



**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. 43/13

Date to Members: 25/10/13

Member's Deadline: 31/10/13 (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 – 25 OCTOBER 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK12/2510/F	Approve with Conditions	Field To West Of Oxwick Farm Wickwar Road Yate South Gloucestershire BS37 6PA	Ladden Brook	Wickwar Parish Council
2	PK13/1351/F	Approve with Conditions	Land R/o 44 Bath Road Longwell Green South Gloucestershire BS30 9DG	Longwell Green	Hanham Abbots Parish Council
3	PK13/2061/F	Approve with Conditions	51 High Street Wickwar Wotton Under Edge South Gloucestershire GL12 8NP	Ladden Brook	Wickwar Parish Council
4	PK13/2130/F	Approve with Conditions	1 Tapsters Cadbury Heath South Gloucestershire BS30 8HN	Parkwall	Oldland Parish Council
5	PK13/2261/AD	Approve with Conditions	61 Horse Street Chipping Sodbury South Gloucestershire BS37 6DA	Chipping	Sodbury Town Council
6	PK13/2794/CLE	Approve with Conditions	Land Adjoining And North Of Shorthill Road Westerleigh South Gloucestershire BS37	Westerleigh	Dodington Parish Council
7	PK13/3437/F	Approve with Conditions	Ash Lodge Shortwood Road Pucklechurch South Gloucestershire BS16 9PL	Boyd Valley	Pucklechurch Parish Council
8	PT13/2146/F	Deemed Consent	Land At Catbrain Lane Almondsbury South Gloucestershire BS10 7TQ	Patchway	Almondsbury Parish Council
9	PT13/2669/RVC	Approve with Conditions	The Hut Ratcliffe Drive Stoke Gifford South Gloucestershire BS34 8UE	Stoke Gifford	Stoke Gifford Parish Council
10	PT13/2904/F	Approve with Conditions	Gloucestershire Fa Oaklands Park Stadium Gloucester Road Almondsbury South Gloucestershire BS32 4AG	Almondsbury	Almondsbury Parish Council
11	PT13/2912/F	Approve with Conditions	Bridge View Westerleigh Road Westerleigh South Gloucestershire BS37 8QG	Westerleigh	Westerleigh Parish Council
12	PT13/3255/F	Approve with Conditions	3 Oxbarton Stoke Gifford South Gloucestershire BS34 8RP	Stoke Gifford	Stoke Gifford Parish Council
13	PT13/3296/F	Approve with Conditions	Atkins The Hub 500 Park Avenue Aztec West Almondsbury South Gloucestershire BS32 4RZ	Patchway	Patchway Town Council
14	PT13/3303/F	Approve with Conditions	14 Dorcas Avenue Stoke Gifford South Gloucestershire BS34 8XG	Stoke Gifford	Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 43/13 – 25 OCTOBER 2013

App No.:	PK12/2510/F	Applicant:	N T And C J C Pitt
Site:	Field To West Of Oxwick Farm Wickwar Road Yate Bristol South Gloucestershire	Date Reg:	25th July 2012
Proposal:	Installation of 1 no. 30 metres high wind turbine and ancilliary works (Resubmission of PK11/3874/F)	Parish:	Wickwar Parish Council
Map Ref:	372189 185905	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	17th September 2012



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100023410, 2008.

N.T.S.

PK12/2510/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of letters of objection from Wickwar Parish Council and local residents, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the installation of a single, mid-size wind turbine, with associated works, on agricultural land at Oxwick Farm, Wickwar. The site comprises an agricultural field enclosed by hedgerows, located in open countryside, within the setting of a grade II* Farmhouse and Coach House. Vehicular access to the site is afforded via an existing entrance. During the course of the application, the applicant submitted a revised proposal that reduced the height of the wind turbine from 35 metres to 30 metres.
- 1.2 The proposed wind turbine would have a hub height of 30.1 metres with 23 metres rotor diameter; height to blade tip would be approximately 41.6 metres. The proposed output would be 50 kW. The associated works include constructing a concrete base 8.4 metres by 8.4 metres underground and the turbine plinth 3 metres by 3 metres above the ground, and a foundation for the cabin 3 metres by 1 metre.
- 1.3 An EIA Screening opinion was carried out for the proposal in 2011 when it was concluded that the scheme did not meet the criteria for EIA; nevertheless the application is supported by the following documents:
- 1.4 The site is located 250m to the west of the main property on Oxwick Farm, which is a Grade II* listed building. The site has no specific landscape designations and is outside the boundary of the Green Belt.
- 1.5 To support the proposal, the applicant submitted a detailed statement regarding the history and the development, technical information of the proposed wind turbine, technical information of the submitted photomontages, the applicant's statement for the justification of the proposed wind turbine including the selection of alternative renewable energy technologies and locations of the proposed wind turbine.
- 1.6 During the course of the application, the applicant also submitted a number of photomontages of the original proposed 35 metres high wind turbine. The photomontages include the view from Coach house, Main House, Wickwar Road, Bury Lane and Yate Court. In addition, a site plan is submitted showing that the proposed wind turbine would be outside 75 metres from nearest public rights of way and 70 metres from the nearby hedgerows. To order to address the issues raised by officers, the applicant subsequently submitted a revised proposal for a 30 metres hub height wind turbine.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework (NPPF) March 2012 in particular chapter 12 'Conserving and Enhancing the Historic Environment'.
Planning (Listed Buildings and Conservation Areas) Act 1990

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
L1 Landscape Protection and Enhancement
L2 Cotswolds Area of Outstanding Natural Beauty
L9 Species Protection
L11 Archaeology
L13 Listed Buildings
EP5 Renewable Energy Installations
T12 Transportation Development Control Policy for New Development LC12
Recreational Routes

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

CS1 High Quality Design
CS3 Renewable and Low Carbon Energy Generation
CS9 Managing the Environment and Heritage
CS34 Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Check List (Adopted) Aug 2007
AECOM Report on the Potential for Low Carbon Energy Supply in South Gloucestershire 2010
South Gloucestershire Council Landscape Character Assessment SPD - Character Area LCA 5, Wickwar Ridge and Vale.

3. RELEVANT PLANNING HISTORY

- 3.1 PK11/3874/F Installation of 1 no. 35 metres high wind turbine and ancillary works. Withdrawn 9 February 2012.
- 3.2 PK11/030/SCR Installation of 36 metres high wind turbine. EIA is not required 22 August 2011.
- 3.3 PK11/2976/LB External and internal alterations to include demolition, alteration and addition of internal partitions, installation of services, underfloor heating, wiring, plumbing etc replacement of 3 no. doors to match original elevations, removal of 1no. window and replacement with door in original location, removal of 1no. 'modern' chimney and reinstatement of two original chimneys. Approved 11 November 2011

- 3.4 PK11/2975/F Removal of 1no. 'modern' chimney and reinstatement of 2no. original chimneys. Approved 14 November 2011

4. **CONSULTATION RESPONSES**

- 4.1 A number of public consultations were carried out during the course of the application, and these comprised the initial consultation upon receipt of the application and the re-consultations following the revised height of the turbine.

The following is a summary of the relevant comments received from the general public, parish councils, internal and external consultees. These include statutory and non-statutory agencies. The full comments are available to view on the planning application file.

4.2 Parish Council

Wickwar Parish Council objects to the original proposal and do not object or support the revised proposal.

In the original objection letters, the Parish Council states:

We have not read any correspondence, which assures the parish that the Turbine will be of any benefit to the area, and there are studies to prove that they do not produce the amount of electricity they claim. The site proposed is not particularly exposed to the wind and will probably not provide any measurable benefit to the local society but will impact on those who live in the area.

The area is of outstanding natural beauty and a heritage site. The turbine is noisy and intrusive and will impact on the local farming community and wildlife.

The Parish Council also mentioned the wind turbine at Cherry Rock Farm, Wickwar Road, which is outside the South Gloucestershire area.

In particular the wind turbine site at Cherry Rock will greatly impact our property making it unusable for the purposes we use our land for today which includes: Horses, Cattle, Sheep, Poultry. As a fully working small farm our use of our land will be negatively impacted by the introduction of the proposed wind turbine.

We will be unable to ride across a large portion of our land if the wind turbine light flicker or blade shadow affects it.

Our stock and their offspring health and welfare will be impacted also.

As a secluded but well managed and organic area the wildlife on our farm is superior to that to many surrounding areas and the negative impact of this proposal should be considered.

Cherry Rock farm is the site of ancient woodland that provides the rare peace and protection for numerous species of wildlife animals and birds including: Dormice, Barn Owls, Tawny Owls, Small Owls and also is a Rookery where

hundreds and possibly thousands of rooks, jackdaws and others roost and breed. This is fairly rare in the area.

The site proposed is not particularly exposed to the wind and will probably not provide any measurable benefit to the local society but will impact on those of us who live and work in the area and those who will see and be affected by these monstrous structure for miles around.

We feel that a site meeting should take place at Cherry Rock in particular and any supporting decisions delayed until a full investigation takes place.

At a recent visit to Nympsesfield we were advised that wind turbine noise affects household for miles around and light flicker may well affect households further away than they think as sunlight is reflected from the blades of the wind turbine to far and wide especially given the proposed locations of these wind turbines.

I would suggest that solar energy options should be investigated and compared to see which has the most positive benefits.

Parish Council don't allow wind turbine structures that are basically "fools gold" to enter into our area with promises of community benefits which locally at Nympsesfield etc have not been met.

4.3 Other Consultees including internal consultees of the Council

English Heritage:

Original proposal:

English Heritage do not wish to comment in detail, but offer the following advices;

- Suggested additional photomontages from precise locations in assessing the potential impact of the proposal.
- To consider the location of the wind turbine in order to make a virtue out of necessary, and treat it as a modern version of a form 'eye-catcher', and place it directly on axis with the building.
- To consider to reduce the height of the proposed wind turbine.

Revised proposal:

English Heritage do not wish to comment in detail, but offer the following advice:

- The applicants have now complied with the English Heritage's requests, as the turbine has been lowered. Whilst there will be an impact upon the setting of these two significant heritage assets within the Oxwick Farm site by this development, English Heritage concede that the principle of this turbine has been accepted. However, it is also considered that the harm caused **will be less than substantial**, on the basis of the amendments now proposed and if this scheme can be developed with an appropriate level of mitigation, in the form of appropriately sourced landscaping.

- Paragraph 133 of the NPPF states ‘the harm or loss is outweighed by the benefit of bringing the site back into use.’ This should be justified on the basis that the applicants states that this turbine will generate income that will help towards the repair and restoration of the heritage assets on the Farm. However there is unfortunately no indication of any mechanism to recoup this financial benefit back into the building repairs. Although the case for enabling development has not been made, we would still suggest that should the LPA be minded to grant planning permission, some kind of Section 106 Agreement or Condition should be investigated to look at ways of ***cross subsidising this development with the restoration of the heritage assets on this site.***

Conservation Officer:

Conservation Officer objects to both original 35 metres high wind turbine and the current proposed 30 metres wind turbine. Conservation Officer concurs with the English Heritage’s comments on revised proposal and the assessment of the level harm, i.e. less than substantial impact on the setting of the listed buildings.

Whilst Conservation Officer considers the application is determined in relation to paragraph 134 of the NPPF, officer maintains the original recommendation that the application should be refused on heritage grounds due to the harm caused, unless it is considered that there are public benefits that outweigh the harm.

Sustainability Officer: Support the proposal.

Landscape Officer: No objection

Environmental Protection: No objection.

Archaeological Officer: No objection subject to a planning condition for a programme of archaeological work to comprise a watching brief should be applied to any consent given. This is to be undertaken in accordance with the attached brief in order to mitigate the loss of potential archaeology.

Ecological Officer: No objection subject to a planning condition requiring the turbine be sited as depicted on the revised site location plan (plan 2) dated 17 September 2012 and forming part of the application.

Public Rights of Way Officer:

The development may affect the nearest recorded public right of way with reference LYA21/10 which runs to the west of the site boundary.

The proposed site boundary is not shown on the Ordnance Survey mapping, but appears from the submitted plan to be in the region of 50 metres from the public footpath. The distance of the turbine from this boundary is not stated and the plan is insufficient to be exact. However PROW Officer requests that

the overall distance from the footpath to the centre of the turbine be a minimum of 75 metres for reasons of public safety, and to reasonably minimise the visual and audio intrusion that will be created.

PROW Officer also noticed that the overall height has been reduced slightly, but no further PROW comments. On this basis, officer has no objection to the proposal

MOD: No objection to the original and revised proposal.

Civil Aviation Department: CAA has no responsibilities for safeguarding sites other than its own property. Advised to consult NATS and the Ministry of Defence as well as any aerodromes listed in Annex 3 of the ODPM/Dft Circular1/2003, taking note of appropriate guidance and policy documentation.

Other Representations

4.4 Local Residents

3 letters from a local resident have been received objecting to the proposal on the following grounds:

I strongly object to the erection of a wind turbine at Oxwick Farm for the following reasons:

- The submission is misleading by stating that the turbine will be 35 metres high.
 - a. This is merely the height of the supporting mast, and does not include the generator or rotating blades.
 - b. The 2010 & 2012 Bills that considered the minimum distance from residential properties that a wind turbine should be located, define the height of a wind turbine generator as being “measured from the ground to the end of the blade tip at its highest point”.
 - c. The actual height of the proposed turbine as shown in the elevation plan is, therefore, actually 46 metres.
- There is a discrepancy between the SGC location plan (40m from hedgerow), and the location plan and text provided in the submission (55m from the hedgerow).
- The erection of a wind turbine at this location would be an unacceptable intrusion into the natural beauty of the rural landscape. The composite views, including that from the busy A4060 road, provided in the Environmental Assessment clearly demonstrate that the turbine would constitute an unacceptably prominent feature of the skyline towering above hedgerows, mature trees, telegraph poles and the 3/4 storey buildings at Oxwick Farm. The proposed additional tree planting would take decades to mature, and would not provide sufficient screening of this eyesore, even when fully grown.

- Oxwick Farm is a Grade II listed building, and the erection of a wind turbine, which is effectively an industrial structure, in the vicinity of such a historic property is entirely inappropriate.
- It is well known that wind turbines are responsible for a great many bird deaths as tragically demonstrated and widely reported at Southwell Primary School on Portland in Dorset. This is also likely to be the case in the rural setting of Oxwick Farm where it would be surrounded by many mature trees and hedgerows that attract a wide variety of bird species. The proposed planting of additional trees and shrubs would exacerbate this problem by providing additional habitat for nesting and foraging birds, and a hunting area for their predators.
- Wind turbines create unacceptable low frequency ultrasound that travels relatively large distances without appreciable attenuation and would affect a number of nearby properties. The effect of infrasound does not appear to have been assessed in the submission.
- The 2010 & 2012 Bills that are concerned with the minimum distance from residential properties that a wind turbine should be located, state that turbines with a height in the range 25 metres to 50 metres height should be located a minimum of 1000 metres from the nearest residential property. This is intended to protect residents from such issues as:
 - a. the effects of flicker resulting from sunlight reflecting on the rotating blades
 - b. the effects of flicker resulting from shadows cast over relatively long distances when the sun is low in the sky
 - c. health effects such as headaches and epilepsy
 - d. the effects of audible noise
 - e. the effects of low frequency infrasound

The submission only considers “the nearest relevant residential property” as being 450 metres from the proposed turbine, but there are a number of properties that lie within a radius of 1000 metres that, potentially, will be affected by this unwanted nuisance.

Alternative ground mounted solar panels that could be completely screened from view by low-growing trees and shrubs, would be far less intrusive and would be a much more acceptable source of alternative energy production.

I am quite in favour of augmenting our energy needs with non-intrusive green alternatives, but not at the expense of despoiling the natural beauty of our countryside. This Planning Application should therefore be **REJECTED** and a more sympathetic option should be considered.

The latest photomontages simply serve to reinforce the view that this proposed turbine is inappropriate and would constitute an unacceptable intrusion on the rural landscape. The points raised in my previously submitted objection remain

unchanged. This proposal should be REJECTED, and a less intrusive alternative form of power generation needs to be considered.

2 no. responses were received in support of the proposal. The comments made in support are summarised as follows:

Comments:

I can see no reason why people would object to these works. Wind turbines cut the carbon footprint. Wind electricity is green, renewable energy and doesn't release any harmful carbon dioxide or other pollutants. Wherever you travel these days you see wind turbines. Over the coming years I'm sure we will see more and more being erected and I admire the people at Oxwick Farm for being so eco friendly. Wind is free, so make the most of it!

I am very much in favour of the proposed wind turbine at Oxwick Farm. I have surveyed the house and taken many photographs, so am fully familiar with the building and its setting. It is an extremely odd house, very different from the majority of South Gloucestershire traditional buildings, and I feel that a wind turbine at the proposed distance will in fact enhance the setting by giving a focal point to the view up the hill from the north side of the house. It could be seen as similar to the grand vistas created at stately homes, with an obelisk or similar on a high point designed to be viewed from the house and grounds. While Oxwick Farm is in no way a stately home, it is a substantial gentry house with an equally substantial stable block, and I feel that the wind turbine could pull the whole landscape together.

It is also important to consider that the building must be costing a substantial amount of money to restore, with much work still to be done, and a development like this which can create income for the building will be helping to preserve its future. It would be a huge loss to South Gloucestershire if this quirky and original building were allowed to decay through lack of funds. It is a very important part of the architectural heritage, both local and national and the restoration work done on it so far has been of a very high standard.

I am also in favour of allowing the wind turbine on the grounds of promoting the use of green energy. There are no near neighbours who might be bothered by noise or visual aspects, and as the life of a wind turbine is generally estimated to be about 25 years it can hardly be regarded as a permanent addition to the landscape. When set against the nearly 300 years that Oxwick Farm has stood on the site, 25 years is nothing and should be regarded as temporary. I live a mile from 2 wind turbines, and even when we are right under them I have not noticed any noise to speak of.

And I positively enjoy seeing them as distant features in the landscape. I would urge the council to grant permission for this wind turbine as I can see no valid arguments against it.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

The National Planning Policy Framework was published in March 2012. The document replaces most PPG/PPS guidance providing a more simplified and up to date advice in determination of planning applications.

The NPPF indicates that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

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

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

The South Gloucestershire Core Strategy Development Plan Document was considered by the Inspector appointed to hold the Core Strategy Examination in Public and a refreshed Core Strategy that incorporates Post-Submission Changes was considered by the Council in mid December. Following this decision, the South Gloucestershire Core Strategy (incorporating Post-Submission Changes) December 2011 was taken forward to Examination in Public. The Inspector has concluded that the Submission Core Strategy is capable of being made sound provided a number of modifications are made. Therefore the emerging Core Strategy is a material consideration in the determination of planning applications.

Within the NPPF (para.14) there is a presumption in favour of sustainable development and officers acknowledge that the proposal does fall within the definition of sustainable development defined within the NPPF page 2. Para. 129 of NPPF confirms that development that affects the setting of a heritage asset is still relevant. Therefore there is a balance between the need for renewable energy and the visual impacts upon the setting of the grade II* listed building associated with its production.

5.2 **Need for Renewable Energy**

There is a strong national agenda to reduce CO2 emissions through the generation of energy from renewable sources. The United Kingdom Government continues to be committed to the EU Renewable Energy Directive, requiring the UK to generate 15% of their total energy requirements (heat, transport and electricity) from renewable sources by 2020.

National policy guidance in the NPPF (paras. 97 and 98) now provide the basis for the delivery of the national objective by encouraging approval of planning applications for renewable energy developments unless material considerations indicate otherwise. In para. 98 the NPPF states that authorities should not require applicants for energy development to demonstrate the overall need for

renewable energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

Policy EP5 of the South Gloucestershire Local Plan (Adopted) January 2006 sets out that proposals for renewable energy installations are acceptable in principle provided that the development would not have unacceptable environmental or transportation effects and would not prejudice residential amenity.

Policy CS3 of the emerging South Gloucestershire Core Strategy is more up to date in respect of the general thrust of regional policy and government guidance. In particular the policy and its supporting text provides support for proposals for the generation of renewable energy where it would not cause *significant demonstrable harm* to residential amenity (individually or cumulatively). It gives *significant* weight to wider environmental benefits such as CO2 reduction and the need for secure and reliable energy generation capacity.

South Gloucestershire Council adopted a Climate Change Strategy and Action Plan in December 2006, revised in December 2008. In particular, the strategy sets out the Councils commitment to increase the generation of energy from renewable sources and encourage development, which would contribute towards its important role in meeting carbon reduction targets. In addition, the South Gloucestershire Council Plan includes a priority action to promote and support the development of renewable energy installations. This represents a positive strategy for the provision of renewable energy production in South Gloucestershire.

It is clear that there is a strong supportive policy framework in favour of renewable energy development, including Wind Turbines. On this basis, it is considered that the proposed development is acceptable in principle subject to the detailed considerations outlined in this report.

5.3 Contribution towards the Renewable Energy Objectives

The UK Government has set a target to generate 15% of UK energy needs from renewable sources by 2020. Existing renewable energy installations in South Gloucestershire generate about 19,400MWh energy per year - enough to supply about 0.525% of South Gloucestershires projected 2020 electricity and heat demand. This demonstrates the scale of action required if South Gloucestershire is to keep pace with the UK target.

Original proposal: 35 metres high wind turbine

The proposed Oxwick Farm wind turbine has a predicted annual energy yield of 150MWh. This would increase the existing annual energy yield from renewable energy installations in SG by about 0.8%, and would increase the proportion of South Gloucestershires projected 2020 electricity and heat demand being supplied from renewable sources to about 0.529%.

The South Gloucestershire Community Strategy (2012) sets out a cross-cutting value to ensure natural resources are used wisely, reduce carbon emissions,

prevent pollution and waste, and conserve and enhance the environment for future generations. By reducing reliance on fossil fuel-derived energy, the Oxwick Farm wind turbine would reduce Carbon Dioxide emissions by approximately 60 tonnes per annum, thereby helping progress the local commitment to reduce carbon emissions to play our part in preventing dangerous climate change.

Revised proposal: 30 metres high wind turbine

The applicant for the proposed Oxwick Farm wind turbine has stated that the annual energy yield of the turbine is predicted to be 226MWh, the equivalent electricity consumption of approximately 68 homes. This would increase the existing annual energy yield from renewable energy installations in SG by about 1.1%, and would increase the proportion of South Gloucestershire's projected 2020 electricity and heat demand being supplied from renewable sources to about 0.651%.

By reducing reliance on fossil fuel-derived energy, the Oxwick Farm wind turbine would reduce Carbon Dioxide emissions by approximately 109 tonnes per annum, thereby helping progress the local commitment to reduce carbon emissions to play our part in preventing dangerous climate change.

It is clear that the revised proposal would be more effective in term of its production although it would be lower than the original proposal. In addition, the turbine would also help improve local energy security by meeting the applicants' on site electricity needs and providing a surplus for export to the National Grid. It would provide an income to the applicant from Government subsidies per unit of renewable energy generated, and reduce the local energy spend leaving the area.

5.4 Impact upon the setting of listed building

Policy L13 only permits development affecting the setting of a Listed Building subject to certain criteria that are discussed in the following paragraphs. English Heritage raised no objection to the principle of the proposal, however offered a number of advice, which summarised in the paragraph 4.2 of this report.

During the course of the application, the applicant has submitted revised and additional information, including:

- a revised site plan showing the turbine on direct axis with the centre of the coach house;
- revised photomontages including a view from the farmhouse (understood to be from the first floor bay of the west wing), a view from ground level at the west elevation of the coach house, a view from Bury Hill Lane to the south and a view from Wickwar Road;
- Additional details of the turbine foundations and the cabin have also been submitted.
- Revised proposal showing the reduction of the height from the originally proposed 35 metres hub height to 30 metres.

Historic Interest of the Site & its significance

Oxwick Farm contains a unique and important group of buildings, of distinctive architectural style. The site has an interesting if not fully understood history, reflecting its decline in fortunes over the centuries. The site includes a grade II* listed farmhouse and grade II* listed coach house, both dating from the early eighteenth century, a grade II listed barn, likely to date from the late eighteenth or early nineteenth century and a grade II listed wall enclosing the garden to the south of the house. Described in the list description as '*a curious blend of provincial baroque and gabled vernacular*' the coach house and farmhouse are both two storey plus attic. The farmhouse and coach house were first built c1702-1722 by Robert Oxwick, an alderman of the city of London. He is understood to have had business in shipping (plantations and slavery) in the West Indies, thereby requiring a base near the port of Bristol. The architecture of Oxwick's home was clearly intended to reflect his status and wealth, and the architectural design is distinct from the local vernacular, and likely to have been imported from beyond the locality. The heritage statement prepared for another application at the site identified the following in relation to the coach house:

What appears to be the suite of 'polite' rooms at first floor level over the centre of the stables/coach house suggests that this building might have served another purpose in addition to the function of housing coaches and horses. One possibility might be that it was used for some form of reception space, possibly to receive tenants, to entertain guests, to observe the hunt or to take the view out to the west and south-west.

Originally the northern elevation of the farmhouse was the principal elevation, at this time having a double height entrance porch (subsequently lost). The coach house and farmhouse were built to offer imposing and impressive facades to the visitor on arrival in this space, and both buildings appear to have been orientated and designed to provide extensive views, particularly to the west, over the rural countryside. The coach house is orientated to offer views to both the east and west and the full height bay of the farmhouse is an important feature, reflecting the higher status of this wing, and intended to provide views to the west. With regard to the farmhouse, the report states:

The large rooms on the west side with the impressive semicircular bay must have been intended for some sort of social functions outside the range of the yeoman farms or even the minor gentry. The views out of the full-height bow – surely intended to provide views – are blocked and/or restricted by the wing.

Robert Oxwick died in 1729 and the property was passed to his half sister. The ownership during the nineteenth century is unclear, however by the nineteenth century the site was owned by a yeoman farmer. A number of the additions and alterations made during this period were less about the social/status of the buildings, but rather designed to accommodate the requirements of a farming business.

The current access to Oxwick Farm from Wickwar Road is from the south however the original front elevation is understood to be the north elevation and historic map regression shows there was an access from Wickwar Road, proceeding past the northern side of the coach house and terminating at the area

to the north of the farmhouse and west of the coach house. This route was unbounded by field enclosures, suggesting that a more open vista towards the house was being sought. Unfortunately no maps earlier than the 1844 tithe map have been sourced, however it is possible that the southern access, leading to the farmyard, was added at a time when the house was tenanted as a yeoman farm, as this approach is unlikely to have accorded with the pretensions of the original design.

Oxwick Farmhouse and coach house, with their scale, distinctive gabled roofs and Baroque detailing are prominent and imposing features within the landscape. With the unfortunate exception of the modern stable building at the Wickwar Road access, when viewed from the surrounding roads, the listed buildings are read in relative isolation. There are modern agricultural barns at the site however these are relatively low in comparison and therefore when viewed from the lanes, the high hedges almost entirely screen these units.

Yate Court is located approximately 650m to the west of the proposed turbine. It is an important former fortified manorial complex dating from the late thirteenth century. A number of the historic buildings on the site are grade II listed, and include the ruins of the sixteenth century manor house built for the Berkeley family, including the great hall, chambers, service rooms and gate house. As a fortified manor the outward looking nature of the site is of significance.

Policies relating to the protection of the setting of listed buildings

Section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duty of local planning authorities in determining planning applications which affect the setting of listed buildings, to have special regard to the desirability of preserving the setting of the building.

Paragraph 129 of the National Planning Policy Framework indicates that the significance of a heritage asset and its setting should be assessed and taken into account when considering the impact of a proposal on that asset so as to avoid or minimise conflict. When assessing the impact on the significance of a heritage asset great weight should be given to the asset's conservation, on the basis that the more important an asset is the greater the weight should be attached. It is made clear that significance can be harmed by development within the setting of a heritage asset. Where a development would lead to substantial harm to the significance of a designated heritage asset, permission should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm.

In the situation where development would result in less than substantial harm this harm should be weighed against the public benefits of the proposal.

The Historic Environment Planning Practice Guide advises the following:

113. Setting is the surroundings in which an asset is experienced. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. Elements of a setting may make a positive

or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.

115. Setting will, therefore, generally be more extensive than curtilage and its perceived extent may change as an asset and its surroundings evolve or as understanding of the asset improves.

116. The setting of a heritage asset can enhance its significance whether or not it was designed to do so. The formal parkland around a country house and the fortuitously developed multi-period townscape around a medieval church may both contribute to the significance.

117. The contribution that setting makes to the significance does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. Nevertheless, proper evaluation of the effect of change within the setting of a heritage asset will usually need to consider the implications, if any, for public appreciation of its significance.

118. Change, including development, can sustain, enhance or better reveal the significance of an asset as well as detract from it or leave it unaltered. For the purposes of spatial planning, any development or change capable of affecting the significance of a heritage asset or people's experience of it can be considered as falling within its setting.

119. Understanding the significance of a heritage asset will enable the contribution made by its setting to be understood. This will be the starting point for any proper evaluation of the implications of development affecting setting.

Impact of the development:

Whilst it is recognised that the wind turbine development will have no direct impact on the listed buildings, it will affect their settings. The significance of the setting of buildings at Oxwick Farm and Yate Court is described in the initial section of the report.

The original proposal for 35 metres high hub height wind turbine:

The original turbine would measure 35 metres to hub and 42 metres to blade tip. The turbine base would be 1.9 metres in diameter. This will be set in to a 7m² concrete buried foundation. Above ground and located just to the west of the turbine mast will be a 3mx1m cabin. The turbine is of a height that it will be clearly visible within the locality from the surrounding lanes, roads and public footpaths. The site is relatively level but at the western edge the land drops away steeply and is wooded. The turbine is proposed to be located directly on axis from the centre of the coach house, and will be prominently visible from the interior of the farmhouse (west wing windows) and coach house, as well as from the surrounding curtilage. The turbine will also be visible from the approach to Yate Court and from its gatehouse.

As assessed above, the orientation and design of the buildings at Oxwick appear to show that views to the west from the buildings were a deliberate intention of the

design. Although the history of the buildings is not fully understood, the architectural quality of the coach house renders it likely that it would have served as more than staff accommodation. It is likely that social functions and entertaining would have taken place within the first floors and the large sash windows would have provided extensive views to the west. Similarly, it would appear that the west wing of the house, with its full height canted bay, would have served as the principal rooms, again providing views to the west, over the fields towards the site of the turbine. Although some of these windows have been blocked in later years, this is understood to have been to obscure the views of the service wings, which were added to serve the functions of the farm during the late nineteenth century. The turbine would be approximately 280 metres from the coach house. The photomontages represent the scale and appearance of the turbine that would be seen in these views.

At the size and distance proposed, the 35 metres hub height turbine is considered to present an inappropriately scaled feature within the landscape, which would have an adverse impact on the setting of the listed buildings and their significance. The views will change from an open and rural landscape with little modern intrusion, to a landscape dominated by a large modern turbine.

Views towards the listed buildings will also be substantially altered by the addition of the turbine. Whilst the buildings are currently viewed as the dominant feature within the landscape, of striking and distinctive appearance, and read in relative isolation, the addition of the turbine would compete in this view and harm the character and integrity of the open landscape setting, and the significance of the listed buildings. The robust and static forms of the buildings will strongly contrast with the rotating movement of the turbine blades, which will provide a distracting and uncharacteristic feature in the landscape.

It has been identified that as a fortified manor the outward looking nature of the Yate Court complex is of significance, and the proposed turbine will be prominently visible on the skyline in an elevated position to the south east of Yate Court, and visible from the listed gatehouse. Based on the photomontage submitted showing the view from directly outside the complex of listed buildings at Yate Court, it is considered that the 35 metres hub height turbine will form a prominent feature in an elevated position on the skyline from the Court and be harmful to its setting.

Revised proposal for 30 metres hub height wind turbine:

In order to address officers' concerns, the applicant submitted a revised proposal for a reduced height wind turbine, which would be 30 metres to its hub. The foundation base would be approximately 8.4m², most of the foundation base would be constructed under the ground level. The applicant advised that no cabinet is required.

Conservation Officer considers that the photomontages do not present a significantly different interpretation of the visual impact than those previously although it has been reduced in height as recommended by English Heritage.

English Heritage have deemed in their latest consultation response that the turbine will have a less than substantial impact on the setting of the listed buildings. Conservation Officer concurs with the assessment of the level of harm, and therefore considers that the harm caused by the turbine to the setting of the assets at Oxwick Farm would be less than substantial.

Alternatives:

The Historic Environment Planning Practice Guide advises that if there are a range of alternative ways in which an assets could be viably be used, the optimum use is the one that causes the least harm to the significance of the asset, not just through initial necessary changes but also as a result of subsequent wear and tear and likely future changes. The optimum viable use is not necessarily the most profitable one.

Specifically with regard to energy performance, the guide recommends:

Where the ongoing energy performance of a building is unsatisfactory, there will almost always be some scope for suitable adaptations to be made without harm to the asset's significance. This will involve careful consideration of the most appropriate options for insulation, power use and power generation. Intrusive interventions, such as the external mounting of microgeneration technology, can harm the significance of a heritage asset. Where such interventions are proposed, a temporary, reversible installation will generally be preferable to one that causes irrevocable harm to an asset's significance. Local planning authorities are encouraged to support home owners and developers to find solutions that minimise or avoid harm to an asset's significance while delivering improved energy performance or generation. Detailed advice on how heritage assets can be adapted to new technologies or materials without harming their significance is available from English Heritage.

Whilst it is acknowledged that the turbine will have no direct impact on the fabric of the building, and is reversible, it is not considered that sufficient information has been submitted to demonstrate that other solutions to energy generation which would have lesser impact on significance and the building's setting have been investigated. Other options, which could improve energy performance, could include a ground source heat pump or solar panels on the south facing roof pitch of the modern sheds or ground mounted in a discreet location.

Although Conservation Officer considers the revised proposal would have less than significance harm caused to the setting of the grade II* listed building, the Officer maintains the original recommendation that the application should be refused on heritage grounds due to the harm caused, unless it is considered that there are public benefits that outweigh the harm (Paragraph 134 of the NPPF: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.)

In the applicant's supporting statement, the applicants state that this turbine will generate income that will help towards the repair and restoration of the heritage assets on the Farm. English Heritage therefore suggest that some kind of Section 106 Agreement or condition should be investigated to look at ways of crossing subsidising this development with the restoration of the heritage assets on this site.

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Officers have considered the English Heritage suggestions, however it is considered in this instance that the proposed wind turbine would only adversely affect the setting of the grade II* listed buildings, therefore the contribution would not make the development acceptable in planning terms, in addition, the proposal would not directly cause any harm or any loss to the historic features of the adjacent grade II* listed buildings, i.e. Oxwick Farmhouse and Coach House, therefore the suggested contribution would not directly related to the development. Therefore Officers consider that the requirement of financial contribution towards the repair work or the restoration would not meet the statutory test and would not be justified.

5.5 Impact on Residential Amenity

The nearest residential properties, The Croft and Le Petit Cros, are located approximately 280 metres to the south of the site. There is also an office/workshop, i.e. Spring House, to the south of the site. The factors associated with wind turbines, which could have an adverse impact on residential amenity are noise and 'shadow flicker'.

Environmental Protection Officer assessed the submitted information regarding the noise level. It is considered that given the predicted noise measurements for the wind turbine at the nearest residential properties, no objection is raised on noise grounds. However, in order to protect the amenity of nearby residents, officers recommend the following

Noise from the wind turbine shall not exceed 35dB(A)_{L_{A90,10min}} when measured at the nearest residential property at any time of day and night, in accordance with ETSU-R-97. This condition only relates to the proposed turbine, which is taken as the Endurance Wind Power E-3120 Wind Turbine.

Shadow Flicker

Problems of shadow flicker can occur under certain combinations of geographical position and time of day. The greater the distance from the Wind

Turbine, the less the potential effect. Shadow flicker has been proven to only affect observers within a distance of 10 rotor diameters from the turbine and then only at certain times of the day when the sun is low in the sky. In this case the nearest residential properties would be just outside the indicative 10 rotor diameters distance, i.e. 230 metres.

Any reflected light would be ameliorated by the use of matt finish for the blades and the tower. On balance therefore officers are satisfied that the amenity of the nearest dwellings would not be so adversely affected as to warrant refusal of the application.

5.6 Impact on the Landscape, and Cotswolds AONB

The surrounding countryside has a good network of tall well maintained hedgerows and is distinctive in its quantity of mature field and hedgerow trees. The surrounding fields are a mixture of pasture and arable and are of a medium size.

There is a robust hedge along the Wickwar Road, and a number of other hedges between the road and the turbine. These hedges, with many mature trees, partially screen the turbine and in middle distance views appear to be of a comparable scale, which will help to integrate the turbine within the surrounding landscape. In views from the East, including Oxwick Road, the turbine will be seen within the context of the complex of buildings at Oxwick Farm. It is considered that at a height of 46m and at a distance of 250 metres (from the main building) that the turbine will appear to be of an acceptable scale and not over tower the existing buildings.

From the west the visual impact of the turbine would be reduced due to the fact that it would be set back from the top of the ridge by 55m. A row of electricity pylons crosses the vale and passes up the ridge proximate to the proposed location of the turbine. Due to the robust network of vegetation the pylons do not have a significant impact on the surrounding landscape. The exiting electricity pylons and the proposed turbine are of a similar scale and it can be concluded that the visual impact of the proposed turbine will similarly be reduced due to the robust network of vegetation.

Views from the South, from Bury Hill and Warwick Road will partially screened by the robust network of vegetation and in middle distance views will be perceived to be of a similar scale to the mature trees within the context of the wider landscape.

There is a public footpath along the top of the ridge 50m west of the proposed location for the turbine. This section of the ridge is attractive with areas of scrub and mature trees. The close proximity of the turbine will have a significant impact along some sections of this footpath. However, due to the numerous mature trees, the views will be intermittent and restricted to relatively short sections only.

Landscape Officer has no objection to the original proposed 35 metres high wind turbine and offered the following comments on the revised proposal 30 metres high turbine.

The key issue when considering the visual impact of a turbine is the human perception of its visual effect and this perception varies significantly between people. The proposed turbine has elegant proportions with a clean simple outline.

The limited and low key extent of settlement and road infrastructure gives the surrounding landscape a relatively tranquil and remote rural character. The turbine is set back from the edge of the Wickwar Ridge, which is broad and low lying, ranging between approximately 80 metres and 100 metres a.o.d. The surrounding area has a robust network of vegetation, including mature trees both within the hedgerows and on the ridge. Two power line cross the area, one passing east to west to the south and one passing north to south in the Yate Vale below the ridge, the vertical and linear nature of the pylon corridors is prominent within local views.

Photomontage 1; Coach House and 2 Main House– The turbine will have a significant effect on the character of the view from the listed buildings at Oxwick Farm. However the field size, the robust hedgerow with mature trees and intervening agricultural buildings will help to reduce its impact. In addition the pylon to the left of the views will reduce the significance of an additional vertical structure.

Photomontage 3: Wickwar Road and 4 Bury Lane. The Wickwar road is 590m and Bury Lane is 503m from the proposed turbine site. From these distances the intervening vegetation and buildings will significantly reduce the visual impact of the turbine and it will not appear out of scale within the context of the surrounding landscape.

Photomontage 5 and 6: Yate Court. The appearance of turbines is affected by lighting conditions and changes subtly with the time of day and year. In the two photomontages from Yate Court Farm the turbine appears quite dark against the sky and it is considered that there would often be less contrast. A line of pylons transcend the Wickwar Ridge to the south of the turbine and between Yate Court and the ridge to the west of the turbine. The pylons are taller than the proposed turbine and, although they have a detrimental impact on the landscape character, they do not appear out of scale with the surrounding landscape due to the robust vegetation network. Similarly from this distance the turbine will not appear to be out of scale with the surrounding landscape features.

The proposed turbine will have a significant impact on the landscape character within the immediate area the nature of this impact is subject to human perception. However with a hub height of 30 metres and due to the robust vegetation framework within the surrounding landscape its visual impact will reduce significantly with distance from the site. Although the surrounding countryside has a tranquil and rural character the presence of pylons and power-lines passing both to the south and west of the proposed site mean that the turbine would not be introducing a new vertical element within the landscape.

It is therefore considered that the proposed turbine would not have an unacceptable visual impact on the landscape character of the area and would be in accordance with Policy L1 and EP5 of the adopted Local Plan.

5.7 Ecology

The application site is located within an intensive (improved) agricultural field of low ecological interest. The application site adjoins the Disused Quarry and Fields, Bury Hill SNCI.

Whilst the site is an intensive agricultural field and unlikely to offer any notable habitat in itself, the SNCI is likely to provide good quality feeding habitat for a range of bats and birds. Whilst development will not directly affect the SNCI through a loss of habitat, it does have the ability to indirectly impact on the ecology it supports by displacement/mortalities (barotrauma) during its operational phase.

Research in other countries has shown that wind turbines are linked to bat mortality as a result of 'barotrauma' or a rapid changes in air pressure, particularly in regard to migratory routes, rather than actual blade impacts. Natural England Technical Information Note (NETIN) on bats and wind turbines includes guidance on determining whether a turbine would constitute a low, medium or high risk for bats, and for which species.

The NETIN advises that locating turbines at least 50 metres away from hedgerows, woodland or good quality semi-natural habitat reduces the risk of turbine fatalities as bat/bird activity diminishes dramatically at that distance away from landscape features/feeding habitat. Page 11 of the Design and Access Statement (DAS) within the application indicates that the turbine will be sited 'at least 55m' away from the nearest hedgerows in line with NETIN which should negate the risk of fatalities.

There are therefore no ecological constraints to granting planning permission.

5.8 Archaeology

Policy L11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 does not permit development which would not physically preserve sites of national archaeological importance, whether scheduled or not, or would have a significant impact on the setting of visible remains.

The proposed location of the wind turbine is within an area where the earthwork remains of a possible deserted settlement (SGMR3063), have been recorded. Although the earthworks described in the initial recording of the site have subsequently been damaged by ploughing, remains associated with the deserted settlement may still survive.

The Council Historic Environment Officer visited the site to inspect the evaluation trench and confirmed that the findings were not believed to be of national importance. The officer therefore confirmed that no further archaeological evaluation will be required prior to determination of the current application. On this basis, officers recommend the following condition seeking

an archaeological watching briefing on the base of the wind turbine and any ancillary structure and cable trenches will be carried out during construction.

5.9 PROW

Policy LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 requires that existing recreational walking, cycling and horse riding routes will be safeguarded.

The applicant submitted a site plan showing the proposed wind turbine would be 75 metres away from the nearest public rights of way, officers therefore have no objection to the proposal in terms of the impact upon the recreational routes.

5.10 Assessment

The NPPF provides the latest government guidance to be considered in relation to development. Paragraph 65 states 'Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits.)'

Paragraph 132 of the National Planning Policy Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. It goes on to note that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and notes that substantial harm to or loss of a Grade II listed building should be exceptional, and designated heritage assets of the highest significance, like SAMs or Grade II* registered parks and gardens, wholly exceptional.

Paragraph 134 states that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Policy CS3 of the emerging Core Strategy – Renewable and Low Carbon Energy Generation – states that when assessing proposals significant weight will be given to the wider environmental benefits associated with increased production of energy from renewable sources. Climatic changes resulting from the continued use of fossil fuels at the current rate are predicted to have a significant detrimental and permanent impact on the landscape character before the end of the century. The wider environmental benefits of contributing to an increase in production of energy from renewable sources include helping to protect the landscape character from the effects of an altered climate.

Additionally consideration should be given to the potentially temporary nature of the turbine relative to the permanence of the listed buildings and landscape character. Clause 5.38 of Policy CS3 in the Core Strategy states that "some

installations, such as wind turbines have an operational lifespan, typically 25 years. The temporary nature of these installations can be conditioned, allowing a review against the policy framework and energy environment at that time and potentially requiring the site to be returned to its former state.

Policy L13 of the South Gloucestershire Local Plan Adopted January 2006 does not permit development that would fail to preserve the setting of a listed building.

Whilst your case officer acknowledge that the proposal wind turbine would cause harm to the setting of the grade II* listed buildings namely Oxwick Farmhouse and Coach House, it is considered that the harm would be less than significance. It is considered that the public benefits raising by the proposed wind turbine namely the reduction of carbon emissions and the use of renewable energy would outweigh the harm caused by the proposal. It is therefore considered that the proposal would be acceptable subject to the following planning conditions.

5.11 Other Issues

A resident mentioned about the 2010-12 Bill regarding the minimum distances between wind turbines and residential premises according to the size of the wind turbine; and for connected purposes.

It should be noted that during the second reading of the Bill on 10 June, a wide-ranging discussion took place on issues including the effect of wind turbines on rural areas and meeting the UK's renewable energy targets. The 2010-12 session of parliament has prorogued and this Bill will make no further progress.

Wickwar Parish Council previously mentioned about the proposed wind turbine at Cherry Rock Farm, Wickwar Road. which is outside the South Gloucestershire area. Officers consider that the proposed wind turbine would not cause significant cumulative impact upon the area, and the application should be determined on its own merits.

6. CONCLUSION

- 6.1 There is clearly a balance to be drawn between the need for renewable energy installations, particularly in relation to climate change and sustainable forms of energy production and the impact of such installations, most notably in this case, upon the setting of the grade II* listed buildings. Whilst officers acknowledge that the proposal would cause harm to the setting of the grade II* listed building, in this case officers consider that the medium height/scale, the reasonable location of the proposed wind turbine from the grade II* listed buildings, and the temporary nature of the proposal, also given that there would be public benefits, i.e. the use of renewable energy and reduction of carbon emission, on balance would outweigh the material disadvantages of the proposal.

- 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 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 following conditions be imposed.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

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 permission hereby granted shall be limited to a period of 25 years from the date when electricity is first exported from the wind turbine to the electricity grid (the 'First Export Date'). Written notification of the First Export Date shall be given to the local planning authority no later than 14 days after the event.

Reason

In the interests of visual amenity and the setting of the grade II_ listed buildings and to protect the residential amenity of the neighbouring occupiers and to accord with Policies D1, L13 and EP5 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Within 12 months of the point where the wind turbine permanently ceases to produce electricity, or the expiration of this permission, whichever is the sooner, the wind turbine and its ancillary equipment and infrastructure shall be removed, and the land restored, in accordance with a scheme first submitted to, and approved in writing by, the local planning authority.

Reason

In the interests of visual amenity and the setting of the grade II_ listed buildings and to protect the residential amenity of the neighbouring occupiers and to accord with

Policies D1, L13 and EP5 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of the development hereby approved details of the colour and finish of the wind turbine shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason

In the interests of visual amenity and the setting of the grade II_ listed buildings and to protect the residential amenity of the neighbouring occupiers and to accord with Policies D1, L1, L13 and EP5 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of the development details of the route by which the wind turbine approved herein is to be delivered to the site 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

In the interests of visual amenity and the setting of the grade II_ listed buildings and to protect the residential amenity of the neighbouring occupiers and to accord with Policies D1, L1, L13 and EP5 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of the development hereby approved, details of a temporary access track shall be submitted to and approved in writing by the Local Planning Authority. The temporary access track shall then be removed and the land returned to its former condition within four months of the First Export Date.

Reason

In the interests of visual amenity and the setting of the grade II_ listed buildings and to protect the residential amenity of the neighbouring occupiers and to accord with Policies D1, L1, L13 and EP5 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Noise from the wind turbine shall not exceed 35dB(A)LA90,10min when measured at the nearest residential property at any time of day and night, in accordance with ETSU-R-97.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy EP5 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

In the interests of visual amenity and the setting of the grade II_ listed buildings and to protect the residential amenity of the neighbouring occupiers and to accord with Policies D1, L1, L13 and EP5 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the attached brief.

Reason

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

CIRCULATED SCHEDULE NO. 43/13 – 25 OCTOBER 2013

App No.:	PK13/1351/F	Applicant:	Mapstone Homes Ltd
Site:	Land R/o 44 Bath Road Longwell Green Bristol South Gloucestershire BS30 9DG	Date Reg:	1st May 2013
Proposal:	Erection of 8no. dwellings with associated garages with access and associated works.	Parish:	Hanham Abbots Parish Council
Map Ref:	365513 171371	Ward:	Longwell Green
Application Category:	Minor	Target Date:	25th June 2013



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N.T.S.

PK13/1351/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application site is situated on the western fringe of Longwell Green and the wider Bristol conurbation. The site is situated on the west side of Bath Road at the end (west) of an unadopted single-track lane known as Field Lane. The application site incorporates Field Lane, access and a broadly rectangular shaped area of land on the north side of Field Lane, opposite a recently constructed residential development.

The proposal would be served by two separate accesses. Six dwellings would be served via Field Lane a recently resurfaced single track lane surfaced and finished to an adoptable standard. Two dwellings would be served by a new access directly from Bath Road running parallel with Field Lane on the north side of the adjacent nursing home.

The application site is bounded by a construction site to the south comprising 9 recently completed residential units served via Field Lane. The application site is bounded by a residential dwelling to the north with substantial rear garden, residential development to the east and open fields to the west. The site was recently cleared other than the hedge boundary to the south east.

- 1.2 The application site is situated within the urban area as defined in the adopted Local Plan and abuts the Bristol/Bath Green Belt situated to the west. No.47 Bath Road opposite the access onto Bath Road is a Listed Building.
- 1.3 Erection of 8no. dwellings with associated garages with access and associated works.

This application is a revised scheme of previous approval PK12/2965/F.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design
- L1 Landscape Protection and Enhancement
- L9 Species Protection

- L13 Listed Building
- L17 The Water Environment
- L18 The Water Environment
- GB1 Green Belts
- H2 Residential Development within the Urban Area
- H6 Affordable Housing
- T8 Parking Standards
- T12 Transportation for New Development
- LC2 Education Facilities – Developer Contributions

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

- CS1 High Quality Design
- CS5 Location of Development
- CS6 Infrastructure and Developer Contributions
- CS8 Improving Accessibility
- CS9 Environmental Resources and Built Heritage
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing

- 2.3 Supplementary Planning Guidance
 South Gloucestershire Design Checklist – August 2007
 Development in the Green Belt – June 2007
 Biodiversity Action Plan – Oct 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P75/4347 Installation of a septic tank to serve a residential caravan. (Previous ID: K843)
Approved 14.08.1975
- 3.2 P77/4187 Use of land for the stationing of two residential caravans. (Previous ID: K843/1)
Approved 12.07.1977
- 3.3 P81/4248 Erection of two detached houses with garages on approx.0.75 acre. (Previous ID: K843/2)
Refused 17.06.1981

Refusal reasons:

- 1) The site does not fall within any of the areas allocated for residential development in Kingswood
- 2) The site is within the Green Belt and represents inappropriate development.
- 3) Backland development which would adversely impact on the amenities of the dwellings fronting onto Bath Road.
- 4) The proposal would result in additional turning movements onto Bath Road where visibility is restricted and close to a roundabout.

- | | | |
|-----|-------------|---|
| 3.4 | P81/4502 | Erection of two detached houses and garages on approx 0.53 acre (outline) (Previous ID: K843/3)
Refused 18.11.1981 |
| 3.5 | P82/4277 | Use of land for the stationing of two residential caravans (renewal of temporary consent) (Previous ID: K843/4)
Refused 06.09.1982 |
| 3.6 | P83/4033 | Retention of one residential caravan (Previous ID: K843/5)
Refused 25.04.1983

Appeal dismissed |
| 3.7 | P85/4378 | Retention of residential caravan without compliance with time limited condition (Previous ID: K843/6)
Refused 19.08.1985

Appeal dismissed |
| 3.8 | PK12/0797/F | Erection of 6no. detached dwellings with garages, car parking, access and associated works.
Withdrawn |
| 3.9 | PK12/2965/F | Erection of 6no. detached dwellings with garages, car parking, access and associated works Resubmission of PK12/0797/F.
Approved 29.01.2013 |

4. **CONSULTATION RESPONSES**

4.1 Hanham Abbots Parish Council

Our objections to the previously submitted planning application (PK12/2965/F) still stand; we object to this application on the grounds of unsustainable development. We believe that access and egress onto the busy Bath Road from this very small lane would cause traffic problems and loss of amenity for the existing dwellings in Field Lane. We note that the number of dwellings has increased from 6 to 9 and we also now object on the grounds of overdevelopment.

4.2 Other Consultees

Rights of Way Officer – No objection. The layout has been amended to avoid the PRow which is now adopted situated adjacent to the south east boundary. The revised layout will not affect significantly the PRow and the safety of pedestrians. The proposal as revised is therefore acceptable.

Children and Young People – No objection subject to provision of a financial contribution through a S106 legal agreement. At primary level there is a projected deficit of places in the local area. The proposed development of 8 dwellings will generate three additional primary pupils according to the pupil

number calculator. On this basis a financial contribution is required as mitigation for the impact of the development on local Primary Schools.

Drainage Engineer – No objection, subject to condition for Sustainable Drainage System (SUDS).

Sustainable Transport – No objection, subject to conditions

Housing Enabling – The proposal would have an application site area close to threshold where affordable housing would be required. Normally a proportion of affordable housing would be required within the site. The decision is deferred to the Case Officer and for the applicant to demonstrate that the site is not capable of providing 10 units.

Landscape Officer – No objection. A planting plan including a hedgerow planting and management plan should be submitted as a condition of planning. A condition should also be applied to provide details of all surfacing and boundary treatments.

Tree Officer - The trees proposed for removal are of a poor quality and it is considered that their loss will be mitigated by the proposed replacement planting. With adequate protection the existing trees proposed for retention should not be impacted by the development. No objection

Ecological Officer – No objection. Conditions are required to provide mitigation measures for the identification and protection of bats, reptiles, hedgehogs and badgers.

Other Representations

4.3 Local Residents

4 objections received from the occupiers of 42, 44, 54a Bath Road; 2 Kilnhurst Close raising the following concerns:

- Backland development
- Garden grabbing
- Over dense, overdevelopment
- The proposal would be detrimental to the character of the area through backland development
- The houses are not in keeping with the character of the area
- Increased vehicle movements on Bath Road resulting in highway safety issues
- Too close to the Aldermoor Way roundabout which would have highway safety implications
- Houses at the rear of 44 Bath Road should be single storey only or they would result in loss of privacy
- Increase in traffic and activity on Field Lane which is currently quiet
- Concern in relation to construction traffic using Field Lane and disruption and inconsiderate parking
- Construction traffic should be channelled to the Bath Road access only
- Insufficient off street parking is proposed resulting in cars parked on Bath Road
- Water drainage concerns on Field Lane causing flood water on Bath Road

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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

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

The scheme for 6 dwellings approved under PK12/2965/F remains extant, although due to the adjacent Public Right of Way subsequently being adopted, there is doubt that the extant scheme can now be implemented due and could be resisted through Rights of Way legislation. The principle of 6 dwellings on this site is however established as access can be provided without impeding the Right of Way.

The site is situated within the settlement boundary of Engine Common. Policy H2 of the South Gloucestershire Local Plan is supportive in principle of proposals for erection of residential development within settlement boundaries, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity, highway safety and an appropriate density of development is achieved. L1 seeks to control the character and appearance of an area by retaining landscape features. In relation to this development proposal policies L9 related to ecological considerations and species protection and policies L17 and L18 related to the disposal of foul and surface water are also important policy considerations.

Policy H6 aims to ensure the provision of a satisfactory level of affordable housing within the site.

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

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

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*

- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'*

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

The South Gloucestershire Core Strategy (CS) was submitted for Examination in March 2011. The Examination was initially suspended by the CS Inspector to allow for the submission of Post Submission Changes. Hearing sessions were subsequently held in June and July 2012 and the CS Inspector published his Preliminary Findings and Draft Main Modifications in September 2012. The Inspector's initial conclusion is that the Core Strategy is capable of being made 'Sound' subject to a number of Further Main Modifications (FMM). The FMM have been subject to a further hearing session that was held on 7 March 2013. An independent report was commissioned by the Council from BNP Paribas to determine housing land supply in the District. The independent report has been forwarded to the Inspector for consideration. The Inspector has indicated that he will now prepare his final report which is due to be published by 15th November 2013. The CS has reached an advanced stage of preparation. However, there are unresolved objections to the housing requirements, including the means of addressing the shortfall in the delivery of housing that accrued during the Local Plan period. At this stage the Core Strategy therefore remains unadopted, but is likely to be adopted in the near future once housing matters are resolved. This document is therefore a material consideration in the determination of planning applications, and the Core Strategy policies, which are not subject to Inspector modification, will now carry considerable weight at this stage.

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

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

5.2 Visual Amenity

Design and visual impact

The application site is situated at the end of a single-track lane (Field Lane) lined on the south side by a Victorian terrace and one modern detached infill dwelling. A substantial and imposing semi detached Victorian dwelling

occupies the southern side of the junction of Field Lane with the main Bath Road. A large bungalow occupies much of the north side of Field Lane used currently as a care home. The front and side of the care home when viewed from Bath Road is heavily screened by a tall tree hedge on the south and east boundaries.

Field Lane has recently been upgraded in accordance with conditions attached to outline approval PK10/2315/O for erection of 9 dwellings currently nearing completion on a location directly south of the application site. Planning permission was recently given for one additional dwelling on that site. Field Lane is now surfaced with drainage channel for surface water included.

The application site is situated at the end of Field Lane 75m from the junction with Bath Road and would be well screened from views from Bath Road screened from Bath Road by the existing terrace of dwellings fronting onto Field Lane and the care home. In addition to the existing occupiers, Field Lane is used as access from Bath Road to the footpath and fields to the west and Field Lane and the track connecting Field Lane to the fields to the west has now been adopted as a Public Right of Way (RoW). At the west end of Field Lane the character until recently changed from traditional residential to a more rural and green context leading to open fields and the Green Belt beyond. However, this character has changes significantly recently through erection of the 9 new dwellings, which back onto Field Lane.

The application site forms an enclosed yard between the rear boundary of the care home fronting onto Bath Road and the open fields beyond the edge of the urban area to the west. The site also contains a linear area of land extending south east from the main part of the site between the care home and no.44 providing a single track vehicular access onto Bath Road. The site is enclosed by trees/hedgerow on the south west, north west and south east boundaries. The site is laid to grass and contains a number of prefabricated and hand built sheds and outbuildings. The site is considered not to be visually prominent when viewed from Field Lane or the RoW, which runs adjacent to the south west boundary.

This revised proposal would provide 8 dwellings, 2 dwellings accessed via Bath Road in a similar arrangement to the approval PK12/2965/F and 6 units accessed via Field Lane. Two dwellings would be semi detached and the remaining 6 are to be detached. The dwellings would be full two storey units with the exception of plot 8 which would be a bungalow with accommodation in the loft area. The dwellings would be designed using local vernacular references with reconstituted stone walling with traditionally styled profile tiling. Dwellings 1-5 would be positioned in a courtyard arrangement towards the rear of the site.

The majority of existing landscape features would be retained and integrated into the development. The existing rear hedgerow which forms an important feature and visual screen separating the site and the urban area from the countryside and green belt beyond would be retained and protected during construction. The application is also supported by an arboricultural assessment compiled by Tim Pursey, Arboricultural Consultant, originally

submitted in support of application PK12/2965/F, but still valid for this submission. This report identifies the trees which are to be removed and recommends suitable protective fencing design and distances to ensure the retained trees are protected throughout the development. Trees proposed for removal have all been graded as low quality in accordance with BS5837:2012. The retained trees are a mixture of low and medium quality but are in a position where their retention can be incorporated into the site layout. The site will retain much of the rural, green character which exists at present.

The new access onto Bath Road would be situated in a location where a number of accesses already exist including the main access from Field Lane. The proposed access would be in keeping with the character of the area and the street scene on Bath Road.

The revised development is considered to be of good quality in terms of design and would respect the character distinctiveness and amenity of the surrounding area which is characterised by a mix of urban and rural.

Backland Development

The Government through the NPPF supports a more efficient and sustainable use of land in the urban area. The site is situated close to public transport links and walking distance to local facilities. The site and development proposed are therefore considered to be sustainable in line with this advice. Recent Government advice carried through to the NPPF also excludes private residential gardens from the definition of previously developed land, introduced in order to preserve the character of residential areas within urban contexts. The application site although situated behind and surrounded by existing garden land, does not relate to any residential curtilage. Additionally, the site is mainly laid to grass with some sheds and outbuildings situated on the site alone. It is therefore considered that the site should not be considered as previously developed land or garden land.

A substantial part of the garden of no.58 has been included as part of the adjacent residential development for 9 dwellings which has created an extension to Field Lane providing a new street frontage. Previous applications in the 1970's and 80's were refused on this site for residential development. Refusal reasons included concerns that the site was situated in a backland location. It is considered that although the proposed dwellings would be situated behind the traditional street frontage on Bath Road, the character of the surrounding area has changed significantly since development of 9 new houses. As such although the proposal would occupy a back land position behind the original street frontage, the dwellings would instead occupy a position on a new street frontage or cul de sac. The proposal would therefore not result in significant harm as backland development. Additionally, the concerns raised in previously refused applications in the 1970's and 80's are considered to be no longer relevant as the character of the area, which was then entirely rural and at the end of an unmade track has evolved significantly. Additionally, the proposed benefits of the scheme in relation to efficient use of land within the urban area and the quality of design and layout would clearly outweigh any harm through this area of land situated behind the main Bath Road street frontage. Further, a number of other residential schemes have

been built behind the main Bath Road frontage in recent years in the area and as such this form of backland development is not unusual.

Density

The development for 8 dwellings on an area of land measuring 0.33Ha would have a density (excluding Field Lane) of 24 dwellings per hectare (DPH). The sub text of Local Plan Policy H2 states,

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

As explained in Par 5.1 the Local Plan is under review and the Council's Core Strategy is due to replace this document in the immediate future. The Core Strategy although carrying significant weight will still carry less weight than the adopted Local Plan at present. However, Policy CS16 (Housing density) does not give an indicative threshold for an acceptable density of development. Instead Policy CS16 requires housing development to achieve a high quality of design, an improved mix of housing types in the locality and provide adequate levels of public open space, communal open space and private outdoor space.

It is considered that the proposal would achieve a good standard of layout and design and would be situated within a highly sustainable location within the urban area and close to local services and public transport routes. The local area is characterised by very low density residential development. Additionally, the site is awkwardly shaped being very linear and the relationship to adjacent dwellings, in particular no.42 to the north is such that it would be very difficult to achieve 30-40 DPH without resulting to harm in visual and residential amenity terms. As such local circumstances are considered not to permit a density of 30 or 40 DPH and the proposed density is therefore considered to be acceptable, in accord with the Council's adopted Policy H2. Additionally, the site layout would achieve good garden sizes which are considered to be commensurate to the dwelling types. As such the proposal is considered to be acceptable, in accord with emerging Policy CS16.

Concern has been raised by local residents that the proposal would represent an overly dense and overdeveloped site. For the reasons indicated above the proposal is considered not to be overly dense and would not result in overdevelopment of the site.

5.3 Residential amenity

Privacy

The proposed dwellings would be situated close to the boundary with no.42 to the north which sits in a substantial plot which currently is only overlooked by the rear windows of no.40, albeit with some tree screening on their common boundary. The application has therefore been designed to ensure that the front and rear elevations and rear private garden are not overlooked. Plot 5 would have no first floor windows/rooflights in the rear (north east) and side (north west) elevations above ground floor level other than obscurely glazed bathroom windows and high level rooflights. A condition is also recommended to ensure any further windows/rooflights fall within the Council's control. The rear garden

and rear elevation of no.42 would therefore not be overlooked by plot 5. Plot 1 in the north west corner of the application site would have only obscurely glazed window in the side (north east) elevation serving a staircase. The side (nearest) elevation would be situated 38m from the rear elevation of no.42. This is considered to be sufficient distance to ensure no material impact on the privacy of the occupiers of no.42. Plots 3 and 4 would be situated 50m and 35m respectively from the rear of no.42. Further, trees on the north west boundary close to the rear of no.42 would be retained providing further screening to no.42.

Plot 8 would be situated in a location in front of the front elevation of no.42. Plot 8 would be a bungalow and would have no first floor windows/rooflights in the front (south west) or side (north east) elevations/roofslopes other than a high level bedroom rooflight to bed 3 and an obscurely glazed bathroom rooflight. A condition would retain control over future windows/rooflights in these elevations and ensure that both rooflights are either obscurely glazed or positioned a minimum of 1.7m above finish floor level. Therefore subject to the conditions recommended, the proposed dwellings would result in no significant loss of privacy to the occupiers of no.42. No first floor windows would face to the rear towards no.44.

The dwellings on Field Lane to the south east of the application site would be situated a minimum distance of 31m from the proposed dwellings. This is considered to be sufficient distance to ensure no material loss of privacy to the occupiers of the dwellings fronting onto Field Lane.

Bulk, over-development and loss of light

Plots 6 and 7 would be situated in line with the side elevation of no.42 with single storey rear projection only projecting beyond the rear elevation of no.42. Plots 6 and 7 would project by 1.6m beyond the rear elevation (single storey rear addition) of no.42 at a distance of 2.1m, to be separated by a 1.8m high closed boarded fence and would project by 3.8m beyond the main two storey element. The position and distance of plots 6 and 7 from no.42 is considered to be sufficient to ensure no significant loss of residential amenity in terms of overbearing built form, bulk or loss of daylight/sunlight.

Plot 8 has been designed as a bungalow measuring 3.3m to eaves and 6.5m to ridge. Plot 8 would be situated 8.4m from no.42 to the north west and 26m from no.44 to the north east. The scale, size of plot 8 and distance to the neighbouring dwellings along with the position south east of no.42 will ensure no significant loss of residential amenity in terms of overbearing built form, bulk or loss of daylight/sunlight.

Noise and disturbance

The proposal would include a new vehicular access between the care home to the south and no.44 to the north east. The access would run past the side elevation of no.44. The access would serve three of the dwellings (plots 6-8) only. This is an increase of one compared to the previous approval PK12/2965/F. The vehicle movements associated with the three dwellings would not be significant and would not result in a material increase in noise and disturbance to the detriment of the future occupiers of no.44.

5.4 Highway matters

The proposal would include the creation of a new access between the care home to the south and no.44 forming a single track vehicular access off Bath Road to serve plots 6-8 (access 2). Plots 1-5 would be served by Field Lane which has recently been resurfaced including parking designations and controls and drainage to an adoptable standard (access 1).

Access

Access 1 - Field Lane is a private road but the applicant has a right of access over it. The road is approximately 6m wide and it operates as a shared-surface (or shared space) road. The road currently serves 16 properties. In order to accommodate the new development, the existing Field Lane would be extended and a new turning area would be formed at within the rear part of the site for service vehicles to turn. The applicant has submitted an auto-track which demonstrates that the new turning area is suitable for service vehicles to turn. Where the existing road meets the new section; traffic calming features would be constructed to ensure low speeds. Whilst it remains a private road, Field Lane is considered adequate for use by plots 1-5 of the proposed development. The layout has been revised from the previous approval PK12/2965/F, as since this approval was issued, the track to the side of the site has been formally adopted as a Right of Way. The proposed access would cross over the right of way only at the east side. With the provision of the traffic calming and the minimal cross over the Right of Way it is considered that there would be minimal conflict between pedestrian users of Field Lane and the Right of Way, and vehicle users.

Access 2 – the applicant is also seeking to construct a new vehicular access onto Bath Road to serve the remaining three dwellings. Visibility from the new access onto the public highway is adequate on both sides. The new access would be of sufficient width to accommodate the proposed traffic for 3 dwellings. A suitably sized turning area would also be constructed to allow all vehicles including service vehicles to turn within this part of the site. The applicant has submitted an auto-track which demonstrates that the new access together with the new turning area is suitable for service vehicles to turn. The access would be situated 60m from the exit of the Marsham Way roundabout. Visibility from the new access towards Marsham Way is good and the distance is considered to be sufficient. Access 2 would therefore result in no significant highway safety concerns.

A condition is recommended to ensure that the new access serves plots 6 to 8 alone.

Traffic generation

The estimated daily traffic movements from each new dwelling would be approximately 6 or 7. With 5 additional dwellings being served off Field Lane, it is anticipated that additional movements during the morning traffic peak hour (08.00 - 09.00) would be 5 additional cars which equates to one extra vehicle every 12 minutes. Overall, the traffic generated by the proposal would not be significant and as such would not result in undue additional highway safety

concerns or materially impact on any existing traffic congestion on Bath Road at peak times.

Parking

The site layout shows off street parking for in excess of 18 vehicles. This is considered to meet the Council's adopted maximum parking standard. However, the Council's parking standards are under review and it is proposed to amend this policy to provide minimum standards rather than maximum. Also, although the proposal would exceed the maximum standard, it is important to ensure in this location that no vehicles spill onto the adjacent Field Lane or the Bath Road which is a Classified A road. The proposed number of spaces is therefore considered to be acceptable on this basis.

5.5 Green Belt

The application site is situated on the edge of the urban area outside the Bristol and Bath Green Belt, which is situated adjacent to the west boundary.

Policy GB1 requires development which is situated outside but conspicuous from the Green Belt not to adversely impact on the visual amenity of the Green Belt. The proposal would be screened well from the Green Belt by a substantial hedge on the west boundary and the ground level rises from the rear of the site adjacent to the hedge up to the fields beyond which would increase the screen from the existing hedge. As indicated in par.5.2 above there are a number of other residential sites in the local area which back onto the edge of the urban area and are more conspicuous from the Green Belt than this proposal. As such although the proposal would be conspicuous from the Green Belt, it is considered that the proposal would not adversely impact on the visual amenity of the Green Belt in accordance with Policy GB1 of the adopted Local Plan.

5.6 Ecology

The site offers a mosaic of semi-natural habitat of potential use for a variety of wildlife, including hedgehogs, badgers and slowworms.

Slowworms are protected under the Wildlife & Countryside Act 1981 (as amended) and CROW Act 2000. They are also listed on the South Gloucestershire Biodiversity Action Plan as a species for which the Council will require specific measures to conserve and enhance populations. Additionally, hedgehogs are a Priority Species nationally and included on both the UK and South Gloucestershire Biodiversity Action Plans. Both badgers and their setts are protected under the Protection of Badgers Act 1992 and the species habitually locate setts in areas of dense vegetation. Given this the application site needs to be surveyed for the three species and a mitigation strategy drawn up and agreed with the Council prior to development commencing. As such a condition is recommended to ensure a mitigation strategy is submitted and approved in writing prior to commencement of any development on site including any ground clearance and demolition.

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

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

Whilst the buildings are of materials and a type unlikely to be suitable for use by bats, Hanham Hill Fields Site of Nature Conservation Interest (SNCI), designated for its species-rich calcareous grassland, is located to the west of the site and offers good quality foraging habitat for a range of wildlife including bats. Given this, the inclusion of access points for bats within the roof structure of the new properties ('bat slates') could potentially benefit local biodiversity. A condition is therefore recommended to ensure bat access points are provided as part of the development in accordance with a scheme to be first approved in writing.

Subject to the two conditions above, the development is considered not to be detrimental to ecology and protected species.

5.7 Site History

The application site has been subject to a number of failed applications for residential development in the 1970's and 80's. The historic applications were refused for consistent reasons which are summarised as follows:

- 1) The site does not fall within any of the areas allocated for residential development in Kingswood
- 2) The site is within the Green Belt and represents inappropriate development.
- 3) Backland development which would adversely impact on the amenities of the dwellings fronting onto Bath Road.
- 4) The proposal would result in additional turning movements onto Bath Road where visibility is restricted and close to a roundabout.

In terms of point 1, the policy framework has since changed significantly and there is no current policy which requires residential development to be allocated in specific locations in the area. Points 2-4 have been considered already in this report. As indicated in par.5.2 the character of the area surrounding the site and especially on Field Lane has changed significantly since the 1980's and Field Lane itself has been upgraded and resurfaced. As such it is considered that no significant weight should be afforded to previous historic refusals of applications for residential development on this site.

5.8 Drainage and water

The proposal aims to connect to the existing foul sewer and surface water would be disposed of via soakaways. A condition is recommended to require details of a system for sustainable drainage to be submitted and provided prior to occupation. The upgraded access over Field Lane includes a surface water management system, which will slow surface water entering Field Lane before discharging into the main storm drain on Bath Road. This system has been agreed with the Council's Drainage Engineer and Wessex Water.

5.9 Planning Obligations

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out

that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

In this instance, it is considered that the planning obligations required to secure financial contributions towards education are consistent with the CIL Regulations (Regulation 122).

Community Services

The proposal for 8 dwellings falls below the minimum threshold of 10 dwellings for a financial contribution towards community services provision (open space provision and maintenance and library services). As such no contribution is required towards community services.

Affordable Housing

The proposal would result in a total of 8 new dwellings on a resultant site area of 0.33 Hectares. The dwelling numbers (minimum of 15) and site size (minimum size of 0.5Ha) do not meet the minimum threshold to require affordable housing provision in accordance with Policy H6 of the adopted Local Plan. Policy CS18 (Affordable Housing) of the South Gloucestershire Local Plan Core Strategy –Incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications has reduced threshold for affordable housing with a minimum threshold of 10 dwellings or 0.33Ha. The application site has been calculated to have an area lower than 0.33Ha and the number of units is less than 10. On this basis no affordable housing is required as part of this development.

Education

The proposal (8 dwellings) falls within the threshold wherein an increase in child population would result and as such the development must provide mitigation for additional pressure for school places in the locality. This is in accord with Policy LC2 of the South Gloucestershire Local Plan which requires, where existing education provision is inadequate to meet projected need arising from a development, the Council to negotiate to secure provision in scale to meet these needs. On this basis a financial contribution has been agreed with the applicant for a sum equivalent to the increase in school places required as mitigation for the impact the 8 dwellings would have on existing educational services in the locality.

Officers have calculated a contribution on the basis of the number of primary pupils based on current Department for Education cost calculators which give a figure of £10,898 per additional primary pupil place, based at the Quarter 4 2011 value of the Royal Institute of Chartered Surveyors Building Cost All-In Tender Price Index. At primary level there is a projected deficit of places in the local area. The proposed development of 8 dwellings will generate three additional primary pupils. A contribution of £32,694 is required for additional primary provision as mitigation for the proposed development.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

The provision of £32,694 as a contribution towards education. Reason – To accord with Policy LC2 of the South Gloucestershire Local Plan (Adopted) 2006.

- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.3 Should the agreement not be completed within 6 months of the date of the Committee resolution that delegated authority be given to the Director of Planning, Transport and Strategic Environment to refuse the application.

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

4. All hard and soft landscape works shall be carried out in accordance with the approved details and shall be planted in the first planting season following occupation of the first dwelling.

Reason

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

5. Any trees or plants which die, are removed, are damaged or become diseased , or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be the same size and species as those lost, unless otherwise first agreed in writing with the Local Planning Authority.

Reason

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

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

Reason

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

7. The off-street parking facilities (for all vehicles, including cycles) shall be implemented in accordance with the approved plan before the parking area related to each dwelling is occupied, and thereafter the parking area shall be 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.

8. No development shall commence including ground clearance and demolition of buildings until a plan showing the position and type of protective fencing has been first submitted to and approved in writing by the Local Planning Authority. The protective fencing shall be extended to protect the hedgerow and trees running along the west boundary of the site. The protective fencing scheme shall be erected in accordance with the approved plan prior to commencement of development including ground clearance and demolition of buildings and retained on site until the approved dwellings plots 1-3 inclusive as shown on the approved Proposed Site Plan are built and occupiable.

Reason

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

9. No development shall commence within any part of the site edged red on the approved plan until construction details of the proposed means of access to the site from Bath Road and the proposed access onto Field Lane as named on the approved Proposed Site Plan have been first submitted to and approved in writing by the Local Planning Authority. The construction details shall include delineation of shared surfacing, drainage, lighting and all surfacing. The development shall be implemented in strict accordance with the approved details.

Reason

To ensure provision of a satisfactory means of access in the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. No dwelling hereby approved shall be occupied until the two means of access has been implemented in full in accordance with the construction details so approved in condition 9 of this decision.

Reason

To ensure provision of a satisfactory means of access in the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. No development shall commence until a maintenance schedule indicating how the two accesses hereby approved are to be maintained for a period of 5 years following occupation of any dwelling on site has been first submitted to and approved in writing by the Local Planning Authority. The development shall be maintained for the 5 year period in accordance with the approved schedule.

Reason

To ensure continued provision and maintenance of a satisfactory means of access in the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. Notwithstanding the approved drawings, the internal dimensions of all single garages within the site hereby approved shall measure a minimum of 3m by 6m.

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.

13. No windows/rooflights other than those shown on the plans hereby approved shall be inserted at any time in the first floor north west (side) elevation or south west roofslope (front) of Plot 8 as shown on the approved Site Plan.

Reason

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

14. No windows/rooflights other than those shown on the plans hereby approved shall be inserted at any time in the first floor of the north west (side) elevation or roofslope of Plot 7 as shown on the approved Site Plan.

Reason

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

15. No windows/rooflights other than those shown on the plans hereby approved shall be inserted at any time in the first floor or higher of the north west (side) or north east (rear) elevation or roofslope of Plot 5 as shown on the approved Site Plan.

Reason

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

16. Prior to occupation of the dwelling shown as Plot 1 on the approved Proposed Site Plan and at all times thereafter, the proposed rooflight window on the north west (side) elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed or shall be positioned with any glazing positioned a minimum of 1.7m in height above the finish floor level of the landing.

Reason

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

17. No windows/rooflights other than those shown on the plans hereby approved shall be inserted at any time in the first floor of the north west (side) elevation or roofslope or the first floor of the north east facing gable of Plot 1 as shown on the approved Site Plan.

Reason

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

18. The proposed access directly onto Bath Road between nos.44 and 46 Bath Road shall serve only plots 6 to 8 as shown on the approved Proposed Site Plan and at no time shall direct access be provided from this access onto Bath Road for plots 1-5.

Reason

In the interests of highway safety and to protect residential amenity, and to accord with Policy H2 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

19. No development shall commence until a survey for reptiles badgers and hedgehogs is carried out by a suitably qualified person. If present, a mitigation strategy shall be submitted and agreed in writing by the Local Planning Authority prior to commencement of development on site (including any ground clearance or demolition of buildings) to safeguard the species present on site. The strategy shall include details of how any new habitat to be created for the species will be managed to conserve and benefit local wildlife. The development shall be implemented in accordance with the approved strategy.

Reason

In the interest of safeguarding any slowworm, badgers or hedgehog population present in accordance with the South Gloucestershire Biodiversity Action Plan and to accord with adopted South Gloucestershire Local Plan Policy L9.

20. No development shall commence until a scheme to provide bat access points within the structure of the new roofs ('Morris bat slates') which shall include the types and locations of the access points has been first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented for each dwelling in strict accordance with the approved details before each individual dwelling the subject of this decision is first occupied.

Reason

In the interest of safeguarding any protected species present in accordance with adopted South Gloucestershire Local Plan Policy L9.

21. The front face of the proposed rooflight in the front roofslope of plot 5 shall be of glazed finish.

Reason

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

22. Notwithstanding the approved drawings, no development shall commence until details of all eaves fascias to be provided have been first submitted to and approved in writing by the Local Planning Authority. No boxed fascias or bargeboards shall be provided and no fascias shall be of upvc construction. The development shall be implemented in accordance with the approved details.

Reason

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

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

Reason

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

24. Sample panels of stonework to be used on the external face of the dwellings hereby approved and the 1.4m high screen wall on the boundary with plot 4, 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

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

25. Prior to occupation of the dwelling shown as Plot 8 on the approved Proposed Site Plan and at all times thereafter, the proposed rooflights window on the north west (front) elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed or shall be positioned with any glazing positioned a minimum of 1.7m in height above the finish floor level of the room to which they relate.

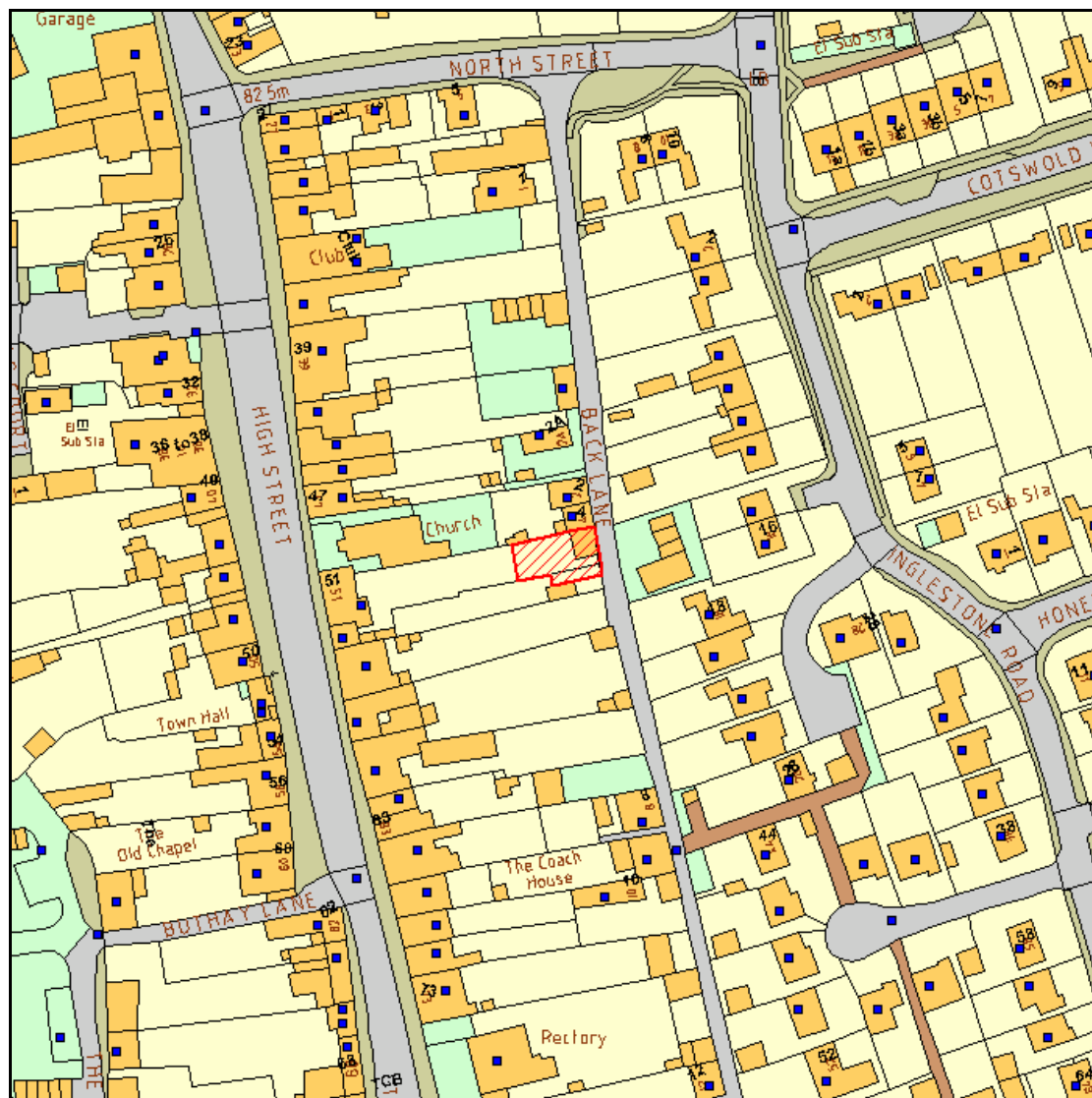
Reason

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

CIRCULATED SCHEDULE NO. 43/13 – 25 OCTOBER 2013

App No.: PK13/2061/F
Site: 51 High Street Wickwar Wotton Under Edge South Gloucestershire GL12 8NP
Proposal: Conversion and extension of outbuilding to one-bedroom dwelling
Map Ref: 372427 188457
Application Category: Minor

Applicant: Mr Andrew Minter
Date Reg: 17th June 2013
Parish: Wickwar Parish Council
Ward: Ladden Brook
Target Date: 7th August 2013



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N.T.S.

PK13/2061/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of objections from Wickwar Parish Council and local residents.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the extension and conversion of an existing detached outbuilding to form a single dwelling. The application site relates to a two storey stone built outbuilding facing onto Back Lane. The proposal is to erect a single storey lean to extension to the rear of the existing building. The existing outbuilding is locally listed.
- 1.2 The resultant dwelling would have a kitchen and living room on the ground floor and bedroom with en-suite above. The plans also show the provision of a patio area, a bin store and one off street parking space for each existing and new dwelling. The proposed dwelling would have one bedroom.
- 1.3 It should be noted that planning permission, PK11/0538/F, was refused for the conversion and extension of existing outbuilding to form 1 no. dwelling in April 2011 for the following reasons:

It appears that access to the both of the proposed parking spaces will be over land outside of the applicants ownership and no notice has been served on the landowner. The existing access gates (outside of the applicants ownership) when open would block access to one of the spaces. In the absence of any auto-tracking details to demonstrate to the contrary, it is not considered that either of the spaces, but particular the space in the car port, is actually useable as it would not be possible to manoeuvre a vehicle into this space. The absence of any useable off street parking space to serve the proposed new dwelling, this would lead to vehicles waiting or parking on Back Lane - a single track carriageway with no footpath. This would have a detrimental impact on existing levels of highway safety contrary to the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

The proposed development, by reason of its design, scale, massing, proportions and form would have a harmful impact on the character and significance of this locally listed building, the contribution it makes to the character and appearance of the Wickwar Conservation Area, and the setting of the Grade II Listed Congregational Church. The proposal is therefore considered to be contrary to National Guidance set out in PPS5 and the PPS5 Practice Guide, Planning Policies D1, L12, L13 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006, the adopted Local List Supplementary Planning Document (February 2008) and the adopted Wickwar Conservation Area Supplementary Planning Guidance (October 1998).

- 1.4 The main differences of the current proposal are that the proposed gate would be further set back from the neighbour's garage and the proposed extension to the existing building would be smaller than the previous scheme.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2013

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

L11 Archaeology

L12 Conservation Areas

L13 Listed buildings

L15 Buildings and Structures which make a Significant Contribution to the character and distinctiveness of the locality

T8 Parking Standards

T12 Transportation Development Control

H4 Development within existing residential curtilages

H5 Re-use of buildings for residential purposes

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

CS1 High Quality Design

CS9 Managing the Environment and Heritage

2.3 Supplementary Planning Guidance

Local List Supplementary Planning Document Adopted February 2008

Wickwar Conservation Area Advice Note Adopted October 1998

South Gloucestershire Design Checklist Adopted

Residential Parking Standards Approved March 2013

3. RELEVANT PLANNING HISTORY

The site has been subject to the following planning applications in the past:

3.1 P86/2688 Residential Development. Withdrawn 03.12.86

3.2 P86/2279 Residential Development. Refused 01.10.86

3.3 PK11/0538/F Conversion and extension of existing outbuilding to form 1 no. dwelling with associated works. Refused 12.04.11

3.4 PK11/3786 Conversion and extension of outbuilding to form one-bedroom dwelling. (Resubmission of PK11/0538/F) Withdrawn 31.01.12

4. CONSULTATION RESPONSES

4.1 Wickwar Parish Council

The Parish Council objects to this application. It is believed that the parking for this property is inadequate for this property and for 51 High Street. Parking in Back Lane can be an issue as well as increased traffic on this small lane.

4.2 Other Consultees [including internal consultees of the Council]

Conservation Officer: No objection to the revised proposal subject to the suggested conditions.

Highway Officer: No objection to the revised proposal.

Archaeology Officer: The application is situated within the historic town of Wickwar and immediately adjacent to (and indeed part of) a locally listed building. Although the proposal are modest they will involve a level of ground disturbance into land that may have been previously untouched and which may contain archaeological deposits relating to the medieval settlement of Wickwar. No objection to the proposal subject to a planning condition be imposed to ensure that an archaeological watching brief will be carried out.

Other Representations

4.3 Local Residents

One objection letter has been received and the local reside resident raises the following concerns:

- the proposal is further 'urbanisation' of the burgage plots within Wickwar.
- It will lead further to over-population by the conversion of garden buildings into residential properties.
- This will put additional pressure on infrastructure, such as parking, it is very likely that if the property is for dual occupancy then two space would be required. The only option would be to park the second car on the Highway Street. It will also lead to an increase in traffic having necessary access to Back Lane and negotiating into the parking spaces could be rather difficult, especially as access into Back Lane would be 'blind'.
- It is clear that the development is intended to be separated from the cartilage of 51 to become a separate property. Although the proposal appears to accommodate (potentially complex) rights of way it would be undesirable to allow the potential for a future division of the property, should the application be approved.
- To argue for the proposal on the grounds that it will fund the preservation of the building, which otherwise might be lost through lack of maintenance is specious. Maintenance of such items is a responsibility of ownership, particularly if failure to do so could endanger the public.
- It is also not a valid argument to say that it contributes to the 'ad hoc, muddled and informal mix' of Back Lane properties.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The outbuilding to the rear of 51 High Street has been identified by the Council as a building that makes a significant contribution to the character and distinctiveness of the locality – a locally listed building.

It is also located within the Wickwar Conservation Area, and is visible from the rear of the grade II listed Congregational Church on the High Street.

Policy D1 of the adopted local plan states that:

Development will only be permitted where good standards of site planning and design are achieved. In particular, proposals will be required to demonstrate that:

A. Siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality;

Policy L12 of the adopted Local Plan states that development will only be permitted where it would preserve or enhance the character or appearance of the conservation area. In particular, proposals should demonstrate that:

A. Size, form, position, scale, materials, design, colour and detailing have proper regard to the distinctive character and appearance of the conservation area; and

B. Buildings, groups of buildings, historic street and plot patterns, open spaces, building lines, views, vistas, ground surfaces, boundary walls and other architectural or hard landscape features which contribute to the character or appearance of the conservation area are retained;

The Wickwar Conservation Area SPG describes the character of this part of Wickwar as being “*distinguished by its quiet, enclosed and informal character with its mix of stone boundary walls and ‘ad-hoc’ muddle of outbuildings and less formal back elevations to properties*”. The historic outbuildings are identified as being an important legacy of the past, and they should be retained and repaired. The following guidance is provided:

New uses and alterations should respect the historic character. The introduction of too many openings, changes to the size of the building and the use of unsympathetic modern details can harm the character.

Further, the Enhancement Strategy for the Back Lane character area also requires the local planning authority to: *Ensure any new development, alterations and details are sympathetic to the traditional character. Protect the informal character and enclosure to the lane by retaining grass verges, variation in width, walls and muddle of outbuildings.*

The outbuilding is also locally listed and the Local List SPD also provides guidance in respect of the alteration and extension of locally listed buildings. It states: *When designing extensions to Locally Listed buildings it is important*

that the character and setting of the building is not harmed, and that the extension relates appropriately in scale and massing. Extensions should be subservient to the building in height and massing.

Policies T8 and T12 of the South Gloucestershire Local Plan relating to the provision of off street parking and highway safety are also important and must be taken into consideration.

5.2 Design/Visual Amenity and Impact on Historic Environment

This application is the third application for the proposed residential conversion of what is a former stable set to the rear of the High Street and fronting onto Back Lane.

The Wickwar Conservation Area SPD makes specific reference to the character of Back Lane: *'These (historic burgage) plots were used for gardens, workshops and storage etc. Each plot was separated from its neighbour by a stone boundary wall. Within these plots many outbuildings and other structures were constructed for various small scale industrial, horticultural and other activities.'*

The two previous schemes (for side and rear extensions respectively) were refused on the grounds of scale and design and the resultant harmful impact they would have on the building's character and appearance and its subsequent contribution to the historic character and appearance of Back Lane.

To address these concerns, the scale of the rear extension has now been further reduced to a single storey rear extension to provide a kitchen for what would be a 1no. bedroom house. To help integrate the structure, a catslide roof is also proposed.

The character of Back Lane is clearly changing, as it now features a number of residential conversions of former outbuildings and new detached 'mews' housing. Along with the loss of the traditional outbuildings, it is considered that the residential developments are eroding the historic character of Back Lane, but overall the character of Back Lane is not yet typified by a formal separate residential use or frontage. In contrast, the subject building retains its original agricultural character and appearance. The significance of the building is therefore that it is an important survival of the historic layout and arrangement of the medieval burgage plot arrangement that lined both sides of the High Street. The contribution the former stable makes to the Back Lane area of the Wickwar Conservation Area is identified within the Wickwar Conservation Area SPD which states *'the outbuilding, stone walls and their historic layout are an important legacy of the past and they should be retained and repaired. In particular, it is important that the long narrow nature of the burgage plots are preserved and the removal of the walls resulting in the combining of plots and loss of historic layout will be resisted'*.

The stable building is modest in scale and simple in form – rectangular plan with traditional stone walls under a dual pitched double Roman clay tile roof. With few and modest sized openings, its helps give the building an attractive and robust aesthetic appearance. Although considered structurally sound, the

building is in need of repair with rotting lintels and a bulge in the top half of the gable end with some clear movement in the roof verges.

In consideration of the proposed scheme, with regards to external alterations to the existing building as part of the proposed conversion, there were issues over the accuracy of the recording of the existing openings as highlighted in the conservation comments for the previous scheme and there were also issues in terms of detailed design of the proposed fenestrations. To address the concerns, the applicant submitted amended drawings to correct the discrepancies and to amend the proposal accordingly.

Overall in contrast to the two previous schemes, the extension now proposed can be considered far more sympathetic to the character of the historic stable building. Set to the rear with only oblique views possible, it is also considered that the contribution the building makes to the historic character of Back Lane will also be largely preserved.

Although from a historical interest perspective it would be preferable for the historic scale and form of the building to be preserved and not diluted through any addition, but as noted with the supporting DAS, it is conceded that the extension required to necessitate its conversion does represent a sustainable future for the building.

Officers therefore consider that the proposed scheme would help preserve the character and appearance of the Wickwar Conservation Area and in contrast to the previous scheme, would not harm the character or significance of this locally listed building. A planning conditions are imposed to seek further details of the fenestrations and roof construction of the proposed new extension.

5.3 Residential Amenity

The nearest neighbouring properties to the proposal would be 53 High Street and No. 14 & 16 Inglestone Road.

Part of the proposed conversion is to re-open the existing windows on the building. The first floor window on the side south elevation would be looking over a number of detached garages or outbuildings of the neighbouring properties along High Street and the rear part of the gardens of neighbouring properties along Back Lane/Inglestone Road.

The proposed first floor window on front east elevation would be mainly looking over the garages opposite and this window would be approximately 30 metres from the rear elevation of the neighbouring properties, No. 14 and 16 Inglestone Road.

Due to its siting, location and considerable distance, it is considered that the proposed windows would not cause significant loss of privacy upon the neighbouring properties.

The proposed extension would be single storey structure and would have a lean-to roof. It would be approximately 4 metres deep and would project

beyond the neighbouring property of Back Lane by approximately 2.6 metres. It is therefore considered that the proposal would not cause significant overbearing or overshadowing impact upon the neighbouring property.

The plans show the provision of a small patio area to serve the proposed dwelling, however it would not be a private garden. Given that the proposed is a small one bed roomed unit, the lack of private amenity space would not cause detrimental impact upon the residential amenity of the future occupiers to warrant the refusal of this application.

5.4 Transportation Effects

The plans show the provision of one off street parking space to the existing and new dwelling.

Highway Officer was concerning the level of parking spaces for the existing and new dwelling. There were also concerns on the proposed parking and access arrangement as originally submitted as there appeared to be insufficient space for both the vehicles to enter and leave the site independently. Also if both vehicles are parked in the space allocated, there appeared to be inadequate space for the car doors to be opened independently of each other.

To address the Highway Officers' concerns, the applicant submitted a revised plan showing the proposed new gate would be set back in line with the rear of the neighbour's garage, and also confirmed that the existing dwelling only has one parking space. The applicant also submitted a Certificate B and served a notice to the owner of the adjoining land.

Highway Officer considered the revised proposal and submitted details, including the size of parking spaces, the scale of the proposal, and the existing parking provision, it is considered that the revised proposal has addressed the officer's concerns and overcome the previous refusal highway reasons, and therefore raised no transportation objection to the proposed development.

5.5 Archaeological issues

The application is situated within the historic town of Wickwar and immediately adjacent to (and indeed part of) a locally listed building. Although the proposals are modest they will involve a level of ground disturbance into land that may have been previously untouched and which may contain archaeological deposits relating to the medieval settlement of Wickwar. As such a planning condition is imposed to seek details of an archaeological watching brief.

6. CONCLUSION

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

7. RECOMMENDATION

7.1 That the planning permission be granted subject to the following conditions.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

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

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policies D1, L12, L15, H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights other than those expressly authorised by this permission shall be constructed.

Reason 1

To ensure a satisfactory standard of external appearance and in the historic interests of the building. All in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the provisions of the NPPF and the accompanying practice guide, policies L12 and L13 of the SGLP (adopted) 2006 and the Wickwar Conservation Area SPD.

Reason 2

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policies D1, H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of development a representative sample panel of natural facing stone, of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of development, for consistency.

Reason

To ensure a satisfactory standard of external appearance and in the historic interests of the building. All in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the provisions of the NPPF and the accompanying practice guide, policies L12 and L13 of the SGLP (adopted) 2006 and the Wickwar Conservation Area SPD.

5. All new rainwater goods shall be of metal construction with a painted black finish or a substitute material which has been approved by the Local Planning Authority.

Reason

To ensure a satisfactory standard of external appearance and in the historic interests of the building. All in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the provisions of the NPPF and the accompanying practice guide, policies L12 and L13 of the SGLP (adopted) 2006 and the Wickwar Conservation Area SPD.

6. Prior to the commencement of development, representative samples of the roofing materials for both the main roof of the stable and the roof for the extension, hereby approved 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 in the historic interests of the building. All in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the provisions of the NPPF and the accompanying practice guide, policies L12 and L13 of the SGLP (adopted) 2006 and the Wickwar Conservation Area SPD.

7. Prior to the commencement of development, the detailed design of the following terms shall be submitted and approved in writing by the local planning authority.

- a. Eaves
- b. Verges
- c. All new windows and fixed glazing (including framing, cill and head details)
- d. All new doors
- e. Rooflight (for avoidance of doubt manufacturers specification should be provided and should be fitted with central glazing bar and installed flush with the tiles)
- f. Vents and flues
- g. Details of roof construction if a secondary roof covering is required.

Reason

To ensure a satisfactory standard of external appearance and in the historic interests of the building. All in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the provisions of the NPPF and the accompanying practice guide, policies L12 and L13 of the SGLP (adopted) 2006 and the Wickwar Conservation Area SPD.

8. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the attached brief.

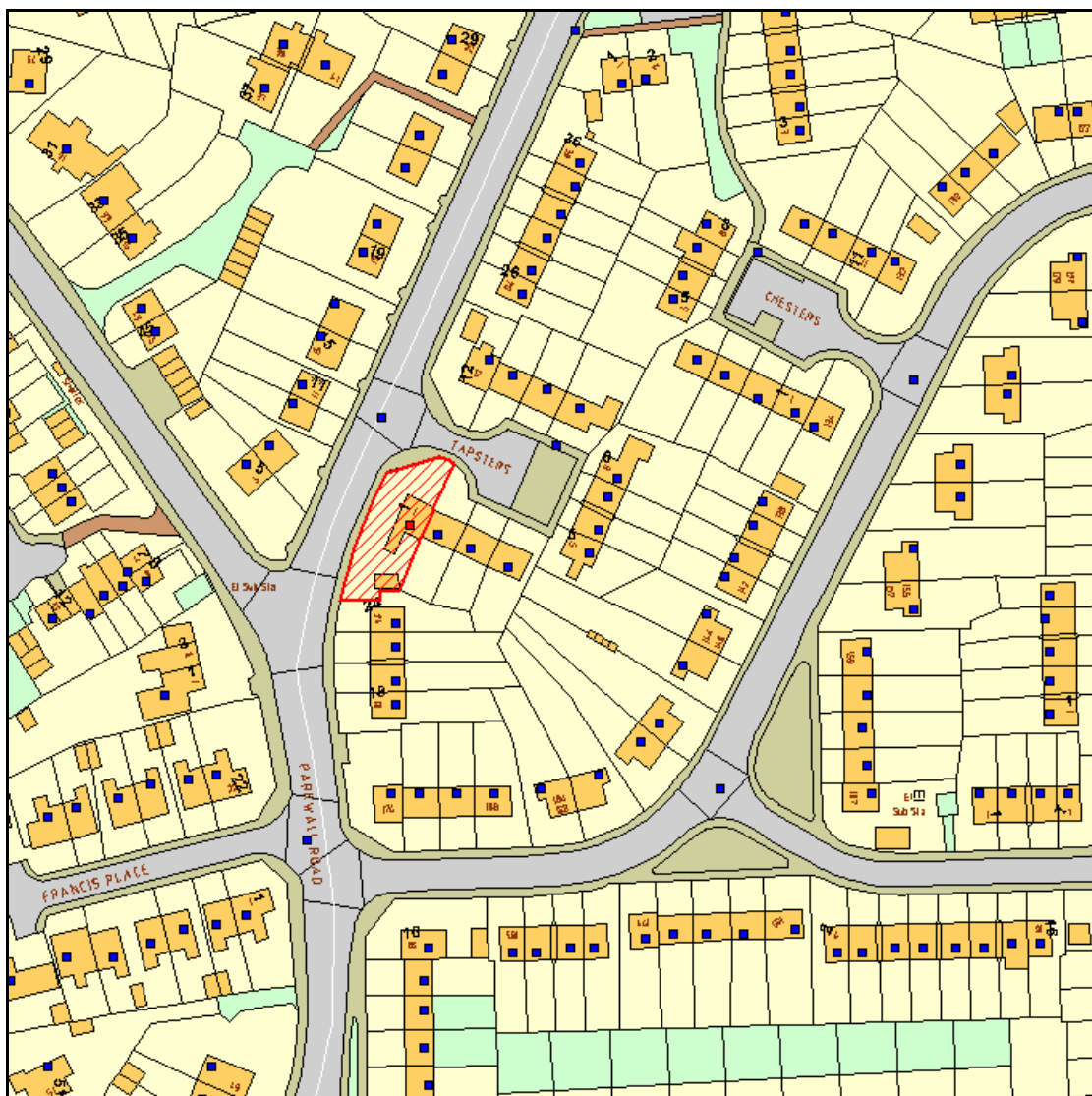
Reason

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

CIRCULATED SCHEDULE NO. 43/13 – 25 OCTOBER 2013

ITEM 4

App No.:	PK13/2130/F	Applicant:	Mr Ian Fry
Site:	1 Tapsters Cadbury Heath Bristol South Gloucestershire BS30 8HN	Date Reg:	22nd August 2013
Proposal:	Conversion of existing house to include single storey front and rear extensions to provide 2no. two bedroom apartments and 1no. one bedroom apartment	Parish:	Oldland Parish Council
Map Ref:	366018 171632	Ward:	Parkwall
Application Category:	Minor	Target Date:	14th October 2013



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N.T.S.

PK13/2130/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application site is situated on the south west side of Cadbury Heath, within a predominantly residential suburb on the east side of Parkwall Road. The site is situated on the south west end of a residential cul de sac (Tapsters) and is located adjacent to the highway on the corner of Tapsters and Parkwall Road. The site forms half of the residential plot of no.1 Tapsters and is used as garden. The site is bounded by the dwelling (1 Tapsters) to the south east, the highway to the north (Tapsters) and west (Parkwall Road) and residential dwellings to the south. No.1 Tapsters is a post war ex Local Authority two storey dwelling fronting onto both highways.

The application site is situated within the urban area as defined in the adopted Local Plan.

- 1.2 This application proposes conversion of existing house to include single storey front and rear extensions to provide 2no. two bedroom apartments and 1no. one bedroom apartment

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
- T8 Parking Standards
- T12 Transportation for New Development

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

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility
- CS16 Housing Density
- CS17 Housing Diversity

- 2.3 Supplementary Planning Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/4290/F Two storey side extension to form 2 no semi detached flats with new access and associated works.
Refused 15.02.2013

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

The Parish Council continues to object to the proposed development on grounds of overdevelopment and concerns regarding provision of adequate off-street car parking.

4.2 Other Consultees

Sustainable Transport – No objection. Comments as per the previous application PK12/4290/F.

Other Representations

4.3 Local Residents

3 letters of objection received from the occupiers of 5, 24 Parkwall Road; unspecified address in Tapsters raising the following concerns:

- Increased vehicles leading to increased on street parking and congestion
- Concern in relation to the distance of the proposed extensions from, no.24 to the South
- Concern in relation to noise and disturbance from additional vehicle movements with parking close to adjacent dwellings
- Over development of the site
- The vehicular access onto Parkwall Road would be situated too close to the mini roundabout and would create highway safety issues. The roundabout is already dangerous
- The proposal would reduce street light into Tapsters cul de sac
- Additional parking issues would be created from construction vehicles during construction
- The dropped curb in Tapsters will result in the loss of existing on street parking

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework was published in March 2012. The document replaces most PPG/PPS guidance providing a more simplified and

up to date advice in determination of planning applications. The NPPF indicates that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

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

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

Policy D1 of the adopted Local Plan seeks to ensure good quality of design in the interest of protecting visual amenity. Policy D1.A requires new development is informed by, respects and enhances the character, distinctiveness and amenity of the site and surrounding area. This wording is consistent with Core Strategy Policy CS1.1.

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.

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

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

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

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

The South Gloucestershire Core Strategy (CS) was submitted for Examination in March 2011. The Examination was initially suspended by the CS Inspector to allow for the submission of Post Submission Changes. Hearing sessions were subsequently held in June and July 2012 and the CS Inspector published his

Preliminary Findings and Draft Main Modifications in September 2012. The Inspector's initial conclusion is that the Core Strategy is capable of being made 'Sound' subject to a number of Further Main Modifications (FMM). The FMM have been subject to a further hearing session that was held on 7 March 2013. An independent report was commissioned by the Council from BNP Paribas to determine housing land supply in the District. The independent report has been forwarded to the Inspector for consideration. The Inspector has indicated that he will now prepare his final report which is due to be published by 15th November 2013. The CS has reached an advanced stage of preparation. However, there are unresolved objections to the housing requirements, including the means of addressing the shortfall in the delivery of housing that accrued during the Local Plan period. At this stage the Core Strategy therefore remains unadopted, but is likely to be adopted in the near future once housing matters are resolved. This document is therefore a material consideration in the determination of planning applications, and the Core Strategy policies, which are not subject to Inspector modification, will now carry considerable weight at this stage.

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

5.2 Visual impact

The application site is situated on the corner of Tapsters, a residential cul de sac and the main Parkwall Road. The area is characterised by mainly post war two storey dwellings mainly of red brick (Tapsters) and render (Parkwall Road). The pattern of development comprises dwellings fronting onto Parkwall Road in a linear pattern. The dwellings on Tapsters form a courtyard arrangement facing into the central cul de sac. The dwellings on Tapsters form a distinctive symmetrical arrangement with the end dwellings nos.1 and 12 Tapsters, positioned side on to the rest of the street, with gabled frontages.

The existing dwelling occupies a corner plot with a small enclosed rear garden and rear single garage and parking area. The rest of the site, land on the north east, east and north sides comprise open (side and front) gardens. No.1 is visually prominent in the street scene, being visible from near and distant views from the busy Parkwall Road and from Tapsters. The dwelling is situated side on to the highway with rendered gable frontages, which draws attention further to the dwelling. The application site is therefore considered to be visually prominent within the street scene.

Following refusal for a scheme for a similar gable fronted building attached to no.1 within the open side garden adjacent to and facing onto Parkwall Road (PK12/4290/F) the applicant has now provided an entirely different approach. The current scheme proposes a modest single storey lean to front extension facing into Tapsters (north) and a single storey rear wing facing south. The two extensions would provide two ground floor flats and an additional first floor flat would be provided in the existing two storey dwelling. The proposal as amended would provide two modest single storey extensions to the existing dwelling. The front extension would have a similar appearance to a porch extension and has similarities to an existing front porch extensions in the street and in particular the front porch for no.12 opposite. The rear extension is not

unusual and would include replicated features to the existing dwelling. Although both extensions would be visible from the main street, due to their positioning and modest scale they would not appear incongruous in the street scene. It is considered that this application has resolved the symmetry and incongruousness issues of previous refusal PK12/4290/F. The design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

Concern has been raised that the proposal would be situated in close proximity to an existing street light and would reduce night light in the cul de sac. The proposal would not result in a significant obstruction to the street light and any negligible light lost to Tapsters would not impact detrimentally in terms of public safety and amenity.

The proposed layout would provide private amenity spaces to the south and west of the site. The amenity areas would provide sufficient space for sitting out and clothes drying. The amenity areas are considered to be commensurate to the dwelling types as 1 and 2 bed flats. The floor plan of the resultant dwelling would cover less than 50% of the size of the site. The proposed extensions would be single storey and modest in scale. On this basis the proposal would not result in over development of the site.

5.3 Highway matters

The existing site benefits from 2-3 off street parking spaces at the side/rear of the dwelling, which are accessed via Parkwall Road including a space within an existing single detached garage to the rear of the site. The existing layout has an in and out arrangement with two accesses in front of the garage. The proposed layout would provide 3 off street parking spaces within the site. The existing garage would be removed and one of the two accesses stopped up and an area created for one additional parking space and a turning area. Two new spaces would be created adjacent to the front elevation (north) accessed via Tapsters, with dropped curb facility.

The proposal would provide 3 off street parking spaces for a development comprising one one bed flat and 2 x 2 bed flats. An additional off street space could be provided in the area marked as 'shared access area' on the submitted drawing. This would result in a total of 4 off street parking spaces, which meets the current adopted parking standard.

The proposal would remove one of the accesses onto Parkwall Road to the benefit of highway safety and create a wider access to the two rear spaces. Vehicles would inevitably reverse onto Parkwell Road. However the existing arrangement which includes a dropped curb does not include turning within the site. The speed limit in the area is 30mph and visibility in the vicinity of the access is good in both directions. The access would be situated adjacent to a roundabout, but the site currently benefits from an existing access in the same location and the proposal would widen it. As such the proposed intensification and widening of the access is considered to be acceptable.

The creation of an access at the front of the site into Tapsters would normally be permitted development as Tapsters is not a classified road. Concern has been raised by local residents that these new off street parking spaces would reduce the on street offering in the locality, where on street parking is at a premium. The proposal would provide two additional off street spaces with the opportunity for residents to park in front of the spaces if needed as currently exists. As such the proposal would provide additional spaces rather than a reduced number.

The proposal would result in no severe public safety or transportation issues and is considered to be acceptable in highway safety terms. A conditions is recommended to ensure the parking is laid out and provided in accordance with the approved details prior to occupation.

5.4 Residential amenity

The proposal would face onto Parkwall Road to the west and onto Tapsters to the north. The proposal would measure 6.4m rear projection, 2m in height to eaves on the east side and 2.4m to eaves on the west side, 2.9m in height to ridge. The rear extension would be situated a minimum of 1.5m from the neighbour's boundary inset to 2m. The extension would be long at 6.4m, but would be modestly scaled at 2m to eaves with a shallow roof pitch and set away from the neighbour's boundary by at least 1.5m. The extension would also be situated to the west of the neighbouring dwelling and due to this position the neighbour would experience minimal additional shadowing at late afternoon only. As such the proposed extension would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development.

The proposal would provide no additional first floor windows and the new ground floor windows would not create additional overlooking. The proposal would not prejudice the amenity of neighbouring occupiers in terms of loss of overlooking/loss of privacy.

5.5 Other issues

Concern has been raised that the proposal would reduce the perceived value of the area and house prices. This matter is a private interest and as the planning system works only in the public interest then only very little weight can be afforded to this matter as a 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 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

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

Reason

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

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

Reason

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

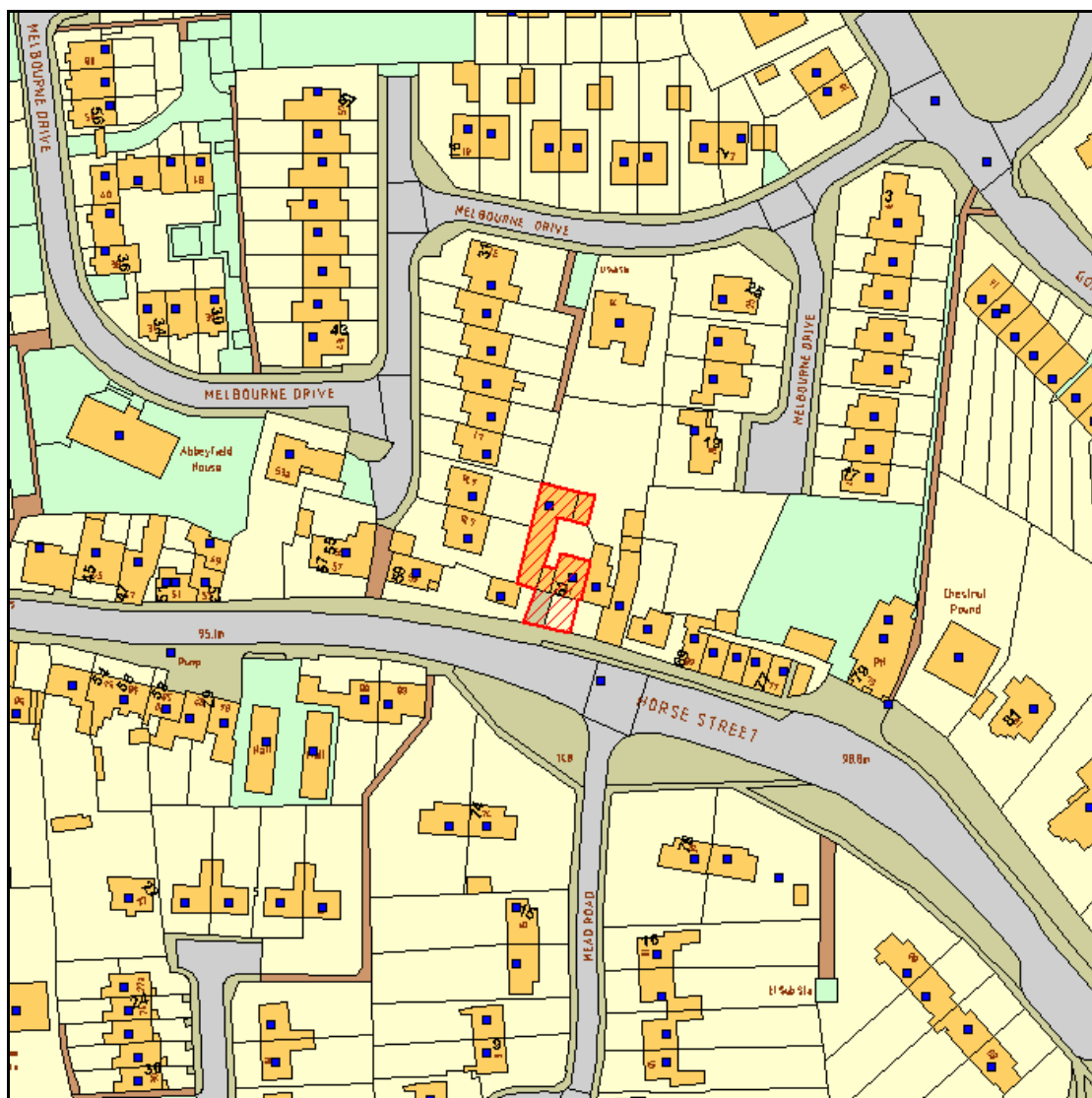
3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the any proposed dwelling unit is first occupied, and thereafter the parking area shall be retained for parking in relation to the approved dwelling units only.

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.

CIRCULATED SCHEDULE NO. 43/13 – 25 OCTOBER 2013

App No.:	PK13/2261/ADV	Applicant:	Mr M Binns, Animal House Vets Ltd
Site:	61 Horse Street Chipping Sodbury South Gloucestershire BS37 6DA	Date Reg:	11th July 2013
Proposal:	Display of 1 no. replacement externally illuminated freestanding sign	Parish:	Sodbury Town Council
Map Ref:	373109 182114	Ward:	Chipping Sodbury
Application Category:	Minor	Target Date:	2nd September 2013



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PK13/2261/ADV

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule due to public comments received during the consultation period.

1. THE PROPOSAL

- 1.1 This application seeks advertisement consent for the display of one replacement externally illuminated sign at a veterinary practice in Chipping Sodbury.
- 1.2 The location of the sign is within, but on the outskirts of, the Chipping Sodbury Conservation Area.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
The Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
L12 Conservation Areas
T12 Transportation

South Gloucestershire Local Plan Core Strategy incorporating Inspector's Draft (October 2012) and Further (March 2013) Main Modifications
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
Advertisements and Shopfronts (Adopted) April 2012

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No objection
- 4.2 Conservation
Clarification on sign details required. On receipt of additional information sign depth could be reduced but no overall objection.
- 4.3 Transport

No objection

Other Representations

4.4 Local Residents

One letter of objection has been received. This raises objection to the proposed signage on the following grounds:

- Illumination may affect the bedrooms;
- Vets does not need illumination as it does not run a night service;
- Proposed replacement is larger.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks consent for an advert for a veterinary practice on Broad Lane in Chipping Sodbury.

5.2 Principle of Development

Guidance within the National Planning Policy Framework states that advertisements should only be controlled in the interests of amenity, public safety and cumulative impact. Design and design quality is assessed in terms of visual amenity and cumulative impact using policy D1 of the Local Plan. Public safety is assessed using policy T12 to ensure that the signage is not detrimental to highway safety or presents a traffic hazard.

5.3 Design and Amenity

The proposed replacement sign will have take the form of a monolith. It will have a maximum height of 3 metres and the signs will be displayed between two poles. There will be two signs; the top sign displaying the business and telephone number, the lower a directional sign to the car park. The top sign will have a height of 1.4 meters and the lower sign of 0.4 metres. The sign depth will be 10.8cm. The background will be white with aqua blue lettering.

5.4 Whilst white signage is not particularly traditional, as the existing sign is white a replacement also in white would not be detrimental to visual amenity. The sign is fairly bulky, however, the open nature of the two signs between the two vertical poles means that the sign is not overbearing. A smaller sign would have been preferable but it is not considered that the size of the sign as proposed would be demonstrably harmful as set out in the NPPF.

5.5 Lighting

The replacement lighting has been confirmed to be the same as the existing downlights. As such this would be acceptable. It has been indicated by the applicant that the sign will only be illuminated while the surgery is open. This will be enforced by condition.

5.6 Heritage

Located in the conservation area the signage should preserve the historic nature of the locality. The sign is not physically connected to any building and is located opposite mid-twentieth century developments on a peninsular of the conservation area.

5.7 Whilst the sign is large it is not considered to have a prejudicial impact on the historic setting of the area or visual amenity.

5.8 Public Safety

The sign has been assessed by the Council's transport officer. The sign is not considered to be a distraction to motorists. The proposed sign does not intrude on the public highway. As such it is not considered that the sign is harmful to public safety.

5.9 Public Comments

Comments have been raised regarding the lighting and size of the sign. The lighting used will be the same as present. A condition will be attached to control the hours of illumination. Whilst the sign is larger, the fact that it is larger is not reason to refuse the application unless it is demonstrably harmful.

6. RECOMMENDATION

6.1 It is recommended to GRANT consent subject to the conditions listed below.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

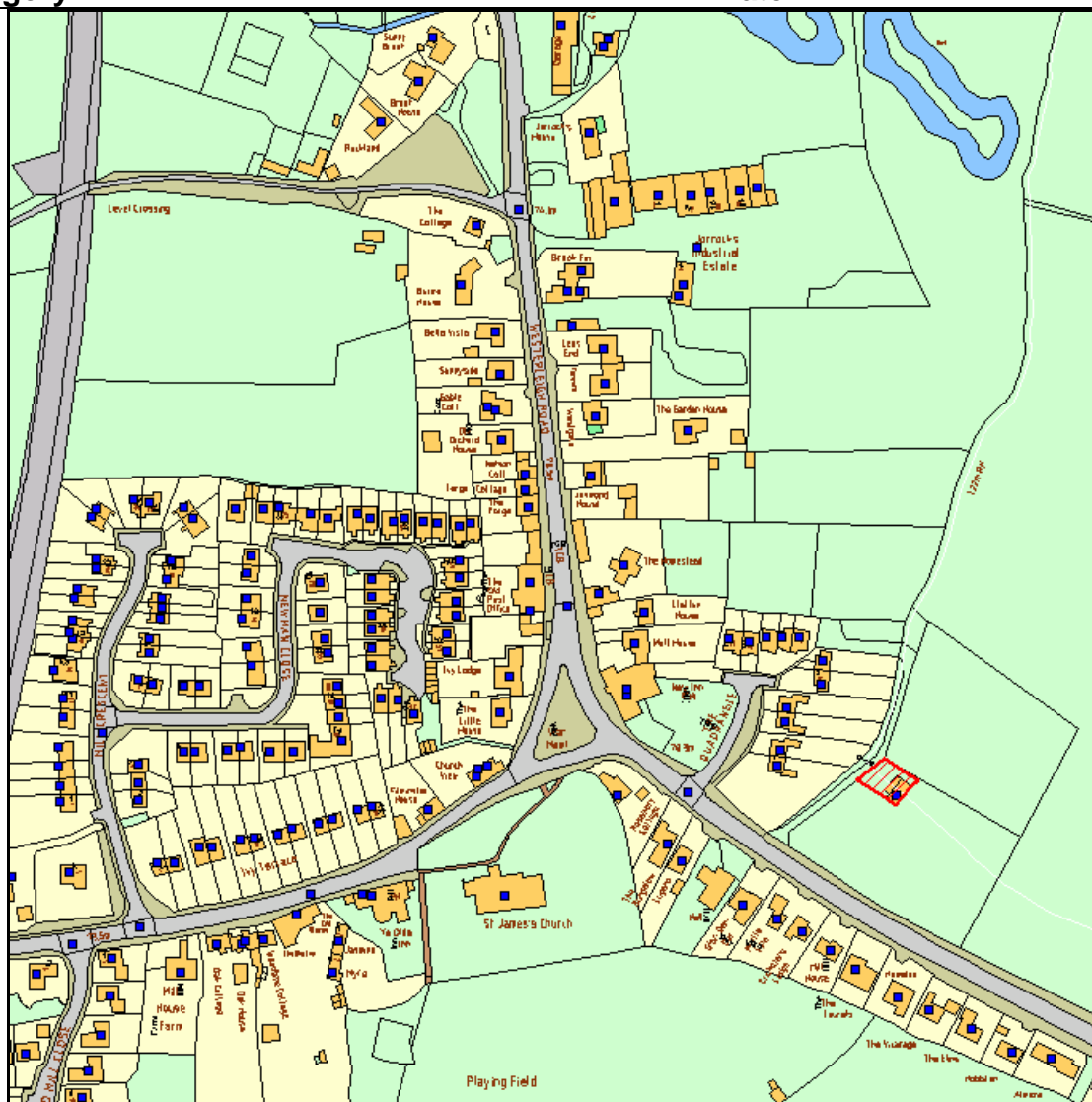
1. The sign hereby permitted shall not be illuminated outside of the opening hours of the veterinary surgery; notwithstanding the opening hours, no illumination whatsoever shall occur between 2200 and 0600 daily.

Reason

To protect the residential amenity of the neighbouring occupiers and the historic character of the conservation area and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 43/13 – 25 OCTOBER 2013

App No.:	PK13/2794/CLE	Applicant:	Mr Steve Andrews
Site:	Land Adjoining And North Of Shorthill Road Westerleigh Bristol South Gloucestershire BS37 8QN	Date Reg:	23rd August 2013
Proposal:	Application for Certificate of Lawfulness for an existing use for the buildings and immediate area surrounding the buildings for storage of building materials, machinery and equipment (sui generis). (Resubmission of PT12/2575/CLE)	Parish:	Dodington Parish Council
Map Ref:	370558 179545	Ward:	Westerleigh
Application Category:	Minor	Target Date:	15th October 2013



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 100023410, 2008. **N.T.S.** **PK13/2794/CLE**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been forwarded to the Council's Circulated Schedule for Member consideration in accordance with the adopted scheme of delegation as the application is for a Certificate of Lawfulness and as evidence has been submitted contrary to the applicant's claim.

1. THE PROPOSAL

- 1.1 The application site is situated on the east side of Westerleigh village on the north side of Shorthill Road. The site is situated on the edge of the village but outside the existing village urban boundary separated from the adjacent residential development to the west by a single unmade track used to access rear gardens and garages associated with the residential dwellings on The Quadrangle. The site forms part of an open field which contains a building with pre fabricated roof. The building is currently surrounded by a fence enclosure. Some materials and a digger are stored outside the building on the west side.

A Right of Way runs east to west just north of the application site.

- 1.2 This is an application for a Certificate of Lawfulness to ascertain a continuous use of a building and immediate area or use as storage of building materials, machinery and equipment (sui generis).

This application is a resubmission of previously withdrawn application PT12/2575/CLE.

2. POLICY CONTEXT

- 2.1 Circular 10/97: Enforcing Planning Control: Legislative Provisions and Procedural Requirements.

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|---------------|---|
| 3.1 | P85/1936 | Erection of six dwellinghouses and garages.
Refused 21.08.1985 |
| 3.2 | PT11/1117/CLE | Application for Certificate of Lawfulness for an existing use for the buildings and immediate area surrounding the buildings for storage of building materials, machinery, builders vehicles, dumper and excavation equipment (sui generis).
Withdrawn |
| 3.3 | PT12/2575/CLE | Application for Certificate of Lawfulness for an existing use for the buildings and immediate area surrounding the buildings for storage of building materials, machinery and equipment (sui generis).
(Resubmission of PT11/1117/CLE)
Withdrawn |

4. **CONSULTATION RESPONSES**

4.1 **Dodington Parish Council**

No response received

4.2 **Other Consultees**

None

5. **SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

5.1 In support of the application, the following information/evidence has been submitted:-

Statutory declaration from William Abell dated 25.07.2013 in which he states the following (in summary focusing on the relevant issues related to this application):

- He owned the property between 26.11.1973 and 19.12.2003 within the red edge boundary (exhibit WA1)
- There was no building on the land when he bought the site
- He erected the current building in 1974
- The building was used to store building materials in relation to his business as a builder
- The materials were roof tiles, slates, clay drainage pipes, scaffolding poles which were expected to be used on a future job.
- The materials were also stored outside in the open yard
- Several years later he built the lean to addition to the building which was utilized for storage of building materials aswell
- Dumper truck was also parked in the front yard
- When he sold the site to Mr Smith in 2003 he left these materials on the site including the dumper truck
- He allowed Geena Ruff to keep horses on the land but at no time within the building. A small quantity of hay and concentrates were stored in the lean to. She also used the land to the north for grazing
- He maintained the building throughout his time of ownership
- The materials were stored for the business which was jointly owned by Mr Abell and Mr B Watson trading as Watson and Abell.

Statutory declaration from Greg Newman dated 25.07.2013 in which he states the following (in summary focusing on the relevant issues related to this application):

- Mr Newman owns the land to the north of the application site, owned since 1976
- He has always used the adjacent lane to access his site which runs past the application site
- His land was used by Geena Ruff to graze her horses. He confirms that horses were stabled on his land and not within the application site.
- The application building was used to store building materials and a dumper truck and building materials were stored in the yard outside the building.

- The dumper truck and building materials were stored at the site outside the building for many years. The building materials were recently removed.
- Mr R Baker was not allowed to graze horses on Mr Newman's land.

Statutory declaration from Jonathan Smith dated 25.07.2013 in which he states the following (in summary focusing on the relevant issues related to this application):

- He owned the property between 19.12.2003 and 15.03.2005 within the red edge boundary (exhibit JS1)
- The materials left in the building comprising concrete roof tiles, slates, clay drainage pipes, scaffolding poles with dumper truck and some building materials stored outside. The dumper truck remained on the site until he sold the site on 15.03.2005.
- Mr R Baker was not allowed to graze his horses on the land during the time it was owned by Mr Smith
- He repaired and maintained the building during his period of ownership

Statutory declaration from Stephen Andrews, the applicant, dated 25.07.2012 in which he states the following (in summary focusing on the relevant issues related to this application):

- He has owned the property from 15.03.2005 to the present day within the red edge boundary (exhibit SA1).
- The building was in a poor order having not been maintained for several years. Mr Andrews maintained and repaired the building whilst in ownership
- When he bought the site the building was being used for storage of bricks, concrete blocks, sand, gravel and timber which the previous owner had left. The dumper truck remained on the site and some scaffolding was stored outside.
- Mr Andrews corroborates the declarations from Mr Abell and Mr Smith in terms of storage of materials for the timescales they gave.
- Mr Andrews removed the dumper truck from the site in 2011 and replaced with a 6t JCB digger
- He purchased the site for use as storage and open storage. He intended to implement a planning permission for extension to 52 The Glen (PK07/1294/F). *This consent has now lapsed.* My comment
- Refers to a letter from a Mr Fox who lived at 2 The Quadrangle to the west of the site and states that the site has been used for storage for 10 years.
- The storage of materials has continued from ownership in 2003 to the present day.

Letter from **Mr Fox** of 2 The Quadrangle (neighbour and occupier of a house within the applicant's ownership):

- Lived at 2 The Quadrangle from 1986 to 2011
- The entrance to the site is situated opposite Mr Fox's rear entrance.
- The site was used for storage of materials as listed in Mr Andrews declaration
- The dumper truck was removed in 2011 and replaced with a JCB

Letter from **Mr Abell** (15.03.2012) in addition to his statutory declaration:

- He repeats his declaration of the dates which he owned the site and that it has been used for storage until 2003. No new evidence is given

Letter from **Mr Smith** (30.07.2012) in addition to his statutory declaration:

- He repeats his declaration of the dates which he owned the site and the storage use. No new evidence is given.

5.2 The Relevant Test of the Submitted Evidence

Circular 10/97 makes it clear that the onus of proof is on the applicant, but that in determining applications for a Certificate of Lawfulness, the relevant test of the evidence is “the balance of probability” and not the more onerous criminal burden of proof, namely “beyond reasonable doubt”.

Thus, the Council must decide whether it is more probable than not that the submitted evidence shows that the applicant has used the building and the area of land around the building within the red edge site for storage for a continuous 10-year period Up to the date of this application.

5.3 The Council's Evidence

The Council holds aerial photographs of the site, taken in the summer of 1991, 1999, 2005, 2006 and 2009.

6. SUMMARY OF CONTRARY EVIDENCE

- 6.1 Photographs submitted from Mr Baker. The photos show Shetland ponies grazing in the field around the site. The photos numbering 9 in total are not dated and do not show the building in any detail or the yard at the front of the building.

Representation submitted from Sarah Louise Knowlson of Hill House requesting her previous comments submitted in respect of PT12/2575/CLE be considered for this submission. Much of the submission relates to views on the submission only and would not constitute evidence. However, she raised the following evidence:

- She has never seen the digger or any outside storage

Representation from Andrew May of Myrtle Villa. The submission relates to views on the submission only and would not constitute evidence.

- Mr May did state that the site was at the time of writing the representation being used a building site storage area.

Representation from Mr D Snaddon of 2 The Quadrangle. The submission relates to views on the submission only and would not constitute evidence.

7. EVALUATION

7.1 Hierarchy of Evidence

The evidence submitted comprises a mix of statutory declarations and letters. The Council also has photographic records of the site from dated aerial photographs. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits) which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

7.2 The Planning Unit

Bridge J in his judgement on *Burdle & Another v SSE* gave the tests for establishing the correct planning unit, summarised as "...assume that the unit of occupation is the appropriate planning unit, unless and until some smaller unit can be recognised as the site of activities which amount in substance to a separate use both physically and functionally". Identifying the appropriate planning unit is essential in assessing any certificate application where there is any question over the materiality of the change of use to which the application relates.

The unit of occupation in this case is the field owned by the applicant, Mr Andrews. Applying the Burdle principles, that should be taken as the appropriate planning unit, unless or until some other unit can be identified within that – both physically and functionally – is in a substantially different use.

While at present on site there is a fence erected running across the land part way between the building and Shorthill Road, the aerial photographs do not suggest that there has previously been any physical sub-division of the land. It is acknowledged that the building could have been put to a different use to the rest of the land and represent a physically and functionally separate unit. However without specific evidence to demonstrate a larger area around the building has existed as physically and functionally separate unit then remainder of the land should, in line with Burdle, be considered as a single planning unit.

Analysis of the evidence

Statutory declaration of William Abell:

Mr Abell states that for the period of his ownership (approx. 30 years) the building was used for the storage of building materials, and that he also stored building materials in the open yard, along with a dumper truck. No suggestion is made that the yard area was physically separated from the remainder of the land, and no information is given as to the quantity or exact distribution of the external storage or timescales of storage.

Statutory declaration of Jonathan Smith:

Mr Smith also states that for the period of his ownership (approx. 14 months) the building was used for the storage of building materials, and that he also stored building materials in the open yard, along with a dumper truck. Again no suggestion is made that the yard area was physically separated from the remainder of the land, and no information is given as to the quantity or exact distribution of the external storage or precise timescales.

Statutory declaration of Stephen Andrews:

Mr Andrews states that for the period of his ownership (approx. 8 years up to present) the building was used for the storage of building materials, and that he also stored some scaffolding and building materials in the area hatched on his plan, along with a JCB which replaced the dumper truck. Again no suggestion is made that the yard area was physically separated from the remainder of the land, and no information is given as to the quantity of the external storage.

Statutory declaration of Greg Newman:

Mr Newman owns the adjacent land and says that the building contained building materials and a dumper truck and selection of building materials were stored in the open area immediately to the west of the building. Again no information is given regarding the quantity of material stored.

Aerial photos:

The aerial photographs give a clear view of the site for each of the years, with the exception of the land beneath the tree to the west of the building, which is obscured. None of the aerial photographs appear to show any physical sub-division of the site, other than the potential for the building to be in a separate use. With the exception of the 1991 photograph, which appears to show some items immediately around the building, none of the photographs show anything of substance on the land.

While it is acknowledged that a very low level of material could be on the land without it being visible in the photographs, it would be unlikely that such a level of storage (if indeed it can be called that) would amount to a material change of use of the land if viewed within the context of the planning unit being the entire unit of occupation. Any such storage would be considered *de minimis*.

Additionally, the dumper truck was abandoned at the site during first occupation by Mr Abell and no attempt it seems was made to move it and no evidence is submitted to indicate that the dumper truck had any purpose or was used for any business function. The dumper truck was removed during the 10 year period and as such cannot carry significant weight as evidence in support of outside storage. The truck was replaced with a JCB which is still present. The

presence of a JBC and some scaffolding poles and equipment is not sufficient to demonstrate a storage use.

Analysis of the case for lawfulness

The statutory declarations carry considerable force in terms of their strength as evidence, and with very little evidence to the contrary are sufficient to demonstrate on the balance of probability the lawfulness of the use of the building for storage use. This could be considered to be a physically and functionally separate unit from the rest of the land. The statutory declarations state storage use for a continuous period of 10 years with little if any gaps in this period irrespective of the changes in ownership throughout that period.

The statutory declarations also show that some storage did take place on the land outside the building, however, they are vague on the details necessary to establish whether there was any other physically and functionally separate lesser planning unit than the remainder of the unit of occupation (i.e. the entire field other than the building). If that is the correct planning unit then the question is whether the level of outside storage was sufficient to have amounted to a material change of use of the entire unit. The fence has been erected since the 10 year period (infact very recently) and the aerial photos which carry significant weight considering the hierarchy of evidence laid out in par.7.1. The aerial photos show little evidence of physical or functional separation of any of the land around the building from the rest of the field and show little evidence of outside storage in any event.

The statutory declarations (and particularly that of Mr Abell as his ownership covered most of the period and would be essential for demonstrating a 10 year period) give no detail on the quantum of storage. Considering the relative size of the unit, for the storage to amount to a material change of use would require a fairly significant level of storage. This has not been demonstrated in the evidence, and the aerial photographs – although only covering from 1991 to present – do not indicate any significant level of storage on the land.

8. RECOMMENDATION

- 7.1 Officers conclude, objectively that on the balance of probability, according to the submitted evidence, the following,
- 7.2 The building shown in black lines within the red edge site on the HM Land Registry location plan (scaled 1:1250) has been used for storage of building materials for a continuous period of 10 years from the date of submission of this application.
- 7.2 The site edged in red on the submitted HM Land Registry location plan (scaled 1:1250) with the exception of the building has not been used for storage of building materials.

9. RECOMMENDATION

- 9.1 That the Council issue the Certificate of Lawfulness with a description as stated in par.7.2 and refuse the development as described in par.7.3

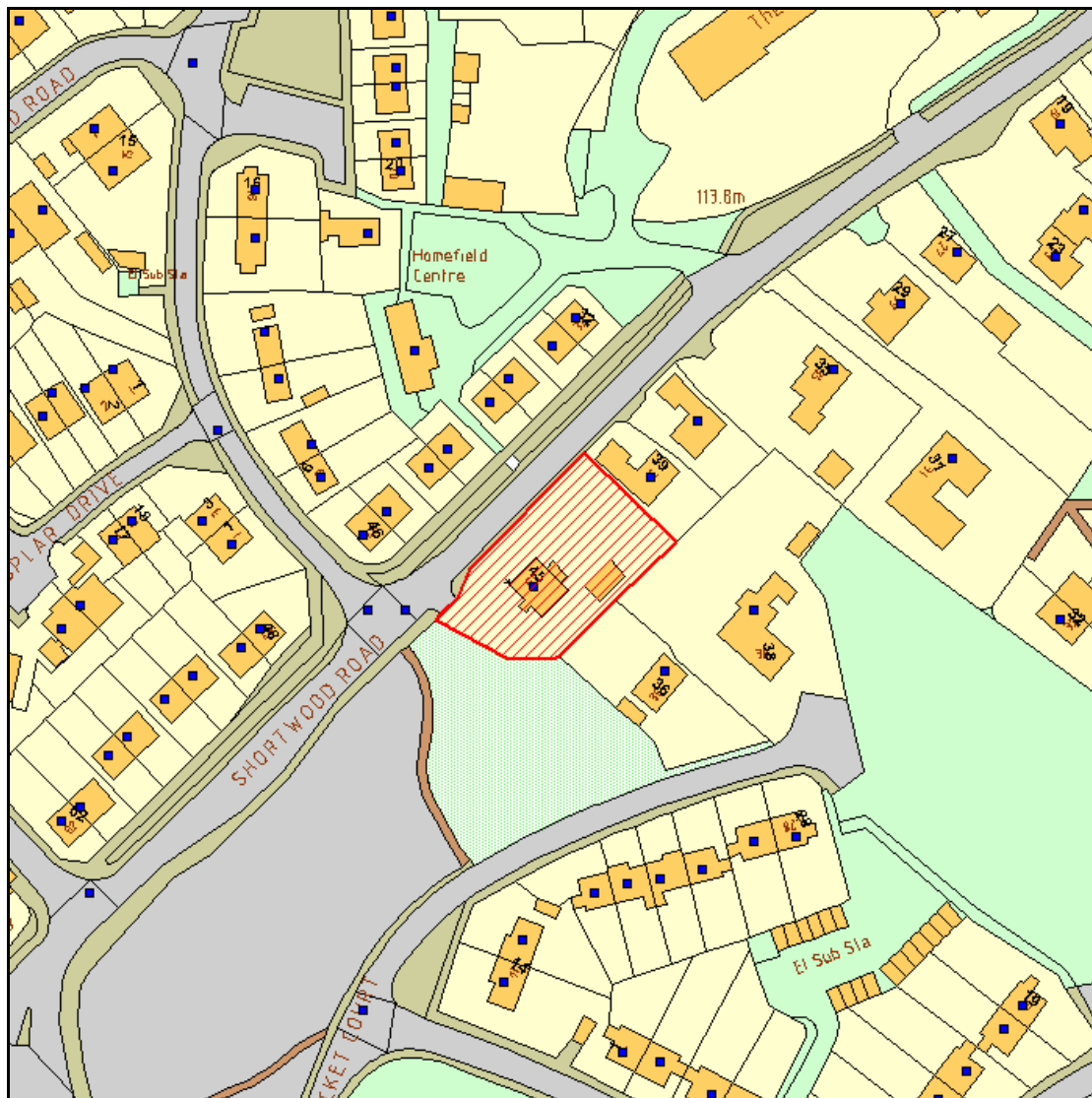
Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

1. There is considered to be sufficient evidence weighing in favour of the applicant's claim that building shown drawn in black within the red edge application site on Land Adjoining And North Of Shorthill Road has been used for storage of building materials for a period of at least 10 years immediately prior to the submission of this application. Having assessed the evidence provided, it is considered that the applicant has provided sufficient evidence to demonstrate it to be more probable than not that the building drawn in black and no other land other than containing the building itself situated within the red edge application site on the HM Land Registry location plan (scaled 1:1250) has been sited on Land Adjoining And North Of Shorthill Road and used for storage of building materials for a period of at least 10 years immediately prior to the submission of this application. Therefore it is considered that the Certificate should be issued for storage of building materials within the building.

CIRCULATED SCHEDULE NO. 43/13 – 25 OCTOBER 2013

App No.:	PK13/3437/F	Applicant:	Mr And Mrs Hawtin
Site:	Ash Lodge Shortwood Road Pucklechurch South Gloucestershire	Date Reg:	20th September 2013
Proposal:	Demolition of existing side extension and outbuildings. Erection of two storey side and rear extension to form additional living accommodation.	Parish:	Pucklechurch Parish Council
Map Ref:	369776 176246	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	12th November 2013



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N.T.S.

PK13/3437/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The parish Council has objected to the proposal, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks permission for the erection of a two storey side and rear extension, facilitated by the demolition of the existing side extension. Ash Lodge is a large house double gabled house in large grounds, side on to Shortwood Road behind a tall stone wall and tree screen. It is constructed of stone under a tiled roof. The extension to be demolished is single storey, on the rear elevation. In its place a two storey extension is proposed, which would form an 'L' shape with the host dwelling. The scale of the extension would match that of the lower (rear) of the two ridgelines of the house. It would replace an existing detached store with the appearance of a garage, with one incorporated within the extension. The dwelling would be increased from 4 to 6 bedrooms under this proposal.
- 1.2 Substantial parking is available in the open on a large forecourt in front of the dwelling.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 House Extensions
- South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
Residential Parking Standards (Adopted April 2013)
Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 N431 Extension to form utility room Approved 1974

4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council
Object as the extension, although subservient, has a roof almost as tall as the host dwelling and the proportion of the new to the existing is over 30%.
- 4.2 Other Consultees
Technical Services
No comment

Transportation

No objection

Other Representations

4.3 Local Residents

No replies received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The issues to be resolved are the impact of the proposal on existing levels of residential amenity and its design/ visual impact. At this stage it is worth making clear that the site stands within the village development boundary of Pucklechurch, which is not washed over by the Green Belt. Therefore the site is not in the Green Belt and the test of proportion of extensions, which the Parish has alluded to does not apply in these circumstances. However the analysis below does take into account the impact of the extension on the design of the host dwelling and scale is an issue for consideration under that heading.

5.2 Residential Amenity

As stated above, the dwelling is detached and bounded by a tall wall. The extension would form an L shape, with the new limb heading in an easterly direction, stopping well short of the boundary of No. 39 next door. With the extension at this point forming a low two storey gable end, the distance of 10.5 metres to the boundary is not considered to be overbearing on that dwelling or its back garden. The houses to the rear of the site are also in large plots and set towards the front of them, with a minimum rear garden depth of 15 metres. In this case it is considered that existing levels of privacy and overbearing impact would not be adversely affected. In addition, the garden space retained after the extension of the dwelling is considered adequate to serve a 6 bedroom dwelling. The proposed development is therefore considered to accord with policy H4 of the adopted Local Plan in this regard.

5.3 Design and Visual Impact

In terms of scale, it is noted that the existing dwelling has two ridgelines, a higher one at the front of the house and a lower one to the rear. As the proposed extension would be attached to the subservient part of the dwelling, but would be read as a later addition, it is considered to be entirely appropriate to match the ridge height of the lower roof. The extension will read as subservient following this design approach and the solid to void ratio will mark it out as a later extension, with the glazed area facing the road and the courtyard formed by the resultant L shape. The scale of the proposal is therefore considered to be appropriate to the host dwelling. In terms of detailing, the materials to be used are stated on the application form as stone and render, with roof tiles to match the existing. In order to ensure an exact match on the walls, a condition is recommended below requiring such a match. Subject to this, the materials proposed are considered to be appropriate to the host dwelling. The design is similarly considered to be appropriate and accords with policy D1 of the adopted Local Plan. In terms of visual impact, the host dwelling is well screened by trees at the edge of the garden. The extension would not be

in a conspicuous part of the site and consequently it is considered that the extension would not be prominent and would certainly not have any adverse impact.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is approved, 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).

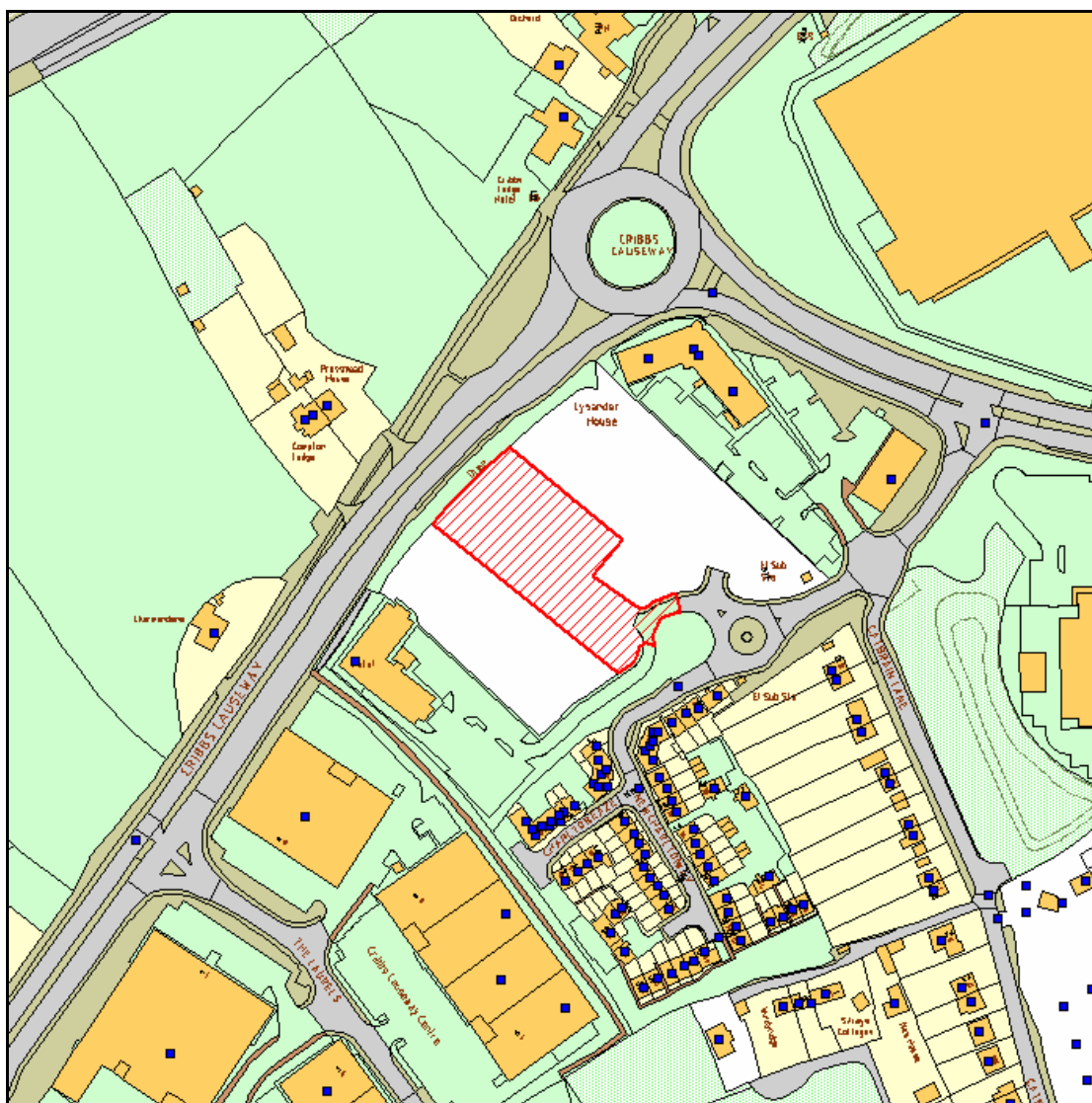
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 43/13 – 25 OCTOBER 2013

App No.:	PT13/2146/F	Applicant:	PMH Western Ltd
Site:	Land At Catbrain Lane Almondsbury Bristol South Gloucestershire BS10 7TQ	Date Reg:	25th June 2013
Proposal:	Erection of amenity Restaurant/Public House (Class A3/A4) with ancillary first floor staff accommodation and access, parking, landscaping and associated works.	Parish:	Almondsbury Parish Council
Map Ref:	357564 180577	Ward:	Patchway
Application Category:	Major	Target Date:	20th September 2013



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PT13/2146/F

REASON FOR REPORTING TO COMMITTEE/CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as the recommendation to approve the proposed development is subject to a Section 106 (Unilateral Undertaking) Legal Agreement; and there are objections to the proposed development received from local residents contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The site is located adjacent to Cribbs Causeway and is accessed from Catbrain Lane via Lysander Road. The site itself is subject to a previous planning consent (PT07/3188/F) for the construction of offices. That consent has not been implemented. This proposal affects approximately half of the site subject to the previous planning consent. The site is adjacent to an existing hotel (Premier Lodge) recently extended under planning consent PT10/1001/F.
- 1.2 The application proposes erection of Restaurant/ and Public House (Class A4/A3) with first floor ancillary staff accommodation, access, car parking and associated works.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design
- L1 Landscape Protection and Enhancement
- L18 The Water Environment
- EP1 Environmental Pollution
- EP4 Noise Sensitive Development
- E3 Employment Development within the Urban Area
- E4 Safeguarded Employment Areas
- T8 Parking Standards
- T12 Transportation for New Development
- LC3 Leisure Facilities within the Urban Area

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

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS12 Safeguarded Areas for Economic Development
- CS25 Communities of the North Fringe of Bristol Urban Area

- 2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT10/1001/F Erection of four storey extension to existing hotel to form a restaurant, offices, reception area and additional guest rooms. Creation of additional car parking and landscaping.

Approved 21st October 2010

- 3.2 PT07/3188/F Erection of 7 no. 2 and 3 storey office buildings with car parking, cycle storage, bin storage and associated works. Construction of new pedestrian access.

Approved 8th August 2008

This development has not been implemented and the consent is now expired

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No Objection

- 4.2 Highway Authority
No Objection subject to the provision of funds (£22,247.00) towards improvements to the highway network in response to the impact of the proposed development; and conditions securing the retention of visibility splays at the access to the development.

- 4.3 Ecology Officer
No Objection subject to conditions relating to the implementation of the measures set out in the reptile mitigation strategy

- 4.4 Landscape Officer
No Objection subject to conditions for minor revisions to the landscaping within the site.

- 4.5 Tree Officer
No Objection

- 4.6 Drainage Engineer
No Objection

- 4.7 Environmental Health Officer
No Objection

- 4.8 Spatial Planning Team
No Objection

Other Representations

4.9 Local Residents

Objections have been received from local residents. The comments are summarised below;

The development would generate increased levels of noise and traffic

New development should aim to reduce noise impact

The proposed planting to the North of the development is not sufficient to absorb traffic noise

The development would have a detrimental impact on the quality of life of the residents of the nearby housing development as a result of noise and traffic nuisance.

The development will create unacceptable impact as a result of lighting

The construction period of the development would result in an unacceptable impact as a result of noise and light pollution. The construction period would result in an unacceptable level of traffic generation. The development would take a long time to complete at the annoyance of residents.

The proposed building is out of character with the local area

The development will devalue property values.

The development would harm the significant wildlife population on the site.

The restaurant would encourage vermin as a result of food waste

A local resident has expressed an interest in being involved in the planting of the development.

4.10 Ministry of Defence

No Objection

4.11 Wessex Water

No objection in principle

5. ANALYSIS OF PROPOSAL

5.1 The proposed development consists of the construction of a new public house and restaurant.

5.2 Principle of Development

The site is located within a safeguarded employment area (Area 3) as identified in Policy E4 South Gloucestershire Local Plan (adopted) January 2006.

- 5.3 However, substantial weight can be given to the emerging Core Strategy due to the advanced stage it has reached. Policy CS12, which replaces Policy E4, identifies the site as being within an Interim Safeguarded Employment area, given its location within the Cribbs/Patchway New Neighbourhood, thereby establishing the principle of the site being developed for none employment uses.
- 5.4 The emerging development framework SPD for the new neighbourhood is a material consideration but does not address the future use of this Interim Safeguarded Employment area. Policy CS12 requires the following criteria to be met by any proposal for non 'B' use class on the site:
- (i) not prejudicing the regeneration and retention of B Use Classes elsewhere within the defined employment area;
 - (ii) contributing to a more sustainable pattern of development in the local area;
 - (iii) improving the number or range of jobs available in the local area;
 - (iv) and, no suitable alternative provision for the proposal in the Local Plan.
- 5.5 Furthermore, as the proposal is for a town centre use, but the site is outside a town centre and the proposal is not in accordance with an up-to-date Local Plan, a sequential assessment is required to demonstrate why the restaurant cannot be located in a town centre or edge of centre location (NPPF para 24).
- 5.6 Policy RT5 of the South Gloucestershire Local Plan (adopted) January 2006 is also applicable and identifies a number of criteria which the proposal needs to satisfy, including;
- (i) scale, that it is in proportion to the role and function of the location;
 - (ii) satisfies the sequential assessment;
 - (iii) would not adversely impact on vitality and viability of an existing town/local centre;
 - (iv) is accessible by non-car means;
 - (v) and, makes use of upper floors and meets various development management criteria.
- 5.7 In this instance, the applicants have provided information to indicate that there is little or no prospect of a 'B' use coming forward and, given the already existing mixed uses on the majority of the defined employment area, officers consider that the proposed public house/restaurant use would prejudice the retention of B uses. The site is accessible by foot, bike and public transport. The applicants state that the use will provide 20 full time and 60 part time jobs. As the site has been vacant for over 10 years despite having had the benefit of B1 planning consent and given the long term investment in the site involved in this proposal, the proposal can be seen as having benefit in terms of economic growth and the long term provision of jobs. There is no specific alternative provision elsewhere in the plan for this use, however, as it is a town centre use it does not require specific provision.

The sequential assessment has not been able to identify a sequentially preferable location (the National Planning Policy Framework identifies town centre and edge of centre sites as the sequentially preferable locations). Given

the uses in the area it is not considered that the proposal is out of scale or disproportionate to the location. As similar facilities in the catchment area are also out of centre, the impact on the vitality and viability of existing centres would be limited.

5.8 In addition, the applicant needs to demonstrate that the proposed use constitutes sustainable development as defined in the National Planning Policy Framework. In terms of sustainable development the proposal would provide a number of long term jobs and make use of an existing vacant site. While the proposed restaurant will inevitably attract car borne traffic, there is potential for customers to walk/cycle from nearby residential and employment areas. It is likely that this potential will increase over time with the development of the New Neighbourhood and improved public transport.

5.9 Having regards to the above, it is considered that on balance, the proposal is acceptable in strategic planning policy terms. Furthermore it is considered that the development would not undermine the implementation of Policy E4 of the South Gloucestershire Local Plan (adopted) January 2006, or Policy CS12 of the emerging South Gloucestershire Core Strategy in principle. It is considered that the development would secure a long term use on a vacant site which provides a service to the wider community and jobs. Subject to the detailed consideration of this proposal as set out below, it is considered that the proposed development is acceptable in principle.

5.10 Design and Landscaping Issues

It is noted that objections received from the local community raise concerns about the loss of the open site and the negative visual impact of the proposed development. It is acknowledged that the site is currently open ground, however, officer do not consider that the site itself is of any particular visual merit as an open site. Furthermore, the site is located within a 'development area' and as such is intended for development. The fact that previous planning permissions have been granted for substantial development on the site is material; as is the strategic status of the land. On this basis, officers do not consider that the principle of the development of this site would act to harm the character of the local area generally; and for the reasons set out below it is not considered that the proposed development is harmful in its own right.

5.11 The proposed building is relatively large and reflects modern marketing strategies of modern pub/restaurant providers; as well as the corporate image of the operator, in this instance Greene King. Despite its relative size, the building is designed to appear as a modest building using traditional materials and design features. The immediate context of this site is dominated by the adjacent Premier Lodge hotel which is larger in scale and takes on a very modern appearance. The wider context contains a wide range of modern and traditional building types, scale, periods and uses including large industrial storage units, offices, residential development and other public houses/restaurant and hotels. Officers are concerned that the proposed development addresses its context well. In this instance, the building will face onto Cribbs Causeway and back onto its own car parking area. To this end, the building has a dual aspect and initial designs were considered inadequate in terms of the relationship of the building with the public realm, the immediate

and wider context. Officers have engaged with the applicant with the aim of improving this relationship as well as the overall design and appearance of the building itself; and the associated landscaping of the frontage of the site onto Cribbs Causeway. The result of officer negotiations is a building that responds well to the modern context of the site whilst retaining references to the traditional forms in the wider context associated with this part of South Gloucestershire. Additionally, the proposed landscaping of the site frontage onto Cribbs Causeway will improve the relationship of the building with the public realm whilst actively improving visual amenity of what has become a major transport corridor into the greater Bristol area.

- 5.12 Notwithstanding the above, officers remain of the view that further planting (in addition to that submitted by the applicant) should be provided within the car parking area. It is considered that this improvement can be achieved by way of appropriately worded planning condition in the event that this application is approved. Subject to this condition, it is considered that the proposed development is acceptable in design and landscaping terms. The comments of the local residents are noted, however it is not considered that the proposed development would undermine the character of the locality

5.13 Residential Amenity

Concerns raised by local residents in respect of the impact on residential amenity as a result of noise and traffic are noted. In this instance, the site is located approximately 25 metres Northwest residential development associated with New Charlton Way. Whilst it is accepted that the proposed development is likely to increase the level of traffic entering the site, the residential development is accessed via a roundabout which separates the access to the site itself. Vehicle movements are not likely to pass immediately in front of dwellings on the housing development. The proposed pub building itself is located in the Northwest part of the site, approximately 75 metres from the nearest dwelling on the residential development. Compton Lodge and Pressmead House are located approximately 70 metres Northwest of the proposed building. It is considered that there is sufficient separation between the main building and the nearest residential dwellings. The context of this site is such that it is dominated by a busy and major road network. As such there is a relatively high level of traffic noise generally. It is unlikely that the noise created by car doors closing, voices and general movement of people using the proposed development would have any material impact on existing noise levels in the area. There is no evidence that the proposed use as a pub and restaurant would result in antisocial behaviour and levels of noise by the users of the proposed development. In the event that problems occur, this is a matter for the Police and the Environmental Health Legislation. Officers are satisfied that the proposed development would not have a detrimental impact upon the residential amenity of nearby dwellings as a result of noise. Notwithstanding this, it is considered appropriate to control the times that the pub/restaurant is open to the public. Having regards to the location of the development adjacent to the Premier Lodge Hotel; and its association with the Hotel, it is considered that it is reasonable to allow opening hours between 07:00 and 00:30 (12:30am). This will allow breakfasts to be served and accommodate hotel guest requirements into the evening. It is considered that these hours would not

undermine the amenity of local residents and would prevent 24 hours activity at the site.

5.14 External lighting is proposed for the car parking area associated with the proposed pub/restaurant. This is designed to 'secure by design' and 'park safe' standards. The lighting equipments is designed to light only the car parking area and the lighting cowls include anti-glare measures to prevent light from affecting property beyond the site. Again, the site is located in an urban area where there are significant areas of lighting associated with the surrounding road network. Officers are satisfied that the proposed lighting scheme is acceptable and would not have a detrimental impact upon the amenity of nearby residential dwellings.

5.15 Comments have also been made in respect of the storage of food waste at the development and the potential for vermin to be attracted to the area. The pub/restaurant industry is subject to environmental health legislation which specifically controls the storage of food waste and as such is adequately control by other legislation. The proposed development includes an enclosed service area to the rear of the building. It is considered that this area is sufficient to cater for the storage of waste and other service requirements.

5.16 Ecological Issues

Comments have been received raising concerns over the impact upon wildlife as a result of this development proposal. The site is currently undeveloped and has been able to establish as scrubland over time. The developer has carried out a survey of the site and this has identified the presence of reptiles. This does not preclude the development of this site, rather that in the event that development does proceed, there must be measures of mitigation in place prior to the commencement of the development. The applicant has submitted a 'reptile mitigation strategy' which is considered appropriate in this instance. Any consent should be conditioned such that development proceeds in accordance with that strategy.

5.17 Drainage Issues

The applicant has submitted a comprehensive drainage strategy as part of this application. The South Gloucestershire Drainage Engineer has considered the proposals and considers that the proposed scheme is acceptable. Wessex Water have no objection to the development in principle and it is noted that a separate agreement is required with Wessex Water to connect to the existing foul and surface water systems. On this basis Officers are satisfied that the development would not result in a detrimental impact upon the drainage capacity of the locality.

5.18 Transportation Issues

The proposed development would provide 90 car parking spaces. This is considered adequate. The access to the site will make use of an existing gateway located off the access road leading to the adjacent hotel building. Officers have sought amendments to the access to the proposed development to ensure that adequate visibility is available from the proposed access point. Conditions can be used to ensure that the visibility splays are maintained as such.

- 5.19 It is acknowledged that this development would result in an increase in vehicular movements. In this instance, the development should meet financial contributions commensurate with its traffic impact so as to serve the provision of transportation improvements in the Cribbs Patchway area. The commuted sum amounts to £22,247.00. The applicant has agreed to meet this obligation and as such any planning consent should be subject to an appropriate legal agreement to secure the funds; prior to first occupation of the development.

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/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 authority be delegated to the Director of Environment and Community Services to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

The provision of £22,247 as a contribution towards transportation improvements in the Cribbs/Patchway Area

Reason

To accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.

- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.3 Should the agreement not be completed within 6 months of the date of the Committee resolution that delegated authority be given to the Director of Planning, Transport and Strategic Environment to refuse the application.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

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

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a fully detailed materials schedule shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the agreed details and retained as such.

Reason

To ensure that the development utilises high quality materials and in the interest of the visual amenity and character of the development, site and surrounding locality; and in order to accord with Policy D1 of the South Gloucestershire Local Plan (adopted) January 2006.

3. Notwithstanding the submitted details, prior to the commencement of the development hereby approved additional landscaping details shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the agreed details and shall be retained as such. For the avoidance of doubt, the additional detail shall provide details of additional tree and general planting within the car parking area associated with the development hereby approved.

Reason

In the interest of the visual amenity and character of the development, site and surrounding locality; and in order to accord with Policy D1 of the South Gloucestershire Local Plan (adopted) January 2006.

4. The visibility splays as illustrated upon approved plan 1204/02 Rev G shall be implemented prior to first use of the proposed access and shall be maintained free from obstruction to visibility between the heights of 600mm and 2000mm for the period of operation of the approved development.

Reason

To ensure that safe and convenient access arrangements are made in compliance with Local plan policy T12 and D1.

5. Prior to first occupation of the proposed development, the access arrangements and parking facilities shall be completed in their entirety, including surfacing, in accordance with approved plan 1204/02 Rev G and shall be retained as such for the period of operation of the approved development

Reason

To ensure that sufficient parking and suitable access arrangements are made in compliance with local plan Policies D1 T8 and T12

6. The development hereby approved shall not be open to the public between the hours of 00:30 and 07:00 hrs in any 24 hour period

Reason;

In the interests of the residential amenity of the occupants of dwellings located on New Charlton Way and Cribbs Causeway; and in order to comply with policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the commencement of the development hereby approved, the Reptile Mitigation Strategy (dated 4th June 2013 by Tyler Grange LLP) as received by the Local Planning Authority on 21st June 2013 shall be fully implemented in accordance with Section 2 of the strategy.

Reason

To avoid killing or injuring reptiles (slowworms) that may be present on site and to comply with policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006

8. The development hereby approved shall be completed strictly in accordance with the following plans;

Site Location Plan dwg no. 1204-99 Rev E;

Layout dwg no. 1204-02 Rev G;

Floor Plans dwg no. 1204-03 Rev B;

Floor Plans with Zones dwg no. 1204-08 Rev B;

Elevations dwg no. 1204-04 Rev E;

Kitchen Vent and Extraction Details dwg no. 1204-11 Rev A;

Ventilation and Extraction Details dwg no. 1204-12 Rev B;

Car Park Lighting dwg no. 1204-13 Rev E;

Building and Patio Lighting dwg no. 1204-13 Rev E;

Fence details dwg no. 1204-39 Rev B

Reason

The drawings have formed the basis of the consideration of this planning consent; and in the interests of the character and visual amenity of the development, site and surrounding locality and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 43/13 – 25 OCTOBER 2013

App No.:	PT13/2669/RVC	Applicant:	Wessex RFCA
Site:	The Hut Ratcliffe Drive Stoke Gifford South Gloucestershire	Date Reg:	14th August 2013
Proposal:	Variation of condition 2 attached to PT03/1845/C84 to restrict the use permitted to 9am to 9.30pm Monday to Friday inclusive and 9am to 5pm Saturday, Sunday and Bank Holidays.	Parish:	Stoke Gifford Parish Council
Map Ref:	362238 179953	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	25th September 2013



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PT13/2669/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application site is situated in Stoke Gifford in the north fringe of Bristol. The site is situated within a mainly residential area adjacent to a school to the east and doctor's surgery to the west.

The site is situated within the urban area as defined in the adopted Local Plan.

- 1.2 The application proposes variation of condition 2 attached to PT03/1845/C84 to restrict the use permitted to 9am to 9.30pm Monday to Friday inclusive and 9am to 5pm Saturday, Sunday and Bank Holidays.

The variation would extend the hours of use Monday to Friday only by 30 minutes (from 9pm to 9.30pm).

The proposed condition would therefore read,

The use hereby permitted shall be restricted to the following times 9am until 9.30pm, Monday to Friday inclusive; and 9am until 5pm on Saturday, Sunday and Bank Holidays.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

EP1 Environmental Pollution

LC04 Education and Community Facilities within the Urban Area

T8 Parking Standards

T12 Transportation for New Development

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

CS9 Managing the Environment and Heritage

CS25 Communities of the North Fringe of Bristol Urban Area

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/1845/C84 Siting of portacabin for use by Army
Cadet Force and after school club.
Approved 07.08.2003

4. **CONSULTATION RESPONSES**

4.1 Stoke Gifford Parish Council

No Objection, (Council encourage the planned evening activities for young people and the proposed extension to 21:30 hours does not seem excessive).

4.2 Other Consultees

Environmental Protection – No objection

Other Representations

4.3 Local Residents

Two letters of objection received from the occupiers of 112 and 114 Ratcliffe Drive raising the following concerns:

- Very disturbing until 10pm and beyond even after complaints
- Shouts and vehicle noise
- Rowdy, intimidating and dangerous behaviour
- Noise levels should be monitored by an Environmental Health Officer

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 2 attached to planning consent PT03/1845/C84. Condition 2 reads,

'The use hereby permitted shall be restricted to the following times 9am until 9.30pm, Monday to Friday inclusive; and 9am until 5pm on Saturday, Sunday and Bank Holidays.'

Consideration of this application therefore relates alone to the acceptability of allowing the applicant to continue the use of the building for Class D2 (Assembly and Leisure) use for an additional 30 minutes on any evening Monday to Friday (Non Bank Holiday) only.

In considering whether condition 2 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 PT03/1845/C84 reads as follows,

'To minimise disturbance to occupiers of nearby buildings and to accord with Policy EP4 of the South Gloucestershire Local Plan (Revised Deposit Draft).'

Changes to the Policy framework and Government advice

The policies used to consider application PT03/1845/C84 and to justify imposing condition 2 have changed since application PT03/1845/C84 was determined on 07.08.2003. Additionally, Government advice relevant to consideration of this application has changed since determination of PT03/1845/C84 with the replacement of the old PPS/PPG guidance with the single NPPF.

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 LC4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing schools within the urban area, providing there would be no detrimental impact in terms of residential amenity, environmental or transportation effects, the site is highly accessible on foot or by bike and the proposal would not give rise to an unacceptable level of on street parking. 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 the provision of community facilities. Infact one of the 12 core principles which underpin the NPPF states that planning should,

"take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs."

Policy EP1 aims to ensure that new development does not result in an unacceptable harm to the environment as a result of pollution to air or through noise or vibration.

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 Further Main Modifications (FMM). The FMM have been subject to a further hearing session that was held on 7 March 2013. An independent report was commissioned by the Council from BNP Paribas to determine housing land supply in the District. The independent report has been forwarded to the Inspector for consideration. The Inspector has indicated that he will now prepare his final report which is due to be published by 15th November 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.

5.3 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 6 tests as listed in this report.

5.2 Noise and residential amenity

Concern has been raised by two local residents that the existing facility which has been in operation since 2003 creates noise and disturbance from young people using the site. The proposal would increase the hours of use by 30

minutes on any evening weekdays only and excluding Public Holidays. The increase would equate to 2.5 hours per week and this is considered not to be significant in terms of overall timescale. The matters of concern raised as summarised in par. 4.3 above are most effectively controlled through noise legislation by Environmental Health or in terms of disturbance, by the police. The Council's Environmental Health Officer has raised no objection to the application. The applicant has made a clear case for a need to extend the hours of use indicating that all 400 cadet units parade between the hours of 6.30pm and 9.30pm and the current hours of use to 9pm only places a severe restriction on the ability of the association to undertake their core functions.

Local residents have also raised concern that the existing facility creates disturbance through noise from vehicles picking up and dropping off cadets. This would only extend the timescale for picking up by 30 minutes and not increase the number of vehicle movements. 9.30pm is considered to be a reasonable time for the type of vehicle movements to take place and is not significantly different to the existing hours of use.

The provision of this community facility and its importance in providing a place of education and development for young people in a sustainable location is considered to carry significant weight. The short increase in use proposed would not impact harmfully on local residents. More effective means are available to control noise and disturbance. As such the benefits of the proposed increase in hours of use would outweigh any other impact.

The Environmental Health Officer has suggested that the applicant displays signs around the site drawing to the attention of users the need to minimise noise in order to respect the needs of local residents. The applicant has agreed to provide signage. An informative is recommended to draw this again to the applicant's attention.

5.3 Highway matters

The proposed increase in use would result in picking up at 9.30pm, 30 minutes later than currently permitted. The proposed variation to condition 2 would not increase the number of users of the site only change the time that they use it. On this basis the proposal would result in no severe highway safety impact.

5.4 Provision of an education and community facility

Policy LC4 seeks to promote the provision of education and community facilities within sustainable locations. The building currently provides a permanent base for the existing Wessex Reserve Forces and Cadet Association, an important community facility which provides education and development for young people. The site is located in a sustainable location in the centre of Stoke Gifford which is highly accessible on foot and by bicycle and train. The proposal is considered not to give rise to any significant environmental effects. As indicated above the proposal is considered not to present significant issues in relation transportation or residential amenity impacts and the small increase in on street parking would be offset by the

overall community benefits. As such it is considered that the proposal accords with Policy LC4 of the adopted Local Plan.

5.5 The opportunity to review the original decision

Condition 2 was the only condition attached to the original planning approval (other than 5 year timescale for commencement). The proposal would not change the hours of use significantly. There are no other conditions which would be necessary to include which would mitigate any impact of the proposed increase in use of the building. As such the proposed amendment to condition 2 as worded in par.1.2 above. The reason for the condition would remain as currently worded, but updated to reference the currently adopted Development Plan. The reason would read as follows,

Reason:

To minimise disturbance to occupiers of nearby buildings and to accord with Policy EP4 of the South Gloucestershire Local Plan (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 recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

7.1 Consent is GRANTED subject to the condition below.

Contact Officer: Sean Herbert
Tel. No. 01454 863056

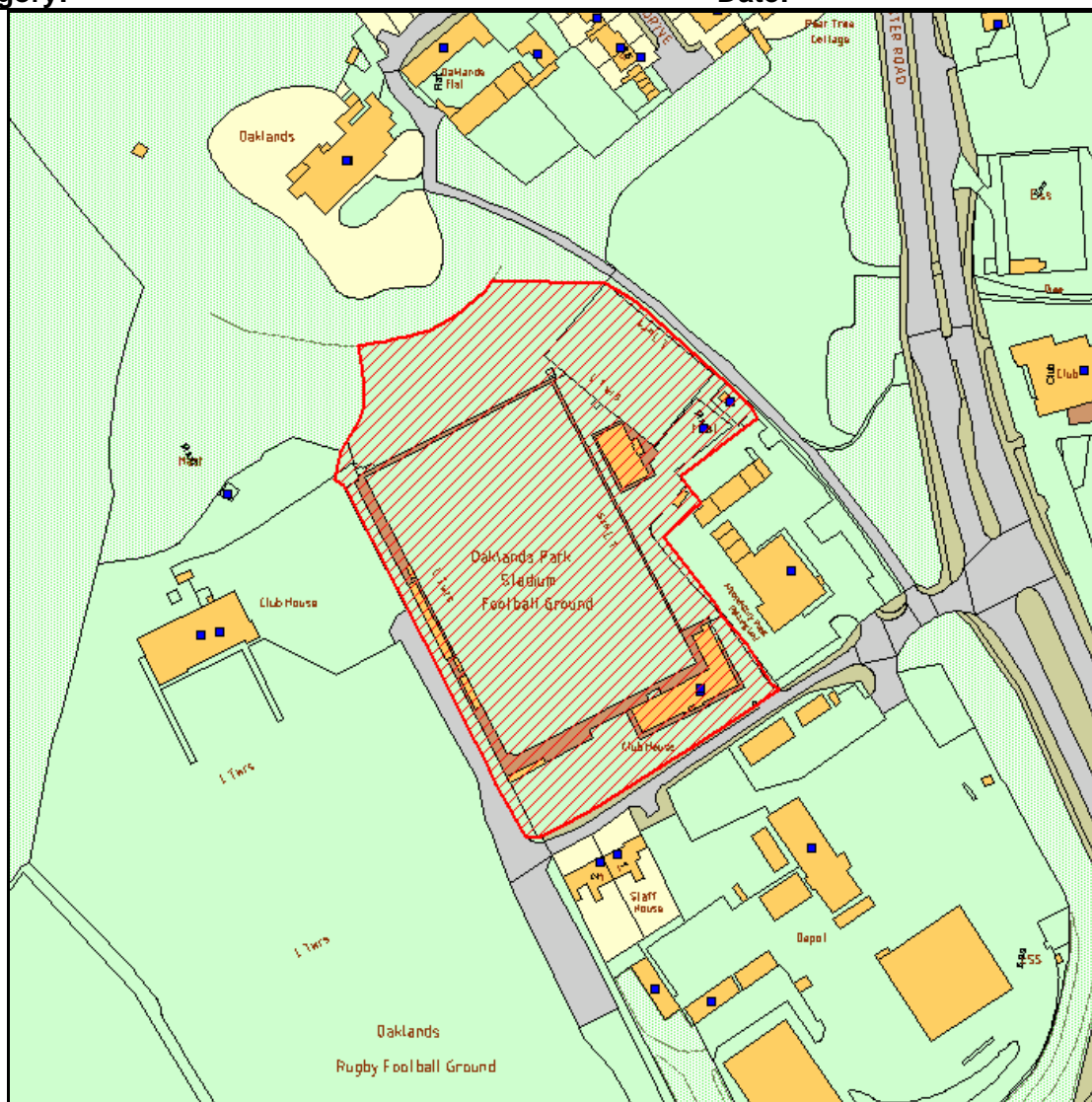
1. The use hereby permitted shall be restricted to the following times 9am until 9.30pm, Monday to Friday inclusive; and 9am until 5pm on Saturday, Sunday and Bank Holidays.

Reason:

To minimise disturbance to occupiers of nearby buildings and to accord with Policy EP4 of the South Gloucestershire Local Plan (2006).

CIRCULATED SCHEDULE NO. 43/13 – 25 OCTOBER 2013

App No.:	PT13/2904/F	Applicant:	Gloucestershire Football Association
Site:	Gloucestershire Fa Oaklands Park Stadium Gloucester Road Almondsbury South Gloucestershire	Date Reg:	12th August 2013
Proposal:	Resurface football pitch with artificial turf. Erection of extension to existing changing rooms. Erection of fencing and new ball-stop netting to the site boundary. Expansion of onsite parking provision. (Amendment to previously approved scheme PT12/3259/F). (Retrospective).	Parish:	Almondsbury Parish Council
Map Ref:	360503 183453	Ward:	Almondsbury
Application Category:	Major	Target Date:	1st November 2013



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PT13/2904/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as a letter of objection has been received from a neighbouring occupier contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the resurfacing of an existing football pitch with artificial turf; the erection of an extension to existing changing rooms; the erection of fencing and a new ball stop netting to the site boundary; and the expansion of on site parking provision. The application forms an amended to a scheme previously granted planning permission under PT12/3259/F. It is noted from visiting the site that a significant part of the development has been completed. The proposal will therefore, be assessed retrospectively.
- 1.2 The application reduces the scale of alterations previously approved to the changing facilities as there is insufficient funding available to carry out the approved scheme.
- 1.3 The application site comprises the Oaklands Park football ground and ancillary facilities. It is located to the west of Gloucester Road and to the north of the M5 motorway; it is located within the open Green Belt and outside of any defined settlement boundary. An area of protected trees are located immediately north of the application site; a large depot and two dwellings are located immediately to the south; further grass sports pitches and a club house are located to the west; the site is set back from Gloucester Road to the east and is relatively well screened by existing built form and vegetation.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
GB1 Development in the Green Belt
LC5 Proposals for Outdoor Sports and Recreation Outside Existing Urban Areas and Defined Settlement Boundaries
L1 Landscape Protection and Enhancement
L9 Species Protection
L15 Locally Listed Buildings
L18 The Water Environment
T12 Transportation Development Control Policy for New Development
T8 Parking Standards
EP1 Environmental Pollution

South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications
CS1 High Quality Design
CS5 Location of Development

CS8 Improving Accessibility
CS9 Managing the Environment and Heritage

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Development in the Green Belt SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P90/2256, erection of four floodlight towers each 18.3m in height, Approved, 04.10.1990.
- 3.2 PT00/3294/F, elevational alterations to facilitate extended internal use as administration office accommodation, Approved, 19.01.2001.
- 3.3 PT10/0796/F, change of use from Football Clubhouse (Sui generis) to mixed use of office, meeting, conference and training Rooms (Sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), Approved, 04.06.2010.
- 3.4 PT11/2254/F, erection of 8no. 15m high floodlights, Approved, 29.09.2011.
- 3.5 PT12/3259/F, resurface football pitch with artificial turf. Erection of extension to existing changing rooms. Erection of fencing and new ball-stop netting to the site boundary. Expansion of onsite parking provision, Approved,

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
OBSERVATION: There will be an increase in the volume of traffic. Also could directional lighting be used to help avoid light pollution?
- 4.2 Transportation DC Officer
All previous comments relating to PT12/3259/F apply to this application (including the conditions that had been discharged, as I note that not all the information required previously has been included within this application.
- 4.3 Tree Officer
In order to fully assess the application the applicant will need to submit a tree report in accordance with BS:5837:2012.
- 4.4 Ecological Officer
No objection provided that the development is carried out in accordance with ecological details previously submitted (reptile mitigation strategy) to discharge condition 4 under the previously approved application PT12/3259/F.
- 4.5 Landscape Officer
No landscape objection in principal; however, it needs to be confirmed that the Astroturf will not cause any harm to the root protection zone of the trees on the southern boundary.

4.6 Sports England

No objection provided that the new football turf facility is open to the wider community in perpetuity and adequately maintained.

4.7 Drainage Officer

Previous SuDs condition to apply.

Other Representations

4.8 Local Residents

One letter of objection has been received from a neighbouring occupier. The objector states that: Access road is single track. I have visions of the extra car parking being used during the week as a "park and ride" in a similar way to how N.Bristol R.F.C. does at the moment, seemingly without any need for "change of use" planning permission, and with no obligation for the maintenance of the access lane.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework (NPPF) has replaced previous guidance. Whilst it primarily condenses the previous guidance into a single document, there is more of an emphasis on positive planning and achieving sustainable economic growth. The NPPF states that development proposals are required to be assessed in accordance with the Development Plan unless material considerations indicate otherwise. The development plan in this instance is the South Gloucestershire Local Plan (adopted) January 2006. It will soon be replaced by the Council's Core Strategy, which also holds material weight due to the stage that it has been reached in its preparation.

5.2 Green Belt

When considering whether the principle of the development is acceptable material weight is given to the fact that planning permission has already been given to develop the site under application PT12/3259/F. The proposal amends the previously approved scheme by reducing the scale of the alterations to the changing room building. A second storey was originally proposed over the existing building to provide meeting room space, whilst a two-storey side extension to form an entrance lobby at ground floor level and a staircase/lift at first floor level was proposed on the southeastern side elevation of the building.

Due to financial reasons the proposed extension has been scaled back significantly. The proposal does not increase the height of the existing building and only a single storey extension is proposed on the northwestern side elevation of the building to form toilet facilities and a kiosk. The proposal will have significantly less of an impact on the openness of the Green Belt than the previously approved scheme and is therefore, considered to be appropriate development in the Green Belt.

5.3 The proposal seeks enhancements to an existing community sports facility through alterations and extension. The proposal will allow all weather access to the main football pitch, which due to its size, would allow access for multiple users at one time for all weather sports such as five aside football. This would significantly improve the existing facility which only provides one all weather pitch. The proposal improves an existing building on the site rather than proposing a new one. Accordingly, the principle of the development is acceptable by virtue of policies GB1 and LC5 of the South Gloucestershire Local Plan (adopted) January 2006. The main issues to consider are the appearance/form of the development and the impact on the character of the landscape (policies D1, L1, and LC5 of the Local Plan); the environmental effects (policies L1 and L9 of the Local Plan); the transportation effects, i.e. whether there is adequate off street parking space and whether the site is easily accessible by non-car modes of travel (policies T12, T8 and LC5 of the Local Plan); the effect on the residential amenity of neighbouring occupiers (policy LC5 of the Local Plan); the effect of any external illumination on highway safety and amenities of the area (policy LC5 of the Local Plan).

5.4 Appearance/Form and Impact on the Character of the Landscape

The impact of the artificial turf pitch, ball stop netting and fencing, the additional car parking and earth bund on the character and visual amenity of the site and surrounding landscape have already been accepted under application PT12/3259/F. The only issue to consider in terms of appearance/form relates to the amendments proposed to the changing room building. The proposed extension measures approximately 5.4 metres in width, 8 metres in length, and 4.4 metres at the apex at ridge height. The proposal replicates the shallow pitched roof form of the existing building which is set down lower than the existing ridge apex giving the proposal a subservient appearance. The applicant has specified that the materials proposed will match the appearance of the existing building, which is considered acceptable. The extension proposed is considered to be acceptably in-keeping with the character of the existing building and will not have a significant adverse effect on the character of the area or wider landscape. Flood lighting to be provided for the stadium pitch was subject to a previous decision under PT11/2254/F.

5.5 Transportation

Although the site is located in the open countryside it is located in a relatively sustainable location within close proximity to the Bristol North Urban Fringe where there are good public transport links. Weight is given to the fact that the site already functions as a football ground; the proposal is for the improvement of existing facilities on the site. No transportation objection was raised in the previously approved scheme PT12/3259/F. As such, given that the proposal has reduced the scale of the extension to the changing rooms it is not considered that the proposal will result in a materially greater number of vehicular trips than the previously approved scheme. The level of parking is considered to be adequate to serve the proposal. The concerns of the neighbouring occupier are noted; however, the use of the car park for a park

and ride (Use Class Sui Generis) would represent a material change of use from a football ground (Use Class D2). Accordingly, the Local Planning Authority will be able to control any use of the parking area for park and ride use.

5.6 Environmental Impacts

Ecology

The site predominantly consists of hardstanding, amenity grass (mown) and existing sports facilities of negligible value for nature conservation. There is a small area of rough grassland/ruderal vegetation in the northern corner of the application site with the potential to support reptiles (slowworms), not least as the site adjoins suitable habitat associated with Oaklands House. A condition requiring a mitigation strategy was applied to the previously approved scheme (PT12/3259/F) and details have been submitted and accepted by the Local Planning Authority to discharge the condition. Accordingly, a condition is recommended if permission is granted for the development to be carried out in accordance with the details submitted.

Trees

A band of mature trees subject to a Tree Preservation Order are situated directly north of the site. In the previously approved application (PT12/3259/F) an arboricultural report was submitted to assess the impact of the imported soil on the trees; the report found that no significant impact would result and it is noted that no conditions were imposed on the decision notice to safeguard the trees. Accordingly, it is considered to be unreasonable for the Local Planning Authority to introduce any new conditions relating to trees at this point.

5.7 Residential Amenity

Given that the proposal reduces the scale of the extension, it is not considered that the effect on the residential amenity of neighbouring occupiers will be materially greater than the previously approved scheme (PT12/3259/F).

5.8 External Illumination

The comments made by the Parish Council are noted; however, the external illumination for the site has already been agreed under application PT11/2254/F. Weight is given to the fact that no objections were raised in the previously approved application (PT12/3259/F). An informative is recommended if permission is granted to notify the applicant that separate advertisement consent may be required for any advertisement signs.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

2. The development shall be carried out in accordance with the reptile mitigation strategy submitted as part of application PT12/3259/F and received by the Council on 14th June 2013.

Reason

In the ecological interests of the site and to accord with policies L9 and LC5 of the South Gloucestershire Local Plan (adopted) January 2006.

3. The development shall be carried out in accordance with the construction management plan submitted as part of application PT12/3259/F and received by the Council on 14th June 2013 and 25th September 2013.

Reason

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

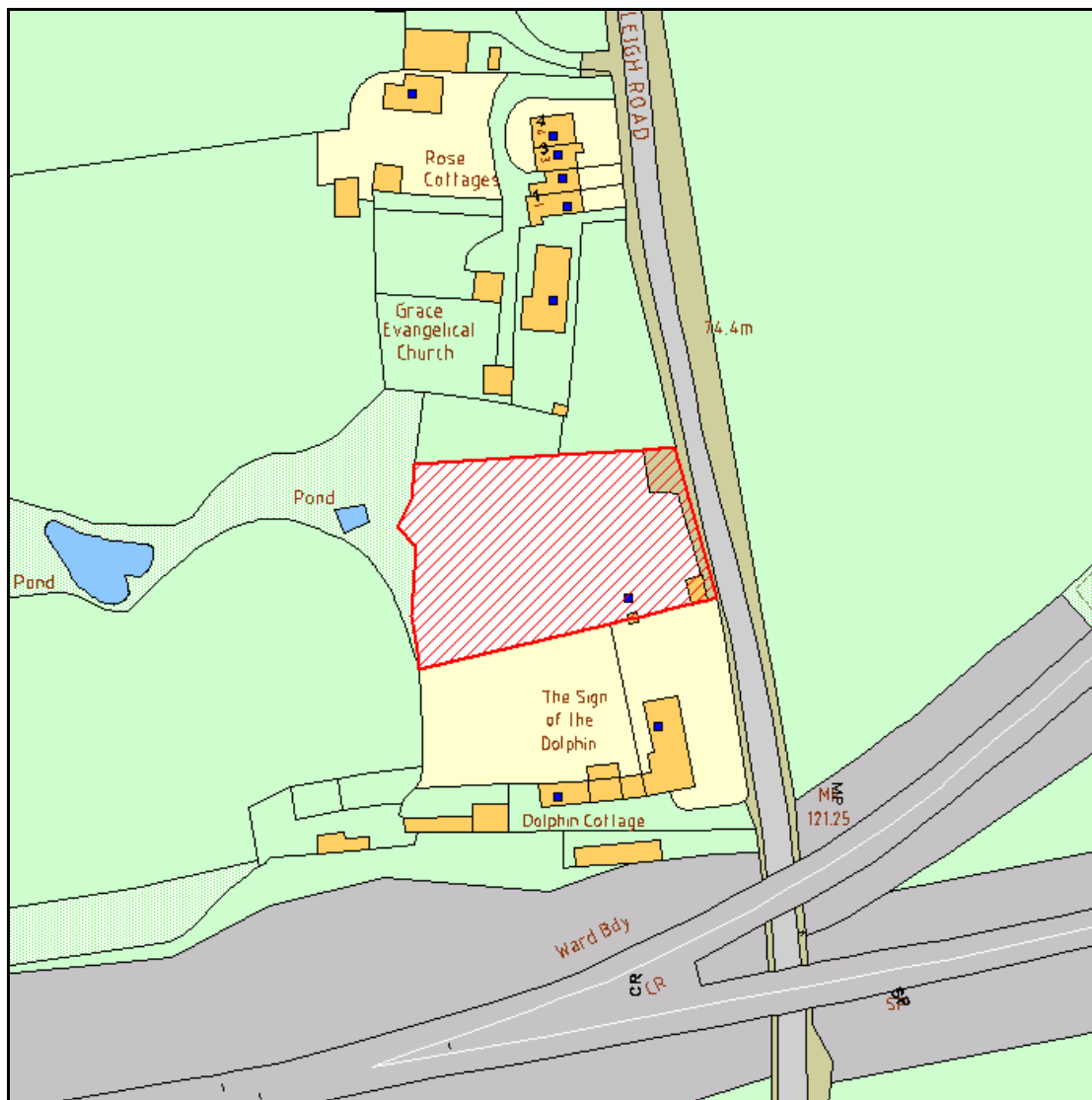
4. The development shall be carried out in accordance with the SIS Soccer Pro 60 turf sample submitted as part of application PT12/3259/F and received by the Local Planning Authority on 14th June 2013.

Reason

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

CIRCULATED SCHEDULE NO. 43/13 – 25 OCTOBER 2013

App No.:	PT13/2912/F	Applicant:	Mrs Karen And John O'Connor
Site:	Bridge View Westerleigh Road Westerleigh South Gloucestershire BS37 8QG	Date Reg:	28th August 2013
Proposal:	Erection of front porch to existing day room.	Parish:	Westerleigh Parish Council
Map Ref:	369933 180388	Ward:	Westerleigh
Application Category:	Minor	Target Date:	17th October 2013



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PT13/2912/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule for determination as an objection has been received from the Parish Council contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to erect a porch on an existing day room at a gypsy and travellers site on the outskirts of Westerleigh.
- 1.2 The proposed porch measures 3 metres wide and 2.5 metres deep, with a ridge height of 3.25 metres. It is located on the front elevation of the day room facing Westerleigh Road. The porch will be positioned over the existing doorway to provide shelter from the elements and storage.
- 1.3 The site is located outside of any defined settlement boundary and is in the green belt. It is located nearby a listed building.

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
L13 Listed Buildings
GB1 Development in the Green Belt
H12 Sites for Gypsies

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

CS1 High Quality Design

- 2.3 Supplementary Planning Guidance
 - (a) South Gloucestershire Design Checklist (Adopted) August 2007
 - (b) Development in the Green Belt (Adopted) June 2006

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/3324/F Approved with Conditions 26/04/2012
Change of use of land for 2no. permanent gypsy and traveller pitches to include the stationing of 2no. mobile homes and retention of 1 transit pitch. Erection of 1no. day room.
- 3.2 PT10/0960/F Approved with Conditions 14/06/2010
Change of use of land to gypsy caravan site to facilitate the retention of 1 no. existing mobile home and the siting of additional mobile home and erection of day room.

- 3.3 PT09/5184/F Split Decision 16/11/2009
Change of use of land to gypsy caravan site to facilitate the retention of 1 no. existing mobile home and the siting of additional mobile home and erection of day room.
- 3.4 PT05/3409/F Refused 26/01/2006
Change of use of land to gypsy site for stationing of one mobile home and one touring caravan with associated ancillary development (Retrospective).
- 3.5 PT03/1427/F Refused 17/06/2003
Change of use of land to residential gypsy caravan site.
- 3.6 PT02/0892/F Refused 15/08/2002
Change of use of land to residential gypsy site and erection of bungalow.

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
Objection: Building is a day room and should purely be used for that purpose. It has been reported to the [parish] Council that internal alterations have been made to the building making it to all intent and purpose a permanent dwelling. The [parish] Council wish to see the building reinstated to its original condition and in adherence to the original planning consent.
- 4.2 Conservation
No objection
- 4.3 Drainage
No comment
- 4.4 Transport
No objection

Other Representations

- 4.5 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks permission for a porch.
- 5.2 Principle of Development
In this instance, the principle of development is established through a number of policies. The day room does not form a residential building and therefore it cannot be assessed as an extension to a dwelling. However, policy H12 (although not explicitly related to extensions) does permit the development of gypsy sites. The NPPF allows for the limited extension of buildings, but does not explicitly refer to the use. Policy D1 which covers all development sets the

design standard for the district and would permit a well designed porch. As the proposal is in the green belt it must be proportionate with the size of the day room.

5.3 Green Belt and Landscape

Located within the green belt, any additional must be proportional to the size of the existing building.

5.4 The proposed porch represents a 9.7% increase to the size of the building. This is proportional and accords with guidance in *Development in the Green Belt*.

5.5 The site is well screened from public view by tall dry stone walls and hedges. The porch is set on the front elevation and within the roof slope of the day room. It would not have an impact on the landscape due to the limited size of the development and the concealed nature of the site.

5.6 Design

A very simple porch is proposed. It will be located on the front elevation and will create a vestibule. The external finish will match the finish to the day room. A hipped roof is proposed which keeps the massing and appearance of the porch to a minimum.

5.7 The design is appropriate for the purpose of the porch, the surrounding site and integrates with the existing character of the building. The design is therefore acceptable.

5.8 Amenity

The porch will improve the amenity of the day room as it will provide protection from the weather, storage for outdoor coats and accessories, and prevent heat loss. The addition of a porch to the day room will not affect the amenity of the site.

5.9 Amenity of nearby occupiers is protected by this development. The location and size of the porch will not impact upon any nearby property.

5.10 Transport

The application proposes the erection of a porch. This will have no impact on transportation.

5.11 Environment

The application proposes the erection of a porch. This will have little impact on the environment. The porch would enable greater energy efficiency for the day room.

5.12 Comments by the Parish Council

The Parish Council has indicated that that the day room is being used for residential purposes. On the case officer's site visit this was disputed by the applicants. There is no obvious evidence at the time of the site visit that the day room is being used as residential accommodation, however the case officer had no reason to enter the day room. It should be noted that there was

only one mobile home on the site and a large campervan. This is addressed in paragraph 5.17 below.

- 5.13 Any further investigation on this matter should be undertaken by the Planning Enforcement Team. Should any party have concerns over the use of the day room these should be directed to the Enforcement Team for investigation.

5.14 Plan Discrepancies

The day room was permitted under planning permission PT11/3324/F. There are a number of discrepancies between the plans approved under that application and those submitted under this application.

- 5.15 The permitted plans show the day room having two doors on the front elevation; it has been built with only one. This is not considered to be a significant matter.

- 5.16 Under PT11/3324/F the siting of two mobile homes and the erection of a day room was approved. The plans submitted with the application only indicate one mobile home and a day room. However, on site the footings for the other mobile home exist

- 5.17 On the case officer's site visit this was discussed with the applicant. The applicant has stated that they are in the process of replacing the mobile home, hence why there is no home on site. When asked where the applicant was living, it was confirmed that they were staying in the large camper van at the top of the site adjacent to the road and the spare room in the second caravan.

- 5.18 This response is considered sufficient to be able to determine the application for the porch on the day room. Should any parties have concerns over the validity of the response it should not be addressed through this planning application but referred, by those concerned, to the Planning Enforcement Team.

- 5.19 Please note that there has been no referral to Enforcement by the case officer for any of the matters raised above. These are not matters to be addressed through a planning application.

6. CONCLUSION

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

- 6.2 The proposed porch has been tested against policy D1, GB1 and the NPPF. The design is considered acceptable and the porch would not result in a disproportional addition to the existing day room.

- 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 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).

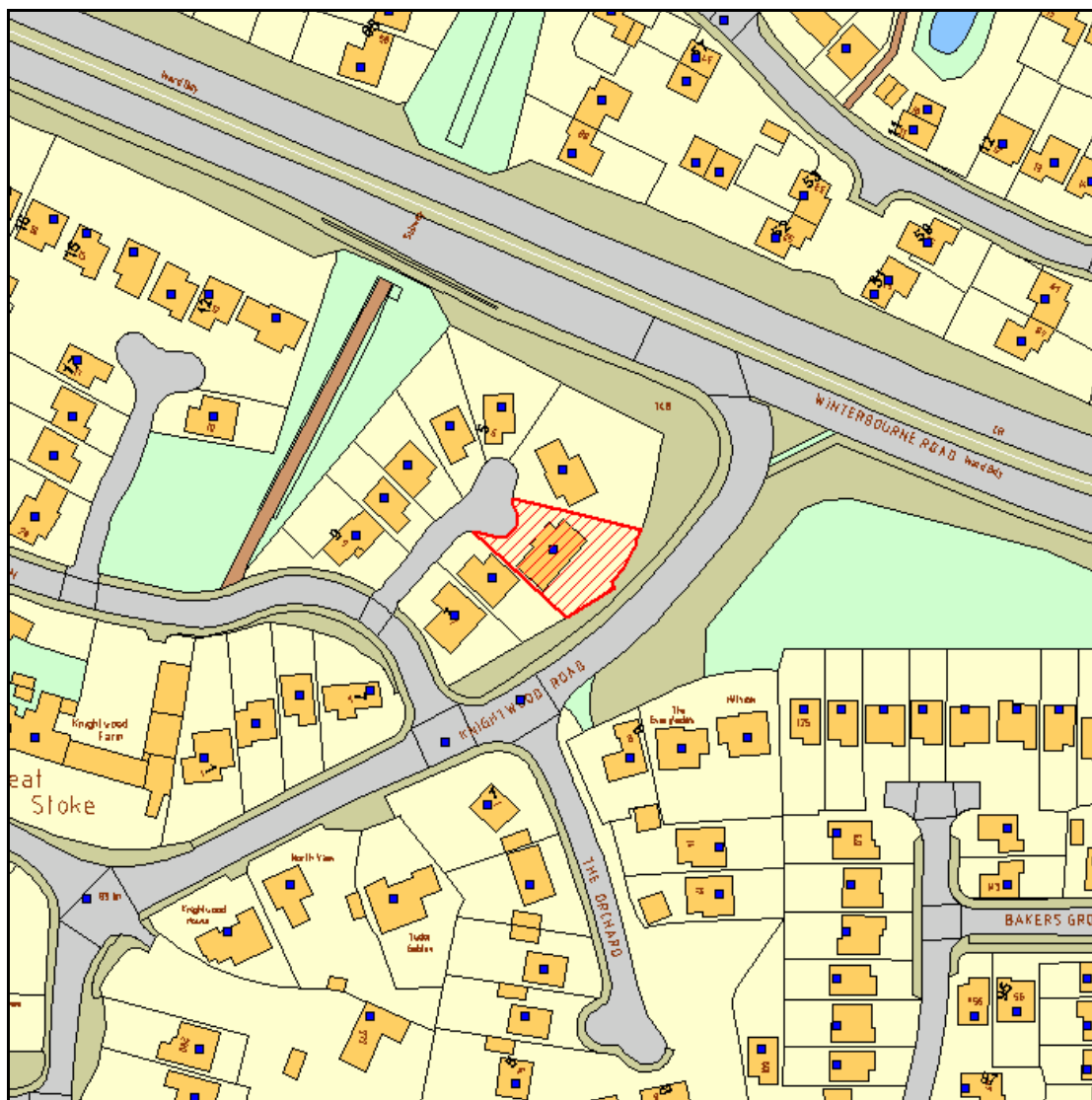
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 43/13 – 25 OCTOBER 2013

App No.:	PT13/3255/F	Applicant:	Mr Adrian Paver
Site:	3 Oxbarton Stoke Gifford Bristol South Gloucestershire BS34 8RP	Date Reg:	10th September 2013
Proposal:	Erection of sunroom orangery to rear elevation.	Parish:	Stoke Gifford Parish Council
Map Ref:	362846 180441	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	31st October 2013



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PT13/3255/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule because a letter of objection has been received from a neighbouring occupier contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey rear extension to form a sunroom orangery.
- 1.2 The application site comprises a two storey detached property located on the southeastern side of the cul-de-sac Oxbarton. Within the established residential area of Stoke Gifford.

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
H4 Residential 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
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Residential Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 P89/2069, erection of first floor extension to form additional bedroom and single storey rear extension to form utility room, approval, 13/07/89.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No objection
- 4.2 Drainage Officer
No comment

Other Representations

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

- What is the height and width of the proposed building?
- Can see no drainage system on drawing;
- Access to the site during construction;
- Effect on privacy and natural light;
- The proposed extension adjoins an existing substantial extension.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Planning policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 allows for the principle of the development proposed. The main issues to consider are the appearance/form of the extension (policies D1 and H4 of the Local Plan); the impact on the residential amenity of neighbouring occupiers (policy H4 of the Local Plan); and the transportation effects (policy H4 of the Local Plan).

5.2 Appearance/Form

The proposal measures approximately 3.3 metres in length, 5.4 metres in width and 3.1 metres at the apex at ridge height. It is encompassed by a pitched roof with hipped ends. It is located on the rear elevation of the dwelling and adjoins an existing single storey lean-to extension. The applicant has specified the materials brick for the walls, glazing for the roof and rosewood PVC-U doors and windows to match the appearance of the existing dwelling. A condition on this basis is not therefore, required if permission is granted. The extension comprises 3no. large sash style window in the rear (southeastern) elevation, 2no. sash windows in the side (southwestern) elevation, and French double pedestrian doors in the side (northeastern) elevation to provide access.

5.3 Although the proposal adjoins an existing extension, it is considered to be satisfactorily in-keeping with the character of the host dwelling and surrounding properties in terms of scale, form, siting and appearance and will be well screened from views from the public realm. It will not therefore, bring about any significant adverse visual amenity issues to warrant a refusal.

5.4 Residential Amenity

The closest neighbouring property to the proposal is no. 2 to the east. The host dwelling is set back from the rear elevation of the neighbouring property by approximately 4.5 metres, such that the proposal will extend past the rear elevation of the neighbouring property by approximately 7.8 metres. Careful consideration is required with regards to the effect on the residential amenity of neighbouring occupiers. Weight is given the single storey scale of the proposal, the glazed hipped roof design, and the location of the application site to the east of the neighbouring property; it is considered that the proposal will not have a significant adverse effect on the residential amenity of neighbouring occupiers through loss of natural light, outlook or privacy. An adequate amount of private amenity space will be left to serve the host dwelling.

5.5 Transportation

The proposal will not affect existing access or parking arrangements and will not result in a material increase in vehicular traffic. Accordingly, there are no transportation objections.

5.6 Drainage

The Council's Drainage Officer has raised no objections to the proposal. Given the nature of the development and the residential context it is considered that an adequate means of drainage could be provided. Specific drainage matters are required to be considered under Buildings Regulations.

5.7 Further Matters

The neighbouring occupiers have raised concerns regarding the means of access to the application site during construction. However, it is considered that there is adequate access to the rear of the property for construction. Notwithstanding this, if permission is granted, the applicant will be notified by way of an informative that planning permission shall not be construed as granting rights to carry out works on, or over, land not within the ownership, or control, of the applicant. Separate consent will be required from the landowner if it is necessary to enter onto land outside the ownership of the applicant in order to construct the extension.

- 5.8 The neighbouring occupier has also raised issues on the basis that the extension proposed is to be built off an existing substantial extension. The Officer can clarify that there are no specific set rules with regards to this. An extension proposed on an extension is required to be assessed on its own planning merits in terms of its appearance and impact on the visual amenity of the area and the impact on the residential amenity of neighbouring occupiers.

6. CONCLUSION

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

7. RECOMMENDATION

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

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).

CIRCULATED SCHEDULE NO. 43/13 – 25 OCTOBER 2013

App No.:	PT13/3296/F	Applicant:	Mr James Keelan Atkins
Site:	Atkins The Hub 500 Park Avenue Aztec West Almondsbury	Date Reg:	16th September 2013
Proposal:	Erection of smoking shelter	Parish:	Patchway Town Council
Map Ref:	360307 182510	Ward:	Patchway
Application	Minor	Target	6th November
Category:		Date:	2013



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PT13/3296/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule due to the receipt of one letter of objection from a neighbouring resident.

1. THE PROPOSAL

- 1.1 This full application relates to the installation of a smoking shelter and access path to the north eastern side of the building 500 Park Avenue, Aztec West.
- 1.2 This site is located within a safeguarded employment site. The smoking shelter would be zinc finished steel with a curved transparent glass roof. The shelter would measure 2.2 metres in height by 1.4 metres in width and would have a length of 2.2 metres.
- 1.3 During the course of the application the position of the smoking shelter has been revised to ensure the proposal would not result in any detrimental impacts to the nearby oak trees.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
 - D1 Achieving Good Quality Design in New Development
 - L1 Landscape Protection and Enhancement
 - E3 Criteria for Assessing Proposals for Employment Development
 - E4 Safeguarded Employment area
 - T7 Cycle parking
 - T12 Transportation Development Control
South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications
 - CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT05/2926/O Demolition of office block. Erection of 2no. three storey offices and associated parking and access. Section 106 signed January 2007
- 3.2 PT05/2928/F Demolition of office block. Erection of 2no. three storey offices and associated parking and access. Approved April 2006
- 3.3 PT06/3265/F Erection of 3 storey building with undercroft

4. CONSULTATION RESPONSES

4.1 Patchway Town Council
No response received

4.2 Sustainable Transport
No comment

Other Representations

4.3 Local Residents

At the time of writing, one letter of objection has been received from a neighbouring resident raising the following concerns:

- The proposed smoking shelter would be adjacent to garden.
- Concern regarding impact of the proposal on children using the garden.
- Plenty of room within the site for proposed shelter to be located not adjacent to their property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is located within a safeguarded employment area and the proposed shelter would be ancillary works to the existing use of the building. Policy E3 sets out criteria for employment development. Policy D1 is a general design policy and cites that development will only be permitted where good standards of site planning and design are achieved. In particular, proposals will be required to demonstrate that siting, overall massing, form, scale, height, detailing, colour and materials respect and enhance the amenity, character and distinctiveness of both the site and the locality.

5.2 Design/Visual Amenity

The proposed shelter would be zinc finished steel with a curved transparent glass roof and two transparent glass sides. The shelter would measure 2.2 metres in height by 1.4 metres in width and would have a length of 2.2 metres. The location of the shelter is close to existing landscaping and given that the bulk of the structure is made of clear plastic, it is considered that the shelter would have minimal impact on the visual amenity of the surrounding area. Furthermore, the shelter is considered to be entirely appropriate and in keeping with the setting within the grounds of an office building.

Given the siting and simple design of the proposal, it is considered that the proposed shelter would not be harmful to the character and appearance of the immediate site and surrounding street scene.

5.3 Transportation

Whilst the proposal would be located within the car park area, there would be no impact in terms of traffic safety. Furthermore, the proposal would not effect

the existing parking provision, as such no objection is raised on transportation grounds.

5.4 Residential Amenity

Whilst concern has been raised by a neighbouring resident, the location of the smoking shelter has been amended and the proposed shelter would now be located approximately 15 metres away from the boundary with this property, adjacent to the boundary with the sports field.

Give the location and scale of the proposal, it is not considered that the proposal would result in any noise or disturbance that would have unacceptable impacts on the living conditions of the nearby residents equally the nearby commercial units would not be materially affected by the proposal. As such the proposal is considered acceptable.

5.5 Impact on Trees

Several trees are situated adjacent to the location of the proposed shelter and access path. An arboricultural report has been submitted in support of the application and subject to the attachment of a condition to ensure that the works are carried out in accordance with the measures detailed within this report, there are no objections to the proposed works.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission be granted subject to the conditions outlined on the decision notice.

Contact Officer: Kirstie Henshaw
Tel. No. 01454 865428

CONDITIONS

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

Reason

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

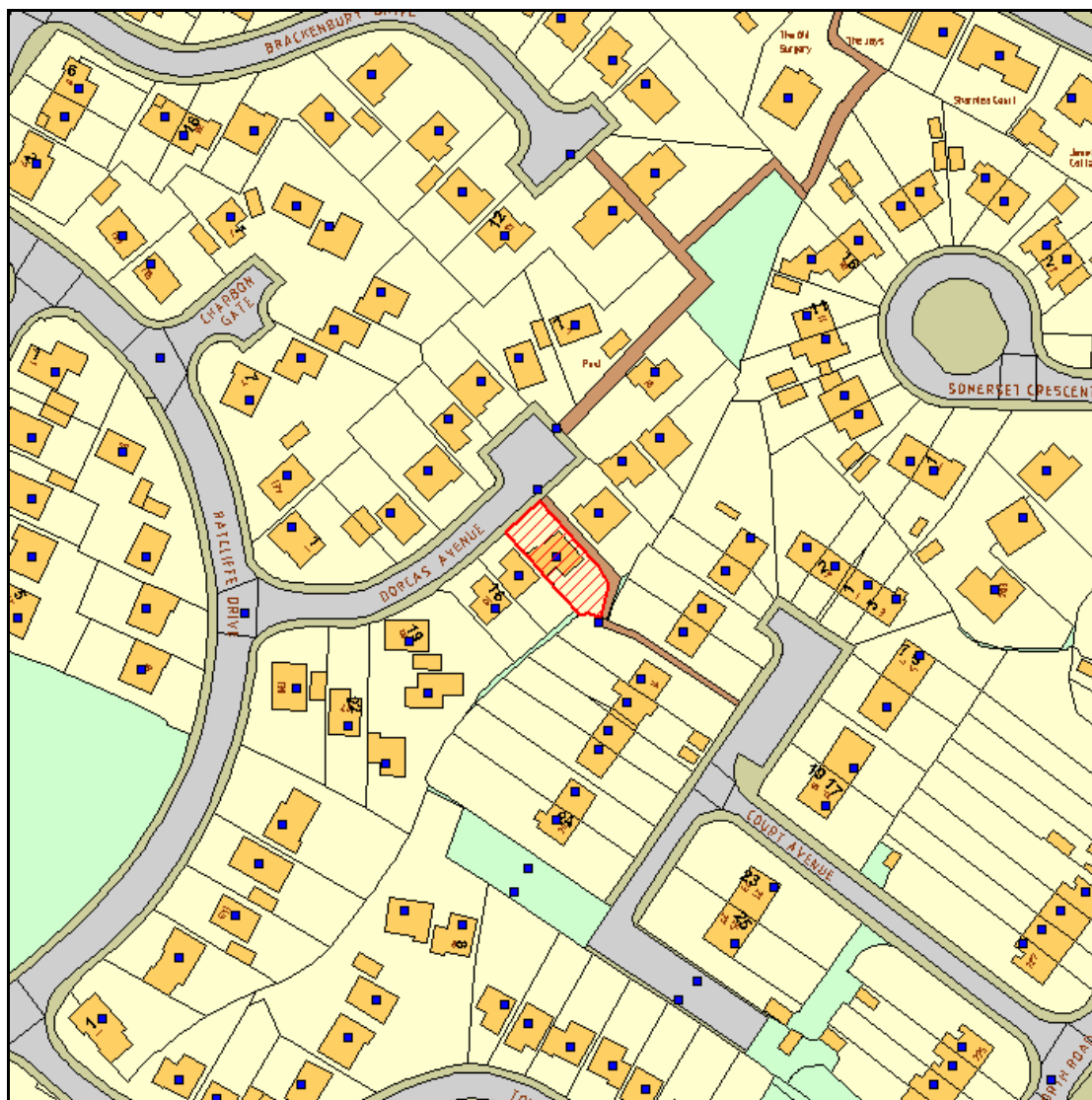
2. The works hereby authorised shall be carried out in accordance with the method statement and tree protection plan outlined in the branch Walkers Tree Services arboricultural report dated October 2013

Reason

To ensure that the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the nearby trees in accordance with policy L1 of the South Gloucestershire local plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 43/13 – 25 OCTOBER 2013

App No.:	PT13/3303/F	Applicant:	Mr Phil Goodland
Site:	14 Dorcas Avenue Stoke Gifford Bristol South Gloucestershire BS34 8XG	Date Reg:	10th September 2013
Proposal:	Erection of double storey and single storey side extension to provide additional living accommodation	Parish:	Stoke Gifford Parish Council
Map Ref:	362584 180288	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	31st October 2013



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PT13/3303/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a double storey side extension to form additional living accommodation.
- 1.2 The application site consists of a detached residential dwelling situated within an established residential area of Stoke Gifford.
- 1.3 During the course of the application the description of the description has been amended in order to accurately dictate the proposed development. In addition revised plans have been submitted with a slight reduction of depth at the rear of the property. A re-consultation period of 14 days and 7 days were undertaken respectively. As a result of the revisions the description of the proposal has also been changed to include the erection of a single storey side extension, a re-consultation period was not deemed necessary for this description change as the development is materially smaller than originally proposed.

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

L1 Landscape Protection and Enhancement

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

CS1 High Quality Design

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

Residential Parking Standards SPD (Approved) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

No objection

4.2 Highway Drainage

No objection

4.3 PROW

No objection

Other Representations

4.4 Local Residents

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

- The two storey extension would be 1.4m from 15 Dorcas Avenue – specifically a newly built conservatory, and would look to replace a recently erected boundary fence.
- Extension would be overbearing when in the conservatory and master bedroom. Houses currently have a staggered arrangement.
- The Bay Tree would need to be pruned or removed which is located in 15 Dorcas Avenue. Footings would encroach half way through the tree.
- Arboricultural survey is required.
- Removal of Bay Tree would open up the view across the houses on Court Avenue allowing occupants to look across between the properties. – other occupants would be able to look into second floor windows and would allow streetlight to flood the main bedroom and conservatory. The extension would limit this to some degree but would not have the same affect as the tree currently does.
- As the rear neighbours we would consent as long as the window to the ensuite which would overlook our garden is of obscure glass as part of the conditions for granting planning.
- No Block Plan or Site Location Map available online.
 - o *This was rectified prior to the re-consultation period.*

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a double storey side extension to form additional living accommodation. Policy H4 of the adopted Local Plan permits this type of development in principle subject to criteria relating to residential amenity, highway safety, and design.

5.2 Residential Amenity

The application seeks permission for the erection of a double storey side extension and a small single storey side extension on the southwest elevation of the host dwelling. The extension would be adjacent to the boundary of no.15 Dorcas Avenue. The application site consists of a detached double storey dwelling situated in an established residential area. The properties on Dorcas Avenue have a staggered arrangement and as a result the main living area of the host dwelling is set back from no.15 by 3.5 metres. The current arrangement means that there is no wall directly adjacent to the boundary of

- no.15 extending beyond its rear elevation. No.15 Dorcas Avenue has a conservatory to the rear adjacent to the boundary with the application site.
- 5.3 The revised proposal would result in the addition of a double storey side elevation directly adjacent to the boundary of no.15 and its conservatory. The revised proposed double storey element would extend beyond the rear elevation of no.15 by 2 metres. The extension has been reduced following concerns raised relating to the potential overbearing impact of the original proposal on the first floor windows of no.15. The depth has been reduced by taking a 45 degree line of vision from the first floor window of no.15 ensuring that the side elevation of the extension does not intercept this line. The additional 0.8m between the rear elevation of the double storey extension and the host dwelling now consists of a single storey extension.
- 5.4 In terms of overbearing impact Officers raised concern in relation to the impact of the double storey extension on the first floor windows of no.15 and their conservatory. Whilst a further reduction in depth would have been preferable it is considered that on balance the revision is adequate in order to reduce the impact on the occupiers of no.15. Additionally, due to the orientation of the host dwelling, which is northeast of no.15, the proposal would only affect light entering no.15 during early sunrise. On reflection, therefore, it is considered that the proposal would not significantly prejudice residential amenity in terms of overbearing impact or loss of light. All other dwellings would remain an adequate distance from the proposal to remain unaffected. Adequate private amenity space would remain to serve the host dwelling. Matters raised relating to light pollution from streetlights are not considered to materially impact residential amenity and are not relevant to the determination of this application.
- 5.5 In terms of privacy it is considered that adequate distance would remain between all proposed windows and those of surrounding properties in order to retain mutual privacy. Officers note that a request has been made by a local resident to secure the first floor window on the rear elevation as obscure glazed. This has been considered however it is highlighted that all conditions must meet the tests of Circular 11/95. In this case, due to the distance between proposed windows and the windows of surrounding properties, it is considered that a condition is not necessary and therefore fails to meet one of the tests of the circular.
- 5.6 Design
In terms of the design of the extension it is considered that the scale of the proposal is proportionate to the original dwelling. Officers did raise concern that the proposed gable on the front elevation would appear incongruous and out of keeping with the local street scene and invited submissions in line with the design of the extension at no.13 Dorcas Avenue. No design amendments have been made however it is considered that on balance the proposed design would not have a detrimental impact on the character or distinctiveness of the street scene and therefore would not warrant a refusal of the application. The proposed first floor window on the front elevation of the extension has been reduced in scale, which improves the overall appearance and proportions of the extension. Provided materials match the existing dwelling the design of the proposal is considered acceptable.

5.7 Highway Safety

The application proposes to increase the number of bedrooms in the dwelling from three to four. In line with the Council's Residential Parking Standards SPD (Approved for Development Management Purposes) 2013 the site must provide at least two off street parking space. The proposal includes an integral garage and hardstanding area to the front. The number of parking spaces is therefore in accordance with the Council's minimum standard and as such is acceptable.

5.8 Tree

Within the garden of no.15 Dorcas Avenue on the boundary is a bay tree. The tree does not have any statutory protection and is not considered worthy of a Tree Preservation Order. However, it is considered that necessary precautions should be taken to ensure the health of this tree. As such a condition will be attached to the decision notice requiring the submission of a Tree Protection Plan in accordance with the British Standard BS:5837:2012 standard (Trees in relation to design, demolition and construction. Recommendations). It should be noted that the tree could not be removed without consent from the tree owner.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That the application is **APPROVED** subject to the conditions 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. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevation of the extension hereby approved.

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.

3. 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.

4. Prior to the commencement of development an arboricultural survey to BS:5837:2012 standard (Trees in relation to design, demolition and construction. Recommendations) shall be submitted to the Local Planning Authority for approval. Should the development fall within the tree's root protection area an Arboricultural Method Statement must also be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) 2006.