



**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. 22/13

Date to Members: 31/05/13

Member's Deadline: 06/06/13 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

Members are entitled to refer any application for consideration by the relevant DC Committee or Sites Inspection Committee, before a decision has been made. However as call-ins will delay the decision on an application and in the interests of improving the effectiveness and efficiency of the Development Control service, this option should only be exercised after careful consideration. Members are therefore asked to take account of the following advice:

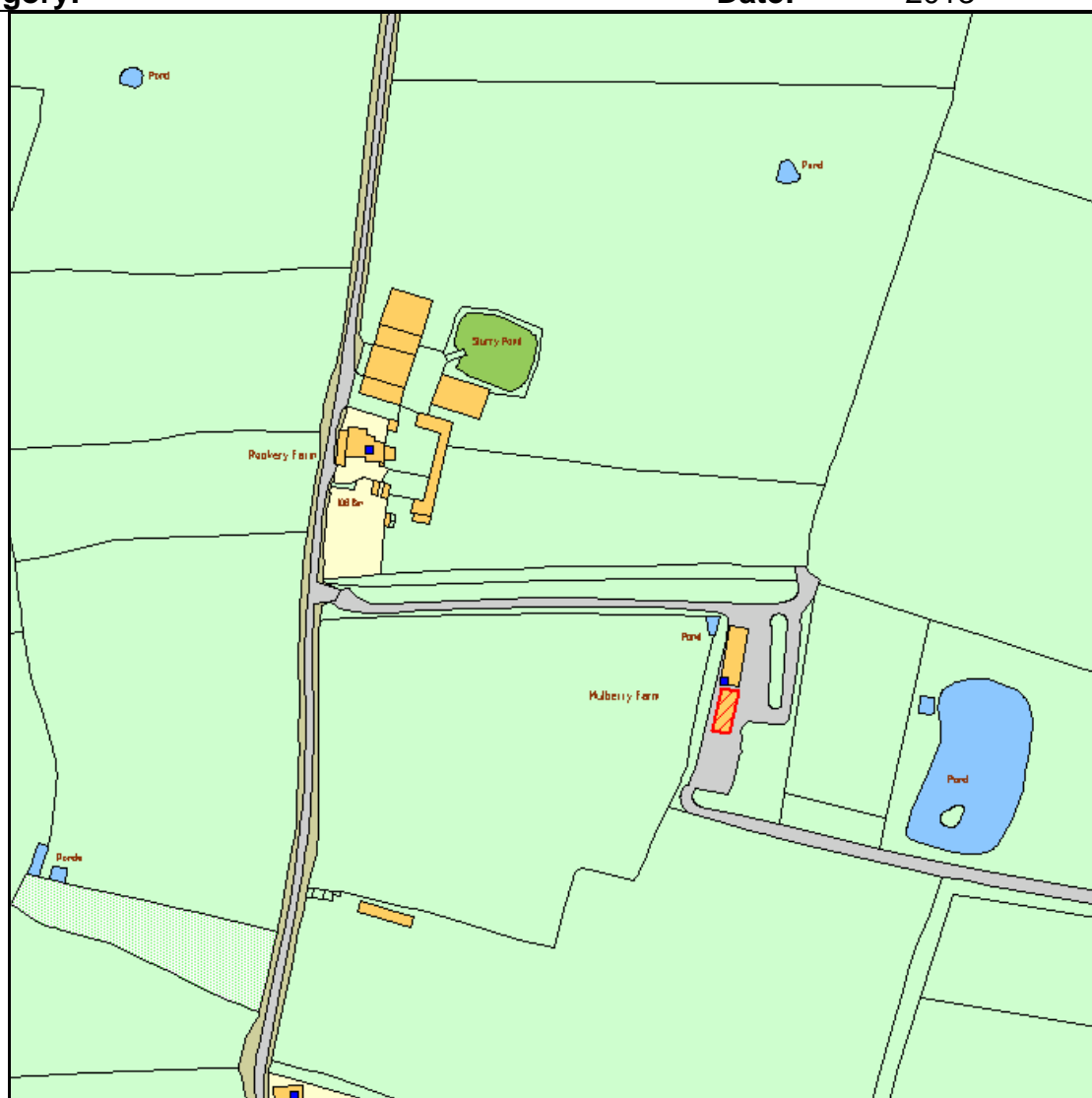
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Management Technical Support Team. If in exceptional circumstances, you are unable to e-mail your request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

CIRCULATED SCHEDULE – 31 MAY 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK12/4187/F	Approve with Conditions	Mulberry Farm Rookery Lane Doynton South Gloucestershire BS30 5TH	Boyd Valley	Doynton Parish Council
2	PK13/0996/F	Approve with Conditions	Burger Van Gallagher Retail Park Aldermoor Way Longwell Green South Gloucestershire BS30 7DA	Longwell Green	Oldland Parish Council
3	PK13/1008/F	Approve with Conditions	Rodway Hill Cottage Rodway Hill Mangotsfield South Gloucestershire BS16 9LJ	Emersons	Mangotsfield Rural Parish Council
4	PK13/1091/CLE	Split decision See D/N	Ten Acre Farm 10 Horton Road Chipping Sodbury South Gloucestershire BS37 6PT	Chipping	Sodbury Town Council
5	PK13/1193/F	Approve with Conditions	82 Gages Road Kingswood South Gloucestershire	Woodstock	None
6	PK13/1452/CLP	Approve with Conditions	6 Teewell Avenue Staple Hill South Gloucestershire	Staple Hill	None
7	PT12/3724/F	Approve with Conditions	H M Prison Leyhill Tortworth Road Tortworth South Gloucestershire GL12 8BT	Charfield	Cromhall Parish Council
8	PT13/1218/F	Approve with Conditions	Land Adj 24 Upper Stone Close Frampton Cotterell South Gloucestershire BS36 2LD	Frampton Cotterell	Frampton Cotterell Parish
9	PT13/1221/F	Approve with Conditions	Brickhouse Farm Old Gloucester Road Winterbourne South Gloucestershire BS36 1RU	Frampton Cotterell	Frampton Cotterell Parish

CIRCULATED SCHEDULE NO. 22/13 – 31 MAY 2013

App No.:	PK12/4187/F	Applicant:	Mr And Mrs F EllisAcer Alpacas
Site:	Mulberry Farm Rookery Lane Doynton Bristol South Gloucestershire	Date Reg:	
Proposal:	Change of use of land for the stationing of 1no. mobile home for use as an agricultural workers dwelling	Parish:	Doynton Parish Council
Map Ref:	371889 175099	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	15th February 2013



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and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PK12/4187/F**

REASON FOR REPORTING TO COMMITTEE/CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The site consists of a 12.10 hectare area of open fields known as Mulberry Farm. The farmstead lies to the east of Rookery Lane, Doynton and is accessed from Rookery Lane via a long agricultural track and existing access. A public Footpath LDN/21 runs parallel to the access track, deviating at the end to cross the open fields. The site lies within the Green Belt near to the western edge of the Cotswolds AONB (490m to the east).

The site comprises a mobile home with terrace used as a single agricultural workers dwellinghouse and a link addition to a large five-bay, steel-framed, mono-pitched barn is located in a yard area at the end of the access track (see PK06/2614/PNA). In addition there are temporary field shelters out in the paddocks for the Alpacas. The mobile home is currently subject to a temporary consent which expires 01.06.2013.

The site is situated outside any settlement boundary or the urban area and within the Bristol/Bath Green Belt as defined in the adopted Local Plan.

- 1.2 The application proposes full planning permission for change of use of land for the stationing of 1no. mobile home for use as an agricultural workers dwelling.

This application follows two previous temporary consents comprising a 3 year consent in 2007 (PK07/2526/TMP) and a further 2 year temporary consent in 2010 (PK10/3073/F). The second consent PK10/3073/F was subject to two conditions which read,

- 1) The mobile home hereby permitted shall be removed on or before 1st April 2013 and the land restored to its former condition by 1st June 2013.

Reason:

To enable the Local Planning Authority to fully re-assess the viability of the alpaca enterprise over the longer term, prior to the mobile home being removed in accordance with Annex A of PPS7.

- 2) The occupation of the mobile home hereby permitted shall be limited to a person solely or mainly breeding alpacas on the site, or widow or widower of such a person, and to any resident dependants.

Reason:

The site is not in an area intended for development and the development has been permitted solely because it is required to accommodate a person working in agriculture or forestry, to accord with Annex A of PPS7.

- 3) The occupation of the mobile home hereby permitted shall be limited to Mr and Mrs Fred Ellis, and any resident dependants and shall be for

a limited period, being the period of 2 years from the date of this decision, or the period during which the premises are occupied by Mr and Mrs Ellis, and any resident dependants, whichever is the shorter.

Reason:

To enable the Local Planning Authority to have the opportunity of exercising control over any subsequent use in the event of the applicant ceasing the use hereby permitted to accord with Annex A of PPS7.

- 4) Any trees or plants shown on the landscaping scheme (Landscape Plan at Mulberry Farm, Rookery Lane, Doynton) approved under planning permission PK07/2526/TMP received 22.11.2007 and the attached Notes to Landscape Plan which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 2 years of the date of this decision, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

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
L2	Cotswolds AONB
L17 & L18	The Water Environment
GB1	Green Belts
EP1	Environmental Pollution
T8	Parking Standards
T12	Transportation Development Control Policy

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

CS1	High Quality Design
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS34	Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 23rd August 2007
Development in the Green Belt SPD (Adopted) June 2007

3. RELEVANT PLANNING HISTORY

3.1 PK06/2614/PNA

Prior notification of the intension to erect an agricultural building for fodder and machinery storage.
No objection 02.10.2006

- | | | |
|-----|---------------|--|
| 3.2 | PK07/2526/TMP | Temporary consent for the stationing of a mobile home.
Temporary Consent 02.11.2007 for three years expiring 02.11.2010 |
| 3.3 | PK10/3073/F | Change of use of land for the stationing of 1no. mobile home for use as an agricultural workers dwelling (for a temporary 2 year period).
Approved 07.04.2011 |

4. **CONSULTATION RESPONSES**

4.1 Doynton Parish Council

Objection for reasons:

- The applicant has not clearly demonstrated a functional need to live on the site.
- A new dwelling in the countryside should be accepted only if it is essential for the operation of a profitable and financially sound enterprise.
- The 2010 temporary consent made clear that at that time the business did not meet the required financial test for a permanent agricultural dwelling
- Any financial records if submitted are confidential and as such the Parish Council are unable to comment on this matter.
- Other dwellings in the locality have been rejected as they are more than £175,000 in price. The test in PPS7 does not refer to price.
- If the enterprise requires someone to live close to the site then the financial plan should factor in this true cost in terms of assessing viability.
- Other local dwellings have been rejected as they do not meet the family needs. This is not consistent with the advice in clause 9 of Annex A, PPS7, which focuses on the importance of the requirements of the enterprise rather than the occupiers.

4.2 Other Consultees [including internal consultees of the Council]

Sustainable Transport – No objection, subject to the dwelling be required for an agricultural business.

Landscape Officer – No objection

Rights of Way Officer – The proposal is acceptable provided the planned diversion order is pursued. Otherwise there would be an adverse impact on Right of Way LDN20.

Area Land Agent GCC Rural Team – The applicant has demonstrated that the business is viable. However, new guidance indicates that alpacas are hardy animals and provision of security measures can ensure that the business can be operated without a full time employee being stationed permanently on site. There is no functional need for a permanent dwelling on the site.

Rights of Way Officer – The RoW which runs through the site has been diverted following provision of a pond through the original route. The new route was subject of a diversion order which has now been approved. No objection.

Other Representations

4.3 Third party representations received

15 Letters received in support of the application from Pure Alpacas; Rookery Farm; Inca Alpacas Ltd.; Collins Farm; Court Farm; Pineleigh; Uplands Farm; Alpha Alpacas; The Old Chapel; Rosendale; Ashwood Farm; The Old Wagon House; 3 x unnamed addresses; raising the following points:

Functional Need and full time worker:

- Alpacas must be observed at all times during mating
- Rearing of cria requires constant supervision
- Alpacas can become sick very quickly and without any warning signs
- Drinking can often take place at night only which requires supervision
- Alpacas can breed all year round and have a lengthy and varied gestation period.
- Post natal care and observation for Cria is essential for their survival.
- Cria are inquisitive and should be constantly supervised
- Theft of alpaca and cria is not uncommon
- Alpacas have been shot by rogue deer hunters
- Dog attacks to alpaca herds are not uncommon and the animals are easily susceptible to stress
- There have been arson attacks in the area recently and equipment has been stolen from local farms

Other reasons:

- The applicants have farmed in the local area for decades and this follows on from previous generations.
- Farming families like this are crucial to the future survival of villages like Doynton
- The applicant has put a great deal of time and effort into building up the business
- The dwelling is well hidden from public views
- The applicant has contributed significantly to the industry writing articles and organising events
- The herd is of excellent quality and the applicant has won many awards
- The applicant has improved the quality of the farm site and improved ecological diversity since farming the land.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site is located within the open countryside. Policy H3 of the South Gloucestershire Local Plan allows for the erection of permanent dwellings for agricultural purposes. Furthermore paragraph 55 of the National planning Policy Framework states that new isolated homes in the countryside should be avoided unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Whilst the National Planning Policy Framework has replaced the planning policy statements, the methodology previously contained in annex A to PPS7 is still considered an appropriate way to assess the proposal. Circular 11/95 also refers to situations where in the open countryside, there may be circumstances where permission is granted to allow a dwelling to be built to accommodate an agricultural or forestry worker on a site where residential development would not normally be permitted. In these circumstances, a condition could be imposed to ensure that the dwellings are kept available for meeting this need.

It is considered that the 'essential' need referred to in paragraph 55 of the NPPF broadly relates to the functional test previously contained in Annex A of PPS7; whereas the need to establish a 'permanent' need also mentioned in the NPPF broadly equates to the need to establish a long term financial basis for the enterprise.

At this stage the South Gloucestershire Core Strategy 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 Background and History

The Ellis family have farmed land in the vicinity for many years. The applicant in the past rented land from the family and operated an arable business. As arable farming became less profitable Mr Ellis and his wife looked into other enterprises, and in 2003 the decision was made to give up most of the land and purchase a block of 30 acres or so from the family which they have called Mulberry Farm and start an Alpaca enterprise.

The applicants initially purchased five female Huayca alpacas in 2005. Temporary consent was granted in 2007 (PK07/2526/TMP) to enable them to build up the Alpaca breeding business.

Over the past 6 years the Applicants have expended their herd through selective breeding and now have a high quality and award winning herd. In 2010 the applicants applied to permanently retain the mobile home (PK10/3073/F). Instead they were granted a further two year period, as

the enterprise fell short of justifying a full time presence on site. This was granted on 7th April 2011 with an end date of 1st June 2013.

5.3 The Enterprise

From the original five female Alpacas purchased in 2005, the original prediction, which was the basis on which the temporary home permission was originally granted in 2007, was that by 2010 the number of breeding females would have reached 30 animals that they would be selling castrated males from about 2008 and sales of females would start in 2010.

The Ellis's did suffer a few losses which did not help the situation. However despite still falling well short of their predicted position even now in 2013 they have produced some exceptional animals which have gained them much acclaim in the Alpaca world and continue to gain notable awards for individual animals and fleeces at various shows.

The applicants as at the date of the last inspection had 18 pregnant females ranging from average though to top quality due to give birth this spring, and half shares in 4 home bred Acer Stud Males, plus other males and youngstock.

Normal practice would be to keep the best female progeny to build the quality using top studs from other herds. Some of the other females could be sold pregnant to quality studs to other breeders and average males as grazing pets. Other income comes from stud fees and sales of fleeces and fleece products.

Even in what is a depressed Alpaca market, average breeding females will still make £2,000 with top quality achieving in excess of £5,000. A regular number of annual sales of females is the mainstay of viability for a small Alpaca business to succeed.

In 2011 the applicants had yet still to sell any stock as they were still trying to build their way up to a larger number of females and they were still hoping to breed a stud male that could which would go on to command stud fees for the business.

They are now at last selling females and surplus males and have also produced some quality males which are commanding stud fees of £200 to £400 a time from their Acer stud males.

From a practical point of view the females would normally go to stud in the early summer and give birth to their crias about 11 months later in the spring.

Mr Ellis is carries out the majority of the work associated with the Alpaca enterprise whilst Mrs Ellis is a part-time school teacher and helps out whenever she can.

5.4 Viability of the business

The initial 3 year temporary consent in 2007 under PK07/2526/TMP was given for the applicant to demonstrate whether the business could realise sufficient profit to support the agricultural worker on site. In 2010 this temporary consent was extended by a further 2 years. The additional 2 years was given as the enterprise was seen to be developing and the herd was of exceptional quality demonstrating the applicant's unquestioned ability and knowledge in this specialist field of agriculture. The applicant was still developing his business skills but there were clear signs that it would develop into a viable enterprise given a further 2 years.

The Council's specialist adviser viewed copies of unaudited accounts for years 01/10/10 to 30/09/2011 and 01/10/2011 to 30/09/2012 together with copies of the invoices as confirmation of sales. Officers have no reason to question the figures. The figures demonstrate that the last trading profit exceeded the minimum agricultural wage and a profit was made the year previously. The specialist adviser considered the viability of the enterprise as follows,

Although the specialist world of Alpacas is without doubt a more difficult arena to maintain a viable business in than before, and I have doubts as to the longer viability of these smaller Alpaca units, I think that sufficient case has been made in this instance to qualify under the financial test.

It is considered that the additional two years have focussed the applicant towards turning the business into a profitable enterprise. The enterprise is clearly a viable business rather than a hobby. It is considered that the applicant has demonstrated the business is viable in line with the requirements of condition 1 attached to the current temporary consent PK10/3073/F.

5.5 Essential need

Officers consider the majority of day-to-day activities for livestock farming would normally be referred to as routine and would not necessarily require somebody to be living on site. In other words a lot of the desire to live on site with a livestock enterprise is down to convenience as opposed to being essential.

Alpacas although hardy animals are sensitive to disturbance. Pregnant females have been known to lose/re-absorb the unborn cria, and this can be associated with stress. It is therefore important to keep Alpacas fenced away from potential situations such as walkers and their dogs. This has been one of the reasons put forward as justification to be based on site however provided the fencing is adequate it is considered that the chances of such occurrences are likely to be greatly minimised.

Birthing is a period where there may well be reason to be on hand outside of normal agricultural working hours although Alpacas frequently give birth in the morning. Even taking into account that the actual birth can vary up to 3 weeks either side of the predicted birth date it would still be considered feasible to have all the pregnant females giving birth within a two month window. During this time regular close observation is essential and it maybe considered prudent to stay on during the night time on

occasions so that an experienced person is on hand for an imminent birth and to make sure that the newly born Cria is healthy etc. In this case a touring caravan can be ideal to provide some comfort during that period.

The specialist advice Officers have received from Gloucestershire County Council Rural Team in relation to establishing the functional need for a dwelling on site related to this application has changed since the previous temporary consent was given firstly for 3 years under PK07/2526/TMP and then for a further 2 years under PK10/3073/F. The need to live on site when running an Alpaca farm has been well debated including at recent appeals and specialist views have changed as time has gone on as more Alpaca units have emerged across Britain. Planning Inspectorate Case Law and Practice Guide Note 7 (April 2013) directs Planning Inspectors to reach their own judgement on the basis of the expert evidence put to them in the particular case.

The specialist advice we have received reads as follows,

Over time my view has altered with regard the functional need for there to be somebody permanently based on site in association with an Alpaca breeding enterprise, since it is at most a seasonal requirement to be available out of normal working hours.

Officers accept that around birth and the first few hours of a Cria's life is when there might be a requirement for emergency action during the night time/early hours although Alpacas tend to give birth during the daytime. In addition it is fully understood that it can be difficult to accurately predict the birth date for Alpacas however with the number of females involved it should be possible to get them in Cria so that all the birthing should largely take place within an organised and managed period. It is considered that outside this period the workload would largely be routine and there may well be no issues arising that would require emergency action outside working hours.

Additionally, if provision of external fencing similar to deer fencing specification is provided then any intrusion from, say, dogs should be eliminated.

The specialist advice received, indicating there to be no functional need to live on the site should carry significant weight having been undertaken by a specialist agricultural consultant. However, the applicant has received consent under two separate planning decisions for authorised residential occupation of the site, within the mobile home, since 02.11.2007, a period of in excess of 5 years. The two temporary consents were given in order for the applicant to demonstrate that the business is financially viable and not to assess the functional need for full time occupation. In the Officer report attached to the original 2007 temporary consent in terms of functional need, based on specialist advice at that time the Officer asserted,

Alpacas, although hardy animals, are extremely sensitive to disturbance and females are prone to losing their unborn cria under stress. Dogs are a good example, which is a possibility here with a

footpath going through the land. Until such time as a fibre industry is built-up, the Alpaca business relies almost entirely on what is still a very valuable progeny, and it would mean that it would be a risky business to build up and sustain a viable Alpaca unit without living on site. If the business intends to develop as is proposed then it would be essential for there to be somebody based within sight and sound of the Alpacas themselves.

Further, in report related to the 2010 temporary consent the Officer responded,

As the main income is through the production of quality animals it is considered that it would be very difficult to run a viable Alpaca unit without somebody living on site.

The functional need is therefore considered to be established through consideration of the two previous applications.

In the period since the 2010 approval, industry opinion does seem to have changed as to what level of care Alpacas actually require. This could certainly feature in new enterprises coming forward, but in this specific case, it is considered that to take an opposing view in terms of functional need to the previous decisions would be unreasonable. Taking this into account greater weight in this case is given to this planning history, than the specialist view in terms of functional need. As such consideration should be whether the temporary period allowed has demonstrated whether that need is a permanent one or not. In order to assess this, the viability of the scheme must be considered.

5.6 Full Time Worker

The specialist advice received considers the need for a full time worker as follows,

When an Alpaca business reaches a certain scale and when taking into account all the husbandry and preparation etc then it would require a qualified person on a fulltime basis.

There are no readily available standard labour requirement figures for Alpacas but nevertheless it would be deemed essential as part of the application to undertake an analysis of sorts to demonstrate the labour requirement in this case.

The latest report from David James which accompanies the application simply lists duties associated with an Alpaca enterprise but does not quantify the amount of time involved.

In other words a case has not been made this enterprise justifies a full time worker.

The 2010 consent included a condition approving the scheme for a temporary period, as stated in par.1.2 above. The reason for the condition was 'to enable the Local Planning Authority to fully re-assess the viability of the alpaca enterprise over the longer term, prior to the

mobile home being removed' and not to assess whether a full time employee is required.

Additionally, the two previous applications were assessed against the advice contained within Annexe A of PPS7. Since March 2012, PPS7 has been replaced with the NPPF and whilst the Annexe A tests continue to be taken into account in determination of this type of application, there is now no explicit requirement that they be applied or met. The current advice in the NPPF advises in par.55 that a dwelling of this type should only be accepted in the countryside where, there is an,
'essential need for a rural worker to live permanently at or near their place of work in the countryside.'

The specific matter of the need for a full time worker on site is not stated. The previous assessment through Annexe A of PPS7 required functional need, full time worker and viability to be demonstrated individually. The new advice does not give this specific checklist. On the basis that the functional need is established through the planning history and that the business is now considered to be viable, it would be difficult to justify that the proposal is unacceptable on the basis of not demonstrating a full time employee is required alone. A number of Alpaca specialists have also put forward well reasoned views why a full time employee would be required for this business.

Further, the NPPF gives positive support to economic growth in rural areas, including the development of agricultural and other land-based businesses. The family are very well established within the local farming community having farmed land in the area for generations. There is no evidence to suggest that the applicant does not intend continue with and expand this rural enterprise for the long term. The retention of the dwelling on site would help to facilitate the future successful development of this agricultural enterprise.

5.7 Other dwellings

The tests within Annexe A of PPS7 includes the need to assess whether there are other dwellings within the site or locally which are suitable and available for occupation by the workers concerned. As indicated above, there is now no explicit requirement that tests within PPS7 be applied or met. The Council's specialist adviser states,
A dwelling in the locality whether rented or purchased would be adequate to serve this business.

Certainly, rented accommodation is available in Doynton, although freehold prices are very high. However, houses for rent and sale are available in Pucklechurch which is approximately 5 mins drive from the site. However, it is considered that the functional and viability tests (the essential need test in the NPPF) have been met which carries significant weight. Additionally, the 'other dwellings' test in PPS7 is no longer explicitly required. On this basis it is considered that although there could be other dwellings which are suitable and available in the area. This consideration is outweighed by the functional need and viability of the business.

Considering all of the above matters, there is on balance considered to be an overall essential need for the mobile home on a permanent basis. The mobile home is required only for the existing business and the business is specific to the applicant and his family. It is therefore important to retain control over the future and continued stationing of the mobile home such that once the business is no longer in operation or the applicant and family are no longer in occupation on the site, the mobile home should be removed or a fresh case made for its retention. Suitably worded conditions are therefore recommended to ensure this is achieved.

5.8 Green Belt

Accounting for all of the above considerations the proposal is considered to represent a building required for agricultural purposes and as such the development falls within the limited categories of what is considered to be appropriate development within the Green Belt. The proposal is considered to be well integrated into the landscape, which softens the impact of the scheme from public views. The proposal would clearly result in an impact on the openness of the Green Belt with the site originally being an open field and now occupied by a mobile home, but considering the appropriateness of the development within the Green Belt, the size and scale being modest and acceptable in relation to the functional needs of the farm business, the mobile home is not a building and the limited impact in relation to visual amenity, the proposal is considered to accord with the principles and aims of policy GB1 of the adopted Local Plan.

5.9 Visual impact and public Right of Way

AONB:

The site is located on a prominent ridgeline that makes it visible from the AONB to the east and the site is sufficiently close to the boundary to be considered within the setting of the AONB. There has been tree and hedgerow planting on the site as approved under the 2007 decision and this has over time combined with existing vegetation and diminished the views from the AONB.

Visual amenity:

The site has improved visually since temporary consent was given in 2007. The mobile home has been fully clad and now has a more pleasing external appearance. The materials and colour of the mobile home also aid assimilation into the landscape. The mobile home relates well to the other buildings in the farm unit which are tightly clustered together.

On the basis that a building is acceptable here in principle, the development is considered to respect the character distinctiveness and amenity of the surrounding area and the setting of the Cotswolds AONB. As such it is considered that the design of the proposal accords with the criteria of Policy D1 and L2.

Right of Way (RoW):

Right of Way LDN20 runs through the holding running from west to east on the north side of the access track into the site from Rookery Lane. The

route of the RoW originally ran in a more diagonal path through the site. A large pond was built in recent years within the holding over the original route of the path. The applicant has worked with the Rights of Way Officer to make a diversion order. It was considered that a straighter route would be more sensible as this was the natural route being taken by walkers anyway. The diversion order was recently approved. Now that the Order has been approved, the Rights of Way Officer has withdrawn their original objection.

5.10 Other issues

The mobile home is accepted as relating directly to an agricultural business on site. On this basis the proposal is considered to represent a sustainable form of development which would result in less vehicle movements than would be expected if the applicant lived away from the site. The proposal is considered to be acceptable in highway safety terms.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report. A summary of reasons for granting planning permission in accordance with Article 31 of the Town and Country Planning (Development Management Procedure) Order 2010 is given below:
- a) It has been demonstrated that the business is profitable and as such it is proven that the business has been established for 3 years. The stock which has been built up by the applicant is of exceptional quality and is likely to result in a continued profitable business in the future. There are no other dwellings in the immediate vicinity that would be available to the applicant or buildings, which can be converted to dwelling without harming the viability of the business. The planning history has established a functional need for the dwelling. As such there is considered to be an essential need for the mobile home related to the rural business.
 - b) As the principle of development here is established, It has been assessed that the mobile home is designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the surrounding area, the setting and natural beauty of the AONB landscape. The development therefore accords to Policy D1, L2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
 - c) The proposal is considered to represent appropriate development in the green belt and although there would be an impact on openness,

considering the appropriateness of the development within the Green Belt and the limited impact in relation to visual amenity, the proposal is considered to accord with the principles and aims of policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- d) The proposal would use an existing access and would provide adequate visibility for access and egress of vehicles related to the site. The proposal therefore accords to Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

1. The occupation of the mobile home hereby permitted shall be limited to a person solely or mainly breeding alpacas on the site, or widow or widower of such a person, and to any resident dependants.

Reason:

The site is not in an area intended for development and the development has been permitted solely because it is required to accommodate a person working in a viable agriculture or forestry business, to accord with the NPPF.

2. The occupation of the mobile home hereby permitted shall be limited to Mr and Mrs Fred Ellis, and any resident dependants and shall be for the period during which the premises are occupied by Mr and Mrs Ellis, and any resident dependants. The mobile home shall be removed within 3 months following the occupation by Mr and Mrs Fred Ellis, and any resident dependants ceasing and the land restored to its former condition in accordance with a scheme of work to be first submitted to and approved by the Local Planning Authority.

Reason:

The development is justified only as it is related directly to the agricultural business on site which the applicant has been demonstrated to be viable. It is essential that the mobile home is removed once there is no longer justification for the business in the interest of protecting the intrinsic character and beauty of the countryside to accord with Policy H3 of the adopted South Gloucestershire Local Plan (2006) and the NPPF.

CIRCULATED SCHEDULE NO. 22/13 - 31 MAY 2013

App No.:	PK13/0996/F	Applicant:	Mr Jamie Pearson
Site:	Burger Van Gallagher Retail Park Aldermoor Way Longwell Green Bristol	Date Reg:	17th April 2013
Proposal:	Change of Use of land for siting of snack van and associated works (Retrospective)	Parish:	Oldland Parish Council
Map Ref:	365238 171874	Ward:	Longwell Green
Application Category:	Minor	Target Date:	7th June 2013



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PK13/0996/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of objection from Oldland Parish Council

1. THE PROPOSAL

- 1.1 The applicant seeks a retrospective planning permission for the change of use of land for siting of snack van and associated works at Gallagher Retail Park Aldermoor Way, Longwell Green.
- 1.2 The snack van is sited to the south side of the car park of Gallagher Retail Park, just outside a DIY superstore.

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
 - T8 Parking Standards
 - T12 Transportation Development Control Policy
 - RT5 Proposals for Out of Centre and Edge of Centre Retail Development
 - RT6 Proposals for Retail Development at Cribbs Causeway, Longwell Green and Filton Abbey Wood Retail Parks
South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications October 2012
 - CS1 High Quality Design
 - CS5 Location of Development
 - CS14 Town Centres and Retail
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/2027/F Erection of builder's yard canopy, new exit pod, goods handling pod and greenhouse and associated works. Approved
- 3.2 PK04/3849/F Erection of an open sided fabric canopy within the external garden centre (retrospective). Approved.

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council

The Parish Council objects to this application on grounds on inappropriate development.

4.2 Other Consultees

Highway Officer: No objection subject to a one year temporary planning permission.

4.3 Highway Drainage: No comment.

Other Representations

4.4 Local Residents

No comments were received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

As stated in the NPPF the government attaches great importance to the design of the built environment, citing good design as a key aspect of sustainable development and thereby positively contributing to making places better for people. Development should function well and add to the overall quality of the area, creating attractive and comfortable places to live, work and visit. Furthermore development should respond to local character and history and reflect the identity of local surroundings and materials and create safe and accessible environments.

The proposal is for the siting of a mobile snack van within the parking area of Longwell Green Retail Park.

Policy RT5 and RT6 of the South Gloucestershire Plan (adopted) January 2006 are relevant to this application in that the site is located within the Longwell Green Retail Park. However, the proposed development does not affect the existing retail floor space, rather it is a small scale facility providing hot food takeaway within the locality and it would not change the retail character of the Retail Park. On this basis, it is considered that the proposed development would not conflict with the scope of the South Gloucestershire Retail Policy

The main issues to consider are the appearance of the proposal and the impact on the character of the area (Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006), residential amenity (Policy EP1 of the Local Plan) and highway safety (Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006).

5.1 Design

Parish Council raise an objection to the proposal, considering it to be inappropriate development.

The applicant seeks retrospective planning permission to site a mobile snack van within the parking area of the retail park, officers also noted that there are few chairs and tables outside the van. The proposed floor space is approximately 11.5 metres square metres. The snack van provides hot-food

takeaways. Whilst officers acknowledge that the van is situated within a designed retail park, it is considered that the snack van itself would not cause significant harm to the character and appearance of the locality due to its modest scale and discreet location. Nevertheless, officers consider that the seating area would have an adverse impact upon the appearance of the locality if the seating area is permanently provided on site. A planning condition is therefore imposed to ensure that no permanent seating area will be kept on site.

Subject to the suggested condition, the proposal would therefore meet Policy D1 of the adopted Local Plan.

5.3 Environment / Residential Amenity

The snack van is situated within a car park of a large retail park, there are no residential properties within the locality. The nearest residential property would be approximately 100 metres to the south of the application site. It is therefore considered that the proposal would not cause any impact upon the residential amenity.

The proposal would therefore meet Policy EP1 of the adopted Local Plan.

5.4 Transportation

The proposal includes the positioning of a mobile van/trailer and some chairs and tables all located within the existing (Gallagher Retail Parking) car park. If allowed, the proposal would clearly result in some reduction in the available customers parking for the existing retail park. However, having visited the site, Officers are satisfied that the proposal would remain adequate parking spaces to serve the customers of this retail park. Additionally, Officers are satisfied with the position of the burger van would not impact road safety as it is located away from the existing (adopted) public highway.

Officers consider that it would be appropriate to impose a temporary planning permission for one year in order to allow officers to monitor the use of the site and to ensure the site will be restored to the original use as parking spaces.

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 decision to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report for the following reasons:

The development is of an acceptable standard of design and would not adversely affect the character and the visual amenity of the area and in accordance with Policy D1 of the South Gloucestershire Local Plan (adopted) January 2006.

Given the nature and the location of the proposal, it is considered that the proposal would not cause an adverse impact upon the residential amenity of the neighbouring properties and in accordance with Policy EP1 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal would not adversely affect the public highway safety and in accordance with Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. The use hereby permitted shall be discontinued and the land restored to its original condition on or before 7 June 2014.

Reason

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

2. Notwithstanding the submitted details, there shall be no permanent seating area outside the snack van hereby approved.

Reason

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

CIRCULATED SCHEDULE NO. 22/13 – 31 MAY 2013

App No.:	PK13/1008/F	Applicant:	Mrs R L Piggot
Site:	Rodway Hill Cottage Rodway Hill Mangotsfield Bristol South Gloucestershire	Date Reg:	2nd April 2013
Proposal:	Erection of 1no. detached dwelling and garage with access and associated works.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366673 175412	Ward:	Emersons Green
Application Category:	Minor	Target Date:	22nd May 2013



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PK13/1008/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from Mangotsfield Parish Council, the concern raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a plot of Council owned land lying adjacent to Rodway Hill Cottage, which is a two-storey dwelling (Circa. Late 18th C/ early 19th C). The plot has for some years been informally incorporated into the garden area associated with the 'cottage'. Until recently a rubble stone outbuilding was located within the eastern part of the 'cottage' garden but this has now been demolished. The overall site is 0.145ha in area and lies within a hollow, enclosed to the north and east by an embankment adjoining the A4174 Rodway Hill Road; to the west by a generally wooded area and to the south by the Yate spur of the Bristol and Bath Railway Path (Cycle Path) which lies within a wooded corridor. The 'cottage' lies on a raised portion of the sloping site in the north-western corner, overlooking the landscaped garden and hard-standings to the rear. Vehicular access was, until recently, via a narrow driveway that sloped steeply down from Rodway Hill and behind the former outbuilding. This access has now been stopped up and a new access installed to the western side of the cottage, as approved under PK09/0690/F. The site is for most part enclosed by existing natural stone boundary walls and high vegetation. Since PK09/0690/F was approved, the site has been cleared and some ground works carried out to the embankment adjoining Rodway Hill and a stone fronted wall erected adjacent to Rodway Hill Road, with further retaining walls within the site; fences have been erected to the front and side of the cottage; a section of fence erected next to the cycle path; and a 'garden room' and other outbuilding erected next to the cottage. Two dwellings, approved under PK12/0407/F are now in the process of being constructed on former garden land and the site of the old outbuilding to the south and east of the 'cottage'.
- 1.2 The site lies on the far eastern edge of the Urban Area as defined in the South Gloucestershire Local Plan (Adopted) 6th January 2006 and on the eastern perimeter of Rodway Common. To the north, on the opposite side of Rodway Hill Road, the land slopes steeply upwards to Pomphrey Hill, which has been landscaped and laid out to playing fields; this land lies within the designated Green Belt and is accessible to the public. The application site also lies adjacent to the Rodway Common Site of Nature Conservation Interest (SNCI).
- 1.3 An outline application PK07/1906/O for the demolition of the former outbuilding and single-storey extension, to existing dwelling, to facilitate the erection of a two-storey extension and erection of 4 no. dwellings and garages (Outline), with layout and means of access to be determined, was refused for the reasons listed in paragraph 3.3 below; a subsequent appeal was dismissed. That application however did not include the development plot the subject of the current proposal.

- 1.4 Application PK09/0690/F was approved, for the conversion and extension of the then existing stone outbuilding, to form a single detached 4no. bedroom house, and the formation of a new access and private driveway in part of the garden to Rodway Hill Cottage. The proposed conversion incorporated the erection of a large two-storey extension to the rear of the outbuilding. Permission PK08/1329/F was also granted for a 2-storey extension to Rodway Hill Cottage. A subsequent application PK10/0110/F for the erection of a dwelling and double garage was refused for the reasons listed at para. 3.8 below. A later application PK10/1476/F overcame those refusal reasons and was designed in close consultation with officers.
- 1.5 That last approval was superseded by PK12/0407/F, which granted consent for the erection two large 4 bedroom, detached dwellings and associated double garages, within the garden of the cottage, utilising the previously approved access from Rodway Hill. Again, this scheme did not include the development plot the subject of the current proposal.
- 1.6 It is now proposed to erect a third house and garage, this time on the Council owned land to the south-west of the 'cottage'. The house would be located on the lowest part of the site in the south-western corner, to the west of the access drive. It is understood that sale of the land to the applicant is pending.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework 27 March 2012

Policy 4 - Promoting Sustainable Transport.

Policy 6 - Delivering a wide choice of high quality homes.

Policy 7 - Requiring good design.

Policy 9 - Protecting Green Belt Land

Policy 11 - Conserving and enhancing the natural environment.

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) 6th January 2006

D1 - Design

GB1 - Development within the Green Belt

H1 - Proposed Sites for New Residential Development and Mixed Use Schemes including Residential Development.

H2 - Proposals for Residential Development within the Existing Urban Areas

H4 - Development within Existing Residential Curtilages including Extensions and New Dwellings

H6 - Affordable Housing

L1 - Landscape Protection and Enhancement

L5 - Open Areas within existing Urban Areas and Defined Settlements

L7 - SNCI

L9 - Species Protection

L11 - Archaeology

L17 & L18 - The Water Environment

EP1 - Environmental Pollution

EP2 - Flood Risk and Development
EP4 - Noise Sensitive Development
EP7 - Unstable Land
LC2 - Provision of Education Facilities (Site Allocations and Developer Contributions)
LC12 - Recreational Routes
T7 - Cycle Parking Provision
T8 - Parking
T12 - Transportation

Emerging Plan

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

CS1 - High Quality Design
CS5 - Location of Development
CS9 - Environmental Resources & Built Heritage
CS15 - Distribution of Housing
CS16 - Housing Density
CS17 - Housing Diversity

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) Adopted 23rd Aug. 2007.

South Gloucestershire Landscape Character Assessment (SPD) Adopted August 2005 - Area 12 Westerleigh Vale and Oldland Ridge

Trees on Development Sites (Adopted) November 2005.

Development in The Green Belt (SPD) Adopted June 2007

South Gloucestershire Residential Parking Standards Approved for development management purposes 27 March 2013.

3. **RELEVANT PLANNING HISTORY**

3.1 P74/4151 - Change of Use of existing Coach House to Residential Unit. Refused 11th July 1974 for the following reasons:

- Inappropriate to neighbouring Green Belt
- Result in sporadic development
- Inadequate access and turning facilities.
- Site could be affected by proposed 'loop road'.

3.2 PK07/0141/O - Demolition of existing dwelling to facilitate the erection of 5no. dwellings and garages (Outline) with layout and means of access to be determined.

Withdrawn 19th March 2007 due to officer concerns.

3.3 PK07/1906/O - Demolition of outbuilding and single storey extension to existing dwelling to facilitate the erection of two-storey extension and erection of 4 no. dwellings and garages (Outline) with layout and means of access to be determined.

Refused 26th October 2007 for reasons of:-

1. The urban character of development would adversely affect the contribution that the site makes to the quality, character, amenity, and distinctiveness of the locality and landscape.
2. Loss or damage to an area of land designated as the Rodway Common SNCI with no mitigating measures proposed.
3. Overdevelopment of the site with inadequate private amenity space to the detriment of residential amenity of future occupiers.

Appeal APP/P0119/A/07/2057559 - Dismissed 11th February 2008 on grounds of harmful impact on the character and appearance of the area contrary to Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

- 3.4 PK08/1167/F - Erection of 2no detached dwellings and 2no detached double garages with first floor storage areas, access and associated works.
Refused 16th June 2008 for the following reason:
 1. The urban character of development would adversely affect the contribution that the site makes to the quality, character, amenity, and distinctiveness of the locality and landscape.
- 3.5 PK08/1329/F - Erection of two-storey side extension and conservatory to provide additional living accommodation. Construction of decking area to form terrace with double garage below.
Approved 3rd July 2008
- 3.6 PK09/0228/F - Conversion of barn and erection of single storey linked extension to form 1no. dwelling with new access and associated works.
Refusal 23rd March 2009 for the following reasons:
 1. The urban character of development would adversely affect the contribution that the site makes to the quality, character, amenity, and distinctiveness of the locality and landscape.
 2. Inappropriate design and excessive scale of extension and means of converting outbuilding would fail to respect the character and heritage features of the outbuilding or the character, distinctiveness or amenity of the site.
- 3.7 PK09/0690/F - Conversion of barn and erection of two-storey extension to form 1no. dwelling with new access and associated works (Resubmission of PK09/0228/F)
Approved 8th June 2009
- 3.8 PK10/0110/F - Erection of 1no. detached dwelling with detached double garage and associated works.
Refused 15th March 2010 for the following reasons:
 1. The proposed scheme, by reason of inappropriate urban character of design, excessive scale of the garage and loss of the historic outbuilding, would fail to respect the character, distinctiveness or amenity of the site; character of the existing property or landscape in general; contrary to Policies D1, L1 and H4 of the South Gloucestershire Local Plan

(Adopted) 6th Jan 2006 or guidance contained within the South Gloucestershire Design Check List SPD (Adopted) 23rd Aug 2007.

2. The position and excessive scale of the proposed garage would adversely affect the visual amenity of the nearby Bristol/Bath Green Belt and adversely affect views from the adjacent Cycle path to the Green Belt, contrary to Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the guidance given in PPG2 - 'Green Belts'.
 3. Insufficient information has been submitted to adequately assess the impact of the proposal on the existing trees within and adjacent to the site; contrary to Policy L1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
- 3.9 PK10/1476/F - Erection of 1no. detached dwelling with detached double garage and associated works.
Approved 24 Sept. 2010
- 3.10 PK12/0407/F - Erection of 2no. detached dwellings and garages.
Approved 29th March 2012

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
Strong objection: this is over development of the site with inadequate private amenity space.
- 4.2 Other Consultees
- 4.3 Sustainable Transport
The old and dangerous access has now been permanently closed and a new site access created in a new position. The new access meets highway requirements for visibility standards and it is located in a safer location compared to the old access. There are no highway objections subject to a planning condition for the provision of parking facilities and turning area for the existing dwelling as well as the new dwellings.
- 4.4 PROW
No response.
- 4.5 Drainage
No objection subject to the prior submission and approval of a SUDS Drainage Scheme.
- 4.6 Ecology
There are no ecological constraints to granting planning permission.
- 4.7 Tree Officer
An arboricultural report has been submitted. Subject to the development being carried out in full accordance with the report, there are no objections.

- 4.9 The Coal Authority
No objection.

Other Representations

- 4.10 Local Residents
No responses received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

- 5.2 The South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept. 2012 has now been through its Examination in Public (EiP) stage; the Inspector has given his preliminary findings and stated that the Core Strategy is sound subject to some modifications. The policies therein, although a material consideration, are not yet adopted and can therefore still only be afforded limited weight.

- 5.3 The site is within the Existing Urban Area as defined in the South Gloucestershire Local Plan (Adopted) 6th January 2006. It is acknowledged that there is a need for new housing in South Gloucestershire and that there is currently a shortfall in allocated housing sites being brought forward within the required Local Plan timescales. However the National Planning Policy Framework para.48 states that whilst Local Planning Authorities may make allowance for windfall sites in the five-year supply they should not include residential gardens. The NPPF also states at para. 53 that Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens.

- 5.4 The proposal falls within the residential curtilage of Rodway Hill Cottage and therefore falls to be determined under Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th January 2006. Development within existing residential curtilages, including extensions to existing dwellings and new dwellings, will only be permitted where they:

- A. Respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area; and
- B. Would not prejudice the amenities of nearby occupiers; and

- C. Would not prejudice highway safety or the retention of an acceptable level of parking provision, and an acceptable level of parking provision is provided for any new separately occupied dwelling; and
- D. Would not prejudice the retention of adequate private amenity space, and adequate private amenity space is provided for any new separately occupied dwelling.

5.5 The supporting text to Policy H4 at para. 8.176 states that Policy H2 sets out the circumstances where new dwellings, including those within the curtilage of existing dwellings, might be acceptable within the urban area. Policy H2 is therefore also relevant and permits the residential development proposed, subject to the following criteria:

- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
- B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
- C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
- D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.

5.6 The national indicative density target of 30 dwellings per hectare was removed prior to the issuing of the NPPF and no longer applies. Officers consider that this site is only suitable for limited development; this matter will be discussed at more length in the following paragraphs. Officers are however satisfied that existing policies within the Local Plan i.e. policies D1, H2, H4 and L5 provide a robust policy framework that require proposals to be assessed for their impact upon the character of the area and that proposals make efficient use of land. Policy H4 permits development within existing residential curtilages subject to criteria similar to H2. Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to secure good quality designs; Policy L5 relates to loss of open space.

5.7 The acceptance of two additional dwellings on this site was previously established with the grant of planning permission PK12/0407/F. Whilst there may be no in-principle objection to the proposed residential development, this would be subject to the criteria contained in Local Plan policies, which are discussed below. A further material consideration, to which officers give considerable weight, is the earlier appeal decision relating to the outline application PK07/1906/O (see para. 3.3 above) and the refusal reasons for applications PK09/0228/F and PK10/0110/F.

5.8 Density

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and seeks to avoid development, which makes an inefficient use of land. The highest density that can be achieved should be attained within the various local considerations that need to be taken into account.

- 5.9 The proposal would take the overall density of residential development on the site to 27.58 dwellings per hectare. Question 16 of the South Gloucestershire Design Checklist (SPD) Adopted 23rd Aug 2007, is related to achieving an appropriate density and asks:

“Is the density of the development appropriate to the accessibility of local services and facilities as well as public transport routes?”

Despite being right on the edge of the Urban Area, the site is in a relatively sustainable location, being close (800m) to the centre of Mangotsfield Village with its shops, services and bus routes; Mangotsfield School is also a short distance away as are the new sporting and recreational facilities at Pomphrey Hill; furthermore the site lies immediately adjacent to the Bristol/Bath Cycle Way. In this respect therefore a density higher than that proposed would normally be expected in this location. Recent residential developments to the south and east of the site certainly achieve higher densities than that proposed. Justification for the lower density with respect to the site’s location in the spatial context is therefore required.

- 5.10 Officers have considered the various constraints on the development of the site, which itself is considered to be anomalous in its physical characteristics. In the first instance development of the site is significantly constrained by the site’s topography, consisting of a hollow, enclosed for most part by steep wooded banks. The previously approved new access and need for a turning facility within the site and the proximity of the existing dwelling are further constraints, as is the proximity of the site to the Green Belt. The landscape character of the site is also considered to be a key feature worthy of retention, the details of which are discussed in the landscape section below. Given this combination of constraints, the scheme is considered to make efficient use of the site.

5.11 Scale and Design

Notwithstanding the requirements of Policy H4 criterion A, Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 requires good standards of design in which, scale and massing are informed by, respect and enhance the character, distinctiveness and amenity of the site; and existing features of heritage or amenity value are safeguarded and enhanced through incorporation into the development.

- 5.12 The proposed new dwelling would be of similar scale and design to those previously approved on the site. The overall height of the building is kept to a minimum to allow accommodation at first floor level. Dormer windows have been incorporated to create the appearance of buildings of traditional rural appearance. The traditional appearance of the building is also reinforced by the use of decorative soffits and fascia boarding, soldier courses to windows etc. to

give a general impression of Victorian 'railway cottages' reflecting the past history of the site and the distinctiveness of Rodway Hill Cottage. The distinctive appearance will further be reinforced by the use of natural stone along the front elevation of the properties with feature brick quoins and stone lintels. All other elevations would be finished predominantly in render.

- 5.13 The proposed design and appearance is informed by, respects and enhances the character, distinctiveness and amenity of both the site and locality. Officers are therefore satisfied that on balance the scheme accords with the requirements of Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.14 Landscape and Green Belt Issues

Officers consider that the scheme is best considered in relation to the site in its entirety. The key issue to consider in the determination of this application is whether or not the proposal would retain the landscape character and appearance of the area. In assessing this issue, officers must consider whether or not the scheme overcomes the previous refusal reasons outlined in the Inspector's appeal decision letter relating to outline application PK07/1906/O. This issue was also re-visited in the refusal of applications PK08/1167/F for the erection of 2no.detached dwellings on this site; application PK09/0228/F, which proposed a large extension to the front of the then outbuilding; and application PK10/0110/F which proposed to demolish the outbuilding and erect a large detached dwelling and double garage.

Impact upon views from the Green Belt

- 5.15 The application site is quite anomalous in its landscape character. This is mainly due to its position on the very edge of the Urban Area, directly opposite the Green Belt land to the north and being almost entirely enclosed by wooded slopes to the north, east and west, and to the south by the wooded corridor of the Bristol/Bath Cycle Path, which runs immediately adjacent to the site along the former railway line. The site makes a significant contribution to the sylvan and semi-rural character of the immediate landscape. The site's character is best appreciated when approached from the west along Rodway Hill road and also for the many cyclists, joggers and walkers who frequent the cycle path to the south. Further to the east and south, where new housing developments have recently been constructed, the semi-rural character is lost. The site does however form an important landscape buffer between these new housing estates and Rodway Common to the west, and the adjacent Green Belt Land to the north.

- 5.16 Regarding the previous appeal against refusal of PK07/1906/O; in assessing the landscape character of the site, the Inspector at para. 7 of his decision letter concurred with the Council's description of the site and concluded that:

"Overall, I consider that the appeal site as it is, makes a positive and material contribution to the character of the immediate area."

- 5.17 In terms of the Green Belt, Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 states that any proposals for development that are

conspicuous from the Green Belt, which would have an adverse impact on the visual amenity of the Green Belt, should not be permitted.

- 5.18 The relative height of the proposed building in relation to the level of Rodway Hill road however would for most part be compensated for by the fact that the ground level, on which the house would be built, would be significantly lower; the site would also be screened on its northern boundary by the existing 'cottage', dense tree belt and the new boundary wall, fences and outbuildings that have recently been erected.
- 5.19 Pomphrey Hill lies within the Green Belt land to the north of Rodway Hill road. The land rises steeply to the north and is public open space. The slopes facing the application site have been partly used for new tree planting and this will no doubt mature in time. The surrounding grassed areas, due to their steepness are not heavily used, but some walkers do frequent these areas and the application site can be viewed from the top of the hill. Due however to the presence of the 'cottage' and dense tree belt to the front of the site, the development would not be so conspicuous from the Green Belt as to have a significant detrimental impact upon its visual amenity. Furthermore the design is in-keeping with the semi-rural character of the location. The proposal is therefore considered to accord with current Green Belt policy.
- 5.20 *Impact on the landscape character of the area.*
Moving to the impact of the scheme on the individual character of the site and surrounding landscape in general, it is noted that the development plot is currently little more than an area of wasteland to the side of the driveway, that for some time now has remained unkempt.
- 5.21 The Cycle Way and footpath lie adjacent to the southern boundary of the site and notwithstanding the presence of a 1.9m high natural stone boundary wall and trees, there are currently views from the cycleway, through the site to as far as Pomphrey Hill. The Inspector in para. 8 of his decision letter relating to PK07/1906/O considered that the proposed new houses would be particularly apparent from the cycleway and agreed with the council's description of this part of the cycleway as being 'tranquil and remote'. The Inspector went on to conclude that the urban nature of the proposal would have a detrimental and significant impact on views from the cycleway, thus removing the perception of tranquillity and remoteness, resulting in a harmful impact on the character and appearance of the area.
- 5.22 It should be noted however that the Inspector's comments related to a scheme for 4 houses and an extension to Rodway Cottage. Furthermore some of the houses were 3-storey and set much closer to the site boundary such that additional screen planting could not be secured. The latter was also the case in the refused scheme for two dwellings PK08/1167/F.
- 5.23 The visual break between the Green Belt and Rodway Common and the new housing estates to the south and east of the site, would to some extent be eroded to the detriment of the landscape character and surrounding area. In mitigation however it is now proposed through the previous approval PK12/4070/F to carry out further planting along the southern boundary. The

high boundary wall next to the cycle way terminates adjacent to the proposed garage and would not therefore screen the proposed house in views from the cycle way. Officers consider that the scheme would benefit from extending this wall to the south-western corner of the site and the applicant has expressed a willingness to do this, which could be secured via a condition. Subject to a condition to secure the submission of a landscape scheme to include the extension of the natural stone wall on the southern boundary, the scheme as proposed accords with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006. Officers also consider that an adequate area of the open space within the site would be adequately retained in accordance with Policy L5.

5.24 Impact Upon Residential Amenity

The only existing residential properties that might be affected by the proposal is Rodway Hill Cottage itself and the nearest new dwelling to the east. Officers are satisfied that the existing and proposed dwellings would be sufficiently spaced and would not have an overbearing impact for existing or future occupiers alike. There would be no significant issues of overlooking or loss of privacy. Some disturbance during the development phase is inevitable, but this would be on a temporary basis only and a condition to control the hours of working could be imposed.

- 5.25 Concerns have been raised by the Parish Council about the amount of amenity space provision for future occupants. It was previously established under PK12/0407/F that there would be adequate amenity space to serve the then existing and proposed properties. Officers do not consider that the area to be used for Plot 1 (the subject of the current application) being an area of waste land, would have served any purpose as amenity space for these properties. There are currently no adopted standards for amenity space provision. The current proposal however incorporates a reasonable sized private garden to the rear and a total of 51 sq.m of amenity space. Notwithstanding the amenity space provision within the plot, Rodway Common lies immediately adjacent to the site and is a significant area commonly used for recreational purposes. Officers therefore conclude that there would be no significant adverse impact on residential amenity for existing and future occupiers.

5.26 Highway Issues

The former vehicular access to this site was substandard in many highway design aspects. Following the recent development on the site, the applicant undertook some improvements, which included closure of the old access and construction of a new access some 30m west of the old one. The new site access at its junction with Rodway Hill has a road width of 5.5m wide and sits at a level gradient. The driveway leading into the site is approximately 3.5m wide and it leads to a turning area, which would provide facilities for a service vehicle to turn around on site, thus accessing and exiting the site in forward gear in safety. The new access drive has visibility splays of 2.4m by 45m onto the public highway and this complies with the visibility distance as recommended in the Manual for Streets (MfS) document for roads with 30mph speed limits. The access to the proposed house would, along with the other houses within the site, utilise this private driveway. The proposed house would

- have its own garage and parking spaces which accord with the Council's new minimum parking standards.
- 5.27 The site has an extensive planning history and in September 2010 planning permission was granted for the erection of a detached dwelling and double garage on the land under reference no. PK10/1476/F. Subsequently permission for two dwellings was granted under PK12/0407/F. In allowing the scheme for these dwellings on the site, the Council has clearly accepted that the site access is adequate for additional development. Having considered all issues of the site access, the officer's assessment is that this [site access] is adequate for serving the additional traffic generated by one further dwelling on the site to that already approved.
- 5.28 Having regard to all of the above, officers have no highway objections to the proposal.
- 5.29 Ecological Issues
The bank and trees forming the north-eastern part of the site lie within the Rodway Common Site of Nature Conservation Interest (SNCI), designated for its wetland and neutral and calcareous grassland. The proposed development would avoid impacting upon the wooded bank. A protected species survey was previously submitted and officers are now very familiar with the site. No protected species were found within the site and there are no ecological constraints to the proposal.
- 5.30 The plot (1) comprising application PK13/1008/F is situated within the south-western corner of the residential curtilage to Rodway Hill Cottage and the boundary of Rodway Common SNCI immediately abuts the western edge of the application site.
- 5.31 Comments on previous applications required that a landscape planting scheme be drawn up and agreed with the Council prior to development commencing, to illustrate how the scheme will benefit the adjoining SNCI by supplementary planting where appropriate.
- 5.32 Archaeology
The existing buildings are not afforded any statutory protection and are not 'locally' listed. There is no evidence to suggest that Rodway Hill Cottage has any connection with the former railway line.
- 5.33 Environmental Issues
Policy EP1 does not permit development that would unacceptably harm the environment, or the health, safety and amenity of users of the site or surrounding land, as a result of pollution to water, air or soil, or through noise, vibration, light, heat or radiation; these matters are generally covered by normal Environmental Health legislation rather than the planning process. Concerns were previously raised to similar proposals, about the likely impact for future residents of noise emanating from the traffic using Rodway Hill road. In response, the applicant commissioned a Road Traffic Noise Control Report from an appropriately qualified Acoustic Consultant. Given the location and limited height of the proposed dwellings, plus the recent erection of the stone

faced wall along the Rodway Hill frontage of the site, it is now considered that an acoustic fence is not justified for this proposal. There are therefore no objections on environmental grounds.

- 5.34 Ground investigations within the site concluded that there are no shallow coal workings below the site. A coal mining risk assessment has been submitted to the Coal Authority's satisfaction.

5.35 Drainage Issues

Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 requires that, proposed development ensures that foul and surface water disposal arrangements are acceptable and incorporate sustainable drainage principles. In addition, development will not be permitted where it could increase the risk of flooding. It is proposed to use a Package Treatment Plant for foul disposal. A similar arrangement for foul disposal was approved under PK09/0228/F and PK10/1476/F and PK12/0407/F. Application will need to be made to the Environment Agency for consent to discharge. Subject to a standard condition to secure a SUDS drainage scheme, officers have no objection on drainage grounds.

5.36 Community Services

The proposal falls below the threshold (10) for contributions towards new communities.

5.37 Education

The proposal falls below the threshold (5no dwellings) for contributions towards Education. It is therefore considered that no contributions to education provision can be justified for this development.

5.38 Affordable Housing

The site area is below 0.5 hectares in area. The proposal is for 1no. additional house only and since the overall development for 3no houses falls below the threshold for contributions to Community Services, no contributions are requested in this case.

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.

A summary of reasons for granting planning permission in accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (As amended) is given below:

1. Consideration has been given to the impact of the proposed development on the character of the surrounding area, which would in this case not be adversely affected, in accordance with Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.

2. The proposal would not prejudice the amenities of neighbouring property, in accordance with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
3. An acceptable level of off-street parking would be provided in accordance with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and The South Gloucestershire Residential Parking Standards (Approved for development management purposes) 27 March 2013.
4. Adequate amenity space would be provided to serve the development, in accordance with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
5. The design of the scheme would be in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010.
6. There would be no adverse landscape implications to result from the scheme, in accordance with Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
7. An appropriate scheme of drainage to include SUDS would be secured by condition in accordance with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
8. The ecology of the area would not be adversely affected in accordance with Policy L9 and L7 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
9. The visual amenity of the Green belt would not be adversely affected in accordance with Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
10. Consideration has been given to the archaeological implications of the proposal which would be in accordance with Policy L11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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

7. RECOMMENDATION

- 7.1 That planning permission be GRANTED subject to the conditions listed on the decision notice.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. 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 1

To protect the adjacent Rodway Common SNCI in accordance with Policy L7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason 2

In the interests of the visual amenity of the Green Belt and landscape in general in accordance with Policies GB1 and L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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

Reason

In the interests of the visual amenity of the Green Belt and landscape in general in accordance with Policies GB1 and L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. 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.

5. The off-street parking and turning facilities shown on the Proposed Site Plan received 29th May 2013, hereby approved shall be provided before the building is first occupied, and thereafter the parking and turning facilities shall be retained and used only in conjunction with the occupation of the building's purpose.

Reason

To ensure the satisfactory provision of parking and turning facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

6. The hours of working on site during the period of construction shall be restricted to 7.30am to 6.00pm Mondays to Fridays inclusive, 7.30am to 1.00pm Saturday and no

working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: deliveries of construction materials, the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 6th 2006.

7. Prior to the commencement of the development hereby approved, 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 L17/L18/EP1/EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The drainage scheme approved, incorporating Sustainable Drainage Systems (SUDS), shall be implemented in accordance with the approved details before the development is occupied.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17/L18/EP1/EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. All works shall be carried out in accordance with the provisions of the approved arboricultural implications assessment and tree protection plan by Hillside Trees Ltd and dated March 2013 forming part of the application.

Reason

To avoid damage to the Rodway Common SNCI in accordance with Policy L7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

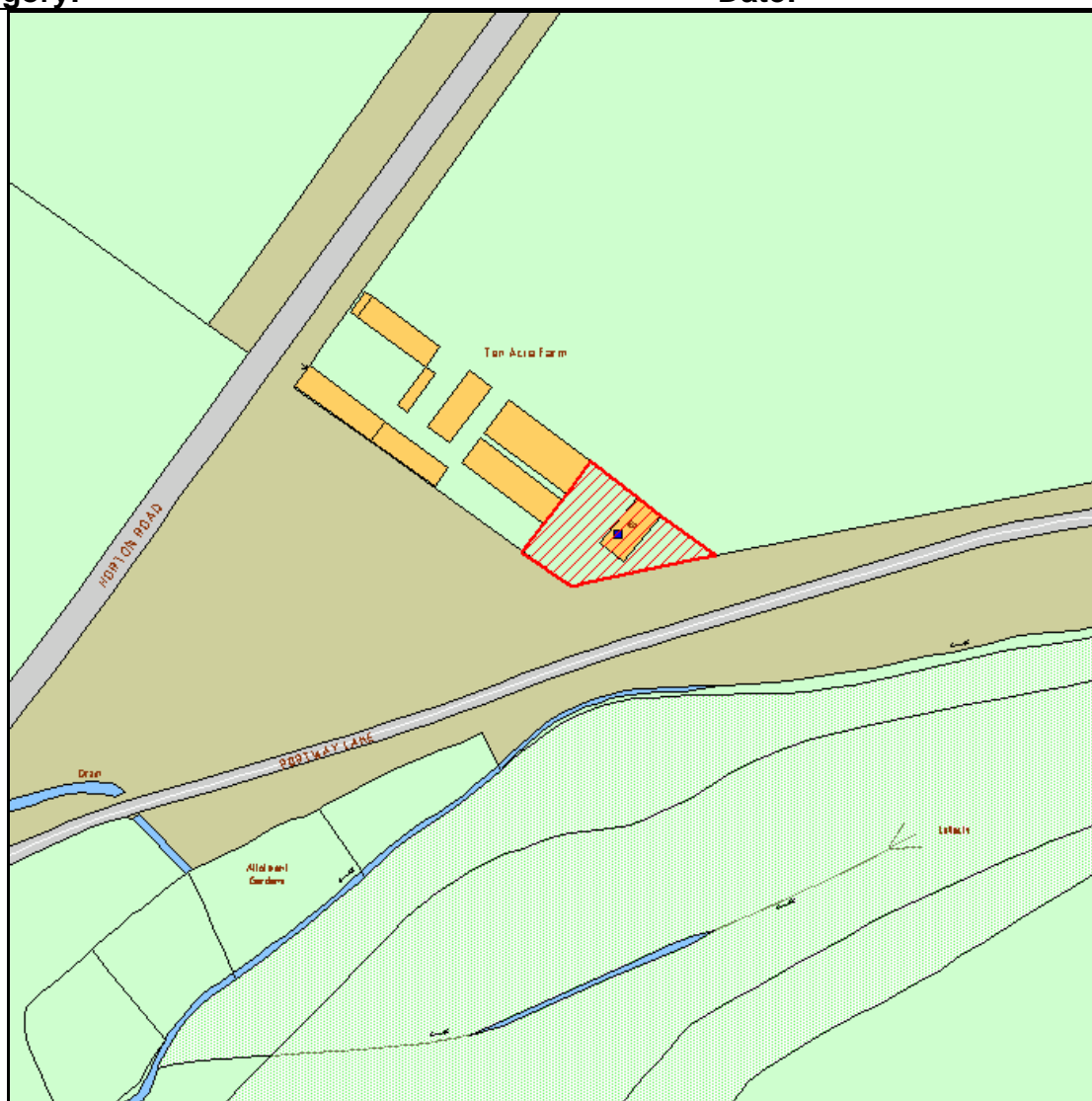
10. Prior to the first occupation of the dwelling hereby approved, the natural stone wall located on the southern boundary of the site, shall be extended to the south-western corner of the site.

Reason

To screen the development and in the interests of the visual amenity of the landscape in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 22/13 – 31 MAY 2013

App No.:	PK13/1091/CLE	Applicant:	Mr R La Touche
Site:	Ten Acre Farm 10 Horton Road Chipping Sodbury Bristol South Gloucestershire	Date Reg:	4th April 2013
Proposal:	Certificate of Lawfulness for the existing use of the land for siting of residential caravan with associated residential curtilage and erection of porch. (Re submission of PK12/1132/CLE)	Parish:	Sodbury Town Council
Map Ref:	373485 182813	Ward:	Chipping Sodbury
Application Category:	Minor	Target Date:	23rd May 2013



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100023410, 2008.

N.T.S.

PK13/1091/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.

1. THE PROPOSAL

- 1.1 This is an application for a Certificate of Lawfulness to ascertain whether a residential caravan with attached porch has been sited and that an associated residential curtilage has been provided on land surrounding the mobile home for a continuous period of more than 10 years from the on land at Ten Acre Farm, 10 Horton Road, Chipping Sodbury.

This application is a resubmission of previously withdrawn application PK12/1132/CLE.

- 1.2 The application site is situated to the north east of Chipping Sodbury forming part of an agricultural unit which occupies land between the Horton Road to the north and Portway Lane to the south. The site to which this application relates is a wedge shaped area of land on the south eastern end of the farm unit close to Portway Lane. The farm unit comprises a number of barns and agricultural outbuildings used for agricultural storage and farm animal accommodation. The application site is bounded by the agricultural unit to the north west, open fields to the south west and north east and a thick high hedge adjacent to Portway Lane to the south east. The application site is accessed via a track which runs along the north east boundary connecting the site to a vehicular access onto Horton Road.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING/ENFORCEMENT HISTORY

- 3.1 P89/3272 Use of land for stationing of residential caravan for an agricultural worker
Refused 28.03.1990

Appeal allowed 26.02.1991. Temporary consent given for a period of 5 years commencing from the date of the appeal decision

- 3.2 P95/2082 Change of use of part of agricultural building to farm shop for sale of goats milk and goats milk products
Approved 10.01.1996

3.3 P96/1731/E Enforcement Notice served due to breach of condition 2 attached to the above appeal related to P89/3272 requiring the use of the site for residential purposes to cease and the caravan be removed within 5 years from 26.02.1991.
Served 02.07.1996 – Notice withdrawn following subsequent appeal decision.

3.4 P96/1258 Stationing of residential caravan for agricultural worker (renewal of temporary consent).
Refused 29.04.1996

Appeal allowed 10.06.1997. Temporary consent given for a period of 5 years commencing from the date of the appeal decision

3.5 PK12/1132/CLE Application for a Certificate of Lawfulness for the existing use of the land for stationing of residential caravan.
Withdrawn

4. **CONSULTATION RESPONSES**

4.1 Sodbury Town Council

No objection

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:-

Sworn Affidavit from Geoffrey John Webber dated 03.07.2012 in which he states the following (in summary focusing on the relevant issues related to this application):

- Chartered Town Planner with 35 years experience in both public and private sectors.
- Was contacted by the applicant in August 1990 requesting planning advice on a range of matters related to his then address at Rounceval House, Chipping Sodbury and with the agricultural holding at 10 Horton Road.
- Met the applicant again at Rounceval House on 12.09.1990. The applicant explained his wish to sell Rounceval House and permanently relocate to the agricultural holding and live in a residential caravan to manage a herd of goats and open a farm shop.
- The applicant had secured a temporary consent for siting a caravan on the site by appeal but had not implemented the consent.

- Following obtaining planning permission for new development assisted by Mr Webber the applicant's original address Rounceval House was sold in between December 1998 and January 1999. Mr Webber asserts that the applicant moved into the caravan at the application site in January 1999.
- Mr Webber draws attention to planning permission PK00/1354/F on 04.05.2000 submitted by the new land owner of Rounceval House and he asserts that this shows that the applicant was no longer the owner of Rounceval House.
- The temporary consent expired in 1996 and Mr Webber was instructed to assist the applicant with renewal of the permission which was achieved by appeal on 10.06.1997 for a two year period. This expired 10.06.1999. No subsequent enforcement action was taken.
- Mr Webber asserts that the applicant and his wife have exclusively occupied the mobile home and the red edge land used as curtilage for a period of 13 years since the expiry date of the two year temporary consent also confirmed occupation and curtilage from the date 10.06.1999.
- The porch was attached to the caravan in early 1999 and certainly for a period in excess of 4 years.
- The access ramp has been added within the last 4 years but is considered to be de minimis and as such does not constitute development requiring planning permission

Supplementary Sworn Affidavit from Geoffrey John Webber

dated 28.03.2012 in which he states the following (in summary focusing on the relevant issues related to this application):

- This statement is intended to update and to be read in conjunction with the statement submitted 03.07.2012.
- The applicant and his wife have lived in the caravan at 10 Horton Road since January 1999 and the caravan remains the applicant and wife's sole residence.
- Mr Webber has corresponded with the applicant and visited the site on a number of occasions since January 1999.
- The porch has been in place since 1999.

Sworn Affidavit from Mr JD La Touche (applicant) dated 03.07.2012

dated 02.07.2012 in which he states the following (in summary focusing on the relevant issues related to this application):

- I have lived at the site in the caravan for only residential purposes since 13.01.1999 since moving from Rounceval House and this has been since this date exclusively my (and wife's) sole residence.
- The use of our residential caravan and its curtilage has existed continuously since prior to 10.06.1999 when temporary planning permission was granted.
- The porch was erected in early 1999 and I confirm the porch has been in existence for in excess of 4 years.
- The ramp was added more recently to assist my disabled wife. The ramp has been in place for less than 4 years and does not form part of this application.

Letter from Mr TH Gwynn (Chairman of The Sodbury Commons Conservators) dated 10.04.2011, which makes the following statements:

- I have known Mr La Touche for at least 10 years and during that time he has been in continuous occupancy at 10 Horton Road

Letter from Mr CS Rawlins (Captain) undated but received 28.03.2013, which makes the following statements:

- Practiced as barrister for 28 years in Bristol
- I am fully satisfied that Mr La Touche has been in occupation in the caravan at 10 Horton Road since January 1999

Letter from P Chappell (Tyndale Knoll, Little Sodbury End) dated 09.04.2011, which makes the following statements:

- I have known Mr La Touche for 50 years
- I can confirm that Mr La Touche has been in occupation in the mobile home for 12 years

Letter from AM Barton (Horton address specific address is unclear due to poor quality of copying) dated 18.09.2011, which makes the following statements:

- Aware of goats at the holding at 10 Horton Road since 1986
- I can confirm that Mr La Touche has been in occupation in the caravan at 10 Horton Road since January 1999

Letter from Nancy Nagle (Winchcombe Cottage, Little Sodbury End) dated 14.09.2011, which makes the following statements:

- I have every reason to believe Mr La Touche has lived at 10 Horton Road since 13.01.1999

Various other documents submitted as evidence listed as follows,

- Appeal decision for application P89/3272 dated 26.02.1991
- Decision notice for application P89/3272 dated 28.03.1990
- Letter from Mr La Touche dated 29.03.2012 confirming his intention to submit a certificate of lawfulness
- Letter from David Hebblethwaite, Solicitor dated 08.12.1998 confirming completion of sale of Rounceval House on 13.01.1999
- Notice from South Glos Council dated 30.06.2000 confirming Council Tax payments commenced 13.01.1999
- Letter from Phil Baker Avon and Somerset Constabulary dated 18.12.2009 confirming visit to the application site on 31.07.2000 to inspect storage arrangements for licensed shotgun
- Utility bills of payments with dates for Council Tax, LP gas and electricity.

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 lived for a continuous period on the site in the caravan for the 10-year period in question and that a curtilage has been created around the dwelling for residential purposes for the 10 year period.

In terms of the porch, although it is attached to the caravan and attached to the ground it is part of the caravan and as such is not an extension to a dwelling. It would therefore be required to be in existence for a 10 year period.

Finally, the Council must decide whether the access ramp is de minimus or whether it is development. The ramp relates to a caravan and not a dwellinghouse and as such does not benefit from permitted development rights under The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. Therefore the ramp must either be de minimis or having been in existence for 4 years to be immune.

6. SUMMARY OF CONTRARY EVIDENCE

- 6.1 No opposing evidence has been received and the Council could find no evidence in opposition to the applicant's claim.

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 For the purposes of assessing this application, the applicant's claim has been split into four distinct parts which will be considered separately. These four parts are as follows,
- 1) The siting of the caravan (coloured red on the submitted plan)
 - 2) The residential curtilage (edged in red on the submitted plan)
 - 3) The porch attached to the caravan (shaded red on the submitted plan)
 - 4) The access ramp (coloured yellow on the submitted plan)

These parts have been assessed in turn below.

7.3 Siting of the caravan

The applicant has a sworn statement which declares that the appellant has lived on the site within the caravan with his wife since January 1999 and that they have lived in the caravan exclusively and for residential only purposes. This evidence is corroborated by a sworn statement by Mr Webber and a further updated sworn statement. This corroborated evidence which relates directly, clearly and precisely to the applicant's claim in the form of sworn statements is considered to carry significant weight in favour of the applicant's claim.

Further evidence can be found through a Council Tax bill charged from 13.01.1999. This evidence demonstrates that the applicant had declared to the Council that he was living on the site in January 1999 and the dates correspond with the claims made in the sworn statements submitted, although the bill only declares a period for the tax year to April 1999. If the applicant had provided all tax bills from 1999 to the present time this would have amounted to significant evidence of a continuous 10 year breach. This evidence is therefore considered to carry moderate weight.

The Councils own historic aerial photographic records show that the caravan was on site in 1999, 2005, 2006 and 2008-9. This verifiable photographic evidence demonstrates that the caravan has been in place for the required 10 year period and does not conflict with any other evidence submitted in support of the applicant's claim. However, the photographs do not prove a continuous occupation of the caravan for residential purposes. This evidence is considered to carry moderate weight.

The other documents submitted by the applicant in the form of letters from various third parties, formal letters from solicitor, police and bills do not conflict with the evidence submitted by the applicant in support of their claim. However, this evidence is either not formally binding or relates to only a certain moment in time or small part of the required 10 year period. This evidence is therefore considered to carry no significant weight.

Enforcement notice P96/1731/E which related to the 1991 appeal was withdrawn following the applicant's successful appeal in 1997 which allowed the caravan to be sited for a further 2 years. Following the appeal decision, no further enforcement action was taken by the Council. The applicant therefore benefits from the 10 year rule for immunity.

The Case Officer visited the site in April 2012 and visually it was clear that the applicant had been living on the site within the caravan for some considerable time. There was no evidence on site to dispute that the applicant's claim.

There is no counter evidence to dispute this claim or to be weighed against the evidence above. It is considered that the evidence submitted demonstrates on the balance of probabilities that the applicant has stationed a caravan on the site and he and has been occupied for residential purposes for the required 10 year period.

7.4 The residential curtilage

Part 2 of the applicants claim is the area edged red on the submitted site plan has been used as residential curtilage related to the caravan. If this is the case, the curtilage and residential accommodation will exist as a single planning unit. The applicant has not claimed that the agricultural unit and residential area (edged red) are a single sui generis use. The consideration for part 2 is whether the applicant has satisfactorily demonstrated on the balance of probabilities that the area edged red is physically or functionally separate from the rest of the agricultural unit.

The applicant has provided a sworn statement which clearly and precisely states that the land edged red on the submitted plan has been used as residential curtilage since the applicant first occupied the caravan for residential purposes in January 1999 and specifically from when the occupation of the site by residential caravan became unlawful from 10.06.1999. This statement is corroborated by the sworn statement from Mr Webber and his updated statement. This corroborated evidence which relates directly, clearly and precisely to the applicant's claim in the form of sworn statements is considered to carry significant weight in favour of the applicant's claim.

All other evidence submitted (letters from third parties, formal letters from solicitor and the police and bills) does not refer to curtilage and as such is considered to carry no significant weight.

When the Case Officer visited the site in April 2012, there was little evidence of residential use around the caravan other than a small area in front of the caravan (north east elevation) which was paved with patio slabs. This area was in disrepair and it is clear the area had been unused for a significant time. A septic tank and/or oil tank was located towards the rear. There was no clear delineation between the area edged red on the submitted site plan and the rest of the agricultural unit. This is corroborated by the Council's own historic aerial photographic records for 1999, 2005, 2006 and 2008-9 which do not show any delineation between the agricultural unit and the land edged red on the

submitted site plan. There is no evidence which shown any clear distinction between the red edged land and the rest of the agricultural unit.

The 1999 aerial photo shows a clear boundary to the north of the caravan extended into part of the field, but the red edged land as defined on the submitted site plan has no clear boundary and the grass and other land does not appear any different from the agricultural land to the north. The patio cannot be seen in the 1999 photo. Similarly, the 2005, 2006 and 2008/9 aerial photos do not show any distinction that relates in any way to that as shown on the submitted site plan.

A Certificate of Lawfulness does not establish the extent of a planning unit, it simply established the lawful use of land. The planning unit may actually be smaller or larger than the area applied for. Burdle has been commonly used in assessing the planning unit. In the case of Burdle three useful tests were set out to determine the planning unit.

- a) Where there is a single main purpose of the occupier's use of his land to which secondary activities are incidental or ancillary, the whole unit of occupation should be the planning unit;*
- b) Where an occupier carries out a variety of activities and it is not possible to say that one is incidental or ancillary to another, then, again the whole unit of occupation should be the planning unit;*
- c) Where, within a single unit of occupation, there are two or more physically separate and distinct areas occupied for substantially different and unrelated purposes, each area used for a different main purpose (together with its incidental and ancillary activities) is the planning unit*

In other words the unit of occupation is the planning unit unless there are activities that are physically and functionally separate, in which case the planning unit will be a smaller unit.

Functionally, the mobile home itself is separate from the farm use being residential although it is required directly for the operation and function of the farm. However, the red edge land does not function in any distinctly different way to the other surrounding agricultural land other than the patio area which has no evidence of use for residential purposes and does not appear to be in any active use and any car parking which is considered to be incidental to both the caravan and farm and as such is de minimis in terms of defining residential use of land. Physically, the red edge land appears as part of the farm unit currently and in all aerial photographic evidence. Using the hierarchy of evidence in par.7.1 the verifiable photographic evidence available to the Council and the Case Officer's own visual assessment on site are considered to carry significant weight.

When set against the applicant's own evidence submitted as two sworn statements including updated statement, the evidence available in conflict with the applicant's claim of curtilage is considered to be of more value. As such the weight of counter evidence is considered to outweigh the applicant's

submitted evidence and on the balance of probabilities, the red edge land is considered not to benefit from residential use.

Further to this conclusion, the caravan is not a dwellinghouse or a building, therefore it cannot benefit from a residential curtilage.

7.5 The porch attached to the caravan

The applicant's sworn statement clearly and precisely states that the porch has been in place since 1999. This is corroborated by the sworn statements submitted by Mr Webber. This corroborated evidence which relates directly, clearly and precisely to the applicant's claim in the form of sworn statements is considered to carry significant weight in favour of the applicant's claim.

The other evidence submitted by the applicant does not mention the porch and as such is considered to carry no significant weight.

The Council's historic aerial photographic record for 1999, 2005, 2006 and 2008-9 shows the porch in existence. This verifiable photographic evidence demonstrates that the porch has been in place for the required 10 year period and does not conflict with any other evidence submitted in support of the applicant's claim. This evidence is considered to carry significant weight.

There was no evidence on site to dispute that the applicant's claim.

On this basis it is considered on the balance of probabilities that the porch has been attached to the caravan for the required 10 year period and in excess of the 4 year period stated by the applicant.

7.6 The access ramp

An access ramp is situated on the south east side of the caravan. The access ramp as an operation would need to have been in place for 4 years in order to benefit from immunity. Mr Webber in his sworn statement has stated that he considers the ramp has not been in place for 4 years. However, Mr Webber states that in his opinion the ramp is *de minimis* and as such falls outside the scope of planning control.

It may be that, although technically development, the Council could consider some works to be *de minimis*. The works would need to be so minor that they would practically fall outside the scope of planning. This categorisation generally applies to only the most minor types of development (or where it is ambiguous as to whether development has been undertaken). *De minimis* – the shortened version of 'de minimis non curat lex' – is a legal maxim roughly translated as "the law does not concern itself with trifles". It is a legal principle applied by the courts and, as such, is not described or dealt with in Planning legislation. It is applied where a trifling infringement is brought to the attention of the court, but where the deviation is of so little consequence that, if continued, would weigh little or nothing in the public interest and might properly be overlooked. What is treated as *de minimis* is the decision of the Council based on the facts of the case.

The ramp is a structure which has a volume. The structure is too large to be easily moved. The structure would have been built by a contractor or if undertaken by the applicant would have required specific skills and expertise to construct. Using the submitted site plan, the ramp measures 9.5m length and 1.5m width. It is considered that the nature, size, scale and design of the ramp is such that it could not reasonably be considered so insignificant that it would fall outside of planning control. It is considered that the ramp is development. The caravan is not a dwellinghouse for the purposes of exercising permitted development rights under The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. The ramp therefore constitutes development requiring planning permission. The evidence submitted by the Mr Webber on behalf of the applicant indicates that he considers the ramp not to benefit from immunity from enforcement control through the 4 year rule. No other evidence has been submitted in contradiction of this statement. On this basis it is considered on the balance of probabilities that the ramp is development enquiring planning permission and has not been in place for 4 years and is therefore not immune from planning control.

8. CONCLUSION

- 8.1 Officers conclude, objectively that on the balance of probability, according to the submitted evidence, the following,
- 8.2 That the caravan coloured red on the submitted Site Plan (Existing) scaled 1:500 has been in place and used for residential purposes for a continuous period of 10 years from the date of submission of this application.
- 8.3 That the porch attached to the caravan shaded red on the submitted Site Plan (Existing) scaled 1:500 has been in place for a continuous period of 10 years from the date of submission of this application.
- 8.4 That the area of land edged red on the submitted Site Plan (Existing) scaled 1:500 with the exception of the land within the area coloured red (position of the caravan) does not form a residential curtilage or benefit from a Class C3 residential use.
- 8.5 That the ramp coloured yellow on the submitted Site Plan (Existing) scaled 1:500 is development requiring planning permission and has not been in place for a continuous period of 4 years before the date of submission of this application.

9. RECOMMENDATION

- 9.1 That the Council issue the Certificate of Lawfulness with a description as stated in par.8.2 and 8.3 and refuse the development as described in par.8.4 and 8.5.

Contact Officer: Sean Herbert
Tel. No. 01454 863056

REASONS TO ISSUE CERTIFICATE:

1. There is considered to be sufficient evidence weighing in favour of the applicant's claim that a caravan has been sited Ten Acre Farm, 10 Horton Road, Chipping Sodbury and used as the applicant's sole residence for a period of at least 10 years immediately prior to the submission of this application and no contradictory evidence has been received. 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 caravan coloured red on the submitted Site Plan (Existing) Scaled 1:500 has been sited Ten Acre Farm, 10 Horton Road, Chipping Sodbury and used as the applicant's sole residence 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 siting of a caravan used for residential purposes.
2. There is considered to be sufficient evidence weighing in favour of the applicant's claim that a porch was erected attached to the caravan at Ten Acre Farm, 10 Horton Road, Chipping Sodbury for a period of at least 4 years immediately prior to the submission of this application and no contradictory evidence has been received. 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 porch shaded red attached to the caravan coloured red on the submitted Site Plan (Existing) Scaled 1:500 was built more than 4 years immediately prior to the submission of this application. Therefore it is considered that the Certificate should be issued for the porch.

PARTS OF THE PROPOSAL NOT INCLUDED IN THE CERTIFICATE:

3. There is considered to be insufficient evidence to weigh in favour of the applicant's claim that the area of land edged red on the submitted Site Plan (Existing) Scaled 1:500 at Ten Acre Farm, 10 Horton Road, Chipping Sodbury has been used as the residential curtilage associated with the caravan coloured red for a period of at least 4 years immediately prior to the submission of this application. Having assessed the evidence provided, it is considered that there is insufficient evidence to demonstrate it to be more probable than not that the land edged red on the submitted Site Plan (Existing) Scaled 1:500 has been used as the residential curtilage associated with the caravan coloured red on the submitted Site Plan (Existing) Scaled 1:500 for a period of more than 4 years immediately prior to the submission of this application. Therefore it is considered that the Certificate should be issued for the land edged red.
4. There is considered to be insufficient evidence to demonstrate it to be more probable than not that the ramp coloured yellow on the submitted Site Plan (Existing) Scaled 1:500 at Ten Acre Farm, 10 Horton Road, Chipping Sodbury was built more than a period of at least 4 years immediately prior to the submission of this application. The ramp is considered to represent development requiring planning permission. Therefore it is considered that the Certificate should not be issued for the ramp coloured yellow.

CIRCULATED SCHEDULE NO. 22/13 – 31 MAY 2013

App No.:	PK13/1193/F	Applicant:	Mr And Mrs J Thorn
Site:	82 Gages Road Kingswood Bristol South Gloucestershire BS15 9TE	Date Reg:	18th April 2013
Proposal:	Erection of single storey rear extension to provide additional living accommodation	Parish:	None
Map Ref:	365589 173288	Ward:	Woodstock
Application Category:	Householder	Target Date:	10th June 2013



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N.T.S.

PK13/1193/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule as a representation has been made which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a single storey rear extension to form additional living accommodation.
- 1.2 The application site consists of a semi-detached residential dwelling situated within an established residential area.

2. POLICY CONTEXT

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

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/0586/F - Erection of two storey front and side extension to form enlarged garage and additional living accommodation. Approved 19th April 2004

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Unparished.
- 4.2 Highway Drainage
No objection in principle. The proximity of a public sewer may affect the layout of the development. Refer the application Wessex Water for determination.

4.3 Wessex Water

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

Other Representations

4.4 Local Residents

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

- The development will severely block natural daylight. Downstairs rooms already have limited and seasonal daylight due to them facing direct north.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a single storey rear extension. Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highways and design.

5.2 Residential Amenity

The application site consists of a double storey semi-detached residential dwelling situated within an established residential area. The site has an existing double storey side extension. The rear elevation of the dwelling faces directly north with the attached neighbouring dwelling located to the east of the site. The rear garden of the site has timber boarded boundary treatment, which are approximately 1.8 metres high. The proposed rear extension has a depth of 4 metres, a width of 9.1 metres, and a maximum height of 3.2 metres with a hipped roof.

- 5.3 In terms of overbearing impact the proposal has a hipped roof with a maximum height on the site boundaries of 2.25 metres, and a maximum height of 3.2 metres. The scale of the proposal is therefore not considered to have an overbearing impact on either of the neighbouring properties. With regard to loss of light the rear elevation of the dwelling faces directly north. This means that sunlight would only be affected during the early morning and late afternoon when the sun is low in the sky. Given the existing boundary treatments and the scale of the proposal it is considered that the extent of the loss of light would not be significant and as such would not prejudice residential amenity.

- 5.4 With regard to privacy the neighbouring property at the rear of the site is situated approximately 30 metres away and as such the proposal would not overlook it to the detriment of mutual privacy. The proposal does not have any windows on the side elevations and the site is screened by boundary treatments. The proposal therefore does not raise any concerns in terms of loss of privacy. The proposal would result in some loss of private amenity space, however, adequate private amenity space would remain to serve the host dwelling. The proposal is therefore considered acceptable in terms of policy H4 of the adopted Local Plan.

5.5 Highways

The proposal would not result in an increase in bedroom space and would not affect the existing parking provision on site. As such the proposal does not raise any concerns in terms of highway safety.

5.6 Design

The scale, proportions, materials and overall design of the proposal has been informed by and respects the character and distinctiveness of the site and the locality. The proposal would remain subservient to the dwelling. As such the design of the proposal is considered acceptable in terms of policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

6. CONCLUSION

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

6.2 It is considered that the proposal, by virtue of its scale and existing boundary treatments, would not result in a significant loss of light, would not have an overbearing impact and would not result in a significant loss of privacy to the detriment of residential amenity. Adequate private amenity space would remain to serve the host dwelling and the proposal would not impact highway safety. Accordingly the proposal is considered acceptable in terms of policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

6.3 The design of the proposal has been informed by and respects the character and distinctiveness of the site and the locality and as such is considered acceptable in terms of policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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

7. RECOMMENDATION

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

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

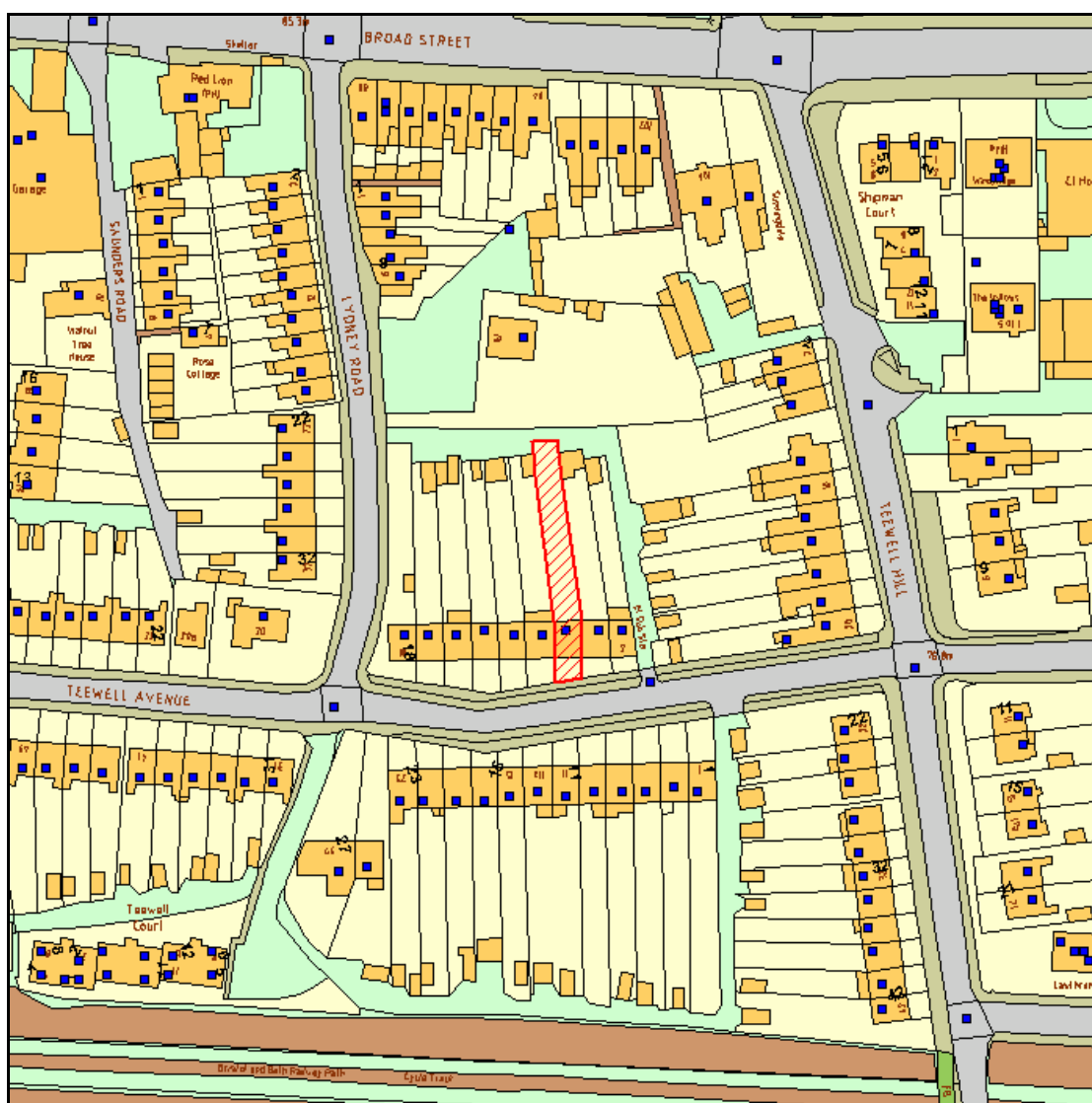
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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. 22/13 – 31 MAY 2013

App No.:	PK13/1452/CLP	Applicant:	Mr And Mrs G Fletcher
Site:	6 Teewell Avenue Staple Hill Bristol South Gloucestershire BS16 5NF	Date Reg:	2nd May 2013
Proposal:	Application for certificate of lawfulness for the proposed installation of a rear dormer to facilitate loft conversion.	Parish:	None
Map Ref:	365308 175767	Ward:	Staple Hill
Application Category:	Minor	Target Date:	25th June 2013



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PK13/1452/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer window at 6 Teewell Avenue, Staple Hill would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.
- 1.2 The application property is a two-storey end of terrace dwelling and is located within the established settlement boundary of Staple Hill.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No objection

Other Representations

- 4.2 Local Residents
None received

5. SUMMARY OF EVIDENCED IN SUPPORT OF APPLICATION

- 5.1 Site location plan; Plans, section and elevations proposed – drawing 01

6. EVALUATION

- 6.1 The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for Planning Consent. Accordingly there is no consideration of planning merit, the decision is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence

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

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

6.2 Installation of rear dormer window.

B1 Development is not permitted by Class B if:

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

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

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

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

- (c) the cubic content of the resulting roof space would exceed the cubic content of the original roof spaced by more than –**

- (i) 40 cubic metres in the case of a terrace house, or**
(ii) 50 cubic metres in any other case;

The dwelling is a semi-detached property and the total cubic content of the proposed rear dormer is approximately 31.5 m³ and therefore complies with this criteria.

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

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

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

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

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

Conditions

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

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

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

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

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

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

7. RECOMMENDATION

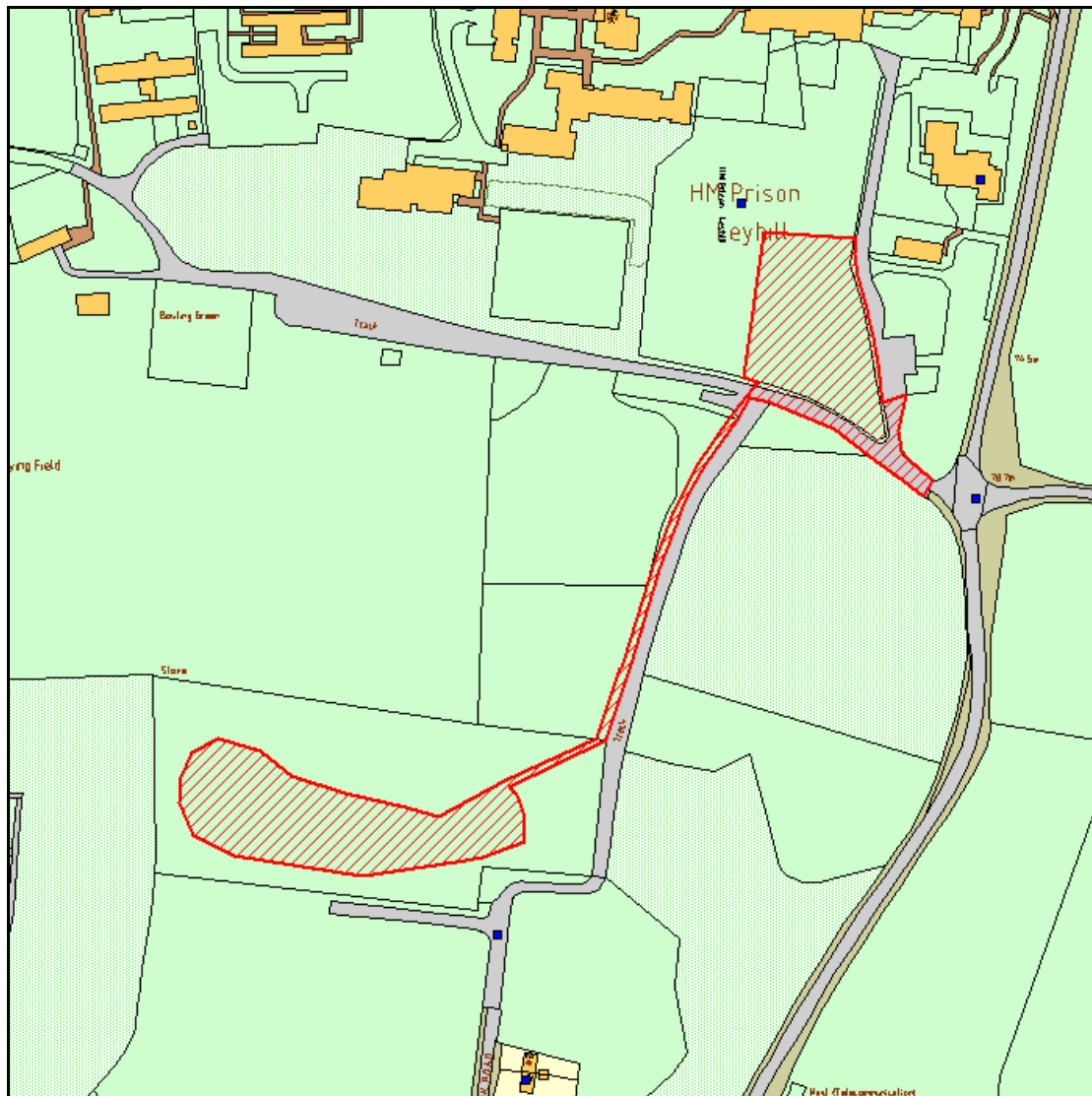
- 7.1 That a Certificate of Lawfulness for Proposed Development **is** granted for the following reason:

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CIRCULATED SCHEDULE NO. 22/13 – 31 MAY 2013

App No.:	PT12/3724/F	Applicant:	Ministry Of Justice
Site:	H M Prison Leyhill Tortworth Road Tortworth South Gloucestershire GL12 8BT	Date Reg:	20th November 2012
Proposal:	Erection of Energy Centre and Ash Store with associated works	Parish:	Cromhall Parish Council
Map Ref:	369766 192141	Ward:	Charfield
Application Category:	Minor	Target Date:	15th January 2013



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 100023410, 2008. **N.T.S.** **PT12/3724/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule for a second week to allow consideration of a further highway-associated condition. This has been suggested by the Councils Highway Engineer further to concerns raised by the Parish Council having regard to the original conditions that were suggested.

This application was originally referred to the Circulated Schedule in view of the comments received from local residents, the two Parish Councils and the Avon Garden Trust.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for erection of energy centre to serve Leyhill Prison. The application would also facilitate the formation of an earth bund on a separate parcel of land. This would be formed of the excavated material from the development of the energy centre.
- 1.2 The application relates to Leyhill Prison. Leyhill Prison stands within the open countryside beyond any settlement boundary. Significantly, the site is encompassed by land that is designated as a registered historic garden on its north, west and southern sides. The site of the proposed energy centre is however outside of this designation although the earth bund, that would be formed on land that comprises part of an adjoining field, falls within this designation.
- 1.3 Amended plans form part of this application. These allow removal of the thermal store, the realignment of various stretches of fencing in an attempt to make it appear more discreet and the reshaping of the earth bund in an attempt to make it appear more organic.
- 1.4 An Air Quality Assessment also now supports the application further to concerns that were raised by the Councils Environmental Protection Officer and also those of local residents and the Parish Council.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (March 2012)
National Planning Policy Framework Technical Guidance (2012)
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Design in New Development
L1: Landscape Protection and Enhancement
L4: Forest of Avon
L6: Sites of International Conservation Nature Interest
L8: Sites of Regional and Local Nature Conservation Interest
L9: Species Protection
L10: Historic Parks and Gardens and Battlefields

L13: Listed Buildings
L17: The Water Environment
EP1: Environmental Pollution
EP4: Noise Sensitive Development
EP5: Renewable Energy Installations
T12: Transportation Development Control Policy for New Development

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

CS1: High Quality Design and Responding to Climate Change
CS3: Renewable and Low Carbon Energy Generation
CS5: Location of Development
CS9: Managing the Environment and Heritage
CS34: Rural Areas

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)
South Gloucestershire Landscape Character Assessment (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 N3963: Erection of new boiler house and laundry. No Objection: 30 January 1978
- 3.2 N4292: Proposed packing shed and machinery and general purpose store. No Objection: 15 May 1978
- 3.3 N4292/1: Erection of buildings to provide accommodation for reception and discharge, visits, works services, education, sports hall, hospital chapel and vegetable preparation/ bacon store; provision of accommodation for farms and gardens. No Objection: 26 January 1981
- 3.4 N6458: Erection of living units 1 and 2 and officers mess and club. No Objection: 25 July 1980
- 3.5 P88/3301: Erection of vegetable store. Appraised: 26 January 1989
- 3.6 P94/2493: Use of horticultural buildings for retail sales of home grown produce. No Decision Recorded
- 3.7 P99/2496: Erection of facilities building. No Objection: 2 December 1999
- 3.8 PT02/1435/C84: Erection of prisoner living accommodation in two, 2- storey units to provide 80 additional places. No Objection: 15 May 2002
- 3.9 PT03/2129/C84: Erection of single storey extension to existing library (B Unit). No Objection: 14 August 2003
- 3.10 PT04/0961/C84: Erection of new office administration block. No Objection: 13 April 2004

- 3.11 PT06/0149/C84: Stationing of portacabin, erection of one double polytunnel, eight single polytunnels and one glasshouse for market garden use. No Objection: 9 February 2006
- 3.12 PT07/1509/F: Installation of 1.8 metre roof mounted satellite dish. Withdrawn: 6 July 2009
- 3.13 PT07/2840/F: Installation of 1.8 metre diameter satellite dish (resubmission of PT07/1509/F). Permitted: 29 October 2007
- 3.14 PT12/0059/F: Erection of portacabin. Permitted Development

4. CONSULTATION RESPONSES

In response to the first plans received:

4.1 Cromhall Parish Council

No objection but 'serious concerns' are raised:

- o Highway safety – concerns regarding routing of motorway traffic;
- o Concern over new entrance design (opposite Woodend Lane);
- o Confirmation regarding appearance of transmitter boxes required;
- o Vehicle movements should be restricted to between 10am and 2pm due to rush hour and school traffic;
- o Conditions required preventing vehicles from going through Cromhall and Bibstone due to weight limit and vehicle size;
- o Encourage a dedicated lane for turning right off the B4509 down to the Tortworth School to ease congestion- can this be investigated?
- o Request warning signage of turning HGV's/ traffic calming;
- o Boundary treatments are unsympathetic with surrounding landscape;
- o Drainage concerns expressed;
- o The delivery area should be designed more sympathetically.

4.2 Tortworth Parish Council

Neither supports nor objects but make the following comments:

- o The site is within Cromhall Parish but will affect Tortworth Parish;
- o There are a number of inaccuracies in the planning statement relating to the Parish meeting;
- o Chimneys will be visible from Leyhill –can height be reduced?
- o Might be alternatives to reduce height/ conceal accumulation tank;
- o Concerns about smell;
- o Vehicle movements should be strictly limited (to between 10am- 2pm);
- o Ongoing concerns about the junction at Tortworth School (was subject to a S106 agreement with the Four Pillars Hotel Group but works were never completed and the works are still required);
- o The B4509 has a history of serious accidents.

Further to the second set of plans received:

4.3 Cromhall Parish Council

Not all previous concerns have been addressed and the Parish Council therefore currently objects to the application:

- o Design of building is sympathetic- even more so now that the large funnels have been removed;
- o Highway issues have not been addressed- there is no suggestion of limiting times and night time movements would be dangerous, there also appears to be a contradiction concerning the tracking details;
- o Road speed limit is 40mph and lorries turning would endanger road safety- safety measures (i.e. road calming) do not appear forthcoming;
- o Concerns remain regarding boundary treatments- particularly at the site entrance where the plans do not show the whole site;
- o The large extent of hard surfacing and drainage issues has not been addressed.
- o The redesigned bund is better but residents are concerned that this could lead to the collapse of the underground drainage system that is believed to pass under the bund;
- o The Statement of Community Involvement advises that on going discussions will take place with the Parish Council- this has not been the case;
- o Officers' have not answered all of the previous questioned previously raised.

4.4 Tortworth Parish Council

- o Surprised that Highways DC has made no particular recommendation;
- o Highway concerns reiterated (recent accident at school junction cited);
- o Correspondence states that Council do wish to comment further on building design and detail but no further comments provided;
- o Highways DC should reconsider need for road improvements.

4.5 Other Consultees

Wessex Water: no issues

Highways DC: condition requested

Environment Agency: falls outside consultation parameters

Historic Building Officer: condition requested

Ecology Officer: no objection subject to conditions

Tree Officer: no objections

Climate Change Projects Manager: supportive comments received

4.6 English Heritage: (in response to the original plans)

Application should not be determined until following points are addressed:

- o Insufficient mitigation has been offered to offset harm caused;
- o No objection to energy centre at Tortworth in principle but require convincing that size and location is appropriate;

- o There is no appraisal of alternative sites;
 - o Paragraphs 128 & 129 of the NPPF are referenced;
 - o Historically the site lies adjacent to the main entrance drive into the estate of sufficient status to warrant its own lodge (Leyhill Lodge);
 - o Development was characterised by open parkland with a scattering of parkland trees;
 - o The bund falls within the registered landscape- the need for the bund identifies the potential visual harm from the proposed development;
 - o The need for an engineered solution as shown is questioned- informal parkland planting might provide a better form of mitigation.
- 4.7 English Heritage: (in response to the original plans)
- o The earth bund has been remodelled and appears less engineered with the block planting replaced by informal parkland trees- *'We hope that this change is a more appropriate form of intervention and will help to recreate some sense of former parkland'*;
 - o Reflectivity and the desirability of harmonising with the existing palette of materials would be relevant factors when addressing the external appearance of the energy centre;
 - o Boundary treatments and the associated 'amenity' landscape scheme offer an improvement- English Heritage defers to the Local Authority in considering whether this might be further improved;
 - o The application should now be determined in accordance with national and local policy and with specialist Conservation Officer advice.
- 4.8 Avon Garden Trust:
- Objection due to harm caused on the significance of the Grade II* registered landscape of Tortworth Court:
- o Energy centre would be on land adjacent to the registered landscape of Tortworth Court but site is within the setting area of the registered park and fronts the important drive into the Tortworth estate;
 - o Paragraphs 127& 128 of the NPPF highlighted;
 - o Site was characterised by open parkland with a scattering of parkland trees;
 - o Significant harm would be caused to open and un-built pastureland appearance and character and the proposed tree planting would not ameliorate industrial appearance of the proposal;
 - o Support view of English Heritage;
 - o No appraisal of alternative sites has been submitted;
 - o The Trust supports the view of English Heritage in respect of linear man made bund (the appearance of which would be accentuated by the proposed planting) to be inappropriate within this setting.

Other Representations

- 4.9 Summary of Local Residents Comments:
Five letters of objection expressing the following concerns:

- o Application documents state estate residents would have moderate interest in landscape change; residents have not been consulted;
- o Residents were not aware of the Parish Council meeting;
- o Most estate residents were not informed- seen to be underhand;
- o All the above is evidence of 'contemptuous way' residents are treated;
- o Construction of the bund from waste material will be liable to sewer collapse- the main water and sewer supply runs through this field- has it been surveyed? Large vehicles may also cause sewer collapse;
- o Why is there a need for such a large water storage unit?
- o Proposal will cost £5m to construct at the tax payers expense and will only see a return in 25 years time- will it still be viable then?
- o A backup gas boiler is needed and electricity needed to run both- what happens in a power cut? (What power will be used?)
- o Concerns expressed about bringing boiler on the Cromhall/ Tortworth road;
- o Tortworth Road is already in a bad state of repair- will it be repaired and resurfaced to cope with the additional traffic?
- o Where/ how will the 25 tones of waste ashes be stored/ distributed?
- o How stable will the ash be-will it be blown in the wind?
- o How much noise will the proposal make- this is a quiet rural area?
- o What emissions will the boiler produce?
- o Are there any risks to human health/ wildlife?
- o Has solar power been considered? It is more viable and would see a return in 10 –12 years.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The National Planning Policy Framework is supportive of proposals that help to meet the challenges of climate change advising that *'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development'*. (para 93)

- 5.2 Policy CS3 of the emerging Core Strategy document cites that proposals for the generation of energy from low carbon sources will be supported provided that it would not cause significant demonstrable harm to residential amenity, individually or cumulatively. In assessing proposals, significant weight will be given to:
- o The wider environmental benefits associated with increased production of energy from renewable sources;
 - o Proposals that enjoy significant community support and generate an income for community infrastructure purposes by selling heat or electricity to the National Grid;

- o The time limited, and non-permanent nature of some types of installations; and
- o The need for secure and reliable energy generation capacity, job creation opportunities and local economic benefits.

Renewable or low carbon energy installations will not be supported in areas covered by national designations and areas of local landscape value unless they do not individually or cumulatively compromise the objectives of the designations especially with regard to landscape character, visual impact and residential amenity.

- 5.3 Similarly, planning policy EP5 of the adopted local plan advises that proposals for renewable energy installations will be permitted provided that it would not have an unacceptable environmental or transportation effect and would not prejudice residential amenity.

5.4 The Proposal

The application seeks full planning permission for the erection of a new energy centre and the formation of an earth bund with soil excavated from the energy centre. The new energy centre would replace the existing heating system that is considered to be outdated and inefficient. In so doing, the proposal would allow removal of the two chimneystacks that are sited at the centre of the Leyhill complex and which protrude skywards rendering them visually prominent from the surrounding landscape.

- 5.5 The energy centre would comprise a biomass boiler housed within a new building that, the Design and Access Statement describes as a 'simple agricultural style building'. It is advised that the biomass boiler is an environmentally efficient method of providing heat by burning locally sourced woodchips, which comprise a renewable resource as fuel. The proposal would assist in Leyhill becoming a 'low emission' prison in the UK.

- 5.6 The new energy centre would be sited on land adjoining the existing car park close to the Tortworth Road. The site currently comprises managed grassland and this appears to have been the case since at least 1999. However, the Council's aerial photograph of 1991 shows a very different scene with two large buildings sited to the south of this field, these stood parallel with one another and the southern site boundary and stretched the full width of this field. The north part of the field meanwhile is shown to accommodate a vehicular access track and large gravelled area that runs through from the Tortworth Road entrance to the prison through to the western field boundary.

- 5.7 The Design and Access Statement advises that the site as shown is considered to be most suitable because:

- o It can be readily accessed from Tortworth Road;
- o There is sufficient space to accommodate vehicular movements;
- o The site gradient will assist delivery vehicles;
- o Delivery vehicles would not have to enter the main prison complex that would present a security risk;
- o The entrance onto Tortworth Road includes good visibility spays;

- o It would not necessitate use of the main entrance to the prison and would be readily identifiable to delivery drivers.
- 5.8 The height of the building is understood to be governed by the mechanical plant that is required inside to operate and service the biomass and two gas boilers. However, in addition to landscaping that is proposed to help mitigate the visual impact of the proposal, the floor level of the building would cut into the 1 in 18 sloping site to further offset the visual impact of the proposal.
- 5.9 The ash produced by the biomass boiler would be used as fertiliser at the Leyhill site; the Design and Access Statement advises that ‘we would not expect any to be disposed off-site as ‘waste’’. It is further advised that *‘It is essential that fuel for the biomass is required to be delivered from local sources as this prevents the carbon expended in delivering the fuel offsetting the environmental benefits of the biomass the carbon footprint’*.
- 5.10 The Design and Access Statement provides no details in respect of the earth bund. However, this would be formed to the south of the energy centre within an adjoining field. It has been extensively remodelled as part of this application in attempt to make it appear more organic and to steer away from the engineered approach of the bund as was submitted.
- 5.11 Renewable Energy Input
The UK Government has set a target to generate 15% of UK energy needs from renewable sources by 2020. To meet this target it is envisaged that 31% of the UK’s electricity generation will need to come from renewable sources by 2020. The latest (provisional) figures for renewable energy generation show that renewables accounted for 11.3% of the electricity market in 2012.
- 5.12 The South Gloucestershire Climate Change Strategy (April 2013) includes a target of 7.5% of South Gloucestershire’s total energy requirement to be met by renewable energy installations in South Gloucestershire by 2020. Existing renewable energy installations in South Gloucestershire generate about 24,000MWh energy per year; enough to supply 0.35% of South Gloucestershire’s projected total energy requirement in 2020. Renewable energy installations consented but not yet installed will generate a further 3.06% of our 2020 energy requirement, giving a total of 3.41% installed capacity when fully deployed.
- 5.13 The applicant has stated that the estimated annual energy output of the proposed biomass boiler will be 6,200 MWh/year. This would increase the installed and consented capacity to 0.44% and 3.5% of our total energy requirement. Therefore, by reducing reliance on fossil fuel-derived energy, the biomass boiler installation would be expected to reduce Carbon Dioxide emissions by approximately 1,000 tonnes *per annum*, helping progress the local commitment to reduce carbon emissions to play the Councils part in preventing dangerous climate change. In order to effect the greatest reduction of Carbon Dioxide the biomass fuel for the boiler should be sourced locally. This would reduce the carbon footprint of the distribution of the fuel, and would reduce the local energy spend leaving the area.

5.14 Impact on Heritage Assets

- The application site lies within an area of land that historically formed part of the extensive parkland setting of Tortworth Court, the park being a grade II* Registered Park and Garden. Historically, this area was open parkland that was once crossed by one of the many approaches to the Court, this one starting from Leyhill Lodge (now demolished) on the Tortworth Road.
- 5.15 With the development of the prison in the 20th century, the character of this part of the parkland was significantly altered. As noted above, as recently as the early 1990s, the site of the proposed energy centre was occupied by one of the many buildings that comprised the prison complex, this being removed by the late 1990s and the land returned to pasture. The landscape in the prison area has, consequently, suffered and this is reflected in the boundary of the registered park and garden omitting the entire prison site. Since then, the prison has gradually pushed south with the erection of the large polytunnels that sit alongside the sports fields and pitches. However, these structures and pitches are within the registered area and the encroachment of modern, large structures, wire fencing and other clutter has degraded the quality of the open landscape at this point.
- 5.16 The application is supported by a Heritage Statement that provides a brief assessment of the significance of the various heritage assets within the vicinity of the application site and concludes that the significance of the registered park is 'considerable' as opposed to 'exceptional'; this being due to the harmful impact of the prison. The Heritage Statement fails to describe the present condition and appearance of the part of the park affected by the proposal, and contribution that this area makes to the significance of the heritage asset.
- 5.17 Notwithstanding the above, it is noted that the landscape quality of this area has been substantially degraded by the ongoing development of the prison complex. As such, whilst the application site now comprises open pasture, it is set against the backdrop of modern utilitarian buildings set amongst trees, and with single-storey buildings and an expansive area of car parking in the foreground. The aforementioned polytunnels are also an intrusive feature within this part of the landscape.
- 5.18 The energy centre building would be a two-storey structure set down into the ground to make use of the natural falling levels. Whilst it is a larger than the surrounding prison buildings, comments from the Councils Conservation Officer highlight that it should not necessarily appear unduly imposing or dominating in the wider context of the site. Revisions have resulted in the removal of the tall thermal store and the removal of one of the flues. Further, the fencing would now be pushed back from the edge of the access road and into the new planting belt that is proposed to filter views and screen the building. This should reduce the perceived 'hard' edge to the site and the prominence of the fencing.
- 5.19 Notwithstanding the above, there is a new 1.8m palisade fence proposed to the south of the main entrance road that appears to be replacing a hedge that is described in the Landscape and Visual Appraisal as helping to reduce the effects on the setting of the historic parkland. This hedge does provide

- screening of the prison site out to the 'parkland' to the south and should be retained or reinstated after the erection of the fencing. This could form the basis of a suitably worded condition in the event that permission is granted.
- 5.20 Removal of the two existing chimneys associated with the existing boiler room would be advantageous to the Registered Park and Garden and therefore weighs in favour of the proposal. It is noted that these are very prominent structures seen from within the park and garden and also from the setting of the grade II* listed Tortworth Court. As such, the Councils Conservation Officer considers that their removal would be a substantial, positive benefit to the significance of these heritage assets. It is considered that the removal of these chimneys should form the basis of a suitably worded condition in the event that permission is granted.
- 5.21 With regards to the proposed bund, this would comprise of spoil taken from the excavation. The bund would be formed within an adjoining field to the south of the prison that is a relatively open, flat area of the parkland and as such, the original engineered bund would have been an obvious, manmade feature within the registered park and garden. Accordingly, the revised design that has been submitted which shows a gentler gradient to the bund and a simple curved layout would better integrate into the landscape and thus should avoid being viewed as an obvious engineered feature in the landscape.
- 5.22 For the above reasons, there is no objection to the proposal having regard to its impact on the surrounding heritage assets. In this regard, it is noted that the energy centre would be located within an area that has been substantially altered over time, and an area that, whilst visible from the public realm, makes little contribution to the wider significance, setting, or appreciation of the historic parkland or the listed Court. Conditions are also recommended in respect of the proposed cladding materials and governing the height of the gas governor to ensure that it does not project above the height of the adjoining wall.
- 5.23 Design/ Visual Amenity & Landscape Impact
The scale of the building is to a large extent determined by its use as outlined by the Design and Access Statement. Therefore, as noted, the proposal results in a two-storey (approx 8m to the ridge line) building that on plan is no larger than the nearby officers club and mess, although it is substantially higher. Concern has been raised in respect of the proposed materials comprising red brick under-build (to match the nearby prison buildings) and metal cladding to walls (colour to be determined) despite the intention of the proposal to appear as an agricultural timber clad building. The Councils Urban Design Officer has therefore raised an objection to the proposal on the basis that the scheme does not demonstrate sufficient quality that would be expected in this more sensitive location and thus the consequent planning policy tests. Therefore, it is advised that further consideration should be given to the architectural appearance of the proposed energy centre.
- 5.24 In response, as noted the size of the plant inside governs the building but the proposed materials are not considered to be acceptable with rustic/ agricultural appearance required. This has been discussed with the agent who is happy to

accept a condition in respect of the materials in the event that permission is granted. This approach is considered to be acceptable.

- 5.25 The security fencing has been set back from the eastern boundary and would be partially screened by the proposed planting. This offers an improvement to the previous fencing arrangements although the lengths of fencing to the entrance would be quite visible and discordant with the parkland setting. Officers have sought to amend this fencing arrangement further but to a large part, the positioning and amount of fencing is governed by the security required at the site. However, palisade fencing is proposed but it is understood that an alternative design of fencing might still provide the necessary security arrangements and thus in the event that permission is granted, it is recommended that the design of the fencing form the basis of an appropriately worded planning condition. The agent has agreed to this suggested condition. This condition might also address the position of the fencing around the entrance in an attempt to further improve the arrangement proposed.
- 5.26 As noted, the existing hedge along the south boundary should either be retained and enhanced or replaced with appropriate native planting. Again, in the event that permission is granted, this could form the basis of a suitably worded condition.
- 5.27 With regards to the earth bund, comments from the Councils Landscape Officer advise that with a maximum height of 1m and with it spread over a width of between 27m – 42m, the bund should grade into the surrounding landscape and therefore have a negligible visual impact. Further, the proposed meadow grass and parkland tree planting would enhance the landscape character of the area and be in keeping with the parkland setting.
- 5.28 Air Quality
In response to concerns raised by the Councils Environmental Protection Officer, an Air Quality Assessment has been subsequently submitted to support the application. This considers the relevant pollutants and the impacts on local air quality during the operational phase of the proposal.
- 5.29 The Councils Environmental Protection Officer advises of a number of considered shortcomings in the report but confirms that these are not sufficient to question the conclusions contained within the report. Moreover, it is advised that report is robust in that a number of worst case assumptions are used in the prediction of the pollutant concentrations including the plant operating continuously and assuming that all emissions of particulate matter are in the PM₁₀ size range.
- 5.30 The report concludes that the predicted concentrations of nitrogen dioxide and particulate matter are well below the relevant objectives at all of the sensitive receptors included in the assessment. The highest predicted concentration of nitrogen dioxide at the maximum point of impact is however, within 10% of the annual mean nitrogen dioxide objective, although there is no relevant exposure at this location.

- 5.31 For the above reasons, the Councils Environmental Protection Officer advises that there is no basis to object to the proposal having regard to issues of air quality. Accordingly, there is no associated objection to the application.
- 5.32 Highway Safety
Comments from the Councils Highway Officer cite that the energy facility would not generate traffic in its own right, other than for fuel delivery and maintenance. Therefore, the development is not considered to represent a capacity implication for either the local or wider network.
- 5.33 With regards to sustainability, the development serves an existing judicial facility and taking further consideration of the limited traffic generation, the development is not considered to present any material sustainability concerns; any concerns that are raised, might be offset with the improved energy efficiency provided by the proposal.
- 5.34 Concerning site access and design, the applicant has provided details of a tracking analysis that indicates the suitability of the proposed access that is present but unused. However, the tracking analysis provided within the Design and Access Statement suggests a wide sweep to enter the facility and this might conflict with vehicles exiting Woodend Lane. Notwithstanding this, it is considered that the analysis may have been carried out incorrectly and that the approach speed has dictated the wide sweep in reality might not be realised. On this basis, the proposed access arrangements are considered to be acceptable.
- 5.35 Notwithstanding all of the above, there is some concern with regards to the potential redistribution of general staff traffic if the southern access is opened to all traffic. A condition is requested (in the event that permission is granted) to prevent the operation of the southern access to any traffic other than that proposed. This is because additional traffic at this access might conflict with the operation of this proposal and impact upon the safe and convenient use of adjoining highways. Subject to this condition, the Councils Highways Officer has raised no highway objection to the proposal.
- 5.36 Residential Amenity
The energy centre would be remote from all surrounding residential properties thus it is not considered that any reasonable/ sustainable objection could be raised on residential amenity grounds. This is having regard also to the results of the air quality assessment that helps to address some of the concerns that have been raised.
- 5.37 The earth bund would be sited closer to the cluster of properties south of Leyhill Prison but having regard to the nature of this part of the proposal, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.38 With regard concerns raised regarding the publicity of this application, the position of the application site dictates at a significant distance (in excess of 100m) from most nearby properties dictates that a more limited number of consultations were undertaken. A site notice was however erected close to the

entrance of the prison on the Tortworth Road whilst the application was also advertised in the local paper. The Councils Technical Support Team Leader has confirmed that consultations have been undertaken in accordance with the required procedures.

5.39 Ecology

Comments from the Councils Ecologist advise that the site predominantly forms semi-improved species-poor grassland with scattered occasional ruderals and weeds. Fencing rather than hedges borders the fields and the road between the two parts of the site comprises an existing non-metalled track. Overall the site is considered to be of low value for nature conservation. Notwithstanding this, Harris's Wood Site of Nature Conservation Interest (SNCI) adjoins the field where the bund would be located but with a 15m buffer between; it is considered that this would remain unaffected by the proposal.

5.40 Having regard to the possible presence of bats, it is noted that the two trees within the energy centre site lacked features for use by bats whilst both fields offered little for foraging or commuting bats, lacking good quality or diverse habitat and features such as hedges for use as flight lines. No signs of the presence of badgers were recorded whilst the lack of hedges and grazed nature of the grassland within the application site means it is unlikely to support any reptile population.

5.41 The nearest pond is some 400m away from the application site; this and a lack of suitable terrestrial habitat means it is unlikely to support any amphibian population.

5.42 There were also no records of hedgehog near the application site. The submitted survey considered that no impacts on hedgehog should arise provided the adjacent bramble scrub and Harris's Wood SNCI were protected during the creation of the bund. This would best be incorporated into an ecological and landscape management plan for the new species-rich grassland and shrub/ tree planting to be created after forming the bund and which would in turn provide new habitat for a variety of local wildlife including hedgehogs. It is considered that this could form the basis of a suitably worded condition in the event that permission is granted.

5.43 In view of the above, there is no ecological based objection to the proposal subject to the aforementioned condition and an informative in respect of nesting/ breeding birds.

5.44 Archaeology

There are no recorded significant archaeological structures or deposits in the immediate area of the application site although there is a general background of Prehistoric and Roman archaeology in this area. On this basis, comments from the Councils Historic Records Officer suggest that normally an archaeological evaluation might be required. However, given the scale of the work an archaeological watching brief condition is considered to be appropriate in this case. It is considered that this should form the basis of an appropriately worded condition in the event that planning permission is granted.

5.45 Drainage

Drainage concerns have been raised; particularly related to the possible impact of the earth bund on any pipes below. In response, the Councils Drainage plans do not show any pipes in the position of the bund. The Councils Drainage Engineer has however suggested that possible protection measures that might be required could form the basis of an appropriately worded condition in the event that planning permission is granted.

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.
- 6.3 The recommendation to GRANT planning permission is for the following reasons:
 1. Subject to conditions, the design and siting of the proposed energy centre is considered to be acceptable and would accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and EP5 (Renewable Energy Installations) of the South Gloucestershire Local Plan (Adopted) January 2006.
 2. Subject to conditions, the proposed energy centre and earth bund are considered to be acceptable having regard to their impact on the surrounding heritage assets. The proposal is therefore considered to be acceptable having regard to Planning Policies L10 (Historic Parks and Gardens and Battlefields) and L13 (Listed Buildings) of the South Gloucestershire Local Plan (Adopted) January 2006.
 3. The proposed energy centre would assist in the goals set by national and local renewable energy targets and would accord with Planning Policy EP5 (Renewable Energy Installations) of the South Gloucestershire Local Plan (Adopted) January 2006.
 4. The proposed energy centre would not cause any significant adverse impact in residential amenity and would accord with Planning Policy EP5 (Renewable Energy Installations) and EP1 (Environmental Pollution) of the South Gloucestershire Local Plan (Adopted) January 2006.
 5. The proposal is considered to be acceptable having regard to issues of highway safety and would accord with Planning Policy T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. **RECOMMENDATION**

7.1 Planning Permission is **GRANTED** subject to the following conditions:

Contact Officer: Peter Burridge
Tel. No. 01454 865262

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 submitted details, prior to the commencement of development, samples of the roofing and external facing materials proposed to be used for the proposed energy centre 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 order to ensure a satisfactory standard of design that respects its more rural setting and the character and appearance of this sensitive site that is boarded by the parkland setting of Tortworth Court which is a Grade II-star Registered Park and Garden all to accord with Planning Policies D1, L1, EP5, L10 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development, full details of the height of the proposed gas governor shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the gas governor shall not exceed the height of the adjoining stone boundary all.

Reason

In order to ensure a sensitive standard of design and to accord with Planning Policy D1 of The South Gloucestershire Local Plan (Adopted) January 2006.

4. The two chimneys serving the existing boiler house shall be permanently removed within 6 months of the first operation of the energy centre hereby approved. These chimneys shall firstly be identified on a plan submitted to and agreed in writing by the Local Planning Authority.

Reason

To enhance the setting of the application site and the adjoining Tortworth Court and Registered Park and Garden, all to accord with Planning Policies D1, L10 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Notwithstanding the submitted details, 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. For the avoidance of doubt, these details shall include the retention of the hedge along the southern site boundary and should seek to avoid the introduction of palisade fencing. Development shall be carried out in accordance with the agreed details.

Reason

In the interests of visual amenity and to ensure a sensitive form of design, all to accord with Planning Policies D1, L1 and EP5 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of development, an ecological and landscape management shall be submitted to and approved in writing by the Local Planning Authority. The plan should include details of the semi-natural habitat to be created on the bund (species-rich grassland, native species-rich hedge) and details of how semi-natural habitat adjacent to it (bramble, Harris's Wood SNCI) will be protected during the construction phase.

Reason

In the interest of species protection and to accord with Planning Policies L8 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the commencement of development details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In order to safeguard the character and appearance of this rural area and to accord with Planning Policies D1, L1 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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 Planning Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Leyhill Prisons Southern access as served from Tortworth Lane and presented on drawing number LYD-099-A-100--A-P5 shall not provide access to staff and visitor

parking areas and these areas shall remain restricted from this access in perpetuity unless emergency procedures dictate.

Reason

To ensure that the proposed access facility accommodates the intended traffic use and does not result in a redistribution of prison traffic that may conflict with the operation of the development hereby proposed and impact upon the safe and convenient use of adjoining highways; all to accord with Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Prior to the commencement of development, a full construction management plan shall be submitted to include routing of vehicles, timing of deliveries, parking of contractors vehicles, wheel wash facilities and times of deliveries. Thereafter, development shall accord with these submitted details.

Reason

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

11. 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. Details submitted in respect of this condition shall include any necessary protection measures required to existing pipes routed under the proposed earth bund.

Reason

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

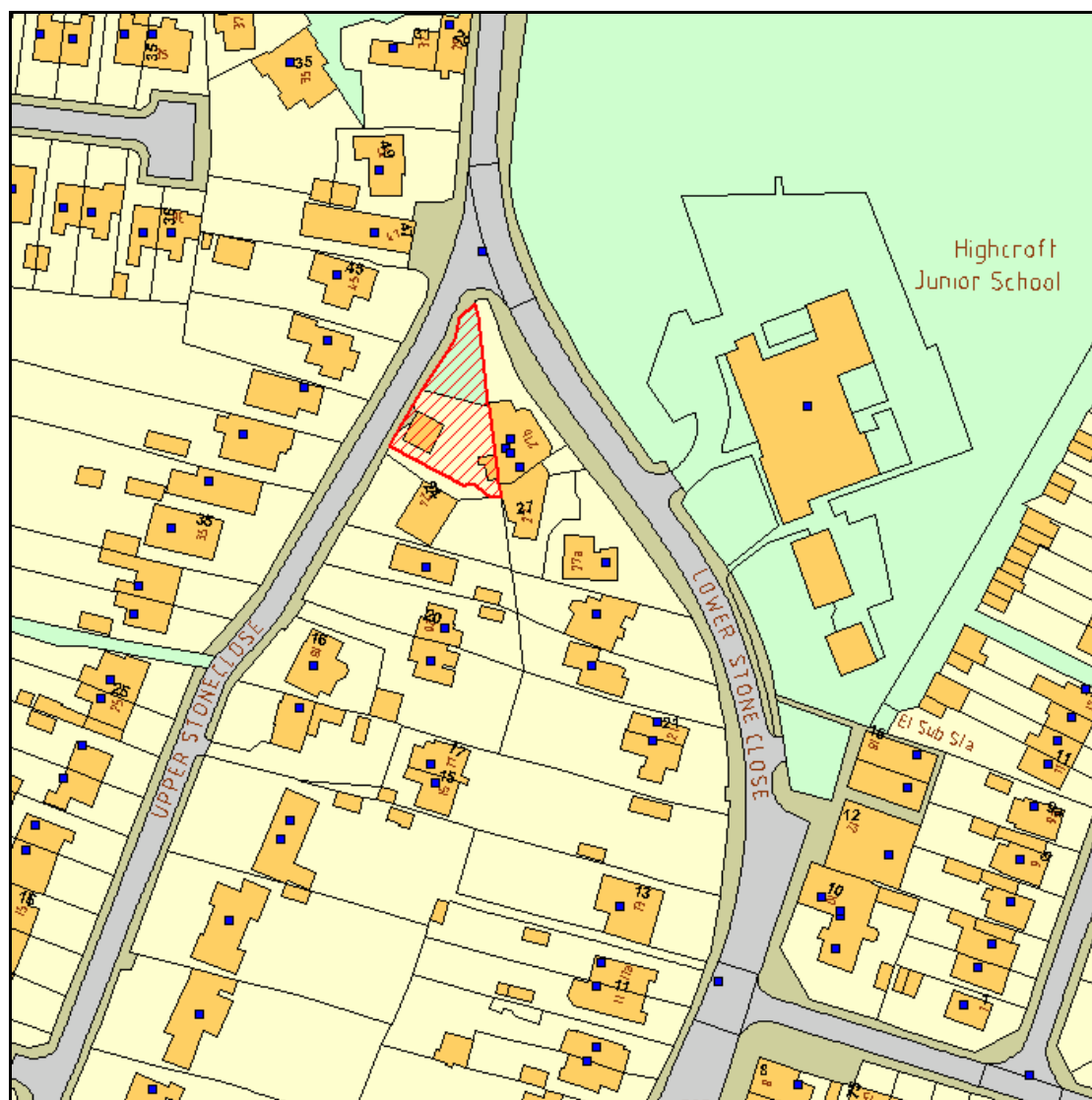
12. Notwithstanding the submitted details, no works shall commence on site until a delivery vehicle management plan is submitted to and agreed in writing by the Local Planning Authority. The plan shall include details of approved routing, control of delivery hours outside of the natural background peak traffic and signage and lining amendment to the proposed access to direct egressing traffic to turn left. The plan shall be implemented prior to first use of the development and shall be maintained, applied and reviewed to meet the needs of the development.

Reason

To ensure that large vehicles are not directed onto and towards insufficient highway infrastructure and do not access the site during key peak hours in the aim of highway safety; all to accord with Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 22/13 – 31 MAY 2013

App No.:	PT13/1218/F	Applicant:	Mr And Mrs Nicholls
Site:	Land Adj 24 Upper Stone Close Frampton Cotterell Bristol South Gloucestershire BS36 2LD	Date Reg:	22nd April 2013
Proposal:	Erection of 1no. detached dwelling with detached garage, bin store and bike store with associated works	Parish:	Frampton Cotterell Parish Council
Map Ref:	367297 181445	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	12th June 2013



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PT13/1218/F

REASON FOR REFERRAL TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule in view of the comments received from the Parish Council and a neighbouring resident.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for one detached dwelling.
- 1.2 The application relates to land on the east side of Upper Stone Close, Frampton Cotterell.
- 1.3 The application follows PT12/3248/F that sought planning permission for two detached dwellings. This was withdrawn; primarily given concerns as to the cramped appearance of two dwellings on this restricted site.
- 1.4 The application is supported by amended plans in an attempt to address Officer concerns in respect of the design of the proposal.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
H2: Proposals for Residential Development
H4: Development within Existing Residential Curtilages
T8: Parking Standards
T12: Transportation Development Control Policy for New Development
L1: Landscape Enhancement and Protection
L18: The Water Environment

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1: High Quality Design
CS5: Location of Development
CS17: Housing Diversity
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/3248/F: Erection of 2 detached dwellings with access, bin/bike stores, garages and off street parking with associated works. Withdrawn: 27 November 2012

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

'The Parish Council object. This is over development of the land and would impact on the street scene and school. The area already suffers with traffic issues and this would add to them.'

4.2 Other Consultees

Environmental Protection: no objections in principle

Technical Services (Drainage): objections

Highways DC: no objection

Other Representations

4.3 Summary of Local Residents Comments:

One letter of objection expressing the following concerns:

- o Concern regarding number of existing cars that would be put onto the road (existing residents of 24 Upper Stone Close have 7 cars);
- o If parked on road would add to problems as a result of takeaway and school;
- o Trees border the site- the form advises that no trees would be lost;
- o Agreement expressed with the Parish Council;
- o If some way can be found to keep 6 cars off road then site does need tidying up;
- o Site visit should be made at busy time of the day.

4.4 One letter received raising no objection to the proposal:

- o Writer has problems gaining access to their drive opposite the site;
- o If built in accordance with the submitted plans, the proposed drive would discourage parking and therefore raises no objections.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework carries a presumption in favour of sustainable development and speaks of the need to 'boost significantly the supply of housing' (paragraph 47) and to deliver a wide choice of high quality homes and widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50). Further, it is advised that *'Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay'*. These considerations should be attributed significant weight in the assessment of this application. However, a word of caution is offered by paragraph 53 of the National Planning Policy Framework which advises: *'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'*.

- 5.2 Planning policies H2 and H4 are permissive of proposals for residential development within the settlement boundaries subject to considerations related to design, residential amenity and highway safety. Therefore, the principle of residential development is considered acceptable. However, as noted above and as per the criterion of policies H2 and H4, where such development would have a harmful impact on the character/ appearance of the surrounding area and residential amenity, development will not be permitted.
- 5.3 Planning policy D1 details 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 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 locality.
- 5.4 Planning policy T12 advises that proposals will be permitted (in terms of transportation) provided that it (here considered relevant):
- Provides adequate safe, convenient, attractive and secure access and facilities for pedestrians, cyclists, and people with disabilities, and
 - Provides access capable of accommodating the motorised traffic generated by the proposal; and
 - Would not create or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety; and
 - Would not generate traffic that would unacceptably affect residential amenity or other environmental sensitive areas in terms of noise, vibration and air quality;
 - Provides for or does not obstruct existing emergency vehicle access.
- 5.5 Design/ Visual Amenity
The application seeks full planning permission for the erection of one two-storey detached dwelling. As submitted, this would form a rectangular shaped unit occupying a relatively deep footprint and encompassed by a shallow pitched gabled-ended roof. It was shown to occupy a forward position by virtue of the triangular shaped plot with a detached double garage to its north side behind the building line of the dwelling adjoining the rear site boundary. The proposal would replace an existing garage/ workshop associated with the adjoining dwelling and an area alongside that is gravelled and informally used for car parking.
- 5.6 The Design and Access Statement cites that *'The design of the dwelling has come from the locality and vernacular style of Frampton Cotterell. On Upper Stone Close there are a number of different dwelling styles where the area has been developed over the years. There are stone built cottages (24 is adjacent to the plot), brick built detached dwellings also further up the road run of 1970s housing. With this in mind it was chosen to propose a design taking features from the materiality of the stone and windows/ openings from the adjacent cottage'*.
- 5.7 Properties along Upper Stone Close are of differing age and design with no defined building line; instead dwellings sit at varying distances from the road. A

sense of spaciousness is provided by the positioning of dwellings (where set back from the road) and in view of the detached nature of many of the properties.

- 5.8 Officers concur with the Design and Access Statement in respect of this variety of design but the initial design solution forwarded was felt at best, to reflect the more recent dwellings of the 1970's and not the more attractive older cottage style dwellings such as that adjoining the site. As such, it was considered that it would have been far better if the design sought to reflect the design of the adjoining cottage (and that opposite) characterised by its simple near symmetrical stone facing elevation, shallow footprint and steeply sloping roof with chimneys to either end. This would allow a dwelling that would sit more comfortably on the site and which could enhance the character and appearance of the street scene; something that the initial proposal failed to do.
- 5.9 For the above reason, a series of amended plans have been submitted that have allowed a stone clad elevation, enhanced detailing such as the provision of chimney stacks, a shallower footprint with a steeper roof pitch and a simplified front elevation. It is considered that these amendments significantly improve the design of the proposal and help to overcome Officer objections to the design of the dwelling. Therefore, subject to conditions, there is now no design/ visual amenity based objection to the proposal.
- 5.10 Residential Amenity
The proposal would stand apart from the neighbouring dwelling to its south by reason of the detached garage with the main outlook from the dwelling to the front and rear (i.e. away from this neighbouring property). On this basis, it is not considered that any significant adverse impact in residential amenity would be caused to these adjoining residents.
- 5.11 The same is true of all other neighbouring dwellings with those opposite at an appreciable distance from the application site and with single-storey building behind comprising office accommodation and devoid of rear facing windows.
- 5.12 Amenity Space
The proposal would benefit from a rear garden that although small, would provide an area of private amenity space for the residents. Accordingly, it is considered that there can be no sustainable objection to the proposal.
- 5.13 Highway Safety
Comments from the Councils Highways Engineer advise that having considered the proposal and the general locality, there is no objection to the application with the authority's parking standards met. However, this is done in a tandem manner and as such could result in parking on street, as this may prove more convenient for each car to be used independently. On this basis, although the new dwelling has a double width drive, which resolves much of the implication of tandem parking, the existing dwelling proposes 3 cars in tandem that could result in the potential for two of these to be parked on street close to an existing junction contrary to highway safety. As such, a condition was suggested requiring widening of the driveway serving the existing property. However, this is outside of the application site and the agent has confirmed that

the applicant would be unable to implement these works. Nevertheless, given that the Councils standards are satisfied in the absence of this condition, it is not considered that permission could be reasonably withheld on this basis.

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.
- 6.3 The recommendation to GRANT planning permission is for the following reasons:
1. The design, massing and scale of the proposal is considered to be acceptable and in keeping with the character and appearance of the area. The proposal would therefore accord with Planning Policies D1 (Achieving Good Quality Design in New Development), H2 (Proposals for Residential Development) and H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
 2. The proposal would not cause any significant adverse impact in residential amenity and would accord with Planning Policies H2 (Proposals for Residential Development) and H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
 3. The proposal would be acceptable having regard to its impact on highway safety and would accord with Planning Policy T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

- 7.1 Planning Permission is **GRANTED** subject to the following conditions:

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

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

Reason

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

2. Prior to the commencement of development samples of the roofing and external facing materials (including windows) 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 design and to accord with Planning Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. 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 and E), 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

In view of the limited size of the plot and to safeguard residential amenity, all to accord with Planning Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To accord with Planning Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. 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 Planning Policy L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 22/13 – 31 MAY 2013

App No.:	PT13/1221/F	Applicant:	Rockfield Farms Ltd
Site:	Brickhouse Farm Old Gloucester Road Winterbourne Bristol South Gloucestershire	Date Reg:	18th April 2013
Proposal:	Conversion of redundant agricultural buildings to form 3 no. dwellings and creation of new vehicular access with associated works (Amendment to previously approved scheme PT11/2241/F)	Parish:	Frampton Cotterell Parish Council
Map Ref:	364473 183422	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	7th June 2013



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PT13/1221/F

REASON FOR REFERRAL TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule in view of the comments received from the Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the conversion of agricultural buildings to provide three dwellings.
- 1.2 The application site comprises Brick House Farm on the west side of the Old Gloucester Road south of Gaunt's Earthcott and north of Winterbourne. The site is located within the Green Belt and beyond any settlement boundary.
- 1.3 This application would allow an amendment to PT11/2241/F that was allowed on appeal. It is noted that this application was originally refused for the following reason:

'The application site, which is remote from residential development, services and public transport would be almost entirely dependent on the private motorcar. As such, the proposal is unsustainable in transportation terms and would be contrary to the aims and objectives of PPG13, the Joint Replacement Structure Plan (Policies 1, 2, 33- 35 and 59), Planning Policies D1 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.'

- 1.4 The Design and Access Statement advises that *'The current scheme of development seeks permission for a variation of the scheme to provide an improved relationship between the three dwellings and an improved arrangement of parking and amenity areas for the enjoyment of future occupiers'*.
- 1.5 Upon request, the agent has listed the changes introduced by this application. With the exception of internal alterations, the main changes are noted as follows:

Dwelling 1:

- Additional 4.2m² to garage floor area;
- Amended fenestration layout to courtyard and west elevation;
- Change to garage roof design.

Dwelling 2:

- 86m² of existing structure retained to provide enlarged conversion;
- Additional 7.3m² of floor area added between structures;
- 30m² courtyard area provided between existing structures;
- Access to double garage revised;
- Revised roof form and changes to east and west elevations.

Dwelling 3:

- Revised fenestration to all elevations.

Block Plan:

- Curtilage to dwellings amended.

- 1.6 Amended plans form part of this application in an attempt to rationalise the number of new openings proposed; the agent has submitted a revised plan and elevation for plot 3.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework (March 2012)
The National Planning Policy Framework (Technical Guidance)

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
H4: Development within Residential Curtilages, Including New Dwellings
H6: Affordable Housing
H10: Conversion and Re-use of Rural Buildings for Residential Purposes
T12: Transportation Development Control Policy for New Development
GB1: Development within the Green Belt
L1: Landscape Enhancement and Protection
L9: Species Protection
L18: The Water Environment
EP6: Contaminated Land

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

CS1: High Quality Design
CS5: Location of Development
CS17: Housing Diversity
CS18: Affordable Housing
CS34: Rural Areas

3. RELEVANT PLANNING HISTORY

- 3.1 PT05/1007/PNA: Agricultural Building to form Hay Barn. No objection: 6/5/05
- 3.2 PT06/0100/F: Conversion of existing agricultural buildings to form 6 residential units. Refused: 13 February 2006
- 3.3 PT09/5362/F: Conversion of 8 agricultural buildings to form 3 live/ work units with alteration to existing access. Withdrawn: 10 November 2009
- 3.4 PT11/2241/F: Conversion of redundant agricultural buildings to form 3 no. dwellings and creation of new vehicular access with associated works. Refused: 23 September 2011- Appeal Allowed 1 March 2012

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

'The Parish Council feels there is insufficient information to remove its previous objection'

It is noted that these previous comments read:

Objection: 'Insufficient information provided about the applicant's intentions. Does the proposal have regard to the Parish Council's Village Design Statement? How does the development fit with the surrounding properties? The loss of the hedge is significant and undesirable. Does the proposal meet any sustainability criteria? The Parish requests that a site visit is arranged so that Councillors have all details of this application prior to its determination.'

4.2 Other Consultees

Highways DC: no objection subject to conditions

Affordable Housing Officer: no provision requested

Archaeology Officer: no objections

Technical Services (Drainage) Officer: no objection in principle

Environmental Protection: no objections in principle/ condition required

Ecology Officer: no objection subject to conditions

Landscape Officer: no objection

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In this case, the principle of development has already been established by the grant of PT11/2241/F. This planning permission remains extant and thus in the event that this revised application was refused, could still be implemented.

5.2 Notwithstanding the above, it is noted that the National Planning Policy Framework has been adopted since the time of the previous application. It is not considered that this significantly alters the assessment of this application with the Framework committed to economic growth and sustainable development. In respect of the rural areas, it is advised that:

'Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should... support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings...'

5.3 Description of Site

The application site relates to existing agricultural buildings at Brickhouse Farm arranged around a courtyard to the rear of the farmhouse that has been recently renovated. By virtue of the positioning of the buildings to the rear of the farmhouse, the site is set back from the highway with access provided via an existing drive to the north of the farmhouse. The farmhouse would share this access with the further existing access to the south of the property retained for the farm.

- 5.4 Further agricultural buildings sit immediately south of the application site whilst land rises to the rear helping mitigate the impact of all buildings on the wider landscape.

5.5 Design/ Visual Amenity

The site encompasses eight agricultural buildings predominantly arranged around the courtyard. The proposal would allow removal of a number of these buildings with those fronting the courtyard and opposite (adjoining the rear farm house boundary) retained. In so doing, the proposal would provide three residential dwellings.

- 5.6 Unit 1 appears broadly similar to that previously approved and would remain the largest dwelling incorporating the only two-storey structure and utilising the southern half of those buildings fronting the existing courtyard adopting an 'L' shaped footprint. The internal accommodation has been rearranged and would include four bedrooms and a double garage. There is no objection to the reconfigured arrangement of this property. In this regard, concerns relating to the overly domesticated appearance to the dwelling did not generate a refusal reason last time. This was in part due to removal of many of the 'external' buildings with openings formed either within existing 'internal' walls (to become external as part of the demolition works proposed) and with the walls facing the courtyard predominantly characterised by large functional openings that might be improved.

- 5.7 Unit 2 would utilise those buildings behind the farmhouse and differs most from the approved scheme given retention of further buildings (building 7 on the survey) that would allow creation of a 3-bedroom unit. These works would necessitate the introduction of a larger roof structure above building 7 to replace the two separate roof structures currently in situ; this would add to the visual massing of these two existing adjoined structures. Nevertheless, although larger, the resultant massing and scale of these two combined buildings would remain broadly acceptable and therefore, and given the extant planning permission, on balance it is considered that any associated refusal reason would be unlikely to prove sustainable. It should be noted that the agent has resisted requests to retain the original shaped roof structure.

- 5.8 Unit 3 again remains broadly comparable with the approved scheme albeit with extensively reworked elevations that would allow a significant number of new openings. This causes some concern with the west elevation in particular heavily glazed. Accordingly, revised plans in respect of the north and west elevations have been submitted showing a reduced number of openings. On

balance, and having regard to the form of the existing buildings and the extant permission, there is no associated objection to the application.

5.9 Landscape Impact

Concerning the landscape impact of the proposal, at the time of the 2009 submission, landscape officer comments noted that the only vegetation on site comprised a small number of what are probably self-sown trees alongside some of the existing buildings, a few areas of Bramble and other scrubby undergrowth and a hedgerow to the road frontage. It was considered unlikely that the self sown trees would survive demolition of the buildings in the area that would become the garden of dwelling 3 and similarly the areas of scrubby vegetation would also probably not survive the demolition process. Further, the hedgerow to the road frontage was 'gappy' and species poor and had not been well maintained.

- 5.10 In view of the above, and with the gardens contained by the existing site boundaries at the rear of the site, there was no associated objection to the previous application. As before, landscaping conditions in respect of planting and maintenance should be attached to any planning permission that is granted.

5.11 Potential for Business Re-Use

There was no objection to the previous planning application on this basis and a Marketing Report also supports this application. Nevertheless, in view of the extant planning permission, it is considered that there can be no sustainable objection to the application on this basis.

5.12 Physical State of the Buildings

There was no associated objection to the previous application at which time the site was viewed by the Councils Building Control Officer who advised that in general terms the buildings appeared reasonably adequate structurally although it was noted that there were some areas where there are cracks above windows and areas at eaves level that would need repair which appeared due to rain penetration that has washed out the mortar. There were also a couple of areas where rotted timbers and signs of woodworm were noted.

- 5.13 In view of the above, and having regard to the extant planning permission, there is again no associated objection to this application.

5.14 Green Belt

In principle, the change of use of agricultural buildings forms appropriate development within the Green Belt; indeed, given that the scheme entails removal of a number of the buildings, as before, it is considered that this helps enhance the openness of the Green Belt. For these reasons, and in view of the extant planning permission, there is no associated objection to the proposal. In this regard, it is noted that the increased massing and scale of unit 2 is primarily through the reuse of existing buildings with the slight increase in massing/ scale offset in part through removal of further buildings on the application site.

5.15 Residential Amenity

As before, the proposed density of development is considered acceptable, as is the relationship between the proposed dwellings and the existing farmhouse. As such, there is no associated objection to this application. As before, a condition should however be attached to any permission that is granted preventing new windows in the rear of unit 3 (facing the existing farmhouse).

5.16 Highway Safety

In view of the appeal decision in respect of the previous application, the Councils Highways Engineer raises no objection to this application subject to conditions pertaining to construction and completion of the new access, closure of the existing access and the submission of a construction management plan

5.17 Ecology

The site comprises a series of agricultural buildings to the south of Frogland Cross on the west side of the Old Gloucester Road. The site is not covered by any statutory or non-statutory nature conservation designations. The Councils Ecologist has considered the application and as before, raised no objection to the proposal subject to those conditions that were attached to the previous permission.

5.18 Provision of Affordable Housing

The previous application was not considered to generate a requirement for affordable housing. On this basis (and in view of the extant planning permission), comments received from the Councils Enabling Officer again make no request for an affordable housing contribution.

5.19 Outstanding Issues

The Councils Environmental services team have requested further details in respect of land contamination. It is not considered that this can amount to a refusal reason given that these details could form the basis of a condition. The same is also true in respect of drainage details.

6. CONCLUSION

- 6.1 In accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), 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 decision 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.
- 6.3 The recommendation to GRANT permission is for the following reasons:
 1. The principle of development has been established by the grant of planning permission PT11/2241/F that remains extant.

2. The design, massing and scale of the converted buildings are considered acceptable and compliant with Planning Policies D1 (Achieving Good Quality Design in New Development) and H10 (Conversion and Re-use of Rural Buildings for Residential Purposes of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The proposal is considered to be acceptable having regard to issues of residential amenity and would accord with Planning Policy H10 (Conversion and Re-use of Rural Buildings for Residential Purposes of the South Gloucestershire Local Plan (Adopted) January 2006.
4. The proposal is considered to be acceptable having regard to its impact on the openness of the Green Belt and would therefore accord with Planning Policy GB1 (Development in the Green Belt) of the South Gloucestershire Local Plan (Adopted) January 2006.
5. The proposal is considered to be acceptable having regards to issues of highway safety and would accord with Planning Policy T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the following conditions:

Contact Officer: Peter Burridge
Tel. No. 01454 865262

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, D, E, F) , 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 preserve the character of these existing buildings, to safeguard residential amenity and to protect the openness of the Green Belt, all to accord with Planning Policies D1, L1, GB1 and E10 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); 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 Planning Policies D1, L1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To protect the character and appearance of the area to accord with Planning Policies D1, L1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of development details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To safeguard the character and appearance of the area and the openness of the Green Belt, all to accord with Planning Policies L1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Notwithstanding the previously submitted details, no development shall take place until the detailed designs, including materials and finishes, of all new external doors, all new windows and rooflights have been submitted to and approved in writing by the Local Planning Authority. The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:10. Development shall be carried out in accordance with the approved details.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Planning Policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To safeguard the special architectural and historic character of the building, and to accord with Planning Policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development, a sample of the proposed roof tile 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 safeguard the special architectural and historic character of the building, and to accord with Planning Policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. A sample panel of the render indicating colour and texture, shall 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 development is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Planning Policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. 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 Planning Policy L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. A report by Geotechnical Engineering Limited: Phase 1 Geoenvironmental Desk Study, Brickhouse Farm, Old Gloucester Road, Frampton Cotterell, Report Ref 27494/01 January 2013 has been submitted in respect of this application. Potential contaminants have been identified. Prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

B) Prior to occupation, where works have been required to mitigate contaminants (under section A) a report verifying that all necessary works have been completed

satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

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

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

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

Reason

To safeguard against the possible contamination of land and to accord with Planning Policy EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 12. Prior to first occupation, the improved access serving the proposed dwellings shall be constructed in accordance with the approved details, including new surfacing, with visibility splays in both directions measuring 2.4m x 120m. Thereafter, the visibility splays shall be kept free from any visibility obstruction exceeding 0.9m in height, including vegetation and engineering works.

Reason

To ensure that adequate access provision is made for the proposed properties in the interests of highway safety and to accord with Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 13. Prior to first use of the improved access to serve the proposed dwellings, the existing farm house access shall be closed to vehicular traffic and the verge reinstated.

Reason

To ensure that a multiplicity of accesses along a fast stretch of highway does not conflict with highway safety and to accord with Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. Prior to first use of the improved access to serve the proposed dwellings, the improved access to serve the farm shall be completed in all respects with the approved plans.

Reason

To ensure that this facility, including gates etc, does not impinge upon the satisfactory and safe use of the dwellings access and to accord with Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. No development shall take place until a strategy for new bat access points (based on the recommendations made in section 7 of the Bat Emergence Survey and Assessment dated September 2009), to include details of their location and design, has been 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 species protection and to accord with Planning Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. No development shall take place until details and the location of 2 Schwegler No 21 little owl boxes have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these agreed details.

Reason

In the interests of species protection and to accord with Planning Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

17. No windows other than those shown on the plans hereby approved shall be inserted at any time in the rear (east) elevation of dwelling no. 2.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Planning Policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

18. Prior to commencement of works, a Construction Management Plan shall be submitted to and approved in writing by South Gloucestershire Council. The plan shall include details of vehicle access and turning, storage of vehicles and materials and means to avoid the deposit of detritus onto the highway. The Construction Management Plan shall thereafter be implemented in its entirety for the full extent of the construction duration.

Reason

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