



**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. 11/14

Date to Members: 14/03/14

Member's Deadline: 20/03/14 (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. If in exceptional circumstances, you are unable to e-mail your request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

CIRCULATED SCHEDULE – 14 MARCH 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1.	PK13/2446/F	Approve with Conditions	Universal Steam Engineering Station Approach Acton Turville Badminton South Gloucestershire GL9 1HE	Cotswold Edge	Acton Turville Parish Council
2.	PK13/3725/RV	Approve with Conditions	Land Associated With Talbot Farm Dyrham Road Dyrham Chippenham South Gloucestershire, SN14 8HA	Boyd Valley	Dyrham And Hinton Parish
3.	PK13/4545/F	Approve with Conditions	Land At Rear Of 70 Downend Road Downend South Gloucestershire BS16 5UE	Downend	Downend And Bromley Heath Parish Council
4.	PK14/0153/F	Approve with Conditions	The Offices Unit 3 Crown Road Warmley South Gloucestershire BS30 8JJ	Siston	Siston Parish Council
5.	PK14/0380/CLP	Approve with Conditions	60 Samuel White Road Hanham South Gloucestershire BS15 3LX	Hanham	Hanham Abbots Parish Council

CIRCULATED SCHEDULE NO. 11/14 – 14 MARCH 2014

App No.: PK13/2446/F	Applicant: Mr David Hatherll
Site: Universal Steam Engineering Station Approach Acton Turville Badminton South Gloucestershire GL9 1HE	Date Reg: 30th July 2013
Proposal: Change of use from coal yard (sui generis) to General Industrial (Class B2) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). (Retrospective).	Parish: Acton Turville Parish Council
Map Ref: 381007 181308	Ward: Cotswold Edge
Application Category: Minor	Target Date: 19th September 2013



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100023410, 2008. N.T.S. PK13/2446/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The application site is situated on the north side of Acton Turville within a former coal yard and adjacent to the now disused Badminton rail station. The site is bounded by hardstanding area to the south, steel industrial buildings related to the coal yard immediately to the east and west and open storage hardstanding area to the north. An active railway line is situated just south of the site (approx. 40m) with a row of two storey residential dwellings south of the rail line. The application site comprises a single corrugated enclosed warehouse building and associated hardstanding area to the front. The building has large steel sliding entrance door to the front (south).

The application site is situated within the Cotswolds AONB and the settlement boundary of Acton Turville as defined in the adopted Local Plan. Public Right of Way LAT/2 runs north east to south west approximately 40m west of the site. Badminton station building to the south west of the site is a locally listed building along with other buildings on the south side of the rail line (Station House, 2 Railway Cottages and Badminton station southern building). The application site is situated within flood zones 2 and 3.

1.2 The application proposes change of use of one industrial warehouse and associated hardstanding land from coal yard (*sui generis*) to General Industrial Class B2 (steam engine repair and workshop for manufacture of steam engine parts) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). (Retrospective).

An amended red edge application site was received on 04.12.2013. It was unclear from the original submission whether the application site related to the building along (as shown on one plan) or a wider area as shown on a second red edge plan. The amended red edge has been drawn around the building itself and the area of hardstanding immediately in front of the building where outside work and storage takes place. A detached rectangular area of land to the south of the site adjacent to the railway line which was included in one of the original red edge location plans is not included within the new consolidated red edge plan. This area may be used incidentally for employee private vehicle parking but does not form part of the Class B2 industrial use and as such no business storage or work under the Class C2 use would be authorised in this location.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- L2 Cotswolds AONB
- EP4 Noise Sensitive Development
- E3 Employment Development within Settlement Boundaries
- E7 Conversion and Reuse of Rural Buildings
- T8 Parking Standards
- T12 Transportation for New Development

South Gloucestershire Local Plan: Core Strategy (Adopted Dec 2013)

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS13 Non Safeguarded Economic Development Sites
- CS34 Rural Areas

2.3 Supplementary Planning Guidance/Documents

South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 N1735/3 Erection of storage building for bagged coal.
Approved subject to conditions 27.07.1981

The building the subject of this decision is the building immediately to the west of the application site and not the building subject to this application.

Condition (e) of this consent read,

'No work shall take place within the land edged blue on the submitted plan between 19.00 and 07.00 on weekdays or after 13.00 hours on Saturdays and no work shall take place on Sundays or Public Holidays.'

The red line was drawn around the proposed building itself only and the blue edged land referred to in condition 9e0 relates to the whole coal yard.

- 3.2 N1735/4 Application for permission to retain the bagged coal storage building and to continue the associated use of the land without complying with Condition (e) attached to planning permission N.1735/3 dated 27th July, 1981.
Approved subject to conditions 28.01.1982

This decision approved variation of condition (e) attached to the /3 consent such that it now reads,

*'No work shall take place within the land edged in blue on submitted plan between 19.00 and 07.00 hours on weekdays or after 13.00 hours on Saturdays, **other than for the maintenance of vehicles, which shall cease at 19.00 hours** and no work shall take place on Sundays or Public Holidays.'*

The variation is shown bold.

- 3.3 P84/1802 Erection of vehicle storage and maintenance building.
Approval subject to conditions 18.07.1984

This decision relates to the building immediately to the east of the application site and not the building subject to this application. No condition was attached to this consent related to hours of work.

- 3.4 P86/1619 Application for permission to retain building and continue use without complying with condition (e) attached to planning permission ref:- N1735/3 dated 27TH July 1981.
Approved subject to conditions 16.07.1986

This decision approved removal of condition (e) attached to N1735/3 completely. Hereafter, there is no condition controlling hours of work related to the entire coal yard (the land edged blue).

- 3.5 PK02/2584/F Retention of change of use of coal storage yard (B8) to garden centre (A1) and retention of portacabin.
Approved subject to conditions 12.01.2007

This decision relates to the majority of the coal yard and excluding the application site for this development.

4. **CONSULTATION RESPONSES**

4.1 Acton Turville Parish Council

Parish Council is in receipt of the above application and would comment as follows:-

- We are perturbed to note this application is Retrospective. The change of use from Distribution to General Industrial raises concern about any potential environmental impact on the area which may occur with this type of use.*
- Parish Council objects to the working hours stated on the application and requests the hours are limited to the hours currently practiced by the existing Coal Yard e.g. work not to continue after 6 pm weekdays and Saturday morning work only.*
- The additional working hours proposed are unacceptable; Saturday afternoons, Sundays and Bank Holidays should not be permitted. Our reason is due to the change of use (noise factor), the area in which the work is located and proximity of residential dwellings.*
- We have also noted concerns expressed by nearby residents of increased noise levels associated with the change of use and for periods in excess to those stated in the application.*

Comments received in relation to amended red edge plan:

- *We are unclear whether the work undertaken on site is to be carried out in the open area as well as the enclosed one with consequent increase in noise. We are also uncertain as to whether this 'working area' extends to the parking area, included in the original plans but apparently excluded from the revised plan. We would like confirmation as to the precise areas where industrial activity will be carried out.*
- *The PC also wishes to re-iterate the point it made previously with regard to 'occasional Saturday afternoon, Sunday and Bank Holiday working.' Residents' experience is that it already appears to be more than the norm than the exception and the PC feels that the work 'occasional' without qualification is too imprecise. The PC is concerned about granting permission without a clear and measureable upper limit on the number of Saturday afternoons, Sundays and Bank Holidays worked.*

4.2 Other Consultees

Environmental Protection – No objection, subject to a condition restricting hours of work and deliveries to between 8am and 6pm Monday to Friday, 8am and 1pm on Saturdays and no work to take place on Sundays and Public Holidays.

Planning Enforcement – No comment

Sustainable Transport – No objection. The change of use from the authorised B8 use would create no significant additional traffic and there is sufficient parking within the site.

Environment Agency – No objection. The site falls within Flood Zone 3. Originally an objection was made as no Flood Risk Assessment (FRA) was submitted with the application. The original objection has now been withdrawn.

Other Representations

4.3 Local Residents

Letters of objection received from the occupiers of Stable End; 2 Railway Cottages; Fieldfare House (x2) and one anonymous representation raising the following concerns:

- Concern in relation to Saturday afternoon and evening, Sunday and Public Holiday working
- Concern in relation to noise impact especially at weekends
- Concern in relation to weekday evening noise after 6pm which is already taking place
- Noise from heavy engineering including power tools, grinders, drills, hammers will impact on residents
- Network rail intend to cut back vegetation on the railway verge which will further expose dwellings to noise
- Contamination through disposal of waste such as oil
- The application should not have been submitted retrospectively
- The business is working out of hours and is causing a nuisance to residents
- The time taken to determine the application and current late working are resulting in a detrimental noise impact on residents

- whilst there are no objections to the change of use for the premises (indeed recycling and refurbishment projects such as this one are welcomed) this further emphasises the need for a restriction on the working hours.
- Taking steam engines to and from steam fairs and events over the weekend is unlikely to cause significant disturbance, it is working on the steam engines that causes the noise issues.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

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

It is considered that the relevant policies of the adopted Development Plan as listed in this report do not materially depart from the NPPF. As such full weight can be afforded to the Development Plan policies in this case. The Council's Core Strategy (CS) was adopted in December 2013 and now forms the Development Plan for the Authority. The CS was adopted post publication of the NPPF and has been fully tested through the EIP process to be NPPF compliant. The CS is therefore afforded full weight.

Policy E3 of the adopted Local Plan accepts alterations to existing buildings, which provide employment uses subject to acceptability in terms of environmental effects, highway safety and traffic, residential and visual amenity, density.

Policy CS13 of the CS aims to protect non safeguarded employment sites from redevelopment. As the proposal would be for change of use only and an employment use would retained, this policy is not relevant.

Policy CS9 of the CS aims to control development which would unacceptably harm the environment or the health, safety or amenity of users of the site and surrounding land in terms of matters including smoke, fumes, dust, noise and vibration. Saved policy EP4 of the Local Plan (noise sensitive development) relates to new development and potential disturbance from existing noise sources. In this case the proposal would be a noise generator and as such Policy EP4 will not be afforded significant weight.

Saved policy L1 seeks to control the character and appearance of an area by retaining landscape features, views and open areas. The aims are similar to policy CS9 of the CS in terms of landscape protection. In terms of transportation and highway safety policies T8 related to off street parking provision and T12 in terms of accessibility and general highway safety are also important considerations. In relation to this development proposal policy CS9

where related to the disposal of foul and surface water is also important policy considerations.

5.2 Planning history and background

The applicant's lessee uses the application site as a workshop for the maintenance and repair of steam engines and manufacture of steam engine parts. The business is partly a hobby and involves repairing and renovating traditional steam engines and traction engines to sell and to display at fetes, rallies and fairs. The applicant's lessee has direct historic family connections within Acton Turville village.

Due to the nature of the business related to steam engines and the clear local connection the business operator has to the local area, the proposal is considered to represent a rural enterprise. The NPPF advises Local Authorities to support rural businesses. Par.28 states,

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;

The existing building has no formal planning approval unlike the two adjacent buildings. However, as the building has been in existence for greater than 4 years it is now authorised. Additionally, the use of the building for 'cube' storage as shown on the original drawings, forming part of the wider coal yard, is now authorised as this use has been in existence for in excess of 10 years.

The planning history as laid out in par.3.1-3.5 above shows that the current authorised use for the building falls within coal yard which is a *sui generis* use (not B8 as described in PK02/2584/F). The authorised use is unrestricted in terms of hours of work following successful removal of said condition (e) from planning approval N1735/3 in 1986. The Case Officer at the time indicated in his Officer report that the existing condition restricting noise levels (condition d of N1735/3) was sufficient to control the impact on residential amenity and as such the hours of work condition was not necessary. Although the original condition e of N1735/3 related to erection of the building immediately to the west of the application site, the condition was worded to include all land edged blue (the entire coal yard) which also contained the application site.

There appears to be no evidence of the garden centre use being implemented and as such the coal yard use remains authorised for the coal yard site as a whole, which incorporates the application site.

5.3 Residential amenity

The use is currently in place and has been operating from the site for a number of months. The operator was unaware that planning permission was required when he leased the site. The occupier maintains and repairs traction engines and steam locomotives. This requires operation of lathes and other cutting

machinery and hand tools. These operations generate noise and as such the use will require controls if it is to be accepted.

The nearest neighbouring occupiers are situated on Badminton Road approximately 50m to the south of the site, facing north towards the site. Between the site and these neighbours is a main train line connecting Bristol, South Wales and the South West with London and the south east. The frequency of trains using this route are currently approximately 6 trains an hour during peak times, and starting at about 4.45am weekdays to 1am finish at weekends. The duration noise generated by these trains would however be very short (15-30 seconds).

The proposal would result in the change of use of the existing building and hardstanding area from the authorised coal yard use to a Class B2 (general industrial) use. The authorised use is unrestricted in terms of hours of work and restricted in terms of noise. This proposal would provide a new restriction on hours of work as follows,

No machinery shall be operated, no process or work shall be carried out and no deliveries taken at or despatched from the site outside the following times:

Mon - Fri 8am to 6pm

Sat 8am to 1pm

None on Sundays/Bank Holidays

This would provide a significantly greater control on the operation of businesses from this site than the authorised entirely unrestricted hours of work at present. These new controls would result in a material gain in terms of residential amenity impact than is authorised at present. The hours of work are similar to the original hours of work related to the site which were removed in 1986. There would be a clear material gain in residential amenity terms through the opportunity to reinstate an hours of work condition.

Noise levels are most effectively controlled by Environmental Health through statutory noise nuisance controls. Therefore, the proposed use would still fall within the Council's controls in terms of noise through Environmental Health legislation. There is unlikely to be no significant disbenefit as a result of this development to residential amenity in terms of noise impact on local residents.

The authorised coal yard use has the potential for similar noise impact to the proposed B2 use. The building could be used for vehicle maintenance and repair for instance connected to the existing coal yard as an ancillary function.

The occupier has indicated that he would only undertake only office based work outside of the hours specified in the condition. This would create no significant noise or disturbance. Traffic from any office usage would be limited to private cars and as such no controls are necessary for the office element of the business.

Overall, considering the unrestricted nature of the authorised use, the distance to neighbours and the noise currently generated from the coal yard and rail line, the proposed Class B2 use would not result in a significant increase in noise

and disturbance subject to a condition restricting hours of work as stated above.

The applicant has indicated that as part of the business he shows and displays steam engines at fetes, rallies and fairs. This is considered to represent a positive community benefit and rural enterprise which the NPPF advises should be supported. These events most often take place at weekends and on public holidays. A condition as required above related to hours of work and deliveries would prevent the applicant from transporting his steam engines to and from the site on these days. The transporting process would involve loading the steam engine onto a truck during normal working hours, driving the truck off the site to an event outside working hours. The steam engines would be loaded onto a truck at the event and travelling back to the application site. Subject to the steam engines not being unloaded or driven to the site, this activity would be unlikely to result any significant noise or disturbance due to the very low frequency of these journeys and as no significant activity would be required within the site, simply involving driving from/to and parking a truck on the site. Any loading or unloading would take place during the work hours indicated in the condition above. This control is important not only to provide an acceptable level flexibility to the business to allow the business to function effectively, but also to prevent large vehicles being parked outside the site, on the street or at the lessees home overnight for instance which could be detrimental to residential amenity and highway safety. A condition is therefore recommended which reads as follows,

Notwithstanding the hours of work detailed in condition 1, deliveries, for the purpose only of transporting steam and traction engines from the site or returning steam/traction engines to the site edged red on the approved plan, can be made between 8am and 10pm provided no steam/traction engines are operated/driven and no loading or unloading takes place whatsoever within the site or surrounding area.

5.4 Water management and flood risk

The application site is situated within Flood Zone 3 (FZ3) as identified on the Environment Agency (EA) Flood Maps. The EA originally objected to the application as no floor risk assessment was submitted with the application. The applicant subsequently provided an FRA which was forwarded to the EA for consideration. The objection was subsequently withdrawn. Although the site is situated within a flood sensitive area, the proposal would involve non residential occupation and working at specific/restricted times only. The FRA indicated that the building is of pre fabricated construction only, the site has experienced no flooding since 1960. The proposal is unlikely to result in any significant flood risk. The EA objection was subsequently withdrawn. The proposal is unlikely to result in any significant flood issues.

5.5 Visual impact

The applicant uses the site for maintenance and repair of traditional steam engines. This includes storage of some steam engines on site. Due to the significant size of these vehicles, they are mainly stored outside in the yard at the front of the building.

The change of use has been in effect for a number of months. The authorised use (sui generis coal yard) allows unrestricted storage at the site. The authorised Class B8 use forms part of the wider yard and as such a coal yard occupier could use any part of the site including external areas for unrestricted storage. The applicant could in fact use the site for storage of his steam engines as exists at present. The only difference therefore between the authorised use (coal yard) which could entail the storage of vehicles related to the coal yard such as HGV's (or any other storage) and the proposal (Class B2) would be maintenance and repair (workshop activities). Visually, the difference between the authorised use and the current B2 use is insignificant. Further, the application site is situated within the context of the surrounding yard which is currently used for commercial purposes. As such the proposal has no significant impact on the character, distinctiveness and amenity of both the site and its context.

5.6 AONB

The application site is situated within the Cotswolds AONB which is a nationally designated landscape. However, the site is situated within the context of an existing developed commercial site and has little effect on the wider surrounding landscape. The development conserves the natural beauty and tranquillity of the AONB landscape.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

1. No machinery shall be operated, no process or work, with the exception of office work within the building only, shall take place within the site edged red on the approved site location plan and no deliveries (other than those expressly stated in condition 2) made to and from the site outside the following times:
Mon - Fri 8am to 6pm
Sat - 8am to 1pm

and no operated, no process, work or deliveries shall take place on Sundays/Bank Holidays.

The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical, hand or other), the carrying out of any maintenance/cleaning work on any plant or machinery, deliveries to and from the site other than those expressly allowed by condition 2 and the movement of vehicles within the curtilage of site other than private cars.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy - Dec 2013.

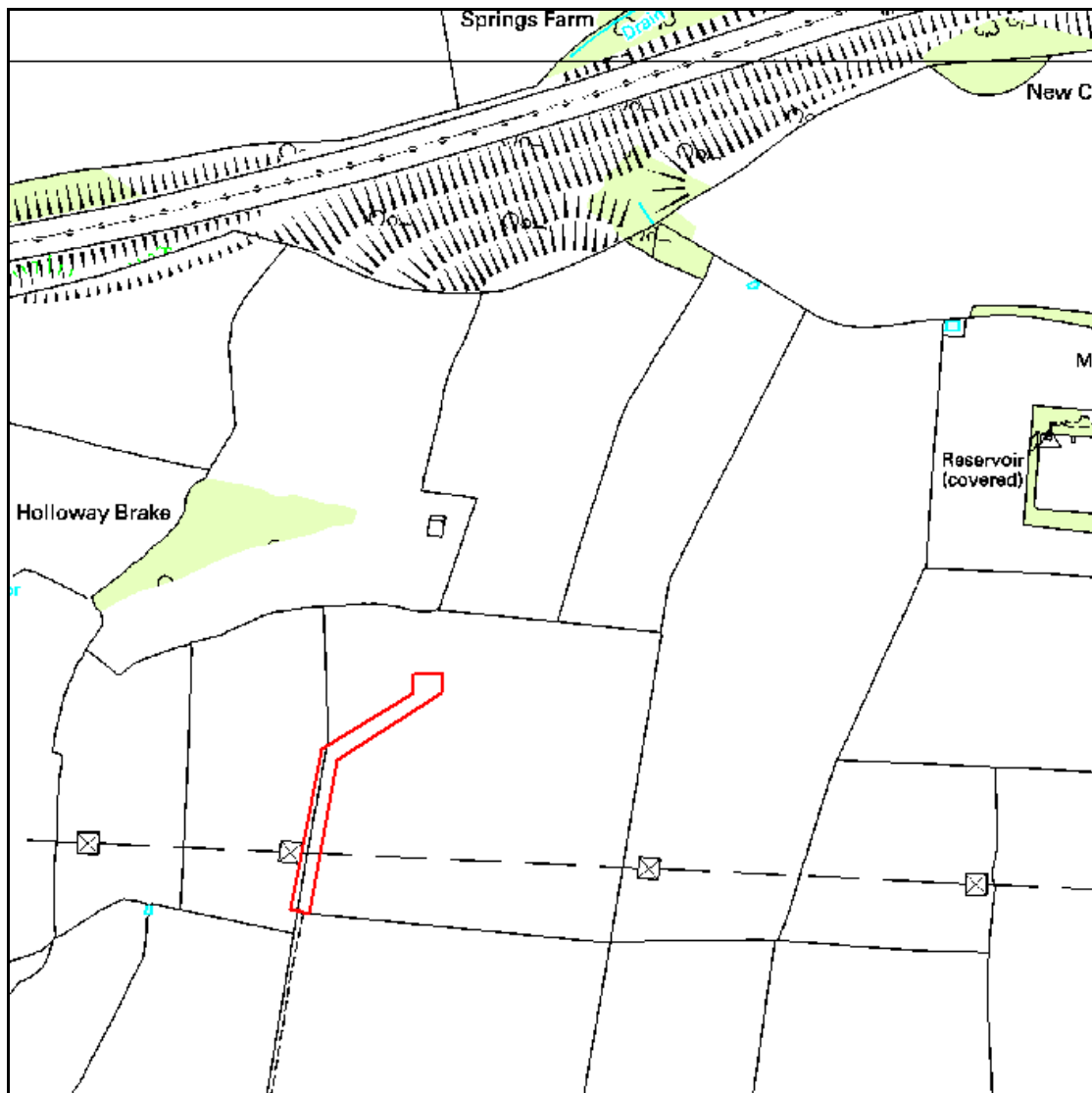
2. Notwithstanding the hours of work detailed in condition 1, deliveries, for the purpose only of transporting steam and traction engines from the site or returning steam/traction engines to the site edged red on the approved plan, can be made between 8am and 10pm provided no steam/traction engines are operated/driven or no loading or unloading of steam engines takes place whatsoever.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy - Dec 2013.

CIRCULATED SCHEDULE NO. 11/14 – 14 MARCH 2014

App No.:	PK13/3725/RVC	Applicant:	Distributed Generation Ltd
Site:	Land Associated With Talbot Farm Dyrham Road Dyrham Chippenham South Gloucestershire SN14 8HA	Date Reg:	21st October 2013
Proposal:	Variation of condition 2 attached to appeal decision for PK11/1967/F to substitute plan no. V1.0 13/10/2010 with V1.0 10/12/2012 to allow installation of a Vestas v52 wind turbine, 52m rotor with blade tip of 66m.	Parish:	Dyrham And Hinton Parish Council
Map Ref:	373403 176164	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	11th December 2013



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 100023410, 2008. N.T.S. PK13/3725/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from Dyrham and Hinton Parish Council and English Heritage, The National Trust and the Landscape Officer; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

1.1 Full planning permission was granted on appeal (see para. 3.3 below) for the installation of a single, mid-size wind turbine, with access track and associated works, on agricultural land at Talbot Farm, Dyrham Road, Dyrham. The site comprises an arable field enclosed by hedgerows, located in open countryside on the edge of the Cotswold Scarp, approximately 1500m south of the M4 motorway and 212m west of the Cotswold Way. The site lies within the Bristol and Bath Green Belt and Cotswolds AONB. Vehicular access to the site is afforded via a gate leading off Dyrham Road.

1.2 The approved Wind Turbine would have a tower height of 36m with a 39m rotor; height to blade tip would be 55m and a width at base of 3m; the proposed output would be Vestas500 kW. The associated works include constructing a concrete base pad 10m x 10m, a switch-gear cabin 2m x 1.5m x 2m, and cable connections to the local 11kv grid. A temporary track-way, 250m long is proposed to be laid to allow for construction vehicles to access the site.

1.3 In allowing the appeal the Inspector imposed a number of conditions, the second of which related to the approved plans and reads as follows:

The development hereby permitted shall be carried out in accordance with the following approved plans: Unnumbered : Site Location Plan; Unnumbered : Site Plan; and V1.0: 13/10/2010 Vestas V39 500kW Wind Turbine Elevation.

1.4 The reason for the condition is to ensure that the development is carried out in accordance with the details so approved.

1.5 The applicant now seeks to vary the wording of this condition to substitute the last plan reference to take account of a proposed increase in the size of the proposed Wind Turbine. It is proposed that the Wind Turbine would be the Vestas V52 model, which would have an increased rotor diameter size from 39m to 52m. To facilitate the increased rotor size, the tower of the turbine would increase in height from 36m to 40m. The resultant tip height would increase from 55m to 66m. In all other respects the scheme would be the same as previously approved.

1.6 The application is supported by a Design and Access Statement which includes details of justification for the proposed amendment and a series of photo montages.

1.7 Justification for the Proposed Amendment

The applicant has submitted the following information in justification for the proposed increase in size of the Wind Turbine:

- The proposal makes a modest increase in rotor size (from 39m to 52m) over that which has already been granted.
- The Vestas V52 turbine is the 'next generation' model following a major redesign of the V39. As a result of both technical and design improvements together with the slightly larger rotor, the turbine is expected to generate nearly double the electricity than the already consented V39 model, with a similar increase in the level of Carbon Mitigation.
- The relatively modest 6.5m increase in blade length would be almost imperceptible unless the two turbine models could be viewed side by side. When viewed in isolation the perceived scale of the turbine would actually be almost unchanged from that already permitted. (see submitted photo montages).
- Noise will not be an issue due to the proximity of the M4 motorway; there are no properties within ear shot of the site. Revised noise predictions are provided and still allows for levels below 35dB (La90, 10 mins) in a 10m/s wind as required by ETSU-R-95 and the PPS-22 Companion Guide.

2. **POLICY CONTEXT**

2.1 National Guidance

The National Planning Policy Framework (NPPF) March 2012

Circular 11/95 - The Use of Negative Conditions

Planning Practice Guidance for Renewable and Low Carbon Energy Dec 2013

Written Ministerial Statement: Local Planning and Onshore Wind 6 June 2013

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1 - Landscape Protection and Enhancement

L2 - Cotswolds Area of Outstanding Natural Beauty

L9 - Species Protection

L10 - Historic Parks and Gardens and Battlefields

L11 - Archaeology

L12 - Conservation Areas

L13 - Listed Buildings

T12 - Transportation Development Control Policy for New Development

LC12 - Recreational Routes

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

CS1 High Quality Design

CS3 Renewable and Low Carbon Energy Generation

CS5 Location of Development

CS9 Managing the Environment and Heritage

CS34 Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Check List (Adopted) Aug 2007
Development in the Green Belt (Adopted) June 2007
AECOM Report on the Potential for Low Carbon Energy Supply in South Gloucestershire 2010
South Gloucestershire Council Landscape Character Assessment SPD
South Gloucestershire Council Renewables Draft SPD Dec 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/006/SCR - EIA Screening Opinion - Wind Turbine
EIA not required 8 Oct 2009
- 3.2 PK11/0194/F - Erection of 1no. wind turbine with a maximum height of 55 metres and with an associated temporary access track.
Withdrawn 8 March 2011
- 3.3 PK11/1967/F - Installation of 1no. 55 metre high wind turbine from ground to blade tip with access track and associated works (Re-submission of PK11/0194/F).
Refused 1st June 2012 for the following reasons:
- 1. The proposed Wind Turbine, given its size and location would have a detrimental impact on the character, distinctiveness, quality and amenity of the landscape and would adversely affect the visual amenity of the Green Belt; contrary to Policies D1 and GB1 respectively of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
 - 2. The proposed Wind Turbine, given its size and location would have a detrimental impact on the natural beauty of The Cotswolds Area of Outstanding Natural Beauty; contrary to Policy L2 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
 - 3. The proposed Wind Turbine, given its size and location close to The Cotswolds Way National Trail, would unacceptably affect the amenity of an existing recreational route of national importance, contrary to Policy LC12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006*

Appeal APP/P0119/A/12/2184201/NWF – Allowed 28th November 2013

4. CONSULTATION RESPONSES

- 4.1 Dyrham and Hinton Parish Council
The Parish Council wish to object as per our original objections to the last application. We also note that it has now been increased in size so will be an even bigger eyesore in the AONB.

The Parish Council previously objected on the following grounds:

- This form of electricity generation is inefficient and only viable with high subsidies.
- The size of the wind turbine is not viable.

Other Representations

4.2 Highway Drainage
No comment

4.3 Sustainable Transport
No objection

4.4 Environmental Projection
No objection. I note that the predicted noise levels for the proposed taller and longer bladed Wind Turbine are higher than those predicted in the original application, however the predicted levels are still below the level of 35dBA that the acoustic consultant was aiming to achieve in the original application.

Based on the information and predictions of the revised noise assessment details of which are contained in the Design and Access Statement, I have no objections to the proposed amendment.

4.5 Ecology Officer
There are no ecological constraints to granting permission.

4.6 Landscape Officer
Permission for a 55m high wind turbine on the edge of the Cotswold Scarp was granted on appeal. The Council considered that the original proposal would have an adverse impact on the character and quality of the landscape and would fail to conserve the natural beauty of the AONB. Particular concerns related to the views to the Cotswold escarpment from the vale to the west, views from the Cotswold Way National Trail and from the Deer Park at Dyrham.

The current proposal is to increase the height of the proposed turbine to 66m high with substantially longer blades than the previous design. The increase in blade length would make the turbine more prominent in views, particularly in the close and medium distance views such as from the Cotswold Way and Dyrham Park. The additional height puts the turbine substantially above the level of the adjoining electricity pylons, increasing its significance in the landscape.

It is therefore considered that the proposals are contrary to Policy L1 and L2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4.7 Archaeology Officer
No objection

4.8 Head of Aerodrome Standards Department
No response

4.9 Cotswolds Conservation Board
No objection. Whilst the Cotswolds Conservation Board is disappointed that the applicant is choosing to submit a proposed larger turbine than that consented

on appeal, in view of the findings of the Planning Inspector regarding this location the Board will not be submitting an objection to this proposal.

4.10 English Heritage

Recommend refusal. The proposed increased height of the Turbine which has permission will have a greater impact on the Historic assets in the vicinity namely:

- Dyrham Camp
- Dyrham Park and Garden

4.11 National Trust

The Trust is concerned about scale of the wind turbine now proposed and its impact on views from the historic Dyrham Park.

4.12 Ministry of Defence

The proposed turbine should be fitted with aviation lighting at the following specification, in the interests of air safety.

The turbine should be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

4.13 Local Residents

No responses

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 The NPPF indicates that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless:

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

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

5.3 The South Gloucestershire Local Plan Core Strategy was adopted in Dec. 2013. The Core Strategy is therefore now a material consideration in the determination of planning applications. In determination of this application there are no significant differences between the relevant adopted Local Plan policies and those within the Core Strategy.

- 5.4 In the foreword to the NPPF it would appear that there is even greater emphasis on the protection of the natural and historic environment including the protection of Green Belts (para 17).
- 5.5 As regards the AONB, the NPPF para. 109 confirms that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and at para. 115 states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 5.6 The Green Belt Policy within section 9 of the NPPF appears to have departed little from that of PPG2 and confirms at para. 87 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 91 states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed.
- 5.7 The NPPF at para. 129 confirms that development that affects the setting of a heritage asset is still relevant.
- 5.8 Among the 12 core planning principles listed in the NPPF are the following:
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
 - Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
 - Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy).
- 5.9 Within the NPPF (para.14) there is a presumption in favour of sustainable development and officers acknowledge that the proposal does fall within the definition of sustainable development defined within the NPPF page 2. There is however a balance to be struck between the need for renewable energy and the environmental costs associated with its production.
- 5.10 The acceptance in principle of a medium sized Wind Turbine in the location proposed has already been established via the appeal relating to the refusal of application PK11/1967/F. The Inspector's Decision Letter is therefore considered to be a material consideration of very significant weight.
- 5.11 Since the appeal, the policy regime has changed in as much as The South Gloucestershire Local Plan Core Strategy was adopted in Dec. 2013; Policy

GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 is not a saved policy; the government's Planning Practice Guidance for Renewable and Low Carbon Energy was published in July 2013 and the Council's Renewables Draft SPD was issued Dec. 2013. The latter document is only in draft form and as a consultation document carries only minimal weight at this stage. Notwithstanding the content of these documents, officers do not consider that they materially alter matters when considering the key issues relating to the proposal, these being:

- Green Belt issues.
- The visual impact on the landscape, and AONB.
- Impact on users of the Cotswolds AONB.
- The impact on the setting of heritage assets within the vicinity of the site.
- The need for sustainable renewable energy.

5.12 Green Belt Implications

Green Belt Policy within section 9 of the NPPF appears to have departed little from that of PPG2 and confirms at para. 87 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 91 states that:

'When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources'

5.13 Against the background of the above the Inspector (para.8) in his Decision letter concluded that the development was inappropriate development in the Green Belt and therefore by definition was harmful to the Green Belt and should not be approved except in very special circumstances. The Inspector also considered (para.9) that the scheme *'..would obviously reduce openness and also lead to encroachment into the countryside..'* It therefore follows that the larger Wind Turbine now proposed also falls into these categories.

5.14 Impact on the Landscape and Cotswolds AONB

In the foreword to the NPPF it would appear that there is now a greater emphasis on the protection of the natural and historic environment including the protection of Green Belts (para 17). The NPPF para. 109 confirms that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and at para. 115 states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 seeks to conserve and enhance character, distinctiveness, quality and amenity of the landscape. Policy L2 does not permit development that would harm the natural beauty of the Cotswolds AONB.

5.15 The application site lies in a remote rural location within the Bristol and Bath Green Belt and within the Cotswold AONB. The site lies within character area 4 'The Cotswold Scarp' of the South Gloucestershire Landscape Character

- Assessment, with impacts on the adjoining character areas 2, Marshfield plateau and 6 Pucklechurch Ridge and Boyd Valley. The Cotswold AONB has produced a Management Plan (2008-2013) together with a Landscape Character Assessment and a Landscape Strategy and Guidance as companion documents.
- 5.16 The development encroaches onto open countryside and impacts on the visual amenity of the Green Belt and landscape in general. It is however acknowledged that the appearance and setting of the AONB and landscape in this location is compromised by the presence of man made structures including Electricity Pylons and The M4 Motorway.
- 5.17 Officers consider that of all the renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. The impact of turbines on the landscape will vary with the size and number of turbines and the type of landscape involved. Visual injury can result by reason of siting, size, materials or design of Wind Turbines.
- 5.18 The Site and Setting
The turbine would be sited on the edge of the Cotswold Scarp at an elevation of approximately 185m AOD above a steep scarp slope, which overlooks the M4 motorway. The land of the ridge continues to rise gently to the east of the site to an average height of 203m and a localized high point of 206m adjacent to the reservoir. A high voltage overhead power line runs up the scarp and across the top of the Cotswolds approximately 160m south of the mast site. The registered historic parklands of Dyrham Park, lies approximately 1 km to the south of the site and Doddington Park to the north.
- 5.19 The site lies within the Cotswold Scarp Character Area of the South Gloucestershire Landscape Character Assessment. The scarp is a prominent physical feature, forming a highly visible and distinctive backcloth in views from the lowlands and ridges to the west. This feature is regionally prominent, being evident from as far away as South Wales. The elevated ground presented by the scarp makes this character area and its features particularly visible within local and distant views. Both the South Gloucestershire Character Assessment and the Cotswold AONB landscape character assessment identify the vulnerability of the scarp, and the skyline in particular, to visual intrusion.
- 5.20 The Cotswold AONB Landscape Strategy and Guidelines for area 2 describes the sensitivity of the escarpment in the following terms,
“The escarpment is a distinctive and dramatic landscape. The combination of its elevation, and the steep slopes rising from the lowlands, make it a highly visible feature and is therefore very sensitive to change, particularly where this would introduce built elements within the otherwise agricultural landscapes...”
- 5.21 The potential area of visibility of the Wind Turbine is extensive. The most significant visual impact on a local view would be from the Cotswold Way, which runs 291m to the east of the Turbine site at a level slightly above the base height of the mast. The Turbine would be visible for a distance of over a kilometre from the Cotswold Way. The Turbine would be viewed in combination

with the overhead wires and pylons for much of this distance and the mast lies between the path and the main view from the escarpment.

5.22 The most significant longer distance views of the turbine would be from the west. Long views exist from a very extensive area, with the existing pylon line being distinguishable on the skyline from 14km away. The highest levels of visual impact are from those views in an arc encompassing the M4, the land up to Pucklechurch and around Codrington where the lower land of the vale allows long views to the escarpment and the Turbine would be viewed on the skyline and in association with the existing pylon lines and from the Sands Court area of the AONB to the north of the M4.

5.23 At para.14 to 19 of his Decision Letter the Inspector acknowledged that:

'The wind turbine proposed, as a result of its height and the elevated site, would figure prominently in the landscape, and would be visible, against the skyline, from an extensive area around it. The turning of the blades would tend to highlight that prominence.'

'Considered in isolation, well-designed wind turbines, like that at issue, are not inelegant, and the relatively slow movement of the blades, not disturbing on the eye. However, the approach of the development plan, and the Framework, is to protect the natural beauty and scenic quality of the AONB. Whatever the intrinsic qualities a well-designed wind turbine, the imposition of a kinetic structure of such size and prominence can have nothing but a negative impact on the natural beauty and scenic quality of the AONB.'

'On that basis, the proposal fails to comply with LP Policies GB1, D1, L1 and L2. However, that is not the end of the matter; it is simply a conclusion that feeds into the overall balancing exercise necessary when considering almost any renewable energy proposal. To feed into the balancing exercise, it is necessary to quantify the harm the proposal would cause'.

'The wind turbine would sit within a field and much of the area around the site has been subdivided for the purposes of agriculture. While the landscape of this part of the AONB has a scenic, pastoral quality, the obvious influence of mankind upon it limits the degree of natural beauty it can reasonably be said to possess. It is not just the influence of agriculture that acts as a limitation; the M4 motorway runs close by, to the north of the appeal site'.

'The impact of the motorway and the traffic it carries on the landscape of this part of the AONB is colossal. There are other roads in the vicinity too, notably the A46 to the east of the appeal site, and a minor road to the south that runs through Dyrham Camp, that I refer to further below. On top of that, there are two relatively tall telecommunications masts to the north-east of the appeal site, near the roundabout that forms Junction 18 of the M4, and a train of large electricity pylons that runs in an east-west direction to the south of the appeal site before crossing the M4 motorway and heading north-west.'

As set out, the wind turbine would add a tall, prominent, moving feature into that mix. However, the inescapable influence that mankind has already had on

this part of the AONB means that the wind turbine would not look particularly incongruous and the harmful impact it would have on the natural beauty and scenic quality of the AONB, and the visual amenity of the Green Belt, would be very limited. There would be no cumulative impacts with other wind turbines. Moreover, the proposal is intended to be in place for 25 years before being removed, and the land restored to its former state. The limited degree of harm that would be caused would be both temporary and reversible.'

5.24 Impact on Archaeology and Heritage Assets

Policy L11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 does not permit development which would not physically preserve sites of national archaeological importance, whether scheduled or not, or would have a significant impact on the setting of visible remains. Policy L13 only permits development affecting the setting of a Listed Building subject to certain criteria that are discussed in the following paragraphs.

5.25 The proposed development although not directly affecting any National Designated Heritage Assets, does have the potential to affect a number of highly significant sites, namely:

- Dyrham Camp, a prehistoric promontory enclosure with surviving bank and ditch, Scheduled Monument SG68.
- Dyrham Park a Grade II* Registered Park and Garden.

The former lies some 600m to the west of the site and lies between Dyrham Park and the application site. There is also the potential for significant undesignated archaeology within the immediate development area to be affected. The area of the camp is associated with the historically important Battle of Dyrham in 577 which is recorded in the Anglo-Saxon Chronicle.

5.26 A Heritage Statement and Archaeological Survey of the site were submitted with the original application PK11/1967/F. The archaeological evaluation that was undertaken demonstrated that direct archaeological impacts are unlikely, and in that respect, the scheme is acceptable. However there remains the issue of the impact of the proposals upon the setting of the designated and undesignated heritage assets within the vicinity of the proposed development.

5.27 The proposed turbine will be visible from the higher ground forming the northern edge of Dyrham Park. The turbine would also have an adverse impact upon the settings of other designated heritage assets – the Crown Inn and adjacent milestone.

5.28 English Heritage has now published its guidance on the assessment of development upon the settings of Heritage assets, the new guidance contains the following:

The setting of Heritage Assets, English Heritage 2012

Section 2.4 (p8) Heritage assets that comprise only buried remains may not be readily appreciated by a casual observer, they nonetheless retain a presence in the landscape and, like other heritage assets, have a setting. Historic battles

often leave no visible traces, but their sites still have a location and a setting which may include important strategic views; routes by which the opposing forces approached each other; and a topography that played a part in the outcome. Similarly, buried archaeological remains can also often be appreciated in historic street or boundary patterns; in relation to their surrounding topography or other heritage assets; or through the long-term continuity in the use of the land that surrounds them. While the form of survival of an asset may influence the degree to which its setting contributes to significance and the weight placed on it, it does not necessarily follow that the contribution is nullified if the asset is obscured or not readily visible.

- 5.29 *This includes the potential for appreciation of the asset's significance in the present and the future. People may, for example, be better able to appreciate the significance of a heritage asset once it is interpreted or mediated in some way. Equally they may be able to appreciate the significance of an asset from land that is currently inaccessible, if the extent of statutory or permissive public access changes over time.*
- 5.30 *Where the significance of a heritage asset has been compromised by in the past by unsympathetic development affecting its setting, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting; positive change could include the restoration of a building's original designed landscape or the removal of structures impairing views of a building.*
- 5.31 Para. 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Para. 133 goes on to note that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.
- 5.32 The Inspector in his Decision letter paras. 23 to 37 gave a full assessment of the heritage assets and the impact, if any, of the proposed Wind Turbine upon the settings of the heritage assets. In assessing Dyrham Camp the Inspector noted that views out of the Camp were historically important but those views are very different to-day due to the subsequent man-made features in those views, like large settlements, the motorway, trains of electricity pylons, farm buildings and so forth. The Inspector opined that the wind turbine would be a further distraction that would make an understanding of the designated heritage asset a *'little more difficult'* that *'...would cause some harm to significance but not so much that there would be conflict with Local Plan Policy L11'*.
- 5.33 As regards Dyrham Park the Inspector considered that due to the strong boundary treatments on the north side, that views out into the wider landscape were not considered particularly important but nevertheless considered that the understanding and appreciation of Dyrham Park - *'...would be affected to some degree, by the visibility of the wind turbine proposed from it'*. However the

- Inspector considered that visibility would be often constrained by trees but even when clearly visible, the wind turbine would not be perceived as part of the park, but as a separate element, set well beyond its boundaries. As a consequence, whilst it would have something of a harmful impact on the setting of the park, the impact would not be contrary to Local Plan Policy L10.
- 5.34 The Inspector considered the Crown Inn and Milestone do derive some significance from their association with the historic route that they served. The Inspector however goes on to say that whilst the wind turbine would be visible from the Crown Inn and Milestone, it would not be so close to, or such a dominant feature in views of, and across, these heritage assets as to have a harmful impact on their setting.
- 5.35 The Inspector concluded that the harm to the setting of Dyrham Camp and Dyrham Park would be much less than substantial. On top of that, it would be temporary, and reversible. Furthermore the NPPF requires the harm to be balanced against any public benefits.
- 5.36 Impact on The Cotswold Way
Policy LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 requires that existing recreational walking, cycling and horseriding routes will be safeguarded. Development proposals that would unacceptably affect the utility and amenity of existing routes should not be permitted. Paragraph 73 of the NPPF stresses the importance of access to the high quality open spaces and opportunities for sport and recreation.
- 5.37 The siting of the proposed Wind Turbine would place it some 212m to the west of The Cotswold Way National Trail, which is a bridleway (LDH12/10) of national importance. The Cotswold Way crosses the escarpment and the extensive views therefrom, are enjoyed by walkers and horse riders alike. The Cotswolds Conservation Board has confirmed that the purpose of National Trails is to *'offer some of the best walking, riding and cycling experiences in the country, officially designated by Natural England and the Countryside Council for Wales. The 15 Trails are based on the nation's favourite rambles and rides and provide more than 4,000kms (2,500 miles) of well-managed routes across some of our finest countryside.'*
- 5.38 In considering the impact of the proposal on The Cotswolds Way the Inspector at paras. 21 and 22 of his Decision Letter stated:
- 'The existing route of the Cotswolds Way would only be affected to the extent that the wind turbine proposed would be visible from it as a prominent, man-made, feature that would cause a degree of harm to the surrounding landscape. As set out, there are many other similar features already in the vicinity which means that the proposal would not appear wholly incongruous, and the degree to which the proposal would be harmful would be limited.'*
- 'As such, the wind turbine proposed would merely act as yet another event along the route. It would not affect the utility or the amenity of the Cotswold Way to an unacceptable degree and would not, therefore, fall contrary to LP Policy LC12, or the approach set out in the Framework.'*

5.39 Need for Renewable Energy

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

5.40 National policy guidance in the NPPF (paras. 97 and 98) now provide the basis for the delivery of the national objective by encouraging approval of planning applications for renewable energy developments unless material considerations indicate otherwise. In para. 98 the NPPF states that authorities should not require applicants for energy development to demonstrate the overall need for renewable energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

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

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

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

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

5.44 Contribution towards the Renewable Energy Objectives

As referred to above, South Gloucestershire Council adopted a Climate Change Strategy and Action Plan in December 2006, revised in December 2008. The Strategy aims to achieve a 20% reduction in CO2 emissions by 2010 with a reduction of 60% by 2050.

5.45 *Report on the Potential for Renewable and Low Carbon Energy Supply in South Gloucestershire (AECOM Report commissioned by South Gloucestershire and published April 2010)*

South Gloucestershire Council has commissioned an independent study (AECOM Report April 2010). This report considers the potential of land based renewable & low carbon energy (electricity and heat) sources in South Gloucestershire including wind generated power. In respect of wind power the study identifies a theoretical capacity of 84MW of wind power, or up to 42 x 2Mw wind turbines in the whole of the South Gloucestershire area. Taking into account a number of constraints such as landscape designations, residential dwellings, roads and pylons, together with a 'cumulative impact' factor the theoretical capacity is reduced to approximately 20 Mw of wind power or 10 x 2 MW turbines in South Gloucestershire. The basis of the report is to estimate potential Renewable and Low Carbon Energy resource in South Gloucestershire and to provide options for policy development for the Council to consider. The study is not intended to dictate the maximum number of turbines that can be constructed within South Gloucestershire, neither does it allocate specific sites within the district. Detailed site investigations may exclude certain sites or may even identify further potential sites.

- 5.46 Policies RE1 and RE4 of the Draft RSS were based on evidence ('REvision2010' and 'REvision2020') that carries weight in the assessment of this application. The policies set out the target based requirements for the region as a whole and the way in which these targets should be met. The target set for the whole region is 509 to 611Mw of onshore renewable electricity resource by 2010 rising to 850Mw by 2020. Sub-regionally (former Avon Area) the RSS sets out an onshore renewable electricity generation target of 35 to 52Mw by 2010. The Inspector at para.39 of his Decision Letter confirmed that these targets retain their importance despite the Government's abolition of the regional apparatus. The Inspector reached this conclusion because the legally binding Government commitments these targets reflect remain in place.
- 5.47 According to the Regen-Southwest Annual Renewable Energy Survey (2010), the total renewable electricity capacity for the whole of the Southwest Region is 171.59Mw. In the former Avon Area (which includes South Gloucestershire) there is an installed renewable electricity generating capacity of 17.72 Mw; of which 6.05 Mw is Onshore Wind power generation. Clearly, when this is compared to the targets set for 2010, the installed capacity for the whole region and the Former Avon Area is well short of the targets. On this basis, it is considered that the 500kW capacity provided by the proposed development of 1 turbine on the Talbot Farm Site would provide a much needed if small contribution towards the targets. The need for the development is therefore not disputed and can be given significant weight in the determination of this application.
- 5.48 Impact on Residential Amenity
The nearest residential properties are located approximately 600m to the north-east of the site. The factors associated with Wind Turbines, which could have an adverse impact on residential amenity are noise and 'shadow flicker'.
- 5.49 Noise
The applicants have submitted a noise assessment that concludes that the predicted noise levels from the Turbine would be well below 35dB (La90,10min) at the nearest properties. The noise emissions from the Turbine would be

below even quiet rural background levels (typically 35 dB) and significantly below background if traffic noise from the M4 and A46 are taken into account.

5.50 Shadow Flicker

Problems of shadow flicker can rarely occur under certain combinations of geographical position and time of day. The greater the distance from the Wind Turbine, the less the potential effect. Shadow flicker has been proven to only affect observers within a distance of 10 rotor diameters from the turbine and then only at certain times of the day when the sun is low in the sky. In this case there are no residential properties within the 10-rotor diameter distance i.e. 520m.

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

5.52 Ecology

The application site forms part of an agricultural field to the east of Junction 18 of the M4, between the motorway corridor and Hinton Hill to the north of Dyrham Park. The site itself is not covered by any statutory or non-statutory nature conservation designations. However, the adjoining fields are designated as a Site of Nature Conservation Interest (Fields Around Holloway Brake, Tormarton SNCI) for its calcareous and neutral grassland and broadleaved woodland interests.

5.53 The original application included an ecological assessment of the site carried out by Fieldwork Ecological Services Ltd and dated 7th January 2011. It should be noted that the assessment consisted of a walkover survey and subsequent discussion and did not include any specific species surveys (January is a sub-optimal time of the year for carrying out ecological field work).

5.54 Notwithstanding the above, the application site is situated within an intensive agricultural field of low ecological interest. It is accepted that the habitat is distinctly sub-optimal for reptiles such as slowworms. The survey found no signs of badgers (setts, foraging) within 50m of the application site.

5.55 The application site adjoins the Fields Around Holloway Brake, Tormarton SNCI, designated for its calcareous and neutral grassland and broadleaved woodland interests. The ecological assessment did not specifically refer to the SNCI but instead noted that there are *'patches of unimproved calcareous grassland that are Biodiversity Action Plan habitats approximately 300 metres west and 100 metres northwest but these will not be impacted upon by the proposal'*. Whilst it is accepted development will not directly affect the areas of species-rich grassland, any assessment of the impacts arising from planning applications need to address the ecology of any SNCI as a whole - including protected/notable species of bats and bird which are reliant on the food sources provided by the SNCI habitats as a whole.

5.56 The assessment did not include any specific survey of the application site for bats/birds. Whilst the site is an intensive agricultural field and unlikely to offer any notable habitat in itself, more pertinently the assessment did not include a

survey of the adjoining hedges/habitat within the SNCI which is more likely to provide good quality feeding habitat for a range of bats and birds. Whilst development will not directly affect the SNCI through a loss of habitat, it does have the ability to indirectly impact on the ecology it supports by displacement/mortalities (barotrauma) during its operational phase.

5.57 In response to the above officer concerns, the applicant re-located the position of the Wind Turbine such that a separation from blade tip to nearest hedge/tree line is in excess of the 50m recommended by Natural England for the protection of bats. There is now likely to be little or no bat or bird activity in the vicinity of the Wind Turbine.

5.58 There are therefore no ecological constraints to granting planning permission.

5.59 Sustainable Transport

The Wind Turbine would be delivered mainly in standard shipping containers via the site entrance. Traffic would exit the M4 at Junction 18 onto the A46 heading south. The site has existing tracks running part-way to the installation location but where required, a temporary road surface would be laid during the construction phase. The temporary road surface would be removed once the turbine is fully commissioned. The turbine would require an annual service visit plus visits for other preventative work that may be required but on-site visits are expected to be less than 5 per calendar year and will not require heavy plant.

5.60 Officers are satisfied that the proposal would not have any material highway or transportation implications. There are however some concerns about the possible access route to be employed by vehicles carrying the turbine blades. A condition would therefore be required to secure the prior submission and approval of a full and detailed examination of the routeing of vehicles to and from the site during the construction phase. A full track plot of vehicle movements into and out of the site should be included – such a condition was accepted as necessary by the Inspector. Subject to this condition, there are no highway objections.

6. CONCLUSION

6.1 There is clearly a balance to be drawn between the need for renewable energy installations, particularly in relation to climate change and sustainable forms of energy production, and the impact of such installations; most notably in this case, upon the natural beauty of the Cotswolds AONB, and visual amenity of the Green Belt and landscape in general, as well as the setting of local Heritage Assets and amenity of The Cotswolds Way National Trail.

6.2 In his Appeal Decision Letter paras. 43 & 44 for PK13/0119/F, the Inspector considered that substantial weight must be given to any harm to the openness of the Green Belt, and great weight to conserving the natural beauty of the Cotswolds AONB. The Inspector concluded however that, whilst the Wind Turbine would have a negative impact, the harm identified by the proposed Wind Turbine to these matters of acknowledged importance, and to the setting of the various Heritage Assets, was '*clearly*' outweighed by the lacklustre performance of the region and the sub-region in terms of renewable energy

generation. The Inspector noted that the 1,088 MWh that would be produced by the Wind Turbine annually, weighed heavily in its favour. Paragraph 91 of the NPPF notes that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources; in this case therefore the very special circumstances required to overcome the harm by reason of inappropriateness and any other harm had been clearly demonstrated.

- 6.3 In quantifying the varying degrees of harm caused by the Wind Turbine, it is evident from the Inspector's Decision Letter that he did not consider the harm to be substantial, the reason being that the appearance and setting of the area had already been compromised by a number of man-made structures. These structures the Inspector identified as the M4 Motorway (the impact of which the Inspector described as '*colossal*'), other roads including the A46 (which is a very busy road); two telecommunications masts; and a train of '*large*' electricity pylons. At para. 19 the Inspector opined that:

'As set out the Wind Turbine would add a tall, prominent, moving feature into that mix. However, the inescapable influence that mankind has already had on this part of the AONB means that the wind turbine would not look particularly incongruous and the harmful impact it would have on the natural beauty and scenic quality of the AONB, and the visual amenity of the Green Belt, would be very limited. There would be no cumulative impacts with other wind turbines. Moreover, the proposal is intended to be in place for 25 years before being removed and the land restored to its former state. The limited degree of harm that would be caused would be both temporary and reversible.'

The Inspector also concluded at para.21 that the scheme would have only '*limited*' harm on the Cotswold Way.

- 6.4 In quantifying the harm to the various Heritage Assets the Inspector concluded that (para.31) the proposed Wind Turbine would cause only '*some harm*' to the significance of Dyrham Camp. At para. 33 the Inspector considered that the setting of Dyrham Park would only be affected to '*some degree*' but the Wind Turbine would '*not be perceived as part of the park, but as a separate element, set well beyond its boundaries*'.
- 6.5 At para. 35 the Inspector considered that the Wind Turbine would have '*no harmful impact*' on the setting of The Crown Inn or its associated Mile Stone.
- 6.6 The proposal now before the Council seeks to increase the size of the Wind Turbine that was allowed at appeal. The Inspector's considerations must therefore form the bench mark against which any increase in size is considered and this in turn must be considered against any increased environmental benefits to result from the proposed larger Wind Turbine.
- 6.7 The submitted Design and Access Statement indicates that the Tower height of the Turbine would increase from 36m to 40m i.e. and increase of 4m. The rotor diameter would increase from 39m to 52m and the tip height from 55m to 66m. These increases can be expressed in percentage terms as 11%, 33% and 20% respectively. Considering the scale of the Wind Turbine against the

- Comparative Scale of Wind Turbines (see fig.13) in the Renewables Draft SPD, the increased size would not alter the Turbines' classification, it would still fall within the Medium size bracket with a relatively low tower height, which still compares favourably with the height of standard electricity pylons. Whilst these increases are not considered to be large, there is no doubt that they would result in an increased level of harm to the matters of acknowledged importance identified by the Inspector.
- 6.8 This increased harm however must be weighed against the increased environmental benefits to result from the larger Turbine. The submission indicates that the annual production estimate would increase from 1100 MWh to 2000 MWh i.e. an increase of 81%; with annual CO2 offset increased from 594 tonnes to 1080 tonnes i.e. an increase of 81.8%. This demonstrates that, proportionally, the increased environmental benefits significantly outweigh the harm caused by the overall increased size of the Wind Turbine.
- 6.9 Using the Inspector's Decision Letter as the bench-mark for assessing harm, officers do not consider that the increased Wind Turbine size, would increase the level of harm caused, to what could be described as substantial. The proposal still relates to a single, medium sized Wind Turbine. The scheme would still be temporary and reversible. The increased environmental benefits are, proportionally significantly greater than any increased harm. Furthermore, it is a matter of fact that many, more smaller Wind Turbines, are needed to produce the energy output of a large Turbine (Renewables SPD pg.49). In this case there would be no cumulative impact and given the increased benefits of the larger Turbine, even less likelihood of there being any in the future.
- 6.10 Having weighed the increased harm against the increased environmental benefits, officer conclude that notwithstanding the concerns raised by the Parish Council, The National Trust, English Heritage and the Council's Landscape Architect and in the light of any changes to the Policy regime since the appeal decision; officer consider that there can only be one conclusion and that is to approve the proposal.
- 6.11 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.
- 6.12 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.

7.0 RECOMMENDATION

That planning permission be GRANTED subject to the conditions listed on the Decision Notice with the relevant Condition 2 varied to read as follows:

The development hereby permitted shall be carried out in accordance with the following approved plans : Unumbered : Site Location Plan; Unumbered : Site Plan;

and V1.0 : 10/12/2012 Vestas V52 Wind Turbine Elevation all received by the Council on the 16th Oct. 2013.

Reason

For the avoidance of doubt and to ensure that the development is carried out in accordance with the details so approved.

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. The development hereby permitted shall be carried out in accordance with the following approved plans : Unnumbered : Site Location Plan; Unnumbered : Site Plan; and V1.0 : 10/12/2012 Vestas V52 Wind Turbine Elevation all received by the Council on the 16th Oct. 2013.

Reason

For the avoidance of doubt and to ensure that the development is carried out in accordance with the details so approved.

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

Reason 1

To take account of the temporary nature of the development and to protect the visual amenity of the landscape, the Cotswolds AONB and setting of heritage assets, in accordance with Policies L1, L2, L10 and L13 respectively; Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013. and Sections 11 and 12 of the NPPF.

Reason 2

To protect the openness and visual amenity of the Bristol/Bath Green Belt and to accord with Section 9 of the NPPF and Policy CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

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

Reason 1

To take account of the temporary nature of the development and to protect the visual amenity of the landscape, the Cotswolds AONB and setting of heritage assets, in accordance with Policies L1, L2, L10 and L13 respectively; Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013. and Sections 11 and 12 of the NPPF.

Reason 2

To protect the openness and visual amenity of the Bristol/Bath Green Belt and to accord with Section 9 of the NPPF and Policy CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

5. No development shall take place until details of the colour and finish of the wind turbine, and the design and finish of the equipment cabin, have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason

In the interests of good design and to protect the visual amenity of the landscape, the Cotswolds AONB and setting of heritage assets, in accordance with Policies L1, L2, L10 and L13 respectively, Policies CS1 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and Sections 11 and 12 of the NPPF.

6. No development shall take place until details of the route by which the wind turbine approved herein is to be delivered to the site have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

7. The temporary access track indicated on the site location plan shall be removed and the land returned to its former condition within four months of the First Export Date.

Reason 1

To take account of the temporary nature of the development and to protect the visual amenity of the landscape, the Cotswolds AONB and setting of heritage assets, in accordance with Policies L1, L2, L10 and L13 respectively; Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013. and Sections 11 and 12 of the NPPF.

Reason 2

To protect the openness and visual amenity of the Bristol/Bath Green Belt and to accord with Section 9 of the NPPF and Policy CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

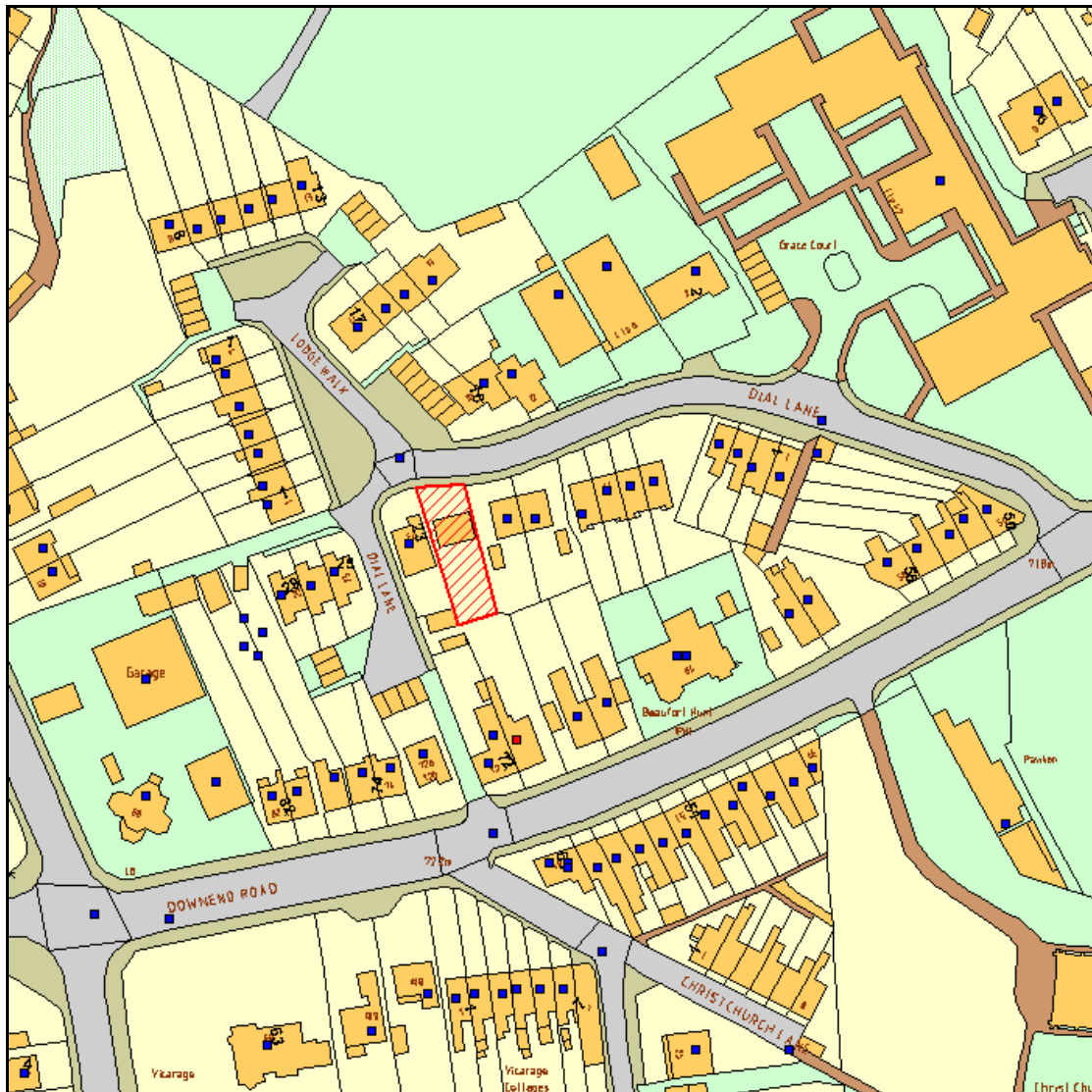
8. For the entire duration of time that the turbine hereby approved is erected on the site, the turbine shall be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

Reason

In the interests of safety for airborne craft and to comply with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Approved) Dec. 2013.

CIRCULATED SCHEDULE NO. 11/14 – 14 MARCH 2014

App No.:	PK13/4545/F	Applicant:	Mr S Hendy
Site:	Land At Rear Of 70 Downend Road Downend South Gloucestershire BS16 5UE	Date Reg:	10th December 2013
Proposal:	Erection of 2no. semi-detached dwellings with access and associated works.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364835 176549	Ward:	Downend
Application Category:	Minor	Target Date:	31st January 2014



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PK13/4545/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a pair of semi-detached dwellings in the land at the rear of 70 Downend Road. The access to the site is from Dial Lane.
- 1.2 The application site consists of a rear garden currently occupied by a double garage situated within the defined urban area in the Bristol East Fringe.
- 1.3 The site has an extant outline planning permission for 1no. dwelling approved 1st March 2013 under application ref. PK13/0143/O.

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
CS29 Communities of the East Fringe

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

H4 Development within Existing Residential Curtilages
T8 Parking Standards
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 PK13/0143/O - Erection of 1no. dwelling (Outline) all matters reserved. Approved 1st March 2013

- 3.2 K2158/1 - Erection of detached dwellinghouse (Previous ID: K2158/1). Approved 13th February 1985
- 3.3 K2158/AP - Erection of detached dwellinghouse with integral garage (Previous ID: K2158/AP). Approved 31st October 1978
- 3.4 K2158 - Erection of a detached house and garage (outline) (Previous ID: K2158). Approved 25th April 1978

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection
- 4.2 Highway Drainage
No objection. SUDs condition requested.
- 4.3 Transportation DC
No objection subject to condition.

Other Representations

- 4.4 Local Residents
Two letters have been received from local residents. One letter is of objection and the other is a mixed comment. The comments are summarised as follows:
- Design looks good on paper although prefer to have seen a single four bed house two house are better than the site as now.
 - Supportive of single detached dwelling.
 - Height of building – loss of light to upstairs hallway. Potential costs/ electric bills.
 - Overshadowing
 - Affect on street parking. Spaces shown not viable for 4 cars.
 - Buy to let potential – concern over disregard for the property/road.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application seeks permission for the erection of a pair of semi-detached dwelling situated within the rear garden of no.70 Downend Road within the urban area of the East Fringe of Bristol. Saved policy H4 of the SGLP (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highway safety, and design.
- 5.2 The application site has outline permission for the erection of 1no. detached dwelling with all matters reserved, approved 1st March 2013 under application ref. PK13/0143/O. This is considered to hold substantial material weight in the determination of this application.
- 5.3 Residential Amenity
The application proposed 2no. double storey dwellings with a maximum height of 8.2 metres, a depth of 10.8 metres and a combined width of 8.4 metres. The

dwelling would have a small lean to single storey element on the rear elevation. The dwelling would be situated between numbers 23 and 19 Dial Lane slightly set back from each property. The site has extant outline permission for the erection of 1no. dwelling with all matters reserved. The scale of the approved 1no. dwelling is conditioned to the following maximum parameters: width 7.5 - 8.5m; length 11.0 - 12.0m; height 7.5m - 8.25m) under condition 7 of PK13/0143/O. The combined scale of the proposed 2no. dwellings falls within these scale parameters.

- 5.4 The layout of the proposed dwelling is such that they would be slightly set back from the building line to the two adjacent properties. Although the proposed dwelling would extend slightly beyond the rear elevations of no.s 23 and 19 this is consider minimal and would not appear overbearing or oppressive to the detriment of residential amenity. The rear elevations of the proposed dwelling face south and as such the proposal would not result in a significant loss of light to the gardens of either neighbouring property. Numbers 19 and 21 have obscure glazed and non-habitable windows at first floor level in the side elevations of facing the application site. Although concern has been raised in relation to the loss of light to these windows it is considered that this would not prejudice residential amenity as they do not serve primary living accommodation. Given the proximity of nearby occupiers to the site it is considered necessary and reasonable to enforce a times of construction condition.
- 5.5 The proposed first floor windows on the rear elevations would overlook the rear gardens of neighbouring properties but this is not unusual in a built up area and would not significantly alter the existing privacy experienced by nearby occupiers. There would be no direct line of vision between the proposed windows and those of neighbouring properties at a close proximity. Adequate private amenity space would remain to serve no.70 Downend Road and sufficient space is provided for each new dwelling.
- 5.6 Highway Safety
The application proposes the erection of 2no. two-bedrooms dwellings in the rear garden of no. 70. The site as existing has a detached double garage and access from Dial Lane serving no.70. the proposed access to the two dwellings is from Dial lane removing the parking that currently serves no. 70. The plans identify two off street parking spaces to serve each new dwelling.
- 5.7 Although the proposal would result in the loss of the parking provision to no.70 with no provision to the front substantial weight is given to the existing extant permission which proposes the same set up. Therefore, although no.70 would not benefit from parking provision in accordance with the Council's minimum standards (adopted December 2013) this has already been agreed within application ref. PK13/0143/O. There is a local shopping centre in Downend within close proximity of the site where there is a good mix of shops and services and good access to public transport. Being sited in an existing built up area, the location of these houses is considered sustainable.
- 5.8 In terms of the proposed access and parking provision the development would utilise the existing access from Dial Lane with a hardstanding to the front

accommodating a total of four off street parking spaces. The Residential Parking Standards SPD states that a two bedroom dwelling should have a minimum of 1.5 spaces. The parking provision identified is therefore above the Council's minimum standards for the dwellings proposed. Although concern has been raised in this respect Officers note that the parking provision is in accordance with the current adopted policy, the SPD for which was recently adopted in December 2013 and can therefore be afforded significant weight. On-street parking is also available in the cul de sac. In consideration of the above there are no concerns in terms of highway safety provided the parking is implemented in accordance with the plans.

5.9 Design

The application site is situated on Dial Lane, which is an established residential cul de sac with a mixed character. There is no distinct character to the immediate locality. The site as existing has a breeze block detached garage which does not offer any contribution to the visual amenity of the site or the locality. The proposal is for a pair of semi-detached dwellings with a front gable feature and pitched roof.

- 5.10 The proposal would sit between a pair of semi-detached pitched roof dwellings and a detached gable end dwelling. The proposal is on a similar building line to the neighbouring properties and the maximum height of it is informed by the local street scene, albeit slightly higher than number 23. The layout and siting of the proposal is considered to have been informed by the pattern of development in the locality. The design of the proposal is considered appropriate and given the mix of character in the existing street scene would remain in keeping. The street scene has a mix of render and cladding materials. The application form implies that the dwelling will be constructed in render and brick with a tiled roof but full details have not been provided. The final materials will therefore be subject to a condition. Subject to this condition there are no concerns in terms of design.

5.11 Drainage

No drainage details have been submitted however subject to the submission of surface water drainage details (including SUDS) prior to commencement there are no objections to the proposed development. This will be subject to a condition. The hardstanding area to the front should be constructed in permeable material and this will form part of a suitably worded condition.

5.12 Other Matters

Concern has been raised that the dwellings may have a buy to let potential and the implications this may have for the future of the road and property. The buy to let potential of the dwellings is not a material consideration of this planning application and as such has not held any weight in the determination of the 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 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. Prior to the commencement of development details and samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

3. 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 CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the National Planning Policy Framework 2012.

4. The access and off-street parking facilities (for all vehicles, including cycles) shown on the plan (3232 - SB A received 6th December 2013) hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

The hardstanding area shall be constructed in a permeable bound surface and thereafter maintained as such.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies H4, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the Residential Parking Standards SPD (Adopted) 2013.

5. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the property.

Reason

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

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

Reason

To protect the residential amenity of the neighbouring occupiers during construction and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 11/14 – 14 MARCH 2014

App No.: PK14/0153/F
Site: The Offices Unit 3 Crown Road Warmley
 Bristol South Gloucestershire
 BS30 8JJ

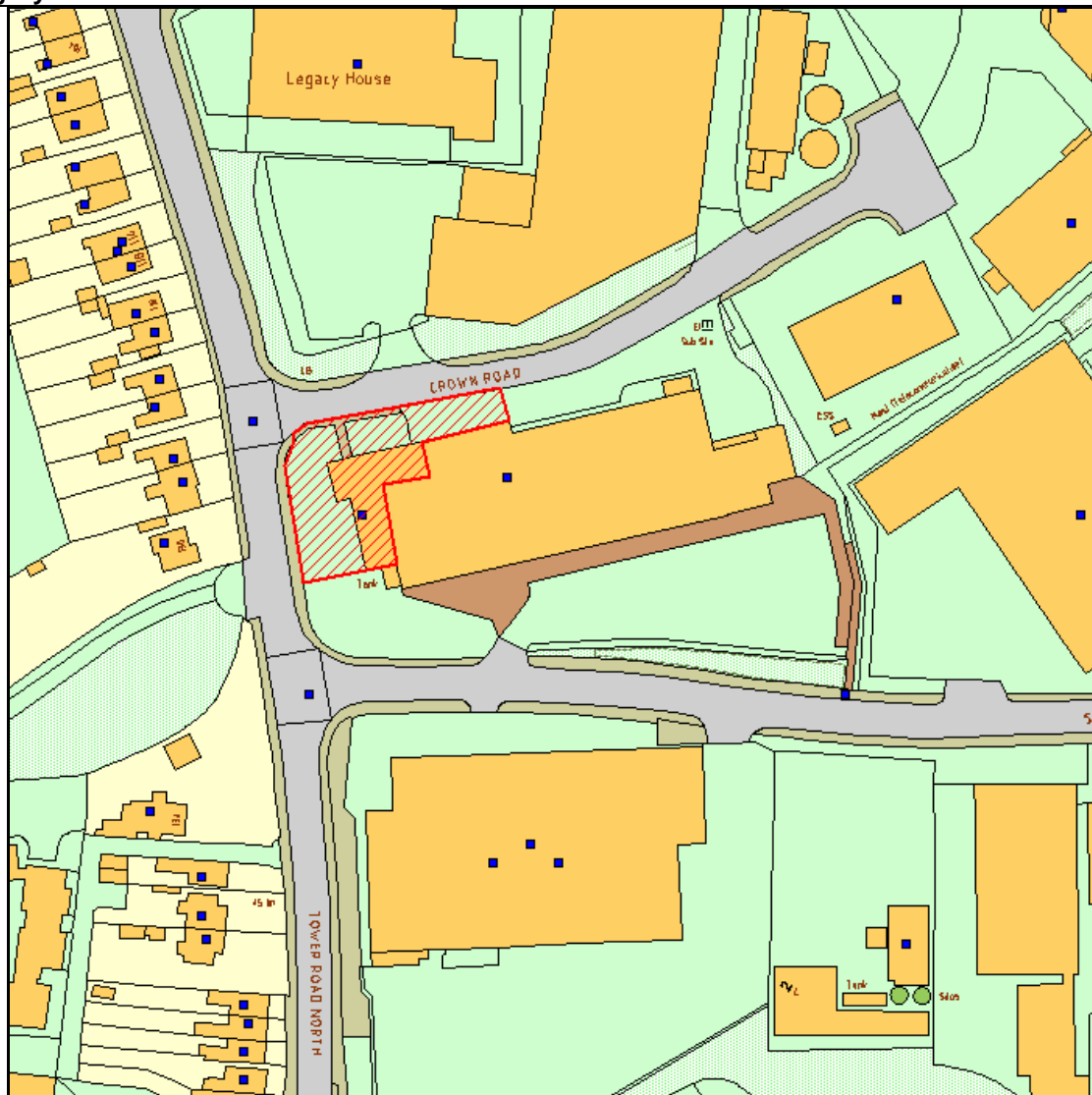
Applicant: Webbs Of Warmley
Date Reg: 21st January 2014

Proposal: Change of use of part of premises from (Class B8) to mixed use (Class A3) Cafe and (Class A1) Retail with ancillary bicycle repair workshop as defined in the Town and country Planning (Use Classes) Order 1987 (as amended)

Parish: Siston Parish Council

Map Ref: 367215 173199
Application Category: Minor

Ward: Siston
Target Date: 14th March 2014



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PK14/0153/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to comments received from two local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks a change of use of premises from Class B8 to mixed use Class A3 café and Class A1 retail with ancillary bicycle repair workshop as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application site relates to a large unit in an established light industrial area in Warmley, designated a Safeguarded Employment Area. The site holds a corner position with elevations facing Crown Road and Tower Road North.
- 1.3 During the course of the application revised plans were received by the Council showing additional parking spaces to serve the application site. These were not sent out for re-consultation as the proposal for change of use was not affected in principle.

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
CS12	Safeguarded Areas for Economic Development
CS24	Open Space Standards

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

H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12	Transportation Development Control
RT8	Small Scale Retail Uses within the Urban Areas and the Boundaries of Settlements

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

3. RELEVANT PLANNING HISTORY

- 3.1 K1779/2 CONSTRUCTION OF A LOADING DOOR
Approved 21.10.85

3.2	K1779/1 Approved	ERECTION OF FIRST FLOOR SALES OFFICE EXT 21.10.85
3.3	K1779 Approved	EXTENSION TO EXISTING WAREHOUSE PREMISES TO PROVIDE ADDITIONAL OFFICE ACCOMMODATION AND TOILET FACILITIES 31.5.77

4. CONSULTATION RESPONSES

4.1 Siston Parish Council

No objection to change of use at this location subject to allocated vehicle parking spaces being permanently identified and maintained for this use. Also request that any outside advertising signage be sensitive to potential driver distraction and visual effect on nearby householders.

4.2 Other Consultees

Environmental Protection

No objection:

It appears that the café will only be serving basic breakfasts items, which would not require full odour abatement measures. The applicant should be aware however that should this change for example by cooking a wider variety of food or larger volume that may cause odours, it would not preclude the Council taking nuisance enforcement action at a later time.

Highway Engineer

No objection subject to conditions attached to the decision notice

Highway Drainage

No comment

Other Representations

4.3 Local Residents

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

- Existing café at the top of the road will be affected and impact on my livelihood
- Potential increase in traffic and parking issues
- Misleading/incorrect statement in application form

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness

and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives.

The NPPF (2012) is promotes the building of a strong, competitive economy which includes the supporting of existing markets and the creation of new ones.

Policy CS12 of Core Strategy (2013) deals with land identified as safeguarded for economic development and saved Policy RT8 with retail uses within the urban area and settlement boundaries. For a proposal to be acceptable it must meet the criteria set out in both policies.

The proposal will be assessed under the above two policies. It is considered that the proposal meets the set criteria and as such accords with the principle of development. This is covered in more detail below:

5.2 **Policy CS12 – safeguarded areas for economic development.**

Proposals for change from B Use Classes to other economic development uses will need to demonstrate that :

1. The proposal would not prejudice the regeneration and retention of B Use Classes elsewhere within the defined employment area; and

The application site is part of a large safeguarded employment area which contains a variety of uses. The change of use from B8 storage to mixed use A1 and A3 would not prejudice the regeneration and retention of other B use classes within the defined employment area.

It meets this criteria.

2. 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 to the location; and

Warmley is very close to the Bristol to Bath cycle track and the application would mean the creation of a cycle retail unit with ancillary cycle repair workshop plus a café. This is considered a complementary business use which could attract a number of different customers for example those using the shop, cyclists using the trail, users of the industrial park or even passing trade. As such, by the very nature of the business, it is considered that proposal would promote and contribute to sustainable development and therefore complies with this criterion.

3. The proposal would improve the number or range of jobs available in the local area; and

As part of the proposal opportunities for 3no. full time and 5no. part time employees would be created. It therefore accords with this criterion.

4. No suitable alternative provision for the proposal has been made elsewhere in the LDF

It is confirmed that no suitable alternative provision has been made elsewhere.

5.3 **Policy RT8 – Small Scale Retail Uses Within Urban Areas and Boundaries of Settlements**

This states that retail proposals will be permitted provided that:

- A. The development would not give rise to unacceptable levels of vehicular traffic or on-street parking to the detriment of the amenities of the surrounding area and highway safety; and

Highway officers had no objection with regard to the change of use from B8 to A1 but expressed initial concerns regarding the proposed café and the potential for increased on-street parking that could result. A total of 6no parking spaces were proposed for both the A1 and A3 uses. As this level of parking was considered insufficient revised plans were submitted showing an increase in the amount of parking to 9no.spaces. Officers reviewed the new details and considered this level of provision acceptable. A condition will secure the spaces.

- B. The development would not prejudice existing residential amenity; and

The application site is within an established industrial park which is off Tower Road North in Warmley. Directly opposite the entrance to the park and therefore opposite the site are a number of residential properties. The application site is separated from these properties by the main road and also by a grassed area outside the application site. It is acknowledged that the proposal would result in changes given that the existing use is B8 whereas the proposed is a mixed use. However, given the nature of the proposed business, a cycle shop, repair workshop and café it is judged that the changes would not prejudice the residential amenity of existing neighbours to such a degree that the application be refused. A condition would be attached to the decision notice to limiting the hours of trading.

- C. The character of the area would not adversely affected; and

The character of the area is already mixed, with residential properties along with large industrial units present along this road. No external changes are proposed to the unit and it is considered that the changed of use from B8 to A1 and A3 would not have a negative impact on the existing character of the area.

- D. (In the case of proposals within a local centre) that the development would be consistent with that centre's scale and function; or

The proposal is not within a local centre.

- E. (In the case of proposals outside of a local centre) development would improve the range of services to a local community and not harm the vitality and viability of an existing local centre.

The application site is located outside a local centre and by the introduction of a cycle repair shop and café is considered to improve the range of services available to the community in this area.

5.4 Other matters

A local resident has stated that some of the details relating to the current occupier of the premises are incorrect. The statement contains assertions relating to removal of shares/fraud, the changing of company address, the use of the company name, business loans and liquidation of a previous company at that location. These matters do not relate to this application and cannot be taken into account in this assessment.

6. **CONCLUSION**

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. Prior to the first occupation of the building for the purpose hereby approved, the off street parking shall be provided in accordance with the drawing 'Proposed block plan D02 A' and subsequently maintained at all times thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with saved Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The A3 use hereby permitted shall not be open to customers outside the following times 7:00 to 15:00 and the A1 use from 9:00 to 17:00 Monday to Saturday only with no trading on Sundays or Bank Holidays.

Reason

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

CIRCULATED SCHEDULE NO. 11/14 – 14 MARCH 2014

App No.:	PK14/0380/CLP	Applicant:	Mr Willis
Site:	60 Samuel White Road Hanham South Gloucestershire BS15 3LX	Date Reg:	10th February 2014
Proposal:	Application for a certificate of lawfulness for the proposed erection of a single storey and first floor rear extension.	Parish:	Hanham Abbots Parish Council
Map Ref:	364288 171627	Ward:	Hanham
Application Category:	Minor	Target Date:	2nd April 2014



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N.T.S.

PK14/0380/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule in accordance with the standard procedure for the determination of such applications.

1. THE PROPOSAL

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the erection of a first floor rear extension and a single storey rear extension at 60 Samuel White Road, Hanham.
- 1.2 The property is a two storey semi-detached dwelling and is located within a residential area of Hanham.
- 1.3 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

- 2.1 Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application. The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent.

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
No comments
- 4.2 Drainage
No objections however given the proximity of the public sewer the applicant is advised to contact Wessex Water.

Other Representations

- 4.3 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance.

It stands to be ascertained whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

- 5.2 The proposed development consists of two rear extensions. This development would fall under the criteria of Schedule 2, Part 1, Class A, of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The enlargement, improvement or other alteration of a dwellinghouse). Developments which fail any of the following criteria would not be permitted:

Class A.1

- (a) **As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**
The property has a substantial rear garden, consequently the proposed extensions would not exceed 50% of the total area of the curtilage.
- (b) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**
The maximum height of the proposed first floor extension would sit below the height of the main dwelling house and the single storey extension would be lower than the main eaves height. As such the proposal meets this criterion.
- (c) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**
The first floor extension would have a height to eaves to match the main eaves height and the single storey extension would be set significantly lower than the existing eaves height. As such the proposal meets this criterion
- (d) **The enlarged part of the dwellinghouse would extend beyond a wall which—**
(i) **fronts a highway, and**
(ii) **forms either the principal elevation or a side elevation of the original dwellinghouse;**
The proposed extension would be to the rear of the dwelling not on a principle or side elevation and not fronting a highway, as such the proposal accords with this criterion.

- (e) **The enlarged part of the dwellinghouse would have a single storey and—**
(i) **extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
(ii) **exceed 4 metres in height;**

The host dwelling is a semi-detached property. The proposed single storey rear extension would extend a maximum of 1.85 metres in depth. Furthermore the proposed extension would have a maximum height of 3.7 metres.

- (f) **The enlarged part of the dwellinghouse would have more than one storey and**
(i) **extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
(ii) **be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;**

The proposed first floor rear extension would only measure 2.7 metres in depth. Furthermore the extension would not be located within 7 metres of the rear boundary, opposite the rear wall of the dwelling, which is located over 21 metres away. The proposal therefore meets this criterion.

- (g) **The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**

The proposal would be over 2 metres away from the boundary. As such the proposal accords with this criterion.

- (h) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would:**

- (i) **exceed 4 metres in height**
(ii) **have more than one storey, or**
(iii) **have a width greater than half the width of the original dwellinghouse; or**

The proposed extensions are to the rear of the dwelling only.

- (i) **It would consist of or include—**

- (i) **The construction or provision of a veranda, balcony or raised platform,**
(ii) **The installation, alteration or replacement of a microwave antenna,**
(iii) **The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
(iv) **An alteration to any part of the roof of the dwellinghouse.**

The proposed first floor extension does alter part of the roof of the main dwellinghouse, therefore in accordance with Permitted Development Technical Guidance (August 2010), the alterations to the existing roof of the house needs to meet the requirements of Class C. An assessment of the proposal against class C is outlined in paragraph 5.3 below.

Class A.2

In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if:

- (a) It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles :**
- (b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.**
The site is not within article 1(5) land.

Conditions

- (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**
The plans indicate that the proposal would be finished in matching render and that matching or similar roof tiles would be used, as such the works meet this criterion.
- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—**
 - (i) obscure-glazed, and**
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**The proposal includes the installation of one side elevation upper floor window. The plan indicated that this window would be obscurely glazed and non opening below 1.7 metres.
- (c) Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**
The proposed first floor extension has a roof pitch that is in keeping with the roof pitch of the original dwelling.

5.3 The proposed development consists of an alteration to the roof. The Permitted Development for Householders Technical guidance (amended 2013), states the following:

‘Where a two storey extension at the rear of a house that has a roof that joins onto the main roof of the original house, the works will need to meet the requirements of both Class A and Class C in order to be permitted development.’

As such this development would fall under the criteria of Schedule 2, Part 1, Class C, of Town and Country Planning (General Permitted Development)

(Amendment) (No 2) (England) Order 2008 (Any other alteration to the roof of a dwellinghouse). Whilst this class does repeat a few of the criteria listed under class A, for the avoidance of doubt all the criteria have been listed and addressed. Developments which fail any of the following criteria would not be permitted:

Class C.1

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

Whilst the proposed extension would logically be considered to protrude more than 150mm from the roof slope, the Permitted Development for Householders Technical guidance advises that this limited projection criteria should not be applied in cases where, the roof of an extension to a house that is permitted development under Class A is joined to the roof of the original dwelling house. It is stated that in such cases, the roof of the extension should not be considered as protruding from the original roof. As such the proposal is considered to meet this criterion.

- (b) **It would result in the highest part of the alteration being higher than the highest part of the original roof or:**

The rear extension roof would not exceed the main ridge height of the original dwellinghouse roof.

- (c) **It would consist of or include:**

(i) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or:

(ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

The proposal would not include any of the above, as such the proposal would meet this criterion.

Conditions:

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be:

(a) Obscure glazed, and:

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

No side elevation windows are proposed in the roof slope.

6. **CONCLUSION**

6.1 It is considered that the proposal does fall within the categories of development which are permitted development, and therefore planning permission is not required for the works proposed.

7. RECOMMENDATION

7.1 That a certificate of Lawfulness for Proposed Development is approved for the following reason:

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Contact Officer: Kirstie Henshaw
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