

**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. 19/14**

**Date to Members: 09/05/14**

**Member's Deadline: 15/05/14 (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](mailto: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](mailto: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.

**Dates and Deadlines for Circulated Schedule  
During Whitsun Bank Holiday Period 2014**

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline 5pm on</b>
No.21	Thursday 22 May	Thursday 29 May

Above are details of the schedules that will be affected by date changes due to Whitsun (end of May) Bank Holiday.

# CIRCULATED SCHEDULE – 9 MAY 2014

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
<b>1</b>	<b>PK13/4403/F</b>	Approve with Conditions	Collins Farm Abson Road Wick South Gloucestershire BS30 5TT	Boyd Valley	Wick And Abson Parish Council
<b>2</b>	<b>PK14/0427/F</b>	Approve with Conditions	Cleeves Court Court Farm Road Longwell Green South Gloucestershire BS30 9AW	Longwell Green	Hanham Abbots Parish Council
<b>3</b>	<b>PK14/0554/F</b>	Approve with Conditions	16 Pool Road Kingswood South Gloucestershire BS15 1XL	Rodway	None
<b>4</b>	<b>PK14/1014/F</b>	Approve with Conditions	5 Cleeve Wood Road Downend South Gloucestershire BS16 2SF	Downend	Downend And Bromley Heath Parish Council
<b>5</b>	<b>PK14/1073/TRE</b>	Approve with Conditions	Bluebell House Dibden Lane Emersons Green South Gloucestershire BS16 7AF	Emersons	Mangotsfield Rural Parish Council
<b>6</b>	<b>PK14/1093/CLP</b>	Approve with Conditions	1 Court Farm Gardens Longwell Green South Gloucestershire BS30 9BT	Longwell Green	Hanham Abbots Parish Council
<b>7</b>	<b>PK14/1171/F</b>	Approve with Conditions	30A Church Road Hanham South Gloucestershire BS15 3AL	Hanham	Hanham Parish Council
<b>8</b>	<b>PK14/1181/AD</b>	Approve with Conditions	Westerleigh Road Roundabout Westerleigh Road Emersons Green South Gloucestershire BS16 7AN	Emersons	Mangotsfield Rural Parish Council
<b>9</b>	<b>PT14/0452/MW</b>	Approve with Conditions	Old Airfield Car Park New Road Filton South Gloucestershire BS34 7QD	Filton	Filton Town Council
<b>10</b>	<b>PT14/1058/CLE</b>	Approve	Rear Part Of Woodlands Yard Bristol Road Frampton Cotterell South Gloucestershire BS36 2AW	Frampton Cotterell	Frampton Cotterell Parish
<b>11</b>	<b>PT14/1086/CLP</b>	Approve with Conditions	Homeland Cottage 111 Marsh Common Road Pilning South Gloucestershire BS35 4JU	Pilning And Severn Beach	Pilning And Severn Beach Parish Council

## CIRCULATED SCHEDULE NO. 19/14 – 9 MAY 2014

<b>App No.:</b>	PK13/4403/F	<b>Applicant:</b>	Mr Charles Taylor
<b>Site:</b>	Collins Farm Abson Road Wick Bristol South Gloucestershire BS30 5TT	<b>Date Reg:</b>	2nd December 2013
<b>Proposal:</b>	Erection of a 6,000 Bird Free Range Egg Production Unit with associated works (Resubmission of PK13/0675/F)	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	370443 174934	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd January 2014



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100023410, 2008.

**N.T.S.**

**PK13/4403/F**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule following the receipt of objections from Wick & Abson Parish Council, Pucklechurch Parish Council and local residents; the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to a plot of agricultural land located at Collins Farm, Abson. The land is laid to pasture and lies within the open countryside and Bath/Bristol Green Belt. The original farmhouse and associated outbuildings lie at the junction of Lodge Road, and Abson Road within the village of Abson. Immediately to the south-east, on the opposite side of Abson Road is the Grade I Listed St. James's Church and the Village Green. The farmhouse is accessed off the junction and there are some residential properties on the opposite side of Lodge Road at this point. Much of the farmland that formed Collins Farm has been sold off but the fields immediately to the west and north of the farmhouse have been retained and are farmed by the applicant who lives at Collins Farm. Planning permission was previously granted to convert some of the old outbuildings at Collins Farm to residential use.
- 1.2 It is proposed to erect a 6000 bird Free Range Egg Production Unit (the Unit) on the land to the west of the farmhouse. The Unit would measure 44.6m x 18.3m with height to eaves of 2.44m and height to roof ridge of 5.36m; the internal floor area of the unit would be 815.2sq.m. It is proposed to construct the Unit using timber boarding, 'Teak' in colour with Blue Slate coloured, profile sheeting, for the roof. Adjacent to the building would be two 16 tonne feed bins to a maximum height of 6.83m and constructed from galvanised steel; dirty water would be captured in a 1000 gallon tank. The hens would range freely within the fields to the east of the Unit, and north of the Farmhouse and proposed access track.
- 1.3 In order to provide vehicular access to the Unit, it is proposed to utilise the access off Lodge Road that was approved for the barn conversion at Collins Farm. In order to accommodate the vehicles proposed; an access with a visibility splay of 2m x 38 to the east and 2m x 60m to the west is required. To achieve this, some cutting back of the adjacent hedge of approximately 15m in length will be required. Furthermore some cutting back of a nearby Norway Maple Tree will also be required. To protect the carriageway edge, kerbing would be provided on the bell-mouth as well as the road edge on the opposite side of the new access. The bell-mouth would be hard-surfaced but the remainder of the access track, across the application site to the Unit, would be of stone construction, laid on a terra membrane. The track would be located just inside the field hedge boundary and for most part run parallel with Lodge Road, before turning north to terminate at the hard-standing located next (south) to the Unit.
- 1.4 It is proposed that the applicant would operate the Unit and sell his eggs to 'John Bowler's Free Range Eggs' who are a major national supplier of eggs to the retail sector, having supply contracts with some 180 producers, with over 2,000,000 birds producing up to 2 million eggs a day.

The hens would gain access to and from the range through pop holes located along the eastern side of the Unit. The pop holes are opened every day at 8.00am and closed at dusk. All birds are kept within the Unit at night. Eggs are laid, collected and processed within the unit ready for collection.

1.5 The application seeks to overcome the highway concerns raised in relation to an earlier application PK13/0675/F, for a similar scheme that was withdrawn on officer advice. The current application is supported by the following documents:

- Design and Access Statement
- Ecological Appraisal
- Fly and Odour Management Plan
- Odour Impact Study
- Swept Path Analysis and Access Arrangement
- Technical Data Sheet (Tank)
- Roof Mounted Agri-Jet Fan Specifications
- Hen ranging plan

## **2. POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework March 2012  
Planning Practice Guidance March 2014

### 2.2 Development Plans

#### South Gloucestershire Local Plan (Adopted) January 2006

L1 - Landscape Protection and Enhancement  
L9 - Species Protection  
L13 - Listed Buildings  
EP2 - Flood Risk and Development  
T12 - Transportation Development Control Policy for New Development  
E9 - Agricultural Development

#### South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS9 Managing the Environment and Heritage  
CS34 Rural Areas

### 2.3 Supplementary Planning Guidance

Development in the Green Belt SPD (Adopted) June 2007  
Trees on Development Sites SPD (Adopted) Nov. 2005

## **3. RELEVANT PLANNING HISTORY**

3.1 P86/2545 - Change of use of agricultural building to dwelling. Construction of new vehicular and pedestrian access.  
Approved 6 Oct. 1986

- 3.2 P87/2361 - Conversion of existing barn and outbuildings to dwelling house and restoration of existing dovecote.  
Approved 7 Oct. 1987
- 3.3 PK13/008/SCR - Erection of a 6,000 Bird Free Range Egg Production Unit with associated works. Screening Opinion for PK13/0675/F  
EIA Not Required 8 March 2013
- 3.4 PK13/0675/F - Erection of a 6,000 Bird Free Range Egg Production Unit with associated works.  
Withdrawn 19 July 2013

#### Similar Application in the Vicinity

- 3.5 P96/4598 - Erection of egg production unit and construction of new access.  
Refused 29<sup>th</sup> May 1997 for reasons of:
- Development and access road being visually obtrusive features on an exposed and visually prominent part of a sensitive and Green Belt location.
  - The new access would involve the removal of a length of hedgerow to the detriment of the visual amenities of the area.

*Appeal Ref: T/APP/P0119/A/97/284682/P4 dismissed for the same reasons.*

## **4. CONSULTATION RESPONSES**

### 4.1 Wick and Abson Parish Council

An initial response was received 30th Dec. 2013 in which the Parish Council objected on the following grounds:

- The proposed changes to Lodge Road and Abson Road that involve widening of the junction and pruning of a commemorative tree are unacceptable.
- The kerbing suggested will make Lodge Road look urbanised.
- The drainage problems that affect both Lodge Road and Abson Road below Collins Farm will be exacerbated by the building of a long non-porous driveway.
- The removal of hedgerow, to allow for a large entrance, will change the rural feel of Lodge Road.
- 26 tonne lorries will be detrimental to safety and will infringe the 7.5 tonne limit that currently exists.
- The visual amenity of the area around the Grade I Church, Grade II listed buildings and Village Green will be particularly badly affected.
- Wider views of Abson, travelling from Pucklechurch will be severely affected.
- Parishioners living close to the application site will suffer from smells, flies and light pollution.



Subsequent to this response the following comment was received from the Parish Council.

Wick and Abson Parish Council wish the following points to be recorded.

1. The vote on PK13/4403/F was 3/2 against the application.
2. Technical expertise could prove us incorrect in our submission.
3. Parishioners living close to the application fear they will suffer from smells, flies and light pollution.

#### Pucklechurch Parish Council

Object on the following grounds:

1. The potential for pollution of local water courses due to localised flooding and field drainage.
2. Inappropriate scale and positioning of the unit within the local landscape and detriment to the visual amenity – the feed stores are completely incongruous.

## 4.2 Other Consultees

### Sustainable Transport

No objection subject to a S106 Legal Agreement to secure appropriate works to the highway in order to allow the implementation of the access proposed.

### The Environment Agency

No objections subject to informatives.

### Environmental Protection

No objection in principle.

### Ecology Officer

A Preliminary Ecological Appraisal of the application site was conducted by Wardell Armstrong dated May 2013. There are no ecological constraints to granting planning permission. Conditions should be attached relating to Great Crested Newts and a landscape and ecological management plan.

### Landscape Officer

No objection subject to a condition to secure a detailed planting plan, gate and boundary details.

### Tree Officer

The tree likely to be affected is a Norway Maple, which has had extensive pruning in the past to allow for passage of vehicles along the public highway. Should planning permission be granted I would be happy to see the lowest branch that is growing across Lodge Road to be removed to the stem. This should be undertaken by our tree contractors and funded by the applicants.

### PROW

No objection. The development is unlikely to affect the nearest public footpath ref: LWA3/10 which runs along the southern boundary of the site to connect with Lodge Road.

### Wales and West Utilities

The Wales & West Utilities High Pressure Network may be affected by the proposal.

*Wales and West subsequently confirmed that the High Pressure Pipeline lies 300m to the west of the application site and would not be affected.*

### National Grid

A gas main runs through the site that may be affected. No objection subject to a Deed of Consent and the installation of a permanent protection slab at the point where the access track crosses the existing gas main.

### Highway Drainage

No objection subject to a condition to secure a SUDS Drainage Scheme and an informative relating to site access.

### Agricultural Consultant

This is a relatively small layer unit, therefore overall, the environmental impact should be low so long as it is well managed.

### English Heritage

No comment. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

### Conservation Officer

Subject to the planting as recommended by the landscape officer, I have no objections.

## **Other Representations**

### 4.3 Local Residents etc.

72 No. letters/e-mails of objection have been received, the concerns raised can be summarised as follows:

- This is an industrial scale operation.
- HGV traffic, light pollution, unsightly buildings, changes to hedgerows and verges, odour and fly nuisance, will severely damage the ambience of the hamlet.
- There are anomalies within the submitted documents.
- Excrement will be deposited on the fields.
- Dust from roof mounted Agri-Jets.
- Contamination of groundwater and surface waters with nitrates from runoff.
- Dangers from 26 tonne lorries to cyclists, walkers and horse riders.
- Proximity to residential property.
- Loss of visual amenity.
- Flies and odours.
- Insufficient space for hens in field.
- Impact of HGV's turning into Lodge Road.

- The application site is not within the 7.5 tonne RTO Area.
- A similar application in Lodge Road was refused.
- Drivers of 26 tonne lorries in a 7.5 tonne Road Traffic Order Area will be breaking the law.
- Inadequate access.
- Adverse impact for horse riders from HGV's.
- Impact on tree opposite access.
- Unsightly kerb stones in Lodge Road.
- Loss of house values.
- Great Crested Newts on the site.
- Damage to verges by HGV's entering site.
- Noise from fans.
- Devon EHO recommends that egg production units be no nearer than 500m to residential properties.
- Inadequate visibility at access.
- The land around Abson is a Major Aquifer Area.
- Additional impermeable surfaces will channel water to Lodge Road.
- Adverse impact on setting of Church and Green.
- Contrary to draft Quiet Lanes Scheme.
- A gas pipeline runs across the site.
- Collins Farm is not a farm, most of the land has been sold off and the barns converted to houses.
- Loss of parking space in Lodge Road.

30 No. letters/e-mails of support have been received, the content of which can be summarised as follows:

- This is a working, agricultural landscape.
- The enterprise would produce local fresh produce.
- As with other Egg Production Units across the country the fears of flies, smells, lorries etc. are entirely misplaced.
- The applicant is a young farmer who should be encouraged.
- Planning policy supports rural industry to sustain economic growth and local food production.
- The 6000 bird unit is the smallest economically viable unit.
- The proposal enables the applicant to continue farming on his family's land.
- Egg production is suitable to a rural location.
- There are already plenty of movements of heavily laden agricultural vehicles along Abson Road.
- The applicant is well qualified to run the business.
- The amount of manure deposited on the pasture would be less than that of two cows.
- The unit would be small and would be invisible from the village.
- The project will help to reduce imports into the Country.
- Odour, noise and environmental impact have been addressed and would not be an issue.
- The stocking rate and volume of excrement deposited in these fields has been far higher in the past.

- There are countless other buildings in the area that are larger than the building proposed.
- The land used to be occupied by travellers.
- A similar operation for John Bowlers, in Wickwar has been running for 3 years without complaint.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

It is proposed to erect a new 6,000 Bird Free Range Egg Production Unit with associated feed silos, hard-standing, dirty water tank and access track, in open countryside to the west of Collins Farm. The unit would comprise 1no. new agricultural building with two associated feed silos; access would be off Lodge Road which in turn is accessed off Abson Road. Case law in the form of the appeal decision letter relating to the refusal of P96/4598 (see para. 3.4 above) has previously established that such units are agricultural.

5.2 Such agricultural development falls to be determined under saved policy E9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006; the criteria attached to policy E9 are discussed below. Also of relevance is Local Plan Policy L1 which seeks to conserve and enhance the character, distinctiveness, quality and amenity of the landscape in general. Policy L13 seeks to preserve the setting of Listed Buildings and is relevant given that St. James Church on the opposite side of Abson Road is a Grade I Listed Building, there are also Grade II Listed Buildings adjacent to the Church. Policy T12 relates to highway issues and Policy L9 relates to protected species. Regarding The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013, Policy CS1 seeks to secure high quality designs and site planning for new development; Policy CS9 seeks to ensure that heritage assets and landscapes of historical importance are preserved and respected. Policy CS34 seeks to protect the character of rural areas, including the Green Belt, from inappropriate development, whilst also supporting farm diversification and local employment opportunities. Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 is not a saved policy but paras. 87-89 of the NPPF protect the Green Belt from inappropriate development using much the same criteria that were listed under Policy GB1.

5.3 The NPPF supports the creation of a prosperous rural economy and states at Para. 28 bullet point 1 that 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.'*

Bullet point 2 also promotes the development and diversification of agriculture.

As such the proposal is supported by the NPPF.

### **Green Belt Issues**

- 5.4 The NPPF covers Green Belt policy at Section 9 and emphasises at para.79 that the most important attribute of Green Belts is their openness. Inappropriate development is by definition harmful to the openness of the Green Belt and should not be approved except in very special circumstances (para. 87).
- 5.5 At para. 89 however the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt but lists those categories of development that are exceptions to this rule. Among the categories is included: *'buildings for agriculture and forestry'*. Given therefore that the proposed building is to be used in connection with agriculture, it is not inappropriate development in the Green Belt. There is therefore no in principle Green Belt objection to the proposal. This is consistent with the Inspector's ruling for the appeal relating to refusal of P96/4598, which sought permission for an even larger unit (913sq.m.)

### **Analysis**

- 5.6 Proposals for the erection of agricultural buildings, is permitted by Local Plan Policy E9 subject to the following criteria:
- 5.7 **A. They are sited on land which is in use for agricultural purposes and there are no existing suitable underused buildings available; and**
- 5.8 Collins Farm is an established farm and although the land holding has much reduced in recent years, the fields around the farmhouse are still farmed by the applicant.
- 5.9 The former barns, located within the farm complex are traditional in design and have been converted to residential accommodation. These old buildings would have no longer met the standards and legislative requirements of modern farm buildings and would certainly not have been suitable for a specialist use such as an Egg Production Unit now proposed.
- 5.10 The applicant lives at Collins Farm and has clearly demonstrated an intent to diversify into egg production.
- 5.11 **B. Adequate provision is made for access and manoeuvring of machinery and livestock to avoid the perpetuation, intensification or creation of a traffic hazard; and**
- 5.12 Access to the proposed unit would be from Lodge Road, only a short distance (40m) from the junction with Abson Road. It is proposed to upgrade the access previously granted to access the barn conversion.
- 5.13 The vehicle movements associated with the 6,000 Bird Free Range Egg Production Unit would be:-
- i) 1 vehicle once every 14 months to deliver the birds at the beginning of the flock cycle.
  - ii) 2 egg collection lorries every week.
  - iii) 1 feed delivery lorry every two weeks.

The vehicle movements created by the day to day operation of the Unit would be 2.5 vehicle movements every week, being 2 egg collection lorries and one feed lorry every 2 weeks, utilising 26 tonne rigid lorries for the feed deliveries and egg collection.

- 5.14 In order to accommodate the vehicles proposed; an access with a visibility splay of 2m x 38m to the east and 2m x 60m to the west is proposed. To protect the carriageway edge, kerbing would be provided on the bell-mouth as well as the road edge on the opposite side of the new access. The bell-mouth would be hard-surfaced but the remainder of the access track, across the application site to the Unit, would be of stone construction laid on a terra membrane. The track would be located just inside the field hedge boundary and for most part run parallel with Lodge Road before turning north to terminate at an area of hard-standing located next to the Unit.
- 5.15 A swept path analysis has been submitted to the Council's Transportation Officer's satisfaction. The swept path analysis demonstrates that a 26 tonne vehicle can access the site. Whilst it is acknowledged that large vehicles would have to utilise the whole width of Abson Road in order to access Lodge Road; with limited frequency of movements and negligible accident record, officers consider that this manoeuvre is not deemed material.
- 5.16 The access onto the highway would be constructed with geometry to prevent heavy vehicles leaving the site and turning right. All HGV's upon leaving the site would turn left onto Lodge Road, and then right onto Abson Road. All HGV's would approach from the same direction. All HGV's servicing the site, including egg collection and feed deliveries, would not exceed 26 tonnes.
- 5.17 Officers acknowledge that Abson Road is the subject of a Traffic Regulation Order (TRO) that limits its use to vehicles no greater than 7.5 tonnes. There is however a caveat attached to the TRO that permits larger vehicles to access land on or adjacent to Abson Road. Paragraph 4(a) of the TRO reads as follows:

*'Nothing in Article 3 of this order shall render it unlawful to cause or permit any heavy commercial vehicle to proceed in the road referred to in that Article if the vehicle is being used:-*

*(a) For or in connection with the conveyance of goods or merchandise to or from any premises situated on or adjacent to that road; '*

The land at Collins Farm does abut Abson Road and the proposed access is also adjacent to it, being only 40m away; this is deemed adequate to meet the demands of the TRO.

- 5.18 Should planning permission be granted, the above works to provide the access would be secured by an appropriate S106 Agreement.

- 5.19 Whilst Lodge Road is a rural lane used by walkers, horse riders and joggers and is being considered for inclusion in the Draft Quiet Lanes Scheme, there would already be farm based vehicles using it. The proposal would not require vehicles to travel down Lodge Road other than the very short distance to the site access, and the number of movements would be relatively few. Officers also note that the Inspector for the appeal for P96/4598, which related to a larger egg production unit than that now proposed, and which was to be located much further down Lodge Road; did not raise objections on highway grounds.
- 5.20 Concerns have been raised regarding conflict between HGV's accessing/exiting the site with cars parked on Lodge Road during times when there are Church services or bell ringing practice. Officers consider that this can be adequately controlled by a condition to restrict the hours of HGV movements into and out of the site; the applicant has expressed a willingness to accept such a condition.
- 5.21 Given the scale of the proposed Unit, officers also consider it justified to impose a condition to ensure that the proposed access is installed prior to the commencement of the construction phase.
- 5.22 On balance therefore, subject to the aforementioned S106 Agreement and conditions, there are no transportation objections.
- 5.23 **C. Development would not have unacceptable environmental effects; and**
- 5.24 The Council's Agricultural Consultant has confirmed that the proposed 6,000 egg Unit is in fact a relatively small unit. As the unit is less than 40,000 birds, a permit to operate is not required from the Environment Agency. The operation would however be the subject of normal environmental health legislation.
- 5.25 The main environmental issues for a Unit such as this typically relate to the following:
- Clean and dirty water disposal.
  - Odour.
  - Litter/muck disposal.
  - Airborne pollution potential.
  - Fly infestation.
  - Noise.
- 5.26 Manure Disposal and Odour  
The odours from Egg Production Units relate to ammonia and the moisture content of the manure produced and also for a limited period when manure is moved. A well managed Unit will implement measures to ensure that the manure remains dry. The Design and Access Statement and submitted supporting information are considered to adequately address this issue.
- 5.27 The Unit would be built on an impermeable concrete base and has an internal droppings pit. DEFRA guidelines states that 88%-90% of the manure from free range chickens is deposited within the Unit.

- 5.28 The birds would be housed in the Unit for a 14 month period and removed when they are 72 weeks old. Once the birds have been removed the Unit would be cleaned out in preparation for delivery of the next flock. During clean out, all manure would be removed from the Unit and taken off site using a covered lorry. The manure would be removed over a two day period in 5 lorry loads. It is during this process that odour is most likely to be experienced but given the limited period and rural locality, where some smells associated with farming are only to be expected, this is considered acceptable.
- 5.29 The Unit would be a modern building, incorporating the most up to date ventilation systems including roof mounted Agri Jet fans. Given the presence of a number of receptors within 400m of the site, a whole farm Odour Assessment has been undertaken by ADAS in accordance with the Environment Agency guidelines. The Council's Agricultural Consultant has confirmed that the receptor exposure levels are all below the EA guidelines. On this basis and with the provision of high speed ventilation, odour concentration at ground level would be relatively low and unlikely to cause nuisance.
- 5.30 Fly Infestation  
This matter is considered to be adequately covered by the Design and Access Statement and accompanying 'Fly and Odour Management Plan'; every effort would be made to control moisture levels and keep fly infestation to a minimum. Fly levels are controlled by the use of Carcinopes (beetles placed in the litter which eat the eggs and larvae of flies) and permitted chemicals. Within the central packing area of the Unit, UV lights attract the flies and kill them on contact; fly paper would also be used.
- 5.31 Clean and Dirty Water Disposal  
All dirty water, which is principally created at the clean out stage, would be directed toward a gutter which discharges into a sealed 1,000 gallon tank, the specifications of which have been provided. The dirty water tank would be periodically pumped out by a tanker and the dirty water taken off site.
- 5.32 The site does not lie within an Environment Agency Flood Zone. Roof water would be collected by gutters and down-piped. The applicant has indicated the intention to use a Swale. The Council's Drainage Engineer has raised no objection to this proposed method of surface water disposal.
- 5.33 The Environment Agency has raised no objection to the proposal but would expect the operation of the site to comply with a range of guidelines and regulations including its Nitrate Vulnerability Zone position statements and guidelines. Subject to a condition requiring the prior submission and approval of a SUDS Drainage Scheme; the Council's Drainage Engineer has raised no objection and neither has the Council's Environmental Health Officer.
- 5.34 Airborne Pollution  
The main sources of dust within Egg Production Units would be the birds themselves, their food and the floor litter. The particles of dust inside the building are emitted to the atmosphere via the 4 Agri-Jet Fans mounted on the roof ridge of the building; the specifications of the fans have been provided to officer satisfaction. Only the finer particles of dust would be emitted by the fans.



Evidence indicates that above average annual concentrations of poultry dust are not expected at distances exceeding 100m from source.

5.35 Noise

The main noise generator is likely to be from the vehicles associated with feed delivery, removal of birds, the removal of used litter and the collection of eggs. Given the small number of traffic movements generated by the Unit, the level of noise generated (62dBa at 3m) would not be excessive. The proposed ventilation fans would be new and have a modern design. The specifications provided include the noise rating of the fans. The fan cowling would direct any noise upwards; any noise from the fans would therefore be minimal.

5.36 Vermin and Dead Birds

All dead birds would be taken off site in compliance with the 'Fallen Stock Scheme'. The presence of any vermin would be controlled using a professional rodent contractor.

5.37 External Lighting

The only external lighting proposed would be a single bulkhead light fitment above the doors on the entrance to the Unit. The light would be fitted with a motion sensor. The light would only illuminate within an 8m zone of the Unit, thus keeping light pollution to a minimum.

5.38 High Pressure Gas Pipeline

Wales and West Utilities have confirmed the presence of a High Pressure Gas Pipeline located some 300m to the west of the development site. Subject to there being no heavy traffic accessing the site along Lodge Road from the west, (which there will not), the Pipeline would be unaffected.

5.39 There is however a National Grid Gas Main that crosses the site which has the potential to be affected by the proposed access road. National Grid have confirmed that the installation of a permanent protection slab is required at the point where the access track crosses the Gas Main. As the crossing is within the pipeline easement, a Deed of Consent for the works is required. Where works are commenced without consent, the land owner will be in breach of covenants under the easement. Officers are therefore satisfied that this matter is adequately addressed by legislation that falls outside the Planning Act.

5.40 Having regard to all of the above and the existing legislative controls, the scheme is considered to comply with Policies E9 and EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.41 **D. The proposal would not prejudice the amenities of people residing in the area.**

5.42 This matter has been extensively covered within the Environmental section above. Other than Collins Farm, where the applicant and future site manager lives, the nearest residential properties lie on the opposite side of Lodge Road, the nearest being no.1 which lies 100m from the southern end of the Unit.

5.43 A number of residents have raised concerns about fly infestation and odour and in doing so have sited examples from elsewhere in the country, where this has been a problem. Officers note that these Units appear to be much larger and under the control of other operators than that proposed at Collins Farm and that the problems appear to stem principally from poor management practices. It could equally be said that there are many comparable Egg Production Units to that proposed, that are well managed and cause no problems e.g. the Bowler's Unit at Wickwar. Bowler's have their own in-house controls and standards and the applicant is well qualified; there is no reason to believe that the proposed Unit would be poorly managed. Officers consider it would be unreasonable to penalise the applicant just because a Unit has been badly run elsewhere in the country. In any event each application must be determined on its individual merits.

5.44 Design and Conservation Issues

The Egg Production Unit would have brown, treated weatherboard walls with Slate Blue polyester coated profiled steel roof sheeting. With a roof ridge at 5.432m and eaves at 2.4m the building would not be excessively tall. Such a building would be typical of many of its type to be found within rural areas throughout the country and certainly not as big as many other Egg Production Units. The two feed silos are also typical of such silos found associated with modern farm units. The utilitarian design of these proposed structures is considered appropriate for the specialist use of egg production.

5.45 Concerns have been raised about the impact of the proposed Unit on the setting of St James Church, which is a Grade I Listed building. The Church would in fact lie some 240m from the Unit. The Church is for most part surrounded by other buildings of a traditional rural character. Any views of the Egg Production Unit would be from the Village Green, located to the front of the Church, down Lodge Road. These views to some extent would be baffled in part by the existing buildings and hedgerows. There is scope to further baffle these views with additional tree planting within the application site or on land within the applicant's control.

5.46 Given the distance of the Unit from the Church, together with the existing vegetation and potential additional planting, officers do not consider that the setting of the listed Church would be significantly affected by what is a building of a rural nature and design. Neither English Heritage nor the Council's Conservation Officer has raised objection to the proposal.

5.47 Subject to additional screen planting, which can be secured by condition, the scheme is considered, on balance, to adequately preserve the setting of the Listed Buildings and as such would be in accordance with Policy L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013 and the provisions of the NPPF.

5.48 Landscape Issues

A key issue in the determination of this planning application is how the proposed building and silos would sit within this rural landscape.

- 5.49 The siting of the Unit is dictated by the 'RSPCA Freedom Food Regulations' which requires free range hens to have access to open fields. Each hectare can be used as the ranging area for no more than 2,000 birds and in addition, no part of the ranging area may be more than 350 metres from the unit. In this case the ranging area would be 3.03hectares, which is sufficient for the proposed 6,000 hens. The ranging area (see Ranging Plan), at its furthest extremity, next to Abson Road, would be some 280m from the Unit. The hens would be retained within the ranging area using electrified agricultural fencing which would be placed around the entire perimeter of the land. Straining posts 1.2m high would be placed at 250m intervals and supporting posts 1.2m high at every 6m. Such a 'fence' would not be intrusive within the landscape.
- 5.50 The proposed Unit is smaller than that refused under P96/4598 and would be sited in a less exposed location on flat land as opposed to 'high ground'. The Council's Landscape Architect has raised no objection on the grounds of adverse impact on the visual amenity of the Green Belt or landscape in general. It is noted that there is already a good degree of screening provided by the roadside hedge along Lodge Road and the field boundary to the north. The existing level of screening can be enhanced by supplementary planting on these boundaries and new planting to the west and east.
- 5.51 In order to provide the visibility splay at the access, a short (15m) section of hedgerow would need to be cut back. Under P96/4598 a 'substantial length' of hedgerow (55m) would have been entirely removed to provide the access, which in turn 'snaked' across the field to the north rather than following the field boundary as proposed in this scheme.
- 5.52 There is a commemorative tree (Norway Maple) located on the junction of Lodge Road and Abson Road, which has had extensive pruning in the past to allow for passage of vehicles along the public highway; this is in line with the requirements of the Highway Act 1980. Should planning permission be granted, in order to allow safe passage for the larger vehicles to enter the site, the lowest branch of the tree, that is growing across Lodge Road, would need to be removed to the stem. This should be undertaken by the Council's tree contractors and funded by the applicants via the S106 Agreement. The Council's Tree Officer has raised no objection to these works.
- 5.53 The height of the proposed buildings and associated feed silos is not excessive for their purpose. Given the Units' location and the building's very low roof pitches, together with the existing screening that would be enhanced, there are no landscape objections. Subject to a condition to secure a scheme of additional screen planting, the scheme would not be contrary to Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 or provisions of the NPPF.
- 5.54 Ecology  
The application is supported by an Ecological Appraisal carried out by a suitably qualified Ecologist. The site comprises intensely farmed agricultural fields and associated hedgerows. The site is not subject to any special ecological designations.

- 5.55 The appraisal indicates that the field has low nature conservation value and the hedge is species poor. Local residents have suggested that Great Crested Newts are present in the location and there are a range of field ponds and ditches located within 500m of the application site. The appraisal concluded however that given the size of the development, the relative distances of the ponds most likely to provide newt habitat, and that the application site consists of improved pasture offering poor sub-optimal habitat for Great Crested Newts, it was 'highly unlikely' that an offence under the Habitat Regulations 2010 would occur; nevertheless reasonable avoidance measures should still be secured by condition.
- 5.56 Section 4 of the ecological appraisal includes a series of measures to enhance biodiversity including the planting of new hedgerow species and sympathetic management of the field hedges. Further details of these measures would be provided in a landscape and ecological management plan drawn up under an appropriately worded planning condition.
- 5.57 Subject to the aforementioned conditions relating to Great Crested Newts and an ecological management plan, there are no objections on ecological grounds to the proposal.

## **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 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 (1) That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
- i) Highway works to provide the access in accordance with the approved Access Plan. The works to include, a visibility splay at the access of at least 2m x 38m east and 2m x 60m west, appropriate kerbing to the bell mouth and to the road edge directly opposite the access and hard surfacing to the bell mouth.
  - ii) Removal to the stem, of the lowest branch growing over Lodge Road, of the Norway Maple growing on the highway verge opposite the proposed site access. The works to be undertaken by SGC Tree Contractors at the applicant's expense.

The reasons for this Agreement are:

- i) To allow access to the site In the interests of highway safety on Lodge Road in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  - ii) To allow access to the site and In the interests of highway safety on Lodge Road in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- (2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.
- 7.2 Should the agreement not be completed within 6 months of the date of the committee resolution, that delegated authority be given to the Director of Environment and Community Services to refuse the application.

**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 construction of the Egg Production Unit hereby approved, the access from Lodge Road shall be provided in accordance with the submitted and approved Access Plan received 27th Nov. 2013 and such measures shall be maintained satisfactorily thereafter.

Reason

In the interests of highway safety in accordance with Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. Notwithstanding the details shown on the submitted and approved plans, development shall not begin until drainage details incorporating best management practices (SUDS) and the hydrological context of the development have been submitted to and approved by the Local Planning Authority; the scheme shall subsequently be implemented in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

4. The hours of working on the site for the period of construction of the development hereby approved, shall be restricted to 07.30 to 18.00 Monday to Friday 08.00 to 12.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of 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 the site. During the demolition and construction phases, 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 the principles contained within the NPPF.

5. The development hereby approved shall be subject to the Precautionary Method Statement ('reasonable avoidance measures') included within Section 4 of the Ecological Appraisal by Wardell Armstrong (dated May 2013), to avoid impacting on great crested newts. All works are to be carried out in accordance with the approved measures.

Reason

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

6. Prior to the commencement of the development hereby approved, a Landscape and Ecological Management Plan shall be drawn up and agreed with the Local Planning Authority in writing. The plan should include details of the habitat to be retained; new habitat to be created; its management; and a programme of monitoring of same. Thereafter all works are to be carried out in accordance with approved plan.

Reason

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

7. Prior to the commencement of the development hereby approved, 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.

(For the avoidance of doubt the scheme should include supplementary planting to the boundary hedgerows to the north and west of the site and screen planting in the south-eastern corner of the site).

Reason

To screen the development in the interests of landscape character and to preserve the setting of the nearby Listed Buildings, to accord with Policies L1 and L13 respectively of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policies CS1

and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the provisions of the NPPF.

8. There shall be no movements of HGV's to or from the development hereby approved outside the following hours: 07.30hrs to 05.30hrs Mon-Fri and 08.00hrs to 12.00noon Sat. with no movements on Sundays or Bank Holidays.

Reason

In the interests of highway safety and residential amenity and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the provisions of the NPPF.

## CIRCULATED SCHEDULE NO. 19/12 – 9 MAY 2014

**App No.:** PK14/0427/F  
**Site:** Cleeves Court Court Farm Road  
 Longwell Green Bristol South  
 Gloucestershire  
 BS30 9AW

**Applicant:** Mr M Francis  
**Date Reg:** 11th February  
 2014

**Proposal:** Alterations to access road

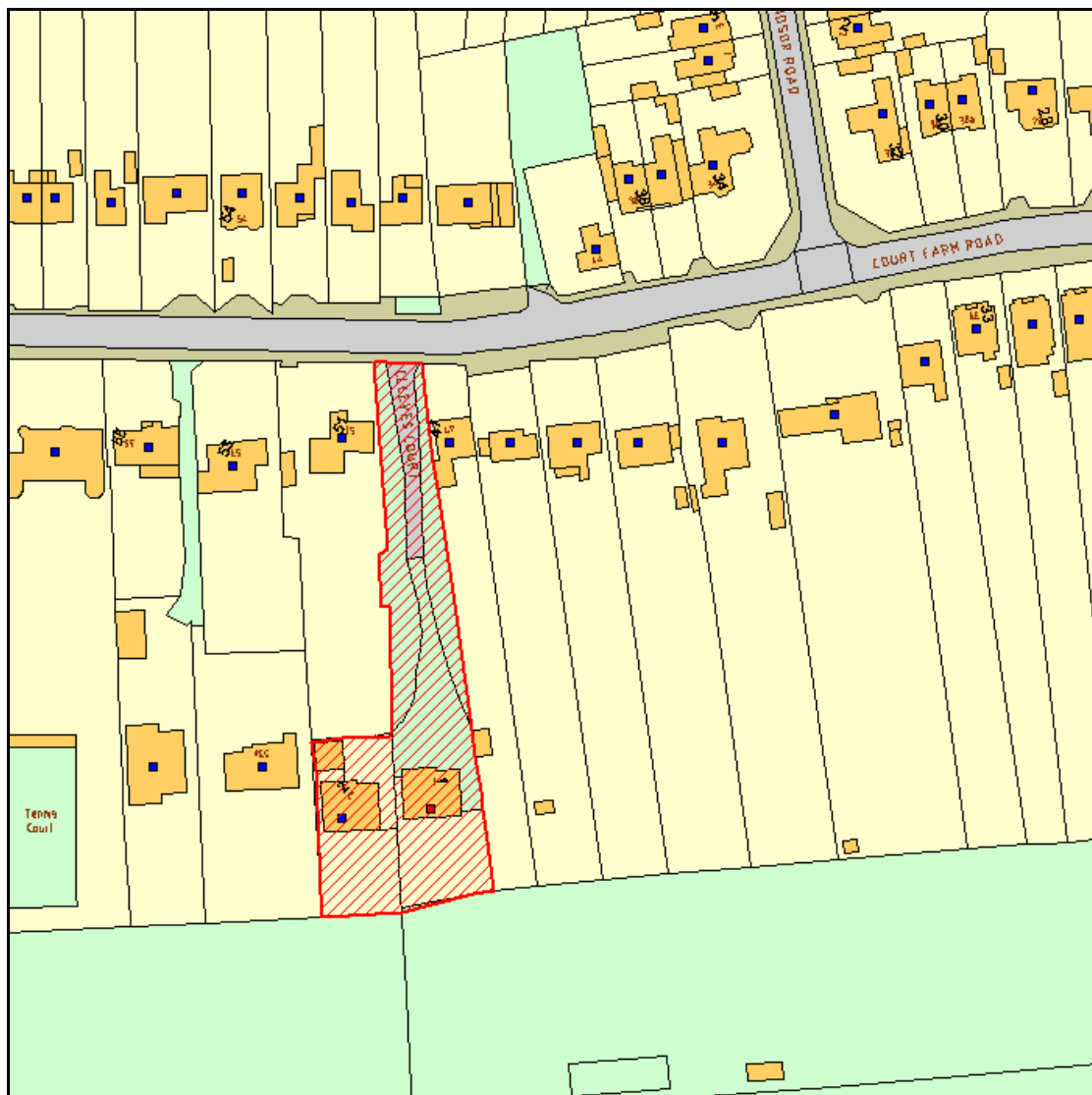
**Parish:** Hanham Abbots  
 Parish Council

**Map Ref:** 365647 170518

**Ward:** Longwell Green  
**Target** 3rd April 2014

**Application** Minor  
**Category:**

**Date:**



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100023410, 2008.

**N.T.S.**

**PK14/0427/F**



## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

The application is referred to the circulated schedule as representations have been received which are contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for alterations to an access road approved under application ref. PK05/0010/F. The access road serves 2no. detached dwellings (Cleeves Court), located between no.s 47 and 51 Court Farm Road, and the field behind which has permission for the keeping of horses.
- 1.2 The application site is situated within an established residential area within the defined urban area and settlement boundary in the East Bristol Fringe. The far southern boundary of the site demarcates the settlement boundary with green belt land beyond.
- 1.3 Within the site on the east boundary and adjacent to the proposed access road are two trees covered by a tree preservation order. The site is not covered by any statutory designations.
- 1.4 During the course of the application revised plans have been submitted in order to clearly identify the differentiating widths along the access road, and in order to demonstrate the proposed drainage scheme.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

National Planning Policy Guidance 2014

Town and Country Planning (Tree Preservation (England) Regulations 2012

#### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS8 Improving Accessibility

CS9 Managing Environment and Heritage

CS29 Communities of the East Fringe

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

L1 Landscape Protection and Enhancement

T12 Transportation Development Control Policy

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist SPD (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

### **3. RELEVANT PLANNING HISTORY**

- 3.1 The site has an extensive planning history. The most recent applications since the approval of the two dwellings and associated access road are identified below:
- 3.2 PK14/0718/F (1 Cleaves Court) - Erection of attached garage. Pending Consideration
- 3.3 PK08/2155/RVC - Variation of Condition 14 attached to planning permission PK05/0010/F to allow the temporary surfacing of the southern 40 metres of the access drive in loose material rather than tarmac. Approved 12<sup>th</sup> September 2008
- 3.4 PK07/3528/O - Erection of 5 no. detached dwellings (Outline). All matters to be reserved. (Resubmission of PK07/2857/O). Refused 9<sup>th</sup> January 2009
- 3.5 PK06/2838/F - Erection of detached bungalow. (Resubmission of PK06/0575/F). Refused 22<sup>nd</sup> January 2007. Appeal Dismissed 3<sup>rd</sup> July 2007.
- 3.6 PK06/0575/F - Erection of detached bungalow. Refused 23<sup>rd</sup> May 2006
- 3.7 PK06/3610/F - Change of use of land from agricultural to the keeping of horses. Erection of temporary field shelter for 2 no. horses for a temporary period of 12 months. (Retrospective). Approved 23<sup>rd</sup> February 2007.
- 3.8 PK05/2453/F - Erection of 1 no. detached garage. Refused 22<sup>nd</sup> September 2005
- 3.9 PK05/0010/F - Erection of 2no. detached dwellings and 1no. detached garage with associated access and works. Resubmission of PK04/2762/F. Approved 21<sup>st</sup> February 2005

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council  
Objections. We are concerned that Condition 10 of the original planning consent (PK05/0010/F) has not been adhered to and would request that the works requested under this condition are completed prior to this application being granted consent. We are concerned that the proposed alterations would have a detrimental affect on two trees; a Silver Birch and a Sycamore, both of which are subject to TPOs. Should planning consent be granted, we would request that a permeable surface is used, as we have concerns over run-off surface water affecting the neighbouring property.
- 4.2 Transportation DC  
No objection
- 4.3 Highway Drainage  
No objection to submitted drainage details.

- 4.4 Tree Officer  
No objection

### **Other Representations**

4.5 Local Residents

Eleven letters of objection and seven letters of support have been received from local residents. The comments are summarised as follows:

#### **Objections:**

##### Flooding/ Drainage

- Problems with run off water and flooding to no.s 47 and 45.
- Reduction in permeable ground for water to soak in to.
- No mains drainage proposed.
- Update requested on land drainage resolution.
- Ref. NPPF para.103 and footnotes.
- Drainage works commenced 9<sup>th</sup> March 2014.
- Soakaways installed and connected to foul drainage.

##### Trees/ Landscaping

- Damage to trees.
- Landscaping scheme on PK05/0010/F never carried out.
- Elder tree removed and not replaced.
- Ref. Silverback report - no root inspection or soil excavation and therefore the report author is unaware of the precise root formation and soil strata that exists around and under these protected trees.
- Ref. NPPF para.118.
- Recent works have been under taken with machinery spreading 40T scalplings under the canopy of the TPO trees and over the access way, in accordance with the submitted application prior to a decision.
- Service trenches in close proximity to trees.
- The condition of the drive has caused the need to drive closer to the TPO trees in order to avoid damage to vehicles in the large potholes.
- The height of the Equine/Agricultural vehicles,(which exceed 14ft), cannot pass under a large branch of TPO1 which stands at 12ft 8".

##### Amenity/Safety

- Safety risks
  - o Any vehicle leaving the drive through skidding or on ice would crash into side of no.47.
  - o Vibrations caused ceiling to crack in the hallway of no.47. At the proposed location more significant damage to property from laying drive and on-going vibrations from vehicles.
- Increased noise from drive to no.47.
- Danger to anybody using the driveway from falling branches.

##### Access/ Highway Safety

- The width of access granted to No 2 Cleeves Court is 3m, widening to 3.5m only at their gateway. Not agreed to the shown 3.5m access width, as this significantly reduces usable frontage.

- Access/parking has been greatly reduced to the extent that contrary to the submissions in the application any vehicle larger than a motor car frequently has to reverse the length of the site and then, more dangerously, reverse into the carriageway.
- Visitors for No 2 frequently turning on our property (no.1), and at present not restricted to a defined access way, so this will only increase.
- As the proposed access is in excess of 20m a turning circle or hammerhead is required for emergency services (especially fire appliances). Absence of such turning facilities would be contrary to guidance issued on behalf of the statutory consultee and the Local Authority.
- A 3.7 metre access is required by Highway law to ensure access by fire appliances in an emergency. Middle section of the new access is intended to be only 3m in width.
- Insufficient space to exit vehicle on the parking identified for no.1.
- Parking at the front of no.1 referred to in Point 9 of the Design and Access statement, is restricted by the disabled access ramp.
- Plan 1 of the Design and Access statement shows the 'agreed' access way of the transfer dated 5th September 2005. This route has never had the benefit of planning permission, and was only positioned to accommodate the proposed bungalow of application no PK06/2838/F – which was refused both at planning and appeal (APP/PO119/A/07/2039934).
- Only deterioration of the condition of the drive has forced some users to drive closer to the TPO trees.
- The proposed route will combine access for two houses, which have 9 car drivers, with the equine and agricultural vehicles, plus any delivery vehicles, so traffic will increase massively in comparison to the original agricultural use.
- Passing places insufficient and may result in both the lorry and any waiting cars to have to reverse into the highway.
- The High Court Order states an access must be provided to accommodate Equine and Agriculture vehicles. Therefore the narrowing of the proposed drive to 3m will not be adequate for the meadow access.

#### Other

- Alleged agreed access shown on hatched diagram on page 2 of D&A statement has been misrepresented by drawing the hatching over the agreed grass verge between the access drive and the side of no.47.
- No justification for rerouting the access drive from that approved.
- No requirement for rerouting the access drive.
- Application can be for no other reason than future development.
- Position of boundaries.
- Ref. High Court.
- No consultation notification.
- Support comments are from Jukes' family.
- Land ownership and boundary disputes.
- Statements of supporters of this application are factually incorrect. Since 1972-2001 Mr Baber had the grass contract for the 10 acre meadow behind No 1 which was accessed through his adjacent farm land, not the access suggested.

- A Counterclaim to a recent High Court case, stating that the TP1 was blocked from use this route by our parking since 2007. This route never had the benefit of planning permission.
- If successful this application cannot be utilised due to ownership restrictions.
- The Jukes at No 2 have no vehicle access to their property due to an oversight of boundary positions with No 51.
- The Jukes have recently purchased part of the access to build a garage to provide parking.

## **Support**

### Drainage

- Most gardens in the UK have experienced standing water on their gardens in the past two extreme winters that are described as the worse for 100 & 250 years.
- Neighbours who complain about drainage did so before the houses on Cleaves Court were built. They also have substantial impermeable patios and drives.
- Some extensions on neighbouring properties allow rainwater to discharge onto the access land.
- The application is for a permeable surface including a provision for sustainable urban drainage system (SUDS).
- Recently had designed and installed by approved contractors a Suds drainage system to manage extreme rainfall.
- The surface area of the proposed permeable access way would be much smaller than the area of impermeable type1 stone that is there at present.

### Trees/Landscaping

- The position of the road has always been under the canopy of the trees close to the boundary of 47 Court Farm Road.
- Approval for this application will ensure that the proposed landscaping scheme will enhance the existing landscape and improve the visual amenity of the site.
- Landscaping of condition 10 (PK05/0010/F), there are more trees on this land now than was required in this condition.
- Access road has been under the canopy of the 2007 TPO trees for more than 10 years - any damage that was done during the construction of the houses is irreversible.
- Passing of this application would provide for a root protection system to be installed & the replacement of the dangerous Silver birch tree T2 & the final completion of the soft landscaping and any additional recommended by planning to be implemented hopefully in this Springs planting season.
- Occupants of 1 Cleaves Court have driven tractors with a cutting device to the east of the accessway over the verge next to the trees T1 & T2, and parked a crane (grab), lorry & 4x4 vehicles on verge up against TPO silver birch tree – irreversible damage would have been sustained then.

### Access/ Highway Safety

- Easier and safer to use the road and access as per the proposed application.

- Access road will be in the position that I first seen in 2003, the agricultural access track that lead to the fields to the south. The temporary road and services were laid in this position in 2005 & again in 2006, and the road has been used in this position since then, due to the fact that the land of the planning position route was to be sold as a separate Land Registry Title.
- Access road next to no.47 is unchanged.
- No difficulties for the surrounding neighbours.
- The proposal will mean the whole accessway is safer due to the proposed traffic calming measures.
- Multiple passing points proposed.
- New design would accommodate a more usable turning area.
- The approved road PK05/0010/F is only 2.8m wide at its narrowest and that as it enters our property it is positioned about 2 meters away from the Ash tree.
- At the time of completion it was agreed that our access progressively widens from 3m to 3.5m at our entrance.
- Sufficient space for a large horse lorry (sold last year) to pass a parked van, even in single file there is sufficient space to park at least three vehicles and still gain access to the field (6 8 in two rows), and space in front of their house for two more vehicles which is far in excess of planning requirements.
- Not seen vehicles reversing the length of the access way on to Court Farm Road.
- Existing approved access has no hammerhead.

#### Other

- Agreements signed on positioning of boundary
- Ref. solicitors letters r.e. progressive widening of 3 metres to 3.5 metres at entrance to 2 Cleeves Court.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application seeks permission for alterations to an access road approved under application ref. PK05/0010/F, which serves 2no. detached dwellings. The principle of the development stands to be assessed against saved policy T12 of the SGLP (Adopted) 2006, and policy CS8 of the Core Strategy (Adopted) 2013. The proposed development is considered acceptable in principle subject to the following criteria:

### 5.2 Highway Safety/ Access

The application proposes alterations to an access road situated between no.s 47 and 51 Court Farm Road. The access road serves 2no. dwellings (Cleeves Court) and a field beyond which has an approved use for the keeping of horses.

5.3 The access road approved under application ref. PK05/0010/F was sited almost centrally within the site with landscaping either side. The southern half of the access to the two dwellings was constructed in a temporary loose material approved under application PK08/2155/RVC. This resulted in a large area of un-landscaped land to the front of no.1 Cleeves Court. On visiting the

- site at the beginning of the application submission Officers noted that the temporary surface was in a poor state of repair. Work has been undertaken during the course of the application to include the laying of scalps in the location of the access road as currently proposed however development has not been completed.
- 5.4 The proposal is to alter the access road so that it runs approximately centrally in the site for a length of approximately 33 metres from the access point at Court Farm Road, then moving eastwards for approximately 15 metres, and running adjacent to the east boundary for a length of approximately 29 metres. The access road would turn to the front of no.1 Cleeves Court in order to serve the dwelling in the far northwest corner of the site (no.2). The road would have varying widths with a maximum width of 6.8 metres at the access point from Court Farm Road to a minimum width of 3 metres adjacent to the east boundary. The road would be constructed in a tarmac surface.
- 5.5 During the consultation process a number of representations have been received both in support and in objection of the proposed access with specific reference to matters relating to highway safety, parking provision and the variation in width of the access road. The Council's Transportation Development Control Officer has raised no objection to the proposed alterations on these grounds. This is discussed in detail below.
- 5.6 Turning first to the provision for service vehicles to access the site it is acknowledged that the proposed access road does not have any turning provision for service vehicles to serve no.2 Cleeves Court. No.1 has a turning area to the front and side of the property however this would not serve no.2. The lack of a turning facility is undesirable. However, the proposed development is for an alteration to an access road only and as such there would be no increase in the amount of development in the site. The access road approved under planning application PK05/0010/F had no provision for turning service vehicles within the site boundary. The applicant has been invited to create a turning hammerhead within the site boundary suitable for service vehicles however no revised plans to this effect have been received. In the determination of the current application Officers must consider the history of the site and the access approved within the original application. As there was no provision for turning service vehicles within the previously approved application there are no reasonable grounds in which to insist on a turning area within the current application as the proposed alterations would not make the approved layout any worse in highway safety terms. The alterations to the access would not affect the amount of vehicular traffic using the site, which would remain relatively low due to the use of the site for only 2no. dwellings and an access to the fields beyond.
- 5.7 In terms of turning for the existing dwellings the Transport Officer confirms that there is considered to be adequate turning space and separate parking provision within the curtilage of each dwelling to serve the size of that dwelling. Parking provision of 2no. spaces per dwelling is available within the boundary of each dwelling which is in accordance with the Council's standards as set out in the Residential Parking Standards SPD (Adopted) 2013 and as such there are no objections on these grounds. Although comments relate to the number

of vehicles owned by the current occupiers it is noted that an application is assessed on the site as a planning unit and not on the personal circumstances of the current occupiers.

- 5.8 Concern has been raised in relation to the varying widths of the proposed access road and the suitability of this for the vehicular traffic using the site and fields beyond. The width of the road varies from 6.8 metres at the access from Court Farm Road with gradual widening and narrowing between 5.5 metres and 4.5 metres, and 4 metres and 3 metres. The narrowest point (3 metres) is adjacent to the east boundary under the tree. The Officer's assessment is that the proposed variation in widths is adequate to serve the vehicular traffic using the site and allow for passing and waiting areas. It is considered that the narrowest width of 3 metres is sufficient to accommodate horse lorries and agricultural vehicles and there is no transportation requirement for an increase on this. Vehicle movements on the site would be slowly moving and as such there are no concerns relating to highway safety in this respect. The site is flat and views across the access road would be uninterrupted provided that no high boundary treatments are installed in the open landscaped area to the west. It is considered necessary to condition boundary treatments to ensure that there is no obstruction of these views. Landscaping will be similarly conditioned for the same reason.

5.9 Residential Amenity

The application proposed to relocate the access road closer to the boundary of the rear garden of no.47 Court Farm Road. Concern has been raised in relation to increased noise and vibrations from the access road and the impact this would have on no.47 and the occupiers of it. It is noted that the road will be in closer proximity to the boundary of no.47 than the approved however Officers do not consider that this would substantially alter noise or vibration levels experienced by the occupiers of no.47. A similar proposal for the relocation of the access road was considered within application PK06/2838/F which relates to the erection of a detached bungalow to the front of no.1 Cleeves Court. This application was subject to an appeal where the Inspector makes direct reference to the proposed relocation of the road closer to the boundary of no.47. The Inspector considered that although having some impact on the neighbour's living conditions this is likely to only be minimal given the long length of the rear garden at no.47 and the fact that only the southern part would be realigned. Given the close similarity in the locations of the access previously considered and that currently proposed this appeal decision is considered to hold substantial weight in the determination of this application. As there would be no increase in the number of vehicles using the site as a result of the proposed development, and in light of the Inspector's assessment, it is considered that the current proposed access is acceptable in residential amenity terms. Given the proximity of neighbours to the site, in the interests of residential amenity during construction, a suitably worded condition restricting times of construction is considered necessary.

5.10 Drainage

Concern has been raised by local residents in relation to localised drainage issues within the garden areas of the surrounding properties. During the course of the application, in response to comments made by the Council's Drainage



- engineer, further information has been submitted in relation to a proposed sustainable drainage system and a plan identifying the location of the soakaways. The Drainage engineer has confirmed that the proposed drainage scheme is acceptable for the development proposed and as such there are no objections in this respect. It is understood that the soakaways have already been installed since the submission of the application however a condition will ensure that the drainage system is implemented as approved.
- 5.11 It is further understood that a connection has been made to a foul water pipe. This is not however a matter to be dealt with by the Local Authority and should instead be dealt with by Wessex Water as the statutory undertaker for the locality.
- 5.12 Comments made by local residents make reference to localised flooding issues and make reference to paragraph 103 of the NPPF. Paragraph 104 of the NPPF states that applications for minor development should not be subject to the sequential or exceptions tests but should still meet the requirements for site specific flood risk assessments. The site does not fall within a flood risk area as identified by the Environment Agency. The Local Planning Authority have sought opportunities to reduce flood risk in the area by requesting the appropriate application of sustainable drainage systems which is in accordance with the guidance contained within the National Planning Policy Framework (2012) and the National Planning Policy Guidance (2014). Comments made in relation to drainage issues on land outside of the application site are not for consideration within the current application.
- 5.13 Trees/ Landscaping  
Within the site boundary are two trees covered by a tree preservation order which are situated on the east boundary adjacent to the mutual boundary with no.47. T1 is a mature sycamore approximately 9 metres tall and has been given a grade of B2 within the supporting arboricultural report. T2 is a mature silver birch approximately 8 metres tall which has been given a grade U and as such has a limited life expectancy of less than 10 years. The remaining trees and shrubs within the site alongside the driveway are considered to be of a poor standard and consist of multi stemmed sycamore, goat willow and elder trees. The arboricultural report submitted in support of the application makes recommendations for the tree works/ felling within the site and protection measures for remaining trees. The proposal is to remove T2 on arboricultural grounds and retain and protect remaining trees through appropriate protection methods. The proposal is to undertake new tree planting in order to mitigate the loss of the silver birch.
- 5.14 The proposed development and the supporting arboricultural report has been considered by the Council's Tree Officer who confirms that the access road adjacent to the two protected trees has been existence for many years and photographic evidence makes it clear that compaction of the ground will have been exacerbated by the development of the dwellings. The Arboricultural report provided by Silverback highlights the decline in the condition of the Birch T2 and the Tree Officers concurs that the tree should be removed and replaced. The proposed planting of a Silver Birch and two Whitebeams would be appropriate for the site however this will be subject to a suitably worded

condition. The Sycamore (T1) has adapted both to the loss of its leader and to the limited usable rooting area to the west. The proposed use of Cell Web will protect the area that has so far escaped compaction. There are therefore no objections to the proposed development on grounds of the impact on the protected trees subject to the implementation of suitably worded conditions.

5.15 Landscaping/ Visual Amenity

The site is situated between no.s 47 and 51 Court Farm Road stretching back the length of their rear gardens. The two dwelling are situated at the far rear of the site. There are some existing trees and shrubs within the site boundary and the site is enclosed from the boundaries of no.s 47 and 51 by a timber fence. Public views into the site are limited and the access road is private serving only the two dwellings and the field beyond.

5.16 Application PK05/0010/F was subject to the implementation of a landscaping scheme (condition 10). Comments made by local residents and the Parish Council highlight that the landscaping scheme has not been completed. This matter has been referred to the Planning Enforcement team for further consideration. It is not however a matter that can delay the determination of the current application.

5.17 It is considered that the proposed alterations to the access road will not impinge or negatively impact the visual amenity of the site or the local area. It is again considered necessary to attach a condition to secure the implementation of a landscaping scheme and this will again form a suitable worded condition.

5.18 Other Matters

A number of additional concerns have been raised in relation to matters that are not a material consideration of the planning system. In particular a number of comments are made in relation to land ownership and boundaries. Reference is also made to a recent high court order relating to rights of access. Officers highlight that matters relating to land ownership are a civil matter and as such do not hold any weight in the determination of this application. Mutual agreements relating to the progressive widening or non progressive widening of the access point to no.2 is not a matter for Officers to consider. The application is determined on the plans submitted. Planning permission does not grant permission for a person to access or build on or under land not within their ownership.

5.19 Additional comments have been made in relation to the future development of the leftover verge area within the site boundary. This is not a material consideration of the current application. Planning applications are assessed on their own merits. Speculation over the reasons for submitting the application are also not a material consideration of this application.

## 6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 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 development hereby approved shall be carried out strictly in accordance with the Silverback Arboricultural Report dated February 2014. Tree protection measures shall be to British Standards BS5837:2012 standard and shall remain in place throughout the duration of the development.

Reason

In the interests of the health and visual amenity of the trees, and to accord with saved policy L1 of the South Gloucestershire Local Plan (Adopted) 2006, policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, and the National Planning Policy Framework.

3. The drainage scheme approved, incorporating Sustainable Drainage Systems (SUDS), shall be implemented strictly in accordance with the approved details (drawing ref. 14.002-010 B) before the development is brought in to use.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013 and the National Planning Policy Framework 2012.

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 and proposed planting shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details and planting shall be carried out in the first planting season following the implementation of

the development hereby approved. The planting in the open space to the west of the access road shall not exceed 0.5 metres in height and shall be maintained as such thereafter (for the avoidance of doubt this does not include planting adjacent to the site boundaries).

Reason

In the interests of visual amenity and highway safety and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, saved policy T12 of the South Gloucestershire Local Plan (Adopted) 2006, and the National Planning Policy Framework 2012.

5. A replacement tree, the species, size and location of which is to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling of the tree (T2 silver birch) hereby authorised.

Reason

In the interests of visual amenity and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, the National Planning Policy Framework 2012, and The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no walls, fences, gates or other means of enclosure shall be erected, positioned or placed on the open land to the west of the access road hereby approved.

Reason

In order to preserve the open views of the site, in the interests of highway safety, and to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

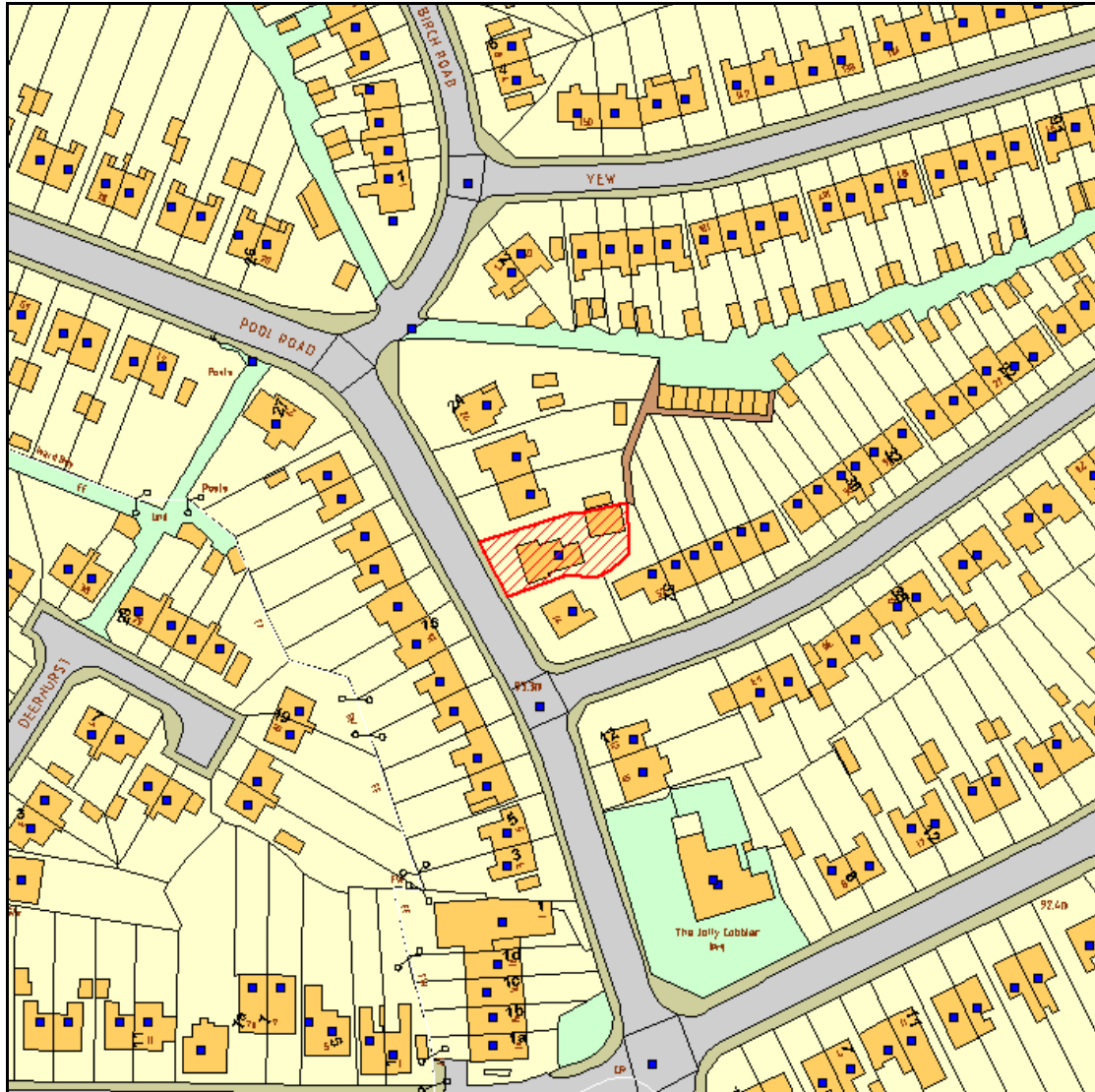
7. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Mondays to Fridays (inclusive), 08:00 to 13:00 Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of nearby occupiers during the construction of the access road, and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, saved policy T12 of the South Gloucestershire Local Plan (Adopted) 2006, and the National Planning Policy Framework 2012.

## CIRCULATED SCHEDULE NO. 19/14 – 9 MAY 2014

<b>App No.:</b>	PK14/0554/F	<b>Applicant:</b>	Mr Michael Wake
<b>Site:</b>	16 Pool Road Kingswood Bristol South Gloucestershire BS15 1XL	<b>Date Reg:</b>	20th March 2014
<b>Proposal:</b>	Demolition of existing garage. Erection of replacement garage (Retrospective).	<b>Parish:</b>	None
<b>Map Ref:</b>	365435 175064	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Householder	<b>Target Date:</b>	12th May 2014



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**PK14/0554/F**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application has been reported to the circulated schedule as two objections have been received that are contrary to officer's recommendations.

### **1. THE PROPOSAL**

- 1.1 The application proposes the demolition of the existing garage and erection of replacement garage (retrospective). The proposed garage is 4.8 metres wide, by 6 metres deep with an height of 2.4 metres to eaves and 3.8 metres to ridge.
- 1.2 The garage proposed contains a pitched roof and two gable ends with double patio doors on the southern elevation. One limited opening window is proposed on the eastern elevation of the building.
- 1.3 The application site falls within a suburban residential area where the predominant built form along Pool Road are 1.5 storey bungalows that are situated on a sloping hill in an easterly direction. Chedworth, of which this application site bounds, is an easterly sloping road comprising of 2.5 storey terraced houses. The locality is dominated by hard surfaced areas at the principle elevation of the dwellinghouses with little vegetation.
- 1.4 The application site is bounded on the northern, eastern and southern boundaries by residential properties; namely their side and rear elevations.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Adopted January 2006  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (adopted August 2007)

### **3. RELEVANT PLANNING HISTORY**

- 3.1 Planning permission was granted on 16<sup>th</sup> June 2010 (LPA ref:PK10/0936/F) for:  
  
*Erection of single storey side extension to form additional living accommodation.*

## 4. **CONSULTATION RESPONSES**

### 4.1 **Other Consultees**

#### **Sustainable Transport – Transportation DC**

Sustainable Transport has stated that there is no objection to this application.

#### **Planning Enforcement**

Planning Enforcement have stated that they have had a case running in respect of this proposal of which this application is the subject of.

#### **Highway Drainage**

A consultation from Highways Drainage was requested but was not received in respect of this proposal.

### **Other Representations**

### 4.2 **Local Residents**

2 objections were received from local residents in relation to this application.

The first objection highlighted the following issues:

- Building is too large
- Fail to see why patio doors with full height windows are necessary for a garage
- Resultant impacts of overlooking and privacy on neighbouring properties as a result of these windows/patio doors
- Height of the structure dominates neighbouring outlook
- Height of the structure restricts the amount of light entering neighbouring properties
- Proportions of the summerhouse/garage resemble that of a small bungalow
- No justifiable reason for an increase in height between the proposed and existing garage
- Loss of a tree that concealed the previous garage from neighbouring views
- Error within the plans relating to the siting of the garage

The second objection highlighted the following issues:

- Overbearing effect owing to the structure's height in comparison to the existing
- The height of the garage shown is less than in reality, as the garage has been placed on more substantial, and as a result, higher foundations leading to a greater overall height
- No justification for such a high roof
- Height between eaves and ridge of the proposed garage is almost double that of the existing with no justifiable reason

- Tree has been removed by the applicant that falls outside of the residential curtilage and outside of the applicant's ownership
- Requested that a hipped roof, sloping away from the eastern boundary, be suggested, to allow the garage to be more tastefully integrated into its surroundings

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

5.2 The proposed garage falls within the applicant's residential curtilage and the proposed use is considered ancillary to the main dwelling. The erection of the garage does not propose any change of use and the garage is intended for use by the residents of number 16 Pool Road, Kingswood.

5.3 In light of the above, a garage on an existing residential site is considered acceptable in principle; subject to the appropriate detailing within the adopted policies.

5.4 Policy CS1 of the South Gloucestershire Council Core Strategy (adopted January 2014) and Policy H4 of the South Gloucestershire Council Local Plan (adopted January 2006) provides the criteria upon which the design of proposed development should be assessed against.

5.5 The contents of the above policies have been considered throughout the following paragraphs of this report.

### 5.6 Planning Issues: Materials

Policy CS1 requires applicants to demonstrate that the proposals respect and enhance the character and distinctiveness of the amenity in terms of their siting, form, scale, height, massing, detailing, colour and materials.

Policy H4 requires the proposal to respect the massing, scale, proportions, materials and overall design and character of the existing property and character of the street scene and surrounding area.

The main dwelling of 16 Pool Road, Kingswood is a 1.5 storey bungalow dwelling finished in cream render with Redland roof tiles in breckland brown.

The proposed garage seeks the same roofing materials and external render as that of the main dwelling of 16 Pool Road which would result in conformity and coherence with the main dwelling.

Most other dwellings along Pool Road are finished in render, although of varying styles, and it is considered that the proposed materials and finishing would permit conformity with the properties within the immediate locality.

The windows and doors within the garage are shown as white UPVC, according with the common choice of materials of windows and doors of the main dwelling, and dwellings in the immediate locality.



It is considered that the proposed use of materials for the garage wholly accords with the materials, detailing and colour of the main dwelling and locality and, therefore, the character and distinctiveness of the amenity would be enhanced in accordance with Policies CS1 and H4.

#### 5.7 Planning Issues: Siting and Location

Further, Policy CS1 requires applicants to demonstrate that their proposals respect and enhance the character and distinctiveness of the amenity in terms of siting of development.

Policy H4 requires the proposal to respect the character of the existing property and character of the street scene and surrounding area.

Based on an assessment of the locality, off-site parking provision to properties along the eastern side of Pool Road is undertaken in the form of garages.

These garages are typically set back from the road line and are key in defining the character of the immediate locality.

The proposed garage at 16 Pool Road is situated in a typical location within the residential curtilage that accords with the off-site parking provision within the immediate locality.

The proposed garage, therefore, in its siting and location, is considered to accord with the character of the locality, therefore, enhancing it in accordance with Policies CS1 and H4.

#### 5.8 Planning Issues: Highways/Access

Policy H4 of the South Gloucestershire Council Local Plan (adopted January 2006) requires proposals to not prejudice highway safety or prejudice the retention of an acceptable level of parking provision.

The proposal seeks the retrospective replacement garage of a smaller footprint than that of the existing. The existing and proposed garages could both facilitate 2 vehicles within their differing footprints.

There is sufficient off-road parking provision to the front of the proposed garage and at the side of the dwelling. This is a common feature of parking provision of properties in the immediate locality of Pool Road.

The access to the garage involves crossing a public footpath between Pool Road and the property of number 16.

The consultation response from Highways does not raise any objection in relation to this matter in respect of this proposal.

The proposed garage, therefore, in terms of highways, is not considered to prejudice highway safety or prejudice an acceptable level of parking provision of 16 Pool Road.

## 5.9 Planning Issues: Height, Scale and Massing

Policy CS1 requires applicants to demonstrate that their proposals respect and enhance the character, distinctiveness and amenity of both the site and its context in terms of its form, scale, height and massing.

Policy H4 requires the proposal to respect the massing, scale, proportions, materials and overall design and character of the existing property and character of the street scene and surrounding area.

The two objections summarised within paragraph 4.3 of this report highlights issues in terms of the impact of the proposed garage in terms of its height, scale and massing.

The proposed eaves height of the garage is 2.4 metres and the proposed ridge height is 3.8 metres. It is noted that the existing garage which used to occupy this site was considerably smaller in terms of its height; owing mainly to the variance in the eaves to ridge height.

However, the proposed garage is considered on its own merits with the existing garage not forming a material consideration in the determination of this application.

The application site of 16 Pool Road is situated on an easterly slope whereby the rear of the garden is on substantially higher ground than that of the back gardens of 52 and 54 Chedworth, Kingswood.

Due to 16 Pool Road's elevated position, the prominence of the proposed garage appears more significant from the above neighbouring properties, than when viewed from Pool Road.

The steeply pitched ridge height, and the elevated position of the application site, results in the garage being prominent when viewed from neighbouring properties.

Submitted with one of the above objections was the proposal to instate a hipped roof that sloped upwards from the eastern boundary to the middle of the ridge as a means of permitting greater levels of sunlight to neighbouring properties and reducing the scale of the proposed garage.

However, whilst the proposed garage is considered prominent, in the assessment of the proposal, the garage would not create any demonstrable harm in terms of its scale and massing on neighbouring properties.

The roof is steeply pitched which emphasises the garage's height as being considerable when viewed from neighbouring properties. However, due to its steep slender pitch, neighbouring access to sunlight is not considered to be affected.

Further, the roof's steep pitch also reduces any potential for impacts on over massing and overbearing impacts on residential properties.

Therefore, whilst it is noted that the ridge height of the roof is prominent when viewed from immediate neighbouring properties, it is not considered that there is any considerable, nor demonstrable, harm that results from this.

In light of this, it is considered that the contents of Policy CS1 of the South Gloucestershire Council Core Strategy, and Policy H4 of the South Gloucestershire Council Core Strategy, are fulfilled. In the context of the NPPF's presumption in favour of sustainable development, the height of the garage alone would not be considerable enough to warrant the refusal of this application.

#### 5.10 Planning Issues: Residential Amenity

Policy CS1 of the adopted South Gloucestershire Council Core Strategy requires proposed development, in relation to its siting, form, scale, height and massing to respect and enhance the amenity of the site and its context.

Policy H4 of the South Gloucestershire Council Local Plan requires that proposed development would not prejudice the amenities of nearby occupiers

Throughout the consultation period, concerns were raised in respect of overlooking and impacts on residential privacy.

It is noted that the proposed window on the eastern elevation of the building has been fitted with opaque glazing and its retention can be secured through the imposition of appropriately worded conditions.

Further, issues were highlighted in respect of the patio doors creating increased opportunities for overlooking; thus, impacting upon residential amenity of neighbouring residents.

In my assessment of the proposal, it is noted that the site is bounded by a 1.5 metre fence around its eastern and south eastern boundary. The height of the patio windows proposed is 2 metres.

However, it is noted that given the distance and change in topography between the proposal site and neighbouring residential properties; opportunities for overlooking would be limited and are significantly mitigated by the substantive 1.5 metre fencing.

In light of this, I am satisfied that the impacts on residential amenity associated with the creation of patio doors in the proposed dwelling would be minimal.

#### 5.11 Planning Issues: Adequate Private Amenity Space

Policy H4 of the South Gloucestershire Council Local Plan (adopted January 2006) requires the proposal to not prejudice the retention of adequate private amenity space of the existing dwelling.

It is considered that the footprint that the proposed garage occupies is not considerable in respect of the remainder of amenity space that remains.

The garage is not considered to contribute to any overdevelopment of the site and sufficient amenity space would be retained for the occupiers of 16 Pool Road as a result of this proposal.

#### 5.12 Other Matters: Redline Plan Submitted

Within the comments received in objection to this proposal it was highlighted that the redline submitted did not accord with the boundary of the residential curtilage.

It is noted that it is part of the applicant's discretion to draw the redline boundary on the land which they feel relates to the development proposal. It is considered that the redline boundary submitted is sufficient for the purposes of determining this application and would not have a material impact on its determination.

#### 5.13 Other Matters: No Justification for Height Increase

Within the objection comments received it was noted that there has been a height increase in the eaves and ridge height between that of the existing and proposed garages.

The height increase between the existing and proposed garage in itself would not be enough to warrant a refusal of this application. If there were additional impacts and harm that derived from this height increase then this could warrant a refusal of this application.

This height increase has been noted and any potential impacts and harm that could result as a result of this increase has been fully considered throughout the above analysis.

Whilst there has been a height increase in eaves and ridge between that of the existing, and that of the proposed, it is not considered so significant that demonstrable material harm would result.

#### 5.14 Other Matters: Loss of Tree

It was submitted within an objection comment that as a result of this proposed development a tree had been felled on the eastern boundary of the development site.

Correspondence from the applicant has been received that states the tree formed part of a neighbouring parcel of land and had been felled at the responsibility of a neighbour.

The tree, from reviewing the records at South Gloucestershire Council, was not covered by any Tree Preservation Order that would restrict its felling.

The tree is not considered to have any material impact on the proposed development in terms of securing privacy and residential amenity. The opaque glazing installed within the eastern window of the proposed garage is considered to sufficiently reduce any potential impacts that a tree at this location would typically address.

#### 5.15 Other Matters: Garage Built on Higher Foundations than Existing

The objection comments also make reference to the proposed garage having been built on higher foundations than that of the existing garage.

This issue in itself would not be considered material in the determination of this application unless demonstrable harm results from the increase of the overall height and scale of the building; due to the higher foundations.

Any such harm has been considered fully within sections 5.9 and 5.10 of this report.

## 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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

7.1 It is recommended that planning permission be granted subject to conditions.

**Contact Officer: James Cross**  
**Tel. No. (01454) 863162**

## CONDITIONS

1. No windows, skylights or dormer windows other than those shown on the plans hereby approved shall be inserted at any time in any elevation of the building.

Reason

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

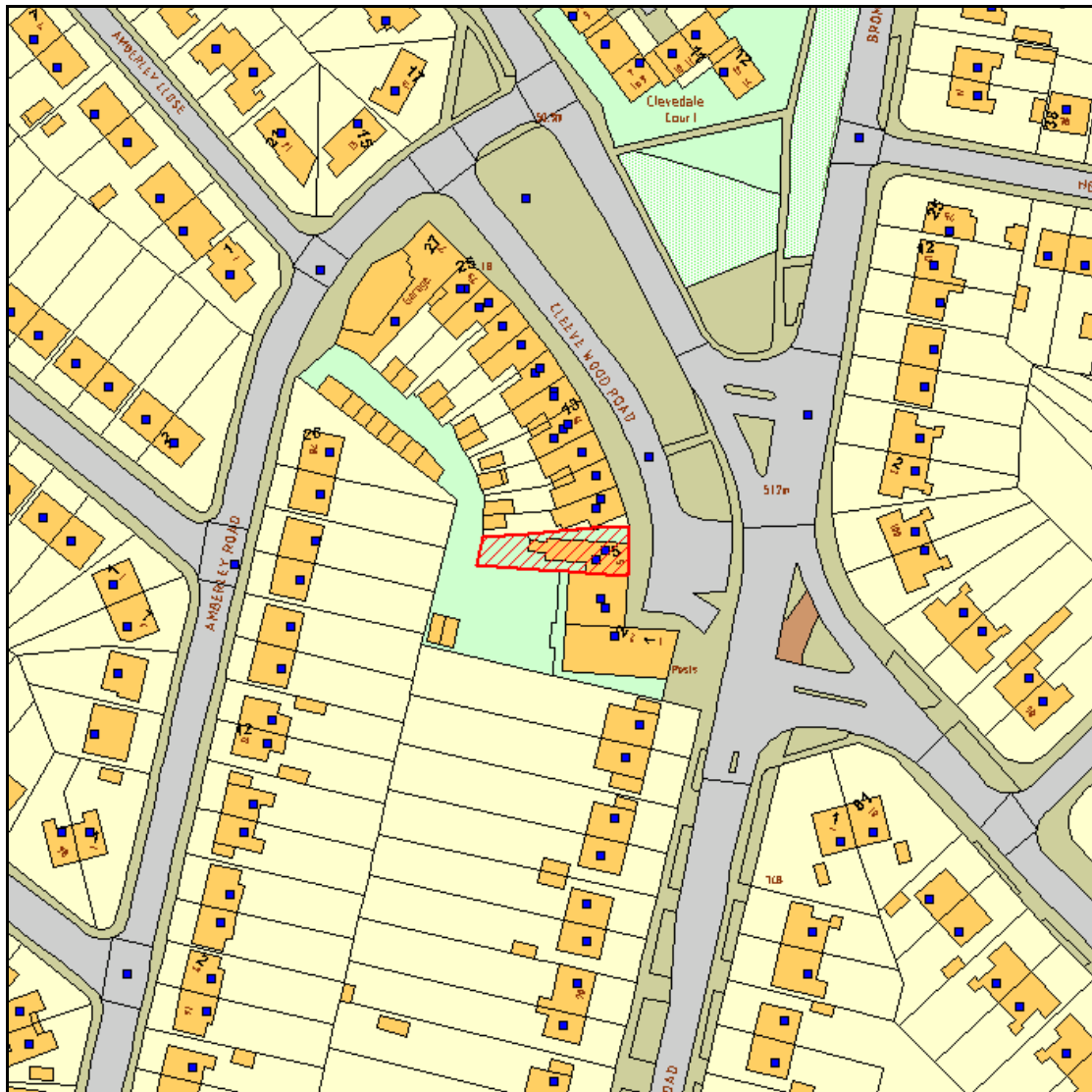
2. At all times, the window approved on the eastern elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the garage.

Reason

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

## CIRCULATED SCHEDULE NO. 19/14 – 9 MAY 2014

<b>App No.:</b>	PK14/1014/F	<b>Applicant:</b>	CJ Hole Estate Agents
<b>Site:</b>	5 Cleeve Wood Road Downend Bristol South Gloucestershire BS16 2SF	<b>Date Reg:</b>	31st March 2014
<b>Proposal:</b>	Change of use from shop (Use Class A1) to Estate Agent (Use Class A2) as defined in the Town and Country Planning (Use Classes) Order 1985 (as amended)	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364667 177245	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st May 2014



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**PK14/1014/F**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This report appears on the Circulated Schedule following objections received from 63 local residents. In addition and following a Parish Meeting, the Parish Council have reconsidered their original decision and now wish to object. The reasons are given below.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks permission for the change of use from a shop (Use Class A1) to Estate Agent (Use Class A2) as defined in the Town and Country Planning (Use Classes) Order 1985 (as amended).
- 1.2 The application site is part of a rank of shops in the established settlement area of Downend. The rank of shops does not benefit from being classified as either in a primary or secondary shopping retail category. However, under the recently adopted Core Strategy the area is identified as being a Local Centre.
- 1.3 It is understood that the local community intends to hold a meeting to discuss this application. A substantial number of objections have already been made with a large proportion being accepted after the consultation expiry date passed. The majority of all comments request that an alternative business be located at the site. This of course cannot be dealt with under the remit of a planning report. The Local Planning Authority (LPA) can only consider whether the proposal put before it complies with current planning regulations. It is outside the powers of the LPA to stipulate who or what and where a business can be established. Under current legislation, the government encourages free enterprise and this application will be considered using the same set of rules that any other proposed business would be assessed under.

### **2. POLICY CONTEXT**

2.1 National Guidance  
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

RT11	Retention of Local Shops., Parades, Village Shops and Public Houses
T8	Parking Standards
T12	Transportation Development Control

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS8	Improving Accessibility
CS13	Non-safeguarded Economic Development Sites
CS14	Town Centres and Retail
CS29	Communities of the East Fringe of Bristol Urban Area



2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted 2007)

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK07/2329/F Change of use of first floor from Offices (Class B1) to residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with cycle store and associated works.  
Approved 21.8.07
- 3.2 K1477/2 Continued use of first floor as offices.  
Approved 27.2.87

**4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
1. Was due process followed?  
2. How many people were notified in the immediate area, who were they and when were they notified? (It appears from attendees at Downend & Bromley Heath Planning Meeting that only one person was notified).  
3. There appear to be demonstrable inaccuracies in the submission from Pegasus, on behalf of the client, which we are concerned about.

4.2 Other Consultees

Sustainable Transport  
No objection

**Other Representations**

- 4.3 Local Residents  
63 local residents have objected to the proposal. The general points raised fall under the following list:
- Need a convenience store – one recently closed down and was replaced by a photographers
  - Estate agent would be detrimental to the community and the other small businesses in the rank
  - Already 5 estate agents in Downend
  - An estate agent would bring more staff who would need parking, the customers who use this rank of shops already struggle to park and would go else where to shop
  - A retail shop is of more use to the local population – I am aware of other interested parties which would be preferable
  - An estate agent would not bring much footfall and staff would take up parking reducing parking for people using the pharmacy
  - Alternatives such as convenience store, bakery, café, newsagent, veg/general store, deli, craft shops would be of benefit to the local population and the rank

- Allowing non-retail businesses to open on a rank of shops kills the local interest in the other shops and they end up going out of business
- In the Downend and Bromley Heath Parish plan the community clearly indicated that there is a need for better considered shopping provision in the area
- In last 12 months the loss of the convenience store has lost us foot traffic along with other local shops. The rank urgently needs a shop to bring local residents and passing trade
- Parking will be an issue with 6 more staff being employed thereby restricting parking for our customers
- We have had to maintain the undergrowth to maximise the parking for our customers
- We will be shutting down and closing if we do not receive support of our local planning office and council in objecting to another business outlet and supporting us in finding a new convenience store that will service locals
- It is deeply disappointing that such an application can be made without South Glos Council notifying the persons who will suffer most from these changes
- There has been no public display, no written notification which I understood was a requirement within a certain radius of planning permission. I believe you have not made this public nor given residents, business owner and neighbours knowledge of the application and the opportunity to reflect their opinions on what is best for our community
- There is an error in the submission regarding comments about the vacant unit – it is not available to rent, is currently undergoing refurbishment and will open shortly as a photographers – what other inaccuracies are there in the submitted details
- The land opposite the rank of shops is used as off street parking and is not managed – many people park there for the day for free and head off to work in town leaving business/shop owners unable to park there. On road parking is limited to 2 hours with no return in 4 hours and impossible for us to adhere to as we are there the entire day
- Need to keep this A1, if we change then more will follow, the majority of Downend is A2 and this need to be looked at carefully
- These shops were built for a reason to serve the residents of Bromley Heath and the council were elected to do the same so please listen to these objections
- Nothing added to the local community for convenience or recreation.
- Our community has more than enough estate agents, banks, business services. We need more independent shops: grocer, butcher, deli, communal meeting points e.g. cafes, restaurants. This is also vital for the sustainability of our existing local independent traders
- Making the shops very unbalanced in what is offered and many older people find it difficult to get to the only other local shops
- All businesses (apart from one) are independently owned and the proposed estate agency would have backing of big business which would create unnecessary competition for those in the immediate vicinity
- Document dating from time when the shops were first built states the businesses at Cleeve Wood Road should not be in direct competition with one another
- 90% of shops privately owned meaning they will stay here long term

- If proposal for estate agent is passed the alternative would be a community shop run by the people from Lincombe Barn our local community centre
- The rank of shops is for some people their only social contact and rely on shops such as convenience stores which the whole community will benefit from an not another estate agent
- Has the Council asked the community what they would like? I will be taking this further with my local MP as you have not discussed the with the local community

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The proposal will be assessed against adopted policy which includes saved policies with the South Gloucestershire Local Plan (adopted) 2006 and the South Gloucestershire Local Plan: Core Strategy (adopted) 2012. If the proposal meets the set criteria it will be supported.

5.2 The most relevant saved policy from the adopted Local Plan (2006) is Policy RT11 and this will form the basis of the assessment given below.

### 5.3 Assessment

The application site is situated in Cleevewood Road, Downend, identified as a local centre. The application site falls neither within a primary or secondary shop frontage classification as defined in the South Gloucestershire Council Town Centres and Retailing 2013 and the proposal would replace an existing A1 use with a proposed A2 use.

5.4 Policy RT11 deals with: Retention of Local shops, parade, village shops and public houses which states the change of use of existing retail premises within these areas will not be permitted **unless it meets the following set of criteria:**

5.5 **A. The proposed use would not result in an over concentration of non-shop uses in a village centre or local centre or be detrimental to the vitality, viability, retail and social function of that centre; or**

The application site is part of a small rank of 15no. shops and businesses situated within the settlement boundary of Downend. In terms of their use, the 15no. businesses can be divided into the following Class Use categories :

Use Class	A1	A2	A5	B2	D1	Sui generis	Total
Number	8	1	1	1	1	3	15

5.6 It is acknowledged that the change of use would result in the loss of 1no. retail unit leaving a total of 7no. A1. The Town and Country Planning (Use Classes) Order 1987 (as amended) defines the various use class categories of land and buildings.

It declares that Class A1 can include:

Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices (but not sorting offices), pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes.

The above list shows the diverse range of uses that fall under Class A1. The existing mix of businesses within the rank holding the classification A1 class use include: barbers, hairdressers, curtain/blind shop, bike/scooter shop, flower shop, pharmacy shop, funeral care shop.

- 5.7 Currently, the total number of units holding the Class Use A1 is 8. Within a small rank of 15no. shops and business this is a high proportion of units with this classification. The loss of 1no. A1 Class Use unit would therefore, not significantly reduce the overall number of units with an A1 classification.
- 5.8 It is noted that a larger proportion of the objections received by the Council have indicated that the unit should not lose its A1 classification because shops such as a newsagents or a convenience store would be more useful to the community. This is a planning application and cannot attempt to make a business case for suggested alternatives. The application can only be assessed using the adopted policies, both national and local. If the proposal meets the set criteria then the Council must recommend approval.
- 5.9 The above table shows that currently there is only one other business with A2 classification. Class A2 can include:  
Financial and professional services such as banks and building societies, professional services (other than health and medical services) including estate and employment agencies and betting offices.

Some of the points raised by local residents have criticised the amount of footfall the proposed A2 Class use would bring to the rank of shops. The assessment of this planning application is not required to predict the number of visitors to the business nor their wish to use the existing shops. The assessment must only determine if the proposed A2 classification meets the criteria set out in planning policy. It cannot deal with the wider implications of a change in ownership or use.

- 5.10 To summarise the loss of 1no A1 class use and its replacement with 1no. A2 unit would not result in an over concentration of A2 uses, nor would it result in a significant reduction in the number of A1 uses already allocated in the rank.

The proposal is therefore considered to accord with this criteria and can be supported

- 5.11 **B. There are satisfactory alternative retail facilities available in the locality; or**  
A large variety of shops and businesses are situated approximately half a mile away from Cleewood Road, where Downend Road meets Badminton Road. These include independent cafes, delicatessens, a convenience store/newsagent as well as a large Co-op.

5.12 A proposal would only be regarded as being unsuitable if there were no satisfactory alternative retail facilities available in the locality. Many objections have centred on there being the same type of business located close by. The Planning Authority can only assess a proposal under the stipulated policy and can only refuse if the proposal fails to accord with the criteria.

5.13 In this case, given the number and choice of alternative shops and retail outlets within what is judged to be a reasonable distance away from the proposed change of use site, it is considered that the proposal does meet this second criteria and can be supported.

5.14 **C. It can be demonstrated that the premises would be incapable of supporting a retail use; and**

The proposal only has to meet the criteria under B or C. It has been shown that it meets criteria B. As such criteria C does not need to be addressed.

5.15 **D. The proposed use would not result in unacceptable environmental or transportation effects and would not prejudice residential amenity**

A number of objections have expressed concerns regarding the traffic generation and parking problems currently associated with the site and the anticipation that a change of use would create further issues.

Highway Engineers have fully assessed the proposal. With regards to traffic generation it is stated that as the proposed change of use relates to an existing retail shop, the current traffic generation must be taken into consideration. Officers find that traffic generation assessment already includes, and would include in the future, trips by staff, deliveries and customers.

5.16 Given that the size of the shop premises remains unchanged, from a traffic point of view, it is not considered that traffic generated by the proposed change of use would increase. It is however, acknowledged that the nature of the trips may alter because of this proposed change of use.

Overall and on balance, with regard to the traffic generation issue, the Officer is satisfied that the proposal would not result in additional traffic at this location.

5.17 From a parking demand point of view, it is necessary to acknowledge that the existing shop has its own parking demand from staff, customers and deliveries. Officers have consequently referred to the Council's parking standards for guidance. According to Policy T8 of the South Gloucestershire Local Plan (Adopted) 2006: parking standards - parking requirements for a [small] retail shop (class A1 use) is 1 space per 35m<sup>2</sup>. According to the same policy T8, parking requirement for "financial and professional services" (class A2) uses is also 1 space per 35m<sup>2</sup>.

As the size or floor area of the existing building would not change then, in policy terms, it is considered that the parking impact of the proposal (i.e. proposed change of use) would be neutral and as such this proposal would not worsen the existing parking situation in the area.

In view of all the above therefore, it is not appropriate to refuse this application on transportation or highway safety grounds.

5.18 Other matters

As noted above a large number of objections have been received by the Council. The above assessment will have addressed some of the issues and the remaining points can be summarised into the following headings which will be considered below:

5.19 - *Incorrect procedure followed:*

In May 2008 South Gloucestershire Council adopted a Statement of Community Involvement document which sets out how a planning application is determined and how decisions are made. The document also states how the wider community can be involved in planning applications. Among other things, the document lists when and who should be consulted when a particular application is received. The application in question fell into the *Changes of Use/Conversion* category and with regard to the consultation of neighbours the document states those that will be consulted:

- All adjoining occupiers having a common boundary with the site, and properties directly opposite.
- Neighbours are notified by letter, and told that the application details are available to view at the Council's offices and on-line. In addition the applicant is also requested to post on site a site notice for 21 days.

Copies of this *Statement of Community Involvement (2008)* document can be found on our website.

In conclusion, the Council was not required to notify all shops/business along the rank, merely the immediate neighbours and thus the correct procedure was followed.

5.20 - *Need for an alternative shop:*

As mentioned above, the Local Planning Authority must assess planning application according to the current and adopted planning policies both national and local. If a proposal is deemed to meet the criteria and to accord with policy then a refusal for any other reason cannot be substantiated in an appeal situation.

5.21 - *Competition and loss of business:*

This is not a planning matter and therefore cannot be considered under the strict remit of a planning report.

One objector states a document issued when the shops were first built declares they should not be in competition with one another. It is assumed that this could be the deeds of the property. If such a document were to be produced, it would be a civil matter to be taken up by the courts and not something that can be dealt with by a Local Planning Authority

5.22 - *The Council should support local communities and the local MP will be informed*

The above points have illustrated that the correct procedure has been followed, that the Local Planning Authority can only assess applications for development as presented to them and is not able to dictate what sort of business can be located at a particular location

#### 5.23 Overall conclusion

It is noted that this application for the proposed change of use from an A1 retail to an A2 estate agent has attracted a large degree of concern within the community. The majority of people objecting would like to see the premises retain its A1 use. The above report has shown that even if the premises were to retain its A1 classification a wide variety of business can take advantage of this broad band of usage. Locals wish the Council to support a convenience store at this location and urge the Council to refuse the proposed change of use. However, it is the duty of the LPA to assess what is presented before it using current legislation. It falls outside the planning remit to dictate what type of business can be located and where.

The proposal has been assessed under Policy RT11 and is considered to accord with policy and is therefore recommended for approval.

## 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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

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

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

## CONDITIONS

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

Reason

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

## CIRCULATED SCHEDULE NO. 19/14 – 9 MAY 2014

<b>App No.:</b>	PK14/1073/TRE	<b>Applicant:</b>	Mr Michael Wells
<b>Site:</b>	Bluebell House Dibden Lane Emersons Green South Gloucestershire BS16 7AF	<b>Date Reg:</b>	27th March 2014
<b>Proposal:</b>	Works to 1no. Oak tree to remove low branch and prune back upper outer face of canopy by 1.5m to give 2m clearance from dwelling covered by Tree Preservation Order KTPO03/91 dated 29 July 1991.	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	366639 177279	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Works to trees	<b>Target Date:</b>	19th May 2014



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**N.T.S.**

**PK14/1073/TRE**



## **REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE**

The application has been submitted to the Council's Circulated Schedule process, following an objection which is contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks consent for works to 1no Oak tree to remove a low branch and prune back upper outer face of canopy by 1.5 metres, in order to give 2 metres clearance from the dwelling.
- 1.2 The Oak tree is covered by Tree Preservation Order KTPO 03/91 dated 29<sup>th</sup> July 1991.

### **2. POLICY CONTEXT**

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

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK09/0944/TRE - Works to crown thin by 15% 2no. Oak trees covered by Tree Preservation Order KTPO03/91 dated 29 July 1991.  
Approve with conditions – 09/07/2009
- 3.2 PK09/0299/TRE - Works to pollard to 1 metre above stem 2no. Oak trees covered by Tree Preservation Order KTPO 03/91 dated 29 July 1991.  
Refused – 09/04/2009

### **4. CONSULTATION RESPONSES**

- 4.1 Mangotsfield Rural Parish Council  
No objection subject to the approval of the South Gloucestershire Council Tree Officer.
- 4.2 Other Consultees  
  
Tree Officer  
No objection.  
  
Planning Enforcement  
No comment.

### **Other Representations**

- 4.3 Local Residents  
One letter of objection has been received from a neighbour. Their concerns can be summarised as follows:

- The tree is not owned by the applicant and a formal boundary dispute is ongoing. An application for the same tree was submitted by myself in 2009, as I was the owner of the tree and boundary line and still am.
- The reason for the works is to improve light levels to the rear of Bluebell House; the house has never experienced any additional light than the present since it's completion in the last 12 months. The developer knew they were building close to the oak trees with Tree Protection Orders at the time.
- The Oak tree has been in place for many years and provides excellent screening and privacy between the two houses

The applicant advised that they were unaware of any boundary issue. That said, an informative will be issued on the decision notice to advise that works cannot be carried out on land not owned by the applicant without the owner's permission.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The only issue to consider in this application is whether the proposed works will adversely affect the health and appearance of a tree, which makes a significant contribution to the character and visual amenity of the area. The objection comment received regarding residential amenity cannot be considered on this type of application.

### **5.2 Consideration of the proposal**

The application seeks consent to works to 1no Oak Tree in order to improve light levels within rooms at the rear of the applicant's house. The works requested are that a lower branch is removed and to prune back the upper, outer face of the canopy by 1.5 metres. This would leave the tree clear of the dwelling by 2 metres.

5.3 The tree has been subject to a previous application and associated works as outlined above. When trees have had previous works it is important that they undergo on-going management to ensure the long term health and longevity of the tree. The works proposed have been considered by the Council's Tree Officer and it is confirmed that the works as proposed are considered as on-going management for the tree, which is in accordance with good arboricultural practice. There are therefore no objections to the application, provided that the works are in accordance with the British Standard for tree works.

## **6. CONCLUSION**

6.1 The proposed works are in accordance with good arboricultural practice and should not impact on the health or visual amenity of the trees. There are therefore no objections to this application in terms of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

## 7. **RECOMMENDATION**

7.1 That consent is **GRANTED** subject to the conditions on the decision notice.

**Contact Officer: Trudy Gallagher**  
**Tel. No.**

### **CONDITIONS**

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

Reason

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

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

Reason

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

## CIRCULATED SCHEDULE NO. 19/14 – 9 MAY 2014

<b>App No.:</b>	PK14/1093/CLP	<b>Applicant:</b>	Mr J Parker
<b>Site:</b>	1 Court Farm Gardens Longwell Green South Gloucestershire BS30 9BT	<b>Date Reg:</b>	31st March 2014
<b>Proposal:</b>	Certificate of lawfulness for the proposed installation of dormer roof in east elevation	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	365419 170544	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st May 2014



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**N.T.S.**

**PK14/1093/CLP**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule for the following reasons: It comprises a Certificate of Lawfulness; the applicant works for the Council; and objections have been received from members of the public that are contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks a Certificate of Lawfulness for the proposed installation of a dormer style extension in the east elevation of the roof of the dwelling.
- 1.2 The application site comprises a modern two-storey detached property located on the eastern side of Court Farm Gardens. The application dwelling is one of five properties approved under planning permission PK11/0622/F.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
The Town and Country Planning (General Permitted Development) Order 1995 (as amended)  
Planning Practice Guidance – Lawful Development Certificates

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK13/0466/NMA, Non material amendment to PK11/0622/F to alter surfacing of turning area from block pavers to tarmac, approval, 20/03/13.
- 3.2 PK12/4161/NMA, Non material amendment to planning permission PK11/0622/F to install sun pipe to house at Plot 1, approval, 15/04/13.
- 3.3 PK12/2844/F, Repositioning of double garage to plot 1 (Amendment to previously approved scheme PK11/0622/F), approval, 30/11/12.
- 3.4 PK11/0622/F, demolition of existing dwelling and erection of 6no. detached dwellings and 3no. detached garages with access , parking, landscaping, and associated works (resubmission of PK10/3137/F), approval, 07/09/11.

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council  
No comment

#### **Other Representations**

- 4.2 Local Residents  
Eight letters of objection have been received from the neighbouring occupier at no.12 Sally Barn Close objecting to the proposal. The following is a summary of the reasons given for objecting:

- Loss of privacy/overlooking issues;

- Insufficient consultation;
- Applicant works for the Council;
- Proposal is in conflict with conditions 4 and 5 of the original consent;
- Applicant should have submitted changes as part of original application or as an NMA;
- Questions regarding the need for additional light;
- A loft room is not shown on the original plans for the dwelling and is unlawful;
- Officers are ignoring conditions 4 and 5;
- Officer has not visited or contacted objector to discuss impacts;
- Confusion regarding amended plans received.

#### 4.3 John Blake Architects

Two letters of objection have been received from John Blake Architects who objects on behalf of the residential occupiers of 11 Sally Barn Close. The following is a summary of the reasons given for objecting:

- The scale of the drawings is incorrect;
- The proposal is in breach of condition 5 of the original consent and requires planning permission;
- Could adversely affect the privacy of neighbouring occupiers of 11 Sally Barn Close to the detriment of their amenity;
- The revised plans are an improvement in terms of privacy but are ugly in appearance;
- The revised plans technically do not conflict with condition 5 but contravenes the spirit of that condition as it will still allow for overlooking into neighbouring gardens.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The applicant is seeking a Certificate to state that the proposed development is lawful. Clearly neighbouring occupiers are confused with regards to the nature of the application, as objections have been received relating to loss of privacy, visual amenity, and Green Belt effects. However, to clarify, this is not a planning application where the relative merits of the scheme are assessed against planning policy; it is purely an evidential test of whether it would be lawful to proceed with the proposal without planning permission.

The Planning Practice Guidance states that *“Planning merits are not relevant at any stage in this particular application or appeal process”*.

The key evidential test in this case is whether the proposal conflicts with any conditions in the original consent and, if not, whether it falls within the permitted development rights afforded to householders.

- 5.2 The main evidence submitted as part of the application is proposed floor plans and elevations.

5.3 Would the proposal be in conflict with any conditions?

The proposal relates to a dormer extension to the eastern side of the roof to provide more room for a loft conversion. The proposed dwelling was granted permission under application PK11/0622/F. A review of the conditions in the decision notice indicate that conditions 4 and 5 are still relevant and are applicable to the application dwelling.

5.4 Condition 4 states that: *Prior to the occupation of plot 1 the proposed door (if using glazing) and window openings on the side (east) elevation adjacent to no.11 Sallybarn Close shall be glazed with obscure glass to level 3 standard or above and shall remain so at all times.*

5.5 Condition 5 states that: *No windows other than those shown on the plans hereby approved shall be inserted at any time in the side (east) elevation of Plot 1 adjacent to no.11 Sallybarn Close.*

5.6 The proposal relates to the erection of a dormer style extension to the roof and does not propose to alter any of the existing windows in the east elevation of the dwelling. On the balance of probability the proposal would not therefore, be in breach of condition 4. Condition 5 restricts the insertion of new windows in the eastern elevation except for those originally approved for plot 1, which is the application dwelling. An amended plan has been received which has removed the proposed window from the eastern elevation of the dormer so that it would now comprise just hanging tiles; there would be no opening, glazing, frame associated with a window to allow light into the dwelling. Windows are proposed in the south and north flank elevations of the dormer; however, if the proposal were to be implemented, no new windows would be located in the eastern elevation of the dwelling; therefore, on the balance of probability, the proposal would not be in breach of condition 5.

5.7 There are no other conditions in the original consent that restricts roof extensions or remove permitted development rights. Therefore, the main issue is whether the proposal falls within the criteria of Schedule 2, Part 1 (Development within the Curtilage of a Dwellinghouse), Class B (The enlargement of a dwellinghouse consisting of an addition or alteration to its roof).

5.8 Does the proposal fall within permitted development regulations?

Class B allows for extension to dwellinghouses consisting of an addition or alteration to its roof. Development is not permitted by Class B if:

Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

**The drawing "Plot 1 Elevations" no. AL(0)110 demonstrates that the proposed dormer would not exceed the height of the apex of the existing roof.**

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 drawing “Plot 1 Elevations” no. AL(0)110 demonstrates that the proposed dormer would not extend beyond the roof plane forming the principal front elevation of the dwelling; it would extend beyond the plane of the roof forming a side elevation.**

The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-

40 cubic metres in the case of a terrace house, or

50 cubic metres in any other case;

**The application dwelling is detached and the cubic content of the dormer proposed is approximately 7 cubic metres.**

It would consent of or include –

The construction or provision of the veranda, balcony or raised platform,  
or

**The plans submitted demonstrate that the dormer will not comprise a veranda, balcony or raised platform.**

The installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

**The plans submitted demonstrate that the dormer will not comprise a chimney, flue or soil and vent pipe.**

The dwellinghouse is on article 1(5) land.

**According to Council records the dwelling house is not on article 1(5) land.**

Conditions

Development is permitted by Class B is required to comply with the following conditions—

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 proposal would be require to comply with this condition.**

Other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and

**The plans indicate that the proposal would comply with this condition.**

Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be—

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

**This condition is not relevant as no new windows are proposed in the side elevation of the dwelling.**

## 5.9 Further Matters

An objection has been received with regards to lack of consultation; however, the Council has carried out the consultation process in accordance with standard guidelines. A neighbour that was not originally consulted when the



application was registered was re-consulted and given the statutory 21 days to comment.

- 5.10 The scale of the plans is 1/50 rather than 1/100 shown on the plans received. The Officer is aware of this and it has in no way affected the assessment of the proposal. A revised elevation plan has been received as a matter of formality. The latest plan received only corrects the scale indicator for the elevation plan and in no way changes development proposed. Accordingly, it is not necessary to carry out a reconsultation process as members of the public have not been disadvantaged by the change.
- 5.11 The applicant has declared in the application form that they are employed by the Council; therefore, in accordance with the standard protocol, the application will be circulated to local Members for a week once a recommendation has been made to allow them to consider the proposal and whether to call it to Planning Committee. The applicants are not closely related to the Environment and Community Services department.
- 5.12 Matters relating to the need of the proposed development, and the nature of application submitted are not relevant planning considerations in this instance.
- 5.13 The assessment of the application is such that the original conditions are not ignored or replaced. The test is whether the proposal would be in breach of the conditions; therefore, the pertinent conditions are extant.
- 5.14 The neighbour has raised concerns that the attic room/mezzanine floor shown on the plans does not have planning permission. However, section 55 of the Town and Country Planning Act 1990 sets out that alterations to buildings that only affect their interior and do not materially affect their external appearance does not constitute development. Accordingly, on the balance of probability the conversion of the attic to a room could be undertaken without planning permission. This matter requires no further consideration.
- 5.15 An objection has been received regarding the confusion over amended plans. The amended plan received is listed as "revised plan" and the previous plan as "superseded" on the public website. The date of the plans is also listed.
- 5.16 In terms of the objection regarding the Officer not visiting the neighbouring property to understand the overlooking issues and residential amenity issues/impact will have on the local community, it is reiterated that the planning merits are at no point relevant in this application.

## **6. RECOMMENDATION**

- 6.1 That a Certificate of Proposed Lawful Development is GRANTED for the following reason:

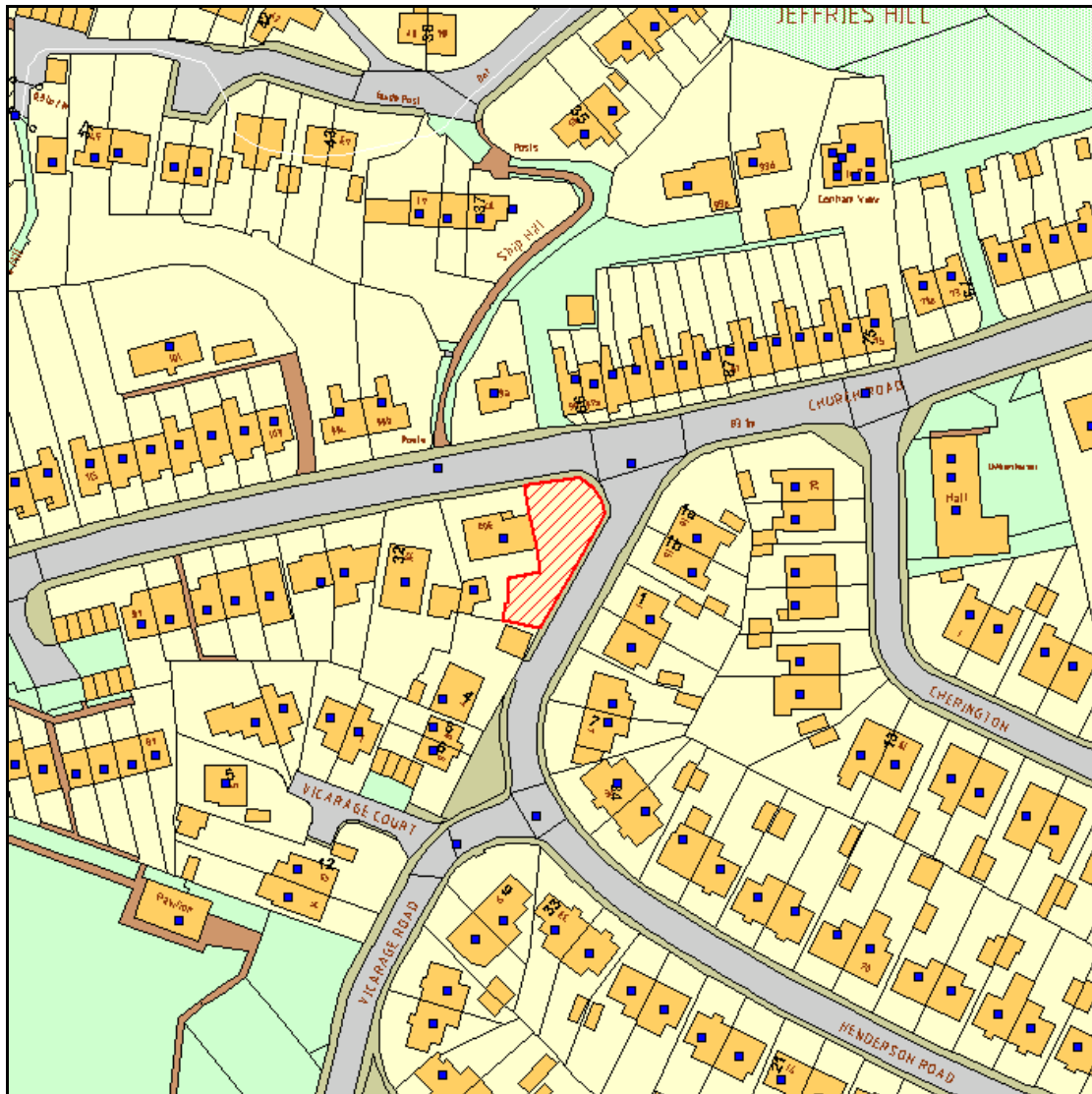
Evidence has been submitted to demonstrate that, on the balance of probability, the proposed development is permitted development by virtue of Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse), Class B (The enlargement of a dwellinghouse consisting of an alteration of

alteration to its roof) of The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

**Contact Officer: Jonathan Ryan**  
**Tel. No. 01454 863538**

## CIRCULATED SCHEDULE NO. 19/14 – 9 MAY 2014

<b>App No.:</b>	PK14/1171/F	<b>Applicant:</b>	Mr John Bennett
<b>Site:</b>	30A Church Road Hanham South Gloucestershire BS15 3AL	<b>Date Reg:</b>	1st April 2014
<b>Proposal:</b>	Erection of 1no. detached dwelling and detached double garage with access and associated works.	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	363626 172261	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd May 2014



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**N.T.S.**

**PK14/1171/F**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This report appears on the Circulated Schedule following comments from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of 1no. detached dwelling and detached double garage with access and associated works. The application site relates to the garden of No. 30a Church Road, Hanham, located within the existing settlement boundary of Hanham.
- 1.2 During the course of the application, revisions have been sought and received by the Council. These have included a reduction in the overall footprint of the house and garage and adjustments to the design of the house and garage and the introduction of an new off-street parking space.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS5	Location of Development
CS8	Improving Accessibility
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies

H4	Development within Existing Residential Curtilages, Extensions and New Dwellings
T12	Transportation Development Control

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted 2007)  
South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

### **3. RELEVANT PLANNING HISTORY**

- 3.1 K985/2 Outline application for the erection of one detached dwelling with garage on approx. 0.16 acres, construction of new vehicular & pedestrian access.  
Approved 13.12.76
- 3.2 K985/3 Erection of detached dwellinghouse with garage. Construction of new vehicular & pedestrian access.

	Approved	31.10.78
3.3	P97/4502 Approved	Erection of extension to detached garage 18.9.97
3.4	P98/4469 Approved	Erection of single storey side extension 15.9.98
3.5	PK12/4015/F Approved	Erection of 1no. detached dwelling with access and associated works. 30.1.13
3.6	PK13/3718/CLP Approved	Application for Certificate of Lawfulness for the proposed erection of detached garage. 13.11.13

#### **4. CONSULTATION RESPONSES**

##### 4.1 Hanham Parish Council

Plans are not detailed enough, no garage plans included so the intended access to the garage cannot be determined by this committee. No vehicle turning facility included on the plans and as this is a one way street concerns are that vehicles could be reversing against the traffic flow on the one way system.

##### 4.2 Other Consultees

Sustainable Transport  
No objection

##### **Other Representations**

##### 4.3 Local Residents None received

#### **5. ANALYSIS OF PROPOSAL**

##### 5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives.

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.

In addition saved Policy T12 seeks to ensure that development will have no adverse impact on highway safety and residential parking standards have been revised under supplementary planning guidance adopted 2013.

The proposal is considered to accord with the principle of development and this is discussed in more detail below:

5.2 Design and Visual Amenity

The application site is the side garden of a two-storey detached modern style dwellinghouse in Church Road, Hanham. It is acknowledged that there are a variety of architectural styles along the street including modern and older terraced properties, post-war and single-storey semi-detached and individual detached dwellings. The application site holds a corner position along this road with Vicarage Road to its east boundary. On the other side of this road on the opposite corner is the beginning of a row of semi-detached bungalows which extend along Vicarage Road. No. 1a, the first of these dwellings, benefits from a large garden which contributes to the open feel present at this junction.

5.3 As mentioned above the styles of property along this road varies considerable and correspondingly so do the construction materials of these buildings. Stone, painted render, pebbledash and reconstituted stone as well as red brick are present. The host dwelling is a yellow reconstituted stone with a simple roof design. The property has a single attached garage to the west elevation and from this a small roof wraps around over the front porch. The property benefits from an 'L' shaped structure in the garden which it is assumed is used for additional living space/annex to the main dwelling.

5.4 The proposal comprises a 4 bed dwellinghouse, separate garage and additional off street parking. The garage and parking would be accessed off the side road, Vicarage Road. During the course of the applications several revisions were requested to reduce the overall footprint of the proposed dwelling and that of the garage. The front building line of the proposed dwelling was moved back to match that of the existing property and to accord, in general terms, with that created by dwellings to the west. Changes to the garage resulted in it being reduced in size and moved back from the highway to create an acceptable visibility splay from the site.

5.5 The proposed dwelling has been moved back to match the building line of the host property and the roof has been hipped at the front to reduce its overall dominance and impression on the street scene. In an attempt to reduce the overall bulk of the proposed dwelling, the roof has also been correspondingly hipped to the south elevation. To the east projects a gable with ridge height lower than the main roofline. To the rear the originally proposed gable has been removed creating a more simplified building line. A single ground floor bay window is proposed in the north (front) elevation. Windows are positioned in all four sides and rooflights provide additional natural light in the north slope of the gable and in the east roof slope above the front door.

5.6 Materials proposed for the dwellinghouse and the garage include stonework and tiles. It is noted that the report associated with the previous planning

permission expressed concern regarding the use of reconstituted stone and suggested a painted render finish would be more suitable. Given the prominent corner position Officers consider that the external finish would be important and it is stressed that the materials need to respond to and recognise the highly visible location and should complement the area in general. Samples of the materials would therefore be secured by condition. In addition, given the plot and its location Officers consider it reasonable that the permitted development rights associated with the development be removed.

#### 5.7 Residential Amenity

The proposed dwelling is to be located within the existing garden of No. 30a Church Road. A reduction in the size of the proposed dwelling and that of the proposed garage have increased slightly the size of the garden space for the new dwelling. It is acknowledged that this space is quite small for a 4 bed property, however, there are currently no set minimum space requirements with which the proposal must comply and given there would be sufficient room for some amenities such as washing line, sitting out and some play area it is judged that no refusal on these grounds can be supported. In addition, the plot already benefits from planning permission for a very similar size property with a very similar sized garden.

5.8 Openings will be positioned in all four elevations. Windows in the first floor closest to No. 30a Church Road to the west would be of obscure glazing, serving shower rooms, and a door at ground floor would lead to the utility area. To the east, 3no. of the windows would be obscurely glazed serving a bathroom at first floor and a WC at ground floor. The remaining ground floor windows would be in the lobby and hallway. As such the proposal would not impact on neighbours to the east and west in terms of inter-visibility or overlooking.

5.9 The main openings would be to the north and south elevations. The properties opposite on Church Road are approximately 20 metres away and this is considered acceptable. To the south the closest property here is positioned some distance away to the west and would be separated from the new dwelling by their respective garages. It is therefore considered that there would be no negative impact on the residential amenity of this property.

#### 5.10 Sustainable Transport

This proposal is for a 4no. bed dwelling and it can be seen that the area of land now within the redline has been increased compared with the amount allocated in the previous application.

5.11 Vehicular parking for the new dwelling is now proposed as a detached garage to the rear of the site. Initial plans indicated a large double garage as per the design approved under the Certificate of Lawfulness application. Under this full planning application, Officers were able to fully assess all aspects of the proposal which included function of the parking provision and access and egress of the site. A garage is not considered acceptable as the only means of parking for a dwelling and at least one parking space needs to be provided within the site boundary. As such the overall size of the proposed garage was reduced, its internal dimensions were judged to accord with policy stipulations of being 3m wide by 6m deep for each vehicle parked in it, and positioned set

back from the public highway by 2 metres. In addition an off-street parking space with its back edge set back 6metres from the highway was also considered acceptable. In this way the proposed parking arrangements are deemed to accord with policy and be acceptable. They will be secured by condition to ensure they remain to serve the property in the future.

## 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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

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

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

## CONDITIONS

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

Reason

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

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

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: core Strategy



(Adopted) December 2013 and saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013

4. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times Monday to Friday 8:00 to 18:00 and Saturdays 8:00 to 13:00 nor at any time on Sunday or Bank Holidays.

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013

5. The off-street parking facilities and the proposed garage shown on the plan Drawing CR2/PO3D 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 saved Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of development surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention, pollution control, and environmental protection, 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 Policy CS9 of the South Gloucestershire Local Plan: Core Strategy and saved Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 19/14 – 9 MAY 2014**

<b>App No.:</b>	PK14/1181/ADV	<b>Applicant:</b>	Mr Mark Cadman Bommel UK Ltd
<b>Site:</b>	Westerleigh Road Roundabout Westerleigh Road Emersons Green Bristol South Gloucestershire BS16 7AN	<b>Date Reg:</b>	1st April 2014
<b>Proposal:</b>	Display of 4no. non-illuminated post mounted signs on roundabout.	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	366550 177595	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st May 2014



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**PK14/1181/ADV**

## **REASON FOR SUBMISSION TO CIRCULATED SCHEDULE**

The proposal has been put forward for the Council's Circulated Schedule process following two letters from members of the public which are contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks advertisement consent for the display of 4no. non-illuminated post mounted signs on Westerleigh Road Roundabout in Emersons Green.
- 1.2 The roundabout is located where Westerleigh Road, Emerson Way and Cousins Way meet and is 0.2 miles away from the Lyde Green roundabout on to the Ring Road (A4174).
- 1.3 The proposed signs are part of South Gloucestershire Council's roundabout sponsorship scheme.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
The Town and Country Planning (Control of Advertisement) Regulations 2007  
The Town and Country Planning Act 1990 Section 220

### **3. RELEVANT PLANNING HISTORY**

- 3.1 There is no relevant planning history relating to the application site. However, applications for similar signage on roundabouts in the South Gloucestershire area have been granted advertisement consent. Some examples from the last year include:
- 3.2 

Aztec West Roundabout	PT13/2722/ADV	Granted
Cribbs Causeway Roundabout	PT13/2835/ADV	Granted
Deanery Road Roundabout	PK13/2724/ADV	Granted
Marsham Way Roundabout	PK13/2667/ADV	Granted

### **4. CONSULTATION RESPONSES**

- 4.1 Mangotsfield Rural Parish Council  
No objection.
- 4.2 Other Consultees  
  
Sustainable Transport  
No objection.

#### **Other Representations**

- 4.3 Local Residents

Two letters of objection have been received from a local resident and a member of the public. Their concerns are summarised as follows:

- This roundabout is much smaller than the Ring Road roundabouts which have the same sized signage – smaller signs should be used on this roundabout
- It would look unsightly
- The signs may obscure motorists' views and signs such as this are only safe on traffic light controlled roundabouts and not ones where the motorist needs to be paying attention
- Roundabout has enough signage on it
- The signs will be visible from the objector's dining room window and there is a cumulative affect with the lights from the garage during the evening.

These concerns have been taken into account during the analysis of the proposal.

## **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 the key aspect of sustainable development and thereby positively contributing to making places better for people. Developments should function well and add to the overall quality of the area, creating attractive and comfortable places to live, work and visit. It specifically states that poorly placed advertisements can have a negative impact on the appearance of the built environment and should be subject to control in the interests of amenity and public safety, taking account of cumulative impacts. The proposal is deemed to accord with the principle of development and this is discussed in more detail below.

### **5.2 Residential and Visual Amenity**

The proposed signs measure approximately 1 metre in width and 0.5 metres in height. The signs proposed are positioned at a height of approximately 0.3 metres from the ground. The signs comprise an aluminium face fixed to steel posts. The signs comprise a white background with advertisement space for sponsors with a blue frame at the bottom containing the Council's corporate logo and the text "Working with the South Gloucestershire Community". The signs will be located 1.5 metres back from the kerb in front of all four junctions on to the roundabout. Although the signs will be altered by the sponsor's message, this will need separate consent and therefore this application just considers the signs as they are without sponsorship.

5.3 The signs have an acceptable appearance and are not considered to be unattractive. As the height of the signs including the mount is only 0.8 metres, which is relatively low, it is not thought that they will be overbearing given the size of the roundabout (approximately 23 metres in diameter.) The appearance of the signs is softened by the planting of small bushes and a young tree in the centre of the roundabout.

5.4 The area is primarily characterised by Westerleigh Road itself, as it is a busy highway providing access from the ring road (A4174) into Emersons Green, Downend and beyond. There are also residential properties surrounding the

roundabout, with 53 Cousins Way being the closest to one of the proposed signs, but it is not considered to be a concern due to the distance between the proposal and the residential dwellings (at least 25 metres). The signs are non illuminating and so will not stand out at night.

5.5 Public Safety

The proposed signs are set back from the edge of the roundabout, and therefore they are not too distracting for motorists due to their location and small size. They are also sited at an angle so that they face traffic approaching the roundabout from the connecting roads, rather than being visible to motorists who are already navigating the roundabout. Weight is also given to the fact that the Council's Highways Officers have raised no objections to the scheme despite the objections regarding highway safety and the fact that a number of similar signs have been granted on roundabouts in the South Gloucestershire Area. It is therefore considered that the signs are acceptable in highway terms and will not cause a risk to the public.

5.6 Cumulative Impact

The approval of the signs hereby proposed will not cause a harmful cumulative impact as there are not any existing signs on this site, other than the blue arrows indicating direction which appear on most roundabouts. The signs are not excessive in size, and similar to other signs which have been approved on many roundabouts in the South Gloucestershire area.

6. **CONCLUSION**

6.1 In accordance with Section 220 of the Town & Country Planning Act 1990 and Regulation 3 of the Advertisement Regulations 2007, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

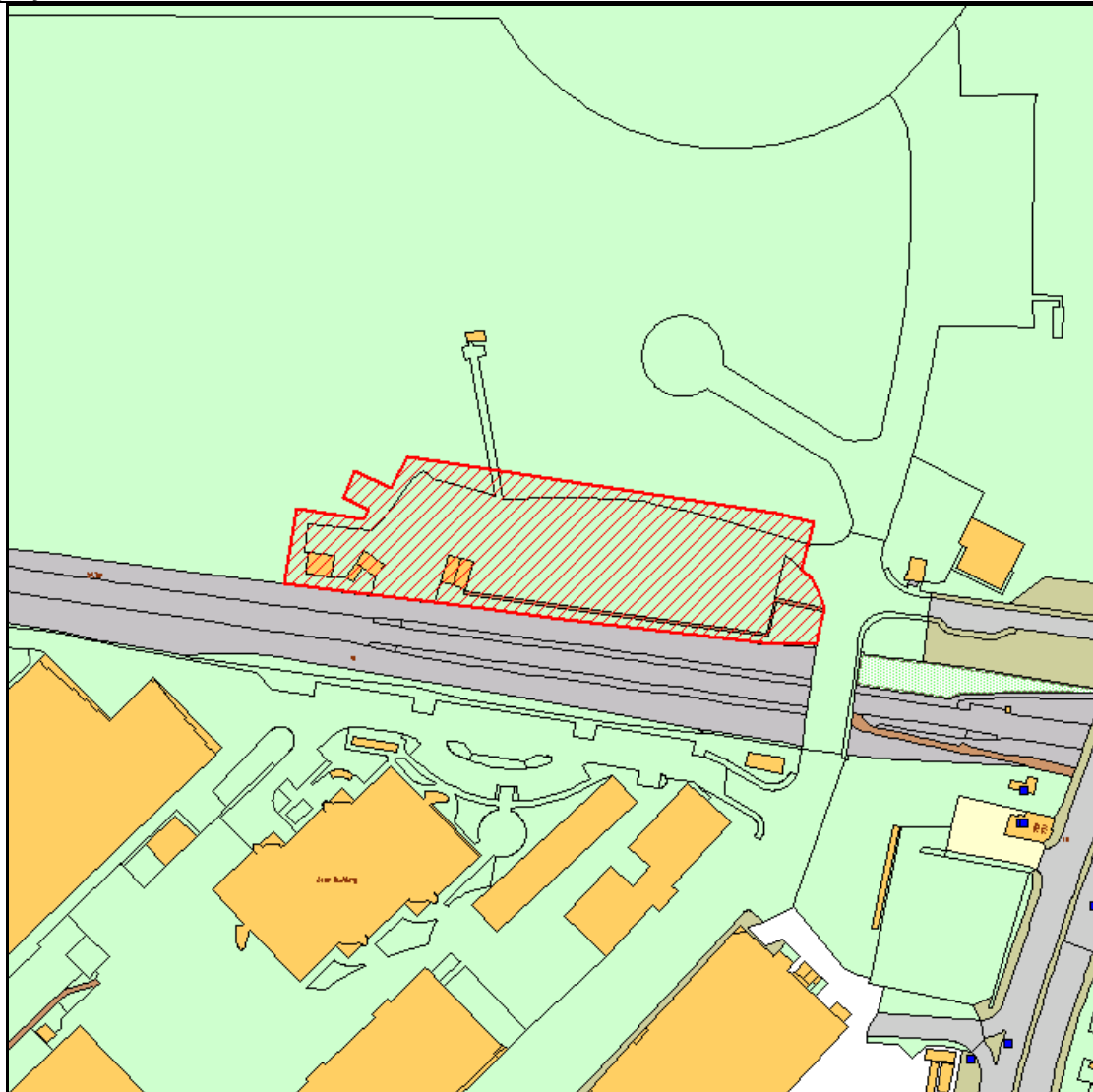
7. **RECOMMENDATION**

7.1 That advertisement consent is **GRANTED** subject to the conditions on the decision notice.

**Contact Officer: Trudy Gallagher**  
**Tel. No. 01454 862217**

**CIRCULATED SCHEDULE NO. 19/14 – 9 MAY 2014**

<b>App No.:</b>	PT14/0452/MW	<b>Applicant:</b>	Stone Supplies Holdings Ltd
<b>Site:</b>	Old Airfield Car Park New Road Filton Bristol South Gloucestershire BS34 7QD	<b>Date Reg:</b>	
<b>Proposal:</b>	Change of Use of site and buildings from car park (sui generis) to Aggregate Recycling Facility and Operations Centre with new weighbridge (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and erection of a portacabin office.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360406 179897	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th May 2014



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**PT14/0452/MW**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The applications seeks permission for the change of use of the site and buildings from a car park to an aggregate recycling facility and operations centres with new weighbridge and erection of a portacabin office.
- 1.2 The site is the old airfield car park off New Road, Filton. Access to the site is gained via New Road, which connects with the A38/Gloucester Road North via a signalised junction. The A38 is approximately 100 metres to the east of the site. The railtrack runs immediately to the south of the site, beyond which are industrial/employment units, the nearest main residential area is located approximately 140 metres away to the east beyond the railtrack, New Road and the A38. Filton College grounds are located from approximately 150 metres to the south east beyond New Road, the railtrack and the A38.
- 1.3 The applicant currently operates from a site within the Filton Triangle area, approximately 500 metres east of this application site. The redevelopment of much of that area as part of the Rail Maintenance Depot (approved under planning reference PT11/2781/F) will create a new operations site for Network Rail. The need for a new and improved access route to that site from the public highway has resulted in proposals for a strategic route across the site currently occupied by the applicants and as a result the need to find an alternative location from which to operate. The applicants have secured a lease on the site the subject of the application.
- 1.4 The applicant would undertake, as they do at their current site, a number of recycling operations including receipt of up to 75,000 tonnes of dry, inert and non-hazardous, construction, demolition and excavation waste per annum., crushing, screening, sorting and storage of recycled aggregate materials The throughput would equate to 800 tonnes per day or around 40 loads which would equate to up to 80 vehicle movements per day.

### **2. POLICY CONTEXT**

2.1 National Guidance  
National Planning Policy Framework March 2012

2.2 Development Plans

West of England Joint Waste Core Strategy (Adopted) March 2011

Policy 1 – Waste Prevention

Policy 2 – Non-residual Waste Treatment Facilities

Policy 12 – General Considerations

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 - High Quality Design

CS26 - Cribbs/Patchway New Neighbourhood

2.3 Supplementary Planning Guidance

Cribbs/Patchway New Neighbourhood SPD. Adopted 26<sup>th</sup> March 2014

PPS10 – Planning for Sustainable Waste Management

**3. RELEVANT PLANNING HISTORY**

3.1 P89/1476 – Use of 0.2 hectares of land as car park. Approved 26<sup>th</sup> April 1989.

3.2 P93/2321 – Use of Filton Airfield for commercial air traffic with associated building operations and related uses. Approved 22<sup>nd</sup> March 1996.

3.3 PT12/036/SCO – Mixed use development. Scoping Opinion 24<sup>th</sup> October 2012.

**4. CONSULTATION RESPONSES**

4.1 Filton Town Council

Concerns raised over suggested area; Does the provision of the recycling plant come into the boundary's of the Filton Enterprise Area? If it does come into this area then is it right to be placed in an area where aerospace employment is suppose to be key?

4.2 Other Consultees

Environmental Protection

No objection. The operator is able to meet the Environmental Permitting Regulations and the plant holds the relevant permits. Permitting Controls will be in place and regularly monitored.

Sustainable Transportation

Whilst there is no transportation objection to this proposal on the basis of traffic generation or junction capacity given that the existing site which this if approved would replace utilises the same access point onto the highway network via a signalised junction with the A38. However, there was an initial in principle objection to the proposal as the site is safeguarded for a new railway station as part of the Cribbs/Patchway New Neighbourhood, and as such is contrary to policy CS26 or the adopted Core Strategy.

N.B. Subsequent discussions and negotiations with the applicant have resulted in a temporary two period for planning permission being agreed, for which time the applicants have secured a lease on the site. This is acceptable from a sustainable transportation perspective and will not prejudice the future anticipated development of the site in accordance with Policy CS26 and the SPD.

Major Sites Team

The whole of the former Filton Airfield site in South Gloucestershire forms part



of the Cribbs/Patchway New Neighbourhood (CPNN) and was allocated for the provision of 5, 700 dwellings, and 50 ha of employment plan along with supporting community and transport infrastructure in the adopted South Gloucestershire Core Strategy, under the auspices of Policy CS26.

Following the allocation of this site in the adopted Core Strategy, a CPNN Development Framework Supplementary Planning Document (SPD) was adopted on the 26<sup>th</sup> March 2014. This SPD is intended to support Policy CS26 in the determination of planning applications within the allocation. The SPD includes a number of diagrams that indicate the likely siting of infrastructure. The 'Access and Movement' plan shows the indicative location of potential train stations, and the site proposed for the aggregate recycling plant coincides with one of these potential train stations. Policy CS26 states that development will deliver, amongst other things, 'the safeguarding of land for a new railway station(s)'.

Given the above, it is considered that the proposed aggregate recycling plant would conflict with the requirements of Policy CS26 and would compromise the ability of the allocation to be developed in a comprehensive way and would not be acceptable. Refusal would therefore be recommended on these grounds.

N.B. Subsequent discussions and negotiations with the applicant have resulted in a temporary two period for planning permission being agreed, for which time the applicants have secured a lease on the site. This is acceptable from the major sites perspective and will not prejudice the future anticipated development of the site in accordance with Policy CS26 and the SPD.

Highways Drainage

No comments

Archaeology Officer

No objection

**Other Representations**

4.3 Local Residents

Two objections have been received. These are summarised below:

- Totally inappropriate development for a built up area containing houses and a school.
- Dust from existing waste treatment works already causes problems I believe this development is contrary to all the South Glos consultations on the Cribbs/Patchway development. Especially in regard to the agreed SPD and the 50ha of employment land and our promised Aerospace Park.
- At no time during all the consultations has this development been envisaged and again is in direct violation of the stated use of this area i.e. "An enhanced employment area focussed on aerospace and defence sectors, advanced manufacturing, emerging materials technologies, information technology, and micro-electronics".
- I strongly object to this development as it positively distracts from the promised objective of delivering an Aerospace Park that will enhance and

support our current world leading 'silicon valley' aerospace industry primes that are clustered around the east end of the airstrip.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The site is covered by Policy CS26 of the Core Strategy as identified in the consultation responses above. With this in mind concern was raised as to whether the proposals would prejudice the potential for the policy aspirations and subsequent vision of the adopted Cribbs/Patchway New Neighbourhood to be implemented. This concern was acknowledged and discussed with the applicants. The applicants have negotiated a two year lease with the current landowners of the site. It is considered that if any planning permission was given on the basis of a two year temporary consent, then given this relatively short timescale, and the likely timescales of any future implementation of the major development proposed for the whole site at this location, then future development would not be prejudiced and indeed in the meantime would provide a suitable usage for the site.

5.2 Policy 2 of the WoE JWCS indicates that planning permission for recycling facilities would be acceptable on previously developed land or on land that is allocated for industrial or storage purposes or has permission for such, on this basis the application is considered acceptable in principle, subject to detailed development control considerations.

### 5.3 Environmental Protection/Local Amenity

The site is an existing car parking area located within a large larger area of brownfield and developed land in the immediate vicinity. It is separated from any nearby dwellings to the east by virtue of the railtrack, New Road and the A38 itself, which act as a buffer from the site. The grounds of Filton College are similarly located beyond these features, to the south east. Such brownfield and storage/industrial sites are considered acceptable in principle for such uses provided they can be considered acceptable in terms amongst other things, local amenity. The site will also be regulated through Environmental Permitting. In particular the plant and equipment necessary for the operations at the site holds the relevant permits issued by the Council and permitting controls will be in the place at the site, and the operation will be regularly monitored. In this respect PPS10 recommends that controls through various legislation over a development should be complimentary but should not duplicate each other. There are no environmental protection objections to the proposal at this location. On this basis it is considered that the proposals are acceptable.

### 5.4 Highways Issues

There is no transportation objection to this proposal on the basis of traffic generation or junction capacity given that the existing site which this if approved would replace utilises the same access point onto the highway network via a signalised junction with the A38

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposals are located on an existing developed site where further future development and use is allocated, the use however will be limited to a period of two years. It is not considered that the proposals, subject to conditions and controls would give rise to any additional amenity or transportation impacts. As such the proposals are considered to be in accordance with Policies 2 and 12 of the West of England Joint Waste Core Strategy, Policies CS1 and CS26 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the Patchway/Cribbs New Neighbourhoods SPD, adopted March 2014, subject to being restricted to a period of two years.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted, subject to the recommended conditions.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## **CONDITIONS**

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

Reason

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

2. The use hereby permitted shall cease within 2 years from the date of this permission and the site cleared of all buildings structures and materials approved by this permission.

So as not to prejudice future allocated development of the site and to accord with Policy CS26 of the South Gloucestershire Local Plan Core Strategy (Adopted) December and the South Gloucestershire CPNN SPD Adopted 26th March 2014.

3. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 07.00 - 17.00 Mondays to Fridays and 07.00 - 12.00 (midday) on Saturdays; nor at any time on Sunday or Bank Holidays.

Reason:

In the interests of local amenity and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

**CIRCULATED SCHEDULE NO. 19/14 – 9 MAY 2014**

<b>App No.:</b>	PT14/1058/CLE	<b>Applicant:</b>	Mr Frank Williams
<b>Site:</b>	Rear Part Of Woodlands Yard Bristol Road Frampton Cotterell South Gloucestershire BS36 2AW	<b>Date Reg:</b>	25th March 2014
<b>Proposal:</b>	Application for Certificate of Lawfulness for existing use of land for B8 storage use (Re Submission of PT13/3032/CLE)	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366186 182522	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th May 2014



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**N.T.S.**

**PT14/1058/CLE**

## **REASON FOR REFERRAL TO CIRCULATED SCHEDULE**

This application is for a Certificate of Lawfulness, and as such, under the current scheme of delegation, is to be determined under the Circulated Schedule procedure. It must also appear in the circulated schedule due to the receipt of a letter of objection from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The application is for a Certificate of Lawfulness for the existing use of land for B8 storage and distribution purposes. The application therefore seeks to demonstrate that the land within the red line on the submitted plan has been used for this purpose for a period in excess of ten years prior to the date of submission.
- 1.2 The site consists of a plot of land forming part of a larger site known as Woodlands Yard. Woodlands Yard is on the north west side of Bristol Road, Frampton Cotterell. The application site is located beyond any settlement boundary within the open Green Belt.
- 1.3 The application must therefore demonstrate the use of the land between 21<sup>st</sup> March 2004 and 21<sup>st</sup> March 2014.
- 1.4 This application is the resubmission of a previous application reference PT13/3032/CLE. This previous application also sought to regularise the use of the land. In terms of use, this previous application was unsuccessful. This current application covers a smaller area of land than that previously considered as part of application PT13/3032/CLE)

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (General Procedures) Order 1995 Article 24 Circular 10/97 Enforcing Planning Control
- 2.2 Because the application is for a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration. .

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PT13/3032/CLE Application for Certificate of Lawfulness for existing use of land for storage of lorries, vans and cars. Stationing of storage container, laying of hard standing , erection of boundary fence and stationing of a JCB.  
Split decision – approving the container, hard standing and boundary fence but refusing the use
- 3.2 PT13/0422/CLE Application for Certificate of Lawfulness for existing use of land for storage of motor vehicles and non-agricultural goods Use Class B8 plus ancillary works of laying a hardstanding, erection of fencing, stationing of shipping containers and erection of a storage building.  
Approved April 2013

(This approval did not include the site subject of this application)

- 3.3 P97/2294 Erection of agricultural storage building.  
No decision recorded.
- 3.4 P96/2978 Erection of an agricultural storage building.  
Approved March 1997
- 3.5 P96/1071 Use of land for keeping of horses. Erection of building for storage of hay and implements.  
Refused March 1996

#### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
Objects to the application on the basis that there is no evidence of continuous use for the appropriate period and because it is inappropriate development in the Green Belt.
- 4.2 Internal Consultees  
No evidence to offer

#### **Other Representations**

- 4.3 Local Residents  
None received

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

- 5.1 1 Statutory Declaration has been received in support of the application which is summarised as follows:
- 5.2 Declaration of Mr Francis Royston Williams. Mr Williams confirms he owns the application site. The declaration explains the history to the site and the outcome of the previous certificate of lawfulness application. Mr Willimas confirms that the declaration now submitted does not include the part of the site occupied by Mr Covill (that is the part of the site occupied by Woodlands Van Centre).
- 5.3 The declarations is accompanied by a plan marked 'A'. Up until 2011, the area was part of a larger site used for the purpose of storing end of life cars and light commercial vehicles. These matters were referred to in detail in the statutory declarations submitted in support of application PT13/3032/CLE. The declaration adds further detail to explain what happened to vehicles held on the site up to 2011.
- 5.4 In 2011, Mr Covill commenced occupation of part of the site with the remaining part (that is the part subject of this application ) being divided further. The part of the site marked x was let to Mr Justine Treasure. Mr Treasure is a builder and ground-works contractor who uses the land for the storage of building materials, plant and equipment. He also regularly parks lorries and an excavator on the land.
- 5.5 The part of the site marked Y was let in 2011 to Mr Paul Davey and his son Tom who use the site for the storage of old end of life cars that they use for banger and stock

car racing. They also keep a lorry on the site that the writer understands they use to transport the cars too and from banger racing events.

## **6. SUMMARY OF CONTRARY EVIDENCE**

- 6.1 No contrary evidence has been submitted by any third party. In assessing the application, your officer will also take into consideration aerial photographs held by the Council, information from the internet and information submitted by the agent in support of the previous application reference PT13/3032/CLE

## **7. EVALUATION**

- 7.1 The application for a Certificate of Lawfulness is purely an evidential test irrespective of planning merit. The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the use described has or has not been actively in use on site for a consistent period of not less than ten years and whether or not the use is in contravention of any Enforcement Notice which is in force.

### **7.2 The relevant test of the submitted evidence**

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probabilities”. Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt.” Furthermore, the applicant’s own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues that are involved in determining an application. Any contradictory evidence which makes the applicant’s version of events less than probable should be taken into account. The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence. Annex 8 of circular 10/97 confirms that ‘...*there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate “on the balance of probability”.*’

### **7.3 Use of Land**

The applicant is seeking to prove that the site has been used for B8 (storage and distribution purposed) for a continuous ten year period prior to the date of submission of the application. In considering this certificate application, your officer has followed the chronology of events previously investigated through the course of application PT13/3032/CLE. Although the evidence previously submitted in support of application PT13/3032/CLE has not been resubmitted, the contents of the previously statutory declarations is being carried forward to this current application. Paragraphs 7.4 is based on evidence submitted with this previous application.



- 7.4 In 1999 the site was covered with aggregate/hardcore. From 2000 to 2011 Mr Christopher Williams appears to have used the site to store end of life cars and commercial vans. A number of statutory declarations make reference to having seen and witnessed scrap vehicles and other vehicles being stored on the site. Although the aerial photographs held by the Council show a very low number of vehicles stored on the site, your officer accepts the argument put forward to explain this. Essentially, it is argued that cars were stored on the land with numbers building up slowly until there were enough vehicles to warrant a journey to the scrap yard in Birmingham. The declarations of Mr Christopher Williams, Mr McGill, Mr May, Mr Francis Williams and Ms Williams all add weight to the fact that the site was used for storage of vehicles and end of life cars between 2000 and 2011. Whilst some of the evidence within the statutory declarations is somewhat less than precise, cumulatively they add together to amount to a compelling argument.
- 7.5 Having accepted the use of the land between 2000 to 2011, it is then necessary to establish what use class (if any) this use falls within. As part of the assessment of the previous application, it was the opinion of your officer that the use did not fall within a B8 use class. This is because, in accordance with the Land Use Gazetteer (3<sup>rd</sup> Edition), a motor vehicle storage place is a sui generis use.
- 7.6 Since the determination of the previous application, additional information has been submitted by the agent, and mentioned in the statutory declaration regarding the cars that were stored on site. The cars were end-life vehicles. In accordance with EU directives and other guidelines, End-life vehicles are regarded as waste or scrap and not as motor vehicle. In accordance with the Land Use Gazetteer (3<sup>rd</sup> Edition), a scrap vehicle storage place where no processing takes place falls within the B8 use class.
- 7.7 Having established a B8 use up until mid 2011, it is then necessary to establish what happened to the site after this date. The statutory declaration confirms that from mid/late 2011, the site was further subdivided into two areas – marked X and Y on the submitted plans. Each of these will now be discussed in turn.
- 7.8 The rear part of the site – marked X, in accordance with the details contained within the statutory declaration has been let to a building and ground works contractor since 2011. A ground work contractors storage or distribution place falls within the B8 use class. On the basis that the Council has no evidence to make the applicants claim less than probable, it is therefore accepted that the part of the site marked X has been used for B8 purposes for a continuous ten year period preceding the date of submission.
- 7.9 The front part of the site – marked Y, in accordance with the details contained within the statutory declaration has, since 2011, been let and used for the storage of end of life cars that have been used for banger and stock car racing and also for the lorry that transports the vehicles to banger meetings. The statutory declaration does not mention any processing of cars and therefore it is assumed that this takes place off site. For the reasons as set out in section 7.6 of this report, the storage of end of life cars does fall within the B8 use class – the fact that they visit a race track on the way to be disposed of it not considered to change the use of the land. On the basis that the Council has no evidence to make the applicants claim less than probable, it is

therefore accepted that the part of the site marked X has been used for B8 purposes for a continuous ten year period preceding the date of submission.

- 7.10 Having weighed up all the evidence submitted and as summarised above, sufficient evidence has been submitted to show that the site has been used for various B8 purposes for a continuous ten year period preceding the date of the application.

## 8. **CONCLUSION**

- 8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the site subject of this application has been used for various B8 purposes for a continuous ten year period preceding the date of the application.

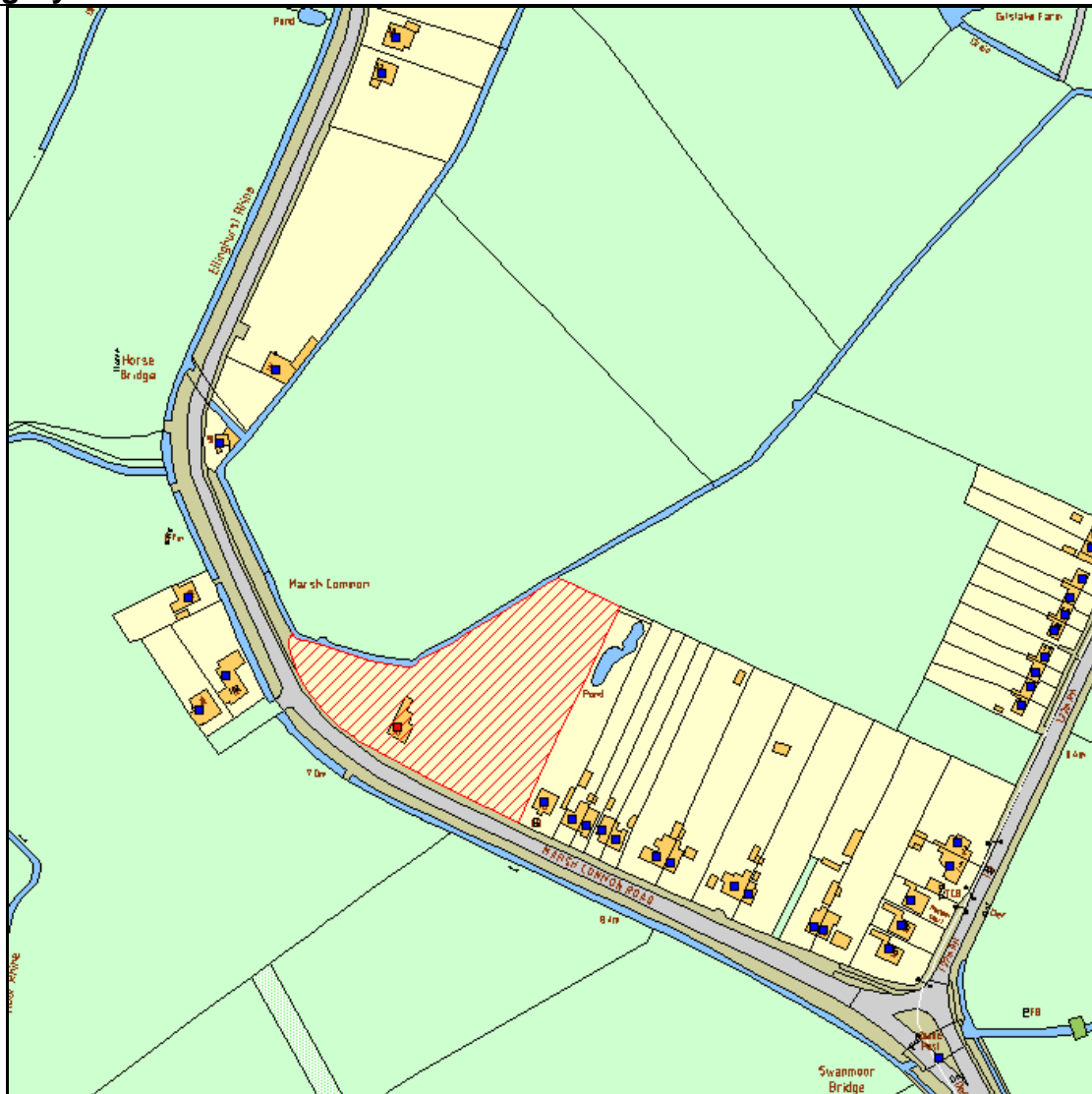
## 9. **RECOMMENDATION**

- 9.1 The Certificate of Existing Lawful Use be approved

**Contact Officer: Marie Bath**  
**Tel. No. 01454 864769**

## CIRCULATED SCHEDULE NO. 19/14 – 9 MAY 2014

<b>App No.:</b>	PT14/1086/CLP	<b>Applicant:</b>	Mr T Whittingham
<b>Site:</b>	Homeland Cottage 111 Marsh Common Road Pilning Bristol South Gloucestershire BS35 4JU	<b>Date Reg:</b>	25th March 2014
<b>Proposal:</b>	Application for certificate of lawfulness for the proposed erection of a detached swimming pool building.	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	356285 183522	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th May 2014



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**PT14/1086/CLP**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a detached swimming pool building 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) Order 1995 (as amended).
- 1.2 The proposed building also includes a gym, toilet, shower, and plant room.
- 1.3 The site is within the Green Belt.

### **2. POLICY CONTEXT**

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

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PT12/3227/CLE - Application for Certificate of Lawfulness for existing alterations and extensions to property and garage, not in accordance with planning permission PT06/2521/F dated 6th October 2006.  
Approve with conditions – 10/05/2013
- 3.2 PT06/2521/F - Partial demolition of existing dwelling to facilitate two storey and single storey extension to form additional living accommodation, including conservatory. Complete demolition of outbuildings to facilitate erection of detached garage and workshop.  
Approve with conditions – 06/10/2006
- 3.3 PT05/2349/F - Partial demolition of existing dwelling to facilitate two storey and single storey extension to form additional living accommodation, including conservatory. Complete demolition of outbuildings to facilitate erection of detached garage and workshop (Resubmission of planning application PT04/3582/F).  
Refusal – 27/10/2005
- 3.4 PT04/3582/F - Partial demolition of existing dwelling to facilitate two storey and single storey extension to form kitchen, breakfast room, living room and conservatory with 2 no. bedrooms, 3 no. bathrooms and balcony over. Complete demolition of outbuildings to facilitate erection of detached garage with workshop.  
Refusal – 17/12/2004

- 3.5 P84/1003 - Erection of three detached dwellings and double garages.  
Construction of new vehicular and pedestrian access.  
Refusal of Full Planning Permission – 15/02/1984

#### **4. CONSULTATION RESPONSES**

- 4.1 Pilning and Severn Beach Parish Council  
No objection.

4.2 Other Consultees

Councillor

None received.

Highway Drainage

Objection - proposal is within a red cell of Flood Zone 3 with no flood risk assessment enclosed within the application. Objections can only be made with regards to whether the application meets the criterion laid out in the Town and Country Planning (General Permitted Development Order) 1995 (as amended) and as such the drainage concerns cannot be considered for a Certificate of Lawfulness application.

Archaeology Officer

No objection.

Landscape Officer

None received.

#### **Other Representations**

- 4.3 Local Residents  
None received.

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

- 5.1 The application is supported by the following drawings: Existing Plans, Elevations and Sections – Main House (0410.1 Revision A) from May 2004; Proposed Site Plan (1825/300); Proposed Plans and Elevations (1825/301); Response letter from enquiry ET07/1530, sent 30<sup>th</sup> August 2007; Letter from agent (LPC) received 21<sup>st</sup> March 2014.

#### **6. EVALUATION**

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

on the balance of probabilities, the Local Planning Authority must grant a certificate confirming this.

- 6.2 The key issue is to determine whether a proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO). Schedule 2, Part 1, Class E of Town and Country Planning (General Permitted Development) Order 1995 (As Amended) allows for the provision within the curtilage of the dwelling house of:- 'any building or enclosure...for a purpose incidental to the enjoyment of the dwellinghouse'. The site is in use as a dwellinghouse and the proposal falls within the curtilage of that dwellinghouse. The site did have its permitted development rights removed under application number PT06/2521/F, however this approval no longer stands following a Certificate of Lawfulness issued in 2013 for existing alterations and extensions to the property and garage, not in accordance with the planning permission previously approved. Therefore, the permitted development rights of the property remain in tact.
- 6.3 The applicant has indicated on the submitted plans that the proposal would be used as a building to house the existing swimming pool primarily, but will also have a gym, a toilet and shower, and a plant room. The proposed outbuilding is 19 metres long, 8.5 metres wide and 3.9 metres in height. The height to the eaves is 2 metres. The existing swimming pool is 4.5 metres by 8 metres, and considering this, the internal measurements of the swimming pool area of the outbuilding are not excessive to house a pool of that size, and could be incidental. Similarly, the internal measurements for the gym are not excessive at 6 metres by 8 metres. Officers consider that the proposed use of the outbuilding can reasonably be defined as falling within the definition of 'a purpose incidental to the enjoyment of the dwellinghouse' and as such the proposal can be considered against the criteria in Class E.
- 6.4 It is worth noting that the dwelling already benefits from a two storey outbuilding of incidental use which was declared lawful as part of the Certificate of Lawfulness, which is used as a garage, a games room and a home office. Although an accumulation of outbuildings within the Green Belt is not ideal, it is considered that the uses proposed and the scale in which they are proposed can be incidental, and the building appears subservient to the main house.
- 6.5 There are several criteria attached to development permitted under Class E. Developments which fail any of the following criteria would not be permitted:
- E.1 (a) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house);**
- The application property is shown to be set within a large residential curtilage. It is noted that the proposed swimming pool building in addition to the existing extensions and outbuildings on the area of land serving the dwellinghouse would not exceed 50% of the total area of the curtilage. The application therefore meets this criterion.

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

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

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

The principal elevation of the dwellinghouse is identified as the elevation facing Marsh Common Road – the south west elevation. It exhibits the typical features of a principal elevation such as a front door and prominent windows to habitable rooms. Other houses on street have same road facing principle elevation. It is however noted that there are other entrances which, due to their closer proximity to the drive way, will be used as the main entrance by the occupiers most often. Notwithstanding this, the large door on the south east elevation was not part of the original dwellinghouse, as seen in plans of the existing dwellinghouse as it stood in May 2004 in application number PT06/2521/F. It is the elevation facing the road that sets the postcode for the dwelling.

On reflection, it is considered that the south west elevation facing Marsh Common Road is, for the purpose of the GDPO, the 'principal elevation'. The swimming pool building would not be forward of this elevation and as such the application meets this criterion.

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

The proposed building would be single storey.

**(d) The height of the building, enclosure or container would exceed-**

- (i) 4 Metres in the case of a building with a dual dual-pitched roof,**
- (ii) 2.5 metres in the case of a building or enclosure or container within 2 metres of the boundary of the curtilage of the dwelling house, or**

**(iii) 3 metres in any other case;**

The proposed building would be over 2 metres from the boundary of the residential curtilage. The proposal has a dual pitched roof and is less than 4 metres in height at 3.9 metres. Therefore, the proposal meets the criterion.

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

The eaves height of the proposed building would be 2.1 metres and meets this criterion.

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

The dwelling is not a listed building.

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

The proposal would not include any of the above.

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

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

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

Not applicable.

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

**(a) A World Heritage Site,**

**(b) A National Park,**

**(c) An Area of Outstanding Natural Beauty, or**

**(d) The Broads,**

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

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

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

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

## **7. CONCLUSION**

7.1 The proposed building meets the criteria set out in schedule 2, Part 1, Class E of the Town and Country Planning General Permitted Development Order 1995 (as amended) in terms of scale, location and usage, and the purpose of the building is considered to be incidental to the enjoyment of the dwellinghouse and as such the proposal does comply with permitted development.

## **8. RECOMMENDATION**

8.1 That a Certificate of Lawfulness for Proposed Development is **GRANTED** for the following reason:

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

**Contact Officer: Trudy Gallagher**  
**Tel. No. 01454 862217**