



**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. 49/14

Date to Members: 05/11/14

Member's Deadline: 11/12/14 (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 providing details of

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Management Technical Support Team. Please note a copy of your referral e mail will appear on the website. **If in exceptional circumstances, you are unable to e-mail you 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
Christmas & New Year Period 2014

Schedule Number	Date to Members 9am on	Members Deadline
51/14	Friday 19 Dec 2014	5pm Monday 29 Dec 2014
52/14	NO SCHEDULE	THIS WEEK
01/15	Wednesday 31 Dec 2014	5pm Thursday 08 January 2015

Above are details of the schedules that will be affected by date changes due to the Bank Holidays at Christmas & New Year 2014/15

All other deadline dates remain as usual.

CIRCULATED SCHEDULE 05 December 2014

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK14/3720/F	Approve with Conditions	Unit 6 Badminton Road Trading Estate Yate South Gloucestershire BS37 5NS	Westerleigh	Westerleigh Parish Council
2	PK14/3859/R3F	Deemed Consent	Broad Lane Depot Broad Lane Yate South Gloucestershire BS37	Ladden Brook	Iron Acton Parish Council
3	PK14/3895/RV	Approve with Conditions	Varnisters Siston Lane Siston South Gloucestershire BS30 5LX	Siston	Siston Parish Council
4	PK14/3925/F	Approve with Conditions	Cleve Oaks Cleeve Wood Road Downend South Gloucestershire BS16 2SU	Downend	Downend And Bromley Heath Parish Council
5	PK14/4092/O	Approve with Conditions	Land At 32 - 38 Buckingham Gardens Downend South Gloucestershire BS16 5TW	Downend	Downend And Bromley Heath Parish Council
6	PK14/4129/F	Approve with Conditions	Snax 24 Ltd 114 Bath Road Willsbridge South Gloucestershire BS30 6EF	Bitton	Bitton Parish Council
7	PK14/4133/RV	Approve with Conditions	104 High Street Oldland Common South Gloucestershire BS30 9TH	Oldland	Bitton Parish Council
8	PK14/4147/O	Approve with Conditions	50 Courtney Road Kingswood South Gloucestershire BS15 9RH	Woodstock	None
9	PT14/2400/F	Approve with Conditions	Land South Of Filton Road Hambrook South Gloucestershire BS16 1QG	Frenchay And Stoke Park	Winterbourne Parish Council
10	PT14/3352/F	Refusal	11 Riverwood Road Frenchay South Gloucestershire BS16 1NX	Frenchay And Stoke Park	Winterbourne Parish Council
11	PT14/3906/F	Approve with Conditions	74 Nicholls Lane Winterbourne South Gloucestershire BS36 1NE	Winterbourne	Winterbourne Parish Council
12	PT14/3910/F	Approve with Conditions	Land Adjacent To 1 Barton Close Winterbourne South Gloucestershire BS36 1DY	Winterbourne	Winterbourne Parish Council
13	PT14/3953/CLE	Approve with Conditions	John Lewis The Mall Cribbs Causeway Regional Shopping Centre Patchway South Gloucestershire BS34 5DG	Patchway	Almondsbury Parish Council
14	PT14/4061/F	Approve with Conditions	52 Meadow Mead Frampton Cotterell South Gloucestershire BS36 2BE	Frampton Cotterell	Frampton Cotterell Parish Council
15	PT14/4102/TRE	Approve with Conditions	45 Wolfridge Ride Alveston South Gloucestershire	Thornbury South And	Alveston Parish Council
16	PT14/4225/OHL	Approve with Conditions	Land At Hambrook South Gloucestershire	Winterbourne	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 49/14 – 5 DECEMBER 2014

App No.: PK14/3720/F
Site: Unit 6 Badminton Road Trading Estate
 Yate South Gloucestershire BS37 5NS

Applicant: Mr Dominic Pullen
Date Reg:

Proposal: Change of use from (ClassB1/B8)
 Business/Storage and distribution to (Class
 D2) Assembly and leisure as defined in
 Town and Country Planning (Use Classes)
 Order 1987 (as amended).

Parish: Westerleigh Parish
 Council

Map Ref: 369861 182328
Application Minor
Category:

Ward: Westerleigh
Target 26th November
Date: 2014



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PK14/3720/F

1. **THE PROPOSAL**

- 1.1 The site consists of a small modern industrial building located within the Badminton Road Industrial Estate. The site is accessed from Badminton Road via Kendall Close.
- 1.2 This application details the change of use of the building from B1/B8 (Business/Storage) to D2 (Assembly and Leisure). The proposed development would result in the use of the industrial unit as a private gymnasium.

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

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

E3 Criteria for Assessing Proposals for Employment Development within the Urban Area and Defined Settlement Boundaries and/or Permitted by Policies E4/E6/E7
(*Policy E4 has now expired*)

T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS12 Safeguarded Areas For Economic Development (Table 2 (Interim Safeguarded Areas) Area 49)

CS26 Cribbs Patchway New Neighbourhood

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist

Cribbs/Patchway New Neighbourhood Development Framework SPD (March 2014)

3. **RELEVANT PLANNING HISTORY**

- 3.1 None relevant

4. **CONSULTATION RESPONSES**

4.1 Westerleigh Parish Council

No response has been received

4.2 Sustainable Transport

No Objection in principle

4.3 Drainage Engineer
No comment received

4.4 Economic Development Officer
No Objection in Principle

Other Representations

4.5 Local Residents

1 letter of objection has been received. This raises concern over the use of private parking spaces which are not allocated to the subject unit and that the proposed development would result in conflict between the users of the development and parking not available to them. Concern is also raised regarding the use of the site by the general public and that this would introduce a risk of crime on the industrial estate.

5. ANALYSIS OF PROPOSAL

5.1 The proposed development consists of the change of use of the existing building from B1/B8 (Business/Storage) to D2 (Assembly and Leisure). The proposed development would result in the use of the industrial unit as a private gymnasium. The gymnasium would provide specialist 'body conditioning' facilities and differs from a typical fitness gym with annual memberships. In this instance, the applicant sets out that the facilities will not be available to the general public, and would only be made available on an appointment basis where users would be under one to one training by a member of staff.

5.2 Principle of Development

Saved policy E3 of the South Gloucestershire Local Plan makes a presumption in favour of industrial development within the urban areas subject to specific criteria addressed below. Policy CS12 of the South Gloucestershire Local Plan, Core Strategy provides Safeguarding of existing industrial sites and makes a presumption in favour of B type uses within those areas. This site is listed as site 58 (Badminton Road Industrial Estate) under that policy.

5.3 Notwithstanding the above, the site is listed in Table 2 of Policy CS12 and is an 'Interim Safeguarded Area'. Such areas are safeguarded for employment but are considered to have the potential for redevelopment which would be shaped through the Councils Local Plan and Statement of Community Involvement (SCI).

5.4 Policy CS12 of the South Gloucestershire Local Plan; Core Strategy provides the following criteria for assessing changes of units from B type uses within safeguarded employment areas. Such development proposals will need to demonstrate that;

i) the proposal would not prejudice the regeneration and retention of B type use classes elsewhere within the defined employment area; and

The proposed development would not make any material alterations to the subject employment unit externally or internally. The use would involve the

installation of gymnasium and training equipment, specialist flooring and cycle parking racks within the unit itself. It is not proposed to remove the office or welfare facilities. It is noted that there is a requirement placed on the tenant by the landlord to leave the unit in its existing condition when it is vacated. On this basis officers consider that the proposed use would not preclude its future use for B type uses. The proposed use is compatible in amenity terms with the surrounding industrial units (as opposed to a residential use for example) and would not prejudice the retention of the surrounding industrial uses. The Economic Development Officer has been consulted in respect of this application. No objection is raised in principle and officers acknowledge that the existing unit is generally out-dated in terms of providing employment accommodation to meet modern day standards. This is likely to have contributed to the lack of interest in the unit (from a more traditional employment occupier) during the period of two years that it has been advertised as available on the open market. On this basis, officers consider that the proposed use would provide a betterment in economic terms. Notwithstanding this, the Economic Development Officer has expressed some concern over the viability of the use/business proposed and highlights the need to ensure that the unit is not lost for employment purposes. However, officers are satisfied that the development would not preclude the future use of the unit for employment purposes and in the event that the proposed use is shown to be unviable and closes, the unit would simply become available for a new occupier and could revert back to a B type use if necessary (with a further planning permission). Given its location, it is likely that the reverting back would be acceptable in principle. On this basis it is considered that the proposed use is consistent with this criterion.

ii) it can be clearly demonstrated that it would contribute to a more sustainable pattern of development in the local area as a consequence of the appropriateness of the proposed use of the location; and

The applicant has provided a broad description of the intended business and client base in the local area. The applicant highlights the very broad range of sporting facilities, clubs and activities associated with Yate and argues that the specialist gymnasium and training facilities would provide for the needs of the sporting community of Yate on a local basis; and reduce the need to travel further afield (say to Bristol) to take advantage of similar facilities on offer. The site itself is located within easy reach of main bus routes along Badminton Road; and it is also within easy cycling and walking distances from the sporting facilities and residential areas associated with Yate. Given the size of the unit, officers are satisfied that the proposed use is unlikely to generate a catchment other than from the local area/sporting community. On this basis, the proposed development is consistent with this criterion.

iii) the proposal would improve the number or range of jobs available in the local area; and

The South Gloucestershire Council Economic Development Officer has been consulted in respect of this planning application who do not raise objection in principle. It is noted that the unit has been vacant for in excess of two years. The proposed change of use would allow for some employment, and given the

scale and size of the subject unit it is likely that this would be of a similar amount to a traditional business use in the unit. Further, whilst the unit remains vacant, its employment value is nil and as such the proposed change of use is consistent with this criterion.

iv) no suitable alternative provision for the proposal has been made elsewhere in the Local Development Framework.

The applicant submits that the proposed use would involve specialist training and would not be available on the basis of a public gymnasium typically located in a town centre. There is no specific allocation, or alternative provision for this type of use in the local development framework, and officers are satisfied that the proposed development would not undermine the key safeguarding principle of Policy CS12 of the Core Strategy. On this basis, it is considered that the proposed development is consistent with this criterion.

5.5 Having regards to the above assessment, it is considered that the proposed development is acceptable in principle.

5.6 Transportation Issues

Officers are satisfied that there is good access to public transport to and from the site and that the site is easily accessible by bicycle. The Highways Authority does not object to the proposed development subject to the retention of 4 car parking spaces within the site and the provision of cycle parking for four cycles within the unit itself. It is also considered that the use of the unit as a gymnasium should be restricted specifically to that use (within Class D2). This is because other uses included in Class D2 are potentially capable of generating significantly more movements; and as such would need further consideration.

5.7 The objection received from the occupants of an industrial unit associated with the group of units is noted. The objection relates to the fact that the submitted plans show a group of parking spaces with 'no allocation' and that the applicant is relying on them to justify the development in parking terms. The objector maintains that the parking spaces are allocated to units 4 and 5. Officers are satisfied that there is sufficient room within the application site so as to provide 4 parking spaces; and this is the level of parking that is considered acceptable. Officers have not included the contested spaces as justification for the development. In this instance, the allocation of spaces is a civil matter and the use of them by occupants of other units is not a material consideration.

5.8 Subject to the above conditions, the proposed development is considered acceptable in transportation terms.

5.9 Other Considerations.

As referred to above, the proposed development would require no physical alterations to the unit. As such, there are no visual/design impacts as a result of the proposed development.

5.10 There is concern over the potential for the proposed development to result in criminal/antisocial behaviour as a result of the use of the site by the general

public. It cannot be assumed that the proposed development would result in crime and there is no evidence that the use of a particular building by members of the general public would itself result in a higher risk of crime occurring in the area. Nonetheless, the development would be used by persons on an appointment only basis, and the unit would not be open to members of the public generally. This matter is given limited weight in the consideration of this planning application.

6. CONCLUSION

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

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. A minimum of four car parking spaces shall be provided and retained at all times within the site for the benefit of the use hereby permitted.

Reason
In order to provide sufficient on site parking for the development and to accord with saved Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006
3. A minimum of four cycle parking spaces shall be provided and retained within the Unit at all times on the site for the benefit of the use hereby permitted.

Reason

In order to provide sufficient on site parking for the development and to accord with saved Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006

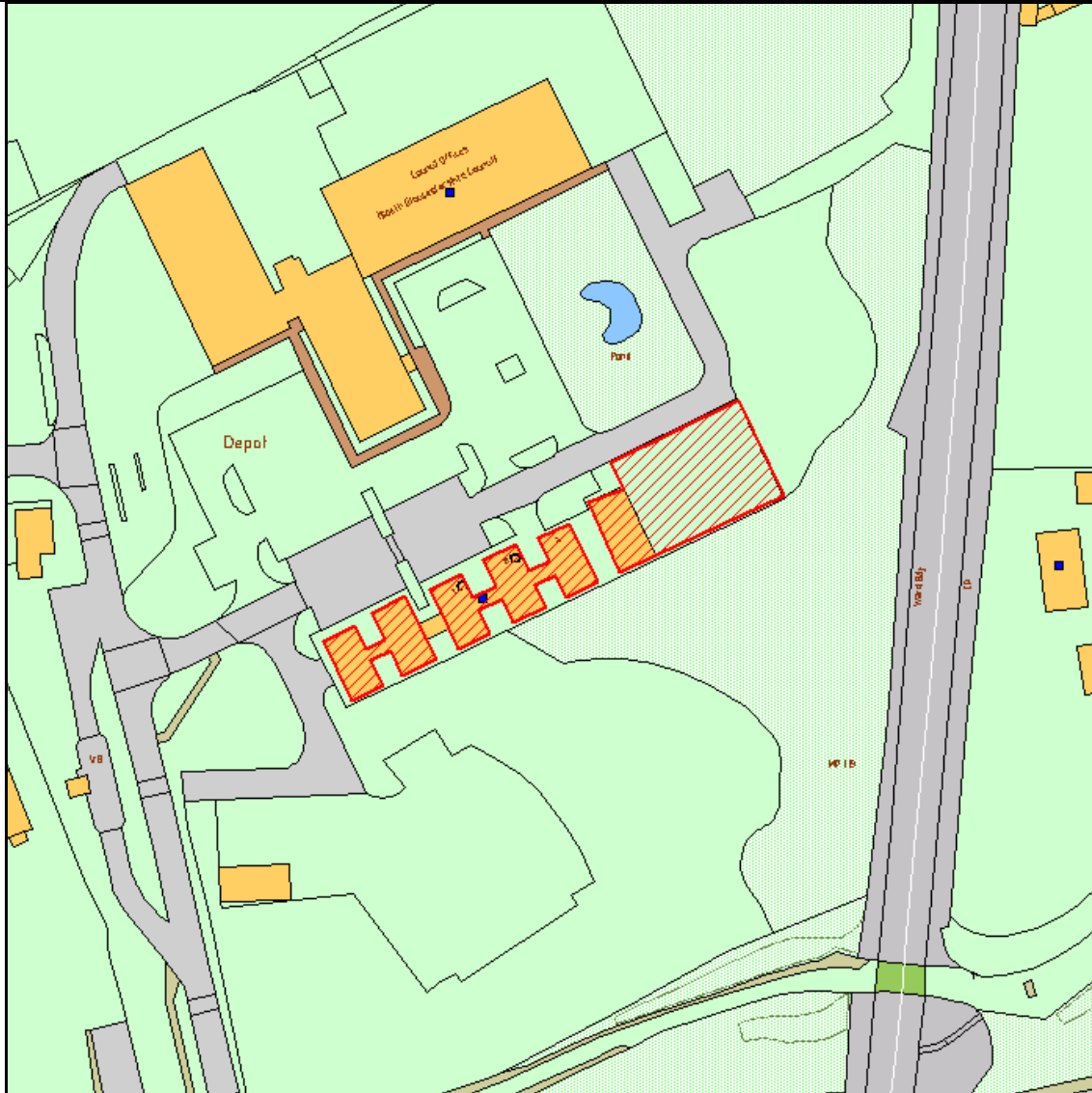
4. The premises shall be used as a Gymnasium only; and for no other purpose (including any other purpose in Class D2, A1, A2, A3 and a State Funded School or Registered Nursery; of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

Any other use would require further consideration in terms of vehicular movements and highway safety in accordance with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 49/14 – 5 DECEMBER 2014

App No.:	PK14/3859/R3F	Applicant:	South Gloucestershire Council
Site:	Broad Lane Depot Broad Lane Yate South Gloucestershire BS37 7PN	Date Reg:	3rd November 2014
Proposal:	Retention of 6no portable buildings and provision of associated parking.	Parish:	Iron Acton Parish Council
Map Ref:	370261 183818	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	17th December 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is reported on the Circulated Schedule as it was submitted by the Council. The Council's Constitution requires that such applications are notified on the Circulated Schedule.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the temporary siting of buildings at the Council's Broad Lane site for a further five year period, together with the continued provision of parking facilities associated with the buildings, which are used as offices. The application would renew a temporary planning permission last approved on 18 December 2009 and therefore due to lapse on 18 December 2014.
- 1.2 The buildings stand near the centre of the site, at the end of the access drive. They are six interconnected portacabins in a single storey arrangement, standing between the central car park and an area of scrub land, separated from the latter by a mature, but sparse hedgerow. Taller permanent buildings stand on the site across the car park from the temporary ones. The parking area lies immediately to the side of the temporary building to the east and provides 40 parking spaces.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy 2013

CS1 High Quality Design
CS9 Managing the Environment and Heritage
CS12 Safeguarded Areas for Economic Development
CS30 Yate and Chipping Sodbury

South Gloucestershire Local Plan (Adopted) January 2006

E3 Employment Development in Safeguarded Areas
T7 Cycle Parking
T8 Parking Standards

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/5671/R3F Siting of 6 temporary portable buildings and provision of associated parking for a period of 5 years (Deemed Consent)

- 3.2 PK04/3724/R3F Renewal of temporary permission for siting of 6 temporary portable buildings permitted under PK00/1315/R3F Approved 2005

Prior to this, there have been a number of applications since 1998 to establish the temporary buildings on the site.

4. **CONSULTATION RESPONSES**

4.1 Iron Acton Parish Council

No objection

4.2 Other Consultees

Sustainable Transportation

No objection

Wessex Water – No objection

Other Representations

4.3 Local Residents

No replies received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. In this instance, the site lies within a Safeguarded Employment Area as defined in Core Strategy Policy CS12 and as such the use is acceptable in principle against the Council's strategic objectives...

- 5.2 Policy E3 of the South Gloucestershire Local Plan (Saved Policy) sets the more detailed criteria for assessing whether the form of the development is acceptable in principle. The proposed development will be permitted provided that:-

The Development would not have an unacceptable environmental effect

The continued use of these buildings in their office use is not considered to give rise to any untoward environmental effects. nor the parking area. It is noted that previous renewals of temporary consent have been given. In this instance given the location at the heart of the premises where there is no impact upon the surrounding area and where there is no immediate prospect of a permanent solution that it would be appropriate to give a permanent consent for the buildings and associated parking area.

Adequate provision is made for servicing and delivery requirements and development would not give rise to unacceptable levels of vehicular traffic especially heavy goods vehicles or on street parking to the detriment of the amenities of the surrounding areas

Retaining these portable buildings would not change anything in terms of transportation. The parking to serve them is already in place. No objection has been raised by Sustainable Transportation and it is considered that this criterion of policy E3 has been satisfied.

Development would not prejudice existing residential amenity

The portacabins are located in the centre of the Broad Lane site and there are few residential properties at the edge of it or immediately beyond. Since the offices do not give rise to significant noise levels it is considered that any adverse impact will be caused to existing levels of residential amenity by this proposal.

The character of the area or settlement is not adversely affected

Although the site is an established employment site, it does not lie within the development boundary of Yate. There is a degree of separation from the surrounding area formed by extensive established boundary vegetation and the road network and therefore this proposal is not considered to have any impact on the character of the settlement.

The maximum density compatible with the sites location, its accessibility and its surroundings is achieved

The proposal is limited in scope for achieving maximum density on this site as it relates to existing buildings, to which no changes are proposed. As such, it is considered that maintaining the existing density of buildings on the site complies with this criterion of the policy.

In the case of intensive B1 (Office) development the location is well served by Public Transport

There is a bus service which runs along Goose Green Way and Yate railway station is about one mile away. These factors do not relate directly to the proposal, but would have been taken into account when this site was safeguarded for employment purposes in the Local Plan which was adopted in 2006 and the Core Strategy that was adopted in 2013..

5.4 Visual Amenity/Design

It is acknowledged that in design and visual terms, buildings that have a more permanent appearance/solution would be more appropriate. It is also acknowledged that this consent has been renewed on previous occasions. Given the location, centrally within the site such as the buildings cannot be viewed from beyond the site's boundaries the proposal is acceptable in these terms given that there is no wider impact upon the visual amenity of the locality. As indicated above given these circumstances it is considered appropriate to allow a permanent consent.

5.5 Transportation

The proposal is a continuation of the existing situation and will not impact upon the internal circulation of the site or the wider highway network. There is no transportation objection to the development

6. CONCLUSION

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

6.2 The recommendation to grant 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.

7.0 RECOMMENDATION

Planning permission be granted for a permanent consent.

Contact Officer: David Stockdale
Tel. No. 01454 866622

CIRCULATED SCHEDULE NO. 49/14 – 5 DECEMBER 2014

App No.:	PK14/3895/RVC	Applicant:	Mr J Curtis
Site:	Varnisters Siston Lane Siston Bristol South Gloucestershire BS30 5LX	Date Reg:	17th October 2014
Proposal:	Removal of condition 13 attached to planning permission PK11/2243/F.	Parish:	Siston Parish Council
Map Ref:	368204 173878	Ward:	Siston
Application Category:	Minor	Target Date:	1st December 2014



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PK14/3895/RVC

REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from Siston Parish Council and the owner of two neighbouring dwellings; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 A full planning permission PK11/2243/F was granted in Sept. 2011 for the conversion of a vacant former farm building to a three-bedroom holiday let. The building was part of the farm complex at Varnisters Farm.
- 1.2 The building, which at the time was utilitarian in construction and appearance, is set within an open yard, located between residential properties to the west, north and south, and adjacent to an open field to the east. The site benefits from an existing access from Siston Lane into the yard area. A PROW PSN/32A/10 runs to the north of the open field and along the access track to terminate at Siston Lane. The site lies within open countryside and Green Belt land to the east of Webbs Heath and Siston Lane.
- 1.3 The building was previously used under planning permission P97/4702 by Bath Ales as a Micro Brewery, but this use ceased some years ago when Bath Ales re-located to larger premises in Warmley. The planning permission was subject to a number of conditions that amongst other matters, prevented outside storage on the site, limited the hours of use and restricted the use to a micro-brewery only. In 2006 the premises was the subject of a planning application for conversion into a dwelling (PK06/1986/F). The application was refused and an appeal subsequently dismissed for the reasons listed in para. 3.7 below.
- 1.4 Following the appeal decision; in an attempt to make the building more marketable, planning permission PK07/1153/F was obtained for the change of use of the Micro-Brewery to general B1 use. However, despite this permission and continued marketing of the premises, no business use could be found for the building and as a result the premises remained vacant.
- 1.5 Following pre-application discussions with the Council, an application PK11/2243/F was submitted to convert the building to a holiday let, which although a quasi-residential use, was considered to be a business use that, as a tourist facility, would make a positive contribution to the rural economy and provide some limited employment opportunities.
- 1.6 The layout/configuration of the site was not be altered, although approximately 80% of the existing commercial yard would be given over to agricultural use. The accommodation was to be provided within the existing foot-print of the commercial building. The character and form of the building was to be preserved and enhanced. The existing access would be retained. The application was supported by the following:
 - Design and Access Statement
 - A Marketing Report by Hootons Commercial Ltd.
 - A Structural Survey by Lamberts Building Surveyors Ltd.

- 1.7 Planning permission PK11/2243/F was granted subject to a number of conditions. Condition 13 specifically restricted the use of the building to holiday accommodation and reads as follows:

“The holiday unit hereby approved shall be occupied by the same person(s) for no more than 42 days in any 12 month period.”

Reason

“To ensure that the unit remains as tourist accommodation in the interests of the rural economy and to accord with Policy E7 and E11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.”

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework - NPPF March 2012
The National Planning Practice Guidance - NPPG 2014
The Town and Country Planning (General Permitted Development) Order 1995 (as amended) - GPDO

2.2 Development Plans

The South Gloucestershire Local Plan (Adopted) 6th January 2006

L1 - Trees and landscape
L9 - Species Protection
EP2 - Flood Risk and Development
EP6 - Contaminated Land
T7 - Cycle Parking
T12 - Highway Safety
H10 - Conversion and Re-Use of Rural Buildings for Residential Purposes.
E7 - Conversion and Re-use of Rural Buildings
E11 - Tourism.
LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)
LC12 - Recreation Routes

The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013

CS1 - High Quality Design
CS4A – Presumption in Favour of Sustainable Development
CS5 - Location of Development
CS6 - Infrastructure and Developer Contributions
CS9 - Managing the Environment and Heritage
CS17 - Housing Diversity
CS18 - Affordable Housing
CS23 - Community Infrastructure and Cultural Activity
CS24 - Green Infrastructure, Sport and Recreation Standards

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
Affordable Housing SPD Adopted Sept.2008.
South Gloucestershire Council Residential Parking Standards (SPD) Adopted.
Development in the Green Belt (SPD) Adopted June 2007

2.4 Emerging Plan

Policies, Sites & Places Development Plan Document (Draft) June 2014

PSP1 - Local Distinctiveness

PSP2 - Landscape

PSP6 - Onsite Renewable & Low Carbon Energy

PSP7 - Development in the Green Belt

PSP10 - Development Related Transport Impact Management

PSP16 - Parking Standards

PSP21 - Environmental Pollution and Impacts

PSP39 - Private Amenity Space Standards

3. RELEVANT PLANNING HISTORY

- 3.1 P94/4094 - Conversion of farm building to 2 dwellings and garages.
Refused 9 May 1994
- 3.2 P97/4702 - Change of use of farm building to micro-brewery.
Approved 12 Feb 1998
- 3.3 PK02/0019/F - Erection of storage area for casks of ale.
Withdrawn 3 July 2003
- 3.4 PK04/0208/F - Erection of two bungalows.
Refused 20 Feb 2004
- 3.5 PK04/3549/F - Conversion and extension of microbrewery building to form a dwelling.
Refused 1 Dec 2004.
- 3.6 PK04/4122/F - Conversion and extension of microbrewery building to form a dwelling.
Refused 4 March 2005
- 3.7 PK06/1986/F - Conversion and Extension of existing Micro Brewery building to form a dwelling. (Re-submission of PK04/4122/F).
Refused 16 Aug 2006.
Appeal APP/P0119/A/06/2026498/NWF dismissed on the following grounds:
- *Inappropriate development in the Green Belt, by reason of greater impact of the proposed residential curtilage on the openness of the Green Belt than the authorised use, together with enhanced massing and permanence of the building. No very special circumstances.*
 - *All attempts to find an alternative business re-use not adequately addressed.*

- 3.8 PK07/1153/F - Change of use of Micro Brewery (Class B2) to Business Use (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Approved 25 May 2007.
- 3.9 PK11/2243/F - Conversion of existing building to facilitate change of use from Class B1 to tourist accommodation (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Approved 23rd Sept. 2011

4. CONSULTATION RESPONSES

4.1 Siston Parish Council

Siston Parish Council objects to any relaxation of the original conditioned consent on the basis that the reasons for the conditions are the same and are becoming ever more relevant.

4.2 Other Consultees

Highway Drainage

No comment

Sustainable Transport

We have now reviewed this planning application and note that it seeks to vary a condition placed on the planning permission (ref PK11/2243/F) granted for a change of use to the Varnisters, Siston Lane, Siston. At the of time of the submission of the previous application we considered that changing the use of this building from an office to residential uses would reduce its traffic generation, therefore we made no comments about that application. We do not consider that the current application alters this position, consequently have no highways or transportation comments.

Other Representations

4.3 Local Residents

One letter was received from the owner of neighbouring nos. 12 and 13 Siston Lane. The concerns raised are summarised as follows:

- Loss of privacy.
- Boundary dispute.
- Noise from yard.
- Possible sewage pipe to run through land to Varnisters House and Barn

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The acceptance in principle of the conversion and use of the building from general B1 business use to C3 Holiday Accommodation i.e. a quasi- residential use; was previously established with the grant of planning permission PK11/2243/F; for information purposes, the Officer Report for that application is appended to this report .

- 5.2 It is proposed to remove condition 13 of the extant planning permission to allow the occupation of the building as a dwelling house C3. In every other aspect the scheme would be the same as that approved under PK11/2243/F.
- 5.3 In assessing the proposal, officers must consider the original reasons for imposing condition 13 and whether or not anything has changed in the interim that would now justify the removal of the condition.

Applicant's Justification

- 5.4 In support of his application the applicant has provided the following in justification:
1. Work has started on the conversion but has halted due to lack of finance.
 2. There are viability issues that are causing hardship and worry to the applicant.
 3. The proposal would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purposes of including land within it.
 4. The building is of permanent and substantial construction capable of conversion without major re-construction.
 5. The form, bulk and general design of the building is in-keeping with its surroundings.
 6. There have been recent changes in government policy regarding permitted development rights relating to the change of use of commercial buildings.
 7. Uncertainty over future profits.
 8. The approved conversion will not be completed with the condition in place.
 9. The removal of condition 13 would not result in any material change of use or harm to the character of the development and have no impact on the Green Belt.
 10. Not all sites within a broad brush designation can be afforded the same level of protection particularly when external works have been carried out in compliance with the authority's requirements.
 11. The condition is no longer 'reasonable' under the NPPF definition.
 12. The location is not attractive enough for a Holiday Let.
 13. Commercial mortgages are not available for Holiday Lets where such conditions exist.
 14. The proposed dwelling would positively contribute to housing targets.
 15. The NPPF para.55 is clear on the re-use of redundant buildings.

5.5 Officer's Assessment

Officers can confirm that all of the pre-commencement conditions relating to PK11/2243/F have been discharged and the permission has been implemented. Works have been completed only in as much as the external works to the building are concerned. Much of the internal works and connections to services remain outstanding. In theory therefore a possible fall back scenario, should the conversion to holiday accommodation not be completed, is that the building could again be used for B1 uses. This is unlikely

however, given the results of the previous marketing campaign that was carried out in conjunction with application PK11/2243/F which generated no realistic interest in using the building for B1 uses. This is considered to be a material consideration and in any event officers consider that a non-industrial use would be preferable given the proximity of other residential properties to the site.

- 5.6 The applicant, who is a builder by trade, has estimated the cost of the outstanding works to be £60,000. The applicant has attempted to obtain a mortgage for this amount but has discovered that commercial mortgages for such schemes are not readily available. The applicant has submitted documentary proof of this in the form of internet data from Cumberland Business, who are one of the few lenders offering specially designed holiday let mortgages in the UK. The information states that mortgages on properties used for holiday letting purposes can be difficult to arrange. Many banks and building societies will not lend on this type of property and normally exclude them from their buy to let mortgage products. Cumberland Business themselves only grant mortgages for holiday lets on condition that the property must be free of any planning restrictions that limits use to holiday home use only. On this basis there seems little prospect that the outstanding works will ever be completed unless condition 13 is removed.
- 5.7 Since the grant of PK11/2243/F in Sept. 2011, there have been a number of significant policy changes.
- 5.8 Firstly the NPPF was formally introduced 27th March 2012. Importantly this superseded a number of PPG's and PPS's most notably PPG2 'Green Belts' and PPS7 'Sustainable Development in Rural Areas'. Furthermore The South Gloucestershire Local Plan Core Strategy was adopted 11th Dec. 2013 thus replacing the Joint Replacement Structure Plan. As a result, several policies within the Local Plan that were relevant at the time of the determination of PK11/2243/F are no longer saved policies and these include GB1 – 'Development in the Green Belt'.
- 5.9 The Draft Policies, Sites & Places Development Plan was introduced in June 2014; this will eventually replace the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. The DPSPD is a material consideration but as a draft document, the policies therein can only at this stage be given limited weight, it is however an important indication as to the direction that the Council's Policy regime will be going in the not too distant future. More recently the Government has introduced a raft of changes to the permitted development rights regarding the change of use of buildings in rural areas. Officers consider that all of these policy changes weigh heavily in favour of the proposal.
- 5.10 In terms of Green Belt Issues, the concerns raised by the Inspector in the appeal relating to the refusal of PK06/1986/F were all satisfactorily addressed in PK11/2243/F (see paras. 5.5 - 5.16 incl.). In terms of Green Belt policy, the NPPF replicates much of the policy previously embodied in PPG2 and Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 but unlike GB1 it makes no reference to the impact of development on the visual amenity of the Green Belt only the openness. Core Strategy Policy CS5 requires

proposals in the Green Belt to comply with the provisions of the NPPF. At para. 90 the NPPF states that:

'Certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.'

Amongst those forms of development listed is:

- The re-use of buildings provided that the buildings are of permanent and substantial construction.

5.11 Regarding the DPSPD, Policy PSP36 relating to Residential Development in the Countryside; the policy permits such development outside defined settlement boundaries where it relates to the conversion and re-use of existing buildings subject to the following criteria:

- In the case of an isolated location, the building is of permanent construction and structurally sound and capable of conversion without major or complete reconstruction; or
- The building is well related to an existing settlement or other group of buildings; and
- The building is in keeping with their surroundings in terms of character, form bulk and overall design;
- The development, including any alterations, extensions or creation of a residential curtilage would not have a harmful effect on the character of the countryside or the amenities of the surrounding area.

It has already been established under PK11/2243/F that the proposal meets the first and third criteria. Being located close to a number of other residential dwellings, the scheme also meets the second criteria. Furthermore, in as much as the external works are concerned, these have already enhanced the appearance of the building.

5.12 Para. 55 of the NPPF further weighs in favour of the proposal; it states the following:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:"

One of the criteria listed is:

- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting;

5.13 Other than the use of the building as a dwelling (as opposed to holiday accommodation), the proposal would not involve any other change to the development previously approved under PK11/2243/F. Perhaps the only concern to result from the current proposal, which would be in line with the Inspector's earlier concerns, would be the possible intensification of use of the residential curtilage, which could have a more urbanised appearance than for a holiday let. This however must be balanced against the possible fall-back scenario of using the site for B1 uses or the possible dereliction of the building due to non-use and the associated consequences for visual amenity. Furthermore, given the small size of the residential curtilage approved under PK11/2243/F and the tight controls imposed by the remaining conditions, officers do not consider that this issue should weigh heavily against the proposal, especially given the proximity of other residential dwellings to the site. Although small, the residential curtilage would still be sufficient to serve the proposed 3 bed dwelling.

5.14 Regarding the recent changes to the permitted development rights, it is noted that under the GPDO Class J the change of use of B1(a)(offices) to C3 (dwelling houses) is now permitted subject to conditions relating to:

- a) transport and highways impacts
- b) contamination on the site
- c) flood risks on the site.

Similarly Class MB now permits the change of use of an agricultural building to a dwelling house (C3) and the building operations reasonably necessary to convert the building.

5.15 In either of the above two cases, the building could be within the open countryside and Green Belt. Notwithstanding the fact that the building, the subject of this application, started life as an agricultural building and was subsequently granted permission for unrestricted B1 uses under PK07/1153/F, these permitted development rights were of course not available to the applicant at the time of application PK11/2243/F. Furthermore, because the site was not in agricultural use on the 20th March 2013 or the building in B1(a) office use immediately before 30th May 2013; the permitted development rights are not currently available to the applicant. Nevertheless these changes to permitted development rights clearly reflect a relaxation in the previous policy constraints relating to the change of use of existing buildings to dwelling houses in the open countryside and Green Belt.

5.16 Moving to Condition 13 itself; the purpose of the condition is to restrict the use of the building to a holiday let which at the time of application PK11/2243/F was considered to be an appropriate business use, that would make some contribution to the rural economy. The reason for the condition is linked to Policies E7 and E11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.17 Policy E7 relates to the conversion and re-use of existing buildings for employment uses, outside the existing urban areas and the boundaries of settlements. The policy permits such uses subject to criteria that ensure that

the building is capable of conversion; is in-keeping with its surroundings and any development would not have any harmful effects on the character of the countryside or the amenities of the area.

- 5.18 On reflection, officers consider that the need to restrict the use of the building to a holiday let is only thinly justified by the third criterion of Policy E7. The supporting text to the policy at para. 7.67 does however state:

“The re-use of such buildings in the Green Belt should not prejudice the openness of the Green Belt, since the buildings are already there. However, strict control will be exercised over future extensions, parking, outside storage, or any other ancillary uses and activities which would have materially greater impact on the openness of the Green Belt. To this end the Council will consider withdrawing permitted development rights in order to retain control over such matters.

It should be noted that Condition 2 of PK11/2243/F withdrew the householder permitted development rights and Condition 8 prevents the storage of containers or caravans on the site. These conditions would be retained if the property were occupied as a dwelling rather than a holiday let, as now proposed.

- 5.19 Policy E11 relates to proposals for new tourist facilities. The policy only permits the conversion of existing rural buildings to holiday accommodation where it can be demonstrated that a business use, including other tourism related activity, cannot be achieved. In such cases the policy requires that the council will impose conditions restricting occupancy. Under PK11/2243/F officers concluded that the only realistic business use for the building was to use it as a holiday let and therefore to comply with the requirements of Policy E11 Condition 13 was imposed to restrict the occupancy of the building, to that of holiday accommodation.
- 5.20 Whilst Policies E7 and E11 are saved policies, they have to some extent been superseded by the policies within the NPPF and Core Strategy and draft policies in the DPSPD neither of which require a marketing exercise to be carried out as previously
- 5.21 Having considered all of the above, officers conclude that there can be no in-principle objection to the removal of Condition 13.
- 5.22 Transportation Issues
Having regard to the authorised uses of the building, the proposed use as a dwelling would not generate a significant amount of traffic over and above that already allowed. The access, parking and turning areas previously approved under PK11/2243/F would be replicated and these are sufficient to satisfy the new Residential Parking Standards SPD. There are therefore no transportation objections.

5.23 Landscape Issues

A landscape scheme was previously secured under condition 9 of the original consent PK11/2243/F. Subject to the implementation of this scheme, there are no landscape objections.

5.24 S106 Issues

The scheme falls below the thresholds for contributions to affordable housing, new communities or the Education service.

5.25 Other Issues

Of the concerns raised by the neighbour:

- Disputes of land ownership are civil matters to be resolved by the individual parties.
- Privacy issues were considered under the original application and found to be acceptable.
- Noise during the development phase was taken into consideration under the original application and condition 3 imposed to control the hours of working; this condition would be retained. Most of the heavier works of conversion are now complete.
- A drainage scheme was approved under condition 5 of the original permission. Connections to main sewers must be agreed with Wessex Water.

Summary

5.26 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings. The NPPF encourages efficient use of land and paragraph 47 requires the need to '*boost significantly the supply of housing*'. The proposal would make a small contribution to the supply of housing.

5.27 Policy CS4 of The South Gloucestershire Local Plan Core Strategy replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that: 'when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible'. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

5.28 The proposal would bring the building back into use where otherwise the prospect of some business re-use is now very remote. Furthermore, given the circumstances outlined in the preceding paragraphs of this report and the changes in policy since the approval of PK11/2243/F officers consider that the proposed use of the building as a residential dwelling could not now be reasonably resisted. Indeed, such buildings where in agricultural or B1a use can now be converted to residential dwellings under permitted development rights, regardless of whether they are in the open countryside or Green Belt.

5.29 The building already has permission for a quasi-residential use to which it has been partially converted, with a resultant improved appearance. Any concerns about the intensification of use of the residential curtilage are off-set by the conditions imposed that remove householder permitted development rights and the storage of containers or caravans; the site would also be appropriately landscaped. Furthermore, the site lies close to other residential dwellings so a domestic curtilage would not look out of place.

5.30 On balance therefore, officers consider that the removal of Condition 13 is now, in this particular case, justified and any harm to result from the removal of the condition would be outweighed by the positive aspects of the development described above. Furthermore, as the condition can no longer be reasonably justified, it would fail the tests listed within the NPPF para.206 which requires conditions to be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.

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 consent PK11/2243/F be re-issued with the exclusion of Condition 13.

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. 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, and G) 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 appearance of the development and to protect the openness and visual amenity of the Green Belt and landscape in general and to accord with Policies L1, H10(D) and E7(C) of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the provisions of the NPPF.

3. The hours of working on site during the period of construction/conversion shall be restricted to 07.30 to 18.00 Mondays to Fridays, and 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 minimise disturbance to neighbouring properties and to accord with the provisions of the NPPF.

4. The development shall be carried out in accordance with the drainage details shown on the Drainage Plan nos. 178 approved 10th Feb 2012 under the original permission PK11/2243/F. The drainage scheme shall be fully implemented prior to the first occupation of the building for the purposes hereby approved.

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.

5. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To protect future occupiers of the building in accordance with the provisions of the NPPF.

6. There shall be no storage of containers or caravans on the site at any time, be that temporary or otherwise.

Reason

To ensure the satisfactory appearance of the development and to protect the openness and visual amenity of the Green Belt and landscape in general and to accord with Policies L1, H10(D) and E7(C) of the South Gloucestershire Local Plan

(Adopted) January 2006 and Policies CS1, CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the provisions of the NPPF. .

7. The development shall be carried out in accordance with the landscaping plan No. 178 Rev B previously approved under the original permission PK11/2243/F. The landscaping shall be implemented during the first available planting season after the conversion of the building.

Reason

To ensure the satisfactory appearance of the development and to protect the openness and visual amenity of the Green Belt and landscape in general and to accord with Policies L1, H10(D) and E7(C) of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the provisions of the NPPF.

CIRCULATED SCHEDULE NO. 36/11 – 16 SEPTEMBER 2011

App No.:	PK11/2243/F	Applicant:	Mr J Curtis
Site:	Varnisters Farm Siston Lane Siston I South Gloucestershire	Date Reg:	20th July 2011
Proposal:	Conversion of existing building to facilitate change of use from Class B1 to tourist accommodation (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)	Parish:	Siston Parish Council
Map Ref:	368204 173878	Ward:	Siston
Application Category:	Minor	Target Date:	9th September 2011



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 100023410, 2008. **N.T.S.** **PK11/2243/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following the receipt of an objection from Siston Parish Council, which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This is a full planning application for the conversion of a vacant former farm building to a three-bedroom holiday let. The building was part of the farm complex at Varnisters Farm.
- 1.2 The building, which is utilitarian in construction and appearance, is set within an open yard, located between residential properties to the west, north and south, and adjacent to an open field to the east. The site benefits from an existing access from Siston Lane into the yard area. A PROW PSN/32A/10 runs to the north of the open field and along the access track to terminate at Siston Lane. The site lies within open countryside and Green Belt land to the east of Webbs Heath and Siston Lane.
- 1.3 The building has previously been used under planning permission P97/4702 by Bath Ales as a Micro Brewery, but this use ceased some years ago when Bath Ales re-located to larger premises in Warmley. The planning permission was subject to a number of conditions that amongst other matters, prevented outside storage on the site, limited the hours of use and restricted the use to a micro-brewery only. In 2006 the premises was the subject of a planning application for conversion into a dwelling (PK06/1986/F). The application was refused and an appeal subsequently dismissed for the reasons listed in para. 3.7 below.
- 1.4 Following the appeal decision; in an attempt to make the building more marketable, planning permission PK07/1153/F was obtained for the change of use of the Micro-Brewery to general B1 use. However, despite this permission and continued marketing of the premises, no business use has been found and the premises remain vacant.
- 1.5 Following pre-application discussions with the Council, the current application has been submitted for a holiday let, which although a quasi-residential use, is considered to be a business use that, as a tourist facility, would make a positive contribution to the rural economy and provide some limited employment opportunities.
- 1.6 The existing layout/configuration of the site would not be altered, although approximately 80% of the existing commercial yard would be given over to agricultural use. The accommodation would be provided within the existing foot-print of the commercial building. The character and form of the building would be preserved and enhanced. The existing access would be retained. The application is supported by the following:
 - Design and Access Statement
 - A Marketing Report by Hootons Commercial Ltd..
 - A Structural Survey by Lamberts Building Surveyors Ltd.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 - Delivering Sustainable Development

PPG2 - Green Belts

PPS7 - Sustainable Development in Rural Areas

PPG13 - Transport

Ministerial Statement by the Rt. Hon. Greg Clark 23 March 2011

Draft National Planning Policy Framework (DNPPF) July 2011

2.2 Development Plans

Joint Replacement Structure Plan (saved policies)

Policy 2 - Location of Development

Policy 16 - Green Belt

Policy 17 - Landscape Areas, AONB

The South Gloucestershire Core-Strategy Submission Draft – Dec 2010

Policy CS1 - Design

South Gloucestershire Local Plan (Adopted) 6th January 2006.

D1 - Design

GB1 - Development within the Green Belt

L1 - Landscape Protection and Enhancement

L9 - Species Protection

L17 & L18 - The Water Environment

EP1 - Environmental Pollution

EP2 - Flood Risk and Development

T8 - Parking Standards

T12 - Transportation Development Control Policy for New Development

H10 - Conversion and Re-use of Rural Buildings for Residential Purposes

E7 - Conversion and re-use of Rural Buildings

E11 - Tourism

LC12 - Recreational Routes

2.3 Supplementary Planning Guidance

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

Development in the Green Belt (SPD) Adopted June 2007

3. RELEVANT PLANNING HISTORY

3.1 P94/4094 - Conversion of farm building to 2 dwellings and garages.
Refused 9 May 1994

3.2 P97/4702 - Change of use of farm building to micro-brewery.
Approved 12 Feb 1998

3.3 PK02/0019/F - Erection of storage area for casks of ale.
Withdrawn 3 July 2003

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Refused 20 Feb 2004
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Refused 1 Dec 2004.
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Refused 4 March 2005
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Refused 16 Aug 2006.
Appeal APP/P0119/A/06/2026498/NWF dismissed on the following grounds:
- *Inappropriate development in the Green Belt, by reason of greater impact of the proposed residential curtilage on the openness of the Green Belt than the authorised use, together with enhanced massing and permanence of the building. No very special circumstances.*
 - *All attempts to find an alternative business re-use not adequately addressed.*
- 3.8 PK07/1153/F - Change of use of Micro Brewery (Class B2) to Business Use (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Approved 25 May 2007.

4. **CONSULTATION RESPONSES**

- 4.1 Siston Parish Council
Object : this would be an overdevelopment of a Green Belt area.

- 4.2 Other Consultees [including internal consultees of the Council]

Open Spaces Society
No response

The Ramblers Association
No response

Police Community Safety Officer
No response

Archaeology Officer
No comments to make.

Sustainable Transport
The traffic generation associated with the original (B1) use allowed for 25 vehicles to be parked within the curtilage of the site. It is proposed that the new

development would necessitate no more than 2 vehicles parking within the curtilage of the site and adequate turning facilities have been provided. The existing site access has adequate visibility for the proposed tourist accommodation. There are therefore no traffic or transportation objections.

PROW

The development may affect the nearest recorded public footpath, reference **PSN32A**, which runs concurrent with the access road to the site.

There is no objection in principle to this application subject to the following standard limitations which should be copied to the applicant, with particular reference to points 1g) and 3):

1) No change to the surface of the right of way can be approved without consultation with the Council. The developer should be aware of his/her obligations not to interfere with the public right of way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. In particular, the developer must ensure that:

a) There is no diminution in the width of the right of way available for use by members of the public.

b) No building materials are stored on the right of way.

c) No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way.

d) Vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way.

e) No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature.

f) No wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way.

g) The safety of members of the public using the right of way is ensured at all times.

2) Any variation to the above will require the prior consent of the Public Rights of Way department. If the development will permanently affect the right of way, then the developer must apply for a diversion of the route under the TCPA 1990 as part of the planning application. No development should take place over the route of the path prior to the confirmation of a TCPA path diversion order.

3) If the development will temporarily affect the right of way then the developer must apply for a temporary closure of the route (preferably providing a suitable alternative route). South Gloucestershire Council will take such action as may be necessary, including direct enforcement action and prosecution, to ensure

that members of the public are not inconvenienced in their use of the way both during and after development work has taken place.

4) Please note however that the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights of way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as public footpaths and bridleways.

Other Representations

4.3 Local Residents
No responses received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In the first instance the proposal must be considered in the light of the latest policies relating to development within the Green Belt. Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, best reflects the guidance contained in the latest version of PPG2 – ‘Green Belts’. The change of use of existing buildings within the Green Belt is not inappropriate provided that :

1. It would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purpose of including land in it;
2. The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; and
3. The form, bulk and general design of the buildings, are in keeping with their surroundings.

5.2 Policy E7 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 sets the criteria against which proposals for the conversion of existing traditional buildings in the countryside, to alternative uses, are determined. The criteria attached to this policy are very similar to those of Policy GB1. The supporting text to policy E7 states that re-using existing vacant buildings can help reduce vandalism, dereliction and the demand for new buildings in the countryside. The Council’s first priority will be to see such buildings re-used for purposes, which make a positive contribution to the rural economy i.e. for agricultural, industrial, commercial or tourism purposes. The proposed conversion of the building to a holiday let would make a positive contribution to the tourist industry of the area. The building is well situated in relation to Bath and Bristol and has footpath access to the adjacent countryside and Cotswolds AONB. Since the use would be a quasi-residential use, officers consider that the criteria attached to Policy H10 are also relevant in this case. These policies list criteria, which must be met if planning permission is to be granted and these are discussed below. Furthermore Policy E11 permits proposals for new tourist accommodation subject to the following criteria:

- A. Development would not have unacceptable environmental effects; and
- B. The proposals would not prejudice the amenities of neighbouring residential occupiers; and
- C. The proposal would not give rise to unacceptable levels of traffic on unsuitable local roads and access and parking arrangements would not prejudice highway safety; and

In addition

The conversion of existing rural buildings for holiday accommodation will only be permitted where it can be demonstrated that a business use, including other tourism related activity, cannot be achieved. In such cases the Council will impose conditions restricting occupancy.

- 5.3 Other material considerations in the determination of this application are the planning history of the site, most notably the appeal decision relating to application PK06/1986/F, the Ministerial Statement by the Rt. Hon. Greg Clark 23 March 2011 and the Draft National Planning Policy Framework (DNPPF) July 2011. The latter document, although not yet adopted sends a very clear message in terms of the Government's aims and objectives in reforming the planning system, stating at para.63 that:

'In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.'

This followed the Ministerial Statement in which the Minister of State for Decentralisation (Greg Clark MP) stated:

'The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national policy'

- 5.4 The following is an analysis of the various criteria concerned regarding the proposal:

5.5 Green Belt Issues

The site is located in the Bristol/Bath Green Belt where Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and PPG2, apply a general presumption against development that would be harmful to Green Belt objectives. PPG2 states that the most important attribute of Green Belts is their openness. Inappropriate development within the Green Belt would by definition be harmful to the Green Belt. Very special circumstances are required to justify the harm by reason of inappropriateness.

- 5.6 Policy GB1 permits the change of use of land or buildings within the green Belt only where the following criteria are met:

1. It would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purpose of including land in it;

In the appeal against refusal of PK06/1986/F, the Inspector considered that the proposal for conversion of the Micro-Brewery building to a dwelling would be harmful to the openness of the Green Belt. The Inspector opined that the proposed residential curtilage would have a planned, cultivated and domesticated character and appearance. Furthermore the Inspector considered that the garden could typically accommodate a range of physical features, such as items of hard landscaping, play equipment, clothes drying facilities and garden furniture in addition to the boundary walls proposed.

- 5.7 The Inspector acknowledged that the proposal to return part of the yard to the paddock would have some beneficial effect on the openness of the Green Belt but concluded that, having regard to the existing conditions controlling the use of the Micro-Brewery yard, the benefit would be limited. The Inspector concluded that even with the imposition of conditions to control extensions, alterations and buildings within the curtilage, as well as the storage of a touring caravan; this would not prevent the proposed residential curtilage from having a materially greater impact than the authorised use i.e. Micro-Brewery, on the openness of the Green Belt.
- 5.8 The Inspector felt that this finding, was reinforced by the enhanced massing and permanence of the building afforded by the proposed stone cladding, which would increase its volume by about 11cu.m. The Inspector also considered that the formality and permanence associated with the residential curtilage would result in encroachment into the countryside in conflict with the purpose of including land in the Green belt. The proposal therefore, in the Inspector's opinion, represented inappropriate development in the Green Belt.
- 5.9 Officers must now consider what changes have taken place since the appeal decision in January 2007, that would overcome the Green Belt objection by reason of inappropriateness.
- 5.10 In the first instance the proposal differs from that refused under PK06/1986/F, in that the proposed use now relates to a holiday let as opposed to a dwelling house. Whilst these uses both fall within the C3 use class, the holiday let use would, most likely, only be occupied on a seasonal basis. This means that the associated curtilage is less likely to have the formality and permanence more associated with a continuously occupied dwelling house. Furthermore, in the current application the size of the curtilage area associated with the holiday let has been significantly reduced from that of the previously refused dwelling house. The resulting situation is that approximately 80% of the existing commercial yard, between the proposed curtilage and the PROW on the northern boundary, would now be given over to agricultural use, thus restoring openness to this land in accordance with the purpose of including land within the Green Belt.

- 5.11 In addition, planning permission PK07/1153/F was granted in 2007 for the general B1 use of the building, which supersedes the earlier permission P97/4702, which restricted the use of the building to Micro-Brewery use only. In his deliberations the Inspector made reference to the conditions attached to P97/4702 controlling the use of the yard.
- 5.12 In P97/4702 condition 8 prevented the storage or stacking of raw materials, finished or unfinished products or parts, crates, materials, waste, refuse or any other items. Condition 10 related to control of facilities for the storage of oils, fuels or chemicals associated with the Micro-Brewery use. In PK07/1153/F, relating to the general B1 use, only condition 5 prevented the outside storage of materials/goods/waste or plant within the yard.
- 5.13 Officers consider that it would be inconceivable that any of the above materials, apart from perhaps some domestic waste, would be associated with the proposed holiday let use. With the reduced size of the proposed curtilage, there would be little scope for the introduction of the items identified by the Inspector, such as play equipment, clothes drying facilities and garden furniture. Much of the proposed holiday let curtilage would be taken over by the proposed access, parking and turning facilities, which would be very similar to the authorised use of the yard, only on a much less intense scale. In this case therefore officers do not consider that it could be reasonably argued that the scheme would result in encroachment into the countryside or that it would have a materially greater impact on the openness of the Green Belt than the current authorised use.
- 5.14 Moving to the issue of increased massing and permanence of the building, which the inspector raised as a contributory factor, though not the sole reason for the inappropriateness. It should be noted that under planning permission PK07/1153/F the building could now be used for general industrial (B1) use and given its solid physical state, it would seem unlikely that the building would be anything other than permanent in this location. It is now proposed to only part-clad (the eastern and western end elevations) the building in stone, with the remaining elevations being rendered. In the earlier refused application for the dwelling, the whole building was to be clad in stone. The overall form of the building would for most part be retained, the only outward alteration being the former garage roof, which would be increased in height to eliminate an awkward pitch. The overall increase in volume would again be a modest 11cu.m.
- 5.15 Officers consider that the modest increase in the volume of the building must be balanced against the visual improvements to the building that would result from the proposed works. The existing building is utilitarian in appearance and does not exhibit any historical or obviously rural character. As such the building is somewhat anomalous in its context as a 'rural' building. The proposed holiday-let would, on the other hand, take on the appearance of a rural barn conversion, that would be far more in-keeping with the rural location and surrounding buildings.
- 5.16 There are many other examples of holiday lets within the open countryside and Green Belt. Most of these would be converted buildings incorporating modest curtilages such as now proposed at Varnisters Farm. Officers are satisfied that

with appropriate conditions to remove permitted development rights, control occupancy of the building, prevent storage of caravans or containers within the curtilage and to secure appropriate landscaping, that the proposal would, on balance, not be inappropriate development in the Green Belt and as such would accord with Policy GB(1) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.17 **2. The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; and**

5.18 In the previous appeal, the Inspector at para. 7 of his Decision Letter, noted the ‘...substantial and sound condition of the building’. The applicant has commissioned a structural survey of the building, which was carried out by an appropriately qualified building surveyor, who concluded that:

‘The existing building is substantial and sound and does not suffer from any structural defects. The existing blockwork walls are plumb and free from defect and can be utilised in any refurbishment works involving future alterations.’

Officers are therefore satisfied that criterion 2 of Policy GB1 is met.

5.19 **3. The form, bulk and general design of the buildings, are in keeping with their surroundings.**

5.20 Although utilitarian in appearance, the building was originally a farm building. As previously stated, the overall form and bulk of the building would for most part be retained. The slight modifications to the roof would improve the aesthetics of the building, as would the proposed works to convert the building. The proposed natural stone cladding and render external finish, reclaimed double roman tiles for the roof and naturally finished joinery would all enhance the appearance of the building. The form, bulk and design is therefore considered to be in-keeping with the surroundings.

Alternative Uses

5.21 As required by Policy E11 and H10(A), alternative uses for the building have been explored. A Marketing Report, carried out by a local Commercial Estate Agent, has been submitted in support of the application. A similar exercise was carried out for the refused application PK06/1986/F. In his appeal Decision Letter the Inspector considered that, at that time, the appellant had not adequately addressed the stringent requirements under criterion A of Policy H10. In reaching this conclusion, the Inspector noted the period of marketing i.e. 1 year; the lack of detail within the report and that the then existing use was limited by condition to a Micro-Brewery only.

5.22 Since then planning permission PK07/1153/F was granted in 2007 for the general B1 use of the building, which supersedes the earlier permission P97/4702, which restricted the use of the building to Micro-Brewery use only. In officer’s opinion this makes alternative business use of the building a much more attractive proposition. Nevertheless, despite being vacant for 4 years and marketed robustly for a 2 year period, there has been no serious interest in re-using the premises for commercial purposes. Officers are therefore satisfied

that the applicant has carried out all reasonable endeavours to secure an alternative business use for the building.

5.23 The proposed use of the building as a holiday let, would however make a positive contribution to the rural economy and utilise an otherwise long redundant building. The proposal would provide a much-valued source of additional employment for the applicant and additional workers, that will be required at the site e.g. cleaners/maintenance workers. Officers consider that this would accord with the Governments clear objectives in promoting sustainable economic growth and jobs.

5.24 Transportation Issues

Traffic generation would be small in comparison to the original Micro-Brewery use. The traffic generated is also likely to be seasonal and comprise of private cars only. The existing access arrangements would be utilised and there would be adequate parking and turning provision within the building's curtilage. There are no highway objections. The proposal therefore accords with Policies T8, T12, and E11 (C) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.25 Landscape Issues

The building would be retained with little change to its form, bulk or mass. The amenity and parking areas would be provided in a small part of what is the existing yard, which in turn would be significantly reduced in size. Subject to a condition to secure the prior submission and approval of a full landscape scheme, officers are satisfied that the proposal would not adversely affect the visual amenity of the Green Belt or landscape in general and would accord with Policies L1, D1 and GB1.

5.26 Impact Upon Residential Amenity

Although well related to a number of residential dwellings, these properties are a reasonable distance from the building. The proposed holiday let use is likely to have significantly less impact on neighbouring residential amenity, both in terms of noise or disturbance from the traffic generated; furthermore the general outlook for neighbouring occupiers would be improved by the cessation of industrial uses; the return of much of the yard to agricultural use and the improved aesthetics of the building. Whilst there would inevitably be some disturbance for neighbouring occupiers during the conversion phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of working. The proposal therefore accords with Policy E11(B) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.27 Environmental Issues

Officers raise no objection in principle, subject to a condition to ascertain the previous uses of the building with respect to any previous contamination of the walls and floors. If any contamination is found, appropriate mitigation measures should be submitted to the council for approval, prior to the commencement of development. The proposed use would have significantly less impact on the environment than the existing authorised B1 uses. The proposal therefore

accords with Policies E11(A) and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.28 Drainage Issues

It is proposed to dispose of foul waste to the mains sewer and surface water to soakaways. No in-principle objections have been raised on drainage grounds. Appropriate conditions would however secure the prior submission and approval of a SUDS drainage scheme in accordance with Policies L17 & L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.29 Public Rights of Way

The nearest PROW PSN32A, runs concurrent with the access to the site but given the reduction in traffic generation, the impact on the PROW is likely to be less than the existing authorised B1 uses. Officers have raised no objection in-principle to the proposal and an appropriate informative would be added to any decision notice, should approval be granted. The proposal is therefore considered to accord with Policy LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.30 Ecology Issues

There is a possibility that birds may be nesting or bats roosting within the building. Whilst these species are protected by other legislation, an appropriate informative should be added to any permission granted, in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

6. CONCLUSION

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

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

a) The proposed use would not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords with Policies E11(B) and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

b) It has been assessed that the proposed conversion has been designed to respect and maintain the massing, scale, proportions, materials vernacular and overall design and character of the rural location. The development therefore accords to Policies GB1, E7 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.

c) The proposal would provide adequate visibility at the access onto Siston Lane and adequate off street parking within the site. The proposal would not give rise to unacceptable levels of traffic generation. The proposal is therefore considered to be acceptable in highway safety terms in accord with Policies

E11(C), T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

d) The proposal is considered to be of a good quality design and layout, which integrates well with the rural context and landscape. The proposal would not result in material harm to the visual amenity of the Green Belt. The proposal therefore accords with Policies L1, H10 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

e) Consideration has been given to the proposal's impact on protected species in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

f) The scheme demonstrates a good standard of sustainability in accordance with the requirements of Policy D1 of the South Gloucestershire Local Plan (Adopted)

g) Consideration has been given to the environmental and drainage aspects of the proposal in accordance with the requirements of Policies L17 & L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

h) The building is considered to be structurally sound and capable of conversion in accordance with Policies E7(A) and H10(B) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

i) Alternative business uses for the building have been adequately considered in accordance with Policies E11 and H10(A) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. 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, and G) 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 appearance of the development and to protect the openness and visual amenity of the Green Belt and landscape in general and to accord with Policies GB1, D1, L1, H10(D) and E7(C) of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The hours of working on site during the period of construction/conversion shall be restricted to 07.30 to 18.00 Mondays to Fridays, and 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 minimise disturbance to neighbouring properties and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

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

Reason

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

6. Prior to the commencement of the development hereby approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the building and site shall each be submitted to and approved, in writing, by the Local Planning Authority (LPA):

- 1) A preliminary risk assessment which has identified:
 - a) all previous uses

- b) potential contaminants associated with those uses
- c) a conceptual model of the site indicating sources, pathways and receptors
- d) potential unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the LPA. The scheme shall be implemented as approved.

Reason

To protect future occupiers of the building in accordance with Policy EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

7. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To protect future occupiers of the building in accordance with Policy EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

8. There shall be no storage of containers or caravans on the site at any time, be that temporary or otherwise.

Reason

To ensure the satisfactory appearance of the development and to protect the openness and visual amenity of the Green Belt and landscape in general and to accord with Policies GB1, D1, L1, H10(D) and E7(C) of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure the satisfactory appearance of the development and to protect the visual amenity of the Green Belt and landscape in general and to accord with Policies GB1, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure the satisfactory appearance of the development and to protect the visual amenity of the Green Belt and location in general and to accord with Policies GB1, D1, H10(D) and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. A sample panel of the render indicating colour and texture, shall be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure the satisfactory appearance of the development and to protect the visual amenity of the Green Belt and location in general and to accord with Policies GB1, D1, H10(D) and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. Prior to the commencement of the development hereby approved, samples/details of the proposed roofing tiles shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the details so approved.

Reason

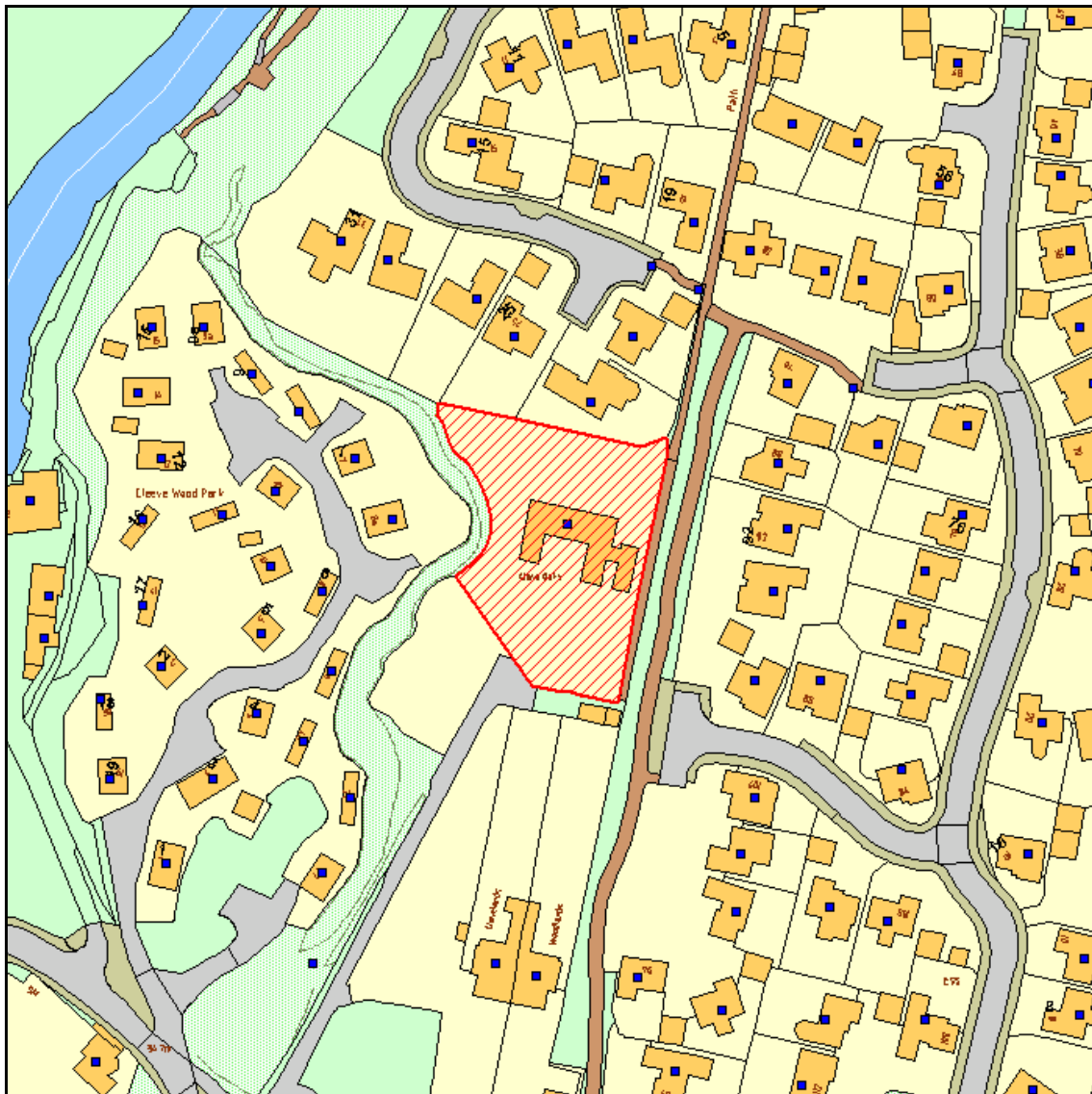
To ensure the satisfactory appearance of the development and to protect the visual amenity of the Green Belt and location in general and to accord with Policies GB1, D1, H10(D) and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. The holiday unit hereby approved shall be occupied by the same person(s) for no more than 42 days in any 12 month period.

To ensure that the unit remains as tourist accommodation in the interests of the rural economy and to accord with Policy E7 and E11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 49/14 – 05 DECEMBER 2014

App No.:	PK14/3925/F	Applicant:	Mr David Eggbeer
Site:	Cleve Oaks Cleve Wood Road Downend Bristol South Gloucestershire BS16 2SU	Date Reg:	3rd November 2014
Proposal:	Erection of single storey detached double garage/ store.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364562 177790	Ward:	Downend
Application Category:	Householder	Target Date:	26th December 2014



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 100023410, 2014. N.T.S. PK14/3925/F

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's decision.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey detached garage/store. The garage will be positioned at the south eastern border of the property.
- 1.2 The application site is within Downend and consists of a large detached bungalow accessed down a single width track off of Cleeve Wood Road which serves a total of three properties.
- 1.3 The site has no designations; however there is a public right of way which runs adjacent to the property on the eastern boundary. As well as this, there is also a TPO in an oak tree located in the northwest corner of the site. Due to the location of the proposed garage, both the public right and way, and TPO are unaffected by the proposal.

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)
H4 Residential Development within Existing Residential Curtilages,
Including Extensions and New Dwellings
L1 Landscape Protection and Enhancement

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
Residential Parking Standard SPD (Adopted) December 2013
South Gloucestershire Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK01/3250/F Approve with Conditions 10/07/2002
Erection of 1 No. dwelling and garage (Resubmission of PK00/3205/F).

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromely Heath Parish Council
No objection, as long as the drainage issues are addressed satisfactorily.

Other Consultees

Highway Drainage

No Objection, but the engineer has suggested a sustainable urban drainage systems condition be imposed on any permission given.

Transportation Development Control

No Objection

Public Rights of Way

No objection, but a number of standard limitations regarding the public right of way will be included as an informative note.

Other Representations

4.3 Local Residents

Two comments have been received from the same neighbouring resident (Woodlands Cleve). They submitted two neutral comments expressing the following:

- The resident stated they do not want the height of the new building to be higher than their current garage at the end of their garden as it would impair their current view, if this is not possible they would require the hedge between their view and the new garage to always be higher than the roof height of the new garage.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieved. Meaning developments should demonstrate that they: enhance and respect the character, distinctiveness and amenity of the site and its context; have an appropriate density and well integrated layout connecting the development to wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives. Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of development within the curtilage of existing dwellings. This support is provided proposals respect the existing design; do not prejudice residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.

The proposal is considered to accord with the principle of development.

5.2 Design

The existing bungalow is located in the centre of the plot and has a design which respects the surrounding area. The proposal is located approximately 15 metres from the existing dwelling on the south eastern border. The proposal is 7.2 metres wide with a depth of 5 metres, and has maximum height of 4 metres. The asymmetrical pitched roof has a 'catslide style' pitch on the southern elevation, and the northern (front elevation facing the property) has

two wide openings. The elevations of the proposal will be finished in softwood and the roof will have slate tiles, which match the existing. The design is appropriate for a residential garage, and the choice of materials match the existing property as much as possible, the softwood elevations will fit well with the timber framed windows used in the existing dwelling. As well as this, the scale, mass and position of the garage are acceptable due to the large size of the residential curtilage.

The proposal has an appropriate design which respects the character of the site and wider area, and therefore accords with policy CS1 of the adopted Core Strategy.

5.3 Residential Amenity

Due to the location of the site and position and size of the garage, the proposal will not have a major affect on any of the neighbouring dwellings. The rear gardens of Clevelands and Woodlands Cleve, Wood Road abut the southern boundary of the host dwelling and therefore are in close proximity to the proposed garage. Due to the size of the proposal it is not expected that the proposal will result in the material loss of light to the neighbouring dwellings, or that the proposal will have an overbearing impact on the surrounding residents. Especially when considering that the proposal will be screened by existing trees and shrubs, which are approximately over 4 metres high for the majority of the boundary to the south and east of the proposed garage.

As noted above, a neighbour has expressed concerns regarding the loss of a view and height of the proposed garage. These concerns relate to the existing garage owned by the occupiers of the Woodlands, this garage is approximately 4 metres from the proposal and approximately 3.5 metres high. The proposal will be approximately 0.5 metres higher than the existing garage, which is not an unreasonable height difference; the height of four metres is fairly typical for garages and outbuildings. The proposal is approximately 55 metres from the Woodlands property, and therefore the height of the proposed garage is not expected to impact upon the occupiers of this property, as well as this, the loss of a view does not command significant weight as a material consideration within the discretionary process. Accordingly, the neighbouring residents request to limit the height of the proposed garage, or to constantly maintain a hedge between the proposed, and the existing garage, is considered to be unreasonable.

Overall, the proposal would not result in a materially detrimental impact on the residential amenity of the neighbouring occupiers, therefore the proposal is considered to accord with saved policy H4 of the adopted Local Plan.

5.4 Highways

The proposal does not create addition bedrooms at the property and would not result in a net reduction in the number of parking spaces at the property. Therefore, there are no highways objections to this proposal.

5.5 Drainage

Both the Parish Council and the Drainage Team have expressed concerns regarding the drainage at the property. The Council's drainage engineer has

suggested a condition regarding Sustainable Urban Drainage Systems, however, such a condition would not meet the six tests set out under paragraph 206 of the NPPF, as the suggested condition is not considered to be reasonable due to the disproportionate nature of the condition when compared to the modest scale of the proposed development.

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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: Matthew Bunt

Tel. No. 01454 863131

CONDITIONS

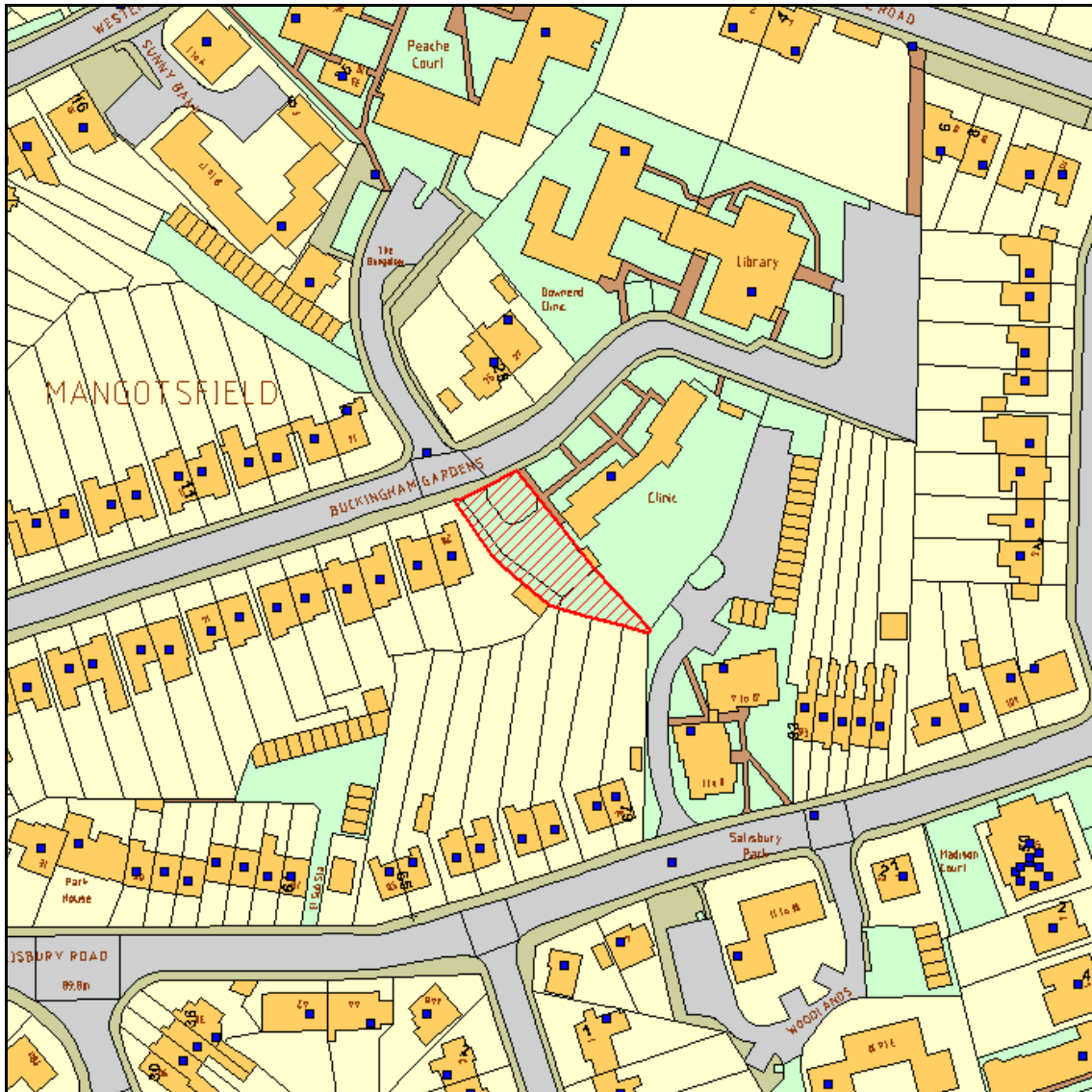
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 49/14 – 5 DECEMBER 2014

App No.:	PK14/4092/O	Applicant:	North Bristol NHS Trust
Site:	Land At 32 - 38 Buckingham Gardens Downend Bristol South Gloucestershire BS16 5TW	Date Reg:	23rd October 2014
Proposal:	Erection of 2no. semi-detached dwellings (Outline) with all matters reserved.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365408 176673	Ward:	Downend
Application Category:	Minor	Target Date:	17th December 2014



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 100023410, 2014. N.T.S. PK14/4092/O

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination in order to take into account comments from a local resident. The case officer recommendation is for approval.

1. THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of two semi-detached dwellings on the car park of a health clinic on Buckingham Gardens in Downend. The health clinic was recently granted planning permission for a change of use to 4 dwellings under PK14/3573/F.
- 1.2 All matters are reserved and therefore this application seeks only to establish whether the principle of residential development on this site is acceptable. The detail will therefore be submitted at reserved matters stage. The plans submitted with the application are indicative only.
- 1.3 The application site lies within the established urban area of the East Fringe of Bristol. There are no other statutory or non-statutory land use designations that cover the site.

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
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS13 Non-safeguarded Economic Development Sites
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS23 Community Infrastructure and Cultural Activity
CS29 Communities to the East Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape
L5 Open Areas within Existing Urban Areas
EP2 Flood Risk and Development
T12 Transportation

2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Residential Parking Standard (Adopted) December 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 K3850/1 Approval 01/02/1984
Alterations to existing porches to form additional patient waiting areas
- 3.2 PK14/3573/F Approved with Conditions 21/11/2014
Conversion of redundant healthcare offices (Sui Generis) to form 4no. semi detached properties (Class C3) with parking spaces.

4. **CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council
No objection
- 4.2 Drainage
No objection subject to condition
- 4.3 Trading Standards
Weight restrictions are in place on roads in the locality

Other Representations

- 4.4 Local Residents
One letter of objection has been received from a local resident that raises the following points:
- Development would create parking problems.

5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks outline planning permission to establish the principle of erecting a pair of semi-detached dwellings on a site in Downend.
- 5.2 Principle of Development
Within the existing urban areas and defined settlements, residential development is broadly considered acceptable subject to the relevant policy considerations. However, policy CS23 and CS13 seeks to promote economic development over residential development. Therefore the application should be determined against the analysis set out below.
- 5.3 Loss of Community Infrastructure
Existing community infrastructure will be retained unless it can be demonstrated that the use has ceased and there is no longer a demand for it *or* the facility is no longer fit for purpose. When it can be demonstrated that these circumstances apply then a mixed re-use of the site is promoted over a pure residential reuse.
- 5.4 However, the Council has a commitment to support the re-organisation objectives of local service providers where a re-organisation plan has been adopted through the appropriate approval processes. A local service provider,

in this context, is considered to include the emergency services, education authority, primary care trusts and NHS providers.

- 5.5 The application site is the car park of the adjacent health clinic. A change of use of the health clinic to 4 dwellings was recently granted planning permission under PK14/3573/F. This permission was granted on the basis that the site was no longer required by the Children and Family Consultation Service and the disposal of the site by North Bristol NHS Trust had been approved by the Community Children's Health Partnership Estate Strategy.
- 5.6 It is therefore accepted that the use of the site has ceased and there is no longer a demand for these services at this location. Significant weight is given to the consent granted under PK14/3573/F in establishing this position. The disposal of the site is part of North Bristol NHS Trust's estate strategy. This seeks to dispose of surplus sites in accordance with the requirements of the service. Whilst it may be preferable to secure a mixed use of the site, the site lies within a residential area in close proximity to Downend town centre, and therefore a residential only scheme in accordance with the aims of the Trust's strategy is acceptable.
- 5.7 Site Layout, Design and Density
As this is an outline application, the assessment is limited as to whether the site is suitable for residential development and whether a pair of semi-detached dwellings would be compatible with the character and density of the locality.
- 5.8 To the west of the application site, Buckingham Gardens is characterised by pairs of semi-detached bungalows. However, the character greatly changes to the east and north where there are semi-detached two-storey houses, four of which formed the health clinic, as well as a doctors' surgery/clinic and Downend Library. The massing of the buildings on Buckingham Gardens therefore increases significantly to the east. It is not considered that a pair of semi-detached dwellings would be out of character with the existing built form of the street.
- 5.9 In terms of the density of development, higher densities are encouraged within the urban area as a means of encouraging more sustainable development patterns. Considering the density of residential development that would come forward through the conversion of the former health clinic and the density of the bungalows to the west, the proposed dwellings are considered to be consistent with the form of development in the locality and would not be harmful.
- 5.10 The appearance of the dwellings is indicative only at this stage. The detailed design will come forward at the reserved matters stage and be given full consideration then.
- 5.11 Access and Parking
Access is a reserved matter and therefore the details of the access arrangements cannot be determined at this stage. However, it is necessary to consider whether or not, in principle, a satisfactory access can be achieved.

- 5.12 The site is currently a car park for the health clinic subject to the change of use to residential and is therefore no longer considered to be necessary. The use of the car park was for staff and visitors to the health clinic. Traffic generation of two dwellings is likely to be considerably less than the existing use and therefore the development is not considered to result in significant impacts on the local highway network.
- 5.13 Buckingham Gardens is not a classified road and therefore planning permission (when connected with permitted development) is not required for the formation of an access. It is therefore considered that the access is highly unlikely to cause a highway safety issue. Furthermore, the size of the site is such that two accesses (one for each dwelling) could be formed satisfactorily.
- 5.14 Under the Residential Parking Standard, dwellings are required to provide minimum parking in accordance with the Residential Parking Standard SPD. At present, the plans submitted are indicative only and show three bedroom dwellings. A three bedroom dwelling requires two off-street parking spaces. The layout of the site is not to be determined at this stage; however, there is sufficient space to enable the creation of adequate off-street parking in accordance with the SPD on the site.
- 5.15 As sufficient parking is provided it is not considered that the development would lead to an increase in parking demand or congestion on the local highway network. Indeed, the loss of the health clinic is likely to reduce demand for parking and the loss of the car park would therefore have little impact on the levels of on-street parking.
- 5.16 Living Conditions
Development should not be permitted that results in a prejudicial impact on levels of residential amenity in the locality or which would provide less than satisfactory living conditions for the future occupants of the dwellings.
- 5.17 There may be a minor amount of overshadowing in the morning to the garden of no.28 due to the massing of the proposed houses. The site is, however, within the urban area where it is generally accepted that the close proximity of housing may have a minor impact on adjacent properties. The extent of any overshadowing is considered to be minimal and therefore would not be prejudicial on the living conditions of the occupiers of the property. The development would not result in a loss of privacy or be considered overbearing. It is therefore considered that any impact on the residential amenity of any nearby occupier would be minimal and not prejudicial. The proposal is therefore considered to have an acceptable impact on residential amenity.
- 5.18 The proposed dwellings would benefit from a reasonable sized rear garden. It is considered that the future occupiers of these dwellings would benefit from a good living standard.
- 5.19 Ecology and Landscape
Landscape is a reserved matter and therefore this assessment needs to identify whether the development would have an unacceptable impact on the landscape. A small cluster of poor quality conifer trees are located at the rear

of the site within a small area of unkempt land. These trees are not considered to have a high amenity value and therefore no protection measures are needed at this stage. A landscaping scheme will be required to be submitted with the reserved matters where a detailed assessment can be given.

5.20 The small area of land to the rear is considered to have limited ecological value. This is because it is within the urban area and surrounded by residential gardens which offer little ecological habitat. Notwithstanding the above, it is considered necessary that any clearance of the site be undertaken with regard to the potential for protected species to be present and therefore a condition requiring the clearance of the site by hand shall be added to the decision.

5.21 Drainage

The site is a piece of brownfield land within the urban area. In order to ensure that adequate drainage is provided on the site which minimises the risks of flooding, a condition requiring the submission of details of a sustainable urban drainage system will be added to the decision.

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 outline planning permission be GRANTED subject to the conditions listed below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

1. Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

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

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

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

3. Application for approval of the reserved matters shall be made to the Local Planning Authority 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).

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 and CS29 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

6. Prior to any works being undertaken on the site, the site shall be cleared by hand taking due regard to the potential of any protected species on the site.

Reason

To ensure that the development does not have an impact on any protected species that may use the site as a habitat and to accord with policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

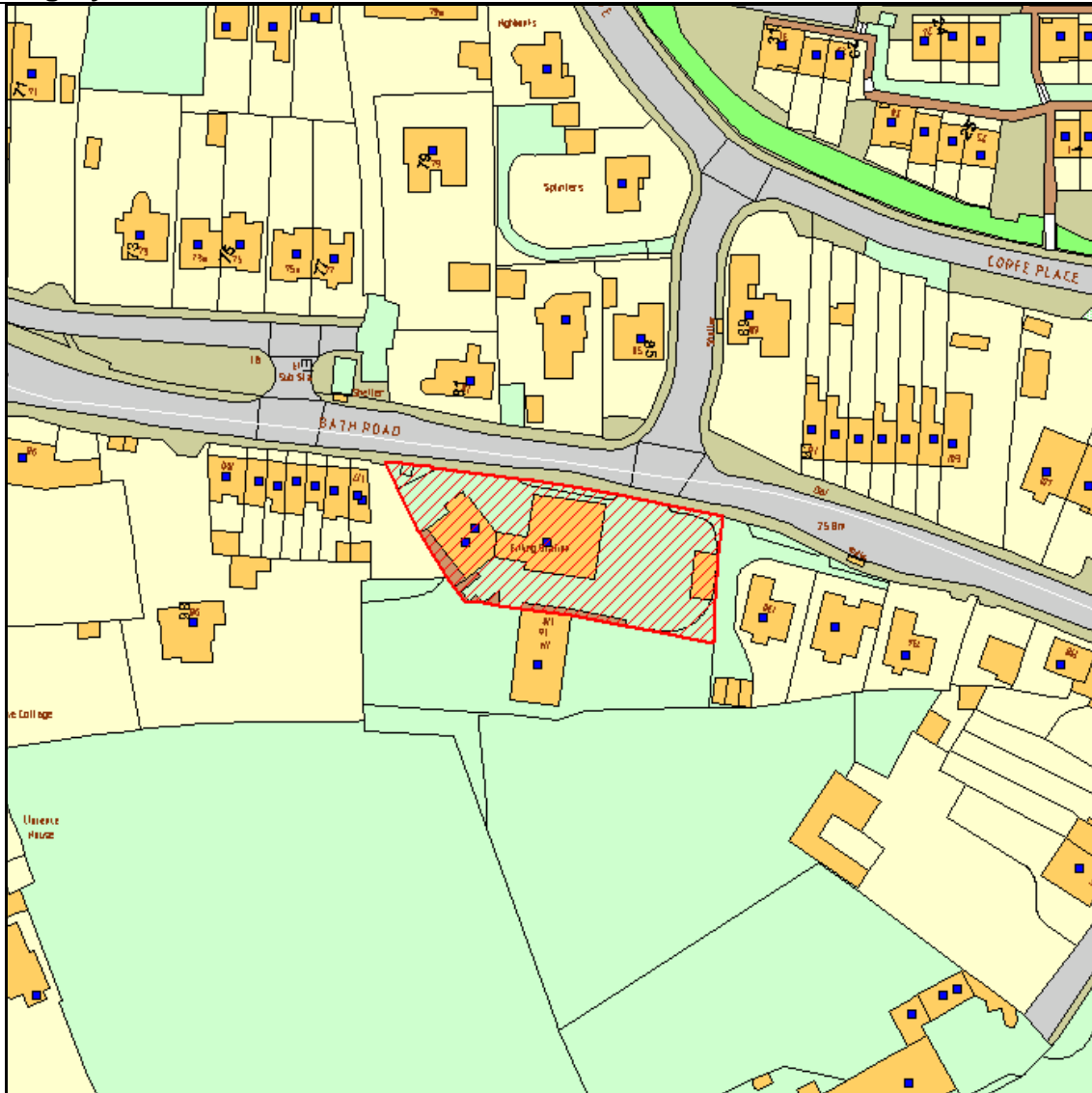
7. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use 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 amenities of nearby occupiers during construction and to accord with the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 49/14 – 05 DECEMBER 2014

App No.:	PK14/4129/F	Applicant:	Mr David Warner Snax 24 Ltd
Site:	Snax 24 Ltd 114 Bath Road Willsbridge South Gloucestershire BS30 6EF	Date Reg:	28th October 2014
Proposal:	Erection of single storey side extension to form additional retail and storage area and relocation of ATM.	Parish:	Bitton Parish Council
Map Ref:	366754 170317	Ward:	Bitton
Application Category:	Minor	Target Date:	19th December 2014



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 100023410, 2014. N.T.S. PK14/4129/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been reported to the circulated schedule because an objection has been received from the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for a single storey side extension and the relocation of an ATM to an existing fuel filling station and associated shop to form additional retail and storage area.
- 1.2 The application site consists of a filling station, associated shop and car wash. The site is located on Bath Road in Willsbridge, on the edge of the settlement boundary of Kingswood on the East Fringe of Bristol. The site is surrounded by residential dwellings to the north, east and west and a car sales court to the south. It should be noted that this application site has extensive history which involves a previous approval (PK08/2852/F) of an identical scheme to the current proposal as well as an approval of extension of time (PK11/3432/EXT).

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (NPPF) March 2012
National Planning Policy Guidance (NPPG) March 2014 and ongoing
- 2.2 Development Plans

South Gloucestershire Core Strategy (Adopted) December 2013
CS1 High Quality Design

South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies
T8 Parking Standards
T12 Transportation Development Control
E3 Employment Development in the Urban Area
RT5 Out of centre and edge of centre retail development
RT8 Small scale retail uses within the urban areas and the boundaries of small settlements
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)

3. RELEVANT PLANNING HISTORY

The site has extensive planning history the most recent applications are detailed below:

- 3.1 PK11/3432/EXT - Erection of single storey side extension to form additional retail and storage area. (Consent to extend time limit implementation for PK08/2852/F).
Approved 13th December 2011

- 3.2 PK08/2852/F - Erection of single storey side extension to form additional retail and storage area.
Approved 11th December 2008
- 3.3 PK02/1150/F - Erection of single storey side extension to extend existing shop.
Approved 27th May 2002
- 3.4 PK01/2609/F - Erection of extension to existing shop and relocation of existing ATM.
Refused 15th October 2001
- 3.5 P99/4724 - Erection of single storey extension to form ATM building.
Approved 15th October 1999

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Objection due to concerns over parking provision, particularly for customers using the shop and ATM and not purchasing fuel. Councillors also states that there are currently proposals out to consultation to introduce waiting restrictions on the A431 in this area of the site which could mean there is no available parking for the shop and ATM customers, on or off site.

- 4.2 Oldland Parish Council
No response received.

- 4.3 Other Consultees

Sustainable Transport
No objection

Highway Drainage
No comment

Highway Structures
No comment

Environmental Protection
No objection subject to subject to conditions regarding contaminated land.

Planning Enforcement
No comment received

Other Representations

- 4.4 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal is supported by Saved Policy E3 of the Local Plan which allows development related to existing uses within urban areas provided there are no unacceptable environmental effects; amenity or highway safety impacts; the character of the settlement is not adversely affected; and the development is of an acceptable density.

5.2 It should be noted that since the previous approval of the scheme there have however been changes in policy with the Core Strategy being adopted and the introduction of the NPPF and NPPG in place of Planning Policy Statements. The main issues to consider however remain the same.

5.3 Location and Siting

The proposed extension would provide additional and ancillary retail and storage space related to the existing established business in an existing urban area, and as such, the site is considered a sustainable location for development. Furthermore, the extension is considered to be a small scale development commensurate to the size, scale and location of the existing business. As previously mentioned, the extension would provide a larger shop floor and storage area which could facilitate a small expansion of the business and provide further employment opportunities. Furthermore, the extension and relocation of the ATM is proposed in a logical location and would integrate well with the existing site and transport links. Overall, the proposal demonstrates that it is an appropriate and sustainable form of development.

5.4 Amenity

Members should note that following a site investigation, the officer is satisfied that there have been no physical changes that have material effect since the approval of the extension of time application was determined in 2011. The proposal still however must be considered against current policy.

5.5 Whilst the ridge height matches the height of the existing building which is not generally supported by the Council, the shape and proportions of the extension have been well informed by the existing building and would create a symmetrical appearance from the forecourt, showing compliance with Policy CS1. In addition, the extension is modest in size in comparison to the application site and would use slate roof tiles and facing to match the existing building. Furthermore, given that there is already an ATM in place, relocating the ATM is not considered to have a detrimental impact. On balance, the proposed extension is not considered to be harmful to the character or appearance of the application site or surrounding area and is therefore acceptable in terms of visual amenity.

5.6 As previously described, the site is surrounded by neighbouring dwellings to the north, east and west. Whilst the site is open to the front, as you would expect from a filling station, each side of the site is well screened by tall conifer trees. Given the small scale of the works and existing screening, the proposal is not considered to significantly impact on the living conditions currently enjoyed by the nearby dwellings.

5.7 Highway Safety

The proposal would result in the loss of a parking area for two vehicles for customers using the air, water and vacuuming facilities, however two staff parking spaces would also be created by removing a grass verge. It should be noted that Bitton Parish Council have expressed concern in regard to the loss of customer parking as a result of the development. Given however that there customer parking would be retained around the edges of the site and the proposal received no objections from the Council's Sustainable Transport team, the impact of losing two customer parking spaces is not considered materially detrimental to highway safety.

5.8 Bitton Parish Council also expressed concern over the proposal currently out to consultation to introduce waiting restrictions to Bath Road off site. Whilst this is a valid concern, the proposal stands to be assessed against the constraints of the application site in its current state and in any event the impact on transportation and parking is not considered materially different.

5.9 Environmental Concerns

The proposed extension would be on a site that could be contaminated. As such, the Council's Environmental Protection team was consulted however raised no objections, subject to conditions requiring an investigation to be carried out prior to commencement for the Council to subsequently approve. As such, there are no environmental concerns with the proposal at application stage.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: **Hannah Minett**
Tel. No. **01454 862495**

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).

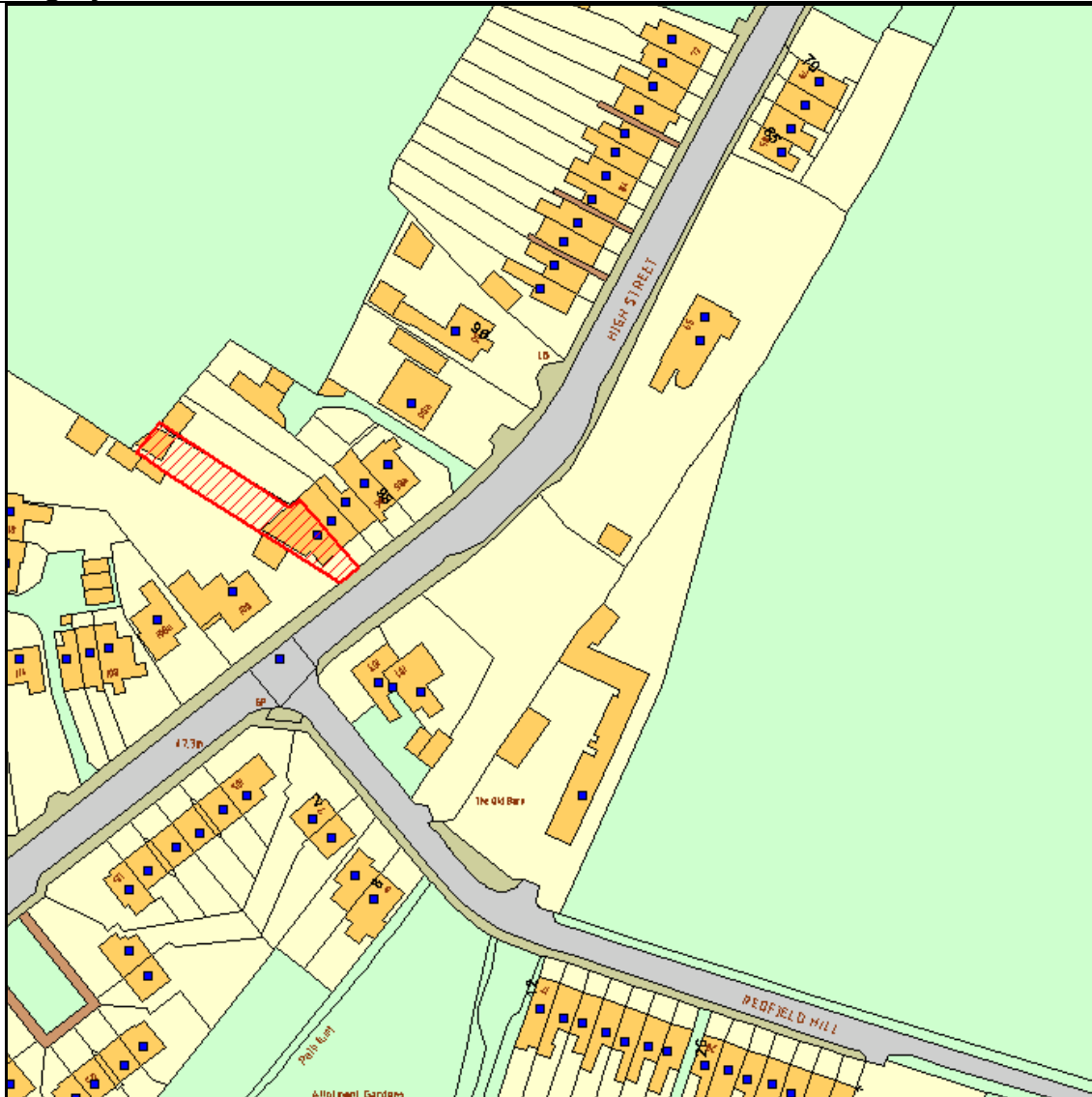
2. A) Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
- B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
- C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
- D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

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

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

CIRCULATED SCHEDULE NO. 49/14 – 5 DECEMBER 2014

App No.:	PK14/4133/RVC	Applicant:	T McMillan
Site:	104 High Street Oldland Common Bristol South Gloucestershire BS30 9TH	Date Reg:	28th October 2014
Proposal:	Removal of condition 2 attached to planning permission PK03/2664/F to remove the turntable.	Parish:	Bitton Parish Council
Map Ref:	367750 171669	Ward:	Oldland Common
Application Category:	Minor	Target Date:	16th December 2014



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 100023410, 2014. **N.T.S.** **PK14/4133/RVC**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is appearing on Circulated Schedule due to the receipt of an objection from Bitton Parish Council, contrary to the Officer's recommendation.

1. THE PROPOSAL

1.1 This application seeks planning permission for the removal of condition 2 attached to planning permission PK03/2664/F.

1.2 Condition 2 of application PK14/4133/RVC reads as follows:

The approved turntable shall be provided and completed prior to the approved access hereby authorised being constructed and shall be permanently retained at all times to enable vehicles to leave the site in forward gear.

Reason

In the interests of highway safety and to accord with policy KLP69 of the adopted Kingswood Local Plan and Policy T12 of the South Gloucestershire Local Plan (Revised Deposit Draft).

1.3 The application relates to an end of terrace residential property, situated within the settlement boundary and the established residential area of Oldland Common.

1.4 In order to create a larger parking area at the front of the property, it is proposed that additional land will be bought from neighbouring property No. 106 High Street. There is currently an application (PK14/4134/F) for the erection of four detached dwellings, with new access, parking and associated works pending consideration. The agent has suggested a condition could be attached linking the implementation of the parking area at no. 104 being dependent on planning permission being granted at no. 106.

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
CS9 Managing the Environment and Heritage

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

EP2 Flood Risk
H4 Development within Existing Residential Curtilages
T12 Transportation Development Control
Supplementary Planning Guidance

3. **RELEVANT PLANNING HISTORY**

3.1 PK03/2664/F Formation of access including dropping of kerb and laying of hardstanding
Approved 04.09.03

3.2 PK03/1707/F Creation of vehicle access
Refused 1.06.03

Reason – The use of the proposed access would result in reversing movements onto and off the busy principal classified road, the A4175, and this is likely to result in additional road and safety hazards faced by other road users including pedestrians to the detriment of highway safety thus the proposed access is not considered to be safe and does not comply with Policy KLP69 of the adopted Kingswood Local Plan and Policy T12 (B&C) of the South Gloucestershire Local Plan (Revised Deposit Draft).

3.3 PK14/4134/F 106 High Street, Oldland Common
Erection of 4no. detached dwellings with new access, parking and associated works. Erection of two storey rear, and single storey side extension to existing dwelling to form store and additional living accommodation.
Pending consideration

4. **CONSULTATION RESPONSES**

4.1 Bitton Parish Council
Objection; the applicant should demonstrate that a vehicle may be turned around on site, allowing it to both enter and leave the site in forward gear.

4.2 Drainage
No objection.

4.3 Transportation
No objection.

Other Representations

4.4 Local Residents
One local resident has commented on the proposal:

- Will the shared access between no. 102 and no.104 be affected by the proposal;
- How will water-run-off be managed?

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies states that new development will be permitted provided it provides adequate, safe, convenient, attractive and secure access and facilities for pedestrians, cyclists and people with disabilities. The principle of the proposed development is acceptable subject to criteria relating to highway safety and parking provision, visual amenity and residential amenity. Policy CS8 of the Core Strategy (Adopted) December 2013 advises car parking and vehicular site access should be well integrated and situated so it supports the street scene and does not compromise highway safety. Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 permits development only where the highest possible standards of design and site planning are achieved.

5.2 The application seeks to remove condition 2 to enable the removal of the turntable and continued use of the parking space. The reason for condition 2 is in the interests of highway safety.

5.3 Highway Safety

The proposal relates to an existing access and parking area at the front of no. 104 High Street. The application site is an end of terrace, two storey property granted permission for a turntable in 2003. There is a shared pedestrian access that runs along the side and rear of the property which no. 102 uses; the applicant has confirmed that this access will be unaffected by the proposal. The proposed vehicular access would be from a classified road (High Street). The area is residential in nature with a 30 mph speed limit. The road adjacent to the application site is largely straight, curving slightly 40 metres to the north, and there is considered to be good visibility in both directions. As a result of existing on-street parking, traffic is calmed in this area.

5.4 The length and weight restrictions of the turntable are such that it is now of insufficient capacity to accommodate most modern vehicles and is no longer fit for purpose, such that the current occupier of the property parks their vehicle on the road. The applicant wishes to extend and square up the existing parking area to the south and remove the turntable. A planning application has been submitted on the adjacent land at no. 106 and as a result of this additional land has been made available to enable the property to benefit from off-street parking for a larger vehicle, without the need for a turntable. The submitted plans indicate that a vehicle could enter and leave the site in a forward gear, whereas the existing turntable could not accommodate a larger family-sized vehicle.

5.5 It is considered that the increase in the size of the parking space overcomes the previous objections subject to the 2003 planning applications. The parking area measures approximately 7.2m by 4.5m; the Transportation Officer has advised that although this would be tight for turning a vehicle it could be done. The parking area comfortably meets the minimum measurements for a parking space and provides adequate provision for a two bedroom property.

5.6 The Transportation Officer has advised that the removal of the turntable would not be detrimental to highway safety. As the proposal is linked to the granting of planning permission at no. 106, it has been suggested by the agent and accepted by Officers that a condition be attached restricting the use the front of no.104 for parking until it has been extended formally. Officers consider that subject to this condition being attached, the proposal is considered acceptable and would not have any highway safety implications.

5.7 Visual Amenity

The application site is situated within an established residential area, within close proximity to Sir Bernard Lovell School and adjacent to a veterinary practice. The existing site is hardstanding, with a boundary wall to the north east and south east. The existing boundary wall to the south will be demolished and replaced with a fence. The proposed development would result in the increase in the parking area to the south, essentially taking a small amount of the access to no. 106 (existing hardstanding). Given that the access is existing, the only physical works required are the extension of the hardstanding and the replacement of the boundary walls. The agent states in their supporting letter that the boundary wall will be replaced by fencing, but the Officer considers it more appropriate and in keeping with the street scene if boundary walls are retained. Overall, it is considered that there is unlikely to be any harm to visual amenity as a result of the proposal. The removal of the turntable and improvement of the parking area would result in an improvement to the appearance of the application site.

5.8 Residential Amenity

The proposal would involve only minor works to incorporate an additional section of land to the south, to increase the parking space area. The proposal would enable a vehicle to manoeuvre on and off the parking space, parking horizontally as opposed to vertically (existing situation). The proposal would unlikely give rise to any harm to existing residential amenity levels as it is already a parking space. The extension of the parking area and removal of the turntable would not give rise to any unacceptable noise or disturbance to the detriment of neighbouring occupiers.

5.9 Drainage

The proposal would involve a modest increase in the hardstanding area, the removal of the turntable area and replacement of the boundary wall with fencing. The Drainage Officer has recommended a condition is attached requiring appropriate permeable design and drainage provision. However, the hardstanding is existing and will only be extended slightly. In this instance, the imposition of a condition is not considered necessary or reasonable as the additional hardstanding is unlikely to affect the drainage of the site.

6. CONCLUSION

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

6.2 The recommendation to **approve** 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 **approved**, subject to the attached conditions.

Contact Officer: Katie Warrington
Tel. No. 01454 863436

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 removal of the turntable is subject to the parking area being provided in accordance with the submitted details and the access for no.106 relocated as shown on drawing Ref. 0571-005C. The parking space shall be provided in accordance with the approved plan and thereafter retained for that purpose.

Reason

In the interests of highway safety, the extension of the parking area is required prior to its use to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

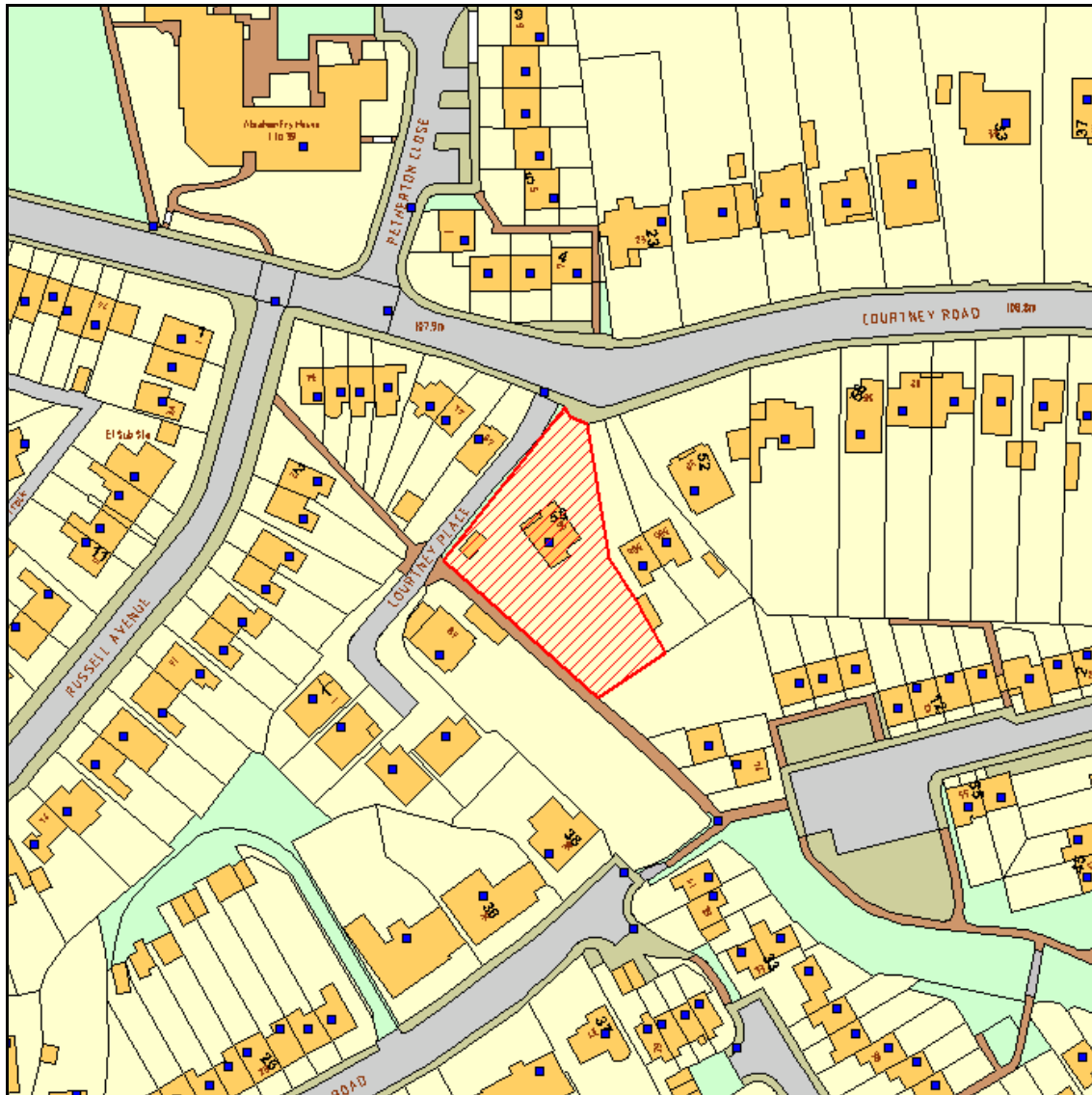
3. Following the extension of the parking space, the southern and eastern boundary walls shall be constructed in stone to match the existing boundary wall in materials and design.

Reason

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

CIRCULATED SCHEDULE NO. 49/14 – 5 DECEMBER 2014

App No.:	PK14/4147/O	Applicant:	Mr Stuart Jefferies
Site:	50 Courtney Road Kingswood Bristol South Gloucestershire BS15 9RH	Date Reg:	24th October 2014
Proposal:	Erection of 2no. detached dwellings (Outline) with all matters reserved. (Resubmission of PK14/3036/O).	Parish:	None
Map Ref:	365168 173240	Ward:	Woodstock
Application Category:	Minor	Target Date:	16th December 2014



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 100023410, 2014. **N.T.S.** **PK14/4147/O**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as a representation has been received which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks outline consent for the erection of 2no. detached bungalows within the residential curtilage of 50 Courtney Road, Kingswood.
- 1.2 The application relates to the garden of an existing detached bungalow situated in Kingswood, which is within the established urban area in the east fringe of the Bristol urban area.
- 1.3 The application is a re-submission of a previous identical application which was withdrawn owing to insufficient information relating to coal mining. The re-submission is identical in all respects with the exception of the revised coal mining report.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Fringe

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

H4 Development within Existing Residential Curtilages
L1 Landscape Protection and Enhancement
EP2 Flood Risk and Development
T7 Cycle Parking
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 PK14/3036/O - Erection of 2no. detached dwellings (Outline) with all matters reserved. Withdrawn (insufficient information relating to coal mining).
- 3.2 PK08/3034/F - Demolition of 46 Courtney Road to facilitate the erection of 5no. dwellings with access, parking and associated works. Approved 9th February 2009

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Unparished
- 4.2 Public Rights of Way
This development is unlikely to affect the nearest public footpath, ref. KW35/20 and KW35/30 which run from Courtney Road, along Courtney Place, then in a south easterly direction adjacent to the property. I therefore have no objection. Informative recommended.
- 4.3 The Coal Authority
The Coal Authority considers that the content and conclusions of the Coal Risks Report - Rev A are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of a condition or conditions to secure site investigations.
- 4.4 Highway Drainage
No objection subject to SUDS condition
- 4.5 Transportation DC (Previous comments - PK14/3036/O)
No objection in principle.
- 4.6 Community Spaces (Previous comments - PK14/3036/O)
No objection. There is a hedgerow to the south-eastern boundary of the site that forms part of an area of SGC maintained public open space. Please can it be made clear the area around the hedge should be protected against damage / compaction during the development process to avoid damage / loss of the hedge. Plot 2 on the proposed development is located close to the hedge with paving shown close to the hedge line.

Other Representations

- 4.7 Local Residents
One letter of objection has been received from a local resident. The comments are summarised as follows:
 - The effect of the development on the character of the neighbourhood and the houses in the vicinity (which are mainly large with substantial gardens) needs consideration in light of the National Planning Policy Framework 2012

- Backland development which results in higher density housing and/or loss of amenity to neighbours needs careful consideration. Ref. NPPF and policy H2.
- Detriment to open aspect of the neighbourhood.
- Access to new houses will be narrow and difficult.
- NPPF – LPAs should consider the case for setting out policies to resist inappropriate development of residential gardens for example where it would cause harm to the local area.
- The argument that there has been a previous development in the nearby area in fact supports the argument against further development. The council needs to consider how such further development will affect the area in the longer term if each one justifies building another one next door.
- The mixed overall character of the area needs to be retained.
- Seriously adverse effect on our personal residential amenity through its visual impact, the loss of privacy and increased noise and disturbance.
- The 2 new houses as planned are very close to the West boundary of the site nearest to our garden and would have 3 windows each facing our property. We would lose light and a view particularly from our kitchen window.
- It is often said that there is no right to a view. Whilst that is correct in strictly legal terms, it does not mean that the loss of a view is necessarily irrelevant to planning. The enjoyment of a view could be an important part of the residential amenity of a neighbouring property, and its loss might therefore have an adverse impact on the residential amenity of that property.
- The height of the proposed house to the South of the site will mean that our garden would then be enclosed on 3 sides by higher properties that overlook it.
- I also note that currently (sic) electricity is supplied by overhead cables to the existing houses on 48 and 50 Courtney Rd and hope it will be clarified how this may be affected.
- Finally although the hedge along the lane which acts as a boundary and screen to the present garden is to be retained, it is unclear who will maintain it or whether it could be removed in the future. This is of some concern due to the proximity of the proposed buildings to it.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks outline consent for the erection of 2no. detached dwellings within an existing residential curtilage falling within the established urban area in the East Bristol Fringe. The principle of the proposed development stands to be assessed against policies CS5 and CS29 of the Core Strategy (adopted 2013), and saved policy H4 of the SGLP (Adopted 2006).

5.2 The location of the site in a sustainable location within the East Bristol Fringe is considered to accord with the Council's location of development strategy as set out within policy CS5 of the Core Strategy which states that most new development will take place in the communities of the North and East Fringes of the Bristol Urban Area. Saved policy H4 of the SGLP permits the principle of erecting new dwellings within the urban area and within existing residential

curtilage subject to criteria relating to residential amenity, highway safety and design.

- 5.3 The principle of the proposed development is therefore considered acceptable subject to all other relevant material planning considerations. The main issues to consider are the impact of the proposed development on the character of the area including housing density, on residential amenity, on highway safety and on the environment.
- 5.4 Impact on Character of Area
Matters relating to appearance, scale, layout and landscaping are reserved however it is necessary at the outline stage to ensure that the development would meet relevant policies, site constraints and opportunities. The application is supported by an indicative site layout plan and indicative elevations which demonstrate 2no. detached bungalows each with their own private amenity space and parking provision. The plan shows one dwelling adjacent to the southwest boundary and 1no. dwelling in the southern corner of the site. The original dwelling would remain in situ.
- 5.5 The proposed development consists of the subdivision and development of a residential garden forming a backland type development. The NPPF states the LPAs should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where they might cause harm to the local area. The Council's Core Strategy was adopted in December 2013 and is therefore fully compliant with the NPPF. Policy CS17 of the Core Strategy states that building on gardens will be allowed where this would not adversely affect the character of an area and where, cumulatively, it would not lead to unacceptable localised traffic congestion and pressure on parking. Such development will be allowed where each home has adequate private amenity space.
- 5.6 The locality is an established residential area which is characterised by a mix of housing types, scales and designs. There is not an established pattern of development in the immediate locality with a variety of dwellings on mixed plot sizes. Some backland development has already taken place to the south west of the application site through the formation of 'Courtney Place' which consists of 4no. detached bungalows approved in application PK08/3034/F. It is therefore not considered that a backland form of development such as that proposed would be adversely out of keeping with the character of the surrounding area.
- 5.7 It is acknowledged that the proposed development would increase the density of the housing on this site. Policy CS16 of the Core Strategy states that housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied. High density housing that has good access to local facilities by walking and cycling is therefore supported in principle. High density housing that is poorly designed can however have an adverse impact on a locality and on sustainability and therefore density policies are applied flexibly in order to support other objectives.

In particular development is considered against the design principles contained within policy CS1, which includes compatibility with a local area. Providing a mix of housing is also relevant. Policy CS1, amongst other principles, states that development proposals will be required to demonstrate that:

1. *Siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context; and*
2. *Density and overall layout is well integrated with existing development and connected to the wider network of foot, cycle and public transport links.*

5.8 The details relating to the scale, layout and appearance of the two dwellings are reserved and as such would be considered in detail within a future application for the approval of the reserved matters. However, in the context of this site, with the retention of the existing bungalow, it is considered that the illustrative plans are likely to be generally indicative of the final layout of the development albeit with scope for some changes. From the illustrative plans submitted, although it is acknowledged that the subdivision of the site would result in three much smaller planning units than existing, it is not considered that this level of density would be cumulatively detrimental to the character of the area. Although it is noted that the plots would be small it is not considered that they would be adversely cramped or result in an overdevelopment of the site. It is considered that the proposed development would make an efficient use of land in a sustainable location adding to the mix of housing in the locality which is in accordance with policies CS16 and CS17 of the Core Strategy.

5.9 Residential Amenity

The application site is surrounded by residential properties and as such consideration is given to the potential impact of the development on the amenity of the occupiers of these properties. The key considerations in this instance are the impacts of the development on the amenity of the occupiers of no.s 46, 48, 50 (the original dwelling) and no.50A Courtney Road, and the standard of living for future occupiers of the proposed properties.

5.10 The indicative plans show 1no. bungalow situated between no.s 48 and 50 Courtney Road with 1no. bungalow situated in the far southern corner of the site. The indicative plans demonstrate that both would be directly adjacent to the mutual boundary of no.48. The land levels on the site decrease from north to south with the land in the southern corner being located approximately two metres below that of the southern corner. No.48 is a detached bungalow with dormer windows installed on the front and rear elevations. No.50 is a detached bungalow situated relatively centrally in the site.

5.11 In terms of the impact on no.48 the concerns of the resident are noted and it is acknowledged that the layout as indicated would introduce buildings adjacent to the mutual boundary which is currently enclosed by a hedgerow. The indicative plans indicate that the dwellings would be bungalows with hipped roofs.

Although these details are reserved for a future application it is considered that this design concept, by virtue of the ridge and eaves height, is sensible and would not have an adverse overbearing impact on the occupiers of no.48.

- 5.12 No.48 is situated to the south west of the application site and as such the new dwellings would not significantly alter light levels entering either the garden or dwelling of no.48. In terms of outlook, although the development would introduce buildings to the boundary it is considered that provided the dwellings are bungalows the outlook afforded to the occupiers of no.48 would not be prejudiced due to the orientation of their windows and the length of their rear garden. Although the occupiers of no.48 may experience more of a sense of enclosure it is not considered that this would be detrimental to amenity such that a refusal could be warranted. The plans indicate that the hedgerow boundary would remain which would retain some visual screening of the application site. The final details or landscaping and boundary treatments can be subject to a suitably worded planning condition in order to provide satisfactory control over this matter. As shown it is not considered that the proposed windows at ground floor level would result in an unacceptable level overlooking provided suitable boundary treatments are retained.
- 5.13 In terms of the impact of the development on the host dwelling (no.50) it is noted that the development would result in the loss of a substantial amount of the existing garden amenity space in order to facilitate the development. The host dwelling is a modest bungalow which as existing is set within a large plot. The plans indicate that there is sufficient space within the site to accommodate sufficient amenity space for the size of the host dwelling. As such it is not considered that the loss of amenity space would be detrimental to residential amenity. The layout of the proposed development is reserved however the indicative plans submitted indicate that the new dwellings would be served by an access road running to the north and east of no.50 with a turning head in the southeast part of the site. This is likely to be indicative of the final layout given the restrictions in the shape and size of the site. The access road would introduce additional vehicular movements adjacent to no.50 associated with the two new bungalows. Whilst this would cause some additional noise compared to the existing situation it is not considered that the amount of vehicular movements for 2no. two bedroom bungalows would be at a rate which would be detrimental to residential amenity.
- 5.14 No.50 has windows on all elevations and a small conservatory to the south elevation. There is therefore potential for some inter-visibility between the windows on the existing dwelling and those on the new dwellings. The final layout, scale and appearance of the dwellings are reserved for a future application. It is considered that subject to careful design and layout it would be possible to erect bungalows in this site with appropriately placed windows and boundary treatments which would secure a satisfactory level of privacy and amenity for all occupiers. This matter would be dealt with in detail at the reserved matters stage. The outlook afforded to no.50 would be reduced as a result of the development however it is considered the reduced outlook would not be detrimental to residential amenity.

- 5.15 No. 50A Courtney Road is situated to the east boundary of the site and is set back from the road and the host property with its side elevation and outbuildings at the rear bordering the site. No.50A is double storey. It is considered that the layout as indicated on the plans would not have a significant impact on the amenity of the occupiers of no.50A due to the separation between the building and the scale and height of them. These matters are reserved for a future application however based on the information provided it is considered that there is sufficient space within the application site to erect two dwellings without having a significant impact on the amenity of the occupiers of no.50A.
- 5.16 In terms of the standard of living for the future occupiers it is noted that the dwellings would be small in scale with small private amenity spaces due to the restrictions in the size and shape of the site. The light entering the properties would also be restricted, in particular on plot 2, due to the orientation of the site and the changes in land levels. However it is considered that there is sufficient space to incorporate a layout which includes windows with sufficient outlook. The final location of windows would be subject to a later application however it is considered that it would be possible to incorporate a layout which secures satisfactory levels of privacy through the careful design of the dwellings and through appropriate boundary treatments. The development would introduce small units of accommodation increasing the mix and variety of housing in the locality. Overall, on balance, whilst the site is relatively cramped, it is considered that it would be possible to develop the site as proposed whilst securing a satisfactory standard of living for future occupiers.
- 5.17 It is noted that during the construction phase disturbance can occur as a result of building operations. Given the backland nature of this development and proximity of neighbouring occupiers it is considered reasonable and necessary to condition working hours in the interests of reducing noise and disruption, to protect the residential amenity of the neighbouring occupiers.
- 5.18 Highway Safety
Matters relating to access and layout are reserved however the indicative plans indicate that the new dwellings would utilise the existing access into the site from Courtney Road with an internal access road to serve the dwellings. The comments from the Transport Officer received in relation to the previously withdrawn application confirm that the existing access to the site is suitable to serve the additional residential units and the existing house. The Council is therefore satisfied that it is possible to implement a safe access to serve the proposed development. The indicative plans and auto-tracking diagram indicate that there is sufficient space within the site to provide an access, turning area and parking area for each dwelling in accordance with the Council's minimum parking standards. There are some discrepancies between the combined plan and the swept path analysis in terms of the turning areas and extent of parking areas however these final details are reserved for a future application.
- 5.19 Drainage
The application does not include any details relating to drainage on the site. There is no objection in principle to the development of the site for residential purposes in drainage terms provided 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 are submitted to the Council prior to the commencement of development. This is necessary in order to reduce the impact of flood risk through location, layout and design in accordance with policy CS9 of the Core Strategy.

5.20 Coal Mining

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable coal mine workings at shallow depth.

5.21 Within the previously withdrawn application the Coal Authority objected on the grounds that the further information submitted in support of the application did not adequately address the impact of coal mining legacy on the proposed development. The current application therefore addresses this in the amended Coal Risks Report – Rev A (14 October 2014, prepared by Peter Lewis).

5.22 The Coal Authority concurs with the recommendations of the Coal Risks Report (Rev A, dated 14 October 2014); that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. A planning condition is therefore recommended requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for further works to stabilise the development, this should also be conditioned to ensure that the details of any remedial works/foundations are submitted to and approved in writing by the Council. This matter is therefore also recommended as a condition. Subject to these conditions it is considered that the Coal Risks Report - Rev A is sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

5.23 Trees/ Hedgerows

The application site does not contain any significant trees worthy of protection however it does contain hedgerow boundaries. Some concern has been raised by a neighbouring occupier and by the Council's Landscape & Environmental Projects Team in relation to the protection and retention of the hedgerows on the boundaries. Details relating to landscaping are reserved for a later application however a suitably worded condition is recommended to ensure that landscaping details, including measures of protection for the existing hedgerows, are submitted for determination at the reserved matters stage. It is considered that these matters, including the implementation of additional landscaping in the interests of visual amenity, can be adequately dealt with at the reserved matters stage.

5.24 Public Right of Way

This development is unlikely to affect the nearest public footpath, ref. KW35/20 and KW35/30 which runs from Courtney Road, along Courtney Place, then in a south easterly direction adjacent to the property. There are therefore have no objections on these grounds. The applicant should be aware of the standard limitations regarding rights of way and development as outlined on the decision notice.

5.25 Other Matters

An additional matter raised at the consultation phase relates to the location of overhead electricity cables. These comments are acknowledged however it is noted that this matter would be dealt with outside of the remit of the planning application between relevant parties involved.

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 following conditions:

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

1. Approval of the details of the access, layout, scale and appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

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

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

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

3. Application for approval of the reserved matters shall be made to the Local Planning Authority 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).

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

5. The landscaping details referred to in condition one shall include full details of all hedgerows to be retained, together with measures for their protection during the course of the development to British Standard BS5837; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing. Development shall be carried out in accordance with the agreed details with the planting carried out in the first planting season following the first occupation of the dwelling(s) or the completion of the development whichever is sooner. The agreed boundary treatments shall be retained as such thereafter.

Reason

In the interests of visual amenity and to protect the amenity of neighbouring occupiers, to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and saved policy L1 of the South Gloucestershire Local Plan (Adopted) 2006.

6. The reserved matters application shall include section plans to show the relationship of the development with the existing dwelling on the site and the existing dwellings to the east and west. The proposed dwellings shall be single storey in height.

Reason

In the interests of the residential amenity of neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013, and the provisions of the National Planning Policy Framework 2012

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

Reason

To ensure an adequate means of drainage is provided and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

8. Prior to the commencement of the development hereby approved details of intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and submitted to the Council for approval. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mining to ensure the safety and stability of the proposed development, a further scheme of such remedial works shall be submitted to the Council for approval and thereafter implemented as approved.

Reason

To ensure the safety and stability of the proposed development and to accord with the requirements of the Coal Authority, the National Planning Policy Framework and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

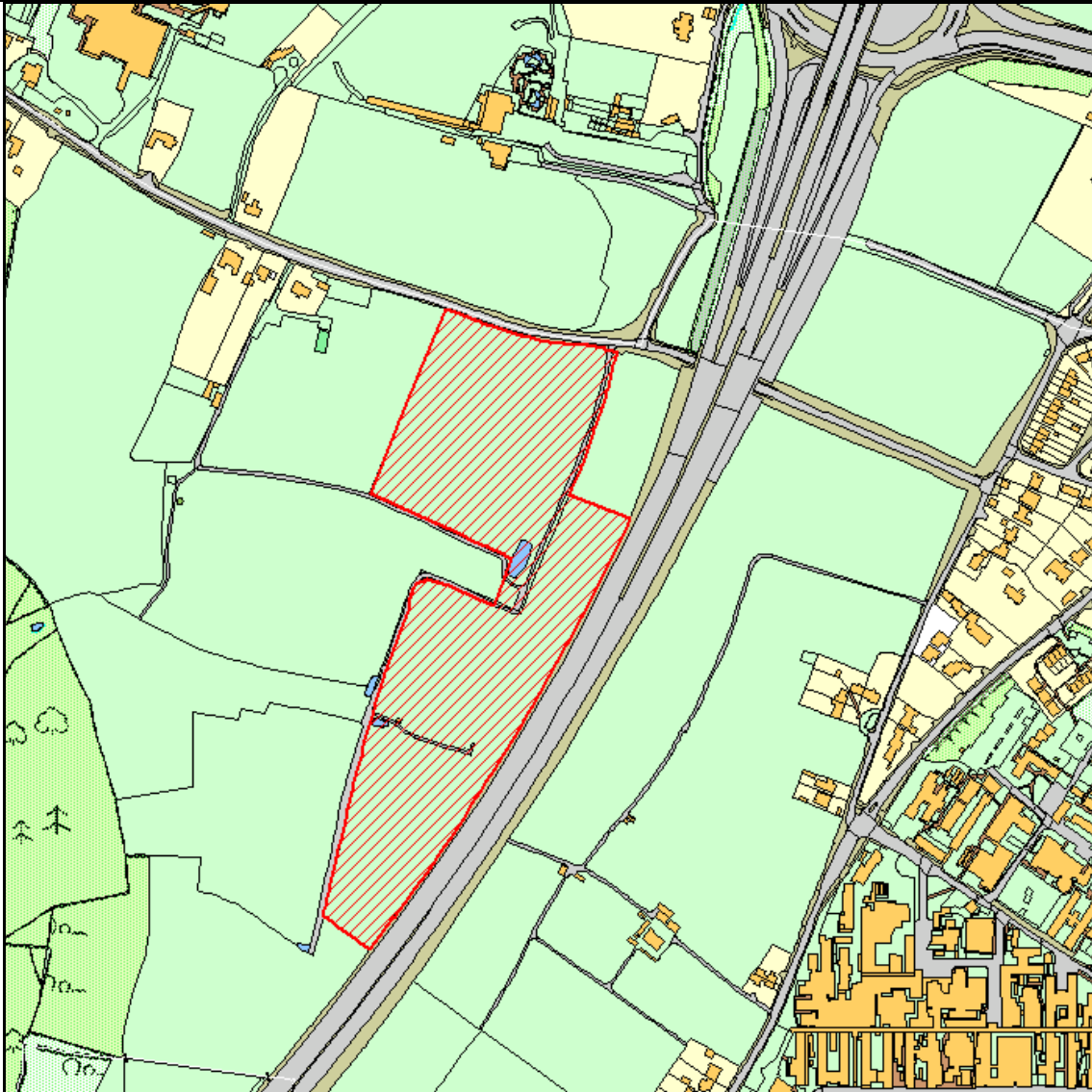
9. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Mondays to Fridays (inclusive), 08:00 to 13:00 Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition 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

In the interests of residential amenity to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013, and the National Planning Policy Framework

CIRCULATED SCHEDULE NO. 49/14 – 5 DECEMBER 2014

App No.:	PT14/2400/F	Applicant:	University of the West of England
Site:	Land South Of Filton Road Hambrook Bristol South Gloucestershire BS16 1QG	Date Reg:	4th July 2014
Proposal:	Change of use of agricultural land to 2no. sports playing pitches (Class D2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and associated works.	Parish:	Winterbourne Parish Council
Map Ref:	362721 178494	Ward:	Frenchay And Stoke Park
Application Category:	Major	Target Date:	25th September 2014



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 100023410, 2014. **N.T.S.** **PT14/2400/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as the proposal represents a departure from the Local Plan. A representation has also been made contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the change of use of agricultural land to 2no. sports playing pitches (Class D2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and associated works.
- 1.2 The associated works proposed would consist of alterations to the access to the site, the provision of a 30 space car park and "cut and fill" works to level the existing fields for sporting surfaces.
- 1.3 The application site consists of an agricultural field to the south of Filton Road within the Bristol/Bath green belt. The site is located approximately 250 metres south west of junction 1 of the M32, and it is accessed off Filton Road opposite Frenchay cricket club which lies to the north. The pitches are required by the University of West of England (UWE) to offset the loss of 2no. sports pitches at their St Matthias Campus in Bristol which is to be redeveloped. The pitches will provide space for team sports, such as football and hockey, and other exercise
- 1.4 The application was originally for the change of use of agricultural land to 3no. sports playing pitches (Class D2) however a pitch proposed to the south has been omitted following concerns from the Highways Agency and landscape officer in regard to its proximity to the M32.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework 2012
Technical Guidance to the National Planning Policy Framework 2012
National Planning Practice Guidance 2014

2.2 Development Plans

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

L1 Landscape Protection and Enhancement
L9 Species Protection
L11 Archaeology
L13 Listed Buildings
L16 Protecting the Best Agricultural Land
EP2 Flood Risk and Development
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control Policy For New Development
E11 Tourism

- LC5 Proposals for Outdoor Sports and Recreation Outside Existing Urban Area and Defined Settlement Boundaries
- LC12 Recreational Routes

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS2 Green Infrastructure
- CS3 Renewable and Low Carbon Energy
- CS4A Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS7 Strategic Transport Infrastructure
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS23 Community Infrastructure and Cultural Activity
- CS24 Green Infrastructure, Sport and Recreation Standards
- CS25 Communities of the North Fringe of Bristol Urban Area
- CS27 East of Harry Stoke New Neighbourhood
- CS28 The University of the West of England
- CS34 Rural Areas

- 2.3 Supplementary Planning Guidance
 - Development in Green Belt SPD (Adopted) 2007
 - South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council

No objection.

- 4.2 Other Consultees

Council's Drainage Officer

Surface water (land drainage) scheme provision will result in an increased flood risk. SuDS condition should be applied.

Council's Ecology Officer

If approved, the planning application should be subject to a suitably worded condition as follows:-

An Ecological Enhancement Plan (to include habitat management) should be submitted to the LPA for approval in writing. This will be based on the Recommendations in the Mitigation and Enhancement section of the Ecology Report (Wessex Ecological Consultancy, dated May 2014), and will include hedgerow management and the consideration of further enhancements.

Environment Agency

The Environment Agency has no objection in principle to the proposed development subject to the inclusion of conditions which meet the following requirements:

Condition:

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include details of how the scheme shall be maintained and managed after completion.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

Council's Highway Structures Team

No objection.

Highways Agency

Offer no objection following removal of third pitch.

Council's Landscape Officer

The layout has been revised to omit the most southerly pitch, negating the requirement for the ball stop fencing alongside the M32 and allowing the better preservation of the ecological interest on the site. I consider that two pitches on the top field still looks very 'squeezed', however the layout, removing the most southerly field from development is much better. There are now a few things we will need to agree by condition;

- A detailed planting plan to show all proposed tree and hedgerow/shrub planting; a 1:200 scale planting plan should be provided with plant schedule detailing all size/type/densities and species of planting. All planting should be carried out during the first available planting season, prior to the pitches being used
- Hedge H1 is graded as B2; we will need to see the extent of the hedgerow removal clearly marked on the planting plan and sufficient replacement hedgerow planting will be expected, to compensate for the loss of hedgerow to accommodate the widened access way.
- The JP Associates Tree Survey & Arboricultural Constraints Plan, dwg.no.D14 254 P1, shows the notional line of the RPA for the trees and hedgerows, however we will need a plan to show the actual

proposed location of the protective fencing, in accordance with BS5837 (2012). This will need to be a pre-commencement condition.

- A compliance condition re. the tree protection fencing will also be required; all fencing will need to be in place prior to any enabling or site clearance works approved before proceeding with any levels changes etc.

Council's Public Rights of Way Team

This application will affect public footpaths LWB 3 and 4. LWB 3 is a dead end footpath which was severed when the motorway was built but the ends remain on the Definitive Map. Although the path is not used it should not be obstructed. LWB 4 is a very well used path connecting Filton Road with Coldharbour Lane via Sims Hill. Although the planning statement refers to a "small alteration to the current route" being required I have discussed this with the agent for the applicant and I understand that this is unlikely to be required. Nonetheless, the applicant should be reminded that any alteration to the line of the footpath will require a legal order. Additionally:- no change to the surface of the right of way can be approved without consultation with the Council; there should be no interference with the right of way either whilst development of the site is in progress or afterwards; there is no diminution in the width of the right of way; there is no damage to the surface of the right of way; no additional barriers must be placed across the right of way; the safety of the public using the right of way is ensured at all times.

We do not object to the proposal.

Sport England

No objection raised subject to conditions.

Council's Sustainable Transport Officer

The thirty car parking spaces proposed for the two sports pitches is sufficient to accommodate the predicted demand generated by the development. The access is of sufficient width to accommodate the swept paths of cars and minibuses entering and leaving the site.

Adequate visibility is provided at the access for drivers of emerging vehicles to see approaching vehicles on Filton Road. There is no separate access for pedestrian and one should be secured by a suitable condition as well as the access improvements proposed.

Other Representations

4.3 Local Residents

One letter of objection received raising the following concerns:

- It would seem short-sighted to the extreme to develop any sports facility that has no changing room or toilets or car park. Also it appears that UWE believe that either all users will be transported, already changed into sports clothing, by shuttle bus to and from the facility or will walk or cycle already

changed which is astonishingly naive for such an experienced facilities provider. It seems more thought is required for this project particularly as the pitch specifications are not as recommended by Sport England.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal is for the change of use of agricultural land to 2no. sports playing pitches and associated works. The proposed pitches and associated works will be located within the Bristol / Bath Green Belt.

5.2 As with previous Green Belt policy the NPPF affirms that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.3 Policy LC5 of the South Gloucestershire Local Plan (Adopted) December 2013 allows for proposals for the development, expansion or improvement of outdoor sports and recreation (including water related recreation, motorised and noisy sports and golf facilities) outside the existing urban area and the boundaries of settlements subject to a number of criteria in relation to accessibility, impact upon the character and diversity of the landscape, environmental impact, transportation impact including levels of parking facilities, and public highway safety, residential impact, and any other loss of amenity.

5.4 Green Belt Assessment

National Planning Policy Framework clearly states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt serves five purposes:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns, and;
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.5 The NPPF states at para. 89 that the local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and goes on to list exceptions to this including buildings for agriculture and forestry. Pertinently, the NPPF does not state that changes of use in the green belt are inappropriate or indeed appropriate development. This is supported by the recent judgement of Mrs Jean Timmins And A W Lymn (The Family Funeral Service) Limited V. Gedling Borough Council and Westerleigh Group Limited - Case No:

CO/9587/2013 & CO/9276/2013 (March 2014). Justice Green ruled that any development in the Green Belt is inappropriate and can only be justified by “very special circumstances” except for the exceptions set out in paras 89 and 90 of the NPPF. Bullet point 2 in para. 89 states, as an exception, the:

“provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it”

- 5.6 As this bullet point does not expressly state “change of use” Justice Green ruled that a change of use to an outdoor sport, outdoor recreation or cemetery use must be inappropriate development in the green belt and very special circumstances are therefore required. The applicant has accepted this approach and has provided the following very special circumstances for the proposal:

1) *The Need for New Playing Pitches*

At the University’s main campus in Frenchay, the main sports provision is in the form of the Centre of Sport. The Centre is located to the north of the campus, between the Student Village and the outer Bristol ring-road. It provides a state-of-the-art gymnasium, squash courts, sports hall, aerobic studio, climbing wall and an outdoor multi-use astro-turf pitch. No other formal playing pitches are currently provided within the main campus.

The Hartpury Campus provides eight separate playing pitches, as well as other complementary sports facilities, and is the principal base for all sports study at the University. However, the Campus’ location near Gloucester means that these facilities cannot reasonably be shared with students located within the Bristol campuses.

Until its closure in July 2014, the St Matthias Campus also provided two grass playing pitches for use by the University, adjacent to other outdoor space provision at adjacent Oldbury Court. This provided an important supplement to playing pitch provision at the University. Shuttle services and public transport have proven sufficient in this instance to enable students to access the site and use the pitches, without recourse to private cars.

Consideration of retaining the pitches in their current location has been ruled out for a number of reasons. From a logistical perspective, the University considers the site too remote to continue providing a meaningful playing pitch provision in the long-term. Furthermore, development of the St Matthias Campus is a critical part of the University’s strategy to rationalise its education provision and generate much needed funding to support the enhancements to education, research and accommodation facilities at the campus. The St Matthias Campus is also allocated for residential development through the Site Allocations and Development Management Policies DPD in Bristol. Development of the site, including both sports pitches, is therefore critical to delivering a viable scheme of housing with a policy compliant provision of affordable homes, in line with Bristol City Council’s Development Plan.

With the loss of playing pitch provision the St Matthias Campus, and the planned strategy to expand the Frenchay Campus and increase the student population there, there is an urgent need to provide new playing pitch provision for students. This is required to address a loss of provision in absolute terms, and in proportionate terms.

If the University is to maintain and develop its existing role as a leading higher education institute, it is entirely necessary that it ensures that its educational facilities have the quality and capacity to enable it to achieve success. This encompasses the need to ensure an adequate provision of sports and athletics facilities. As such, with the loss of the existing pitches at the St Matthias Campus, and the long-term strategy to increase student recruitment, this need is pressing.

2) Consideration of Alternative Sites

The University has given considerable thought to the appropriate location of new playing pitches, with the key drivers being the need to provide pitches on land that is topographically suitable, available for use and in a suitably accessible location.

There are no suitable sites within the extent of the Frenchay Campus and associated landownership that could accommodate any new playing pitch provision at the level required. Much of the campus is already occupied by educational, administrative, leisure and accommodation buildings, with associated car parking, access and landscaping. The layout of these is such that there are no suitable plots of land that could accommodate broad, grassy playing pitches. Additionally, topography and natural landforms constrain the Campus.

Existing areas of grassland to the east of the Campus are to be substantially developed as part of the overall University expansion strategy, and to deliver a new stadium for Bristol Rovers Football Club (ref. PT12/3809/O). An uneven topography, along with the need to preserve the setting of Wallscourt Farmhouse (Grade II listed) and the Vice Chancellor's Office also preclude these areas from use as playing pitches.

With no available sites within the Frenchay Campus, consideration must be given to sites that are physically suitable, accessible to the Campus and acceptable in planning terms. Owing to the Campus' location at the edge of the urban limits of Bristol, there are numerous constraints impacting the availability of suitable sites for playing pitch development. Areas to the south and west are constrained by established and recent housing development, as well as retail and employment allocations and historic garden designations. By virtue of the developed and brownfield nature of these areas alone, there is little viable potential of developing these for playing pitches, and landownership presents an additional constraint.

The only suitable land for playing pitch development in proximity to the University lies to the east and north-east of the Campus. The land to the immediate east of Coldharbour Lane is predominantly occupied by the Bristol Business Park, a protected employment site, the University's principal overspill

parking, and a major residential development allocation. Land to the north-east of the site is allocated to be developed as part of the 'East of Harry Stoke' urban extension. Beyond this, land is allocated as Green Belt, in a wedge between the Campus and Frenchay village.

As such, the logical conclusion presented by a reasoned assessment of available sites is that any new provision of playing pitches at UWE can only reasonably be provided within Green Belt land. No topographically suitable or undeveloped sites are available within the Frenchay Campus, and other surrounding areas are constrained significantly by existing development or development site allocations, with the associated cost and site ownership constraints also presenting considerable barriers to reasonably achieving any sports pitch provision. Considering the pressing need to deliver replacement and new playing pitch provision, the University has been left with no reasonable option other than to pursue development on this Green Belt location.

3) *Summary of Very Special Circumstances*

As outlined above, we consider that these proposals are supported by a demonstrable case. Both due to the unavoidable loss of pitches at the St Matthias Campus, the University's on-going strategy to rationalise and enhance its facilities and provision, there is a pressing need to deliver new playing pitches at the Frenchay Campus. However, the lack of suitable and available sites within or around the campus means that the University has no reasonable alternative but to pursue provision within nearby Green Belt land.

We contend that these considerations amount to 'very special circumstances' that are required to support development that would otherwise be prohibited as 'inappropriate' (NPPF, Paras. 87-88).

We have identified clear precedents in case law that support the perspective that the need for and benefits of education and sports provision can be considered 'very special circumstances'. With particular interest as a post-Gedling decision, we highlight a recent appeal at Godalming College, Ashted Land, Godalming, survey (ref. APP/R3650/A/13/2205408).

The development proposed sought to relocate existing playing pitches upon a Green Belt site. The rationale for this relocation was to enable the development of the original location of the pitches for residential dwellings (also improving amenity for neighbouring residences caused nuisance by the presence of the pitches), and the need to enhance provision at the College. The proposals also included ancillary changing and equipment storage facilities.

Specifically, the Inspector concluded:

'In this case, the harm due to inappropriateness, the slight degree of harm to the openness of the Green Belt due to the engineering operations and games paraphernalia and the minor / moderate impact on character and appearance are significantly and demonstrably outweighed by the benefits of the new educational facilities, a qualitative improvement in playing field provision near to the College and the supply of a substantial area of new housing including

affordable units. These advantages amount to the very special circumstances necessary to justify the development.'

For convenience and reference, we have included the Inspector's decision in full with this letter. The circumstances of this case are highly comparable to those within our planning application, namely the need to provide compensatory and enhanced playing pitch provision and the need to utilise a Green Belt location in the absence of any available or sequentially preferable locations.

Though noted before, it is worth us placing heavy emphasis upon paragraph 81 of the NPPF, which emphasises the following:

'Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.'

Though the Gedling judgement has indicated that a material change of use within the Green Belt should be considered as 'inappropriate development', there remains clear steer, both within the NPPF and in recent case law, that playing pitch provision remains a positive and beneficial use of Green Belt land, and where associated with educational need and use, it can amount to 'very special circumstances' justifying development, even where minor harm to openness would be caused. In light of the justification we have set out above, we contend that there are clear and demonstrable 'very special circumstances' justifying the material change of use to provide new playing pitches at this application site.

5.7 Analysis of Very Special Circumstances

A clear need for the pitches has arisen with the loss of 2no. sports pitches at the UWE St Matthias Campus in Bristol. In order to justify the granting of planning permission, the applicant needs to demonstrate why the proposal needs to be located on this particular site. With regard to the site selection, the applicant has demonstrated that an extensive search of sites in the local area has been carried out and the only suitable, available land falls within the green belt. The UWE is restricted in this sense as it is bounded by green belt to the east. The proposed site is located close to the main UWE Campus and would be easily accessible for students living on the Campus. The proposal would include little in the way of sporting paraphernalia: goalposts, corner flags. No floodlighting or clubhouse is proposed. The area of parking close to the entrance to the site would provide the biggest visual impact. There would also be some levelling of the ground that would have a minimal impact on the landscape and visual appearance of the site. Overall, it is considered that there would be minimal impact upon the openness of the green belt. This minimal harm is weighed up against the very special circumstances provided by the applicant which demonstrate a need for the pitches, a lack of alternative sites and that the application site is suitable and available for use as 2no. sports pitches. As such, it is considered there are very special circumstances that

outweighs the harm to the green belt by reason of inappropriateness and the principle of development is therefore acceptable.

5.8 Design and Visual Amenity Issues

As no built form is proposed the visual impact of the development is considered to be minimal. The field would be levelled for the playing pitches with the ground being dropped in height by approximately 2 metres in the western corner. It is not considered this would have a significant impact on the landscape as views would be retained across the field from the east and beyond. The main visual impact will be as a result of the parking area for 30 cars. During daylight hours when the pitches are in use there will be cars parked, however clearly when the pitches aren't in use the only impact will be from the proposed hardstanding. The applicant is proposing grasscrete, a hard surface that will allow grass to grow through it and thus attempt to retain the appearance of a field. This is considered acceptable. There would be some paraphernalia associated with the sports pitches such as goalposts and corner flags however the impact of this would be minimal and is not considered harmful to the visual amenity of the site.

5.9 Transportation

Initially the applicant proposed no car parking on the application site but following Officers concerns 30 onsite car parking spaces have now been provided. This level of car parking is sufficient to accommodate the predicted demand generated by the development, much of which will be off-peak in daylight hours. Cycle parking is also proposed and Officers consider it necessary to attach a condition to the decision notice requiring the cycle parking be implemented prior to first use of the pitches and that full details of the cycle storage is submitted. The proposed access is of a sufficient width to accommodate the swept paths of cars and minibuses entering and leaving the site. Alterations are required to the existing access to achieve adequate visibility and so a Grampian condition is proposed to ensure these works take place in accordance with the layout drawing. No footway has been provided alongside the access and so a condition will also be attached requiring a pedestrian access of 1.8 metres in width be provided prior to first use of the pitches. Subject to the aforementioned conditions, Officers consider the proposal acceptable in terms of transportation.

5.10 Residential Amenity

No floodlighting or clubhouse facilities are proposed. The use of the pitches would therefore be restricted to daylight hours. The nearest residential properties are approximately 100 metres away and this is considered far enough for there to be no undue loss of residential amenity to occupiers caused by noise or traffic.

5.11 Sport England Requirements

Sport England have commented that the proposed pitches are undersized however the applicant points out that the pitches are still larger than the 2no. pitches being lost at the St Matthias Campus. The proposal satisfies objective 3 of Sport England's three objectives in its involvement in planning matters, namely to "provide new facilities to meet demand". As such, Sport England supports the principle of this planning application. Concern has been raised by

Sport England and a member of the public regarding the lack of changing provision. The applicant has stated that facilities for changing are provided on the UWE Campus and a shuttle service bus will transport students from the Campus to the pitches. It is not considered unusual for sports pitches to not be accompanied by changing facilities and the lack of provision of changing facilities on-site is not contrary to planning policy. As such, this concern would not warrant a refusal of the planning application. Sport England request a condition to assess ground conditions to ensure drainage will be satisfactory, this will be covered by a SuDs condition. Sport England requests two further conditions to be applied relating to community use of the pitches and laying out the pitches in accordance with guidance note "Natural Turf for Sport" (Sport England, 2011). The latter condition is not considered to pass the tests as set out in the NPPG as it is not considered "necessary" in order to grant permission. It will however be attached to the decision notice as an informative. Sport England's request for a management programme for community use of the pitches is considered to be in accordance with the NPPG tests and in accordance with the Council's Core Strategy and so this condition will be applied.

5.12 Landscaping

The site lies adjacent to the M32 to the east of Sims Hill woodland and comprises two sloping pasture fields enclosed by clipped hedgerows. Due to the topography of the site a considerable amount of cut and fill will be required to accommodate the pitches, leading to a visual change to the hillside. Information submitted regarding tree protection, hedgerow removal and planting plan has thus far been largely unacceptable. Officers consider it appropriate to include a landscaping condition requiring 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 (including parking areas) be submitted to the Council for approval prior to the commencement of development.

5.13 Agricultural Land Classification / Soil Handling

The Agricultural Land Classification of farmland determines the versatility and suitability for growing crops. The top three grades, Grade 1, 2 and 3a, are referred to as 'Best and Most Versatile' land. A "Soil Handling and Mitigation" report has been submitted by the applicant and identifies the application site as being grade 1 – excellent quality. Policy CS9 of the Core Strategy states at (9) that new development will be expected to: "maximise opportunities for local food cultivation by (a) avoiding the best and most versatile agricultural land and; (b) safeguarding allotment sites". In this instance the applicant has provided very special circumstances that demonstrate the 2no. sports pitches have to be provided on the application site. As such, whilst the Council seeks to avoid the loss of high quality agricultural land through Policy CS9 in this case the loss of the grade 1 land could be unavoidable. The applicant's Soil Handling and Mitigation report provides essentially a best practice guide to how excavation works can take place on the site that will retain the grade 1 land classification. A condition is suggested to ensure works are carried out in accordance with the report to give the land the best possible chance of retaining its classification.

5.14 Drainage

The Environment Agency have raised no objection to the proposal subject to a condition requiring a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Officers concur with this approach and so an appropriately worded condition will be attached to the decision notice.

5.15 Ecology

Neither the site itself or the immediate environment are subject to any nature conservation designations. Development on the grassland of the site would have a low impact on biodiversity, but opportunities for enhancement should be taken in accordance with Policy CS9 of the Core Strategy. An Ecological Report (Wessex Ecological Consultancy, dated May 2014) has been submitted with the application. The report suggests the creation of wetland in the form of a ditch which should be subject to a management plan. This can be secured via an appropriately worded condition. Subject to this condition, the proposal complies with Policy CS9 of the Core Strategy.

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.
- 6.3 In accordance with the Town and Country Planning (Consultation) (England) Direction 2009 Circular 02/2009 it has been assessed that this application does not need to be referred to the Secretary of State. This is because the Green Belt development under consideration, whilst representing a Departure, does not consist of or include-
- a) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
 - b) Any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.
- 6.4 No buildings are proposed and as concluded in section 5.7 of this report, the proposal would not have a significant impact on the openness of the Green Belt due to the lack of any built form being proposed and the levelling of the land and provision of grasscrete car parking area only having a minimal impact on openness.

7. RECOMMENDATION

7.1 That planning permission is **GRANTED** subject to the following conditions:

Contact Officer: Will Collins
Tel. No. 01454 863425

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

To conserve and enhance the natural environment and in the interests of visual amenity to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

4. Prior to the commencement of development an ecological enhancement plan based on the recommendations in the mitigation and enhancement section of the Ecology Report (Wessex Ecological Consultancy, dated May 2014) shall be submitted to, and approved in writing by the Local Planning Authority. For the avoidance of doubt the ecological enhancement plan will include hedgerow management and the consideration of further enhancements. Development shall be carried out in accordance with the approved details.

Reason

To conserve and enhance the natural environment to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

5. The development hereby approved consists of the 2no. sports pitches and associated works as shown on drawing reference '14714/SKT03 Rev D' only.

Reason

The proposed layout plan '14714/SKT03 Rev D' does not show any development in the residual area of the site (to the south of the 2no. sports pitches), therefore any unlawful use or development of this would be contrary to the planning permission.

6. Development shall be carried out in strict accordance with the 'Soil Handling and Mitigation' report received by the Council on 3rd November 2014.

Reason

To maximise the opportunity for future local food cultivation by avoiding the loss of the best and most versatile agricultural land (grade 1) and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

7. All off-site highways works as shown on drawing 14714/SKT03 Rev D shall be completed to the satisfaction of the Highway Authority prior to the commencement of recreational use of the development hereby approved of the 2no. sports pitches as shown within the 'red edge' on drawing 14714/SKT03 Rev D.

Reason

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

8. Prior to the commencement of development full details of a minimum of 4no. covered and secure cycle spaces 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 promote sustainable transport options and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

9. Notwithstanding drawing 14714/SKT03 Rev D a revised drawing showing a pedestrian access a minimum of 1.8 metres wide adjacent to the west side of the proposed access to the site shall be submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

10. Prior to the first use of the 2no. sports pitches hereby approved a community use management programme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of hours of use, access by non-educational establishment users/non-members, management responsibilities, a

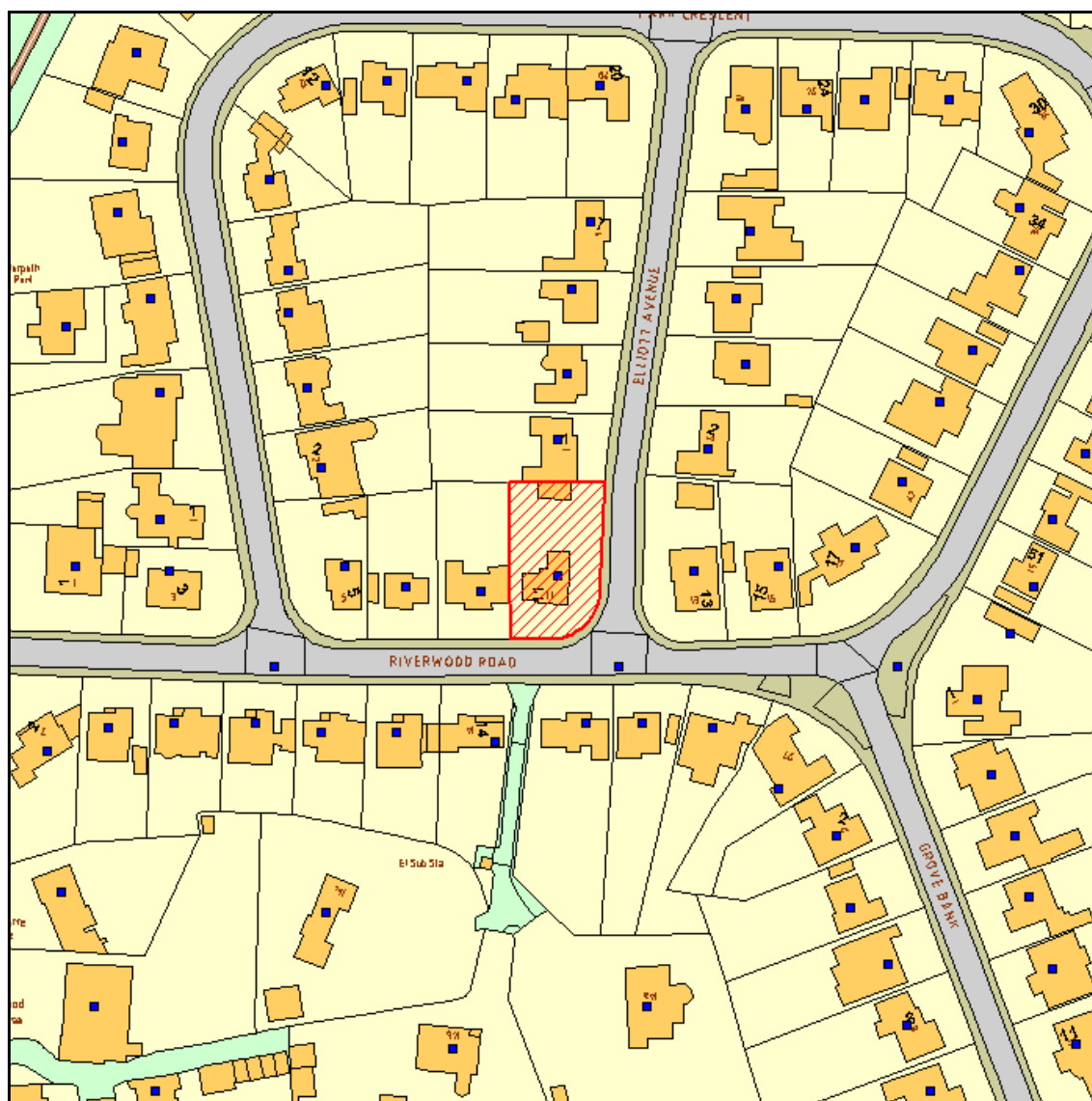
mechanism for review and a programme for implementation. The approved programme shall be implemented upon the start of use of the development and shall be complied with for the duration of the use of the development.

Reason

To enhance community infrastructure and promote sustainable communities and to accord with Policies CS23 and CS24 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

CIRCULATED SCHEDULE NO. 49/14 – 5 DECEMBER 2014

App No.:	PT14/3352/F	Applicant:	Mr Robert Hammick
Site:	11 Riverwood Road Frenchay Bristol South Gloucestershire BS16 1NX	Date Reg:	15th September 2014
Proposal:	Erection of 1no. detached dwelling with access and associated works. Erection of single storey side and single storey rear extensions to existing dwelling. (Resubmission of PT14/0982/F).	Parish:	Winterbourne Parish Council
Map Ref:	364306 178113	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	23rd October 2014



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N.T.S.

PT14/3352/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 Erection of 1no. detached dwelling with access and associated works. Erection of single storey side and single storey rear extensions to existing dwelling. The application is essentially a resubmission of a previous proposal PT14/0982/F, for similar development. The proposals would involve the demolition of an existing detached single garage and the construction of a dwelling in its place. The host dwelling would also see alterations in that the existing two storey rear extension would be reduced in length and a single storey rear lean-to extension would be added. A single attached garage would also be added to the side of the property.
- 1.2 The site is the rear curtilage of number 11 Riverside Road, the garage of which, due to its corner location, fronts out onto Elliot Avenue Road. The site situated in the residential area of Frenchay.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within Existing Residential Curtilages, Including New Extensions and New Dwellings
T8 Parking Standards
T12 Transportation for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist – August 2007
South Gloucestershire Residential Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 P94/1935 – Demolition of existing single storey extension and erection of replacement single storey extension to form garage and utility room. Erection of two storey side extension to form enlarged study and bedroom. Approved 10th August 1994.

3.2 P95/2452 – Erection of two storey rear extension to form utility room and study with bedroom over. Erection of detached garage. Approved 27th November 1995.

3.3 PT14/0982/F – New detached dwelling with associated external works and alterations to existing property. Withdrawn 8th May 2014.

4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council

The comments of the PC are strong objection , 8 residents attended the meeting to voice their objection. The previous application for this site was withdrawn however this remains the worst sort of infill and garden grabbing. The proposal will directly affect several existing properties with loss of privacy and excess noise and disturbance. The proposal is overbearing, out of scale and out of character in its appearance in comparison with other properties on the site. The development would adversely affect highway safety and cause parking congestion.

Sustainable Transportation

Existing dwelling parking:

The proposed garage is smaller than the Councils standard of 3m x 6m. There is however sufficient space on the hardstanding for up to 3 cars to park and as such complies with the Councils standard.

Proposed dwelling parking:

1 space is provided and this is consistent with the Councils standard for 2 bed dwellings, i.e. 1.5 spaces rounded down to the nearest whole number. Adequate visibility is available at both accesses between cars emerging and vehicles and pedestrians on Riverwood Road and Elliot Avenue.

I recommend no highway objections subject to the following conditions.

The development shall not be occupied until the access and parking (car and cycle) arrangements have been completed in accordance with the submitted details.

Reason: In the interest of highway safety and to promote sustainable transport choices.

Within one month of the new access being brought into use the existing redundant access shall be removed and the footway reinstated to a full height kerb.

Reason: In the interest of highway safety.

Informative:

The proposed development will require one vehicle crossover to be removed and a new vehicle crossover from the carriageway and under Section 184 of the Highways Act 1980 and the Applicant is required to obtain the permission of South Gloucestershire Council (Developments

Implementation Team) as Highway Authority on 01454 863728 before commencing ANY works on the highway.

Highways Structures

No comment

Other Representations

4.3 Local Residents

51 letters of objection from local residents have been received raising the following concerns:

- Cramped development
- Out of keeping with the character of the area
- Detracts from the quality of the estate
- Dwellings are characterised by good design, scale and building materials providing suitable amenity space, the proposals do not reflect this
- Visual Impact
- Impact upon distinctiveness of area
- Over development
- The plot is too small and is a small garden, not a building plot
- Lack of amenity space
- 'Garden grabbing'
- Sets a precedent for other potential similar development in the area
- Contrary to national and local policy
- Poor materials
- Proposals are out of scale with surrounding area
- Overbearing and overshadowing of adjacent private garden
- Overlooking of neighbouring gardens and properties
- Loss of privacy on numerous houses
- Concerns over proximity of proposed attached garage
- Additional traffic
- Additional cars parked on road
- Poor visibility onto road
- Impact upon wildlife/protected species
- One letter has been received expressing support

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Policy CS1 states that development will only be permitted where the highest possible standards of design and site planning are achieved. In particular siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character and distinctiveness and amenity of both the site and its context, and density and overall layout is well integrated with existing adjacent development high standard in design and site planning, including siting, form, scale, height, massing, detailing, density and layout that respects,

enhances and integrates with the existing area. Policy H4 of the SGLP states that proposals will only be permitted where they respect the massing, scale proportions, materials and overall design and character of the existing property and the existing street scene and the surrounding area and would not prejudice the amenity of nearby occupiers.

5.2 Design/Layout

There is a very distinct local layout and design style at this particular estate location which the proposed dwelling detracts from. The plot allocated for the proposed development is very small. Its extremely limited curtilage would contrast with the more generous nature of surrounding houses and their plots and, as such, that it would appear cramped or forced into an unsuitable space. Accordingly it would have a harmful impact on the character and appearance of the area, contrary to the principles of the policies quoted above.

5.3 In attempting to fit an additional dwelling within a small plot, the design is compromised and not in keeping with the surrounding area and streetscene in form, height and scale, whilst appearing to be forced within the plot. The proposal consists of two levels, although the first floor windows are dormer style set within the roof, with the ridge of the roof set approximately 1.3 metres lower than the adjacent property. Whilst there are both two storey dwellings and bungalows within the immediate area they contribute to a much more natural, flowing appearance to the streetscene in terms of layout and design, width and height, whilst the proposals appear to compromise purely to fit into the plot. A bigger dwelling would of course give rise to an even greater sense of cramped development and less amenity space, (as well as further residential amenity impact – discussed in more detail in the relevant section below). The issues and difficulties are therefore symptomatic of the size and location of the plot which is seeking to be developed.

5.4 The relationship of the proposal to the surrounding area would be poor and incongruous with the residential layout and density of the surrounding area. The proposal would appear incongruous in the street, creating visual harm to the street scene. This harm would be significantly compounded by the visual prominence of the site in the street scene. On this basis, and considering the application on its own merits, the proposal would fail to respect and enhance the character, layout, design, distinctiveness and amenity of both the site and the locality and as such would fail to accord with Policy CS1 of the Core Strategy and H4 of the SGLP.

5.5 Residential amenity

The proposal would extend parallel to the shared curtilage boundary with no. 9 Riverwood Road. The rear elevation of the proposed dwelling would extend to within approximately 7.3 metres of the shared boundary. The building height to the ridge of the roof would be approximately 6.9 metres. On this elevation would be two dormer windows essentially at first floor level, facing the rear curtilage of no. 9. Given the location, design, scale and orientation of the property in relation to adjacent properties it is considered that the proposals would give rise to material overbearing and overlooking impacts sufficient to warrant refusal of the application on loss of amenity grounds. On this basis the

proposals would be contrary to Policy H4 of the SGLP and CS1 of the Core Strategy.

5.6 Highway

There are no objections on highways grounds on the basis of the provision of off street parking spaces in accordance with the Councils current parking standards, and subject to recommended conditions and informatives.

6. CONCLUSION

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

6.2 The proposed new dwellinghouse by virtue of its siting, design, scale and massing is considered to result in a cramped and incongruous form of development which does not respect or enhance the character of the area, is out of keeping with the surrounding estate and as such is not in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and does not achieve the highest possible standards of design and site planning required by Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013. Further to this The proposed development by reason of its location, mass, height and design would have an overbearing and overlooking impact upon adjoining properties which would be to the detriment of residential amenity and would also be contrary to Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Adopted December 2013.

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

7. RECOMMENDATION

7.1 That the application be REFUSED for the reasons stated in the attached decision notice.

Contact Officer: Simon Ford
Tel. No. 01454 863714

REASONS

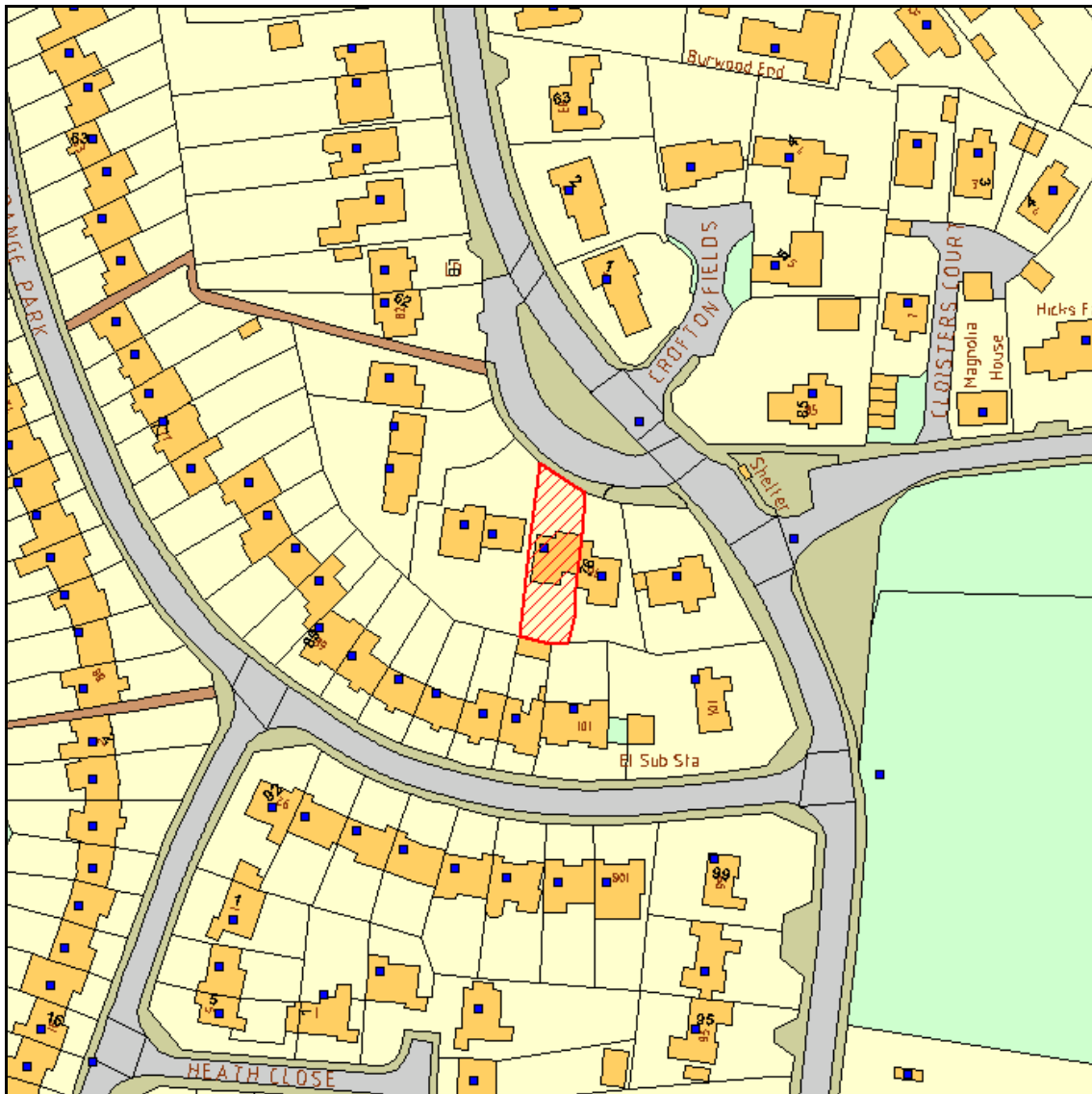
The proposed new dwellinghouse by virtue of its siting, design, scale and massing is considered to result in a cramped and incongruous form of development which does not respect or enhance the character of the area, is out of keeping with the surrounding estate and as such is not in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and does not achieve the highest

possible standards of design and site planning required by Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

The proposed development by reason of its location, mass, height and design would have an overbearing and overlooking impact upon adjoining properties which would be to the detriment of residential amenity and would also be contrary to Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Adopted December 2013.

CIRCULATED SCHEDULE NO. 49/14 – 5 DECEMBER 2014

App No.:	PT14/3906/F	Applicant:	Mr And Mrs Heley
Site:	74 Nicholls Lane Winterbourne Bristol South Gloucestershire BS36 1NE	Date Reg:	21st October 2014
Proposal:	Erection of two storey rear and side, and first floor rear and side extension to form additional living accommodation.	Parish:	Winterbourne Parish Council
Map Ref:	365389 180688	Ward:	Winterbourne
Application Category:	Householder	Target Date:	10th December 2014



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PT14/3906/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been reported to the circulated schedule because a number of objections have been received from neighbouring dwellings. It should be noted that revised plans have been received which have received further objections.

It should also be noted that it has been agreed that Winterbourne Parish Council have an extended deadline until 2nd December 2014 to comment on the revised plans due to the substantial changes that have been made and the response from neighbouring dwellings. Therefore if any additional issues are raised by the Parish Council that have not yet been addressed in the report, then it will be pulled from the Schedule and referred again at a later date.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The applicant seeks full planning permission for the erection of a two storey side and rear extension and a first floor rear extension to form additional living accommodation. To facilitate the extension, the existing attached garage and porch would be demolished.
- 1.2 The application site consists of a two storey detached dwelling located on the western side of Nicholls Lane, Winterbourne. The dwelling is set back from the highway and is accessed via a crescent shaped spur road. The street scene is characterised by modern linked and detached properties typical of a suburban area, with a staggered building line. The majority of dwellings have pitched roofs with flat roof attached garages which adjoin with a porch and protrude outwards slightly. The majority of dwellings have not been subject to development to the principle elevations. That said, the neighbouring dwelling to the east (No. 76) has a first floor side extension above the attached pitched roof garage.
- 1.3 It should be noted that following negotiations to reduce the impact on residential amenity, revised plans were submitted and accepted on 12th November 2014.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS8 Improving Accessibility

South Gloucestershire Local Plan (Adopted) January 2006

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

- 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 PT06/2408/F - Erection of single storey rear extension to form additional living accommodation - Approved 25/09/2014

N5684 - Erection of extension to existing garage. Erection of front entrance porch - Approved 12/07/1979

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
In response to the originally submitted plans the Parish Council raised no objection.

In response to the revised plans, the Parish Council strongly object due to two members attending the meeting who strongly objected on grounds of overlooking and overshadowing.

- 4.2 Other Consultees

Highway Drainage
No comment

Archaeology Officer
No comment

Sustainable Transport
No objection

Other Representations

- 4.3 Local Residents

4.3.1 One letter of support was received from a neighbouring dwelling to the rear of No. 74 Nicholls Lane which stated that they had no objections.

4.3.2 Seven letters of objection have been received from the occupiers and past occupiers of the two properties either side of the application site (No.72 and No. 76) in response to both the originally submitted plans and the revised plans. The representations received in response to the revised plans are summarised below;

- The revised plans would have an even more overbearing impact on No. 76 than the original plans with regard to loss of privacy and light to both the northern and southern aspects.
- The master bedroom window would overlook into the rear garden of No. 76.
- The front bedroom window would overlook the driveway of No. 76

- The new double glass doors would produce more noise
- Extra building work would disrupt integral asbestos within the existing garage of No. 74
- The revised application would affect neighbour's day-to-day life due to lack of privacy
- Proximity of the two properties would mean it would be impossible to erect scaffolding safely
- The revised extension is still overbearing to No. 72 and not in keeping with other properties in this rank
- Fear that the disruption of soil and additional weight would lead to settlement damage of the old farm site.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Visual Amenity

As previously described, the building line and massing in the streetscene is fairly uniform to the front with the majority of extensions and alterations located to the rear of dwellings, bar the first floor side extension above the garage to the adjoining neighbouring dwelling to the east (No. 76). It is therefore important in this case to retain the existing staggered building line and not overly alter the massing to the principle elevation.

5.3 The proposal consists of a wrap-around extension to the east and south elevations, with a replacement porch and garage, a two storey side extension and rear extension and a single storey rear extension. To the front, the existing flat roof of the garage and porch would be demolished and replaced with a garage and porch with a pitched roof. Whilst not entirely in keeping with the streetscene the proposed pitched roof on the garage is similar to that of the next door neighbour (No. 76) and is a more sustainable design than the existing flat roof. Furthermore, the two storey side extension would be set back and the ridge height would be lower than the existing dwelling. Neighbours from No. 76 have expressed concern over the proximity of the side extension to their property and state that it would be out of character. Whilst these are valid concerns, the side extension would sit in the same position as the existing garage no closer than the existing garage, bar the overhand of the eaves of the proposed garage which are not considered to have a detrimental impact. Furthermore, it should also be considered that there are two side extensions existing in the street scene (including the complainants of No. 76) and an extant permission for a third, and that the side extension demonstrates a subservient design that retains the staggered street pattern.

- 5.4 To the rear of the dwelling, the applicants propose a two storey extension attached to the side extension and a single storey rear extension. The two storey extension would have a pitched roof and single storey extension would have a mono-pitched roof. While it is acknowledged that the two storey extension is a large addition, both extensions demonstrate a subservient design and retain the staggered building pattern of the street scene. Furthermore, the modern suburban design and use of materials would match the existing dwelling well.
- 5.5 Overall, it is considered that the impact of the proximity of the dwellings is outweighed by the subservient design of the extensions. Furthermore, the proposal demonstrates that it has been informed by the existing dwelling and surrounding area. As such, the proposed development is considered acceptable in terms of visual amenity.
- 5.6 Residential Amenity
As previously mentioned, the application site is surrounded by neighbouring dwellings to the east, south and west. Due to the staggered building pattern, the dwelling to the east (No. 76) sits slightly behind the original host dwelling (No. 74) and the dwelling to the west sits slightly ahead. This has however altered slightly due to existing extensions on each property. Objections have been received from both of these properties in relation to a loss of privacy and sunlight. The proposed side extension would face onto the existing side extension to No. 76, however given there are no side facing windows to No. 76, the proposal would not cause a loss of privacy to the dwelling. The neighbours were particularly concerned with the overlooking onto the driveway and rear garden, however the proposed extension would not significantly increase the current level of overlooking which should be expected in a suburban residential area. Concerns were also raised from No. 76 in regard to the proximity of the side extension to their dwelling and the overbearing impact this would have. It should be considered however that the extension would sit an equal distance away from the boundary than their existing side extension. It is acknowledged that the dwellings would be in close proximity, however the following points should also be considered; firstly, the two storey extension would be set back from the principal elevation; secondly, the extension would take the same footprint of the existing garage which is already in close proximity; and finally; each dwelling has an additional side access on the other side and so the extension would not result in a loss of side access to the rear. On balance, the side extension is not considered to cause an unacceptable level of overshadowing to No. 76.
- 5.7 To the west, No. 72 sits ahead of No. 74. Original plans submitted with the application proposed a two storey rear extension above the existing single storey rear extension spanning the width of the house. Whilst there are no issues of overlooking, the original submission would have resulted in a loss of light to No. 72. Through negotiation, the proposal was altered to reduce the width of the rear extension, in order to reduce the overshadowing. Whilst the occupiers of No. 72 still objected to the revised plans on grounds of overshadowing, the revised two storey rear extension is considered to be a sufficient distance away and is not considered to result in a loss of light to the

first floor bedroom windows and is not considered to result in an unacceptable level of overshadowing to the ground floor extension.

5.8 On balance whilst the objections raised valid points, once assessed the proposal is not considered to be detrimental to the living conditions currently enjoyed by the dwellings in the surrounding area to an unreasonable extent given the suburban extension and it is therefore considered acceptable in terms of residential amenity.

5.9 Sustainable Transport

The proposal would add a fourth bedroom to the dwelling which requires a minimum of two off-street parking spaces. The existing driveway has two off-street parking spaces and so the proposal conforms to the Council's residential parking standards. As such, there no transportation objections to the proposal.

5.10 Other Issues

It should be noted that a number of other issues have been raised through neighbour representations (para 4.3.2), including concern over the land stability following the construction and concern over the presence of asbestos in the roof of the existing garage. Whilst these are valid concerns they do not fall within planning matters and cannot form a consideration in the determination of this 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 permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Hannah Minett
Tel. No. 01454 862495

CONDITIONS

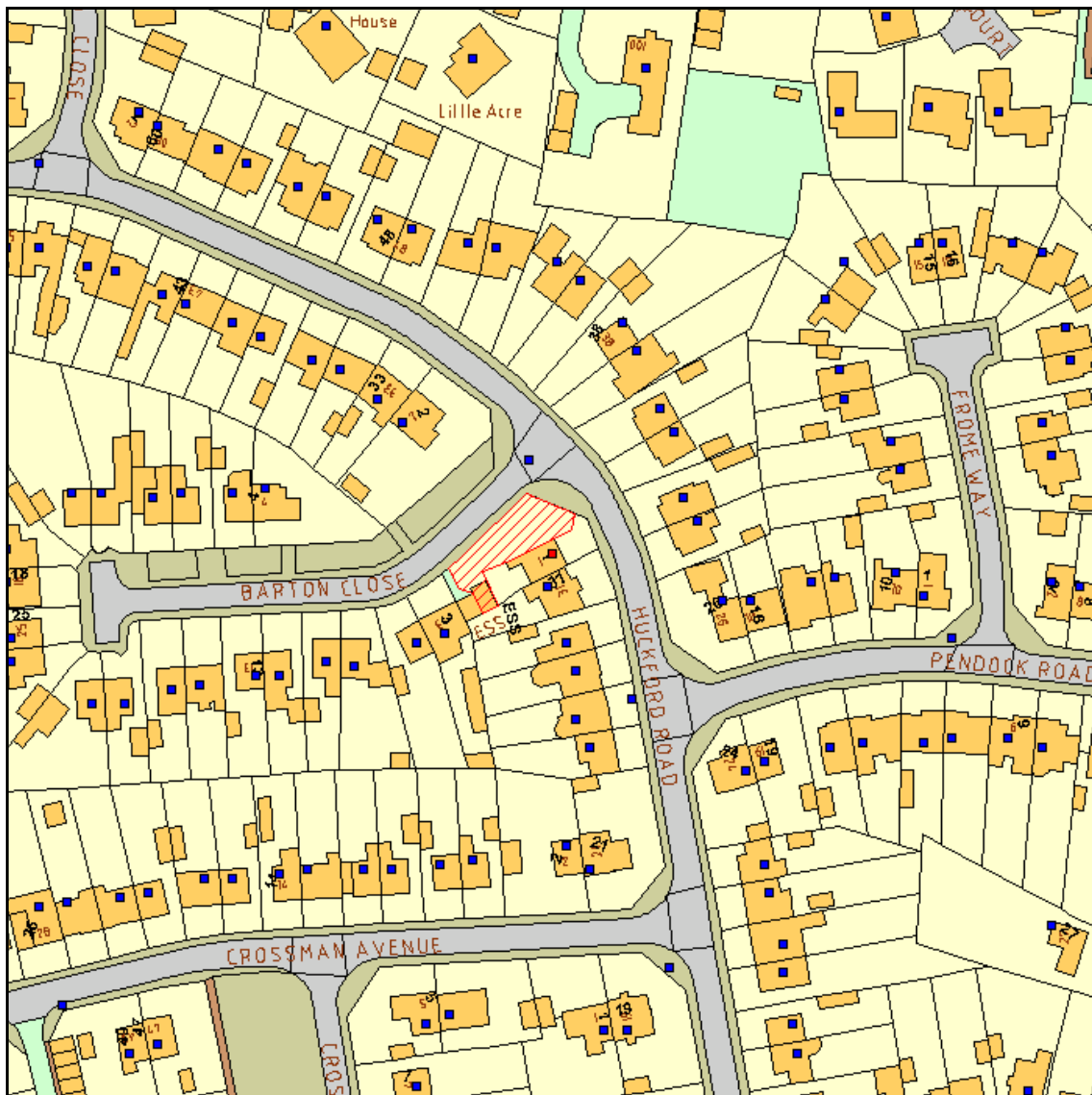
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 49/14 – 5 DECEMBER 2014

App No.:	PT14/3910/F	Applicant:	Mr David Phippen
Site:	Land Adjacent To 1 Barton Close Winterbourne Bristol South Gloucestershire BS36 1DY	Date Reg:	16th October 2014
Proposal:	Erection of attached dwelling with new access and associated works.	Parish:	Winterbourne Parish Council
Map Ref:	365246 180246	Ward:	Winterbourne
Application Category:	Minor	Target Date:	2nd December 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is to appear on Circulated Schedule due to the receipt of one objection from a local resident, contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the erection of an attached dwelling with new access and associated works.
- 1.2 The application site relates to the side garden area of no. 1 Barton Close, Winterbourne. The property occupies a large corner plot and is situated on the junction of Barton Close and Huckford Road.
- 1.3 The application site is situated within the settlement boundary of Winterbourne in an established residential area. The site is not covered by any statutory or non statutory designations.

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
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas

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

H4 Development within Existing Residential Curtilages
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control Policy
L1 Landscape Protection and Enhancement
EP2 Flood Risk and Development

- 2.3 Supplementary Planning Guidance
Residential Parking Standards SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection.
- 4.2 Drainage
No objection.
- 4.3 Trading Standards
No objection.
- 4.4 Transportation
No comment received.

Other Representations

- 4.5 Local Residents
Two comments have been received from local residents.

Mixed comments were received from one local resident:

- To use the allocated parking will require no vehicles to be parked on the opposite side of the road;
- Could cause additional on-street parking;
- Similar corner plot developments usually park on the road in front of house or junction;
- This development will make a semi-detached house a mid-terrace, which will devalue both houses.

An objection has been received from a local resident:

- Front garden being made into parking spaces, affecting the houses opposite;
- Make parking access from Barton Close only?

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The principle of the proposed development stands to be assessed against saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006, policies CS5, CS16 and CS17 of the Core Strategy (Adopted) 2013, and the National Planning Policy Framework (2012). The erection of new dwellings within existing residential curtilages and within the boundaries of settlements is considered acceptable in principle subject to criteria relating to design, residential amenity and highway safety.
- 5.2 The design principles contained within policy CS1 of the Core Strategy (Adopted) 2013 states that development proposals will be required to demonstrate that siting, form, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of the both the site and its context.

5.3 Design and Visual Amenity

The proposal is to erect an attached double storey, four bedroom dwelling to the side of no. 1 Barton Close. The site is situated on the corner of the junction between Barton Close and Huckford Road. The proposal includes provision for a detached rear single garage for the proposed dwelling and off-street parking for both no.1 Barton Close and the proposed dwelling. The boundary of the site would create a terrace of three dwellings, with garden around the front, side and rear. The proposal would not appear out of character in the area as there are other examples of attached dwellings on Huckford Road (no. 63). The proposal would also contribute to creating a housing type mix in the locality.

5.4 The details submitted indicate a dwelling with a gable end matching no. 1 in height. The proposed dwelling has been set back from the front elevation to appear subservient and is a similar width to the existing dwelling in order to retain open space around the side. This open space contributes towards the spacious nature of the estate as well as being located on a prominent corner junction to Barton Close.

5.5 It is considered that the proposal is modest in scale and fits with the character of the surrounding area. Roof, window and door materials will match the existing dwelling. Given that the location is to the side of an existing pair of semi-detached dwellings, the proposal would appear as an appropriate addition to the street scene.

5.6 Residential Amenity

In terms of residential amenity, the proposed dwelling is unlikely to have a significant impact on the neighbouring occupiers to the north, east and west by virtue of overbearing impact, loss of outlook or loss of light due to its siting and distance from the nearest neighbouring properties.

5.7 In terms of private amenity space, the plans have identified a rear garden area for both the proposed and existing dwellings. Although the amenity space for no. 1 Barton Close is small, it is considered acceptable. Sufficient garden space will remain to serve the occupiers of both no. 1 Barton Close and the proposed dwelling.

5.8 Transportation

The Council's adopted Residential Parking Standards SPD (December 2013) sets out minimum parking standards for all residential development. The standards contained within this SPD state that a three to four bedroom dwelling must have a minimum of two off street parking spaces. The plans submitted include provision for two parking spaces at the front of no.1 Barton Close and three parking spaces to the rear of the proposed dwelling. The proposed garage falls short of the minimum internal measurements (3m by 5.88m); however the minimum number of parking spaces has been met.

5.9 Concerns have been raised by local residents about the impact of the proposed parking arrangements on the locality. The proposed parking arrangements would provide adequate off-street parking for both properties which would reduce any additional need to park on the road around no.1 Barton Close and the proposed dwelling. This is not considered to be detrimental to the existing

on-street parking availability. The proposed dwelling will utilise the existing garage and parking area associated with no.1 Barton Close. No. 1 Barton Close will have its own parking area at the front of the property, which is similar to a number of properties in the area. Overall, the proposed parking and access arrangements are considered acceptable and would not have any material impact on highway safety. A condition is proposed to ensure the provision of the off-street parking shown for both the existing and proposed dwellings prior to the occupation of the new dwelling.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **approve** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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 **approved**, subject to the conditions attached to the decision notice.

Contact Officer: Katie Warrington
Tel. No. 01454 863436

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).

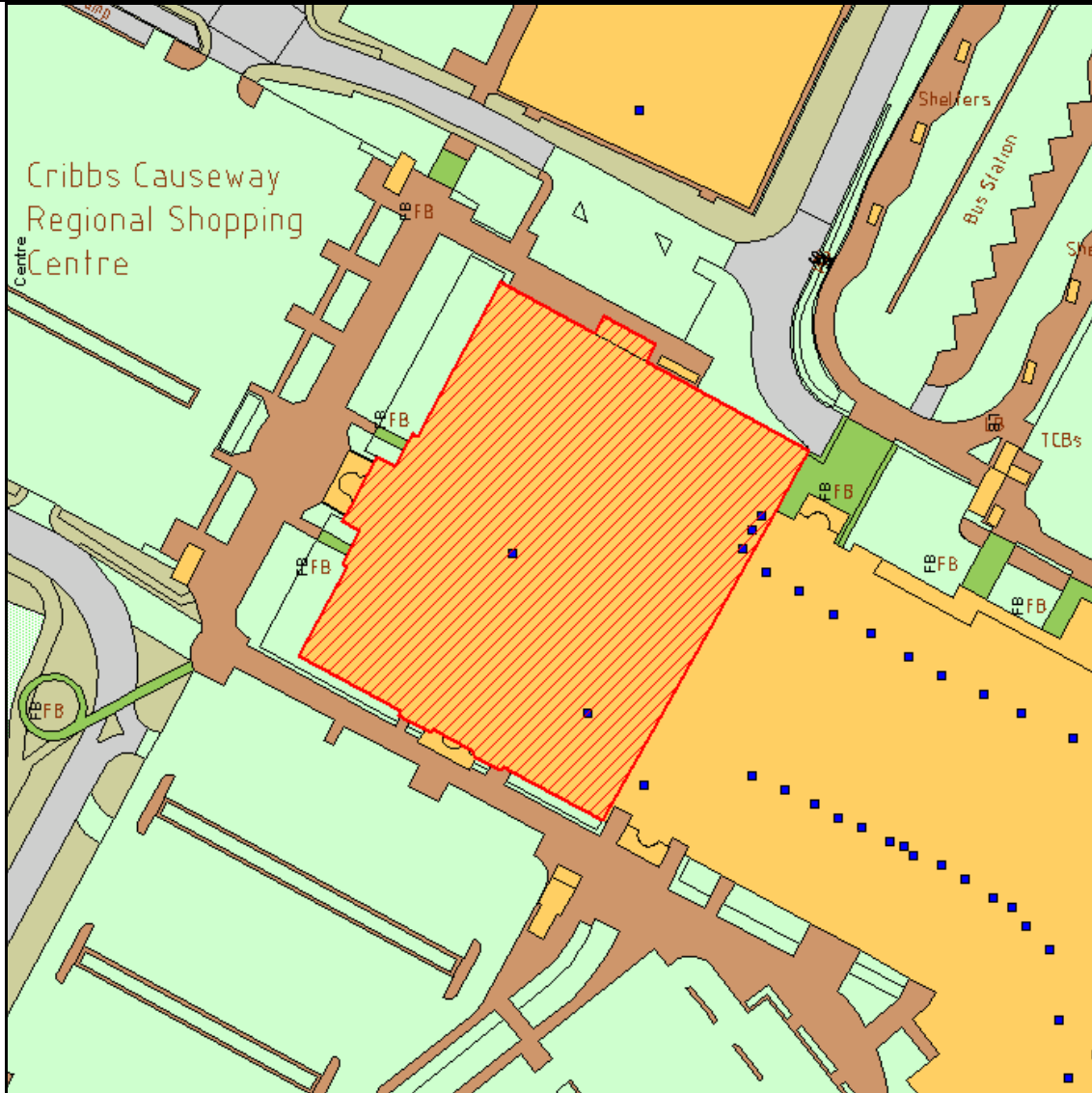
2. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter permanently retained for that purpose.

Reason

In the interests of the amenities of nearby occupiers and to prevent any additional on-street parking in the locality, to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies.

CIRCULATED SCHEDULE NO. 49/14 – 05 DECEMBER 2014

App No.:	PT14/3953/CLE	Applicant:	C/O Agent John Lewis
Site:	John Lewis The Mall Cribbs Causeway Regional Shopping Centre Patchway Bristol South Gloucestershire	Date Reg:	22nd October 2014
Proposal:	Development approved under planning permission PT11/2354/F commenced prior 1st December 2014	Parish:	Almondsbury Parish Council
Map Ref:	358793 180862	Ward:	Patchway
Application Category:		Target Date:	11th December 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as the application is for a Certificate of Lawful Use.

1. THE PROPOSAL

- 1.1 The site consists of the roof of the John Lewis retail unit positioned at the north-eastern end of The Mall, Cribbs Causeway. Planning permission was granted on 1st December 2011 for the construction of an extension to the retail unit taking place on the roof of the building. The approval is subject to a number of conditions including the standard 3 year time limit (Condition 1) in respect of the commencement of the approved development.
- 1.2 The applicant seeks confirmation that the development has commenced in accordance with condition 1 of the planning permission as a Certificate of Lawful Development. The effect of issuing such a certificate would be to formally confirm that development has commenced and in doing so the development can continue indefinitely. The applicant maintains that the installation of the plinths, providing the foundations for the roof extension, comprise a 'material operation' as defined within Section 56(4) of the Town and Country Planning Act.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Town and Country Planning Act s.171

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/2354/F Rooftop extension to second floor sales area to provide an additional 817 square metres of retail floor space.

Approved 1st December 2011

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 4.1 Statutory declaration made by John O'Donnell (JOD). The declaration states;
 - i) that JOD is the Contracts Director of Conamar Building Services (Conamar);
 - ii) Conamar was instructed by John Lewis to carry out works (the installation of roof pads) at John Lewis, Cribbs Causeway being the first stage of construction of the roof top extension;
 - iii) the works referred to commenced on 8th September 2014 and concluded on 24th September 2014;
 - iv) the works were carried out in accordance with Brooker Flynn drawing 14-1030(20)3001 and HPM drawings 19840/01 and 19840/02;
 - v) and details the works that were carried out.

- 4.2 A bundle of documents relating to works that are claimed to have been carried out, including a letter confirming the works from Conamar Building Services, photographs of the roof pads referred to in the statutory declaration, drawings 14-1030(20)3001, 19840/01 and 19840/02 referred to in the statutory declaration.

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 None

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Almondsbury Parish Council
No Objection
- 6.2 Highways Authority
No Comment received
- 6.3 Local Residents
No comments have been received

7. EVALUATION

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence.
- 7.2 The applicant claims that roof pad foundations relating specifically to the development approved under Planning Permission PT11/2354/F have been installed in compliance with the approved drawings and prior to the expiry of the three year commencement date (1st December 2014) and in compliance with condition 1 of PT11/3953/CLE.
- 7.3 Essentially, the applicant must be able to demonstrate (on the balance of probability) that the installation of the roof pad foundations have been installed prior to the 1st December 2014 (as this is the expiry of three years from the granting of planning consent) in accordance with the approved plans. The photographs clearly show the foundations in place. This application is made prior to the expiry of condition 1 and as such the work has been carried out prior to its expiry. The photographs show work that appears consistent with the approved drawings. The case officer site visit (10th November 2014) also confirmed that the work is consistent with the approved drawings.
- 7.4 In terms of the scope of the work that have been carried out, officers are satisfied that it is in compliance with the approved drawings under planning permission PT11/2354/F and that there would be no other reason for installing the foundations other than to commence the development under approved PT11/2354/F. Officers are also satisfied that the work makes a substantial start

to the development and as such does comprise 'material operation' as defined within Section 56(4) of the Town and Country Planning Act.

8. RECOMENDATION

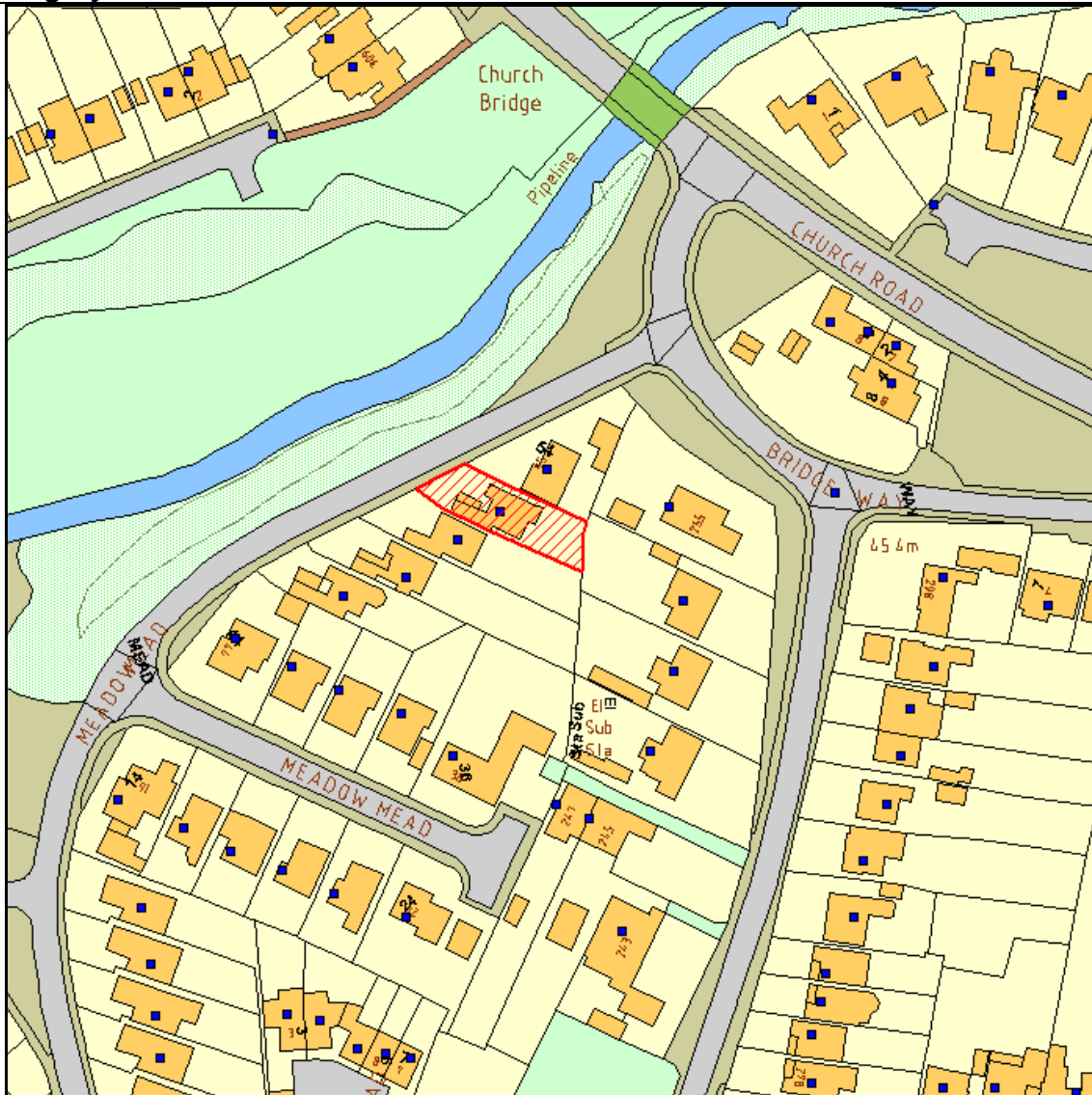
- 8.1 That a Certificate of Lawful Development is Granted that shows that works relating to Planning Permission PT11/2354/F have commenced prior to 1st December 2014 (the expiry of condition 1) of the planning permission.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

Evidence has been provided that shows that on the balance of probability, that the development approved under planning permission PT11/2354/F commenced prior to 1st December 2014 in accordance with condition 1 of the planning permission.

CIRCULATED SCHEDULE NO. 49/14 – 05 DECEMBER 2014

App No.:	PT14/4061/F	Applicant:	Mr Andrew Allsop
Site:	52 Meadow Mead Frampton Cotterell Bristol South Gloucestershire BS36 2BE	Date Reg:	23rd October 2014
Proposal:	Partial demolition of existing garage and porch and erection of a single storey front and side extension to form additional living accommodation.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366746 181833	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	15th December 2014



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PT14/4061/F

1. **THE PROPOSAL**

- 1.1 The application seeks permission for the partial demolition of the existing garage and carport and, the erection of a single storey side and single storey front extension to form additional living accommodation.
- 1.2 The application relates to a detached dormer bungalow situated within a residential area of Frampton Cotterell.

2. **POLICY CONTEXT**

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted)
Residential Parking Standards SPD (Adopted) 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 No available planning history

4. **CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council
No objection
- 4.2 Highway Drainage
No comment

Other Representations

- 4.3 Local Residents
One letter has been received by a local resident. The comments are summarised as follows:
 - Inaccuracies in plans (existing elevations and block plan). We feel they should be corrected for future record purposes.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the partial demolition of the attached garage and carport and the erection of single storey front and side extensions. Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highway safety and design.

5.2 Residential Amenity

The application relates to a detached dormer bungalow situated on Meadow Mead, Frampton Cotterell. It is sited between no.s 50 and 54 which are situated either side. The formation of the dwellings in the locality are in a step pattern from southwest to northeast with the host dwelling situated back from no.50 and no.54 situated back from the host dwelling.

5.3 The proposal is to alter the front elevation of the dwelling by demolishing part of the attached flat roof garage and carport, and replacing the flat roof front extension with a lean-to roof front extension. The development also includes the erection of a pitched roof side extension to the south elevation.

5.4 In terms of residential amenity it is noted that the proposed front extension would extend beyond the front of no. 55 at a greater height than the existing in order to include the pitched roof. The extension would not however extend beyond the depth of the existing flat roof front extension which is adjacent to the mutual boundary with no.54. A gap between the flat roof extension and the porch on the host dwelling would be in filled. It is considered that the increased height of the front extension over the existing situation would not have a significant impact on the amenity of the occupiers of no.54 due to the limited height of it with eaves height that would remain the same. It is not considered that the outlook or light levels entering no.54 would be adversely affected.

5.5 In terms of the impact on the occupiers of no.50 the proposed side extension would result in a wall which is closer to the mutual boundary than the existing layout. However given that the side extension would only have a width of 1.3 metres the impact compared to the existing situation is not considered to be significantly different. The extension would only partially extend beyond the rear elevation of no.50 and would not extend beyond the rear elevation of their conservatory. Provided no new windows are installed in the side elevation of the side extension it is not considered that the amenity of the occupiers of no.50 would be prejudiced.

5.6 Design

The proposed development involves alterations to the appearance of the front elevation to include a pitched roof front extension, the demolition of the car port, and the partial demolition of the attached garage. The dwellings in the locality have a distinct character consisting of dormer bungalows with flat roof front garages. The only exception is no.54, which is a dormer bungalow with a different overall design and appearance. No.50 has already been extended to the front in a similar way to the proposal.

5.7 It is considered that the design of the front extension responds positively to the overall design and appearance of the property and those on the street scene, respecting its eaves height and scale. As the proposal is very similar to the extension already built on no.50 it is considered that there would be no detrimental impact to local distinctiveness or character. The proposal is to retain part of the flat roof garage which is consistent with the street scene. The proposed side extension is modest in scale and, due to its minor width and subservient height, would not appear out of keeping or incongruous in the street scene. The plans indicate that materials will match the existing which is considered appropriate. Overall there are no concerns in terms of visual amenity or design.

5.8 Highway Safety

The proposal includes the demolition of the carport and partial demolition of the garage. The hardstanding parking areas would however remain to serve the dwelling, which is of a size capable of accommodating two off street spaces. This amount of parking is in accordance with the Council's minimum standards and as such there are no concerns in terms of parking provision or highway safety.

5.9 Other Matters

A comment from a local resident raises some issues relating to the accuracy of the plans submitted. Revised plans were received in order to overcome discrepancies highlighted by the neighbouring occupier.

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 following conditions:

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

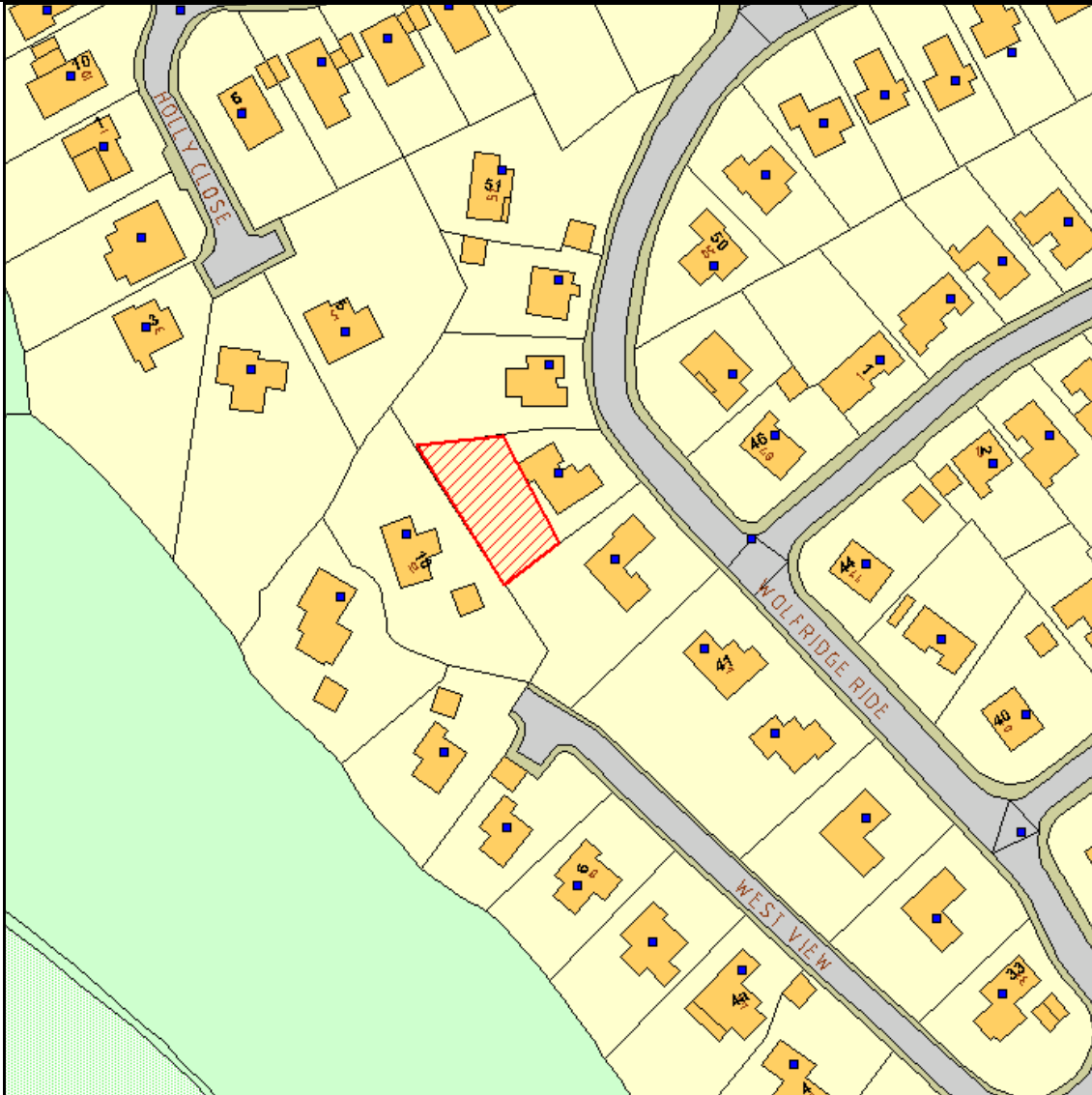
2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side (southwest) elevation of the side extension hereby approved.

Reason

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

CIRCULATED SCHEDULE NO. 49/14 – 05 DECEMBER 2014

App No.:	PT14/4102/TRE	Applicant:	Mrs Joanne Wolter
Site:	45 Wolfridge Ride Alveston Bristol South Gloucestershire BS35 3RL	Date Reg:	21st October 2014
Proposal:	Works to remove up to 7 stems of the muti stemmed Beech tree covered by Tree Preservation Order 037 dated 31 January 1971.	Parish:	Alveston Parish Council
Map Ref:	362763 187876	Ward:	Thornbury South And Alveston
Application Category:		Target Date:	11th December 2014



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PT14/4102/TRE

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE/COMMITTEE

Comments of objection have been received which are contrary to the officer's recommendation

1. THE PROPOSAL

1.1 Works to remove up to 7 stems of the multi-stemmed Beech tree covered by Tree Preservation Order 037 dated 31 January 1971.

2. POLICY CONTEXT

2.1 National Guidance

- i. The Town and Country Planning Act 1990
- ii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. RELEVANT PLANNING HISTORY

3.1 No relevant planning history

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council

An objection was forthcoming with regards to pollarding being inappropriate for beech trees. The understanding that pollarding was the proposed works stems from an administrative error when validating the application. A re-consultation was then sent out with the revised specification and no further comments have been forthcoming. Therefore the objection still stands.

Other Representations

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Works to remove up to 7 stems of the multi-stemmed Beech tree covered by Tree Preservation Order 037 dated 31 January 1971.

5.2 Principle of Development

The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

5.3 Consideration of Proposal

The proposed works involve removing 7 stems from a lapsed coppice beech to leave a single central stem. This is considered reasonable given the tight basal unions formed by a lapsed coppice and would prevent future stem failure.

- 5.4 The works are not considered to detrimental to the immediate landscape or the health of the tree and should be looked at in the wider part as silvicultural work due to the copped area in which the subject tree stands.
- 5.5 There was an objection comment from Olveston Parish Council which was based on the works involving pollarding. This assumption was down to an administrative error which described the proposed works as pollarding. After a reconsultation the objection has not been withdrawn.

6. RECOMMENDATION

- 6.1 That tree works are GRANTED subject to conditions detailed in the decision notice.

Contact Officer: Phil Dye
Tel. No. 01454 865859

CONDITIONS

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

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

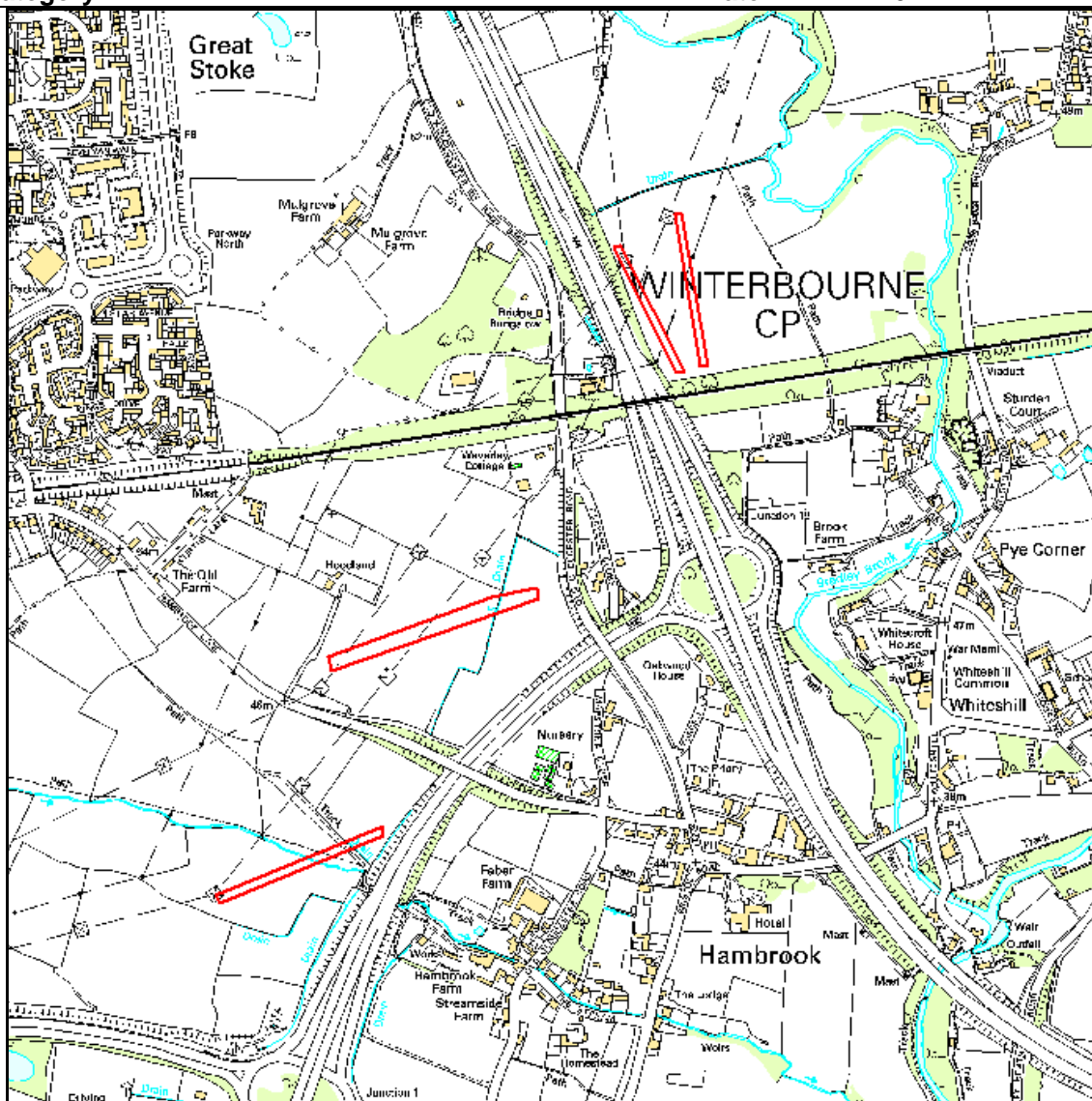
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

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(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 49/14 – 5 DECEMBER 2014

App No.:	PT14/4225/OHL	Applicant:	Western Power Distribution
Site:	Land At Hambrook Bristol South Gloucestershire	Date Reg:	31st October 2014
Proposal:	Application for consent under Section 37 of the Electricity Act 1989 for diversionary works to include erection of 4no. terminal towers and 2no. intermediate towers.	Parish:	Winterbourne Parish Council
Map Ref:	363872 179636	Ward:	Winterbourne
Application Category:		Target Date:	23rd December 2014



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PT14/4225/OHL

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 An application for consent under Section 37 of the Electricity Act 1989 has been made by Western Power Distribution. Accordingly, under Section 37 of the Electricity Act 1989 the Council is a consultee, whose role, on behalf of the local community, is to gather relevant views of the proposal and to arrive at a recommendation of objection or no objection with regard to the proposal. This recommendation is then supplied to the applicant who then sends this to the Secretary of State, the Council's recommendation then aids the Secretary of State in making a decision with regard to this proposal under Section 37 of the Electricity Act 1989.
- 1.2 The proposal is to erect 4no. terminal towers and 2no. intermediate towers to enable diversionary works. Underground cables will be installed in order to connect each terminal towers on each circuit, the underground section does not require an application for consent.
- 1.3 The application site relates to fields within Hambrook, East of Harry Stoke. The works are necessary as to provide the necessary height clearance required by Network Rail for their rail line that crosses Old Gloucester Road, the height clearance is required in connection with the electrification of the of the Great Western Mainline as overhead line equipment will be required.
- 1.4 The existing two 132kV tower lines known as 'S' and 'VV' Routes will need to be put underground. To do so requires new terminal towers and other associated diversion works. Overall, the works will result in the removal of 8 existing towers.
- 1.5 The works and locations are as follows:
 - The erection of one intermediate tower (**S30** [L7(C)DT], approximately 26 metres in height), south of Hambrook Lane;
 - The erection of two terminals (**VV18** [L8D] and **VV19A** [L8DT], both approximately 46 metres in height), to the north of Hambrook Lane, west of Old Gloucester Road and south of the train line;
 - The erection of two terminals (**VV19** [L8DT] and **S25** [L7(C)D60 E6], approximately 46 metres and 32 metres in height respectively) and also one intermediate tower (**S26** [L7(C)DT], approximately 26 metres in height), east of the M4 and north of the railway line.
- 1.6 Terminals VV19A and S25, and one intermediate tower S26, are located within the Green Belt.
- 1.7 The intermediate tower (S30), south of Hambrook Lane, is located in the proximity of two public rights of way:

- The tower is approximately 60 metres from footpath LWB 14 and approximately 80 metres from footpath LWB 12, a promoted route known as the Community Forest path. The overhead lines will run above both of these footpaths as the existing lines (which will be removed) do now.
- 1.8 The following towers are located in the allocated new neighbourhood development area East of Harry Stoke under policy CS27 of the adopted Core Strategy:
- L7(C)DT;
 - L8D and;
 - L8DT.
- 1.9 There are no listed buildings in the affected proximity or designated conservation areas.

2. POLICY CONTEXT

2.1 National Guidance

- National Planning Policy Framework March 2012
- The Statutory Consents Regime for Overhead Power Lines in England and Wales Under Section 37 of the Electricity Act 1989, Department of Energy and Climate Change, July 2014
- Town and Country Planning (General Permitted Development) Order 1995 (as amended)

2.2 Development Plans

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

L1 Landscape
L11 Archaeology
T12 Transport

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS27 East of Harry Stoke New Neighbourhood

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) August 2007
Development in the Green Belt SPD (Adopted) June 2007
The Revised Landscape Character Assessment SPD (Adopted) November 2014

3. RELEVANT PLANNING HISTORY

3.1 PT12/4082/OHL Approve 22/01/2013

Application for consent under Section 37 of the Electricity Act 1989 to replace section of overhead 33kV line with underground cables and install 2no. terminal H poles each with four stays and 1no. in line H pole.

- 3.2 PT11/0291/OHL No Objection 10/03/2011 Notice of intension to carry out works to the electricity 33kV supply network Overhead Lines (Exemption) (England and Wales) Regulations 2009 to divert 33KV Wood Pole Line at Forest Hills Old Gloucester Road Winterbourne Bristol.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection, the application is contrary to the visual amenity of this area.

4.2 Other Consultees

Tree Officer Natural & Built Environment Team

No objection, an informative regarding the National Joint Utilities Guidelines will be attached to any recommendation on the decision notice and on Form B.

Transport Development Control

No objection, but the officer has recommended that the applicants submit a Construction Management Plan before works commence which addresses any temporary means of access required.

Archaeology

No objection, however the archaeology officer has requested a condition be placed upon these works for an archaeological watching brief to monitor all ground disturbances as the works lies within an area of archaeological potential.

Landscape Officer

No objection, the proposal generally looks like an overall improvement despite the terminal towers being chunkier than a standard tower.

Public Rights of Way

No objection, the proposal will affect public footpaths LWB12, 14, 62 and 84. LWB12 is a promoted route, the Community Forest path. All these footpaths are very popular and well used so alternative routes will need to be found if temporary closures are required for these paths while works are taking place.

Network Rail

No objection, however the officer from Network Rail has raised concerns regarding excavations and earthworks in the vicinity of Network Rail's property.

Open Spaces Society

None Received.

Other Representations

4.3 Local Residents

The Council has received one objection from a resident, his comments were as follow:

- The new tower VV19A would be situated 200 yards (approximately 180 metres) in front of my property Waverley Cottage, this tower will be 35 metres tall;
- It is in the direct line of my Southerly View and will block my view of the Lansdown Hills at Bath and blight the resale value of our property;
- I have twice tried to gain planning permission for extensions to my workshop and home, both of which were refused as I was told it was ‘contrary to the visual amenity of this area’;
- I was verbally informed the towers were to be removed for the new East of Harry Stoke Development; this will undoubtedly put this project in jeopardy.

5. ANALYSIS OF PROPOSAL

5.1 Scope of Decision

This is not a planning application, rather an opportunity for the Local Planning Authority to gather the views of the local community in order to establish a recommendation to inform the Secretary of State in the decision making process. If consent under Section 37 is granted, the Secretary of State may also give a direction for planning permission to be deemed to be granted for the development, under section 90(2) of the Town and Country Planning Act 1990.

5.2 Applications for consent of overhead lines that fall with Section 37 of the Electricity Act 1989 are made to the Secretary of State. The consents regime requires the applicant to gather views of the proposed development prior to the submission to the Secretary of State. Therefore, the purpose of this analysis is to present the view of the Local Planning Authority as part of the determination process.

5.3 In assessing the proposal, the Local Planning Authority should take into account normal planning considerations. Particular attention should be paid to:

- (a) the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historical or archaeological interest; and,
- (b) reasonable attempts at mitigating any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

5.4 Landscape

Although the site is currently a number of fields, the proposal is located within the settlement boundary of the East of Harry Stoke New Neighbourhood. In close proximity to these affected fields there are a number of notable urban features which intersect and border the affected areas. Notably, the M4 lies to

the east of proposed towers: S30, VV18, and VV19A, and the M32 lies to the south east of these towers, as well as this, towers VV19, S25 and S26 are all within 50 metres of the M4.

- 5.5 At present, most of the land is used for agricultural purposes, as is the most of the land in the vicinity. The application site and wider area is considered under Landscape Character Area 13, within the Landscape Character Area (LCA) SPD. The LCA SPD suggests the application site and wider area is variously influenced by the settlement edges, urban edge development and land use change, scattered within an agricultural landscape. As expressed within the LCA SPD, the majority of the fields affected are bound by and intersected by hedges, major roads (e.g. M4, M32, Old Gloucester Road) and the train line. As well as this, as plan no. 0111783 provided by the applicant, Western Power, shows, the area has a number of pylons and overhead lines within these affected fields. As a result of this proposal, the number of towers will reduce, and notably the amount of overhead lines will be reduced. There will be a net reduction of 2 towers and a significant net reduction of 1.1 kilometres in the amount of overhead lines.
- 5.6 Although, the proposal will result in towers of a larger scale, it is considered that the net reduction in the number of towers and overhead lines will have a positive affect on the landscape, a view supported by the Council's landscape officer. This reduction is considered to be a reasonable attempt to mitigate the impact which the proposed overhead lines and towers have on the character of the area and its features. In addition to this, the area is currently being used predominantly for agricultural purposes, meaning there is unlikely to be any adverse impacts on the flora or fauna of the area. Overall, the net reduction in the amount of overhead lines and towers is expected to have a positive impact on the visual amenity of the area.
- 5.7 Green Belt
Towers VV19, S25 and S26 are all located in the Green Belt, but are all located within approximately 60 metres of the M4, and also represents a net reduction of overhead lines in the Green Belt. Overall, due to the proximity to the existing motorway and the net reduction in the amount of overhead lines, it is considered that the proposal does not result in a materially detrimental impact on the openness of the Green Belt.
- 5.8 Residential Amenity
The residential amenity of any of the occupiers in close proximity to the proposed works is also considered to be a planning consideration within this application. An objection has been received from an occupier of Waverley Cottage which is located to the west of Old Gloucester Road and south of the railway line. The objector had a number of concerns as outlined in section 4.3, the resident suggested tower VV19A which is located approximately 180 metres to the south of Waverly Cottage would disrupt views of Lansdown Hills. The disruption of views is not considered to attain any significant level of weight as a material consideration within this application. Regardless of this, the proposed tower VV19A would not significantly disrupt any specific views, especially when considering views to the south are mainly of fields and the M4.

- 5.9 As well as this, the occupier of Waverly Cottage suggested the proposed works will have an effect on the resale value of the property, this is not considered to be a planning consideration.
- 5.10 There are a number of properties within Players Close which are located approximately 85 metres from proposed tower VV19A. This proposal is not expected to have an adverse impact on the residential amenity of these residents, due to the distance and also Old Gloucester Road and a row of tree intersects the tower and the properties.
- 5.11 East of Harry Stoke New Neighbourhood Area
The proposal will result in the net reduction of overhead lines and towers in the area allocated for the East of Harry Stoke new neighbourhood area.
- 5.12 Archaeology
The archaeology officer has suggested the area may have archaeological potential; therefore a condition will be suggested relating to an archaeological watching brief to monitor any ground disturbance.
- 5.13 Trees
The area affected by the proposed works has been designated as an area which may have TPOs, from a site visit it appeared no trees would be affected by the proposal. However, an informative will be included on the decision notice and the completed form B, altering the applicant of the national joint utilities guidelines.
- 5.14 Highways
The highways officer has suggested a construction management plan regarding temporary access for works vehicles be submitted by the applicant prior to the commencement of development; this is considered to be an appropriate condition and meets the tests provided under paragraph 206 of the NPPF regarding conditions.
- 5.15 Network Rail
As expressed above Network Rail have expressed concerns relating to earthworks and excavations in the vicinity of land in their ownership, specifically the rail line. The stability and integrity of the rail line is key concern, and consequently a condition will be suggested in order to manage any development which may affect Network Rail owned land.
- 5.16 Summary
Overall, the proposal will represent a net reduction in the amount of towers and distance the overhead lines will cover, and accordingly, it is not considered that the proposed works will detrimentally impact the character or amenity of the locality.

6. CONCLUSION

- 6.1 The recommendation to **raise no objection** 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 The recommendation is that the Local Planning Authority raise **NO OBJECTION, but recommending conditions on the following areas:**

- Archaeological investigation;
- A construction management plan with regard vehicular access to the affected sites;
- Network Rail have requested a method statement for any excavation/earthworks adjacent operational railway line.

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