads and cill detailing. Further into the site, an lbstock brick would be used which has a similar colour and appearance to stone and is commonly in the local area. The proposed dwellings would be constructed using good quality materials providing a traditional and vernacular appearance. Conditions

are recommended to ensure no bargeboards or fascias are provided, doors and windows are recessed and for garage doors to be of vertically boarded timber. These details would ensure the development would preserve the character, distinctiveness and amenity of the surrounding area.

Density:

With regard to density, it is noted that Policy H2 (B) requires the maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. Further, it is expected that all developments will achieve a minimum density of 30 dwellings per hectare. Policy CS16 of the Core Strategy gives not minimum figure for housing density, instead stating that housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied. Policy CS16 also states,

In addition, the density of new development should be informed by the character of the local area and contribute to:

- The high quality design objectives set out in Policy CS1
- Improving the mix of housing types in the locality; and
- Providing adequate levels of public open space, semi-private communal open space and private outdoor space.

The character of the area is defined by open spaces and large plots. On this basis, the density of the area is very low. The proposal would have a density of 21.2 dwellings per hectare. This density for the proposal is low but still maximises the efficient use of the land. On this basis the density is considered to be acceptable and the proposal is considered to accord with the requirements of Policy CS16.

Trees:

Beech, Sycamore and Oak trees on the front boundary of the site, and the adjacent site no.328, are protected by Tree Preservation Order (TPO) from 2003. The application has been accompanied by an arboricultural assessment by Silverback Arboricultural Consultancy compiled August 2012. The report assesses the impact of the proposed development on the TPO trees and provides recommendations for protecting the trees during construction. The report is considered to be acceptable and subject to a condition requiring the development to be implemented in strict accordance with the approved assessment, the proposal would have no detrimental impact on TPO trees within or adjacent to the site.

5.3 Highway Matters

The means of access has previously been approved under outline consent PK03/0388/O. The access was subsequently implemented and a small part of the access track into the site. The proposal would revise the access slightly by shifting it to the north slightly. Otherwise the access would remain as previously approved. The approved access would have served 5 units. It is considered that increasing the proposed number of dwellings on site from 5 to 7, would not result in a significant increase in vehicle movements through the

access and the visibility on both sides from the access is considered to be acceptable for the 30mph speed limit in the locality for use by all vehicles including service and emergency vehicles.

Adequate turning within the site would be provided for service and emergency vehicles to enter the site and access and egress in a forward gear.

The proposed layout would provide 19 off street parking spaces for 5 four bed units and 2 two bed units. This includes 4 visitor spaces. The proposal would provide a minimum of 2 spaces per dwelling. The proposal is considered to meet the Council's adopted parking standard .

The proposal would provide an acceptable access with good visibility and sufficient turning and parking within the site. The proposal would result in no severe transportation and public safety concerns.

5.4 Residential Amenity

The proposal has been considered in terms of the residential amenity of adjacent occupants. In terms of No. 328 to the north, the nearest proposed dwelling would be plot 2 which would front onto the highway and would have no first floor windows and only one fixed window at ground floor level in the side (north) elevation facing towards no.328. The nearest dwelling otherwise would be plot 3 which would be located 23 metres away from the rear elevation of no.328. This distance is considered sufficient to preclude any significant loss of privacy through overlooking. Due to the oblique angle between the front elevations of the proposed dwellings (plots 3 and 4) and the rear elevation of the existing dwelling, No. 328, there would be no significant inter visibility between these dwellings.

Plot 2 would be situated 6m from the boundary with 328 and the single garage for plot 2 would be located 1.5m from the boundary. The garage would measure 2.2m to eaves and 3.3m to ridge with a shallow pitch. The garage would be modest in scale and would be unlikely to impact materially on the amenity of no.328 in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development. Plot 2 would measure 5.2m to eaves and 8.4m to ridge. Plot 2 would be set back from the rear elevation of no.328 by 5.5m. Considering the distance to no.328 and the position of plot 2 the proposed dwelling plot 2 would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development. The other proposed dwellings would be located sufficient distance for there to be no significant impact on the amenity of no.328.

With regard to the existing bungalow – No. 318 – to the south of the site, the aspect is more open, there just being, at present, a post and wire fence between the site and the side garden of this property. However, this property has an unusually wide side garden that is more like a paddock. Hence there is a distance of 21 metres between the nearest proposed dwelling and the existing bungalow, which also has a very large rear garden. This distance precludes any intervisibility between an existing side window in this bungalow

and the proposed dwellings. In addition, it is considered that the set back – minimum 21 metres – of the rear elevation of the nearest proposed dwelling, to the boundary of the side garden of the bungalow, would preclude a significant level of overlooking of this garden area. In addition, due to the distance and angle from the rear elevations, there would be no significant inter visibility between windows. In addition, a new hedge will be planted between these properties, to aid privacy, and as highlighted by the neighbour at no.318 in the representation submitted. Previous planning approval PK03/0388/O and PK07/1532/RM proposed two storey dwellings in a similar location facing south towards no.318. Although these decisions have now lapsed, the decisions are material in consideration of this application and significant weight is afforded to the previous acceptance of two storey dwellings facing south towards no.318.

Plot 1 on the front of the site and adjacent to the south elevation would be located 21m from the boundary with no.318. This distance is considered to be sufficient not to prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development.

Concern has been raised by the occupier of no.327 opposite the site that the proposed access would be located opposite the front elevation of no.327. Cars would shine lights towards no.327 the site is situated at a higher ground level raising concern in relation to loss of privacy from cars leaving the site. Vehicles leaving the site would not be frequent. The access to the site is situated approximately 22m from the front elevation of no.327. This distance is considered to be sufficient to result in no significant impact from vehicle users on privacy and disturbance of local residents.

5.5 Affordable Housing

The application site is located within the settlement boundary of Engine Common which is identified as a rural settlement in the South Gloucestershire Council Local Plan and Affordable Housing SPD and as such the threshold of 5 units and 0.2 hectares applies, above which affordable housing would be required. The application site area is 0.33 hectares and 7 dwellings are proposed. As indicated in par.5.1 above, Core Strategy policies where the Inspector has not indicated any concern should now carry significant weight and as a more up to date policy than the adopted Local Plan, the Core Strategy policy related to affordable housing (CS18) should form that basis for decision making in respect of affordable housing over the adopted Local Plan policy H6. Policy CS18 requires 35% of dwellings to be delivered as affordable housing, which does not conflict with the requirements of the NPPF. On this basis 2 of the dwellings must be provided as affordable units.

The application proposes 7 dwelling units. The applicant is proposing 2 No two bed houses at 75 square metre (plots 6 and 7) for affordable housing social rent, which will meet the Council's requirements.

In the Design and Access Statement, the applicant has confirmed that they will meet the design and specification criteria as advised in the Council's Affordable Housing SPD. The units are to be built in line with the same standards as the market units (if higher) and to fully comply with the latest Homes and

Communities Agency (HCA) standards applicable at the time the S.106 would be signed or 6 months prior to start on site whichever date is the latter, to include at least Level 3 of the Code for Sustainable Homes, Lifetime Homes standard, Secured by Design, and with full compliance of Registered Provider design brief.

The affordable housing is to be delivered without any public subsidy. Social rents to be set at target rents with 100% of initial occupants and 75% of subsequent lettings to be nominated by the Council. Social rented accommodation to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided.

The applicant has committed to delivery of the above affordable housing provision and financial contribution in accordance with Policy CS18 of the Core Strategy and this would accord with advice contained in Circular 11/95 and the NPPF.

5.6 The Water Environment

The foul drainage system would connect the existing infrastructure on North Road.

Surface water would drain naturally west to east to a water course on the eastern boundary of the site. The existing ditch would be cleared and surface water would drain into the ditch providing a sustainable drainage system for the site. A condition is recommended to ensure a Sustainable Drainage System (SuDS) is submitted for approval including all proposed surface water management and that the development is implemented in accordance with the approved system.

Concern was raised by a local resident that the proposal could exacerbate an existing issues related to drains in the locality in terms of surface water flooding. As indicated above, the proposal would provide a SuDS system for surface water to be managed on site and not connected to any existing infrastructure.

5.7 Unstable Land

The application site is situated outside the Council's coal referral area. On this basis, there is no requirement to consult with the Coal Authority and the site is not situated over any recorded underground coal mining. Local residents have drawn to Officer's attention anecdotal evidence of coal shafts in the immediate vicinity of the site and the possibility of unrecorded coal mining within the site itself. On this basis, a condition is recommended requiring the application to submit a Coal Mining Risk Assessment for approval before development can commence. The assessment will be forwarded to the Coal Authority for consideration. The development would then be implemented in accordance with the approved mitigation measures and recommendations. Subject to this condition, the proposal is considered to be acceptable in relation to unstable land.

5.8 Ecology

An Ecological Walkover Survey by Middlemarch Environmental dated August 2012 has been submitted to accompany the application. A further Botanical Survey from Middlemarch Environmental dated August 2003 was submitted with previously withdrawn application PK12/2998/F.

Habitat:

The site is not covered by any statutory or non-statutory nature conservation designation. The site lies immediately to the west of a Site of Nature Conservation Interest (SNCI), 'Fields South of Engine Common', designated for its mixture of neutral and marshy grassland although it will remain unaffected by the scheme. The site consists of a former agricultural field of rough neutral grassland with scattered clumps of bramble scrub and ruderal vegetation. The sward is not particularly notable and has been ploughed in the past. The boundary features include a clipped garden hedge along the northern perimeter, scrub and young trees associated with the woodland along the eastern boundary, a wire fence along the southern boundary and a post and rail fence with a mature oak alongside North Road.

The northern hedge forms part of the domestic curtilage to No 328 North Road and would not therefore qualify as 'important' under the 1997 Hedgerow Regulations.

Reptiles:

A single juvenile slowworm was recorded within the August 2012 update survey on the northern site boundary, suggesting that a breeding population is associated with the site and adjoining domestic property.

As the semi-natural habitat across the application site is suitable for the species, a reptile mitigation strategy to avoid killing or injuring animals and maintain a population on site should be drawn up and agreed with the Council. A condition is therefore recommended to ensure protection of reptiles on site.

Hedgehogs:

The semi-natural habitat across the site and adjoining domestic garden would provide suitable habitat for hedgehogs.

Whilst the August 2012 survey did not record any sightings of hedgehog or signs of use of the site by the species, given the suitability of habitat across the site it is recommended that a destructive search is carried out, to be controlled by a planning condition, immediately ahead of any clearance of vegetation.

Birds:

The walkover survey recorded a variety of common species of birds associated with the boundary vegetation.

The provision of nest boxes within the scheme will offer benefits to local bird populations and a planning condition is therefore recommended to ensure this is provided.

South Gloucestershire Biodiversity Action Plan:

Paragraph 118 of the National Planning Policy Framework states that:-

‘Opportunities to incorporate biodiversity in and around developments should be encouraged’.

Where appropriate, applications need to demonstrate how they will contribute towards the targets and aims of the South Gloucestershire Biodiversity Action Plan (BAP), as advised in the Council’s planning guidance *‘Biodiversity and the Planning Process’* - for example, by creating new areas of habitat listed within the BAP or managing existing areas sympathetically.

In accordance with the above, the application could usefully contribute towards several action plans within the South Gloucestershire BAP, by:-

- Planting and sympathetically managing new (species-rich) boundary hedges;
- Creating new areas of species-rich grassland (lowland hay meadow) using a seed mix suitable for the locality and soil type within the scheme’s soft landscaping;
- Planting a single specimen wild service tree (allowed to grow to standard)

This should be enshrined within an ecological and landscape management plan for the scheme drawn up and implemented by condition.

Subject to the conditions indicated above, the proposal is considered to be acceptable in ecological terms.

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 Consent is GRANTED subject to the conditions as outlined below.

Contact Officer: Sean Herbert

CONDITIONS

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

Reason

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

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

Reason

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

3. Previous historic uses(s) of land adjacent to the site may have given rise to contamination. Prior to commencement of development, an investigation shall be carried out into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policies EP1 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policies EP1 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to occupation of the first dwelling hereby approved, if works and measures have been required to mitigate contaminants in accordance with condition 4 a report verifying that all necessary works have been completed shall be first submitted to and agreed in writing by the Local Planning Authority.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policies EP1 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. If unexpected contamination is found following commencement of development, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment shall be undertaken and where necessary an additional remediation scheme prepared. The findings and report shall be submitted to and agreed in writing to the Local Planning Authority prior to development recommencing. Thereafter the development shall be implemented in accordance with the further mitigation measures so agreed.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policies EP1 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. No development shall commence until a hedgehog mitigation strategy has been first submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of a destructive search of any suitable habitat for hedgehogs and a proposed receptor site should animals be found. The development shall be implemented in strict accordance with the approved strategy.

Reason:

To ensure the development is carried out in an appropriate manner and in the interests of protecting local nature conservation and to accord with L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. No development shall commence until an ecological and landscape management plan has been first submitted to and approved in writing by the Local Planning Authority. The strategy shall include the creation of new hedgerows and areas of species-rich rough grassland and the management and monitoring of said new habitats. The development and the requirements of the approved management plan, shall subsequently be commenced prior to any dwelling being occupied and carried out in full thereafter in accordance with the approved details.

Reason:

To ensure the development is carried out in an appropriate manner and in the interests of preserving the character and appearance of the area and landscape features therein and to protect local nature conservation and geological interests and to accord with Policy L1 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. No development shall commence until a scheme to provide nest boxes on buildings or trees for a range of species of birds is drawn up and approved in writing by the Local Planning Authority. The scheme shall include clear details of time scales for implementation of the new nest boxes and the scheme shall be implemented in full in strict accordance with the approved details and time scales.

Reason

To ensure the development is carried out in an appropriate manner and in the interests of protecting local nature conservation and ecological interests and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. No development shall commence until a reptile mitigation strategy has been first submitted to and approved in writing by the Local Planning Authority. The strategy shall include methods to avoid killing or injuring slowworms and to include details of a proposed receptor site. The development shall be implemented in strict accordance with the approved strategy.

Reason:

To ensure the development is carried out in an appropriate manner and in the interests of protecting local nature conservation and to accord with L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. The access road, visitor parking and turning facilities for vehicles shown on the plan hereby approved shall be provided before any dwelling is first occupied, and thereafter retained for that purpose.

Reason

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

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

Reason

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

13. No development shall take place until a Coal Mining Risk Assessment has been first submitted to and been approved in writing by the Local Planning Authority. Any mitigation measures agreed in the approved assessment shall be implemented prior to the commencement of development and be permanently retained thereafter and the development shall be implemented in accordance with the recommendations of the approved assessment.

Reason:

In the interest of assessing the site for unstable land in the public interest as the site is situated close to a former colliery and to accord with Policy EP7 of the adopted South Gloucestershire local Plan (2006).

14. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and

areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policies H2, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

To protect the character and appearance of the area to accord with Policies H2, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason

To protect the character and appearance of the area to accord with Policies H2, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

17. The development shall be undertaken in strict accordance with the details and recommendations of the Arboricultural Impact Assessment and method Statement compiled by Silverback Arboricultural Survey dated August 2012

Reason

To protect the character and appearance of the area to accord with Policies H2, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

18. Sample panels of walling, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the development is commenced. The approved sample panels shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

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

19. All door and window frames shall be recessed a minimum of 75mm into the external walls of the building.

Reason

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

20. Notwithstanding the approved plans no bargeboards or eaves fascias shall be used in the proposed development.

Reason

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

21. All garage doors shall be of vertical boarded timber and side hung.

Reason

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

22. Notwithstanding the approved drawings no development shall commence until details of all proposed boundary treatment have been first submitted to and approved in writing by the Local Planning Authority. The development shall be 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.

23. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no minor operations as specified in Part 2 (Class A), other than such development or operations to be approved under discharge of condition 22 of this decision shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure a satisfactory standard of external appearance and to maintain and open character to the locality and to accord with Policy L1 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

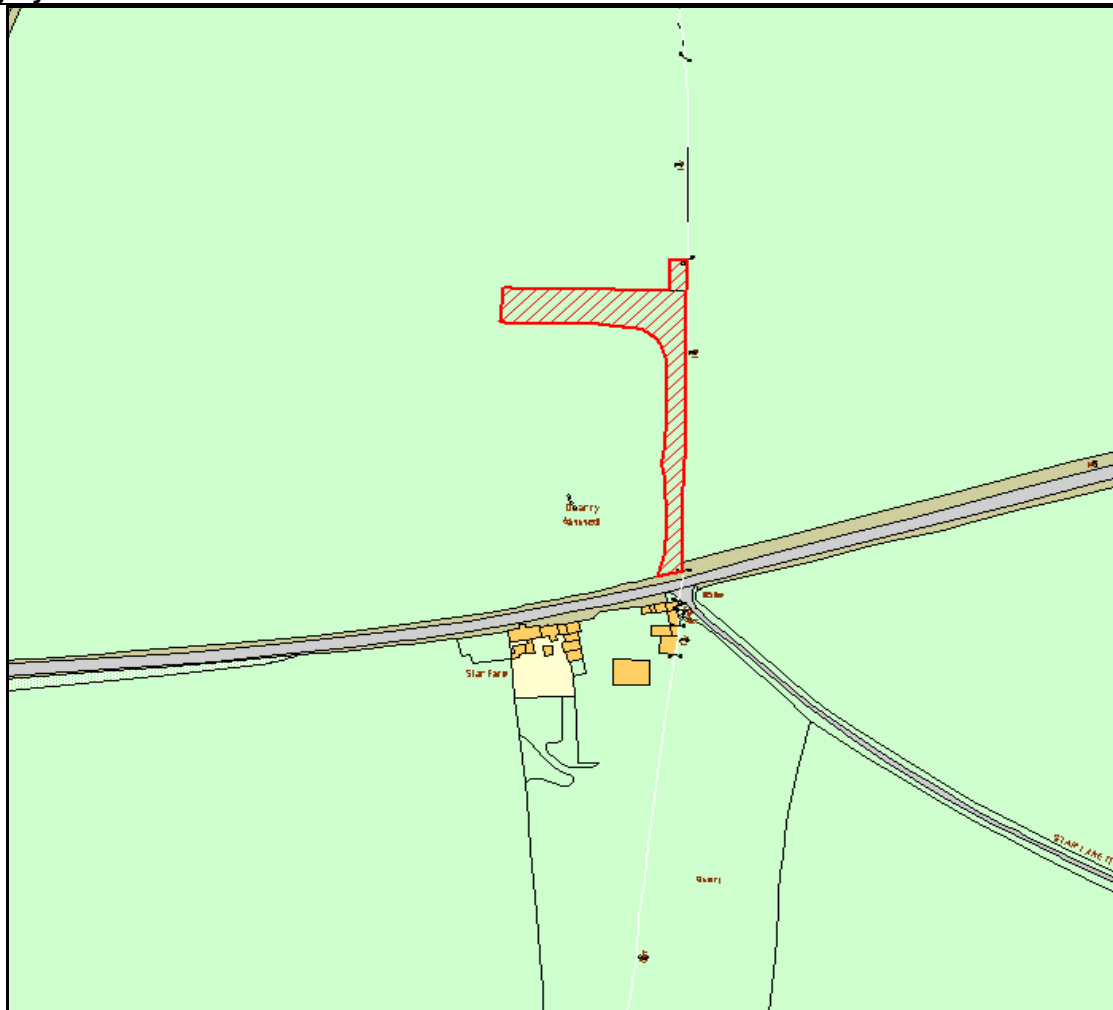
24. Details of the finished floor level of each dwelling house relative to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of external appearance to accord with Policies D1, H2 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 37/13 – 13 SEPTEMBER 2013

App No.:	PK13/2822/CLE	Applicant:	M. J. Church Plant Ltd
Site:	Land At Star Farm Chippenham Road Marshfield Chippenham South Gloucestershire	Date Reg:	
Proposal:	Application for Certificate of Lawfulness for the existing use of land (in conjunction with activities at Star Farm) for storage of stone, aggregates, road planings, plant/machinery and earth moving equipment; skips/waste containers and repair of plant and machinery (Class B8, B2) as defined in the Town and Country (Use Classes) Order 1987 (as amended).(Re-submission of PK13/0783/CLE)	Parish:	Marshfield Parish Council
Map Ref:	379553 173905	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	23rd September 2013



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100023410, 2008.

N.T.S.

PK13/2822/CLE

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawfulness, and as such, under the current scheme of delegation, is to be determined under the Circulated Schedule procedure. Also due to the receipt of a letter of objection.

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the existing use of land for various B8 and B2 uses in connection with Star Farm on the opposite side of the A420. The application site relates to a piece of land of irregular shape. This piece of land is broken down further into three areas called areas A, B and C on the submitted plans. The certificate is trying to prove area A has been used for the storage of stone, aggregates and road planings; for the parking of plant/machinery and earth moving vehicles; for the repair of said plant and vehicles and for the storage of skips and containers. It is trying to prove that area B has been used as an access road and for the parking of plant, vehicles and machinery and it is trying to prove that area C has been used for the storage of redundant plant and machinery. The application therefore seeks to demonstrate that the land has been used for each of these defined purposes for a period in excess of ten years prior to the date of submission (i.e. since 29th July 2003).

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Circular 10/97 Enforcing Planning Control

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/0783/CLE Application for certificate of lawfulness for the existing use of land for the storage of stone, aggregates, road planings, plant/machinery and earth moving equipment; repair of plant/machinery; storage of skips/waste containers and associated waste activities; and extraction of building stone.
Withdrawn April 2013
This previously withdrawn application included the site subject of this application but also included a larger area of land. The application was withdrawn on officer advice to allow the submission of a more focused application in this smaller site.

4. CONSULTATION RESPONSES

- 4.1 Marshfield Parish Council
No Objection
- 4.2 Highway Officer
No highway comments to make
- 4.3 Landscape Architect
No objection

Other Representations

4.4 Local Residents

One letter of objection has been received from a local resident. A summary of the comments made is as follows:

- Since the quarry was filled the site has been used in a limited way for the storage of plant
- What is proposed is of a completely different nature and amounts to a change of use
- It is a matter of scale – massive piles of aggregate of a similar scale to those on the opposite side of the road could result
- Stark intrusion on the open and flat landscape of this Area of Outstanding Natural Beauty

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Two statutory declarations have been received in support of the application which will be summarised in turn below:

5.2 Declaration of Stephen Blower

The declaration confirms that the Mr. Blower has worked for the company MJ Church Plant Ltd. Since 1997 and that the application site was used for storage associated with the activities at Star Farm when he joined the company. Mr. Blower confirms that in 1999, in his opinion the activities taking place on the site are as per those stated on the application form. Mr Blower declares that the uses have taken place continuously from 1999 to the day the declaration was signed (21st June 2013).

5.3 Declaration of Michael J Church

The declaration explains the history to the site including the historic quarrying of the site. Michael Church confirms that he actually started using the site from 1995 for storage of stone and aggregates, road planings and vehicle plant/storage. Following an approval at Star Farm, Michael Church began using the site for the activities taking place as stated on the application form. Mr Church declares that the uses have taken place continuously from 1999 to the day the declaration was signed (21st June 2013).

5.4 In addition to the two statutory declarations, 6 additional statements have been signed that not been sworn under oath. These will be summarised in turn below:

5.5 Statement of Steve Ruddey

Confirms he has visited M J church over the last 20 years and has inspected various machinery on the site during that time

5.6 Statement of Martin Reynolds

Confirms he has been employed by M J Church for approximately 10 years. During that time he personally has instructed drivers to drop skips off on the site. He has also witnessed the other activities being applied for happening on the site during the period of his employment.

5.7 Statement of Michael Ball

Mr Ball lives in and works Garston Farm which adjoins the site subject of this application. The statement of Michael Ball however refers to plan ref 'B wilt' which it not included with the statement (the plan attached to the statement has the reference Plan A). Whilst Mr Ball confirms the activities that have been taking place on the land, without the benefit of plan 'B wilt' your officer cannot be sure that Mr Ball is referring to the same site. This statement will not therefore be given significant weight in the determination of the application.

5.8 Statement of R F Bond

F G Bond confirms that FG Bond have collected and delivered materials to the site and have witnessed the land being used for the storage of materials, plant and machinery and skips since 2000.

5.9 Statement of E H Pullin

E Pullin confirms that since 2000 the site has been used for the activities stated on the application form. E Pullin confirms that he has farms the boundary land of Star Far, for the last two generations and has collected planings and aggregates from the area for use on his farm on a number of occasions.

5.10 Statement of D Pullin

D Pullin confirms he has been employed by M J church since 1987 to present. He conforms that for the last ten years he has personally instructed drivers to deposit stone, aggregates and road planings for the purpose of storage and distribution. D Pullin also conforms he has witnessed the other activities being applied for taking place on the land.

5.11 Aerial photographs of the site held by Council will also be used in the determination of the certificate.

6. SUMMARY OF CONTRARY EVIDENCE

6.1 None received. Aerial photographs held by the Council will be used in the determination of the certificate.

7. EVALUATION

7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.

7.2 In this instance it must be proven that the land is question has been used for the stated purposes for a period in excess of 10 years prior to the date of this application.

7.3 Assessment of Evidence

In the interests of clarity, and to ensure the certificate is as accurate as possible, the applicant has broken down the application site into three distinct areas – A, B and C.

- 7.4 Area B is a long thin section of the site leading to areas A and C beyond. The applicant claims that Area B has been used as an access road and for the storage of plant and machinery for a continuous ten year period. Area B includes what can best be described as a hammerhead or squared lay-by. Evidence submitted in two statutory declarations confirm that this claim is correct. Whilst the other statements do not specifically mention the access driveway, they do make reference to vehicles entering and leaving the site and they would have needed to use this driveway to do so.
- 7.5 Aerial photographs held at the Council have also been assessed. Looking at the photographs it is immediately clear that the majority of Area B as shown on the submitted plan has been in existence for a continuous ten year period. However, it is noted that the hammerhead/layby does not appear until 2008. It is therefore the opinion of your officer that this hammerhead was not created properly until after 2006 (it is not visible in the 2006 photograph). Your officer is therefore satisfied that, with the exception of the hammerhead, Area B has been used for access and the parking of plant, vehicles and machinery along either side of the access for a continuous ten year period. No evidence has been submitted to make the applicants claim less than probable. A certificate of lawfulness will therefore be granted for this area minus the hammerhead.
- 7.6 Area A is the largest area of the site projecting out to the west from the end of Area B. The applicant claims that area A has been used for the storage of stone, aggregate and road planings; parking plant/machinery and earth moving vehicles; repair of plant/machinery and earth moving vehicles; and the storage of skips and waste containers. The two statutory declarations and five statements as summarised in section 5 above also indicate that this is the case. Aerial photographs do show that the site has been used for the storage of various items for a continuous ten year period. Whilst the photographs do not allow for the items to be clearly identified, they have the appearance of shipping containers or skips, maybe lorry backs and piles of various aggregates. The items stored change place throughout the photographs which help to suggest that Area A is in continuous use rather than just being used for stationary storage. The ground level within Area A is sunken below the surrounding ground level and activities taking place within it would not therefore have been immediately visible from the surrounding area. No evidence has been submitted to make the applicants claim less than probable. A certificate of lawfulness will therefore be granted.
- 7.7 Area C is the final area that is furthest from the road. The applicant claims that the site has been used for the storage of redundant plant and machinery. The two statutory declarations submitted both confirm that, in the writers opinion, the site has been used for the purposes described. Again, looking at the aerial photographs it is clear that something is stored in area C although it is not clear from the photographs what this is. On the basis that no evidence has been submitted to make the applicants version of events less than probable, a certificate of lawfulness will therefore be granted for this area also.

8. CONCLUSION

- 8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, that;
- Area A has been used for the storage of stone, aggregate and road planings; parking plant/machinery and earth moving vehicles; repair of plant/machinery and earth moving vehicles; and the storage of skips and waste containers for a continuous ten year period prior to the submission of the application.
 - Area B NOT including the hammerhead has been used as an access road and for the storage of plant and machinery for a continuous ten-year period prior to the submission for the application
 - Area C has been used for the storage of redundant plant and machinery for a continuous ten-year period prior to the submission for the application.

9. RECOMMENDATION

- 9.1 The Certificate of Existing Lawful Use be approved as stated in section 8.1 above and that a specific plan be attached to the decision notice clearly annotating the different areas.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CIRCULATED SCHEDULE NO. 37/13 – 13 SEPTEMBER 2013

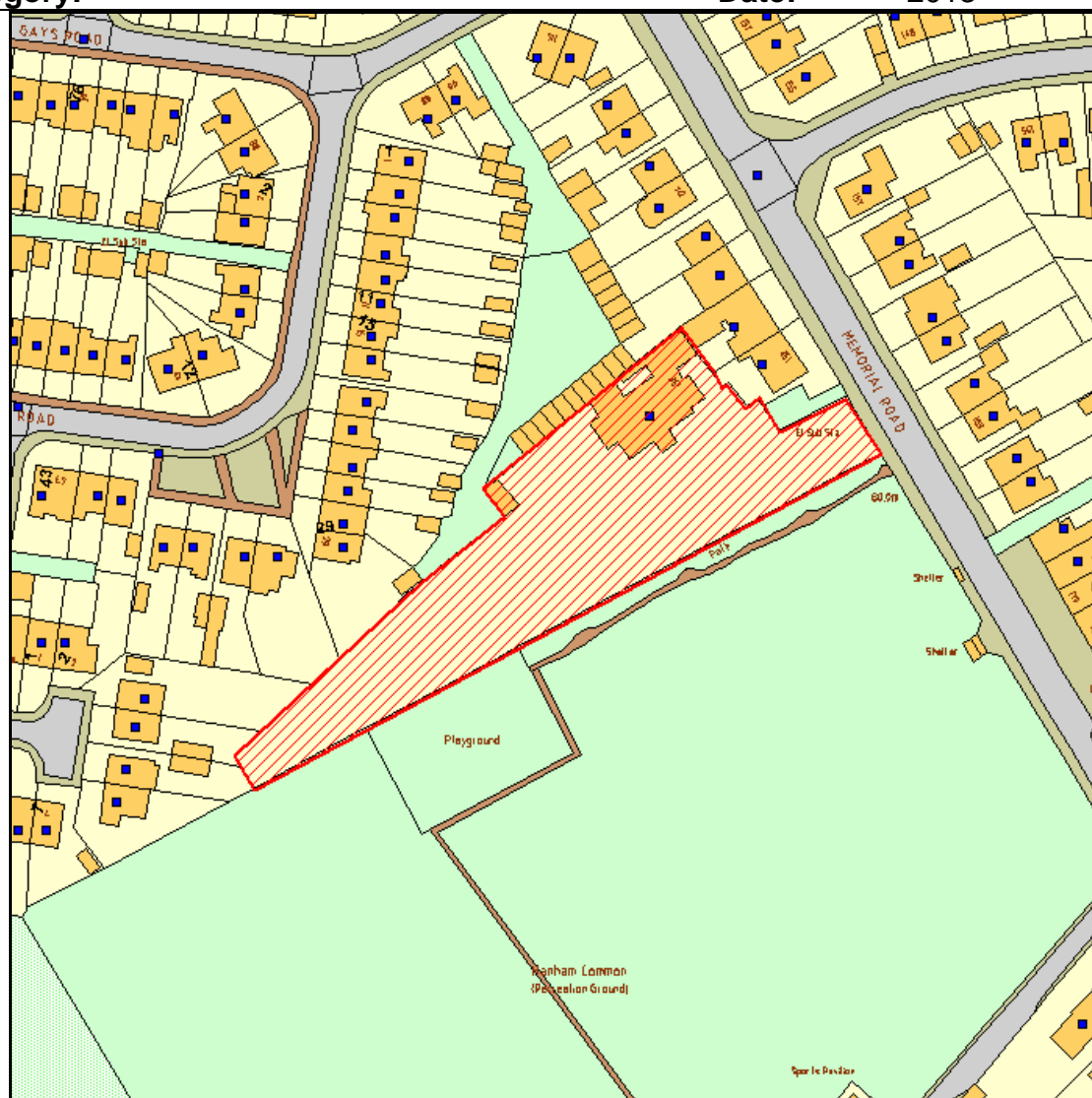
App No.: PK13/2832/TRE

Applicant: Abbeyfield Bristol
Society LtdSite: 136 Memorial Road Hanham Bristol
South Gloucestershire BS15 3LQ

Date Reg: 2nd August 2013

Proposal: Works to fell 1no. Indian Bean tree
covered by Tree Preservation Order
SGTPO 03/09 dated 19 August 2009.Parish: Hanham Abbots
Parish Council

Map Ref: 363889 171405

Ward: Hanham
Target
Date: 24th September
2013Application
Category:

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N.T.S.

PK13/2832/TRE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule as representations have been made by the Parish Council and local residents which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission to fell 1no. Indian Bean Tree covered by Tree Preservation Order SGTPO 03/09 dated 19th August 2009. The works are proposed for the following reason:
 - Fell due to poor condition (dying) - unlikely to survive next 2 seasons.
- 1.2 The application proposes to replace the tree with a replacement Indian Bean Tree which has a minimum 10-12cm girth.
- 1.3 The tree is located within the development site of 136 Memorial Road, Hanham.
- 1.3 The application originally proposed to fell 4no. trees. However it is highlighted that only one of the four trees has been protected by way of a Tree Preservation Order, which is the Indian Bean Tree (3789). None of the other named trees (Leyland Cypress (3748); Amelanchier (3749) and Lawson Cypress (3750)) have any statutory protection and as such their removal does not require consent from the Local Planning Authority. The application description has been changed to reflect this. As the proposed works have not materially increased a re-consultation was not undertaken.

2. POLICY CONTEXT

- 2.1 National Guidance
 - The Town and Country Planning Act 1990
 - The Town and Country Planning (Tree Preservation) (England) Regulations 2012

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/2985/F - Demolition of existing dwelling to facilitate erection of 18no. elderly persons supported living accommodations (Class C2) with ancillary facilities and associated works. Alterations to existing access. Approved 24th October 2012
- 3.2 PK11/3072/F - Demolition of existing dwelling and erection of 24 elderly persons units supported living accommodation with ancillary facilities (Class C2) landscaping, works to trees, parking, new access and associated works. (Resubmission of PK11/0812/F). Refused 9th January 2012

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council

The trees in question were examined by an Arboricultural Expert, whose report was considered in planning application PK12/2985/F. The Indian Bean Tree (3789) is a good specimen and the only one remaining on this site and we see no good reason why this tree should be felled. The Leyland Cypress (3748) is also a good quality tree, so should be retained. The Amelanchier (3749) is of medium quality, but is the only specimen on site, so should be retained if at all possible. The Lawson Cypress is described in the arboricultural report as poor quality, so we would have no particular objections to this being felled if absolutely necessary.

4.2 Tree Officer

Of the four trees that are the subjects of this application only the Indian Bean Tree is covered by the Tree Preservation Order (TPO).

No objection to the proposal provided a replacement *Catalpa bignonioides* of 10-12 cms girth is planted as close to the position of the existing tree (as agreed with SGC tree officer) in the next planting season.

Other Representations

4.3 Local Residents

Eight letters of objection have been received from local residents. The comments are summarised as follows:

- I am particularly opposed to the removal of the *Catalpa* specimen - the sole remaining specimen on the site, the other example having been felled some time ago. This is a beautiful tree with highly attractive foliage, flowers and fruit. So long as it is cared for properly, it will live for many years.
- The *Amelanchier* specimen is a fine example of its type.
- The *Lawson's Cypress*, being single specimen is in good condition and is worthy of the TPO. Likewise the *Leylandii* specimen.
- Indian bean Tree – Arboricultural report describes the tree as a good example. Would the proximity of the new development be the reason for its suggested demise?
- All four mature trees should remain part of the landscaping at the very least until further new planting is well established, and until that time the TPO should remain in force.
- All the TPO'd trees on the site will live for many years and continue to provide pleasure for members of the public as well as residents of the Abbeyfield apartments
- These trees should be replaced on a like for like basis and planted in same place as the old trees were and not replaced by some other type of tree.
- The developer wishes to fell these trees for no other reason than that they are 'in the way'.
- This planning submission is typical of a group who achieve planning permission on a set of criteria and then try to force through what they would have liked in the first place but knew they wouldn't get.
- No danger of subsidence or of any of them falling or being diseased.
- Difficult to understand how the alleged deterioration could have occurred naturally in less than 12 months unless neglect or damage was a contributing factor.
- No reason as to why the trees are being felled.

- All the trees in question were given a "life" of at least 10 years in the Silverback report - accepted by the Council Tree Officer in October last year.
- The Tree Officer gave a response to the Silverback Arboricultural Report on the 19th October 2012, "I do not have any issues with the tree work recommendations or categorisation of trees on site". Why has this opinion now changed?
- The Silverback Report also recommended that some tree and root protection should be used. Apart from the entrance we cannot see any protection at all.
- The site which had a vast array of trees has now been decimated. It would be a tragedy to lose any more mature trees with their replacements taking many years to reach maturity.
- Wildlife was so varied, now, no bats fly, massive reduction in birds, only increase in seagulls.
- The loss has an impact on the outlook for all of us close to the plot, and much further afield. The loss of the trees has impacted on the Common next door.
- Aesthetically the loss of mature trees from what it was is far more powerful than I could have imagined.
- What was the point in granting TPOs in the first place if within an extremely short period of time an application can be made to have them felled? It makes a mockery of the whole system.
- We do not believe that the original application for the build would have been granted if it was thought that nearly all of the trees would be felled. This was a point which the developers kept making - that the good trees had TPOs on them and would not be touched.
- Disappointed with the company. This was one of their bargaining tools to get the public on side in their original plans. If they get their way again the planning process is pointless.
- Undemocratic to read on the latest plans that these trees are "to be removed as agreed with tree officer". Surely the planning committee have to make that decision.
- At the outset of their case for planning permission at the planning committee hearing they announced that their patron was HRH Prince Charles. Perhaps he might like to pay a visit to 136 Memorial Road . I would be interested in his comments
- This application should be made widely known to the greater community so others have a chance to comment.
- Object on the grounds of the Wildlife and Countryside Act 1981.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

The only issue to consider in this application is whether the proposed works will adversely affect the health and appearance of a tree, which makes a significant contribution to the character and visual amenity of the area.

5.2 **Consideration of Proposal**

The application refers to 1no. Indian Bean Tree covered by Tree Preservation Order SGTPO 03/09 dated 19th August 2009. The tree is located within the

development site of 136 Memorial Road, which has planning permission for the erection of 18no. elderly persons supported living accommodation units. The site as existing has been cleared with the exception of a number of trees, some of which are covered by a Tree Preservation Order (TPO). The tree is proposed for removal on grounds of signs of disease.

- 5.3 The Indian Bean Tree has been assessed by the Council Tree Officer and it is noted that the deterioration in the condition of this tree in the last year is manifested in the sparse crown, increased amounts of deadwood and small leaf size. The removal of diseased and deteriorating trees is considered acceptable under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 provided a replacement tree is planted in its place. Removal of this tree and replacement with a new Indian Bean Tree (to the Tree Officer's satisfaction) will mean this slightly unusual species will be represented in the garden for decades into the future. The proposed works are therefore in accordance with the relevant national legislation and as such the Council wish to raise no objection to the proposed works subject to a suitably worded condition as outlined above.

5.4 Other Matters

A number of objection comments have been made in relation to the proposal, in particular reference is made to the applicant's reasoning for removing the tree. It is highlighted that the reason for removal is clearly outlined on the application form as a result of the tree's poor condition (dying) - unlikely to survive next 2 seasons. This reason is supported by the Tree Officer's professional assessment of the health of the tree. This is a valid reason for felling a tree covered by a TPO and as such the Council do not raise any concern on this matter.

- 5.5 In terms of the removal of the other three previously mentioned trees (Leyland Cypress (3748); Amelanchier (3749) and Lawson Cypress (3750)) it is highlighted that these are common garden trees that were not covered by the TPO because they did not meet the criteria for inclusion on a TPO. When a tree is considered for statutory protection it is tested against a number of criteria, the primary one of which is amenity, but others include condition, longevity, maintenance requirements and proximity to property. As these trees do not have any statutory protection their removal does not require approval from the Local Planning Authority.

- 5.6 A number of comments raise concern relating to the current application's contradiction with the arboricultural survey submitted in support of application PK12/2985/F, which describes the Indian Bean Tree (3789) as a good example with a B1 category value – *A tree of moderate quality and value able to make a significant contribution for +20 years*. It is highlighted that although the tree was considered to be a good example at the time of the arboricultural survey, a tree is a living organism, the condition of which can change rapidly over time. The tree's condition has been assessed by the Tree Officer and signs of deterioration have been identified. The tree must be assessed in its current state and this is reflected within the recommendation of this application.

- 5.7 Comments made in relation to the loss of visual amenity and outlook as a result of the previously approved application are not relevant to this application. The previously approved application gives due consideration to the loss of trees and weight was distributed accordingly. The tree subject to this application will be subject to a condition to ensure that a replacement tree of the same species is planted as near as practically possible to its existing position. The proposal therefore would not result in a net loss of TPO trees. Similarly comments made relating to the root protection outlined in the previous application's arboricultural survey is not relevant to the determination of this application and should instead be considered separately through compliance monitoring.
- 5.8 In terms of the method of determination of the application it is highlighted that the application has been determined under the Council's standard procedure of delegation and local residents have been consulted in accordance with the Council's Statement of Community Involvement. A recommendation has been made in accordance with the professional advice of the Council's Tree Officer based upon the relevant national statutory tree regulations.
- 5.9 The Wildlife and Countryside Act 1981 makes it a criminal offence to damage or destroy the nest of any wild bird whilst that nest is in use or being built. Established working practice avoids works to any hedgerow, tree or other vegetation where birds may reasonably be expected to make their nest (such as scrub) between 1 March and 31 August in any year. Care should be taken outside of this exclusion period as variations in climate may extend the nesting season.

6. CONCLUSION

- 6.1 The proposed works are in accordance The Town and Country Planning (Tree Preservation) (England) Regulations 2012 and as such there are no objections to the proposed felling subject to a condition ensuring the replacement of the tree in the next planting season, the location of which is to be agreed by the Tree Officer.

7. RECOMMENDATION

- 7.1 No objection.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

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

Reason

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

3. A replacement *Catalpa bignonioides* of 10-12 cms girth, the location of which is to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason

In the interests of visual amenity, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

CIRCULATED SCHEDULE NO. 37/13 – 13 SEPTEMBER 2013

App No.: PT13/1921/F

Applicant: TAN Construction Ltd

Site: Banks House Harcombe Hill Winterbourne Down Bristol South Gloucestershire

Date Reg: 7th June 2013

Proposal: Demolition of Banks House to facilitate the erection of 3no. detached dwellings and 1no. detached garage with access and associated works. (Resubmission of PT12/3893/F).

Parish: Winterbourne Parish Council

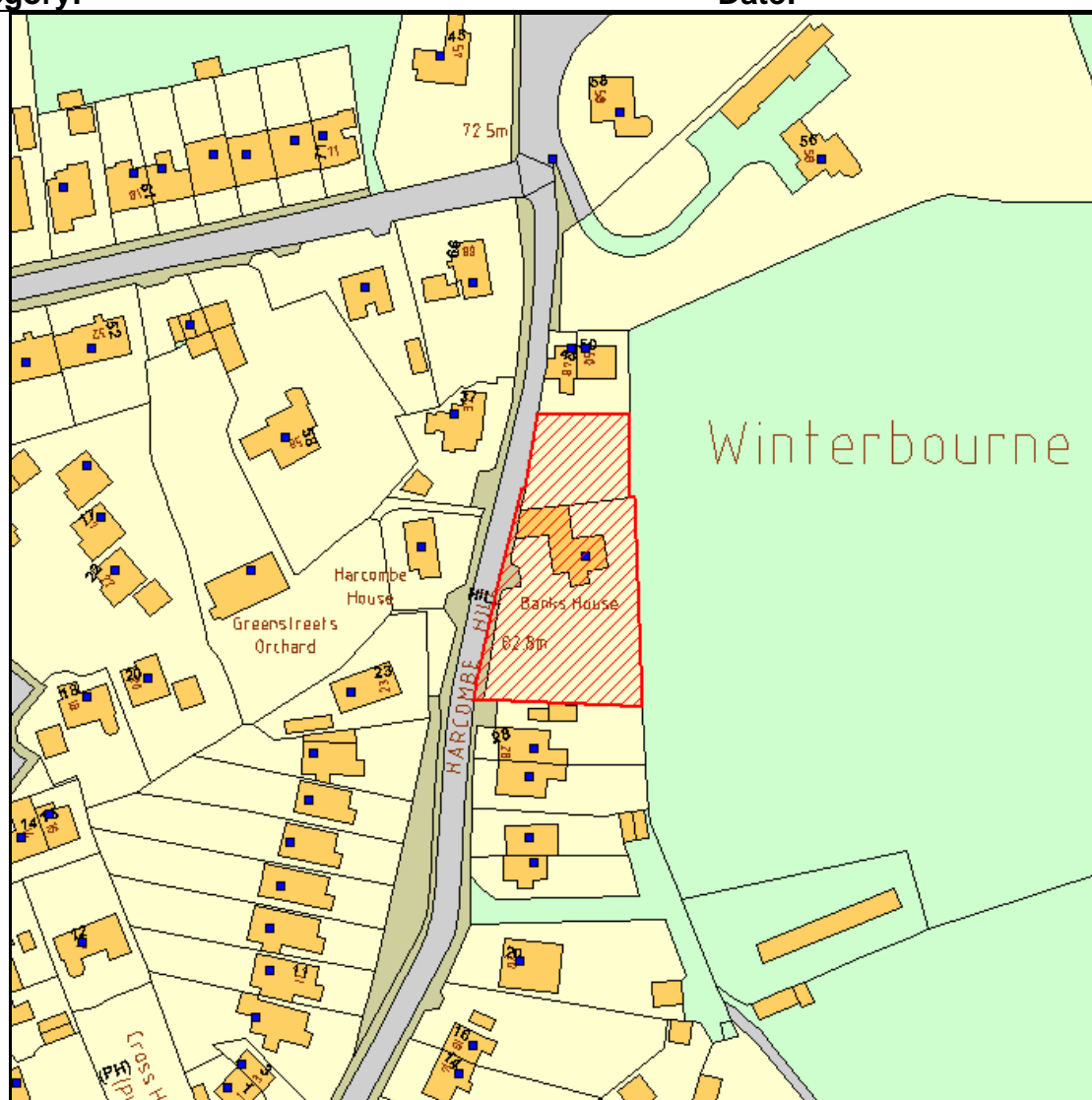
Map Ref: 365477 179795

Ward: Winterbourne

Application Category: Minor

Target Date: 30th July 2013

Date:



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N.T.S.

PT13/1921/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been forwarded to the Council's Circulated Schedule of applications as representations have been received raising views contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is situated on the east side of Winterbourne Down south of Winterbourne village on the east side of Harcombe Hill. The site is bounded by residential development to the north and south with open fields and ground level falling to the east and with vehicular access onto Harcombe Hill to the west. The ground level within the site falls quite steeply from north to south by 7.4m. The site until recently was occupied by a poor quality single detached two storey dwelling. The dwelling has recently been demolished and the site cleared of any trees and planting. A distinctive pennant stone wall with cock and hen capping runs the length of the front boundary.

The application site is situated within the settlement boundary of Winterbourne Down as defined in the adopted Local Plan. The Bristol/Bath Green Belt abuts the east boundary and extends east from the site.

- 1.2 The application proposes erection of 3no. detached dwellings and 1no. detached garage with access and associated works.
- 1.3 This application is a resubmission of PT12/3893/F.

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 Protection and Enhancement
- GB1 Green Belt
- EP1 Environmental Pollution
- H2 Residential Development within Settlement Boundaries
- H4 Development within Existing Residential Curtilages
- T8 Parking Standards
- T12 Transportation for New Development

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept 2012

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage

- 2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist – August 2007
Development within the Green Belt SPD – June 2007
Winterbourne Down Village Design Statement – Nov 2012

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT12/3696/PND Prior notification of the intention to demolish an existing dwelling.
No objection 03.12.2012
- 3.2 PT12/3893/F Demolition of Banks House to facilitate the erection of 3no. detached dwellings with access and associated works.
Withdrawn

4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council

Objection. Access onto and off of Harcombe Hill at this point is very dangerous and three houses will probably result in at least 6 cars. The Parish Council do not think that the design of these houses falls within the village design statement.

4.2 Other Consultees

Sustainable Transport – The scheme has been amended and only one access is proposed. The front boundary wall must not exceed 0.9m in the interest of visibility. No objection, subject to conditions.

Drainage Engineer – No objection, subject to condition requiring SuDS to be implemented and permeable surfacing to be provided.

Trading Standards – No objection. The applicant should be informed of weight restrictions on local roads and bridge.

Environmental Protection – No objection. Standard informative related to construction sites should be attached to the decision.

Other Representations

4.3 Local Residents

2 letters of objection received from the occupiers of Harcombe Cottage and 7 Collett House raising the following concerns:

- Harcombe Hill is dangerous for both vehicle users and pedestrians.
- Accidents have occurred on Harcombe Hill
- Concern in relation to increased traffic from the new development onto Harcombe Hill in addition to site construction and delivery vehicles
- Increased danger to school children using the road.
-

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework was published in March 2012. The document replaces most PPG/PPS guidance providing a more simplified and up to date advice in determination of planning applications. The NPPF indicates that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

It is considered that the relevant policies of the adopted Development Plan do not materially depart from the NPPF. As such full weight can be afforded to the Development Plan policies in this case.

Policy H2 of the South Gloucestershire Local Plan is supportive in principle of proposals for erection of residential development within the urban area, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity and highway safety and an appropriate density of development is achieved. Additionally, provision for education, leisure, recreation and other community facilities in the vicinity of the application site must be adequate to meet the needs arising from the proposal. Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals new dwellings within existing residential curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity, environmental impact and highway safety and that adequate private amenity space is provided for new dwellings. Policy GB1 aims to ensure development within or conspicuous from the Green Belt does not adversely impact on the visual amenity of the Green Belt. Additionally, development must not adversely impact on the visual amenity of the Green Belt.

Transportation issues related to parking (Policy T8) and highway safety/access/vehicle movements (T12) are also material to consideration of this application. The NPPF provides a new consideration in relation to transportation matters. Par.32 of the NPPF is most relevant to consideration of this application in transportation and public safety terms. Par.32 reads,

‘..... decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport*

grounds where the residual cumulative impacts of development are severe.'

The test in determining whether this application is acceptable in transportation and public safety terms is now, whether the impact of the development in transportation terms would be severe.

The South Gloucestershire Core Strategy (CS) was submitted for Examination in March 2011. The Examination was initially suspended by the CS Inspector to allow for the submission of Post Submission Changes. Hearing sessions were subsequently held in June and July 2012 and the CS Inspector published his Preliminary Findings and Draft Main Modifications in September 2012. The Inspector's initial conclusion is that the Core Strategy is capable of being made 'Sound' subject to a number of Proposed Main Modifications (PMM). The PMM have been subject to a further hearing session that was held on 7 March 2013. The CS has reached an advanced stage of preparation. However, there are unresolved objections to the housing requirements, including the means of addressing the shortfall in the delivery of housing that accrued during the Local Plan period. At this stage the Core Strategy therefore remains unadopted, but is likely to be adopted in the near future once housing matters are resolved. This document is therefore a material consideration in the determination of planning applications, and the Core Strategy policies, which are not subject to Inspector modification, will now carry considerable weight at this stage.

In determination of this application there are no significant differences between the relevant adopted Development Plan policies and the Core Strategy.

5.2 Visual Amenity

Design and visual impact:

The settlement pattern on Harcombe Hill is very much linear with dwellings mainly fronting onto the street. The character of the locality and street is varied with mainly two storey dwellings but a mix of architectural styles and periods with traditional cottages, Victorian and modern dwelling styles making up the street scene. There appears to be no intrinsic vernacular to Harcombe Hill although there are clear traditional materials typical to the local area, such as pennant stone which has been commonly used in stone front boundary walls in the area. This common boundary feature is also referred to in the Winterbourne Down Village Design Statement.

The site itself which was previously dominated by an early 19th Century dwelling, slopes in line with the gradient of the hill itself rising from south to north through the site, although the site is not more prominent than most other plots in the street. The site sits prominently in relation to the rural land to the east which falls away from the site and comprises open pasture. However, public views from the east are limited to a public right of way on the east side of the River Frome some 230m from the site and screened by trees and hedgerows. The site is therefore considered not to be visually prominent other than in the immediate area in front of the site or approaching the site from the south.

The application proposes three single detached dwellings in a linear layout fronting onto Harcombe Hill. The dwellings would be two storey and are individually designed in a traditional architectural style. The layout would be in keeping with the linear form and grain of development in the street. The traditional design approach would provide detailed fenestration with traditional cill and lintel detailing and detailed glazing bars to windows. No upvc fascias and bargeboards are proposed and garage doors would be of traditional style and finish. Walls would be constructed in a mix of render and a good quality reconstituted stone which provides a good visual match to the local pennant stone. The dwellings would be of individual design adding interest to the scheme and the street. The dwellings would follow the gradient of the hill. A front boundary stone wall would remain at a height of 0.9m to ensure visibility is not obstructed. The boundary wall would be of pennant stone construction with a traditional capping.

The development although obviously modern, would have a traditional style and layout which is considered to be in keeping with the mixed but semi rural village character of the area. The design and materials would be of good quality in keeping with the character of the locality and would respect the character distinctiveness and amenity of the surrounding area. The layout would provide generous plots which are not cramped and which would be commensurate to the dwelling types. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

The Parish Council raised concern that the development would be at odds with the Winterbourne Down Village Design Statement (WDS). The WDS does make reference to new development within existing gardens and the loss of trees which has resulted from redevelopment and new dwellings being larger and out of scale to the traditional buildings in the village. Loss of trees within the site was unfortunate, however none of the trees within the site were protected by TPO, as such the applicant could remove them without the need for consent. The proposal would provide large dwellings, but the dwellings would not be over sized compared to other dwellings in the street. The Victorian semis to the south are imposing and substantial and modern detached dwellings at the southern end of the street and on the north side of Down Road to the south are generously sized.

Density:

The proposed density of development is

The density of the application site to be occupied by residential development would be just under 8 dwellings per hectare (dph). The sub text of Local Plan Policy H2 states,

'The expectation is that all development will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit.'

As explained in Par 5.1 the Local Plan is under review and the Council's Core Strategy is due to replace this document in the near future. The Core Strategy

will carry significant weight where it differs from the adopted Local Plan at present. Policy CS16 (Housing density) indicates that densities of new development will vary according to accessibility and character but the Council aims to provide an average of 40 dph across all new housing and that higher densities will be appropriate in more sustainable locations. It is considered that the proposal would achieve a good standard of layout to increasing the density significantly, to meet the density aim would compromise the scheme significantly to the detriment of the character of the area and in relation to highway safety. The proposed density is akin to the character of the area. As such the proposed density is considered to accord with the Council's adopted Policy H2 and Policy CS16.

5.3 Residential amenity

The dwellings would follow the sloping gradient of the hill from north to south. Plot 3 (southern plot) would be situated at a higher ground level than no.28 to the south. No 28 has 4 windows in the side elevation facing towards the proposal. The side elevation of no.28 would be situated at a distance of 8.9m from the side of the garage of plot 3 and 16.5m from the side elevation of plot 3. The dwellings would be separated by a drive and the neighbour's garage. The garage would measure 4m in height to eaves and plot 3 would measure 8m to eaves and 11.8m to ridge. The ground level of plot 3 would be approximately 1.2m higher than no.28 (measured at the side elevation). The garage and dwelling (plot 3) are considered to be sufficient distance for there to be no significant impact on the amenity of the occupiers of no 28. The garage would be set back from the rear elevation of no.28 by 9.4m. Plot 3 would be situated directly north of no.28. It is considered that due to the modest scale of the proposed garage, the distance and the position of garage and dwelling from no.28 the proposal would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development. The proposed garage for plot 3 would have a hipped roof to reduce the presence of the building when experienced from no 28.

Plot 1 would be situated directly south of two existing dwellings (nos 48 and 50) which are positioned side on to the highway and on this basis have rear elevations and gardens facing towards the site. Plot 1 would be situated at a lower ground level to nos 48 and 50 at a distance of 4m from the rear boundary of nos 48 and 50 and 20m from their rear elevations. An existing 2m high fence on the rear boundary of nos 48 and 50 provides a further screen. Considering the separation distance between plot 1 and nos 48 and 50 and the lower ground level within the application site it is considered that the proposal would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development.

No principle rooms would have windows in the side elevations of plots 1 (north) and 3 (south). A condition is recommended to ensure that any windows in these side elevations are obscurely glazed including ground floor windows for plot 3 and that no further windows are provided in these elevations. Subject to these conditions, the proposal would not prejudice the amenity of neighbouring occupiers in terms of loss of privacy/overlooking.

5.4 Highway Matters

The application site is situated on the east side of Harcombe Hill which is a relatively steep highway with a bend at the top end. Local residents and the Parish Council have raised concerns in representation submitted in response to the proposal in relation to highway safety. Safety issues are also raised in the Winterbourne Down Village Design Statement.

Discussions have taken place with the applicant through pre application advice and during the previously withdrawn submitted and the applicant has taken the advice by providing a single access into the site; thereby reducing any further conflict along this village road. The access would be located in a similar position to the existing single access related to the now demolished dwelling. With further regard to the access arrangements, the applicant proposes a 900mm high boundary wall, which would result in no obstruction to visibility at the access. A planning condition is recommended to restrict the height of the boundary wall in perpetuity to 900mm, to ensure that an appropriate vertical visibility splay is provided and maintained in the interests of highway safety.

The proposal would increase traffic at the access and on Harcombe Hill by increasing development on site from one to 3 dwelling units. However, the proposed access is considered to have acceptable visibility on both sides and the increase in traffic would be modest compared to the existing vehicle numbers on the road. On this basis it is considered that the proposal would not result in a severe transportation and public safety impact.

With regards to surfacing, a condition is recommended to ensure the drives are surfaced in a bonded material to ensure that no gravel migrates onto the highway.

5.5 Green Belt

The application site is situated on the edge of the settlement boundary outside the Bristol and Bath Green Belt, which is situated adjacent to the east boundary. The application site is situated to the east of but abutting the Green Belt. Policy GB1 requires development which is situated outside but conspicuous from the Green Belt not to adversely impact on the visual amenity of the Green Belt. As indicated in par. 5.2 above, the layout has been designed to reflect both the urban (traditional) context to the west and the rural open character to the east. As such it is considered that the proposal would not adversely impact on the visual amenity of the Green Belt in accordance with Policy GB1 of the adopted Local Plan. As such it is considered that the proposal would not adversely impact on the visual amenity of the Green Belt in accordance with Policy GB1 of the adopted Local Plan.

5.6 Drainage and water

The proposal aims to connect to the existing foul sewer and surface water would be disposed of via soakaways. A condition is recommended to require details of a system for sustainable drainage to be submitted and provided prior

to occupation. There is considered to be sufficient space within the site to provide adequate soak away, subject to the necessary geological percolations tests.

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 Consent is GRANTED subject to the conditions and informatives as outlined in the attached decision notice:

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

4. The proposed front boundary wall shall be constructed or retained to a maximum height of 0.9m from ground level measured from the highway side and notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) Part 2 (Class A) (or any Order revoking and re-enacting that Order with or without modification) the wall shall be maintained to a maximum height of 0.9m thereafter.

Reason

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

5. No development shall commence until samples of the proposed hardstanding within the site have been first submitted to and approved in writing by the Local Planning Authority. All hardstanding areas forward of the front elevation of each dwelling shall be surfaced in the approved material prior to occupation of any dwelling. All hardstanding areas forward of the front elevation of each dwelling as shown on the approved Site Layout Plan shall be surfaced in a bound/non migratory material and retained as such thereafter.

Reason

In the interests of highway safety, and the character, distinctiveness and amenity of the locality and to accord with Policy D1 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the use or occupation of the dwellings hereby permitted commencing, and at all times thereafter, the proposed first floor windows on the north elevation of plot 1 and the ground and first floor windows of plot 3 shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H2, H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The hours of working on site during the period of construction shall be restricted to 0700 and 1830 Monday to Friday and 0800 and 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy D1, EP1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policies H2, H4, D1,L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

To protect the character and appearance of the area to accord with Policies H2, H4, D1,L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason

To protect the character and appearance of the area to accord with Policies H2, H4, D1,L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. No development shall commence until details of the material and height finishes of all boundaries, including those between plots, have been first submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with Policies H2, H4, D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. No verge or eaves fascias or bargeboards shall be provided..

Reason

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

13. All garage doors shall be of vertically boarded timber construction, side hung and with painted finish to be first submitted to and approved in writing by the Local Planning Authority. The doors shall be painted in accordance with the approved finish colour before the dwelling to which the garage relates is first occupied.

Reason

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

14. Sample panels of stonework for the dwellings and boundary walling, demonstrating the colour, texture, capping finish where applicable and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

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

15. No windows other than those shown on the plans hereby approved shall be inserted at any time in the south elevation of plot 3 and the north elevation of plot 1.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H2, H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

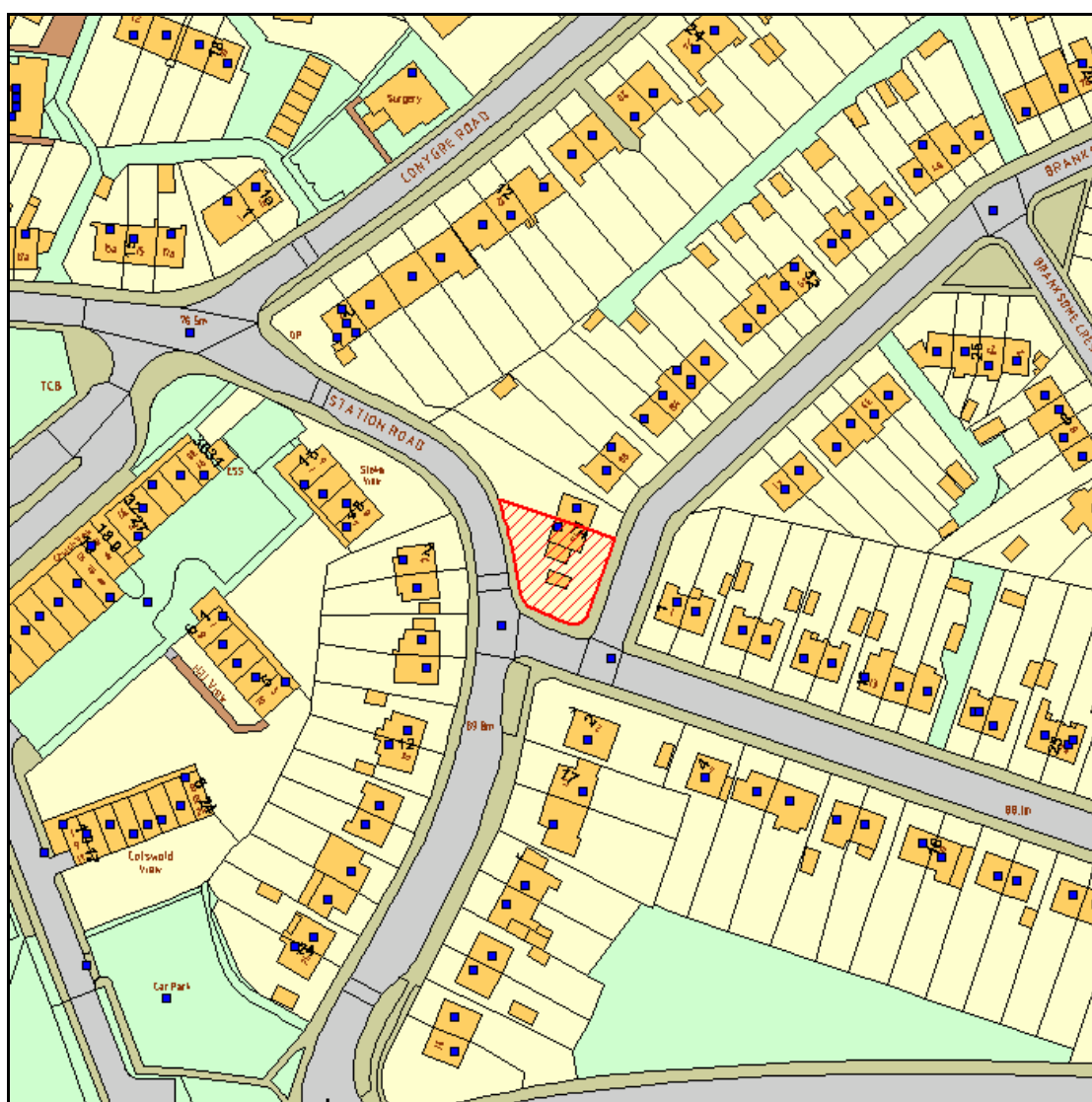
16. Details of the finished floor level of each dwelling house relative to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy D1, H2, H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 37/13 – 13 SEPTEMBER 2013

App No.:	PT13/2507/F	Applicant:	Prestige Property Development
Site:	74 Branksome Drive Filton Bristol South Gloucestershire BS34 7EF	Date Reg:	12th July 2013
Proposal:	Erection of two storey side extension to form 3 no. one bedroom flats and 1 no. two bedroom flat with new access and associated works.	Parish:	Filton Town Council
Map Ref:	360481 179194	Ward:	Filton
Application Category:	Minor	Target Date:	3rd September 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule for determination as there have been a number of objections to the development received which are contrary to the officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to erect a two-storey side extension at a semi-detached property in Filton. The extension would contain four flats.
- 1.2 The site is a corner plot at the junction of Station Road, Wade Road, and Branksome Drive. The site has a wide street frontage, but limited depth as it is constrained by Station Road to the rear.
- 1.3 The site is not covered by any statutory or non-statutory designations and is located within the existing urban area of North Bristol.

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
- L5 Open Areas
- EP1 Environmental Pollution
- T7 Cycle Parking
- T12 Transportation
- H2 Residential Development
- H4 Development within Existing Residential Curtilages

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

- CS1 High Quality Design
- CS8 Improving Accessibility

- 2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Residential Parking Standard (Approved for Development Management Purposes) March 2013

3. RELEVANT PLANNING HISTORY

- 3.1 N8121 Approved with Conditions 01/07/1982
Erection of garage to replace existing timber garage

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objection in principle, concerns development may be over intensive
- 4.2 Environmental Protection
Construction sites condition requested
- 4.3 Drainage
SUDS condition and dwelling paving area condition requested
- 4.4 Transport
Requested additional details; these details are satisfactory

Other Representations

- 4.5 Local Residents
23 representations have been received objecting to the proposed development. These have been summarised as follows:
- A mature tree was cut down prior to the application being submitted
 - A stand-alone dwelling would be more appropriate than the conversion to flats
 - Access from the bed on Station Road would be unsuitable
 - Affordable homes exist in the area without further garden grabbing
 - Alleged that there is asbestos on the site and this was not accounted for when the garage was demolished
 - Area is family and community orientated at present and the proposal will erode that
 - Area is over crowded and people will leave
 - Concern over noise from the proposal
 - Concern over the destruction of existing shrubbery
 - Consideration should be given to hedgehog habitat
 - Council rates should be reduced to compensate
 - Creation of a driveway will remove two on-street parking spaces regularly used by local residents
 - Development is over intensive
 - Development should not be allowed to in-fill every green corner
 - Development will lead to increased levels of pollution
 - Development would set a precedence for other conversions to flats
 - Disregard for BS5837:2012 as trees have been removed and not retained
 - Extension would change the visual appearance of the building to that of a terrace and not a semi-detached house. Change to a terraced house would undermine house value
 - Fence between no.72 and no.74 belongs to no.72
 - Flats are out of character
 - Flats have more vehicles/visitors than houses/spaces allocated
 - Flats will exaggerate the busy junction
 - Further reduction in number of trees will further damage the landscape
 - Households own more cars than the provision of parking spaces accounts for
 - Insufficient visibility
 - Issue in neighbourhood of over concentration of students and renters

- Large residential developments are currently being proposed/built at Patchway, Filton Airfield and Harry Stoke and further development is not necessary
- Loss of green space is detrimental to the amenity of the area
- Loss of open character if permitted
- Loss of privacy to habitable rooms
- Loss of tree has made noise from the Ring Road
- Loss of trees would impact on privacy
- More cars in this location increases risks to children
- More cars will be a target for theft and vandalism
- Neighbours should be consulted if the deed of no further building is to be removed
- No mention of the remaining trees on site and whether they are to be removed
- No.62 was converted into flats and this led to problems of parking and noise
- Not confident that the front parking will be constructed from a permeable surface
- Objection to the density of the proposed development which is inappropriate
- On a restricted corner which is further compromised by parking
- Only very limited scope for parking on driveways in the area
- Parish council and police are already working on trying to resolve the parking issues in the area – additional residences will only compound these issues
- Parking area at the front of the property would not be in keeping with the area
- Parking area is detrimental to highway safety
- Parking is already congested and there is not capacity for more
- Parking is having a detrimental impact on residential amenity
- Parking is shown at the rear where there is currently no access and a hedge which it is proposed to be kept
- Parking opposite would further narrow and existing narrow highway
- Parking would look like a motel
- People park on double-yellow lines
- People regularly park on the pavements obstructing them and this will be exacerbated
- Property is already being turned into a building site
- Proposed accommodation will go on the rental market, not the open market and there are already ample rented properties available in the area
- Proposed development would create an eyesore
- Question the roofing material and whether it is appropriate
- Removal of trees has damaged the landscape
- Section 243 of the Highway Code states that you should not stop 10 metres from a junction, parking is likely to occur within this distance
- Similar development has occurred on Conygre Road which is not appropriate
- Station Road is used as a rat-run
- Storage of waste bins is not done at the front of the property elsewhere, the location is out of character
- Storage of waste from these properties will create adverse smells as refuse is only collected bi-weekly
- Terraced property would be out of character with the area
- The corner is already used by school children to/from school
- The garden has been destroyed
- There is a deed that states there should be no building in the grounds of the properties
- There is no indication of the proposed landscaping
- There may have been a preservation order on one of the trees
- Where are the bin and recycling boxes to be stored?
- Wildlife haven/habitat has been lost
- Would like to know if builder had backed out of the sale

- Would result in overdevelopment of the site

5. **ANALYSIS OF PROPOSAL**

- 5.1 This application is for an extension to a semi-detached house in Filton to provide four flats.
- 5.2 Principle of Development
Residential development within the existing urban area is supported by policy H2. Furthermore, the application site is already in a residential use and therefore policy H4 applies which also supports residential development. Therefore the development is acceptable in principle but subject to the following assessment.
- 5.3 Site Density
The most efficient use of land is required by policy H2 and the NPPF. Development is proposed on a corner plot to extend the existing property to the side. This would create a small terrace of properties. Along Branksome Drive there is a mix of semi-detached and terraced properties. Construction of a terrace would create make efficient use of the land and a suitable density of development. The increase in density would not be out of character with the density of the surrounding area.
- 5.4 Environment, Ecology and Pollution
Development should not have an unacceptable impact on the environment or lead to greater levels of pollution. Although the development will result in the loss of some of the garden this is not considered to have a wider impact on the environment. Residential flats are proposed which would not result in greater levels of pollution.
- 5.5 The site is currently part of a residential garden. On the case officer's site visit, the land had been cleared apart from the boundary hedge and a small amount of shrubbery behind the existing house. As the majority of the garden has been cleared, there is little scope for protected species on the site.
- 5.6 None of the trees on the site (which have already been removed) were protected and therefore the LPA has no control over their removal.
- 5.7 Provision of Services
Located within the built up area of the Bristol North Fringe, the site is close to a number of local services – particularly shops on the A38 Gloucester Road and the nearby Shield Retail Park.
- 5.8 Limited additional demand for services will result from the development. Adequate services are available in the vicinity to meet the demands arising from the development.
- 5.9 Transportation

Development must provide safe access and adequate off-street parking. Six parking spaces are proposed, two for the existing dwelling and one per each for the flats. The parking provided accords with the Council's parking standards. Adequate secure cycle parking is also provided on site. Within the existing urban area, the site is considered to be in a sustainable location with regard to public transport and alternative means of transport.

- 5.10 Concern has been raised that the proposed access is detrimental to highway safety. The proposal has been assessed by the Council's transport planners who raise no objection. It has been indicated that the development would lead to additional on street parking or parking in contravention of the Highway Code. It is not within the remit of this planning application to control parking on the public highway. Through a planning application, off-street parking spaces can be sought; however, the use of these spaces is up to individual motorists. It has also been stated that parking would be provided in the rear garden of no.74. It is considered that the text on the plan is an error. The plans show no access to the rear, which would require planning permission in its own right (as Station Road is a classified road) and it is indicated that parking would be provided to the front of the existing house.

5.11 Design

A good standard of site planning and design must be achieved for the development to accord with policy D1 and H4, particularly how the development integrates into the existing built form.

- 5.12 The proposed side extension will be located to the south of the existing building, towards Wade Road. No.1 Wades Road is opposite the development site. The side elevation of the proposed development would extend 2.2 metres beyond the front elevation of no.1 Wades Road. The building line at the front of the properties has been maintained.

- 5.13 In terms of appearance, the proposal mimics the appearance of the existing semi-detached houses. Bay windows are proposed on the front elevation with a hipped roof over. The ridge will be extended over the extension and the shape and profile of the roof will match that on the existing dwelling. The first floor is to be rendered with the ground floor to be brick. Overall a good standard of site planning and design has been reached and the proposal is considered to be in keeping with the character and appearance of the existing house and surrounding area.

- 5.14 Although the development will result in the loss of an 'open area' the open area was in fact part of the residential garden and therefore enabled no public access. The householder could at any point have screened the garden from public view. It is not therefore considered that policy L5 would apply in this instance.

5.15 Amenity

Residential amenity should not be prejudiced as a result of development. Surrounded on three sides by roads there is little impact on adjacent properties. There is a minimum of 17 metres between the rear elevation of the proposed flats and the front boundary of the properties to the rear. This is considered to

- be an acceptable distance. Sufficient amenity space is retained for no.74 as a dwelling and the ground floor flats have gardens of their own.
- 5.16 Overall it is not considered that the development would have a prejudicial impact on residential amenity and the overall levels of amenity in the vicinity will be retained.
- 5.17 Drainage
Conditions will be imposed requiring submission of details for sustainable drainage systems and permeable paving.
- 5.18 Other Matters
Comments have been received that have not been fully addressed above. This section will respond to the points made.
- 5.19 The application is for flats and the application must be assessed on its own merits; it is not therefore possible to consider a stand alone dwelling as an alternative or that this development would set a precedence.
- 5.20 Homes may exist in the locality, however there is a presumption in favour of development and therefore the availability of existing properties is not material. The existing large-scale developments happening nearby, such as Filton Airfield and Harry Stoke, do not affect development on this site. The existing flats at no.62 are also not considered to impact on the suitability of this development.
- 5.21 Should the garage have contained asbestos then that should have been managed at the point of demolition and does not form part of this planning application.
- 5.22 It is not considered that the flats will have a negative impact on the character of the area of the area as a being family and community orientated.
- 5.23 In determining a planning application, council rates or house values are not material planning considerations.
- 5.24 Issues as to who owns a fence are not relevant in determining this planning application.
- 5.25 The composition of the neighbourhood, between homeowners and renters and the proportion of those renters who are students is not relevant in determining the application.
- 5.26 It is not considered that the development would increase theft and vandalism in the area.
- 5.27 There is no evidence that there is a deed preventing development, however such a deed would not prevent the grant of planning permission and would be a civil land matter.
- 5.28 Obligations and Contributions

No planning obligations or financial contributions are sought with this application as it falls below the relevant thresholds as set out below.

- 5.29 Affordable housing is only required on applications for ten or more residences when located within the existing urban areas and defined settlement boundaries. This application proposes four residences.
- 5.30 Educational contributions may be required. However, this is only where there is a shortfall and the proposed development is over a minimum of five residences.
- 5.31 Public open space contributions would only be sought where there was insufficient space on-site and when the development proposed ten or more units.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been assessed against policies D1, EP1, T7, T12, H2 and H4 of the Local Plan and policy CS8 of the Core Strategy. In terms of site planning and design a good standard has been achieved and the development is considered in keeping with the existing built form. Adequate off-street parking is provided and the development is not considered to compromise highway safety. The development will not have a prejudicial impact on residential amenity, the environment, or ecology.
- 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 It is recommended that permission be GRANTED subject to the conditions listed below.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

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

Reason

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

3. Prior to the commencement of development drainage detail, including surface water run off proposals incorporating Sustainable Drainage Systems (SUDS), within the development shall be submitted for approval in writing to the Local Planning Authority. For the avoidance of doubt this shall include the parking areas. Development shall be carried out in accordance with the approved details.

Reason

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

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

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Residential Parking Standard (Approved for Development Management Purposes) March 2013.

5. Any existing buildings on site should be assessed for asbestos materials prior to demolition. Any asbestos must be removed in full consultation with the Health & Safety Executive.

Heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;

Monday - Friday.....7.30 - 18.00

Saturday.....8.00 - 13.00.

No noisy activities on Sundays or Bank Holidays.

All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

In periods of dry weather, dust control measures should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.

Bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (eg. Plastics, rubber, treated wood, bitumen etc)

Radio noise should not be audible at the boundary of the nearest neighbouring property.

Any temporary oil storage tanks should be safely and securely sited so as to prevent pollution in the events of spills or leakage. It is also strongly recommended that any oil storage tank should be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank.

Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Services Department on (01454) 868001 prior to commencement.

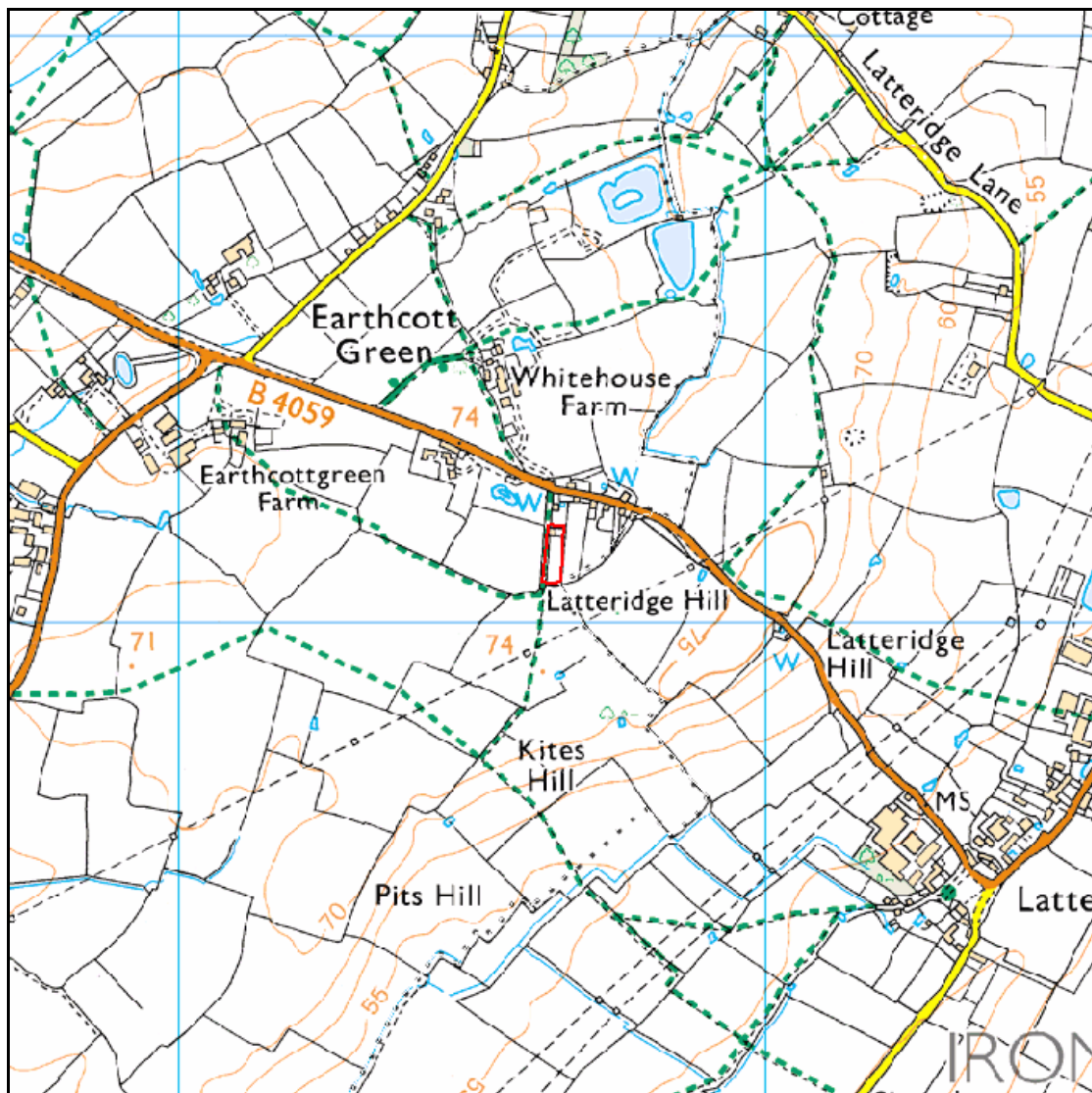
For sites with more than 5 houses, and for large industrial/commercial developments, it is strongly recommended that the applicant register the site under the "Considerate Contractors Scheme". Further information and an application form can be obtained by telephoning... Tel: (01920) 872837.

Reason

To protect the amenities of the locality and nearby residences during construction works to accord with policies EP1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 37/13 – 13 SEPTEMBER 2013

App No.:	PT13/2690/F	Applicant:	Mrs K Davis
Site:	Redthorne Cottage Earthcott Green Alveston Bristol South Gloucestershire	Date Reg:	30th July 2013
Proposal:	Change of use of warehouse and paddock to storage and distribution (Class B8) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Alveston Parish Council
Map Ref:	365641 185197	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	19th September 2013



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PT13/2690/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because comments have been received in support of the application contrary to the officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of a warehouse and paddock to storage and distribution (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application site comprises a modern style blockwork agricultural building located to the south of Redthorn Cottage on the southern side of Earthcott Green. The site is located within the open Green Belt outside of any defined settlement boundary. Access is off Earthcott Green onto a long straight single track, which is a public right of way.
- 1.3 The following information has been provided by the owner of the site for clarity:
 - ☐ The access to the road from the property is on the outside of the outside radius of the bend of the road and gives clear visibility between 200-300 metres;
 - ☐ I have had unchallenged access for the lane for 30 years;
 - ☐ The surface of the lane is one third tarmac, one third concrete topped with compacted gravel and the remained compacted hard core and gravel;
 - ☐ There have been no sign of bats for at least 10 years;
 - ☐ The paddock has never been used for hay making only for a small amount of cattle grazing.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
GB1 Development in the Green Belt
E6 Employment Development in the Countryside
E7 Conversion and Re-use of Rural Buildings
L1 Landscape Protection and Enhancement
L9 Species Protection
L13 Listed Buildings
T12 Transportation Development Control Policy for New Development
LC12 Recreational Routes

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

CS1 High Quality Design

CS5 Location of Development

CS9 Improving Accessibility

CS9 Managing the Environment and Heritage

CS13 Non Safeguarded Economic Development Land

CS34 Rural Areas

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

The South Gloucestershire Development in the Green Belt SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 N526, outline application for the erection of nine commercial greenhouses and an agricultural workers bungalow with garage. Alteration to existing pedestrian and vehicular access, refusal, 10/10/74.

This application relates to a site at Woodbine Cottage.

- 3.2 N4677/1, use of land as seasonal tourist caravan park and construction of a vehicular access, refusal, 26/04/79.

This application relates to a site at Blanches Farm.

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council

The Parish Council objects to this application on the grounds that the parking spaces are located on green belt and that vehicular movements appear to be limited.

4.2 Conservation Officer

There would be no adverse impact on the wider setting of the listed building to the north through the conversion of the building. However, the rd line encloses the entire paddock to the south which appears excessive and could potentially be detrimental to the rural character and appearance of the area.

4.3 Transportation DC Officer

I note from some of the objection letters that highway issues have been identified as potential reasons for refusal. Whilst the principle of the change of use due to the limited scale is not objected to, I do have concerns in relation to the available visibility and width at the access point with the B4059 classified highway.

4.4 Ecological Officer

There is insufficient ecological information at present to determine the application.

4.5 Landscape Officer

Parked cars would be visible from the public right of way and would have a significant and detrimental impact on its rural character and would be contrary to Policy L1 of the adopted local plan.

In the event of permission being granted conditions should be attached requiring a mixed native hedge to be planted across the paddock (offset approximately 12m from the building and containing a couple of standard oak trees) and the extent of the change of use to B8 should be restricted to this car park area.

There is a large goat willow tree adjacent to the entrance gate, laying hardcore at the entrance way could potentially damage the roots of this tree. In the event of permission being granted a condition should be attached requiring the submission and approval of a method statement using a cellular system to prevent the roots being damaged.

4.6 Environmental Protection

No objection

4.7 Drainage Officer

No comment

Other Representations

4.3 Local Residents

15 letters of objection have been received from members of the public, this includes an objection from the Chairman of the Latteridge Road Community Group. The following is a summary of the reasons given for objecting:

- The business may not be as quiet and residential friendly as reported;
- The building has only been used for domestic storage for equipment to support the owner's business and for the storage of a camper van;
- Traffic associated with the proposal will conflict with the use of the access track by farmers and ramblers;
- The track was the subject of a legal dispute in the 1960s and a legal judgement was made that the track can only be used for agricultural purposes;
- The existing access onto the B4059 has limited visibility and the proposed intensification of use will bring about highway safety issues;
- The proposal will increase traffic on the B4059, which is a fast road that is already busy and potential dangerous at times;

- Insufficient parking is proposed;
- The building is used by bats to roost;
- The proposal will set a dangerous precedent;
- The track is deemed to be crown property and authorised access is only for farm vehicles relating to the agricultural fields;
- Part of the track is owned by a third party;
- The track becomes muddy in wet weather and is impassable to all but farm vehicles resulting in vehicles having to park on the main road;
- There must be other more appropriate industrial buildings available for sale or lease around Yate;
- Inappropriate development in the Green Belt;
- No mains drainage;
- The paddock to be used for parking has been used for grazing for many years;
- Increase in traffic will cause further disturbance to local residents;
- Existing problems relating to noise, dust and fumes to residents who live close to the main road;
- There is potential for the business to expand significantly;
- The development and future potential for expansion will adversely affect the grade I listed Acton Court;

3 letters of support have been received from members of the public. The following is a summary of the reasons given in support of the proposal:

- ☐ Development will make use of a vacant building;
- ☐ The property has been marketed for over a year with no other offers;
- ☐ Speed limit is to be reduced to 30mph which will improve road safety;
- ☐ Matters relating to the access can be addressed by removing hedges and through installing safety mirrors;
- ☐ The company deliver small mail order goods and create minimal traffic;
- ☐ They do not create noise pollution or smells;

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Planning policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006 only allows for the change of use of land or existing buildings where it would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purposes of including land in it; the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; and; the form, bulk and general design of the buildings are in-keeping with their surroundings.

5.2 The application building is a modern blockwork construction, which is considered to be sufficiently permanent and structurally sound to be converted without major or complete reconstruction. The applicant has indicated that no alterations are required to the building, therefore, it is considered that the conversion of the building will not have a significantly greater effect on the openness of the Green Belt than the existing situation. The applicant has included an open paddock to the south of the building as part of the change of use to B8. It is considered that the change of use of the entire open paddock to storage and distribution will have a materially greater impact than the present authorised use, through the potential for significant areas of parking and outdoor storage, on the openness of the Green Belt and is therefore, contrary to policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006. Given the size of the paddock it is not considered that the harm to openness could be mitigated by way of condition.

5.3 The National Planning Policy Framework (NPPF) states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It also states that to promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing building and well designed new buildings.

5.4 Policies E6 and E7 of the South Gloucestershire Local Plan (adopted) January 2006 are not in conflict with the NPPF as they allow for the conversion of rural buildings for new B8 storage and distribution uses in the countryside. Whilst it is clear that there is support in policy for rural businesses, especially in the NPPF, and especially where there is the re-use an existing building, the benefits that the proposal would bring in terms of the re-use of an existing vacant building and providing a rural business are outweighed in this instance by the degree of potential harm to the openness of the countryside. The proposal is therefore, contrary to the main aims of policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006.

5.5 Whilst the principle of the development is unacceptable on Green Belt grounds it is still necessary to consider the proposal under the framework of the most

relevant policies E6 and E7 of the Local Plan. The main issues to consider are the appearance/form of the building and the impact on the character of the countryside (policies D1, GB1, E7 and LC12 of the Local Plan); the impact on the residential amenity of neighbouring occupiers (policies E6 and E7 of the Local Plan); the environmental effects (policies L9 and E6 of the Local Plan); the affect on the grade I listed building (policy L13 of the Local Plan) and the transportation effects (policies T12 and E6 of the Local Plan).

5.6 Appearance/Form and Impact on Countryside

The application building is a modern blockwork construction with timber cladding to the side and rear and a fibre cement pitched roof. It comprises a large metal vehicular roller door in the front elevation facing onto the access track. The building comprises a simple form and solid appearance; and given its materials and proportions it is not considered to be adversely out of keeping with the rural character of the area. Given that no alterations are proposed to the building it is not considered that its change of use will have a significantly greater impact on the character of the area than the existing situation.

- 5.7 The change of use of the adjoining paddock and the creation of a car parking space will have a significant effect on the rural character and appearance of the area. The building and paddock are accessed via a farm track which is a public right of way. The track has hedges on either side and has an attractive rural character. The hedge along the track is mainly Hawthorn, it is maintained at a low a low height, is not very robust and will not provide a very good screen to the parking area. The planting along the eastern boundary contains a high proportion of Ash trees which are likely to die within the next ten years as a result of Ash die back.

- 5.8 There is a potential for the business to employ up to ten people. Whilst the plans demonstrate 4 parking spaces, there is potential for significant expansion given the size of the paddock included in the application. Accordingly, the potential for outdoor storage, vehicular movements or additional parking will have a detrimental affect on the visual amenity of the public right of way and the character of the rural area. Given the size of the paddock, it is not considered that conditions would acceptably mitigate against the harm.

5.9 Environmental Considerations

Ecology

There are anecdotal accounts of bats being associated with the building.

- 5.10 All species of bats are protected under the Wildlife & Countryside Act 1981 (as amended) and Countryside & Rights of Way Act 2000, as well as by European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('the Habitats Directive 1992'), which is transposed into British law by the Conservation (Natural Habitats & c) Regulations 2010 ('the Habitat Regulations').
- 5.11 As a European Protected Species (EPS), a licence under Regulation 53/56 of the Habitat Regulations is required for development to be lawful.

- 5.12 A recent judicial review (2009, Woolley v East Cheshire BC) directed that, to fully engage with the Habitats Directive/Habitat Regulations, planning applications should be subject to the same 'tests' under Article 16/Regulation 53/56 as European Protected Species licences. Satisfying these 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application.

Given this, the application needs to include a survey of the building for use by bats (and nesting birds) and if present satisfactorily demonstrate that development will not adversely affect the colony. To that end, a mitigation strategy will be required to be drawn up and agreed with the Council prior to form the basis of a licence application under Regulation 53/56 of the Habitat Regulations.

- 5.13 Trees

There is a large goat willow tree adjacent to the entrance gate, laying hardcore at the entrance way could potentially damage the roots of this tree. In the event of permission being granted a condition should be attached requiring the submission and approval of a method statement using a cellular system to prevent the roots being damaged.

- 5.14 Residential Amenity

Redthorn Cottage is the closest neighbouring property to the site which is separated by a distance of approximately 28 metres. Given the times of operation proposed of 8:30 am to 5:00pm on Mondays to Fridays with no working on Saturdays or Sundays, which can be conditioned if permission is granted, and when balanced against the fact that the building could already function for agricultural purposes, which would generate noise and disturbance, it is not considered that there will be a significant adverse effect on the residential amenity of neighbouring occupiers.

- 5.15 Transportation

Significant concern has been raised by members of the public regarding the highway implications of the proposal. The Council's Transportation Officer has considered the issues raised in detail and has visited the site to measure the visibility splays. Whilst the principle of the change of use, due to the limited scale, is not objected to, officers are concerned in relation to available visibility and the width at the access point with the B4059 Classified Highway. From observations made on site it would appear that the requirement of 2.4m x 120m visibility is not achievable, and as such the development if permitted would represent an increase in vehicular movements via what is considered to be a sub-standard access by virtue of the lack of visibility. Accordingly, the proposal will have a detrimental affect on highway safety and is contrary to policy T12 of the South Gloucestershire Local Plan (adopted) January 2006. If the applicant can address this issue within land under their control then this objection may be able to be overcome.

- 5.16 Objections have been received, which relate to a legal case in the 1960s and ownership issues which could have implications on the rights of access over the access track by the applicant; however, these are separate legal and civil matters, which are outside of the scope of the planning application. There are

no relevant planning applications with planning conditions or agreements restricting access.

5.17 Impact on Grade I Listed Building

It is noted that the grade I listed Acton Court is located approximately 300 metres to the north of the site. However on the basis that no change is proposed to the building and given the distances involved and the degree of screening the Council's Listed Building Officer considers that there will be no adverse impact on the wider setting of the listed building to the north.

5.18 Further Matters

Planning policies GB1, E6 and E7 can allow for the conversion of buildings for employment purposes subject to specific criteria being met. It is not therefore, considered that the proposal will set a precedent.

5.19 The comments relating to more appropriate buildings available in the Yate area for the business are noted; however, the application put before the Local Planning Authority is required to be assessed on its own planning merits.

5.20 Comments relating to there being no mains drainage are noted; however, according to the applicant the building already has water, power and light. Moreover, the Council's Drainage Officer has raised no objections to the proposal.

5.21 An objector has referred to previous application refused for a caravan park and commercial greenhouses. These applications were decided in 1979 and 1974; given the changes that have been made to planning policy since this time and the fact that each application is required to be assessed on its own merits, it is considered that these decisions do not hold significant weight.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission is REFUSED for the following reasons.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

REASONS FOR REFUSAL

1. The application site is located in the Bristol/Bath Green Belt and the change of use of the entire paddock immediately south of the application building will have a significant adverse impact on the openness of the Green Belt. The proposal is therefore, contrary to policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006.
2. The change of use of the entire paddock will have a significant adverse effect on the character and appearance of the rural area and the visual amenity of the public right of way. The proposal is therefore, contrary to policies L1, E6, E7 and LC12 of the South Gloucestershire Local Plan (adopted) January 2006.
3. Insufficient information as been submitted to allow the Local Planning Authority to acceptably assess the impact of the change of use on bats. The proposal is therefore, contrary to policies L9 and E6 of the South Gloucestershire Local Plan (adopted) January 2006.
4. The proposal if permitted would represent an increase in vehicular movements on an access which is sub-standard due to poor visibility to the detriment of highway safety. The proposal is therefore, contrary to policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 37/13 – 13 SEPTEMBER 2013

App No.:	PT13/2704/RVC	Applicant:	Mr B Taylor
Site:	Stable Folly Stowell Hill Road Tytherington Wotton Under Edge South Gloucestershire	Date Reg:	31st July 2013
Proposal:	Removal of condition 2 attached to planning permission P87/2399 to allow occupancy of the dwelling by person not employed in connection with livery stable.	Parish:	Tytherington Parish Council
Map Ref:	366501 188724	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	23rd September 2013



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PT13/2704/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because objections have been received from neighbouring occupiers contrary to the officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the removal of condition 2 attached to planning permission P87/2399 to allow occupancy of the dwelling by a person not employed in connection with livery stable.

Condition no.2 of P87/2399 states that:

The occupation of the dwelling hereby authorised shall be limited to a person solely or mainly employed in connection with the adjoining stable use.

Reason

The site is not in an area intended for general development and permission is granted to the present proposal solely because the dwelling is required to house a person employed in connection with the livery stable use.

- 1.2 The application site comprises a single storey property located on the western side of Stowell Hill Road within the open countryside outside of any defined settlement boundary. The site is outside of the Tytherington Conservation Area; the grade II listed building The Old Manor House is located to the southeast of the site at a distance of approximately 53 metres.
- 1.3 The property comprises a render finish and concrete double Roman roof tiles. The property has not been occupied for a long period of time; consequently the site is overgrown with vegetation.
- 1.4 The application bungalow was erected under application P87/2399 to be used for staff associated with livery stables granted under application P85/1664. Condition 2 of application P87/2399 tied the occupation of the dwelling to a person employed in connection with the adjoining livery stable use. The livery development was not completed and applications (P91/1893 and P92/1120) have been submitted to remove the livery tie as the applicant cannot occupy the dwelling without being in breach of condition 2. Both applications were refused for the following reason:

Application P91/1893 was refused for the following reason:

The site is located in an area of open countryside beyond the Village Development Boundary of Tytherington as defined in the Adopted Northavon Rural Areas Local Plan. Planning permission for the dwelling was granted only on the basis that it was required in association with a proposed livery stable use and consequently condition 02 was attached to planning permission P87/2399 dated 8th October 1987. It is considered that the retention of the dwelling without complying with Condition 02 would be contrary to the provisions of Policy H7 of the Approved Avon County Structure Plan

incorporating the First and Second Alternation and Policy HP7 of the Adopted Northavon Rural Areas Local Plan.

Application P92/1120 was refused for the following reason:

The site is located in an area of open countryside beyond the Village Development Boundary of Tytherington as defined in the Adopted Northavon Rural Areas Local Plan. Planning permission for the dwelling was granted only on the basis that it was required in association with a proposed livery stable use and consequently Condition 02 was attached to Planning Permission P87/2399 dated 8th October 1987. It is considered that the retention of the dwelling without complying with Condition 02 would be contrary to the provisions of Policy H7 of the Approved Avon County Structure Plan, incorporating the First and Second Alteration and Policy RP7 of the Adopted Northavon Rural Areas Local Plan.

- 1.5 A certificate of lawfulness application for an existing use was submitted by the applicant under application PT10/1002/CLE. Under this application the applicant argued that the bungalow had not been built in accordance with original plans and therefore, the original approval under P87/2399 was never implemented. Accordingly, since the dwelling and garage had been erected for 18 years they were immune from enforcement action and could be occupied lawfully without complying with conditions attached to the original consent. The Local Planning Authority considered that the dwelling had been erected in accordance with the approved plans and therefore, a Certificate of Lawfulness was issued for the dwelling and garage having been implemented in accordance with application P87/2399.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
L1 Landscape Protection and Enhancement
L9 Species Protection
L13 Listed Buildings
H3 Residential Development in the Countryside
H10 Conversion and Re-Use of Rural Buildings for Residential Purposes
T12 Transportation Development Control Policy for New Development
EP1 Environmental Pollution
L17/L18 The Water Environment

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Management the Environment and Heritage
CS13 Non-Safeguarded Economic Development Sites

2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT10/1002/CLE, application for Certificate of Lawfulness for the retention of an existing single detached dwelling and detached garage; approval, 16/07/10.
- 3.2 P91/1893, application for permission to retain dwellinghouse and garage without complying with condition 02 attached to planning permission P87/2399 dated 8th october, 1987, refusal, 21/08/91.
- 3.3 P92/1120, application for permission to retain dwellinghouse and garage without complying with condition 02 attached to planning permission P87/2399 dated 8th October, 1987, refusal, 01/04/92. Dismissed at appeal.
- 3.4 N1437, erection of a detached dwelling and garage. Construction of new vehicular and pedestrian access. (Outline), refusal, 12/06/75. Dismissed at appeal.
- 3.5 P87/2399, substitution of house (granted consent under ref P85/1664) with a bungalow for staff associated with the livery stables granted consent under ref. P85/1664, approval, 07/10/87.
- 3.6 P85/1664, erection of 20 livery stables, tack room and feed store. Erection of manager's house and garage. Construction of car and trailer parking area; alterations to existing vehicular access (in accordance with the plans received by the council on 7TH may 1985 and the revised plans received on 12TH august 1985), approval, 17/09/85.
- 3.7 P84/2082, erection of loose boxes for 20 horses, 2 tack rooms and feed store in connection with use of land as livery stables, erection of staff bungalow, alterations to existing vehicular access. (Outline), approval, 12/09/84.

4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish Council
Tytherington Parish Council being aware of the history of the site, including the failure of SGC and its predecessors, to ensure timely enforcement, are concerned that this application will result in the flouting of the original permission to build on the site. However they believe it is now in the best interest of the Village as a whole that the derelict bungalow (and this alone) is allowed to be developed as being the only realistic way to remove the eye-sore that has blighted the community for over 20 years.
- 4.2 Empty Homes Officer
Fully support application. The Council has an Empty Homes Strategy in place with the focus of bringing empty properties back into use. The property is one of the longest term empty properties in the South Gloucestershire area; it is

currently an eyesore for anyone passing through the village. Empty properties are a wasted resource and can contribute towards the degeneration of an area including undermining community spirit and can become the focus of anti social behaviour and vandalism. There is an urgent shortage of housing in South Gloucestershire and the residential use of the existing bungalow would enable a family to find much needed accommodation.

4.3 Drainage Officer

No comment

4.4 Ecological Officer

There are no ecological constraints to granting planning permission.

4.5 Landscape Officer

Removing the building would be preferable in the context of Policy L1, however, this will be determined by whether, in the absence of the livery business, it can be requested that the building is removed and the area restored to agriculture. If condition 2 is removed new conditions should be attached, if possible, requiring the colour of the bungalow to be changed and a submission of a detailed landscape plan to include details of boundary treatments. It should be noted that the development of the livery business would be detrimental to the landscape character of the surrounding area due to the building of stables, subdivision of fields and general paraphernalia associated with horses, such as horse boxes, parking areas and jumps.

4.6 Conservation Officer

Approval subject to conditions relating to the removal of PD rights; landscaping plan; re painting or re-rendering of elevations.

4.7 Transportation DC Officer

From a transport perspective the use of this building as a residential unit would not generate or create any adverse issues. Subject to a condition requiring 2.4 x43m visibility splays at the access then there is no transportation objection.

Other Representations

4.3 Local Residents

Five letters of support and four letters of objection have been received from neighbouring occupiers. The following is a summary of the reasons given for supporting the proposal:

- If the bungalow were occupied it would improve its appearance and benefit the village;
- The bungalow at present is an eyesore to the village due to its vandalised, abandoned and dilapidated state;
- It has the potential to be a good family home;
- Has the potential to increase crime and anti social behaviour in the locality;
- The building has been vacant for over 20 years;
- There is a shortage of housing and common sense needs to prevail.

The following is a summary of the reasons given for objecting to the proposal:

- ☐ The livery stables were never built and no attempt was made to build them when the bungalow was completed;
- ☐ More should have been done to ensure adequate land was acquired to support the livery stables;
- ☐ The site is located outside the defined settlement boundary;
- ☐ If the applicant cannot comply fully with the planning consent the bungalow should be demolished;
- ☐ A site notice has not been displayed;
- ☐ If the enterprise is uneconomic the completed building work should be removed;
- ☐ Economic issues have no relevance in planning law except to discriminate between genuine and spurious applications to build in the countryside;
- ☐ A successful livery business could be made from the surrounding fields;
- ☐ The applicant should buy back the land for a livery business;
- ☐ The proposal could start a precedent for similar development.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The comments from the Parish Council regarding lack of enforcement, and comments from neighbours that the building should be demolished are noted; however, under application PT10/1002/CLE a certificate of lawfulness was granted on the basis that the development was carried out in accordance with the original application (P87/2399). Therefore, the dwelling and garage constructed are lawful and the Local Planning Authority cannot take any enforcement action to remove the buildings. The dwelling is clearly unoccupied; therefore, there is currently no breach of planning control. Condition 2 ties the occupation of the dwelling to a livery business previously granted planning permission, which can no longer be implemented for reasons explained in paragraph 5.6; previous applications to remove condition 2 have been refused on the basis that the site is located in an unsustainable location. Accordingly, there is an unusual situation whereby the application dwelling is lawful but cannot be occupied without being in breach of condition 2. The dwelling has therefore; remained unoccupied for a considerable period of time. Given the length of time that has passed since the refusal of these previous applications (approximately 21 years) the application submitted is required to be assessed on its own planning merits against up-to-date policy guidance.

- 5.2 The National Planning Policy Framework (NPPF) has replaced previous policy guidance. Whilst the NPPF is largely a condensed version of previous guidance, there is now a clear emphasis on positive planning, looking for solutions rather than problems and delivering economic growth. Paragraph 51 of the NPPF states that Local Planning Authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies. The NPPF still seeks to protect the countryside and to promote sustainable development by avoiding new isolated homes in the countryside unless there are special circumstances such as the essential

- need for a rural worker to live permanently at or near their place of work in the countryside; or...where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- 5.3 Planning policy H3 of the South Gloucestershire Local Plan (adopted) January 2006 does not allow for new residential development outside existing urban areas and boundaries of settlements with the exception of affordable housing on rural exception sites; or housing for agricultural or forestry workers; or replacement dwellings. The main emphasis of policy H3 is to protect the open countryside for its own sake as a resource for biodiversity, recreation, amenity, agriculture and forestry; and to promote more sustainable patterns of development.
- 5.4 Although the application site is located outside of the defined settlement boundary where new residential development is not normally permitted it is considered that significant weight should be given to the fact that the dwelling is lawful and if this application to remove condition no.2 were refused then the application building could continue to lawfully stand unoccupied for the foreseeable future. The proposal will re-use an existing lawful building, which would otherwise be left empty. The re-use of the building would help prevent vandalism, anti social behaviour and the building falling into serious dilapidation. Accordingly, the re-use of an existing lawful building represents an element of sustainability in itself which holds weight. In addition, the re-use of the building would bring about an enhancement to the appearance of the site, which the NPPF states can justify residential development in the countryside. Accordingly, it is considered that the principle of the development could be acceptable in principle subject to careful consideration. It is considered that the framework contained under policy H10 of the South Gloucestershire Local Plan (adopted) January 2006.
- 5.5 The Council's emerging Core Strategy has not been formally adopted; however, it has been examined in public by the Planning Inspector; therefore, the policies it contains are considered to hold material weight.
- 5.6 Business Use Considerations
The most pertinent part of policy H10 of the Local Plan is whether all reasonable attempts have been made to secure a suitable business re-use or whether the proposal is part of a scheme for business re-use. The Council's emerging Core Strategy, whilst not formally adopted, has been examined in public by the Planning Inspector and will soon be formally adopted. Accordingly the policies within the Core Strategy are considered to hold material weight. Policy CS13 of the Core Strategy takes a more pragmatic approach in terms of the evidence required in relation to business re-use. It requires that proposals for residential re-use of buildings are accompanied by a statement clearly demonstrating that a market appraisal has been undertaken to assess alternative economic development uses, and that every reasonable attempt to secure a suitable re-use has been made and failed.
- 5.7 The approved livery business comprised of 20 stables with adequate grazing land. In the 21 years that the bungalow has stood vacant a number of changes have taken place to the personal circumstances of the applicant, which has

resulted in the livery business being no longer viable. A supporting document submitted sets out a detailed breakdown of the history of the change of circumstances that have occurred relevant to the site. The most pertinent is that following the passing of the original owner and the subsequent settling of the estate, only the bungalow and a small area of land (approximately 2 acres) have passed down to the applicant and not the rest of the former Yew Tree Farm landholdings necessary to provide adequate space for horse associated with a livery business.

- 5.8 Objectors state that no attempt was made to develop the livery enterprise; more should have been done to acquire an appropriate amount of land for the livery business; more land should be acquired to make this work; and there a successful livery business could be made from the surrounding fields. However, the Local Planning Authority can only assess the planning merits of the application as submitted. The issues relating to land ownership are civil matters which the Local Planning Authority which are outside the scope of this planning application.
- 5.8 In the original appeal to remove the occupancy tie, whilst the Planning Inspector dismissed the appeal, following evidence provided by an expert witness, he considered that the livery stables business would not provide satisfactory return on investment and that in the present circumstances it is unlikely that the bungalow will be occupied in accordance with the condition.
- 5.9 An appraisal of the land and property of potential alternative economic uses has been provided by the Rural Surveyor and Auctioneer company Voyce Pullin. The appraisal notes the reduction in landholding from 17 acres to 2 acres that are now available with the bungalow. It states that whilst 2 acres may be adequate for the keeping of 1-2 horses for personal use, it is not sufficient to keep horses for a viable business due to the amount of grazing land required.
- 5.10 An alternative agricultural use is considered; however, the appraisal states that the limited area of land available with the bungalow is insufficient to be able to put forward a sustainable case for an agricultural workers dwelling.
- 5.11 Alternative employment generating uses are considered in the appraisal. Consideration is given to converting the existing structure into an office or similar employment generating use. However, the appraisal states that given the current state of the economy such a use would not be economically viable. It highlights that there is a considerable amount of unoccupied office space available in the rural areas of South Gloucestershire and in towns such as Thornbury and Yate.
- 5.12 An alternative potential use considered in the appraisal is for holiday lets. However, the appraisal considers that this is only a feasible option where the property is located within a recognised and viable tourist area. Whilst South Gloucestershire generally attracts a certain number of visitors it cannot be described as a prime destination location and we would suggest that there is ample existing tourist accommodation to meet current needs in this part of the district.

5.13 No marketing process has been carried out for the property as required by policy H10 of the Local Plan. However, it is considered that policy CS13 of the Core Strategy is more up-to-date and therefore, better reflects the current economic climate. It is considered that the information submitted acceptable considers alternative economic uses. Whilst it is noted that the dwelling is located in the open countryside where new dwellings are not normally permitted and that the dwelling was only permitted on the basis of the approval of the livery business, weight is given to the unusual circumstances of the individual case. The dwelling and garage are lawful and have remained vacant for the past 21 years. Evidence has been submitted to demonstrate that the original livery business is no longer viable to justify the dwelling and that no adequate alternative business uses are likely to be forthcoming. The worse case scenario is that the lawful dwelling remains unoccupied for the foreseeable future. In this situation significant weight is attached to the National Planning Policy Framework (NPPF), which states in paragraph 51 that Council's should bring back into residential use empty housing and buildings in line with the local housing and empty homes strategies. The Council's Empty Homes Officer has commented that the Council has an Empty Homes Strategy in place with the focus of bringing empty properties back into use. The property is one of the longest-term empty properties in the South Gloucestershire area and that there is an urgent shortage of housing in South Gloucestershire and the residential use of the existing bungalow would enable a family to find much needed accommodation. In this instance the benefits that bringing the property back into use outweigh the loss of business use.

5.14 Is the Building Capable of Conversion?

The building is considered to be structurally sound and capable of conversion without major or complete reconstruction. Weight is given here to the fact that the building is already a lawful dwelling, albeit one that is fettered. It is not considered that significant alterations will be required to bring it back into residential use.

5.15 Appearance/Form

Policy H10 of the Local Plan requires consideration regarding whether the building is in-keeping with its surroundings; the affect of any alteration or extension; and the creation of a curtilage on the character of the countryside and whether the building is well related to an existing settlement and other groups of buildings. Whilst the building does not comprise any significant architectural merit and cannot be said to contribute positively to the character of the area, the building is lawful; therefore, even if this application were refused the building could continue to stand lawfully for the foreseeable future. Moreover, the appearance of the building and site is not helped by the fact that it has been vacant for such a long period of time. Permanent occupation of the dwelling will improve the appearance of the dwelling and the site in general. The dwelling respects the building line formed by other properties on the western side of Stowell Hill Road and is fairly well related to an existing settlement. To ensure improvements to the visual amenity of the area, if permission is granted, conditions are recommended for a detailed landscape plan to be submitted to include details of an appropriate stone boundary wall to match existing along Stowell Hill Road with a native hedge planted behind and

a mixed native hedge on the southern and western boundaries. Subject to appropriate conditions, it is considered that the proposal will improve the setting of the grade II listed building Old Manor House.

5.16 Residential Amenity

It is not considered that the removal of the occupancy condition will have a materially greater impact on the living conditions of neighbouring occupiers. The proposal will provide an adequate standard of amenity for future occupiers.

5.17 Transportation

It is considered that the access, parking and turning facilities originally approved for the three bed dwelling are adequate. If permission is granted a condition is recommended to ensure that the vegetation is cut back and the parking and turning areas are provided before the dwelling is first occupied. Whilst the dwelling is located in the open countryside outside of any defined settlement boundary; the site is not isolated and is located approximately 300 metres from the centre of the village. It is also considered that the proposed residential use will generate fewer trips than an employment use. Accordingly, it is not considered that the proposal will have a significant adverse impact on local highway conditions.

5.18 Further Matters

Comments have been made implying that the buildings have been abandoned. The basic rules that have emerged in planning law are that abandonment may occur if there has been a deliberate intention to cease use by leaving premises vacant for a considerable period of time or by allowing the building on which the use relies to deteriorate to the extent that a re-use would involve what would be tantamount to rebuilding. Given the physical condition of the building and the fact that efforts have been made to safeguard its integrity by blocking up windows etc, it is not considered that the building has been abandoned.

5.19 It can be confirmed that a site notice was posted at the site.

5.20 Given the unique circumstances of the case and the fact that policy H10 allows for the conversion of buildings in the countryside for residential purpose, it is not considered that the proposal will start a precedent.

5.21 If permission is granted, an informative is recommended to indicate to the applicant that the red line plan indicates the extent of the application site; it does not indicate the extent of the residential cartilage.

5.22 Relevant Conditions

Consideration has been given to the conditions on the original consent. Conditions that are still relevant will be copied to the new consent if permission is granted. New conditions are recommended to improve the visual amenity of the 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 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 Planning permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

1. Within 3 months from the date of this consent details of the proposed finish, including texture and colour, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the first occupation of the dwelling.

Reason

In the interests of the character and visual amenity of the area and the setting of the adjacent listed building and to accord with policies D1, H10 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

2. Within 3 months of the date of this consent a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. The planting shall be carried out in accordance with the agreed details within the next available planting season following the first occupation of the dwelling. (For the avoidance of doubt the boundary treatment along Stowell Road should be a stone wall to match the existing with a native hedge planted behind and a mixed native hedge on the southern and western boundaries. In addition a number of small trees should be planted within the curtilage area to help integrate the bungalow within the surrounding area).

Reason

In the interests of the character and appearance of the area and to accord with policies D1, L1, L13 and H10 of the South Gloucestershire Local Plan (adopted) January 2006.

3. Within 6 months of the date of this consent a sample panel of stonework demonstrating stone, coursing, mortar and coping shall be erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be

carried out in accordance with the agreed sample prior to the first occupation of the dwelling.

Reason

In the interests of the character and appearance of the area and to accord with policies D1, L1, L13 and H10 of the South Gloucestershire Local Plan (adopted) January 2006.

4. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

Given the rural location of the site and the unique circumstances of the case, there are exceptional circumstances for removing permitted development rights in the interests of the character of the area and the setting of the listed building and to accord with policies D1, L1, L13 and H10 of the South Gloucestershire Local Plan (adopted) January 2006.

5. Prior to first occupation of the proposed dwelling a footpath along the frontage of the development of nominal width 1.2m wide linking with the existing footpath to the south shall be constructed to an adoptable standard and dedicated as public highway.

Reason

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

6. Prior to the first occupation of the dwelling 2.4 x 43m visibility splays shall be created at the access.

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

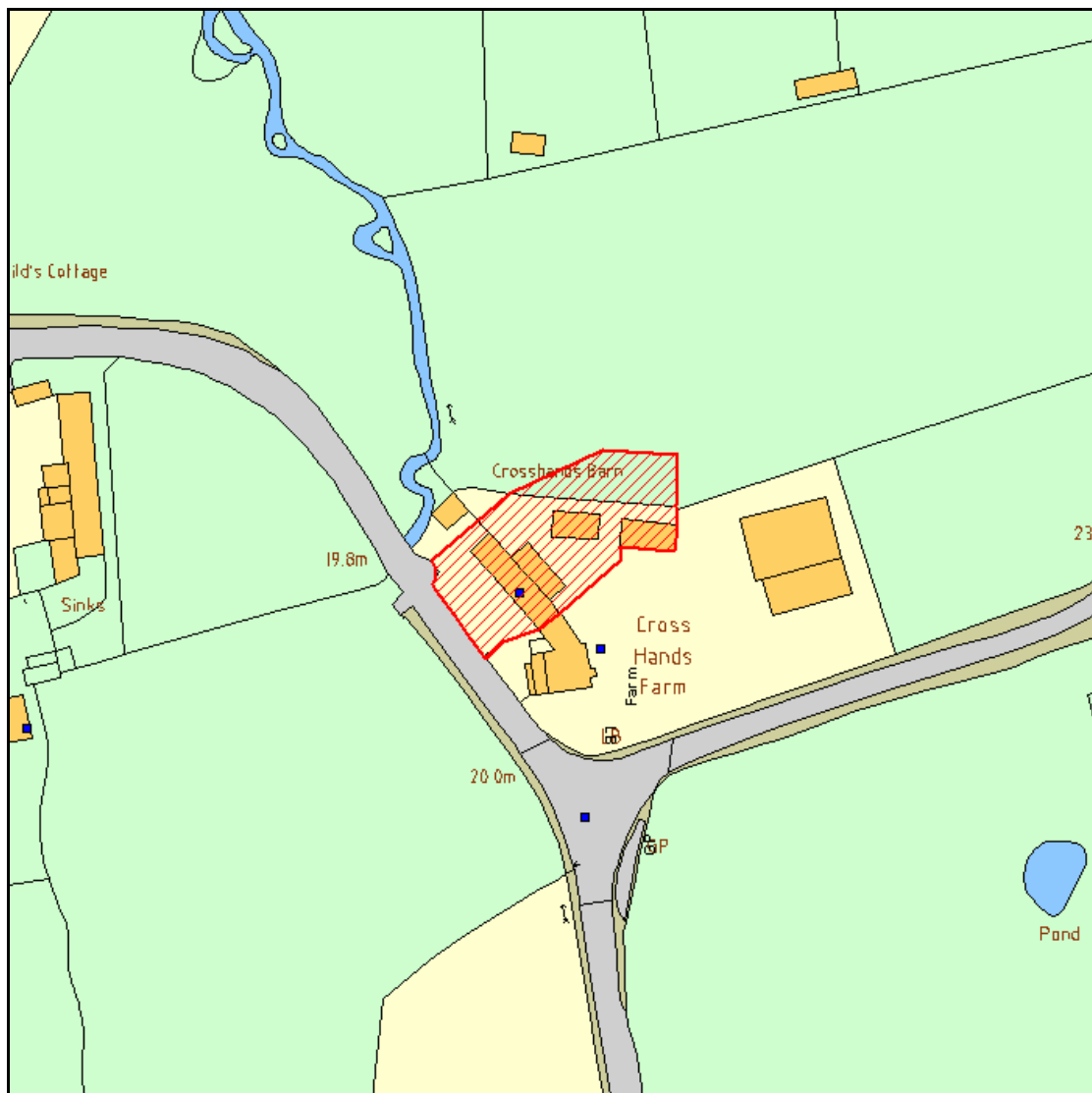
7. All foul sewage resulting from the development hereby permitted shall be discharged into the existing foul sewer.

To provide an adequate means of drainage and to accord with policies EP1, L17 and L18 of the South Gloucestershire Local Plan (adopted) January 2006.

ITEM 9

CIRCULATED SCHEDULE NO. 37/13 – 13 SEPTEMBER 2013

App No.:	PT13/2726/F	Applicant:	Mr A Banks
Site:	Cross Hands Barn Kington Lane Thornbury Bristol South Gloucestershire	Date Reg:	31st July 2013
Proposal:	Demolition of existing garage. Erection of 1no. detached double garage with store area.	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	362018 190499	Ward:	Severn
Application Category:	Householder	Target Date:	20th September 2013



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N.T.S.

PT13/2726/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Consultation responses have been received contrary to officer Recommendation.

1. THE PROPOSAL

- 1.1 The application involves the demolition of an existing garage and the erection of a detached double garage and store. The existing garage has now been demolished.
- 1.2 The application property consists of a detached dwelling located within the open countryside on the out side of the settlement boundary of Thornbury.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
 - D1 Achieving Good Quality Design in New Development
 - H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
 - T12 Transportation Development Control Policy for New Development
South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012
 - CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Council – Residential Parking Standards (Approved for development management purposes) 27th March 2013.

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/1136/F, Site Address: Cross Hands Farm Kington Lane Thornbury South Gloucestershire BS35 1NQ, Decision: COND, Date of Decision: 05-JUN-03. Proposal: Conversion of existing art/craft shop, store and detached agricultural building to form a four bedroomed dwelling, including erection of a two storey rear extension. Conversion of stable building to form residential annex (ancillary accommodation to the new dwelling). Creation of new vehicular access.
- 3.2 PT04/0798/F, Site Address: Cross Hands Barn Kington Lane Thornbury South Gloucestershire, Decision: COND, Date of Decision: 05-APR-04. Proposal: Conversion of art/craft shop, store and detached agricultural building to form four bed dwelling, including erection of two storey rear extension. Conversion of stable building to form residential annexe (ancillary accommodation to the new

dwelling). (Amendments to previously approved scheme under planning permission PT03/1136/F)

- 3.3 PT07/1060/F, Site Address: Crosshands Farm Kington Thornbury South Gloucestershire BS35 1NQ, Decision: REFU, Date of Decision: 23-MAY-07. Proposal: Removal of Condition 8 attached to Planning permission PT04/0798/F to allow existing residential annex to be used as a separate dwelling. Erection of single storey side extension to provide additional living accommodation.
- 3.4 PT07/2645/F, Site Address: Crosshands Barn Kington Lane Thornbury South Gloucestershire BS35 1NQ, Decision: COND, Date of Decision: 24-SEP-07. Proposal: Removal of Condition 8 attached to Planning permission PT04/0798/F to allow existing residential annex to be used as a separate dwelling. Erection of single storey side extension to provide additional living accommodation and alterations to existing access (Resubmission of PT07/1060/F).
- 3.5 PT11/3303/F, Site Address: Cross Hands Barn Kington Lane Thornbury South Gloucestershire BS35 1NQ, Decision: COND, Date of Decision: 04-JAN-12. Proposal: Erection of first floor side extension over previously approved single storey side extension to provide additional living accommodation.
- 3.6 PT12/3831/F, Site Address: Cross Hands Barn Kington Lane Thornbury South Gloucestershire BS35 1NQ, Decision: REFU, Date of Decision: 31-JAN-13. Proposal: Erection of single storey rear extension to provide additional living accommodation

4. CONSULTATION RESPONSES

- 4.1 Oldbury-on-Severn Parish Council
No comments received

Highway Drainage
No comments

Sustainable Transportation
The applicant seeks to erect a detached double garage with store area. The proposed double garage dimensions comply with SGC standards and the associated store area is acceptable provided it is used solely for domestic storage. Subject to a condition stating that the proposed store is used solely for domestic storage there is no transportation objection. No transportation objection to these amendments over the previously approved scheme.

- 4.2 Local Residents
The proposed garage store is located in an elevated position in relation to the adjacent neighbouring Walnut Barn. If the building is further developed in the future to residential status the North elevation windows and roof-lights in the North and west elevations would compromise the privacy and overlook the adjacent Walnut Barn property. The proposed garage and store appears to be located outside of the domestic curtilage as approved in 2004 ref PT04/0798/F.

The proposed footprint impinges on the agricultural field.No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.3 Design / Visual Amenity

The garage is of an appropriate standard in design and is not out of keeping with the character of the main dwelling and surrounding properties, it is located behind the main dwelling and is not highly visible from wider public views. The proposed garage and store, which replaces an existing garage, is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials used are acceptable and would match those of the existing dwelling.

5.4 Residential Amenity

The proposed garage essentially replaces the previous garage in a similar location, behind the main dwelling. It is not considered that the proposals for a new garage/store significantly or materially give rise to any additional amenity impact, the height of the building is similar to that previously existing and the scale not significantly different. Comments relating to potential future development and the residential status of the garage are not subject to this application and would require separate further planning consideration in the event that such further development was sought. The proposals appear to be within what may reasonably be identified as residential curtilage and is on a similar footprint to the building that is to be replaced to which loose surfacing already exists from the driveway, and although there is no discernable boundary, hedge or fencing, does not appear as part of the agricultural field which exists to the immediate rear of the property. The application is not for change of use of agricultural land to residential curtilage. Given therefore the overall scale of the proposals and their relationship with the existing dwelling and surrounding properties it is not considered that it would give rise to a significant or material overbearing or overlooking impact upon neighbouring properties. It is considered therefore that the proposal would be acceptable in terms of residential amenity. Sufficient private amenity space would remain to serve the application property.

5.3 Sustainable Transportation

Sufficient off-street parking would remain and the garage dimension are in accordance with the required standards of a double garage. On this basis the proposals are acceptable in highways terms.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed garage is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Adequate off-street parking provision will remain. As such the proposals accord with Policies D1, T12 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is granted.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

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

Reason

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

CIRCULATED SCHEDULE NO. 37/13 – 13 SEPTEMBER 2013

App No.:	PT13/2865/CLP	Applicant:	Mr David Price
Site:	Oak Leaf Nurseries Oak Farm Oldbury Lane Thornbury Bristol	Date Reg:	9th August 2013
Proposal:	Certificate of lawfulness for the proposed installation of 3 no. rear dormer windows to facilitate loft conversion.	Parish:	Thornbury Town Council
Map Ref:	363342 191991	Ward:	Thornbury North
Application Category:	Minor	Target Date:	1st October 2013



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PT13/2865/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 installation of 3no. rear dormer windows at Oak Leaf Nurseries, Oak Farm, Oldbury Lane, Thornbury 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.
- 1.2 The application property is a single storey detached dwelling and is located outside the settlement boundary in open countryside.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24, Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class B.

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection

Other Representations

- 4.2 Local Residents
None received

5. SUMMARY OF EVIDENCED IN SUPPORT OF APPLICATION

- 5.1 Site location plan, block plan as existing and proposed, Proposed first floor plan and roof plan drawing 1 revision 2, Proposed elevations drawing 2 revision 2, Proposed elevations drawing 3 revision 2

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 Consent. 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; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B of the GDPO 2008. 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 B of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 allows for an addition or alteration to its roof, provided that it meets the criteria as detailed below:

6.2 Installation of rear dormer window.

B1 Development is not permitted by Class B if:

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

The proposed rear dormer will not exceed the height of the highest part of the existing roof.

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

The proposed dormer extension will be on the rear elevation, which is not the principal elevation, and does not front a highway.

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

The dwelling is a detached property and the total cubic content of the proposed rear dormers is approximately 9.3 m³ and therefore complies with this criteria.

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

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

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

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

Conditions

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

The materials used in the construction of the proposed development will complement those of the existing dwellinghouse.

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

The edge of the rear dormer is shown to be more than 20cm from the lowest part of the eaves of the original roof.

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

The proposal does not include any of the above and therefore meets this criterion.

7. RECOMMENDATION

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

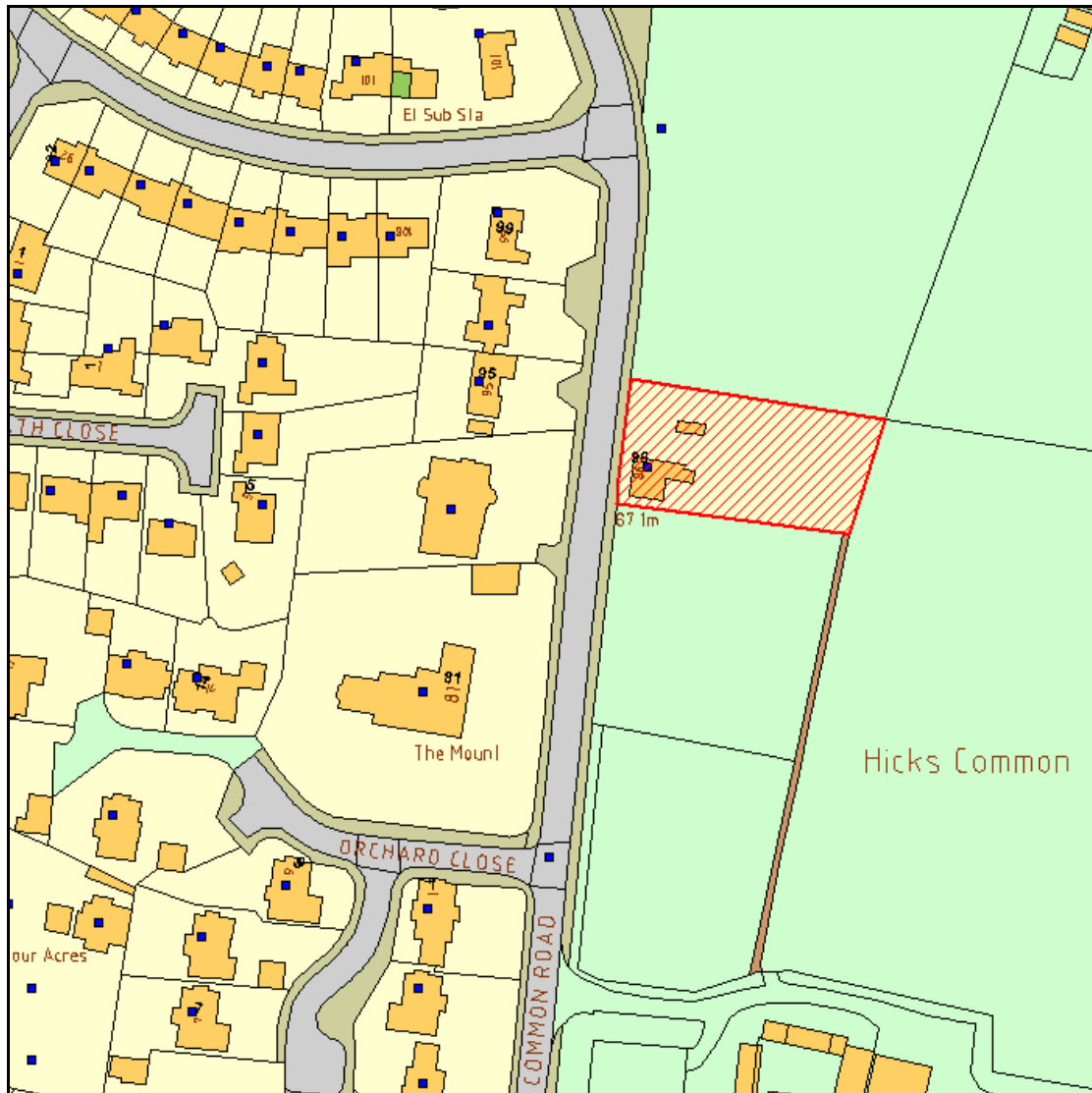
Evidence has been provided to demonstrate that on the balance of probability the development meets the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and **is** therefore permitted development.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CIRCULATED SCHEDULE NO. 27/13 – 13 SEPTEMBER 2013

App No.: PT13/2875/F
Site: 96 Hicks Common Road Winterbourne
 Bristol South Gloucestershire BS36 1LJ
Proposal: Change of use of domestic garage to
 hair salon
Map Ref: 365457 180568
Application Minor
Category:

Applicant: Mr And Mrs Drew
Date Reg: 6th August 2013
Parish: Winterbourne
 Parish Council
Ward: Winterbourne
Target 26th September
Date: 2013



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PT13/2875/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule due to the receipt of an objection raised by Winterbourne Parish Council

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the change of use of the domestic garage associated with No. 96 Hicks Common Road to a Hair salon. Consequently resulting in the change of use of the site to a mixed use, residential (Use Class C3) and hairdressers (Use Class A1). Parking would be located to the front of the dwelling on the existing driveway area.
- 1.2 The property is a two storey detached dwelling and is located just beyond the settlement boundary of Winterbourne. The site is within the Bristol Bath Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
GB1 Development in the Green Belt
T8 Parking Standards
T12 Transportation Development Control
- South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
CS5 Location of Development
CS9 Environmental Resources and Built Heritage
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007
South Gloucestershire Council Development in the Green Belt SPD (Adopted) June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT10/1045/F Erection of 1no. detached dwelling and attached garage with associated works. Withdrawn
- 3.2 PT10/2838/F Erection of 1no. detached dwelling and attached garage with associated works. (Resubmission of PT10/1045/F). Approved 3rd December 2010

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Object to the proposal. It is considered to be inappropriate development in the Green Belt.
- 4.2 Drainage
No comment
- 4.3 Sustainable Transport
No objections

Other Representations

- 4.4 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals within residential curtilages should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. The site is also located within the Bristol Bath Green Belt as such the proposal must not have any adverse impacts on the visual amenity or openness of the Green Belt.
- 5.2 Design / Visual Amenity
The application seeks to convert an existing garage into a hairdressing salon. The existing side access door would be utilised as the entrance, and no external alterations are proposed. The existing garage has been designed to match the main dwelling and given that no changes to the appearance of the building are proposed it is considered that the building would remain in keeping with the character of the area.
- 5.3 Impact on the Green Belt
Policy GB1 allows for the change of use of buildings provided that it would not have a materially greater impact than the present authorised use on the openness of the Green Belt, provided that the building is permanent and capable of conversion and provided that the form, bulk and general design of the building is in keeping with the surroundings.

No alterations to the exterior of the building are proposed and the building is considered to be permanent and capable of conversion. The garage has been designed to match the main house in terms of materials and form and no changes to appearance of the existing garage are proposed. As such the change of use is not considered to have any detrimental impact on the openness or visual amenity of the Green Belt. Whilst the Parish Council have

objected on the grounds that the proposal would be inappropriate development in the Green Belt, it is not considered that the proposal would conflict with any of the purposes of the Green Belt, furthermore the proposal is considered to be in accordance with Policy GB1.

5.4 Residential Amenity

The application property is located a significant distance away from any neighbouring residential properties, furthermore no extensions or external alterations are proposed as such the proposal is not considered to result in any overbearing or overshadowing. Furthermore given the orientation of the existing garage and the location of the windows, it is considered that there are no issues of inter-visibility or loss of privacy.

The application site is considered to be located an adequate distance away from neighbouring properties to not result in any unacceptable levels of noise and disturbance, this is especially the case given that the type of business proposed is unlikely to result in significant noise issues. The supporting statement submitted with the application states that the proposed change of use would be to a salon only and not for any other use falling within Use Class A1 and a condition will be attached to any permission to ensure that this is the case.

The scale of the business and the opening hours proposed are reasonable. The salon would be closed on Mondays and Sundays, opening 9.30 -16.30 Tuesday, Wednesday, Thursday and Saturday and open 9.30 – 18.30 on Fridays. These opening hours would be conditioned. Furthermore, it is stated that a maximum of two members of staff would be in the salon at any one time.

All the neighbouring properties are located on the opposite side of Hicks Common Road. Given the small scale of the proposal in combination with the proposed opening hours it is not considered that the proposal would detrimentally effect the amenity of these neighbouring properties by virtue of the increase in traffic that would be generated by the change of use. Furthermore it is considered that the parking provision on site is sufficient to meet the needs of the proposed change of use. This aspect of the proposal is considered in more detail below in paragraph 5.5.

Overall it is considered that subject to the attachment of conditions to control the opening hours and restricting the use of the site to a Hair Salon only, the impact on residential amenity is subsequently deemed acceptable.

5.5 Parking and Highway Safety

Hick Common Road is an adopted Class C highway. Vehicular movements to and from the highway need to be assessed on safety grounds. In addition, access to and from the development site needs to be able to accommodate the level of traffic that may be generated. Finally, the development site must contain sufficient parking provision so that on-street parking does not cause a highway obstruction

A total of 7 parking spaces have been shown on the submitted plans and whilst 2 of these spaces are tandem spaces, it is considered that there is adequate

vehicular parking available within the site boundary to meet the needs of the dwelling and the proposed hairdressers. It is considered that the proposed development is small in scale and located on a relatively quiet residential street, as such whilst the opportunity to enter and leave the site in a forward gear is welcomed it is not considered necessary in this instance given the status of the adjacent highway. Furthermore, given the scale of the proposal it is not considered that the proposal would generate levels of traffic that could not be accommodated. Overall, the proposal is in accordance with the councils parking standards and the access to the site is safe and would not result in any detrimental impacts in terms of highway safety.

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 be approved subject to the following conditions.

Contact Officer: Kirstie Henshaw
Tel. No. 01454 865428

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 use hereby permitted shall not be open to customers outside the following times: Tuesdays, Wednesdays, Thursdays and Saturdays 09.30 to 16.30 and Fridays 09.30 to 18.30.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies D1, H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The premises shall be used as a hairsalon only and for no other purpose (including any other purpose in Class A1; of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

Given that the application site is located within a residential area, to protect the residential amenity of the neighbouring occupiers, to ensure the satisfactory provision of parking and in the interests of highway safety and to accord with policies D1, H4 and T12 of the South Gloucestershire Local Plan (adopted 2006).

4. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the first occupation of the hair salon, and thereafter retained for that purpose.

Reason

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