



**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. 06/15

Date to Members: 06/02/15

Member's Deadline: 12/02/15 (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 Environment of Community Services know within 5 working days of the date of this Schedule (e.g., if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE 06/15 - 6 February 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK14/0340/O	Approve with Conditions	Land At Lower Chapel Road Hanham South Gloucestershire BS15 8SH	Hanham	Hanham Parish Council
2	PK14/2247/F	Approve with Conditions	Land Rear Of 37 Parkfield Rank Parkfield Road Pucklechurch South Gloucestershire	Boyd Valley	Pucklechurch Parish Council
3	PK14/4213/F	Approve with Conditions	Stone Barn Off Dyers Lane Iron Acton South Gloucestershire BS37 9XW	Ladden Brook	Iron Acton Parish Council
4	PK14/4608/F	Approve with Conditions	Upper Farm West Littleton Road Marshfield Chippenham South Gloucestershire SN14 8JE	Cotswold Edge	Tormarton Parish Council
5	PK14/4726/TRE	Split decision See D/N	The Dell Church Lane Downend South Gloucestershire BS16 6TB	Downend	Downend And Bromley Heath Parish Council
6	PK14/4970/F	Approve with Conditions	4 Kingsfield Close Wick South Gloucestershire BS30 5SG	Boyd Valley	Wick And Abson Parish Council
7	PK14/5031/F	Approve with Conditions	11 Robbins Court Emersons Green South Gloucestershire BS16 7BG	Emersons	Mangotsfield Rural Parish Council
8	PT14/2841/F	Split decision See D/N	Former Tortworth Visitors Centre Land Adjacent B4509 Tortworth South Gloucestershire GL12 8HQ	Charfield	Tortworth Parish Council
9	PT14/2842/F	Approve with Conditions	Former Tortworth Visitors Centre Land Adjacent B4509 Tortworth South Gloucestershire GL12 8HQ	Charfield	Tortworth Parish Council
10	PT14/2852/F	Approve with Conditions	Former Tortworth Visitors Centre Land Adjacent B4509 Tortworth South Gloucestershire GL12 8HQ	Charfield	Tortworth Parish Council
11	PT14/4428/CLE	Approve	Grooms Cottage Station Farm Station Road Pilning South Gloucestershire BS35 4JW	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
12	PT14/4429/CLE	Approve	The Old Barn Station Farm Station Road Pilning South Gloucestershire BS35 4JW	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
13	PT14/4799/F	Approve with Conditions	24 Buckingham Drive Stoke Gifford South Gloucestershire BS34 8LN	Stoke Gifford	Stoke Gifford Parish Council
14	PT14/4978/CLP	Approve with Conditions	Hawkfield Ash Lane Almondsbury South Gloucestershire BS32 4DB	Almondsbury	Almondsbury Parish Council

CIRCULATED SCHEDULE NO. 06/15 – 6 FEBRUARY 2015

App No.:	PK14/0340/O	Applicant:	Mr Rob Dicker
Site:	Land At Lower Chapel Road Hanham Bristol South Gloucestershire BS15 8SH	Date Reg:	21st February 2014
Proposal:	Erection of 6 no. dwellings (Outline) with access, layout and scale to be determined. All other matters reserved.	Parish:	Hanham Parish Council
Map Ref:	364160 172430	Ward:	Hanham
Application Category:	Minor	Target Date:	15th April 2014



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 100023410, 2014. **N.T.S.** **PK14/0340/O**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule in order to secure an amendment to the heads of terms of the S106 Agreement.

1. THE PROPOSAL

- 1.1 The application relates to a former builders yard and office buildings and associated outbuildings, located to the north of Lower Chapel Road, Hanham. The yard area has been used as a car sales lot. Vehicular access is currently from Chapel Road. The yard is generally enclosed by high boundary walls, which separate it from commercial buildings to the rear and residential properties to either side, a mix of residential and commercial properties, lie opposite the front of the site, on the southern side of Lower Chapel Road.
- 1.3 Outline planning permission PK14/0340/O was resolved to be granted (subject to S106 Agreement) to demolish the existing buildings and erect 6no. dwellings, with access, layout and scale determined at this stage. All matters of external appearance and landscaping are to be the subject of a future reserved matters application. The proposed building would comprise three adjoining 2-storey blocks. The residential accommodation would comprise a mix of 4no. three-bedroom houses, 1no. two-bedroom flat and 1no. one-bedroom flat. The proposed parking court and garden areas would be to the rear of the buildings. Vehicular access would be from Lower Chapel Road, through an archway within the building. The existing access from Chapel Road would be closed off. It is also proposed to provide a new footway to the front of the site on Lower Chapel Road.
- 1.4 The application was supported by the following documents:
 - Design and Access Statement
 - Coal Mining Risk Assessment
- 1.5 Outline planning consent PK03/1261/O for 13 flats on the same site, with siting and access determined, was previously granted and a subsequent application PK10/0156/EXT for the same scheme was also approved in principle but subsequently refused because the S106 was not signed.
- 1.6 A copy of the original Circulated Schedule Report for PK14/0340/O is appended for information purposes. The current resolution and Heads of Terms of the S106 Agreement are listed at para. 7.1 of the report. Due to changes recently introduced in the government's Planning Practice Guidance, amendments to the previously approved resolution are required, the S106 having not yet been signed.
- 1.7 The applicant has indicated that he now has a buyer for the site and intends to complete the sale in Feb. 2015 when the S106 would also be completed.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework 27th March 2012.
The Planning Practice Guidance 2014

2.2 Development Plans

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

CS1 - High Quality Design
CS4A – Presumption in Favour of Sustainable Development
CS5 - Location of Development
CS6 - Infrastructure and Developer Contributions
CS8 - Improving Accessibility
CS9 - Managing the Environment and Heritage
CS13 - Non-Safeguarded Economic Development Sites
CS17 - Housing Diversity
CS18 - Affordable Housing
CS23 - Community Infrastructure and Cultural Activity
CS24 - Green Infrastructure, Sport and Recreation Standards

South Gloucestershire Local Plan (Adopted) January 2006

L1 - Landscape Protection and Enhancement
L5 - Open Areas within the Existing Urban Areas and Defined Settlements
L9 - Species Protection
L11 - Archaeology
EP2 - Flood Risk and Development
EP4 - Noise-sensitive development
T7 - Cycle Parking
T8 - Parking Standards
T12 - Transportation Development Control Policy for New Development
LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)
LC12 - Recreational Routes

South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002

Policy 37 – Waste Management

2.3 Emerging Plan

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

PSP1 - Local Distinctiveness
PSP2 - Landscape
PSP5 - Undesignated Open Spaces within Urban Areas and Settlements
PSP6 - Onsite Renewable & Low Carbon Energy
PSP8 - Settlement Boundaries and Residential Amenity
PSP10 - Development Related Transport Impact Management

PSP16 - Parking Standards
PSP20 - Flood Risk, Surface Water and Watercourses
PSP21 - Environmental Pollution and Impacts
PSP39 - Private Amenity Space Standards

2.4 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted)
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
Affordable Housing SPD Adopted Sept.2008.
South Gloucestershire Council Residential Parking Standards (SPD) Adopted.

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK03/1261/O - Erection of 13no. one bed flats (outline) with means of access and siting to be determined. All other matters are reserved.
Approved 15th April 2004 Subject to S106 Agreement and provision of 13 car parking spaces as opposed to 10.
S106 Signed 22 Feb 2007
- 3.2 PK10/0156/EXT - Erection of 13no. one bed flats (outline) with means of access and siting to be determined. All other matters are reserved. (Consent to extend time limit implementation for PK03/1261/O).
Refused 27th Feb. 2012 – S106 not signed.
- 3.3 PK14/0340/O - Erection of 6no. dwellings (Outline) with access, layout and scale to be determined. All other matters reserved.
Pending - S106 not yet signed but approved in principle.

4. **CONSULTATION RESPONSES (received in response to original outline application PK14/0340/O)**

Statutory Consultees

4.1 Hanham Parish Council

Whilst it is appreciated that this is only outline permission this council has concerns over the eventual planned access in what is a narrow one way street.

Other Consultees (including internal consultees of the Council)

4.2 New Communities

The proposal for 6 dwellings is below the threshold (10) for contributions towards New Communities.

4.3 Education Service

Based on current pupil projections an education contribution of £21,796 towards additional primary provision is now required in this case.

4.4 Affordable Housing

The site area is below 0.33 hectares and the proposed number of dwellings (6) is below local and national policy guidance on the threshold for requiring

affordable housing (10). There is therefore no requirement for the provision of affordable housing in this case.

4.5 Sustainable Transport

No objection subject to a legal agreement to secure highway works, dedication of land and the costs of amending a Traffic Regulation Order (TRO).

4.6 Environmental Protection

No objection subject to standard informatives relating to construction sites.

4.7 Landscape

Landscape is a reserved matter. A detailed planting plan will be required at the reserved matters stage.

4.8 Historic Environment

The site is within the boundaries of the medieval settlement of Hanham. A condition (HC13) for a programme of archaeological work (a watching brief) should be applied to any consent granted.

4.9 The Coal Authority

No objection subject to a condition to secure site investigation works and mitigation measures if shallow mining is found.

4.10 Highway Drainage

No objection subject to a condition to secure a SUDS scheme of drainage.

Other Representations

4.11 Local Residents

2no. responses were received from local residents. The occupier of 9 Chapel Road supports the application whilst the occupier of 9 Lower Chapel Road objects.

The comments in support of the application are summarised as follows:

- Flats were previously granted on the site.
- The site is a brownfield site that is unused and run down.
- Traffic has been taken into account.
- The design is in-keeping.
- The access is safe as it is not on the main road and cars can enter/exit in forward gear.
- Traffic flow on Lower Chapel Road is now low as a result of the new one way system.
- It is better to have the access off Lower Chapel Road as opposed to Chapel Road where the road is busy and there is a bus stop.
- Some concern about level of parking provision.

The comments against the application can be summarised as follows:

- Object to access from Lower Chapel Road which is narrow and used as a 'rat run'.
- Lorries often block Lower Chapel Road.

- Congestion caused by customers of Lloyds Bank.
- There is a blind corner a few metres from the entrance from High Street.
- Lower Chapel Road is only one-way 50 metres from the top of the Chapel Road end and not all the way up.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This site lies within the Urban Area and the acceptance in principle of the development proposed was previously established with the resolution to grant PK14/0340/O; this was subject to a S106 Agreement to secure the 'Heads of Terms' listed at para. 7.1 of the original Circulated Schedule Report as appended. It is now proposed to change those 'Heads of Terms' in order to accommodate recent changes to the National Planning Practice Guidance.

- 5.2 The NPPF (para. 14) states that; at the heart of the Framework is the presumption in favour of sustainable development. Furthermore The South Gloucestershire Local Plan Core Strategy has now been adopted (Dec 2013) so the policies therein are now part of the Development Plan. Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 5.3 The drafting of the S106 Agreement has involved protracted negotiations, which has taken the application past the 6 month deadline for completing the S106 Agreement. A 3 month extension in time to complete the S106 was recently granted. Officers are however satisfied that there is every expectation that the S106 will now be signed shortly.
- 5.4 On 28th November 2014, the Government announced changes to the national policy in relation to contributions for affordable housing and other tariff style planning obligations (S106 planning obligations). These were published as an update to the National Planning Practice Guidance (NPPG). Whilst affecting the thresholds for affordable housing contributions, the changes also impact on other contributions such as education and community facilities and services.
- 5.5 As regards this application PK14/0340/O the originally requested contribution of £21,796.00p towards Education Facilities is affected which in turn affects the 4% or £871.84p monitoring fee.
- 5.6 Given that the S106 is still pending, the application must now be re-assessed against the revised Government Guidance and officers consider that it would be unreasonable not to do so having regard to the tests for imposing planning obligations as listed at para. 204 of the NPPF, which reads as follows:

'Planning obligations should only be sought where they meet all of the following tests:

- *Necessary to make the development acceptable in planning terms;*
- *Directly related to the development; and*
- *Fairly and reasonably related in scale and kind to the development.*

Given the revised NPPG guidance, the contribution to education facilities and monitoring fee are no longer considered necessary.

- 5.7 Para. 205 of the NPPF also states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.
- 5.8 The major changes to planning policy as a result of the 28th November update to the NPPG are as follows:
- Developments of 10 units or less **and** with a combined gross floorspace of no more than 1000sq.m. **will not be** required to make S106 contributions.
 - In designated rural areas a lower threshold of 5 units or less applies, where no affordable housing or tariff style contributions can be sought.
 - In designated rural areas, for developments of 6-10 units, only a cash payment is payable upon completion of units i.e. in circumstances where affordable housing is not to be delivered on site.
 - Residential annexes and existing home extensions are exempt from affordable housing and tariff-style contributions.
 - Rural Exception Sites are also excluded from having to make contributions.
- 5.9 The application scheme falls within the above bullet point 1 and as such the contribution towards the Education facility can no longer be reasonably requested. As a result the 4% monitoring fee can also no longer be requested. In order to take account of this, before the S106 can be completed and the Decision Notice issued, a revised resolution is sought.

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 In order to take account of recent Government Changes introduced via the NPPG, it is recommended that the resolution (see para. 7.1) be amended as listed below.
- 6.3 The recommendation to grant outline planning consent 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) 11th Dec. 2013 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

7.1 (1) That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:

- (i) To provide, prior to the first occupation of any of the dwellings hereby approved, a 1.5m wide footway to the site frontage on Lower Chapel Road. The works shall be carried out to adoptable standards and in accordance with the principles shown on the approved 'Proposed Site Plan' Drawing No. 1864/003A.
- (ii) To pay the Council its reasonable costs in connection with any Traffic Regulation Orders or consultation procedures required for any phase of the development or the highway works and carry out forthwith any consequent physical works including associated works.

The reasons for this Agreement are:

- (i) In the interests of highway safety on Lower Chapel Road in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.
- (ii) To meet the costs associated with any new or variation in the Traffic Regulation Order relating to Lower Chapel Road In the interests of highway safety on Lower Chapel Road in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

(2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

7.2 Should the agreement not be completed within 3 months of the date of the Committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

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

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

5. Prior to the commencement of the development hereby approved, site investigation works shall be carried out to identify if any shallow mining works are present beneath the site. In the event that the site investigations confirm the need for remedial works to treat any mine entries and/or areas of shallow mine workings these works shall be carried out prior to the commencement of the development.

Reason

To ensure the safety and stability of the proposed development having regard to past Coal Mining within the area and to accord with Policy EP7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

6. Details of all boundary treatments (walls, railings or fences) to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the development shall only be carried out in accordance with the details so approved.

Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013.

7. No windows other than permanently fixed and obscurely glazed windows to a level 3 standard or above, shall be inserted at any time in the north-west or south-east end elevations of the property.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the requirements of the NPPF.

8. The hours of working on site during the periods of demolition and construction shall be restricted to 8.00am to 6.00pm Mondays to Fridays inclusive, 8.00am to 1.00pm Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: deliveries of construction materials, the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the requirements of the NPPF.

9. The existing walls enclosing the boundary of the site shall be retained and shall not be altered without the prior written consent of the Local Planning Authority.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the requirements of the NPPF and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013.

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

11. The approved car parking, cycle parking and turning arrangements (shown on the Proposed Site Plan no. 1864/003 A) shall be provided prior to the dwellings being first occupied and shall be permanently retained as such thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and The South Gloucestershire Council Parking Standards SPD.

12. Prior to the first occupation of the dwellings hereby approved, the car parking and turning areas within the site shall be surfaced with bound surfaced material and maintained as such thereafter.

Reason

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

13. The development hereby permitted shall not be occupied nor the use commenced until the means of vehicular, pedestrian, and cyclist access (shown on Proposed Site Plan Drawing No. 1864/003 A) has been constructed and is available for use in accordance with the approved plans. There shall be no obstructions to visibility exceeding 0.9 metres in height within the splayed areas.

Reason

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

14. Before the vehicular access hereby permitted is first used, the existing vehicular access onto Chapel Road shall be permanently stopped up in accordance with the approved plans.

Reason

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

15. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the attached brief.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

16. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
 - (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
 - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.

(c) Proposals for re-cycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.

(d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.

(e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

The approved works shall subsequently be carried out in accordance with the agreed details.

Reason

To accord with the Council's adopted Waste Management Strategy, and to accord with Policy 37 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002.

CIRCULATED SCHEDULE NO. 06/15 – 6 FEBRUARY 2015

App No.:	PK14/2247/F	Applicant:	Mr And Mrs Dunham
Site:	Land Rear Of 37 Parkfield Rank Parkfield Road Pucklechurch South Gloucestershire BS16 9NP	Date Reg:	22nd August 2014
Proposal:	Engineering operations to facilitate the construction of outdoor riding arena with associated post and rail fence. (Resubmission of PK14/0897/F).	Parish:	Pucklechurch Parish Council
Map Ref:	369102 177341	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	7th October 2014



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 100023410, 2014. N.T.S. PK14/2247/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission for engineering operations in order to facilitate the construction of an outdoor riding arena enclosed by a post and rail fence.
- 1.2 The application relates to part of a field situated to the rear of Parkfield Rank, Pucklechurch. The site is situated within the open countryside and within the adopted Bath/ Bristol Green Belt. A public right of way runs to the west and south of the proposed arena.
- 1.3 The application is a re-submission of a previously withdrawn application ref. PK14/0897/F. The revisions include an alteration to the siting of the arena away from the adjacent hedgerow and public right of way.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Practice Guidance 2014

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
CS34 Rural Areas

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

L1 Landscape Protection and Enhancement
L9 Protected Species
L16 Protecting the Best Agricultural Land
LC12 Recreational Routes
EP2 Flood Risk and Development
T12 Transportation Development Control Policy
E10 Horse Related Development

- 2.3 Supplementary Planning Guidance
Development in the Green Belt SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/0897/F - Change of use of land to facilitate construction of outdoor riding arena with associated post and rail fence. Withdrawn 8th May 2014

4. **CONSULTATION RESPONSES**

- 4.1 Pucklechurch Parish Council
No comments received
- 4.2 Landscape Officer
No objection subject to landscaping condition.
- 4.3 Public Rights of Way
No objection. Informative recommended.
- 4.4 Ecology Officer
Survey requested. Info required on where the planting will be and its future management.
- Request for survey subsequently withdrawn.

Other Representations

- 4.5 Local Residents
One letter of objection and four letters of support have been received in response to the application. The comments are summarised as follows:

Objection:

- Detract from open views, a major reason for buying and living in this property.
- Use of space to ride horses immediately adjacent to the rear garden, with clear visibility of garden and house is unwelcome.
- Use of land to host multiple campervans, tents etc with little regard for privacy. Little confidence that a riding arena will be any different.

Support:

- Happy to see land put to good use.
- Field used to care and exercise horses and general enjoyment by the current owners (as did previous owners). Its good to see the field being used in this way.
- Ménage seems a good addition. Other fields along the road have put them in.
- Applicants have thought carefully about its siting.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
The application seeks permission for engineering operations in order to facilitate the construction of an outdoor riding arena to be used for equestrian purposes. The site is situated within the open countryside and within the adopted Bath/ Bristol Green Belt.

- 5.2 Paragraphs 89 and 90 of the NPPF identify types of development that may be considered appropriate in the Green Belt. Amongst others paragraph 90 states that engineering operations are not inappropriate in the Green Belt provided it preserves the openness of the Green Belt and does not conflict with purposes of including land in it.
- 5.3 Saved policy E10 of the SGLP (Adopted 2006) permits proposals for horse related development outside of the urban areas and settlement boundaries in principle subject to criteria relating to environmental effects, residential amenity, highway safety, access to bridleways, and other criteria relating to the design, scale and appearance of the development.
- 5.4 Green Belt
The application relates to part of a field situated to the west of the dwellings on Parkfield Rank. There is no planning history associated with the field other than the one previously withdrawn mentioned in paragraph 3.1 of this report. From the site visit the land on which the arena is proposed and surrounding field was being used for the grazing of horses and there are existing stables adjacent to the east boundary of the field. The applicant has submitted in support of the application a signed letter from the previous owners of the land and stables which states that the land as been used for the keeping of horses since 1985. The applicants purchased the land in June 2013 and have continued to use it for this purpose. The Council's own photographic records for 1991 and 1999 are not definitive in confirming this however the stables building is clearly visible. In the records dated 2005 onwards the associated muckheap next to the stables is clearly visible in the same location as it is now. There is also no conflicting evidence from local residents to dispute the land use. Although the use of the land for keeping horses has never been regularised it is considered that on the balance a change of use is not required as part of the application. If the applicant requires a formal determination of this in the future a certificate of lawful development should be sought.
- 5.6 In consideration of the proposed engineering operation it is noted that the construction of the proposed arena would require little excavation and the proposed section indicates that the development would only result in a slight rise in the level of the land. The arena would be enclosed by a post and rail fence with a height of 1.4 metres. Fences of this height could be constructed in the field under permitted development. The plans indicate a sand surface. In consideration of the engineering operation proposed it is considered that the development would not have a greater impact on the openness of the Green Belt than the existing use of the land as a field given its limited change in land levels. It is also considered that the engineering operations would not conflict with the purpose of including the land within the Green Belt. Whilst the fence could have some impact on openness this could be constructed under permitted development in any case. The principle of the proposed engineering operation to construct the rising arena is therefore considered acceptable.

5.7 Visual Amenity

The application site is situated in the far west of the field, which is bordered to the west and south by a public right of way and to the far east by the properties on Parkfield Rank. The site itself is relatively well screened in views from the north and south by existing vegetation and from the highway by the existing properties on Parkfield Rank. However it is visible from the adjacent right of way to the west boundary as there is no hedgerow on this border.

5.8 In response to comments made in the previously withdrawn application the Block Plan and Design and Access Statement indicates that the intention is to plant a mixed native hedgerow to the west boundary of the field between the arena and the public right of way. Full details of this have been included in the design and access statement under the heading 'planting scheme'. The planting scheme states that the intention is to plant 1+1 year transplants which are typically 45-60cm tall and bare rooted. The planting scheme also describes measures for protecting and maintaining the hedgerow in the first three years following the planting. It is considered that these landscape enhancements would provide appropriate screening to the development and would mitigate the impact that the development would have on visual amenity when viewed from the public right of way. Subject to a condition securing the implementation of this landscaping and subsequent maintenance it is considered that the proposed development would not prejudice the visual amenity or distinct rural character of the locality and the landscape.

5.9 The proposal does not include any floodlighting and it is considered necessary to condition that none is installed to ensure that there is no light pollution in the landscape. A suitably worded condition is recommended in this respect.

5.10 Highway Safety/ Rights of Way

The proposed arena is at the eastern end of the field with no vehicular access directly to it. As existing the stables that are located on the eastern side of the field are accessed down a private access lane from Parkfield Rank which is also a public right of way. The access to the field on which the arena is proposed is through a gate adjacent to the stables. A public right of way also runs to the east and south sides of the arena.

5.11 The design and access statement states that the arena is for private purposes only and would only be accessible by foot or by horseback across the field. As such it is not considered that the arena would result in an increase in vehicular movement to and from the site and would not conflict with the existing use of the private access lane and right of way. This is with the provision that the arena is retained for private use only and does not become a commercial enterprise. A suitable worded condition would secure this.

5.12 Since the previously withdrawn application the arena has been moved away from the adjacent public rights of ways with a six metre buffer between the development and the field boundary and as such would not prejudice their continued use. As it no longer obstructs the footpath there is no objection in principle to the development.

The applicant is advised of the standard limitations that apply such the no change to the surface of the right of way can be approved without consultation with the Council. The applicant should also be aware of his/her obligations not to interfere with the public right of way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. If necessary for safety reasons, the applicant may apply for a Temporary Traffic Regulation Order to suspend use of the path during construction

5.13 Residential Amenity

The proposed arena would be situated to the east of the properties on Parkfield Rank, which form a linear pattern of development facing the highway with long and narrow gardens existing to the east. The nearest neighbouring properties would be 41A to 45 Parkfield Rank and The Old School House, all the rear gardens of which are situated at least 80 metres from the proposed development. Although it is acknowledged that the arena would be visible in the views across the fields from these dwelling it is considered that the substantial distance between the development and the properties would ensure that the amenity of the neighbour's is not affected. Although it is acknowledged that the development would be visible to the nearby occupiers it is not considered that the nature of the development or its scale would appear out of keeping or intrusive such that amenity would be prejudiced.

5.14 Comments have been made in relation to loss of privacy and disturbance from the use of the field adjacent to the rear garden boundaries. It is however noted that the areas of the field directly adjacent to the gardens do not form part of the application site and the uses described, including siting tents and caravans, do not form part of the proposal. It is not considered that the proposed use as a riding arena in the location proposed would cause undue noise disturbance or loss of privacy given the separation between the rear gardens and the application site.

5.15 Drainage/ Environment

The Design and Access Statement states that there is no concentration of water flow created in the design of the riding arena surface. The construction design drawing includes a perforated uPVC drainage pipe in the design and the Drainage Engineer has queried where these pipes discharge to. The Agent confirms that the pipes are formed into a circular shape and as such the water does not disperse out at any point. It is further confirmed that the pipe used is perforated so it disperses any water back out into the ground. This design is considered appropriate in this location and as such there are no concerns in this respect.

5.16 Ecology/ Biodiversity

The site consists of a grassland field bordered by hedgerows to the rear and west of the Old School House and Parkfield Rank in Parkfield near the village of Pucklechurch. The site is not subject to any statutory or non-statutory nature conservation designations. Parkfield Site of Nature Conservation Interest (SNCI) lies some 200m away but will not be affected by the proposals.

5.17 The application would result in the loss of an area of grassland and as such the Ecology Officer had requested further detail on whether the grassland is of potential value for nature conservation. However on visiting the site and on consideration of the use of the field for grazing animals it is considered that the site is unlikely to be of potential value for nature conservation. It is considered that the arena is located a sufficient distance from the hedgerow boundaries and as such would not prejudice the amenity or biodiversity value of the existing field hedgerows. Additional hedgerow planting is proposed which would benefit local biodiversity. A condition is recommended to secure this planting and the future maintenance of the new hedgerow in accordance with the proposed planting scheme.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

2. At no time shall the riding arena hereby approved be used for riding school or other business purposes whatsoever.

Reason

In the interests of highway safety, and to accord with Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006

3. There shall be no use at any time of external lighting in association with the riding arena hereby approved.

Reason

To protect the character and appearance of the area and the visual amenity of the landscape and to accord with Policies L1 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

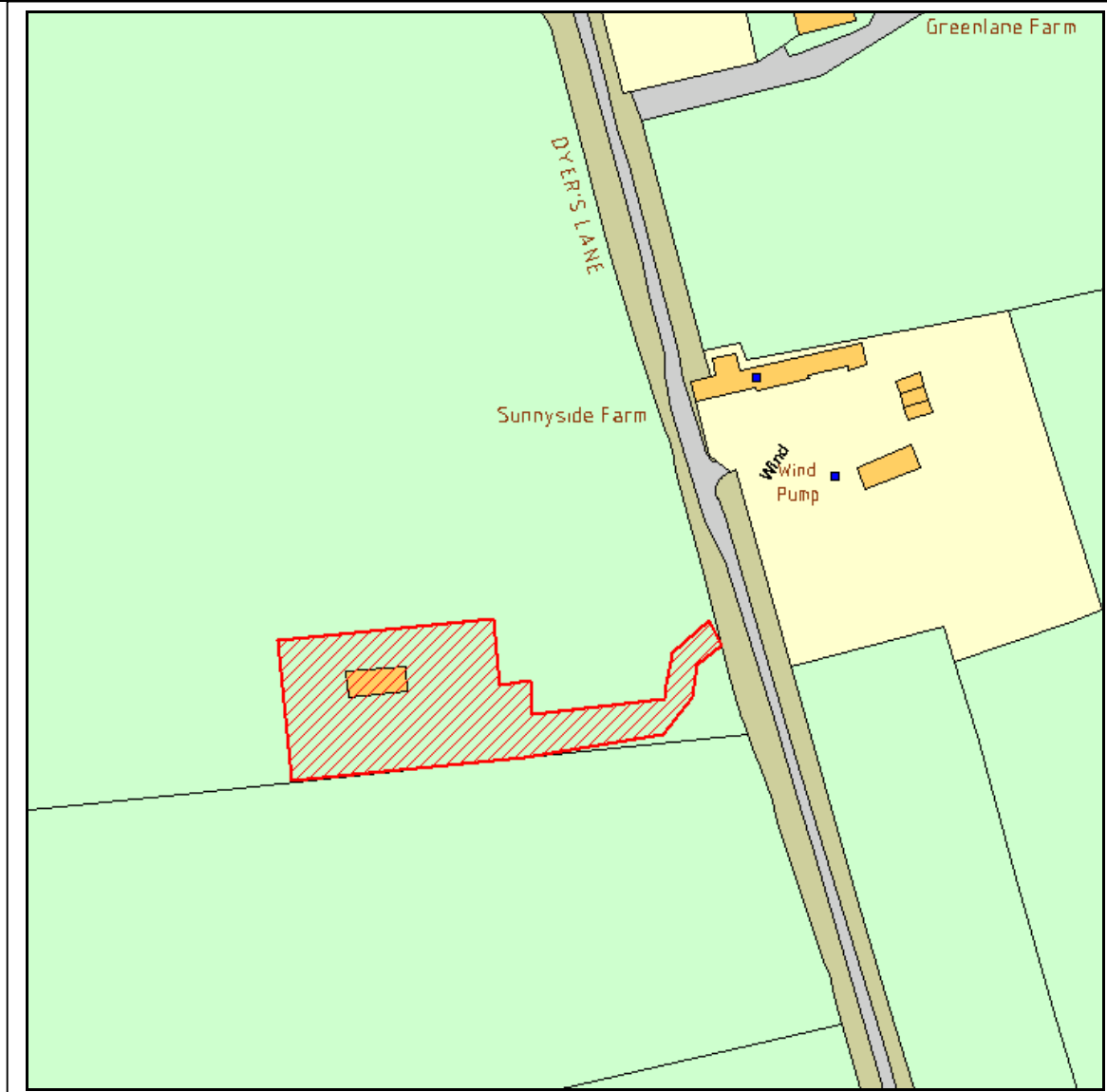
4. The proposed new hedgerow and tree planting to the west boundary of the field edged blue as shown on the location plan annotated 'proposed planting' (received by the Council on 12th August 2014) hereby approved shall be carried out in the first planting season following the implementation of the development hereby approved. The planting, protection and maintenance of the landscaping shall be carried out in accordance with the 'Planting Scheme' described in the Design and Access Statement and the planting plan received by the Council on 26th June 2014

Reason

To protect the character and appearance of the area and the visual amenity of the landscape, and to improve biodiversity to accord with Policies L1, L9 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CIRCULATED SCHEDULE NO. 06/15 – 6 FEBRUARY 2015

App No.:	PK14/4213/F	Applicant:	Ms R Bywater
Site:	Stone Barn Off Dyers Lane Iron Acton Bristol South Gloucestershire BS37 9XW	Date Reg:	5th November 2014
Proposal:	Conversion of existing stone barn to form 1no. dwelling with associated works. (Resubmission of PK13/2951/F).	Parish:	Iron Acton Parish Council
Map Ref:	369199 184383	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	30th December 2014



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 100023410, 2014. **N.T.S.** **PK14/4213/F**

REASON FOR REFERRING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application relates to a stone barn located in a field, to the west of Dyers Lane, Iron Acton; there is an existing gated access into the field from Dyers Lane. The site lies in the open countryside within the Bristol and Bath Green Belt approximately 1.5 miles from the centre of Iron Acton Village and 2.5 miles to the north of the centre of Yate.
- 1.2 Planning permission PK01/2686/F was granted in March 2002 to change the use of the land to a paddock, for the keeping of horses and for the extension of the then agricultural building to create a stable. Although the works to the building were commenced, thus implementing the permission, these have not been completed due to the applicant suffering an accident, which has stopped her from riding horses. The building has lain vacant ever since.
- 1.3 In 2013 an application (PK13/2951/F) was submitted to convert the building to a residential dwelling; this however was subsequently withdrawn on officer advice pending a marketing exercise. The marketing exercise has now been completed, hence the current application.
- 1.4 The existing 'L' shaped stone barn/stable has an internal floor space of 146.41sq.m. and measures 18.83m x 5.37m and 7.63m x 5.74m, being 2.25m to eaves and 5.73m to roof ridge. It is not proposed to alter the scale or footprint of the existing building. The existing access off Dyers Lane would be utilised to serve the proposed dwelling.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework (NPPF) 27th March 2012
The National Planning Practice Guidance (NPPG) 2014

2.2 Development Plans

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

CS1 - High Quality Design

CS4a - Presumption in favour of Sustainable Development

CS5 - Location of Development (inc. Green Belt)

CS6 - Infrastructure and Developer Contributions

CS8 - Improving Accessibility

CS9 - Managing The Environment and Heritage

CS15 - Distribution of Housing

CS17 - Housing Diversity

CS34 - Rural Areas

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

L1 - Landscape Protection and Enhancement

L9 - Species Protection

EP2 - Flood Risk and Development

T7 - Cycle Parking

T12 - Transportation Development Control Policy for New Development

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

E7 - Conversion and re-use of Rural Buildings

LC12 - Recreational Routes

Emerging Plan

Draft Policies, Sites & Places Plan

PSP1 - Local Distinctiveness

PSP2 - Landscape

PSP7 - Development in the Green Belt

PSP14 - Active Travel Routes: Identification and Safeguarding of Existing and Proposed Routes

PSP16 - Parking Standards

PSP20 - Flood Risk, Surface Water and Watercourse Management

PSP36 - Residential Development in the Countryside

PSP39 - Private Amenity Space Standards

2.3 Supplementary Planning Guidance

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

Development in the Green Belt (SPD) Adopted June 2007

South Gloucestershire Council Residential Parking Standards (Adopted)

South Gloucestershire Landscape Character Assessment (Adopted) Nov. 2014

3. RELEVANT PLANNING HISTORY

3.1 PK01/2686/F - Change of use of land to paddock and stable and extension of existing building.
Approved 25 March. 2002 - part implemented.

3.2 PK13/2951/F - Conversion of stone barn from equestrian to residential uses.
Withdrawn 14 Oct 2013

4. CONSULTATION RESPONSES

4.1 Iron Acton Parish Council

Objection - Believe approx. 3 years ago it was a derelict building that has not been in use for agricultural purposes. Within the last 3 years the building has been made good to a standard of a house.

4.2 Other Consultees [including internal consultees of the Council]

Open Spaces Society

No response

Sustainable Transport

No objection subject to conditions to secure the access and car parking facilities in accordance with the submitted plans and prior to first occupation.

Landscape Officer

No objection

Ecology Officer

No objection subject to a condition to secure the recommendations of the submitted ecology report.

Highway Drainage

No objection

Highway Structures

No comment

PROW

Public Footpath LIA17 runs to the north of the site. There is no objection to the application but the applicant needs to be aware of the footpath and ensure that it is not obstructed.

Other Representations

4.3 Local Residents

No responses received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF has recently superseded various PPS's and PPG's, not least PPG2 – Green Belts and PPS7 – Sustainable Development in the Countryside. The NPPF carries a general presumption in favour of sustainable development. Para.2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the development plan and this includes the Local Plan. Para 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise. At para. 211 the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

5.2 The relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6th 2006. The Council considers that the Local Plan policies referred to in this report generally provide a robust and adequately up to date basis for the determination of the application.

5.3 The South Gloucestershire Local Plan Core Strategy has now been adopted and the policies therein now also form part of the development plan.

- 5.4 The Policies, Sites & Places Plan is an emerging plan in draft form only. Whilst this plan is a material consideration, only very limited weight can currently be given to the policies therein.
- 5.5 The NPPF seeks to significantly boost the supply of housing and para. 55 seeks to promote sustainable development in rural areas including development which would re-use redundant or disused buildings and lead to enhancement of the immediate setting. There is therefore no in-principle objection to the proposal.
- 5.6 Policy E7 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 sets the criteria against which proposals for the conversion of existing traditional buildings in the countryside, to alternative uses, are determined. The supporting text to policy E7 states that re-using existing vacant buildings can help reduce vandalism, dereliction and the demand for new buildings in the countryside. The Council's first priority will be to see such buildings re-used for purposes, which make a positive contribution to the rural economy i.e. for agricultural, industrial, commercial or tourism purposes. Since the proposed use would be residential, the criteria attached to Policy H10 are also relevant in this case. These policies list criteria, which must be met if planning permission is to be granted and these are discussed below in tandem with criteria attached to the Green Belt policy within the NPPF (Section 9).

Green Belt Issues

- 5.7 In the first instance the proposal must be considered in the light of the latest policies relating to development within the Green Belt. Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 is not a saved policy. The relevant Green Belt policy is therefore to be found in the NPPF.
- 5.8 Inappropriate development is by definition harmful to the openness of the Green Belt and requires the applicant to demonstrate very special circumstances if it is to be approved. Paragraph 89 of the NPPF states that the extension or alteration of a building in the Green Belt is not inappropriate development provided it does not result in disproportionate additions over and above the size of the original building. Paragraph 90 further advises that the re-use of existing buildings which are of permanent and substantial construction are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.
- 5.9 The purposes of including land within the Green Belt are set out at para. 80 of the NPPF and include:
- To check the unrestricted sprawl of large built up areas.
 - To prevent neighbouring towns merging into one another.
 - To assist in safeguarding the countryside from encroachment.
 - To preserve the setting and special character of historic towns.
 - To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Officers consider that with appropriate controls over future extensions and outbuildings etc. that the proposed conversion would, on balance, not have a materially greater impact than the present authorised use on the openness of the Green Belt. The building is single-storey and the overall foot-print would remain the same. Furthermore the building would not be entirely isolated, there being existing residential properties on Dyers Lane. The proposed conversion is therefore not considered to conflict with any of the above criteria and as such is considered to be appropriate development in the Green Belt.

- 5.10 Policy H10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 relates to the conversion and re-use of rural buildings for residential purposes. It states:

‘Proposals for the conversion and re-use of existing buildings for residential purposes outside the existing urban areas and the boundaries of settlements as defined on the Proposals Map will not be permitted unless;

- a) *All reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for business re-use;*
- b) *The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction;*
- c) *The buildings are in-keeping with their surroundings in terms of character, form, bulk and overall design;*
- d) *Development including any alterations, extensions or the creation of a residential curtilage will not have a harmful effect on the character of the countryside or the amenities of the surrounding area;*
- e) *The building is well related to an existing settlement or other groups of buildings.’*

- 5.11 **a) All reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for business re-use;**

- 5.12 As required by Policy H10(A), alternative uses to residential use for the existing building should first be explored. Criterion A requires that all reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for business re-use. Normally a consecutive period of 12 months marketing is considered to be reasonable.

- 5.13 In this case a Marketing Report has been submitted which confirms that the building has now been marketed for alternative purposes since October 2013 but with no offers or significant interest.

- 5.14 The use of the building for holiday let purposes has been considered but the number of existing holiday cottages, hotels and B&B’s available in the area makes demand for further similar accommodation unproven. The viability of such an enterprise remains in question, especially considering the likely cost of conversion of this building.

- 5.15 In addition it is also material to the determination of this application that the Government has recently relaxed planning controls in respect of conversion of existing agricultural buildings to residential properties in the countryside (see GPDO Part 3 Class MB) and this weighs heavily in favour of the proposal. It is also noted that emerging policy PSP36 no longer requires a marketing exercise to be carried out for such conversions. Officers consider therefore that a residential conversion is in this case appropriate.
- 5.16 **b) The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; and .**
(This criterion is common to Policy E7)
- 5.17 A structural survey of the building has not been carried out but officers have inspected the building on-site and concluded that it is clearly of sound construction and physically capable of conversion without major or complete reconstruction. Officers are therefore satisfied that criterion 2 of Policy H10 is met.
- 5.18 Design and Visual Amenity
Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 seeks to secure good quality design in new development and more specifically Policy H10(D), which relates to the conversion of rural buildings for residential purposes, requires that – ‘Development, including any alterations, extensions or the creation of a residential curtilage would not have a harmful effect on the character of the countryside or the amenities of the surrounding area.
- 5.19 Residential conversions do tend to have the most impact on traditional farm buildings due to the need to accommodate all of the different rooms and functions associated with domestic properties. Conversions to alternative uses can, therefore, result in more sympathetic schemes of adaptation and re-use that better respect the character and significance of historic farm buildings.
- 5.20 In this case the building has a recent extension and the original section exhibits no special architectural interest. As such the building has only modest value in visual terms. Furthermore the building is vacant and the works approved under PK01/2686/F have only been partially completed. The proposed scheme therefore provides the opportunity to complete the works and bring the building back into use, which on balance would represent a visual enhancement. The overall design of the proposed dwelling would be rural in character, incorporating the existing form, natural stone facings, and roof tiles. The number of openings would be kept to a minimum and all windows and doors would be timber with brick surrounds, typical of the local vernacular.
- 5.21 Some of the proposed residential curtilage may take on a planned, cultivated and domestic character and appearance and the garden could typically accommodate a range of physical features, such as items of hard landscaping, play equipment, clothes drying facilities and garden furniture. However this must be balanced against the fact that the existing building is set well back from the roadway and would be converted to give an enhanced appearance.

The residential curtilage, driveway and parking area would be well enclosed by existing and proposed hedgerows. The proposed conversion and associated change of use of land to residential curtilage is not considered to be inappropriate in this case and as such therefore meets criteria c, d and e of Policy H10.

5.22 Heritage Issues

The proposal affects a building in the open countryside. Other than the traditionally constructed parts, which are not particularly old, the existing building has little historic merit. There are no objections on conservation or heritage grounds.

5.23 Transportation Issues

There is sufficient space within the site to provide adequate parking and turning provision. The two-bedroom property would incorporate a garage/store and additional parking spaces would be provided within the residential curtilage at the end of the driveway, which complies with the South Gloucestershire Residential Parking Standards, which are minimum standards.

5.24 It is proposed to utilise the existing vehicular access into the site off Dyers Lane, where visibility is considered acceptable. The access gate is set well back from the road and traffic generation is likely to be light from the proposed two bed dwelling. There would be sufficient turning space within the site to allow vehicles to exit in forward gear. It is proposed that the first 5m of the access from the edge of the highway, would be tarmacked, which would prevent mud and stones being tracked onto the highway.

5.25 Subject to conditions to secure the parking areas and tarmacked entrance, there are no transportation objections to the proposal.

5.26 Landscape Issues

The site is within the Green Belt and open countryside. The proposed conversion of the building is acceptable in landscape terms. The proposed conversion results in a development that would be well enclosed by the existing and proposed native hedgerows. The width of the access track would be kept to a minimum and the existing metal gate at the access would be replaced by a more traditional wooden five-bar gate. The proposed domestic curtilage has been reduced in size to officer satisfaction. The access drive and residential curtilage would be enclosed to the north and west by a hedge of native species, planted inside a stock proof fence to prevent encroachment from animals grazing the rest of the field. Subject to conditions to secure the details and implementation of the proposed scheme of landscaping, including the erection of the new gate prior to first occupation, It is considered that there is no landscape character or visual amenity objection to the development with regard to Policy L1.

5.27 Impact Upon Residential Amenity

Although there are other dwellings on Dyers Lane the nearest would be some 80m from the proposed new dwelling. The proposed residential use is likely to have significantly less impact on the residential amenity of neighbouring property than a farming or equestrian use, both in terms of noise or disturbance

from the traffic generated; furthermore the general outlook for neighbouring occupiers would be improved by the conversion of the vacant building. As the proposed dwelling would be single-storey only, there would be no issues of overlooking. Whilst there may be some disturbance for neighbouring occupiers during the conversion phase, this would be on a temporary basis only. Given the nature of the development and the distance from the nearest property, a condition to limit the hours of working is not in this case considered justified. The proposal therefore accords with Policy CS1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of the NPPF.

5.28 Drainage Issues

The site is not prone to flooding. It is proposed to use a Package Treatment Plant for foul disposal and this is acceptable. A SUDS drainage scheme would be used for surface water disposal in accordance with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.29 Ecology Issues

The site is not covered by any statutory or non-statutory nature conservation designations. At officer request an up to date Ecological Survey of the building has been submitted to officer satisfaction and no evidence of use by bats was recorded in the building. Section 7 of the Survey Report includes a series of measures to benefit bats and Barn Owls. Officers support these recommendations, which can be secured by condition, in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.30 Affordable Housing

The proposal falls below the NPPG and Council's threshold for affordable housing provision.

5.31 Education

The proposal falls below the NPPG and Council's threshold for contributions to the Education service.

5.32 Community Services

The proposal falls below the NPPG and Council's threshold for contributions to community services.

6. CONCLUSION

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

6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

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

3. Prior to the first occupation of the dwelling hereby approved, the car parking facilities, turning areas and tarmac finish to the access off Dyers Lane shall be implemented in accordance with the approved Combined Proposed Plans and Elevations Drawing No. 10194/60/101 rev C.

Reason

To ensure adequate on-site parking provision and access in the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and to accord with The South Gloucestershire Residential Parking Standards (SPD) Adopted.

4. Prior to the development commencing a scheme of new bat access points and bird nest boxes (Barn Owl) shall be drawn up and agreed with the Council in writing to accord with the general provisions outlined in Section 7 of the submitted Ecology Survey by TRECS 28th Jan. 2015 and forming part of the application. Thereafter all works shall be carried out in accordance with the approved scheme and section 7 of the approved Ecological Survey and prior to the first occupation of the dwelling hereby approved.

Reason

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

5. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments, replacement access gate and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development (to include the replacement gate at the access off Dyers Lane) shall be carried out prior to the first occupation of the building as a dwelling house or otherwise in accordance with the agreed details. Any trees/plants that become diseased, damaged or die within 5 years of planting shall be replaced by plants of a similar species and size within the first available planting season.

Reason

To protect the character and appearance of the area and Green Belt to accord with Policies L1 and H10, of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec 2013 and the provisions of the NPPF.

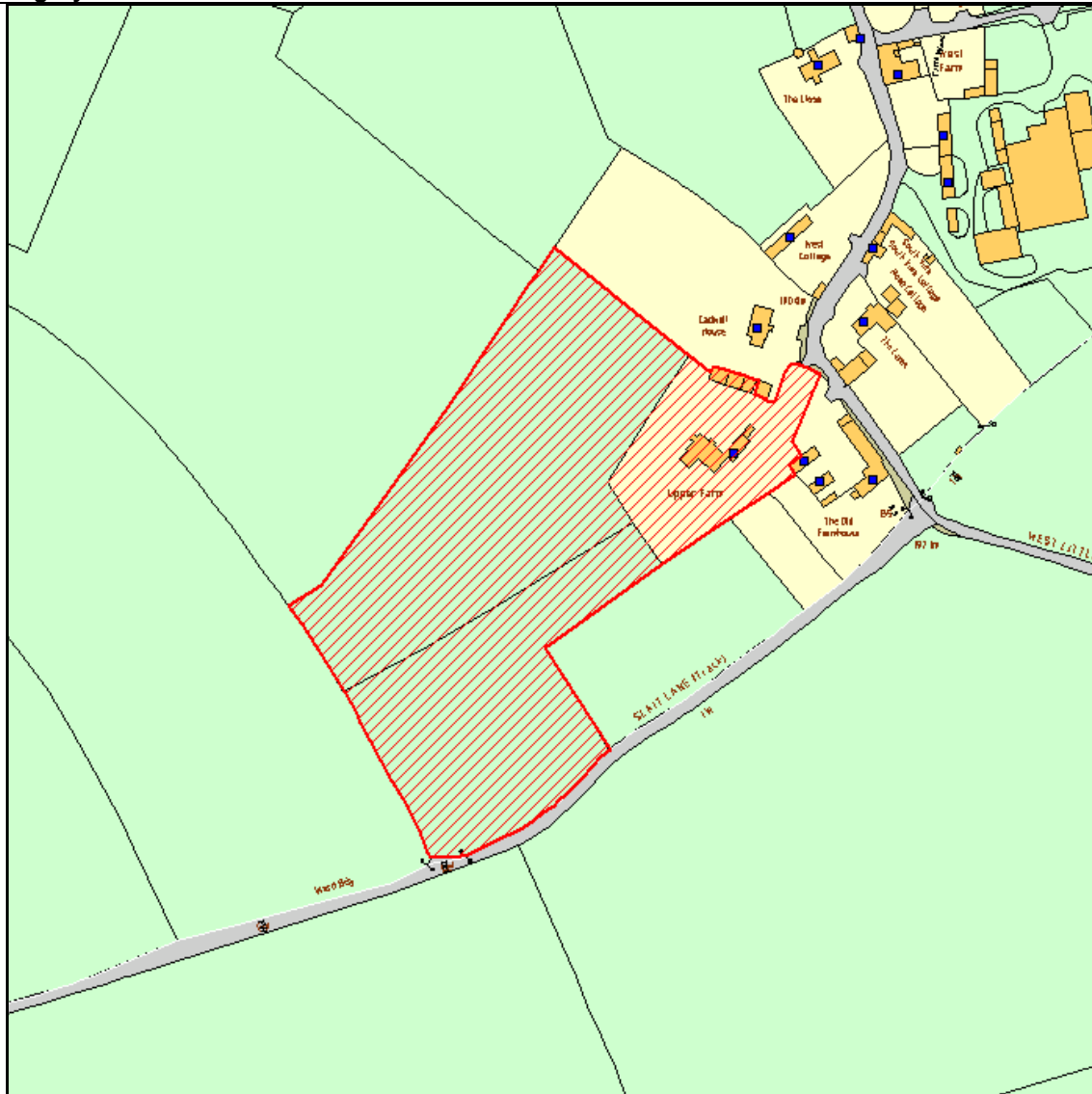
CIRCULATED SCHEDULE NO. 06/15 – 6 FEBRUARY 2015

App No.: PK14/4608/F
Site: Upper Farm West Littleton Road Marshfield
 South Gloucestershire SN14 8JE
Proposal: Change of use of land from agricultural to use
 of land for the keeping of horses and
 construction of manege with associated works.
 Erection of a single storey extension to the
 existing stable block and erection of a single
 storey timber storage building. Erection of a
 two storey side extension to dwellinghouse to
 provide additional living accommodation.

Applicant: Mr And Mrs M Conze
Date Reg: 19th December 2014
Parish: Tormarton Parish
 Council

Map Ref: 376099 175221
**Application
 Category:** Major

Ward: Cotswold Edge
**Target
 Date:** 17th March 2015



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 100023410, 2014. **N.T.S.** **PK14/4608/F**

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of two letters of objection from local residents.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for a variety of works at and around Upper Farm in West Littleton. The proposed works are as follows:
- The change of use of an area of land measuring just over 4 acres from agricultural to land for the keeping of horses
 - Installation of a manege
 - The erection of an extension to an existing stable block
 - The erection of a single storey timber storage building
 - The erection of a two storey extension to the side of the existing dwellinghouse.
- 1.2 The application site relates to a large, detached property within the Cotswold Area of Outstanding Natural Beauty. The house stands within West Littleton Conservation area but the land affected by the change of use is outside of the Conservation Area. The property is already served by a smaller parcel of land used for the keeping of horses and a stable block. The proposal is to increase the number of horses that can be kept at the site.
- 1.3 During the course of the application a revised block plan was received with a corrected red line to match the site location plan and a detailed plan showing precisely the area of land subject to the proposed change of use. No further re-consultation was considered necessary.
- 1.4 At the time of your officer site visit, horses were already being kept on the fields that are subject to the change of use. After this was raised with the agent, it is understood however that the animals have since been removed from the land. As such, this application is not regarded as being retrospective.

2. POLICY

2.1 National Guidance

The National Planning Policy Framework (NPPF) March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) 6th January 2006

L1 Landscape Protection and Enhancement
L2 Cotswold Area of Outstanding Natural Beauty
L9 Species Protection
L12 Conservation Areas
L13 Listed Buildings
EP2 Flood Risk and Development
E10 Horse related development
T12 Transportation

- LC5 Proposals for Outdoor Sports and Recreation outside the Existing Urban Area and Defined Settlement Boundary
- H4 Development within Residential Curtilages

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

- CS1 High Quality Design
- CS5 Location of Development
- CS9 Managing the Environment and Heritage
- CS34 Rural Areas

2.4 Supplementary Planning Guidance

- The South Gloucestershire Design Checklist (SPD) – Adopted August 2007
- Residential Parking standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/2118/F Change of use of land from agricultural to land for the keeping of horses. Erection of stable block.
Approved November 2010
- 3.2 PK04/2772/F Erection of side conservatory
Approved September 2004
- 3.3 P87/2067 Erection of detached dwelling with attached residential annex and erection of stables.
Approved September 1987
- 3.4 P85/2068 Erection of detached dwellinghouse with attached residential annex.
Approved October 1985
- 3.5 P84/2304 Erection of detached dwellinghouse and conversion and extension of agricultural buildings to form garaging: store and workshop.
Approved October 1984

4. CONSULTATION RESPONSES

- 4.1 Tormarton Parish Council
No Objection
- 4.2 Marshfield Parish Council
No Objection
- 4.3 Other Consultees including internal consultees of the Council.

Sustainable Transport
No Objection

Highway Structures
No Comment to make

English Heritage
The building works are unlikely to have a detrimental affect on the character of the conservation area. Suggest that careful consideration be given to the lighting of the manege

Conservation Officer
No Objection subject to the attachment of conditions

Ecology Officer
No ecological constraints to the granting of planning permission

Landscape Officer
No objection subject to the attachment of conditions

Other Representations

4.4 Local Residents

One letter stating there are no concerns to the store, stables or manege but does have some concerns about the extension to the house which are summarised as follows:

- Disproportionately large
- The rooms are duplicated elsewhere in the house
- The extension would be more suitable if it were subservient to the main house
- The extension can be seen from the road – will impact on the conservation area
- Makes suggestion of possible design changes
- Concerns over the validity of the application and the quality of the plans

A second letter has also been received raising the following concerns:

- Increased risk of noise, smells, light and other environmental impacts
- Planting will take a number of years to mature
- Noise from the crushed stone to be used on the floor
- Concerns over the lighting
- Request conditions preventing outside storage etc.
- The shed will be visible from the neighbours

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Paragraph 2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the development plan and this includes the Local Plan. Paragraph 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate

otherwise. At paragraph 211 the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

- 5.2 Policy LC5 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006, states that proposals for outdoor sports and recreation outside the urban area and defined settlement boundaries will be permitted, subject to a number of criteria being met.
- 5.3 Furthermore Policy E10 of the South Gloucestershire Local Plan reinforces the view that '*proposals for horse related development... will be permitted outside the urban boundaries of settlements*', subject to the following criteria being met:
- A. Development would not have unacceptable environmental effects; and
 - B. Development would not prejudice the amenities of neighbouring residential occupiers; and
 - C. Adequate provision is made for vehicular access, parking and manoeuvring and would not give rise to traffic conditions to the detriment of highway safety; and
 - D. Safe and convenient access to bridleways and riding ways is available to riders; and
 - E. There are no existing suitable underused buildings available and capable of conversion; and
 - F. The design of buildings, the size of the site and the number of horses to be accommodated has proper regard to the safety and comfort of horses.
- 5.4 Finally, the extensions to the dwelling must be considered against policy H4 of the South Gloucestershire Local Plan with regards to design and impact on residential amenity. All elements of the proposal must be considered against the requirements of Policy L2 given the location of the site in the Cotswold AONB.
- 5.5 In the interests of clarity, the main distinct elements will be discussed in turn.
- 5.6 Change of Use of Land from Agriculture to land for the keeping of horses
During the course of the application a plan was received to show the exact area of land to which the proposed change of use relates. None of the land affected by the change of use lies in the conservation but it is all within the Cotswold AONB. There are no views of the area from within the conservation area itself, but views of the site are possible along the track to the southeast (Slait Lane), where the area can be seen. As the site does not lie in the green belt, the principle of a change of use is acceptable. However, given that the area does help to form part of the open setting to the conservation area, conditions will be attached to ensure that there are no jumps, fences, boxes or other equestrian related paraphernalia left on site that could detract from the character or appearance of the area and the wider setting of the conservation area, the AONB or the neighbouring listed building. The proposed extension to the stables and the small additional store are also equally well concealed from public vantage points and will not harm the character or appearance of the conservation area.

- 5.7 Given the relative separation of the site from neighbouring dwellings, the change of use of the land will not have any adverse impact on existing levels of residential amenity.
- 5.8 Installation of Manege
The location chosen for the manege is also within the AONB but outside of the Conservation Area. There are no views of the arena from within the conservation area itself, but views of the site are possible along the track to the southeast (Slait Lane), where the area can be seen over the neighbouring field.
- 5.9 The manege is to be surrounded by post and rail fencing with a maximum height of 1.4 metres above the riding arena level. An area of hardstanding will be formed at the entrance of the manege for access purposes. The proposal is also for the manege to be lit. Given the location and proposed additional planting, it is not considered that the manege itself will have any detrimental impact on the setting of the conservation area and will protect the natural beauty of the Cotswold AONB.
- 5.10 Perhaps the greatest concern with regards to the manege is the fact that it is to be lit using low level lighting. The indicative lighting layout submitted with the application shows the lux levels to peak at about 7 lux but actually on average to be less than 1 lux. 1 lux is approximately the same as deep twilight increasing to 10 lux at twilight. Because of the location of this site in a very rural area with low levels of background lighting, ensuring suitable lighting is essential both in the interests of the visual amenity of the area and also for ecological reasons. The applicants have expressed a willingness to have conditions attached restricting the hours during which the lighting may be turned on. Subject to the attachment of a condition requiring the submission of a bespoke lighting arrangement along with details of the proposed hours of illumination, there is no objection to the proposed manege.
- 5.11 Erection of Stable Block Extension
The site already has the benefit of one 'L' shaped timber stable. The existing building consists of three stables and one store room. The proposal is to erect another stable of exactly the same size, design and layout as the existing stable. The new stable will be to the south of the existing stable further away from the neighbour at Cadwell House. As a result of the extension, there would be stables for six horses on site. As a result of the proposal, the applicants would have access to approximately 5.2 acres of land. Although it is accepted that the British Horse Society recommends 1 acre per horse, consideration is being given to the fact that a manege is proposed mean less field is needed to exercise the animals. No objection is raised to the size, location or design of the proposed stable block and its impact on both the conservation area and AONB are considered to be acceptable. Subject to the attachment of a condition limiting the number of horses kept on the site to six, there is no objection to the stable block extension as proposed.

5.12 Erection of Storage Building

The application also includes the erection of a modest storage building for residential purposes. The proposed store would be located to the front of the main house, made of timber cladding, be 9.6 metres in length, 3.3 metres deep and have a maximum height to the ridge of 2.5 metres. The roof of the store would be visible above the stone boundary wall from the neighbouring dwelling Cadwell House. However, given the vast curtilage of Cadwell House and the limited visibility of the proposed store, impact on existing levels of residential amenity is deemed to be entirely acceptable.

5.13 Although the proposed store will be visible from the front of the application dwelling, it will be well screened from the surrounding public areas. The visual impact on the conservation area, AONB and adjacent listed building are all considered to be entirely acceptable.

5.14 Erection of Two Storey Side Extension

The proposal is for the erection of a large two-storey extension to the side of the existing dwelling. The extension will form just two rooms – a lounge at ground floor and a bedroom above. The extension is considerable – having a width of 9 metres and a depth the same as that of the existing house. The extension is to be flush with the eaves and ridge of the existing dwelling and will incorporate two gables on both of the front and rear elevations. Two Juliet style balconies are also proposed on the rear elevation along with changes to the windows in the projecting rear gable.

5.15 As is raised by one of the neighbours, in certain circumstances, it is preferable for an extension to be subservient so the history of the building is identifiable. In this instance, because the building is still relatively new (less than 20 years old) and is unique, the fact that the extension is not subservient is not of concern.

5.16 There will be a separation distance of over 40 metres from the front of the proposed extension and the neighbouring dwelling at Cadwell House. In view of this separation, the impact on existing levels of residential amenity by overlooking, loss of privacy, overbearing or overshadowing are all considered acceptable.

5.17 To ensure that the materials fully integrate with the existing dwelling – and to protect and preserve the conservation area and AONB, a condition will be attached requiring that the material to be used in the extension exactly match those of the existing dwelling. Subject to such a condition, the proposed extension is considered to be entirely acceptable.

5.18 Ecology

The application site consists of a farmhouse, hedgerow, semi-mature trees and formal garden. The site is not covered by any statutory or non-statutory nature conservation designations. Information submitted with the application states that there will be new native hedgerow planting. No details are given regarding the length, species and location of the proposed hedgerow planting. Subject to a condition to ensure the submission of a suitable planting scheme, there is no objection to the proposal on ecological grounds.

The building extension will involve limited disturbance to the roof structure, therefore this and the view that the roof has negligible potential to support bats, means that a bat survey is not required.

5.19 Landscape

The Councils landscape officer has not raised any objection to the proposed scheme. The proposal incorporates quite extensive amounts of new native hedgerow planting which can only have a positive visual impact on the area. Subject to a condition to ensure the submission of a suitable planting scheme, there is no objection to the proposal on landscape grounds.

5.20 Vehicular access, Parking and Highway Safety

A condition to prevent riding school or livery use of the site is considered necessary and appropriate to address any highway safety concerns over intensifying the trip generation to and from the site.

5.21 There is ample parking on site to serve the extended dwelling – far in excess of the minimum requirement set out in the Residential Parking Standards SPD.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission be GRANTED subject to the conditions listed below:

Contact Officer: Marie Bath
Tel. No. 01454 864769

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

Reason

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

3. Prior to the commencement of development details of all external illuminations, including measures to control light spillage and times of lighting operation, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details and no additional lighting shall be installed on the site without the written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, to preserve the Conservation Area and Cotswold Area of Outstanding Beauty and to avoid adverse ecological impact and to accord with Policies L1, L2, L9, E10 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The number of horses kept on the site edged in red on the approved plans shall not exceed 6.

Reason

In the interests of the welfare of the horses and to prevent land degradation. Also to satisfy the requirements of Policies E10, L2 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006

5. Other than those hereby approved, no jumps (other than mobile jumps), fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land. Any temporary jumps and other paraphernalia shall be stored away immediately after use.

Reason

In the interests of the visual amenity of the area and to satisfy the requirements of Policies E10, L2 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006

6. No more than one horse box/trailer shall be kept on the site. Otherwise at no time shall other horse boxes, trailers, caravans, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses or livestock.

Reason

In the interests of the visual amenity of the area and to satisfy the requirements of Policies E10, L2 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006

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

Reason

In the interests of the visual amenity of the area and to satisfy the requirements of Policies H4, L2 and L12 of the South Gloucestershire Local Plan (Adopted) January

2006 and CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

8. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with planting plans for the new proposed native hedging; boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

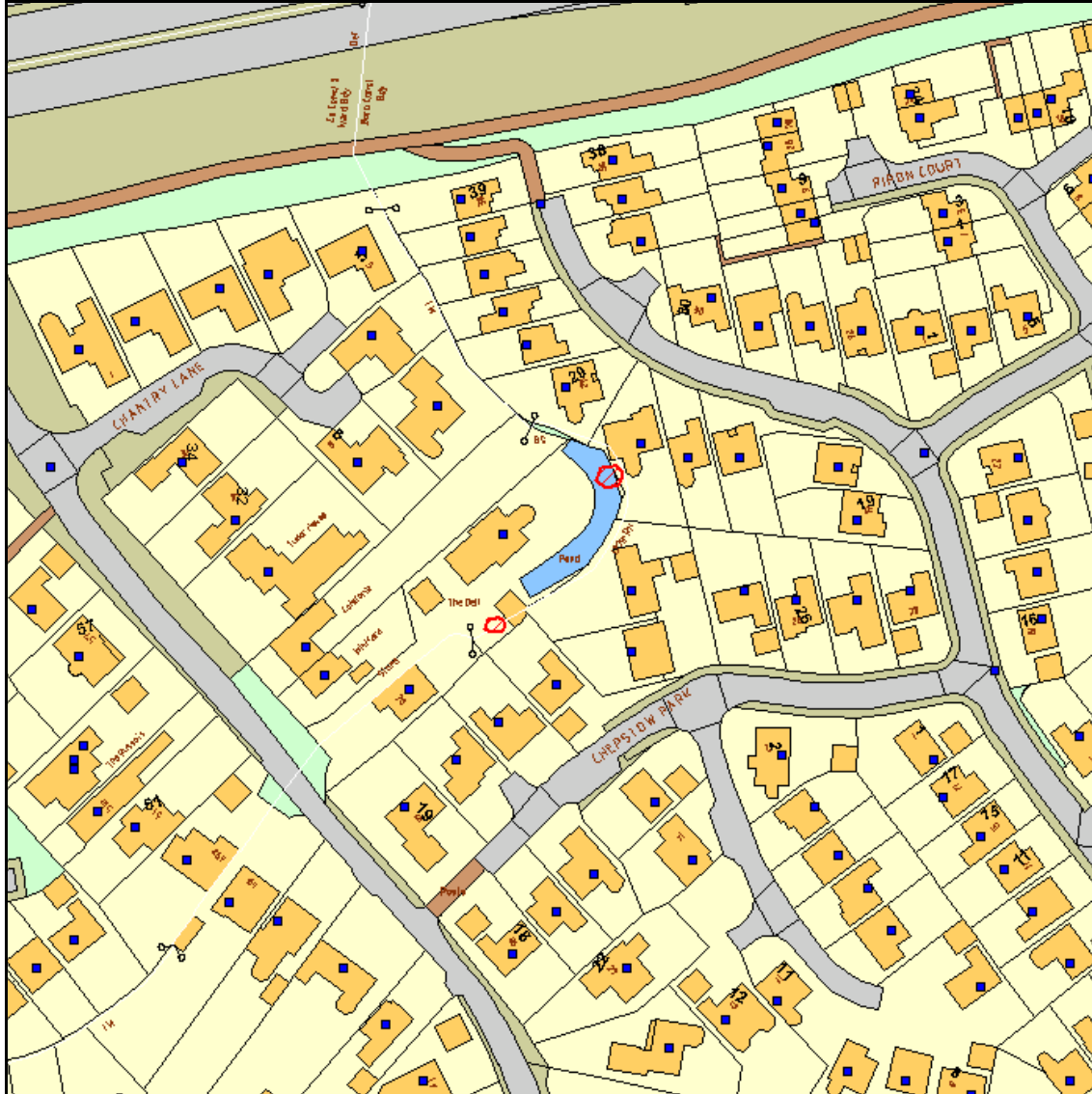
Reason

In the interests of the visual amenity of the area and to satisfy the requirements of Policies L1, L2 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006

CIRCULATED SCHEDULE NO. 06/15 – 6 FEBRUARY 2015

App No.: PK14/4726/TRE
Site: The Dell Church Lane Downend Bristol
 South Gloucestershire BS16 6TB
Proposal: Works to 1no. Oak tree to crown lift to
 7m, works to fell 1no. Oak tree covered
 by South Gloucestershire TPO 08/90
 dated the 8th April 1991.
Map Ref: 365763 178435
**Application
 Category:**

Applicant: Mr Conner
Date Reg: 9th December 2014
Parish: Downend And Bromley
 Heath Parish Council
Ward: Downend
**Target
 Date:** 30th January 2015



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 100023410, 2014. **N.T.S.** **PK14/4726/TRE**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated committee because there have been representations from Bromley Heath and Downend Parish Council in relation to the removal of an Oak and its possible impact on property, and from a neighbour seeking additional works to another Oak.

1. THE PROPOSAL

- 1.1 Works to 1no. Oak tree to crown lift to 7m, works to fell 1no. Oak tree covered by South Gloucestershire TPO 08/90 dated the 8th April 1991.
- 1.2 The trees are growing within the grounds of The Dell, Church Lane, Downend, South Gloucestershire, BS16 6TB.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/0825/TRE, Site Address: The Dell Church Lane Downend BRISTOL South Gloucestershire BS16 6TB, Decision: WITHDN, Date of Decision: 30-MAR-07. Proposal: Works to reduce crowns and remove branches from 3 no. Oak Trees covered by Tree Preservation Orders KTPO4/93 dated 06 September 1993 and KTPO8/90 dated 08 April 1991.
- 3.2 PK11/3411/TRE, Site Address: The Dell, Church Lane, Downend, South Gloucestershire, BS16 6TB. Decision: COND, Date of Decision: 12-DEC-11. Proposal: Works to 1 no. Oak tree to remove decaying limb, covered by Kingswood Tree Preservation Order 04/93 dated 6th September 1993.
- 3.3 PK03/0225/TRE, Site Address: The Dell, Church Lane, Downend, South Gloucestershire, BS16 6TB. Decision: REFU, Date of Decision: 11-MAR-03. Proposal: Reduce crown and thin oak tree (T1) by 35% covered by Tree Preservation Order KTPO 8/90.
- 3.4 PK02/0470/TRE, Site Address: The Dell, Church Lane, Downend, South Gloucestershire, BS16 6TB. Decision: COND, Date of Decision: 22-APR-02. Proposal: Reduce crowns by 20% and re-shape Oak trees (T1) and (T2). Remove long lateral branch by 9 metres (West facting) - Oak tree (T1)

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council has no objection to the crown lift to the Oak but is mindful that damage could be caused by the other Oak and would like the SGC Tree Officer to visit and view the tree.

Other Representations

4.2 Local Residents

Comments were received from a resident in a neighbouring property in support of the application. They have asked that the council consider approving the trimming of the branches which are overhanging their property (27 Fontwell Drive). They have also asked that some other branches that are almost touching the side of their property are pruned.

5. ANALYSIS OF PROPOSAL

5.1 Works to 1no. Oak tree to crown lift to 7m, works to fell 1no. Oak tree covered by South Gloucestershire TPO 08/90 dated the 8th April 1991.

5.2 Principle of Development

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

5.3 Consideration of Proposal

The work to crown lift the Oak to 7 metres is not considered to be detrimental to the amenity or long term health of the tree. This work would incorporate the cutting back or removal of the branches that are close to touching the side wall of no.27 Fontwell Drive provided these weren't at a height in excess of 7 metres. It is not deemed necessary, therefore, to further consult on this element of work.

5.4 The works requested by the neighbour to cut back branches that overhang his roof would be greater than those proposed and would need to be the subject of a separate application.

5.5 The proposal to remove the other Oak that is leaning towards the garage and car port is not seen to be justified. Although the owners and the tree surgeons state that the lean has increased in recent years there is no evidence of root plate heave. This would indicate that there has been some root failure that would account for a change in the lean angle.

5.6 This tree has been pruned in the past and there would be no objection to a crown reduction to these previous pruning points. This work would serve to reduce the sail affect of the crown and, therefore, the likelihood of windthrow.

5.7 In the meantime it is suggested that some form of monitoring of the lean is set up. This may be by hanging a plumb line and marking its position over time. Account would need to be taken of the tree's incremental growth which may distort the readings.

6. RECOMMENDATION

6.1 Split Decision. That consent is GRANTED for the crown lift to 7 metres on the Oak T1. That consent is REFUSED for the removal of the Oak T2.

Contact Officer: Simon Penfold
Tel. No. 01454 868997

PART REFUSAL

1. The works to remove T2 are refused because the proposed works would be detrimental to the visual amenity of the locality and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

PART APPROVAL

The Works to T1 are approved subject to the following conditions;

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

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

CIRCULATED SCHEDULE NO. 06/15 – 6 FEBRUARY 2015

App No.:	PK14/4970/F	Applicant:	Mr Taylor
Site:	4 Kingsfield Close Wick South Gloucestershire BS30 5SG	Date Reg:	23rd December 2014
Proposal:	Alterations to roof of existing car barn to form 1no. apartment with associated works. (Amendment to previously approved scheme PK14/1926/F)	Parish:	Wick And Abson Parish Council
Map Ref:	370950 172707	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	11th February 2015



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 100023410, 2014. **N.T.S.** **PK14/4970/F**

REASON FOR SUBMISSION TO CIRCULATED SCHEDULE

The application has been submitted to the Council's Circulated Schedule procedure, following two objections received which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks permissions for alterations to the roofline of an existing car barn to form 1 no. apartment with two bedrooms. This is a resubmission of PK14/1926/F, which sought permission for alteration to the roof of the car barn to form a residential annex ancillary to no. 4 Kingsfield Close, which was approved with conditions in July 2014.
- 1.2 The application site relates to a car barn which houses parking for the four other properties in Kingsfield Close, which is within the settlement boundary of Wick, and washed over by the Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

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

T7 Cycle Parking
T12 Transportation
H4 Development within Existing Residential Curtilages
L1 Landscape

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS34 Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire Supplementary Planning Document: Green Belt (Adopted) 2007
South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/1926/F Approve with conditions 07/07/2014
Alterations to roof of existing car barn to provide first floor self contained annex with associated works.

- 3.2 PK08/1504/F Approve with conditions 11/09/2008
Demolition of existing buildings and erection of 4no. dwellings with associated works. (Amendment to previously approved scheme PK07/2774/F).]
- 3.3 PK08/0629/F Withdrawn 06/05/2008
Demolition of existing buildings and erection of 5no. dwellings with associated works. (Amendment to previously approved scheme PK07/2774/F).
- Note: This withdrawn application included a fifth dwelling in the same location as the dwelling proposed under this application.*
- 3.4 PK07/2774/F Approve with conditions 02/11/2007
Demolition of existing buildings and erection of 4no. dwellings with associated works.
- 3.5 PK05/3600/O Approve with conditions 15/05/2006
Demolition of existing buildings to facilitate the erection of 4 no. dwellings (Outline) with siting and means of access to be determined. All other matters reserved.

4. CONSULTATION RESPONSES

4.1 Wick and Abson Parish Council
No objection.

4.2 Other Consultees

Highway Drainage
No comment.

Transport
Same number of bedrooms proposed as previous annex; no objection subject to conditions.

Landscape
No objection

Highway Structures
No comment.

Other Representations

4.3 Local Residents
Two objections have been received from two residents of the same address, which is a neighbouring property. The comments state that:

Residential Amenity

- Objecting mostly because of the rear pitched dormer window
- Previous officer report (Pk14/1926/F) states that roof light was sought to replace the dormer but no plans were received to improve the scheme,

suggesting that the officer thought the rooflight was more acceptable than a dormer in this position.

- Having a rooflight instead would make a big difference to me as the dormer window will overlook our property allowing the occupants to see the whole of our back garden up to our patio and through the glass doors of our sitting room
- The only way to screen this would be with a leylandii but I would not like to do this
- I value the seclusion I feel at the moment
- The additional height will take some of the late afternoon/evening sunlight from the garden and is overbearing
- The proposed courtyard is inadequate as amenity space, with the access being through the communal bin and bicycle storage area

Transport

- The previous application for the annex had a condition asking for an additional parking space to be provided, it is not clear whether this has been achieved. The planning history shows the same parking spaces allocated to three different houses
- Inadequate parking would cause more vehicles to park on London Road, many already park on the pavement

Other matters

- It is misleading to describe the proposal as alterations to the roof as it is being raised up by a full storey
- I fear trespass into our garden for the construction of the staircase which is shown to be on the boundary

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Section 9 of the NPPF states that Local Planning Authorities should consider the erection of new buildings in the Green Belt as inappropriate development. Exceptions to this are outlined in paragraph 89 of the NPPF. Amongst other exceptions paragraph 89 identifies the following as not inappropriate: *'limited infilling in villages, and limited affordable housing for local community needs under policies set out in the local plan'*. Policies CS5 and CS34 of the Core Strategy (Adopted December 2013) state that in the Green Belt small scale infill development may be permitted within the settlement boundaries of villages shown on the policies map. Infill development is defined within the Development in the Green Belt SPD (Adopted 2007) as *'development that is small in scale and which fits into an existing built up area in a defined settlement boundary, normally in-between existing buildings, in a linear formation'*.

- 5.2 The application proposes alterations to an existing building to form 1 no. two bedroom dwelling within the same footprint, so it is considered to fit in to the existing pattern of development, and the application site falls within the defined settlement boundary. The proposed development is therefore considered to fall within the exception of development 'limited infilling' as identified within paragraph 89 of the NPPF and policies CS5 and CS34 of the Core Strategy.

The principle of the proposed development is therefore considered acceptable subject to criteria relating to design, residential amenity, highway safety and parking provision, and other environmental considerations.

5.3 Design

The design of the car barn has not changed since the previously approved annexe, with the exception of a small rear courtyard area being marked on the plans for the proposed dwelling. As with the previous application, the design is considered to be in keeping with the character of the locality and appropriate materials have been selected. The development is suitable for the scale of the site and the density of the surrounding area and it is in accordance with policy CS1 of the Core Strategy (Adopted) December 2013.

5.4 Residential Amenity

As the scale and design of the development has not changed, nor have the issues relating to residential amenity. Objections have been received from residents at no. 7 London Road, raising concerns regarding the rear dormer window serving a bedroom which faces into their garden to the north. As with the previous permission approved for the annex (PK14/1926/F), this dormer window required careful consideration. Whilst the rear dormer will cause some overlooking, the neighbouring garden in question is of a long and linear nature, and therefore the only area of garden compromised is the central section. The neighbour has stated that the dormer will provide direct views right up to their patio and through the doors into their sitting room however on assessment this is very unlikely, as the rear elevation of the car barn and dormer window are both slightly angled away from the rear of no.7, and there is over 14 metres between the two windows. It is therefore considered that a large area of the garden including the patio area will remain private and that the loss of privacy to the rest of the garden is not severe enough to form a refusal reason. Comments were also received regarding overshadowing into the garden, however this will only affect a small portion of the garden at certain times of day.

5.5 Concerns have been raised regarding the proposed amenity space for the new dwelling in the form of a courtyard. At only a metre and a half deep at the largest point and with the only access round the front of the car barn and through the bin store, this is not considered to be acceptable and so the proposal is to be assessed as if it has no amenity space. Whilst it may be inappropriate for a two bedroom house to have no private garden, it is likely that the development will be bought or let as a 'flat' due to its unique position above the car barn. It is fairly common for a flat to not have access to a private garden, and in this village location, it is considered that the occupants of the dwelling will have adequate access to open space nearby. Therefore the proposal is, on balance, considered to be in accordance with policy H4 of the Local Plan (Adopted) January 2006.

5.6 Transport

Being at first floor level, the development does not affect existing parking provision, however the addition of a two bedroom dwelling means that an additional parking space is required within the site. Whilst the existing floor plan shows that host dwelling no. 4 Kingsfield Close has three parking spaces (one

more than is required for a three-bedroom property) only one of these spaces remains for use by no. 4 in the proposed plan. This is because one of the allocated spaces to the side of the car barn is for the proposed new dwelling, and one of the spaces is actually conditioned to be parking available for no. 3 Kingsfield Close under application reference no. PK08/1504/F. Therefore, whilst adequate parking for one vehicle has been provided for the proposed dwelling, an additional space is required for no. 4. Officers considered that adequate space is available within the site boundary for an additional space, and so the additional parking space will be sought by means of a condition on the decision notice.

5.7 The Council's Transport officer has been consulted, who stated that a condition should be issued on the decision notice to ensure that secure and covered parking for one cycle will be provided prior to the occupation of the development. This is to promote sustainable transport choices and to accord with saved policy T7 of the Local Plan. Subject to these conditions, the concerns submitted from a local resident regarding parking have been addressed, and there is no transportation objection to the proposal.

5.8 Other Matters

An objection letter received stated that it is misleading to describe the proposal as alterations to the roof, as the car barn is to be raised up a full storey. The increase in height is less than 2 metres, which could be considered as an additional storey so the comment is noted, and the application has been determined with this in mind.

5.9 The same objection letter also feared trespassing into their garden would be necessary to construct the proposed staircase which provides access to the new dwelling. Land ownership and trespassing is a civil issue and an informative will be added to the decision notice to remind the applicant that they cannot carry out works on land not under their ownership without the owner's consent.

5.10 Planning Obligations

The original application from the same applicant for five dwellings (PK08/0629/F), with the fifth dwelling above the car barn, would have been subject to affordable housing contributions back in 2008 had it not been withdrawn prior to determination. The applicant then submitted a resubmission which had four dwellings (PK08/1504/F) which was approved, and so this application to bring back the fifth dwelling at the same location could be seen as an attempt to artificially sub-divide the plot to avoid planning obligations. Notwithstanding this, amendments to the NPPG in November 2014 state that developments of 5 units or less within designated rural areas are not required to make contributions and so the development no longer meets the threshold.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

2. The development shall not be occupied until one covered and secure cycle parking space is provided in accordance with drawing no. 1544-07 Revision P2 and retained as such thereafter.

Reason

To promote sustainable transport choices and to accord with Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development detailed plans showing the provision of one 4.8 metre by 2.4 metre parking space within the red or blue line, in addition to those indicated on the 'Existing Floor Plan', shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

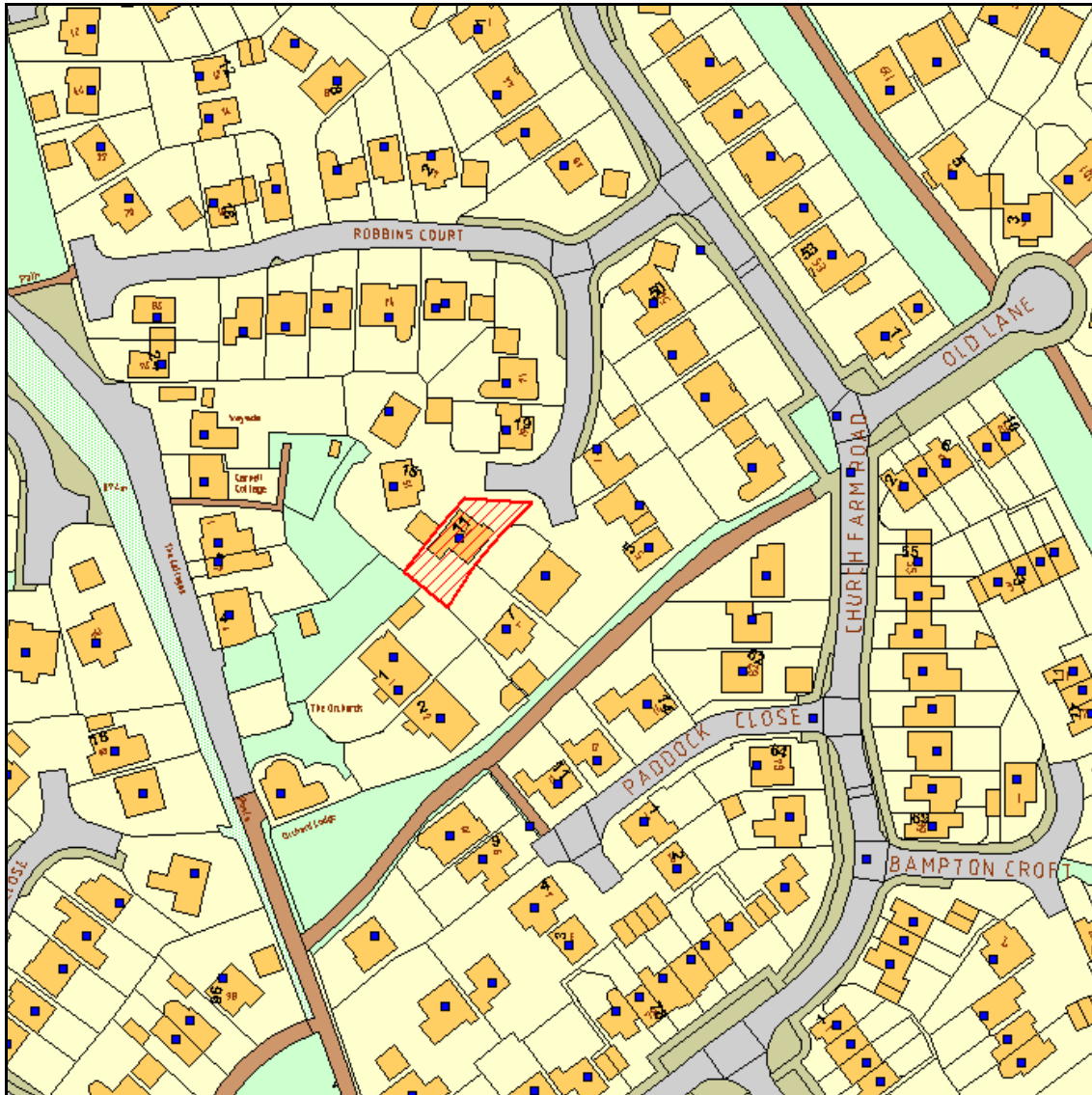
Reason

To ensure adequate off- street parking is provided in accordance with South Gloucestershire Residential Parking Standards SPD and in the interests of highway safety to accord with policy CS8 of the Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 06/15 – 6 FEBRUARY 2015

App No.: PK14/5031/F
Site: 11 Robbins Court Emersons Green
 South Gloucestershire BS16 7BG
Proposal: Demolition of existing rear
 conservatory, construction of new
 single and double storey rear extension
 and loft conversion
Map Ref: 366969 176739
Application Category: Householder

Applicant: Mr Chris Knight
Date Reg: 31st December
 2014
Parish: Mangotsfield Rural
 Parish Council
Ward: Emersons Green
Target Date: 18th February
 2015



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 100023410, 2014. **N.T.S.** **PK14/5031/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is to appear on circulated schedule due to the receipt of 3no. objections from local residents, contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the demolition of an existing rear conservatory and construction of new single and double rear extension.
- 1.2 The application site relates to a large detached modern dwelling situated at the end of a cul de sac, in Emersons Green. The site is situated within an established residential area within the urban area in the East fringe of Bristol.
- 1.3 The description of the proposal has been amended removing the loft conversion. The loft conversion does not require planning permission, therefore it is not considered as part of this application.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance 2014
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Development within Existing Residential Curtilages, Including
Extensions and New Dwellings
T12 Transportation Development Control Policy
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007
South Gloucestershire Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK00/1668/PDR Erection of rear conservatory. No objection
Approved 11.07.00
- 3.2 P96/4386 Erection of 76no. dwellings and associated
works (reserved matters).
Approved 06.11.96
Permitted development rights removed.

4. CONSULTATION RESPONSES

4.1 Mangotsfield Rural Parish Council

Objection: The committee believe that this new size will be out of proportion with other houses nearby and is considered an overdevelopment of the site. The Committee also believe that the construction of the extension will leave inadequate amenity space for the dwelling.

4.2 Highway Drainage

No comment.

4.3 Sustainable Transportation

No objections.

Other Representations

4.4 Local Residents

Three objections have been received from local residents:

- Proposed extension will be disproportionate, oppressive and overbearing;
- Building for Life document section 12, footprint of rear garden should be at least equal to the footprint of the dwelling;
- Will reduce amount of natural daylight;
- Gardens have problems with lack of drainage already;
- Original building at maximised scale and size;
- South-east blank elevation will be extended impacting on visual amenity;
- Applicant an employee of the Council;
- PK05/0915/F for No. 15 refused by virtue of scale, design, mass and form would create an incongruous dominant feature to the principle building. the proposal appears to fit that description;
- Size of garden reduced as a result;
- Development too large and will affect outlook of No. 15;
- Windows on first floor will reduce No. 15 garden privacy;
- Driveway too small to accommodate 3no. cars impacting on on-street parking in the cul de sac;
- Construction traffic will be a problem for neighbours.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Saved policy H4 of the adopted 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. Policy CS1 of the adopted Core Strategy states development will only be permitted where the highest possible standards of design and site planning are achieved. Development proposals will be required to demonstrate that siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.

5.2 Design and Visual Amenity

The proposed development would involve the demolition of the existing conservatory on the rear elevation and its replacement with part single and double storey rear extension. The two storey proposal would measure approximately 3.8m deep by 6.7m wide, with an eaves height of 4.7m and maximum ridge height of 7.1m. The single storey extension would measure 3.8m deep by 1.9m wide, with an eaves height of 2.3m and maximum roof height of 2.5m. The proposal will provide an enlarged kitchen with a family/dining room on the ground floor, the two rear bedrooms and family bathroom to be enlarged on the first floor. The extension would be single storey on the south east side, neighbouring No's 7 and 9, extending to double storey on the south west elevation. The extension would have a hipped roof, with a ridge height lower than that of the host dwelling and will be finished in materials to match. Rooflights are proposed in the single storey rear extension and front and rear elevations of the host dwelling to serve a proposed loft conversion (this does not form part of this application).

- 5.3 Prior to this application, the applicant submitted a pre-application enquiry and was given feedback on a proposed full width two storey rear extension. The Officer advised identified a concern with the potential impact on the amenity of No.7 and 9 by means of its mass. The recommendation was that the double storey extension should not extend the full width of the rear of the existing dwelling and be inset from the south-eastern boundary to reduce the impact on the neighbouring properties. In addition, it was also advised that the proposed first floor windows located in the side elevations would not be acceptable as they would be detrimental to the mutual privacy of the host dwelling and adjacent properties. This proposal has taken into account the advise contained within the pre-application enquiry.
- 5.4 A local resident has commented that a similar application (PK05/0915/F) was refused for a two storey side extension at No.15 by virtue of its scale, design, mass and form creating an incongruous dominant feature to the principle building. This proposal relates to a two storey rear extension that would not be visible within the street scene and has been reduced in scale, in response to initial feedback from a pre-application enquiry. It is considered that the two schemes are significantly different. Householders have the right to extend and improve their property and it is not unreasonable that over the course of time, extensions are added and removed to suit the needs of the occupier. The proposed scale of the extension is considered acceptable.
- 5.5 It is considered that overall the proposal would be of a design, scale and massing appropriate to the existing dwelling and the character of the area in general. The proposal has been amended in line with the pre-application enquiry response and takes account of the impact of neighbouring occupiers. Whilst the proposed extensions are large, they are considered to be proportionate to the host dwelling and in keeping with its character. Overall, the proposal is considered an acceptable design standard that accords with policy CS1 of the adopted Core Strategy.

5.6 Residential Amenity

The application site is located within an established residential area, consisting of mainly large detached dwellings. The application site is surrounded by neighbouring properties to the east and south (No's 9 and 7 Robbins Court and 1 The Orchards), with one neighbouring property to the north-west (No. 15). No windows are proposed in the first floor side elevations, only two additional high level windows in the ground floor west elevation adjacent to No.15's garage. The majority of new window openings would be on the rear elevation, with rooflights inserted in the roof space to serve the proposed loft conversion, which does not form part of the proposal under consideration. The nearest neighbouring occupiers to the south east (No. 7) would be approximately 12m away and similarly, to the south (No.1) 16m away. It is not considered that No. 15s garden would be affected by overlooking as there are no proposed side elevation windows.

5.7 The inset double storey extension is considered to reduce the impact on No's 7 and 9 in terms of any overbearing impact. The proposed extension would be located on the south west elevation with the nearest neighbouring properties to the south and east, at a sufficient distance away not to be negatively impacted in terms of access to daylight. Whilst there would be two additional rooflights on the rear elevation and the middle first floor window would be slightly enlarged, it is not considered that the proposal would have a significantly detrimental impact in terms of overlooking, reduction in mutual privacy and reduction of daylight to the neighbouring occupiers.

5.8 The proposal would result in the loss of a large amount of private amenity space within a site that already has a modest garden to serve a family home; it is considered that the footprint loss would be the same if the extension was single storey or double storey. It is acknowledged that the proposed garden space will be reduced, but it is considered adequate to serve the dwelling and ensure the current and future occupiers of the dwelling meet an acceptable degree of living standards. Overall, the proposal is considered to accord with saved policy H4 of the adopted Local Plan.

5.9 Parking and Highway Safety

The application proposes the erection of a rear extension enlarging two existing bedrooms on the first floor. The total number of bedrooms will not increase as part of the proposal, however the applicant has indicated on the plans that the loft is proposed to be converted into a fifth bedroom. The Council's Residential Parking Standards SPD requires the provision of 2no. off street parking spaces for a 4no. bedroom house and 3no. for a 5no. bedroom house. However the loft conversion does not form part of the application in the sense that planning permission is not required. On balance, it would be unreasonable to refuse the application on lack of compliance with the Council's Residential Parking Standards SPD. It is considered that the existing parking facilities will not be materially affected by the proposal and as 2no. off street parking spaces are already provided for the 4no. bedroom house, there is considered to be no transportation objection.

5.10 Other Matters

A number of other issues have been raised by local residents, which I shall address in turn:

- 5.11 The existing gardens already have a drainage problem and there is concern that the extension will add to this problem by reducing the amount of sunlight to the gardens. The Council's Drainage team have been consulted and the proposal is not considered to affect or create a drainage problem in this area. The proposed rear extensions are not considered to detrimentally impact on the amount of sunlight that reaches the surrounding neighbouring gardens due to the orientation of the host dwelling and neighbouring gardens.
- 5.12 The presence of some construction traffic during the period of building the extension will likely occur, however the property is located on a modern estate and the existing access is not an issue. Local residents are concerned about further on-street parking, but there is unlikely to be significantly disturbance in respect of the construction of a domestic extension.
- 5.13 The applicant is an employee of the Council. As there have already been objections to the proposal the application is appearing on circulated schedule, in line with the Council's scheme of delegation. The scheme of delegation only requires employees directly involved to the planning functions of the Council to have their applications brought to committee. This is not the case here and the policies have been applied to the planning merits of the proposal.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

- 7.1 That planning permission is **approved**, subject to the attached condition.

Contact Officer: Katie Warrington
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

CIRCULATED SCHEDULE NO. 06/15 – 6 FEBRUARY 2015

App No.:	PT14/2841/F	Applicant:	C/o Hoddell Assoc
Site:	Former Tortworth Visitors Centre Land Adjacent B4509 Tortworth South Gloucestershire GL12 8HQ	Date Reg:	30th September 2014
Proposal:	Change of use from Visitors Centre (sui generis) to Used Car Sales (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Retention of portacabin sales office. (Retrospective).	Parish:	Tortworth Parish Council
Map Ref:	369765 192960	Ward:	Charfield
Application Category:	Minor	Target Date:	20th November 2014



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 100023410, 2014. **N.T.S.** **PT14/2841/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks retrospective permission to change the use of a car park associated with the former Tortworth Visitors Centre (Sui Generis) to used car sales, which is a Sui Generis use as defined in the Town and Country Planning (Use Classes) Order 1987 (As Amended). The application also seeks permission to retail the porta-cabin sales office.
- 1.2 The application site consists of gravelled hardstanding area situated on the south western side of the former Tortworth Visitors Centre falling within the walled area. The Visitor Centre site, which currently lies vacant, encompasses a number of buildings that had previously been associated with Leyhill Prison before being sold on. Access to it is as existing from the B4059.
- 1.3 The application site falls within the Grade II* curtilage of Tortworth Court and is on land designated as a registered historic park and garden. It is situated within the open countryside beyond the established settlement boundaries.
- 1.4 The application is one of a number of applications submitted on the former Visitor Centre site and forms part of its future proposed redevelopment for predominantly employment use. The full planning history can be found within the body of this report.
- 1.5 The application was subject to a screening opinion (PT14/034/SCR) for the redevelopment of the whole of the former Visitors Centre site within which it was established that an Environmental Impact Assessment would not be required.
- 1.6 During the course of the application additional plans have been submitted to identify the areas for the car sales and the area for the visitors parking.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
CS34 Rural Areas

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

- L1 Landscape Protection and Enhancement
- L9 Protected Species
- L10 Historic Parks and Gardens and Battlefields
- L12 Listed Buildings
- T8 Parking Standards
- T12 Transportation Development Control Policy
- E6 Employment Development in the Countryside

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

3. RELEVANT PLANNING HISTORY

- 3.1 The following planning history relates directly to the subject building:
- 3.2 P97/2208 - Operation of a retail enterprise, cafe, museum and rare breeds centre. Construction of vehicular access.
No objection 14th January 1998.
- 3.3 The following applications relate to the proposed redevelopment of the former Visitor Centre site:
- 3.4 PT14/034/SCR - Redevelopment of site to include 9no. new dwellings (including stable conversion). Change of use of greenhouses and former non-residential institution to Class B1a, B1b, B1c and B8 use. Change of use of former visitors centre to used car sales.
EIA Not Required 25th September 2014
- 3.5 PT14/2843/F - Change of use of former arts centre building to microbrewery (Use Class B2 as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)).
Approved 30th January 2015
- 3.6 PT14/2842/F - Change of use from Storage and Distribution (Class B8) to Mixed Use Research and Development (Class B1b), Light Industrial (Class B1c), and Storage or Distribution (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Pending Consideration
- 3.7 PT14/2852/F - Change of use of Shop (Class A1) to mixed use Shop (Class A1) and Cafe (Class A3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Pending Consideration.
- 3.8 PT14/2840/F - Conversion of greenhouse to form industrial unit to facilitate change of use of Greenhouse (Class A1) to Office (Class B1a), Research and Development (Class B1b), Light Industrial (Class B1C) and Storage or Distribution (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Withdrawn 31st October 2014

- 3.9 PT14/2839/O - Erection of 4no. buildings (Outline) for Class B1 and B8 use with all matters reserved.
Withdrawn 31st October 2014
- 3.10 PT14/2836/F - Erection of 4 no. terraced dwellings and 3 no. garages with associated works.
Withdrawn 3rd November 2014
- 3.11 PT14/2835/F - Erection of 2no. end terraced dwellings to existing semi-detached dwellings to form a terrace of 4no. dwellings with 2.no attached garages and associated works.
Withdrawn 3rd November 2011
- 3.12 PT14/2837/F and PT14/2838/LB - Conversion of former stables to form 3no. residential units with car parking and associated works.
Approved 30th January 2015
- 3.13 PT14/3167/ADV - Display of 2no. non-illuminated post mounted signs and 1no. non-illuminated hanging sign. (Retrospective).
Refused 24th October 2014
- 3.14 PT14/3692/F - Erection of attached garage to Gardens House (retrospective).
Approved 19th November 2014
- 3.15 PT13/4494/TRE - Works to remove 1no. Cedar tree, 1no. Silver Birch tree. 1no. Ash tree and 1no. Beech tree covered by Tree Preservation Order SGTPO 7/10 dated 7 February 2011.
Approved 21st January 2014

4. CONSULTATION RESPONSES

4.1 Tortworth Parish Council

Following consideration of the proposals the Parish have made a number of generic observations regarding the overall scheme together with comments on each application. In conclusion the Parish generally accepts the proposed multi-user site with a balance of commercial and residential uses but subject to comments as below.

Generic Issues

The main issues that the parish have identified are:

- The various reports that accompany the applications are written on the applicant's instructions. Some of the detail regarding the past uses of the site is overstated. We would question particularly details of vehicle movements.
- Given the Listed Building status of the site the proposed developments need to be sympathetic to that status.
- Highway issues are the major concern to parishioners. The B4509 is the busiest B road in the area and is the equivalent to a trunk road as the main artery from the Cotswolds to the M5 into Bristol and beyond. The road gets

more and more traffic use and certainly considerably more than when the site was in use previously as a Visitor Centre.

- Greater traffic use with widespread proposals for new housing in Charfield, Kingswood and beyond in the Cotswolds. This together with commercial development on Bristol's northern fringes, more local development at Renishaw in Wotton Under Edge, in Yate and at Oldbury Power Station can only mean additional pressure on this road.
- The B4509 does have an accident history and parishioners wish to ensure that any development does not cause further accidents and injury.
- If the whole scheme is implemented parishioners feel that there would be a large number of traffic movements in and out of the site. Parishioners are concerned whether or not the existing access can cope with the increased use.
- The possibility of traffic backing from the brow of the top of Tortworth Hill as vehicles try to turn right into the site.
- Visibility entering and exiting the site is not good. Do not see another viable or achievable alternative access.
- Large lorries and vehicles exiting and entering the site.
- The effect on the ongoing issues at the junction at Tortworth School. There is no doubt that this junction struggles to cope at present and this development could give rise to greater issues.
- Ongoing speed issues.
- Further consideration needs to be given to the highways and traffic issues that the development will give rise to on this busy road:
 - o This developments gives an opportunity to once again consider the problems that persist at the Tortworth School junction.
 - o Given the new proposed housing development consideration should be given to a pavement access to Tortworth School from the site.
- Concerns about the vegetation, scrub and small trees abutting the site against the B4509.
- Concern about the additional services required by the scheme:
- Water: is there sufficient pressure for the proposals?
- Broadband speeds are awful to Tortworth. South Gloucestershire is looking at how funding can be found to provide better Broadband to Tortworth. The parish does feel that this is important for this development and the wider parish.
- Drainage - proposals include the provision of drainage to septic tanks or bio-digester. Parishioners are concerned about the detail of the proposals. Are the proposals to make use of existing septic tanks, in which case are they fit for purpose, or install new sewage treatment works? In both cases parishioners are anxious that works are properly done given the importance of ongoing water quality in the Tortworth Brook and The Little Lake. An overall detailed scheme is required for further consideration.
- Lighting - concern about the nature and amount of street and floodlighting on site.
- Possibility of bats roosting on site particularly in the existing stables (PT14/2838/LB and PT14/2837/F).
- Assurance sought that the green area adjacent to the pond on the present entrance drive is retained.
-

Application Specific Comments – PT14/2842/F

- On the basis that the use is not extended beyond the present scale the parish supports this retrospective application.

4.2 English Heritage

We consider that any harm caused by this is largely visual due to the presence of cars on the site. This is mostly contained, however, by the garden wall and therefore the impact on the wider park is minimal. It is also fully reversible. We therefore raise no objection to this use, however we would not wish to see a further intensification of this and would suggest that it would be preferable for the office to relocate into an existing building rather than retain the portacabin.

4.3 Conservation Officer

The office cabin is an entirely incongruous and alien introduction in the walled garden, an area that is included in the grade II* registered park and garden of Tortworth Court. The cabin introduces yet more poor quality clutter to the already harmful modern buildings, excluding the glasshouses, within the walled garden. The application also draws a tighter line around the 'car sales' area than is clearly used at present taking into account the body-work/valet areas noted above. There is no reference to these within the application, nor are they related to any of the other concurrent applications despite forming part of the same enterprise. The risk, therefore, is that these uses will migrate into the entrance area of the walled garden and the overall proposal would have a detrimental impact on the historic character and appearance of the registered parkland and the setting of the curtilage listed walled garden, contrary to Policies L10 and L13 of the adopted Local Plan and Policies CS1 and CS9 of the adopted Core Strategy.

4.4 Archaeology Officer

No comment

4.5 Tree Officer

Please provide a tree report to BS5837:2012 to include an arboricultural method statement, an arboricultural implications assessment and a tree protection plan.

4.6 Drainage Engineer

No drainage issues following additional correspondence.

4.7 Wessex Water

Wessex Water have no public sewers within the vicinity of the site. The applicant has indicated the proposal to dispose of foul sewerage to a septic tank. Please contact Bristol Water regarding Water Supply.

4.8 Environmental Protection

No objection

4.9 Ecology Officer

Following further information regarding the proposals it is considered that a bat activity survey across the site is not required, provided that no additional lighting to that already present is established. Conditions recommended to ensure no external lighting is installed and for a methodology for reptile mitigation to be submitted. Informative recommended r.e. breeding birds.

4.10 Highway Officer

It is acknowledged by the authority that the access is capable of accommodating additional vehicle movements and that the visibility at the entrance is appropriate for the speed of traffic on the adjacent B4509.

However, what is in disagreement between the authority and the applicant is use classes that the existing buildings fall into, and hence what their traffic generation would be.

Objection to cumulative increase of all developments when combined on grounds of increased traffic movements over extant use in an unsustainable location – contrary to policy CS8.

PT14/2842/F – The proposed Car Sales (sui Generis) on 1,592 sq m represents an intensification of vehicle movements over extant use of an overflow car park associated with the old extant uses on the site. This development would be considered to be contrary to policy CS8 of SG Core Strategy.

4.11 Economic Development

South Gloucestershire Council Strategic Economic Development Team supports this application.

4.12 Community Infrastructure Officer

The new communities team have no S106 requirements.

Other Representations

4.13 Local Residents

One letter has been received from the Tortworth Estate Company raising a number of observations in relation to the development of the whole site. The comments are summarised as follows:

- Drainage. Currently there is no mains drainage available to the site. Whilst septic tanks and a bio digester are referred to, will they be adequate to meet the needs of any of the proposed applications ensuring that the adjoining land and watercourses are not affected in any way? More detail be provided.
- Design and Use. - That any agreed use be in keeping with character of the site and its setting and that the materials and standard of build reflect this.
- The estate would also like to comment concerning PT14/2852/F and the Change of use of shop to mixed use shop and café - Since the closure of the former visitor centre, Tortworth Farm Shop has been built, which serves the surrounding community and there is a fast food outlet operating from the

layby in the parish. As there are already existing facilities in the village the estate therefore objects to this application.

- Reference P97/2208 and in particular the retail enterprise and café covered by that permission and the background and conditions attached to this. When the site was in the process of being brought to the market advice was given by the council concerning P97/2208 in ET05/3626 with particular reference to the retail enterprise and café. It stated that “it was of a less intensive use as part of the prison, not as a commercial undertaking where goods would be imported for sale.” This advice was reaffirmed by Gareth John in a meeting with the estate, a council officer at that time, in November 2008. It would therefore appear that the council’s advice then would mean that such uses would not be permitted now.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application seeks permission to change the use of a car park associated with the former Tortworth Visitors Centre (Sui Generis) to used car sales, which is a Sui Generis use as defined in the Town and Country Planning (Use Classes) Order 1987 (As Amended). The application also seeks permission to retain the porta-cabin sales office. The application is one of a number of applications submitted on the site which seeks to redevelop the former visitor centre for predominantly employment purposes.

5.2 The principle of the proposed development stands to be assessed against policies CS5, CS8, CS9 and CS34 of the Core Strategy (Adopted 2013), saved policies E6, L10 and L12 of the SGLP (Adopted 2006), and the provisions of the NPPF.

5.3 The NPPF has a presumption in favour of sustainable development within which there are three dimensions: an economic role, a social role and an environmental role. These roles should not be taken in isolation because they are mutually dependent. The NPPF 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 plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.

5.4 Policies CS5 and CS34 of the Core Strategy state that in rural areas communities will be empowered to shape their own future. Policy CS5 states that in the open countryside new development will be strictly limited with small scale development allowed within the settlement boundaries. Policy CS8 of the Core Strategy states that in the interests of sustainable development new development which generates a significant demand for travel will be more favourably considered the nearer they are to existing and proposed public transport infrastructure. Developments that are car dependent or promote unsustainable travel behaviour will not be supported.

- 5.5 The Council are mindful that the application site is within an unsustainable location being within the open countryside beyond the established settlement boundaries and in a location very poorly served by public transport infrastructure. The application forms part of the wider redevelopment of the Former Visitor Site and as such, whilst the site has been divided into a number of applications, the Council must consider the cumulative impact of the proposed uses when combined. It is the view of the Council that the proposed uses when combined have potential to result in an increased demand for travel and, due to the location of the site, would be almost entirely dependent on the car. The Council are however also mindful that the applications relate to a brownfield site, previously used as a Visitor Centre. In assessing the principle of the proposed development the cumulative use of the site, once developed, should be balanced against the extant use, and the wider benefits of the proposed developments when considered against the presumption in favour of sustainable development and the different roles that this encompasses as outlined within the NPPF.
- 5.6 In addition to the above, the Council are further mindful that the site is situated within a sensitive location within the curtilage of the Grade II* listed Tortworth Court and on land designated as a registered historic park and garden. The Council has a statutory duty to have special regard to the impact of the development on the significance and the preservation of these heritage assets.
- 5.7 Extant Use/ Sustainability
In assessing the cumulative impact of the development proposals the Council has given weight to the extant use of the site as a 'baseline' for considering its future redevelopment. The Council and the applicant are not in agreement on the lawful use of the site with the applicant's legal summary suggesting that the use of the whole site would fall under class A1 (retail) whilst the Council consider the extant use to be a 'Visitor Centre' (Sui Generis) encompassing a number of different functions and uses. The Council and the applicant are in agreement that the whole site is one planning unit. The Council's assessment of the extant use is based on the historic application for the site ref. P97/2208 within which the following facilities are described:
- A café
 - A retail shop for the sale of gift ware, fruit and vegetables
 - A retail area for the sale of garden goods and paintings
 - Museum entitled 'farming through the ages'
 - A centre for the rare breed animals
 - Miscellaneous buildings associated with the items listed above.
- The goods sold are understood to have been predominantly grown or made on site by the prisoners which is consistent with the statutory declarations provided within the applicant's supporting documentation. The above functions and buildings are also identified within the 'existing site layout' plan dated Jan 1996 submitted with application P97/2208. It is noted that some of these functions are also described within the applicant's supporting documentation (legal summary).

- 5.8 The Council are of the view that the previous use of the site as a Visitors Centre, which was associated with Leyhill Prison, was unique and ultimately sustainable in that all the employees on site were 'captive' and hence generated little or no vehicle movement. In assessing the functions and various uses within the Visitor Centre the Council are of the opinion that the traffic generation would be much lower than that predicted by the applicant, whose assessment is based on the extant use of the site falling under use class A1. The Council's opinion is consistent with the Parish Council's view that the applicant's take on the past uses and traffic generation of the site is overstated. Following investigation it is noted that the visitor centre was open for restricted hours from 9am to 4.30pm (contrary to the applicant's transport statement) meaning that the development generated minimal traffic during the network peak hours. In summary, therefore, the Council and the applicant are not in agreement on the 'baseline' to which the redevelopment of the site is compared against. Given the unique nature of the extant use and its sui generis use the Council do not have an exact indication of the increased traffic movements and as such have made an informed assessment based on the various types of functions contained within the Visitor Centre.
- 5.9 In assessing the cumulative impact of the proposed development as a whole against the extant use the Council are of the opinion that the combined proposed uses of the redevelopment would result in a greater traffic generation than the extant use. The development as a whole would be almost entirely dependent on the car and would therefore promote unsustainable travel behaviour contrary to the aims of policy CS8. It is however noted that section 4 of the NPPF, although advising that Local Plans should ensure that development which generates a significant need to travel is located where use of public transport can be maximised, it does also highlight the need to take account of policies set out elsewhere in the Framework, particularly in rural areas.
- 5.10 The proposed use would cover a relatively large ground area with a sui generis use consisting of car sales. There are no specific local or national policies which relate to the proposed use however Officers are mindful that it would likely, by its very nature, require a demand for private car use from visitors. Although it would employ members of staff it would not be a significant employment generator. The car sales use does also contain a retail function in that the purpose of it is to sell goods. It is noted that although the proposed use does not fall within an employment use (B1, B2, B8) defined by saved policy E6 of the SGLP (Adopted 2006), it would meet the Government's aim of supporting all types of business and enterprise in rural areas as outlined within the NPPF. In this instance it is considered that the key consideration is the sustainability of the site location.
- 5.11 The Transport Officer has assessed all of the applications on the former Visitors Centre site and considers that the proposed car sales use would result in intensification over the extant use of the site as a car park. This is unsurprising given that the car park would not have generated traffic in itself and was instead ancillary to the function of the Visitors Centre as a whole. The Transport Officer considers that cumulatively the developments would promote unsustainable travel behaviour contrary to policy CS8.

Following the withdrawal of applications PT14/2839/O and PT14/2840/F and the change of descriptions on applications PT14/2843/F and PT14/2842/F it is considered that the car sales use has the potential to generate the most traffic out of all the outstanding uses proposed although not as such a level that the environmental impact would be significant. It is however also noted that the amount of development on the site has decreased significantly since the redevelopment proposals were first submitted and as such, when considering the development cumulatively, the decrease in development in other applications would compensate for the intensification from the car sales use.

- 5.12 In reaching an overall balance weight is afforded to the brownfield nature of the site and the Council accept that the site would have generated traffic albeit not at the scale suggested by the applicant. Within the other outstanding applications and application PT14/2843/F (approved) the economic benefits of the proposed uses has been afforded weight as has their contribution towards the growth and expansion of rural business and enterprise, which is supported by the NPPF. In reaching an overall balance, Officers are of the view that although the unsustainable nature of the site weighs against the development proposals, when considering the brownfield nature of the site and the substantial reduction in the amount of development proposed, it is considered that the balance weighs in favour of the development proposals under these circumstances as it would contribute to the promotion of a strong rural economy. The applicant should however be advised that any future development or re-submission of the withdrawn applications will require a further re-assessment of the above if and when it is forthcoming.
- 5.13 Within the Highway Officer's comments a Grampian condition has been suggested for the provision of a footpath from the site to the nearest bus stop. The reasoning behind this is that this would improve the public transport accessibility to the site in the interests of reducing the reliance on private motor vehicles. This suggestion has been assessed against paragraph 206 of the NPPF and in this instance it is considered that a Grampian condition would not be reasonable. The Council accepts that Visitors Centre is an extant use and was not served by any direct public transport links or footpaths. The Visitors Centre could also, in theory, reopen and would continue to function without the suggested footpath.
- 5.14 In terms of the use proposed it is accepted that car sales are more likely to attract visitors who travel by car and this has been considered in the assessment above. It is therefore considered that the provision of a footpath is an unreasonable expectation for a use which is considered unlikely to attract public transport users. It is also unclear if a footpath is deliverable in this location and as such a Grampian condition could be found to be unreasonable in this respect. The developments have also been considered cumulatively and it is maintained that a Grampian condition would not be reasonable on this scale however this would need to be reassessed when considering any future development as previously proposed.

5.15 Heritage/ Design

The application site is within a sensitive location within the curtilage of the Grade II* listed Tortworth Court and on land designated as a registered historic park and garden. The application seeks retrospective approval and it was noted from the site visit that the car sales area occupies a prominent position at the entrance into the curtilage listed walled garden with an access road dividing the tarmac parking area to the east of the entrance and a gravel area to the west. The cars displayed for sale occupy the gravelled area to the west within which a porta-cabin type office has been deposited on the far western edge approximately 5m off the line of the brick curtilage listed wall of the walled garden. From the site visit, it is clear that other unauthorised uses on the site appear to be related to the car sales contrary to the planning statement, including re-spray/valeting area in the covered café space for which the applications do not seek to regularise.

5.16 In terms of the portacabin building it is considered that this part of the development proposal introduces an entirely incongruous and alien addition into the walled garden, an area that is included in the grade II* registered park and garden of Tortworth Court. It is therefore an area of high heritage significance for which the Council must have special regard. It is considered that the cabin introduces yet more poor quality clutter to the already harmful modern buildings on the estate (excluding the glasshouses) within the walled garden. It is therefore considered that this part of the development proposal is unacceptable and should be refused.

5.17 In terms of the car sales display area the Agent advises that the sales would be retained to the western gravelled area of land and this has been demonstrated by a plan hatching this area. It is accepted that this land is already laid to hardstanding with gravel and formed part of the overflow car park for the Visitors Centre when it was in use. Any harm caused by the car sales use would be largely visual as a result of the cars on the site, but it is noted that the use does require some intensification including toilet facilities for staff and a sales office.

5.18 It is considered that the display of the cars alone on the gravel area hatched red is mostly contained by the garden wall and the impact on the wider park is therefore minimal. The displayed cars would also retain the status quo in that the visual harm from parked cars would be the same as the use of the land as a Visitors Centre car park. The display of cars alone, therefore, is not considered harmful provided it does not expand beyond the gravelled area.

5.19 The key consideration therefore is the intensification that would result from the car sales use including associated activities and ancillary functions (e.g. a sales office and on site facilities). The assessment above already establishes that the existing porta-cabin use is not acceptable. It is considered that without such a function/ intensification, the issue of a split decision allowing the car sales display area but refusing the sales office without any alternative facilities would not be reasonable.

- 5.20 In response to the above the Agent has advised that the applicant would, if required, move the sales office function and facilities into one of the existing buildings on site and has identified the option of the small existing 'workshop' building which is situated directly adjacent to the former arts centre and formed part of application PT14/2843/F, which has been approved as a microbrewery (Use Class B2). It is advised by the Agent that the sales office part of the car sales would only require a floorspace of 20 sq metres, which is a third of the workshop building and is approximately 2% of the total floorspace which has been granted approval as a microbrewery. It is argued that the car sales office function is so small that it would not result in a material change of use of this building and would be 'de minimis' therefore not requiring planning permission. The Agent also argues that staff could utilise the facilities within the café/ shop which is under determination in application ref. PT14/2852/F.
- 5.21 In view of the above Officers accept that there are other buildings on the site, which are subject to changes of use, albeit with the microbrewery application being the only one with approval, and that there would therefore be facilities such as toilets and areas of shelter for staff working at the car sales which are at a very small 'de minimis' scale. It is also accepted that the car sales use does predominately consist of displayed vehicles with only a very small ancillary sales office function. Based on the above Officers are satisfied that it would not be unreasonable to issue a split decision refusing the harmful porta-cabin building whilst allowing the car sales display area which is not considered harmful. A decision is therefore recommended to this effect subject to the condition that the car sales display area does not expand beyond the area hatched red.
- 5.22 In terms of the Conservation Officers comments relating to other unauthorised activities on the site, including car valeting adjacent to the café building, it is noted that there are no applications to regularise these areas and as such these matters are deferred to the Council's Planning Enforcement Team.
- 5.23 Comments have been made by English Heritage and the Parish Council in relation to the state of the listed wall and the vegetation which surrounds the former visitor centre area and for which this buildings enclosed by. These comments are noted however it is considered that as the wall would not be affected by this change of use in any way it would not be reasonable to request any improvements to this is as a result of this development. It is recommended that the applicant is advised of the need to repair this wall by an informative.
- 5.24 Residential Amenity
The site is within a reasonably close proximity to an existing residential dwelling 'The Gardens House', which is situated to the north of the building. The stables which are to the southeast of the building were also subject to applications PT14/2837/F and PT14/2838/LB which seek to convert the building into three residential units and have recently been approved.

- 5.25 The proposed development has been considered by the Environmental Health Officer who has raised no objection in principle to the proposed use. It is considered that the car sales use is unlikely to cause an unacceptable level of noise or disturbance to the nearby occupiers and as such conditions restrict working hours are not considered necessary.
- 5.26 There are considered to be no issues in terms of loss of light, overbearing impact or loss of light, and the application raises no issues in terms of privacy.
- 5.27 Highway Safety
In terms of the impact of the development on highway safety it is noted that concern has been raised by the Parish Council in relation to proposed intensification of the use of the existing access point from the B4059 and the visibility available at the junction. In this regard it is noted that the applications are supported by a combined Transport Statement which has been assessed by the Council's Transport Officer. The Transport Officer has confirmed that the visibility at the junction is 102m to the left and 89m to the right. Given the speed of vehicles on the B4509 the existing visibility at the junction is in excess of that required, and as such is considered acceptable in highway safety terms.
- 5.28 The issue of traffic generation in sustainability terms has already been considered in detail and on balance has been considered acceptable. Whilst the Highway Officer had raised an objection to the cumulative impact of the development on sustainability grounds the Officer has raised no objection on highway safety grounds confirming that the access is capable of accommodating the traffic that would be generated by the proposed development when considered cumulatively. The development would be served by a separate access road and parking and turning area on the hardstanding area to the west which is considered adequate for the proposed use. There are therefore no grounds for objection in highway safety terms.
- 5.29 Drainage
In terms of drainage the Agent confirms that the buildings on the site are connected to a pumping station located on the property and this then drains through an existing foul main which connects into the existing foul sewer from the prison and eventually into the sewage treatment works to the west. The building also has existing surface water drainage that runs to soakaways.
- 5.30 The Agent advises that the uses sought are intended to create foul flows of the same order as for the former uses and that no material increase should arise. The Agent confirms that the existing system appears to be in good order and properly maintained. The proposals seek to maintain the "status quo" in using the existing drainage system. On receiving this clarification the Drainage Officer has confirmed that they are in agreement with the Agent's record in this regard and as such does not have any drainage issues to raise. The development is no longer required to provide details of the drainage prior to the commencement of development given that there would be no material increase in water run off or disposal arising from the proposal over the extant use.

5.31 Trees

No arboricultural information has been received in support of the application. The Tree Officer had requested details of this. Notwithstanding this, it is noted that there are no trees within close proximity to the application site that may be prejudiced by the development proposal and given that the application does not propose any engineering operations it is not considered that the development would give rise to any unacceptable impacts on the health of visual amenity of trees. As such an arboricultural impact assessment will not be necessary for the proposed development.

5.32 Ecology

The former Tortworth Visitors Centre is currently lying vacant largely consisting of disused greenhouses and polytunnels, a number of other buildings (including the application building), hardstanding and ruderal vegetation. There are two fields of improved (botanically poor) grassland to the north west and south east of the site. The site itself is not subject to any nature conservation designations, but it is surrounded by the parkland, broad-leaved woodland and hedgerow of the ecologically rich Tortworth Estate.

5.33 The applications are supported by an ecological report (Wessex Ecological Consultancy, dated July 2014). The Ecology Officer outlines the most material findings as follows:

- Great crested newt (gcn) in a site pond within 500m of the proposals – fully protected under the Conservation Regulations 2012. One gcn was recorded in this pond and this, coupled with the generally inhospitable habitat on the site, the existence of a stone wall separating the pond from the site, and highly suitable foraging and hibernation habitat around the pond, means that there is a negligible risk of this species being impacted by the development. Therefore no gcn mitigation is proposed. Gcns are protected under the Conservation Regulations 2010 and the Wildlife and Countryside Act 1981.
- The report states that the site has low bat potential, but I consider, given the importance for bats of the woodland to the south-west and north-east of the site, the site is likely to have potential to be used as a bat commuting corridor, disturbance or destruction of which may impact on local bat populations. This species tends to follow consistent routes. Bats are given full protection under the Conservation Regulations 2010 and the Wildlife and Countryside Act 1981.
- Potential (low) for bats in a stable block;
- Potential for reptiles - protected under the Wildlife and Countryside Act 1981;
- Nesting birds – nesting birds are protected under the Wildlife and Countryside Act 1981.

5.34 In terms of the ecological issues identified above it is noted that the only matter which raises significant concern is the impact of the development on the local bat populations. The Ecology Officer had originally requested a bat activity survey is required to establish bat use of the site. This would be carried out during the months of May to September, and would be conducted twice per

month, due to the proximity of known lesser horseshoe maternity roosts, one lying within 1.5km to the north of the site and one within 900m to the south. Key bat commuting routes if found may impact on site design.

5.35 On reflection of the above request the Officers are mindful that since the withdrawal of the greenhouse redevelopments the proposals consist of conversions only and the change of use of a hardstanding area and as such the site would retain a status quo. No external lighting is proposed as part of the application and the Agent confirms that there is no intention to install any. It is considered that based on the outstanding proposed developments on this application the external lighting would be the only issue that could have a prejudicial impact on the bat commuting corridors. Therefore, it is considered that subject to a condition removing the ability to install any external lighting or floodlighting, the developments would not give rise to an unacceptable impact on the local bat population. A condition is therefore recommended to this effect.

5.36 The ecological report further recommends that if slow worms are found then a mitigation strategy should be drawn up. This would involve translocating slow worms to a nearby area, which could be within either the north-western or south-eastern fields. A commitment to suitable management of the receptor site would be required. It is considered that within the application site the issues that could arise from the development would be in the form of clearing any vegetation/ overgrowth from the hardstanding areas that has built up over the years. It is therefore considered that condition requiring the submission of a mitigation survey to be submitted for approval prior to any external clearance would be necessary and reasonably related to the development proposal.

5.37 Obligations

The development proposals have been considered cumulatively and it is considered that there is no requirement for any off site or on site financial contributions arising from the development proposals.

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 issue a **split decision** 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 proposed retention of the porta-cabin is REFUSED for the reason outlined below and that the car sales display area is APPROVED subject to the conditions as listed below.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

1. The land not hatched red on plan ref APP4A received by the Council on 12th November 2014 shall be used for the purpose of customer and staff parking only and for no other purpose whatsoever.

Reason

In the interests of visual amenity and to preserve the setting of the heritage assets, to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, saved policies L10 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006, and the provisions of the National Planning Policy Framework 2012

2. No external lighting, floodlighting or external illuminations other than safety lighting over exits shall be installed on the site at any time.

Reason

In the interests of protected species and visual amenity and to accord with saved policies L1 and L9 of the South Gloucestershire Local Plan (Adopted) 2006, and policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013

3. Prior to the commencement of any clearance of any vegetation or overgrowth on the external areas surrounding the application building a methodology for reptile mitigation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter development and external clearance of vegetation shall take place in strict accordance with the approved details.

Reason

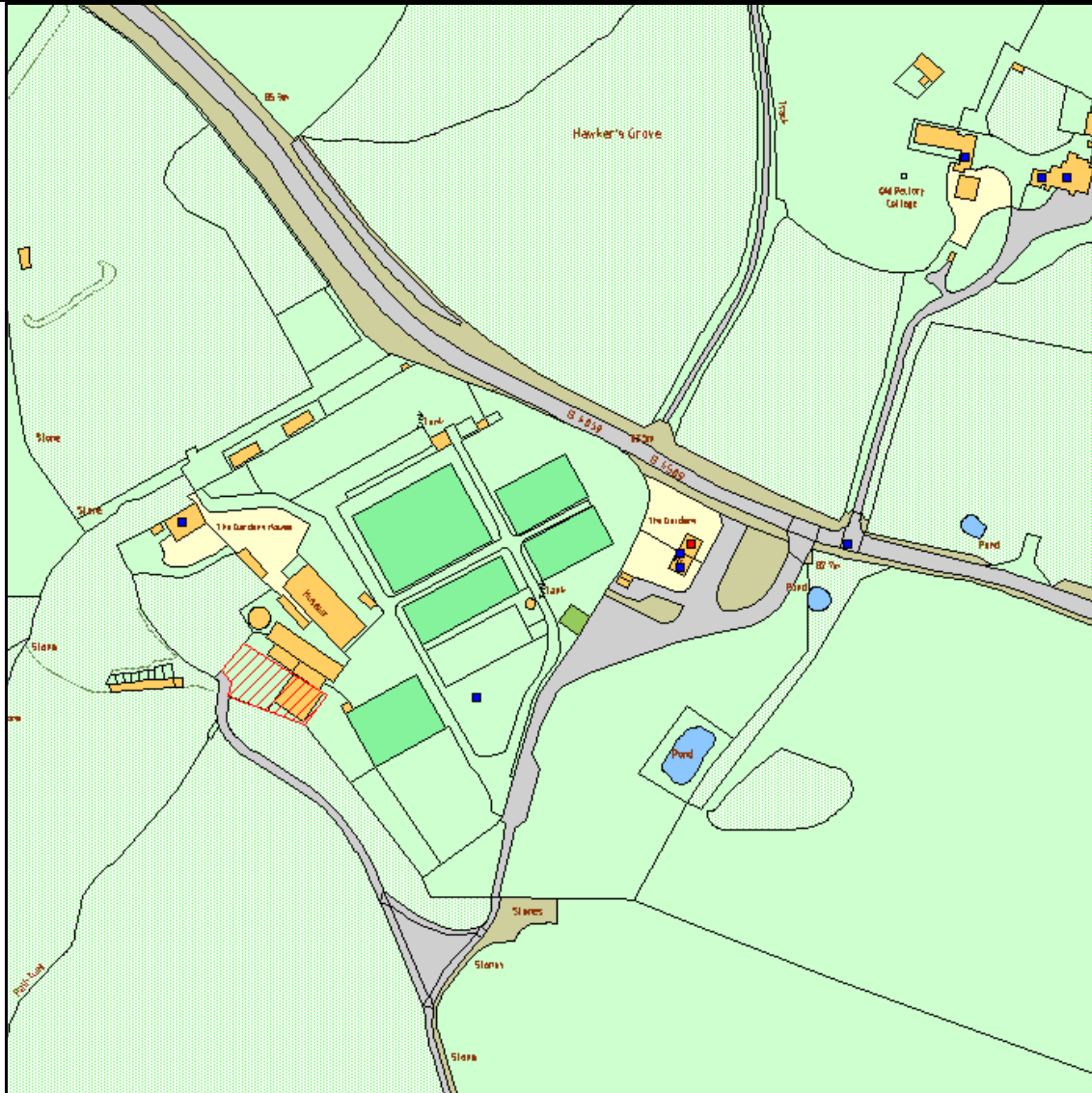
In the interests of protected species to accord with saved policies L9 of the South Gloucestershire Local Plan (Adopted) 2006, and policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013

REFUSAL REASON – RETENTION OF PORTACABIN

1. The portacabin sales office introduces an incongruous and alien addition into the walled garden, an area that is included in the grade II* registered park and garden of the Grade II_ listed Tortworth Court. It is considered that the cabin introduces yet more poor quality clutter to the already harmful modern buildings on the estate which is harmful to the setting of the heritage asstes, contrary to policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, saved policies L10 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006, and the provisions of the National Planning Policy Framework 2012.

CIRCULATED SCHEDULE NO. 06/15 – 6 FEBRUARY 2015

App No.:	PT14/2842/F	Applicant:	Mr Parkhill C/O HODDELL ASSOCIATES
Site:	Former Tortworth Visitors Centre Land Adjacent B4509 Tortworth South Gloucestershire GL12 8HQ	Date Reg:	30th September 2014
Proposal:	Change of use from Storage and Distribution (Class B8) to Research and Development (Class B1b) or, Light Industrial (Class B1c) or, Storage or Distribution (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Tortworth Parish Council
Map Ref:	369765 192960	Ward:	Charfield
Application Category:	Minor	Target Date:	20th November 2014



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 100023410, 2014. N.T.S. PT14/2842/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission to change the use of a former storage building which formed part of the Tortworth Visitor Centre in order to allow the building to be used as a separate planning unit for Class B1b (research and development) or, Class B1c (light industrial) or, Class B8 (storage and distribution) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). The subject building is understood to have been previously referred to as the 'Africa building' and forms application 3 on the application boundaries plan.
- 1.2 The application site consists of an existing light industrial looking building with a floorspace of approximately 257 sq m and hardstanding area. It is situated on the western side of the former Tortworth Visitors Centre. The Visitor Centre site, which currently lies vacant, encompasses a number of buildings that had previously been associated with Leyhill Prison before being sold on. The building has its own access and private road which runs to the south and west of the Visitors Centre site outside of the enclosed walled area. The private road is accessed from the same junction as the surrounding buildings on the B4059.
- 1.3 The application site falls within the Grade II* curtilage of Tortworth Court and is on land designated as a registered historic park and garden. It is situated within the open countryside beyond the established settlement boundaries.
- 1.4 The application is one of a number of applications submitted on the former Visitor Centre site and forms part of its future proposed redevelopment for predominantly employment use. The full planning history can be found within the body of this report.
- 1.5 It should be noted that the description of development refers to the change of use of the building from Class B8 to mixed use Class B1b, B1c and Class B8. However, this is not consistent with the applicant's view that the whole area to be redeveloped has a Class A1 use. Notwithstanding the applicant's view the Council consider the development to consist of a change of use from the Visitors Centre which would have a 'sui generis' use. The Applicant and the Council are not in agreement on the extant use and as such the applicant has not agreed to change the description of development. The Council have however assessed the application as a change from a sui generis use (Visitors Centre). This is discussed in greater detail within the body of the report.
- 1.6 The application was subject to a screening opinion (PT14/034/SCR) for the redevelopment of the whole of the former Visitors Centre site within which it was established that an Environmental Impact Assessment would not be required.

- 1.7 During the course of the application the description of development has been amended in order to remove the proposed B1a (offices) use owing to concerns that the building is not suitable for conversion to this use without operational development.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
CS14 Town Centres and Retail
CS34 Rural Areas

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

L1 Landscape Protection and Enhancement
L9 Protected Species
L10 Historic Parks and Gardens and Battlefields
L12 Listed Buildings
T8 Parking Standards
T12 Transportation Development Control Policy
E6 Employment Development in the Countryside
E7 Conversion and Re-Use of Rural Buildings

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 The following planning history relates directly to the subject building:
- 3.2 P97/2208 - Operation of a retail enterprise, cafe, museum and rare breeds centre. Construction of vehicular access.
No objection 14th January 1998.
- 3.3 The following applications relate to the proposed redevelopment of the former Visitor Centre site:
- 3.4 PT14/034/SCR - Redevelopment of site to include 9no. new dwellings (including stable conversion). Change of use of greenhouses and former non-residential institution to Class B1a, B1b, B1c and B8 use. Change of use of former visitors centre to used car sales.
EIA Not Required 25th September 2014

- 3.5 PT14/2843/F - Change of use of former arts centre building to microbrewery (Use Class B2 as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)).
Approved 30th January 2015
- 3.6 PT14/2841/F - Change of use from Visitors Centre (sui generis) to Used Car Sales (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Retention of portacabin sales office. (Retrospective).
Pending
- 3.7 PT14/2852/F - Change of use of Shop (Class A1) to mixed use Shop (Class A1) and Cafe (Class A3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Pending Consideration.
- 3.8 PT14/2840/F - Conversion of greenhouse to form industrial unit to facilitate change of use of Greenhouse (Class A1) to Office (Class B1a), Research and Development (Class B1b), Light Industrial (Class B1C) and Storage or Distribution (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Withdrawn 31st October 2014
- 3.9 PT14/2839/O - Erection of 4no. buildings (Outline) for Class B1 and B8 use with all matters reserved.
Withdrawn 31st October 2014
- 3.10 PT14/2836/F - Erection of 4 no. terraced dwellings and 3 no. garages with associated works.
Withdrawn 3rd November 2014
- 3.11 PT14/2835/F - Erection of 2no. end terraced dwellings to existing semi-detached dwellings to form a terrace of 4no. dwellings with 2.no attached garages and associated works.
Withdrawn 3rd November 2011
- 3.12 PT14/2837/F and PT14/2838/LB - Conversion of former stables to form 3no. residential units with car parking and associated works.
Approved 30th January 2015
- 3.13 PT14/3167/ADV - Display of 2no. non-illuminated post mounted signs and 1no. non-illuminated hanging sign. (Retrospective).
Refused 24th October 2014
- 3.14 PT14/3692/F - Erection of attached garage to Gardens House (retrospective).
Approved 19th November 2014
- 3.15 PT13/4494/TRE - Works to remove 1no. Cedar tree, 1no. Silver Birch tree. 1no. Ash tree and 1no. Beech tree covered by Tree Preservation Order SGTPO 7/10 dated 7 February 2011.

4. **CONSULTATION RESPONSES**

4.1 Tortworth Parish Council

Following consideration of the proposals the Parish have made a number of generic observations regarding the overall scheme together with comments on each application. In conclusion the Parish generally accepts the proposed multi-user site with a balance of commercial and residential uses but subject to comments as below. It does however object to some of the applications including this application for the café/shop.

Generic Issues

The main issues that the parish have identified are:

- The various reports that accompany the applications are written on the applicant's instructions. Some of the detail regarding the past uses of the site is overstated. We would question particularly details of vehicle movements.
- Given the Listed Building status of the site the proposed developments need to be sympathetic to that status.
- Highway issues are the major concern to parishioners. The B4509 is the busiest B road in the area and is the equivalent to a trunk road as the main artery from the Cotswolds to the M5 into Bristol and beyond. The road gets more and more traffic use and certainly considerably more than when the site was in use previously as a Visitor Centre.
- Greater traffic use with widespread proposals for new housing in Charfield, Kingswood and beyond in the Cotswolds. This together with commercial development on Bristol's northern fringes, more local development at Renishaw in Wotton Under Edge, in Yate and at Oldbury Power Station can only mean additional pressure on this road.
- The B4509 does have an accident history and parishioners wish to ensure that any development does not cause further accidents and injury.
- If the whole scheme is implemented parishioners feel that there would be a large number of traffic movements in and out of the site. Parishioners are concerned whether or not the existing access can cope with the increased use.
- The possibility of traffic backing from the brow of the top of Tortworth Hill as vehicles try to turn right into the site.
- Visibility entering and exiting the site is not good. Do not see another viable or achievable alternative access.
- Large lorries and vehicles exiting and entering the site.
- The effect on the ongoing issues at the junction at Tortworth School. There is no doubt that this junction struggles to cope at present and this development could give rise to greater issues.
- Ongoing speed issues.
- Further consideration needs to be given to the highways and traffic issues that the development will give rise to on this busy road:
 - o This developments gives an opportunity to once again consider the problems that persist at the Tortworth School junction.
 - o Given the new proposed housing development consideration should be given to a pavement access to Tortworth School from the site.

- Concerns about the vegetation, scrub and small trees abutting the site against the B4509.
- Concern about the additional services required by the scheme:
- Water: is there sufficient pressure for the proposals?
- Broadband speeds are awful to Tortworth. South Gloucestershire is looking at how funding can be found to provide better Broadband to Tortworth. The parish does feel that this is important for this development and the wider parish.
- Drainage - proposals include the provision of drainage to septic tanks or bio-digester. Parishioners are concerned about the detail of the proposals. Are the proposals to make use of existing septic tanks, in which case are they fit for purpose, or install new sewage treatment works? In both cases parishioners are anxious that works are properly done given the importance of ongoing water quality in the Tortworth Brook and The Little Lake. An overall detailed scheme is required for further consideration.
- Lighting - concern about the nature and amount of street and floodlighting on site.
- Possibility of bats roosting on site particularly in the existing stables (PT14/2838/LB and PT14/2837/F).
- Assurance sought that the green area adjacent to the pond on the present entrance drive is retained.

Application Specific Comments – PT14/2842/F

- PT14/2842/F - The parish objects to the proposed B8 use.

4.2 English Heritage

This application proposes the change of use of an existing, redundant building. We raise no objection to this, however it is not entirely clear precisely what use is proposed and you should be satisfied that any use here will not have an adverse impact on the character or significance of this site.

4.3 Conservation Officer

This building and associated service yard is, however, seen from the arboretum outside the walled garden due to the removal of a length of the wall along its southwest side. Consequently, there may be potential for an inappropriate use (covered by one of the various proposed uses) to detract significantly from the setting and appreciation of the arboretum which is a key part of the registered park and garden. Whilst the building and the associated service area already have a detrimental impact on the historic character and appearance of the registered landscape, the vague nature of this application does not give me confidence that the change of use will not exacerbate this harm rather than mitigate or improve the present situation.

4.4 Archaeology Officer

No comment

4.5 Tree Officer

Please provide a tree report to BS5837:2012 to include an arboricultural method statement, an arboricultural implications assessment and a tree protection plan.

- 4.6 Drainage Engineer
No drainage issues following additional correspondence.
- 4.7 Wessex Water
Wessex Water have no public sewers within the vicinity of the site. The applicant has indicated the proposal to dispose of foul sewerage to a septic tank. Please contact Bristol Water regarding Water Supply.
- 4.8 Environmental Protection
Objection to B2 use. No objection to B1 or B8 uses. This is subject to following conditions:
- Doors and windows to be kept closed.
 - No deliveries or plant and machinery use outside of 07:30 to 18:00 Mondays to Saturdays.
 - No outside storage/ maintenance.
 - No burning of any material.
 - The rating level of noise from any plant or machinery shall not exceed the background level LA90 60minutes by 0dB as measured and determined at the nearest noise sensitive premises.
- Information relating to construction sites.
- 4.9 Ecology Officer
Following further information regarding the proposals it is considered that a bat activity survey across the site is not required, provided that no additional lighting to that already present is established. Conditions recommended to ensure no external lighting is installed and for a methodology for reptile mitigation to be submitted. Informative recommended r.e. breeding birds.
- 4.10 Highway Officer
It is acknowledged by the authority that the access is capable of accommodating additional vehicle movements and that the visibility at the entrance is appropriate for the speed of traffic on the adjacent B4509.
- However, what is in disagreement between the authority and the applicant is use classes that the existing buildings fall into, and hence what their traffic generation would be.
- Objection to cumulative increase of all developments when combined on grounds of increased traffic movements over extant use in an unsustainable location – contrary to policy CS8.
- PT14/2842/F – The proposed change of use would generate some additional vehicle movements to the site, but given the small scale of the development this is considered acceptable.
- 4.11 Economic Development
South Gloucestershire Council Strategic Economic Development Team supports this application.
- 4.12 Community Infrastructure Officer
The new communities team have no S106 requirements.

Other Representations

4.13 Local Residents

One letter has been received from the Tortworth Estate Company raising a number of observations in relation to the development of the whole site. The comments are summarised as follows:

- Drainage. Currently there is no mains drainage available to the site. Whilst septic tanks and a bio digester are referred to, will they be adequate to meet the needs of any of the proposed applications ensuring that the adjoining land and watercourses are not affected in any way? More detail be provided.
- Design and Use. - That any agreed use be in keeping with character of the site and its setting and that the materials and standard of build reflect this.
- The estate would also like to comment concerning PT14/2852/F and the Change of use of shop to mixed use shop and café - Since the closure of the former visitor centre, Tortworth Farm Shop has been built, which serves the surrounding community and there is a fast food outlet operating from the layby in the parish. As there are already existing facilities in the village the estate therefore objects to this application.
- Reference P97/2208 and in particular the retail enterprise and café covered by that permission and the background and conditions attached to this. When the site was in the process of being brought to the market advice was given by the council concerning P97/2208 in ET05/3626 with particular reference to the retail enterprise and café. It stated that "it was of a less intensive use as part of the prison, not as a commercial undertaking where goods would be imported for sale." This advice was reaffirmed by Gareth John in a meeting with the estate, a council officer at that time, in November 2008. It would therefore appear that the council's advice then would mean that such uses would not be permitted now.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the change of use of an existing building which is situated within the former Tortworth Visitor Centre, falling outside of the defined urban areas and settlement boundaries and within the open countryside. The application is one of a number of applications submitted on the site which seeks to redevelop the former visitor centre for predominantly employment purposes. The proposal is to change the use of the building, which is a former storage building associated with the Visitors Centre, to be used as a separate planning unit under Class B1b, Class B1c or Class B8 (storage and distribution) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

- 5.2 The principle of the proposed development stands to be assessed against policies CS5, CS8, CS9 and CS34 of the Core Strategy (Adopted 2013), saved policies E6, E7, L10 and L12 of the SGLP (Adopted 2006), and the provisions of the NPPF.

- 5.3 The NPPF has a presumption in favour of sustainable development within which there are three dimensions: an economic role, a social role and an environmental role. These roles should not be taken in isolation because they are mutually dependent. The NPPF 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 plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.
- 5.4 Policies CS5 and CS34 of the Core Strategy state that in rural areas communities will be empowered to shape their own future. Policy CS5 states that in the open countryside new development will be strictly limited with small scale development allowed within the settlement boundaries. Policy CS8 of the Core Strategy states that in the interests of sustainable development new development which generates a significant demand for travel will be more favourably considered the nearer they are to existing and proposed public transport infrastructure. Developments that are car dependent or promote unsustainable travel behaviour will not be supported.
- 5.5 Policies E6 and E7 are also saved policies of the Local Plan (Adopted) 2006 and permit proposals for the conversion and re-use of existing buildings for employment uses outside of the urban areas and settlement boundaries provided that: the buildings are permanent, structurally sound and capable of conversion without major reconstruction; the buildings are in keeping with their surroundings and; development – including intensification – would not have a harmful effect on the character of the countryside or amenities of the surrounding area.
- 5.6 The Council are mindful that the application site is within an unsustainable location being within the open countryside beyond the established settlement boundaries and in a location very poorly served by public transport infrastructure. The application forms part of the wider redevelopment of the Former Visitor Site and as such, whilst the site has been divided into a number of applications, the Local Authority must consider the cumulative impact of the proposed uses when combined. It is the view of the Council that the proposed uses when combined have potential to result in an increased demand for travel and, due to the location of the site, would be entirely almost dependent on the car. The Council are however also mindful that the applications relate to a brownfield site, previously used as a Visitor Centre. In assessing the principle of the proposed development the cumulative use of the site, once developed, should be balanced against the extant use, and the wider benefits of the proposed developments when considered against the presumption in favour of sustainable development and the different roles that this encompasses as outlined within the NPPF.
- 5.7 In addition to the above, the Council are further mindful that the site is situated within a sensitive location within the curtilage of the Grade II* listed Tortworth Court and on land designated as a registered historic park and garden. The Council has a statutory duty to have special regard to the impact of the development on the significance and the preservation of these heritage assets.

5.8 Extant Use/ Sustainability

In assessing the cumulative impact of the development proposals the Council has given weight to the extant use of the site as a 'baseline' for considering its future redevelopment. The Council and the applicant are not in agreement on the lawful use of the site with the applicant's legal summary suggesting that the use of the whole site would fall under class A1 (retail) whilst the Council consider the extant use to be a 'Visitor Centre' (Sui Generis) encompassing a number of different functions and uses. The Council and the applicant are in agreement that the whole site is one planning unit. The Council's assessment of the extant use is based on the historic application for the site ref. P97/2208 within which the following facilities are described:

- A café
- A retail shop for the sale of gift ware, fruit and vegetables
- A retail area for the sale of garden goods and paintings
- Museum entitled 'farming through the ages'
- A centre for the rare breed animals
- Miscellaneous buildings associated with the items listed above.

The goods sold are understood to have been predominantly grown or made on site by the prisoners which is consistent with the statutory declarations provided within the applicant's supporting documentation. The above functions and buildings are also identified within the 'existing site layout' plan dated Jan 1996 submitted with application P97/2208. It is noted that some of these functions are also described within the applicant's supporting documentation (legal summary).

5.9 The Council are of the view that the previous use of the site as a Visitors Centre, which was associated with Leyhill Prison was unique and ultimately sustainable in that all the employees on site were 'captive' and hence generated little or no vehicle movement. In assessing the functions and various uses within the Visitor Centre the Council are of the opinion that the traffic generation would be much lower than that predicted by the applicant, whose assessment is based on the extant use of the site falling under use class A1. The Council's opinion is consistent with the Parish Council's view that the applicant's take on the past uses and traffic generation of the site is overstated. Following investigation it is noted that the visitor centre was open for restricted hours from 9am to 4.30pm (contrary to the applicant's transport statement) meaning that the development generated minimal traffic during the network peak hours. In summary, therefore, the Council and the applicant are not in agreement on the 'baseline' to which the redevelopment of the site is compared against. Given the unique nature of the extant use and its sui generis use the Council do not have an exact indication of the increased traffic movements and as such have made an informed assessment based on the various types of functions contained within the Visitor Centre.

5.10 In assessing the cumulative impact of the proposed development as a whole against the extant use the Council are of the opinion that the combined proposed uses of the redevelopment would result in a greater traffic generation than the extant use. The development as a whole would be entirely dependent on the car and would therefore promote unsustainable travel behaviour contrary to the aims of policy CS8.

It would however meet the Government's aim of supporting all types of business and enterprise in rural areas subject to an assessment of sustainability as outlined within the NPPF.

- 5.11 On assessment of this application the Council are mindful that the building subject to the application has a relatively small footprint at 253 square metres and as such, whilst it is considered that the proposal would rely on unsustainable transport methods, on an individual basis this would not be at a significant scale. It is considered that the proposed use that could have had the greatest traffic generation would be Class B1a (offices) however this part of the development has now been removed from the application description following concerns relating to capability of the building to serve this use without operational development. Weight is afforded to the brownfield nature of the site and the Council accept that the site would have generated some traffic albeit not at the scale suggested by the applicant. When assessed individually it is considered that the proposed development, by virtue of its relatively small scale, would not have a significant impact on the environment. The application therefore would not be considered contrary to saved policies E6 and E7 which allows the conversion and re-use of rural buildings for B1, B2 and B8 uses provided, amongst other things, it would not have an unacceptable impact on the environment.
- 5.12 The outstanding issue therefore is considered to be the cumulative impact of the redevelopment of the whole site and the sustainability of it. It is noted that application PT14/2843/F has already been approved as a microbrewery, which the Council consider to be a low traffic generator. The outstanding applications do however propose uses which have potential to result in an increase in traffic generation including classes B1b and B1c in the current application, classes A1 and A3 in application PT14/2852/F, and the car sales in application PT14/2841/F. The Council are mindful that the sustainable development has three dimensions: an economic role, a social role, and an environmental role. In reaching an overall planning balance Officers have afforded weight to cumulative environmental impact that the development could have as a result of the traffic movements in an unsustainable location, although since the amendments to the descriptions on PT14/2843/F and the current application it is noted that this is considerable less than originally proposed. Weight is also afforded to the economic gain which would result from the growth and expansion of the enterprises in a rural area, for which the NPPF supports.
- 5.13 In summary, whilst the potential environmental impact has been afforded weight, weight is also been afforded to the economic benefits of the proposed developments and the contribution they would have to the growth and expansion of all types of business and enterprise in rural areas. Weight has also been afforded to the fact that two of the outstanding applications would utilise existing vacant buildings. The view of the Officer, therefore, is that the balance weighs in favour of the outstanding development proposals. It is noted that the largest proportion of the redevelopment on the site has been withdrawn (applications PT14/2839/O and PT14/2840/F). The applicant should therefore be advised that any future development of these areas will require a further re-assessment of the above if and when it is forthcoming.

- 5.14 Within the Highway Officer's comments a Grampian condition has been suggested for the provision of a footpath from the site to the nearest bus stop. The reasoning behind this is that this would improve the public transport accessibility to the site in the interests of reducing the reliance on private motor vehicles. This suggestion has been assessed against paragraph 206 of the NPPF and in this instance it is considered that a Grampian condition would not be reasonable or necessary due to the relatively small scale of the floorspace. The Council accepts that the Visitors Centre is an extant use and was not served by any direct public transport links or footpaths. The Visitors Centre could, in theory, reopen and would continue to function without the suggested footpath. It is also unclear if a footpath is deliverable in this location and as such a Grampian condition could be found to be unreasonable in this respect. The developments have also been considered cumulatively and it is maintained that a Grampian condition would not be reasonable on this scale however this would need to be reassessed when considering any future development as previously proposed.
- 5.15 Heritage/ Design
The application site is within a sensitive location within the curtilage of the Grade II* listed Tortworth Court and on land designated as a registered historic park and garden. The application seeks permission to convert an existing building within the former Visitor Centre site. The building is a light-industrial looking building that is very utilitarian and functional in its design and external appearance. It is considered that the existing building and associated service area already has a negative impact on the historic character and appearance of the registered park and garden.
- 5.16 The Agent confirms that the development is for a change of use only and that the building would not need to be altered externally which would potentially maintain the status quo. In response to Officer's concerns regarding the suitability of the building for office use without operational development the Class B1a element of the application has been removed. It is understood that the outstanding proposed uses could be accommodated within the building without undertaking operational development.
- 5.17 The building and associated service yard is seen from the arboretum outside the walled garden due to the removal of a length of the wall along its southwest side. Consequently, there may be potential for an inappropriate use (covered by one of the various proposed uses) to detract from the setting and appreciation of the arboretum which is a key part of the registered park and garden.
- 5.18 In light of the applicant's clarification that the proposed uses would not require any operational development, whilst the development would not lead to an enhancement or improvement of the heritage asset, it similarly would not have a harmful effect on it. Similarly there would be no material change in terms of the visual impact on the wider landscape. There are therefore no objections to the development on grounds of heritage impact or visual amenity. This is with the provision that any future extension or alteration of the building is subject to the prior consent of the Council. Parts 8 and 41 of the General Permitted Development Order states that permitted development rights for shops and

catering units do not apply to buildings within a listed building curtilage and as such the Council are satisfied that there is sufficient control over the future alteration or extension of the building and as such a condition is not necessary in this instance.

5.19 Comments have been made by English Heritage and the Parish Council in relation to the state of the listed wall and the vegetation which surrounds the former visitor centre area and for which this buildings enclosed by. These comments are noted however it is considered that as the wall would not be affected by this change of use in any way it would not be reasonable to request any improvements to this is as a result of this development. It is recommended that the applicant is advised of the need to repair this wall by an informative.

5.20 Residential Amenity

The site is within proximity to an existing residential dwelling 'The Garden's House', which is situated approximately 70 metres to the north of the building. The stables which are approximately 70 metres to the southeast of the building were also subject to applications PT14/2837/F and PT14/2838/LB which seek to convert the building into three residential units and have recently been approved.

5.21 The proposed development has been considered by the Environmental Health Officer who has raised no objection in principle to the proposed use subject to conditions restricting hours of delivery, hours of working, outside storage/maintenance and noise levels.

5.22 The application relates to an existing building and as such there are considered to be no issues in terms of loss of light, overbearing impact or loss of light, and the application raises no issues in terms of privacy. Therefore, subject to the conditions described above, there are no objections on grounds of residential amenity.

5.23 Highway Safety

In terms of the impact of the development on highway safety it is noted that concern has been raised by the Parish Council in relation to proposed intensification of the use of the existing access point from the B4059 and the visibility available at the junction. In this regard it is noted that the applications are supported by a combined Transport Statement which has been assessed by the Council's Transport Officer. The Transport Officer has confirmed that the visibility at the junction is 102m to the left and 89m to the right. Given the speed of vehicles on the B4509 the existing visibility at the junction is in excess of that required, and as such is considered acceptable in highway safety terms.

5.24 The issue of traffic generation in sustainability terms has already been considered in detail and on balance has been considered acceptable. Whilst the Highway Officer had raised an objection to the cumulative impact of the development on sustainability grounds the Officer has raised no objection on highway safety grounds confirming that the access is capable of accommodating the traffic that would be generated by the proposed development when considered cumulatively.

The development would be served by a separate access road and an existing hardstanding parking and turning area to the front of the building which are considered adequate for the proposed uses. There are therefore no grounds for objection in highway safety terms.

5.25 Drainage

In terms of drainage the Agent confirms that the building is connected to a pumping station located on the property and this then drains through an existing foul main which connects into the existing foul sewer from the prison and eventually into the sewage treatment works to the west. The building also has existing surface water drainage that runs to soakaways.

5.26 The Agent advises that the uses sought are intended to create foul flows of the same order as for the former uses and that no material increase should arise. The Agent confirms that the existing system appears to be in good order and properly maintained. The proposals seek to maintain the “status quo” in using the existing drainage system. On receiving this clarification the Drainage Officer has confirmed that they are in agreement with the Agent’s record in this regard and as such does not have any drainage issues to raise. The development is no longer required to provide details of the drainage prior to the commencement of development given that there would be no material increase in water run off or disposal arising from the proposal over the extant use.

5.27 Trees

No arboricultural information has been received in support of the application. The Tree Officer had requested details of this. Notwithstanding this, it is noted that there are no trees within close proximity to the application building and given that the development does not propose any external alterations or engineering operations it is not considered that the development would give rise to any unacceptable impacts on the health or visual amenity of trees. As such an arboricultural impact assessment will not be necessary for the proposed development.

5.28 Ecology

The former Tortworth Visitors Centre is currently lying vacant largely consisting of disused greenhouses and polytunnels, a number of other buildings (including the application building), hardstanding and ruderal vegetation. There are two fields of improved (botanically poor) grassland to the north west and south east of the site. The site itself is not subject to any nature conservation designations, but it is surrounded by the parkland, broad-leaved woodland and hedgerow of the ecologically rich Tortworth Estate.

5.29 The applications are supported by an ecological report (Wessex Ecological Consultancy, dated July 2014). The Ecology Officer outlines the most material findings as follows:

- Great crested newt (gcn) in a site pond within 500m of the proposals – fully protected under the Conservation Regulations 2012. One gcn was recorded in this pond and this, coupled with the generally inhospitable habitat on the site, the existence of a stone wall separating the pond from the site, and highly suitable foraging and hibernation habitat around the

pond, means that there is a negligible risk of this species being impacted by the development. Therefore no gcn mitigation is proposed. Gcns are protected under the Conservation Regulations 2010 and the Wildlife and Countryside Act 1981.

- The report states that the site has low bat potential, but I consider, given the importance for bats of the woodland to the south-west and north-east of the site, the site is likely to have potential to be used as a bat commuting corridor, disturbance or destruction of which may impact on local bat populations. This species tends to follow consistent routes. Bats are given full protection under the Conservation Regulations 2010 and the Wildlife and Countryside Act 1981.
- Potential (low) for bats in a stable block;
- Potential for reptiles - protected under the Wildlife and Countryside Act 1981;
- Nesting birds – nesting birds are protected under the Wildlife and Countryside Act 1981.

5.30 In terms of the ecological issues identified above it is noted that the only matter which raises significant concern is the impact of the development on the local bat populations. The Ecology Officer had originally requested a bat activity survey is required to establish bat use of the site. This would be carried out during the months of May to September, and would be conducted twice per month, due to the proximity of known lesser horseshoe maternity roosts, one lying within 1.5km to the north of the site and one within 900m to the south. Key bat commuting routes if found may impact on site design.

5.31 On reflection of the above request the Officers are mindful that since the withdrawal of the greenhouse redevelopments the proposals consist of conversions only (excluding the car sales) and as such the site would retain a status quo in terms of impact from buildings. No external lighting is proposed as part of the application and the Agent confirms that there is no intention to install any. It is considered that based on the outstanding proposed developments on this application the external lighting would be the only issue that could have a prejudicial impact on the bat commuting corridors. Therefore, it is considered that subject to a condition removing the ability to install any external lighting or floodlighting, the developments would not give rise to an unacceptable impact on the local bat population. A condition is therefore recommended to this effect.

5.32 The ecological report further recommends that if slow worms are found then a mitigation strategy should be drawn up. This would involve translocating slow worms to a nearby area, which could be within either the north-western or south-eastern fields. A commitment to suitable management of the receptor site would be required. It is considered that within the application site the issues that could arise from the development would be in the form of clearing any vegetation/ overgrowth from the hardstanding areas that has built up over the years. It is therefore considered that condition requiring the submission of a mitigation survey to be submitted for approval prior to any external clearance would be necessary and reasonably related to the development proposal.

5.33 Obligations

The development proposals have been considered cumulatively and it is considered that there is no requirement for any off site or on site financial contributions arising from the development proposals.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

2. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 the building shall not be used for Class B1a (or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

In order that the Local Planning Authority can assess the impact of any future change of use on the amenity of the site and the environment, to accord with saved policies E6 and E7 of the South Gloucestershire Local Plan (Adopted) 2006, policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, and the provisions of the National Planning Policy Framework 2012.

3. The rating level of noise from any plant or machinery shall not exceed the background level LA90 60minutes by 0dB as measured and determined at the nearest noise sensitive premises. The measurements and assessment shall be made in accordance with the provisions of BS4142:1997

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with saved policies E6 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006, and the provisions of the National Planning Policy Framework 2012.

4. No deliveries shall be taken at or dispatched from the site or vehicles loaded/unloaded outside the hours of 07:30 to 18:00 Monday to Saturday (inclusive) nor at any time on Sundays, Bank or Public Holidays.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with saved policies E6 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006, and the provisions of the National Planning Policy Framework 2012.

5. Any plant or machinery shall only be used on the site Monday to Friday (inclusive) between the hours of 07:30 to 18:00 and 0800-13:00 on Saturday. No machinery or plant shall be operated at any other time nor at any time on Sundays, Bank or Public Holidays.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with saved policies E6 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006, and the provisions of the National Planning Policy Framework 2012.

6. No external lighting, floodlighting or external illuminations other than safety lighting over exits shall be installed on the site at any time.

Reason

In the interests of protected species and visual amenity and to accord with saved policies L1 and L9 of the South Gloucestershire Local Plan (Adopted) 2006, and policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

7. Prior to the commencement of any clearance of any vegetation or overgrowth on the external areas surrounding the application building a methodology for reptile mitigation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter development and external clearance of vegetation shall take place in strict accordance with the approved details.

Reason

In the interests of protected species to accord with saved policies L9 of the South Gloucestershire Local Plan (Adopted) 2006, and policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

8. No outside storage, repair or maintenance processes shall be carried out outside the building on the site.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with saved policies E6 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006, and the provisions of the National Planning Policy Framework 2012.

CIRCULATED SCHEDULE NO. 06/15 – 6 FEBRUARY 2015

App No.:	PT14/2852/F	Applicant:	ions contained ithin the Visit
Site:	Former Tortworth Visitors Centre Land Adjacent B4509 Tortworth South Gloucestershire GL12 8HQ	Date Reg:	30th September 2014
Proposal:	Change of use of Shop (Class A1) to Shop (Class A1) or, Cafe (Class A3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Tortworth Parish Council
Map Ref:	369760 192950	Ward:	Charfield
Application Category:	Minor	Target Date:	20th November 2014



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 100023410, 2014. **N.T.S.** **PT14/2852/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission to change the use of the former café/ shop which formed part of the Tortworth Visitor Centre in order to allow the building to be used as a separate planning unit under either Class A1 (retail) or Class A3 (food and drink) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application site consists of a existing single storey rectangular concrete block building with a side plastic shelter/ lean-to. It is situated on the western side of the former Tortworth Visitors Centre to the west of the former arts centre. It has a floorspace of approximately 157 sq m and an external hardstanding area. The Visitor Centre site, which currently lies vacant, encompasses a number of buildings that had previously been associated with Leyhill Prison before being sold on. The building is accessed through the former Visitor Centre site via an existing shared access point on the B4059.
- 1.3 The application site falls within the Grade II* curtilage of Tortworth Court and is on land designated as a registered historic park and garden. It is situated within the open countryside beyond the established settlement boundaries.
- 1.4 The application is one of a number of applications submitted on the former Visitor Centre site and forms part of its future proposed redevelopment for predominantly employment use. The full planning history can be found within the body of this report.
- 1.5 It should be noted that the description of development refers to the change of use of the building from Class A1 to mixed use Class A1 and Class A3. However, the Council consider the development to consist of a change of use from the Visitors Centre which would have a 'sui generis' use. The Applicant and the Council are not an agreement on the extant use and as such the applicant has not agreed to change the description of development. The Council have however assessed the application as a change from a sui generis use (Visitors Centre). This is discussed in greater detail within the body of the report.
- 1.6 The application was subject to a screening opinion (PT14/034/SCR) for the redevelopment of the whole of the former Visitors Centre site within which it was established that an Environmental Impact Assessment would not be required.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
CS14 Town Centres and Retail
CS34 Rural Areas

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

L1 Landscape Protection and Enhancement
L9 Protected Species
L10 Historic Parks and Gardens and Battlefields
L12 Listed Buildings
T8 Parking Standards
T12 Transportation Development Control Policy
E6 Employment Development in the Countryside
E7 Conversion and Re-Use of Rural Buildings
RT5 Out of Town and Edge of Town Retail Development
RT11 Retention of Local Shops, Parades, Village Shops and Public Houses

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 The following planning history relates directly to the subject building:
- 3.2 P97/2208 - Operation of a retail enterprise, cafe, museum and rare breeds centre. Construction of vehicular access.
No objection 14th January 1998.
- 3.3 The following applications relate to the proposed redevelopment of the former Visitor Centre site:
- 3.4 PT14/034/SCR - Redevelopment of site to include 9no. new dwellings (including stable conversion). Change of use of greenhouses and former non-residential institution to Class B1a, B1b, B1c and B8 use. Change of use of former visitors centre to used car sales.
EIA Not Required 25th September 2014
- 3.5 PT14/2843/F - Change of use of former arts centre building to microbrewery (Use Class B2 as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)).
Approved 30th January 2015

- 3.6 PT14/2841/F - Change of use from Visitors Centre (sui generis) to Used Car Sales (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Retention of portacabin sales office. (Retrospective).
Pending consideration.
- 3.7 PT14/2842/F - Change of use from Storage and Distribution (Class B8) to Mixed Use Research and Development (Class B1b), Light Industrial (Class B1c), and Storage or Distribution (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Pending Consideration.
- 3.8 PT14/2840/F - Conversion of greenhouse to form industrial unit to facilitate change of use of Greenhouse (Class A1) to Office (Class B1a), Research and Development (Class B1b), Light Industrial (Class B1C) and Storage or Distribution (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Withdrawn 31st October 2014
- 3.9 PT14/2839/O - Erection of 4no. buildings (Outline) for Class B1 and B8 use with all matters reserved.
Withdrawn 31st October 2014
- 3.10 PT14/2836/F - Erection of 4 no. terraced dwellings and 3 no. garages with associated works.
Withdrawn 3rd November 2014
- 3.11 PT14/2835/F - Erection of 2no. end terraced dwellings to existing semi-detached dwellings to form a terrace of 4no. dwellings with 2.no attached garages and associated works.
Withdrawn 3rd November 2011
- 3.12 PT14/2837/F and PT14/2838/LB - Conversion of former stables to form 3no. residential units with car parking and associated works.
Approved 30th January 2015
- 3.13 PT14/3167/ADV - Display of 2no. non-illuminated post mounted signs and 1no. non-illuminated hanging sign. (Retrospective).
Refused 24th October 2014
- 3.14 PT14/3692/F - Erection of attached garage to Gardens House (retrospective).
Approved 19th November 2014
- 3.15 PT13/4494/TRE - Works to remove 1no. Cedar tree, 1no. Silver Birch tree. 1no. Ash tree and 1no. Beech tree covered by Tree Preservation Order SGTPO 7/10 dated 7 February 2011.
Approved 21st January 2014

4. CONSULTATION RESPONSES

4.1 Tortworth Parish Council

Following consideration of the proposals the Parish have made a number of generic observations regarding the overall scheme together with comments on each application. In conclusion the Parish generally accepts the proposed multi-user site with a balance of commercial and residential uses but subject to comments as summarised below. It does however object to some of the applications including this application for the café/shop.

Generic Issues

The main issues that the parish have identified are:

- The various reports that accompany the applications are written on the applicant's instructions. Some of the detail regarding the past uses of the site is overstated. We would question particularly details of vehicle movements.
- Given the Listed Building status of the site the proposed developments need to be sympathetic to that status.
- Highway issues are the major concern to parishioners. The B4509 is the busiest B road in the area and is the equivalent to a trunk road as the main artery from the Cotswolds to the M5 into Bristol and beyond. The road gets more and more traffic use and certainly considerably more than when the site was in use previously as a Visitor Centre.
- Greater traffic use with widespread proposals for new housing in Charfield, Kingswood and beyond in the Cotswolds. This together with commercial development on Bristol's northern fringes, more local development at Renishaw in Wotton Under edge, in Yate and at Oldbury Power Station can only mean additional pressure on this road.
- The B4509 does have an accident history and parishioners wish to ensure that any development does not cause further accidents and injury.
- If the whole scheme is implemented parishioners feel that there would be a large number of traffic movements in and out of the site. Parishioners are concerned whether or not the existing access can cope with the increased use.
- The possibility of traffic backing from the brow of the top of Tortworth Hill as vehicles try to turn right into the site.
- Visibility entering and exiting the site is not good. Do not see another viable or achievable alternative access.
- Large lorries and vehicles exiting and entering the site.
- The effect on the ongoing issues at the junction at Tortworth School. There is no doubt that this junction struggles to cope at present and this development could give rise to greater issues.
- Ongoing speed issues.
- Further consideration needs to be given to the highways and traffic issues that the development will give rise to on this busy road:
 - o This developments gives an opportunity to once again consider the problems that persist at the Tortworth School junction.
 - o Given the new proposed housing development consideration should be given to a pavement access to Tortworth School from the site.
- Concerns about the vegetation, scrub and small trees abutting the site against the B4509.

- Concern about the additional services required by the scheme:
- Water: is there sufficient pressure for the proposals?
- Broadband speeds are awful to Tortworth. South Gloucestershire is looking at how funding can be found to provide better Broadband to Tortworth. The parish does feel that this is important for this development and the wider parish.
- Drainage - proposals include the provision of drainage to septic tanks or bio-digester. Parishioners are concerned about the detail of the proposals. Are the proposals to make use of existing septic tanks, in which case are they fit for purpose, or install new sewage treatment works? In both cases parishioners are anxious that works are properly done given the importance of ongoing water quality in the Tortworth Brook and The Little Lake. An overall detailed scheme is required for further consideration.
- Lighting - concern about the nature and amount of street and floodlighting on site.
- Possibility of bats roosting on site particularly in the existing stables (PT14/2838/LB and PT14/2837/F).
- Assurance sought that the green area adjacent to the pond on the present entrance drive is retained.

Application Specific Comments – PT14/2852/F

- The parish objects on the basis that there are other similar outlets in the village.

4.2 English Heritage

This application proposes the change of use of this existing building to provide a cafe and shop, to which we raise no objection.

4.3 Conservation Officer

No objection in principle to diversification of uses within the site, subject to clarification of uses and consideration of potential impact of external alterations.

4.4 Archaeology Officer

No comment

4.5 Tree Officer

Please provide a tree report to BS5837:2012 to include an arboricultural method statement, an arboricultural implications assessment and a tree protection plan.

4.6 Drainage Engineer

No drainage issues following additional correspondence.

4.7 Wessex Water

Wessex Water have no public sewers within the vicinity of the site. The applicant has indicated the proposal to dispose of foul sewerage to a septic tank. Please contact Bristol Water regarding Water Supply.

4.8 Environmental Protection

No objection in principle subject to the following:

- Full details of proposed extraction and odour abatement system.
- Maintenance/ Cleaning schedule.
- Noise levels information.
- Restriction on noise levels.
- Advice on construction sites.

4.9 Ecology Officer

Following further information regarding the proposals it is considered that a bat activity survey across the site is not required, provided that no additional lighting to that already present is established. Conditions recommended to ensure no external lighting is installed and for a methodology for reptile mitigation to be submitted. Informative recommended r.e. breeding birds.

4.10 Highway Officer

It is acknowledged by the authority that the access is capable of accommodating additional vehicle movements and that the visibility at the entrance is appropriate for the speed of traffic on the adjacent B4509.

However, what is in disagreement between the authority and the applicant is the use class that the existing buildings fall into, and hence what their traffic generation would be.

Objection to cumulative increase of all developments when combined on grounds of increased traffic movements over extant use in an unsustainable location – contrary to policy CS8.

On an individual basis - PT14/2852/F – this change of use is comparable to the extant use. As such there is no transportation objection to this proposal.

4.11 Economic Development

South Gloucestershire Council Strategic Economic Development Team supports this application.

4.12 Community Infrastructure Officer

The new communities team have no S106 requirements.

Other Representations

4.13 Local Residents

One letter has been received from the Tortworth Estate Company raising a number of observations in relation to the development of the whole site. The comments are summarised as follows:

- Drainage. Currently there is no mains drainage available to the site. Whilst septic tanks and a bio digester are referred to, will they be adequate to meet the needs of any of the proposed applications ensuring that the adjoining land and watercourses are not affected in any way? More detail be provided.
- Design and Use. - That any agreed use be in keeping with character of the site and its setting and that the materials and standard of build reflect this.

- The estate would also like to comment concerning PT14/2852/F and the Change of use of shop to mixed use shop and café - Since the closure of the former visitor centre, Tortworth Farm Shop has been built, which serves the surrounding community and there is a fast food outlet operating from the layby in the parish. As there are already existing facilities in the village the estate therefore objects to this application.
- Reference P97/2208 and in particular the retail enterprise and café covered by that permission and the background and conditions attached to this. When the site was in the process of being brought to the market advice was given by the council concerning P97/2208 in ET05/3626 with particular reference to the retail enterprise and café. It stated that “it was of a less intensive use as part of the prison, not as a commercial undertaking where goods would be imported for sale.” This advice was reaffirmed by Gareth John in a meeting with the estate, a council officer at that time, in November 2008. It would therefore appear that the council’s advice then would mean that such uses would not be permitted now.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the change of use of an existing building which is situated within the former Tortworth Visitor Centre, falling outside of the defined urban areas and settlement boundaries and within the open countryside. The application is one of a number of applications submitted on the site which seeks to redevelop the former visitor centre for predominantly employment purposes. The proposal is to change the use of the building, which is the former café/shop associated with the Visitors Centre, to be used as a separate planning unit under a mixed use Class A1 (retail) and Class A3 (food and drink) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

5.2 The principle of the proposed development stands to be assessed against policies CS5, CS8, CS9, CS14 and CS34 of the Core Strategy (Adopted 2013), saved policies RT5, RT11, L10 and L12 of the SGLP (Adopted 2006), and the provisions of the NPPF.

5.3 The NPPF has a presumption in favour of sustainable development within which there are three dimensions: an economic role, a social role and an environmental role. These roles should not be taken in isolation because they are mutually dependent. The NPPF 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 plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.

5.4 Policies CS5 and CS34 of the Core Strategy state that in rural areas communities will be empowered to shape their own future. Policy CS5 states that in the open countryside new development will be strictly limited with small scale development allowed within the settlement boundaries.

Policy CS8 of the Core Strategy states that in the interests of sustainable development new development which generates a significant demand for travel will be more favourably considered the nearer they are to existing and proposed public transport infrastructure. Developments that are car dependent or promote unsustainable travel behaviour will not be supported.

- 5.5 Section 2 of the NPPF recognises Town Centres as the heart of communities applying a sequential test and impact test for town centre uses that are not in an existing centre and do not accord with an up to date Local Plan. The sequential test seeks to deliver the Government's "town centre first" policy. Section 2 does however further advise that the sequential test should not be applied to applications for small scale rural development. There is no definition of 'small scale rural development' in the NPPF for the purposes of the sequential test. Policy CS14 does however set the local threshold for a retail impact assessment at 1000sq m gross. The floorspace of the building subject to this application is 157 sq m. Following the withdrawal of applications PT14/2839/O and PT14/2840/F and the change of description on applications PT14/2842/F and PT14/2943/F the current application is the only one to propose a town centre use. It is considered that the floorspace of 157sq m would fall within the definition of 'small scale rural development' and as such the sequential test is not applied.
- 5.6 The policy aims identified within saved policy RT5 of the SGLP (Adopted 2006) are broadly consistent with the Government's 'town centre first' principle stating that key uses appropriate to a town centre will not be permitted outside of defined town centres unless it can be demonstrated that: there is a need for the development which cannot be accommodated in a centre; is not greater in scale than required by the need; is proportionate to the role and function of the proposed location; there are no sequentially preferable sites available; would not have an unacceptable impact on the vitality and viability of a centre; would be accessible to public transport users, pedestrians, cyclists and those with special mobility needs; would not have an unacceptable transportation or environmental effect; and would include residential, community or employment generating space at upper floor levels. This policy applies to all development including changes of use. It is further noted that saved policy RT11, which relates to existing village shops and services, seeks to retain existing individual local shops outside of settlement boundaries.
- 5.7 The Council are mindful that the application site is within an unsustainable location being within the open countryside beyond the established settlement boundaries and in a location very poorly served by public transport infrastructure. The application forms part of the wider redevelopment of the Former Visitor Site and as such, whilst the site has been divided into a number of applications, the Local Authority must consider the cumulative impact of the proposed uses when combined. It is the view of the Council that the proposed uses when combined have potential to result in an increased demand for travel and, due to the location of the site, would be almost entirely dependent on the car. The Council are however also mindful that the applications relate to a brownfield site, previously used as a Visitor Centre. In assessing the principle of the proposed development the cumulative use of the site, once developed, should be balanced against the extant use, and the wider benefits of the

proposed developments when considered against the presumption in favour of sustainable development and the different roles that this encompasses as outlined within the NPPF.

5.8 In addition to the above, the Council are further mindful that the site is situated within a sensitive location within the curtilage of the Grade II* listed Tortworth Court and on land designated as a registered historic park and garden. The Council has a statutory duty to have special regard to the impact of the development on the significance and the preservation of these heritage assets.

5.9 Extant Use/ Sustainability

In assessing the cumulative impact of the development proposals the Council has given weight to the extant use of the site as a 'baseline' for considering its future redevelopment. The Council and the applicant are not in agreement on the lawful use of the site with the applicant's legal summary suggesting that the use of the whole site would fall under class A1 (retail) whilst the Council consider the extant use to be a 'Visitor Centre' (Sui Generis) encompassing a number of different functions and uses. The Council and the applicant are in agreement that the extant use of the whole site is one planning unit. The Council's assessment of the extant use is based on the historic application for the site ref. P97/2208 within which the following facilities are described:

- A café
- A retail shop for the sale of gift ware, fruit and vegetables
- A retail area for the sale of garden goods and paintings
- Museum entitled 'farming through the ages'
- A centre for the rare breed animals
- Miscellaneous buildings associated with the items listed above.

The goods sold are understood to have been predominantly grown or made on site by the prisoners which is also consistent with the statutory declarations provided within the applicant's supporting documentation. The above functions and buildings are also identified within the 'existing site layout' plan dated Jan 1996 submitted with application P97/2208. It is noted that some of these functions are also described within the applicant's supporting documentation (legal summary).

5.10 The Council are of the view that the previous use of the site as a Visitors Centre, which was associated with Leyhill Prison, was unique and ultimately sustainable in that all the employees on site were 'captive' and hence generated little or no vehicle movement. In assessing the functions and various uses within the Visitor Centre the Council are of the opinion that the traffic generation would be much lower than that predicted by the applicant, whose assessment is based on the extant use of the site falling under use class A1. The Council's opinion is consistent with the Parish Council's view that the applicant's take on the past uses and traffic generation of the site is overstated. Following investigation it is noted that the visitor centre was open for restricted hours from 9am to 4.30pm (contrary to the applicant's transport statement) meaning that the development generated minimal traffic during the network peak hours. In summary, therefore, the Council and the applicant are not in agreement on the 'baseline' to which the redevelopment of the site is compared against. Given the unique nature of the extant use and its sui generis use the Council do not have an exact indication of the increased traffic movements and

as such have made an informed assessment based on the various types of functions contained within the Visitor Centre.

- 5.11 In assessing the cumulative impact of the proposed development as a whole against the extant use the Council are of the opinion that the original combined proposed uses would result in a greater traffic generation than the extant use. The development as a whole would be entirely dependent on the car and would therefore promote unsustainable travel behaviour contrary to the aims of policy CS8. The proposed retail uses would also be outside of the town centre and no need for it has been identified. The development would therefore also be contrary to tests of saved policy RT5. It would however meet the Government's aim of supporting all types of business and enterprise in rural areas subject to an assessment of sustainability as outlined within the NPPF.
- 5.12 Notwithstanding the above, in assessing this application the Council are mindful that the former Visitor's Centre did have an ancillary retail function albeit not being at a scale which would dominate the overall use of the whole site. This retail function was identified within application P97/2208 and the various associated documents. Whilst the Visitors Centre is not currently occupied it is noted that if the extant use were to be brought back into an active use it could continue to contain this ancillary retail and café function. The floorspace subject to this application is small at 157 sq m, and is the same building which had previously provided the retail and café function on the Visitors Centre. This is a material consideration which is considered to hold considerable weight in favour of the proposed development.
- 5.13 On consideration of the above Officers are mindful that in the absence of an identified need and in the absence of adequate public transport provision policy RT5 (Adopted 2006) would not support a retail use in this location. This policy however is a 'saved' pre-dating the NPPF and NPPG and as such is not afforded full weight. Officers are also mindful of the extant use of the site as outlined above, which although having a sui generis use, did provide a service/facility outside of the settlement boundary which policy RT11 would seek to retain. On reaching an overall balance it is considered that these material considerations outweigh the policy objection contained within saved policy RT5 in these circumstances.
- 5.14 The outstanding issue therefore is considered to be the cumulative impact of the redevelopment of the whole site and the sustainability of it. It is noted that application PT14/2843/F has already been approved as a microbrewery, which the Council consider to be a low traffic generator. In terms of the outstanding applications it is noted that the description on PT14/2842/F has been amended to remove the proposed office (Class B1a) element. The car sales in application PT14/2841/F however remains. The Council are mindful that the sustainable development has three dimensions: an economic role, a social role, and an environmental role. In reaching an overall planning balance weight has been afforded to environmental impact that it is considered the development could have as a result of the traffic movements which the Council consider could be over and above the extant use. Weight is however also afforded to the economic gain which would result from the growth and expansion of the enterprises in a rural area, for which the NPPF supports.

Officers are further mindful that although the Council consider the proposed uses to be in excess of the extant use it is acknowledged that the extant use is unique and with very little comparable quantitative data. The amount of development on the site has also reduced significantly following the withdrawal of applications PT14/2840/O and PT14/2836/F, and the changes in description on applications PT14/2842/F and PT14/2843/F.

- 5.15 Based on the outstanding applications only (PT14/2852/F, PT14/2042/F and PT14/2841/F) and the approved application (PT14/2843/F) it is considered that although the Council are of the opinion that the traffic generated would be more than the extant use (although this has not been precisely quantified), it is unlikely to be at such a level that there would be a significant environmental impact. In this instance, whilst the potential environmental impact has been afforded weight, greater weight has been afforded to the economic benefits of the proposed developments and the contribution they would have to the growth and expansion of all types of business and enterprise in rural areas. Weight has also been afforded to the fact that two of the outstanding applications would utilise existing vacant buildings. It is noted that the largest proportion of the redevelopment on the site has been withdrawn (applications PT14/2839/O and PT14/2840/F). The applicant should therefore be advised that any future development of these areas will require a further re-assessment of the above if and when it is forthcoming.
- 5.16 Within the Highway Officer's comments a Grampian condition has been suggested for the provision of a footpath from the site to the nearest bus stop. The reasoning behind this is that this would improve the public transport accessibility to the site in the interests of reducing the reliance on private motor vehicles. This suggestion has been assessed against paragraph 206 of the NPPF and on this application for the proposed shop and café it is considered that a Grampian condition would not be reasonable. This is because, as discussed previously, the Council accepts that the extant use of the site does contain an ancillary retail function. The planning history indicates that the retail and café area proposed is within the same building that the café and shop was in when the Visitors Centre was in use. The Council accepts that Visitors Centre is an extant use and was not served by any direct public transport links or footpaths and as such, if the Visitors Centre was reopened, the retail function could reopen without the requirement for a footpath. It is also unclear if a footpath is deliverable in this location and as such a Grampian condition could be found to be unreasonable in this respect. The developments have also been considered cumulatively and it is maintained that a Grampian condition would not be reasonable. The assessment of this can be found within each application's report.
- 5.17 Heritage/ Design
The application site is in a sensitive location within the curtilage of the Grade II* listed Tortworth Court and on land designated as a registered historic park and garden. The application seeks permission to convert an existing building within the former Visitor Centre site. It is a single storey height building with some existing additions to the side and rear. The main building itself appears relatively solid although some elements, including the rear glazed dome, requires a large amount of maintenance.

It remains very utilitarian and functional in its design and external appearance however this is the existing situation.

- 5.18 The proposal is to convert the building and make use of the existing hardstanding area to the south of it to provide parking facilities. It is confirmed that the only alterations to the building would be internal and as such the change of use would retain the status quo in terms of visual impact. Whilst the development would not lead to an enhancement or improvement of the heritage asset it similarly would not have a harmful effect on it. Similarly there would be no material change in terms of the visual impact on the wider landscape. There are therefore no objections to the development on grounds of heritage impact or visual amenity. This is with the provision that any future extension or alteration of the building is subject to the prior consent of the Council.
- 5.19 Parts 3 and 42 of the General Permitted Development Order states that permitted development rights for changes of use, and for shops and catering units do not apply to buildings within a listed building curtilage and as such the Council are satisfied that there is sufficient control over the future alteration or extension of the building and as such a condition is not necessary in this instance.
- 5.20 Comments have been made by English Heritage and the Parish Council in relation to the state of the listed wall and the vegetation which surrounds the former visitor centre area and for which this buildings enclosed by. These comments are noted however it is considered that as the wall would not be affected by this change of use in any way it would not be reasonable to request any improvements to this is as a result of this development. It is recommended that the applicant is advised of the need to repair this wall by an informative.
- 5.21 Residential Amenity
The site is within close proximity to an existing residential dwelling 'The Gardens House', which is situated to the north of the building. The stables which are to the southeast of the building were also subject to applications PT14/2837/F and PT14/2838/LB which seek to convert the building into three residential units and have recently been approved.
- 5.22 The proposed development has been considered by the Environmental Health Officer who has raised no objection in principle to the proposed use subject to the submission of details relating to the extraction and odour abatement system and a maintenance/ cleaning schedule which can be secured by a pre-commencement condition.
- 5.23 In terms of noise the Environmental Health Officer recommends a condition that the rating level of noise from any extraction system installed shall not exceed the background level LA90 60minutes by 0dB as measured and determined at the nearest noise sensitive premises. The measurements and assessment shall be made in accordance with the provisions of BS4142.

- 5.24 The application relates to an existing building and as such there are considered to be no issues in terms of loss of light, overbearing impact or loss of light, and the application raises no issues in terms of privacy. Therefore, subject to the conditions described above, there are no objections on grounds of residential amenity.
- 5.25 Highway Safety
In terms of the impact of the development on highway safety it is noted that concern has been raised by the Parish Council in relation to proposed intensification of the use of the existing access point from the B4059 and the visibility available at the junction. In this regard it is noted that the applications are supported by a combined Transport Statement which has been assessed by the Council's Transport Officer. The Transport Officer has confirmed that the visibility at the junction is 102m to the left and 89m to the right. Given the speed of vehicles on the B4509 the existing visibility at the junction is in excess of that required, and as such is considered acceptable in highway safety terms.
- 5.26 The issue of traffic generation in sustainability terms has already been considered in detail and on balance has been considered acceptable. Whilst the Highway Officer had raised an objection to the cumulative impact of the development on sustainability grounds the Officer has raised no objection on highway safety grounds confirming that the access is capable of accommodating the traffic that would be generated by the proposed development when considered cumulatively. The development would be served by the existing hardstanding parking and turning area to the front of the building which is considered adequate for the proposed use. There are therefore no grounds for objection in highway safety terms.
- 5.27 Drainage
In terms of drainage the Agent confirms that the building is connected to a pumping station located on the property and this then drains through an existing foul main which connects into the existing foul sewer from the prison and eventually into the sewage treatment works to the west. The building also has existing surface water drainage that runs to soakaways.
- 5.28 The Agent advises that the uses sought are intended to create foul flows of the same order as for the former uses and that no material increase should arise. The Agent confirms that the existing system appears to be in good order and properly maintained. The proposals seek to maintain the "status quo" in using the existing drainage system. On receiving this clarification the Drainage Officer has confirmed that they are in agreement with the Agent's record in this regard and as such does not have any drainage issues to raise. The development is no longer required to provide details of the drainage prior to the commencement of development given that there would be no material increase in water run off or disposal arising from the proposal over the extant use.
- 5.29 Trees
No arboricultural information has been received in support of the application. The Tree Officer had requested details of this. Notwithstanding this, it is noted that there are no trees within close proximity to the application building and given that the development does not propose any external alterations or

engineering operations it is not considered that the development would give rise to any unacceptable impacts on the health of visual amenity of trees. As such an arboricultural impact assessment will not be necessary for the proposed development.

5.30 Ecology

The former Tortworth Visitors Centre is currently lying vacant largely consisting of disused greenhouses and polytunnels, a number of other buildings (including the application building), hardstanding and ruderal vegetation. There are two fields of improved (botanically poor) grassland to the north west and south east of the site. The site itself is not subject to any nature conservation designations, but it is surrounded by the parkland, broad-leaved woodland and hedgerow of the ecologically rich Tortworth Estate.

5.31 The applications are supported by an ecological report (Wessex Ecological Consultancy, dated July 2014). The Ecology Officer outlines the most material findings as follows:

- Great crested newt (gcn) in a site pond within 500m of the proposals – fully protected under the Conservation Regulations 2012. One gcn was recorded in this pond and this, coupled with the generally inhospitable habitat on the site, the existence of a stone wall separating the pond from the site, and highly suitable foraging and hibernation habitat around the pond, means that there is a negligible risk of this species being impacted by the development. Therefore no gcn mitigation is proposed. Gcns are protected under the Conservation Regulations 2010 and the Wildlife and Countryside Act 1981.
- The report states that the site has low bat potential, but I consider, given the importance for bats of the woodland to the south-west and north-east of the site, the site is likely to have potential to be used as a bat commuting corridor, disturbance or destruction of which may impact on local bat populations. This species tends to follow consistent routes. Bats are given full protection under the Conservation Regulations 2010 and the Wildlife and Countryside Act 1981.
- Potential (low) for bats in a stable block;
- Potential for reptiles - protected under the Wildlife and Countryside Act 1981;
- Nesting birds – nesting birds are protected under the Wildlife and Countryside Act 1981.

5.32 In terms of the ecological issues identified above it is noted that the only matter which raises significant concern is the impact of the development on the local bat populations. The Ecology Officer had originally requested a bat activity survey is required to establish bat use of the site. This would be carried out during the months of May to September, and would be conducted twice per month, due to the proximity of known lesser horseshoe maternity roosts, one lying within 1.5km to the north of the site and one within 900m to the south. Key bat commuting routes if found may impact on site design.

5.33 On reflection of the above request the Officers are mindful that since the withdrawal of the greenhouse redevelopments the proposals consist of conversions only (excluding the car sales) and as such the site would retain a status quo in terms of impact from buildings. No external lighting is proposed as part of the application and the Agent confirms that there is no intention to install any. It is considered that based on the outstanding proposed developments on this application the external lighting would be the only issue that could have a prejudicial impact on the bat commuting corridors. Therefore, it is considered that subject to a condition removing the ability to install any external lighting or floodlighting, the developments would not give rise to an unacceptable impact on the local bat population. A condition is therefore recommended to this effect.

5.34 The ecological report further recommends that if slow worms are found then a mitigation strategy should be drawn up. This would involve translocating slow worms to a nearby area, which could be within either the north-western or south-eastern fields. A commitment to suitable management of the receptor site would be required. It is considered that within the application site the issues that could arise from the development would be in the form of clearing any vegetation/ overgrowth from the hardstanding areas that has built up over the years. It is therefore considered that condition requiring the submission of a mitigation survey to be submitted for approval prior to any external clearance would be necessary and reasonably related to the development proposal.

5.35 Obligations

The development proposals have been considered cumulatively and it is considered that there is no requirement for any off site or on site financial contributions arising from the development proposals.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

2. Prior to the first use of the building under Class A3 (food and drink) full details of the extraction and odour abatement system to be used shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the specification and location of all fans, filters, plant and flues, including a detailed schematic diagram of the ventilation system and its location. Development shall thereafter be carried out in accordance with the approved details

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with saved policy RT5 of the South Gloucestershire Local Plan (Adopted) January 2006, and the provisions of the National Planning Policy Framework 2012.

3. Prior to the first use of the building under Class A3 (food and drink) full details of the maintenance/cleaning schedule of the proposed extraction and odour abatement system, written in accordance with the manufacturers' instructions and recommendations shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with saved policy RT5 of the South Gloucestershire Local Plan (Adopted) January 2006, and the provisions of the National Planning Policy Framework 2012.

4. The rating level of noise from any extraction system installed shall not exceed the background level LA90 60minutes by 0dB or more as measured and determined at the nearest noise sensitive premises. The measurements and assessment shall be made in accordance with the provisions of BS4142: 1997.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with saved policies E6 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006, and the provisions of the National Planning Policy Framework 2012.

5. There shall be no deliveries to or despatched from the site outside the following times 07:30 to 18:00 Mondays to Fridays (inclusive), 08:00 to 13:00 Saturdays, nor at any time on Sunday or Bank Holidays

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with saved policies E6 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006, and the provisions of the National Planning Policy Framework 2012.

6. No external lighting, floodlighting or external illuminations other than safety lighting over exits shall be installed on the site at any time.

Reason

In the interests of protected species and visual amenity and to accord with saved policies L1 and L9 of the South Gloucestershire Local Plan (Adopted) 2006, and policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

7. Prior to the commencement of any clearance of any vegetation or overgrowth on the external areas surrounding the application building a methodology for reptile mitigation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter development and external clearance of vegetation shall take place in strict accordance with the approved details.

Reason

In the interests of protected species to accord with saved policies L9 of the South Gloucestershire Local Plan (Adopted) 2006, and policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

CIRCULATED SCHEDULE NO. 06/15 – 6 FEBRUARY 2015

App No.:	PT14/4428/CLE	Applicant:	Ms H Maddison
Site:	Grooms Cottage Station Farm Station Road, Pilning, South Gloucestershire BS35 4JW	Date Reg:	17th November 2014
Proposal:	Application for Certificate of Lawfulness for existing use of Grooms Cottage as a residential dwelling.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	356965 184463	Ward:	Pilning And Severn Beach
Application Category:		Target Date:	8th January 2015



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 100023410, 2014. **N.T.S.** **PT14/4428/CLE**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawful Existing Use and therefore under the Council's current scheme of delegation must appear on the Circulated Schedule.

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Development, is that the applicant has to prove on the balance of probability, that the building as described, has been used as a separate and individual dwelling for a period of 4 years or more prior to the receipt of the application on the 11th November 2014. The relevant period for consideration is therefore between 11th November 2010 to 11th November 2014.

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the existing use of a building as a single dwelling house. The application therefore seeks to demonstrate that the building has been used as a dwelling for a period in excess of four years prior to the date of submission.
- 1.2 The site consists of a building located within a farm complex, which is one of a number of outbuildings within Station Farm, Pilning.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Planning Practice Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
Pilning & Severn Beach Parish Council strongly object to this application because no planning application was submitted (including the requirement for flood risk assessment, highway assessment and environmental assessment), no fees paid and no costs associated with having the property has been paid to S.Glos Council for at least 4 years. It is assumed no council tax has been paid either for this property for the last 4 years.
- 4.2 Highway Officer
This application relates to Certificate of Lawfulness which involves determination of facts about existing use on the site and it is a test of legal issues. As such, there are no highway comments on this application.
- 4.3 The Environment Agency
The Environment Agency OBJECTS to this Certificate of Lawfulness application, as submitted, on the following grounds:

We object to this application in its current form because it has been submitted without a Flood Risk Assessment (FRA), contrary to the requirements of the National Planning Policy Framework (NPPF). The flood risks resulting from the proposed development are therefore unknown.

The application site lies in an area of high flood risk, defined as flood zone 3 in the NPPF Table 1. The NPPF requires applicants for planning permission to submit a FRA when development is proposed in such locations.

The absence of a FRA is sufficient reason in itself for a refusal of planning permission in this instance. This reflects the precautionary approach to development in flood risk areas set out in NPPF.

In order for us to consider lifting our objection the FRA needs to include the following:

- 1- Detailed plan drawing of the buildings.
- 2- Topographic survey of the existing ground.
- 3- The finish floor level of the buildings.
- 4- The likely depth of flooding at the site.
- 5- Details of the provision made for surface water attenuation and discharge.
- 6- Flood resilient method used to protect the building.
- 7- An emergency evacuation plan detailing procedures during a flood event.

We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

Other Representations

- 4.4 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The following evidence has been submitted in support of the application:
- A Statutory Declaration by the owner of the property
 - Extracts from various tenancy agreements relating to the premises
 - A copy of a recent utility bill
 - Internal and external photographs of the building

6. SUMMARY OF CONTRARY EVIDENCE

- 6.1 None received.

7. EVALUATION

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.

- 7.2 In this instance it must be proven that the building in question has been used as a dwelling for a period in excess of 4 years prior to the date of this application.
- 7.3 Assessment of Evidence
It is necessary to weigh up all evidence submitted and make a decision on the balance of probability.
- 7.4 In support of the application, a Statutory Declaration has been submitted, by the owner of the property. The landowner declaration confirms that the property has been in use as a separate single dwelling house continuously since May 2002. A list of the tenants over this period is provided, with dates of occupancy covering a continuous period since that time.
- 7.5 Further to the above, a number of tenancy agreements have been submitted in support of the application. These documents show individual tenancy agreements dating back to 2002, 2005 and 2008 and also show a continuation in agreements from the 23rd December 2011 through to 30th May 2013. The tenant information concurs with that provided in the owners Statutory Declaration. The length of occupancy that the agreements submitted does not provide for every single 6 monthly agreement, although this is covered by the owners declaration, there is however one tenancy agreement for each of the tenants cited at the beginning of each occupants tenancy period.
- 7.6 A utility bill has also been provided in support of the application. This is a single bill and is dated 15th January 2013. Whilst in its own right this does not demonstrate continued or full use of the building as a separate dwelling, it does demonstrate domestic use at that time and does indicate that the property had a separate and individual billing address. This evidence can therefore be viewed in conjunction with the remainder of the evidence provided.
- 7.7 Internal and external photographs of the property have been provided. These do not demonstrate continued use of the property over the relevant period and can only be given limited weight in that they do illustrate that the property appears to have been and is capable of being a dwelling unit at the time taken.
- 7.8 Upon liaison with the Council Tax Department, they have indicated that the property has been banded for council tax purposes since 1st April 2010 (Band A). This indicates that the property has been identified, for Council Tax purposes, as an individual dwelling, beyond the four year period.
- 7.9 Whilst the comments of both The Parish Council and the Environment Agency are noted it must be acknowledged that this submission is not a planning application such that the merits or otherwise of the use of the building for the dwelling are being assessed but 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. In terms of the additional comments of the Parish regarding relevant payments required for the buildings use as a dwelling, as confirmed with the Council Tax Department, the properties have been banded for this purpose.

7.10 Having weighed up all the evidence submitted and as summarised above, sufficient evidence has been submitted to show that the building was in use as a dwelling for the required period (i.e. since 11th November 2010), and in fact beyond this period. Being mindful of the details in support of the application, and the lack of any evidence to the contrary, it is accepted that, on the balance of probability, the site has been used as a dwelling for a continuous four year period.

8. CONCLUSION

8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the building subject of this application has been used as dwelling for a continuous four year period.

9. RECOMMENDATION

9.1 That the Certificate of Existing Lawful Use be approved.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CIRCULATED SCHEDULE NO. 06/15 – 6 FEBRUARY 2015

App No.:	PT14/4429/CLE	Applicant:	Ms H Maddison
Site:	The Old Barn Station Farm Station Road Pilning South Gloucestershire BS35 4JW	Date Reg:	17th November 2014
Proposal:	Application for a certificate of lawfulness for the existing use of building as a single dwelling house	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	356963 184446	Ward:	Pilning And Severn Beach
Application Category:		Target Date:	8th January 2015



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 100023410, 2014. **N.T.S.** **PT14/4429/CLE**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawful Existing Use and therefore under the Council's current scheme of delegation must appear on the Circulated Schedule.

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Development, is that the applicant has to prove on the balance of probability, that the building as described, has been used as a separate and individual dwelling for a period of 4 years or more prior to the receipt of the application on the 11th November 2014. The relevant period for consideration is therefore between 11th November 2010 to 11th November 2014.

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the existing use of a building as a single dwelling house. The application therefore seeks to demonstrate that the building has been used as a dwelling for a period in excess of four years prior to the date of submission.
- 1.2 The site consists of a former barn building, which is one of a number of outbuildings within Station Farm, Pilning.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Planning Practice Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
Pilning & Severn Beach Parish Council strongly object to this application because no planning application was submitted (including the requirement for flood risk assessment, highway assessment and environmental assessment), no fees paid and no costs associated with having the property has been paid to S.Glos Council for at least 4 years. It is assumed no council tax has been paid either for this property for the last 4 years.
- 4.2 Highway Officer
This application relates to Certificate of Lawfulness which involves determination of facts about existing use on the site and it is a test of legal issues. As such, there are no highway comments on this application.
- 4.3 The Environment Agency
The Environment Agency OBJECTS to this Certificate of Lawfulness application, as submitted, on the following grounds:

We object to this application in its current form because it has been submitted without a Flood Risk Assessment (FRA), contrary to the requirements of the National Planning Policy Framework (NPPF). The flood risks resulting from the proposed development are therefore unknown.

The application site lies in an area of high flood risk, defined as flood zone 3 in the NPPF Table 1. The NPPF requires applicants for planning permission to submit a FRA when development is proposed in such locations.

The absence of a FRA is sufficient reason in itself for a refusal of planning permission in this instance. This reflects the precautionary approach to development in flood risk areas set out in NPPF.

In order for us to consider lifting our objection the FRA needs to include the following:

- 1- Detailed plan drawing of the buildings.
- 2- Topographic survey of the existing ground.
- 3- The finish floor level of the buildings.
- 4- The likely depth of flooding at the site.
- 5- Details of the provision made for surface water attenuation and discharge.
- 6- Flood resilient method used to protect the building.
- 7- An emergency evacuation plan detailing procedures during a flood event.

We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

Other Representations

- 4.4 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The following evidence has been submitted in support of the application:
- A Statutory Declaration by the owner of the property
 - A Statutory Declaration of a former tenant (relating to September 2010 until April 2011)
 - Extracts from various tenancy agreements relating to the premises
 - A copy of a recent utility bill
 - Internal and external photographs of the building
 - Council Tax billing number

6. SUMMARY OF CONTRARY EVIDENCE

- 6.1 None received.

7. EVALUATION

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.
- 7.2 In this instance it must be proven that the building in question has been used as a dwelling for a period in excess of 4 years prior to the date of this application.
- 7.3 Assessment of Evidence
It is necessary to weigh up all evidence submitted and make a decision on the balance of probability.
- 7.4 In support of the application, two Statutory Declarations have been submitted, one by the owner of the property and one by a former tenant. The landowner declaration confirms that the property has been in use as a separate single dwelling house continuously since April 2006. A list of the tenants over this period is provided. In addition to this one of these tenants has provided an additional Statutory Declaration confirming that they lived at the property between September 2010 and April 2010. This information concurs with the tenant information provided with the landowner declaration.
- 7.5 Further to the above, a number of tenancy agreements have been submitted in support of the application. These documents show tenancy agreements commencing in April 2006, again in March 2008 and again in April 2011. The tenant information concurs with that provided in the owners Statutory Declaration, although a tenancy agreement for one of the cited tenants appears to be missing, this gap is covered by the owners declaration plus the tenant declaration referred to above.
- 7.6 A utility bill has also been provided in support of the application. This is a single bill and is dated 13th November 2012. Whilst in its own right this does not demonstrate continued or full use of the building as a separate dwelling, it does demonstrate domestic use at that time and does indicate that the property had a separate and individual billing address. This evidence can therefore be viewed in conjunction with the remainder of the evidence provided.
- 7.7 Internal and external photographs of the property have been provided. These do not demonstrate continued use of the property over the relevant period and can only be given limited weight in that they do illustrate that the property appears to have been and is capable of being a dwelling unit at the time taken.
- 7.8 A Council Tax billing number has been provided. Upon liaison with the Council Tax Department, they have indicated that the property has been banded for council tax purposes since 25th April 2011 (Band A). This in its own right does not, from the point of submission demonstrate, a full or continuous 4 year period of use, although it does demonstrate that the property has been identified as a separate dwelling from that point. In this respect only limited weight can be given to this evidence.

7.9 Whilst the comments of both The Parish Council and the Environment Agency are noted it must be acknowledged that this submission is not a planning application such that the merits or otherwise of the use of the building for the dwelling are being assessed but 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. In terms of the additional comments of the Parish regarding relevant payments required for the buildings use as a dwelling, as confirmed with the Council Tax Department, the properties have been banded for this purpose.

7.10 Having weighed up all the evidence submitted and as summarised above, sufficient evidence has been submitted to show that the building was in use as a dwelling for the required period (i.e. since 11th November 2010), and in fact beyond this period. Being mindful of the details in support of the application, and the lack of any evidence to the contrary, it is accepted that, on the balance of probability, the site has been used as a dwelling for a continuous four year period.

8. CONCLUSION

8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the building subject of this application has been used as dwelling for a continuous four year period.

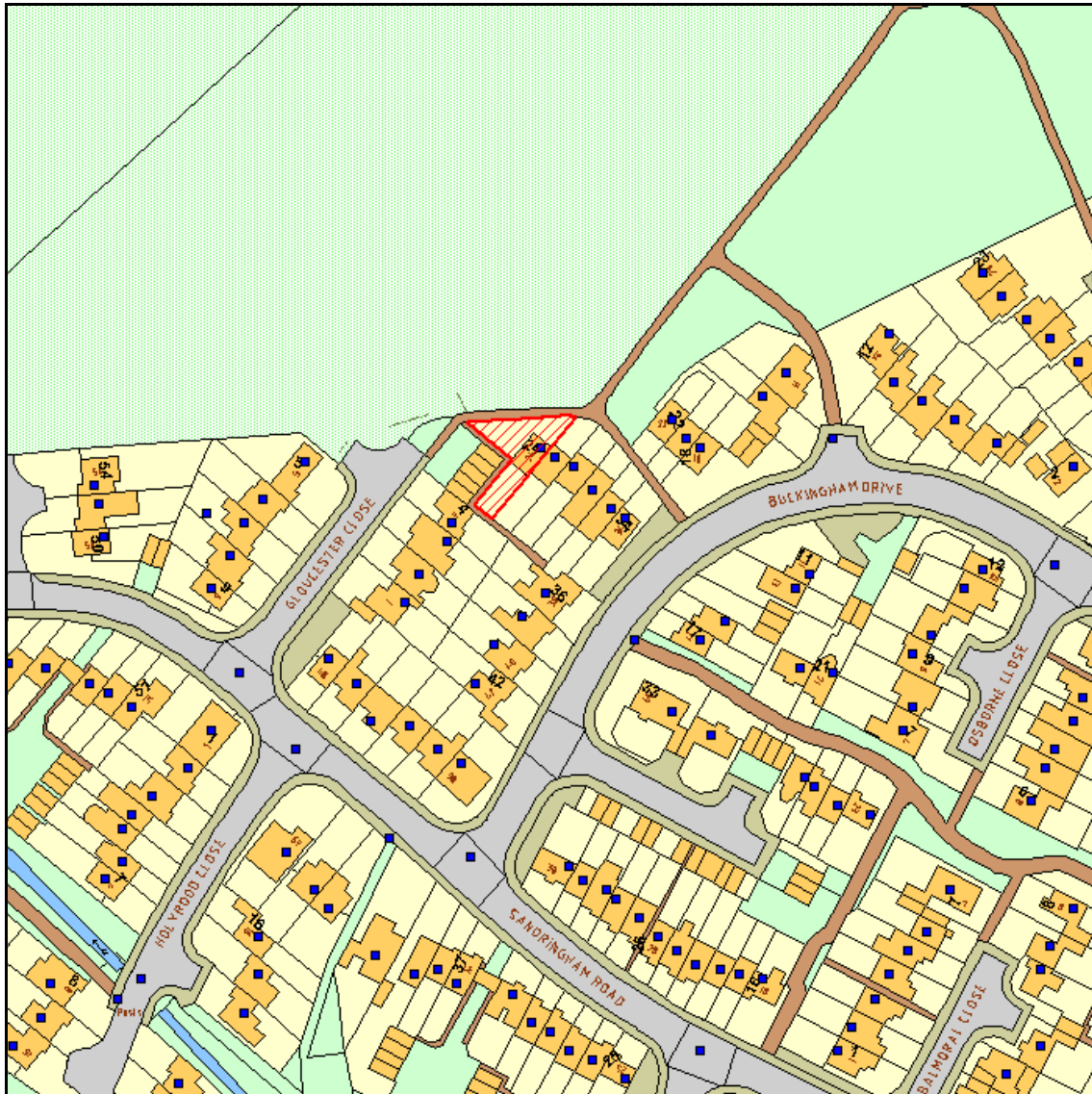
9. RECOMMENDATION

9.1 That the Certificate of Existing Lawful Use be approved.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CIRCULATED SCHEDULE NO. 06/15 – 6 FEBRUARY 2015

App No.:	PT14/4799/F	Applicant:	Mrs Abigail Carosi
Site:	24 Buckingham Drive Stoke Gifford Bristol South Gloucestershire BS34 8LN	Date Reg:	23rd December 2014
Proposal:	Erection of single storey side extension to provide additional living accommodation.	Parish:	Stoke Gifford Parish Council
Map Ref:	361833 180038	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	12th February 2015



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 100023410, 2014. **N.T.S.** **PT14/4799/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following objections from local residents and from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a single storey side extension to provide additional living accommodation. The application site relates to a modern two-storey dwellinghouse situated within the established residential settlement of Stoke Gifford.
- 1.2 During the course of the application revised plans were requested to indicate a reduction in the overall size of the proposed extension. The proposed side extension would measure approximately 3.9 metres wide, 6 metres long with an overall height of 4.7 metres. As the plans show a reduction in the proposal, revised plans were not sent out for re-consultation but the report still appears on the Circulated Schedule.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
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
T12 Transportation Development Control Policy

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007
Residential Parking Standard SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 N2483/AP2 Erection of 100 dwellings and garages; construction of estate roads and footpaths (in accordance with the revised plans received by the Council on 8th March 1979). (Details following outline). To be read in conjunction with planning permission Ref.No. N.2483.

Approved 12.4.79

- 3.2 N2483 Master plan in connection with development of approximately 174 acres of land for residential and ancillary purposes.
Approved 13.7.76

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
Objection: the impact of the proposed development on the openness of the street scene and the adjacent parkland vistas.

4.2 Other Consultees

Highway Drainage

No comment as an EA Flood Mitigation form has been provided.

Other Representations

4.3 Local Residents

Two letters of objection have been received from local residents as:

- Myself and neighbours at no's 28, 30 and 32 have concerns that the existing plans will restrict access to the shared lane leading to our back gardens. The existing garage roof and guttering overhangs the lane by approx 18". The proposed extension roof and guttering would also overhang into the lane. From the plans it appears that this would result in a narrow gap between both roofs. This could cause problems in getting large items, such as fence panels, sheds, ladders etc along the lane and into the rear gardens.
- As indicated on the proposed plans the width of the access leading to the rear of the adjacent houses would be 1100mm. This would be perfectly acceptable, however taking into account the roof projections of the existing garage (430mm) and that of the proposed extension (370mm) this would be reduced to 370mm at high level. This would make the movement of ladders and other larger items of building maintenance equipment difficult. This situation could be greatly improved by increasing the setback of the proposed extension from the corner of the existing house to 900mm (4 no. bricks) or omitting the projecting fascia board/soffit and fitting the fascia and guttering directly to the rear wall.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all relevant material considerations. Of particular importance is the overall design and appearance of the proposed single storey extension and the impact on the character of the host property and area in general. In addition the impact on the residential amenity of existing and future occupiers and that of neighbouring dwellings must be taken into account.

The proposed extension is considered to accord with the principle of development and this is covered in the report below.

5.2 Design and Visual Amenity

The application site relates to a modestly proportioned dwellinghouse which holds an end of terrace position within an estate of similar sized properties. It has a small front garden but benefits from an additional piece of land to the north west side. The property has a separate garage located to the southwest and attached to a row of other garages accessed from Gloucester Close. The application site and the garage are separated from each other by a private footpath which travels the length of the garage and then doglegs around it eventually leading to a gate giving access to the rear of some of the properties in this terrace within Buckingham Drive. Concern has been expressed by neighbours that the development will impact on the use of this footpath. Plans clearly show that the proposed side extension would be within the residential curtilage of No. 24 and would not cross the footpath. Informatives attached to the decision notice would make it clear that permission must be sought to cross land belonging to another. Any issues regarding a right of access would be a civil matter to be negotiated between the appropriate neighbours/parties.

5.3 The application site also benefits from being directly opposite a large area of public open space serving the surrounding area. The estate/area comprises a number of connecting public footpaths, one of which is to the front of the application site. This footpath then leads around the side of the property to the garage and turning area located on Gloucester Close.

5.4 It was considered that the proposed extension would be too close to a public footpath to the north of the site and as such revised plans were requested and currently indicate that the extension has been reduced in size by 0.9 metres to both the front and the rear and reduced by 0.4 metres in width with a corresponding reduction in the overall height by 0.2 metres. These changes have in Officer's opinion, reduced the bulk and massing of the extension and thereby improved the overall design. An objection from the Parish Council has stated that the proposal would impact on the *openness of the street scene and the adjacent parkland vistas*. When walking along the public footpath from the garages the expanse of public open space splays out to the north and west. The extension would therefore be to the east and where for most of the approach the existing row of garages would obscure part of the proposed single storey extension. Revised plans show the overall size of the single storey extension reduced and set back even further from the public footpath to the front and side of the dwellinghouse. It must furthermore be recognised that the majority of the open space is to the north and to the west whereas the built up areas are to the east. It is considered that the proposed single storey side extension would not adversely impact on the parkland vistas or the openness of the street scene.

5.5 In terms of its general design the proposed side extension would be constructed of materials to match those of the existing dwelling. It would have a single opening in its north elevation and a doorway in its west elevation. Four rooflights would bring additional natural light into the structure.

It is considered that the proposal is acceptable in terms of its design, scale and massing and can be recommended for approval.

5.6 Residential Amenity

The application site is an end of terrace property set in a modern estate of similar dwellings. To the south of the proposed extension is the row of garages, separated from the site by a private footpath serving some properties in the terrace. To the north of the site is a very large area of public open space. Openings in the proposed extension would comprise a window to the northeast (front) facing the public open space and a door to the side (northwest) also facing the expanse of open space. It is considered that there would be no issues of inter-visibility or overlooking resulting from the proposed extension.

5.7 It has been noted that the private footpath to the rear of the application site is shared by other residents and concerns have been expressed that should gutters and rainwater goods serving the extension overhang the path then these could restrict the residents' ability to transport large items such as ladders around to the rear of their properties. An existing problem of this nature caused by the gutters of the garages has been identified by local residents. Revised plans show that the proposed extension would be moved further away from the private footpath than originally suggested, leaving a gap of approximately 1.4 metres between it and the garage to the southwest. This is considered sufficient to allow access for neighbours using the private footpath and for them to transport items such as ladders without being impeded by the guttering attached to the extension. It is Officer opinion that the residential amenity of neighbours is thereby secured.

5.8 The application site benefits from an enclosed rear garden which would be unaffected by this proposal and as such sufficient amenity space would remain to serve the property following the development.

5.9 Sustainable Transport

The proposed development would be for a side extension and would not impact on the existing parking arrangements. As such there are no transportation objections to the proposal.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

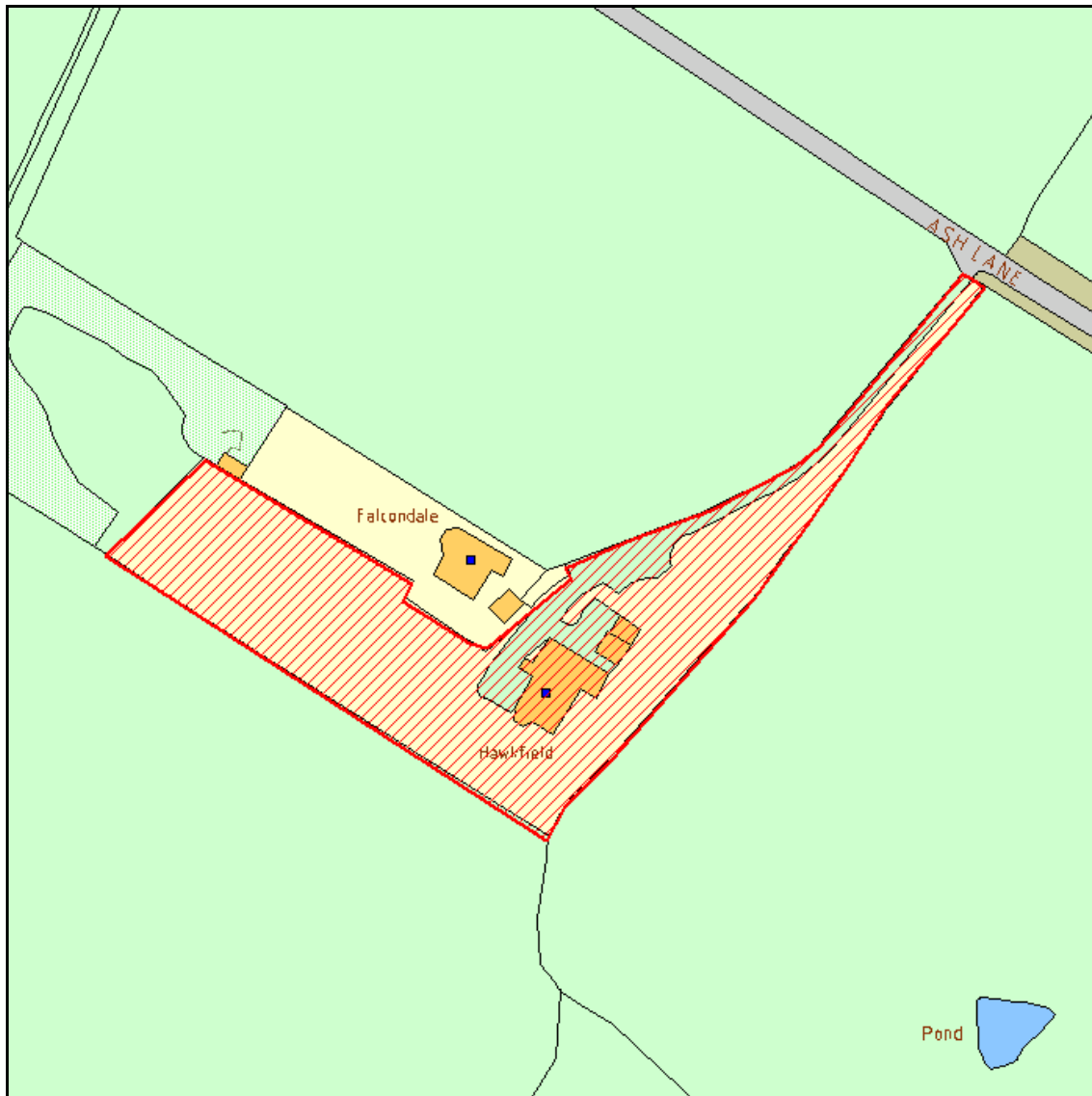
2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturday; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

CIRCULATED SCHEDULE NO. 06/15 – 6 FEBRUARY 2015

App No.:	PT14/4978/CLP	Applicant:	Mr F Zahar
Site:	Hawkfield Ash Lane Almondsbury Bristol South Gloucestershire BS32 4DB	Date Reg:	29th December 2014
Proposal:	Certificate of lawfulness for the proposed erection of two storey rear extension	Parish:	Almondsbury Parish Council
Map Ref:	358797 182842	Ward:	Almondsbury
Application Category:		Target Date:	13th February 2015



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 100023410, 2014. **N.T.S.** **PT14/4978/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a two storey rear extension and two single storey side extensions would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit. The decision is based on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192
Town and Country Planning (General Procedures) Order 1995 Article 24
Town and Country Planning (General Permitted Development) Order (GPDO) (As Amended) 1995

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No comments received
- 4.2 Highway Drainage
No comment.

Other Representations

- 4.3 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Plans

Bedroom 5 – sections – received 19th December 2014
Existing first floor plan – received 19th December 2014
Existing ground floor plan – received 19th December 2014
First floor plan proposed – received 19th December 2014

North East & North West elevations – Rev. B received 29th January 2015
Roof existing plan – received 19th December 2014
South east & south west elevations – Rev. B received 29th January 2015

6. ANALYSIS

6.1 Principle of Development

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

6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GDPO (As Amended) 1995.

6.3 The proposed development consists of a two storey rear extension and two single storey side extensions. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995. This allows for the enlargement, improvement or other alteration of a house, provided it meets the criteria as detailed below:

A1 Development is NOT permitted by Class A if –

(a) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
The proposed extensions would not exceed 50% of the total area of the curtilage.

(b) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The proposed two storey rear extension would meet the highest part of the ridge of the host dwelling. The proposed side extensions are both single storey in height. The proposal therefore accords with this criterion.

(c) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The height of the eaves of the proposed extensions would not exceed the height of the highest eaves of the main dwelling and as such meets this criterion.

- (d) **The enlarged part of the dwellinghouse would extend beyond a wall which—**
- (i) **fronts a highway, and**
 - (ii) **forms either the principal elevation or a side elevation of the original dwellinghouse;**

The proposed two storey extension would be sited on the rear elevation of the dwelling. Both of the single storey extensions would be located on side elevations however would not extend beyond a wall which fronts a highway. As such, the proposal accords with this criterion.

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

The single storey extension to the north east elevation would extend beyond the rear wall of the original detached dwelling by 3.3 metres and would not exceed 4 metres in height. The single storey extension to the south west elevation would extend beyond the rear of the original dwellinghouse by 1.8 metres and would not exceed 4 metres in height. Furthermore, this criterion does not apply to the proposed two storey extension.

- (ea) **Until 30th May 2016, for a dwellinghouse not on article 1(5) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and –**

- (i) **extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse or**
- (ii) **exceed 4 metres in height**

As previously stated, neither of the proposed single storey extensions would extend beyond the rear wall of the original detached dwelling by more than 8 metres or would not exceed 4 metres in height. Furthermore, this criterion does not apply to the proposed two storey extension.

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

The proposed two storey rear extension would extend beyond the rear wall of the original dwellinghouse by 3 metres and is located in excess of 7 metres from the boundary of the curtilage of the dwelling opposite the rear wall of the dwelling. Therefore, the proposal meets criterion in both respects.

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

The proposed extensions are located in excess of 10 metres from the nearest boundary of the curtilage, and as such the proposal meets this criterion.

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

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

The proposed side extensions would not exceed 4 metres in height, are single storey and would not have a width greater than half the width of the original dwellinghouse.

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

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

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

A2 In the case of a dwellinghouse on article 1(5) land, development is not permitted if:

- (a) **It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles :**
- (b) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) **The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.**

The site is not located within article 1(5) land and as such the proposal meets this criterion.

CONDITIONS

A3 Development is permitted by Class A subject to the following conditions:

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

The proposal would be finished in materials to match the roof, walls and windows of the existing dwelling.

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

The proposal includes the installation of upper floor windows in the south west side elevation to bedroom 1. These are shown to be obscure glazed and non-opening up to 1.7 metres above the first floor finished floor level. Furthermore, the side extension on the north east elevation proposes upper floor windows which are also shown to be obscure glazed and non-opening up to 1.7 metres above the first floor finished floor level. As such, the proposal complies with this condition.

- (c) **Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

The main house has an irregular roof form however the proposed two storey extension would have a roof pitch to match an existing roof pitch on the rear elevation.

- A4 Conditions apply to development falling under A1 (ea). These include:**
Development shall be completed on or before 30th May 2016 and the developer shall notify the local planning authority of the completion of the development.

7. CONCLUSION

- 7.1 That a certificate of Lawfulness for Proposed Development is **GRANTED** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the development falls within permitted development within the curtilage of the dwellinghouse under Schedule 2 Part 1 Class A of the Town and County (General Permitted Development) Order 1995 (as amended).

Contact Officer: Hannah Minett
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