



**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. 24/13

Date to Members: 14/06/13

Member's Deadline: 20/06/13 (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:

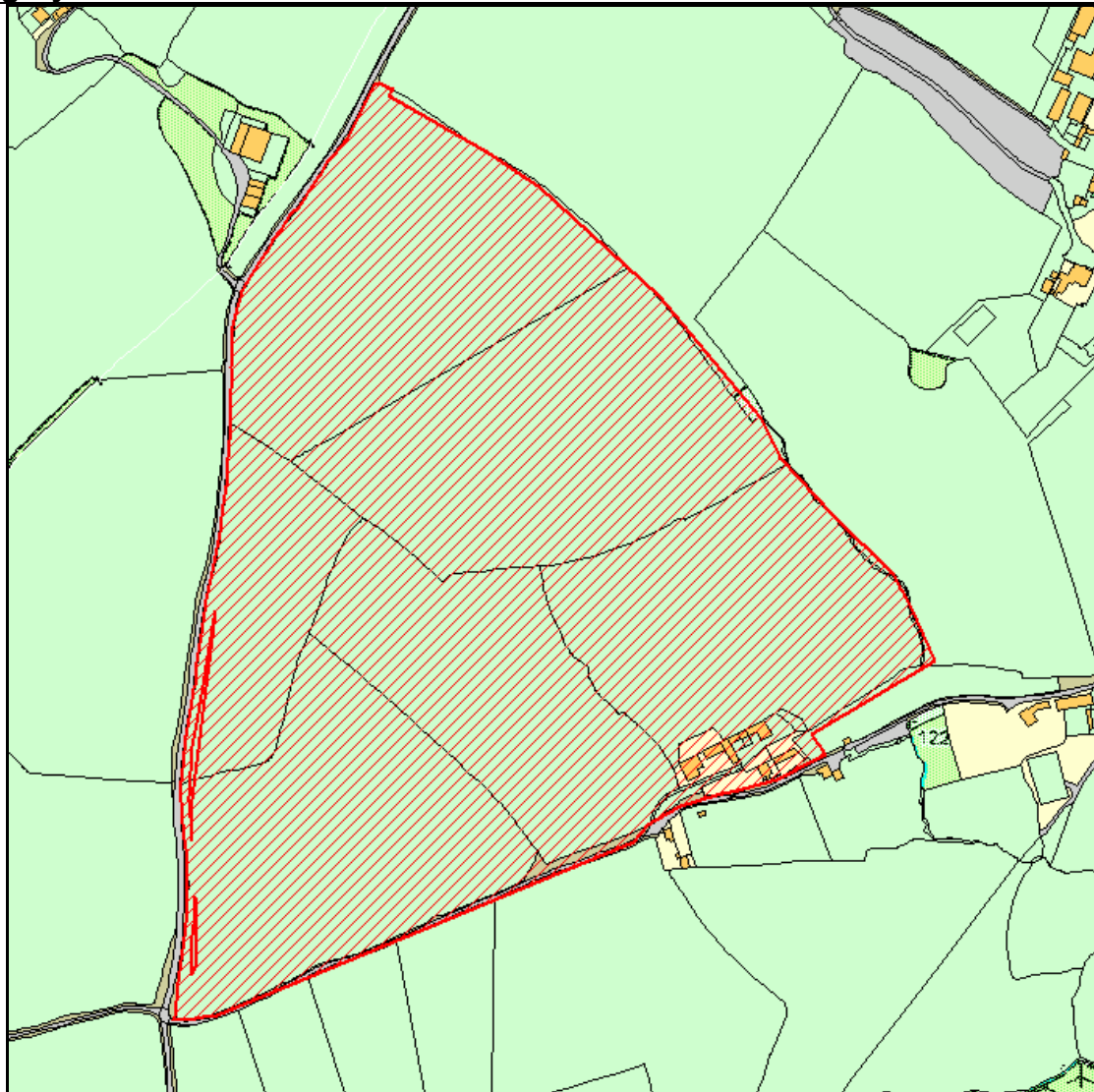
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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 – 14 JUNE 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/0117/F	Refusal	Parkfield Farm Hall Lane Lower Hamswell South Gloucestershire BA1 9DE	Boyd Valley	Cold Ashton Parish Council
2	PK13/0375/F	Refusal	Cherry Diamond Wood Oakford Lane Marshfield South Gloucestershire SN14 8FE	Boyd Valley	Marshfield Parish Council
3	PK13/0753/RV	Approve with Conditions	Grooms House Stanshawes Court Drive Yate South Gloucestershire BS37 4DZ	Yate Central	Yate Town
4	PK13/1000/F	Approve with Conditions	9 Robin Way Chipping Sodbury South Gloucestershire BS37 6JN	Chipping	Dodington Parish Council
5	PK13/1191/F	Approve with Conditions	Prompt Transport Ltd Southway Drive Warmley South Gloucestershire BS30 5LW	Oldland	Bitton Parish Council
6	PK13/1201/F	Approve with Conditions	3 Avon View Hanham South Gloucestershire BS15 3LG	Hanham	Hanham Abbots Parish Council
7	PK13/1212/F	Approve with Conditions	43 Hatters Lane Chipping Sodbury South Gloucestershire BS37 6AA	Chipping	Sodbury Town Council
8	PK13/1332/F	Approve with Conditions	65 Memorial Road Hanham South Gloucestershire	Hanham	Hanham Parish Council
9	PK13/1355/CLP	Approve with Conditions	40 Gloucester Road Staple Hill South Gloucestershire BS16 4SH	Staple Hill	None
10	PK13/1397/CLP	Refusal	38 Oaktree Avenue Pucklechurch South Gloucestershire BS16 9TE	Boyd Valley	Pucklechurch Parish Council
11	PK13/1412/F	Approve with Conditions	Horseshoe Cottage The Green Old Sodbury South Gloucestershire BS37 6LY	Cotswold Edge	Sodbury Town Council
12	PK13/1481/F	Approve with Conditions	Unit B2 Emerson Way Emersons Green South Gloucestershire BS16 7AE	Emersons	Mangotsfield Rural Parish Council
13	PT13/0462/F	Approve with Conditions	Unit 3 Rodford Elm Farm Westerleigh Road Westerleigh South Gloucestershire BS37 8QF	Westerleigh	Westerleigh Parish Council
14	PT13/1268/R3F	Deemed Consent	Meadowbrook Primary School Three Brooks Lane Bradley Stoke South Gloucestershire	Bradley Stoke South	Bradley Stoke Town Council
15	PT13/1358/F	Approve with Conditions	Almondsbury Service Station Gloucester Road Almondsbury South Gloucestershire BS32 4HY	Severn	Olveston Parish Council
16	PT13/1370/F	Approve with Conditions	3 Kites Close Bradley Stoke South Gloucestershire	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council

CIRCULATED SCHEDULE NO. 24/13 – 14 JUNE 2013

App No.:	PK13/0117/F	Applicant:	LD And PC Ltd
Site:	Parkfield Farm Hall Lane Lower Hamswell South Gloucestershire BA1 9DE	Date Reg:	16th January 2013
Proposal:	Change of use of land and buildings from Agricultural to mixed use Agricultural and Equine Use. Erection of stables, formation of gallops and associated works. (Resubmission of PK12/3348/F)	Parish:	Cold Ashton Parish Council
Map Ref:	372889 171094	Ward:	Boyd Valley
Application Category:	Major	Target Date:	15th April 2013



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N.T.S.

PK13/0117/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is reported to Circulated Schedule as a result of two letters of support from local households.

1. THE PROPOSAL

- 1.1 This application is for the change of use of land and buildings from Agricultural land to mixed use Agricultural and Equine use and the erection of stables and formation of gallops. The site encompasses the original farm buildings and a strip of land leading west and north following Hall Lane and Freezing Hill. Further land is owned by the applicants but is not subject to this application.
- 1.2 The whole site is located in the Cotswold Area of Outstanding Natural Beauty, an area having the highest status of landscape protection and the whole of the gallop proposed is located in the Registered Lansdown Historic Battlefield, which is a heritage asset of the highest significance. The site is also located in the Green Belt. The Cotswold Way, which is a Major Recreational Route, passes east-west to the south on the other side of the valley in which the site is located.
- 1.3 There is evidence of further thoughts for the site, not least by the nature of the previous application, which included a school for exercising horses and the siting of a horse walker and paragraph 1.2 of the heritage statement which states: Development plans are for a new equestrian facility to include a school building, a horse walker, and the replacement of an existing outbuilding with new stables (summarised on Fig. 1). An access driveway linking these new buildings to Freezing Hill Lane is also proposed, and a gallop running north-south parallel to Freezing Hill Lane. An arena is also planned adjacent to the crossroads at Freezing Hill Lane.
Notwithstanding this, this application is only dealing with the erection of the new stables, gallop and associated works.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

- | | |
|------------|---------------------------------------------------|
| Section 1 | Building a strong, competitive economy |
| Section 3 | Supporting a prosperous rural economy |
| Section 7 | Requiring good design |
| Section 9 | Protecting Green Belt Land |
| Section 11 | Conserving and enhancing the natural environment. |
| Section 12 | Conserving and enhancing the historic environment |

PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- | | |
|----|-------------------------------|
| D1 | Achieving Good Quality Design |
|----|-------------------------------|

L1	Landscape protection and enhancement.
GB1	Green Belt.
E7	Conversion and re-use of rural buildings.
EP1	Environmental Pollution
EP2	Flood Risk and Development
L1	Landscape protection and enhancement
L2	AONB
L9	Species Protection
L10	Historic Parks and Gardens and Battlefields
L12	Major Recreational Route
L17 & L18	The Water Environment
T8	Parking Standards
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
CS9	Ecology

2.3 Supplementary Planning Guidance

SG Landscape Character Assessment. Character Area LCA 3, Ashwicke Ridges.

Development in the Green Belt SPD adopted May 2007

South Gloucestershire Design Checklist (Adopted) 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 P89/2405 Conversion of agricultural barns to form two dwellings. Refusal of Full Planning
- 3.2 P90/2241 Conversion of redundant agricultural buildings to form two dwellinghouses (in accordance with amended plans received by the council on 10TH October 1990). Approval Full Planning A letter on file states that insertion of the drainage for the conversion and the discharge of condition seven is considered to represent the commencement of the development.
- 3.3 MODK12/0003 Modification of S106 Agreement attached to planning application P90/2241
- 3.4 PK12/3348/F Change of use of land and buildings from Agricultural to mixed use Agricultural and Equine Use. Erection of stables, formation of School for Exercising of Horses, siting of Horse Walker, formation of Gallops, resiting of access and associated works. Withdrawn 18.12.2012

4. **CONSULTATION RESPONSES**

- 4.1 Cold Ashton Parish Council
No objection.

4.2 Other Consultees

English Heritage

Objection – further to the additional information regarding the above application provided by the applicant. We have left the response with regards to the buried archaeology to David Haigh and will only be providing comment on the setting of the battlefield.

Having assessed the new information we have the following comments:

The Applicant has not in our view undertaken a full assessment of the impact of the development on the Battlefield. He has provided further evidence to reinforce the fact that the battle was fought in skirmishes across the application site before culminating in the final battle on the Lansdown Plateau. The area between Tog Hill and Lansdown was an important area in the run up to the battle and as it has already been mentioned the current field pattern and landscape is thought to be little changed from the time of the battle.

The photos provided of the material being proposed for the Gallop surfacing is only partially informative it is difficult to imagine what this will look like over the length of the Gallop. From knowledge of similar surfacing it will be a visual intrusion into the landscape and with the new fencing along one side will be potentially prominent in the landscape and therefore the battlefield.

Therefore we feel that there will be substantial harm to the Battlefield and under Policy 132, of the National Policy Planning Framework, this level of harm should be 'wholly exceptional' to allow the development. Policy 133 states that "where a proposed development will lead to substantial harm ; local authorities should refuse consent, unless it can be demonstrated that the substantial harm ; is necessary to achieve substantial public benefits that outweigh that harm ; or that the nature of the heritage asset prevents all reasonable uses of the site".

We are of the opinion that the development will cause substantial harm and should be refused in line with Policy 133.

Archaeology

Objection - These proposals will cause harm to the setting of the battlefield and it is difficult to see how this harm could be mitigated against given the engineered nature of the gallop.

Recommendation for refusal is recommend, given that the gallop is a fundamental element of the scheme.

Drainage

No objection but FRA must be sent to The Environment Agency and a sequential test may be required.

Environment agency

No comment except standard advice regarding agricultural/ Equine developments which details the requirements under "Protecting our Water, Soil

and Air: A Code of Good Agricultural Practice for farmers, growers and land managers". Essentially this relates to keeping clean water away from foul drainage.

Ecology

No objection subject to conditions relating to mitigation measures for bats, birds, landscape biodiversity and reptiles.

Conservation Officer

Objection - The existing group of traditional barns and outbuildings forms an attractive feature within the landscape (and would be considered non-designated heritage assets). The removal of the long low stone link building and insertion of this large new barn between the two traditional barns would be inappropriate. I would recommend the barn is relocated further to the east, on the area of hard standing alongside the existing barn.

Landscape Architect

Objection. There is no in principal landscape objection to the stable block however the landscape officer concurs with the comments made by the Conservation Officer with regards to an amendment to the location of the stable.

Due to the sensitivity of the location there is a concern that the gallop will have an unacceptable visual impact. Further information is required regarding the surface material and extent of excavations needed to create a level cross section before this can be determined.

It is considered that the viability of the business without a 'school' should be understood prior to the application being determined.

PROW

No objection in principle but the provision/reinstatement/improvement of the hedgerow and adequate fencing between the lane and the gallop should be implemented to prevent the galloping horses from being intentionally intimidating by pedestrians, horse riders and cyclists using the lane to access footpaths further along Hall Lane.

Environmental Protection

No objection but to minimise the potential for complaints of light pollution, the lighting scheme of the site should be designed and operated in accordance with the Institute of Lighting Engineers publication „ Guidance Notes For The reduction Of Light Pollution. „

Informatives relating to stable waste and a licence relating to the stabling of the horses are also recommended in the event of a consent being granted.

Highways

No objection subject to the following conditions,

- a) Limit the number of horses on site to maximum of 12 horses and
- b) There shall be no DIY livery or riding school at this location.

Cotswold Conservation Board

No objection subject to appropriate colouring of material and appropriate landscaping. The board would not wish to see white rails introduced alongside the gallop as this would be intrusive in the landscape, contrary to paragraph 115 of the NPPF. The Board has not addressed green belt issues as these are outside of the remit of the Board.

Other Representations

4.3 The Battlefields Trust

Objection - The application site falls in the middle of the area registered by English Heritage, and I draw your attention to their report on the landscape. All the expert advice so far has recommended rejection of the application on the grounds that there is not enough information to come to a view as to whether the ground works needed to create the gallops will affect the topography of the battlefield and whether there is unacceptable risk to archaeology. The applicant has not addressed these issues. English Heritage (Melanie Barge, Inspector of Ancient Monuments) has recommended refusal for these reasons, as has David Haigh, South Gloucestershire's Specialist Planning Support Manager for archaeology.

The Trust supports these two objections – and for the same reasons – and agrees with the expert views set out there. Given that we came in as the last to comment, I do not think I need to add anything further over and above this excellent work by colleagues in the field.

4.4 Local Residents

Two supportive comments were received in relation to the following points:

- ☐ This is a beautiful valley with only six residences in the hamlet and care is needed in what type of development is permitted in such an area. The proposal fits perfectly with the local area, appropriate and suitable for this valley
- ☐ Little effect on traffic using the lane
- ☐ Jobs would be created caring for the horses.
- ☐ Would welcome the sight of horses training and galloping in the fields
- ☐ No objection to fencing or gallops
- ☐ The existing buildings including the rusty barn is in need of refurbishment or replacing.
- ☐ No adverse impact on flora or fauna in the valley. Two mature evergreen oak trees will be kept.
- ☐ More appropriate than the residential scheme approved some years ago.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-

date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. This site is located in the open countryside of the Cotswolds AONB, within a registered Battlefield and within the Green Belt. The NPPF seeks to be proactive in relation to development however the green belt location of this barn and Gallop first requires an assessment before other policies in the local plan or within the NPPF can be considered.

5.2 Green Belt

The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

1. buildings for agriculture and forestry;
2. provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
3. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
4. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
5. limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
6. limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

5.3 The stable building does not fit within any of the above exceptions and as a result the stable building is considered to be inappropriate development which is, by definition, harmful to the Green Belt. There is also modest harm to the openness of the green belt as a result of the scale of the building given that it extends some eight metres rearwards and outside the envelope of the existing buildings and raised the ridge height of the built form at that point.

5.4 The Gallop is an engineering operation which does not create mounds which prevent openness and does not conflict with the purposes of including the land in the Green Belt. The Gallop is not therefore considered to be inappropriate in the green belt.

5.5 Harm to the Green Belt must be afforded substantial weight when balancing the harm against other material considerations (Paragraph 88, NPPF). Inappropriate development should not be approved except in very special circumstances. Paragraph 88 goes on to state that 'Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'

- 5.6 The applicant agrees that the erection of a building, of the scale proposed in this application, for use for the stabling of horses requires the support of 'very special circumstances' in order to justify the erection of this building within the Green Belt.
- 5.7 The agent puts forward the following points which he deems to be very special circumstances which he believes justify the erection of this building within the Green Belt:
- a) The planning history of the holding which precludes further agricultural development
 - b) The opportunity to secure the long term maintenance of the surrounding open land
 - c) The opportunity to provide specialized equine training and employment in close proximity to the Bath Racecourse
 - d) Having established in terms of land use the suitability of Parkfield Farm for the housing and training of racehorses, requirement for specialized accommodation to ensure the safety and wellbeing of the horses
 - e) The requirement for buildings housing the horses to create a safe working environment for those undertaking the daily care and supervision of the horses.

5.8 Merits of the Very Special Circumstances

The South Gloucestershire Supplementary planning Document cites that 'when attempting to prove very special circumstances the onus is on the applicant to prove that the exceptional nature of the proposal outweighs the harm that it would cause to the Green Belt' and that 'Circumstances that are accepted as being "very Special" are very rare, but will usually involve a specific judgement being made that no other option is available in light of the unique circumstances of individual case. These circumstances are not common and are unique 'one-offs'.

a) The planning history referred to shows that the building to be demolished and replaced by the larger horse stables, together with the two attached stone barns were to be converted into two dwellings under Planning application P90/2241. This development is considered to have been implemented and therefore remains a valid planning permission, should that development be pursued. The application was subject to a S.106 agreement to prevent replacement barns being erected on the land if the residential conversions took place. Whilst this S.106 requires that no new agricultural buildings are sited on the prescribed land, this does not prevent the land being managed either from the retained modern agricultural building or by another farm with buildings. Moreover, it can be argued that the current proposal for a large stable block, together with the retained barns actually creates more development in the green belt than the consented housing scheme. This is not considered to be a very special circumstance.

b) The long term maintenance of the surrounding open land can be achieved by other users of the site. This is not considered to be very special as other uses of the farm could secure the openness proposed by grazing and

growing bedding/foodstuffs. No evidence has been put forward to show that this proposal is the only development likely to be able to manage the land.

c) The Design and Access Statement at 2.28 cites that the reason close proximity is desired relates to the 'person who has the specialist skill and proven track record for the operation of this specialised livestock enterprise' and that 'bringing this skill and experience close to Bath Racecourse will increase the diversity within the rural economy and establish a centre for specialist training and employment in the equine industry'. This does not amount to a reason why this development can only happen on this particular Green Belt site. The necessity for this close location to the Bath Racecourse is not considered to be a "very special circumstance".

d&e) The council has no reason to doubt that specialized accommodation to ensure the safety and wellbeing of the horses and staff at a stables is necessary to the owners business, however these point fails to explain why this new building to create 'specialized accommodation' must be located at this particular site within the green belt. No information is provided to show that there are not other sites for sale which could support such uses without the increase in built form within the Green Belt. As such this need for specialized accommodation is not considered to be a very special circumstance.

5.9 Very special circumstances have not been found. The circumstances put forward are not unique circumstances which can only be achieved at this site, nor is it only this proposal for the site which could keep the majority of the land outlined in blue open. Alternative users could also keep the land open, without the additional development proposed. Accordingly the very special circumstances put forward are not considered to have sufficient weight to outweigh the substantial harm to the Green Belt that would result and this application is therefore contrary to GB1 and the NPPF.

5.10 Visual Amenity

Parkfield Farm consists of a collection of stone buildings and a number of agricultural buildings, clustered together at the bottom of the valley. The surrounding land is pastoral, defined by a strong network of hedgerows and mature field and hedgerow trees. The general aspect of the land slopes south east.

5.11 The area is located within the AONB where the NPPF at para 115 affords great weight to conserving landscape of scenic beauty. AONB's, together with National Parks and The Broads have the highest status in relation to landscape and scenic beauty. It goes on to assert that conservation of wildlife and cultural heritage are important considerations in all of these areas. Despite its proximity to Bath and Bristol and the historic events which took place here, the area has an unspoilt rural character and a sense of tranquillity. The area is described in the South Gloucestershire Landscape Character Assessment (S.G.L.C.A.) as being "distinctively rural and largely tranquil, with a harmonious relationship between landform, vegetation and settlement'. There are few modern agricultural buildings or horse related structures, such as post and rail fencing and stables, evident in the views around the site. The S.G.L.C.A. states that "Throughout this undulating landscape, scattered farms and buildings are

set within the varied landform, united through the use of Cotswold stone within buildings and boundary walls. Other settlement is largely well integrated as a result of its small scale nature and surrounding framework of stone walls and /or vegetation.”

5.12 The area has a distinct landscape character with some notable features;

- The landform to the north of the farm buildings consists of very gentle undulations, which have an attractive landscape character, especially when the sun is low in the sky.
- Five mature Holm oaks are planted within the south western field of the property. It is understood that these trees were planted by Jeremiah Peirce, who owned the field in the 18th century, and were planted as a way of incorporating the surrounding landscape into the gardens at Lilliput Villa.
- To the north west of the site are a row of beech trees which form a prominent skyline feature. The South Gloucestershire landscape Character Assessment states that “The highly prominent line of beech trees on Freezing Hill is a notable landmark for some great distance, both within and beyond the South Gloucestershire area to the North and West.”

5.13 The combination of the skyline beech trees and the mature Holm oaks make this area identifiable and distinct within the wider landscape. These trees can be easily identified in expansive and dramatic views from the A46 to the south east. In these views the Holm oaks and skyline beeches are significant landscape features which provide structure within the Hamswell Valley, which is long, broad and open.

5.14 The importance of the landscape in this area is elevated due to the role it played in the Battle of Lansdown. The area is a designated battleground, and much of Parkfield Farm is located within its boundary, which stretches both north and south. Three interpretation boards located along the Cotswold Way, which is south of Parkfield Farm, describe how the battle was played out in the wider landscape, mentioning various landscape features.

5.15 Much of the developments will be visible from the Cotswold Way, looking across from the opposite side of the valley. There is a bench located along the Cotswold Way, known locally as the Lilliput Bench, which is located to take in the view which has a high visual amenity due to the Holm Oaks, the Freezing Hill beeches, the unspoilt rural character and the historical context. There is also a Public Right of Way on higher ground to the north west of Parkfield Farm.

5.16 The application site therefore clearly has a high amenity value due to its intactness and designation as a registered battle field, its location with the AONB and its openness to views from the Cotswold Way. Due to its intactness and aspect the area is highly sensitive to change. This sensitivity amplifies the visual impact of any development within the area. The two elements of the application will now be considered separately.

5.17 Stable Block.

The proposed stable block has a large footprint of 33.6 x 17.2m, though it has a low eaves line of 2.4m its ridge rises to 4.6m. The stable block would be constructed out of fair faced block work and partly clad in Yorkshire boarding and is described as having a similar appearance to a modern agricultural building. However it would have additional doorways and translucent roof sheets, not typical of agricultural buildings. These face both front and rear.

- 5.18 The proposed stable would be seen as part of the existing complex of buildings and this will help to reduce its impact on the character of the wider landscape. The visual impact could be reduced further by locating it further to the east where trees and lower land level would reduce its prominence from the other side of the valley. This would help to preserve the non-designated heritage asset value of the existing traditional barns and outbuildings but would further impact on the openness of the greenbelt which is also unacceptable. As such taking into account the visual impact of the buildings on the countryside it is considered that the siting of the building as proposed would be least harmful to visual amenity under policy L2. In the event of permission being granted a condition should be attached to submit and approve the specification for the 'fair faced block work' and in respect of lighting outside the building.

5.19 The Gallop

The proposed gallop will be 3.6 m wide and the visible section will be approximately 600m long and will have a level cross section created by excavation into the adjacent slope. Additional sections have been received during the course of the application and the proposal shows that this results in regrading of the land on either side of the gallop. This is more pronounced in some places than others.

- 5.20 It is stated that the gallop will be surface by a natural granular material. Two such samples were received during the course of the application, these being natural bark and a black chipped rubber and grey mineral granular mixture. Both of these would be read easily in the landscape and further attention would be drawn to the engineering works as a result of the regrading of the site and the applicants need for fencing along the gallop.

- 5.21 Stock proof fencing is an acceptable feature in the AONB and will in itself not be highly visible within the wider landscape but traditionally race horses are understood to follow a white painted rail and if such a fence were installed this would significantly detract from the visual amenity of the site, indeed drawing more attention to the engineering operations and detrimentally affecting the setting of the scheduled Battlefield. In the event of permission being granted it should be specified that the fence should not have any rails and not be painted, additionally further work should be carried out to find a more discrete gallop surface. However this is not considered sufficient to overcome the concerns about visual amenity or the impact on the setting the Historic Battlefield.

- 5.22 The S.G.L.C.A. notes that "The overall rural character of this area is enhanced by the minimal road network. Where present, roads are typically well integrated with in the surrounding landscape, due to the enclosure provided by

the surrounding vegetation and undulating landform”. The Landscape and Visual Impact Assessment states that the gallop will be similar to a farm track. However it is understood that the gallop would be regularly ‘re-graded’ by tractor which will maintain a disturbed surface significantly wider than a typical farm track. Screening the gallop would draw attention to the feature and would be out of character with the surrounding field pattern.

- 5.23 In a less sensitive landscape, perhaps even within the AONB, the visual impact of the gallop may not be considered significant. However due to its open aspect, and elevated sensitivity due to being within a registered battlefield and visible from the Cotswold Way, there are concerns that the gallop could have an unacceptable visual impact.

5.24 Cumulative Effect on landscape

Clause 4.30 of Policy L2 states that “Due to the sensitive environment of the Cotswold AONB new development must respect the natural beauty of the area and be well related to the character of the local landscape. The cumulative effect of development will be taken into account in determining whether a development proposal would have an adverse effect on the natural beauty of the Cotswolds AONB.”

- 5.25 The previously withdrawn application included a horse walker and ‘school’ and it is feasible that these will be the subject of future applications in order to support the applicants racehorse business. The agent has not confirmed whether or not a further application would be likely to come forward for this other development. Whilst these other forms of development may add to pressure on the AONB and Battlefield in the near future these are not part of this application.

- 5.26 Notwithstanding the planning applications which may follow (but not be supported) there is no landscape objection to the stable block but the gallop is considered wholly unacceptable because of its impact on the sensitive AONB and battlefield setting. Moreover the use of equine paraphernalia such as jumps and additional fencing would also be harmful to the AONB and battlefield setting.

5.27 Heritage asset and Archaeology

The NPPF states that heritage assets are an irreplaceable resource and that the LPA should consider them in a manner appropriate to their significance. “Great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be”. The Council has identified that the building to be removed is a ‘non-designated’ heritage asset and is afforded modest weight in this consideration. Substantial harm to or loss of designated heritage assets of the highest significance, notably Scheduled Ancients Monuments, protected wreck sites, Battlefields, grade I and II* listed buildings and grade I and II* registered parks and gardens and World Heritage Sites, should be wholly exceptional” (paragraph 133, NPPF).

- 5.28 Officers and English Heritage consider that the gallop causes substantial harm to the Battlefield and paragraph 133 states that “where a proposed

development will lead to substantial harm the LPA should refuse consent . This may be balanced against a proposal which achieves substantial public benefit that outweigh that harm or where the heritage asset prevents all reasonable use of the site.

- 5.29 The development is proposed by a private business and can not be reasonably considered to be a 'public benefit' let alone a 'substantial public benefit' as required by the NPPF. In contrast it would create a permanent scar on this recognised beautiful, historic landscape which would be visible easily from the public realm and create a disturbance whilst in use which is not a normal function of this tranquil valley. No evidence has been provided to demonstrate that the heritage asset prevents all reasonable uses of the site . As such the substantial harm caused to the Battlefield setting as recognised by English Heritage and to the visual amenity of the AONB are not outweighed by justifications put forward on behalf of the applicant.
- 5.30 Turning to the physical Archaeology of the Battlefield the anticipated groundworks with the potential to affect archaeology will include topsoil stripping and ground reduction to a likely depth of c.0.30m below present for the gallops and up to 0.6m in areas of more sloping land.
- 5.31 The heritage statement correctly draws attention to archaeological remains of all periods from the pre-historic to post-medieval being found within the vicinity of the site as well as making reference to the site of the battle of Lansdown itself.
- 5.32 In view of the scale of the proposed ground disturbance resulting from the gallop the applicants have sought to establish the nature of the archaeology beneath the ground by providing a geophysical survey report on 18 April. That suggests that the archaeological potential of the area surveyed is unlikely to contain remains of national importance. Unfortunately the information provided has not been verified by trial trenching which is essential to clarify whether the information being provided is being correctly interpreted.
- 5.33 In view of the fact that the additional information has not addressed concerns about the visual impacts of the proposal – specifically about the proposed gallop – it would be unreasonable to insist that trial trenching was undertaken at this stage. However even if remains of national importance are found on the route, they could be retained in situ by raising the levels within the affected area and by slightly amending the route taken, and that as a consequence this risk could be mitigated for. Whilst not ideal it is possible to accept in this particular instance a condition requiring the undertaking of a further programme of archaeological work which could allow this matter to be addressed post-determination should permission be granted.
- 5.34 However, this does not address the visual impacts of the proposals within the landscape and the impacts upon the setting of the battlefield.

Transportation

- 5.36 Policy E10 of SG local Plan deals with Horse Related development. This policy confirms that location of horse related development will be permitted in the countryside subject to compliance with the criteria set out in the text of the policy E10. Criterion 'C' of E10 requires that adequate provision is made for vehicular access, parking and manoeuvring which would not give rise to traffic conditions, detriment of highway safety.
- 5.37 The level of traffic generation associated with this development will be controlled by the number of horses that will be held at Parkfield Farm at any one time together with staff available for the care and supervision of those horses. Based on the information provided and the size of available stabling, the number of horses will be unlikely to exceed 12 horses. The applicant confirms that during the racing season a horse box will transport some of the horses on average once a week. Both this and the other vehicle movements generated by the proposed use would not be significant and it is unlikely to be materially different from that associated with the lawful use of the site as a livestock unit. The existing access road leading to the site is from Hall Lane. Whilst this is a single width road with limited passing places it is considered adequate to accommodate the small increase in traffic anticipated by this development. There is an acceptable level parking and a manoeuvring area on site to meet the needs of the proposed development.
- 5.38 Criterion 'D' of the policy E10 requires that safe and convenient access to bridleways and riding ways is available to riders. In this context, there is access from the unclassified highway serving Lower Hamswell to both green lanes and bridleways and the intention to provide a purpose designed gallop will further address the exercising needs of the horses intended to be held for training at Parkfield Farm.
- 5.39 Use of the site for more than 12 horses and for any DIY liverly or riding school would required further consideration and these would need to form the basis of planning conditions should planning permission be granted.
- 5.40 With regard to the Public Right of Way running along Hall Lane the proposal will not have a direct effect but it is considered that a hedge should be incorporated along Hall Lane to create a physical barrier between the gallop and users of the road/footpath in the interests of the amenity and perceived safety of this transport route.
- 5.41 Drainage
There is no drainage objection to this proposal and the Flood Risk Assessment supplied with the application has been assessed by the Environment Agency. The Environment Agency raised no objection but suggested informatives regarding the separation of foul and surface water and the location of manure piles which should be added to the decision notice should consent be granted.
- 5.42 Ecology
An ecological survey was submitted with the application. The Council's ecologist has assessed the report and it is considered that conditions can adequately mitigate against impacts on bats, birds, landscape biodiversity and

reptiles should consent be granted. A condition would also be necessary to control outdoor lighting.

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. Consideration has been given to whether the use of conditions could overcome the harm demonstrated by the above matters and it is felt that conditions would not overcome all of the harm.

7. **RECOMMENDATION**

7.1 Planning permission be refused for the following reasons:

Contact Officer: Karen Hayes
Tel No: 01454 863472

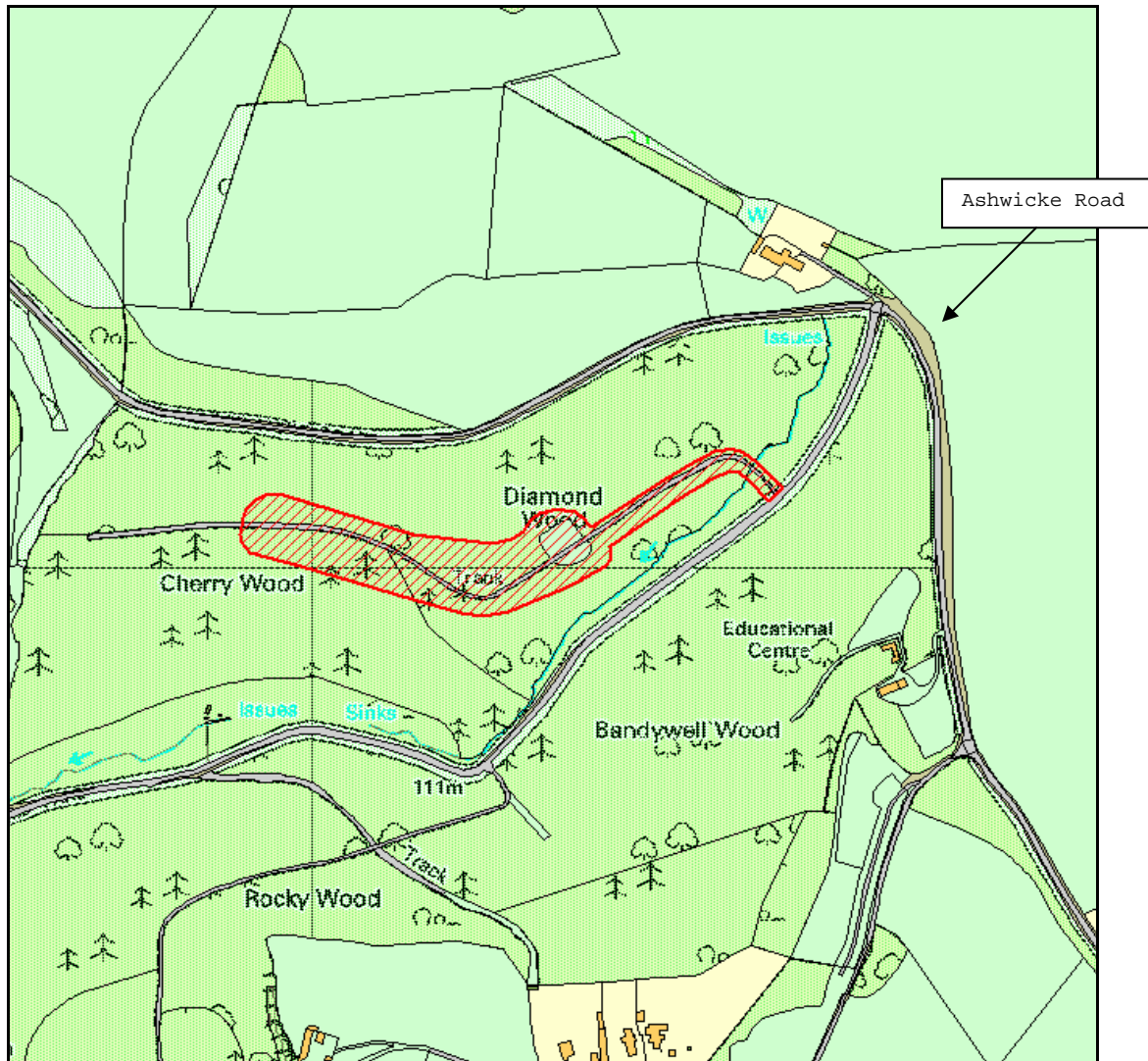
Contact Officer: Karen Hayes
Tel. No. 01454 863472

REASONS FOR REFUSAL

1. The proposal causes substantial harm to the registered Lansdown Battlefield and such the gallop is contrary to policies L1 and L10 of the Adopted South Gloucestershire Local Plan (adopted January 2006 and paragraphs 132 and 133 of the National Planning Policy Framework.
2. The site is located within the Bristol/Bath Green Belt and in the open countryside. The proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt and it is considered that the limited circumstances advanced in support of the application do not justify the granting of planning permission. The proposal is therefore contrary to the provisions of policy GB1 of the South Gloucestershire Local Plan (adopted January 2006) and section 9 of the National Planning Policy Framework.
3. The removal of the long low stone building removes an attractive non-designated heritage assets within the landscape without mitigation contrary to policy L1 and L2 of the South Gloucestershire Local Plan (adopted January 2006) and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 24/13 – 14 JUNE 2013

App No.:	PK13/0375/F	Applicant:	Mr Tim Gatfield
Site:	Cherry Diamond Wood Oakford Lane Marshfield South Gloucestershire SN14 8FE	Date Reg:	14th February 2013
Proposal:	Change of use of land for a maximum of 75 days in any calendar year between March and September from Forestry to mixed use of Forestry and Education comprising green woodworking, bushcraft and coppice skills (sui generis) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). Erection of associated buildings. (Retrospective). Resubmission of PK12/0112/F.	Parish:	Marshfield Parish Council
Map Ref:	379146 171035	Ward:	Boyd Valley
Application Category:	Major	Target Date:	13th May 2013



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100023410, 2008.

N.T.S.

PK13/0375/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Both an objection and support has been received for this application.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to change the use of an area of woodland from forestry to a mixed use of forestry and education comprising green woodworking, bushcraft and coppice skills (sui generis) for a maximum of 75 days in any calendar year between March and September. The description of development was changed during the application process and re-consultation carried out on that basis. The application is made retrospectively and also involves the retention of a number of existing buildings which support this joint forestry/education use of the land, but which are mainly not used solely for forestry purposes. This application follows one submitted last year (PK12/0112/F) which was withdrawn on officer advice as the proposal was contrary to Green Belt policy.
- 1.2 The application is for Full (retrospective) permission for change of use of land for a maximum of 75 days in any calendar year between March and September from forestry to mixed use of forestry and education comprising green woodworking, bushcraft and coppice skills (sui generis) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) and erection of associated buildings (resubmission of PK12/0112/F). Despite the Parish Council's comment that this should be regarded as ancillary to the forestry use at the site, it requires planning permission for a change of use, even though the forestry use is clearly dominant in terms of site area and frequency of use. Under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) a temporary use which is undertaken for not more than 28 days in any one calendar year does not require planning permission. This option was explored with the applicant, who claimed that no less than the specified 75 days now applied for would allow the courses to subsidise the forestry use of the land effectively. This position has led to the submission of the application.
- 1.3 The site, which lies within the Cotswolds Area of Outstanding Natural Beauty and the Green Belt. It is part of an ancient woodland, that contains within it a dwelling and a small curtilage which benefits from a Certificate of Lawfulness. Access to the site and the dwelling is hared off Oakford Lane, in the form of a track with a gate at the end near the access point.
- 1.4 The agent has recognised that the proposed use of the site would be contrary to Green Belt policy and has put forward for consideration the following very special circumstances' considered to outweigh the harm that could result.

Summary of the applicant's case for very special circumstances:

The National policy of green belts is now less prescriptive than that which formally appeared in PPG2. Whilst the basic principles remain the same, the National policy is now clearly less onerous, for example we no longer need to show that works are 'essential' (now the test is one of 'appropriateness') and no reference is now made to development needing to be 'small scale' (now 'is it reasonably related in form, function and scale to the main use.')

In applying the green belt test we need to consider whether the proposal is 'Inappropriate development' which is harmful by definition, but then we need to consider whether there will be additional harm by reason of such matters as loss of openness and impact on the functions of the green belt, any other planning issues or whether the harm is outweighed by very special circumstances.

Forestry is not defined in the planning Acts. Forestry and use of forests has evolved to mean more than just the growing and harvesting of timber. Forestry now also means management of woodlands for wider ranging benefits including bio-diversity, public access, use of woodlands and wood in a sustainable manner to meet recognised needs.

Therefore a wider range of forestry and woodland management works are appropriate development in the countryside and green belt. Pertinent to this case is that almost all of the land is forested and the area of development is less than 1% of the overall area. Also the ancillary works undertaken involve working with timber all of which is taken from the same woodland. No timber is imported. It is a self contained enterprise. By virtue of s.55 2(e) of the 1990 Act ancillary forestry activities are not development

The NPPF requires LPA to take a positive approach to sustainable development and to support economic growth. The following policies are given:

1. LPAs should plan positively to enhance the beneficial use of green belts, such as looking for opportunities to provide access, to provide.
2. Inappropriate development is by definition, harmful to the green belt and should not be approved except in very special circumstances. (NPPF para. 87).
3. When considering any planning application, LPAs should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. (NPPF para. 88).

I understand that the South Glos Council agrees that the development plan policies are met by the development apart from the green belt policy GB1 (development within the green belt).

1. The proposed development comprises a number of parts. Some are clearly compliant with green belt policy and these are considered to be:
 - Use of the land for forestry is clearly green belt compliant.
 - Coppicing is clearly green belt compliant including the provision of instruction of how to undertake coppicing as one needs to undertake coppicing to teach it and it is not reliant upon any built structures.
 - Bushcraft, defined as - identification of trees, flowers, animals and fungi; the sustainable identification, collection, preparation and cooking of wild plants, fungi and animals for food; the sustainable identification and preparation of medicinal plants; the lighting and management of fires; the safe use of edged tools such as axes and knives; knots and lashings; building simple machines for lifting/ moving logs; first aid and survival training. These activities are undertaken in the woodlands and we consider are compliant with green belt policy as they are ancillary to the forestry use of the land. Green woodworking involves the use of harvested green timber from the Cherry Diamond woods and by using hand tools and lathes are turned into chairs, hurdles and fencing. The making of fences and hurdles are

agricultural and forestry related products the likes of which are often produced on farms with woodland. Therefore those actions are green belt complaint. The making of furniture is not related to permitted forestry works (albeit that there is no definition of forestry in the planning acts). We consider that the green wood working element is in the context of the range of forestry works being undertaken and the duration that green wood working is undertaken is ancillary to the forestry use of the land and thereby green belt compliant.

- The erection of associated buildings: The associated buildings comprise a range of structures made from Cherry Wood harvested timber and placed on pads so as not to compromise the underlying geology and can be readily taken down. The use of the buildings is shared with the forestry works for up to 75 days per year and for the remainder of the year are in most cases serve solely the forestry operations. The buildings are (using their application reference number):

(Plan D3) 3 Timber Store - stores planks of wood cut from Cherry Diamond Woods to allow them to dry out- forestry / green belt compliant use

9 Tree House Compost Toilet – ancillary facility, small scale and essential for forestry workers and persons attending courses.

10 Kitchen - ancillary facility, small scale and essential for forestry workers and persons attending courses.

11 Wood Store - small log store for storing fire wood – of de minimus size and use

12 Workshop / Classroom – temporary structure required to provide working area for green wood working

13 Workshop / Classroom - temporary structure required to provide working area for green wood working

14 Apprentice's Yurt - seasonally used for forestry apprentice

15 & D16 Water tank & shower – to collect water to supply shower. Shower used by applicant throughout the year and by course workers who stay overnight.

18 Student's Cabin - Occupied seasonally by students

19 Student's Cabin - Occupied seasonally by students

2. Our case is that the majority of the works / uses undertaken are either forestry or forestry related such that they maintain the openness of the green belt and therefore are compliant with policy GB1 A.2 (other uses which preserve the openness of the green belt. This is a sustainable enterprise that given its circumstances is green belt complaint when consider overall. If that case fails, then our fall back position is that it is compliant with green belt policy for the reasons given below.

3. The accommodation structures are not used for forestry purposes for up to 75 days per year as their use is of a residential type. However their impact on the openness of the green belt is not harmful as they are small scale and do not harm the openness of the green belt. They are appropriate facilities required to house students on site whose works at the Woods maintains the openness of the green belt. It amounts to 'other uses which preserve the openness of the green belt'). Cherry Wood is a unique combination of low impact sustainable living, education in rural skills, forestry, conservation and

community access. The applicant would be within his rights to site a couple of mobile homes on the land to house forestry workers for a season, so the provision of the small scale wooden Yurts with a dual use for part of the year is a more appropriate option.

4. If the view is taken that the overall enterprise with its constituent parts is not compliant with green belt policy which by definition means it is harmful, then we feel certain that it can comply with green belt policy as the overall enterprise is an exemplar model of sustainable management of woodland that comprises many special features and benefits. Therefore very special circumstances exist. In assessing very special circumstances one has to take into account the quality of the works being undertaken (rather than the quantity of the works) and that if very special circumstances exist these do not constitute a precedent. The matters which demonstrate that this is an exemplar model of sustainable woodland management with wide ranging, community, environmental, landscape, amenity, bio-diversity benefits are:

- The enterprise is self contained within the woodland. It is self supporting to a very large degree, the area of built development is less than 1% of the overall area. Openness of the green belt is not lost, and the reasons for the area being included within the green belt are maintained and enhanced.

- The location is very important, i.e. green belt, AONB, SNCI, etc and the means by which the woodland is managed produces benefits for bio-diversity, landscape. Public access, provision and training of traditional forestry skills, educational and well being improvements to a wide variety of persons, encompasses renewable energy, very low carbon footprint recycling of waste, community benefits through volunteer days, own food grown so far as is possible for a woodland site etc. The enterprise sets out how beneficial sustainable management and use of formerly neglected woodland can be turned around and allow as wide a range of people, flora and fauna to benefit as possible. It is truly an exemplar model of sustainable woodland living and management.

- Cherry Wood is a unique combination of low impact sustainable living, education in rural skills, forestry, conservation and community access. The applicant has a lawful Yurt from which to manage the enterprise.

- The overall impact upon the environment, landscape, highways, etc is very low as all the structures are timber built and readily removable.

- It is regarded nationally and even internationally as an outstanding example of how to make use of a neglected woodland for the benefit of the environment and people. It provides inspiration, help and support locally and further afield. It is a valued part of its local community.

- in terms of sustainability and access The Cherry Wood Project is in a unique position in the Bristol, Swindon, Bath triangle to allow a greater number of people to benefit from it.

- An example of the soundness of the enterprise and how it is perceived is represented by the responses from the local community. There is overwhelming support from the Parish Council, local community and educational groups, the general public and interested bodies. By contrast to the many hundreds of letters of support there are but 2 letters of objection. The quality of the enterprise is plain for all to see. Without the courses, providing the temporary overnight accommodation and adding value to timber harvested

form the woodland by making simple furniture, the exemplar model of integrated woodland management and the wide ranging benefits and the support that receives from the general public would not accrue.

5. Our case is therefore, firstly that the works are green belt compliant, but if that view is not shared, that the works amount to an exemplar enterprise in sustainable woodland management and living with wide ranging benefits. Harm caused by inappropriateness is clearly outweighed by the very special circumstances and there is no loss of openness or conflict with other development plan policies or reasons why the land is designated as 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 Design

L1 Landscape

L2 Cotswolds Area of Outstanding Natural Beauty

GB1 Green Belt

T8 Parking standards

T12 Highway Safety

L8 Sites of Nature Conservation Interest

L9 Protected Species

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

CS1 High Quality Design

CS2 Green Infrastructure

CS9 Managing the environment and Heritage

2.3 Supplementary Planning Guidance

Development in the Green Belt (adopted 2006)

3. RELEVANT PLANNING HISTORY

3.1 PK12/0112/F Change of use of land from forestry to a mixed use of forestry and residential educational courses in green woodworking (Class D1).
Erection of associated buildings, one low impact dwelling and works.
Withdrawn

3.2 PK12/3300/CLE Use of a yurt as a residential dwelling and curtilage
Granted 2012

4. CONSULTATION RESPONSES

4.1 Marshfield Parish Council

Support the application which is considered ancillary to the forestry use.

4.2 Other Consultees

Tree Officer

No objection

Transportation

The site is in an unsustainable location. While traffic generation is limited, the nearest bus stop is 1km away and due to this lack of accessibility and distance from settlements the site cannot be considered to be sustainable and contrary to policy T12 and the provisions of the NPPF.

Landscape Officer

The structures are located towards the centre of an area of dense mixed woodland and are well screened from road and footpath views. No landscape objection under policies GB1, L1, D1 and L2 of the adopted Local Plan.

Wessex Water

The site lies within a source protection zone defined by the Environment Agency. No objection raised.

Cotswolds Conservation Board

Support the site's aim to improve public understanding and enjoyment of the AONB. Development has low environmental impact and is reversible. It recommends that a personal permission could be approved. If it can be proved that there is no harm to the ground flora of the woodland, the Board raises no objection.

Technical Services

No comment

Country Land and Business Association

Support the proposal and claims that it represents sustainable rural development.

Ecology

No ecological constraints, subject to the inclusion of a condition requiring a woodland management plan.

Other Representations

4.3 Local Residents

485 letters of support were received, citing the following points:

- rural skills are taught at the site, which would be lost otherwise
- the site promotes an example of low-impact self-sufficient living
- this use would not be copied by lots of other people and therefore allowing it would not set a precedent
- many personal testimonies for the project including benefits to physical and mental health and well-being
- courses need to take place on this site to be meaningful and beneficial
- should be approved as a one-off exceptional development
- design of the site allows for low impact living
- students are encouraged to access the site through lift shares and public transport
- the structures do not affect the openness of the Green Belt
- there is more benefit to this use than retaining the site for forestry

- NPPF compliant in that it offers access to the open countryside for the urban population, outdoor recreation, retention of landscape, improvement of woodland and retention of land in forestry use
- Forestry conservation could not be maintained without the income from education
- The impact of the buildings is reversible
- The courses run are unique and draw people from as far away as Scotland
- The site has become a hub for like-minded groups
- The use is consistent with the Green Belt and Area of Outstanding Natural Beauty
- The project is a viable small business which benefits the local economy
- Many of the courses are inter-related with forestry
- The site needs to conserve ground water
- Timber sales won't sustain the forestry so another income stream is needed
- The structures are sustainable as they are created using the local timber
- The proposal accords with paragraphs 79, 80, 89 (1) and 92 of the NPPF and does not conflict with others
- Green Belt policy is too restrictive
- The Cherry Wood Project has supported local charities
- Charcoal burners need to be supervised overnight
- The site does not generate appreciable road traffic
- Activities on the site are ancillary to woodland management
- Site is well located, close to the urban area
- The site looks beautiful from above

In addition, the following points were raised which relate to the current use of the site, rather than that proposed:

- excellent woodland management with ecological benefits
- the government recognises good woodland management
- apart from this site, there are few apprenticeships in coppicing and green wood craft available
- forestry buildings are appropriate within the Green Belt

In addition, 3 letters of objection were received, citing the following concerns:

- Our woods are valuable to people and threatened
- Visual impact on the former virgin woodland of the structures, which are prominent
- Potential for similar development to proliferate in the Green Belt
- Building design is inappropriate to the rural context, neither vernacular or well designed and spoil the AONB landscape
- The highway network cannot cope with the increase in traffic
- The development is not in a sustainable location with access largely limited to private vehicles
- The current use of the land is unlawful

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy GB1 of the adopted Local Plan allows for changes of use in the Green Belt where such changes would not have a materially greater effect on the openness of the Green Belt than the present use and where the change of use would not conflict with the purpose of including land within the Green Belt. The policy goes on to identify new built form which can be regarded as appropriate development in the Green Belt. The objects of including land in the Green Belt as stated in the NPPF are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into each other; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. It is considered that this proposal does not fall within these purposes. It is considered to be contrary to safeguarding the countryside from encroachment and for this reason the proposal is considered to be harmful to the Green Belt.

The agent has recognised this and put forward very special circumstances, including the proposal to be taken as an exemplar, to be set against the harm caused by inappropriate development in the Green Belt and there very special circumstances will be analysed below. Dependent on the case made, the principle of development of the proposed retention of the change of use is that it would represent inappropriate development in the Green Belt and is therefore harmful to the Green Belt. This is regardless of the proportion of the site that is affected by the change of use, while the remainder remains solely in forestry use.

In addition, the National Planning Policy Framework sets the test for all development that it should be sustainable. In this instance, the consultation process has elicited many responses about the sustainable nature of what is taught on the site as well as the example made by Mr Gatfield and his family in terms of low impact sustainable lifestyle. While this is acknowledged, the assessment in planning terms is not made in terms of setting examples for others to live in a sustainable manner, but whether the impact of this development (that forms this planning application) is in itself sustainable. This issue is analysed in terms of the accessibility of the site under the Transportation heading below.

The principle of development for the structures proposed to be retained is a further issue. This requires consideration of the function of the structures. Those that are there for forestry purposes would be ancillary to the existing use and are therefore appropriate development in the Green Belt. Those that serve a function ancillary to education on the site are considered to represent inappropriate development and again very special circumstances have been advanced for their retention, as analysed below.

5.2 Green Belt and Very Special Circumstances

The National Planning Policy Framework sets the context for development that is not inappropriate in the Green Belt. As stated above, the proposal is contrary to Green Belt policy and stands to be tested against the very special circumstances that have been advanced.

The proposal is for a mixed use of forestry and education. The scale of this mixture of uses proposed is a maximum of 75 days per calendar year of both uses being undertaken and the rest of the time the forestry use alone would take place. The education element of this proposal is not considered to be exclusively ancillary to the principal use of the site and the change of use, while not affecting the openness of the Green Belt when it is carried out, is considered to be of sufficient scale to be a material change of use of the land.

It is not accepted that bushcraft (under the definition at 1.3 (1) above) is ancillary to the forestry use of the site other than for the forestry workers. Running courses in the practices listed may be related to the land upon which the courses are run, but are thereafter not carried out as part of the forestry use of this site. The green woodworking undertaken on site is considered to be a separate process from the forestry, regardless of the products produced. Forestry is considered to relate to the growing and felling of trees and related management practices and not manufacturing of products from the trees, which does not have to take place on the same site as the wood is produced. It is acknowledged, however, that these activities, which change the use of the land, do not compromise the openness of the Green Belt and in that respect accord with policy GB1. The educational aspect of the proposal is however considered to be contrary to the purposes of including land in the Green Belt as defined in the NPPF at paragraph 80 and in policy GB1 in that the Green Belt assists in safeguarding the countryside from encroachment. The remainder of the very special circumstances that have been advanced, listed at 1.3 above, therefore need to be assessed against this identified harm to the Green Belt.

It has been advanced that ‘the accommodation structures are not used for forestry purposes for up to 75 days per year as their use is of a residential type. They are appropriate facilities required to house students on site whose works at the Woods maintains the openness of the Green Belt’. It is not understood nor made clear how the education of people is able to maintain the openness of the Green Belt. It is further argued that ‘the applicant would be within his rights to site a couple of mobile homes on the land to house forestry workers for a season, so the provision of the small scale wooden Yurts with a dual use for part of the year is a more appropriate option’. This argument is considered to be somewhat misleading as the yurts have not been applied for under the forestry use (with which there is no issue) but under the combined use which is contrary to Green Belt policy.

The applicant’s case for very special circumstances goes on to state that if it is not agreed that the proposal accords with policy then ‘the overall enterprise is an exemplar model of sustainable management of woodland that comprises many special features and benefits... In assessing very special circumstances one has to take into account the quality of the works being undertaken (rather than the quantity of the works)... The matters which demonstrate that this is an exemplar model of sustainable woodland management with wide ranging, community, environmental, landscape, amenity, bio-diversity benefits are’:

- The location allows for public access, benefiting from its location
- Training of forestry skills

- The management of the woodlands produces benefits for bio-diversity and the landscape
- Benefits to well-being individually to a wide variety of persons and collectively in terms of the very low carbon footprint, food growing of the site, community benefit through volunteer days
- an exemplar model of sustainable woodland living and management, regarded highly nationally and internationally
- It would not set a precedent

The contribution that the activities on site has made to individuals and collectively is recognised from the testimonials that have been submitted in support of this application and is considered to attract some weight in favour of the proposal. However, the educational aspect is considered to make the Cherry Wood project become more well known, indeed this intention to 'spread the message' is much of its reason for it existing. If the use of the site is limited to forestry, there would be no harm from this to Green Belt policy and a benefit to sustainable woodland husbandry, but it could also be that further educational courses for periods longer than 28 days a year would be started up. Even if this proposal was allowed on the basis of being an exemplar, this exemplar or others related to it could be replicated elsewhere in the Green Belt. Very little weight is afforded to the claim that the proposal should be regarded as an exemplar.

The forestry skills that are passed on through the courses at the site are considered to be important to the future of forestry. However, these are not the extent of the courses that are carried out on site and furthermore, while it is acknowledged that there are practical benefits from teaching them on site, they could be taught from locations that are more easily accessible and outside the Green Belt. The courses have not been advanced in the submitted very special circumstances as a necessary way of funding the continued forestry of the site and therefore have to be considered as an optional extra.

Structures

At paragraph 89 of the NPPF, it states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, with the following exceptions (inter alia): buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport, recreation and cemeteries as long as they preserve the openness of the Green Belt; limited infilling in villages and limited affordable housing and complete or partial redevelopment of previously developed sites where it would not have a greater impact on the openness of the Green Belt. It is considered that this site, in forestry use, does not fall within the partial redevelopment of a previously developed site, as it was not previously developed and has no planning history. The proposal is not considered to fall in the other categories of development which would be not inappropriate in the Green Belt. Therefore all the structures that are not on site for purely forestry purposes represent inappropriate development in the Green Belt.

It is acknowledged that, as pointed out through the consultation process, that their construction is for the most part sustainable, having been built from timber

forested from the site. Their design, largely due to the materials employed, is sensitive to the woodland locality and given the natural cycle of weather they would be bio-degradable. Therefore it is considered that they accord with policy D1 in that they are sustainably constructed and respect local distinctiveness. It has also been raised that the impact of the structures is reversible. They could be removed from the land, but this would negate the requirement for this element of the planning permission. They could degrade, as mentioned above and they could be disassembled. However, the application applies for them to be retained, which is not in itself reversible.

Very special circumstances have been put forward for the retention of the structures as follows:

The associated buildings comprise a range of structures made from Cherry Wood harvested timber and placed on pads so as not to compromise the underlying geology and can be readily taken down. The use of the buildings is shared with the forestry works for up to 75 days per year and for the remainder of the year are in most cases serve solely the forestry operations.

This case is not considered to amount to very special circumstances. If planning permission were to be approved, the structures would be in place all year round, so the temporary nature of their use is not considered to mitigate the year-round harm to the Green Belt. This forms one of the refusal reasons shown below.

The schedule of structures provided by the applicant (with the reference numbers relating to locations on the block plan) is as follows:

3 Timber Store - stores planks of wood cut from Cherry Diamond Woods to allow them to dry out. This is considered to be a specific forestry use that complies with Green Belt policy

9 Tree House Compost Toilet – ancillary facility, small scale and essential for forestry workers and persons attending courses. This building is again considered to be ancillary to the forestry use of the site, although it can also be used ancillary to education purposes.

10 Kitchen - ancillary facility, small scale and essential for forestry workers and persons attending courses – it is not considered necessary to provide hot food for forestry workers on the site and therefore this is not a building which is essential for forestry purposes.

11 Wood Store - small log store for storing fire wood – of de minimus size and use. This is considered to be de minimis and ancillary to the forestry use of the site, as some on site covered storage is considered necessary. It also satisfies NPPF paragraph 89.

12 and 13 Workshop / Classroom – temporary structure required to provide working area for green wood working. This structure is considered to be ancillary to the educational use of the site and is contrary to Green Belt policy.

14 Apprentice's Yurt and 18 and 19 students cabins - yurt seasonally used by the forestry apprentice and cabins by students. There is considered to be no particular requirement to house, even on a seasonal basis, a forestry worker or students on site. These are dwellings, albeit used on a seasonal basis, rather than structures and do not fall within buildings that are for agriculture or forestry.

15 & D16 Water tank & shower – to collect water to supply shower. Shower used by applicant throughout the year and by course workers who stay

overnight. In respect of the applicant, this facility could be moved to within the residential curtilage and in the case of students, the same reasoning as the cabins and yurt above applies.

It is considered that the proposal harms the Green Belt for the reasons given above and the very special circumstances put forward in respect of the structures is not sufficient to outweigh the harm to the Green Belt. As such, the retention of the kitchen; workshop and classroom; apprentice's yurt; students' cabins and water tank and shower forms a further refusal reason for this proposal.

Activity on the site arising from the proposed change of use

While it is recognised that under this proposal, activities on the site over and above forestry would not be year round, the fact that the use of the site attracts participants from off the site needs to be taken into account. People generally arrive by car, due to the lack of accessibility of the site and with courses starting and finishing at set times, this leads to the participants arriving and leaving en masse. Parking facilities are available at the site and it is considered that due to the level of screening that the forest affords the parking area, over the period when the change of use has been applied for, parking would not compromise the openness of the Green Belt. The activities themselves are also not considered to have an adverse effect on openness.

Scale of Activities relative to the forest

The issue of scale also forms part of the assessment of the proposal. As can be seen from the block plan showing where the buildings have been erected, a considerable part of the woodlands is affected by the proposal. This is reflected in the red line area of the site. However, in terms of the landownership retained solely in forestry use, the scale of the proposal is not considered to be of a significant enough scale to weigh against the proposal in those terms. Finally, it should be recognised that this proposal is for seasonal use, 75 days in one calendar year and therefore the degree of harm to the Green Belt is limited to about a quarter of the year. It should also be borne in mind that 28 days a year or under would not require planning permission. The harm to the Green Belt is therefore limited to that which would occur between 29 and 75 days in any calendar year, with this season proposed to last between April and September. The degree of harm is therefore limited by definition, in comparison to the courses applied for being run all year round. However, the difference between the permitted development of 28 and maximum of 75 days is not considered to be marginal, being almost three times as long as if planning permission were not required. The proportionate harm to the Green Belt is considered to be significant as a result.

While it is accepted that the site is well run in terms of forestry, the educational activities on site are not considered to be essential for that forestry use, not directly ancillary to it and a convincing argument for why that use can take place at this site, instead of others outside the Green Belt has not been made. Accordingly it is considered that the very special circumstances that have been advanced do not outweigh the harm in terms of safeguarding the countryside from encroachment that the development causes to the Green Belt.

5.3 Impact on Openness and Visual Amenity of the Green Belt

Public views of the site can only be obtained from the roads that bound it in places. This is considered to reduce the visual impact from the change of use, which occurs in terms of the structures that have been erected within the site. These structures are not located near the edges of the site and therefore benefit from a high degree of screening from the woodland. As a result, it is considered that there is limited impact on the landscape generally, the natural beauty of the area. Whilst some of the structures can be observed from outside the site, the materials used have been sourced largely from the surrounding woodland and therefore they are not readily visible and do not stand out in views across the wooded hillside. It is therefore considered that the proposal does not harm the visual amenity of the Green Belt.

5.4 Ecological Implications

The application site consists of two areas of semi-natural ancient woodland and mixed conifer plantation (Lawson cypress, Norway spruce) immediately along either side of an access track traversing Cherry Diamond Woods to the south of Ashwicke Road and west of Oakford Lane to the south of Marshfield. The site forms part of Oakford Valley and Woodland Site of Nature Conservation Interest (SNCI) designated for its unimproved neutral and calcareous grassland, scrub, streams, mixed plantation and ancient woodland interests.

The ecological issues are considered to be the SNCI, the semi-natural habitat, wildlife, specifically bats, badgers, reptiles, great crested newts and dormice. The previous application for this site, which was withdrawn, included a Phase 1 habitat survey and protected species assessment dated December 2011 by Darwin Ecology Ltd. This has been re-submitted to accompany this application.

The application site forms part of Oakford Valley and Woodland Site of Nature Conservation Interest (SNCI), designated for its unimproved neutral and calcareous grassland, scrub, streams, mixed plantation and ancient woodland interests. Policy L8 of the South Gloucestershire Local Plan ('saved' within the Core Strategy) relates to sites of local nature conservation or geological interest and states that:-

'Development that would cause damage to local nature conservation or geological interest will not be permitted unless the importance of the development outweighs the value of the substantive interests affected. Where development is to proceed, measures will be required to minimise and offset the impact of the development on the nature conservation interest'.

As the site forms part of the SNCI, ordinarily development would be regarded as contrary to policy L8. However, the scheme is limited and largely confined to habitat on the perimeter of the conifer plantation alongside the access track. The planning statement included within the application incorporates a woodland management plan agreed with the Forestry Commission as part of a woodland grant scheme and which will establish a management regime to take a timber crop whilst benefiting the ecology of the woodland, with the long term aim of replacing the spruce/cypress plantation with mixed native species to augment the semi-natural ancient woodland block.

The 2011 ecological survey divided the woods into a series of compartments according to the type of woodland - semi-natural ancient woodland (SNW1); Lawson cypress plantation (LCP); Norway spruce plantation (NSP); Norway spruce/beech on semi-natural ancient woodland (NSP2); Scots pine plantation; former poplar plantation, now dominated by wet alder coppice; and mixed hazel coppice (MHC). The survey indicates that blocks NSP, NSP2 and LCP will be felled gradually and restored to mixed broadleaved woodland. The Scots pine plantation constitutes a non-intervention area and MHC will be rotationally coppiced. No work is proposed within SNW1. This is broadly in keeping with good woodland husbandry and will ultimately benefit local biodiversity. However, greater detail is required in regard to the management of the individual blocks and particularly the coppicing regime within the mixed hazel coppice, which could be required by condition if the proposal were to be recommended for approval..

The 2011 ecological survey did not contain a specific survey of trees to be felled for bats. Notwithstanding this, it did correctly identify that, with the historic clear-felling and re-planting with conifer (cypress, spruce) in the 1960s, the present stands of predominantly immature or semi-mature trees do not generally offer the sorts of features - rot holes, splits, fissures etc – suitable for use by roosting bats. Any trees suitably mature to provide such niches – e.g. broadleaved ‘veteran’ trees - will invariably be located within the areas of semi-natural ancient woodland which will left unmanaged/subject to natural regeneration. The survey noted that bats were utilising crevices under the shingles of the roof of the barn: and that bat droppings were recorded within the upper floor. Given this, the building would potentially constitute a roost and if it is required to be removed, dismantling is likely to necessitate a European Protected Species licence and an appropriate mitigation strategy under Regulation 53/56 of the Habitat Regulations 2010.

The entire landholding at Cherry Wood/Diamond Wood was surveyed for badger setts and none recorded. It also noted that the site had some limited potential to support reptiles, predominantly the habitat associated with the glades and scalloped woodland edges as the woodland interior is generally too shaded. However, the buildings and associated structures are already *in situ* meaning that any loss of reptile habitat would have already occurred and in cases regenerated. There is no standing water or ponds on or within 250m of the application site therefore there is considered to be no suitable newt habitat. There are records of dormice within 1-2km of the site. The protected species assessment in 2011 did not include a specific survey for dormice. Dormice 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’). Additionally, the species is included on both the UK and South Gloucestershire Biodiversity Action Plan; and is also listed by the UK Government as being ‘a species of principal importance for biological diversity in Britain’ under Section 41 of the NERC Act 2006. As a European Protected Species (EPS), a licence under Regulation 53/56 of the Habitat Regulations is required for development to be lawful. A recent judicial review (2009, Woolley v

East Cheshire BC) directed that, to fully engage with the Habitat Regulations, planning applications should be subject to the same 'tests' under Regulation 53/56 as European Protected Species licences. Satisfying these 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application.

Paragraphs 5-16 to 5-19 of the survey related to dormice. Whilst no specific survey was carried out, ancient semi-natural and broadleaved woodland provides ideal habitat for the species – indeed, there are records within 1-2km of the application site. Moreover, whilst predominantly associated with ancient/broadleaved woodland (hazel coppice) recent research has also recorded dormice using habitat that was historically regarded as unsuitable or atypical - including conifer plantation. Accordingly, the 2011 assessment assumed that dormice were present in Cherry/Diamond Woods and recommended that the woodland was subject to a monitoring survey for the species. As a European Protected Species, a survey for dormice would have to be carried out prior to determining planning permission and would necessitate subjecting the application to the three 'tests' under Regulation 53/56 of the Habitat Regulations 2012. Notwithstanding that, the element of the application with the potential to have the greatest impact on the species - the management regime for the woodland ('forestry') - does not require planning consent. Moreover, the primary aims of the woodland management plan included within the planning statement – such as hazel coppicing, replacing conifer plantation with mixed native deciduous species - will generally be beneficial to the species. That said, greater detail is required to ensure there are no impacts on dormice arising from the application (e.g. coups should be less than 0.3ha and patchily distributed not adjacent to one another, cut in rotation over 15-20 years with new coppice cut next to old to allow easy re-colonisation) and this is best delivered through a detailed woodland management plan for the overall landholding drawn up and agreed by condition, if the application were to be recommended for approval.

Previous comments on PK12/0112/F also identified that the management plan should incorporate the recommendations for monitoring and impacts/mitigation made in section 5 of the 2011 report by Darwin Ecology. In conclusion, there are no ecological constraints to granting planning permission, subject to the imposition of conditions as covered above. The proposal is considered to accord with policies L8 and L9 of the adopted Local Plan.

5.5 Transportation and Sustainability

The authorised uses of the site are forestry and the site includes a dwelling which is lawful due to the granting of a Certificate of Lawfulness in 2012. This dwelling is currently occupied by the owner of the site who manages the woodland. Traffic generation from this situation is considered to be very limited. It is acknowledged that the proposed use would be over a limited period and no more than 75 days in one year. Taking these mitigating factors into account, it is considered that traffic generation, dependent on numbers, would be a relatively insignificant increase across the year as a whole.

The site is located in the open countryside, approximately 3 km from Batheaston, 2 km from Colerne and 3 km south of Marshfield. As the

consultation process has shown, the courses offered to date have attracted people from across the country, who in some cases have camped at the site. Using the site for camping is not part of this proposal. The road network connecting to this site does not include footways. The nearest bus stop to the site is located about 1 km from the site. In terms of accessibility therefore, the site is not considered to be sustainable as it is not readily accessed by means other than the private car. It is acknowledged that the operation of the educational courses makes efforts to ensure car sharing takes place to access the site and some attendees travel by public transport, however, the site is considered to be in an unsustainable location and car-sharing can do no more than mitigate the impact of the only practical travel mode to the site for most visitors.

The point has also been made through the consultation process that it would be nonsensical for the courses to take place in a different location, such as a school where the courses relate to practical woodland activities. Landownership notwithstanding, there could however be more accessible and sustainable locations where the courses could be taught. There are no conditions which could be applied that would ensure that the site's location is sustainable and therefore it is considered that the proposed continued use of the land for a mixed use of forestry is unsustainable and fails to meet the test set in the National Planning Policy Framework, as well as policy T12 of the adopted Local Plan. The fact that the courses that are taught at the site encourage sustainable living is not considered to outweigh the unsustainable location of the site.

5.6 Other Issues

The consultation process has raised a number of issues that have not been addressed in the report, the majority of them being statements made in support of the proposal. The issue that skills are taught at the site, which would be lost otherwise is not considered to be site specific, as these skills could be taught elsewhere, outside the Green Belt, often in places where a change of use of land would not be required. The point made that there is more benefit to this use than retaining the site for forestry is not accepted as forestry is not only the existing use of the land, but the use that is supported by Green Belt policy.

It has also been raised that the proposal is NPPF compliant in that it offers access to the open countryside for the urban population, outdoor recreation, retention of landscape, improvement of woodland and retention of land in forestry use. With regard to it providing access, this is considered to be the case, while the landowner is prepared to open up the land in such a manner, however it is not proposed to retain a recreational use, but an educational one in addition to the forestry use. The retention of the site in forestry use is not in question and its continued good management is welcomed. It has also been pointed out that the site has become a hub for like-minded groups and this, again, is not site specific. Ideas could be exchanged at other locations or at this site over 28 days a year, through having less educational courses.

A further point raised through the consultation process is that the project is a viable small business which benefits the local economy. If this is the case, it is again not site specific, apart from its local benefit. However, the benefits to the

local economy, although they could be afforded significant weight in accordance with the provisions of the NPPF, are not considered to outweigh the harm to the Green Belt identified above. It should also be noted that these benefits have not been quantified.

The site needing to conserve ground water is not considered to be pertinent to the determination of this application for a change of use, nor is the Cherry Wood Project supporting local charities. The point about charcoal burners needing to be supervised overnight is not considered to be attract any weight as, if charcoal burning takes place on site, it can be supervised from the existing dwelling on site. The point about the view of the site from above is not considered to be a valid assessment of the impact of the proposal on the openness of the Green Belt as in the period for which the change of use has been applied for the trees are generally in leaf and provide cover. There was one further comment made, that our woods are valuable to people and threatened and in regard to this it is considered that Green Belt policy is partly there to protect them.

The remaining point raised in support of the proposal was that it accords with paragraphs 79, 80, 89 (1) and 92 of the NPPF and does not conflict with others. As discussed above, it is not accepted that the proposal does accord with paragraphs 80 and 89. With regard to paragraph 79, this states that the essential characteristics of Green Belts are their openness and permanence. For the reasons previously given, there would be harm to the permanence of the Green Belt, if not the openness in this instance. Paragraph 92 relates to Community Forests whereas this site is a privately owned forest.

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 That planning permission is refused due to its impact on the Green Belt, including the structures that have been erected, as well as its unsustainable location.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

REASONS FOR REFUSAL

1. The site is in an unsustainable location, being accessed primarily by the motor car. As such the proposal is contrary to policy T12 of the adopted South Gloucestershire Local Plan and the provisions of the National Planning Policy Framework.**REASONS FOR REFUSAL**
2. The site is located within the Bristol/Bath Green Belt and the retention of the structures, namely the kitchen; workshop and classroom; apprentice's yurt; students cabins and water tank and shower, does not fall within the limited categories of development normally considered appropriate within the Green Belt and is therefore harmful to the Green Belt. Further, the proposed use of the land does not safeguard the countryside from encroachment. The applicant has not demonstrated that very special circumstances apply such that the normal presumption against inappropriate development within the Green Belt should be overridden. The proposal is therefore contrary to Policy GB1 of the adopted South Gloucestershire Local Plan and the provisions of the National Planning Policy Framework.

ITEM 3

CIRCULATED SCHEDULE NO. 24/13 – 14 JUNE 2013

App No.: PK13/0753/RVC

Applicant: Sundridge Estates
Ltd

Site: Grooms House Stanshawes Court Drive
Yate South Gloucestershire BS37 4DZ

Date Reg: 6th March 2013

Proposal: Removal of condition 6 attached to
planning permission PK12/3533/F stating
all service/delivery/HGV vehicles are
directed to the vehicle car park on the
south side of the application site.

Parish: Yate Town Council

Map Ref: 371494 181856

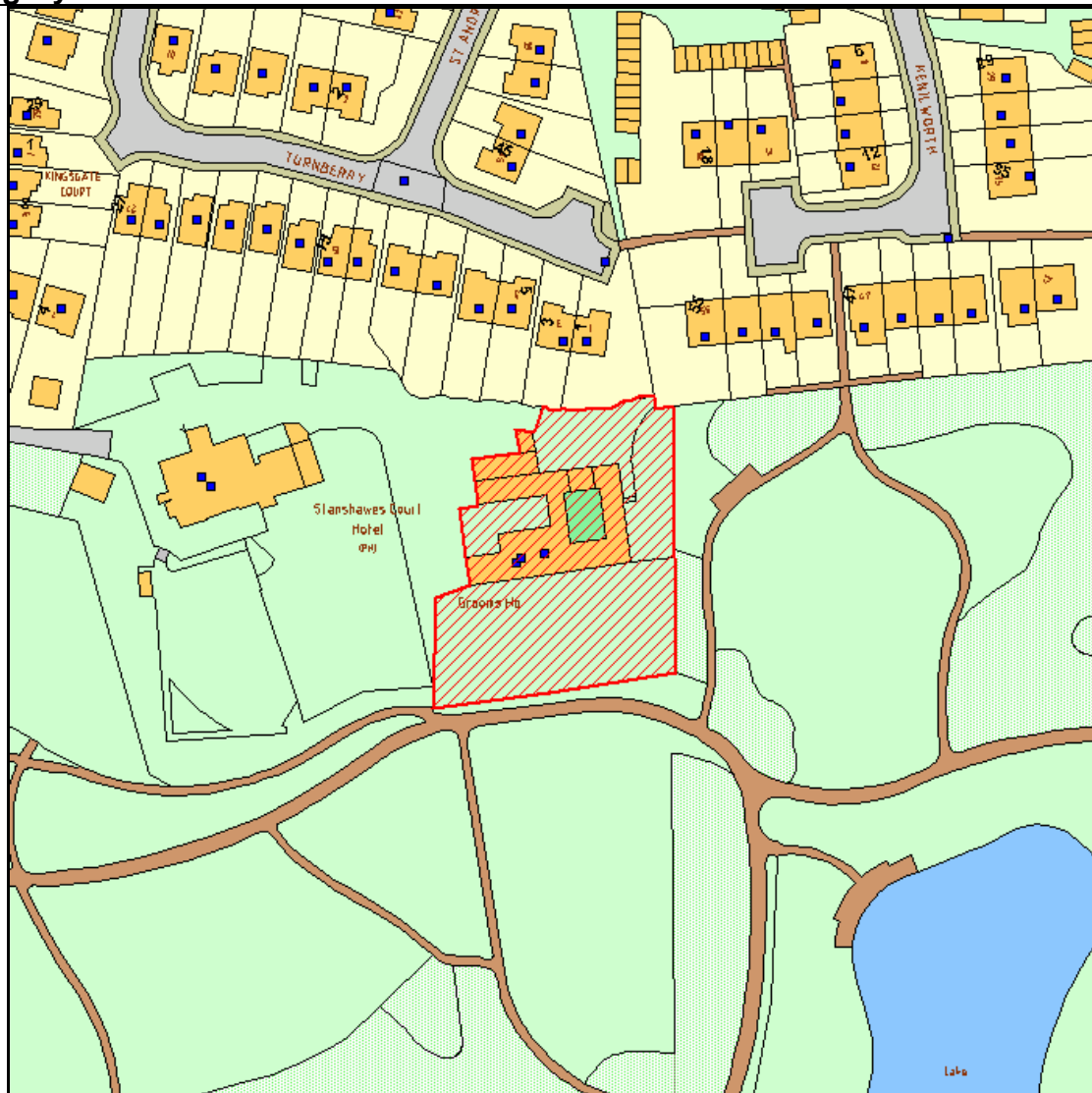
Ward: Yate Central

Application Minor

Target 30th April 2013

Category:

Date:



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N.T.S.

PK13/0753/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application site is situated in a central location within Yate town south of the main commercial centre within a predominantly residential area. The site is bounded by Kingsgate Park public open space to the south and east, Stanshawes Court Hotel to the west with St Pauls School and Church beyond. The site is accessed via a single track road (Stanshawes Court Drive) leading from Sundridge Park to the west. A distinctive serpentine wall called The Crinkle Crankle Wall runs along the north boundary of the site.

The application site is situated within the settlement boundary of Yate and Chipping Sodbury as defined in the adopted Local Plan. The Stanshawes Court Hotel and Crinkle Crankle Wall are locally listed.

- 1.2 This application under Section 73 of the T & CP Act 1990 proposes removal of condition 6 attached to planning permission PK12/3533/F which states all service/delivery/HGV vehicles are directed to the vehicle car park on the south side of the application site.

Condition 6 reads,

'No development shall commence until a scheme to ensure all service/delivery/HGV vehicles are directed to the vehicle car park on the south side of the application site as shown on drawing no. 205-P-201 C (Proposed Car Parking Plan) has been first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the extension hereby approved is first occupied.'

The reason for this condition reads,

'In order that the development does not harm the architectural and historic significance of the wall on the north boundary of the site which is locally listed and to protect the amenity of the residents to the north in accordance with the Historic Environment Planning Practice Guide, Policies E3 and D1 of the Adopted South Gloucestershire Local Plan.'

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L15 Locally Listed Buildings/Structures
EP4 Noise Sensitive Development

- E3 Employment Development within Existing Settlement Boundaries
- T8 Parking Standards
- T12 Transportation for New Development

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 Environmental Resources and Built Heritage

2.3 Supplementary Planning Guidance

- South Gloucestershire Design Checklist – August 2007
- The Local List for South Gloucestershire – June 2008
- Local List Supplementary Planning Document – Feb 2008

3. **RELEVANT PLANNING HISTORY**

- 3.1 P86/1214 Erection of two storey extension to existing offices to form two additional offices, hall, kitchen, toilet and lobby with toilet, lobby and two additional offices over.
Approved 20.04.1986
- 3.2 PK12/3533/F Ground and first floor extension to an existing office/workshop building (Use Class B1) with replacement 2.5 metre high courtyard wall and doors, general refurbishment and associated works.
Approved 04.01.2013

4. **CONSULTATION RESPONSES**

4.1 Yate Town Council

Objection for reasons:

‘Reiterate reasons for original conditions being applied in 2012 therefore quite recently. No changes since then so not right to rescind these conditions at this time.’

4.2 Other Consultees

Highway Drainage - No comment

Sustainable Transport – The initial concerns about HGV vehicle manoeuvrability being restricted due to loss of turning area to the side were overcome through submission of an auto track drawing which demonstrated that the largest vehicles using the site could turn within the parking area and leave in a forward gear. Therefore no objection.

Other Representations

4.3 Local Residents

3 letters of objection received from the occupiers of 5, 7 Turnberry raising the following concerns:

- There is an acceptance that the Crinkle Crankle Wall should be protected
- HGVs should be precluded from using the site to protect the wall
- The applicant should negotiate access arrangements for and to the west of the site to provide the originally assumed turning area for vehicles
- The provision of a low wall adjacent to the wall to provide a physical barrier for protection is welcomed
- Vehicles passing close to the wall are causing damage to it
- There has been no change since the condition was imposed so it should remain

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Primary Legislation:

Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The Council can grant such permission unconditionally or subject to different conditions. The original planning permission however, will continue to subsist whatever the outcome of this application under section 73. On this basis the consideration of this application relates to whether it is considered acceptable to remove planning condition 6 attached to planning consent PK12/3533/F. Condition 6 reads,

'No development shall commence until a scheme to ensure all service/delivery/HGV vehicles are directed to the vehicle car park on the south side of the application site as shown on drawing no. 205-P-201 C (Proposed Car Parking Plan) has been first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the extension hereby approved is first occupied.'

Consideration of this application therefore relates alone to the acceptability of allowing the applicant to access the site for all vehicles along the north side.

In considering whether condition 6 can be removed, it is important to fully understand the reason why the condition was imposed. The reason as stated on the decision notice for PK12/3533/F reads as follows,

'In order that the development does not harm the architectural and historic significance of the wall on the north boundary of the site which is locally listed and to protect the amenity of the residents to the north in accordance with the Historic Environment Planning Practice Guide, Policies E3 and D1 of the Adopted South Gloucestershire Local Plan.'

Changes to the Policy framework and Government advice

The policies used to consider application PK12/3533/F and to justify imposing condition 6 have not changed since application PK12/3533/F was determined on 04.01.2013. Additionally, Government advice relevant to consideration of this application has not changed since determination of PK12/3533/F.

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 E3 of the adopted Local Plan accepts alterations and extensions to existing buildings, which provide employment related development within the settlement boundaries subject to acceptability in terms of environmental effects, highway safety and traffic, residential and visual amenity, density. Policies T8 and T12 are also relevant relating to parking standards and highway safety respectively. The Development Plan and NPPF seek to promote development, which would contribute positively towards economic development. Infact one of the 12 core principles which underpin the NPPF states that planning should, *'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.'*

The application appears on the Councils Local List. Policy L15 seeks to retain locally listed buildings and control demolition of such buildings. As the proposal does not relate to the demolition of the building, this is not a relevant consideration.

The NPPF provides a more robust control than the adopted Development Plan by recognising non designated heritage assets, which include locally listed buildings, as important and advises in Par.131,

'In determining planning applications, local planning authorities should take account of:

- *'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the desirability of new development making a positive contribution to local character and distinctiveness; and*
- *opportunities to draw on the contribution made by the historic environment to the character of a place.*

In Par.137 the NPPF further advises,

'Local planning authorities should look for opportunities for new developmentwithin the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.'

This control related to locally listed buildings is reinforced in the Council's Local List Supplementary Planning Document (Feb 2008).

In terms of transportation and highway safety matters Par.32 of the NPPF is most relevant to consideration of this application being directly related to transportation and public safety. 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 NPPF is a more up to date document than the adopted Development Plan in relation to transportation and highway safety matters. 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 current status of the Council's Development Plan:

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.

Other material considerations:

The application is for removal of a planning condition and as such guidance in Circular 11/95 (The Use of Conditions in Planning Permissions) provides guidance. This Circular includes a list of 6 criteria (the 6 tests) and any planning condition should be imposed only if it satisfies all 6 criteria. The 6 tests are:

- i. necessary;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and
- vi. reasonable in all other respects.

Any application for removal or variation of a condition should be considered against the guidance in Circular 11/95 and the 6 tests therein and failure to meet the tests should carry significant weight in determination of the application.

5.2 Planning History and relevant facts

Condition 6 of planning permission PK12/3533/F as stated in par.1.2 was imposed with the aim of protecting the Crinkle Crankle wall adjacent to the north boundary of the site.

The wall which is locally listed brick has a serpentine form and is situated to the northern boundary, making a boundary to Stanshawes Court and is evidence of the status of the site in the nineteenth century. Stanshawe is one of the ancient manors of Yate and the lord of the manor had a manor house in the locality of Stanshawes Court Drive. The current locally listed building known as Stanshawes Court Hotel dates from the late nineteenth century. It was built as a large estate house in gothic revival style, of squared stone and features such as towers and gothic arched trefoil windows. The site was designed to include walled gardens, stables and parkland. Grooms House, the building the subject of this application would have been the stables and grooms quarters, and form a detached group of buildings to the south east of the principal building and arranged in a quad plan form.

The Crinkle Crankle wall has fallen into disrepair in recent years. The exact reason for this is unknown. However, vehicle movements within the Grooms House have followed a path along the north side of the site adjacent to the wall.

These vehicle movements and associated vibrations could further erode the stability of this wall which is a recognised heritage asset. On this basis, in negotiation with Officers, the applicant agreed to reroute vehicles to the west side of the site into the car park at the rear. Further to this, a speed bump on the north side of the site would be removed and the ground resurfaced in its place (condition 7). The aim was to direct traffic away from the wall to ensure its protection. Condition 6 was imposed to ensure this took place.

The applicant has since established that the area of land to the west of Grooms House is outside his ownership and within the ownership of the adjacent site Stanshawes Court Hotel. The applicant does have a right of access along the access track on the north side of the site only. The applicant has provided title documentation as evidence of this.

5.3 The 6 tests and Circular 11/95 guidance

In order for a planning condition to be acceptable it must meet the six tests outlined in Circular 11/95. The condition is considered to meet the first 5 tests as listed in this report.

The sixth test requires a condition to be reasonable in all other respects.

At the time of determination of application PK12/3533/F condition 6 was reasonable as the Case Officer was given no indication by the applicant that the land to the west of the application site was third party land outside of the applicant's control and with no right of access for the applicant. However, as a matter of fact, the applicant would need to use land outside his control (land immediately to the west of the application site) in order for vehicles using the site to access the car park without using the access on the north side of the site in order to comply with condition 6. It is now considered unreasonable to require the applicant to access the site over land outside of his control with no reasonable prospect of this being achievable. The condition therefore fails to meet the test of reasonableness in Circular 11/95.

Officers consider that condition 12 fails to meet the sixth tests listed in Circular 11/95. In establishing the principle of removing the condition, failing to meet the current required tests for imposition of conditions is considered to carry significant weight as a material planning consideration. Removal of condition 12 is therefore considered to be acceptable when tested against Government advice in this respect.

5.4 Transportation matters

A fundamental consideration in accepting application PK12/3533/F was to ensure adequate off street parking and manoeuvring space is provided for vehicles using the site. The only available access into the car park is along the north access adjacent to the Crinkle Crankle wall. The alternative to vehicles using the north access would be for vehicles to park outside the site and the likely result would mean vehicles parking on the public highway which would most likely be on Stanshawes Court Drive which is a narrow lane or onto Sundridge Park where primary and secondary schools are located. This could have severe highway safety implications. Therefore although it is desirable to

ensure that vehicles do not pass close to the Crinkle Crankle wall and there is a clear public interest in seeking protection of the wall, this public interest is clearly outweighed by the overriding public interest of highway and public safety. Condition 6 should therefore be removed on this basis.

An amended parking and turning layout has been submitted which now provides sufficient turning for the largest service vehicles to enter the site. The plan provides sufficient parking and turning.

5.4 Other matters

Concern has been raised by local residents that the removal of condition 6 would result in a detrimental impact on the Crinkle Crankle wall. The wall is currently in a poor structural state in parts and although the exact reason for this has not been fully established, the stability of the wall could be exacerbated by vehicles passing it. However, there is currently no evidence to indicate that this is the main or only cause. The removal of the speed bump on the north side of the site will assist in reducing vibration and the proposed use of the site for office purposes would attract few large vehicles other mainly than service vehicles. In attaching condition 6 with the agreement of the applicant an opportunity was presented to re route traffic away from the wall in order to provide a further protection to the wall. Subsequently, it has been established that this re routing of traffic cannot be achieved. Whilst there is a benefit in the public interest to ensure the wall is protected, this benefit is clearly outweighed by the need for vehicles to park and manoeuvre within the site in the interest of transportation and public safety.

Concern has been raised from the Town Council and local residents that the situation has not materially changed since condition 6 was originally imposed in January 2013. However, there has been a material change in circumstances through the applicant providing evidence to demonstrate that land fundamentally connected to condition 6 being outside of the applicant's control. This is considered to represent a material change in circumstances worthy of removal of condition 6.

Local residents have suggested that HGVs could be precluded from using the site as an alternative condition to replace condition 6. Officers consider it would be very difficult to enforce such a condition, which would require constant monitoring and evidence of breach would be difficult to gather.

The applicant has suggested erection of a small wall in front of the Crinkle Crankle wall within the application site in order to provide a physical barrier for vehicles. No evidence has been presented from the applicant or any third parties to suggest that any damage to the wall has been created from direct vehicle contact. The provision of such a feature would be detrimental to the setting of the locally listed wall and the negative visual impact would outweigh any benefits from provision of a physical barrier.

5.5 The opportunity to review the original decision

There is no alternative wording to condition 6 which would overcome the issues which relate to land ownership matters. On this basis condition 6 should be removed.

Condition 9 requires parking and manoeuvring layout to be implemented before the extension is occupied. The parking and manoeuvring layout has amended as a result of the need for vehicles to access the car park from the north and in order to provide sufficient turning space for service vehicles. On this basis, condition 9 has been updated to reflect the new layout.

6. CONCLUSION

- 6.1 As indicated above condition 6 of PK12/3533/F fails to meet the 6 tests of Circular 11/95 and as such its removal is considered to be acceptable.
- 6.2 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.
- 6.3 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. A summary of reasons for granting planning permission in accordance with Article 31 of the Town and Country Planning (Development Management Procedure) Order 2010 is given below:
 - a) Condition 6 of PK12/3533/F fails to meet the required tests within Circular 11/95 due to the requirement to access the site over third party land outside of the applicant's control.
 - b) The removal of condition 6 would create no significant issues related to vehicle movements and off street parking. The proposal would result in no severe highway safety issues. The development therefore accords to Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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. The development shall be implemented in accordance with the approved plans including cross sections at a scale of 1:10 showing the following items:
 - (a) all new windows (including cill, head and reveal details);
 - (b) all new external doors (timber and glazed doors);
 - (c) all new eaves

Reason:

In order that the development is of an appropriate quality of design and serves to respect the architectural and historic significance of the building and its historic and geographical relationship with locally listed Stanshawes Court in accordance with the Historic Environment Planning Practice Guide and policies D1 of the Adopted South Gloucestershire Local Plan.

3. No development shall commence until representative samples of the following including materials and finishes have been first submitted/made available to and approved in writing the Local Planning Authority:
 - (a) timber cladding
 - (b) painted upvc windows
 - (c) painted render
 - (d) aluminium colour finish

The approved samples shall be kept available until the development is complete. Development shall be carried out in accordance with the agreed samples.

Reason:

In order that the development is of an appropriate quality of design and serves to respect the architectural and historic significance of the building and its historic and geographical relationship with locally listed Stanshawes Court in accordance with the Historic Environment Planning Practice Guide and policies D1 of the Adopted South Gloucestershire Local Plan.

4. Sample panels of brickwork, demonstrating the colour, texture, facebond 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 brickwork is complete. Development shall be carried out in accordance with the agreed sample.

Reason:

In order that the development is of an appropriate quality of design and serves to respect the architectural and historic significance of the building and its historic and geographical relationship with locally listed Stanshawes Court in accordance with the Historic Environment Planning Practice Guide and policies D1 of the Adopted South Gloucestershire Local Plan.

5. Sample panels of stonework, 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 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:

In order that the development is of an appropriate quality of design and serves to respect the architectural and historic significance of the building and its historic and geographical relationship with locally listed Stanshawes Court in accordance with the Historic Environment Planning Practice Guide and policies D1 of the Adopted South Gloucestershire Local Plan.

6. No development shall commence until a scheme for traffic management within the site (comprising warning and speed limiting signs for motorists) has been first submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall be implemented prior to occupation of the extension hereby approved.

Reason:

In order that the development does not harm the architectural and historic significance of the wall on the north boundary of the site which is locally listed, in the interest of public safety and to protect the amenity of the residents to the north in accordance with the Historic Environment Planning Practice Guide, Policies E3 and D1 of the Adopted South Gloucestershire Local Plan.

7. The extension hereby approved shall not be occupied until the speed bump located at the entrance on the north side of the application site as identified on drawing no. 205-P-201 C (Proposed Car Parking Plan) is permanently removed and the hardstanding area below and surrounding the speed bump area resurfaced.

Reason:

To ensure an even road finish in order that the development does not harm the architectural and historic significance of the wall on the north boundary of the site which is locally listed and to protect the amenity of the residents to the north in accordance with the Historic Environment Planning Practice Guide, Policies E3 and D1 of the Adopted South Gloucestershire Local Plan.

8. The off-street parking and manoeuvring facilities (for all vehicles, including cycles) shown on the Illustrative Vehicular Movement plan (205-P-506 A) hereby approved shall be provided before the extension is first occupied, and thereafter retained for that purpose.

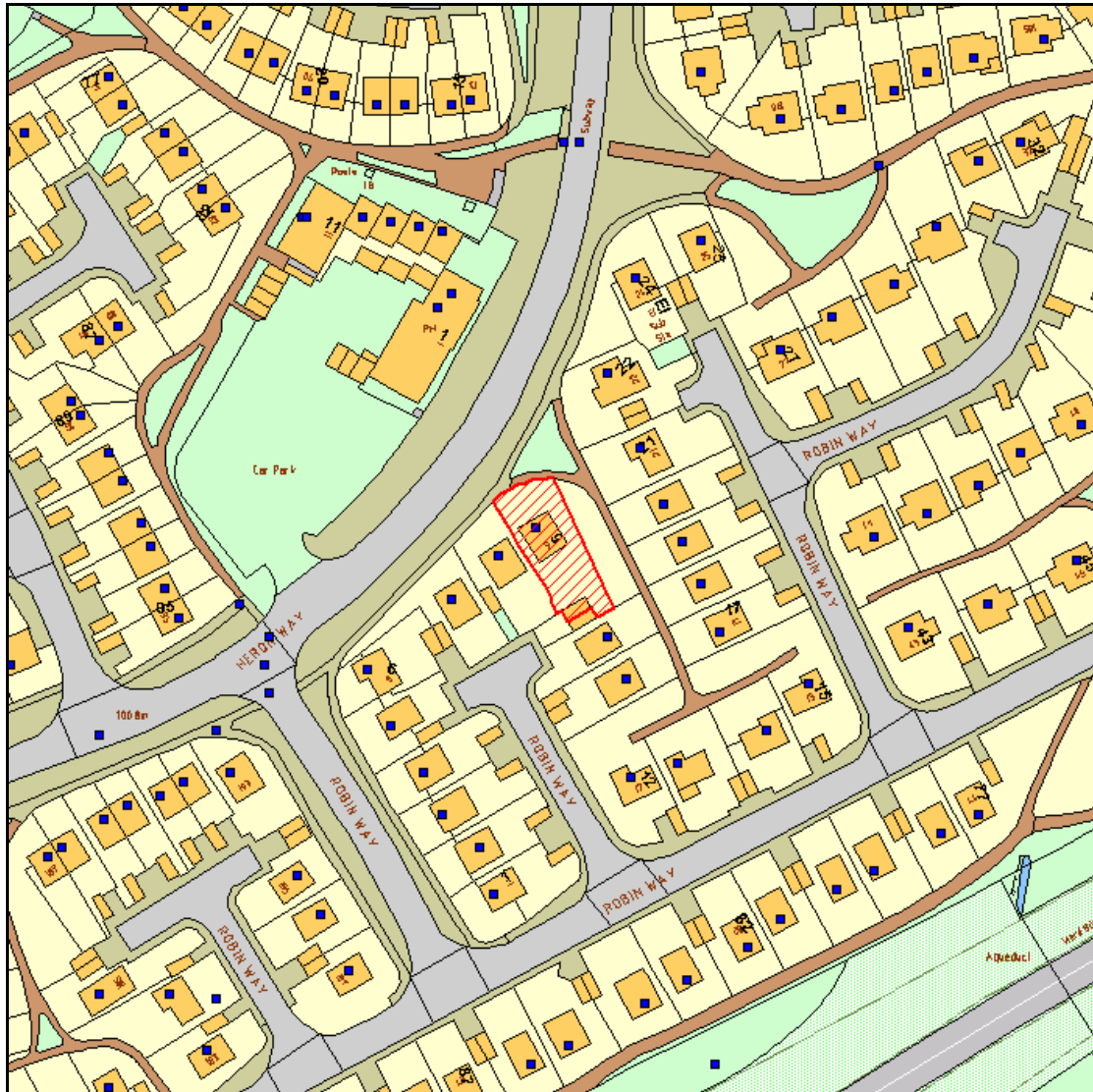
Reason

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, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 4

CIRCULATED SCHEDULE NO. 24/13 – 14 JUNE 2013

App No.:	PK13/1000/F	Applicant:	Mr M Snook
Site:	9 Robin Way Chipping Sodbury Bristol South Gloucestershire BS37 6JN	Date Reg:	16th April 2013
Proposal:	Erection of garage	Parish:	Dodington Parish Council
Map Ref:	372126 181471	Ward:	Chipping Sodbury
Application Category:	Householder	Target Date:	11th June 2013



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PK13/1000/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule as a representation has been made by the Parish Council, which is contrary to the Officer's recommendation

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a detached garage to the rear of 9 Robin Way, Chipping Sodbury, to provide a garage and ancillary domestic storage.
- 1.2 The application site consists of a detached residential dwelling situated on a Radburn Estate, within an established residential area of Chipping Sodbury.
- 1.3 During the course of the application revised plans were submitted to include a reduced storage area, and to include an auto-tracking diagram in response to comments received from the Council's Transport Officer. A re-consultation period of 7 days was undertaken.
- 1.4 Correspondence from the agent has confirmed that the 'covered carport' shown on the submitted plans is not part of the proposal. The carport has not been removed from the plans and as such this will be confirmed through the use of a condition attached to the decision notice.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
H4 Development within Existing Residential Curtilages

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007
South Gloucestershire Residential Parking Standards SPD (Adopted for Development Management Purposes) March 2013

3. RELEVANT PLANNING HISTORY

- 3.1 No recent planning history

4. CONSULTATION RESPONSES

- 4.1 Dodington Parish Council

Objection

- The size of the proposed garage is out of proportion.
- Potential future for residential/ business use – inappropriate for the surrounds.
- Condition requested relating to the above.

4.2 Highway Drainage

The proximity of a public sewer may affect the layout of the development. Refer the application Wessex Water for determination.

4.3 Wessex Water

It appears that development proposals will affect existing public sewers. It is recommended that the applicant contact Wessex Water Sewer Protection Team for further advice on this matter.

4.4 Transportation DC

No objection subject to a condition retaining the use of the proposal as a garage within the ownership of the host dwelling.

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a detached garage within an existing residential curtilage. Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highways and design.

5.2 Residential Amenity

The application site consists of a detached residential dwelling situated on a Radburn estate, on a corner plot. The rear of the site is accessed from a hammerhead at the end of a cul de sac. The garage that was previously in situ at the rear access to the site has already been demolished. The proposed detached garage would be located on the boundary in the southeast corner of the site, adjacent to the pedestrianised area of the Radburn estate. The proposal has a width of 6.5 metres, a depth of 6 metres, and a maximum height of 3.4 metres.

- 5.3 The nearest neighbour to the proposal shares the southern boundary to the site with its side elevation approximately 7 metres from the proposal. All other neighbouring dwellings are located an adequate distance from the proposal to ensure that they would not be affected. In light of the scale of the proposal and its location in relation to neighbouring dwellings it is considered that the proposal would not prejudice the residential amenity of neighbouring properties in terms of overbearing impact, loss of light or loss of privacy.

5.3 The proposal would result in the loss of a large proportion of the rear garden. Whilst this loss of private amenity space is undesirable it is not considered to warrant a refusal of the application. The application will be subject to a condition to ensure that the proposal remains ancillary to the residential use of the host dwelling.

5.4 Highways

The existing parking provision on the site consists of a hardstanding area at the rear of the site, which was previously occupied by a detached garage. The garage has since been demolished creating an access into the rear garden area. This forms the access for the proposed garage and hardstanding area. Following comments from the Council's Transport Officer an auto-tracking diagram has been included on the proposed plans to show that vehicles can enter the site and the proposed garage. The revised plans have been re-assessed by the Transport Officer and it is agreed that the plans now demonstrate that a small vehicle can manoeuvre within the site. Although it is considered that the space available is still tight for a standard size vehicle, it needs to be acknowledged that the two existing parking spaces currently available (in the form of the demolished garage and space in front) will still be available after development. Subject to a condition that the garage remains in the ownership of the main dwelling and is kept and used for its intended purpose (a garage), there is no transportation objection to this proposal. The proposed parking provision is therefore in accordance with the Council's Residential Parking Standards SPD (March 2013) and is considered acceptable in terms of policy H4 of the adopted Local Plan.

5.5 Design

The application site consists of a detached double storey residential dwelling situated on a Radburn estate, constructed in buff brick facing. The site is situated on a corner plot with a gable end facing Heron Way. The eastern side boundary wall of the site is adjacent to the pedestrianised area of the estate, which has a distinct open plan character. The surrounding dwellings to the east have a gable end facing this pedestrianised part of the estate. The proposed garage is located in the southeast corner of the plot with a maximum height of 3.4 metres, a width of 6.5 metres and would form part of a new boundary treatment on the plot. The height of the proposed garage has been kept as low as possible whilst retaining a pitched roof.

5.6 The erection of a structure on an open plan estate is resisted in order to retain its distinct open character. However, in this instance, the garage would remain in line with an existing boundary wall. Whilst the garage is higher than the existing wall it is not considered to detract from the distinct open character of the estate. Provided materials match the existing dwelling the overall design of the proposal is considered acceptable. The proposal is considered large in scale however it is acknowledged that the overall height and massing ensures that it remains subservient to the host dwelling. The scale of the proposal is therefore considered acceptable on balance and would not warrant a refusal of the application.

5.7 Other Matters

The proposed plans submitted identify a 'covered car port' that has not been included in the application description and no details have been submitted for it. This situation has been clarified with the agent for the application, who has confirmed that in this instance the carport is not to be considered as part of the proposal. The carport has not been removed from the plans as requested and as such this will be reinforced through the use of a condition attached to the decision notice.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 It is considered that the proposal, by virtue of scale and location, would not prejudice the residential amenity of neighbouring dwellings. Whilst the loss of private amenity space is undesirable it is not considered to warrant a refusal of the application. The proposal is therefore considered acceptable in terms of policy H4 of the South Gloucestershire Local Plan.
- 6.3 The application has demonstrated that a small vehicle can enter the site and the proposed garage. Subject to a condition to ensure that the proposed garage remains for that purpose there are no objections to the proposal in terms of highway safety. The proposal is therefore considered acceptable in terms of policy H4 of the adopted Local Plan and guidance contained within the South Gloucestershire Residential Parking Standards SPD (March 2013).
- 6.4 The scale, proportions, massing, materials and overall design of the proposal are considered acceptable on balance in the context of the site and the street scene. Accordingly the proposal is considered acceptable in terms of policies H4 and D1 of the adopted Local Plan.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

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

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. Notwithstanding the plans submitted, for the avoidance of doubt, this decision notice relates only to the proposed detached garage and does not give permission for the erection of a covered carport.

Reason

For the avoidance of doubt and, in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers; to accord with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The garage hereby approved shall not be used for any purpose other than the garaging of private motor vehicles and ancillary domestic storage associated with the residential use of this planning unit (9 Robin Way) without prior permission from the Local Planning Authority.

Reason

To ensure a satisfactory level of off street parking provision remains to serve the host dwelling; in the interests of highway safety; and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, and the South Gloucestershire Residential Parking Standards SPD (March 2013).

ITEM 5

CIRCULATED SCHEDULE NO. 24/13 – 14 JUNE 2013

App No.:	PK13/1191/F	Applicant:	Prompt Transport Ltd
Site:	Prompt Transport Ltd Southway Drive Warmley South Gloucestershire BS30 5LW	Date Reg:	23rd April 2013
Proposal:	Erection of two storey extension to form offices (Class B1a) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). (Re submission of PK12/1346/F)	Parish:	Bitton Parish Council
Map Ref:	367881 172292	Ward:	Oldland Common
Application Category:	Minor	Target Date:	14th June 2013



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PK13/1191/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Objections have been received contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two storey extension to the existing Prompt Transport building to form a Class B1(a) office block. Although it is proposed to connect the office block to the existing building, it would have its own vehicular and pedestrian entrance, proposed off Victoria Road, leading to a parking area for the new office. A division is proposed between this new part of the site and the residual Prompt Transport transport yard, marked by a proposed 2 metre tall rendered wall. This wall does not require planning permission but is shown on the submitted plans. It also contains a pedestrian access from the Prompt part of the site to the proposed office parking area.
- 1.2 The description of development originally sought to revise two conditions, one relating to working hours on the site and the other preventing the use of the access off Victoria Road, but these have been removed from the proposal as the proposal would change the use of the site from sui generis to B1(a) and as such, would supersede the extant planning permission.
- 1.3 The site is located within an employment safeguarded area, as defined in the adopted Local Plan and brought forward into the emerging Core Strategy. The proposal would create an estimated 8 jobs, according to the application forms. It should be noted that this figure is likely to be an under-estimate of the site's potential as 25 parking spaces are proposed to serve the office building. Further details on employment generation are reported below. The access to the site is existing, off Victoria Road, where, as previously mentioned, a condition relating to the transport yard prevented its use. The access forms a break in an established hedgerow along the Victoria Road boundary, while the Bath Road boundary is marked by a deteriorating close boarded fence next to the footway, which itself is separated from the carriageway by a mature hedgerow.
- 1.4 An amended site plan, submitted for the purposes of clarification, show the Prompt Transport site, with its existing access off Southway Drive, together with this site which is the southern portion of an overall triangle. The nearest houses are across Bath Road from the site, across Victoria Road and further west, where Victoria Road rises to form an embankment to the former railway line, now the Bristol/Bath cyclepath. Opposite the entrance to the site is a small housing estate, currently under construction.

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
E3 Employment proposals in the urban area

E4 Safeguarded Employment Sites
T8 Parking standards
T12 Highway Safety

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

CS1 High Quality Design
CS12 Safeguarded Employment Land
CS29(3) Communities of the East Fringe

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 3.1 | K448/65 | Change of use from storage and hire purposes to transport and distribution depot (sui generis) | Approved 1993 |
| 3.2 | PK06/0745/F | Erection of distribution depot with office accommodation | Approved 2006 |
| 3.3 | PK08/3164/F | Erection of side extensions for storage and loading. External and internal alterations to create round and first floor office accommodation | Approved 2009 |
| 3.4 | PK10/0443/F | Change of use of part of transport yard (sui generis) to scaffold storage (B8) | Refused 2010 |
| 3.5 | PK11/1247/F | Erection of extension for offices (B1a). Variation of conditions on PK08/3164/F to vary hours of working and retain access from Victoria Road | Withdrawn |
| 3.6 | PK12/1100/F | Erection of 2 no. storage bay extension | Approved 2012 |
| 3.7 | PK12/1346/F | Erection of two storey extension to form offices (B1a). Variation of conditions on PK08/3164/F to vary hours of working and retain access from Victoria Road | Withdrawn |

4. CONSULTATION RESPONSES

- | | | |
|-----|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.1 | <u>Bitton Parish Council</u> | Object due to the application reiterating previous applications, the Design and Access Statement is different from the plans in regard to parking and access arrangements; some plans show an oblong extension and others an 'L' shape; no new operating hours are proposed; no mention is made of the 13 houses under construction nearby with the access proposed opposite to their access, giving rise to highway safety issues. It is mentioned that the access would be used by goods vehicles and that is unacceptable on what is now a significantly residential road. |
| 4.2 | <u>Other Consultees</u>
<u>Transportation</u> | No objection, subject to conditions being applied which ensure that the dividing wall is erected and retained, no outside storage, provision of parking prior to first use and creation of visibility splays at site entrance. |

Environmental Protection

No objection in principle. Proposed hours are acceptable. Would like to see a properly performing acoustic fence along Bath Road.

Technical Services

No comment

Public Rights of Way

Concern over pedestrian safety in close proximity to the cycletrack. Recommend a condition requiring the submission of a signage scheme for safety purposes.

Coal Authority

No objection

Landscape

No objection

Other Representations

4.3 Local Residents

5 letters of objection were received, citing the following concerns:

- The residents of the houses currently under construction would be affected by this proposed use
- The site access should have been blocked up as a result of the previous condition and should not exist to be used now
- Traffic hazard from setting up two accesses opposite each other, with a traffic flow of residents, office workers and residents, together with pedestrians
- Increased parking of cars and lorries on Victoria Road
- Can't understand how the applicant will restrict lorries from using the entrance
- The offices represent an over-intensification of the site
- The materials to be used for the office building will make it more visible than the existing structures and out of keeping
- Increased lorry use of the site
- Noise
- The access to the site from Southway Drive is adequate
- Do not believe there is a need for more offices in the area
- The area is definitely residential
- If the offices are not used by Prompt, this would be a change of use which may not be permitted

NB The following comments relate to the revisions to conditions which are no longer part of this proposal:

- The condition regarding operating hours for the transport yard should not be changed
- Noise attenuation from the transport yard in the extended building has not been effective

- Levels of activity in the transport yard have increased in recent years
- Official noise readings for the previous application (PK13/1025/RVC) are not considered to be valid
- Applying to vary conditions which have previously been applied for is an attempt to gain permission through the back door

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The development is proposed for an employment safeguarded area and would represent economic development, creating jobs. The proposal is therefore considered to be acceptable in principle, subject to the stipulations of policy E3 and the other issues identified under the following headings.

Policy E3

This policy from the adopted Local Plan sets criteria to be met for employment development within the urban area. These concern the environmental effects, provision for servicing and delivery requirements, traffic levels and parking (dealt with in the Transportation analysis below), residential amenity, impact on the character of the settlement, achieving maximum density and, for B1 uses, the degree of the site's accessibility by public transport. This last point is again dealt with below under transportation.

With regard to the environmental effects, therefore, no objection has been received from Environmental Protection and no environmental impacts identified, other than noise, through the consultation process. The proposal is for a change of use which would effectively remove the sui generis use of the transport yard from this end of the site and replace it with an office function, divided from the residual yard by a 2 metre high wall, required by condition below. On the basis that the use of the yard has previously led to complaints being received by the Council with regard to noise generation at inappropriate times, having a different use on an intervening site, as proposed, is considered to be likely to improve the current situation in environmental terms, preventing a noise source from operating in the southern part of the site, close to Bath Road and the new housing development. This is considered to have the potential to be a positive environmental impact and certainly not an unacceptable one.

The impact of the proposal on residential amenity is considered to be linked with the foregoing paragraph. Subject to the condition recommended below governing operating hours for the office, it is considered that the proposed use would have a lesser impact in terms of noise and activity in comparison with the present use. Whether the offices are used or part used by Prompt Transport or another user, the activities within them are considered to be likely to have a lesser impact than the continued use of this part of the site as a transport yard.

With regard to the impact of the proposal on the character of the area, it is noted that the site is part of a safeguarded employment area and the uses within it tend to determine the area's character. It is also next to a quiet lane leading to the cycle track and this adjoining area has its own, distinct character.

Therefore there is importance attached to the screening of the site, which is along the border with the employment area. This boundary has a hedgerow along it at present which, with the exception of some clearance that may be necessary to create an appropriate visibility splay, would be retained. Although it is acknowledged that it would not screen the building entirely, it is considered that it establishes the rural context of the setting of this employment area to an adequate extent and that the proposal as a result would not adversely effect the character of the area as a whole.

Regarding the density issue, consultees have commented that the proposal represents over-intensification of the site. It is considered that the site area provides space enough for the offices, with an adequate level of parking and turning for delivery vehicles, with no spare capacity. On that basis, it is considered that the best possible density of development has been achieved. In terms of density of employment, the two storey offices would create significantly more jobs than are likely to be provided on this part of the site under the current use and therefore by this measure also, the proposal makes best use of the available site size. Further information on job generation is that 8 people would be employed on the site on completion of the offices, rising to 20 if a predicted contract is confirmed.

Subject to the following analysis on the transportation criteria required by the policy, the proposal is considered to accord with policy E3 of the adopted Local Plan.

5.2 Transportation

The development is for erection of a new office (approx. 550m²) with associated access. Which would split this site into two, with the larger part in the current use. The applicant wishes to access the new office development via a separate access from Victoria Road. Victoria Road is an adopted highway subject to a 30mph speed limit. It currently serves two existing dwellings. A further 13 other dwellings are under construction on part of the playing field for Sir Bernard Lovell School with access onto Victoria Road making a total of 15 dwelling being served by Victoria Road. The road is approximately 5m wide with a footway on the southern side. Adequate visibility can be provided from the site access on to the public highway subject to trimming the existing hedge that is in the applicant's control. Based on information provided, visibility splays of 2.4 by 43 metres can be provided and this meets the appropriate visibility standards. Upon leaving the site access into Victoria Road, vehicles would gain access to the wider highway network via its junction with Bath Road. Visibility splays at the Victoria Road junction with Bath Road are considered acceptable and there are no recorded personal Injury accidents at this junction. Therefore, it is considered that the site access to Victoria Road and its junction with Bath Road are suitable for the traffic generated by this proposal.

In terms of traffic generation from the new development, based on the TRICS data-base, officers estimate, given the size of the development that traffic in the AM peak hour (08.00 to 09.00) would be in order of 12 (two-way) movements. This represents an extra vehicular movement on the road every 5 minutes. During the PM peak (17.00 to 18.00), traffic from this would be in the order of 17 two-way movements, representing an extra movement every 3.5 minutes.

This level of increased traffic is not considered significant to justify refusal of the planning application.

In respect of parking for the proposed development, given it's size and based on the Council's parking standard of 1 space per 35m², total of 16 parking spaces would required for the office staff. The submitted plan shows 25 parking which is in excess of the Council's parking standards. Additional to the proposed parking facilities and not compromised by them is adequate turning space on site for occasional service vehicles which require access to the new office. The oversupply of parking on the site is not considered to be likely to lead to additional parking on Victoria Road of cars and lorries as car parking can be catered for on site and lorry parking would only be required for the transport yard, which would not be accessed from Victoria Road.

With office development, the trips by service vehicles would be very low and would be restricted to delivery of office equipments or refuse collection only. While the access can take larger vehicles, therefore, the wall (required by the condition recommended below) dividing this site from the transport yard would prevent any vehicles for the yard accessing it from this entrance. Under these circumstances, it is not considered that this proposal would lead to increased lorry use of the site, as the reduction in size of the transport yard inherent in this application would reduce capacity of that site and this would only be offset by the occasional service vehicle on the sub-divided site.

Subject to the relevant conditions shown below, therefore, the proposal is considered to accord with the relevant parts of policy E3 and policies T8 and T12 of the adopted Local Plan.

5.3 Design

The proposed building would form an extension to the existing building on the transport yard site, forming an 'L' shape. It would front the car parking area proposed to serve it. It has been raised through the consultation process that the materials to be used for the office building will make it more visible than the existing structures and out of keeping. The proposed materials are shown on the application form as matching those of the existing building. The scale of the extension also matches that of the existing building. Both those approaches are considered to be appropriate to the building to be extended and the locality. It is acknowledged that with the access open and with the lower level of the hedge at this location, the extension will be more visible than the existing building in that it will benefit from less screening, however, it should be borne in mind that it is an office building proposed on a safeguarded employment site and to that extent it is considered appropriate and the design is appropriate to the locality. In addition, no harm to the landscape quality of the area under policy L1 has been identified.

Turning to the detailing of the extension, the 8 office suites that are shown on the floor plans would present a blank elevation onto the transport yard, the main elevation of the office building would be onto the car park and this would be subservient to the host building and have the most of the proposed glazing, including a gable end to floor feature which would be prominent in views into the site. Glazing is also proposed at ground and first floor level facing Victoria

Road. While the ground floor window's view would be curtailed by the hedgerow, the first floor window would overlook the road and therefore provide a small measure of increased security. Overall, the proposed development is considered to accord with policy D1 of the adopted Local Plan and is not considered to cause any harm to visual amenity.

5.4 Other issues

The consultation process has revealed other concerns which have not already been addressed. The need for offices in the area is not a planning consideration. The proposal would introduce this use in an appropriate area, as well as increasing the density of employment on the site. It is understood that they may partly be used in a manner ancillary to the transport yard. Using the existing site access from Southway Drive to serve the site would not allow the site to be occupied independently to the transport yard and since the proposed use of the Victoria Road access is acceptable in highway safety terms, it is not considered necessary to insist on this. The Parish has commented on perceived discrepancies between the Design and Access Statement and the proposed plans. The plans represent the important element of the proposal and the revised site plan is considered to make the relationship between the transport yard and the site clear.

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 increase employment opportunities in a safeguarded employment area, supported by an adequate level of parking, without leading to any harm to residential amenity, visual amenity or transportation concerns. The proposal accords with policies D1, E3, T8 and T12 of the adopted South Gloucestershire Local Plan.
- 6.3 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is approved, subject to the conditions shown below.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. The premises shall be used for Class B1 offices and for no other purpose (including any other purpose in Class B1 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

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No machinery shall be operated, no process shall be carried out and no deliveries taken at and or despatched from the site or work be undertaken at the office outside the following times 0700 to 2200 Mondays to Fridays and 0800 to 1400 on Saturdays, nor at any time on Sunday or Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Within three months from the date of this decision, the fence between the Prompt Transport yard and Bath Road shall be repaired and reinforced to acoustic containment standard and thereafter maintained to such a standard.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of development, details of a signage scheme to enhance pedestrian safety along Victoria Road shall be submitted for approval in writing by the Local Planning Authority. The signage shall be erected and retained in accordance with the scheme so approved.

Reason

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

6. The development hereby approved shall not be brought into use until the wall between the site and the adjacent transport yard is erected in accordance with the approved plans. The wall shall thereafter be retained.

Reason

To prevent lorries using the access onto Victoria Road, In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Visibility splays shall be created in accordance with the approved block plan prior to the first use of the office building for employment purposes. The visibility splays shall be maintained free of obstruction above 0.9 metres in height thereafter and the remainder of the hedgerow shall not be grubbed out or cut back without the written consent of the Local Planning Authority.

Reason

In the interests of highway safety, and to accord with Policy T12 and to maintain the character of the locality in accordance with policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. 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, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. No outside storage of material/goods/waste or plant shall take place at the premises.

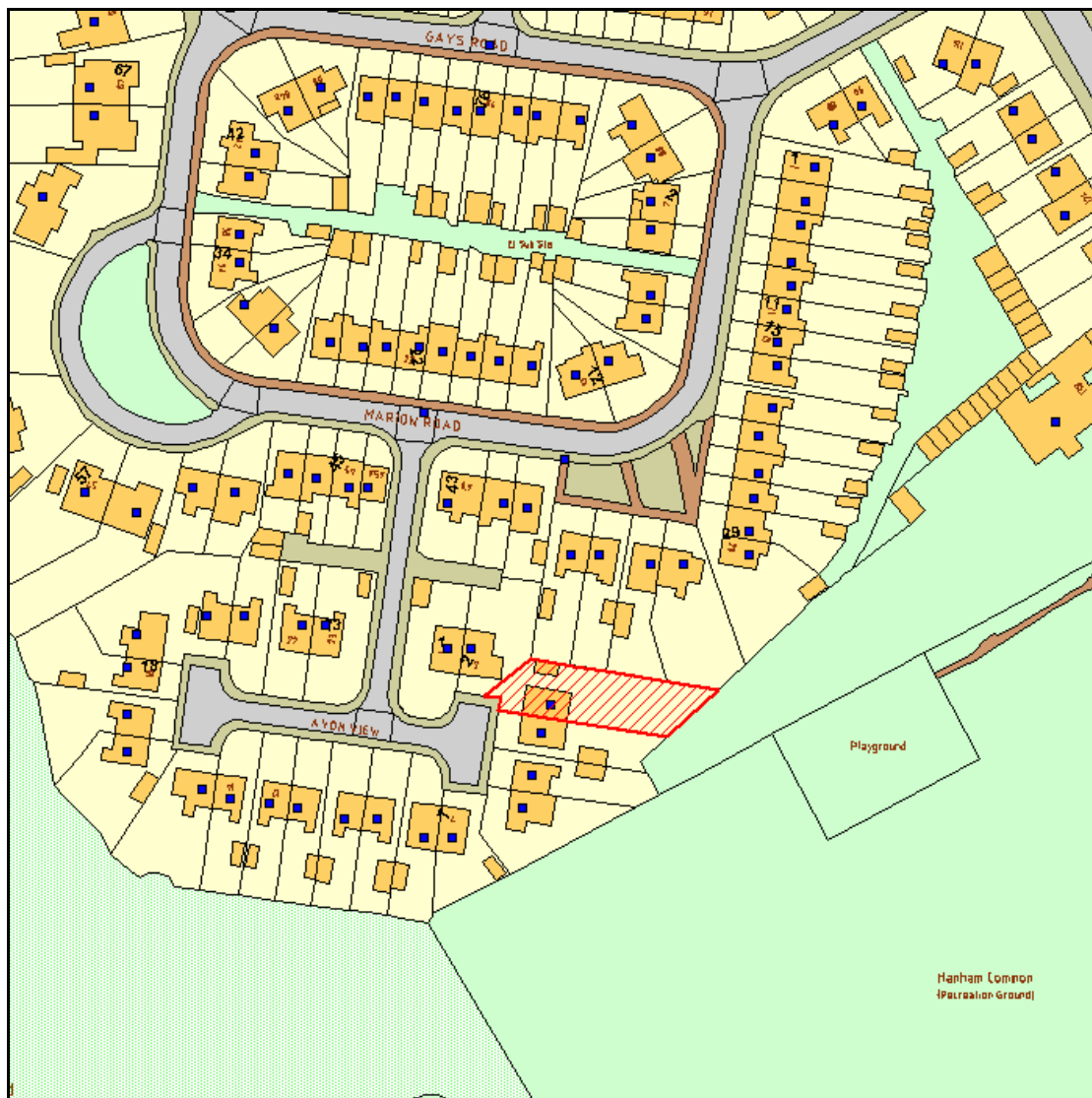
Reason

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

ITEM 6

CIRCULATED SCHEDULE NO. 24/13 – 14 JUNE 2013

App No.:	PK13/1201/F	Applicant:	Mr And Mrs N Bartlett
Site:	3 Avon View Hanham Bristol South Gloucestershire BS15 3LG	Date Reg:	16th May 2013
Proposal:	Demolition of existing detached garage and erection of two storey and single storey side extensions to provide additional living accommodation.	Parish:	Hanham Abbots Parish Council
Map Ref:	363782 171345	Ward:	Hanham
Application Category:	Householder	Target Date:	7th June 2013



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100023410, 2008.

N.T.S.

PK13/1201/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as objections have been received from two local residents, contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks consent to demolish an existing single storey detached garage, and erect a two storey extension to the side, and single storey extension to the rear forming additional living accommodation. There are similarly scaled two storey side extensions within Avon View.
- 1.2 The property is a semi-detached house in Hanham, sited on a residential cul-de-sac in the Bristol East Fringe.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilages, including extensions and new dwellings
T8 Parking Standards

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
- 2.3 Supplementary Planning Documents

Residential Parking Standards (Approved for development management purposes – 27th March 2013)

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/1265/F: Erection of two storey side and single storey rear extension to form garage and additional living accommodation. Decision date 02.06.2006.
Approved with conditions.

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
No objection
- 4.2 Highway Drainage
No comments

- 4.3 Environmental Health Officer
No objection in principle, subject to conditions

Other Representations

- 4.4 Local Residents
Two objections received from local residents on grounds of:
- potential for dividing the property into separate units and restricting views
 - restriction of natural light, and potential for overlooking into gardens

5. ANALYSIS OF PROPOSAL

5.1 The Site

The property is a two storey semi-detached house situated on a residential cul-de-sac built in the 1960s. The property occupies a corner location at the turning hammerhead at the east end of the cul-de-sac. It has previously been extended to the rear (east) with a single storey lean-to extension. There is a detached domestic garage alongside and to the north of the property.

It is bounded to the north by the rear gardens of properties in Marion Road. It is bounded to the north and east, and along the shared rear garden boundary with its neighbour by timber panel fencing.

5.2 Principle of Development

Development within the curtilage of existing dwellings (including extensions) is assessed through policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. The policy is supportive of residential extensions subject to tests of design and character, and effect on public and residential amenity. Overall design standards for the district are set out in policy D1.

Policy T8 and the Council's Parking Standards SPD specify requirements for car parking facilities to be provided for different development types and sizes.

It is noted that permission was granted previously in 2006 for a similar two-storey side extension, and single-storey rear extension, albeit with a slightly smaller footprint. This proposal was assessed against policies in the South Gloucestershire Local Plan (Adopted) 2006. This is still the effective plan for the district, and will be used for assessment for this proposal. The decision made when granting the 2006 application is thus considered to be material in determining this proposal.

5.3 Design and visual amenity

The two-storey side extension has been designed sympathetically to the existing dwelling. It has been set back from the front elevation with a reduced ridge height to provide a subservient appearance to the existing dwelling. The pitch of the roof will match that of the existing dwelling to ensure the side extension is well-integrated. The front and rear window features are well positioned at the same height as their equivalents on the existing building which link the old and new parts of the building together, and are vertically aligned between the ground and first floor.

The rear extension is aligned with a single-storey rear extension on the original house, forming a single rear elevation across the rear of the house, and matching sloping roof pitch. The two roof slope windows are well positioned within the extension and horizontally aligned with equivalent features on the host dwelling.

As the side extension will be visible from the highway a condition will be applied ensuring materials will match the existing dwelling.

Although the extensions form extensive additions to the building it is not felt to be out of scale to the existing property. Overall the extension is considered to be a suitable addition to the existing house and it is considered the design of the proposal meets the criteria set out in policy D1.

5.4 Residential amenity

The 2006 permission approved a similar extension on a marginally smaller footprint, being 1 metre less in length than the current proposal, 200mm less in width, and the ridge height 400mm lower. It will be necessary to assess the impact of the additional built form and features, and consider whether this would be acceptable.

The extensions will be located on the north side of the dwelling, adjacent to the rear gardens of 35 and 37 Marion Road. The extension will sit slightly closer to the rear elevations of these houses, and the roof will appear more prominent in the skyline. However at an overall distance of approximately 17 metres between buildings it is felt the impact will not be over-bearing, and these properties will continue to be served by sufficient levels of light to not unduly affect amenity.

The extension has no side facing windows on the first floor which will ensure no unacceptable over-looking into the gardens of properties in Marion Road. There are two windows proposed on the side, north-facing ground floor which would be within 1.1 metres of the boundary. Although there is timber fencing on the boundary this may not be maintained adequately during the life of the development. As such the windows have the potential to interfere with privacy between the occupiers and rear gardens of Marion Road properties; a condition will be applied to ensure these are obscure glazed and remain so in perpetuity.

The proposal will sit further forward (west) than the 2006 permission and as a result will be closer to the garage and side of 2 Avon View. There are no windows in the side elevation of the no. 2, so the impact on amenity will be low. Part of the garden of no. 2 sits to the side of the garage and will be impacted by an increased degree of overbearing from the extension as it is sited 1 metre further forward than the previous permission. The development also proposes a ground floor window on the front elevation. This will also look directly onto the part of the garden of no. 2 next to its garage and side elevation. However it is considered there is still an ample amount of garden space that will not be affected by the increased mass and therefore retain sufficient levels of daylight and amenity for this property.

The dwelling sits in a large plot and it is considered a sufficient amount of outdoor space will be maintained following implementation of the development, thus retaining a sufficient level of amenity to current and future occupiers.

In conclusion to sections 5.3 and 5.4, it is considered the proposal is acceptable in terms of policy H4, subject to applying the discussed conditions related to privacy.

The Council Environmental Health Officer has noted the site is within 250 metres of land historically used as filled ground. This may have caused ground contamination which could give rise to unacceptable risks to the proposed development. A condition will be applied requiring submission of an investigative report detailing previous uses and contaminants that may affect the development, to the Council.

5.5 Parking

The proposal will increase the number of bedrooms at the property from 3 to 4 rooms. The Council have recently released a Supplementary Planning Document (SPD) for Parking Standards for development management purposes. This will not be formally adopted until the emerging Core Strategy is also adopted, nevertheless it is considered material in decision making, and is considered more up to date than policy T8 in the Local Plan.

Appendix A of the SPD details minimum parking facilities for dwellinghouses and this has been taken into consideration in this application. Although the proposal will result in the removal of a car parking facility (as the garage will be demolished), there will be parking spaces available for two cars in front of the house. This is in accordance with the Council's Parking Standards and is considered adequate.

5.6 Other matters

The reasons for objection related to overlooking and light have been addressed elsewhere in this report. Any future proposal to separate the resulting building into more than one residential unit would require a separate planning application which would be assessed on its own merits.

The planning regime takes into account the effect of development on residential amenity to occupiers and neighbouring properties as this is a material planning consideration. However it cannot cater for the protection of private views as this is not a material consideration.

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 Given the nature of the existing site it is considered that the proposal would not have an unduly detrimental impact on the residential amenity of the occupiers of the development site and neighbouring properties.

The car parking facilities provided are in accordance with Council guidelines. The design of the proposal is informed by and respects the character of the site and locality. Accordingly the proposal is considered acceptable in terms of policies H4, T8 and D1 of the South Gloucestershire Local Plan (Adopted) 2006 and the district's Residential Parking Standards SPD.

- 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 permission is **GRANTED** subject to the conditions on the decision notice.

Contact Officer: Christopher Roe
Tel. No. 01454 863427

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.

3. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed ground floor window on the side (north) elevation shall be glazed with obscure glass to level 3 standard or above.

Reason

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

4. (a) Previous historic use(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person 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.

(b) Where potential contaminants are identified in the report produced under section (a), prior to the commencement of development, an investigation shall be carried out by a suitably qualified person 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.

(c) Prior to occupation, where works have been required to mitigate contaminants (under section (c)) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

(d) If unexpected contamination is found after the development is begun, 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 should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

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

5. The development hereby approved shall only be constructed in accordance with the following:
 1. Any existing buildings on site should be assessed for asbestos materials prior to demolition. Any asbestos must be removed in full consultation with the Health & Safety Executive.

2. Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;

Monday - Friday.....7.30 – 18.00

Saturday.....8.00 – 13.00.

No noisy activities on Sundays or Bank Holidays.

2. 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.

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

4. 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.

5. Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (eg. Plastics, rubber, treated wood, bitumen etc)

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

7. 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.

8. 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.

Reason

To protect the amenity of the occupiers of nearby dwelling houses during construction, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 7

CIRCULATED SCHEDULE NO. 24/13 – 14 JUNE 2013

App No.: PK13/1212/F
Site: 43 Hatters Lane Chipping Sodbury
Bristol South Gloucestershire BS37
6AA

Applicant: Mr William Cawte
Date Reg: 19th April 2013

Proposal: Demolition of existing garage to
facilitate erection of single storey
detached garage

Parish: Sodbury Town
Council

Map Ref: 372984 182339
Application Category: Householder

Ward: Chipping Sodbury
Target Date: 11th June 2013



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100023410, 2008.

N.T.S.

PK13/1212/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following an objection from a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing garage to facilitate the erection of a single storey detached garage.
- 1.2 The application site relates to a two-storey semi-detached cottage situated within the Chipping Sodbury Conservation Area.
- 1.3 During the course of the application two sets of revised plans were received: firstly to change the orientation of the proposed roof so a large gable section was not presented to neighbours and secondly, to reduce the overall height of the proposal and increase its length by 0.4m. These were received by the Council.

2. POLICY CONTEXT

2.1 National Guidance

NPPF National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Design in New Development

H4 Development within Existing Residential Curtilages, Extensions and New Dwellings Including

L12 Conservation Areas

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 SPD: Residential Parking Standards (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/0091/F Side and rear conservatory
Withdrawn 31.1.12
- 3.2 PK12/0766/F Side and rear extension (resubmission of
PK12/0091/f)
Approved 25.4.12

4. CONSULTATION RESPONSES

4.1 Sodbury Town Council
No objection

4.2 Other Consultees [including internal consultees of the Council]

Conservation Officer
No objections

Drainage Engineer
No comment

Other Representations

4.3 Local Residents

One letter of objection has been received from a local resident. The points are summarised as follows:

- will be closer to my property
- will be higher than existing garage and will block more daylight and be intrusive on my outlook
- will block daylight into forecourt area
- having cars in this location and being attended to (e.g. washing them) is already an infringement on our privacy
- concerned the plans could reduce the value of the property
- drainage concerns
- removal of asbestos roof

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Policy D1 of the Local Plan requires all new development to be well designed and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and locality. Policies T8 and T12 advise of maximum parking standards and seek to ensure that development will have no adverse impact on highway safety. Policy L12 states that development will only be permitted within a conservation area if it preserves or enhances the character or appearance of the area. It is considered the proposal accords with the principle of development.

5.2 Design and Visual Amenity

The proposed single garage would replace an existing single garage in the same location. The existing garage measures approximately 5.5 metres long, 3.1 metres wide and its mono-pitch roof has a height between 2.5 and 2.1

metres. It currently comprises pre-cast concrete panels between posts, with a built up flat roof, a metal up and over door and a steep window to the rear.

The proposed garage would be slightly longer by 0.4m and slightly wider by 0.6m. It would have a pitched roof which would attain a maximum height of approximately 3.75 metres. These alterations follow negotiations to change the orientation of the roof pitch and to further lower the overall height of the structure. The exterior would be finished in painted render and clay tiles would be used for its roof. A roller shutter door would provide vehicular access and a black painted steel door would be located on the east side to allow pedestrian access. A further non-opening obscure glazed window in the rear (north) elevation would provide additional light into the structure. It is considered that the proposal is of an acceptable scale and design, appropriate to its location. Good quality materials would be used and as such it is considered to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.

5.3 Residential Amenity

The setting for the proposed replacement garage is within the Chipping Sodbury Conservation Area where many older properties and their existing and unconventional curtilage situations are to be found. Residential dwellings and businesses in this historic and established area are in close proximity with one another. In this case the cottage associated with the garage and its parking space is to be found to the northeast some metres away from the proposed development. Thus the garage is positioned closer to neighbours at No. 41 Hatters Lane. These cottages are also at a slightly lower level than the garage and its access via a local carpark/hardstanding serving the Conservative Club.

Neighbours at No. 41, positioned slightly to the northeast of the existing garage, have expressed a number of concerns. The proposed garage would occupy a very slightly larger footprint than that existing. The scale of the proposed increase is considered to be acceptable. In addition concerns have been expressed regarding loss of light from the proposed garage. It is acknowledged that the proposal would be slightly higher than the existing garage. However, negotiations have resulted in a scheme which has changed the orientation and lowered the overall height of the structure. Given these and the fact that the pitch of the roof would be away from these neighbours, the impact is considered to be acceptable. Issues related to impact on the market value of a property is not a planning matter and cannot be covered under the remit of this report.

Comments have been received regarding drainage. The proposed garage would have guttering around its eaves and downpipes to trap rainwater. It is assumed that as this is a replacement garage the drainage solution would be the same as is currently in use which could either be via the mains or by means of a soakaway. If the latter method is used, Drainage Officers consider that as the garage would only be slightly larger than the one it replaces, there would only be a small increase in the volume of water that would need to be diverted away. With regard to the comment on the removal of the asbestos roof, this is not a planning matter and cannot be covered under the remit of this report.

Given the above the proposal for a replacement garage is considered to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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 demolition of an existing garage to facilitate the erection of a single storey detached garage is considered to be in-keeping with the overall character of the dwelling and surrounding area in terms of its scale, design and the materials used. Furthermore, the existing level of residential amenity afforded to neighbouring properties is protected. As such the proposal accords with Policies D1, H4, L12, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the application be **APPROVED** subject to the conditions written on the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

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 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 8

CIRCULATED SCHEDULE NO. 24/13 – 14 JUNE 2013

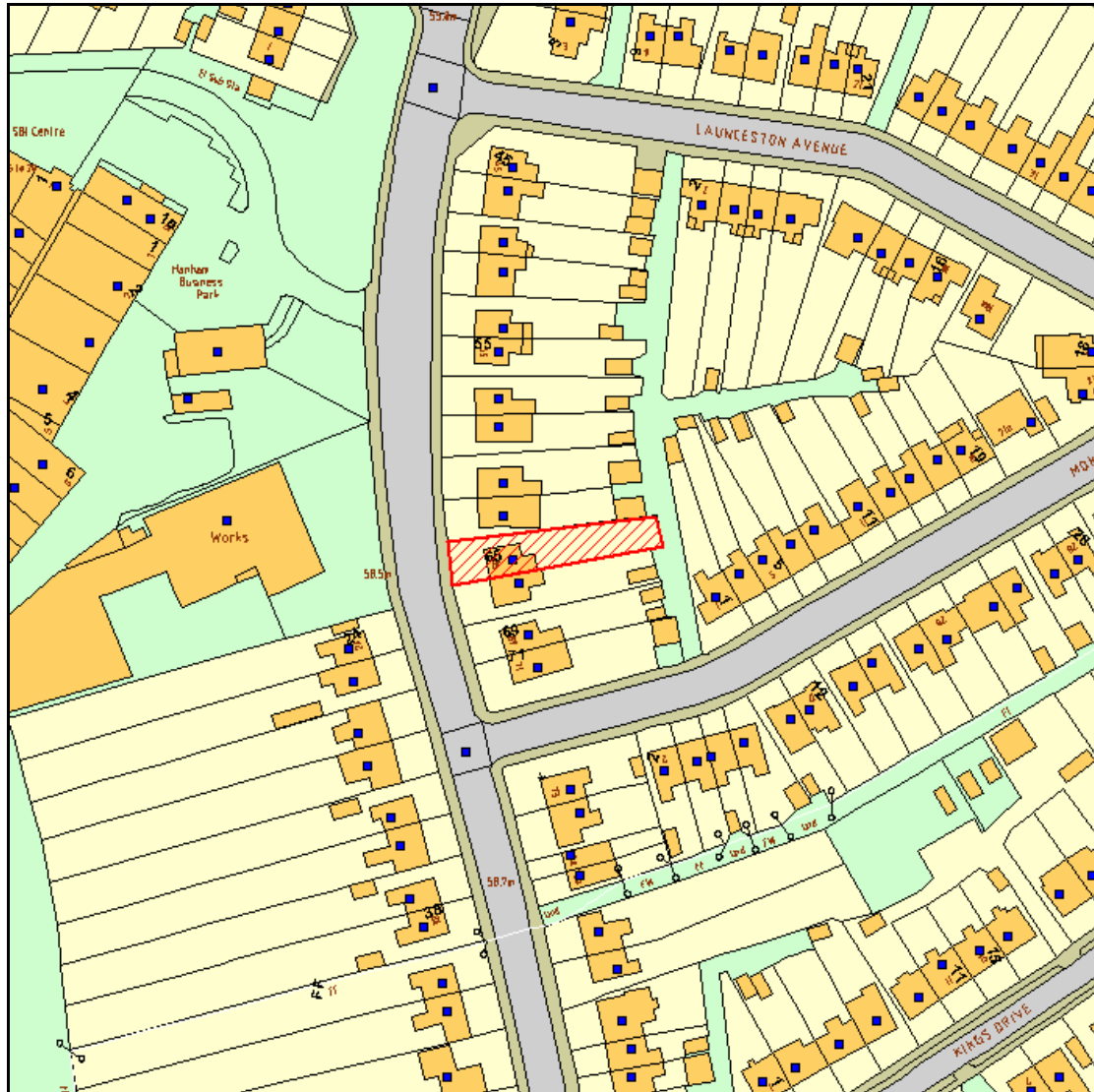
App No.: PK13/1332/F
Site: 65 Memorial Road Hanham Bristol
South Gloucestershire BS15 3JD
Proposal: Erection of detached garage

Applicant: Mr Richard Mason
Date Reg: 24th April 2013

Parish: Hanham Parish
Council

Map Ref: 363821 172007
Application Category: Householder

Ward: Hanham
Target Date: 17th June 2013



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PK13/1332/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule for determination due to public comments received during the consultation period.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to erect a detached double garage to the rear of a semi-detached property on Memorial Road in Hanham. The site is accessed along an access track from Monkton Road and Launceston Avenue, which provides rear vehicular access to all the properties triangulated by Memorial Road, Monkton Road, and Launceston Avenue.
- 1.2 It is proposed to erect a prefabricated double garage over the existing parking area. The garage will provide two parking spaces with additional ancillary space.

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
T12 Transportation
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
- 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 PK03/1396/F Approve with Conditions 13/06/2003
Installation of 1no. rear dormer window to form additional living accommodation
- 3.2 P97/4651 Approval 04/12/1997
Retention of single storey rear extension

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No objection

- 4.2 Drainage
No comment

Other Representations

- 4.3 Local Residents
One comment was received from a local resident. This comment raised objection to the plans as submitted, but indicated that having discussed these with the applicant should the development be built as per that conversation, there would be no objection. The objection raised was on the following grounds:
- Garage is directly adjacent to existing garage and leaves little space for maintenance;
 - Tree is in close proximity to the boundary line that may be damaged by the development;
 - Rainwater would be discharged directly onto the boundary line.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for a detached double garage to the rear of a property on Memorial Road in Hanham.
- 5.2 Principle of Development
Development within existing residential curtilages is managed through policy H4 of the Local Plan. This policy is supportive, in principle, to alterations, extensions and improvements to existing dwellings subject to an assessment of design, amenity, and transport.
- 5.3 Design
A very simple structure is proposed. The garage will be constructed from pre-formed concrete panels with a Cotswold spar finish render with a corrugated roof. Despite a large footprint, measuring approximately 6m by 7.5m, the building has a low mass; this is due to a shallow roof pitch.
- 5.4 Located at the end of the garden the proposed garage makes an efficient use of space and site layout. Although the building is simple in character, appearance and materials, it is not out of character with the back lane to which it is accessed from. The access lane has an ancillary character of mixed garages, outbuildings and parking areas.
- 5.5 Overall, the design is considered to be acceptable and to accord with policy D1 and H4 of the Local Plan.
- 5.6 Amenity
Development should not have a prejudicial impact on residential amenity. The proposed development is located at the far end of the application site, adjacent to the back access lane. It will replace the existing parking area. It will not, therefore, result in the inadequate private amenity space for the host dwelling.

- 5.7 A number of other garages and structures are located in along the back lane and surrounding area. The low mass means that the proposed development will have no greater impact than the existing buildings. It will not be overbearing or impact on adjacent neighbours.
- 5.8 It is not considered that the development will have a prejudicial impact on residential amenity and therefore accords with policy H4 of the Local Plan.
- 5.9 Parking and Transport
Development must accord with the Council's parking standards. This is set out in the Residential Parking Standards SPD. Off-street parking must be required to a level commensurate with the size of the dwelling (measured in number of bedrooms) to be acceptable.
- 5.10 The proposed garage will replace, in almost its entirety, the current parking area for the dwelling. Paragraph 5.4 of the Residential Parking Standard SPD states that the provision of garages as the sole parking spaces serving a property will not be acceptable.
- 5.11 However, the size of the garage proposed exceeds the standard for a double garage as set out in the SPD. It is therefore possible for the garage to provide two off-street parking spaces and ancillary space. It is not considered that the same provision of parking could be provided by a single garage and open hardstanding. Furthermore, as the garage is set back slightly from the access track it would be possible to provide one further parking space parallel to the building.
- 5.12 In this instance, it is not considered that refusing the application on the grounds that parking is solely provided by a garage would be reasonable. As the only parking is provided at the rear, there is a very high likelihood that the garage will be used for parking. The level of parking the garage provides is sufficient to meet the standard set by the SPD with extra space for ancillary purposes.
- 5.13 Overall, it is considered that the proposal provides adequate off street parking should a condition be imposed restricting the use of the garage to the garaging of private motor vehicles.
- 5.14 Tree
A small purple plum tree is going in a neighbouring garden in close proximity to the site of the proposed garage. Public comments have been received raising concerns that the development may affect the tree.
- 5.15 The Tree Officer has assessed the tree. It offers little visual amenity to the area and should not be seen as an obstacle to the proposed garage.
- 5.16 Other Matters
The maintenance of the respective structures, and the disposal of water run off, is considered to be a matter best resolved by neighbours or through civil law rather than the planning process.

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 policy D1, H4, and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and the Residential Parking Standards Supplementary Planning Document (Approved for Development Management Purposes) March 2013. The design is considered to be in keeping with the general character and appearance of the area and existing property. There will be no prejudicial impact on residential amenity. Adequate off street parking is provided and the development will have little impact on highway safety.
- 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. The garage hereby permitted shall be used solely for the garaging private motor vehicles and ancillary domestic storage and at no point shall be used for any other purpose without the prior written consent of the Local Planning Authority.

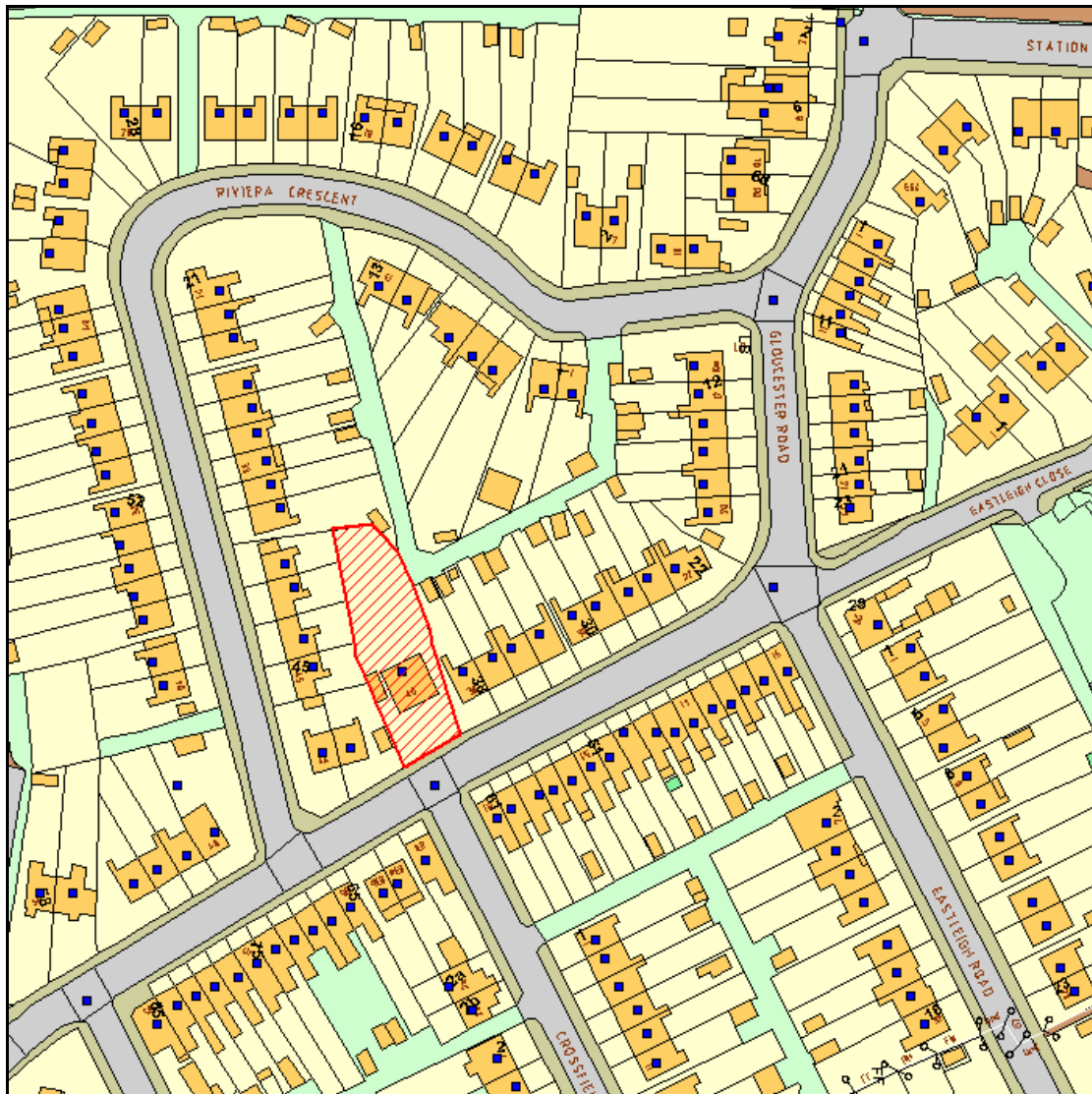
Reason

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, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Residential Parking Standards Supplementary Planning Document (Approved for Development Management Purposes) March 2013.

ITEM 9

CIRCULATED SCHEDULE NO. 24/13 – 14 JUNE 2013

App No.:	PK13/1355/CLP	Applicant:	Mr K Warr
Site:	40 Gloucester Road Staple Hill Bristol South Gloucestershire BS16 4SH	Date Reg:	1st May 2013
Proposal:	Application for certificate of lawfulness for the proposed installation of a rear dormer to facilitate loft conversion.	Parish:	None
Map Ref:	365295 175514	Ward:	Staple Hill
Application Category:	Minor	Target Date:	21st June 2013



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PK13/1355/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as a matter of process. The application is for a certificate of lawfulness for a proposed development.

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed development would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) Order 1995 (as amended). This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations.
- 1.2 The proposed development consists of the erection of a rear dormer window and the installation of two replacement and two additional roof lights in the front roof slope.
- 1.3 Having reviewed the planning history on this site, it would appear that permitted development rights have not been restricted on this property and are therefore exercisable.

2. POLICY CONTEXT

- 2.1 This is not an application for planning permission. It cannot therefore be determined through the consideration of policies contained within the Development Plan; determining this application must be undertaken as an evidential test of the submitted details against the regulations listed below.
- 2.2 The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

3. RELEVANT PLANNING HISTORY

- 3.1 K102/1 Approved 12/12/1978
Erection of chalet bungalow with garage, alteration of existing vehicular and pedestrian access.
- 3.2 K102 Approved 11/07/1974
Erection of 3-storey block containing 6 flats, construction of 6 garages and parking spaces, new vehicular access

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
This area is un-parished
- 4.2 Drainage
No comment

Other Representations

- 4.3 Local Residents
None received

5. SUMMARY OF EVIDENCE

- 5.1 The following evidence was submitted to the Local Planning Authority on 26 April 2013 –
- Summary for grant of lawful development certificate,
 - Combined plans, section and elevation drawing, and
 - Site location plan.

6. ANALYSIS

- 6.1 This application is seeking a certificate of lawfulness for a proposed dormer and two additional roof lights at bungalow in Kingswood.

6.2 Principle of Development

An application for a certificate of lawfulness must be determined solely on an assessment of evidence submitted to establish whether the proposed development would be implemented lawfully without the need to apply for planning consent. The decision is based on a test of the evidence presented. Should the evidence submitted demonstrate, that on a balance of probabilities, the proposed use is lawful then a certificate must be issued confirming the proposed development can be lawfully implemented.

- 6.3 To ascertain if the development is lawful, it must be assessed against Schedule 2 Part 1 Class B (for the dormer window) and Schedule 2 Part 1 Class C (for the roof lights) of The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

6.4 Assessment of Evidence: Dormer Window

Schedule 2 Part 1 Class B allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to meeting the following criteria:

B.1

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 plans submitted indicate that the proposed dormer window is approximately 0.8 metres below the highest part of the roof.

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

The only alteration to the plane of the roof slope that forms the principal elevation and fronts a highway is the insertion of two additional roof lights. These need to be considered under Part 1 Class C.

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

The information submitted in the reasons to grant the certificate submitted by the applicant suggest that the proposal would create an addition in roof space of less than 40m³. This is inaccurate. In a calculation undertaken by the Case Officer, the resulting roof space would create an increase of 44m³ over the roof space of the original dwelling.

However, notwithstanding the above, as the property is a detached dwelling the limit of permitted development stands at 50m³. Therefore, the proposed development remains under the threshold and complies with the above 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 does not consist of or include any of the items listed above in (d)(i) or (d)(ii).

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

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

6.5 Development is only permitted by Class B subject to the following conditions:

B.2

Development is permitted by Class B subject to the following 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 applicant has indicated in their submitted summary for grant that the exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing house. Therefore this condition is satisfied.

- (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 practical, be not less than 20 centimetres from the eaves of the original roof;

The edge of the enlargement to the roof is 50 centimetres from the eaves of the original roof and therefore this condition is satisfied.

- (c) any window inserted on 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 submitted plan indicates that there are no windows to be installed in either the side elevation of the property. As the property has a gabled roof, there is no side roof slope. On that basis, this condition has been satisfied.

- 6.6 The proposed rear dormer window is considered to comply with Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and is therefore permitted development.

- 6.7 Assessment of Evidence: Roof lights
Schedule 2 Part 1 Class C allows for any other alteration (than that permitted by Class B) to the roof of a dwellinghouse, subject to meeting the following criteria:

C.1

Development is not permitted by Class C if –

- (a) the alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;**

The proposed roof lights do not protrude more than 150 millimetres beyond the plane of the slope of the original roof.

- (b) it would result in the highest part of the alteration being higher than the highest part of the original roof;**

The proposed roof lights sit in the central section of the roof; they are not higher than the highest part of the original roof.

- (c) it would consist of or include –**

- (i) the installation, alteration or replacement of a chimney, flue or soil vent pipe, or**
- (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

The proposed development does not consist of or include any of the items listed above in (c)(i) or (c)(ii).

6.8 Development is permitted by Class C subject to the following conditions:

C.2

Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be –

- (a) obscure glazed; and**
- (b) 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.**

No window is proposed in the roof slope forming the side elevation of the dwellinghouse. Therefore this condition is not relevant.

6.9 The proposed roof lights are considered to comply with Schedule 2 Part 1 Class C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and are therefore permitted development.

7. CONCLUSION

7.1 The evidence submitted has been assessed against the regulations set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

7.2 The erection of a rear dormer window has been found to comply with the criteria of Schedule 2 Part 1 Class B of the abovementioned Order. The proposed development is considered to be permitted development.

7.3 The installation of a number of roof lights in the roof slope forming the principal elevation of the property has been found to comply with the criteria of Schedule 2 Part 1 Class C of the abovementioned Order. The proposed development is considered to be permitted development.

8. RECOMMENDATION

8.1 It is recommended that a Certificate of Lawfulness for Proposed Development be GRANTED for the following reason:

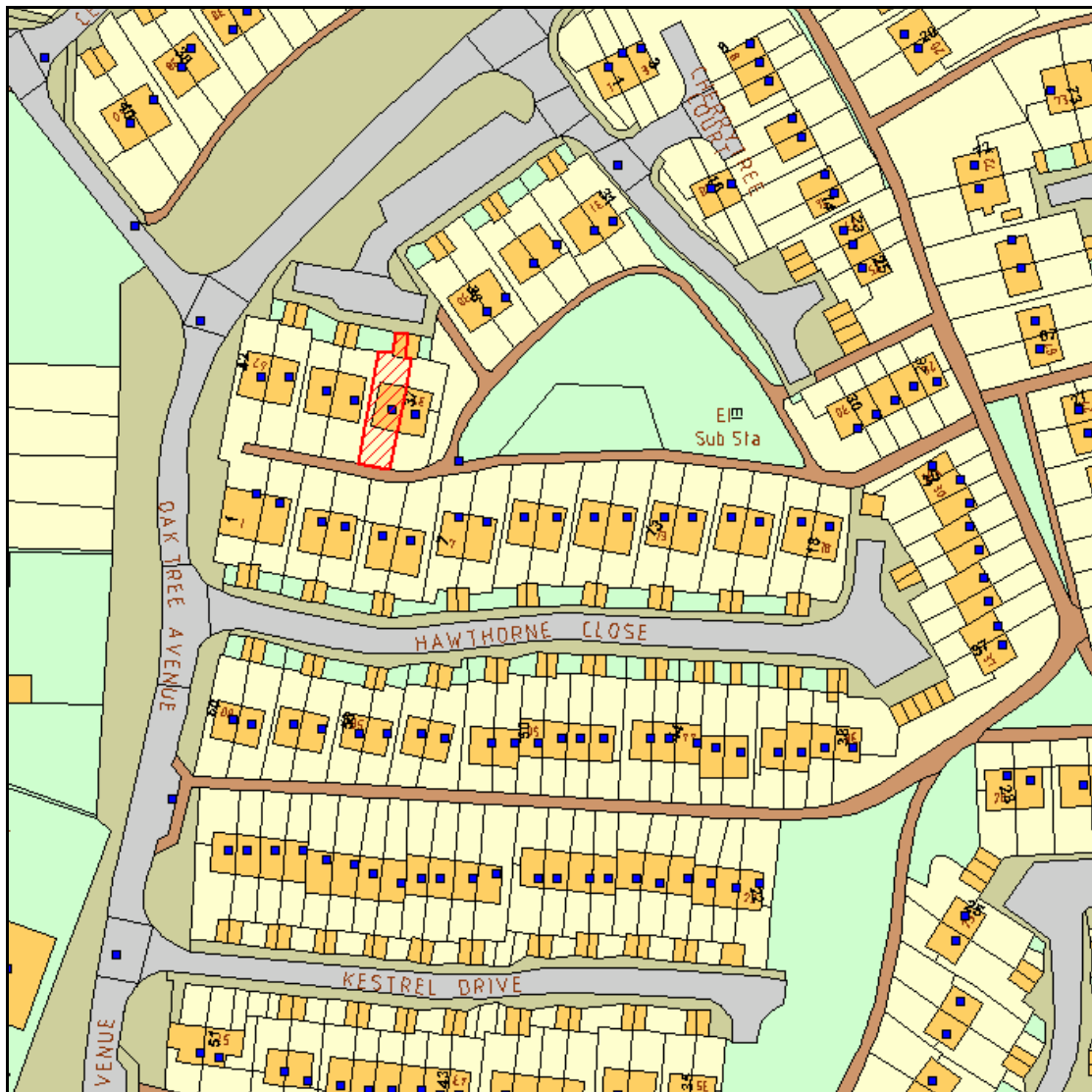
Evidence has been provided that demonstrates, that on the balance of probability, the development meets the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), and is considered permitted development.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

ITEM 10

CIRCULATED SCHEDULE NO. 24/13 – 14 JUNE 2013

App No.:	PK13/1397/CLP	Applicant:	Mr Andy Smith
Site:	38 Oaktree Avenue Pucklechurch Bristol South Gloucestershire BS16 9TE	Date Reg:	8th May 2013
Proposal:	Application for Certificate of Lawfulness for the proposed construction of side dormer.	Parish:	Pucklechurch Parish Council
Map Ref:	370042 176098	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	26th June 2013



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N.T.S.

PK13/1397/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as it is an application for a Certificate of Lawfulness for a proposed development, in accordance with the established practice for determining applications of this kind.

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed development would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) (Amendment) Order 2013. This application establishes if it is necessary to submit a full planning application for the proposed works. Therefore, this application is not an analysis on planning merits, but an assessment of the development proposed against the above regulations.
- 1.2 The proposed development consists of construction of a full length side dormer on a semi-detached house to form additional living accommodation.
- 1.3 Having reviewed the planning history for this property, the Council's records do not indicate that permitted development rights have been removed or restricted. Therefore it is considered that the property's permitted development rights are intact and exercisable.

2. POLICY CONTEXT

- 2.1 This is not an application for planning permission. It cannot therefore be determined through the consideration of policies contained within the Development Plan; determining this application must be undertaken as an evidential test of the submitted details against the regulations contained in the sources listed below.

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council
No objection
- 4.2 Highway Drainage
No comment

Other Representations

4.3 Local Residents

No comments received

5. SUMMARY OF EVIDENCE SUBMITTED

5.1 The following documentation has been submitted to the Council on 25th April 2013 in support of this application, and on which the application shall be determined:

- Architectural Services diagram 'Existing Floor Plans and Proposed Floor Plans', reference Issue 1A page no. 1, dated 04.04.2013.
- Architectural Services diagram 'Existing Elevations and Proposed Elevations', reference Issue 1A page no. 2, dated 10.04.2013

6. ANALYSIS OF PROPOSAL

6.1 An application for a Certificate of Lawfulness must be determined solely on an assessment of evidence submitted to establish whether the proposed development would be implemented lawfully without the need to apply for planning consent. Therefore, there is no consideration of the planning merits of the proposed scheme or policies contained within the South Gloucestershire Local Plan (Adopted) January 2006, as neither are material considerations.

6.2 The decision is based on a test of the evidence presented. Should the evidence submitted demonstrate, that on a balance of probabilities, the proposed use is lawful then a Certificate must be issued confirming the proposed development is can be lawfully implemented.

6.3 The proposed development consists of a side dormer roof extension. This development would fall under the criteria of **Schedule 2, Part 1, Class B** of Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 (enlargement of a house consisting of an addition or alteration to its roof). This type of development allows for the enlargement of the roof of a dwellinghouse provided certain criteria are met. Developments that fail any of the following criteria would not be permitted.

6.4 *B.1 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 development does not propose to exceed the height of the existing roof.

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

Submitted plans 'Proposed Elevations' show that the enlarged roof does not extend beyond the roof slope on the front elevation or any elevation which fronts the highway.

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

The proposed works consist of the construction of a side dormer on a semi-detached dwellinghouse to facilitate a loft conversion. The existing building has a pitched roof running from front to rear, and the dormer will be positioned within the side-facing roof slope.

The application form states the additional volume of the proposed works is "just under the 50 m³ limit". An independent calculation carried out by the officer using the submitted material has calculated the additional volume to be 52.85m³. The property is semi-detached and therefore may extend up to 50 cubic metres as permitted development. As the proposal exceeds the permitted threshold stated under point (c) ii it is considered to not be in compliance with this criterion, and therefore requires planning permission.

- (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.*

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

The proposal does not provide for a veranda, balcony or raised platform. The submitted material does not show any existing or proposed chimneys or vent pipes, however on a site visit it was noted there are a number of flue outlets protruding from the existing roof space. The site is not on Article 1(5) land therefore this criterion is not applicable.

6.5 *B.2 Development is permitted by Class B subject to the following 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 submitted plans state that the materials will match those of the existing dwelling. The proposed development is therefore considered to be in compliance with this condition.

- (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 centimetres from the eaves of the original roof;*

Submitted plans 'Proposed Elevations' shows the proposed dormer face will be set back from the eaves of the property by approximately 400mm, and thus this condition has been complied with.

(c) any window inserted on 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 includes two dormer windows to serve the en-suite bathroom and shower room. The 'Proposed Elevations' plan show the bottom of the dormer window frames will be over 1.7 metres above the eaves height and therefore do not need to be non-opening. However it does not indicate whether these will be obscure glazed. This is not compliant with point (c) ii, and therefore requires planning permission.

7. CONCLUSION

- 7.1 The evidence submitted to support the proposed development has been assessed against the regulations set out in The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.
- 7.2 It is considered that the side dormer roof extension **does not** comply with Schedule 2, Part 1 Class B1 paragraph (c) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 and therefore **requires full planning permission.**

8. RECOMMENDATION

- 8.1 That a Certificate of Lawfulness for Proposed Development is REFUSED.

Contact Officer: Christopher Roe
Tel. No. 01454 863427

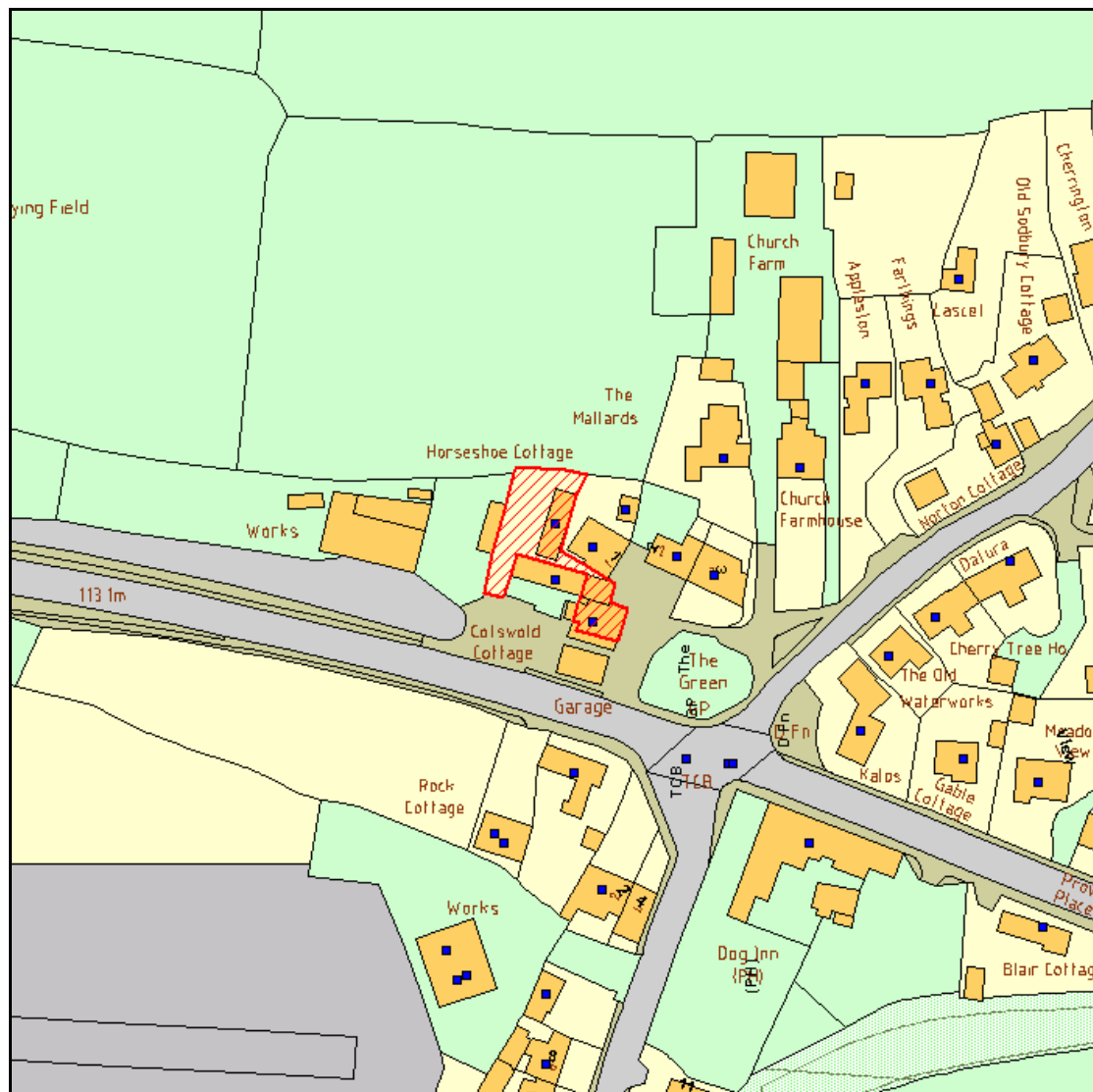
CIRCULATED SCHEDULE NO. 24/13 – 14 JUNE 2013

App No.: PK13/1412/F
Site: Horseshoe Cottage The Green Old
 Sodbury Bristol South Gloucestershire
Proposal: Extension of side dormer and first floor
 raised platform to facilitate re-
 positioning of first floor external door.

Applicant: Mr Julian Shipp
Date Reg: 1st May 2013
Parish: Sodbury Town Council

Map Ref: 375284 181587
Application Category: Householder

Ward: Cotswold Edge
Target 21st June 2013
Date:



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PK13/1412/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule due to comments received during the public consultation on this application.

1. THE PROPOSAL

- 1.1 This application seeks permission to make alterations to and enlarge the side dormer and first floor raised platform to enable the first floor external door to be repositioned.
- 1.2 The existing external staircase is to be unaltered. The raised platform will be extended by 0.3 metres towards the east and the dormer will be extended by 0.75 metres towards the east. The result is an increase in the volume of the dormer of 0.43m³.
- 1.3 The site is located on The Green in Old Sodbury. It is adjacent to a listed building but well screened from the A432 by the Cotswold Service Station. It is not located within the green belt, however, the site lies adjacent to the green belt boundary.

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
L13 Listed Buildings
GB1 Green Belt
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
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/3851/F Approved with Conditions 08/03/2013
Erection of a gabled pitched roof over existing flat roof garage and a link into existing workshop roof, to provide additional ancillary living accommodation.
- 3.2 PK02/2288/F Approved with Conditions 04/09/2002
Erection of single storey side extension with basement to provide study with balcony above. Construction of balcony railings and external spiral staircase.

- 3.3 PK01/0609/F Approved with Conditions 03/07/2001
Conversion of commercial garage/workshop (B2) to residential garage (C3) for Horseshoe Cottage.

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No objection
- 4.2 Conservation
No objection
- 4.3 Drainage
No comment
- 4.4 Landscape
No objection

Other Representations

- 4.5 Local Residents
Two objections have been received from local residents. The contents of these objections have been summarised as follows:
- Dormer extension should have been included in the application approved in March 2013;
 - Applicant has been 'economical' with the planning department;
 - Staircase and door are in direct contact with the listed building and impede maintenance of the building. New structure is larger and would further impede maintenance;
 - No access was applied for under PK01/069/F (see question 16 of the application form);
 - Extension was started without planning permission;
 - Extended dormer will block light to first floor of no.1 The Green
 - Development would result in more noise;
 - Development should not be joined to no.1 The Green;

5. ANALYSIS OF PROPOSAL

- 5.1 Planning permission is sought to extend the dormer and first floor platform at a property in Old Sodbury.
- 5.2 Principle of Development
Under application PK01/0609/F the garage and workshop was converted to be a residential garage associated with Horseshoe Cottage. Therefore, in establishing the principle of development, the site is considered to be included within the residential curtilage of the property. Development within existing residential curtilages is acceptable in principle, as set out in policy H4 of the Local Plan. To determine the application an assessment should be made of

design and amenity. As the application is not related to transport, it is not a relevant consideration.

5.3 Design

The proposed design is very simple in appearance. An extension to the existing flat roof dormer is proposed. This will enable the doorway to be repositioned onto the extended raised platform. The extension to the dormer matches the appearance of the dormer as existing. Only a limited extension is proposed resulting in an increase to the size of the dormer of 0.43m³. Overall the design is considered to be in keeping with the general character and appearance of the building and the vicinity.

5.4 Amenity

The development will result in an enlarged dormer and first floor platform. A dormer and staircase already exist in this location. The small increase in size will not have a prejudicial impact on residential amenity.

5.5 Comments have been received suggesting that the increase to the size of the dormer would result in less light entering no.1 The Green. The small scale of the proposed extension is not considered to result in any unacceptable impact on residential amenity. The dormer extension is of limited size and height, it is located below the ridge line and therefore will not block out light.

5.6 It is also suggested that the development would result in greater noise. It does not logically follow that by extending the dormer and platform, more noise would be created. The use of the dormer and staircase remains as the access to the roof space of a domestic garage and therefore is not considered to impact on residential amenity.

5.7 Impact on Listed Building

Located adjacent to a Grade II listed building, the development should not affect the setting or significance of the heritage asset. The development has been assessed by the Conservation Officer. It is not considered that the development would have a significant impact on the listed building.

5.8 Landscape and Green Belt

Located on the elevation of the building furthest away from the green belt boundary, the dormer will not be visible from the green belt. The development would therefore have no impact on the designation of the land as part of the green belt or the wider landscape.

5.9 Lawfulness of Dormer and Stair

It has been questioned as to whether or not the existing dormer has planning permission. Installation of a dormer and access stair was not included on the description of development under the 2001 application that converted the workshop to a residential use. It was questioned as to whether or not the application form for that planning application was filled out correctly. Question 16 asks whether a new access from the highway is to be constructed; it does not apply to access directly to/from the building.

5.10 Regardless of the previous applications, it is likely that the dormer and staircase would now be considered lawful. From the Local Planning Authority's aerial photograph record, the dormer was installed between 1999 and 2005. It is therefore exempt from planning control as it is over four years since erection.

5.11 Other Matters

A number of points have been raised that have not been addressed above. Although the raised platform is adjacent to the listed building it is not proposed to attach it to the building. Such works are likely to require listed building consent and would therefore be controlled. With regard to maintenance, it is considered that this is best resolved between neighbours under civil law rather than through the planning process.

5.12 Finally, it is suggested that the applicant has been 'economical' with the planning department. The role of planning is to assess the applications as presented. It is not within the remit of the Local Planning Authority to amend the scope of an application beyond what has been applied for. It is therefore not considered that the applications on this site have been misleading or contrived.

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 policy H4, L13 and D1 of the Local Plan. The design is considered to be in keeping with the existing dormer and building; it will not have an impact on the setting of the adjacent listed building. There will be no harm to the setting of the green belt or landscape as a result of this development and the development will not cause prejudicial harm to residential amenity.

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 The recommendation is to GRANT permission 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).

ITEM 12

CIRCULATED SCHEDULE NO. 24/13 – 14 JUNE 2013

App No.:	PK13/1481/F	Applicant:	Prudential Pensions Ltd
Site:	Unit B2 Emerson Way Emersons Green South Gloucestershire BS16 7AE	Date Reg:	16th May 2013
Proposal:	Sub-division of existing shop unit to create 2no. shop units, installation of new shop fronts and change to rear elevation, installation of partial mezzanine floors.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	367150 177231	Ward:	Emersons Green
Application Category:	Minor	Target Date:	9th July 2013



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PK13/1481/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission to sub-divide and existing retail premises into two units, partially through the installation of a mezzanine floor. The development would also entail new shop fronts and changes to the rear elevation. The site lies within the primary frontage of the Emersons Green Town Centre, as identified in the adopted Local Plan.
- 1.2 The development would entail the enlargement of the existing first floor mezzanine floor by 306 square metres, above the existing 1024 square metres of retail floorspace that the site provides. The changes to the rear elevation would involve the insertion of a new pedestrian door, in between the existing double doors. The proposal also involves the creation of a new shopfront. At present this features an entrance that is centrally located, with flanking show windows. Under this proposal, this arrangement would be reversed with an entrance at each side, flanked by smaller show windows, with further show windows replacing the current entrance.
- 1.3 The building is two storey, in common with others in the rank. All the windows are at ground floor level and the rear elevation presents a brick frontage to a shared service yard. There are no existing or proposed windows at first floor level. The retail frontages in this part of the town centre form a horseshoe, enclosing a large expanse of parking facilities.

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
RT1 Development in Town Centres
T12 Highway Safety

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
CS14 Town Centres and Retail

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/1856/RVC Variation of condition 14 to allow an additional 199 square metres mezzanine for storage for Unit 6 alone Approved 2008

NB, while the planning history does not relate to the same site, Unit 6 is within the same frontage and this decision is considered to be a material consideration to the determination of this application.

4. CONSULTATION RESPONSES

4.1 Mangotsfield Rural Parish Council

No objection

4.2 Other Consultees
Technical Services

No comment

Transportation

There is ample parking for the town centre and good access to other modes of transport. No objection.

Other Representations

4.3 Local Residents/ Businesses

One letter of objection has been received, citing the following concerns:

- Access to the site is likely to be achieved mainly by private vehicles, rather than public transport, cycle and foot
- Impact on town centre – the applicant has not provided enough information to justify the impact on trade
- It has not been proven that Pets at Home cannot be accommodated in the town centre
- The occupiers would directly compete with the Emersons Green Surgery (a veterinary surgeons) which is near the application site, which would affect its viability, which is contrary to policy RT1
- The proposal is contrary to the Portas Review (December 2011) which sought to protect town centres
- If approved, a condition should ensure that the partial use of Unit B2 as a pet care facility should be for 2 years and not 5

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The main issues to be resolved are the criteria set by policy RT1. The site is part of the Emersons Green town centre and therefore, subject to compliance with policy RT1 is acceptable in principle, as it would intensify the existing retail use of the site. The proposed shopfront and minor changes to the rear elevation and examined separately.

5.2 Policy RT1

This policy covers development that would be appropriate to a town centre. Development must not detract from the vitality and viability on the centre. In this regard, the proposal would introduce a further retail use to the centre which is considered to broaden the range and competition of goods and services on offer for shoppers. This is considered to be a benefit to the centre's vitality and viability. The proposed development should also be consistent with the scale and function of the centre. In this case, the scale keeps largely to that of the other units in this frontage. Unit 6 has already been extended internally in a similar manner. The enlargement proposed in this application would be offset to some degree by the subdivision, but it is considered to be overly-prescriptive to require a retail floor area larger than that required by the two occupiers simply to achieve an exact match in scale, especially taking account of the current

context of the need for economic growth. The scale of the development broadly matches that of the rest of the centre and, given that the proposed use is of a retail nature, in common with the rest of the centre, it is considered to be appropriate.

The third criterion to be met by development in town centres is that the site is accessible to public transport users, pedestrian, cyclists and those with special mobility needs. Being located in a purpose built town centre, this is considered to be the case. The centre also is considered to have adequate parking to meet the marginally increased needs which could result from this proposal. Parking in the town centre is available to all visitors/ users and no objection to the proposal has been raised by Sustainable Transportation.

The final criterion under policy RT1 is that proposals should include residential accommodation or other uses appropriate to a town centre, above ground floor level. This proposal is for additional retail floor space, which is considered to accord with this criterion. It is considered therefore that this development would meet the terms of policy RT1 in full.

5.3 New Shopfront

The changes to the shopfront have been summarised in the introduction. The proposed resulting appearance is considered to represent two shop units, with distinct entrances, dividing the frontage in a logical manner. From a distance, the main change to the current appearance of largely glass at ground floor and a blank first floor frontage, would be the signage, where rather than one central sign, there would be one above each new entrance. It should be noted, however, that adverts do not fall under planning permission, but the fact that the signage would be the most significant change to the frontage is considered to demonstrate the limited effects of this proposal to the unit itself or the retail frontage as a whole. The alterations that have been proposed are considered to be acceptable.

5.4 Changes to rear elevation

The change to the rear amounts to the insertion of a new door at ground floor level for pedestrian access. Given that the rear elevation can only be viewed from a private service yard, this change is not considered to represent a significant alteration to the appearance of the building and it considered to be appropriate.

5.5 Other Issues

The points raised through the consultation process relating to the town centre are not considered to be relevant as the proposed development would be within the town centre. Analysis appropriate to the application of policy RT1 appears at 5.2 above. The Portas Review is not part of planning policy, as recognised by the objector, and therefore the proposal could not be refused under those terms.

On the issue of competition, it is not for the planning system to choose between operators or to stifle competition, as made clear at paragraph 23 of the NPPF to 'promote competitive town centres that provide customer choice and a diverse retail offer'. If this site were to be occupied by Pets at Home, it is

considered that this would benefit customer choice, in relation to the existing vets, should Pets at Home subsequently offer veterinary care as an ancillary part of the retail unit. It has also been raised that access to the site is likely to be achieved mainly by private vehicles, rather than public transport, cycle and foot. While this is accepted, the accessibility of the town centre by public transport, cycle and foot offers the public a choice of methods to access the site.

Finally, through the consultation process, it was suggested that if approved, a condition should ensure that the partial use of Unit B2 as a pet care facility should be for 2 years and not 5. A pet care facility is not part of this proposal. In fact, no change of use is proposed. As such, if any activities other than retail sales take place on site, they would have to be ancillary to the retail unit or otherwise would require planning permission either as a mixed use or a complete change of use. This means that there is planning control over the use of the site and on that basis it is considered that there is no requirement for a condition to control other uses on the site that may be introduced. Similarly, if an ancillary use on the site would not require control by condition, then a condition to ensure its nature being ancillary to the retail use or the duration of such a use of the site is also unnecessary. Given that the description of development makes no mention of a change of use, such a change should does not fall appropriately under consideration of the proposal, as it would not meet the tests for conditions set out in Circular 11/95.

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 see the retail use of a town centre site continue and potentially intensify through the moderate proposed increase in retail floor area, without any adverse impact upon the vitality and viability of the town centre nor transportation concerns. The physical changes to the site are considered to represent a minor enhancement in visual terms. The proposal is considered to accord with policies RT1, D1 and T12 of the adopted South Gloucestershire Local Plan.
- 6.3 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is approved, subject to the conditions shown below.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

ITEM 13

CIRCULATED SCHEDULE NO. 24/13 – 14 JUNE 2013

App No.:	PT13/0462/F	Applicant:	Miss Teresa Woods
Site:	Unit 3 Rodford Elm Farm Westerleigh Road Westerleigh Bristol South Gloucestershire	Date Reg:	26th April 2013
Proposal:	Change of use from Storage (Class B8) to General Industrial (Class B2) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). (Retrospective).	Parish:	Westerleigh Parish Council
Map Ref:	369899 180859	Ward:	Westerleigh
Application Category:	Minor	Target Date:	18th June 2013



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PT13/0462/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as a result of objections received from Westerleigh Parish Council and local residents; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to part of a former agricultural barn, located within the Rodford Elm Farm complex, Westerleigh Road. The site lies within open countryside and Green Belt land on a sharp bend close to the junction of Westerleigh Road and Nibley Lane. Within the farm complex is the original farmhouse which is Grade II Listed and a number of residential barn conversions.
- 1.2 Planning permission P98/2547 was granted for the change of use of an agricultural building to B8 storage use. The building comprises three individual units and this application relates to unit 3 only. The unit is already being used for car repairs and in this respect the application is retrospective.
- 1.3 It is acknowledged there are other unauthorised uses on the wider site and conditions attached to an earlier permission P98/2547 and not being complied with, however these are matter for enforcement control and the current application should be determined on its individual merits.

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

L13 - Listed Buildings

L17 & L18 - The Water Environment

EP1 - Environmental Pollution

GB1 - Green Belt

T8 - Parking Standards

T12 - Transportation Development Control for New Development

E6 - Employment Development in the Countryside

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

CS1 - High Quality Design

CS9 - Managing Heritage and the Environment

CS34 - Rural Areas

- 2.3 Supplementary Planning Guidance

3. **RELEVANT PLANNING HISTORY**

- 3.1 P98/2547 - Change of use of agricultural building to B8 use.
Approved 29 Dec 1998

This permission incorporated highway improvements at the site access and at the junction of Westerleigh Road with Nibley Lane.

4. **CONSULTATION RESPONSES**

4.1 Westerleigh Parish Council
Objection

- This is within the curtilage of a listed building and therefore is not in-keeping with the surrounding area.
- The application would result in increased traffic movements on an extremely dangerous bend of the highway.
- Children walk along this road to school and additional traffic turning into the site would cause a danger.
- Private access is currently being used as storage and the applicant is not staying within the confines of the site.
- Paint smell emissions have been reported to the Council, current environmental legislation/guidelines are therefore not adhered to.
- Enforcement action should be taken immediately to revert the site to its original permissions.

4.2 Other Consultees

Highway Drainage
No comment

Environmental Protection
No objection subject to a condition to prevent paint spraying on the site.

Sustainable Transport
Overall the application is considered acceptable subject to a condition to restrict the outside storage of vehicles to the area shown on the submitted plan.

Conservation Officer
Further to my earlier comment, I wish to clarify my observations. The 'no comment' was on the basis purely of the principle of the change of use of the building, with the business operating from within the premises. It has been brought to my attention that the existing use of the building is resulting in outdoor storage and work being undertaken outside of the building envelope, resulting in unsightly conditions that are harmful to the amenity of the area and the wider setting of the listed building. If a change of use of this building is to be acceptable, there should be no external storage, and the use should be contained wholly within the building envelope to avoid the unsightly spread of materials or equipment associated with the use.

Other Representations

4.3 Local Residents

Objections have been received from 3no. local residents. The concerns raised are summarised as follows:

- Cars and scrap vehicles are currently parked/stored on private access road contrary to original permission P98/2547.
- Reduced visibility – dangerous access.
- Danger from articulated lorries visiting site.
- Limited access for Emergency Vehicles and SITA lorries.
- Scrap cars and larger vehicles stored in the open have adverse impact on setting of listed building and character of the area.
- Drainage problems to listed building.
- Parked cars restrict access.
- Loss of privacy.
- Noise and smell with panel beating, grinding of metal, paint spraying – hazardous chemicals etc.
- Encourages anti-social behaviour.
- Working on driveway.
- Unable to sell properties due to scrap yard on drive.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

On 27th March 2012 the National Planning Policy Framework (NPPF) was published. The policies in this Framework are to be applied from this date with due weight being given to policies in the South Gloucestershire Local Plan 2006 (SGLP) subject to their degree of consistency with this Framework. It is considered that the Local Plan policies as stated in section 2.2 of this report are broadly in compliance with the NPPF. It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings.

- 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 Green Belt Issues

In the first instance, the proposed change of use must be assessed against the relevant Green Belt Policies to be found at Section 9 of the NPPF, Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and guidance found within the South Gloucestershire Development in the Green Belt (SPD) Adopted June 2007.

- 5.4 The most important attribute of Green Belts is their openness and inappropriate development within the Green Belt is by definition harmful to the Green Belt. The NPPF para.90 and Local Plan policy GB1(B) state that the change of use of land or existing buildings within the Green Belt is not inappropriate subject to the following criteria:
1. 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 purpose of including land in it;
 2. The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; and
 3. The form, bulk and general design of the buildings are in keeping with their surroundings.
- 5.5 The proposal is to change the use of the existing B8 storage unit to a B2 general industrial use. The unit is currently being used for car repairs. The building has a utilitarian appearance but was previously used for agricultural uses. It was previously established under P98/2547 that the building is of permanent and substantial construction and being part of the original Rodford Elm Farm Complex, is in keeping with its surroundings.
- 5.6 In order to ensure that the proposed use does not have a materially greater impact on the openness of the Green Belt, officers consider that all outside working, storage and parking associated with the use should be strictly controlled by condition. The original permission for B8 use carried a condition to prevent any outside storage. Parking for 4 cars only was restricted to the area north of the building. It is evident from a visit to the site and from the consultation responses that these conditions are not being adhered to, that however is a matter for enforcement officers to resolve. It is not clear whether or not all of the cars that are currently strewn around the site, are a result of the existing unauthorised use of unit 3, as a second unit appears to have a similar unauthorised use – that matter is currently being investigated by enforcement officers.
- 5.7 At officer request the applicant has now submitted a plan showing where all cars associated with the B2 use would be parked and this would be a small area to the front of the unit adjacent to the driveway.
- 5.8 Given the small size of the unit (161sq.m.) and revised parking arrangement, subject to conditions to prevent outside working or storage of goods, the proposal would not have a materially greater impact than the present authorised use on the openness of the Green Belt and is therefore not inappropriate development within the Green Belt.
- 5.9 Other Issues
The NPPF at para.28 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. 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 through conversion of existing buildings.
- 5.10 Policy E6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits B2 uses in the countryside provided it relates to the re-use of rural buildings, does not have an unacceptable impact on the environment, on residential amenity or in terms of traffic generation. These matters are discussed as follows:
- 5.11 Transportation Issues
A number of concerns have been raised by local residents about the current parking situation on the site, the acceptability or otherwise of the existing shared access, highway safety, increased traffic generation and the increased use of HGV's.
- 5.12 The original application for B8 storage (P98/2547) on the site was permitted on the basis that the use would generate limited vehicle movement and subject to highway works to improve visibility at the junction with Westerleigh Road. The access from Westerleigh Road is shared use with a number of residential units, residential caravan and other businesses at the former farm complex. There is no separate pedestrian provision so both vehicles and pedestrians share this space.
- 5.13 The applicant has provided a plan (received 28th May 2013) indicating an area hatched green (located immediately adjacent to the front of the unit) that would be available for parking of vehicles associated with the proposal; this parking area would not prevent safe two-way movements on the access drive. The change of use from B8 to B2 due to the small size of the unit, would not materially alter the number of vehicle movements however, it would have a benefit in reducing the number of HGV's that would normally visit the site.
- 5.14 On balance therefore the application is considered acceptable in transportation terms. This would be subject to a condition to prevent the outside storage of vehicles other than on the green hatched area indicated on the submitted plan. In line with the previous permission for B8 use, permitted development rights would also be withdrawn by condition.
- 5.15 Impact upon Residential Amenity
Given the authorised B8 use and the relatively small scale of the proposed B2 use, together with the location of the unit and in particular its front door in relation to the residential elements within the complex, officers consider that with appropriate controls, the proposed use should not have a sufficiently adverse impact on residential amenity to justify refusal of planning permission.
- 5.16 The submitted plan confirms that all parking would be to the front of the unit. The proposed hours of working are given as 09.00hrs – 17.00hrs Mon to Fri, 10.00hrs – 14.00hrs Sat. with no working on Sundays or Bank Holidays; this is considered reasonable and could be conditioned. Deliveries to the site could also be restricted to the same hours. Furthermore the unit door opens onto the driveway so any noise breakout or smells would be to the east, away from the residential units. Officers consider it appropriate to impose a condition to

restrict all working to inside the building. Subject to these conditions there would be no significant adverse impact on residential amenity, over and above that, which would be generated from the existing authorised use. It is noted that impact on house values is not a material consideration in the determination of planning applications.

5.17 Environmental Issues

The site is not prone to flooding and existing drains and sewers would be utilised. The Council's Drainage Engineer has not raised any objection. The proposal would therefore accord with Policies EP1, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.18 Conservation Issues

Policy L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 relating to Listed Buildings requires development to preserve the setting of Listed Buildings. The original farm house is Grade II Listed but lies to the west of the other former agricultural units. The existing use of the building is resulting in outdoor storage and work being undertaken outside of the building envelope, resulting in unsightly conditions that are harmful to the amenity of the area and the wider setting of the listed building. Officers consider that if a change of use of this building is to be acceptable, there should be no external storage, and the use should be contained wholly within the building envelope to avoid the unsightly spread of materials or equipment associated with the use.

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.

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

1. Given the proposal's scale and design in relation to the existing property and street scene, the proposal is considered to accord with Policies D1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept 2012
2. The scheme is not considered to adversely affect residential amenity in terms of overlooking, loss of privacy, and therefore accords with Policies D1 and E6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
3. The proposal would have no adverse highway implications in accordance with Policy E6 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
4. The drainage implications of the scheme and its impact upon the environment would be in accordance with Policies EP1, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5. The proposal would not adversely affect any features of the landscape and accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
 6. The proposal would not be adversely affect the openness or visual amenity of the Green Belt in accordance with Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
 7. The proposal would not adversely affect the setting of the nearby listed Building and would therefore accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 6.2 The proposal would represent economic development and job creation in a rural area and this is supported by the NPPF. Circular 11/95 para. 4-1105/2 states that:

'If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission.'

Officers consider that this is such a case.

- 6.3 The recommendation to grant retrospective 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. Notwithstanding the provisions of Article 3 and Part 8 of the Second Schedule to the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no development as specified in Part 8 shall be carried out without the prior permission in writing of the Council.

Reason

In the interests of Highway Safety and the residential amenity of the area in accordance with Policies T12 and E6 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

2. The hours of working at the premises shall be restricted to 09.00hrs - 17.00hrs Mon to Fri, 10.00hrs - 14.00hrs Saturday 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 plant or machinery (mechanical or other) and the movement of vehicles within the curtilage of the site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Other than the storage of cars awaiting repair, no outside storage of materials/goods/waste or plant shall take place at the premises.

Reason 1

To protect the visual amenity of the area and the openness of the Green Belt in accordance with Policies L1 and GB1 respectively of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason 2

To preserve the setting of the nearby Listed Building in accordance with Policy L13 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. There shall be no deliveries of goods or vehicles to the premises outside the hours of 09.00hrs - 17.00hrs Mon to Fri, 10.00hrs - 14.00hrs Saturday and no deliveries of goods or vehicles shall take place take place on Sundays or Public Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The parking of cars or vehicles awaiting repair (associated with the use hereby approved) shall be restricted entirely to the area hatched green on the approved Parking Layout Plan received by the Council on the 28th May 2013.

Reason 1

To protect the visual amenity of the area and the openness of the Green Belt in accordance with Policies L1 and GB1 respectively of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason 2

In the interests of Highway Safety and the residential amenity of the area in accordance with Policies T12 and E6 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

6. All working during the permitted hours (see condition 2) shall be restricted to the inside only of the building the subject of this consent.

Reason 1

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies EP1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2

To preserve the setting of the nearby Listed Building in accordance with Policy L13 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

7. There shall be no paint spraying on the site whatsoever.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies EP1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 24/13 – 14 JUNE 2013

App No.:	PT13/1268/R3F	Applicant:	South Gloucestershire Council
Site:	Meadowbrook Primary School Three Brooks Lane Bradley Stoke Bristol South Gloucestershire	Date Reg:	1st May 2013
Proposal:	Erection of modular classroom block.	Parish:	Bradley Stoke Town Council
Map Ref:	362111 181741	Ward:	Bradley Stoke South
Application Category:	Minor	Target Date:	21st June 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because it comprises an internal submission.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a modular classroom block.
- 1.2 The application site comprises Meadowbrook Primary School, which is located on the eastern side of Three Brooks Lane within the defined Bradley Stoke settlement boundary. A Public Right of Way extends to the east of the site.
- 1.3 The proposed classroom block is to be situated on an existing hard standing playground area adjacent to the north-eastern boundary of the site. The proposal measures approximately 9 metres in length, 18 metres in width and 4 metres in height. The proposal provides two classrooms; toilets; storage areas and an entrance lobby/cloakroom area. According to the applicant, the building is required to cover a temporary expansion of Meadowbrook Primary school with a requirement for 30 additional places in September 2013.

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
LC4 Proposals for Educational and Community Facilities within the Existing Urban Area and Boundaries of Settlements
T12 Transportation Development Control Policy for New Development
T8 Parking Standards
T7 Cycle Parking
L1 Landscape Protection and Enhancement

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 Managing the Environment and Heritage
CS25 Communities of the North Fringe of Bristol
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/1076/F, erection of portacabin to form 30 place Pre-School Day Nursery with associated works, approval, 25/05/12.
- 3.2 PT12/2316/RVC, variation of condition 2 attached to planning permission PT12/1076/R3F to extend the time period from 3 years to 10 years, approval, 31/08/12.
- 3.3 PT07/0280/R3F, erection of boundary fence, approval, 05/04/07.
- 3.4 PT00/1170/R3F, erection of primary school, approval, 05/09/00.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection
- 4.2 Transportation DC Officer
No objection subject to condition

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Guidance contained in the National Planning Policy Framework (NPPF) states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Accordingly, planning policy LC4 of the South Gloucestershire Local Plan (adopted) January 2006 allows for the principle of new educational and community facilities within urban areas and boundaries of settlements. The main issues to consider are whether the proposal is located on a site that is highly accessible by foot and bicycle (policies T12 and LC4 of the Local Plan); the impact on the residential amenity of neighbouring occupiers (policy LC4 of the Local Plan); the environmental effects (policies L1 and LC4 of the Local Plan); the transportation effects (policies T12, T8, T7 and LC4 of the Local Plan); and the appearance/form of the proposal and the impact on the character of the area (policy D1 of the Local Plan).
- 5.2 Is the Site Highly Accessible by Non Car Modes of Travel?
The site is located within the established residential area of Bradley Stoke and there is a large catchment of residential properties within close proximity to the

site. Accordingly, it is considered that the site is highly accessible by foot and bicycle and is also within close proximity to good public transport links.

5.3 Residential Amenity

The proposal will form part of an existing school site; therefore, it is not considered that any noise or disruption generated will have a significantly greater impact on the residential amenity of neighbouring occupiers than the existing situation. Weight is also given to the fact that the building will primarily only be occupied during school hours.

- 5.4 The closest neighbouring property to the building proposed is no. 5 to the east, which is separated by a distance of approximately 21 metres. Given the single storey scale of the proposal; the level of separation; and the fact that mature vegetation is growing on the northeastern boundary, which will help to screen views of the proposal, it is not considered that the residential amenity of neighbouring occupiers will be significantly adversely affected by the proposal through loss of natural light or privacy.

- 5.5 Given that the proposal is for a prefabricated style building, which will be constructed off site and delivered to the application site in sections, it is not considered that neighbouring occupiers will be adversely affected from construction noise.

5.6 Environmental Effects

The proposed building is located adjacent to the northeastern boundary of the site where mature trees and vegetation are growing. However, given that the building will be stepped away from the boundary by approximately 2.6 metres and located on an existing area of hard standing, it is not considered that the proposal will have a significantly greater impact on the trees and vegetation than the existing situation. A number of protected trees are growing in the eastern boundary; however, it is considered that the proposal is located at a sufficient distance from the trees to ensure that it does not adversely impact on their health and amenity.

5.7 Transportation

The applicants have submitted a travel plan in support of the proposed development, which officers note is out of date. Although the principles contained within the Travel Plan are promising, it needs to be updated to reflect both the recent changes in the locality and the increase in pupil numbers. Officers consider that the Travel Plan would require more evidential analysis of how both staff and pupils arrive at the school and the routes that they use so that any barriers to alternatives to the motor car can be assessed. If permission is granted, a condition is recommended to ensure this. Accordingly, given that the Highway Authority has no objections to the proposal, it is not considered that the proposal will have a significant adverse effect on local highway conditions.

5.8 Appearance/Form

The proposal is single storey and provides two classrooms for an additional 30no. pupils, as well as toilets and storage areas. The main access is located to the front of the building and fire escapes are located at both ends. The

proposal has a functional appearance typical of most modular buildings, which will not appear adversely out of keeping given the primary school context. The building will also be relatively well screened from views from the surrounding area and the public realm to the east by mature vegetation. Accordingly, given the single storey scale of the proposal, it is not considered that there will be a significant adverse effect on the character or visual amenity of the area.

- 5.9 It is considered that the proposal will be functional for use and will not bring about any significant adverse visual amenity issues; however, the temporary nature of the proposal is such that a permanent consent cannot be contemplated. Accordingly, if permission is granted, a condition is recommended to restrict the siting of the building to a maximum period of 10 years to ensure that it remains temporary. This will help encourage a higher quality development if required, which is in the public interest.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report for the following reasons:

The principle of the development is supported by policy LC4 of the South Gloucestershire Local Plan (adopted) January 2006 and guidance contained in the National Planning Policy Framework (NPPF).

The site is highly accessible by non car modes of travel, and subject to an updated Travel Plan being agreed with the Local Planning Authority, the proposal will not have a significant adverse effect on local highway conditions. The proposal therefore, accords with policies T12, T8, T7 and LC4 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not have a significant adverse effect on the residential amenity of neighbouring occupiers through loss of natural light, privacy, noise or disruption. The proposal therefore, accords with policies LC4 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.

The appearance of the proposed building is considered acceptable given its temporary nature and the fact it will not be significantly adversely prominent from views from the surrounding area – policy D1 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not bring about any significant adverse environmental issues – policies L1 and LC4 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

2. The building hereby permitted shall be removed and the land restored to its former condition on or before 10 years of the date of this consent.

Reason

Given the temporary nature of the building and to comply with policy D1 of the South Gloucestershire Local Plan (adopted) January 2006.

3. Within 3 months of the first occupation of the building hereby approved, a revised Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed Travel Plan.

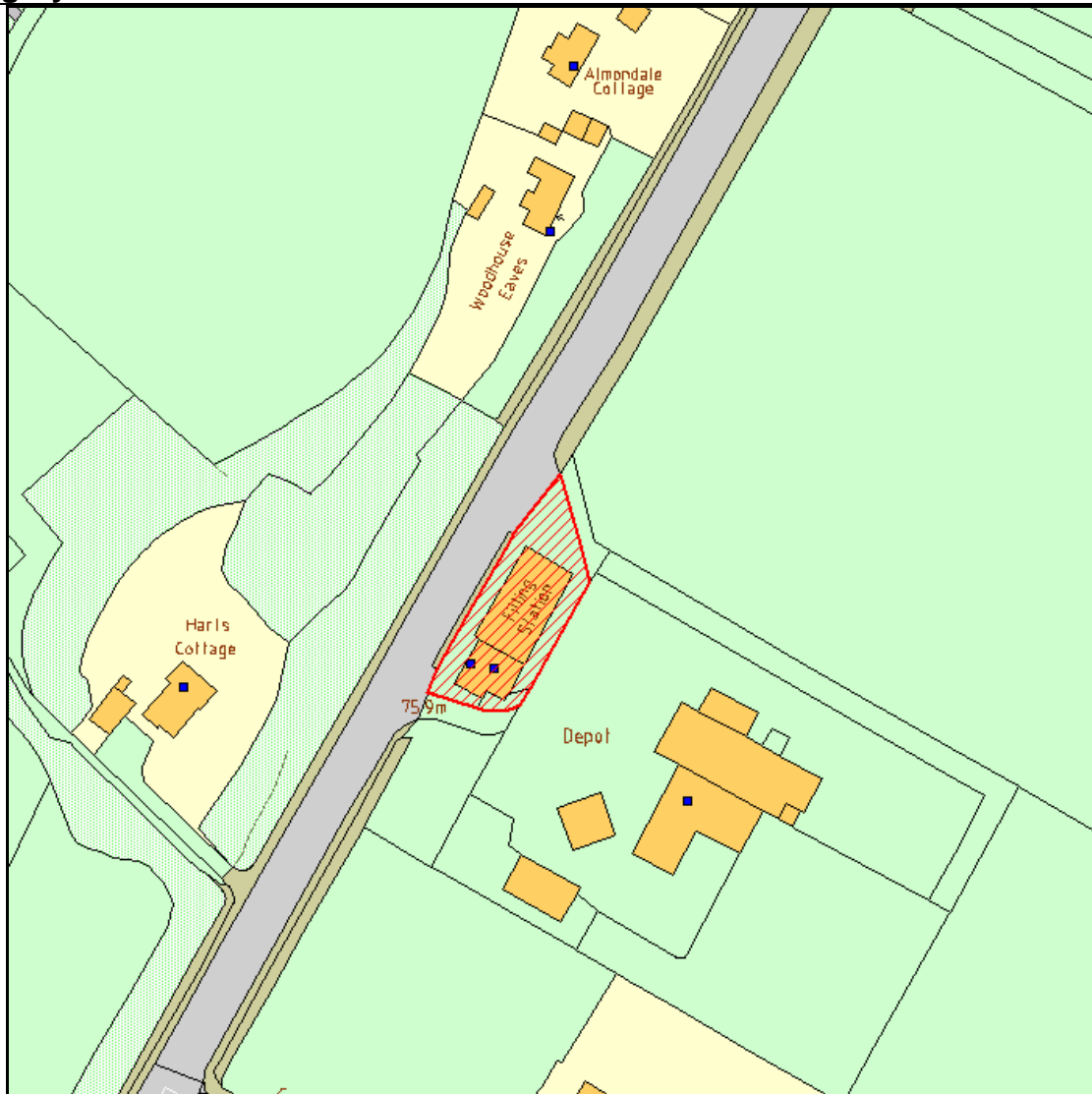
Reason

In order to promote more sustainable methods of travel and to reduce the disruption to neighbouring occupiers and to accord with policies T12 and LC4 of the South Gloucestershire Local Plan (adopted) January 2006.

ITEM 15

CIRCULATED SCHEDULE NO. 24/13 – 14 JUNE 2013

App No.:	PT13/1358/F	Applicant:	Murco Petroleum Limited
Site:	Almondsbury Service Station Gloucester Road Almondsbury Bristol South Gloucestershire	Date Reg:	3rd May 2013
Proposal:	Erection of single storey extension to forecourt shop and relocation of offset fills and associated works.	Parish:	Olveston Parish Council
Map Ref:	361752 185330	Ward:	Severn
Application Category:	Minor	Target Date:	26th June 2013



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PT13/1358/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following a comment from a local resident and comments from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a single storey extension to an existing forecourt shop and the relocation of off-set fills and associated works. The application site refers to an established petrol station situated on the A38 between Almondsbury and Rudgeway. It is situated within open countryside and 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 Design

L1 Landscape

GB1 Green Belt

EP6 Contaminated Land

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

CS1 High Quality Design

CS9 Managing the Environment

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire Supplementary Planning Document: Green Belt (Adopted) 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 PT09/0083/ADV, Display of 1 no. externally illuminated fascia sign (retrospective), 13/2/09, Approve with conditions
- 3.2 PT06/3457/F, Installation of free standing pod ATM machine, 09/01/07, Refusal.
- 3.3 PT02/3373/ADV, Display of double sided free standing illuminated advertising display unit (in accordance with amended plans received by the Council on 9 December 2002), 13/12/02, Approve with conditions.
- 3.4 PT01/0823/F, Installation of air/water and vacuum machines, 04/06/01, Approve with conditions.

- 3.5 PT00/0786/ADV, Retention of 6.2m high totem sign, illuminated 'cost cutter' sign to front elevation of shop, non-illuminated sign to side elevation of shop and neon strip to lower edge of tiled canopy, 21/07/00, Approve with conditions.

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council

No objection but is concerned over the following:

- whether there is adequate parking facilities for the anticipated increased use of the shop
- that there is ample visibility for vehicles existing from the premises when a tanker is offloading

4.2 Other Consultees

Environmental Protection

No objection subject to conditions and informatives

Highway Drainage

No comment

Sustainable Transport

No objection subject to a condition

Archaeology

No objection

Landscape Officer

No objection

Other Representations

4.3 Local Residents

One letter of objection has been received from a local resident. The points are summarised below:

- development in the Green Belt and no special circumstances given
- if the application is approved could the council condition that the garage keep the area free from rubbish and litter which emanates from users of the garage
- could a condition ensure the Thursday rubbish collection takes place after 8am rather than as now at 5am
- currently an air conditioning evaporator unit on the south wall makes a droning noise. Could a condition ensure any units added to the extension be on the wall facing Lift House
- staff at the shop should be trained to operate new energy system to maximise its efficiency
- the increase in area of shop would be 34% which at busy times will cause more congestion on the forecourt area which has very restricted parking
- large lorries regularly stop on both sides of the A38 so it would help if the lorries could be encouraged to stop parking as pulling around them causes passing cars to cross the centre of the road

- there are neighbours in close proximity to the site

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy D1 of the Local Plan requires all new development to be well designed and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and locality. Policies T8 and T12 advise of maximum parking standards and seek to ensure that development will have no adverse impact on highway safety. L1 deals with landscape issues. EP6 details the remedial action to be taken to ensure that there is no unacceptable risk of pollution within the site or in the surrounding area or pollution of the water environment. The proposal must be considered in the first instance in relation to current Green Belt Policy. GB1 of the South Gloucestershire Local Plan (Adopted) 2006 lists the limited categories of development that are normally permitted within the Green Belt. For development falling outside of these categories, the onus falls on the applicant to demonstrate the very special circumstances which would justify the grant of planning permission. Furthermore, any proposal for development within or conspicuous from the Green Belt which would have an adverse impact on the visual amenity of the Green Belt would not be permitted.

5.2 Green Belt

One of the principle issues to be taken into consideration in the assessment is the impact on the Green Belt. Policy GB1 of the South Gloucestershire Local Plan (Adopted) 2006 and updated Government advice contained in the NPPF (2012) identify the limited categories of development for which permission can be given in this special area. Development that falls outside the limited categories will be considered inappropriate development and furthermore, there is a general presumption against inappropriate development within the Green Belt.

The updated limited categories of appropriate development are:

- 1) Development for agriculture or forestry purposes;
- 2) Essential facilities for outdoor sports and recreation and for other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it;
- 3) Cemeteries;
- 4) Limited extensions, alterations or replacement of existing buildings provided that it does not result in disproportionate additions over and above the size of the original building;
- 5) Limited infilling within the boundaries of settlements as defined in the SGLP.

It is considered the proposal falls under limited extensions to existing buildings. When assessing applications for extensions within the Green Belt, the South Gloucestershire Supplementary Planning Document: Green Belt (Adopted 2007) is used. Criteria contained in a specific test must be satisfied which allows additions to the original building provided they are:

- not disproportionate

- are of a size and design that complements the existing character of the property and original building
- does not harm the openness of the Green Belt

The application shows that the proposal would be located behind the existing building and in-between this building and the boundary wall/fence separating the site from the neighbouring light industrial unit. Given its 'tucked away' position which helps to minimise its impact, the proposal is considered to not impact adversely on the openness of the Green Belt.

It is therefore considered that the design, scale and positioning of the proposal accords with the tests and complies with Policy GB1

5.3 Design and Visual Amenity

The proposal would result in the erection of a flat roof extension to the existing building. This, for the most part would be to the rear of the garage with a small element extending out to the north. The proposal would facilitate an increase in the size of the shop floor, create a new store area, office and toilet amenities. To accommodate these changes an existing Jet Wash would be removed from the site. In addition to these changes it is also proposed to reposition the existing tanker offloading area to the front of the site, adjacent to the main road. Three additional car parking spaces would also be created to serve the site.

Although not encouraged in design terms the proposed flat roof structure has been planned to take full advantage of the chamfered curtilage of the site, thereby maximising the amount of internal space. Given that it would be mostly hidden from view by the existing hipped roof building, apart from a small projection, and can be said to correspond to the existing large canopy over the pumps, the overall design is considered acceptable. The walls would be painted render. Whilst it is acknowledged that the main building is red brick with brown roof tiles, the rear boundary wall is of grey brick, it is considered that the grey painted render external finish proposed for the flat roof element would be acceptable given the overall setting.

The scale, design and massing of the proposed extension is considered acceptable and appropriate to the site and as such accords with Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.

5.4 Environmental Protection

The application has been assessed by Officers who state that the historic and current use of the site as a petrol filling station may have caused contamination which could give rise to unacceptable risks to the proposed development. There follows no in principle objection to the proposal subject to conditions that an investigation regarding the previous uses and potential contaminants on the site be carried prior to commencement of works. Should any contaminants be identified a mitigation strategy report must be first submitted to the Council for approval in the first instance. Following this, no work can start on site until full written approval is given by the Council.

5.5 Archaeology

Although the proposed site is located directly next to the line of the Roman Road leading from Sea Mills to Gloucester, the extent of previous disturbance on site from the original subterranean fuel tanks and offset fills, suggests that any archaeology that may have been present would have been destroyed. Therefore there are no archaeological objections to this application.

5.6 Residential Amenity

Closest residential neighbours to the site are located across the other side of the busy A38, some distance away and at a lower level screened by mature planting. Comments from a local resident state conversations from the garage forecourt can be heard across the road, however, given this existing situation and its location adjacent to the busy A38, it is considered that there would be no adverse impact on the residential amenity of these neighbours over and above that already existing. Behind the site to the east is a light industrial unit, separated from the site by fencing and walls of approximately 1.8 - 2 metres in height. Given the nature of the business, the proposed development is not considered to impact on this property.

Comments have requested specific conditions regarding litter and refuse collections times. It must be noted that such matters cannot be included under the remit of a planning application. This application does not deal with the matter of air conditioning units, however, should such an application be received Environmental Protection/Health Officers would thoroughly investigate to ensure any units met with set regulatory standards.

5.7 Sustainable Transport

This proposal removes the existing jet wash facilities, replaces this with office and storage facilities, whilst at the same time relocating the tanker filling operation to the front of the site. In addition to this, with the enhance shop element the application would create an additional 3no. parking spaces to serve the building.

These proposed amendments are not considered to have a detrimental impact to the operation of the site, and as such there is no transportation objection to this proposal. This is subject to a condition requiring the 3 parking spaces (2 normal 1 disabled) to be maintained in perpetuity.

Officers note the comments regarding the lorries, however, this matter cannot be covered under a planning application. Should the lorries in question have an adverse impact on the residential amenity of nearby occupiers, it is suggested that the Council's Street Care department be contacted in the first instance for further advice.

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 development has been tested against and in the opinion of the Local Planning Authority is not in conflict with the policies of the South Gloucestershire Local Plan (Adopted) 2006. The development is considered to be in-keeping with the overall character of the setting and surrounding area in terms of its scale, design and the materials used. In addition it is considered that the aims and objectives of the Green Belt have been met. Furthermore, it is considered the proposal would not harm the natural beauty of the area and adequate measures would be taken to ensure that there is no unacceptable risk of pollution. In addition the proposal would not have a detrimental impact on the operation of the site and highway aims are unaffected. As such the proposal accords with Policies D1, L1, EP6, GB1, T8 and T12 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 the application is **APPROVED** subject to the conditions written on the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

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. Previous historic and the current use of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person 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 EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person 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 EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to occupation, where works have been required to mitigate contaminants (under condition 3) a report verifying that all necessary works have been completed satisfactorily shall be 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 EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. If unexpected contamination is found after the development is begun, 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 should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

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

6. The proposed off-street parking facilities for three no vehicles including one disabled space as shown on the plan Proposed site plan - drawing no. PA-03 hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

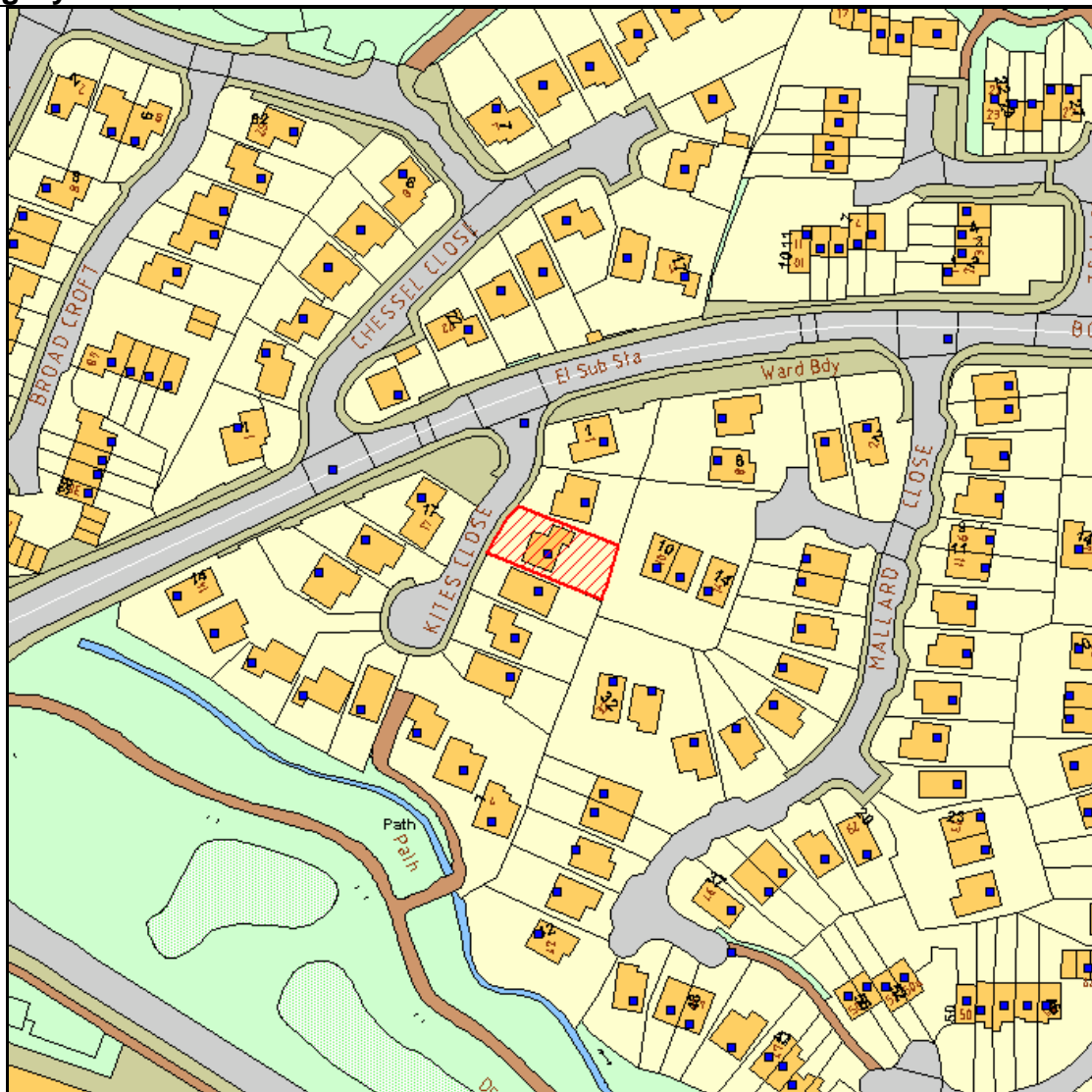
Reason

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 T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 16

CIRCULATED SCHEDULE NO. 24/13 – 14 JUNE 2013

App No.:	PT13/1370/F	Applicant:	Mr And Mrs U Putreau
Site:	3 Kites Close Bradley Stoke Bristol South Gloucestershire BS32 0BY	Date Reg:	1st May 2013
Proposal:	Erection of two storey side and rear extension to provide additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	361510 182774	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Householder	Target Date:	24th June 2013



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100023410, 2008.

N.T.S.

PT13/1370/F

INTRODUCTION

This application appears on the Circulated Schedule as a result of a consultation response received, contrary to officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for the erection two-storey side and rear extension. The extension would run to the full depth and width of the existing dwelling and incorporate a full width gable form to the rear elevation.
- 1.2 The property is a modern detached dwelling situated on a road containing similar style properties and is located within the residential area of Bradley Stoke.

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
T8 Parking Standards
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.
Residential Parking Standards SPD (Approved for development management purposes 27th March 2013).

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection.

Drainage
No comment

Highways
Initially there was an objection based upon increase in size of dwelling and the

lack of parking provision, contrary to current SPD parking standard requirements. Further plans have subsequently been received which illustrate off-street parking and these are now considered acceptable in highways terms.

Other Representations

4.2 Local Residents

One letter of objection has been received. This objection raises the following points:

- Reference is made to a similar extension in the vicinity, however the proposal is not the same as it does extend across the whole of the rear of the property and the situation with neighbouring properties is different
- The increased size of the house would require additional parking spaces
- Impacts upon the privacy of adjacent property
- The proposals introduce a bedroom window to the side of the property where none currently exist. This window would directly face the bathroom windows and overlook the front door of the adjacent property
- The proposed extension sets the rear of the application property further back than the adjacent property and this would have privacy impacts in terms of giving unrestricted views of the garden and conservatory from the upstairs window
- The proposed extension would be overbearing for the existing plot

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. Policies T12 and T8 seek to ensure satisfactory parking provision.

5.2 Design / Visual Amenity

The application property is a detached dwelling. The proposals would extend the property to the rear elevation to the full width of the dwelling to two storeys providing a rear gable form and to the side to the full length of the dwelling at two storeys, including above the existing garage area. Whilst a relatively large extension, given the nature of the property and the surrounding area it is considered that the proposals are not unacceptable and are of a satisfactory standard in design in context with the existing site and surroundings and therefore not out of keeping with the character of the main dwelling house and surrounding properties. The materials on the exterior of the existing dwelling are a combination of render and blockwork. Materials used, including the roof tiles, will match those of the existing dwelling.

5.3 Residential Amenity

The proposed extension would, to the rear, measure approximately 3.6 metres, from the existing rear wall of the dwelling. To the southern elevation the adjacent property currently extends to approximately 2.5 metres beyond the

main rear wall of the application site. The proposals would therefore extend the application site in the region of 1.1 metres beyond that of the neighbouring detached dwelling. The extension would be set around 1 metre off the shared boundary in this direction. It is not considered in this respect that the proposals would have a significant overbearing impact upon the adjacent property. Rear facing windows already exist at two-storey level in the rear elevation of the application property. It is not considered that rear-facing windows in the proposed extension would significantly increase the issues or levels of intervisibility between both of the two garden areas, which inevitably often exists at two storey level, such as to warrant a refusal of the application. The addition of a window in the south elevation is directly opposite what is understood to be two bathroom windows, which are of obscure glazing. Notwithstanding this the addition of a side window on this part of the property, i.e. the original house, does not in itself require planning permission and therefore is not subject to the same controls. An objection on this basis therefore cannot be sustained.

- 5.4 Due to the orientation and relationship between the two properties on the northern boundary of the site it is similarly not considered that there would be any overriding or material issues of overbearing impact or overlooking arising from the side element of the extension. Due to the distance, orientation and boundary treatment (consisting of leylandii hedge and mature tree) to the rear of the curtilage it is not considered that the scale or positioning of the extension would give rise to any material amenity impacts in this direction. Sufficient rear curtilage space would remain on the application site to serve the property. It is considered therefore that the proposal would be acceptable in terms of residential amenity.

5.5 Highways/Parking

In extending the existing property the applicant would create a five bedroom property from a 3 bedroom property whilst reducing existing off street parking provision to one space. This would not have been sufficient parking provision for the size of dwelling being created when judged against the Council's current parking requirements for such development. Subsequent plans have however been received which demonstrate the provision of three off street parking spaces to the front of the property. This is considered to accord with the Council's current guidance on parking standards. This plan forms part of the development plans for the site and the provision of the illustrated off-street parking spaces can be required by condition of any permission. The proposals are therefore considered 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 extension is of an acceptable size and standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposals would not materially harm the amenities of the

neighbouring properties by reason of loss of privacy or overbearing impact. Sufficient parking provisions would be provided. As such the proposals accord with Policies D1, H4, T8 and T12 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.

3. The off-street parking provision shown on the plan entitled 'Revised Parking Plan', received by the Council on 11th June 2013, hereby approved shall be provided before the extension 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, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.