



**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. 04/14

Date to Members: 24/01/14

Member's Deadline: 30/01/14 (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:

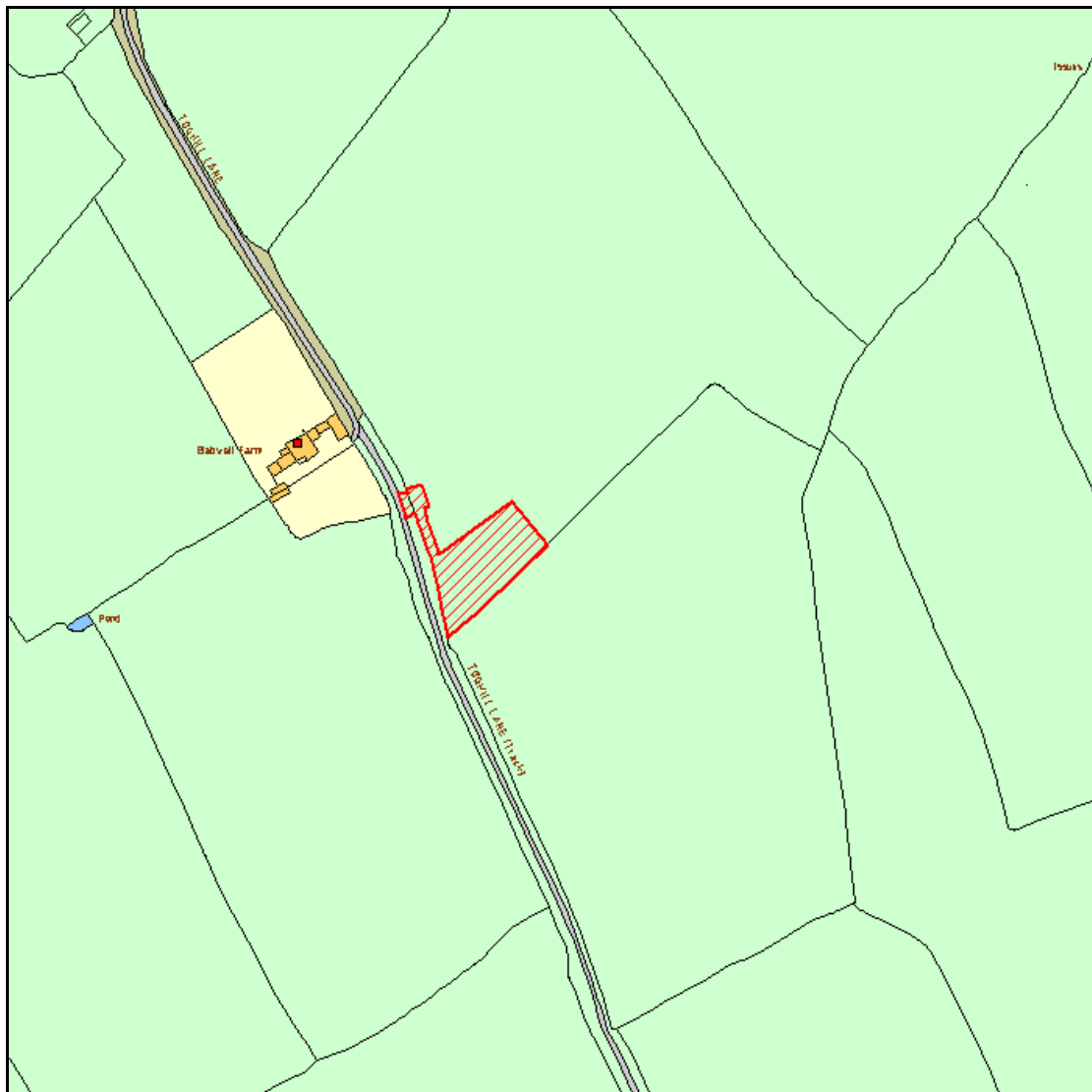
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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 – 24 JANUARY 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/1090/F	Approve with Conditions	Oxleaze Toghill Lane Doynton South Gloucestershire BS30 5TE	Boyd Valley	Doynton Parish Council
2	PK13/2581/F	Approve with Conditions	Land To The Rear Of 7 East End Marshfield Chippenham South Gloucestershire SN14 8NU	Boyd Valley	Marshfield Parish Council
3	PK13/2647/RM	Approve with Conditions	Parcel 8 Land At Emersons Green East Emersons Green South Gloucestershire BS16 7AQ	Emersons	Mangotsfield Rural Parish Council
4	PK13/3429/F	Approve with Conditions	129-133 Bath Road Longwell Green South Gloucestershire BS30 9DD	Longwell Green	Hanham Abbots Parish
5	PK13/4216/F	Approve with Conditions	Says Court Farm Badminton Road Coalpit Heath South Gloucestershire BS36 2NY	Westerleigh	Westerleigh Parish Council
6	PK13/4406/F	Approve with Conditions	Land Rear Of 50 Middle Road Kingswood South Gloucestershire BS15 4XH	Rodway	None
7	PK13/4460/F	Approve with Conditions	The Firs The Hollows Coalpit Heath South Gloucestershire BS36 2US	Westerleigh	Westerleigh Parish Council
8	PK13/4470/F	Approve with Conditions	133 High Street Marshfield Chippenham South Gloucestershire SN14 8LU	Boyd Valley	Marshfield Parish Council
9	PK13/4477/F	Approve with Conditions	28 Baglyn Avenue Kingswood South Gloucestershire BS15 4XS	Rodway	None
10	PT13/1310/F	Approve with Conditions	Land At Greenacres Passage Road Aust South Gloucestershire BS35 4BE	Severn	Aust Parish Council
11	PT13/3032/CLE	Split decision See D/N	Rear Part Of Woodlands Yard Road Frampton Cotterell South Gloucestershire BS36 2AW	Frampton Cotterell	Frampton Cotterell Parish
12	PT13/3950/RVC	Approve without conditions	2A Strode Common Alveston South Gloucestershire BS35 3PJ	Thornbury South And	Alveston Parish Council

CIRCULATED SCHEDULE NO. 04/14 – 24 JANUARY 2014

App No.:	PK13/1090/F	Applicant:	Golden Valley Paddocks
Site:	Oxleaze Toghill Lane Doynton Bristol South Gloucestershire BS30 5TE	Date Reg:	4th April 2013
Proposal:	Use of agricultural building for the accommodation of livestock.	Parish:	Doynton Parish Council
Map Ref:	372291 173258	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	23rd May 2013



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100023410, 2008.

N.T.S.

PK13/1090/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application site is located to the south of the village of Doynton, within the open countryside, Bristol & Bath Green Belt and the Cotswold Area of Outstanding Natural Beauty. The application relates to the use of an existing agricultural building/barn. The overall site is 6.57 hectares in area and is currently laid to pasture. The site is accessed via a track (Toghill Lane) out of Doynton, which is also a Restricted Byway; this track also serves Babwell Farmhouse, which itself is located opposite the site access, and to the west of the track.
- 1.2 The existing agricultural building/barn was considered to be permitted development under prior notification application PK09/1413/PNA. Hard-standings have been laid around the barn and up to the access; retaining walls have been erected along the southern and western edges of the yard; feed hoppers lie to the west of the building (see PK11/1761/F).
- 1.3 Under the prior notification process, permission is granted under Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 for the erection of agricultural buildings subject to a condition (see para A.2 (1)(a) of the GPDO) which prevents the building from being used for the housing of livestock (except in certain exceptional situations) where the building is within 400m of a protected building. The GPDO Part 6 para. D1 defines a 'protected building' as meaning any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is apt; but does not include:
 - (i) a building within the agricultural unit; or
 - (ii) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture.
- 1.4 Following the use of the agricultural building for housing livestock, in breach of this condition, an Enforcement Notice COM/11/0495/OD/1 was served 6 June 2012 to prevent the unauthorised use of the agricultural building for the accommodation of livestock. An appeal against the Enforcement Notice established that the building, having been erected under the prior notification approval, currently cannot be legally used for the housing of livestock, there being a 'protected building' within 400m of it. The applicant however wishes to keep livestock in the building in the future, hence the current application to regularise this situation.
- 1.5 This application is supported by the following documents:
 - Design and Access Statement
 - Agricultural Assessment
 - Boer Goat Business Plan

- Noise Report

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework March 2012

PPG7– The Countryside : Annex E ‘Permitted Development Rights For Agriculture and Forestry’

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1 Landscape Protection and Enhancement

L2 Cotswolds Area of Outstanding Natural Beauty

EP2 Flood Risk and Development

T12 Transportation Development Control Policy for New Development

E9 Agricultural Development

LC12 Recreational Routes

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

CS1 High Quality Design

CS9 Managing the Environment

CS34 Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.

South Gloucestershire Landscape Character Assessment as adopted Aug 2005. Landscape Character Area 6:- Pucklechurch Ridge & Boyd Valley.

Development in the Green Belt (SPD) Adopted June 2007.

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK09/1413/PNA - Prior notification of the intention to erect an agricultural building.
No objection 24 August 2009
- 3.2 PK11/1765/F - Siting of temporary agricultural workers dwelling for the period of three years.
Refused 12 August 2011 for reasons of:
- Functional need not demonstrated.
 - Visually intrusive feature in the Green Belt and landscape in general.
 - Visually intrusive feature to the detriment of the Cotswolds AONB.
- 3.3 PK11/1761/F - Installation of concrete yard, retaining walls and 2no. feed hoppers. (Retrospective)
Approved 28 Oct 2011
- 3.4 PK11/3441/F - Siting of temporary agricultural workers dwelling for the period of three years. (Re-submission of PK11/1765/F).
Pending

Relevant Enforcement History

- 3.5 COM/11/0495/OD/1 - The unauthorised use of agricultural building for the accommodation of livestock.
Enforcement Notice Issued 6 June 2012
Appeal APP/P0119/C/12/2178324 – Dismissed and the enforcement notice upheld with corrections 11 Feb. 2013.

4. CONSULTATION RESPONSES

- 4.1 Doynton Parish Council
Object on the following grounds:

1. An agricultural development has impact on those living around it and this issue has been addressed in A.2 (1)(a) of Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995. It is quite clear from this that livestock housed in a barn would not normally be permitted within 400m of a protected dwelling as this would be too intrusive on residents. The Inspector hearing Planning Enforcement Appeal APP/P0119/C/12/2178324 was of this view, and the Parish Council fully supports this decision. Whether the livestock are ducks or goats is immaterial, in either case they would have significant impact on the protected dwelling at Babwell Farmhouse that is less than 100m away from the barn.
2. We can of course appreciate that there could be situations where housing of livestock within 400m of a protected dwelling might not be particularly intrusive and presumably GVP are attempting to demonstrate that this is the case at Oxleaze. This might be so if the barn was small, the animals were few in number, and use of the barn was on an irregular basis. However this is very unlikely to be the case with the development proposed at Oxleaze. Although details of the scope of the goat rearing are confidential and not available to the Parish Council, the fact that they are also applying for planning permission for a temporary agricultural workers dwelling, suggests that there must be a large number of goats involved. Hence it is obvious that this whole enterprise will be very intrusive and therefore the 400m criteria between such development as contained in A.2 (1)(a) of Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 should not be waived.

- 4.2 Other Consultees

PROW

The proposed building is adjacent to the public right of way LDN38 which is a restricted byway, namely available for public use by pedestrians, cyclists, horse riders and non motorised vehicles. This way is also on the Councils list of streets as class 6 highway adopted footway. This track is also the vehicular access to the site. For this reason Public Rights of Way object to any further development on this site that may cause any increase in motorised vehicular

traffic along the access, Public Right of Way LDN38, as this is contrary to Local Plan Policy LC12.

Open Spaces Society

No response

Sustainable Transport – Transportation Officer

This scheme has been subject to an enforcement appeal and the appeal was dismissed by the planning Inspector although; no highway issues were raised. In view of this therefore; there are no highway/transportation objections.

Environmental Protection

No objection to the keeping of goats.

Landscape Officer

No objection

Highway Drainage

No comment

Council's Agricultural Consultant

The goat units that I have visited in the past are surprisingly odour free so I do not expect that to be an issue. If kidding took place there then it would certainly be noisy for a few weeks much in the same way as a lambing shed would be. The building itself would need some work to improve ventilation if it were to be used for livestock such as goats, as the present design is more akin to a secure storage building. The sides for instance would need to be opened up to allow circulation.

Other Representations

4.3 Local Residents

5no. residents have submitted objections to the proposal. The concerns raised are summarised as follows:

- Adverse impact on residential dwellings from keeping livestock in the building.
- Illegal use of site.
- Adverse impact on the beauty of the access lane from traffic using it.
- When lane floods, loose chippings block the road further down.
- New culvert will become blocked.
- Babwell House is a 'protected building'.
- Ducks are noisy.
- No need to overwinter goats in the Barn.
- Goats are seasonal breeders only.
- Alternative facilities available at Golden Valley Paddocks site at Bitton.

5. ANALYSIS OF PROPOSAL

- 5.1 The application relates to an existing agricultural building/barn that was erected under permitted development, prior notification ref: PK09/1413/PNA (see para. 3.1 above).
- 5.2 The Town and Country Planning (General Permitted Development) Order 1995, as amended (GPDO), sets out the categories of 'permitted development' that can be undertaken without express planning permission. Part 6 of Schedule 2 of the Order relates to 'Agricultural Buildings and Operations' and within this, Class A deals with 'Development on units of 5 hectares or more'. On such agricultural land, Class A (a) allows "*works for the erection, extension or alteration of a building.*" This permission is subject to the conditions set out at para. A.2 which includes (1) that any development carried out within 400m of a protected building shall not be used for the accommodation of livestock, and (2) that, amongst other things, the developer shall apply to the Local Planning Authority for a determination as to whether prior approval of the authority will be required to the siting, design and external appearance of the building. (*It should be stressed at this point, that at no time have the Council objected to the siting, design or external appearance of the building and this was acknowledged by the Inspector at para.19 of his Decision Letter; officers therefore consider that it would be unreasonable to now refuse the current application on these issues*).
- 5.3 Class A.1 of this part of the Order sets out the development not permitted which includes (h) where it would consist of the erection ...of a building...used or to be used for the accommodation of livestock.. "*where the building is or would be within 400 metres of the curtilage of a protected building*".
- 5.4 The definition of a 'protected building' is given within a section on the 'Interpretation of Part 6' in para. D.1 as meaning "*any permanent building which is normally occupied by people or would be so occupied, if it were used for the purposes for which it is apt; but does not include – (i) a building within the agricultural unit; or (ii) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture.*"
- 5.5 At the time of the submission of application PK09/1413/PNA, the applicant stated that there were no 'protected buildings' within 400m of the proposed agricultural building and as such intended to use it for "*the storage of tools and equipment and the batch rearing of calves and for lambing.*" The applicant considered that nearby Babwell Farmhouse as well as Woodlands Farmhouse were occupied by agricultural workers. (*Officers consider that Woodlands Farmhouse is more than 400m away and still a working farm*).
- 5.6 Subsequent to the submission of the application, there has been a good deal of debate as to whether or not the occupants of Babwell Farmhouse i.e. Mr & Mrs Fisher are in fact still farmers but to be succinct, the Council subsequently took the view that Babwell Farmhouse was in fact a 'protected building' under the GPDO definition and that as such, livestock should not be kept within the nearby agricultural building at Oxleaze; this was confirmed in a letter to the applicant dated 28 January 2010.

- 5.7 Following the erection of the agricultural building (July-Nov 2010), the Council received (July 2011) complaints from the occupiers of Babwell Farmhouse, which lies some 70m to the north-west, that livestock i.e. a flock of 800 ducks, were being kept in the building.
- 5.8 In June 2012 an Enforcement Notice COM/11/0495/OD/1 was served on the applicant preventing the use of the agricultural building for the housing of livestock. The notice was the subject of an appeal Ref: APP/P0119/C/12/2178324 which was subsequently dismissed. The appeal decision letter is considered to be a material consideration of significant weight in the determination of the current application.
- 5.9 In his Decision Letter (para. 18) the Inspector concluded that the appellant had not provided sufficient evidence to demonstrate on the balance of probability that there are no curtilages of protected buildings within 400m of the agricultural building and therefore the use of the building for the accommodation of livestock, constituted a breach of planning control.
- 5.10 Given this decision and the intention of the applicant to use the building for housing livestock, the current application it must be stressed, merely seeks permission to allow the use of the building for the accommodation of livestock. In the appeal decision Letter para. 19 the Inspector confirms:
- “The main issue is therefore the effect of the use of the building for the accommodation of livestock on the living conditions of the occupiers of residential properties in the vicinity of the site.”*
- 5.11 In reaching his decision, the Inspector at para. 25 of his Decision Letter considered that the appellant had not discharged the onus of proof on him to demonstrate that, the keeping of livestock in the agricultural building could be undertaken without causing noise disturbance, which would harm the quiet enjoyment and living conditions of the residential property at Babwell Farmhouse. As such the building did not accord with the then saved Policies EP1 and E9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 in so far as the housing of livestock within it, would harm the living conditions of neighbours on surrounding land.
- 5.12 Since the appeal decision, The South Gloucestershire Local Plan Core Strategy has been adopted (Dec 2013) and Policy EP1 is no longer saved but superseded by Policies within the Core Strategy, most notably Policy CS1. Local Plan Policy E9, which relates to the erection of agricultural buildings, is however a saved policy. The erection of agricultural buildings is permitted under Policy E9 subject to a number of criteria including criterion D which requires proposals to not prejudice the amenities of people residing in the area.
- 5.13 The NPPF at para.28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.
 - Promote the development and diversification of agricultural and other land-based rural businesses.
- 5.14 At para.123 the NPPF states that planning policies and decisions should aim to:
- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
 - Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
 - Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
 - Identify and protect areas of tranquillity which would have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 5.15 It should be stressed that the agricultural building the subject of this current application is an existing building, erected under permitted development rights but currently subject to the condition listed at para. 5.2 above. The current application relates **only** to the use of the building and more specifically to the acceptance or otherwise of keeping livestock within the building. The fall back situation is, that irrespective of whether or not this current application is approved, agricultural livestock of any description could still be kept within the fields associated with the building. Furthermore, even under the existing prior notification approval (see GPDO Part 6 para D3(b)), livestock can be housed in the building provided:
- (i) that the need to accommodate the livestock arises from-
 - (aa) quarantine requirements; or
 - (bb) an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm; or
 - (ii) in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure-
 - (aa) because they are sick or giving birth or newly born; or
 - (bb) to provide shelter against extreme weather conditions.
- 5.16 As a point of information, the Council also has before it an application PK11/3441/F for a temporary agricultural workers dwelling at Oxleaze. This seeks to regularise a further breach of planning control in that a mobile home is already sited on the land at Oxleaze. That application is pending the outcome of this current application PK13/1090/F, the use of the agricultural building having to some extent a direct relevance to the viability of the proposed future use of the site as an agricultural enterprise. That however is an entirely

- separate matter and each application should be determined on their individual merits.
- 5.17 Having regard to current Policy and the content of the Inspector's Decision Letter in relation to the recent enforcement appeal, officers consider that the only issue to consider in the current application PK13/1090/F is whether or not the housing of livestock within the agricultural building at Oxleaze, would have an unacceptable level of adverse impact for neighbouring residents, irrespective of how far away from the building they live.
- 5.18 Impact on Residential Amenity
In assessing the impact on residential amenity, officers are mindful of the location of the nearest residential properties; the nature of the original complaints from local residents; the intentions of the applicants (Golden Valley Paddocks Ltd.) for future use of the agricultural building; the scale and design of the building with respect to noise break out; and the content of the Inspector's Decision Letter for the recent Enforcement Appeal.
- 5.19 The agricultural building in question is located in a relatively remote rural location, accessed via a long track off Toghill Lane (to the south of Doynton). The only vehicles using this track are those accessing the application site or nearby Babwell Farmhouse, which lies opposite the entrance to Oxleaze and some 70m to the south west of the agricultural building. Some 600m to the east of the building lies Woodlands Farm; and approximately 360m to the north-east is St Ives Farmhouse in Watery Lane; these are the only properties in the vicinity of the agricultural building that could possibly be affected.
- 5.20 At the time of the prior notification application the applicant indicated that the agricultural building would be used for, *'the storage of tools and equipment and the batch rearing of calves and for lambing.'* However, it subsequently transpired that the applicants, Golden Valley Paddocks Ltd., had decided to use the site in conjunction with their Duck Egg enterprise already established at a larger site at Woolley near Bath and to some extent at another site at Bitton. As such, a flock of 800 ducks were moved onto the site at Oxleaze in the Summer of 2011 and these ducks were housed within the barn; followed in Sept. 2011 by a flock of geese which were fattened for the Christmas market.
- 5.21 It is evident from the case history, that the complaints leading to the serving of the Enforcement Notice emanated from the occupants of Babwell Farmhouse and that these complaints, related to the impact of noise generated from the ducks and geese being kept in the barn, particularly at night time. This case officer visited the site at dusk when the geese were corralled close to the barn and can confirm that they were excitable and noisy as geese often are. The same officer did not visit the site when ducks were in residence but did visit the Woolley site during the daytime, where thousands of ducks were in residence. The officer was surprised how little noise the ducks made, even when a stranger approached. Furthermore there was little evidence of excessive smell outside of the duck houses.
- 5.22 Having regard to the fact that all manner of livestock could be legally kept within the fields at Oxleaze, with the potential to house animals within portable

temporary field shelters under permitted development rights, officers consider it inconceivable that the occupants of St. Ives Farmhouse or Woodlands Farm would be adversely affected by livestock kept in the barn over and above those kept in the field, these properties being too far away and to some extent screened by the intervening hedgerows. The key issue to consider in the determination of this application is therefore the impact on the residential amenities of the occupiers of nearby Babwell Farmhouse, which lies only 70m from the agricultural building at Oxleaze.

- 5.23 At the time of the appeal against the Enforcement Notice, the appellant submitted a noise report carried out by Acoustic Consultants and undertaken in August 2012 when 800 ducks were being kept in the barn. The Inspector noted however that the noise readings were only taken during the daytime period and did not include any readings taken at night time. The Inspector opined that (para.24) :

“Given the levels of noise that the foul livestock have been shown to make at times, I have concerns that such levels of noise could arise in the evening when ambient noise levels tend to be lower and given the intensity and scale of birds that have been accommodated in the building and the close proximity to ‘Babwell’.

- 5.24 *“On balance, I conclude that the appellant has not discharged the onus of proof on him to demonstrate that the keeping of livestock in the agricultural building can be undertaken without causing noise disturbance which harms the quiet enjoyment and living conditions of the residential property at Babwell.”*

- 5.25 The applicant has questioned the Inspector's findings and submits that the noise report did in fact make reference to the night time period.

- 5.26 The current application PK13/1090/F was submitted on the basis that the barn was to be used primarily in conjunction with the applicant's Duck Egg Enterprise and the Design and Access Statement makes it clear that there is no intention to use the barn for housing geese in the future. It was intended to use the two bays nearest the lane for the storage, incubation and hatching of duck eggs and rearing of up to 1000 hatched ducklings. The rest of the barn would be used for a variety of agricultural activities, including lambing of sheep, calving of cattle and for the accommodation of sick, injured or nursing livestock, there being no other permanent agricultural buildings at Oxleaze. (It should be noted that some of these latter uses could currently be legally carried out within the building – see para. 5.15 above).

- 5.27 During the lifetime of this current application however, the applicant has informed the Council that following difficulties in gaining planning consents at their Woolley site, Golden Valley Paddocks Ltd. have now abandoned their Duck Egg Enterprise but instead now intend to move into the breeding and rearing of goats, more specifically Boer Goats. A business plan of the Boer Goat Enterprise has been submitted which indicates that Golden Valley Paddocks propose to utilise the land at Oxleaze, Woolley and Bitton for the goat business. Whilst the goats would be extensively grazed on all three sites they would need to be overwintered in buildings. The herd would move

between Woolley, Bitton and Oxleaze during the Summer months and overwintered in the barns at Bitton and Oxleaze. The business plan goes on to state amongst other things that:

- Boer Goats are docile.
- The goats do not have a fleece and therefore require housing in barns during the winter.
- The barns at Oxleaze and Bitton are suitable for overwintering stock and for kidding.
- The barn at Oxleaze would have a maximum overwintering capacity of 80 doe goats.
- The barn at Oxleaze would be in continuous use, to house small batches of expecting and birthing mothers.

- 5.28 The Boer Goat Business Plan has been the subject of comment by the Council's Independent Agricultural Consultant who confirmed that goat units are odour free. Any kidding is likely to create noise similar to that of a lambing shed. The consultant considered that the existing building would need to be modified to improve circulation of air through it. The consultant also opined that Boer Goats could not be bred all year around.
- 5.29 The applicant in response, commissioned an assessment of these comments, from Reading Agricultural Consultants who took issue with the statement that Boer Goats could not be bred all year round. They stated that a typical breeding program would be to produce three crops of kids every two years.
- 5.30 Given the change of emphasis of the business away from poultry, which generated the original complaints about noise, to the rearing of docile goats, officers consider that the potential for noise disturbance to nearby Babwell Farmhouse would be significantly reduced. Indeed the applicant has reasonably indicated a willingness to accept a condition to restrict the accommodation of the livestock building to cows, sheep and goats only.
- 5.31 The occupants of Babwell Farmhouse, Mr & Mrs Fisher, have confirmed in writing to the Council that in 1976 they were in partnership with Mr Fisher Snr. in running a dairy farm at nearby Beech Farm. Upon the death of Mr & Mrs Fisher Snr. the dairy herd was sold off in 2004 and the dairy farming business ceased. Ten calves were however kept as pets and now only 3 cows remain at Beech Farm. The Fishers state that they have only occupied Babwell as a residential dwelling, hence the reference to it being a 'protected building' under the GPDO definition. Given that the farmhouse at Beech Farm has been sold off, the applicant takes a different view, submitting that the Fishers are still farmers and that as such Babwell, as their only residence, is a farmhouse. In any event, there is no doubt that the Fishers have been farmers and as such would be more used to the daily noises and disturbances associated with farming activities. This is inferred in the GPDO reference to 'protected buildings', there being no restriction to permitted development where only farmworkers live within 400m of the agricultural building/barn. Officers consider that this is, in this case, a material consideration.

- 5.32 On balance therefore, whilst the proposal would allow the agricultural building to be used for the housing of livestock, this could be restricted by condition to only cattle, sheep and goats. The only residents likely to be affected would be Mr & Mrs Fisher who should by now be used to the noise created by at least cattle from their previous and to some extent continuing farming activities. On balance therefore, having regard to the existing authorised uses of the barn outlined in paragraph 5.15 above and the NPPF objectives to support economic growth in rural areas; subject to the aforementioned condition, officers consider that the proposal is acceptable and that any adverse impact on residential amenity would be at an acceptable level.
- 5.33 Light Pollution
Officers are mindful that concerns have been previously expressed about light pollution from the building and as such officers consider that a planning consent would give the opportunity to impose a further condition to secure the submission and agreement of a scheme of mitigation of light spillage from the barn.
- 5.34 Highway and PROW Issues
Policy LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 does not permit development that would unacceptably affect the utility and amenity of existing or proposed recreational routes. The access track (Toghill Lane) to Oxleaze is an existing track which, since Golden Valley Paddocks took over the site, has been improved by surfacing with loose hard-core, the track being previously very rough, poorly maintained and pitted with potholes. The track serves only Oxleaze and Babwell Farmhouse and links Doynton to the main road between Wick and Marshfield. The track is also a designated Restricted Byway.
- 5.35 Beyond Babwell, to the south, the track steepens and is unsuitable for anything other than four wheel drive vehicles. Being so rough and surfaced with hard-core, the track is also considered to be unsuitable for cyclists, except perhaps the most adventurous BMX cyclist. Officers have driven up the track from the Doynton end on a number of occasions and have never encountered walkers or horse riders or any other traffic other than that originating from Babwell or Oxleaze. Given the nature of the track, traffic speeds are very low.
- 5.36 Although some concerns have been expressed about the intensification of use of this track should planning permission be granted, the Council's Transportation Officer has raised no objection and the Inspector for the Enforcement Appeal did not raise, the use of the track, as an issue in his deliberations about the use of the barn for intensive farming.
- 5.37 In any event there is currently no restriction on the number or type of animals that could be kept at Oxleaze and even if the number of animals increased in the future, the level of traffic up and down the lane would still be commensurate with an agricultural use. Any conflict with walkers or horse riders would only be intermittent and traffic would be capable of passing much the same as the current situation. Officers therefore do not consider that a refusal reason based on this issue could be reasonably substantiated in this case.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. Any livestock accommodated within the building the subject of this consent, shall be restricted to cattle, sheep and goats only.

Reason

To limit noise levels in the interests of the residential amenities of nearby occupiers and to accord with Policy E9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and The National Planning Policy Framework paras. 120 and 123.

3. Prior to the first use of the building for the purposes hereby approved, a scheme of mitigation to reduce light spillage from the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be fully implemented within one month of the scheme details being agreed.

Reason 1

To reduce light spillage in the interests of the residential amenities of nearby occupiers and to accord with Policy E9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policy CS1 of The South Gloucestershire Local Plan Core

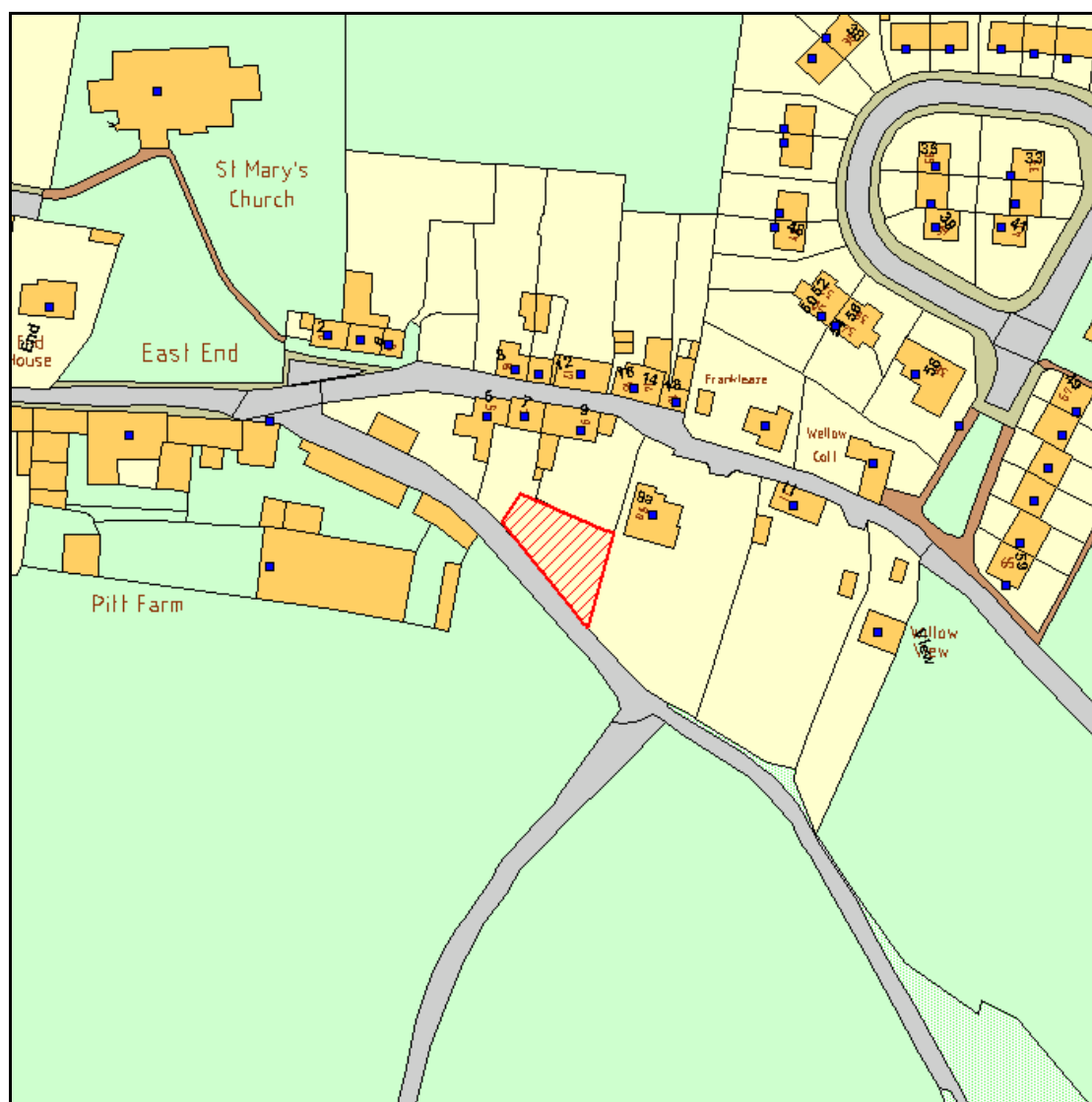
Strategy (Adopted) Dec 2013 and The National Planning Policy Framework paras. 120 and 123.

Reason 2

To limit light spillage in order to maintain the natural beauty of the Cotswolds AONB in accordance with Policy L2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013

CIRCULATED SCHEDULE NO. 04/14 – 24 JANUARY 2014

App No.:	PK13/2581/F	Applicant:	Mr Andrew Smith
Site:	Land To The Rear Of 7 East End Marshfield Chippenham South Gloucestershire SN14 8NU	Date Reg:	1st August 2013
Proposal:	Erection of 1 no. Eco dwelling and associated works.	Parish:	Marshfield Parish Council
Map Ref:	378289 173607	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	23rd September 2013



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 100023410, 2008. **N.T.S.** **PK13/2581/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following objections received from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of 1 no. eco dwelling and associated works. This application follows a recently approved scheme PK12/0493/F for one dwelling on the site. This scheme differs in that slight design changes have been made to the proposal.
- 1.2 The application site is set to the rear of No.7 East End, Marshfield which fronts onto East End and has rear access onto Ringswell Lane. The application site lies within the curtilage of a Grade II listed building and also lies within the Marshfield settlement boundary and Conservation Area.
- 1.3 Following extensive negotiations, revised plans have been received following Officer's concerns in regard to the design and positioning of the proposed dwelling on the site.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Planning (Listed Buildings and Conservation Areas) Act 1990
National Planning Policy Framework
PPS5 Historic Environment Planning Practice Guide March 2010

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

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

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

H4 Development within Existing Residential Curtilages, Including
Extensions and New Dwellings
L2 Cotswolds Area of Outstanding Natural Beauty
L12 Listed Buildings
L13 Conservation Areas
T12 Transportation Development Control Policy for New
Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
Marshfield Conservation Area March 2004
South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 N5965/3 - Decision: APPROVED, Date of Decision: 03-MAR-83. Proposal: Conversion of car port to garage with garden store above.
- 3.2 P94/1825 - Decision: APPROVED, Date of Decision: 31-JUL-94. Proposal: Replacement of existing flat roof on single storey rear extension with pitched roof. Modifications to existing dormer in rear elevation.
- 3.3 P94/1826/C - Decision: APPROVED, Date of Decision: 31-JUL-94. Proposal: Works of demolition to facilitate replacement of existing flat roof on single storey rear extension with pitched roof and alterations to dormer window in rear elevation.
- 3.4 PK01/1575/F - Decision: APPROVED, Date of Decision: 13-AUG-01. Proposal: Erection of rear conservatory.
- 3.5 PK01/1581/LB - Decision: APPROVED, Date of Decision: 13-AUG-01. Proposal: Erection of rear conservatory.
- 3.6 PK02/0996/LB - Decision: APPROVED, Date of Decision: 17-MAY-02. Proposal: Internal and external alterations.
- 3.7 PK12/0493/F - Decision: APPROVED, Date of Decision: 3-AUG-12
Proposal: Erection of 1 no. Eco dwelling and associated works.

4. CONSULTATION RESPONSES

- 4.1 Marshfield Parish Council
Marshfield Parish Council has no objection to this planning application however we would like to draw your attention to the drainage issues.

4.2 Other Consultees

Transportation Officer

This is a revision to the design of the approved house to the rear of 7 East Road under planning consent PK12/0493/F (as decided at DC East Committee 7th June 2012). Details of access and parking remain the same as the earlier application. In view of the planning history of this, there is no highway objection to this current application subject to all the previous conditions as attached to the earlier consent.

Drainage Engineer

No objection subject to condition and informatives

Conservation Officer

No objection subject to conditions.

Environment Protection

No objection subject to condition

Landscape Officer

No objection

Other Representations

4.3 Local Residents

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

- Surface water drainage
- Traffic movement
- Over-development and urbanisation of a small rural site
- Construction traffic
- Height in relation to listed retaining wall
- Larger access impacts on existing hedgerows
- Parking and congestion
- No turning on site
- Out of character
- Would set a precedent

One letter of support has been received from a neighbour which stated no objection to the proposal.

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. Policy CS9 seeks to protect and manage South Gloucestershire's environment and its resources in a sustainable way and new development will be expected to, among others, ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance; conserve and enhance the natural environment and conserve and enhance the character, quality, distinctiveness and amenity of the landscape.

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. In addition saved Policy T12 seeks to ensure that development will have no adverse impact on highway safety and residential parking standards have been revised under supplementary planning guidance adopted 2013. Saved policies L12 and L13 state development in this sensitive area will only be permitted where it would

- preserve or enhance the character or appearance of the conservation area or a listed building.
- 5.2 This application follows a recently approved scheme on the same site. This scheme proposes slight changes in design, but the scale of the proposal remains essentially the same and as such the principle of development has already been agreed. The proposal is therefore considered acceptable and this is covered in more detail below.
- 5.3 Design and Visual Amenity and Materials
The application site lies within the curtilage of 7 East End, a grade II listed building. The application site also lies within the Marshfield Conservation Area. The proposal should therefore be assessed in accordance with policies and guidance which seek to protect the character and appearance of conservation areas along with protecting the architectural and historic significance of listed buildings and their immediate setting.
- 5.4 The application site is set to the rear of No.7 East End which fronts onto East End and has rear access onto Ringswell Lane. The rear garden of No.7 dog-legs around the rear curtilage of its adjoining neighbour (No.9) and the southern boundary of No.9's garden is now defined by a retaining wall – following its recent subdivision to enable the construction of a new dwelling. It is to the south-eastern corner of the rear garden and directly adjacent to Ringswell Lane that forms the site for the proposed new dwelling. To accommodate the existing topography which significantly descends from north-to-south, the garden is steeply terraced.
- This application seeks consent for a revised design for a new dwelling that was recently approved under PK12/0493/F.
- 5.5 The design of the proposed new dwelling is modern in composition. The front elevation is predominantly glass, but the expanses of glazing on the two main tiers would be broken up by panels/piers of natural stone. By using the existing terrace levels and merging the building into the sloping ground it has helped minimise the scale and massing of the building, thus preventing any significant obstruction or loss of views of the historic East End backdrop to the site. It is considered that overall the design of the proposed dwelling and surrounding treatment is of sufficient high quality in this sensitive location and would add an interesting addition to the Marshfield Conservation Area.
- 5.6 A series of negotiations between Officers and the applicant has resulted in a number of amendments to the overall design of the scheme as originally proposed under this application. As a result it is now felt that the changes requested have resulted in a scheme of sufficient quality to warrant approval in this sensitive location. Of key concern with the original scheme were the loss of a stepped tiered composition that helped articulate the topography of the site, add interest and help minimise the massing of the building; the loss of the brise soleils features; loss of previously approved natural stone on the side elevations; and the proposed use of Bath stone;

- 5.7 With the exception of the brise-soleil issue, all the above key points have been sufficiently addressed with the form of the building amended; increased use of stone and confirmation of local Cotswold Lias being used to face the elevations of the building as opposed to ashlar/ dressed stone. In relation to the brise-soleils, previously this detail was to incorporate the photovoltaic cells, which although acceptable in principle, still required some thought as they were proposed at a rather awkward angle. With the pv cells now being incorporated into the glass balustrade screen, the overhangs to the terraces will now be of a simple solid construction to add both relief to the building along with providing shading for the projecting balcony area. This is considered acceptable.
- 5.8 It is therefore considered that although the proposed revised scheme has lost an element of its refinement, following the amendments that have been made, the loss is not considered significant and the design of the proposed new dwelling is now of a quality that would ensure that the character and appearance of the Marshfield Conservation Area would be preserved and the significance of the setting of the adjacent designated heritage assets would not be harmed.
- 5.9 However, as with the previous scheme, the need to condition material samples and matters of detail remains, along with clarifying the relationship of the new building with the curtilage listed wall of No.7 East End to ensure the fabric of the wall is safeguarded. Concerns have been expressed that this proposal would set a precedent. It must be stated that each planning application is considered on its own individual merits where all aspects of a proposal are tested against and must comply with both national and local policy on their own suitability and worthiness.
- 5.10 Landscape
The proposal would be within the existing garden and within the settlement boundary of Marshfield. When viewed within the wider context, the dwelling would appear as relatively small scale in comparison to the overall street scene and it is not considered the surrounding landscape would be adversely impacted upon as a result of the proposal. There are therefore no landscape objections to the scheme.
- 5.11 Residential Amenity
The new dwelling would be a low level building and as such it is considered that given the proposed the size of the new build and its location, there would be no undue over bearing impact, loss of light or adverse privacy issues for neighbouring occupiers. Furthermore, it is considered sufficient private amenity space would remain for occupiers of no. 7 East End, whilst an adequate amount will also be provided for the new dwelling.
- 5.12 Comments have been received expressing concerns regarding noise during construction periods. Consequently, due to the proximity of neighbouring dwellings and the quiet residential nature of this area of Marshfield, a condition would be imposed limiting construction hours to sociable daytime hours.

5.13 Transportation

A careful assessment of the proposed development was made under the previous and recently approved application. Comments from local residents relating to this application still express concerns regarding the proposed vehicular access from East End and Ringswell Lane, the width of the lane and that it is considered unsuitable for additional traffic generated by the new development.

5.14 It is acknowledged that the previous report mentioned the lane being very narrow with no footway and commented on the potential poor sight lines for traffic associated with the new dwelling. However, the position of the house on the site has been changed to accommodate more space for off-street parking and manoeuvring. One commentator has noted the absence of the previously proposed turntable, but as stated by Officers in the previous report, the continued use of a turntable would be difficult to enforce. A turntable is not proposed under this scheme.

5.15 Given the existing approval in principle of a new dwelling on the site, the fact that this application has made only very slight changes which do not materially affect the scheme, there are no highway objections. On balance it is considered that the parking and manoeuvring on site would be sufficient to accommodate the development.

5.16 Drainage

The Council's Drainage Engineer raises no objection subject to a condition in relation to SUDS (Sustainable Drainage System) being attached to the decision notice.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: 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 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 EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The hours of working on site during the period of construction shall be restricted to Monday to Friday 07.30 - 18.00 and Saturday 08.00 - 13.00 and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy CS1 of the South Gloucestershire Core Strategy (adopted) 2013 and Policy H4 of the Saved South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of development, a schedule of 'dilapidation survey' of the existing highway network in the locality of the development (including all highway structures) shall be undertaken and agreed with the Local Planning Authority in writing. Any post development damage arising from the construction shall be made good to the full and final satisfaction of the highway authority.

Reason

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

5. Prior to the first occupation of the new dwelling hereby permitted, off-street parking shall be provided on site in accordance with the submitted and approved plans AS-NB-004 Rev C and AS-NB-002 Rev D and maintained for this use thereafter.

Reason

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

6. All highway works including new service provisions (i.e. utilities such as water, electricity, gas etc.) for the new dwelling as well as works relating to the creation of the new access shall be carried out to the full satisfaction of the Council's Street-Care Manager.

Reason

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

7. Prior to the commencement of development, large scale details shall be submitted to confirm the relationship between the existing garden retaining wall (to No.7 East Eand) and the proposed new dwelling. Development shall be carried out in accordance with the agreed details.

Reason:

To safeguard the retention and historic significance of the curtilage listed structure, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

8. Prior to the commencement of development, large scale details shall be submitted confirming the materials and external appearance of the overhangs that form part brise-soleil along with details of the design and fixings of the pv cells to be used. Development shall be carried out in accordance with the agreed details.

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

To maintain and enhance the character and appearance of the Marshfield Conservation Area, and to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

10. Prior to the commencement of development, details of all external vents, flues, lighting, external meter boxes and any external refuse storage shall be submitted to, and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To maintain and enhance the character and appearance of the Marshfield Conservation Area, and to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

11. Prior to the commencement of the relevant part of the development, large scale details confirming the profile and design of the French windows and doors proposed shall be submitted to, and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason:

To maintain and enhance the character and appearance of the Marshfield Conservation Area, and to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

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

Reason:

To maintain and enhance the character and appearance of the Marshfield Conservation Area, and to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

13. Prior to the installation of the glass balustrade screens that are to incorporate photo voltaic cells, details showing an accurate representation of the external appearance of a typical panel shall be submitted to the local planning authority for approval.

Reason:

To maintain and enhance the character and appearance of the Marshfield Conservation Area, and to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

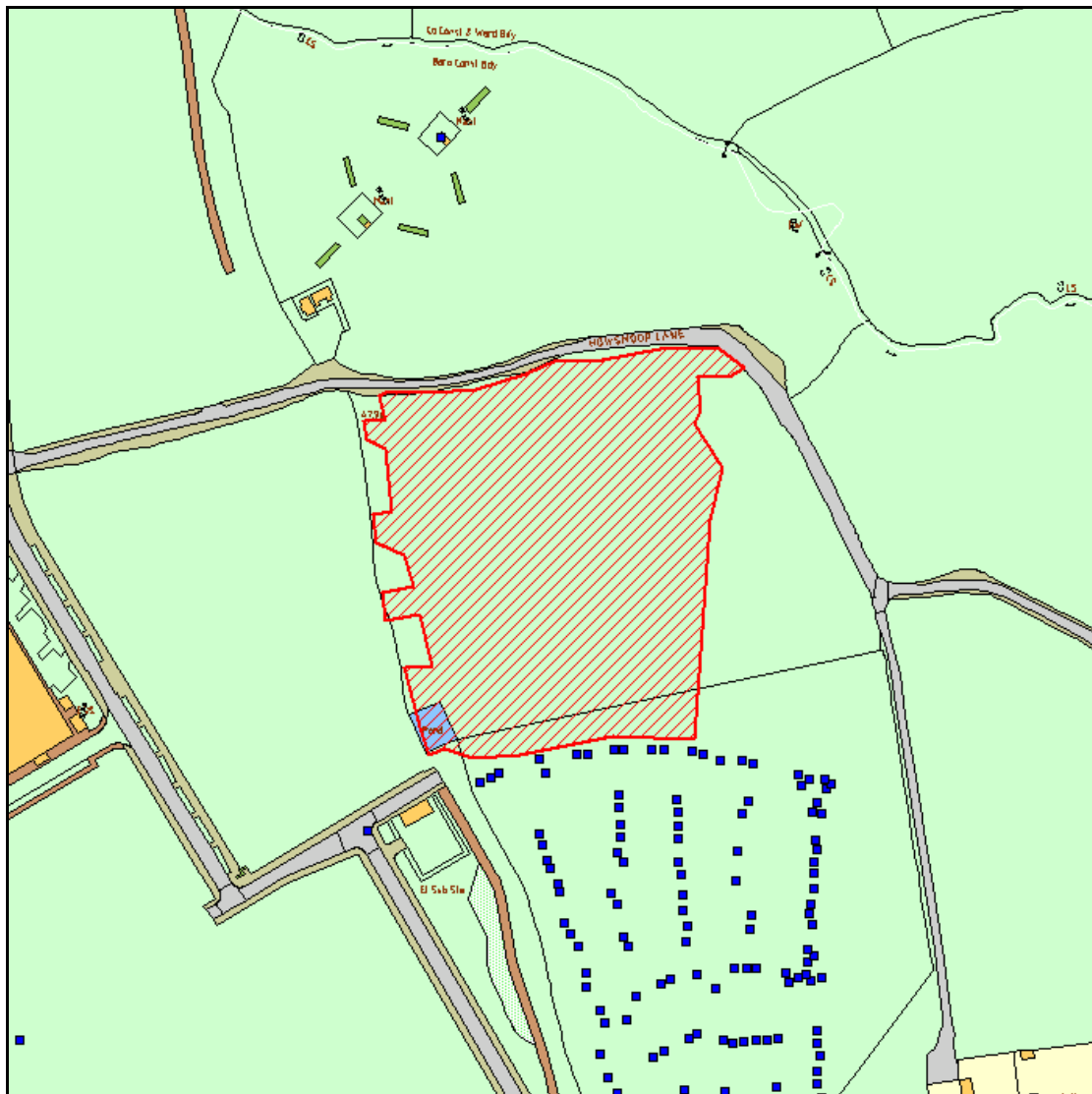
14. Prior to the commencement of development a representative sample panel of facing render, of at least one metre square, showing the texture and finish, shall be erected on site and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the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

Reason

To maintain and enhance the character and appearance of the Marshfield Conservation Area, and to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

CIRCULATED SCHEDULE NO. 04/14 – 24 JANUARY 2014

App No.:	PK13/2647/RM	Applicant:	Persimmon Homes
Site:	Parcel 8 Land At Emersons Green East Emersons Green South Gloucestershire BS16 7AQ	Date Reg:	24th July 2013
Proposal:	Erection of 81 no. units and associated roads, landscaping and parking. Approval of reserved matters to be read in conjunction with planning permission PK04/1965/O	Parish:	Mangotsfield Rural Parish Council
Map Ref:	367495 177657	Ward:	Emersons Green
Application Category:	Major	Target Date:	18th October 2013



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PK13/2647/RM

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application for reserved matters approval follows the grant of outline consent for this major mixed use development. The application has been forwarded to the Council's Circulated Schedule of applications in accordance with the adopted scheme of delegation as a representation has been received from the Parish Council raising views contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks reserved matters consent for the erection of 81 dwellings, garaging, parking, landscaping and associated works on 1.81 hectares of land.

The reserved matters, which comprise landscaping, appearance, layout and scale, should be read in conjunction with outline planning permission PK04/1965/O for an urban extension on 99 hectares of land including residential development of up to 2550 dwellings.

This outline consent included details of access to the site as a whole off the Rosary roundabout. The site has the benefit of an approved Detailed Masterplan and approved Design Code.

- 1.2 The proposal is for the development of parcel 8 which is within the first phase of development, on the west side of the spine road to the north west of Hallen Farm, an existing listed building within the western part of the Emersons Green East (EGE) urban extension. Parcel 8 is situated on the western edge of the first phase of development and would be accessed by road 3 to the south which will run on an east to west route connecting Emersons Green East residential development with the Bristol/Bath Science Park.

The site is bounded by parcel 9 proposed residential development to the east, road 3 to the south, Howsmoor Lane a proposed recreational route to the north and a large mature hedge with mature trees to the west.

- 1.3 Full planning permission has already been granted for the infrastructure road known as the 'Green Road' leading from the Rosary Roundabout on the A4174 Ring Road to the southern edge of road 2 and then extending west onto road 3. Vehicular access into parcel 8 would be as a single access point via road 3 only.
- 1.4 The 81 dwellings, including 20 affordable units, would comprise a mix of 2, 3 and 4 bedroom houses and 2 bedroom flats, ranging from between 2 and 2.5 storey houses with a single 2 and 3 storey block of flats in the south west corner.
- 1.5 In support of the application, the applicant has submitted the following:
- Statement of Compliance
 - Landscaping Details
 - Landscape Management Plan

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

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

L1	Landscape Protection and Enhancement
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy
M2	Site 5 Major mixed use development at Emersons Green East
EP2	Flood Risk and Development

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

CS1	High Quality Design
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS2	Green Infrastructure
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS29	Communities of the East Fringe of Bristol Urban Area

2.3 Supplementary Planning Guidance

Adopted South Gloucestershire Design Checklist SPD

Residential Parking Standards SPD March 2013 (endorsed for Development Management purposes).

3. RELEVANT PLANNING HISTORY

3.1 PK04/1965/O

Urban extension on 99 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m² of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m² of small scale A1, A2, A3, A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavillion (Class D1) and health centre. Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface

water attenuation areas. (Outline) with means of access to be determined.

Approved 14.06.2013.

- 3.2 Development Control East Committee on 15.02.2013 approved the Detailed Masterplan associated with outline planning permission PK04/1965/O at Emersons Green East.
- 3.3 PK10/0473/F Construction of Multi Modal Interchange, Green Road and access to the A4174 Ring Road from Rosary Roundabout.
Approved 07.01.2013
- 3.4 Environmental Impact Assessment was carried out for the Outline planning permission for this development and officers can confirm that the current RM application does not raise any issues that would call into question the EIA conclusions.
- 3.5 PK13/2790/RM Reserved matters consent for the erection of 45 dwellings, garaging, parking, landscaping and associated works on 1ha of land (parcel 5) to be read in conjunction with outline planning permission PK04/1965/O.
Consent granted 23.10.2013
- 3.6 PK13/2646/RM Erection of 58no. dwellings, garaging, parking, landscaping and associated works (parcel 3). (Approval of reserved matters to be read in conjunction with outline planning permission PK04/1965/O).
Current
- 3.7 PK13/2648/RM Erection of 86 residential units with associated road, landscape and parking (parcel 2) (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK04/1965/O)
Approved Dec 2013

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No Objection. However the Planning Committee are particularly concerned about the safety aspects at the Rosary roundabout, since this development will bring a huge increase of traffic. The Committee requests that any planned safety measures for the Rosary roundabout are in place before any dwellings are occupied. They also ask for the other road entrances to the Emersons Green East development, from the Lyde Green roundabout and Folly Bridge roundabout to be built early on in the development stage since this will also ease the traffic at the Rosary roundabout.
- 4.2 Other Consultees

Wessex Water – No comment. Scottish and Southern Electricity are the statutory water and sewerage undertaker for the development. If granted by Ofwat, this would result in SSE being the statutory water & sewerage undertaker for the development. Whilst our agreement for bulk supply of sewerage services would dictate connection points for their foul & surface water network to ours, we have no further detailed comments to make on the reserved matters applications.

Highways Agency – No objection

SGC Housing Enabling

Any provision of Affordable Housing on this parcel must be provided in accordance with schedule 12 of the S106 agreement approved with Outline Planning Permission PK04/1965/O and the Affordable Housing Schedule for Distribution Rev B approved by planning condition.

The affordable housing mix proposed on parcel 8 is provided in accordance with the approved Affordable Housing Schedule for Distribution Rev B. The parcel comprises of 81 units in total with 20 provided as affordable which equates to 25% of the total units on the RM application site.

The applicant is required by the S 106 to seek grant for a 4 month period in accordance with the S106 agreement and has submitted a report to the Council showing the steps it has taken to comply with its obligations in paras 1.3.1 and 1.3.2. in Part 2 of the S106 schedule.

The applicant has confirmed they will meet HQI standards and the RP's design requirements. The development standards of the affordable housing as a minimum should be built in line with the same standards as the open market units, as well as the standards required in s.106, Code for Sustainable Homes Level 3, Lifetime Homes and Secured by Design. Parking allocation is sufficient for the affordable dwellings.

SGC Urban Design Officer

Comments to plans as originally submitted:

1. Boundary treatments are not clearly shown, particularly with respect to the boundary to the rear of plots 11-20 and to the rear of the parking court (plots 1-8). Robust treatments will be expected. Access to the maintenance strip to the rear of these plots also needs clarifying, i.e. is this gated (with what) or otherwise?
2. The design codes require buff **and** buff multi bricks in the central character area. The Wilton & Severn Buff should be reconsidered. The Codes also require 'continuity of design principles across development parcels' (pg 55). In this case brick and tile combinations on plots 1-8 & 70-79 should be coordinated (the same as) with the plots fronting the highway to the south (application PK13/2741/RM).
3. Window, door and rainwater water goods colours should be specified in accordance with the codes. White doors, either front or garage, are not encouraged.
4. Hard surface treatments should be clarified in accordance with the codes, (including edgings and kerbs, and in the parking court, where high quality treatments are required including demarcated entrances using granite cobbles or similar). The cul-de-sac to the front of plots 16-20 may benefit

from being block paving to signal its peripheral location as that proposed to the fronts of 30-32.

5. House type drawings will need to be updated to match the revised layout numbers, particularly in respect of those plots that require additional windows to side elevations (i.e. Plots 10, 21, 23, 33, 32, 47, 51, 68, & 70) to improve surveillance and street scene.
6. Soft landscaping, drainage and street lighting details are required. Drainage & street lighting details should take account of proposed tree planting.
7. I also note the Landscape Framework Plan (pg 17) of the Codes shows tree planting along the highway through this part of the scheme. There may be opportunity to include some build outs along the stretch from plot 70 – 47 and 30-32 to accommodate a few trees.

Comments on amended plans:

The applicant has responded well to the issues raised generally. The dwellings facing towards other parcels (i.e. the southern edge facing parcel 7 and the eastern edge facing parcel 9) should have matching materials with the dwellings opposite for consistency and continuity. Side windows in elevations fronting onto streets and public places should have windows to aid natural surveillance.

Final comments:

Changes to hard surfacing finishes for build out areas and visitor parking areas would add interest to the scheme. Otherwise The Urban Design Officer raised no objection. These changes have been incorporated into the final layout design.

SGC Landscape Officer

Initial comments:

- The modifications to the layout which have been undertaken have improved the relationship with Howsmoor Lane by increasing the set back of the houses from the lane. The repositioning of the visitor parking space out from the open space is needed here. The land alongside Howsmoor Lane needs to be designated as open space and incorporated into the site wide management.
- Changes to garage positions have improved the amenity of a number of gardens.
- Amendments to the rear garden boundaries along the western edge in addition to the repositioning of garages has improved the ability to manage the hedgerow and mature trees. This area will also make provision for wildlife movement and habitat but needs to be managed as part of the site wide open space network. Minor modifications need to be made to the rear garden of plots 11 and 12 to make a more sensible alignment.
- Plot 9 has had its rear garden shrunk by parking for the flats. This part of the site, the shared street and LAP still need some further work on layout and details.
- No planting details have been provided but there appears to be scope for additional tree planting along the road in association with plots 52-59.
- A revised street scene will be needed for the amended layout but I am not convinced that the height of the buildings should drop down along the main

frontage between the apartments and unit 77 . Unit 78/79 should be p1174 to match.

Comments on revised layout:

- The scheme is much improved. There are only two minor layout issues; the need to remove the bin collection areas from the public open space areas.
- There is potential to increase the size of the rear gardens for units 54-58 by sliding the parking spaces forward on the plots for 52,53, 55, 56, 57 and 58 and moving unit 53/54 forward on plot by 1.5m. Given that these houses are housing association they will have the maximum occupancy levels and require garden space for childrens play.
- The green edge will need protecting from unauthorized parking , various methods are outlined in the design code.
- In terms of the planting scheme, Wildflower seeding should be undertaken along the open space adjoining Howsmoor Lane with the addition of the planting of primrose and wild daffodil along the edge of the hedge.
- The land to the rear of plots 8-20 should be treated with a modified wildflower planting mix to respond to the shadier conditions. The mix should include Bluebell, wood anemone, red campion, primrose, stitchwort and wild daffodil , using bulbs and pot grown plants.
- Larger species of tree should be provided within the layout to give some long term structure, to supplement smaller scale trees within gardens.
- Ecological enhancements should be provided by the inclusion of climbing plants where appropriate and modifications to eave details to provide nest sites for house sparrow, house martins, starlings and bats.

Final comments:

The open space on the west side has remained open which was welcomed. Some additional tree planting at junction entrances and a feature tree located adjacent to plot 10 would be required. Some minor changes are required to the planting schedule. These changes have been incorporated into the final scheme and no objection was raised by the Landscape Officer.

Environment Agency

The following information/clarification is sought from the developers on surface water drainage to ensure the above Reserved Matters applications accord with the approved Emerson's Green East Development Drainage Strategy and Flood Risk Statement, dated 01 October 2012. This is to avoid an objection on each Reserved Matters applications.

Please ensure all Reserved Matters applications for Phase 1 provide the following information to enable us to provide a supportive response.

- 1) The Reserved Matters site impermeable areas must accord with the Halcrow drainage strategy matrix. Where plots overlap this must be articulated so that this is fully understood. Please provide a drawing showing the red line boundary overlaid on top of the individual catchment plot boundaries (PJF089-574) shown in the Halcrow strategy so that a comparison of impermeable areas can be achieved.
- 2) A key element of the drainage strategy is to increase the capacity of the

on-site watercourses (Folly Brook Tributary, Lyde Green watercourse and the Parkfield watercourse) to allow the developments runoff to be conveyed to the downstream reservoir and the other on site attenuation features. For phase 1 the Folly Brook Tributary will need to be enlarged. We are requesting that where a Reserved Matters application is freely discharging into a watercourse or the watercourse is within the red line boundary details must be provided to prove that these works are going to be undertaken but more importantly in accordance with the approved channel modelling included in the Halcrow Drainage Strategy 2012.

3) Where technically feasible we require Sustainable drainage systems for water quality improvements within each plot. It is our understanding that all plots within Phase 1 are residential. We require a technical assessment of the SUD techniques that are available for these plots as described in Chapter 6 of the Halcrow strategy. We would expect the developers of each plot take a joined up approach to determine if linkages can be achieved so the scope of SUDs being considered are not confined to the individual red line Reserved Matters boundary. In our opinion there are opportunities for SUDS for e.g. lined permeable paving within jointly owned courtyards and water butts for all properties. We are mindful that you have reservations regarding swales being incorporated along the highways, but if opportunities do present themselves for additional SUD measures we would welcome further discussions.

4) The Phase 1 plots have a direct discharge, via surface water sewers, to a tributary of the Folly Brook. We would expect the developer to undertake hydraulic modelling (Micro-drainage or using similar sewer modelling software) to determine if there are any overland flow routes between the individual property sewers located in the highway to the receiving watercourses. For design exceedance and for sewers adoption the 1in 30 year event must be contained in the sewer. However are there any properties at risk from a surcharged sewer when considering a 1in 100 rainfall event? Please provide details demonstrating that the highway system is being designed to contain any surcharged sewer water.

The final response from the Environment Agency are currently awaited and will be submitted early next week.

SGC Highway Engineer

Initial comments:

- Pedestrian/cycle link (between the site and the proposed LEAP site northeast corner of this development) is missing. Details should be shown
- Traffic calming should be included along the straight section of road between plot nos. 70 & 47.
- Provision of visitor's parking at the end of the cul-de-sac serving plot nos 32 and 33 would be helpful.
- Traffic routes and hammerheads within the site must be auto-tracked by refuse [service] vehicles of 11.3m. Please provide details.
- Please provide a "composite plan" that shows lighting and position of any trees in relation to road drainage (i.e. gully).
- Safety Audit – the developer is required to organise a stage 1 safety audit of the highway scheme. Plans to be Safety Audited should include the context of other neighbour sites too (i.e. drives, accesses to parking court junctions etc.) otherwise it may invalidate the audit result.

Final comments:
No objection.

Other Representations

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

5.11 The principle of development has been established with the approval of outline planning permission PK04/1965/O, which covers a substantial part of the Emersons Green East (EGE) development, allocated by Policy M2 in the South Gloucestershire Local Plan. The outline planning permission reserved all matters for future consideration, except means of access off the Rosary roundabout, which has been approved in detail.

5.12 The DC East Committee, in February 2013, approved the site wide detailed masterplan, and subsequently officers approved the design code under delegated powers for the whole of the outline application site.

5.13 Parcel 8 is located within phase 1 of the development area. The proposed residential development, with no other proposed land uses on this parcel, is in accordance with the masterplan. It is considered therefore that the proposal for residential development comprising 81 dwellings on parcel 8 is acceptable in principle.

5.2 Urban Design

In accordance with the Design and Access Statement approved at outline stage, the approved design code seeks to deliver a series of three distinct character areas – southern, northern and central, each of which contains sub areas- spine, core or edge. The idea is to provide continuity and consistency in some elements within the character areas and within the sub areas, with the aim of creating a development that is harmonious yet legible and varied.

The proposal is for 81 residential units on the west side of the EGE development, north of road 3 a secondary road connecting the residential development to the science park to the west. The site lies within the Central character area as outlined in the Design and Access statement and the design codes of the site wide master plan. The site is within the core spatial area within the central character area.

The site slopes gradually from north to south by approximately 4m over a distance of approximately 160m. The site contains no landscape features to be retained, although significant existing hedgerows and trees run north to south adjacent to the west boundary of this parcel, very much defining the character

of the parcel as being framed by open space, as a separation from the Science Park beyond. A further important landscape feature runs adjacent to the north boundary of parcel 8, the southern hedgerow which lines Howsmoor Lane an important recreational route through the EGE site.

Condition 6 attached to the outline planning permission requires applications for the approval of reserved matters to be determined in accordance with the approved Design and Access Statement parameter plans, masterplan and design code; and that a compliance statement is submitted with each reserved matters. This submission includes a detailed compliance statement. The design has been significantly modified since the pre application phase and during the period of assessment of the application.

Parameters Plans

The parameter plans approved at outline stage shows parcel 8 falling within a single spatial area of high density residential development ranging of between 40 and 80 dph, at a maximum height of 4 storeys. The proposal complies with these parameters and has a density of just over 44 dwellings per hectare.

Street Hierarchy

Parcel 8 includes tertiary routes only, other than at the main road frontage (road 3) which is a secondary route due to its connectivity between the Science Park and main spine road through the EGE development. No informal homezones are required as advised in the design code. Members should note that the current application does not include road 3 itself, the length of road adjacent to the southern edge of parcel 8 is the subject of a separate planning application under consideration (PK13/2372/RM). The only road types currently under consideration within the application therefore are tertiary. Although the tertiary road system is not identical to that shown on the parameters plan in the design code, reserved matters are not required to replicate the design code layout exactly and the design code is considered to be complied with in terms of the detailed design of the tertiary roads within the site.

Safe Routes to School

The approved Design Codes include a network of Safe Routes to School within the EGE area in order to provide a network of pedestrian and cycle friendly routes through the development. Safe routes are selected in order to be directed through urban and open space areas and provide the following additional features:

- Robust surfacing of rolled hoggin or coloured tarmac
- Natural surveillance
- Borrowed light from the surrounding development and lighting columns
- 3m surface width
- to include areas designated as home zones

Parcel 8 includes a safe route connecting the residential area to the proposed primary school to the south east (east and north side of Hallen Farm) and the secondary school which is proposed to be located to the east of the EGE development. The safe route would run in a north south direction along the

tertiary road on the eastern edge of the site. The safe route would direct pedestrians south through the access connecting to road 3 and then across the spine road to the primary school and north with access through the southern hedge on to Howsmoor Lane an important recreational route through the EGE development which is provided for mainly pedestrians and cyclists and to the public open space and proposed equipped play area to the north. The safe route would provide a 3m wide pedestrian path along its full length through parcel 8. The route would be mainly segregated other than at the northern end which forms a cul de sac and would be low trafficked. The proposal would provide safe routes in compliance with the criteria listed above (from the design code) and would provide good connectivity for residents to open space and play areas in particular, and local schools.

Waste Collection and Storage

The locations of storage and collection points have been set out on a specific waste plan. Bin storage for apartments and houses are located within 30m of the front door to try and avoid permanent bin storage in front gardens. This is in accordance with the code.

Layout and Appearance

The core of the central character area which covers the whole of parcel 8 are defined in the design code as providing dense residential development with strong building lines following roads. Front gardens are small and buildings are contemporary in appearance with predominant use of buff brick and render facades.

It is considered that the proposal would provide a good mix of residential dwelling types and contemporary designs which accord with the principles set out for the core of the central character area as defined in the design code. Although landmark buildings are not required in parcel 8, the applicant has provided some feature buildings, of two and half storeys with interesting dormer features and modern window surrounds.

The layout has consistent building lines following the route of roads to provide strong, regular street frontages with eaves fronting dwellings comprising consistent roof pitches. The dwellings are mostly of brick construction with rendered feature buildings and some buildings fronting onto road 3.

The layout and appearance are considered to be of a high quality and would accord with the core central character area as set out in the design code.

Urban Design Conclusion

Following pre-application discussions, significant improvements to the layout of the scheme were made and following submission of the application a small number of additional changes and clarifications were required by the Council's Urban Design Officer. Following the receipt of revised plans to take account of these, the scheme is now considered to fully comply with the masterplan and design codes as well as Policy CS1 of the Core Strategy, and officers consider that the proposal would constitute a high quality of design. A condition is required to finalise the roofing materials and will require samples to be submitted to ensure a good match with the parcel (7) to the south.

5.3 Landscaping

Located on the west side of the Emersons Green East development, parcel 8 has a shallow slope from north to south, falling by approximately 4m through the site. Sections through the site have been provided to show that the impact of the gradient changes would not be significant. The site contains no existing landscape features to be retained, although a mature hedge including significant trees is located adjacent to the western edge of the parcel.

Relationship to recreation routes

The most important features of parcel 8 are the north and west boundaries and the connectivity between these green spaces and routes with the built development. Howsmoor Lane which runs from east to west adjacent to the north boundary of parcel 8 is designated as a recreational route through the Emersons Green development. Howsmoor Lane is characterised by tall hedges on either side and provides a tranquil and green route for non motorists connecting to other recreation routes, providing a safe route to schools and to areas of open space and informal play. The adopted design code shows built development located away from the Lane with the aim of preserving this green and tranquil character. The layout has been designed to ensure that the dwellings within parcel 8 are located away from the north boundary. The layout would not impact adversely on the tranquil and green character of Howsmoor Lane as an important recreational route.

Boundary treatment and hard landscaping:

The robust boundary hedge with mature trees adjacent to the west boundary is to be retained and will form a significant screen from the Science Park to the west, which is only partially implemented.

There was also concern that some of the dwellings on the west side of the site were too close to the existing hedge, so submitted revised plans indicate the relocation of dwellings and boundaries eastwards, away from the hedge. It is considered that these revised details will ensure that the hedge is not affected by the development. The residential boundaries would comprise good quality fencing with trellis and would define the land ownership with all hedging and trees outside the control of the occupiers.

Boundary treatment within other parts of parcel 8 accords with the requirements of the design code with higher quality treatment on boundaries abutting the public open space, for instance on the west boundary and parking forecourts in particular the parking area in the south west corner of the site. Open frontages which abut open space use a mix of raised mounded boundaries and hedge borders to prevent informal parking outside of designated areas and bollards are used in areas connecting parcel 8 the open space areas for pedestrian connectivity whilst still dissuading parking.

Planting details:

The applicant has provided a comprehensive landscape scheme with maintenance schedule. Within the site, tree planting is proposed within front gardens and within 'build outs' in the road and on the main street running through the site with further tree planting scattered throughout the site. The avenue of trees on the street frontage of road 3 (southern boundary) have also been provided. Tree and shrub planting in between frontage on-plot parking areas, to break up the areas of hard surfacing, are in accordance with the code, and revised plans indicating increased planting in the parking courts, within rear gardens and on the cul de sac at the south west corner have been provided in accordance with the code. A good variety of new trees are proposed including feature trees in prominent locations for example to the front of plot 10.

5.4 Highway Safety and Transportation

The site will primarily be accessed by a new road from the Rosary Roundabout, which was granted full permission under application reference PK10/0473/F. That road (formerly known as the Green Road) extends to the southern tip of parcel 5 south of Hallen Farm to the south of this application site. Green road then would connect to road 2, part of the main spine road running through the wider EGE site (north to south). Road 2 then connects to road 3 which runs west from the top of road 2 opposite the proposed local centre. Road 3 will run along the southern boundary of parcel 8 and all vehicular access from parcel 8 will enter the site via road 3. Road 3 will also connect to the Bristol/Bath Science Park to the west with access through to Westerleigh Road.

There is no requirement for a homezone in this parcel in the approved masterplan, therefore the proposal does not include one. However traffic calming measures are included in all streets providing narrowing at various points in roads.

A safe route to school is provided along the main street on the east side of the parcel running north to south connecting parcel 8 with school square and the primary school via road 3 and road 2 to the south and connecting parcel 8 to the recreational route along Howsmoor Lane to the north. The safe route would be provided along a segregated road with 3m wide pedestrian path on the east side. Further detail on safe routes to schools is set out in par.5.2 above.

The compliance statement includes a parking matrix to identify the number of allocated parking spaces and visitor parking spaces, which include on plot and courtyard parking. Officers can confirm that the correct number of parking and visitor spaces are proposed for the development. The EGE Design Code was drafted at the same time as the Council's Parking Standards SPD, therefore the application complies with the SPD as well as the Design Code. In terms of cycle storage, an external storage shed is to be provided in rear gardens of all houses, where properties do not have an associated garage. A secure and covered cycle storage area is proposed for all apartments, in compliance with the code.

It is noted that Mangotsfield Parish Council have concerns regarding the safety of the Rosary roundabout, and assurances regarding the triggers for safety measures incorporated into this roundabout. Although not the remit of the application currently under consideration, officers can advise members that the Rosary roundabout access already has full planning permission, granted under the outline consent, as well as the MMI consent and therefore the safety of it was considered at that time. The Section 106 Agreements associated with these applications require that a toucan crossing is installed on the ring road adjacent to the Rosary roundabout. This is required to be implemented at the latest within one year of the first occupation of any dwelling on EGE. The construction of the fourth arm of the Rosary roundabout into the EGE development also includes the formation of a splitter island and toucan crossing on the 'Green Road' and the extension of the ring road cycleway into the site. At a later stage both arms of the Rosary roundabout and the entry arm from Emerson Way will be signalised. There is no necessity to construct the access from the northern part of the Science Park at an early stage, however the applicant has indicated that it is likely to be at a relatively early stage to enable two haul routes to be in use.

The Council's highway engineer is satisfied that the scheme is acceptable in transportation terms and complies with the code and Policy T12 of the SGLP

5.5 Residential Amenity

The originally submitted scheme included a small number of areas where it was considered by officers that future residents would not have a sufficiently good standard of residential amenity. Since then, revised plans have been received including reconfiguration of the parking court for the 8 unit block of flats to increase the rear garden size for plot 9 to ensure the garden is adequate size and practical shape. Plot 24 has been rotated to improve the rear outlook and resolve a previously oppressive layout created by garages either side of the plot. The layout would result in no significant overshadowing, overbearing impact or loss of light to adjacent dwellings.

The dwellings would be positioned to provide adequate intervisibility distances of generally more than 21m. This is considered acceptable and would preserve the privacy of future occupiers of the proposed dwellings.

There are no existing dwellings located close to parcel 8. Hallen Farm, the nearest existing dwelling would be located some 170m from the proposed dwellings, sufficient distance to ensure no material harm to the occupiers of Hallen Farm.

All of the proposed houses are now considered to have reasonably sized gardens, commensurate to the dwelling types to which the gardens relate. The proposed flats would have the benefit of useable balconies in accordance with the code, and have outside amenity space.

Parcel 8 is situated adjacent to the Bristol/Bath Science Park to the west separated by a robust tree/hedge boundary screen. The master plan for the Science Park shows either a single general industrial unit or 3 smaller units on

land to the west of parcel 8. The proposed business unit(s) would be located on the west side of the plot some significant distance from the proposed dwellings in parcel 8 separated by car parking and boundary treatment. It is unlikely that the proposed residential development would conflict with the proposed business uses in the Science Park to the west.

It is therefore considered that the proposal would not result in material harm in terms of residential amenity on any existing dwellings and through the interrelationship of the proposed dwellings.

5.6 Affordable Housing

As is noted in the consultation section of this report, the proposed 20 affordable units are in accordance with the approved affordable housing phasing plan and comprise 25% of the parcel total. The units would be located in three locations within the site, a cluster comprising two sets of semi detached dwellings and 6 unit block of flats in the south west corner, a row of 3 pairs of semi detached dwellings in a central location within the site and two semi detached dwellings in the north west corner of the site. They are also of the correct size and mix of units. Since the application has been submitted, the applicant has clarified that steps have been taken to investigate funding towards 'target affordable housing units' to comply with its obligations in paras 1.3.1 and 1.3.2. in Part 2 of the S106 schedule and provided confirmation from the Homes and Communities Agency that no such funding is available for this development. The Section 106 associated with the Outline consent requires evidence to be provided to demonstrate that grant has been sought for a 4 month period carried out to increase the 25% to the target of 33.3%. This included approaching the directly HCA as well as the Housing Associations themselves who also have grant allocations. It was confirmed however that no grant funding was available. The Council's Housing Enabling Team have confirmed that this process has been carried out correctly and therefore the scheme is in compliance with the S 106.

Hence the requirements of the S106 have been carried out. The scheme is therefore acceptable in terms of affordable housing.

5.7 Drainage and Water Management

As noted in the consultation section of this report, the Environment Agency has requested additional information in order to be able to confirm whether the Folly Brook Drainage Strategy for EGE has been complied with. The applicant has now provided this information, and the EA's further comments are awaited.

The approved Drainage Strategy and Flood Risk Assessment for the Folly Brook Catchment (October 2012 & April 2013 Addendum) divides the EGE area into 3 sub catchments each discharging into separate tributaries of the Folly Brook. A key element of the Drainage Strategy is to increase the capacity of the on-site watercourses to allow the development runoff to be conveyed downstream to the downstream reservoir and the other on-site attenuation features. For phase 1 the Folly Brook Tributary will need to be enlarged, however Parcel 5 does not abut this watercourse, so this element of the

strategy is not relevant for the current application, although its surface water sewers will lead eventually to the Folly Brook .

The required attenuation for Phase 1 is provided through the extension of the existing attenuation area Pond C3. These engineering works have recently been completed.

The Drainage Strategy also requires where technically feasible, SUDS for individual reserved Matters parcels for water quality improvements. The current application includes areas of permeable paving and all properties will have a water butt.

The Drainage Strategy includes a matrix table indicating percentages of impervious area used for each catchment. This matrix is intended as a base line against which all Reserved Matters applications can be checked.

At present the final comments of the EA are awaited and the recommendation is therefore subject to the receipt of no objection from the EA.

5.8 Ecology

The site has already been cleared, apart from trees and hedges to be retained (outside the site mainly within open space on the east and west sides) and earthworks carried out. In terms of ecology, the following activities and surveys have recently been undertaken:

Badgers

A pre-construction badger survey was undertaken on 6th June 2013. The survey showed that some of the setts were still in use. A 20m protection zone was set up around Sett K earlier in the year and marked with poles and bunting. The poles and bunting was replaced by Herras fencing later in the year. A subsequent inspection on 09 Sept 13 suggested that the sett is no longer in use although plans are being formulated to improve the sett to encourage repopulation when a badger sett on the Gateway site is closed under licence.

A further sett was also in current use. The sett is now protected by tree protection heras fencing and the earthworks to housing parcels 6,7 and 8 is now complete. Works were carried out to form the artificial setts in 2013. Further improvement works to the artificial setts, which include improving the drainage at sett B, is scheduled to be undertaken in October 2013.

Slow-worm and other reptiles

A presence/absence reptile survey was undertaken in July 2013 in the area which was urgently required for the balancing pond C3 extension.

One common lizard was found during the survey and therefore it was recommended that measures were undertaken to avoid harm and disturbance to reptiles. This included strimming the vegetation by hand to 6 inches prior to the soil stripping to discourage reptiles from the working areas. The strimming of vegetation was subsequently undertaken by commencing the balancing pond works.

Great Crested Newt

A watching brief, which included a hand-search and destructive search whilst the topsoil was stripped, was undertaken on 1st and 2nd July 2013 in parts of the site that fell within 500m of the great crested newt ponds at Shortwood Quarry. No great crested newts or other amphibians were found during the watching brief.

Breeding birds

Checks for active nests were undertaken in potential bird nesting habitats prior to the topsoil stripping along the Folly Brook tributary on 1st July 2013. No active nests were found. Checks for active nests were also undertaken in the area of trees and scrub which needed to be cleared for the balancing pond extension between 4th – 9th July 2013. During the checks, a number of active nests were noted in some of the shrubs and therefore these areas were not cleared.

Officers are satisfied therefore that there is no further ecology works required to be included as part of this Reserved Matters application.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 Delegate to officers that subject to no objection from the Environment Agency, that delegated authority be granted to APPROVE the Reserved Matters submitted in accordance with Conditions 1, 2 10 and 27 associated with Outline Planning Permission PK04/1965/O dated 14th June 2013, subject to the following conditions:

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

1. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the buildings are first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with retained Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1, CS8 and CS29 of the South Gloucestershire Local Plan: Core Strategy (Adopted Dec 2013).

2. The bin storage shown on the drawings hereby approved shall be provided before the buildings are first occupied, and thereafter retained for that purpose.

Reason:

To ensure appropriate bin storage for the proposed dwellings and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted Dec 2013)

3. Prior to the commencement of the development hereby approved, protective fencing shall be erected, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority, along the existing hedgerow adjacent to the northern and western boundaries of the site. It shall be retained throughout the construction period in accordance with the approved details.

Reason:

To protect the character and appearance of the area and to provide a buffer between the employment use to the west of the site and in accordance with Policy L1 of the South Gloucestershire Local Plan and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted Dec 2013).

4. Prior to the commencement of the development hereby approved, a programme for implementation of the hard and soft landscaping hereby approved shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping shall be carried out in accordance with the approved details and in accordance with the agreed programme.

Reason:

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted Dec 2013).

5. Prior to the commencement of development samples of the roof tiles to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The 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 Dec 2013).

6. Prior to the commencement of the development hereby approved, details of street lighting 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 that the lighting scheme does not adversely impact on the landscaping scheme, and in accordance with Policy L1 of the South Gloucestershire Local Plan (adopted 2006) and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted Dec 2013).

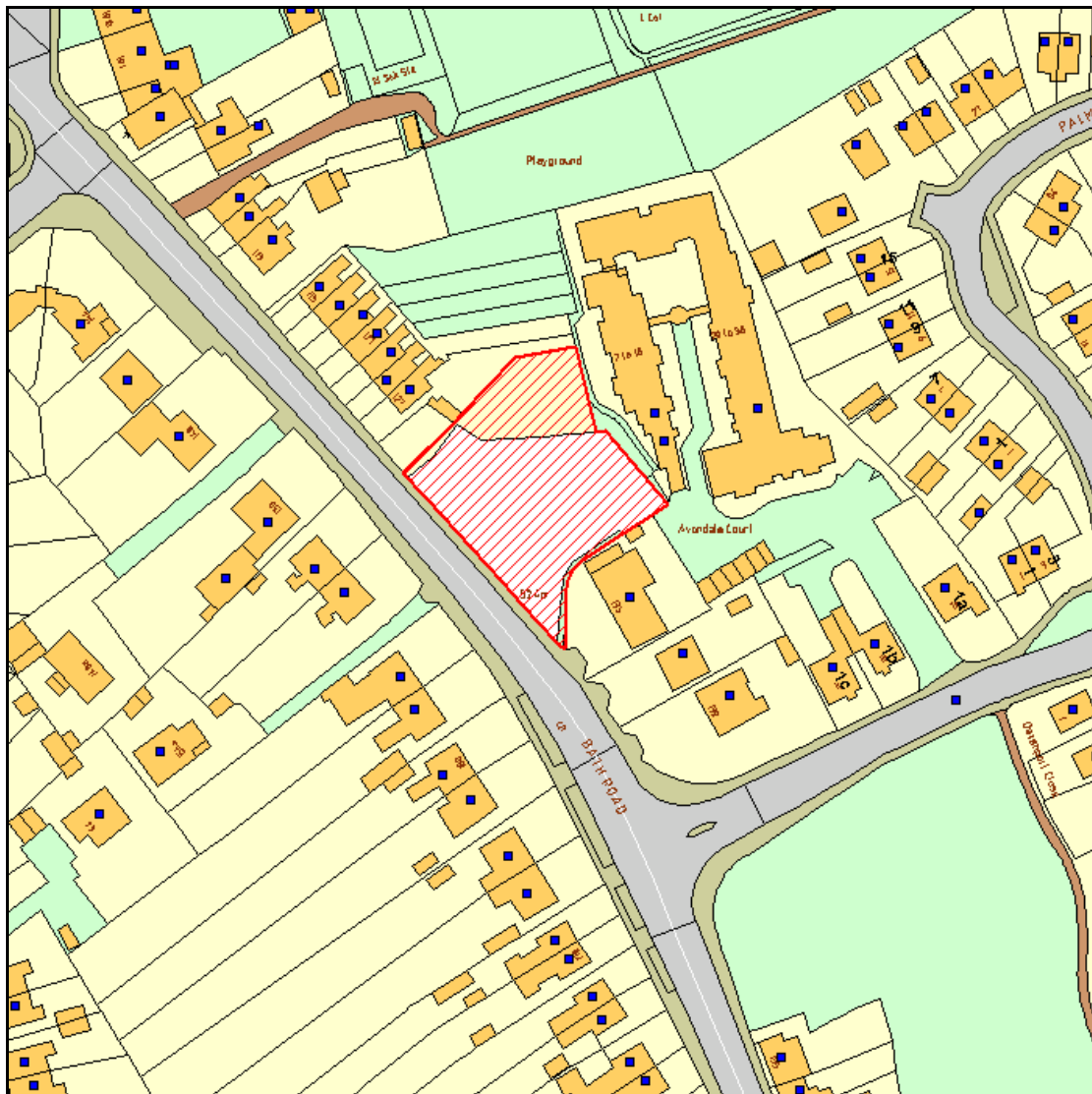
7. The development hereby approved shall be implemented in accordance with the approved materials layout (PL-04.1 Rev C) unless alternative sample materials are submitted to and approved in writing by the Local Planning Authority.

Reason

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

CIRCULATED SCHEDULE NO. 04/14 – 24 JANUARY 2014

App No.:	PK13/3429/F	Applicant:	Mr C Barnes Greensky Developments Ltd
Site:	129 - 133 Bath Road Longwell Green South Gloucestershire BS30 9DD	Date Reg:	25th September 2013
Proposal:	Erection of single storey retail unit with new access and associated works.	Parish:	Hanham Abbots Parish Council
Map Ref:	365911 170995	Ward:	Longwell Green
Application Category:	Minor	Target Date:	15th November 2013



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N.T.S.

PK13/3429/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Objections have been received, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a retail unit of 372 square metres and an A2 unit of 107 square metres in the form of a single storey building to stand at the rear of the site. The site fronts Bath Road, between the end of a two-story stone and tile terrace and a chalet bungalow to the east. There is one window at first floor level in the side elevation of the end terrace house. To the rear stands a two storey brick sheltered housing estate and across Bath Road are rendered bungalows. The site stands therefore within a residential area. It is located approximately 150 metres to the east of the centre of Longwell Green village, marked by a rank of shops, petrol filling station, chip shop, pub and church. There is a further small parade of shops on Ellacombe Drive, off the Bath Road.
- 1.2 The site is cleared and protected by a tall fence at present, but until 2005, there was a petrol filling station on it. It contains a mature tree protected by a Tree Preservation Order at the site's western end.
- 1.3 The proposed layout shows 22 parking spaces, situated at the front and western side of the site, around the tree. The access drive allows for delivery access as well as access and manoeuvring space for the customer parking. The design reveals mainly the front of the building to public view, under a coloured metal roof and this frontage would feature glass and pennant stone, with the smaller integral A2 unit located towards the western end. A 0.9 metre stone wall is proposed to run along the front of the site, between the accesses. The site contains a TPO tree, a hornbeam located next to No. 127 Bath Road, at the Western end of the site.
- 1.4 This application follows (see 3.3 below) a previous application for the erection of a retail unit of 428 square metres and a 76 square metre unit of A1 or A2 (financial services) as part of a single storey building at the rear of the site. The refusal of that proposal was appealed and the appeal was allowed, subject to a Section 106 Agreement which was subsequently signed. However, that scheme has not been implemented. The differences between the approved scheme and this application amount to the more specific A2 use of the smaller unit; an increase in the size of the site; allowing for increased parking provision (5 more spaces) in a re-orientated car park; a decrease in the size of the proposed building, leading to changes in its design and finally an amendment to the originally submitted plans increasing the height of the proposed building by 45 centimetres. Re-consultation was carried out on the basis of this last amendment.
- 1.5 The previous Section 106 Agreement would have provided the following:
 - a) a pedestrian crossing point on Bath Road together with the associated kerb realignment and other related works.
 - b) the costs of a Traffic Regulation Order on Bath Road to promote and implement waiting restrictions within the vicinity of the development.

2. POLICY CONTEXT

- 2.1 National Guidance
Nation Planning Policy Framework 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
L1 Landscape protection and enhancement
RT8 Small scale retail uses within urban areas
T7 Cycle parking
T12 Highway safety
- South Gloucestershire Local Plan Core Strategy adopted December 2013)
CS1 High Quality Design
CS6 Infrastructure and Developer Contributions
CS14 Town Centre and Retail
- 2.3 Supplementary Planning Guidance
Trees on Development Sites guidance note

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/0198/O Erection of 10 flats (outline) - Withdrawn
- 3.2 PK05/0026/F Erection of 12 two bedroom flats and 2 one bedroom flats
Withdrawn
- 3.3 PK11/0652/F Erection of A1 unit and smaller A1/A2 unit, with car parking
and associated works - Refused 2011 – appeal allowed, subject to S106
Agreement

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Oldland Parish Council
No reply received
- Hanham Abbots Parish Council
No objection
- 4.2 Other Consultees [including internal consultees of the Council]
Tree Officer
No objection, subject to the tree protection plan and method statement being
conditioned for compliance with the submitted details.
- Environmental Protection
No objection, subject to the provision of a lighting plan, through a condition.
- Urban Design
The amended design is acceptable.

Technical Services

No objection, subject to the inclusion of a condition requiring a SUDS-compliant drainage plan.

Sustainable Transportation

No objection, subject to the applicants entering into a Section 278 Agreement to secure a contribution towards enhancing pedestrian facilities in the locality.

Crime Prevention Officer

The car parking is uncontrolled. There should be barrier control to restrict access out of trading hours. There is a lack of natural surveillance and the site should be secured with a 1.8 minimum height gate at the side of the building to prevent access.

Spatial Plans

No objection on policy grounds.

Other Representations

4.3 Local Residents

15 letters of objection and one making general comments have been received, citing the following concerns:

- Loss of amenity, light and outlook to neighbouring residents
- Opening hours and delivery times need to be clarified. Opening hours of 0600-2300, would be longer than those of the petrol station and if the delivery hours are outside this it will be worse still
- Building design out of keeping, unimaginative and utilitarian
- Petrol station has been closed since 2005 and was not in keeping. The current proposal should be judged against the current situation of the site
- Retail use of the site was limited in terms of petrol sales
- Site better suited to residential development
- Longwell Green is adequately served by convenience stores and an additional facility is under construction to replace the Shell petrol filling station
- High level of on-street parking in the area already, which the store would exacerbate
- Increase in traffic and impact on road safety
- Noise, litter and potential anti-social behaviour outside the building
- Need for traffic calming and a pedestrian crossing for the A431 to serve the site
- Effect on the use and quality of adjoining garden
- Overlooking of No. 135 Bath Road and sheltered housing to the rear
- The developers are only interested in commercial gain and not local opinion
- There would have to be double yellow lines introduced along Bath Road and Longbeach Road
- Any vehicles wanting to turn right into the site would block traffic behind it – lack of a right turn facility

- The development would make it more difficult to join Bath Road from Long Beach Road
- The panel system proposed is not in keeping with neighbouring dwellings
- Increase in height in comparison with previously approved scheme
- Wall height should be re-considered
- No details of the proposed pedestrian crossing are included with the proposal – a Pelican crossing will cause noise nuisance
- Light spillage from the site will affect neighbouring properties
- Neighbours will have to erect higher fences to maintain privacy
- Impact on wildlife, specifically frogs, toads and hedgehogs
- Impact on local pets
- Removed temporary boundary treatments has affected security of nearby dwellings
- Flood risk
- The previous appeal decision should not be taken into account as it relates to a smaller site
- The land now included in the red line should be subject of an application for change of use
- The site lies outside the area for retail facilities in the Local Plan

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

This application stands to be assessed against the policies listed above, in the light of all material considerations. The policy that applies most directly to the proposal is RT8, which sets criteria to be met by small scale retail uses within urban areas but outside town centres. The criteria are A) whether the proposal would give rise to unacceptable levels of traffic or on-street parking; B) the effect on residential amenity; C) the affect on the character of the area; D) only applies within a local centre that the development would be consistent with that centre's scale and function and E) (outside local centres) that the development would improve the range of services to a local community and not harm the vitality and viability of an existing local centre. A material consideration of particular note in this instance is the previous planning permission, which has not been implemented (see 3.3 above) for a convenience store and parking within this site.

Longwell Green is defined in the adopted Local Plan as a Local Centre. The smaller unit that has been applied for is A2 financial services. If it is used for the latter, would be able to change to A1 without having to apply for planning permission. For the purposes of assessing this application, both uses are taken to be A1 and it is material to the application that this approach was implicitly accepted by the Inspector in the determination of the appeal on this site for the similar earlier proposal. Whilst it is acknowledged that the site is now larger than that for the proposal that was allowed on appeal it is considered that the same principles apply and that the larger site, now incorporating some land currently in residential use, does not raise any matters that would alter the principle of the proposal.

In light of the previous appeal decision, the proposal is considered to be acceptable in principle, subject to the following analysis which will concentrate on the differences between the approved scheme and this revised application.

5.2 Residential Amenity

The erection of the proposed building is considered to be likely to cause impact on residential amenity in two distinct ways: physically, through its presence and operationally, through how it is used once built. With regard to the former, it is noted that the building has been designed at single storey, albeit 0.45 metres taller than originally applied for, taking some account of the bungalow to the east of the site, the building with which the proposal would relate most closely. The approved building was designed with a curved roof to a maximum height of 5.7 metres. This proposal is for a standard apex roof, with a low pitch. The previously approved height to eaves was be 3.5 metres and for this proposal it would be 4.4 metres. Although the height has been increased, given that a 2 metre high boundary treatment could be erected without requiring planning permission, it is considered that the bulk of the building would only be appreciated by the adjoining properties at 2.4 metres above this notional boundary treatment. The roof would present a gable end to the adjoining bungalow, with the front of the building approximately in line with the front building line of the bungalow. There is no window in the side of the bungalow and therefore there is considered to be no impact on residential amenity within that dwelling. Any overbearing impact in this direction is considered to be limited to close to the boundary and there are a garage and shed situated close to the boundary already within the garden of No. 135. It is considered that there would be no adverse impact arising from the proposal to the adjoining property to the southeast in terms of the building itself.

To the rear, where a residential care home is located, the proposed building would be at its lowest, with the roof extending away from the rear of the site at a low pitch. The building to the rear is close to the boundary of its site, with a limited outlook. This building is orientated in the opposite direction of the site, with no habitable room windows at ground floor level, facing the site, with a path separating the two. At first floor levels there are some windows which face the site which are not obscure glazed, but these are extremely small and do not appear to serve habitable rooms in anything more than a secondary function. From the way that the habitable room windows start again beyond where the building abuts the site, it would appear that the design of this building took into account that there was originally a petrol station on the application site and the design took steps to avoid providing views of it for future residents. From the ground floor of this building, there is considered to be no overbearing impact on habitable rooms, while on the very limited views which could be obtained over the site from first floor level, the view would be over the roof of the proposed building. It is therefore considered that the proposed development would not have any detrimental impact on the existing level of residential amenity for occupiers to the north of the application site. A street scene elevation has been submitted in an attempt to make the impact clear.

One of the significant changes to the proposal from the scheme allowed on appeal affects the potential operational effects on adjoining properties. In the approved scheme, deliveries would be taken into the rear of the store via a narrow path which would run down the side of the site, approximately in line with the side garage at No. 135. This proposal would see deliveries taken on the eastern elevation of the building. The Inspector, in determining the previous appeal, did not impose a condition governing delivery times. Deliveries could therefore be taken at any time, subject to staff being on hand to accept them and the scope for this was limited by the condition which set the store's operating hours. This issue is considered to be crucial to maintaining existing levels of residential amenity for the surrounding properties to the rear of the site to ensure that the goods access is not used at times when there would be an impact on residential amenity. With regard to this factor the Inspector set the opening hours at 0630 to 2200 daily and that condition is recommended to be brought forward as shown below. The application does not specify opening hours, but as the previously approved hours are a material consideration, it is considered to be reasonable to stipulate those same hours.

The effect of the proposed opening hours on nearby occupiers in more general terms also requires analysis, particularly as the site area has now been enlarged. The most direct impact has been covered above, but the hours of opening would also generate activity on the forecourt and at the front of the store. In the case of vehicles coming and going, this would have a fairly direct impact on No. 127, with parking places proposed to be divided from its small front garden. It is considered that the hours recommended in the condition below would also protect this property and the area as a whole from late evening and night time activity at the site. Subject to compliance with the condition it is considered that the proposal would not harm existing levels of residential amenity enjoyed by properties in the vicinity of the site. The proposal is therefore considered to accord with criterion B of policy RT8.

The point raised that light spillage from the site will affect neighbouring properties is considered to have the potential to be dealt with through the condition recommended below requiring submission of lighting details. The point raised about neighbours will have to erect higher fences to maintain privacy is not considered to be relevant to this proposal, as it may arise from the removal of current screening from the front of the site in any event. The retention of this fencing for security benefits to the nearby residents is not something that would either be practical in terms of this proposal or achievable through the planning system.

5.3 Transportation Issues

Criterion A of policy RT8 requires that the proposal would not give rise to unacceptable levels of traffic or on-street parking. Key to achieving this is considered to be the parking provision offered by the site and whether there would be adequate provision maintained when deliveries take place.

The proposed parking provision for cars is 22 spaces. No cycle stands are proposed, but a condition recommended below requires cycle parking provision, along with the car parking.

The provision of all parking is required before first use of the site by the relevant condition below, brought forward from the appeal decision for the previous scheme. It is acknowledged that not all customers would drive or cycle to the site and that foot traffic would also be attracted. The vehicle parking proposed is considered to be adequate to accommodate the likely level of custom generated by the proposed gross trading area, which is similar to the last scheme and the parking provision has been increased by 5 spaces for cars. Adequate turning and manoeuvring areas would be provided and this would not impede the proposed customer parking. A tracking analysis has been carried out for the sit, submitted and is considered to be acceptable.

As part of the original proposal, it was agreed with the applicants that, under Section 106 of the Town and Country Planning Act, a pedestrian island will be provided close to the site, within Bath Road to mitigate some of the road safety effects of the proposed development by allowing safer crossing of the main road by pedestrians. This proposal also generates the need for improvements to pedestrian facilities and broader accessibility of the site. In this regard, the applicants have agreed to enter into a Section 278 agreement under the Highways Act 1980. The agreed payment of £15,000 would be secured and used towards improvement of pedestrian facilities in the locality. This would provide the finance for the Council to implement its own scheme to ensure that a safer environment on highway land is created for pedestrians accessing the site.

5.4 RT8:C Effect on the Character of the Area

The design of the proposal will be examined below, so the impact on the character of the development on the area is examined at this stage in terms of the proposed use. Bath Road contains a mixture of uses other than residential, although the residential uses form the largest component of the frontage between Marsham Way and Long Beach Road. Housing is punctuated by a small retail cluster, a public house, church and a petrol filling station, among others. Indeed the site itself, the only vacant site along this frontage, used to house a petrol filling station as well. The character of this frontage, while predominantly residential, is punctuated by other uses and this proposal is considered to fit into that character in an acceptable manner. It is therefore considered that criterion C of policy RT8 is satisfied by this proposal, subject to the detailed urban design analysis below.

5.5 RT8:D (for proposals within a local centre), would that development be consistent with the centre's scale and function; and RT8:E (for proposals outside a local centre) would the development improve the range of services to a local community and not harm the vitality and viability of an existing local centre?

The shopping parade on Bath Road is identified as a Local Centre in figure 9.1 of the Local Plan and in table 3 of the draft Core Strategy, but it should be noted that Local Centres do not have defined boundaries. However, in this context, the site could be seen, in functional terms, to lie within the, albeit diffuse, local centre, the nearest part of which would be approximately 150 metres away. In this context the proposal would be assessed against criterion D of policy RT8. Under this assessment, it is considered to be consistent with the scale (the proposal is for 481 square metres, a reduction on the 504 square

metres of gross retail floorspace win on appeal) and function (the proposal is for A1 and A1/A2 uses) of the Bath Road local centre. The proposal is considered therefore to accord with criterion D of policy RT8. This issue was effectively resolved in principle at appeal in the determination of the previous application. It therefore remains to be examined how this position is affected by the adoption of the Core Strategy in December 2013. In this regard, the applicable policy, RT8, has been saved from the adopted Local Plan, while no policies in the Core Strategy contradict RT8.

The proposed development would be situated further to the east than any other retail units in Longwell Green and the nearest retail unit further east along the A431 is in Willsbridge. It is considered that the local community that the site would serve would be primarily Longwell Green, with a locational advantage towards the housing situated off Long Beach Road, together with passing trade. In the context of Longwell Green, the proposal is considered to broaden the range of services and add to the competition in the local context. At such a small size in relation to the size of the existing A1 units, and given the distance from the main part of the village centre of over 150 metres and the greater distance to the Gallagher Retail Park, it is considered that this proposal would not threaten the vitality and viability of the existing local centre. The proposed building on this site is also smaller than the supermarket which was approved to replace the Shell petrol station and is of a comparable size with the Tesco store in the local parade and smaller than any retail units within the Gallagher Retail Park. The proposed A2 unit would be of a similar size to the smaller A1 units in the cluster around the Shellards Road junction. Therefore neither part of the proposal, nor their collective impact is considered to have an adverse effect on the vitality and viability of the local centre. The proposal is considered therefore to accord with criterion E of policy RT8.

5.6 Tree Issues

The tree at the western side of the site benefits from protection under a Tree Preservation Order. With this in mind, an Arboricultural Report has been submitted to accompany the application. This report has been assessed by the Council's Tree Officer. The works proposed for the vicinity of the tree would be limited to the creation of parking spaces over a small part of the root protection area. It is considered that the measures contained in the Report demonstrate that there would be no harm which would result to the health of the tree and therefore a condition is recommended below to ensure that the works comply with the Arboricultural Report and Tree Protection Plan. The design of the proposal is considered to respect the setting of the tree by keeping it apart from any built form. The removal of the current hoardings that surround the site would give the tree greater prominence. This part of the proposal is considered to accord with policy L1 of the adopted Local Plan.

5.7 Design and Visual Amenity

The following analysis assesses the proposal in terms of design under policy D1 but also its impact on the character of the area as required by policy RT8 C. A Design and Access Statement was submitted to accompany the application.

Layout & Amount

The building is positioned to the rear of the site, so the building line is similar to that of the bungalows to the south. A tree is shown to be protected and retained adjacent to 127 Bath Road at the northern end of the site. The frontage therefore comprises some 22 parking spaces to the front and side of the shop unit, with a low stone wall, revised to feature cock and hen coping to deter sitting on it, as with the previous scheme. The layout is considered to be acceptable and appropriate to the context and form of the development.

Scale

The proximity of the care home has meant that the rear half of the proposed building is kept to a single storey with a low pitched roof. This proposed height is considered to have little impact on surrounding properties. The maximum ridge height at the front of the building is kept below that of the adjacent bungalow. Its width is also only marginally wider than the adjacent bungalow and only some 2/3rds of the terrace to the north. The scale is therefore considered to be in keeping with the residential setting.

Access

The site is relatively flat; thereby there would not be any problems with ensuring level access for all users in accordance with Building Regulations.

Sustainability

Policy CS1 (8) requires that proposals seek to achieve energy conservation and the protection of environmental resources. No information has been submitted on this issue, but this would not form a refusal reason for this scheme as much of this will have to be achieved to comply with current Building Regulations.

Landscape

The intention to retain the existing tree and provide stone walling to the front in keeping with the locality is welcomed.

Appearance

The immediate locality is characterised by dwellings of a range of ages and styles. The Bath Road and wider area does however have a local vernacular characterised by pennant stone and demonstrated by the terrace of cottages to the immediate north.

Security

The Crime Prevention Officer has raised a number of points in respect of this proposal. Car parking is uncontrolled and it is considered that there is no particular need to control it. The trading hours endorsed by the Inspector determining the previous appeal would mean that unauthorised use of the car park would be in the middle of the night and it is not considered reasonable to install a barrier system against such an eventuality. In regard to the suggestion of a gate to a height of 1.8 metres, it is considered that this would have the potential to harm visual amenity, particularly in the context of the low boundary walls, in addition to which, next to a highway such a means of enclosure would require planning permission in its own right.

There is considered to be adequate surveillance from the site during opening hours, as well as of the site from surrounding properties in close proximity to the site and passing traffic, for security of the site to be an issue which carried very limited weight.

Given this is a commercial building, replacing a former petrol filling station, it would be inappropriate to expect it to attempt to replicate the forms, proportions and detailing that characterise the nearby domestic buildings, given the operational requirements of such outlets. It should however, exhibit an architectural quality in a manner that respects or enhances the character of the area, particularly at the corners, rooflines and ground, be constructed of good quality materials and be legible.

With regard to architectural quality, in terms of character the building respects the context by utilising the local pennant stone to the front facade. In terms of quality, subject to the submission of sample panels required by condition below, the natural pennant stone is welcome and is returned along its northwest (side) elevation where the site is most prominent. The panel system has been removed on the amended plans, in favour of render. The glazing and roof clearly demonstrate commercial properties indicative of the buildings use, but some proportions and materials have taken cues from the context.

It is therefore considered that the building exhibits some architectural quality and is informed by, respects and enhances (by reinforcing the pennant stone vernacular found in the locality) the character and distinctiveness of the site and locality in accordance with policy CS1 of the adopted Core Strategy.

5.8 Smaller Unit of A2 Use

Although the preceding analysis has concentrated in the main on the proposed retail unit, there is some uncertainty with regard to the use of the smaller unit to be located at the western edge of the building, as it has been applied for A2 use. With regard to the A2 use, it would provide premises for financial and professional services. In such a case, there is no specific policy in the adopted Local Plan with regard to A2 uses, but they are usually seen as acceptable in order to support the vitality and viability of town centres, as long as they are located in secondary shopping frontages. It is considered that an A2 unit at the proposed location would play a similar role.

5.9 Other Issues

The consultation process has led to a number of concerns that have not already been addressed in the report. These include the following points, with responses: The petrol station has been closed since 2005 and was not in keeping. The proposal should be judged against the current situation of the site and the retail use of the site was limited in terms of petrol sales - This proposal has been assessed in terms of the site being vacant, its current state. The proposal is regarded to be an enhancement of this situation, with the site vacant over the past few years and boarded up. The site would be better suited to residential development - no such proposal has not recently come forward and this proposal has been submitted, must be determined on its own merits and is considered to accord with policy.

Concern was also raised over noise and potential anti-social behaviour outside the building: With regard to these concerns coming from inside the building, these could be dealt with through environmental health legislation, rather than Planning. Environmental Protection Officers have not raised these as areas of concern. With regard to any impact from people gathering on the forecourt, this could take place anywhere and the development has been designed to discourage it. The only place to sit outside the building would be the low wall, the design of which has been revised to include cock and hen coping, which mitigates against using the wall to sit on. Issues of the ethics and the profit motive of developers are not valid for consideration in the determination of planning applications.

The impact on wildlife and local pets that was raised through the consultation process. It has been reported that the site has recently been cleared, in which case any wildlife habitat would not have survived. Clearing the site neither commended the previously approved scheme nor required planning permission in its own right. For a number of years it has been enclosed by tall temporary fencing, which would be removed under either the current approval or this proposal in order to allow the site to operate. In either event, the site would become more open and remove the barriers which may currently prevent direct access of pets to the Bath Road. There is no planning policy to protect the safety of pets and this is not considered to be a relevant issue to the determination of this application.

With regard to the claim made that the land now included in the red line should be subject of an application for change of use, this is considered to be inherent in this development proposal and once this application has been determined would not be a separate issue.

A further highways points raised are that there would have to be double yellow lines introduced along Bath Road and that any vehicles wanting to turn right into the site would block traffic behind it due to the lack of a right turn facility. With regard to the right turn issue, there is a large and wide section of highway which is already hatched outside the application site which vehicles turning right can use. Vehicles turning right into the site are permitted to enter this hatched area. Vehicles in this hatched area would not necessarily block traffic approaching behind them.

Finally, the issue of flood risk has been raised through the consultation process. This is related to standing water in the highway. If there is run off from the site onto the highway, it is a legal obligation for the site owners/ operators to prevent this occurring by dealing with water on the site within it. The observe also applies to water migration from the highway onto the site. It is anticipated therefore that the implementation of the development would resolve this issue.

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Planning, Transportation and the Strategic Environment to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 278 of the Highways Act 1980 to secure the financial contribution for the Council to implement the following:

To provide and enhance traffic management/ road safety and enhancements of pedestrian facilities in proximity to the site, together with and related works.

Reason

For mitigation the transportation impact of the development in the vicinity in the interests of road safety and in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. Before any development is commenced details of the proposed external facing and roofing materials 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. The erection of fencing for the protection of the tree to be retained on the site shall be undertaken in accordance with details contained in the arboricultural method statement and tree protection plan received by the Local Planning Authority on 22 January 2013. The fencing shall be erected before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within that area shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012 and policy L1 of the adopted South Gloucestershire Local Plan.

4. Before the building hereby permitted is first occupied, off-street parking facilities for vehicles shall be provided as shown on the plans hereby approved. The facilities shall be retained for that purpose thereafter. Cycle parking shall be provided on site prior to first use of either of the units, in accordance with details to be submitted for agreement in writing by the Local Planning Authority.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The uses hereby permitted shall not be open to customers outside the times of 0630 to 2200 hours. No deliveries shall be taken or dispatched outside the opening hours.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Before any development is commenced, details of boundary treatment along the south-eastern edge of the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the commencement of development, details of external lighting on the site shall be submitted to the Local Planning Authority for approval in writing. All external lighting shall be installed in accordance with the details so approved.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

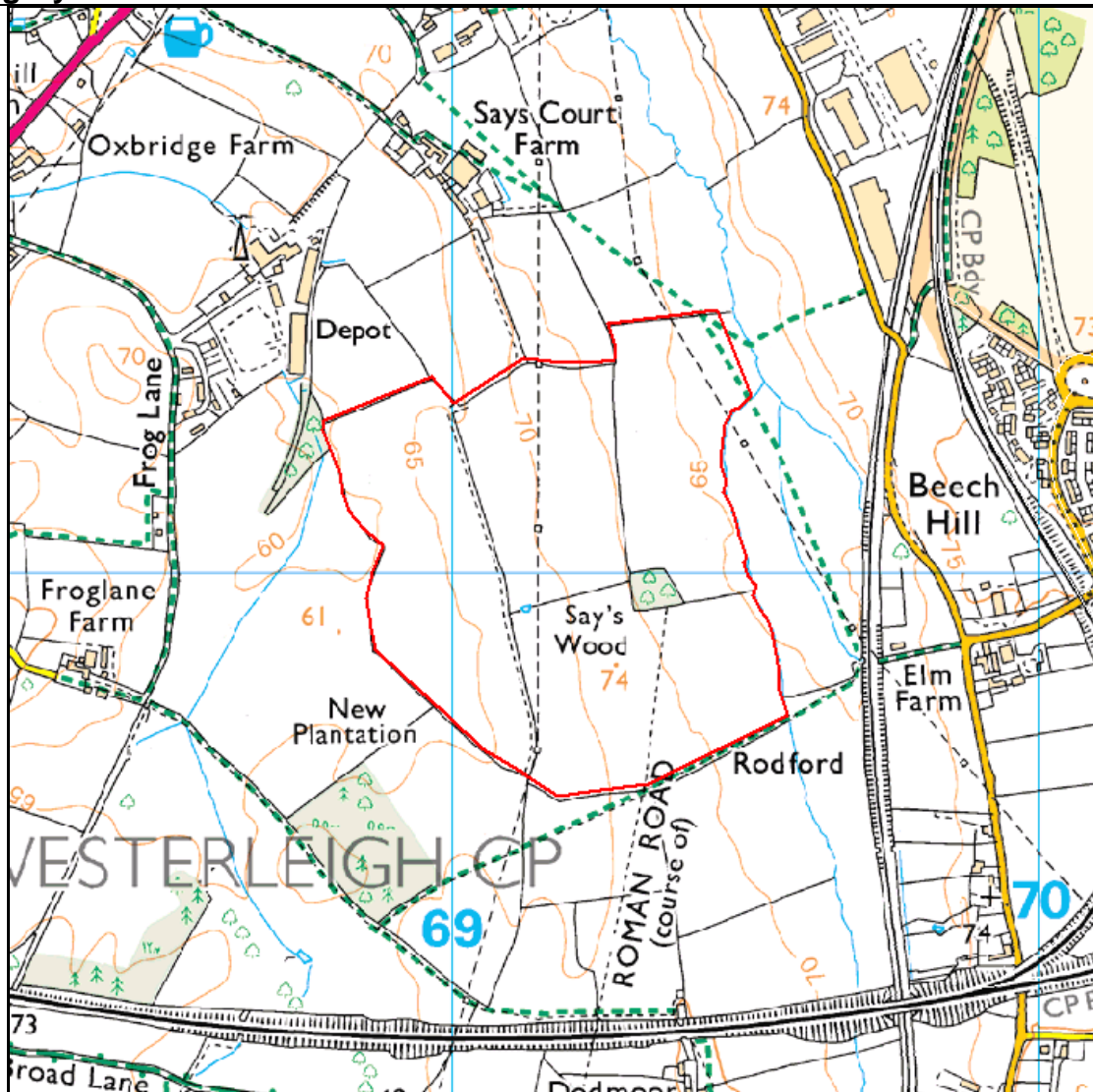
8. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete.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

Reason

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

CIRCULATED SCHEDULE NO. 04/14 – 24 JANUARY 2014

App No.:	PK13/4216/F	Applicant:	AEE Renewable UK 31 Ltd
Site:	Says Court Farm Badminton Road Coalpit Heath South Gloucestershire BS36 2NY	Date Reg:	21st November 2013
Proposal:	Erection of 38 no. CCTV cameras on 2.1m high poles and associated works including the installation of a control house structure.	Parish:	Westerleigh Parish Council
Map Ref:	368918 181732	Ward:	Westerleigh
Application Category:	Major	Target Date:	17th February 2014



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PK13/4216/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule as there are objections to the proposed development whilst the officer recommendation is approval.

1. THE PROPOSAL

- 1.1 The site is located to the North of Westerleigh Village and to the West of Yate and East of Coalpit Heath. Iron Acton is located to the North of the site. The area of land is not subject to specific landscape designation; however, the site is within the Green Belt. The area is made up of agricultural land enclosed within established field hedges. Nibley Lane runs close to the East of the site and Frog Lane runs close to the West edge. Says Court Farm itself is located to the North of the site. The site is located within Flood Zone 1.
- 1.2 Planning Permission (PT13/1082/F) was granted on 1st October 2013 for the development of the site for a large scale commercial Solar Farm capable of generating 17.28 MW of electricity (or more). This followed the resolution to grant consent subject to conditions by the Development Control (West) Committee on 26th September 2013.
- 1.3 This application seeks approval for 38 individual CCTV cameras and associated mounting poles within the perimeter of the site as approved under PT13/1082/F). The cameras would have a fixed angle (not capable of rotation) and would be position on poles approximately 2 metres in height and approximately 2 metres inside the approved perimeter fence. The poles would also house associated infra-red equipment.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework

Planning Practice Guidance for Renewable and Low Carbon Energy

(this document replaces PPS22 (Renewable Energy) Technical Annex)

National Policy Statement for Energy (EN-1)

National Policy Statement for Renewable Energy Infrastructure (EN-3)

Written Ministerial Statement on the revocation of the North West, West Midlands, South West Regional Strategies (27th March 2013)

2.2 Development Plans

South Gloucestershire Core Strategy incorporating Inspector Findings and Draft Main Modifications September 2012

CS1 High Quality Design

CS3 Renewable and Low Carbon Energy Generation

CS5 Location of Development

CS9 Environmental Resources and Built Heritage

CS34 Rural Areas

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

GB1	Green Belt
D1	Achieving Good Quality Design In New Development
L1	Landscape Protection and Enhancement
L3	The Coastal Zone
L12	Conservation Areas
L13	Listed Buildings
L16	Protecting the Best Agricultural Land
EP2	Flood Risk and Development
T12	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

Development in the Green Belt (Adopted)

South Gloucestershire Design Checklist (Adopted)

South Gloucestershire Landscape Character Assessment (Adopted); Yate Vale Landscape Character Area; Area 8.

Draft Revised South Gloucestershire Landscape Character Assessment; Yate Vale Landscape Character Area; Area 8.

2.4 Other Material Considerations

Report on the Potential for Renewable and Low Carbon Energy Supply in South Gloucestershire June 2010 (AECOM Report)

South Gloucestershire Climate Change Strategy – Low Carbon South Gloucestershire Plan 2012 to 2015 (adopted).

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/1082/F Construction of 17.28 MWp solar farm, including substation, transformer stations, access roads and 2.0m high perimeter fence and associated works.

Approved 1st October 2013

- 3.2 PT13/4042/RVC Removal of condition 17 of PT13/1082/F.

Approved 21st January 2014

4. CONSULTATION RESPONSES

4.1 Westerleigh Parish Council

Object to the proposed development for the following reasons;

There is an excessive amount of CCTV Cameras

This should have formed part of the original application

4.2 Doddington Parish Council

No Objection raised.

4.3 Yate Town Council

- No Objection raised
- 4.4 Frampton Cotterell Parish Council
No Objection raised.
- 4.5 Highway Authority
No Objection
- 4.6 Listed Building Officer
No Objection in principle. The fence and cameras should be positioned to the south of the planting/screen so as to screen the equipment from views of the nearby listed building.
- 4.7 Landscape Officer
No Objection in principle. Conditions should apply such that the equipment is painted black; and that further details relating to the installation of the associated cables should be submitted. That information should require that no dig methods are utilised in root protection areas associated with trees and hedges within the site.
- 4.8 Archaeology Officer
No Objection
- 4.9 Public Rights of Way Team
No Objection
- 4.10 Natural England
No Objection in principle
- 4.11 Network Rail
No Objection in principle. Infrared beams and other associated lighting should be installed so that they are angled away from the railway. Network Rail have suggested an informative in this regard.

Other Representations

- 4.12 Local Residents
One letter of objection is received. The comments are summarised as follows;

There was no mention of installing cameras with the original application

It was previously stated that there would be no increase in criminal activity as the site is in open countryside with access only from Says Court Farm.

There would be deer proof fencing to keep large animals out and an internal security system installed within the fencing

The proposed cameras would face towards nearby dwellings and would impact upon privacy

Cameras should only be installed at the entrance to the site and should not be able to focus in on nearby properties or include flood lights

The number of cameras is excessive and would appear like a fortified prison

5. ANALYSIS OF PROPOSAL

5.1 The application details the installation of CCTV equipment associated with the Says Court Solar Farm development as approved under PT13/1082/F.

5.2 Principle of Development

There are no specific policies governing the installation of CCTV equipment at solar energy installations (or other commercial developments). In this instance the proposed equipment would be directly related to the use of the land as a solar farm; and would be ancillary to that use. On this basis, it is considered that the proposed development is acceptable subject to the following considerations.

5.3 Green Belt

The development of commercial solar electricity generation on this site was considered under PT13/1082/F and was considered acceptable in Green Belt terms. This application seeks approval for ancillary CCTV cameras and associated poles and as such need to be considered as part of the whole development of the site. The cumulative impact of the Solar Farm together with the proposed CCTV needs to be considered and in turn the additional impact upon the openness of the Green Belt as a result of the CCTV cameras.

5.4 The proposed cameras and poles would be position within the perimeter fence which benefits from approval as part of the Solar Farm. The position and height of the equipment is designed so that they would not exceed the height of the solar panels. The effect of this is that the camera equipment would not extend beyond the horizontal and vertical confinement of the approved solar farm and in doing so the visual impact is greatly reduced. Officers consider that the design and position of the camera equipment is such that there would be no material impact in respect of the openness of the Green Belt. It is very likely that the same conclusion would have been reached had the CCTV equipment been proposed at the time that the original Solar Farm application (PT13/1082/F) was considered.

5.5 Impact upon the Landscape and Historical Assets

As set out above, the design and position of the camera equipment is such that there would be very limited visual impact as the equipment would be set against the back drop of the solar panels previously approved. Limited views of the camera equipment would be apparent from local Public Rights of Way passing the southern edge of the development. However, this impact is not considered to be material in the context of the solar farm itself. The equipment would not be easily visible from longer views towards the development.

5.6 Similarly, views of the camera equipment in the context of the setting of listed buildings would be very limited. In respect of the context of Says Court Farm House, the fence line and associated cameras would be positioned behind

screen planting approved as part of the Solar Farm development and as such would not be material. The applicant has indicated that the equipment will be painted black to further reduce the impact of it, in visual terms. An appropriate condition can be applied in the event of approval.

5.7 It is acknowledged that comment from the local community questions the number of cameras (proposed to be 38) and it is suggested that this quantity is excessive. The purpose of the CCTV installation is to protect the perimeter fence from attack and breach. The individual cameras are directed at the fence line. The height of the camera equipment is intended to reduce the visual impact to a minimum. The low height has the effect of reducing the line of site compared to a higher camera. Clearly, higher cameras would provide much longer views of the perimeter fence. However, officers consider that the impact of a fewer number, higher poles in visual terms would be far greater than the impact of more, lower poles.

5.8 Residential Amenity

Concern is raised by the local community in respect of the impact on the privacy of nearby dwellings as a result of overlooking from the camera equipment; and the potential impact of associated lighting. To clarify, the equipment is intended only to protect the perimeter fence of the solar farm installation and the considerable asset contained within it. The cameras are to be fixed in an inward facing position and will not be directed at any residential dwellings. The cameras cannot rotate. There is no lighting associated with the cameras which would be triggered using infrared sensors. Night time imaging is facilitated using infrared lighting which is not visible to the human eye. Having regards to this specification, officers are satisfied that there would be no impact upon the privacy of the residents of nearby dwellings.

5.9 Safety Considerations

Network Rail have raised no objection to this proposal in principle. However, the comments draw attention to the requirement that infrared beams should not be directed towards the railway network. It is requested that an informative is place on any approval of this application such that the issue of railway safety is raised and a contact name provided if further discussion is required. Whilst this is a matter for Network Rail and the developer, the position and range of the equipment proposed is such that there is a very low risk of interference with the railway network. Indeed Network Rail do not object on these grounds. On this basis, it is considered that there would be no material impact upon public safety as a result of the proposed development.

5.10 Economic Considerations

The approved development of a Solar Farm on this site would provide a positive economic benefit both in environmental terms and through farm diversification associated with Says Court Farm. There would be considerable investment in respect of solar panels and associated equipment. Without the protection of this equipment, the development itself could be compromised and this is given weight in considering this application. It is considered that there would be limited impact on the openness of the Green Belt and landscape as a result of this proposal. It is further considered that the economic benefit of the solar farm would outweigh any limited harm caused by this proposal.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That Planning Permission is granted subject to the following conditions.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

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

Reason

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

2. Prior to the installation of the CCTV Cameras and associated Infrared Equipment, supporting poles, foundations and associated cabling, details of the method of cable trenching shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, where any trenching is located within 5 metres of; or with a root protection zone (which ever is the greater) of any TPO tree or hedgerows, the trenching details shall be accompanied by an arboricultural method statement in accordance with BS5837 (2012). Thereafter, the development shall proceed in accordance with the agreed details and retained as such.

Reason

In order to ensure that there is no damage to existing trees and hedgerows and to accord with saved policy L1 of the South Gloucestershire Local Plan (adopted) January 2006; and Policy CS3 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013

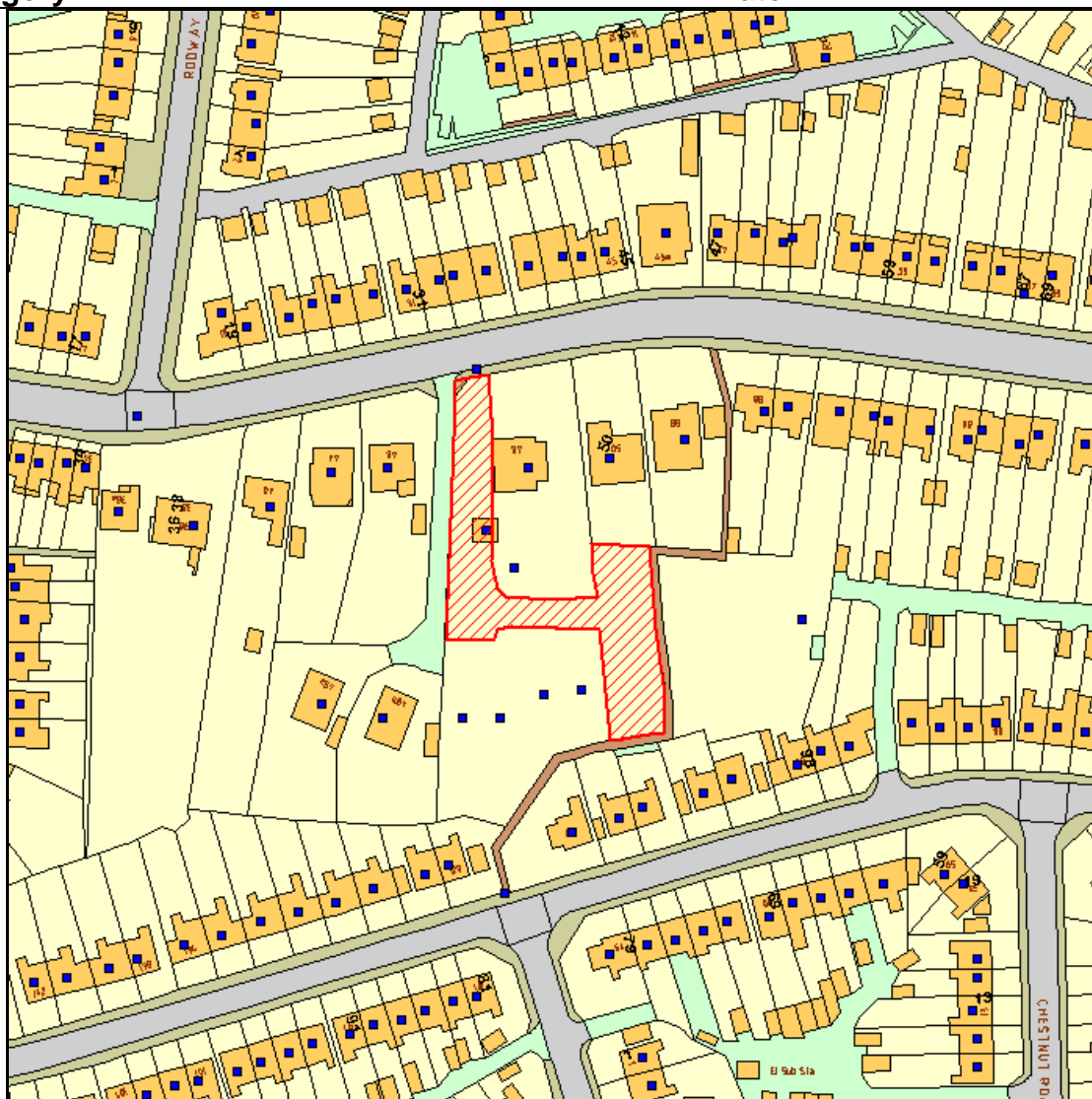
3. The approved CCTV equipment (cameras, infra-red equipment and supporting poles) shall be painted black and retained as such.

Reason

In order to minimise the impact of the approved development and to accord with saved Policies D1, and L1 of the South Gloucestershire Plan (Adopted) January 2006; and Policy CS3 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013

CIRCULATED SCHEDULE NO. 04/14 – 24 JANUARY 2014

App No.:	PK13/4406/F	Applicant:	Home Orchard Developments
Site:	Land Rear Of 50 Middle Road Kingswood South Gloucestershire BS15 4XH	Date Reg:	29th November 2013
Proposal:	Erection of 1 no. detached bungalow and associated works	Parish:	None
Map Ref:	365595 175275	Ward:	Rodway
Application Category:	Minor	Target Date:	21st January 2014



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PK13/4406/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following objections received from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of 1no. 2 bed detached bungalow and associated works. The application site relates to the rear garden of No. 50 Middle Road, Kingswood. The proposed access into the access would be via a new road created under a recent planning application PK12/2747/F which gave permission for 5no. two bed bungalows to the rear of the adjacent property No. 48 Middle Road, Kingswood.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Infrastructure and Cultural Activity
CS24	Open Space Standards

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

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

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

3. RELEVANT PLANNING HISTORY

- 50 Middle Road**
- 3.1 K2560/5AP Erection of detached bungalow with integral garage.
Construction of car hardstanding and vehicular and pedestrian access to highway
- Approved 24.10.83

- | | | |
|-----------------------|------------------------------|--|
| 3.2 | K2560/5

Approved | Erection of detached bungalow and domestic garage.
Construction of new vehicular and pedestrian access (outline)
21.4.83 |
| 3.3 | K2560/1
Withdrawn | Residential development for 5 detached bungalows |
| 3.4 | K2560

Refused | Erection of 4 detached bungalows on approx 0.06 acre (0.24 ha) construction of new vehicular and pedestrian access
27.2.79 |
| 48 Middle Road | | |
| 3.5 | PK13/4383/F

Pending | Demolition of side extension to existing bungalow.
Erection of 1 no. bungalow and associated works. |
| 3.6 | PK12/2747/F

Approved | Demolition of existing detached garage and erection to rear of 5 no. two bedroomed bungalows and associated works.
29.11.12 |
| 3.7 | PK09/5050/O

Withdrawn | Demolition of existing dwelling. Erection of 12 no. dwellings (Outline) all matters reserved. |
| 3.8 | K2560/4

Refused | Construction of dormer windows to provide bedroom accommodation in roof space
24.2.82 |
| 3.9 | K2560/2
Approved | Erection of double garage
19.5.81 |

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
The area is unparished
- 4.2 Other Consultees
- Highway Drainage
No objection subject to informatives and conditions
- Sustainable Transport
No objections subject to conditions
- Public Rights of Way
No objection subject to an informative

Environmental Protection

No objection subject to an informative

Children and Young People

No contribution required for this application

Other Representations

4.3 Local Residents

Three letters of objection have been received from local residents. One, however, refers mainly to a newly submitted application for a detached bungalow to the side of No. 48 Middle Road.

Issues raised are:

- Lorries parking and turning outside existing houses to deliver materials have caused damage to road
- Future problems with removal of household rubbish; dust cart will have limited access
- Limited access to the plot which is on primary school route
- Potential impact on privacy of direct neighbours to the site
- Builders inconsiderate to residents

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives. Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Saved Policy T12 seeks to ensure that development will have no adverse impact on highway safety and residential parking standards have been revised under supplementary planning guidance adopted 2013.

5.2 Design and Visual amenity

The overarching aim of the National Planning Policy Framework (NPPF) is for sustainable growth. There is an emphasis on planning positively and a presumption in favour of sustainable development. However, the guidance maintains that new development should achieve a high quality of design and good standards of amenity for all existing and future occupants of land and buildings.

5.3 Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required

to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives.

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. In addition saved Policy T12 seeks to ensure that development will have no adverse impact on highway safety and residential parking standards have been revised under supplementary planning guidance adopted 2013.

As such, the main issues to consider are the form and appearance of the proposal and the impact on the character and visual amenity of the area, the impact on the residential amenity of the neighbouring occupiers, environmental impacts and the Transportation impacts in terms of parking, access and congestion.

5.4 Appearance/form

The proposed dwelling comprises a long linear footprint and gabled form which follows the design of 5no. dwellings recently granted permission under application PK12/2747/F in the adjacent site. All properties would use the same access off Middle Road.

The application for 5no. dwellings comprised two different designs and the dwelling subject of this application would match that proposed at the bottom of the garden of No. 48 Middle Road in that it would also have a projecting side extension to form a garage to serve the dwelling.

Again following the design of the other proposed single storey dwellings, the proposal would have a low ridge and eaves height and in its scale it is considered to reflect the existing bungalows to the north as well as matching the design, scale and massing of those recently approved on the adjacent site. In terms of materials to be used, details indicate walls of natural stone, profiled concrete tiles for the roof, white uPVC windows and doors. Given the linear shape of the proposed dwelling, openings would be concentrated in the north and south elevations.

The design is considered acceptable in its context.

5.5 Residential Amenity

The proposed dwelling would be positioned at the end of the cul-de-sac continuing a line of 4no. recently approved bungalows. To the east and south the proposed site is adjacent to a public footpath. Proposed fencing of approximately 1.8 metres in height would screen the development. To the north an area reserved for two off street parking spaces and additional residential amenity space would divide the site from the rear garden of No. 50 Middle Road. To the west the single storey garage serving the proposed dwelling would be close to the proposed single storey dwelling given

permission under PK12/2747/F. It is acknowledged that this distance would be minimal. However, it is also acknowledged that this spacing would match that between the bungalows already approved under PK12/2747/F. Plans indicate that the proposed ground floor window closest to the single storey garage would serve a bathroom.

Concerns have been raised regarding privacy issues for existing neighbours, however, given the single storey height of the proposal it is considered that the proposal would not result in any issues of overlooking, inter-visibility or overshadowing. In addition sufficient residential amenity space would be available to serve the 2no. bedroom property.

As such the proposal is deemed to accord with policy requirements and it thus acceptable.

5.6 Sustainable Transport

Transportation Development Control Officers are satisfied that the assessment of such a scheme in this location was dealt with previously, under planning application PK12/2747/F. In this regard, Officers raise no objections to the proposals subject to the 'prior to occupation' release of conditions 7, 8, 9, 10, and 11 against PK12/2747/F. Should these conditions not already be released, then they should be re-written to address the submitted proposals.

As such conditions relating to details of the new access road, the visibility splays, off street parking, Keep Clear markings on the turning area within the cul-de-sac will be attached to the decision notice.

Concerns have been expressed by neighbours regarding damage done to road and pavement as a result of the previously approved scheme. Unfortunately, planning has no jurisdiction with regard to where and how others use or misuse the highway. It is suggested that any complaints regarding damage should be directed to the Council's Street Care team. A condition will be attached to the decision notice with regard to operating times to minimise noise disturbance to neighbours.

5.7 Community Infrastructure

Given the relatively small scale of the development it is considered that the existing community facilities in the surrounding area are sufficient to meet the needs of the proposed development. In addition, Education Officers have calculated that the proposal will not generate the need for an additional contribution to existing facilities.

6. CONCLUSION

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

January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the application be **APPROVED** subject to the conditions 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 commencement of development details/samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.

Reason:

To ensure an acceptable standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted) 2013 and saved Policy H4 of the South Gloucestershire Local Plan (adopted) 2006.

3. Prior to commencement of the development full detailed designs of the new site access to the newly created cul-de-sac and its junction with Middle Road shall be submitted to and agreed in writing with the LPA. The development shall be carried out in accordance with the agreed details.

Reason:

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

4. Prior to the first occupation of the dwelling hereby approved the visibility splays shall be provided in accordance with the submitted drawing no. figure 4 'Middle Road, Kingswood Access Visibility' received by the Council on 29.8.12 under PK12/2747/F and by setting back the boundary wall/vegetation behind such visibility line.

Reason:

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

5. Prior to the first occupation of the dwelling hereby approved the off street parking shall be provided in accordance with the approved plan Site Plan, Proposed 828W13/SPP and subsequently maintained and retained thereafter.

Reason

In the interest of highway safety and to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006

6. Prior to the first occupation of the dwelling hereby approved the turning area as agreed proposed and approved under application PK12/2747/F shall be provided in accordance with the approved plans 'Site plan, proposed 741W11/SP-A'. The turning area shall be marked out with 'KEEP CLEAR' and shall be maintained thereafter.

Reason

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

7. Prior to the commencement of the development intrusive site investigation works shall be undertaken to establish the exact situation regarding coal mining legacy issues on the site. In the event that the site investigations confirm the need for remedial works then details of appropriate mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the commencement of the development.

Reason

In the interests of the safety and stability of the development and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013

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

Reason

Given the proximity of the development to the boundaries of the site there are exceptional circumstances to remove permitted development rights in the interests of residential amenity and to accord with policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013 and saved policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

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

Reason

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

10. The hours of working on site during the period of construction shall be restricted to:

7:30 - 18:00 Mondays to Friday

8:00 - 13:00 on Saturdays

and no working shall take place on Sundays or Public Holidays.

The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

In the interests of the residential amenity of the neighbouring occupiers and to accord with policy H4 of the saved South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 04/14 – 24 JANUARY 2014

App No.:	PK13/4460/F	Applicant:	Mr James Withall
Site:	The Firs The Hollows Coalpit Heath Bristol South Gloucestershire BS36 2US	Date Reg:	16th December 2013
Proposal:	Installation of front dormer window and erection of single storey side and rear extension with balcony above to form additional living accommodation.	Parish:	Westerleigh Parish Council
Map Ref:	367665 179255	Ward:	Westerleigh
Application Category:	Householder	Target Date:	6th February 2014



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PK13/4460/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission for the installation of a front dormer, and the erection of single storey side and rear extension with balcony above.
- 1.2 The application relates to a detached dormer bungalow situated within the adopted Bath/Bristol Green Belt boundary and in the open countryside.
- 1.3 During the course of the application revised plans were submitted to include a revised first floor plan with an obscure glazed restricted opening window to the front elevation, and a balcony above the rear extension.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Development within Existing Residential Curtilages

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007
Development in the Green Belt SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No objection
- 4.2 Public Rights of Way Officer
No objection. Informative recommended.

Other Representations

4.3 Local Residents

One letter of objection has been received in relation to the originally submitted (superseded) plans. The comments are summarised as follows:

- Loss of privacy to patio area and living room from proposed front dormer.
- Trees provide some degree of privacy however unless a TPO or similar is granted to stop anyone removing these trees privacy could be completely and unacceptably lost.
- Request to ensure that the current landscape remains as unchanged as possible.
- Condition requested for obscure glazing to dormer window.
- Alternatively request for design to be amended to allow east facing dormer.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the installation of a front dormer, and the erection of a single storey side and rear extension with balcony above on a detached dwelling situated within the adopted Bath/ Bristol Green Belt boundary. Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle provided it does not result in a disproportionate addition over and above the original dwelling, and does not prejudice residential amenity, highway safety or visual amenity.

5.2 Green Belt

The application relates to a detached bungalow situated within the adopted green belt boundary. The application seeks permission for extensions to the bungalow consisting of a front dormer and a rear and side extension with a balcony above. The plans also indicate a rear dormer and a front porch which are considered to fall within the category of permitted development. Policy H4 allows for the extension or alteration of a dwelling provided it does not result in disproportionate additions over and above the original dwelling. This is consistent with paragraph 89 of the National Planning Policy Framework.

5.3 The application proposes a number of extensions which when combined result in a volume increase of approximately 40-50%. Although this is at the higher end of the volume increase considered as a limited extension within the Development in the Green Belt SPD it is considered that the extensions proposed appear visually proportionate and would not prejudice the openness or visual amenity of the green belt. Additionally, following the construction of the extensions proposed, there would be very little scope for any further additions under permitted development which may have a cumulatively detrimental impact. On reflection to proposed extensions are considered acceptable within the context of the green belt.

5.4 Residential Amenity

The application proposes a single storey flat roof rear and side extension and a front dormer window. The nearest neighbouring properties to the dwelling are to the front with a distance of approximately 18 metres from elevation to elevation. The rear of the site overlooks the adjacent golf course. It is considered that the proposed extensions, by virtue of location and scale, would not prejudice the residential amenity of surrounding occupiers in terms of

overbearing impact or loss of light. Adequate private amenity space would remain to serve the host dwelling.

5.5 In terms of privacy concern has been raised that the front dormer window would overlook the property to the front to the detriment of the privacy of the occupiers. In response to these concerns revised plans have been submitted to include an obscure glazed window to the front dormer with restricted openings. This revision is considered to overcome the neighbour's concerns. It is considered reasonable and necessary to attach a condition to ensure that no new windows are installed at first floor level in the front elevation. The proposed balcony and rear and side windows would not overlook any neighbouring properties.

5.6 Highway Safety

The application proposes to increase the number of bedrooms in the dwelling from three to four. Adequate parking provision is available to the front of the dwelling to accommodate two cars. The proposal is therefore in accordance with the Council's minimum parking standards.

5.7 Design

The application site consists of a detached dormer bungalow finished in render with a pitched tiled roof. The site is situated within the open countryside accessed via a private driveway. The dwelling is not highly visible in the locality. The proposed extensions are considered to be in keeping with the original dwelling and visually subservient. Design detailing matched the existing dwelling and provided materials match the existing the proposed development would be informed by the character of the dwelling. There are therefore no concerns in terms of design or visual amenity.

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

7. RECOMMENDATION

7.1 That the application is APPROVED subject to the following conditions:

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

2. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor dormer window on the front (south) elevation shall be glazed with obscure glass to level 3 standard or above with either: any opening part of the window being above 1.7m above the floor of the room in which it is installed; or with window restrictors which do not allow the window to be opened more than 30 degrees when measured from the face of the dormer.

Reason

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

3. No windows or openings other than those shown on the plans hereby approved shall be inserted at any time at first floor level in the front elevation of the property.

Reason

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

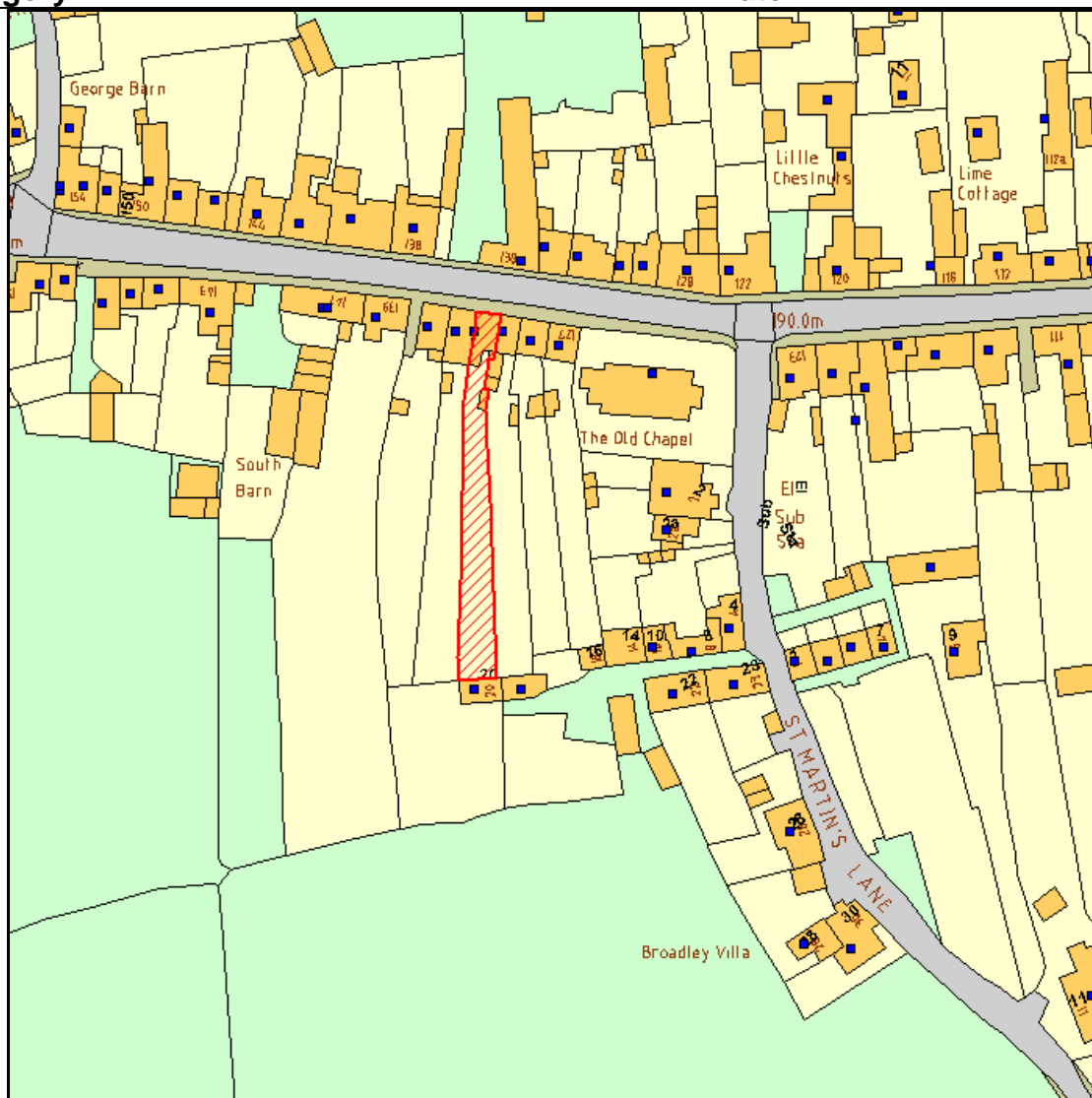
4. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 04/14 – 24 JANUARY 2014

App No.:	PK13/4470/F	Applicant:	Mr David Bethune
Site:	133 High Street Marshfield Chippenham South Gloucestershire SN14 8LU	Date Reg:	5th December 2013
Proposal:	Erection of single storey rear extension to incorporate outbuildings, first floor extension to replace existing bathroom dormer and installation of 2no. rear flat roofed dormers. Alterations to previously approved scheme PK12/3520/F (Retrospective)	Parish:	Marshfield Parish Council
Map Ref:	377512 173736	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	27th January 2014



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 100023410, 2008. **N.T.S.** **PK13/4470/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Objections have been received, contrary to the officer recommendation.

1. THE PROPOSAL

1.1 This application seeks planning permission retrospectively for the erection of a single storey extension to incorporate outbuildings, a first floor extension to replace what was previously a bathroom dormer and the installation of two rear flat roofed dormers. Planning permission was approved for similar works under reference no. PK12/3520/F (see planning history below). The differences from the approved scheme as follows:

The single storey extension has been built approximately 350mm higher than previously approved.

With the previous approval, the proposed replacement rear extension was be virtually the same size as the existing, with matching eaves and reduced apex height in comparison with the adjoining property to the west, with a projection of 3.5 metres at ground floor level, but 2.5 metres at first floor level, finishing short of flush with the adjoining property's similar extension.

1.2 The site is a Grade II Listed terraced dwelling, within Marshfield Conservation Area. There is a range of rear extensions projecting along the boundary with the adjoining dwelling to the east, with ownership being intermittent between both properties, rather than in a straight line. The boundary on the other side is marked by a high stone wall. At first floor level, the only windows proposed for the extension would face to the rear, to serve a new bedroom and a repositioned bathroom.

The last planning permission had adapted the previous planning permission at 3.5 below in some respects, while reducing the height of the previously approved rear extension to one storey.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 House extensions
L12 Conservation Areas
L13 Listed Buildings

South Gloucestershire Local Plan Core Strategy (adopted December 2013).
CS1 High Quality Design
CS9 Heritage Assets

2.3 Supplementary Planning Guidance
Marshfield Conservation Area guidance note

3. RELEVANT PLANNING HISTORY

3.1 N1959 Alterations and extensions to form bathroom Approved 1975

- 3.2 N1959/1 Detached summerhouse and garden store Approved 1981
- 3.3 PK11/2235/F Demolition of single storey extension with dormer and erection of two storey extension Withdrawn
- 3.4 PK11/2266/LB Demolition of single storey extension with dormer and erection of two storey extension, dormer window and rooflight in rear roofslope, internal alterations Withdrawn
- 3.5 PK11/3577/F Two storey and single storey rear extensions and installation of two rear dormers Approved
- 3.6 PK11/3578/LB Listed Building application to accompany the above Consent
- 3.7 PK12/2556/F Single storey rear extension to incorporate outbuildings and two rear gabled dormers Withdrawn
- 3.8 PK12/2557/LB Listed Building application to accompany the above Withdrawn
- 3.9 PK12/3517/LB application Listed Building application to accompany this planning Undetermined
- 3.10 PK12/3520/F Single storey rear extension to incorporate outbuildings, first floor extension to replace existing bathroom dormer and installation of 2 flat-roofed dormers Approved
- 3.11 PK12/3523/LB Listed Building application to accompany the above, also including internal works Consent
- 3.12 PK13/4471/LB application Listed Building application to accompany this planning Undetermined

4. CONSULTATION RESPONSES

4.1 Marshfield Parish Council

No objection, but regret that the works have not been built according to the approved plans.

4.2 Other Consultees [including internal consultees of the Council] Conservation Officer

No objection, subject to a condition ensuring that the sedum roof is installed and retained.

Other Representations

4.3 Local Residents

Two comments were received, objecting to the proposal, as follows:

- If the approved plans had been adhered to the works would have been more in proportion to the rear elevation of the Listed Building and with less impact on No. 131.

- Knowing that permission can be applied for retrospectively makes a mockery of the planning system
- The grey plastic finish on the flat roof looks ghastly
- The valley gutter has been finished in plastic, not lead
- The bathroom wall should have been built in stone and not half render
- The ridge tiles on the new bathroom should match the adjoining properties

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application for planning permission stands to be assessed against the policies listed above, in the light of all material considerations. The issues to be resolved, after the external works have been completed, are the impact of the proposed extension and dormer on the existing levels of residential amenity of the adjoining properties and the impact of the completed works on the fabric of the Listed Building, within the Conservation Area. Other issues which have been raised through the consultation process are also analysed below. The main material consideration is that parts of this scheme have previously been approved.

5.2 H4: Residential Amenity

The element of the proposal which could potentially have a bearing on residential amenity is the (now taller) single extension. It was noted in determining the previous application that there was potential scope for overbearing impact to occur. The approved proposed rear extension would terminate before the two storey element of the adjoining property, a 2.5 metre projection, with its roof forming a valley between the two. Given the unconventional boundary between the two properties at the eastern side of the site, the proposed ground floor element would be full width, although in visual terms, in comparison with the host dwelling, it falls short of this, at about 80% of the width, with the remainder taken up with a single storey range of outbuildings. The impact of the second storey element is therefore only felt across this range and it is considered that no overbearing impact would result on the property to the east. The single storey element of the proposal extends to a maximum of 3.5 metres, that is a further 1 metre than the second floor element. The context is again important to understanding the impact of the proposed single storey element: to the east is the range of outbuildings/ extensions along the irregular boundary line; to the West is a tall boundary wall. A flat roof was approved, with an eaves height of 2.5 metres. This has been built closer to 3 metres in height. Given the site context, as built, the impact of the extension is limited to about 700mm above the boundary wall on the western side and would be shielded from the east by the taller range. Under these circumstances, it is considered that overbearing impact is limited and is not significant or pronounced enough to warrant a refusal reason.

It is considered that the proposal as implemented does have not a significant adverse impact on the current level of residential amenity of the adjoining properties and that the proposal accords with policy H4 in this regard.

5.3 D1, L12 and L13: Design and Impact on Listed Building and Conservation Area

Permission has been granted previously for internal works and a new extension, which replaced the modern and unsightly first floor dormer bathroom extension with a slightly larger stone gabled extension, as well as a largely glazed ground floor kitchen/dining room extension. Works have been carried out to implement the extension, which have resulted in the single storey extension being built approximately 350mm higher. The level of the flat roofed glazed extension and 'link' was approved to be level with the eaves of the outbuilding, so it formed a low key contemporary addition. At the level built it is considered to have a slightly more awkward relationship with the outbuilding, projecting above it's eaves. The extension is complete with the exception of the sedum roof which if proposed to be laid in spring. While taller than anticipated, the extension is still however considered to appear in scale with the main house. It is considered important that the sedum roof is completed to ensure a satisfactory finish and therefore a condition has been recommended below to achieve its completion within 4 months of the date of the permission.

Although the increased height of the extension is slightly unfortunate, on balance, the extension is considered to enhance the listed building in comparison to the previous modern additions. On this basis, no objection has been raised by the Council's Conservation Officer. As the application does not relate to the internal works at upper levels it is not considered to be necessary to repeat the conditions of the earlier consent, which would still apply to this work. As the external work is now complete and this application retrospective, it is considered unnecessary to apply further conditions other than the one mentioned above.

With regard to the grey plastic finish on the flat roof and valley gutter, this is the single ply membrane which sits underneath the sedum roof. Once the sedum roof is laid, as required by condition, the only part that will be visible to the neighbour is a narrow section forming the valley gutter. It is not very dissimilar in appearance to lead, especially if it dulls down in time. Regarding the point that the bathroom wall should have been built in stone and not half render, this finish is the same as the adjacent property extension and considered an acceptable solution. Regarding the ridge tiles on the new bathroom suggested to match the adjoining properties, blue clay ridge tiles have been used on the extension, which is what was on the previous extension and not an uncommon ridge material for slate roofs. It is therefore seen as an acceptable approach in this instance.

5.4 Other Issues

Another issue was raised through the consultation process that have not been addressed above, that of the ability of applicants to apply for retrospective planning permission. Works that have been undertaken without planning permission, if not approved retrospectively are undertaken at the applicant's own risk. If the departures from the approved plans had proved so severe that planning permission could not be recommended for approval retrospectively, then in certain circumstances, the works undertaken would have to have been demolished. In this instance, for the reasons given above, the changes were minor enough to recommend for approval.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission is approved, subject to the condition shown below.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

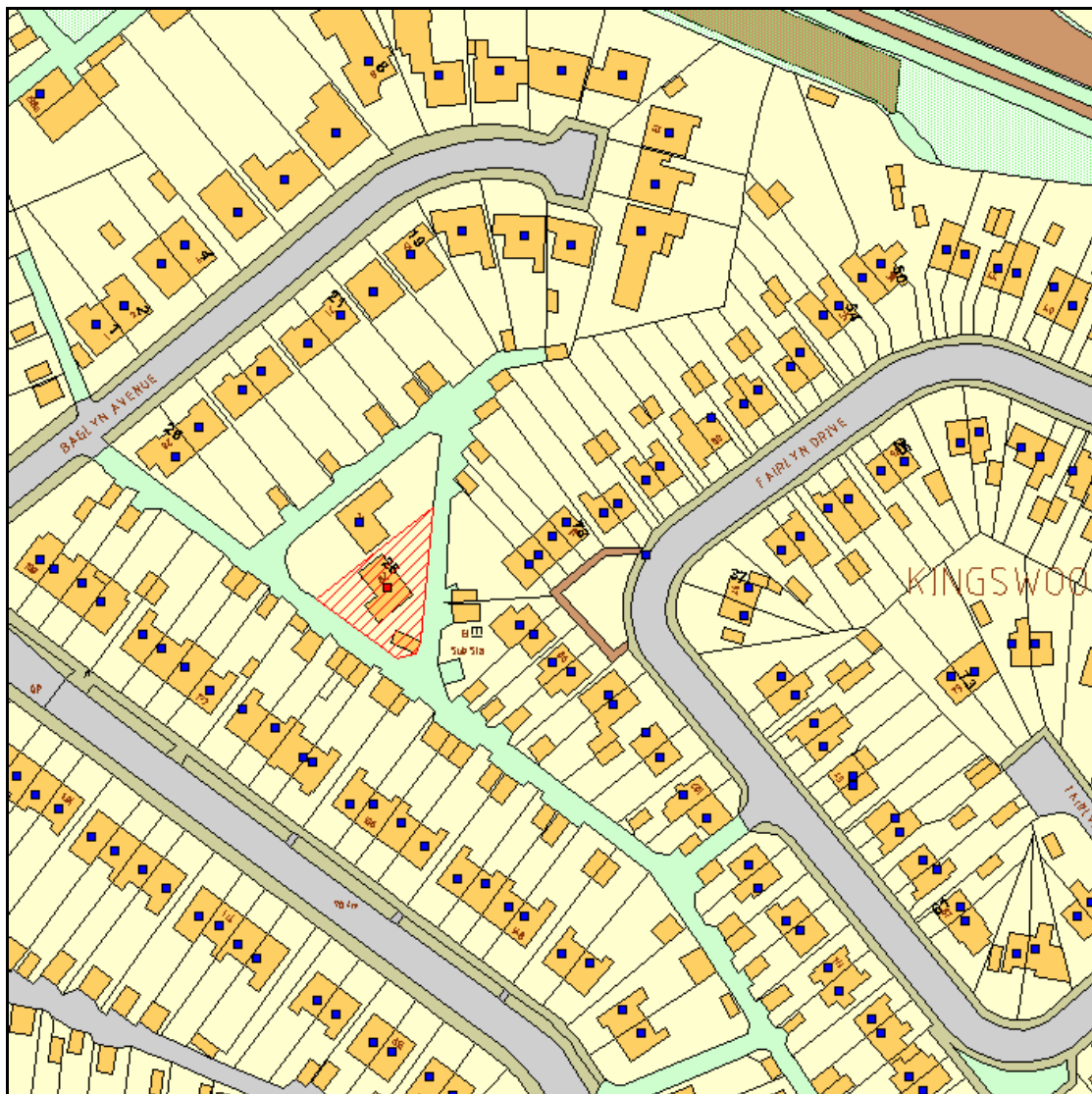
1. The sedum roof shown on the approved plans shall be installed within 4 months of the date of this permission and thereafter retained.

Reason

To maintain and enhance the character of the listed building, and to accord with policy L13 of the adopted South Gloucestershire Local Plan.

CIRCULATED SCHEDULE NO. 04/14 – 24 JANUARY 2014

App No.:	PK13/4477/F	Applicant:	Mr And Mrs Wotherspoon
Site:	28 Baglyn Avenue Kingswood Bristol South Gloucestershire BS15 4XS	Date Reg:	3rd December 2013
Proposal:	Erection of single storey side extension to form additional living accommodation.	Parish:	None
Map Ref:	365780 175435	Ward:	Rodway
Application Category:	Householder	Target Date:	22nd January 2014



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REASON FOR REFERRAL TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for the erection of a single storey side extension.
- 1.2 The property is a modern brick finished detached bungalow located on a small side road off Baglyn Avenue, in a residential area of Kingswood, containing a range of types of properties.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 K5135 – Erection of detached bungalow and a garage. Approved 19th August 1986
- 3.2 P97/4327 – Erection of 2no. elderly persons bungalows and associated access. Approved 23rd April 1998

4. CONSULTATION RESPONSES

- 4.1 Parish Council
Un-parished area

Sustainable Transportation

There is adequate vehicular parking within the site boundary for the size of the proposed dwelling. On that basis, there is no transportation objection to the proposed development.

Highways Drainage

No comments

Other Representations

4.2 Local Residents

One letter has been received from local residents raising certain concerns with regards to the proposals:

The concerns are that the plans do not take account that there is a boundary retaining wall along the proposed construction. The retaining wall is of breezeblock construction layed on the vertical which is backfilled with soil. As the extension would be almost touching this boundary wall there are serious concerns it is not of substantial construction and collapse of the wall would restrict access to other houses in the immediate vicinity.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

5.2 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and is not out of keeping with the character of the main dwelling house and surrounding properties. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings.

5.3 Residential Amenity

The length, size, location and orientation of the extension is not considered to give rise to any significant or material overbearing impact on adjacent properties. Further to this sufficient garden space remains to serve the property. The issue of the boundary fence and the proximity of the extension to a tree in an adjoining garden are not planning matters or the subject of consideration of this application.

5.4 In terms of the concerns raised, the wall referred to does not form part of the planning application. Further to this the suitability and strength of its construction, particularly if relied upon the development the subject of this application, would be a building control matter. Whilst the proposed extension does go near to the boundary of the property it does not go right up to or onto it.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine

applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

- 6.2 The proposed extension is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is granted.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

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

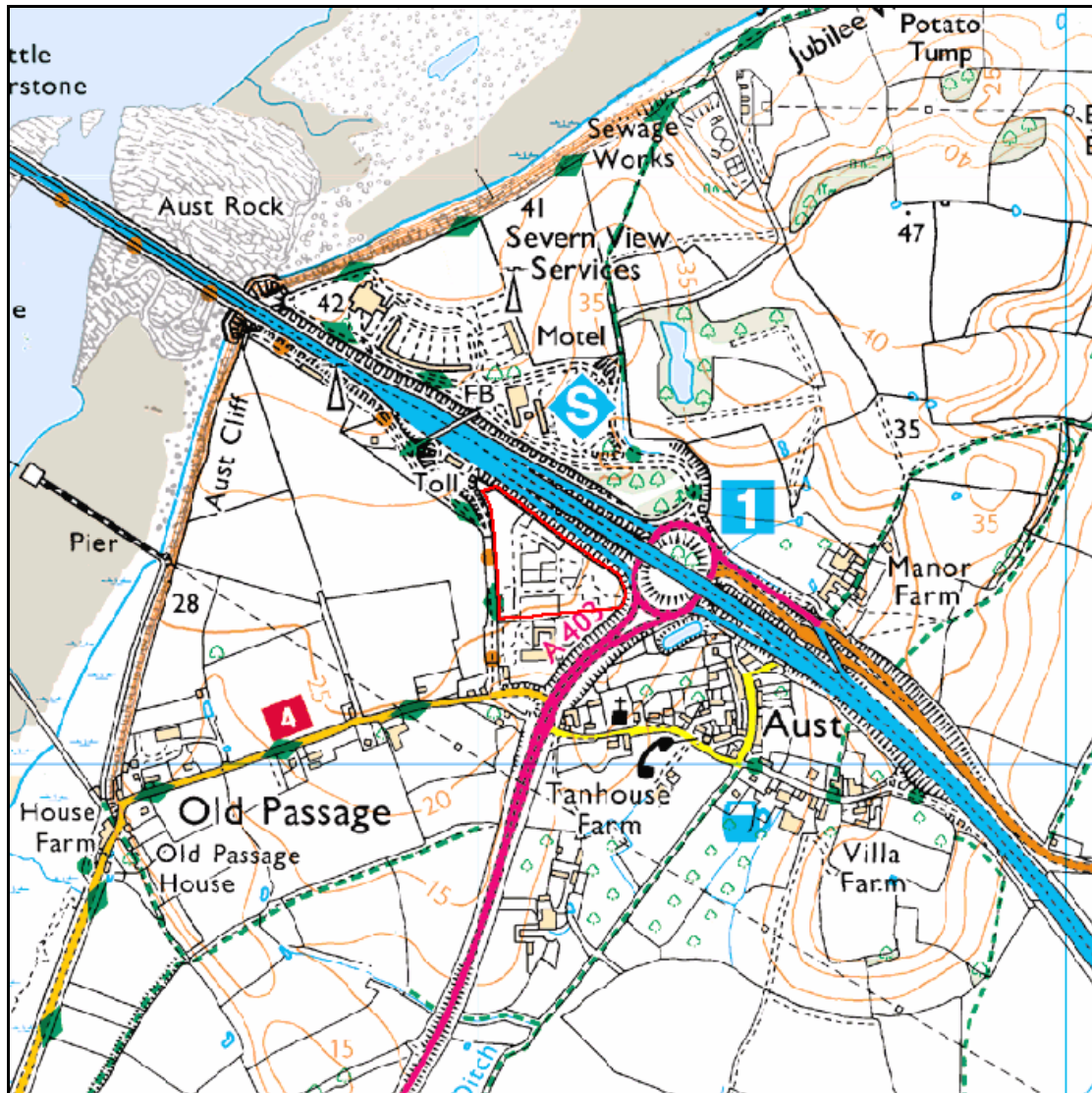
Reason

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

ITEM 10

CIRCULATED SCHEDULE NO. 04/14 – 24 JANUARY 2014

App No.:	PT13/1310/F	Applicant:	Mr Martin McDonnagh
Site:	Land At Greenacres Passage Road Aust Bristol South Gloucestershire BS35 4BE	Date Reg:	24th April 2013
Proposal:	Change of use of agricultural land to land for the keeping of horses and erection of stable block and associated works.	Parish:	Aust Parish Council
Map Ref:	357049 189163	Ward:	Severn
Application Category:	Minor	Target Date:	17th June 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated as a result of the Parish Council objection.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a stable building that would provide 4 stables and tack room.
- 1.2 The application site relates to agricultural land situated in Aust, to the west of the A403/M48 roundabout.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1	Landscape Protection and Enhancement
L4	Forest of Avon
L8	Sites of Regional and Local Conservation Nature Interest
L9	Species Protection
E10	Horse Related Development
T12	Transportation Development Control Policy for New Development
EP2	Flood Risk and Development

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

CS1	High Quality Design
CS5	Location of Development
CS9	Managing the environment and heritage
CS34	Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)
Landscape Character Assessment Area
South Gloucestershire Biodiversity Action Plan

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/3032/F Remediation of land through removal of previously tipped mixed waste, importation of clays, subsoils and topsoils and restoration to agricultural land. Approved 20.01.2009.
- 3.2 PT03/0643/F Use of land for residential gypsy caravan site. Refused and appeal withdrawn.

4. CONSULTATION RESPONSES

4.1 Aust Parish Council

Objection for the following reasons:

- No permission should be given until the site is restored to agricultural land. Unless the whole of the site is fully and properly restored for agricultural use (with all the hard standing broken up and removed as required by the existing consent), it will be impossible for you to enforce these conditions subsequently. It seems likely that if hardstanding area remains then the applicant would seek to bring lorries, caravans, horse boxes, buggies and other vehicles onto the site.
- The ownership of the site should be clarified before the application is considered.
- Concern that additional vehicles and caravans brought onto site would be used residentially.
- The stabling is said to meet the British Horse Society's recommendations on welfare standards. There is no residential property on this site. If horses are left to graze, they are unlikely to be able to get into the stables in bad weather (how could they open the doors?). There will be no-one on site to ensure welfare and the owners do not live close enough to the horses to care properly for them. A suitable field shelter is all that should be required in the circumstances.
- Concern that a residential application for residential unit on site will follow.
- Concern that horses will stray onto the surrounding A403 and M48.
- Concern that there are limited opportunities to ride horses off site.
- Concern at allowing a new stable in the Green Belt.

The parish Council suggest a number of conditions, should consent be recommended. These include reference to no vehicles being stored on site overnight, no fixed or moveable residential accommodation being provided, No more than four horses at any time, application to be personal and no business should be conducted on site apart from agriculture. Permission should be temporary for two years to allow monitoring and there should be no ménage.

4.2 Other Consultees

Highways Agency

There is concern that the works previously permitted on this under PT08/3032/F have not been fully carried out and that this has resulted in problems of drainage at the Severn River Crossing Depot directly next door. The HA note that the application states that the old consent will be fully implemented prior to implementation of the this current application. As such the HA's previous holding objection is raised subject to conditions regarding fencing and that the old permission is implemented in full. The fencing will need to secure the horses on site such that they do not stray onto the surroundings highways. The fence also needs to avoid the swale area in order not to compromise its efficiency.

The HA also raises a private matter of use of their access road to reach the site. An informative is requested in this regard.

Drainage Officer

No objection – FRA noted (FRA sent to EA). A sequential test may be required.

Environment Agency

No objection but informatives requested.

Highways Officer (South Gloucestershire Council)

No objection

Ecologist

no objection subject to conditions

Other Representations

4.3 Local Residents

No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. This site is located in the open countryside, but close to Aust. The presumption in favour of development stands to be tested further in relation to the policies of the local plan and Core Strategy.

5.2 Planning policy E10 advises that proposals for horse related development will be permitted outside of the defined settlement boundaries and urban areas provided that:

- It would not have an unacceptable environmental effect, and;
- It would be acceptable having regard to issues of residential amenity; and
- The proposal would be acceptable having regard to issues of highway safety; and
- Safe and convenient access to bridleways and riding ways is available to users; and
- There are no existing suitable buildings that could be converted; and
- The design of the buildings, size of the site and the number of horses to be accommodated has proper regard to horse welfare.

Before considering the specific merits of the case however it is also worth noting that the site is located in the Green Belt where equine development of this scale and type is not inappropriate in the green belt. It is also important to note that the applicant the Parish Council are concerned about a ménage following this application but this is not sought now and is not considered as

part of this application. If a future occupier of the land were to apply for planning permission then its merits would need to be considered at that time.

5.3 Design/ Visual Amenity

The application seeks full planning permission for the change of use of 2.9 hectares of agricultural land to use for the keeping of horses and for the erection of an L shaped stable building. This would accommodate 4 horses. It would measure 13.1m by 9.7m and would have a ridge height of 3.35m. The building would be constructed in timber boarding and black corrugated Onduline roof sheeting.

5.4 The design of the stable is considered broadly acceptable and would stand close to the boundary with Bridge Access Road. This boundary is likely to change with the full implementation of the PT08/3032/F scheme when the boundary will be planted with hedging rather than the rough foliage over the embanked ground. In due course there would be limited view of the building to users of the lane which is also a LC12 recreational use. In any case the stables and use of land would not affect users of the LC12 public recreational route. For these reasons, there is no objection to the design of the building on visual amenity grounds although in the event that planning permission is granted, it is suggested that a condition is attached in respect of the reprofiling (levels) of the restored land to create a level base for the stable without raising it too high above the road level, materials and to limit electric lighting of the building.

5.5 Ecology

The site is in the process of being remade after an unauthorised use but is essentially a field having an agricultural land use – not covered by any statutory or non-statutory designation although it adjoins the foreshore of the Severn Estuary (a SSSI, SPA and Ramsar site). With a view to the bio-diversity of the land and the wildlife it supports it is considered necessary to request a management plan for the site to include details of the maintenance of the hedgerows around the site and for the management of the grass land. It is important to preserve and enhance the new hedge around the site which will come forward under PT08/3032/F and to enhance biodiversity more generally under in the area in accordance with paragraph 118 of the NPPF and the South Gloucestershire BAP. As such a condition requiring the submission of a 5 year ecology and landscape plan is necessary. This should include a method for protecting the existing foliage, the new hedge proposed under PT08/3032/F and any new planting from grazing by animals to include horses and rabbits.

5.6 Residential Amenity

There are no immediate residential neighbours. However the neighbouring site, the Severn River Crossing Depot has experienced difficulties, seemingly, due to flooding from the unfinished land remediation works (PT08/3032/F). This current application proposes that the land remediation is finished and this will include the drainage solutions incorporated in the PT08/3032/F scheme. With this in place the existing concerns should be resolved and, moreover, the stable should cause no harm to the commercial depot next door.

5.7 Highway Safety

The site is bounded by the A403/M48 and as such there is concern that horses may escape onto the Major Road network. A fencing scheme is necessary to ensure that this does not happen and this needs to be agreed by the Highways Agency. In respect of other considerations there is no transportation objection to the proposal subject to conditions restricting any commercial use of the development and that the number of horses on-site is appropriately restrained. As such there are no highway or access concerns.

5.8 Horse Welfare

Guidelines laid down by the British Horse Society advise that a stable building should be large enough for a horse to comfortably stand up in and turn around. Therefore, depending on the size of the horse, a stable should measure between 3 x 3.7 and 3.7m x 3.7m. In this instance, each stable would meet these standards. There is no objection to the proposal on this basis.

5.9 Further, the British Horse Society recommends that at least 0.4- 0.6Ha of grazing land should be available for each horse with additional exercising areas of 0.25Ha per horse. In this instance, the applicant owns only sufficient land in this 2.9Ha parcel. to meet the minimum Hecterage recommended (4 x 0.4Ha = 1.6Ha plus one Ha for exercise). As such it is appropriate to restrict the number of horses to four.

5.10 Drainage and flood risk

The site is located in Flood Zone One on elevated land, not at risk of flooding from sea or local watercourses. The Environment Agency raised no objection to the application. Further to this a Sequential Test shows that the stables are appropriate development in this location that the proposed use also appropriate. Accordingly an exception test is not necessary.

5.11 Other matters

Access is via a private road owned by the Highways Agency. They have requested that an informative is added to the decision notice such that the applicant needs to agree the terms of use with the Highways Agency and Severn River Crossing plc.

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 saved policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and 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 Planning Permission is GRANTED subject to the conditions listed below.

Informatives regarding location of the fencing in relation to the swale, the private ownership of the access road, submitted plans and land ownership and waste drainage are also proposed.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

2. No additional waste materials, hardcore or topsoil shall be imported to, or tipped on the site unless in accordance with a scheme agreed in writing by the Local Planning Authority.

Reason

It is understood that all of the material approved in PT08/3032/F is already on site and further tipping or importing of soil would require further planning permission.

3. Prior to the commencement of development hereby permitted by this planning permission, the remediation scheme permitted by planning permission PT08/3032/F shall be completed in accordance with the approved plans and conditions.

Reason

Consent is only granted on the basis that the site is fully restored to a grassed field as otherwise the remediation works approved in application PT08/3032/F can not be completed as required by that consent and there would be insufficient grassland to graze and exercise the horses contrary to policy E10 of the South Gloucestershire Local Plan and policies CS1, CS9 and CS34 of the Core Strategy (Adopted December 2013).

4. Prior to the commencement of the development hereby approved details of boundary fencing, to include the specification, location and implementation of said fencing, shall be submitted to and approved in writing by the Local Planning Authority (who shall first consult with the Highways Agency on behalf of the Secretary of State for Transport).

Reason

In order to protect the adjacent M48 from straying horses which would cause serious harm to the safety and freeflowing capabilities of the major road network and to

accord with policy T12 and E10 of the South Gloucestershire Local Plan and policies CS1 of the Core Strategy (Adopted December 2013).

5. The land shall not be used for the keeping of horses until such time as the boundary fencing and gates are complete in accordance with condition four. The fencing and gates shall thereafter be maintained as agreed.

Reason

In order to protect the adjacent M48 from straying horses which would cause serious harm to the safety and freeflowing capabilities of the major road network and to accord with policy T12 and E10 of the South Gloucestershire Local Plan and policies CS1 of the Core Strategy (Adopted December 2013).

6. At no time shall the stables and the associated land be used for livery, riding school or other business purposes whatsoever.

Reason

To protect the character and appearance of the area, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The number of horses kept on the site edged in red shall not exceed four.

Reason

In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles (with the exception of no more than two one horse traps) be kept on the land other than for the loading and unloading of horses.

Reason

To protect the character and appearance of the area, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

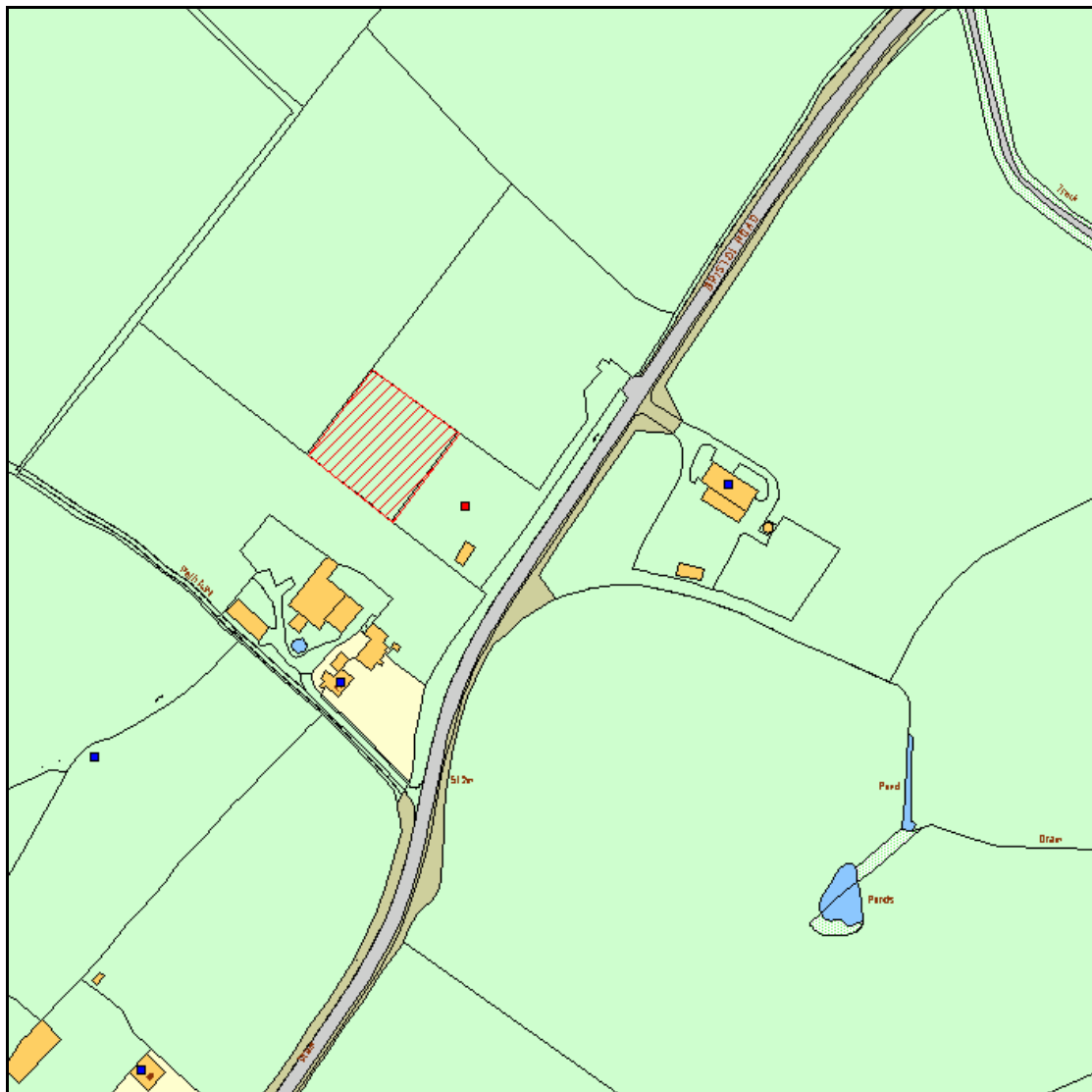
9. Prior to the commencement of the development hereby permitted the reprofiling of the land to accommodate the stable block and details of any hardsurfacing (including location and material) shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

To protect the character and appearance of the area, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

CIRCULATED SCHEDULE NO. 04/14 – 24 JANUARY 2014

App No.:	PT13/3032/CLE	Applicant:	Mr Frank Williams
Site:	Rear Part Of Woodlands Yard Bristol Road Frampton Cotterell South Gloucestershire BS36 2AW	Date Reg:	15th August 2013
Proposal:	Application for Certificate of Lawfulness for existing use of land for storage of lorries, vans and cars. Stationing of storage container, laying of hardstanding , erection of boundary fence and stationing of a JCB.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366186 182522	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	7th October 2013



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100023410, 2008. **N.T.S.** **PT13/3032/CLE**

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the existing use of land for the storage of lorries, vans and cars with associated storage container, hardstanding and boundary fence. It is the applicant's contention that this falls within the B8 use class although this is discussed in more detail further on in this report. The application therefore seeks to demonstrate that the land within the red line on the submitted plan has been used for this purpose for a period in excess of ten years prior to the date of submission. It also seeks to demonstrate that the storage building, fence and hardstanding have been in situ for 4 years.
- 1.2 The site consists of a plot of land forming part of a larger site known as Woodlands Yard. Woodlands Yard is on the north west side of Bristol Road, Frampton Cotterell. The application site is located beyond any settlement boundary within the open Green Belt.
- 1.3 The application must therefore demonstrate the use of the land between 12th August 2003 and 12th August 2013. The four year test is between 12th August 2009 and 12th August 2013.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/0422/CLE Application for Certificate of Lawfulness for existing use of land for storage of motor vehicles and non-agricultural goods Use Class B8 plus ancillary works of laying a hardstanding, erection of fencing, stationing of shipping containers and erection of a storage building.
Approved April 2013
(This approval did not include the site subject of this application)
- 3.2 P97/2294 Erection of agricultural storage building.
No decision recorded.
- 3.3 P96/2978 Erection of an agricultural storage building.
Approved March 1997

- 3.4 P96/1071 Use of land for keeping of horses. Erection of building for storage of hay and implements.
Refused March 1996

4. CONSULTATION RESPONSES

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

Other Representations

- 4.3 Local Residents
None received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 8 Statutory Declarations have been received in support of the application summarised as follows:
- 5.2 Declaration of Mr Christopher Williams. Mr Williams confirms that he used the application site for the storage of end-of-life and light commercial vans between 2000 – 2011. The declaration explain the business operated by Mr Williams and that the number of vehicles stored on the site fluctuated between 0 to 40. The declaration makes reference to a shipping container in the top right-hand corner of the site that was used for storage of car parts and tools. There is also confirmation of an old JCB being stored on the site and a white transit van housing a goat.
- 5.3 Declaration of Mr Nigel Cox. Mr Cox declares that his neighbour (Frank Williams) had an excavator working in the yard removing topsoil from the application site towards the end of 1999. Mr Cox confirms that at that time, the site was only surrounded by young leylandii trees and so he could see clearly into the yard from his house and garden. Mr Cox states that the following year (2000) the site was divided and the top end appeared to Mr Cox to be used to store scrap cars and broken down vans, two lorry trailers and an old JCB. Mr Cox recalls seeing a goat on the land and that at times there were up to 50 scrap cars stored on the site.
- 5.4 Declaration of James McGill. Mr McGill confirms that he worked on the application site in 2000 and that the site was covered in hardcore. The declaration confirms the business of McGill and recalls that at that time there were many cars, vans, a pick up truck and some lorries parked in the area of the rear yard and a goat. The declaration refers to a post and wire fence with part of the site being covered in grass and weeds. The declaration also makes reference to a shipping container, a large black lorry trailer, another trailer, and a JCB.
- 5.5 Declaration of Mr Richard A May. Mr May declares that in October 1999 Mr William contacted the company where Mr May worked (Stover Haulage and Trading) regarding groundwork to be carried out on the site. Mr May confirms that after a site meeting, a

price was agreed to strip the topsoil and reinstate it with hardcore. The work was carried out as agreed. The front half of the site was blinded but the rear half (the application site) was to be compacted and blinded at a later date. From time to time after finishing the work, Mr May visited the front part of the site and recalls the application site being used for parking vehicles, including lots of cars, two lorry trailers and a shipping container. In recent year Mr May has used the yard for parking various vehicles.

- 5.6 Declaration of Mr Rodney Lane. Mr Lane confirms that he worked for Stovers transport and delivered hardcore to Woodlands Yard in October and November 1999. Mr Lane confirms that the whole of the application site was covered on hardcore and that only the front part of the site was covered in type 1 material as a top dressing.
- 5.7 Declaration of Mr Stephen Peter Gibbs. The declaration of Mr Gibbs confirms that in 1999 and 2000 he was a partner in a company called Stover Plant and Tipper Hire. In 1999, Mr Williams asked to hire an excavator with an operator to clear top soil from a field and replace it with hardcore. He confirms that this took place on the application site. Mr Gibbs confirms he visited the site from time to time and that the whole of the application site was covered with hardcore. In the last 10 years, Mr Gibbs confirms he has visited the site several times and recollects often seeing a large number of scrap cars and vans being parked on the furthest part of the land. He also recalls a shipping container, a CB and sometimes two articulated lorries. Mr Gibbs also recalls having to lie on the hardcore in 2000 to remove a tow bar.
- 5.8 Declaration of Ms Susan Williams. Ms Williams confirms that her brother Mr Frank Williams owns the application site. In about 2000 Ms Williams lent her brother a goat to graze grass and weeds. It is confirmed that the goat moved onto the land in the summer of 2000 and lived there for many years. The goat lived in an old van and a fence was put up to protect the goat from the lorries on the front part of the site. A photograph is also submitted of a goat standing by a fence with a van and digger in the background. Ms Williams confirmed that she did have to attend the site three or four times a week and can confirm very positively that the rear part of the site was regularly used to store old vehicles. Ms Williams also recalls a shipping container in the top right-hand corner of the site, a couple of lorries, and an old JCB.
- 5.9 Declaration of Mr Francis Royston Williams. Mr Williams confirms he owns the application site. A plan attached to the declaration shows the position of a post and wire fence Mr Williams erected in autumn 2000. Mr Williams confirms that between 1998 and 1999 various contractors worked on the site removing top soil and replacing it with aggregate. Mr Williams confirms that the aggregate was recycled and was partially contaminated clay and soil. Mr Williams confirms that the quality of aggregate varied but by the time the aggregate was being laid on the rear part of the yard, it contained as much as 50% subsoil. Mr Williams confirms that whilst he was not happy with this, he decided to overlook the matter for various reasons. Grass and weeds started growing through the site in the following year (2000). Mr Williams mentions the delivery of approximately 1,650 square metres of material to the site and that the purpose of the yard area constructed was to provide a parking area for the trailers and other goods associated with his haulage business. At the end of 1999, Mr Williams confirms he bought 100 square metres of type 1 dressing stone onto the site. This material was spread on the front part of the site. This was laid and drivers would park their lorry trailers on the site overnight.

The rear part of the site was used by Christopher Williams for general storage purposes. Mr Williams confirms that the site was used for the storing of end of life cars prior to crushing and taking to a scrap dealer. Mr Williams confirms that sometimes there were 40/50 cars on the site and sometimes there were none. Grass grew through the aggregate and a goat was bought onto the land to graze the grass and weeds.

Mr Williams confirms that this situation continued until around 2011 when the fence was removed, the goat was relocated and the rear part of the site was covered with type 1. The land however has continued to be used for the storage of cars and vans and for open storage of general goods vehicles. The statement from Mr Williams is accompanied by a number of photographs.

Mr Williams also produces a document relating to land rates dated January 2011 confirming the land rates were payable on land used for storage purposes.

6. SUMMARY OF CONTRARY EVIDENCE

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

7. EVALUATION

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

7.2 The relevant test of the submitted evidence

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

precise and unambiguous to justify the grant of a certificate “on the balance of probability”.

- 7.3 In the interests of clarity, the individual items will be discussed separately.
- 7.4 Hardstanding
One part of this certificate of lawfulness relates to the laying of hardstanding. The applicant is therefore seeking to prove that the site has been covered with hardstanding for a continuous four year period prior to the date of submission of the application.
- 7.5 The declarations of Mr Cox, Mr Francis Williams, Ms Williams, Mr Gibbs, Mr Lane and Mr May all put forward evidence relating to the hardstanding. The Council has also taken into consideration aerial photographs from 1999, 2005, 2006 and 2008/9 in trying to establish the surface of the site.
- 7.6 The aerial photographs appear to show the site covered largely with scrub vegetation. This accords with the declarations of Mr McGill, Ms Williams and Mr Francis Williams who all refer to a goat being bought to the site to eat down the grass and weeds. Your officer has no reason to dispute the fact that the site was covered in aggregate of dubious quality in 1999 and that weeds and grass grew through this aggregate in the following years. There is no reason to believe that the base aggregate was ever removed and therefore your officer is satisfied that sufficient evidence has been submitted to demonstrate that the site has been covered in aggregate/hardcore for a continuous four year period preceding the date of submission of the application.
- 7.7 Fence
There appear to be two fences – one around the perimeter of the site and another post and wire fence that was erected to contain the goat (since removed). No evidence has been put forward relating to the erection of the perimeter boundary fence. As each of these fences are below 2 metres in height, they benefit from permitted development rights and therefore will not be discussed any further in this report.
- 7.8 Use of Land
Perhaps the main part of this certificate of lawfulness relates to the authorised use of the land. The applicant is seeking to prove that the site has been used for B8 (storage and distribution purposed) for a continuous ten year period prior to the date of submission of the application. In considering this certificate application, your officer has followed the chronology of events and this is explained below;
- 7.9 In 1999 the site was covered with aggregate/hardcore. From 2000 to 2011 Mr Christopher Williams appears to have used the site to store end of life cars and commercial vans. A number of statutory declarations make reference to having seen and witnessed scrap vehicles and other vehicles being stored on the site. Although the aerial photographs held by the Council show a very low number of vehicles stored on the site, your officer accepts the argument put forward to explain this. Essentially, it is argued that cars were stored on the land with numbers building up slowly until there were enough vehicles to warrant a journey to the scrap yard in Birmingham. The declarations of Mr Christopher Williams, Mr McGill, Mr May, Mr Francis Williams and Ms Williams all add weight to the fact that the site was used for storage of

vehicles and end of life cars between 2000 and 2011. Whilst some of the evidence within the statutory declarations is somewhat less than precise, cumulatively they add together to amount to a compelling argument.

- 7.10 Having accepted the use of the land between 2000 to 2011, it is then necessary to establish what use class (if any) this use falls within. The certificate of lawfulness application is for the use of the site for B8 purposes but your officer does not agree that the use carried out actually falls within the use class. In accordance with the Land Use Gazetteer (3rd Edition), a motor vehicle storage place is a sui generis use.
- 7.11 Notwithstanding the above, should your officer be minded to grant a certificate of lawfulness for the sui generis use, it is necessary for the applicant to prove a continuous ten year use prior to the date of the submission of the application. Limited evidence is contained within the statutory declarations relating to the use of the site after 2011. The rating list entry attached to the declaration of Mr Francis Williams is dated January 2011 and the declaration of Mr Christopher Williams only covers the period up to 2011.
- 7.12 There is therefore a 'gap' in evidence to demonstrate what use took place on the site between January 2011 and August 2013 (when the application was submitted). The only evidence from the statutory declarations is that from Mr Francis Williams who writes that after 2011, *'The land however continued to be used for the storage of cars and vans and is still used at the present time for the open storage of general goods and vehicles.'*
- 7.13 Your officer is not satisfied that sufficient evidence has been submitted to demonstrate that 'on the balance of probability' the use of the site did not change sometime between 2011 and the submission of the certificate of lawfulness application – likely to be around March 2012.
- 7.14 Mr Francis Williams confirms that in 2011 the site was covered in type 1 hardcore. A e-mail from the planning agent (Nigel Cant dated 17th September 2013) confirmed that a new company called Woodlands Van Centre Ltd (not previously mentioned in any of the statutory declarations) has been occupying the site for 'the last 18 months or so.' Whilst this is only in an e-mail and is not within a statutory declaration, this suggests that Woodlands Van Centre Ltd started occupation of the site in approximately March 2012. Given that the test for a certificate of lawfulness is a continuous ten year use, it is therefore necessary to look at the business carried out by Woodlands Van Centre Ltd and establish which use class their work falls into.
- 7.15 In an e-mail from the planning agent dated 17th September 2013, the following response was received when the activities of Woodlands Van Centre Ltd were questioned, *'The remaining part of the site has been occupied for the last 18 months or so to a company known as Woodlands Van Centre Ltd. They use the premises for storing used vans which they sell over the internet. Having discussed this activity with my clients and the owner of Woodlands Van Centre, I am firmly of the view that the use which the land is being put to is primarily storage and that van sales via the internet is an ancillary/incidental activity to the primary use. The owner conducts his sales via the internet from a laptop computer he carries with him at all times, he regularly works from home and often from his car. Vehicles for sale are usually driven*

from storage at Woodlands to potential customers at their place of business for inspection prior to sale.

Woodlands Van Centre Ltd. is not a retail operation. I am instructed that over 95% of their business involves commercial vehicle sales over the internet to commercial customers, most of whom buy vehicles based on photographic details together with use history and mileage. I am further instructed that the owner of Woodlands Van Sales also stores vans in the yard at Woodlands for other commercial motor traders. Internal site signage has been erected partly in connection with the production of the website and partly so that those making deliveries to the business can readily identify which part of the yard is occupied by the business.'

- 7.16 However, contrary to the opinion of the planning agent, the case officer is also giving weight to the site as seen at the site visit and information on the internet. At the time of the officer site visit (27th August 2013) the site was occupied by an array of portacabins, a mobile home and a structure with polycarbonate sides were all present on site. There were a number of vans on the site that certainly to your officer looked like they were arranged for viewing in that they were set out in a very regular and organised pattern, in a horseshow shape all facing towards the main entrance. Signage to the front of the Woodlands Van Centre enclosure advises 'Finance Available/ Part Ex Welcome/ Full Dealer Facilities/ Delivery Service Available/ All Major Credit Cards Accepted'.
- 7.17 The web site for the company advises that the company offer huge savings on used cars and vans in Bristol and Frampton Cotterell and opening times are given as 09.00 to 17.30 Monday to Saturday and by appointment only on Sunday. The web site contains directions on how to find the site and the full address is given. There is no suggestion on the web site at all to suggest that viewing should be by appointment during week days. Or any reason to suggest that contact should be made by e-mail or internet first. The implication is that anyone wishing to purchase a vehicle can arrive on site at any time during the opening hours to view the vehicles and therefore would have to be staffed at all times to deal with potential customers. This puts doubt over the agents claim that 95% of business is carried out via internet sales and the amount of home working and off site working implied. Directions given are, *We are located in Frampton Cotterell, Get onto the B4058, follow it until you see the Frome Valley Farm Shop. Look out for the PIGS! We are directly opposite, look out for the Woodlands Yard sign, drive in and follow the gravel road.*
- 7.18 Indeed, one page of the companies web site refers to the application site as a showroom – '*Our showroom in Frampton Cotterell stocks a wide choice of available vans ready for viewing*'. This certainly suggests to your officer that the primary use of the site is not for storage but is in fact used for the sales of cars and vans. The current occupants certainly do not see of use the site as a storage and distribution yard but consider it to be a showroom.
- 7.19 Again in accordance with in accordance with the Land Use Gazetteer (3rd Edition), a motor vehicle showroom or motor vehicle sales on open land are both separate sui generis uses. Neither fall within the B8 use class.
- 7.20 Therefore, whilst sufficient evidence has been submitted to demonstrate that the site was used for a sui generis use continuously between 2000 and 2011, the use of the site changed again to a different sui generis use sometime around March 2012. Your

officer is not therefore satisfied that sufficient evidence has been submitted to demonstrate that the site has been used for a B8 use or any other sui generis use for a continuous ten year period preceding the date of submission of the application

7.21 Shipping Containers and Structures

One part of this certificate of lawfulness relates to the stationing of a storage container. The applicant is therefore seeking to prove that a storage container has been on the site for a continuous four year period prior to the date of submission of the application. At the time of the officer site visit an array of structures was noticed including a variety of shipping containers, a mobile home and a wood and polycarbonate structure. The agent has confirmed that there are six shipping containers on the site and that one is used as an ancillary office and the rest are used for storage. The agent also advises that the structure is fully moveable. No information has been given regarding the use of the mobile home.

7.22 In considering the application, it is accepted that a shipping container has been located in the top (north eastern corner of the site) for a continuous four year period. No evidence has been put forward to suggest when the array of other structures were bought onto the site. A certificate can therefore be granted for the retention of one container but not for the retention of the rest. As no certificate of being granted for the change of use of the land, the authorised use of the shipping container reverts back to agricultural use.

8. CONCLUSION

8.1 Having regard to all of the evidence as discussed above, it is considered that the evidence presented by the applicant fails to prove that, on the balance of probability, the land subject of this application has been used for purposes falling within the B8 (Storage and Distribution) use class for a continuous period of 10 years prior to the date of the application.

8.2 Having regard to all of the evidence as discussed above, the applicant fails to prove that, on the balance of probability, one mobile home, one wood and plastic structure and five shipping containers (excluding the one allowed in the north eastern corner) have been located on the site for a continuous period of 4 years prior to the date of the application.

8.3 Having regard to all of the evidence as discussed above, sufficient evidence has been submitted to demonstrate that, on the balance of probability, one single shipping container has been located in the top (north eastern) corner of the site use class for a continuous period of 4 years prior to the date of the application. The authorised use of the single shipping container is agricultural.

8.4 Having regard to all of the evidence as discussed above, sufficient evidence has been submitted to demonstrate that, on the balance of probability, the site has been covered in aggregate/hardcore for a continuous four year period preceding the date of submission of the application.

8.5 The boundary fence is less than 2 metres in height and is therefore permitted development and has not been considered as part of this application.

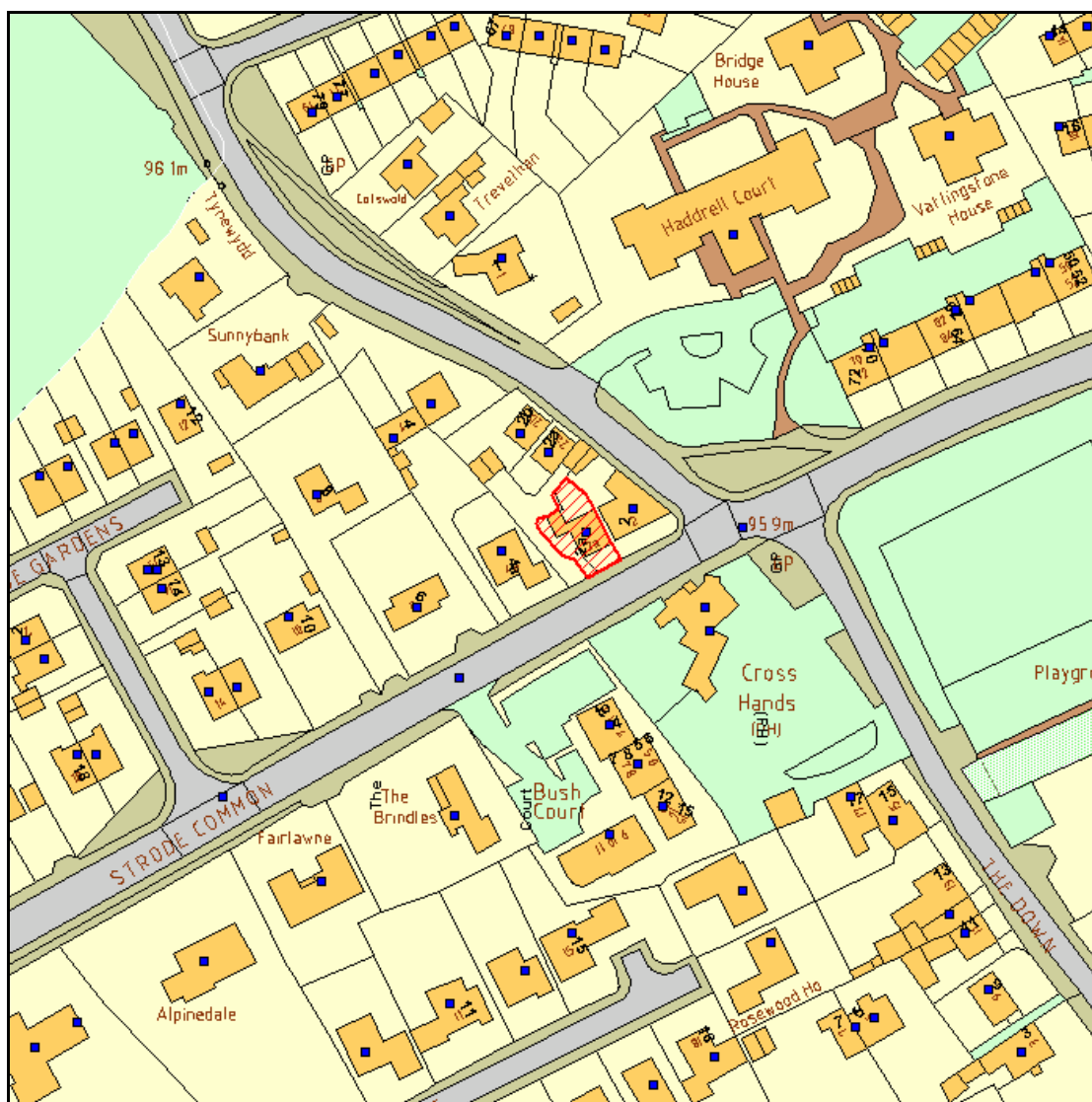
9. RECOMMENDATION

9.1 That a split decision be issued.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CIRCULATED SCHEDULE NO. 04/14 – 24 JANUARY 2014

App No.:	PT13/3950/RVC	Applicant:	Mr Walsh
Site:	2A Strode Common Alveston South Gloucestershire BS35 3PJ	Date Reg:	5th November 2013
Proposal:	Variation of condition 11 attached to (part of) planning permission PT07/2488/F to allow parking space in accordance with plan no. LP1 received 25 October 2013.	Parish:	Alveston Parish Council
Map Ref:	362848 188190	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	26th December 2013



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 100023410, 2008. **N.T.S.** **PT13/3950/RVC**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission for the variation of condition 11 attached to planning permission PT07/2488/F. That planning permission was for the erection of 3 dwellings, incorporating vehicular and pedestrian accesses, provision of garages and alteration and extension to an existing dwelling. Condition 11 of the permission sought that 'the access road, internal footway and parking areas and garaging (for all vehicles, including cycles) shown on the plan hereby approved shall be provided, and have a bound surface, before the first building is first occupied, and thereafter retained for that purpose'. The reason for this condition was given as '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 Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006'.
- 1.2 The dwelling the subject of this application relates to no. 2A Strode Common. The plans referred to above indicate that, in addition to the single garage provided, an additional space was to be provided to the rear of the dwelling. At present the area is fenced off and forms part of the rear curtilage. This application seeks to vary the condition and plans by providing an additional space at the front of the garage/side of the house.
- 1.3 The application site itself consists of a relatively new build detached dwelling, which fronts the main road (Strode Common), and associated garage and curtilage. To the side of the property is the access off Strode Common to the remainder of the garages/properties associated with the development approved under PT07/2488/F.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
H4 Development Within Existing Residential Curtilages
T8 Parking Standards
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Council - Residential Parking Standards – Approved for Development Management Purposes 27th March 2013.

3. RELEVANT PLANNING HISTORY

- 3.1 N.6022 Erection of detached dwelling house and garage. Construction of new vehicular and pedestrian access (rear part of the site). Refused 25 October 1979 on the grounds of cramped form of development and detriment to residential/visual amenity.
- 3.2 N.6022/1 Erection of detached dwelling and garage. Construction of new vehicular and pedestrian access (rear part of site). Refused 28 July 1983 on the same grounds as above as well as inadequate off-street parking provision and poor access (access off Vattingstone Lane). Appeal dismissed 30 March 1984.
- 3.3 P89/3358 Erection of detached dwelling and garage. Construction of vehicular and pedestrian access (rear part of site). Refused 16 February 1990 on the same grounds as above. Appeal dismissed 13 November 1990.
- 3.4 PT05/2387/F Erection of new dwelling and formation of vehicular access (in accordance with amended plans received by the Council on 26 September 2005). Approved 18/10/2005. This has not been built but was proposed to stand alongside the cottage with an overall ridge height of 7.2m and eaves of a similar height to the cottage. Vehicular access was to be gained on the southern corner onto Strode Common.
- 3.5 PT07/1446/F - Erection of 3no. dwellings and associated works to include conversion of outbuildings to garages/workshop. Part demolition and extension of existing dwelling to form additional accommodation. Formation of vehicular and pedestrian accesses. Refused due to impact on the neighbour in Logan Cottage and design.
- 3.6 PT07/2488/F - Formation of vehicular and pedestrian accesses to facilitate erection of 3 no. dwellings. Erection of single storey building to form 2 no. garages. Alterations and extension to the existing dwelling by raising the roof, rear extension and insertion of dormer windows. Conversion of existing outbuilding to form car port and store (Resubmission of PT07/1446/F). Approved 5th October 2007.

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No objections
- 4.2 Other Consultees
Sustainable Transportation
No objections

Other Representations

4.3 Local Residents

Letters of objection from two local residents have been received. These are summarised below, full copies of the complete transcriptions are available to view on the Council's website:

- there were stringent requirements applied to the development approved which the then applicants had to negotiate in considerable length and detail, all of which were addressed at a cost of time and money, to ensure the development was acceptable.
- requirements of the site as requested and approved are for appropriate sized turning space/facility within the development, which would be used by all occupiers of the four properties to ensure that all the vehicles entering and leaving the development would always be able to do so in forwards gear
- there would also need to be a width of six metres at the new vehicular access onto Strode Common to enable two cars to pass freely if one vehicle departing was to meet one vehicle entering. Also pedestrian access development was considered a priority
- to comply with these requirements the architects designed a shared surface at the new communal entrance to the development to include a shared vehicular driveway and pedestrian footpath which would enable two cars to use the complete width of the shared level surface, a total width at the entrance to the development of 6 metres, 4.5 metres of driveway and 1.5 metres of pedestrian pathway, and this layout is what was approved.
- A rumble strip was also to be provided at the entrance for the safety of pedestrians at the front of the development. This has not been provided.
- the location plan submitted bears no resemblance to that approved on the original consent and is claiming space that is not in sole ownership of the plot
- there is no correspondence between the builder and the Council suggesting that the plot to the rear of the garage should be an additional parking space and the Council made it clear that there were strict conditions under which planning approval was granted
- Originally the space was to be a temporary bin store or a planting area
- The planting area would be alongside the designated path which is defined by curb edging providing safe access to the rear of the properties, rendering the proposed car parking space useless for anything other than a small vehicle as it would interfere with the pathway and the situation of car entering and leaving the site at the same time.
- the space suggested is in the Title Deeds, but its purposes is controlled by a restrictive covenant, to which other have title to use of that land
- the Council considered that private amenity space on the development was adequate on the original proposals
- alternative further space to the front of the garage, originally claimed as the additional parking space was inadequate and affected the turning space within the development
- Failure to implement the original parking space approved to the rear of 2A, would make it difficult for owners of the adjoining plot to access their car, particularly a bigger car (*as the fence surrounding the curtilage of 2A remains in place*), any passenger would need to exit the car before the driver parked, or wait for the driver to pull out.

Further to the above any future owner of the adjacent plot who required a wheelchair or uses a pushchair, bike or large item would have difficulty entering/existing the rear amenity space.

- A series of photographs, extracts from Land Registry Title, draft sketches and e-mails associated with the consideration of the previous scheme have also been submitted in support of the objections raised.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

It is understood that it is considered by the applicants that by providing the parking space to the rear, this would make the size of their rear curtilage too small, particularly considering the 4 bedroom nature of the existing dwelling. Regardless of the applicants current consideration, the approved plans and subsequent condition, when the site was granted planning permission, and upon purchase of the property, did nonetheless illustrate this parking provision. Notwithstanding this it is not unreasonable to consider and assess further additional plans or revisions for their potential acceptability, as they may arise. Each individual application should be judged on its own merits. In this respect the applicants have sought to vary the condition linked to the plans controlling where the second car parking space is provided, and in this respect propose that the area to the front of the garage is utilised for this purpose (the proposed parking space is located when looking to the front elevation of the property, to the side of the house and in front of the garage wall, however the front of the existing garage and its entrance door is to the rear facing internally within the development). The main issue the subject of this application in planning terms is therefore is simply whether the use of this area is acceptable as provision for the second parking space required by the dwelling.

- 5.2 Whilst the concerns of the two objectors are noted, the following must also be considered: This application solely relates to the provision of a parking space, and any other matters not considered in compliance with any original plans would be subject to separate and further enforcement investigation. Reference to the deeds and title for the site as a whole and any covenants they contain is a civil legal matter. Where specific reference to covenants on the titles relates directly to compliance with condition 11 and the original consent, any approval under the terms of this application would in any case supersede the details of Condition 11. Cars parked, or other obstructions, located in such a manner as to obstruct existing and established private access rights are a private and civil legal matter. Any planning permission given does not give the applicants the right to develop, use or access land not in their control or ownership, regardless of the red-line boundary and associated certification submitted with a planning application.

5.3 Sustainable Transportation

The main issues for consideration are those of a transportation perspective, in this respect the areas for consideration are whether the area the subject of this application is suitable for provision of a parking space in context of highways and access considerations.

On this basis there is no transportation objection to the variation of condition, the proposal still provides opportunity for vehicles to enter and leave in a forward gear, and as such is considered satisfactory.

- 5.4 The original 2007 application indicates an entrance of 4.5m wide and a nominal footway of 1.5m wide, although no cross section is indicated as to whether there is a vertical up stand between access track and the footway indicated on the plan, it is noted on site that the footway and driveway are at the same level with a kerb edging acting as delineation between the two. It is also noted that the kerb edging does not follow the alignment of the approved plan. It is clear therefore that the proposed footway is only indicative and that in reality the area acts as a shared surface. Whilst it can be argued that in design terms the original proposal is better than what is proposed, the current proposal does not create an issue that is detrimental to highway safety on the adjacent Highway. As with the existing proposal there is still potential to enter and leave in a forward gear, the access is of suitable width to support the residential development traffic and pedestrians safely and as such there is no transportation objection to this proposal. It is noted that comments have been made in relation to the ownership of the site and the validity of the red line, however, ownership is a civil matter and not one related to the planning merits.

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 application is considered to be acceptable in transportation terms and as such is in accordance with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted December 2013).
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is granted.

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